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SENATE—*Monday, June 23, 2008*

The Senate met at 3 p.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, when we are far from You, we are unhappy. Remove from our lives anything that would keep us from being close to You.

Today, may our Senators feel Your presence and abide in Your wisdom. Provide them with solutions to problems that have eluded the powers of human reason. Lord, make Your purposes clear to them so that they may run and not be weary. As they surrender themselves more completely to You, let the light of Your peace shine in their hearts. Make their thoughts and feelings what they ought to be as they strive to live worthy of Your love. Lord, watch over them and their loved ones, both now and in the years to come.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks, if any, from the two leaders, the Senate will resume consideration of the House message to accompany H.R. 3221, the housing reform legislation. As has been announced earlier, there will be no rollcall votes today. The next vote will occur tomorrow morning around 11 a.m. That vote will be on a motion to invoke cloture on the Dodd-Shelby substitute with respect to the housing reform legislation. Senators will have until 11:30 a.m. tomorrow to file amendments to the substitute.

This week, we expect to turn to the consideration of the emergency supplemental appropriations bill and the FISA legislation, and, of course, we need to consider moving to the Medicare Improvements for Patients and Providers Act that Senators BAUCUS and GRASSLEY are negotiating.

Mr. President, in short, we have FISA, the supplemental, housing, and Medicare that we need to focus on. When we finish those this week, I think there will be an opportunity for us to leave. We do have to vote on a number of judges whom we have indicated we would vote on, and we are going to try to do those tomorrow afternoon. We think that can be accomplished. Right after the caucus, we can start voting on those judges.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the U.S. Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 827, H.R. 6304, the Foreign Intelligence Surveillance Act.

The ACTING PRESIDENT pro tempore. The motion is debatable.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 827, H.R. 6304, the FISA Amendments Act of 2008.

Sheldon Whitehouse, Patty Murray, Max Baucus, Tim Johnson, Ken Salazar, Barbara A. Mikulski, John D. Rockefeller, IV, Herb Kohl, Robert P. Casey, Jr., Daniel K. Inouye, Mary Landrieu, Blanche L. Lincoln, Mark L. Pryor, Dianne Feinstein, Thomas R. Carper, Joseph Lieberman, Claire McCaskill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to address the issues on legislation which is coming from the House of Representatives amending the Foreign Intelligence Surveillance Act.

The issues on which the Senate will vote on the House bill involve very fundamental questions of constitutional rights versus the war on terrorism. We have legislation which has come from the House of Representatives which would grant retroactive immunity to the telephone companies on a showing that the companies receive written requests from the Government saying the program was legal.

At the outset, I recognize the telephone companies as good citizens. But the test of whether what has been done is legal is not determined by the assertion by the Government to the telephone companies that the program is legal. That determination can only be made by the courts on evaluation of congressional authority under article I, which has been exercised in the Foreign Intelligence Surveillance Act of 1978, since amended, contrasted with the President's article II powers as Commander in Chief. That test has not been waived.

I submit the historians will look back upon the period of time from 9/11 to the present and beyond as the greatest expansion of executive authority in the history of the country. I believe additional law enforcement tools were necessary. In my capacity as the chairman of the Judiciary Committee, I led the fight for the PATRIOT Act re-authorization on this floor to give law enforcement broader power.

But, at the same time, I have expressed my deep concern that there be a determination by the courts as to whether the warrantless wiretapping is valid under the Constitution. We have seen great stress laid upon the provision in the House measure that the exclusive means for wiretapping will be provided by the statute. But that does not stop the President from asserting his authority under article II of the Constitution.

The Foreign Intelligence Surveillance Act of 1978 has a similar provision of exclusivity, but that did not stop the President from initiating the Terrorist Surveillance Program which was kept secret for years from the Congress. The President has a sound constitutional argument that you cannot amend the Constitution by statute; you cannot take away the President's constitutional authority by a statute, but it is up to the courts to strike the balance and to make that determination.

Regrettably, Congress and the efforts which we have made have, I submit, been totally insufficient. We have had the so-called signing statements as an expansion of executive authority, and Congress has been unable to assert its authority under the Constitution on the legislation we send to the President. The Constitution is plain. Each House passes legislation. There is a conference report, and it is sent to the President and presented. Then the President has the option of either signing or vetoing.

But a practice has arisen in the past, very extensively used by this administration, to put in signing statements which are at material variance—that really directly contradict what is in the legislation. There may be some justification for a signing statement on some minor matters on an administrative level, but in my formal statement I go into a couple of examples on a controversy on enhanced interrogation, or so-called torture, which passed the Senate 90 to 9.

In a celebrated meeting between Senator McCAIN and President Bush, they reached a compromise. Then when the legislation went to the President, the President issued a signing statement saying that he had the authority to disregard it under his powers as Commander in Chief, article II authority.

In a similar vein on the PATRIOT Act re-authorization, we put in restrictions on what the law enforcement officials could do, negotiated with the administration, signed into law by the President, and again a statement was made that if the President chose to exercise his constitutional authority, article II power, he felt free to do so.

I introduced legislation to give the Congress standing to go to court to challenge these signing statements. The legislation has not gotten very far because of the impossibility of overriding a veto and because of the concern as to whether the constitutional standard of the case and controversy would be met. So here we have the unfettered practice of these signing statements as an example of executive authority.

Second, the Supreme Court review of the Terrorist Surveillance Program and habeas corpus has been inadequate. In the Detroit case, the Federal court finding the Terrorist Surveillance Program unconstitutional was appealed to the Sixth Circuit. After lengthy delays, the Sixth Circuit reversed the Detroit Federal court on the grounds of lack of standing. Then, again, after months of delay, the case went to the Supreme Court of the United States which, again, denied certiorari.

The issue of standing has sufficient flexibility, as demonstrated by the dissent in the Sixth Circuit, that the Supreme Court could have taken up the issue. The question on the Terrorist Surveillance Program presents the sharpest conflict of our era on the clash between the President's authority under article II as Commander in Chief and the authority of Congress to enact statutes, as we did under the Foreign Intelligence Surveillance Act of 1978.

Similarly, on habeas corpus, notwithstanding the Rasul decision, the Court of Appeals for the District of Columbia in Boumediene essentially disregarded the holding of the Supreme Court in Rasul when the Circuit Court for the District of Columbia said the decision by the Supreme Court turned on a statutory interpretation.

Habeas corpus is provided for in two ways under our law: No. 1, it is descended from the Great Writ, the Magna Carta, of 1215, and it is embodied in our constitutional law as made plain by Justice Stevens in Rasul. And there is also a statutory provision for habeas corpus. In the Military Commissions Act, the Congress modified the statutory provision, and the Court of Appeals for the District of Columbia saw fit to say that once the statute was changed, habeas corpus didn't apply—really flying in the face of what the holding was in Rasul.

Finally, a protracted period of time later, in Boumediene, the Supreme Court reinstated habeas corpus as it was bound to do based upon the clear holding of Rasul and the long history of the issue.

Congress has similarly been ineffective in curtailing executive authority in the National Security Act of 1947, which requires the President to notify the intelligence committees of both the House and Senate, and for protracted periods of time the executive branch ignored that requirement. Only when the confirmation of General Hayden as Director of CIA came up was there some compliance with that requirement.

The Judiciary Committee, during my tenure as chair, sought to bring in the telephone companies, sought to issue subpoenas to find out what the telephone companies were undertaking. On that situation, as I have said on the floor of the Senate, Vice President CHENEY personally went behind my back to talk to Republican members of the Judiciary Committee without talking to me at any stage. That effort was made because the telephone companies, unlike the executive branch, unlike the President—the telephone companies do not have executive privilege.

Similarly, the Senate defeated my amendment on the Foreign Intelligence Surveillance Act which would have substituted the Government for the telephone companies as the parties defendant. There was a way that the telephone companies could have been recognized for their good citizenship and held harmless by having the Government step into their shoes. But that amendment was defeated.

I submit the case for this determination has a very important dimension beyond the customary doctrine of separation of powers because we are asked to give retroactive immunity to something while we don't even know on the record the full import of what is involved. The warrantless wiretapping, the data mining by the telephone companies is known only to some Members of Congress. It is not known to the public. I intend to offer an amendment which will require that the district court—the House bill now lodges jurisdiction in the district court to make the determination on the legality of FISA—my amendment will call for the district court to make the determination as to whether what has been done by the telephone companies is constitutional.

The ultimate vote on this matter is a tough one. There are quite a number of provisions in the House bill which are protective of civil liberties. I have detailed them in my formal written statement. So when I come to a balance as to voting for the bill or not, my inclination is to vote in favor of the bill because of the importance of the ongoing activities of the telephone companies, notwithstanding my deep concern for civil rights. But there is a much better alternative, and that much better alternative would have been to have substituted the Government for the telephone companies as the party defendant or, now, to submit the question of constitutionality to the district court.

My vote was misunderstood on the Military Commissions Act. When I had led the fight to retain habeas corpus in that bill, it was defeated 51 to 48—but we later voted for the bill because of its recognition of the applicability of the Geneva Conventions and other important parts of the bill. I said at the time that because of the severability clause, the Supreme Court of the United States would reinstate habeas corpus—which, of course, in the past couple of weeks, we know the Supreme Court has done.

We are dealing here, essentially, with very subtle and very nuanced provisions. There are very tough judgments to be made in the legislative context. The war on terrorism is still on the front burner. We do not know what is going to come next.

So that any time there is a balance as to what we ought to do, because of the value which I think is present from this data-mining and the work done by the telephone companies, I think it ought to be maintained. But where we have an option of doing it in a constitutional way, either by sunshine or by submitting it to the court, that is the preferable course of conduct.

I ask unanimous consent that the full text of a detailed statement summarizing my position and a draft amendment be printed in the RECORD so my colleagues will have an opportunity to review both my written statement and my oral presentation of the proposal for an amendment which I intend to offer when the bill comes up.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Floor Statement on FISA

The Senate is coming to a critical vote on our duty to exercise our most fundamental constitutional obligation on separation of powers: to strike the appropriate balance between the war against terrorism and protecting civil rights. We are asked by the House of Representatives to approve their bill on amending the Foreign Intelligence Surveillance Act, a bill which gives retroactive immunity to the telephone companies that facilitated warrantless surveillance, but does not require a judicial determination that the government's program was constitutional.

It is totally insufficient to confer immunity merely because the companies received written requests from the government saying the program was legal. While it is true that the standard of review has been changed from "abuse of discretion" to "substantial evidence" in this bill, the real question is "substantial evidence" of what? Only that the President authorized the program and the government sent written requests to the companies assuring them it was legal. The court is not required to find that the requests were lawful, or that the surveillance itself was constitutional.

The provision that the legislation will be the exclusive means for the government to wiretap is meaningless because that specific limitation is in the 1978 Act and it didn't stop the government from conducting the warrantless Terrorist Surveillance Program with the telephone companies' assistance. The bill leaves the President with his position that his Article II powers as commander in chief cannot be limited by statute. That is a sound constitutional argument, but only the courts can ultimately decide that issue, and this bill dodges the issue by limiting judicial review.

The constitutional doctrine of separation of powers has been mangled since 9/11. I believe that, decades from now, historians will look at the time between 9/11 and the present as the greatest expansion of unchecked executive power in the history of the country. I believe that much, if not most, of that power was necessary to fight terrorism and I led the fight as Chairman of the Judiciary Committee to expand law enforcement powers under the PATRIOT Act. I also offered numerous pieces of legislation designed to bring the Terrorist Surveillance Program under federal court review and to ensure that vital intelligence gathering could continue with appropriate oversight. In the 109th and 110th Congresses, I introduced several versions of the National Security Surveillance Act (first introduced on March 16, 2006), the Foreign Intelligence Surveillance Improvement and Enhancement Act (with Senator Feinstein, first introduced on May 24, 2006), and the Foreign Intelligence Surveillance Oversight and Resource Enhancement Act (first introduced on November 14, 2006).

There has to be a check and balance. The Congress has been totally ineffective, punting to the courts and then seeking to limit the courts' authority as the House of Representatives is now doing. The problem is compounded by the fact that the Supreme Court had ducked and delayed deciding where the line is between Congressional authority under Article I and presidential authority under Article II.

Let me document the ineffectiveness of Congress:

(1) Signing Statements: The constitution is explicit that Congress sends legislation to the president who has only two options: sign or veto. Instead on key provisions limiting executive authority, including Senator McCain's amendment—adopted 90 to 9 in the Senate—to ban "cruel, inhuman or degrading" treatment of any prisoner held by the United States, and the new PATRIOT Act sections requiring audits and Congressional reporting to ensure the FBI does not abuse its terrorism-related powers to secretly demand the production of records, the President has signed the Congressional presentment and then issued a statement asserting his Article II power to ignore those limitations.

My legislation to give Congress standing to challenge the constitutionality of those signing statements has gone nowhere because of three factors: (1) The disinclination of Congress to challenge the president in the context of getting blamed if there were another terrorist attack; (2) the virtual impossibility of overriding a veto; and (3) the doubts by a few that such legislation would satisfy the constitutional requirements of the case and controversy.

(2) Requiring Supreme Court Review of the TSP and Habeas: The efforts to get a Supreme Court ruling on the constitutionality of the Terrorist Surveillance Program were ducked by the Supreme Court. The ruling of the U.S. District Court in Detroit holding the Terrorist Surveillance Program unconstitutional was reversed by the 6th Circuit on a 2–1 vote on lack of standing and the Supreme Court denied certiorari. The doctrine of standing has enough flexibility, as demonstrated by the dissent in the 6th Circuit, to have enabled the Supreme Court to take up the most fundamental clash between Congress and the president in our era, if the Supreme Court had the courage to do so.

The Supreme Court acted almost as badly on the habeas corpus issue in initially denying certiorari on the D.C. Circuit's decision in Boumediene, which ignored the plain language in Rasul confirming that habeas corpus was a constitutional right, not just one based on legislation which Congress had changed. Only when confronted with the overwhelming evidence on the inadequacy of the Combat Status Review Tribunals did the

Supreme Court finally grant a petition for reconsideration on certiorari and ordered the District Courts to grant habeas corpus review after a very long delay.

(3) Violation of the National Security Act: The Congress was remedy-less to do anything when the President ignored the National Security Act of 1947 which requires notification of programs like the Terrorist Surveillance Program to the House and Senate Intelligence Committees. It was only when the administration needed the confirmation of General Michael Hayden to be Director of the CIA that any effort at compliance was made.

(4) Subpoenas for Telecoms: My efforts as Chairman of the Judiciary Committee in June 2006 to get information about the telephone companies' warrantless wiretapping were obstructed by an unusual breach of protocol by Vice President DICK CHENEY personally when he went behind my back to urge other Judiciary Committee members to oppose my efforts to subpoena the telephone companies which, unlike the administration, could not plead executive privilege.

(5) Military Commissions Act: Congress has been docile, really inert, in failing to push back on the executive's encroachment on our authority. My amendment to retain habeas corpus in the Military Commissions Act was defeated 48-51. Meanwhile, the Graham-Levin amendment to the National Defense Authorization Act for Fiscal Year 2006 passed by the shocking vote of 84-14 despite the fact that it was drafted overnight, had no hearing and virtually no debate with my having only two minutes to speak in opposition. On its face the amendment stripped the Supreme Court of jurisdiction by vesting exclusive jurisdiction with the District of Columbia Circuit. It would be hard to find an amendment on a more important subject given less scrutiny and passed with less thought and in such haste.

(6) FISA Substitution Amendment: Similarly, the Senate defeated my amendment to the Foreign Intelligence Surveillance Act which would have substituted the government for the telephone companies as the defendants in the pending litigation. That would have protected the telephone companies but left the courts to decide if the program was constitutional.

The Senate now has the opportunity to provide for judicial review by amending the House Foreign Intelligence Surveillance Act bill to authorize the U.S. District Courts to determine the constitutionality of the administration's program before granting immunity to the telephone companies.

The case for that determination has an important extra dimension beyond separation of powers. It involves a repugnant factor; namely, that the government had instigated and maintained for many years a secret practice, the scope of which is unknown to the public and known only to some members of Congress. It smacks of Star Chamber proceedings from old England. Now the administration insists on retroactive immunity and the House has complied. It is time the Senate stood up and earned its reputation as the "world's greatest deliberative body" and at least demonstrate some courage, if not a full profile, by insisting on judicial review.

In offering an amendment for judicial review, I am mindful of the importance of what the telephone companies have been doing on the war against terrorism from my classified briefings. It is a difficult decision to vote for retroactive immunity if my amendment fails, but I will do so, just as I voted for it when my substitution amendment failed because I conclude that the threat of terrorism and the other important provisions in the House bill outweigh the invasion of privacy.

I do so with great reluctance because it sets a terrible precedent for the executive to violate the Foreign Intelligence Surveillance Act, the National Security Act of 1947, and the presentment clause of the constitution and then receive a Congressional pardon. It is especially galling since Congress could both protect the telephone companies by substitution and allow the lawsuits to go forward or authorize their continuance by my amendment.

I also intend to vote for the bill regardless of what happens to my amendment because of the other important features of the bill. It requires prior court review of the government's foreign-targeted surveillance procedures, except in exigent circumstances (the 7-day exception). Also, the FISA Court must determine whether—going forward—the foreign targeting and minimization procedures satisfy the Fourth Amendment. The bill also requires prior, individualized court orders based on probable cause for U.S. persons when they are outside the country. And, the bill requires a comprehensive Inspector General review of the Terrorist Surveillance Program.

I know that this nuanced position of fighting retroactive immunity and then voting for the bill will be misunderstood because of the complexity of the issues and the subtleties of my rationale.

I have been similarly misunderstood in my castigation of the provisions eliminating statutory habeas corpus and court-stripping in the Military Commissions Act and then voting for the bill. I did so, and gave my contemporaneous reasons, because the Act contained many important provisions, such as implementing the Geneva Conventions in accordance with the Supreme Court's Hamdan ruling. The Act also brought the military commissions within Congressional authorization and the law—something the current bill seeks to do for vital intelligence gathering. I said at the time that the Supreme Court would strike the exclusion of habeas corpus, leaving the rest of the Act intact under the severability clause, and that did happen in Boumediene.

It is my hope that my colleagues in the Senate and House too would give a little extra consideration to this issue because it is past time for Congress to assert itself and at least leave the courts free to determine constitutional rights and separation of powers.

DRAFT AMENDMENT

In section 802(b) of the Foreign Intelligence Surveillance Act of 1978, as added by section 201 of the Act, strike paragraph (1) and insert the following:

"(1) REVIEW OF CERTIFICATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

"(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

"(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

"(ii) determines that the assistance provided by the applicable electronic communication service provider was unconstitutional.

Mr. NELSON of Florida. Mr. President, Floridians are hurting—foreclosures are skyrocketing. According to one estimate, at the end of March 2008, Florida had nearly 200,000 properties in foreclosure. In the first quarter of 2008, Florida had the second highest total of foreclosures, nationwide—up 17 percent from the previous quarter and 178 percent from last year. Statewide, one in every 97 households received a foreclosure filing. In May, Cape Coral Ft. Myers, Florida, had the second highest foreclosure rate in the Nation, with one in every 79 homes receiving a foreclosure filing. This crisis isn't limited to subprime mortgages or risky borrowers—it destroys the value of entire communities. The ripple effect translates into big losses for the State's economy—an estimated $35.9 billion decrease in home value and tax base in Florida.

I rise to discuss a bipartisan amendment that have filed with my colleague from Minnesota, Senator COLEMAN. This amendment provides commonsense relief to homeowners trying to stay in their homes and avoid foreclosure.

Current law imposes a 10 percent penalty for individuals choosing to make an early withdrawal from their retirement savings. There are exceptions to this penalty: years ago, we allowed first time homeowners to use their retirement savings to help purchase a home. Surely, we can agree that in 2008 we should allow homeowners to use a small portion of their savings to save their home.

Our amendment waives the 10 percent penalty for folks wishing to make an early-withdrawal to help avoid foreclosure. To be eligible for this waiver, homeowners must have proof that they are participating in a Government or industry sponsored foreclosure prevention program, like HOPE NOW, or the HOPE for Homeowners Program established in the bill we are considering today. This benefit is limited to 2 years, and the withdrawal amount is capped at $25,000. Taxpayers will also have 2 years to repay what they borrowed from their retirement savings. This amendment is fully offset.

I received an email from Wayne, who lives in Stuart, FL. Wayne is an Air Force Veteran who recently lost his job, and in order to try to keep his home, he liquidated his 401(k) savings and paid the 10 percent penalty. The housing bill we are considering today gives tax credits for first time homebuyers to purchase homes, but current tax law penalizes folks like Wayne, who are trying their best to save their home, using their own money.

In many instances, a home is the greatest single source of wealth for

Americans. It makes sense to make a limited exception to allow homeowners to use every tool available to stay in that home, and save their greatest investment. I encourage my colleagues to support this amendment.

Mr. COLEMAN. Mr. President, I rise with my colleague from Florida to speak on behalf of our amendment to allow homeowners penalty-free use of up to $25,000 in retirement funds to keep their house.

Before I speak to the amendment, I would like to thank, first, the chairman of the Banking Committee Senator DODD and ranking member Senator SHELBY, as well as the chairman of the Finance Committee, Senator BAUCUS and ranking member Senator GRASSLEY for their leadership in putting this important bipartisan housing bill together. And, I have special thanks for Senators BAUCUS and GRASSLEY for working with us one this important amendment.

The need to act to address the housing crisis could not be more urgent. In my travels throughout my State, I have seen how the housing crisis is hurting families, communities and the economy.

Just to underscore how serious this situation really is for the Minnesota economy, we learned last week that more Minnesotans are out of work than since 1983. We are talking about construction workers of which nearly 7,000 have lost a job during the past year.

We are talking about folks like Ron Enter and his wife whose small building materials business is being devastated by the housing crisis. They have already significantly reduced their workforce and warn of more cutbacks if the housing market does not improve in order to keep their business going.

Bottom-line, our housing woes have spilled over into the rest of our economy, and as a result it is a problem that is undercutting entire communities and their families.

This amendment presents a bipartisan solution that's in the spirit of the cooperation demonstrated by Senators DODD, SHELBY, BAUCUS, and GRASSLEY on this housing package.

During my travels and housing town hall forums I have held back home in Minnesota, I have met more and more folks who are tapping into their retirement savings in a desperate effort to keep their homes—average, hard-working folks such as Terri Ross, a nurse, who I met at a housing town hall forum in St. Cloud, where she talked about using her retirement savings to keep her home.

The problem is that as homeowners across Minnesota and the Nation use their retirement savings to save their homes, they are getting hit hard with a 10-percent early withdrawal tax penalty.

As we are on the verge of passing this bipartisan legislation to address the housing crisis, Senator NELSON and I believe that one more way we can responsibly address the housing crisis is to temporarily waive this 10 percent penalty. Given that the Tax Code waives the 10 percent penalty for early withdraw from individual retirement accounts, IRAs, for first-time home purchases, I believe that it is only fair to waive this penalty for those who want to keep their homes.

At the end of the day, we should not penalize homeowners for trying to keep a roof over their heads and wanting to remain a part of the community they have called home.

In an effort to address a point of concern raised by the distinguished Senator from Connecticut when we were on the floor in April, Senators NELSON and I are proposing that this relief be made available only to those homeowners who participate in government or industry sponsored foreclosure prevention programs such as the HOPE for Homeowners Program and FHA Secure. We do agree that it would make good sense to ensure that lenders also do their part to help homeowners keep their homes.

And, that is why in this amendment, homeowners could only use this relief in cases where the lenders also provide relief. We believe that this is fair and right. We believe that this modification to our previous proposal will ensure there is, to quote the chairman "commensurate responsibility on the part of the lender."

I urge my colleagues to support this commonsense and much-needed amendment and thank my colleague from Florida for his great work on this amendment.

RESTORE CONFIDENCE IN MORTGAGE SECURITIES

Ms. SNOWE. Mr. President, I wish to speak to an amendment that I will offer which will increase the trustworthiness of the Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Bear Stearns and the huge losses suffered throughout the financial industry demonstrate a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage-backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making securitized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: When big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that "knowledge is power." My amendment would give investors the knowledge to make intelligent calculations of risk and, as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my amendment creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan-to-value ratios, debt service to income ratios, and borrowers' credit standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities., This legislation would, however, create incentives for improving industry rating practices. Open publication of the board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage-backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the board to rate their security, or they could elect not to submit their product to the board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a "good housekeeping seal of approval" for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and adopt this commonsense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

NOMINATION OF MICHAEL E. O'NEILL

Mr. SPECTER. Mr. President, I now ask consent that my next remarks be labeled nomination of Michael E. O'Neill for the United States District Court for the District of Columbia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I am pleased to submit my very strong recommendation to my colleagues to confirm the nomination of Michael E. O'Neill for the District Court for the District of Columbia. The President submitted his name last Thursday. I had tried to come to the floor to speak at that time but could not do so.

I am pleased to do so now. Michael O'Neill has an extraordinary record. He graduated summa cum laude from Brigham Young University and received his law degree from Yale Law School. He was editor of the Articles and Book Reviews of the Yale Law Journal; and Articles Editor of the Yale Journal on Regulation.

He served as a law clerk to Judge David Sentelle and clerked for the Supreme Court of the United States for Justice Clarence Thomas.

I ask unanimous consent that his full resume be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MICHAEL E. O'NEILL

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Birth: 1962, Wisconsin.

Legal Residence: Maryland.

Education: B.A., summa cum laude, Brigham Young University, 1987; J.D., Yale Law School, 1990—Editor of Articles and Book Reviews, Yale Law Journal; Articles Editor, Yale Journal on Regulation.

Employment: Law Clerk, Honorable David B. Sentelle, United States Circuit Judge for the District of Columbia Circuit, 1990–1991; Litigation Counsel, Honors Program, Appellate Section, Criminal Division, U.S. Department of Justice, 1991–1994; Special Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 1993; Special Counsel, Detailee from Dept. of Justice, Senate Judiciary Committee, Senator Orrin Hatch, 1994–1996; Law Clerk, Honorable Clarence Thomas, United States Supreme Court, 1996–1997; General Counsel, Senate Judiciary Committee, Senator Orrin Hatch, 1997–1998; Associate Professor of Law, George Mason University School of Law, 1998–present; Commissioner, United States Sentencing Commission, 1999–2005; Chief Counsel and Staff Director, Senate Judiciary Committee, 2005–2007.

Mr. SPECTER. It is especially worthwhile to have Mr. O'Neill confirmed because of the example it sets for people who come to undertake public service. Mr. O'Neill served on the Judiciary Committee for a protracted period of time. When Senator HATCH was the Chairman, he was special counsel from 1994 to 1996 and general counsel from 1997 to 1998, before he became associate professor of law at George Mason University School of Law; and he served as chief counsel and staff director for the 2 years I served as Chairman of the Judiciary Committee.

I do not need a resume to tell people how competent he is and how public spirited he is and what an outstanding Federal judge he would make.

There have been quite a number of situations where people working on the Judiciary Committee have gone on to Federal judgeships. I think it is a very healthy thing to have that as a motivation to come for public service. People have come to serve on the Judiciary Committee, leaving jobs making half a million dollars or more for $100,000. The public service is so important that it is exemplary to give them this recognition to motivate our people to come to take these jobs.

One example I would note is Stephen Breyer, who was special counsel and chief counsel to the Senate Judiciary Committee back in 1980 for then-Chairman TED KENNEDY. Mr. Breyer was then appointed on the First Circuit and is now on the Supreme Court of the United States.

I ask unanimous consent that this table be included in the RECORD showing the movement of people who have served on the Judiciary Committee and the jobs which they have taken in other Federal positions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Name	Previous position(s)	Senator	Nomination position	Date nominated	Date confirmed
Beryl Howell	General Counsel, U.S. Senate Judiciary Committee	Leahy	U.S. Sentencing Commission	1/9/2007	2/28/2007
Stephen Breyer	Special Counsel, U.S. Senate Judiciary Committee	Kennedy	Judge, First Circuit	11/13/1980	12/9/1980
			(Breyer Later Nominated) Associate Justice, Supreme Court [1]	5/17/1994	8/3/1994
Paul D. Clement	Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights.	Ashcroft	Solicitor General, Department of Justice	3/14/2005	6/8/2005
Sharon Prost	Chief Counsel	Hatch	Judge, U.S. Court of Appeals, Federal Circuit	5/21/2001	9/21/2001
Paul Redmond Michel	Counsel/Administrative Assistant	Specter	Judge, U.S. Court of Appeals, Federal Circuit	12/19/1987	2/29/1988
Randal Ray Rader	Chief Counsel, Senate Judiciary Committee, Subcommittee on the Constitution, 1981–1986 Counsel to U.S. Sen. Orrin G. Hatch, 1981–1988 Chief Counsel/Minority Staff Director, Senate Judiciary Committee, Subcommittee on Patents, Trademarks and Copyrights, 1987–1988.	Hatch	Judge, U.S. Court of Appeals, Federal Circuit	6/12/1990	8/3/1990
Ralph K. Winter, Jr.	Consultant, U.S. Senate Judiciary Committee, Subcommittee on Separation of Powers (1968–1972).	Ervin	Judge, Second Circuit	11/18/1981	12/9/1981
Emory Sneeden	Chief Minority Counsel, U.S. Senate Judiciary Subcommittee on Antitrust and Monopoly (1979–1981).	Thurmond	Judge, Fourth Circuit	8/1/1984	10/4/1984
Dennis W. Shedd	Counsel	Thurmond	Judge, District of South Carolina	10/17/1990	10/27/1990
			Judge, Fourth Circuit		
			(Shedd Later Nominated) Judge, Fourth Circuit	5/9/2001	11/19/2002
Edward J. Damich	Chief Intellectual Property, Counsel for the Senate Judiciary Committee.	Hatch	Judge, United States Court of Federal Claims	9/29/1998	10/21/1998
Lawrence Baskir	Chief Counsel and Staff Director to the Constitutional Rights Subcommittee of the Senate Judiciary Committee.	Ervin	Judge, United States Court of Federal Claims	1/7/1997	10/21/1998

Name	Previous position(s)	Senator	Nomination position	Date nominated	Date confirmed
Reed O'Connor	Counsel, U.S. Senate Judiciary Committee	Hatch/Cornyn	Judge, Northern District of Texas	6/27/2007	11/16/2007
Terry Wooten	Chief Counsel, U.S. Senate Judiciary Committee	Thurmond	Judge, District of South Carolina	6/18/2001	11/8/2001
Dee Vance Benson	Counsel, U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, 1984–1986 Chief of staff, U.S. Sen. Orrin Hatch, 1986–1988.	Hatch	Judge, District of Utah	5/16/1991	9/12/1991
Kristi DuBose	Chief Counsel (1997–1999)	Sessions	Judge, Southern District of Alabama	9/28/2005	12/21/2005
Henry Michael Herlong	Legislative Assistant	Thurmond	Judge, District of South Carolina	4/9/1991	5/9/1991
Mary McLaughlin	Chief Counsel, Subcommittee on Terrorism, Technology and Government, Committee on the Judiciary (1995).	Specter	Judge, Eastern District of Pennsylvania	3/9/2000	5/24/2000
Patti Saris	Staff Counsel, U.S. Senate Judiciary Committee, 1979–1981.	Kennedy	Judge, District of Massachusetts	10/27/1993	11/20/1993
Nora M. Manella	Counsel to the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee (1976–1978).	Tunney	Judge, Central District of California	3/31/1998	10/21/1998
Brett Tolman	Counsel	Specter	U.S. Attorney, District of Utah	6/9/2006	7/21/2006
William Walter Wilkins	Legal Assistant	Thurmond	U.S. Attorney, District of South Carolina	5/7/2008	6/4/2008
Bennett William Raley	Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights (1995).	Brown	Assistant Secretary of the Interior for Water and Science.	5/24/2001	7/12/2001
Anthony Lowe	Senior Legislative Counsel, U.S. Senate Judiciary Subcommittee on Antitrust, Competition and Business Rights.	DeWine	Federal Insurance Administrator, Federal Emergency Management Agency.	3/22/2002	7/25/2002
Lee Sarah Liberman Otis	Chief Counsel, U.S. Senate Judiciary Subcommittee on Immigration.	Hatch	General Counsel, Department of Energy	4/25/2001	5/24/2001
Jon D. Leibowitz	Chief Counsel and Staff Director, U.S. Senate Judiciary Subcommittee on Antitrust, Business Rights and Competition.	Kohl/Simon	Commissioner, Federal Trade Commission	9/10/2004	11/21/2004
Ray Kethledge	Counsel	Abraham	Judge, Sixth Circuit	3/19/2007	pending

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[1] Stephen Breyer's nomination was particularly remarkable because he was nominated by President Carter on November 13, 1980, after Carter had lost the election to Ronald Reagan. Senate Democrats, who had just lost control of the Senate, held a swift confirmation vote on Breyer during a lame duck session on December 9, 1980.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 3540

Mr. REID. I ask unanimous consent the Senate Finance Committee be discharged from further consideration of H.R. 3540 and the Senate proceed to its consideration now; further, that a Baucus substitute at the desk, which is a 6-month FAA extension and a highway trust fund fix, be agreed to, the bill as amended be read a third time and passed, and the motion to reconsider be laid on the table with no intervening action or debate.

I would say, before I hear from my distinguished colleague, the junior Senator from Arizona, that I, of course, would rather be asking consent to finish the whole FAA bill, the complete bill. This is a 6-month extension, which is so important. The Highway Trust Fund is also upside-down. It is out of money. This would extend the FAA bill for 6 months, which is important. There are so many more things in that bill. In fact, I have spoken to the President's Chief of Staff on how important the FAA bill is.

But at this stage we have some problems. So, anyway, we have gone for a 6-month extension and doing something to fix the highway trust fund.

That is what this consent agreement is all about.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reluctantly, on behalf of Senator DEMINT, I will object at this time. I expect—I know the majority leader has talked with our staff, as well—the issues that are relating to this can be worked out in a relatively—obviously, before the end of this week, we hope.

The PRESIDING OFFICER. Objection is heard.

TRIBUTE TO BARDSTOWN/ LOUISVILLE ARCHDIOCESE

Mr. MCCONNELL. Madam President, this year marks the celebration of the 200th anniversary of the Diocese of Bardstown, which was established in Kentucky as one of the oldest dioceses in the country. Pope Pius VII carved it from one of the oldest dioceses in the New World.

The territory of the Bardstown Diocese once covered a giant swath of land, including what are now the States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Missouri, and half of Arkansas.

The Bardstown Diocese was established alongside the dioceses of Boston, Philadelphia and New York. Its seat was eventually moved to Louisville, Kentucky, and made an archdiocese. But its place in the history of American Catholicism continues to be a point of pride across Kentucky.

Kentuckians celebrate this bicentennial throughout the year at the St. Thomas Church, considered the "Cradle of Catholicism" in the Bluegrass State and still located in Bardstown. A two-story log house that stands on St. Thomas property is the oldest structure related to the Catholic faith in our region of the United States.

Built in 1795 by Thomas and Ann Howard, the property was willed to the church by Mr. Howard in 1810, and it became the first home of the St. Thomas Seminary, the first seminary west of the Alleghenies. It later served as the residence of Bishop Benedict Joseph Flaget, first bishop of the Bardstown Diocese.

Bishop Flaget and others who worked to establish the Bardstown Diocese were pioneers of the land as well as of the spirit. Kentucky was the western frontier of the young United States at that time, and frontier life posed many hardships.

But the diocese survived and thrived, and the visit of Pope Benedict XVI to the United States earlier this year was timed to coincide with its anniversary.

Madam President, Kentucky is proud to include one of the oldest outposts of faith and freedom in America. I ask unanimous consent that a story from the Louisville Courier-Journal about the celebration of the Bardstown Diocese's anniversary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 9, 2008]

CATHOLICS CELEBRATE KENTUCKY BICENTENNIAL, BARDSTOWN EVENTS MARK 200 YEARS

(By Peter Smith)

BARDSTOWN, KY.—Dorothy Ballard and her sister Martha Willett have been coming to St. Thomas Church, considered the "cradle of Catholicism" in Kentucky, all their lives.

Their parents were married there in 1920, and "all of the children have been baptized here, made the first Communion here, confirmed here," and several of them have been buried from the parish, Ballard said.

So they weren't missing yesterday morning's Mass that began a daylong celebration of the bicentennial of the Archdiocese of Louisville, where about 150 people filled the historic brick church.

"I feel real special that I'm part of this celebration," Ballard said.

Archbishop Joseph E. Kurtz presided at the Mass.

"We pause and give thanks to the Lord for these 200 years of blessed presence of the church within our Central Kentucky, and we ask the Lord to continue to bless us as we move forward," he said.

The archdiocese also marked the bicentennial yesterday with services at the Cathedral of the Assumption in downtown Louisville and at the Basilica of St. Joseph Proto-Cathedral in Bardstown.

St. Thomas was chosen to lead off the celebration because the log house that still stands on its property once was the modest capital of frontier Catholicism.

Pope Pius VII created the Diocese of Bardstown on April 8, 1808, along with those in Boston, New York and Philadelphia. Previously, the diocese of Baltimore had covered the entire new American republic.

The Bardstown diocese originally spanned the entire frontier area between the Alleghenies and the Mississippi River, and between the Great Lakes and Tennessee.

The seat of the Bardstown diocese eventually was moved to Louisville, which later became an archdiocese. Its original territory is now divided into more than 40 dioceses across 10 states.

The Rev. Steve Pohl, pastor of St. Thomas, said he and many parishioners trace their roots to those pioneer days, when Catholic families of English descent migrated from Maryland to Kentucky in search of better land. They were served by priests fleeing persecution that followed the French Revolution.

Their settlements in Nelson, Washington and Marion counties gave the region the nickname "the Holy Land," as attested to by such enduring biblical place names as Holy Cross, Gethsemani and Nazareth.

St. Thomas is home to a recently restored log home, owned by Catholic farmers Thomas and Ann Howard and given to the church as a base for the growing diocese.

The diocese's first bishop, Benedict Joseph Flaget, lived there for several years, and the house also was host for Kentucky's first Catholic seminary and the first nuns in the Sisters of Charity of Nazareth.

"I'm really in joy about today," said John Cissell, who traces his roots to early Catholic settlers here. His father was long active in the church and is buried in the cemetery on the church grounds.

"I just feel like I'm carrying on a tradition," he said.

Pohl, whose ancestors also include an early settler, said the parish is holding a reunion this summer of descendents of Maryland Catholics who settled in Kentucky in the early years.

Pope Benedict XVI will recognize the bicentennials of Louisville's and other historic dioceses at a Mass at Yankee Stadium in New York on April 20.

The archdiocese also plans a large celebration at Slugger Field in Louisville this summer.

SALUTE TO "CORM & THE COACH"

Mr. LEAHY. Madam President, it is my privilege today to salute Vermont radio personalities Steve Cormier and Tom Brennan, best known to Vermonters as the morning team "Corm & the Coach" on Champ 101.3.

Sixteen years ago, University of Vermont basketball coach Tom Brennan made a guest radio appearance on Steve Cormier's radio show. The two of them hit it off, not only as a duo, but with listeners. What started as a guest spot ended up becoming an extremely popular morning radio show for 16 years.

Recently, Coach Brennan decided to go out on top, as he did when he retired from the University of Vermont following three consecutive America East Conference championships. "Corm & the Coach" will air for the final time on Wednesday, July 2, 2008. Fortunately for Vermonters, Corm will remain on the air, continuing to keep us both entertained and informed, and Coach Brennan will continue to provide expert college basketball analysis on ESPN.

I have had the good fortune to appear on "Corm & the Coach" many times, and thought it important to take this opportunity to extend my appreciation to both of them. In honor of a great 16 years of "Corm & the Coach," I ask unanimous consent that the article by Mike Donoghue of the Burlington Free Press, Corm To Carry On, Without The Coach, be printed in the RECORD.

There being no objection, the material was ordered to be printed in The RECORD as follows:

[From the Burlington Free Press, June 11, 2008]

CORM TO CARRY ON, WITHOUT THE COACH

(By Mike Donoghue)

"Corm and the Coach," the popular morning drive-time radio show that helped thousands of Champlain Valley listeners wake up for almost 16 years, will sign off July 2.

Tom Brennan, who retired as the University of Vermont men's basketball coach in 2005, plans to leave local radio next month, he and co-host Steve Cormier said Tuesday.

"I'm just really tired. I just don't want to turn into a cranky old man," Brennan said.

"I tried to make things better for people," he said. "I just knew it was time for me to pack it in. I'm very appreciative of the faithful listeners. It was really nice when you would hear from them that we had helped make their day," he said.

Cormier, who is also program director at WCPV-FM, will continue to do the morning show.

Cormier said more details will be released this morning on the "Corm and the Coach" show, which airs Monday through Friday from 5 to 9 a.m. on Champ 101.3 (WCPV-FM) in Colchester and 102.1 in Randolph. "The Best of Corm and the Coach" is part of the Saturday morning broadcasts.

Brennan will continue to work as an in-studio basketball analyst for ESPN, which he joined in 2005.

Cormier said Brennan's departure has nothing to do with the pending sale of the station by Clear Channel to Vox Communications this summer. The sale is expected to be completed by midsummer, Cormier said.

"He's just tired. Tom said if it was an afternoon show, it would be fine, but getting up at 4 a.m. is not," Cormier said. "I got him 10 more years than I thought I would."

"Corm and the Coach" began with Brennan stopping by to do morning sports reports, but blossomed into one of the highest rated local shows through the years.

During the show, Brennan has enjoyed providing wake-up calls to bleary-eyed opposing coaches, members of the media and other newsmakers. He read his poetry about current events over the airwaves and is in demand as a public speaker and master of ceremonies. The show has supported a number of charities, including its own golf tournament.

Brennan coached the Catamounts for 19 years. The team won the America East championships and made NCAA tournament appearances in his final three seasons. The highlight of his career was UVM's upset of Syracuse in the 2005 NCAAs.

Cormier said the initial game plan is to continue the show with producer Carolyn "Burkie" Lloyd until the new owners take over, at which time discussions will be held. He said guest celebrities might be asked to co-host.

"All good things must come to an end," Cormier said.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I started looking at the financial relationships between physicians and drug companies several years ago. I first began this inquiry by examining payments to individuals who served on FDA's Advisory Boards. More recently, I began looking at payments from drug companies to professors at our nation's medical schools and more specifically at the payments from Astra Zeneca to a professor of psychiatry at the University of Cincinnati.

I then moved on to look at several psychiatrists at Harvard and Mass General Hospital. These physicians are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies and failed to report those payments accurately to Harvard and Mass General.

For instance, in 2000 the National Institutes of Health awarded one Harvard physician a grant to study atomoxetine in children. At that time, this physician disclosed that he received less than $10,000 in payments from Eli Lilly which makes Straterra, a brand name of atomoxetine. But Eli Lilly reported that it paid this same physician more than $14,000 for advisory services that year—a difference of at least $4,000.

I would now like to report what I have found out about another researcher—Dr. Alan Schatzberg at Stanford. In the late nineties, Dr. Schatzberg helped to start a company called Corcept Therapeutics—Dr. Schatzberg is a copatent owner on a drug developed by Corcept. That company applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression.

Dr. Schatzberg is a well-known psychiatrist and has received several grants from the National Institutes of Health to study Mifepristone. While Dr. Schatzberg has reported some of his income from Corcept Therapeutics to Stanford, he did not report a profit of $109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005 because he was not required to do that under Stanford's rules.

But if it is not required by Stanford, I submit to you that it should be. Why? Because in his Stanford disclosures, Dr. Schatzberg only had to report whether he had more than $100,000 of stock in Corcept Therapeutics. However, his filings with the U.S. Securities and Exchange Commission show that he has control of 2,738,749 shares of Corcept stock worth over $6 million.

In addition, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg $22,000 that year. And in 2004, Dr. Schatzberg reported receiving between $10,000–$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schaztberg over $52,000 that year.

Before closing, I would like to say that Stanford has been very cooperative in this investigation, as have been many of the drug companies. I ask unanimous consent to have my letter to Stanford printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 23, 2008.

Dr. JOHN L. HENNESSY,
President, Stanford University, Office of the President, Stanford, CA

DEAR DR. HENNESSY: First, I would like to thank you again for working with me to lower student tuition at Stanford University (Stanford/University). It was a great leap forward in the effort to help students afford a quality education. Next, I would like to bring several other issues to your attention regarding Stanford, its conflict of interest policies, and a particular faculty member at your University.

As you know, the United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Stanford, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and taxpayer funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States regarding about 30 physicians. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. As you know universities like Stanford require doctors to report their related outside income. But I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost $24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as Stanford. Institutions are required to manage a grantee's conflicts of interest. However, I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator KOHL and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am also writing to assess the implementation of financial disclosure policies at Stanford University. In response to my letter of October 25, 2007, Stanford provided me with copies of the financial disclosure reports that Dr. Alan Schatzberg filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of Dr. Schatzberg's disclosure forms and detailed the payments disclosed. Subsequently, I asked that Stanford confirm the accuracy of the information. In March 2008, Stanford's Vice Provost and Dean of Research provided clarifications and additional information from Dr. Schatzberg pursuant to my inquiry.

In addition to obtaining information from Stanford, I also contacted executives at several major pharmaceutical and device companies and asked them to list the payments that they made to Dr. Schatzberg during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that do not appear to have been disclosed to Stanford by Dr. Schatzberg. For instance, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg $22,000 that year. And in 2004, Dr. Schatzberg reported receiving between $10,000–$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schatzberg over $52,000 that year.

Because these disclosures do not match, I am attaching a chart intended to provide to Stanford a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms Dr. Schatzberg filed with Stanford and the amounts reported by several drug and device companies.

The lack of consistency between what Dr. Schatzberg reported to Stanford and what several drug companies reported to me seems to follow a pattern of behavior. More specifically, I have uncovered inconsistent reporting patterns at the University of Cincinnati, and at Harvard University and Mass General Hospital.

INSTITUTIONAL AND NIH POLICIES

Let me now turn to another matter that is of concern. Stanford requires every faculty member to make an annual disclosure related to both conflict of commitment (where no financial information is requested), and conflict of interest. As noted to me in your letter dated March 14, 2008, "It is our obligation to avoid bias in research, including that conducted with federal funds."

Based upon the information provided to me to date, Stanford has a zero dollar threshold for disclosures for research involving human subjects. Faculty members are required to disclose a range of amounts received from outside relationships that are related to a faculty member's research activities (such as participation on advisory boards or boards of directors, or consulting). In most instances, the University's standard for a significant financial interest is whether the faculty member received $10,000 or more in income, holds $10,000 or more in equity for publicly traded companies, or has any equity in the company in the event the company is privately held.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least $10,000 in value or 5 percent ownership in a single entity.

Again based upon the information provided to me, it appears that Stanford takes failures to report outside income quite seriously. As noted in your correspondence dated March 14, 2008, "It is our obligation to avoid bias in research, including that conducted with federal funds." You then described a Stanford investigation conducted in 2006 regarding a researcher who failed to report gifts, meals and trips from a device company. That faculty member was later terminated.

Based upon information available to me, it appears that Dr. Schatzberg received numerous NIH grants to conduct studies involving Mifepristone for treating depression. Corcept Therapeutics, a publicly traded company, has applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression. These grants funded studies during the years 2000 through 2007 that examined the treatment of psychotic major depression using Mifepristone. During these years, Dr. Schatzberg, consistent with Stanford's conflict policy, disclosed to Stanford a financial relationship with Corcept Therapeutics (Corcept) including stock ownership of over $100,000 and payments for activities including its Board of Directors, Advisory Board Membership, consulting, licensing agreements, and royalties. According to his disclosures, these payments were between $50,000 to $100,000 in the years 2003 through 2005, and between $10,000 to $50,000 in the years 2001, 2002, 2006, and 2007.

However, it appears based upon the information available, Dr. Schatzberg did not and was not required to report a profit of $109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005. This transaction is found in his publicly available filings with the U.S. Securities and Exchange Commission (SEC). Earlier that year, Dr. Schatzberg began enrolling an estimated 100 patients for a clinical trial, sponsored by the NIH, to evaluate Mifepristone to treat psychotic depression.

Further, while Dr. Schatzberg appropriately disclosed to Stanford that his stock shares were valued at over $100,000, I am not certain that this number captures the stocks' true value. Dr. Schatzberg carries an equity interest in Corcept with over 2 million shares of stock. For instance, as of January 31, 2008, he reported to the SEC that he held 2,438,749 shares of Corcept stock, with sole voting power for 2,738,749 shares. On June 12, 2008, Corcept stock closed at $2.24 a share, meaning that his stock is potentially worth over $6 million. Obviously, $6 million is a dramatically higher number than $100,000 and I am concerned that Stanford may not have been able to adequately monitor the degree of Dr. Schatzberg's conflicts of interest with its current disclosure policies and submit to you that these policies should be re-examined.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. And the NIH must rely on strong institutional conflict of interest policies to ensure the integrity of the grant making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that Stanford respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by Dr. Schatzberg, please confirm that he reported to Stanford University's designated official "the existence of [a] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Stanford ensured "that the interest has been managed, reduced, or eliminated." Please provide an individual response for each grant that Dr. Schatzberg received from January 2000 to the present, and provide any documentation supporting each claim.

3. Did Dr. Schatzberg violate any federal or Stanford policies by not revealing his stock sale in 2005? If not, why not?

4. Is Stanford considering any changes in its disclosure policies to more fully capture the degree of a conflict when a faculty member owns shares in a company that are in excess of $100,000?

5. Please report on the status of any possible reviews of research misconduct and/or discrepancies in disclosures by Dr. Schatzberg, including what action if any will be considered.

6. Please report if a determination can be made as to whether or not Dr. Schatzberg violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

7. Please provide a total dollar figure for all NIH monies received annually by Stanford University. This request covers the period of 2000 through 2007.

8. Please provide a list of all NIH grants received by Stanford University. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;

b. Grant Title;

c. Grant number;

d. Brief description; and

e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than July xx, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

SELECTED DISCLOSURES BY DR. SCHATZBERG AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with Institution	Amount company reported
2000	Bristol Myers Squibb	No amount provided	$1,000
	Eli Lilly	No amount provided	$10,070
2001	Bristol Myers Squibb	No amount provided	$4,147
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Eli Lilly	No amount provided	$10,788
2002	Bristol-Myers Squibb	Not reported	$2,134
	Corcept Therapeutics	>$100,000 [b]	n/a
	Corcept Therapeutics	<$10,000 [c]	n/a
	Corcept Therapeutics	<$10,000 [d]	n/a
	Eli Lilly	No amount provided	$19,788
	Johnson & Johnson	Not reported	$22,000
2003	Bristol-Myers Squibb	No amount provided	$4,000
	Corcept Therapeutics	<$10,000 [e]	n/a
	Corcept Therapeutics	>$10,000<$50,000 [f]	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Corcept Therapeutics	<$10,000 [h]	n/a
	Corcept Therapeutics	<$10,000 [i]	n/a
	Eli Lilly	No amount provided [j]	$18,157.34
2004	Bristol-Myers Squibb	<$10,000	$0.00
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Eli Lilly	>$10,000<$50,000 [k]	$52,134
	Pfizer	Not reported	$2,500
2005	Bristol-Myers Squibb	<$10,000	$0
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Corcept Therapeutics	>$100,000 [g]	na
	Eli Lilly	>$10,000-<$50,000	$9,500
	Pfizer	No amount provided	$2,000
2006	Bristol-Myers Squibb	Not reported	[l] $6,000
	Corcept Therapeutics	<$10,000 [h]	n/a
	Corcept Therapeutics	>$10,000<$50,000	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Eli Lilly	>$10,000<$50,000 [m]	$20,500
	Pfizer	Not reported	$300
2007	Eli Lilly	Not reported	$10,063

[a] Physician disclosed payment for Advisory Board Membership, Board of Directors, and consulting.

[b] Physician disclosed payment for equity.

[c] Physician disclosed payment for serving as a Director, consultant.

[d] Physician disclosed payment for royalties.

[e] Physician disclosed payment for serving as a Advisory Board Member.

[f] Physician disclosed payment for consulting.

[g] Physician disclosed stock ownership.

[h] Physician disclosed payment for licensing agreement.

[i] Physician disclosed payment for serving as Director, Board of Directors.

[j] Physician disclosed payment of <$10,000 for consulting, and did not provide amounts received for research, grants and gift funding.

[k] Physician disclosed payment of <$10,000 for Advisory Board Membership, and >$10,000<$50,000 for honoraria for papers or lectures, and consulting.

[l] Bristol-Myers Squibb stated that Stanford intended to pay Dr. Schatzberg $6,000 for conducting an annual course for which the company provides a grant.

[m] Physician disclosed payment for serving as a Advisory Board Member and consulting.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee was not able to estimate the total amount of payments disclosed by Dr. Schatzberg during the period January 2000 through June 2007 due to the fact that some amounts were not provided and in other instances ranges were used. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIKE, Thanks for the invitation to vent. Well, that is not what you asked, but here goes. I'm one of those poor widows living on Social Security supplemented by a little bit of freelance writing, and energy costs are increasingly adding to sleepless nights as I worry about how to keep going. Do not cue the violins.

I agree with your points on increasing our energy independence, and believe that we are indeed stewards of the earth who will be held accountable by our Creator for how we manage it. I contend that these two points are not mutually exclusive, and who better than the great people of the United States to figure out how to do it.

I'm also interested in understanding how futures markets play into the increased cost of gasoline—anything you can tell me about that? Further, how about drastic changes to the red tape required to get nuclear plants up and running?

One last thing: If you have any influence with Senator John McCain, please use it to encourage him to come up with an aggressive energy policy post haste and present it to the voters. If ever there were a time, this is it, and he needs all the help he can get from those of us who are supporting him out of common-sense duty rather than devotion. Help, help.

Thanks for your ear and I hope this gets to you and not only your staff.

KATHY.

Mike, My family and I are making choices to limit our expenses as is rational, but we have means and discretionary income to juggle. My wife who is a public school administrator tells a different story regarding some of the pupils she sees right now in her summer school programs. They are showing up to school without breakfast, without a lunch, and no money to even buy snacks. Her schools have not offered free and reduced meals for summer school in the past (did not need to), but are trying desperately to do so now. Their parents, many of whom are working lower-paid jobs, are making very hard choices.

Think of the lowest paid tier of workers in our economy. They may not live in comfortable neighborhoods close to their work. Often they drive cars that are affordable up front, but get deplorable gas mileage thereafter. Forget insurance of any kind. In an economy like ours where housing starts and services are down, many of these fathers are working less hours and driving further away to get them. The choices are becoming untenable.

I realize that some of the hesitation to address energy in America is part social engineering (which in my opinion is the realm of the passive-aggressive and grossly irresponsible), and part is Washington's age-old reluctance to govern proactively rendering it ineffectual in matters that matter. But, many of your constituents cannot coast through this crisis until it sorts itself out. Worse, the inaction of your colleagues gives us very little hope that our crisis is temporary (if nothing changes, nothing changes).

A perfect storm is brewing for our economy; government needs to allow the free market and investors opportunities to produce more energy. Aside from ANWR, there are plenty of places in the lower 48 to bring online (as well as refining capacity) to adress this muddle in less than 10 years. Tell your colleagues to lead, follow, or get out of the way!

In the short-term we are going to see more foreclosures, dependency on state and federal aid, and hospitals like ours will see bad debt and charity care skyrocket. Not a time for inaction. Thanks for your interest in this cause, I hope you are able to rally the millionaire's club to some kind of rational response.

REV. MARK, Nampa.

You and Congress know what needs to be done. Drill now—drill HERE! Join China and Cuba off our own shores and become self reliant again. Start drilling in Anwar. Start drilling in Montana. Start using the resources in Colorado in shale. And build more refineries—and you—CONGRESS—loosen the hurdles that make it impossible for anyone drilling and/or building those refineries we need so desperately—loosen the restrictions that hinder providing alternatives (such as nuclear and solar). Stop wasting time telling "stories"—and loosen the restrictions that environmentalists have shackled us with! Do your job.

Just let us become a self reliant nation again!

DAVE.

SENATOR CRAPO, This is a Republic! We elected you and you fellow Congress men and women to represent us. So far all my family has seen is a lot of incompetency! No one in Congress has done anything to help the situation. Everyone is geared up to their special interests so that they can get re-elected to another term. You guys need to kick the lobbyist out of the halls of Congress and start representing us. My family cannot take trips to see fellow family members, an event that takes place each year, because we cannot afford the fuel costs. Put yourselves in a private room and figure this thing out without any outside forces influencing you. If you cannot do this, resign, and let us find someone who can. I personally do not care if it is nuclear power or Anwar or raising standards for the auto industry or rationing gas. Protect our environment but try to get us out of this mess and solve this problem. You guys are below President Bush in positive polling.

Do not you get it???

DON, Star.

Dear Sir: My wife and I are retired and had planned to enjoy our retirement years by traveling all over the great state of Idaho and see the attractions we did not have time to see when I was employed. This included taking our boat out on the great lakes and rivers during Idaho's hot summers.

Now with the combination of high property taxes in Boise, and high fuel prices, we are unable to realize our retirement dreams. The property taxes are going to force us out of our home in which we have lived for 15 years and the high fuel prices will force us to stay at home.

We can no longer afford to take vacations to Yellowstone and the other National Parks. We cannot visit my two sons located in San Francisco and Texas. We cannot afford to drive our diesel truck so our boat towing days in McCall are over with.

The do nothing Congress has once again lived up to its name with respect to energy. As you know, the US has huge oil reserves off shore along both coastlines, huge deposits of oil in the the Alaskan arctic, but the useless Congress will not lift a finger to allow for exploration of this oil. This forces us all to be held captive by the Middle East, Mexico, and Venezuela since we are so dependent on their oil. The Democrats in Congress place a higher value on politics and listening to the tree hugger and special interest group minorities than on the wishes of the vast middle class of Americans who want the US to be more self sufficient in oil.

We have vast coal reserves which cannot be used for the same reasons.

I am opposed to the use of nuclear power due to the nuclear waste disposal problem and Congress reluctance to open Yucca Flats.

Please—cannot you do something to allow drilling on our own land to rid us of our dependency on the Middle East?

Yours truly,

ED AND CAROL, Boise.

What's the matter with all the Bozos in Washington? As they sit finely with all of their "not hard-earned" tax dollars paying them for what? They sure have screwed up America. Special interests, etc . . . We have our own energy sources right here, right now. Let's use it. . . . NOW!!! The polar bear is on the brink of extinction? I do not think so, since their population has increased from 5000 to 35000 worldwide in the last 25 years. Why we let the elite enviromentalists erode our backbone in America is beyond me. Stupid politicians have no idea what it means to live paycheck to paycheck. I have no idea how I can afford furnace oil for next winter. There is no way I can pay these prices for furnace oil, let alone gasoline for the cars. It gets damn cold here in the winter and last winter lasted like 9 months. Tell those asses sitting on their asses to get off their asses and open up our country to what we have available right here. . . . Do I sound mad?? No kidding. . . . I am sick of politicians being stupid. Time to stand up and take our country back. Time to weed out the enemy within. Time to do what we should do and be self sufficient as a country.

MAGGIE.

I could not agree with you more that Congress needs to get moving and do something productive about our country's energy plan. Should we increase our own domestic production—absolutely. ANWR, offshore drilling etc should be used immediately. Enough of the environmentalists blocking every attempt to increase our own production. Nuclear power is a no-brainer. We have the proven technology to produce clean efficient fuel. Again, enough of the environmentalists trying to block every move to store the nuclear waste. How many 100's of millions of dollars have already been spent on Yucca Mountain to use it for the safe storage of nuclear waste—let's use it!! Wind and solar are definitely alternatives but being able to produce the quantity of power we need may not be reality. Use them to supplement more reliable sources such as Nuclear.

In summary it is time we take back our own country and for Congress to do something—leading, not political bickering, would be a refreshing idea.

Thank you

DALE, Meridian.

We do not want nuclear!!

Idaho is already a dumping ground. Nuclear is dirty, dirty energy!

Nuclear waste issues must be resolved first.

Stick to wind, solar, clean and renewable energy.

YVETTE.

SENATOR CRAPO, Increased domestic oil production or an expanded nuclear energy research are not the best directions for Idaho or the country. If we are talking about the health of our land and people then we should concentrate our research dollars on technical innovation and alternative energies. Just one outcome of technological innovation, the Toyota Prius, has saved more oil in a few years then we would get in over twenty years of drilling in the Arctic National Wildlife Refuge. Idaho has incredible alternative resources available. With thermal waters less than a mile below surface throughout the state, we would be an excellent choice for leading the nation in geothermal energy. We have desert areas of the state where the sun shines almost 365 days a year, and plains areas where we could harvest wind power.

We do not need lower gas taxes. We need better public transportation. We need leadership that encourages conservation. We need investment in education and research that has the promise of providing a future for our children that is not dependent on nations who do not have our best interests in mind. We have always had independent minds in Idaho. Lets have clean, sustainable energy independence as well.

PATRICIA.

The rate of increase in fossil fuel cost is unprecedented and demonstrates that the current administration and prior congresses have failed the American Citizens and for that matter the world by not properly addressing this issue. The energy crises has been a long time in the making and many good people, much of the scientific community and a rare politician or two (i.e. Al Gore) have been trying to do something.

I recently bought a home and am watching a minimum of $100/week in fuel cost going to the moving. This has been going on for a few months and will do so for a few more. I rarely take trips from my home in the Lenore and Orofino area to Lewiston to shop. It is just too expensive. Plus the cost of everything else is ramping up due to the fuel cost increases. It saddens me that so much profit is being realized by a few. The economic profits are being controlled and directed to those who also control the flow of public resources. This is capitalism at its worst.

Throughout your career, you have demonstrated an indifference to the problem and have associated yourself with those who mischaracterized environmentalists rather than working with them. Your rating by the League of Conservation Voters is a paltry 13% for this year! Now you want to say you are on the same side. Do you really think we can believe or trust you? The biggest part of conservation is reducing demand—not simply looking to pump up more carbon from fragile environments. I think it would be best if you step aside and allow a new generation of thinkers without your baggage and not linked to pollution-generating industries to take the lead.

If you truly want to see all America and the world prosper in the future it will take a commitment on your part, to accept a change in the cultures of people, corporations, and government—away from use-up, me only, and profits as the bottom line, to a sustainable economy within the framework of a sustainable healthy environment. This, obviously, does not detract from a major goal of this nation—the pursuit of happiness. Happiness is a personal issue that is influenced by outside factors. Consumerism has made many people believe that more leads to happiness, but the experience of the last half century should speak for itself. Some of the old values such as free time, time with family and friends, having simple hobbies, pursuing knowledge, etc are all examples of low environmental impact ways to be happy.

I wish you the best in your retirement and commend you on your career. Encourage your grandchildren to follow a new path.

TOM.

As a travel writer and photographer, I am usually on the go much of the time. It used to be nothing to travel a day or two by car to go do a story somewhere for one of the many magazines I write for. But now, due to the high cost of gasoline, I've got to really look at the distances I have to travel because of the high cost of gasoline. There are story opportunities I have to turn down not because of the distance itself, but because of the cost of gasoline to cover that distance.

I am retired, so it is not about making a lot of money. If my travel costs are less than what I'll be paid for the articles and photography, I'll usually go do the story. It has been like I'm always on vacation. But now, the travel costs are becoming so expensive it's becoming harder every day to except assignments that require extensive driving to destinations to do the articles. My happy style of travel and retirement are coming to a fast close because of gas prices.

My dream when I retired in 1998 was to see as much of the United States as possible and be on the road exploring the unique places I never got around to while I was working. I thought I might even do a book like John Steinbeck did. "Travels With Charlie", and illustrate it with my photography from around the United States. Well, that is down the tubes as well.

Whenever I leave the house to go somewhere, I have to make sure that I get three or four things done on the trip so as not to waste gas. It has become a real struggle. I feel sorry for the people that have to drive far every day to go to work, it has got to be knocking them for a loop with the price of gas what it is.

JERRY.

I think we desperately need an energy policy that will utilize our own proven oil and gas reserves. I blame congress in part for the current high energy prices due their continually politicizing the adoption of a workable national energy policy.

MEL, Boise.

I live in Ashton, Idaho, and drive to Idaho Falls to teach at Idaho State University, so the cost of gas matters. Yet, I also welcome the high costs of gasoline if it forces us to an awareness of how destructive burning fossil fuels is and forces us to change. I absolutely oppose more production of fossil fuels, and urge you to take alternative energy sources seriously: wind, solar, and support these with the kind of subsidies you so easily give to agriculture. Above all, it is time to do something about public transportation, especially the restoration of rail services to rural areas, or support for connecting Idaho to Portland/Denver. Give Idaho transportation alternatives, rather than working within the same addiction to automobiles and fossil fuels. My "story" is outrage that government has given so little thought to alternatives.

DARRELL.

DEAR SENATOR CRAPO, I strongly believe our efforts to address these energy costs should be concentrated on getting more use out of clean, renewable energy that is already available. Most of us could go a great deal further in our energy conservation efforts; incentives might help. There is already a great deal available in wind and solar energy, I think that with incentives to utilize them and research money directed at improving them we can start to establish a sustainable energy usage for the long term.

Increasing drilling in the United States will at most give us a few years of additional oil, if that, at the cost of possibly despoiling a beautiful natural zone and damaging critical bird nesting habitat.

Increasing our use of nuclear power when we still have not figured out a safe means of dealing with the waste is similarly irresponsible over the long term.

I too have felt the high energy prices, but I do not think they should be used as an excuse to increase our efforts in a failed direction that is causing severe damage to the global environment. It is time that we stop and consider how we can move our energy policy in a different direction for our long-term health.

ARIA, Moscow.

I am a substitute teacher for School District #331 in Minidoka County. I have been subbing for 13 years and, until this last year, I worked mostly full days but the occasional half day for teachers who, for various reasons, didn't need to be gone all day. I will no longer go in for half days because it is not economically feasible. We, as subs, are not paid well anyway, and to only get half pay, with gas prices like they are, is not possible anymore. I substitute at the secondary level and there are two schools in Rupert that I work at regularly, Minico High School is about ten minutes away and West Minico Middle School is 20 minutes away. I do not go to Minico or West much any more because of high gas prices. I think we really need to "drill here, drill now" because something has got to give. Our wages are not going up! Thank you for caring. . . .

PATTY, Rupert.

We continue to build our economy on oil yet we can not produce enough oil in this country for energy independence. It wouldn't matter if we could, because we are capitalist. We would just sell the oil on the global market.

We need to look at our current natural resource and use them to our advantage. Brazil switched to sugarcane ethanol, but corn is not the answer to the United States. Our natural resource is coal and natural gas. We should concentrate on making coal cleaner and switch our economy to electricity powered by coal, hydro, nuclear, and wind (most likely in that order). That is energy independence. Quit fighting for something that doesn't exist.

BRENT, Boise.

ADDITIONAL STATEMENTS

TRIBUTE TO JOSEPHINE LONG

• Mr. DODD. Madam President, today I honor the career of Josephine Long, a wonderful woman and extraordinary teacher. Ms. Long has worked in the District of Columbia Public School System for 33 years, touching the lives of hundreds of children. Ms. Long was born in Raleigh, NC, and moved to Washington, DC, as a child. She has lived here ever since, raising two daughters and two sons. Ms. Long received certification in early childhood education from both Gallaudet University and Prince George's Community College. Since then, Ms. Long has had a positive impact in many classrooms, working for the majority of her career with special needs children and for the past 2 years at the School-Within-School at Peabody, a DC public school.

Colleagues have long admired Ms. Long for her optimistic attitude and the special concern and attention she gave to her students with special health concerns. Perhaps Ms. Long's most impressive strength as a teacher was the respect she showed her students; she spoke to them and treated them with maturity, sharing her life experiences, recounting daily encounters, and listening intently when they shared their thoughts as well. Ms. Long made her students laugh and was always generous; every day, she shared her lunch cookies among 22 different students.

As both a father and the chair of the Senate Subcommittee on Children and Families, I know very well the importance of a quality education. While many factors contribute to the success of our schools, perhaps none can make more of a difference than a teacher with the ability to connect with her students. Ms. Long did just that for more than 30 years, and I commend her for her dedication to the District of Columbia Public School System. On behalf of all the students she has touched over her many years of teaching, I thank her for her unwavering commitment to the education of her students. I congratulate Josephine on her retirement and wish her only the best in the years to come.•

TRIBUTE TO DANIEL SAFSEL

• Mr. KERRY. Madam President, I would like to congratulate and honor Daniel Safsel, a passionate fourth grader who raised the level of environmental awareness at his elementary school. Daniel urged his school newspaper, the Siwanoy Express, to stop printing and distributing copies of its newsletter and to send it via email instead. As a result of his efforts, the newspaper recently launched their first trial run of the "green" express. Daniel should be extremely proud that he was able to make a valuable contribution toward creating a greener future.

Even though we are faced with a worldwide environmental crisis, Daniel's actions show that young Americans can do their part in ensuring that we live in a safer and cleaner environment. Students like Daniel inspire and remind us all of the power of making our voices heard.

I heartily applaud Daniel Safsel for his initiative in seeking to make his community greener. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect.•

TRIBUTE TO LIEUTENANT COLONEL EDWARD M. FORTUNATO

• Mr. LIEBERMAN. Madam President, I wish to publicly commend and congratulate LTC Edward M. Fortunato, U.S. Army, upon his retirement after 20 years of military service. I have come to know and respect Lieutenant Colonel Fortunato over the past 3 years, during which time he served as the congressional liaison for all Army aviation programs. In this capacity, Lieutenant Colonel Fortunato was instrumental in improving the understanding of Senators and staff concerning a myriad of Army aviation issues, in particular the reinvestment of Comanche helicopter funding to restructure Army aviation for the 21st century, the wars in Iraq and Afghanistan, and Army transformation. He was instrumental in the successful authorization and appropriation of the light utility helicopter, armed-reconnaissance helicopter, joint cargo aircraft, Chinook multiyear, Apache, Black Hawk multiyear and numerous unmanned aerial vehicle and aviation R&D projects.

Lieutenant Colonel Fortunato escorted numerous congressional delegations to over 20 countries, including 3 to Iraq and Afghanistan. I myself was privileged to have him as an escort at my specific request for my own visits abroad and in larger delegations. He worked tirelessly to ensure my visits were coordinated with all the relevant agencies, military leaders, heads of state and government officials so I could focus on the issues that were critical to my service as the chairman of the Senate Armed Services Air Land Subcommittee. I am extremely grateful for the support, friendship and perspective Ed provided me and my staff.

Lieutenant Colonel Fortunato's congressional assignment was the capstone to an outstanding career of service to our Nation. He served as an aviation officer in numerous command and staff positions. His operational assignments began in the famous 101st Airborne Division, AASLT, during Operations Desert Shield/Desert Storm with further assignments as part of JTF-Bravo in Honduras, 2nd Infantry Division in Korea and the 25th Infantry Division, L, in Hawaii. Lieutenant Colonel Fortunato then served in a number of program and acquisition positions to include program manager for the Army Special Operations Aviation Regiment MH-60 Black Hawk fleet and various high level assignments within the Army Secretariat.

Lieutenant Colonel Fortunato holds an MBA from George Washington University and a bachelor's of science in business and marketing from George Mason University. His military awards include the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Air Medal, Parachutist Badge, Pathfinder Badge, Air Assault Badge, the Army Aviation Association's Order of St. Michael, and he is a Senior Army Aviator with over 1,100 hours.

Son of a soldier, Lieutenant Colonel Fortunato is married to the former Monique Childress of Roanoke, VA. They have two children, Isabella, 13, and Edward, 11. I congratulate them on their husband and father's retirement from the Army. The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier, and I thank Monique, Isabella and Ed for their service.

The Army, the Senate, and the Nation are fortunate to have had the service of such a great officer as LTC Ed Fortunato. I wish him Godspeed.•

TRIBUTE TO DR. AMAR BOSE

• Mr. KERRY. Madam President, in May, Dr. Amar Bose was inducted in the National Inventors Hall of Fame. I would like to take this opportunity to recognize his outstanding accomplishments that have helped change our society and improve the way we live every day.

A pioneer in modern acoustics, Dr. Bose is founder, chairman and technical director of the internationally-recognized audio company that bears his name, Bose Corporation.

Raised just outside Philadelphia, Dr. Bose began his career at the age of 13, repairing radios in his basement during WWII.

His passion for technology continued at MIT, where he earned bachelor, masters and doctoral degrees in electrical engineering. In 1956, Dr. Bose was asked to join the faculty at MIT, where he taught for 45 years.

His research at MIT led to the development of new, patented technologies. With those patents, he founded Bose Corporation in Massachusetts in 1964. He has achieved worldwide acclaim with the introduction of groundbreaking products, including the 901® Direct/Reflecting speaker system, customized sound systems for automobiles, and active noise-reducing headphones. Under his leadership, 100 percent of profits are reinvested back into the company, enabling research and advancements in non-audio areas.

In 2004, after 25 years of research, he introduced a revolutionary suspension system that combines superior comfort and control in the same vehicle.

Dr. Bose has done extensive work for the Armed Forces and NASA. He was named Inventor of the Year in 1987, by the Intellectual Property Owners Association and holds numerous patents in the fields of acoustics, electronics, nonlinear systems, and communication theory.

He is a member of the Audio Hall of Fame, the recipient of a Distinguished Service Citation from the Automotive Hall of Fame, and has been inducted in the Consumer Electronics Hall of Fame. He is an elected member of the National Academy of Engineering and of the American Academy of Arts and Sciences.

Congratulations Dr. Bose on being inducted into the National Inventors Hall of Fame and for your outstanding work at the Bose Corporation.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on June 23, 2008, during the adjournment of the Senate, received a message from the House of Representative, delivered by Ms. Niland, one of its reading clerks, announcing that the Speaker had signed the following enrolled bills:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

MESSAGE FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 841 (b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and the order of the House of January 4, 2007, the Speaker and the Majority Leader of the Senate jointly appoint to the Commission on Wartime Contracting: Mr. Michael J. Thibault of Reston, Virginia, cochairman. Further, pursuant to the aforesaid authority, the Speaker appoints the following member on the part of the House of Representatives to the Commission on Wartime Contracting: Mr. Clark Kent Ervin of Washington, DC.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6703. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General William R. Looney III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6704. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Robert Magnus, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6705. A communication from the Principal Deputy, Office of the Assistant Secretary (Research, Development and Acquisition), Department of the Navy, transmitting, pursuant to law, notification that the Navy proposes to donate the submarine ex-DOLPHIN (AGSS 555) to the Maritime Museum of San Diego; to the Committee on Armed Services.

EC–6706. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the report of two modifications made in 2008 to the auction process; to the Committee on Banking, Housing, and Urban Affairs.

EC–6707. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report on the auctions held by the Department during the period of January 1, 2007, through December 31, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6708. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Affiliate Marketing Rule" (RIN3084–AA94) received on June 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6709. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions and Implementation Under the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003: Final Rule and Statement of Basis and Purpose" (RIN3084–AA96) received on June 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Wages" (Revenue Ruling 2008–29) received on June 19, 2008; to the Committee on Finance.

EC–6711. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of User Fee Airports: Additions of Capital City Airport, Lansing, Michigan and Kelly Field Annex, San Antonio, Texas" (CBP Dec. 08–23) received on June 19, 2008; to the Committee on Finance.

EC–6712. A communication from the President, National Center for Policy Analysis, transmitting its 2008 First Quarter Report; to the Committee on Finance.

EC–6713. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on Heavy Mobility Tactical Wheeled Vehicles; to the Committee on Foreign Relations.

EC–6714. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on M977 Heavy Expanded Mobility Tactical Truck; to the Committee on Foreign Relations.

EC–6715. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires primarily used on military heavy trucks, and for other purposes; to the Committee on Foreign Relations.

EC–6716. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Presidential Library Facilities" (RIN3095–AB16) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6717. A communication from the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Restrictions" (RIN3209–AA14) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 802. To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI (Rept. No. 110–394).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes (Rept. No. 110–395).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–396).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–397).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2766. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel (Rept. No. 110–398).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Ms. LANDRIEU):

S. 3176. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. HAGEL, Mr. SMITH, and Mr. DURBIN)):

S. 3177. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Relations.

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3179. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. BYRD:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 667

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1103

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1103, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of Medicare coverage of medical nutrition therapy services.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1595

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1595, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1977

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2120

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2120, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2433

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2510

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2652

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2795

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2976

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2976, a bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3168

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3168, a bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes.

S. 3169

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3169, a bill to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund.

S.J. RES. 41

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered

Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 594

At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 594, a resolution designating September 2008 as "Tay-Sachs Awareness Month".

AMENDMENT NO. 5013

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 5013 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the names of the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5022

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. SNOWE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 5022 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to introduce bill that would give our veterans, surviving spouses, and certain dependent children he option to buy dental insurance coverage through the Department of Veterans Affairs. My bill is based on a very successful program that has been in place since 1998 for military retirees and their families.

Under the TRICARE Retiree Dental Program, TRDP, military retirees are given the option to purchase dental coverage under a contract managed by the Department of Defense. Since the program started, over one million eligible participants have chosen to buy dental coverage through this plan, including over 56,000 in my home state of North Carolina. Those individuals have access to a network of about 112,000 dental plan providers across the nation. Premiums range from $14 to $48 per month per person, depending on the region and type of dental plan selected. With this kind of success, it seems only fitting that we offer the same kind of benefit to our veterans.

VA runs the largest integrated health care system in the nation. Although VA provides dental benefits to the 7.9 million veterans enrolled in the health care system, these benefits are either limited to a select group of people or can only be provided under very limited circumstances. For example, VA provides comprehensive dental care to veterans for 180 days after they leave service; who have service-related dental conditions; who are in nursing homes and require dental care; or who fall under other very strict guidelines.

My bill would supplement this limited coverage by giving veterans and survivors the option to purchase a more comprehensive dental plan. Of course, many veterans may have dental coverage through their employers or through an individual policy. My bill extends this dental plan option to all enrolled veterans.

As I mentioned, the bill is modeled after the successful program that is now offered to TRICARE retirees. Federal employees also have access to a similar benefit option for dental coverage. Like these other programs, this VA program would be entirely voluntary, be financed through premiums and, most importantly, provide needed coverage from a network of dental professionals in local communities.

This bill would not replace VA's dental services; it is just another option for those who want to have access to group insurance rates that they could not otherwise get on their own. This idea is like the 44 year relationship VA has with Prudential, who provides active duty servicemembers and veterans with group life insurance policies. The most important part of the relationship is that servicemembers and veterans are well-served and get to reap the benefits of group rates and competition.

This is a good example of how we can build on innovative and successful approaches to improving options for our veterans. I believe my bill is another step in that direction, and I ask my colleagues for their support.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2008" and inserting "July 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5025. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5026. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5027. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5028. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5029. Mr. NELSON, of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving

the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION ___—COMMERCIAL TRUCK FUEL SAVINGS

SEC. ___01. SHORT TITLE.

This division may be cited as the "Commercial Truck Fuel Savings Demonstration Act of 2008".

SEC. ___02. FINDINGS.

Congress finds that—

(1) diesel fuel prices have increased more than 50 percent during the 1-year period between May 2007 and May 2008;

(2) laws governing Federal highway funding effectively impose a limit of 80,000 pounds on the weight of vehicles permitted to use highways on the Interstate System;

(3) the administration of that provision in many States has forced heavy tractor-trailer and tractor-semitrailer combination vehicles traveling in those States to divert onto small State and local roads on which higher vehicle weight limits apply under State law;

(4) the diversion of those vehicles onto those roads increases fuel costs because of increased idling time and total travel time along those roads; and

(5) permitting heavy commercial vehicles, including tanker trucks carrying hazardous material and fuel oil, to travel on Interstate System highways when fuel prices are high would provide significant savings in the transportation of goods throughout the United States.

SEC. ___03. DEFINITIONS.

In this division:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of Transportation of a State.

(2) COVERED INTERSTATE SYSTEM HIGHWAY.—

(A) IN GENERAL.—The term "covered Interstate System highway" means a highway designated as a route on the Interstate System.

(B) EXCLUSION.—The term "covered Interstate System highway" does not include any portion of a highway that, as of the date of the enactment of this Act, is exempt from the requirements of subsection (a) of section 127 of title 23, United States Code, pursuant to a waiver under that subsection.

(3) INTERSTATE SYSTEM.—The term "Interstate System" has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. ___04. WAIVER OF HIGHWAY FUNDING REDUCTION RELATING TO WEIGHT OF VEHICLES USING INTERSTATE SYSTEM HIGHWAYS.

(a) PROHIBITION RELATING TO CERTAIN VEHICLES.—Notwithstanding section 127(a) of title 23, United States Code, the total amount of funds apportioned to a State under section 104(b)(1) of that title for any period may not be reduced under section 127(a) of that title if a State permits a vehicle described in subsection (b) to use a covered Interstate System highway in the State in accordance with the conditions described in subsection (c).

(b) COMBINATION VEHICLES IN EXCESS OF 80,000 POUNDS.—A vehicle described in this subsection is a vehicle having a weight in excess of 80,000 pounds that—

(1) consists of a 3-axle tractor unit hauling a single trailer or semitrailer; and

(2) does not exceed any vehicle weight limitation that is applicable under the laws of a State to the operation of the vehicle on highways in the State that are not part of the Interstate System, as those laws are in effect on the date of enactment of this Act.

(c) CONDITIONS.—This section shall apply at any time at which the weighted average price of retail number 2 diesel in the United States is $3.50 or more per gallon.

(d) EFFECTIVE DATE AND TERMINATION.—This section shall not remain in effect—

(1) after the date that is 2 years after the date of enactment of this Act; or

(2) before the end of that 2-year period, after any date on which the Secretary of Transportation—

(A) determines that—

(i) operation of vehicles described in subsection (b) on covered Interstate System highways has adversely affected safety on the overall highway network; or

(ii) a Commissioner has failed faithfully to use the highway safety committee as described in section ___06(2)(A) or to collect the data described in section ___06(3); and

(B) publishes the determination, together with the date of termination of this section, in the Federal Register.

(e) CONSULTATION REGARDING TERMINATION FOR SAFETY.—In making a determination under subsection (d)(2)(A)(i), the Secretary of Transportation shall consult with the highway safety committee established by a Commissioner in accordance with section ___06.

SEC. ___05. GAO TRUCK SAFETY DEMONSTRATION REPORT.

The Comptroller General of the United States shall carry out a study of the effects of participation in the program under section ___04 on the safety of the overall highway network in States participating in that program.

SEC. ___06. RESPONSIBILITIES OF STATES.

For the purpose of section ___04, a State shall be considered to meet the conditions under this section if the Commissioner of the State—

(1) submits to the Secretary of Transportation a plan for use in meeting the conditions described in paragraphs (2) and (3);

(2) establishes and chairs a highway safety committee that—

(A) the Commissioner uses to review the data collected pursuant to paragraph (3); and

(B) consists of representatives of—

(i) agencies of the State that have responsibilities relating to highway safety;

(ii) municipalities of the State;

(iii) organizations that have evaluation or promotion of highway safety among the principal purposes of the organizations; and

(iv) the commercial trucking industry; and

(3) collects data on the net effects that the operation of vehicles described in section ___04(b) on covered Interstate System highways have on the safety of the overall highway network, including the net effects on single-vehicle and multiple-vehicle collision rates for those vehicles.

SA 5025. **Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table as follows:**

On page 175, between lines 2 and 3, insert the following:

SEC. 1132A. GRANTS FOR FINANCIAL LITERACY EDUCATION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means the Secretary of Education.

(b) GRANTS TO PROMOTE ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term "eligible entity" means—

(i) a State educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a State partnership consisting of—

(I) a State educational agency; and

(II) a nonprofit organization with experience and a proven quality track record in financial literacy or personal finance education programs.

(B) ELIGIBLE LOCAL ENTITY.—In this subsection, the term "eligible local entity" means—

(i) a local educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a local partnership consisting of—

(I) a local educational agency; and

(II) not less than 1 of the following:

(aa) A nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(bb) An educational service agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301).

(cc) A recipient of an Excellence in Economic Education grant under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267 et seq.).

(dd) An institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(ee) A community organization.

(ff) A representative of local business.

(2) AUTHORIZATION.—The Secretary shall award grants to eligible entities to enable such entities—

(A) to award subgrants to local entities to provide financial literacy education; and

(B) to carry out activities designed to promote financial literacy education.

(3) APPLICATION.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) FORMULA.—From the total amount appropriated for this subsection under subsection (d) for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same relation to such total amount as the amount such State

received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such fiscal year bears to the total amount received by all States under such part for such fiscal year.

(5) USE OF FUNDS.—

(A) SUBGRANTS TO ELIGIBLE LOCAL ENTITIES.—

(i) AUTHORIZATION OF SUBGRANTS.—An eligible entity that receives a grant under this subsection shall use 75 percent of such grant funds to award subgrants to eligible local entities.

(ii) APPLICATIONS.—

(I) IN GENERAL.—An eligible local entity that desires to receive a subgrant under this subparagraph shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

(II) REVIEW OF APPLICATIONS.—The eligible entity shall review applications submitted under subclause (I) in the same manner as applications are reviewed under section 5534(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267c(b)).

(iii) USE OF FUNDS.—An eligible local entity that receives a subgrant under this subparagraph—

(I) shall use the subgrant funds to—

(aa) implement teacher training programs to embed financial literacy and personal finance education into core academic subjects;

(bb) administer financial literacy assessments on not less than an annual basis in, at a minimum, the grade levels selected by the State pursuant to subparagraph (B)(i); and

(cc) implement financial literacy activities and sequences of study within core academic subjects; and

(II) may use the subgrant funds to implement school-based activities, including after-school activities, to enhance student understanding and experiential learning with consumer, economic, and personal finance concepts.

(iv) REPORT.—An eligible local entity that receives a subgrant under this subparagraph shall include in the annual report card under section 1111(h)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)) the same information on student achievement on the financial literacy assessments, administered pursuant to subparagraph (B)(ii), as required, pursuant to such section 1111(h)(2), of the other State academic assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(B) STATE ACTIVITIES.—An eligible entity that receives a grant under this subsection shall use 25 percent of such grant funds to carry out the following:

(i) The development of financial literacy standards in not less than 3 grade levels, including not less than 1 grade level in elementary school, not less than 1 grade level in middle school, and not less than 1 grade level in high school.

(ii) The development of appropriate financial literacy assessments in the grade levels determined under clause (i) that are valid, reliable, and comparable across the State.

(iii) Teacher professional development programs to embed financial literacy or personal finance education into core academic subjects.

(iv) An evaluation of the impact of financial literacy or personal finance education on students' understanding of financial literacy concepts.

(6) MATCHING FUNDS.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount equal to 25 percent of the amount of the grant award to carry out activities required under this section.

(c) GRANTS TO PROMOTE POSTSECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.—

(1) AUTHORIZATION OF GRANT AWARDS.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to provide financial literacy courses or course components to students.

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means—

(A) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a partnership consisting of—

(i) an institution of higher education; and

(ii) a nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(3) APPLICATION.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds to develop and implement financial literacy education, activities, student organizations, or counseling that increase student knowledge in consumer, economic, and personal financial concepts.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION GRANTS.—There is authorized to be appropriated to carry out subsection (b) $75,000,000 for each of the fiscal years 2009 through 2014.

(2) POSTSECONDARY FINANCIAL LITERACY EDUCATION GRANTS.—There is authorized to be appropriated to carry out subsection (c) $75,000,000 for each of the fiscal years 2009 through 2014.

SA 5026. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—FEDERAL BOARD OF CERTIFICATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Restore Confidence in Mortgage Securities Act of 2008".

SEC. 802. PURPOSE.

It is the purpose of this title to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 803. DEFINITIONS.

As used in this title—

(1) the term "Board" means the Federal Board of Certification established under this title;

(2) the term "mortgage security" means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term "Federal financial institutions regulatory agency" has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 804. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 805. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 806. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 807. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 808. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this title shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 809. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this title, in carrying out its functions under this title, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this title.

SEC. 810. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this title, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 811. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 812. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: "Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.".

SA 5027. Mr. VITTER submitted an amendment intended to proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 428, line 17, before "The Federal" insert "(a) IN GENERAL.—"

On page 428, after line 24, insert the following:

(b) EXCESS FEES.—To the extent that any fees charged and collected under subsection (a) exceed the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, such excess fees shall deposited in the Deficit Reduction Fund established under subsection (c) to be used only to make payments to reduce the deficit.

(c) DEFICIT REDUCTION FUND.—There is established in the general fund of the Treasury a fund to be known as the "Deficit Reduction Fund".

(d) REPORT.—The Comptroller General shall, on an annual basis, conduct a study and submit a report to Congress on—

(1) the actual cost of maintaining information on the Nationwide Mortgage Licensing System and Registry; and

(2) if the fees charged under subsection (a) are excessive.

SA 5028. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 410, strike line 22 and all that follows through page 423, line 5, and insert the following:

(7) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of a—

(i) loan originator and is an employee of—

(I) a depository institution;

(II) a subsidiary that is—

(aa) owned and controlled by a depository institution; and

(bb) regulated by a Federal banking agency; or

(III) an institution regulated by the Farm Credit Administration; or

(ii) loan originator and is an exclusive agent who shall have entered into a written agreement with only one national bank or one Federal savings association, and is subject to regulation and examination by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, as applicable, pursuant to a program providing for the use of such exclusive agents which has been approved by such agency, respectively; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(10) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator other than a "registered loan originator"; and

(B) is licensed by a State or by the Secretary under section 1508 and is registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term "unique identifier" means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 1504. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) INDEPENDENT CONTRACTORS.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, as required by the State pursuant to section 1508(d)(6).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for

registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, or exclusive agents of a national bank or Federal savings association as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm Credit Administration shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's or exclusive agent's identity, including—

SA 5029. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 588, between lines 14 and 15, insert the following:

SEC. ___. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, in the case of an individual who is an eligible taxpayer, the aggregate amount of distributions received by the individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) $25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) ELIGIBLE TAXPAYER.—The term "eligible taxpayer" means, with respect to any taxable year, a taxpayer—

(A) with adjusted gross income for the taxable year not in excess of $55,000 ($110,000 in the case of a joint return under section 6013), and

(B) who provides certification to the Secretary of participation in the Hope for Homeowners Program established under section 1402 of the Housing and Economic Recovery Act of 2008 or any other government or mortgage industry-sponsored foreclosure prevention plan during such taxable year.

(3) TREATMENT OF PLAN DISTRIBUTIONS.—

(A) IN GENERAL.—If a distribution to an individual would (without regard to paragraph (1) or (2)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(B) CONTROLLED GROUP.—For purposes of subparagraph (A), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 2-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term "qualified foreclosure recovery distribution" means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term "qualifying mortgage expenditures" means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term "applicable mortgage" means a mortgage which—

(i) was entered into after December 31, 2002, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of 1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 2-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 2-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. ___. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking "goods" and inserting "property".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. ___. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

"§ 323. Investment of operating cash

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, July 9, 2008, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2443 and H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; S. 2898 and H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada; S. 3088, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 26, at 9:30 a.m. room 562 of the Dirksen Senate Office Building to conduct an oversight hearing on Access to Contract Health Services in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Examining Solutions to Cope with the Rise in Home Heating Oil Prices," on Wednesday, June 25, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

HIGHER EDUCATION ACT OF 1965 EXTENSION

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 3180 that was introduced today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3180) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2008" and inserting "July 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

RECOGNIZING SOIL AS AN ESSENTIAL NATURAL RESOURCE

Mr. REID. Madam President, I ask unanimous consent the agriculture committee be discharged from further consideration of S. Res. 440 and the Senate proceed to it now.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 440) recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 440

Whereas soil, plant, animal, and human health are intricately linked and the sustainable use of soil affects climate, water and air quality, human health, biodiversity, food safety, and agricultural production;

Whereas soil is a dynamic system which performs many functions and services vital to human activities and ecosystems;

Whereas, despite soil's importance to human health, the environment, nutrition and food, feed, fiber, and fuel production, there is little public awareness of the importance of soil protection;

Whereas the degradation of soil can be rapid, while the formation and regeneration processes can be very slow;

Whereas protection of United States soil based on the principles of preservation and enhancement of soil functions, prevention of soil degradation, mitigation of detrimental use, and restoration of degraded soils is essential to the long-term prosperity of the United States;

Whereas legislation in the areas of organic, industrial, chemical, biological, and medical waste pollution prevention and control should consider soil protection provisions;

Whereas legislation on climate change, water quality, agriculture, and rural development should offer a coherent and effective legislative framework for common principles and objectives that are aimed at protection and sustainable use of soils in the United States;

Whereas soil contamination coupled with poor or inappropriate soil management practices continues to leave contaminated sites unremediated; and

Whereas soil can be managed in a sustainable manner, which preserves its capacity to deliver ecological, economic, and social benefits, while maintaining its value for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes it as necessary to improve knowledge, exchange information, and develop and implement best practices for soil management, soil restoration, carbon sequestration, and long-term use of the Nation's soil resources;

(2) recognizes the important role of soil scientists and soils professionals, who are well-equipped with the information and experience needed to address the issues of today and those of tomorrow in managing the Nation's soil resources;

(3) commends soil scientists and soils professionals for their efforts to promote education, outreach, and awareness necessary for generating more public interest in and appreciation for soils; and

(4) acknowledges the promise of soil scientists and soils professionals to continue to enrich the lives of all Americans by improving stewardship of the soil, combating soil degradation, and ensuring the future protection and sustainable use of our air, soil, and water resources.

CONGRATULATING THE BOSTON CELTICS

Mr. REID. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 596.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 596) congratulating the Boston Celtics on winning the 2008 NBA Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 596) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas, on June 17, 2008, the Boston Celtics won the 2008 National Basketball Association Championship (referred to in this preamble as the "2008 Championship") in 6 games over the Los Angeles Lakers;

Whereas the 2008 Championship was the 17th world championship won by the Celtics, the most in the history of the National Basketball Association (referred to in this preamble as the "NBA");

Whereas the 2008 Championship marked the culmination of the greatest single season turnaround in the history of the NBA, as the Celtics improved from a record of 24–58 during the 2007–2008 season to a league-best 66–16 mark during the 2007–2008 campaign;

Whereas the 2008 Celtics NBA Championship team, like all great Celtics champions of the past, epitomized team work, selflessness, character, effort, camaraderie, toughness, and determination;

Whereas the 2008 Celtics honored the rich legacy of their franchise, which was—

(1) established by a legion of all-time greats, including Bill Russell, Larry Bird, John Havlicek, Bob Cousy, Tom Heinsohn, K.C. Jones, Sam Jones, Jo Jo White, Dave Cowens, Kevin McHale, Robert Parish, Dennis Johnson, and Tom "Satch" Sanders; and

(2) masterminded by one of the legendary coaches of all sports, Arnold "Red" Auerbach;

Whereas Celtics managing partner Wyc Grousbeck and the entire Celtics ownership group never wavered from paying the price to raise "Banner #17" to the Garden rafters;

Whereas the 2008 Celtics were brought together by a former Celtics player, Danny Ainge, whose off-season acquisitions of NBA All-Stars Kevin Garnett and Ray Allen earned him the 2008 NBA Executive of the Year Award;

Whereas the Celtics were led by Doc Rivers, who—

(1) oversaw the smooth integration of new superstars and untested young players into the Celtics lineup; and

(2) assembled, and ensured the execution of, a masterful NBA Finals game plan;

Whereas the Celtics featured a 21st century "Big Three" comprised of Paul Pierce, Kevin Garnett, and Ray Allen, 3 veteran players who worked together and never allowed their personal ambition or pursuit of individual statistics to interfere with the goal of the team to win a championship;

Whereas a group of talented young players contributed pivotal roles in the march of the Celtics to the 2008 Championship, including point guard Rajon Rondo, center Kendrick Perkins, forward Leon Powe, guard Tony Allen, and forward Glen "Big Baby" Davis;

Whereas the valuable bench of the Celtics was stocked with veteran role players who made significant contributions during the season, including forward James Posey, guard Eddie House, guard Sam Cassell, forward P.J. Brown, forward Brian Scalabrine, and center Scott Pollard;

Whereas the 2008 Celtics team demonstrated remarkable poise and gained invaluable playoff experience in defeating the Atlanta Hawks, the Cleveland Cavaliers, and the Detroit Pistons in hard-fought series during which every possession counted at both the offensive and defensive ends of the floor;

Whereas, after 26 playoff games, the Celtics ultimately secured the 17th NBA Championship of the franchise in one of the most dominating performances in NBA history, a 39-point rout of the Lakers in front of a raucous Garden crowd; and

Whereas the Celtics fans in the State of Massachusetts, in New England, and throughout the world never gave up hope that the franchise would someday return to glory and give a new generation of Celtics fans the opportunity to celebrate a championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Celtics for winning the 2008 National Basketball Association Championship, including the players, head coach, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made the season possible; and

(B) the Los Angeles Lakers for their success during the 2008 season and winning the National Basketball Association Western Conference Championship; and

(2) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2008 Boston Celtics team;

(B) Celtics head coach Doc Rivers;

(C) Celtics general manager Danny Ainge; and

(D) Celtics managing partner Wyc Grousbeck.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 24, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, June 24; that following the prayer and pledge, the Journal of proceedings be approved to date and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, with the hour prior to the cloture vote equally divided between the two leaders or their designees. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Tomorrow, around 11 a.m., there will be a vote on cloture on a motion to concur in the House amendment with the Dodd-Shelby substitute.

Senators will have until 10:30 a.m. to file amendments to the substitute. We have a big day tomorrow. We hope to get cloture on this housing bill and wrap it up as quickly as we can.

We expect to complete a number of judges, and we have, before the end of the work period, as I announced this morning, to do something about Medicare, the supplemental appropriations bill, FISA, and hopefully a few other things. But those are the essentials we need to do.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:24 p.m., recessed until Tuesday, June 24, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDGAR E. STANTON III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JAMES R. ANDERSON

HOUSE OF REPRESENTATIVES—*Monday, June 23, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 23, 2008.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

END THE OCS MORATORIUM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker.

A question for all of us: Why would the most powerful economy in the world leave so much of its own energy sources untapped?

Alone among all the countries, the United States has placed a substantial amount of its oil and natural gas potential off limits. Other countries have the potential to drill just off their shores, but United States' firms face strict restrictions on drilling in most offshore areas even as American drivers face sharply higher prices at the gas pump.

Domestic oil and gas production has failed to keep pace with the growing demand both domestically and abroad, but it's not because we're not lacking for domestic energy. Since the 1990s, the Federal Government has placed severe restrictions on new energy development, particularly in some of our most promising areas.

As this graph shows, Congress has placed over 85 percent of our Outer Continental Shelf off limits. Back then, oil and natural gas were cheap, and the need for additional energy was not considered significant. Also, the 1989 *Exxon Valdez* oil tanker spill led to the heightened environmental concerns about offshore energy production.

Environmental concerns took precedence over future economic considerations. Soon, access to 85 percent of federally controlled offshore areas had been restricted, including the Pacific and Atlantic coasts and portions of the area off the shores of Alaska and off the eastern Gulf of Mexico. No one knows how much energy lies in those areas, but many agree there is enough to bring stability to energy markets and to make a real difference in oil and natural gas prices for many years to come.

According to a recent Interior Department study, restricted offshore areas are known to contain—and this is a fact—15 billion barrels of oil and 60 trillion cubic feet of natural gas, but literally, when they go to estimate beyond the hard facts, the estimate goes up to 86 billion barrels of oil and even higher and to 420 trillion cubic feet of natural gas, enough oil to replace all of our imports for the next 27 years at current rates. In fact, it may be even higher given that most of the off-limit areas have not been thoroughly explored.

New technology and what we estimate based upon the 1980s is probably not correct. Our policies need to catch up with our times. Oil and natural gas prices have tripled since the 1990s. Demand continues to increase by a steady 1.5 percent per year. Imports have increased. Political stability in oil-producing nations has decreased. Domestic production has flattened, all while our ability to extract resources without environmental damage has increased dramatically.

With all of this energy out there, with demands at all-time highs and with prices remaining high, what has taken so long?

The biggest problem has been environmental, concerns, being worried about a spill. What would it do to the tourist industry, for example, in the gulf coast areas? The National Academy of Sciences says, "Improved production technology and safety training of personnel have dramatically reduced both blowouts and daily operational spills."

The danger of such spills has been greatly reduced. Of the more than 7 billion barrels of oil pumped offshore in the past 25 years, 0.001 percent—that is one thousandth of 1 percent—has been spilled. In fact, even during Katrina and Rita, during winds that reached 170 miles per hour and during lashing waves that took out a quarter of America's domestic energy production, no significant spills were reported. Furthermore, Cuba wants to let the Chinese drill in some of the very parts of the gulf that American producers are forbidden to touch, some as close as 45 miles off the Florida coast.

Do we truly believe the environmental safeguards of Chinese energy firms are better than ours?

It's time we stop assuming that all energy exploration is bad. Most takes place too far from the coast to be seen, and we haven't even had a spill from offshore drilling in over 40 years, neither has Canada, which permits drilling off its Atlantic and Pacific coasts and in the Great Lakes where some rigs are closer to U.S. shores than American producers are permitted to drill.

Madam Speaker, America's energy problems are partially self-imposed, and that needs to end. Congress overreacted in the 1990s, and it needs to undo that damage. Our need for affordable energy will not decrease, and the time has come to lift the restrictions on offshore energy production and to let U.S. producers do what they can do to meet our growing energy demands. It's time for this Congress to get serious about bridging the growing gap between supply and demand. Opening the Outer Continental Shelf to environmentally sound exploration could be just the way to do it.

GAS PRICES AND ENERGY SUPPLY IN THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, here it is, Monday, at 12:33 p.m. We find the House back in order for another week. What will we be doing this week?

Well, Madam Speaker, we're going to pass a bill that recognizes the achievements of America's high school valedictorians of the class of 2008. We're going to pass a bill honoring the life and musical accomplishments and contributions of Louis Jordan on the 100th anniversary of his birth. We're going to pass a bill that recognizes Pittsfield, Massachusetts as being the home of the earliest known reference to the word "baseball" in the United States. We're going to pass a bill supporting the goals and ideals of Black Music Month and to honor the outstanding contributions of African American singers. We're going to pass a bill expressing the sense of Congress that schools in the United States should honor the contributions of individuals from the territories of the United States. We're going to pass a bill naming a veterans' outpatient clinic in Wenatchee, Washington. We're going to pass a bill naming a veterans' center in Tampa, Florida. We're going to pass a bill recognizing National Homeownership Month and the importance of homeownership in the United States. We're going to pass a bill expressing support for the designation of September 2008 as the Gospel Music Heritage Month. We're going to pass a bill naming a post office in Indianola, Mississippi. We're going to pass a bill honoring the life of Robert Mondavi.

Madam Speaker, all of those are important things, and they would be fine for us to do if we were dealing with the number one issue of Americans across this Nation, and that is the issue of gas prices and energy supply in the United States.

Last week, the Speaker told us that we would be dealing with the issue this week, possibly, although it's not on the list—but possibly—and there may be four bills that they'll bring forward, that the majority party will bring forward. One is to increase regulation. That ought to do a lot to increase supply. One is to require that oil companies holding Federal leases use them or lose them. That will not do much to increase supply because it's already the law of the land. We're going to pass a bill to pay transit fares—bus tickets—for folks. It's not a bad idea, maybe, but what will that do for supply? We're going to pass an antiprice-gouging measure that the House has already passed on a number of occasions. That's not doing a thing for supply.

Facts are troubling things, and the fact right now is that this House of Representatives is doing nothing, nothing to increase the supply of gasoline for the United States, nothing to increase American energy for Americans. Consequently, what we see are record gas prices continuing—$4.08 over the weekend, $4.10, I understand, today. There are a couple of other interesting facts, Madam Speaker.

The United States has expanded its dependence on foreign members of OPEC by a full 7 percent in 2007 alone.

Another fact, Madam Speaker, is that the United States is the only developed nation in the world that forbids safe energy production on its Outer Continental Shelf, deep sea exploration. The only nation in the world.

Another fact, Madam Speaker, is that the U.S. Minerals Management Service estimates that America's Outer Continental Shelf contains nearly 86 billion barrels of oil, enough oil to replace OPEC imports for 50 years.

Another fact, Madam Speaker, is that, when bills to increase the supply of gas for Americans and American energy for Americans have come to the floor of this House, 81 percent of the time, Republicans have supported those bills; 83 percent of the time, Democrats have opposed those bills.

So the law of supply and demand is clear. If you increase supply, you decrease the cost, and you decrease the price at the pump. So, yes, we need to conserve. Yes, we need to make certain that we find alternative fuel sources for the future, but right now, in the short term, in the near term, it's incumbent upon this House to make certain that we increase supply.

American energy for Americans.

There are easy ways to do that. What we demand is that the House be allowed to vote.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Hope for the future, Lord God, is very much a part of the American character. Bless this society which places such a high value on personal freedom. Help all Americans to see that freedom is not only a treasured gift but a summons to personal responsibility.

May the Members of Congress set an example for the rest of the Nation by working diligently this week to address responsibly the country's problems and seek the common good of the people.

In whatever they do or say, may they give You glory and honor both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

The message also announced that pursuant to Public Law 110–181, and in consultation with the Chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations, the Chair, on behalf of the Vice President, appoints the following individuals to be members of the Commission on Wartime Contracting in Iraq and Afghanistan:

Linda J. Gustitus of the District of Columbia.

Charles Tiefer of Maryland.

AMERICANS SPEAK UP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Americans are speaking up about rising gas prices.

The polls show that well over 60 to 70 percent of Americans support exploration of American oil and natural gas reserves, and we are seeing a vocal outpouring of disappointment in Washington's refusal to take action.

For example, former Speaker of the House Newt Gingrich has put a petition on his Web site asking Americans to send a message to Washington that we need to "Drill Here, Drill Now, and Pay Less." As of today, the petition has over 1.1 million signatures. Surely this is only a snapshot of the millions more in America who are feeling the pinch from rising energy prices. That is the bad news.

The good news is that House Republicans have a plan to reduce our dependence on foreign oil, invest in a future of renewable, cleaner energy resources, and ask the American people to participate through conservation. We have a plan, and the American people have the will to put that plan into action if House Democrats stop standing in the way.

In conclusion, God bless our troops, and we will never forget September the 11th.

OFFSHORE ENERGY EXPLORATION IS LONG OVERDUE

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Madam Speaker, the American people recognize that expanding our offshore energy exploration is long overdue. Unfortunately, my Democratic colleagues have failed to reach this obvious conclusion, so let me offer them some help.

This is our country. This is our country's Outer Continental Shelf. There is oil and natural gas in the Outer Continental Shelf that belongs to us, the American people. As offshore oil production increases, our domestic oil supply increases. As oil supplies increase, prices will decline. Let me repeat that for my Democratic colleagues.

This is our country. This is our country's Outer Continental Shelf. There is oil and natural gas in the Outer Continental Shelf that belongs to us, the American people. As offshore oil production increases, our domestic oil supply increases. As supplies increase, prices will decline.

Hopefully, for the sake of the Americans that are suffering at the gas pump, our Democratic colleagues can learn what everybody else in the world has known all along: If you have energy resources, use them.

CONGRATULATING THE TOWN OF JONESVILLE ON ITS NEW TOWN HALL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, today I want to congratulate the people of Jonesville, North Carolina on the completion of their new town hall. Jonesville's new town hall will serve both as a government center and the hub for the town's tourism outreach efforts.

While I was unable to attend the grand opening event this past Friday due to Congress being in session, congratulations are in order for everyone in Jonesville who helped make this important project a success. I want to praise Mayor Lindbergh Swain for his leadership and also the people at USDA Rural Development for their help in securing critical financing for the new town hall.

This town hall, which replaces the town's more than half century old town hall, promises not only to give the town a new government seat but also to bolster the local tourist economy. Tourism is a growing segment of the local economy in Yadkin and surrounding counties, and this new facility is a wise investment in drawing new tourist dollars to Jonesville. I applaud Jonesville for its forward thinking mindset, and hope to visit the new town hall in the coming weeks.

ENERGY INDEPENDENCE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, soon we will be breaking for the July 4 district work period. July 4, Independence Day. But what are we doing about making us, the American people, independent of foreign oil and foreign energy? If you look at the record in this House, absolutely nothing.

The first response we had from the majority was denial. They say this supply will do nothing. Well, of course it will do nothing unless you explore it and produce it.

Then they say energy will be produced by lawsuit. We have got a bill coming out of the Judiciary Committee. Sue, sue, sue, and somehow that is going to give you more energy.

The American people are smart. They understand that if we have a precious resource granted to us, we ought to use it.

Independence Day, July 4. Why can't we bring at least one bill to the floor that would begin to give us energy independence?

FIXING THE ENERGY PROBLEM

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Madam Speaker, for 30 years, we have seen the development of new major gas and oil developments in our country thwarted. For 30 years, we have had no new nuclear reactors built in this country to provide us electricity. For 30 years, we have seen no new refineries being built in this country. For 30 years, we haven't even seen a hydroelectric dam being built in this country. And people ask why are we paying $4 and $5 a gallon for gasoline now?

Well, what has happened, of course, is we have put ourselves in a position where the discretionary income of our people is being robbed from them because we were acting irresponsibly for these last 30 years. Congressmen, elected representatives of the people, did not stand up to a radical element which opposed all of these energy alternatives for America and has left us vulnerable to our enemies overseas.

It is about time we speak up, we stand up, and we do what is right so we can fix this problem that was caused by inaction for the last 30 years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4044) to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reservists Debt Relief Act of 2008".

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in clauses (i) and (ii)—

(A) by indenting the left margin of such clauses 2 ems to the right, and

(B) by redesignating such clauses as subclauses (I) and (II), respectively,

(2) by striking "if the debtor is a disabled veteran" and inserting the following:

"if—

"(i) the debtor is a disabled veteran",

(3) by striking the period at the end and inserting "; or", and

(4) by adding at the end the following:

"(ii) while—

"(I) the debtor is—

"(aa) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

"(bb) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days; and

"(II) if after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.".

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term "effects" means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trustees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—

(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title; and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, the National Guard and Reservists Debt Relief Act is a part of the idea of improving the Bankruptcy Abuse Prevention Act signed into law by President Bush 3 years ago. It effectuated a comprehensive overhaul of bankruptcy, especially with regards to consumers. These consumer bankruptcy amendments included the establishment of a means testing mechanism to determine a debtor's ability to repay debts. Under this test, a chapter 7 bankruptcy case is presumed to be an abuse if it appears that a debtor has income in excess of certain thresholds.

The measure before us today would exempt certain qualifying National Guard members and Reserve members from the means test presumption of abuse. Come to think of it, I would like to exempt some other people as well.

But this legislation addresses the issue of fundamental fairness. Those who find themselves in financial difficulty as a result of service in the National Guard or being activated into it or the aftermath of their service, particularly overseas, should not face the additional burden of the means test.

Since September 11, 2001, almost one-half million members of the National Guard and Reserves have been called to Iraq and Afghanistan. Some of them have even served multiple tours of duty. And so it is easy to understand that these unanticipated deployments disrupt their lives and their family members and leads to financial hardship. So we are happy for the gentlelady from Chicago, Illinois, JAN SCHAKOWSKY, who has included an effort that has attracted our colleagues on both sides of the aisle. I am very happy to report this from the Judiciary Committee.

I reserve the balance of my time.

□ 1415

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise in support of H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008. I am happy that the House is considering today this bipartisan legislation.

As the gentleman from Michigan, the chairman of the committee mentioned, several years ago we passed the Bankruptcy Abuse Prevention and Consumer Protection Act. The purpose was to ensure that bankruptcy procedures were still allowed for those who needed them, and yet the abuses that we had seen in the years leading up to the bill would be reduced if not eliminated. It received bipartisan support.

Today's bill deals with a part of that scene that needs to be addressed and addressed immediately. Republicans strongly support the mission and appreciate the sacrifice of our dedicated reservists and guardsmen. As many people know, we rely far more on our National Guard and Reservists in the conflict that we have ongoing in the Middle East today than we have in previous conflicts. That was a conscious decision by the Congress of the United States over the last couple of decades.

As a result, many, many more dedicated reservists and guardsmen are assuming responsibility in areas of conflict. We agree that reservists and guardsmen who are plunged into bankruptcy by the demands of their service should be given a helping hand under the bankruptcy code.

In committee, Republicans labored long and hard to achieve a workable compromise that would help these serving men and women. The major issue for committee Republicans was simple—that the bill respond to bankruptcies attributable to a reservist's or guardsman's service.

This bill does not perfectly meet that concern. However, it is part of the art of compromise and it meets it sufficiently for committee Republicans to support passage.

It does this first by requiring an important study by the GAO. The study will examine the degree to which bankruptcies benefiting from the bill are indeed attributable to service, as we hope they will be.

The study thus will help us to be sure of whether reservists and guardsmen are using the relief granted by the bill when it is their service that leads to bankruptcy. And the study must be completed promptly within 2 years of enactment.

Secondly, the bill includes a 3-year sunset. When we are asked to reauthorize the bill, we will have the GAO study and report. And we will know for sure how the bill is working, and if it needs to be modified, how it should be modified. It is not my expectation that it would be abused, but if it is, we would be able to address that at the time the reauthorization is considered.

With these requirements added, I am pleased to support passage of the bill.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 5 minutes to the gentleman from California, one of the major sponsors of this bill, active sponsor of this bill, Mr. DANA ROHRABACHER.

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this legislation.

Madam Speaker, today marks the culmination of work that should have been finished long ago. On April 14, 2005, the House considered S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which was a much needed and responsible reform. Then in the minority, my colleague, Ms. SCHAKOWSKY, introduced a motion to recommit so that the bill would allow a targeted exemption from the bankruptcy means test for those National Guard and Reservists who had been called up after 9/11.

At the time of the floor debate, I was told by the Republican floor manager that the Schakowsky motion was redundant, that there was already such protection for our National Guard and Reservists under the Service Member's Civil Relief Act. Because of this, I voted against the motion and it failed on a party line vote, 220 yeas to 229 nays.

I soon found out that I and other Republican Members had been misinformed, apparently to prevent the then-minority from having any legislative success.

Yes, disabled veterans are exempt from the new bankruptcy means test, but not activated reservists and guardsmen, the men and women torn from their jobs and families, sent overseas to protect us were not to be given consideration under the Republican bankruptcy law unless they were disabled. Ms. SCHAKOWSKY's motion sought to correct that. In order to prevent even one success by the other party, the leaders of my party threw aside considering the well-being of our returning heroes.

A returning reservist or guardsman, who possibly left a lucrative job to answer the call of duty, gets the same tougher means test as everybody else. If they fail, they are presumed to be abusing the system as specified in chapter 7 of the bankruptcy law. Yes, they can then rebut the presumption of abuse by demonstrating a special circumstance before the court. They can beg. They can jump through hoops, they can hire lawyers, and then it is at the discretion of the court to grant these homecoming heroes special circumstances and allow them a chapter 7 filing. This should have been in the bill in the first place, as well as Ms. SCHAKOWSKY's motion should have been accepted by the majority. It is a shame that it wasn't.

The Schakowsky motion would not have killed the bill, as some Members have argued since. In fact, because the motion asked the Judiciary Committee to report the bill forthwith, we could have considered the bill on that very same day. And even if that were not the case, as now we hear from my side so often as we point out a motion requiring a committee to report the bill promptly could still be brought up the next legislative day.

No, this motion failed so long ago because of the worst type of partisanship. It failed because Republicans did not want to admit that the Democrats could better their bill.

When I found that there was no adequate protection for our returning reservists and guardsmen, I pledged to work with my colleague, Ms. SCHAKOWSKY, and make it right.

Subsequently, I introduced legislation to amend the bankruptcy law. Unfortunately, the Republican leadership refused to bring my bill up to the floor for a vote and it took a change in the majority for this pro-reservist, pro-National Guard bill to be brought to the House floor today.

This measure isn't costing any new Federal dollars. There is no new massive appropriation. All it is is a consideration for these people who have risked their lives for us and are coming home. But my party couldn't get itself to provide consideration for our homecoming heroes even though there wasn't any major cost involved.

In the meantime, party control of the House changed, and Ms. SCHAKOWSKY and I have been working diligently to get this legislation to the floor and get it passed into law. We are now considering this bill under suspension which means it is pretty well recognized that this has widespread support. It should have been voted on by the majority or at least accepted a long time ago.

I encourage my colleagues who voted "no" on the motion to recommit 3 years ago because they were misled to vote in favor of this legislation. This bill is not a wedge to reopen the bankruptcy law. Rather, it is a narrow, targeted change modeled after existing exemptions for disabled veterans, America's heroes in neighborhoods throughout our country, who have been called up for deployments.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CONYERS. I yield the gentleman 1 minute.

Mr. ROHRABACHER. This bill will ensure that America's heroes throughout our country, who have often been called up for deployments that are for far longer than they were initially thought, will not pay a very high personal cost for their absence and their willingness to step forward.

As my colleague, Ms. SCHAKOWSKY, put it, these servicemembers have put their lives and livelihood on the line for us, and we owe them a great debt. This is one way that we can show our deep appreciation for the service of these people, as we should have done originally. Now it is time for us to repay that debt in a very bipartisan way. I thank very much my chairman and ranking member.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

First of all, I think that this bill might appropriately be renamed the Schakowsky-Rohrabacher provision because of the hard work that our colleague has done on the matter. I appreciate the fully bipartisan spirit that this committee, the Judiciary Committee, had in much evidence when we took this measure up.

And I close by asking my friends, the Blue Dogs on this side of the aisle and most of the Republicans, my Republican colleagues on the other side, that we might want to take a look at this means test which presumes you did something wrong if you are broke and in trouble. I mean, it occurs to me that under the economic circumstances we find ourselves in as a nation, anybody could flunk the means test and then be presumed to be irresponsible or not upstanding citizens. Credit ratings would be damaged profusely.

And so maybe we can look at this. We don't want to offend the banking lobby, don't get me wrong, but let's just take a peek at what we have wrought here in the name of improving the bankruptcy law which I was not in support of when it came forward.

Madam Speaker, with that I conclude my remarks, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Once again I would just repeat this is a bipartisan bill brought to this floor with strong bipartisan support. Hopefully we will get a unanimous vote in favor of it. This is something that recognizes the unique situation our reservists and guardsmen and women are placed in when they leave the jobs that they have, go back to the theater of war, serve us well and run into difficulties as a result of that service from a financial standpoint.

We all agree that they should receive relief. I would hope that we can get people on the other side of the aisle to also agree that they ought to get relief from these extraordinary, out-of-character, unprecedented high gas prices that we have. What a shock it must be for our reservists and guardsmen to leave this country and do service for this country in a foreign land and then return and find out that in the period of time they have been gone, all of a sudden gas prices have risen $1.50, $1.70, before they were even able to return.

So hopefully as we grant relief in this small particular area of bankruptcy law, we might also think about the relief not only for reservists and guardsmen but all Americans from the extraordinary costs that they are now being called upon to pay in the area of energy.

It is not just at the gas tank, it is rippling through the economy because transportation costs are built into the cost of just about everything that we have, and our friends on the other side of the aisle say, well, we will bring a lawsuit, maybe that will do something. Wind, solar, I support those, but I have yet to find a wind-powered car in my district, or a solar-powered car in my district.

And creeping up on us, although we are now involved in the middle of summer, the beginning of summer, but it feels like the middle of summer with the heat that is out there, creeping up on us is the extraordinary increase that we are seeing in the cost of natural gas. Natural gas supplies a good bit of the heating for the winter that we will find come November and December.

□ 1430

I have been informed that in California electricity is produced at least 60 percent by natural gas. We don't have to wait for our heating fuel. We can worry about the concerns that we have with air-conditioning supplied by electricity.

So all I'm saying, Madam Speaker, is that as we work on worthy legislation like this, there is other worthy legislation out there. And all we ask is what the American people ask: Give us a vote. Give us a chance to prove that the reserves that are available in the United States, American reserves, American oil, American natural gas, be utilized for Americans. If our enemy was doing this to us, we would be in a fighting mood, but unfortunately through our Congress, we're doing it to ourselves.

So at some point in time, hopefully in the not-too-distant future, we might be able to prevail on the other side to understand that supply makes a difference and help us bring those costs down as a result of increasing the product that is available to Americans from American sources.

Once again, Madam Speaker, I support H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008.

Mr. CONYERS. Would the gentleman yield?

Mr. DANIEL E. LUNGREN. I yield to my good friend from Michigan, the chairman.

Mr. CONYERS. I want to thank my colleague for yielding.

I thought for a minute I was on a Special Order about "drill drill drill."

Has the leadership on your side instructed everybody to insert this subject into all of the debate this week because I would love to get into this. You didn't mention shale to coal. There's a whole range of opportunities for discussion here.

But I yield back, and I thank my colleague for his support.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, of course I cannot address the gentleman directly under the rules. So through the Chair, I would just say that yes, shale oil and tar sands are important. We happen to be the Saudi Arabia of those certain resources of God, placed here for us to use, and yet for one reason or another, we're almost afraid to use the world "drill." So I appreciate the chairman using the word "drill" three different times. That doesn't mean going to the dentist. That means drill for oil, drill for natural gas. That will be something which will help the American people.

So I would just say that I don't need my leadership to tell me about it. All I need to do is go home and see the prices of gasoline. All I need to do is listen to people. Seventy-some percent of the American people now, by the latest Fox poll, say they want more drilling, they want more production in America. The only group that doesn't have a 70-some percent support of it is this group, the House of Representatives. Either we're behind the times or we're ahead of the times. And I suspect we're behind the times.

And all I'm doing is asking my good friend, the chairman from Michigan, to understand that the people of Michigan suffer as much as the people of California when we fail to understand that we have resources that we could use. We ought to use American technology to develop American energy rather than having it developed all around the world.

Oh, and by the way, oil spills. They come from tankers. They come from tankers, not from offshore rigs. We ought to understand the more we're dependent upon foreign oil, the more tankers that supply the oceans and a greater possibility of a problem which would cause difficulty on our beaches and those beautiful waves that my friend from California enjoys surfing on in California.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 4044, the "National Guard and Reservists Debt Relief Act of 2008." This bill is important because it liberalizes the debt relief standard for those persons who are most deserving, our Nation's heroes that serve in the National Guard.

This bill is important because the President has made it more difficult for people to claim bankruptcy. Specifically, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (2005 Bankruptcy Act) was signed into law by President George W. Bush on April 20, 2005. The 2005 Bankruptcy Act is the most comprehensive overhaul of bankruptcy law in more than 25 years. The 2005 Bankruptcy Act makes particular changes to the consumer bankruptcy. The changes to consumer bankruptcy included, among other things, the establishment of a means testing mechanism to determine a debtor's ability to repay debts. Under this test, a chapter 7 bankruptcy case is presumed to be an abuse if it appears that the debtor has income in excess of certain thresholds.

H.R. 4044 would exempt certain qualifying reserve component members of the Armed Services and National Guard members from the means test's presumption of abuse. This bill responds to the fact that some who serve in the National Guard and the Reserves encounter financial difficulties and that they should not be subject to the additional proof requirements of the means test.

I am a co-sponsor of this bill and I urge my colleagues to support it. This bill makes sense because often Armed Services personnel and Reservists receive high compensation when they are away on hazardous tours or combat zones. However, when these individuals return, their income is not as high. Therefore, it is unfair to subject these individuals to the means test. Simply, the means test is whether the person has the means to pay his or her debts. Hazard pay and temporary high pay for combat work is not necessarily a good indicator of a person's means or ability to pay. These individuals are serving our country and have legitimate financial concerns. I do not believe that they should be penalized. I believe we should help our armed services personnel for giving so much to fight for and protect this country. The least we can do is help them.

I firmly believe that we should celebrate our National Guard and Reservists, and I remain committed, as a Member of Congress, to ensuring that we demonstrate our respect for them. The National Guard and Reservists have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love.

As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

We must always remember the debt that we owe our National Guard and Reservists that are willing to lay down their lives for us and render the ultimate sacrifice for our freedom and security. Our gratitude must continue to be unwavering.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our Nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this bill.

Mr. NADLER. Madam Speaker, I rise it support of this legislation which is a simple measure the House can take to help protect our troops from undue financial hardship. We constantly receive stern lectures about the importance of supporting the troops. But supporting the troops is more than just wearing a flag pin, or sticking a yellow ribbon on your car, or impugning the patriotism of your political opponents.

Supporting the troops should entail some real benefit for those troops when they need our help. As President Lincoln put it so well, to "care for him who shall have borne the battle and for his widow and his orphan." Perhaps taking proper care of the wounded at Walter Reed Army Medical Center, or providing them with suitable armor, or providing them with assistance after they return home would be a good place to start.

Here we have the opportunity to help a small number of veterans, estimated at 2,000 to 2,500, by lifting what amounts to a costly and burdensome paperwork burden. According to the Republican witness in the Judiciary Committee, this bill is "targeted, specific, and quite modest."

Will it allow these veterans to commit fraud? No. Creditors, the courts, the trustees, and the Department of Justice have ample tools at their disposal to deal with anyone trying to game the system. The case can still be dismissed for abuse based on the totality of the circumstances, the court can still deny or revoke the debtor's discharge of debts, the military could revoke the debtor's security clearance, and the criminal code provides for fines and imprisonment of up to five years.

The means test is not stopping fraud. The Bush Justice Department, which administers it, has reported that less than half a percent of all cases are dismissed based on the means test.

The form used to implement the means test has 57 separate sections. It takes a pro se debtor approximately 10 to 12 hours, and it rivals IRS form 1040 in complexity. I challenge my colleagues to fill it out.

So today members have real choice. You can vote to support the troops or you can vote to support the big banks. It is a pretty clear choice. I urge my colleagues to support the troops.

Ms. SCHAKOWSKY. Madam Speaker, I rise in strong support of H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008, a bill I am proud to have authored. Since September 11, 2008, more than 460,000 Reservists and members of the National Guard have been called to active duty in Iraq and Afghanistan. These courageous men and women have selflessly left their families and their jobs to fight for our country on the battlefield, often with little or no notice and no time to prepare for the financial challenges that their deployments will present.

In April 2005, the Bankruptcy Abuse Prevention and Consumer Act made it harder for individuals to discharge their debts in bankruptcy. That legislation requires debtors who file for bankruptcy to submit to a means test that assesses their eligibility for bankruptcy protection. H.R. 4044 would exempt members of the National Guard and Reserves facing bankruptcy as a result of their service from that means test.

When the changes to bankruptcy law were made, Congress understood the importance of exempting disabled veterans whose debts were incurred while they were on active duty from means testing. However, the men and women of the National Guard and Reserves were left out; their sacrifice was disregarded. That is why I introduced this legislation with my friend and colleague Congressman DANA ROHRABACHER. Those heroes returning from active service in the Guard and Reserves deserve the same flexibility.

H.R. 4044 allows members of the National Guard and Reservists to file for Chapter 7 without the added paperwork burden and obstacles of the means test. The bill would apply to our citizen soldiers who have served in the armed forces for more than 90 days since 9/11 and would grant them an exemption from the test for up to a year and a half after they return home. It also requires a Government Accountability Office report which will help us quantify the hardships our veterans face when they return home by tracking how many apply for bankruptcy protection.

Many members of the Guard and Reserves leave for the war thinking they will only be deployed for 6 to 12 months and end up getting their tours involuntarily extended. One quarter of those soldiers have been deployed more than once. There is almost no way that they can anticipate or prepare for that extension of their service financially.

According to the National Guard, forty percent of Reservists and members of the National Guard lose money when they leave their civilian jobs for active duty. This is especially true for servicemembers who own and operate small businesses who put their businesses on hold while they serve thousands of miles away.

Now Reservists and National Guardsmen and women are coming home to a weak economy and record unemployment levels. Eighteen percent of recently separated servicemembers are currently unemployed. They are disproportionately feeling the pinch of record gas prices, housing foreclosures, and food costs.

We have all heard from constituent servicemembers who have returned home to find their families in financial disarray. Many reservists took a pay cut from their regular jobs to serve overseas; others find that when they are discharged, if they can find work, they are returning home to lower salaries—in many instances, lower than their combat pay. Twenty five percent of servicemembers retuning from Iraq or Afghanistan earn less than $25,000 a year. Some veterans are driven to homelessness—the VA estimates that there are 1,500 homeless veterans of the wars in Iraq and Afghanistan.

The means test has a particularly adverse impact on servicemembers. Most servicemembers receive higher compensation in the form of combat pay and have fewer expenses while serving abroad, but upon leaving service they face lower incomes and higher expenses. Because the means test factors in a person's income and expenses for the six-month period preceding the bankruptcy filing, a veteran's income is artificially inflated and expenses are inaccurately low. As a result, veterans risk having their chapter 7 case dismissed and being forced to file under the stricter chapter 13.

The men and women of the National Guard and Reserves have risked their lives to protect us. If servicemembers, through no fault of their own, end up in bankruptcy, they deserve protection from Congress. This bill brings us one step closer to providing them with financial relief when they come home from their service.

I would like to offer my heartfelt thanks to Chairman CONYERS and Subcommittee Chairwoman LINDA SÁNCHEZ for their commitment to and work on this bill and to the minority Committee Members for working with us to find a compromise and get this bill on the floor today. And again, I thank my colleague Congressman ROHRABACHER, whose passion and persistence on this issue have made him a wonderful ally.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4044, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.".

A motion to reconsider was laid on the table.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3546) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking "for fiscal year 2006" through the period and inserting "for each of the fiscal years 2006 through 2012.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I would like to begin by yielding as much time as he may consume to our distinguished colleague from Georgia (Mr. JOHNSON) who has worked more diligently than I believe any Member in the House on this measure. He shepherded it through hearings and markup in Judiciary, and now we're on the floor.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

Madam Speaker, today I rise in support of my bill, H.R. 3546, which will reauthorize Byrne-JAG grants for local law enforcement.

Officer Edward Byrne was a rookie New York police officer in New York City when he was killed in the line of duty in February of 1988. Officer Byrne came from a family of police officers and was dedicated to cleaning up his beat in Queens.

Late on the night of February 26, 1988, Officer Byrne and his partner were staking out a house when he was murdered in his car, shot in the head five times with a pistol. He was only 22 years old.

Officer Byrne's sacrifice was not in vain. His murderers and the criminals who employed them were found, charged, and convicted. And today, in perpetuation of Officer Byrne's legacy, the Byrne-JAG grant program is now the only Federal program that funds crime fighting and prevention throughout the States across State lines and nationwide.

This program, Mr. Chairman and Madam Speaker, is more important now than ever. The slowing economy undermines the ability of local law enforcement to maintain and support crime prevention programs in our community as well as maintain order.

Already, cash-strapped local governments face lower tax revenues and higher crime rates and recidivism. Local officials depend on these Byrne-JAG grants to invest in law enforcement resources that keep crime and drugs out of our communities. In my home State of Georgia, these grants provide for a specialize core of drug enforcement agencies that work closely together cooperating with each other and the Federal Government. And nationwide, the results speak for themselves.

Byrne-JAG has led to the seizure of 54,000 weapons, the destruction of 5.5 million grams of methamphetamine, and the elimination of nearly 9,000 meth labs per year. Nevertheless, Congress has consistently underfunded this program, and President Bush threatens additional cuts in the 2009 fiscal budget fiscal year. But we can't afford to deny local governments the resources that they so desperately need to fight and prevent crime.

My bill will reauthorize Byrne-JAG funding at full 2006 levels, and I urge my colleagues in this body to support it.

In honor of Officer Edward Byrne, this program will help keep our streets, our kids, our fellow citizens, and our communities safe from criminal activity and drugs.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3546, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through the year 2012. This bill continues to fund the Department of Justice Byrne-JAG Grant Program that, as the gentleman from Georgia said, provides assistance to State and local law officials.

These grants support a broad range of activities to prevent and control crimes and to improve the criminal justice system. The department allocates funds using a formula based on State population and the annual Unified Crime Report statistics. The program does have a minimum allocation to ensure that each State and territory receive an appropriate share of the Federal funds.

Byrne-JAG funds can be used to pay for personnel overtime and equipment, funds are used for Statewide initiatives, technical assistance and training, and support for local and rural jurisdictions.

I can say, Madam Speaker, that my experience in the past serving as the Attorney General of California allowed me to see the good work that the Byrne funds has done and continues to do, primarily in the area of multi-jurisdictional task forces as was mentioned by the gentleman from Georgia.

This is actually an area where we actually see a synergism that exists among different levels of government and their law enforcement personnel. It is always important that they have good leadership at each level, and the training that took place as a result of many of these multi-jurisdictional task forces actually created an improvement in the overall training for law enforcement across the country. It is a remarkable thing to see agents from different agencies, different departments, working together for a common purpose.

As the gentleman mentioned, you can, as a result of these task forces, count up the number of arrests made, the number of convictions obtained, the number of weapons taken off the street, the number of drugs taken off the street in each and every case making it safer for the people of the States of the United States.

On June 9, the Federal Bureau of Investigation released a 2007 Unified Crime Report detailing the statistics and tracking trends for violent crimes nationwide. The national rate for violent crimes, that is including robbery, sexual assault, and murder, decreased nationally. Unfortunately, the report also showed the rate of violent crime rate increased in some communities across the country. This is not by accident that we see an overall improvement across the country. It is the result of the work of many good men and women in uniform and the support to organizations that they have throughout this country.

We should understand that while sometimes the trend is to say that if something is a serious crime, it's a Federal crime; unless the FBI gets involved, it's not important, it's not going to be handled well. Well over 90 percent, well over 95 percent of all crime is investigated and prosecuted at the local and State level, not the Federal level. That's why these grants work very, very well when it encourages a multi-jurisdictional approach where you can find the abilities, the differing abilities of the agencies and departments, the coming together to work with one another.

Law enforcement officials remain committed to preventing crime and keeping our communities safe, and their efforts should be applauded. However, given the report, it is clear that additional steps need to be taken in order to continue to address the issue of crime.

During the past few months, representatives from various law enforcement associations visited me and my colleagues to discuss the Byrne-JAG funding. They have spoken with near unanimity about the important role Byrne-JAG funding plays in aiding their efforts to accomplish their law enforcement missions.

Congress plays an important role in supporting State and local law enforcement by continuing to enforce to reauthorize this program at appropriate levels. However, we should not in any way suggest that the Federal Government has the first responsibility for funding local and State law enforcement. That remains with local and State jurisdictions, and frankly, if they don't understand the priority, the first priority of government, to try and create a modicum of safety and security for the people of those jurisdictions so that they can live their lives in some sense of security not having to worry about violent criminals upsetting their lives, attacking them and their loved ones. If local and State jurisdictions don't understand that, frankly, they don't understand the first obligation of government.

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So, while we wholeheartedly support this funding program, let us ensure that at the local and State levels those representatives are held responsible by the people that elect them to ensure that the first priority of government is achieved: a modicum of safety and security for the people of the jurisdictions that they find themselves in.

With that, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I couldn't concur more with the speakers, our friend from Georgia, HANK JOHNSON, and the distinguished member of the Judiciary Committee who has been the Attorney General in the largest State in the country.

And so I am enthusiastically supporting the continuation of these grants and would hope we would reauthorize this. We have got a reauthorization of over $1 billion this time through 2012, and I hope that we will enjoy the support of the Members of the House.

Madam Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, once again, I rise in support of H.R. 3546, and I yield myself such time as I may consume, and suggest that of all the costs that are involved with law enforcement across the country, one of the greatest is the cost of gassing up their cars.

As the gentleman understands, law enforcement, yes, travels on its feet, but more than often travels on its wheels. The increased costs of energy affect us all across this Nation. Every home is affected by it, without regard to economic status. But think about this, our law enforcement agencies are very labor-intensive. They depend on people, yes, applying technology, but we depend on people.

When we have concern about crime in a particular area, it doesn't do to say, well, we've got new computers downtown; that's going to take care of it. What do people want to see? They want to see law enforcement in their areas. And for most areas of America, that means seeing patrol cars coming through their neighborhoods at an appropriate time, seeing them respond whenever there is a cry for help as a result of crime or an attempt at crime.

The costs that are implicit in this tremendous increase in energy costs in this country, the gasoline pump prices, affect each and every one of our law enforcement agencies. And so I would hope as we support unanimously this Edward Byrne Memorial Justice Assistant Grant Program for fiscal years 2006 through 2012, we also think at some point in time of bringing up a bill that might help us get some relief in that area. If you add it all up, it might add up to the total cost of the Byrne grant program.

Mr. CONYERS. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield to the gentleman from the place where I think they still build more automobiles than any other place in the country.

Mr. CONYERS. Well, not Canada, though. I thank the gentleman for yielding, and I was concerned only for a moment that he wasn't going to bring up this subject. It was with very little ingenuity required on his part to tie it into this measure.

As a distinguished member of Judiciary, has the gentleman considered one of the proposals about bringing the price down by nationalizing the oil companies in this country?

Mr. DANIEL E. LUNGREN of California. If I might respond, through the Speaker, I would say, Madam Speaker, the only person I know that has suggested that we nationalize oil companies, including refineries, is the gentleman from the other side of the aisle. It's worked so well around the world, I think you could go through all the countries with a nationalization. Maybe Venezuela is a trend setter here, but I don't think that's exactly where we want to go. So the answer to the gentleman, through the Speaker, is no.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 3546 to reauthorize the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) Program at fiscal year 2006 levels through 2012. The Byrne-JAG monies are supposed to be used to make America a safer place. I support the reauthorization and I would urge my colleagues to do likewise.

WHY BYRNE-JAG IS NECESSARY

Byrne-JAG allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, which States and local governments have come to rely on to ensure public safety. They support: law enforcement, prosecution and court programs, prevention and education, corrections and community programs, drug treatment, planning, evaluation, technology improvement programs, and crime victim and witness programs (other than compensation). In short, they are an indispensable resource that states use to combat crime.

RECENT CUTS IN BYRNE JAG FUNDING

Unfortunately, in fiscal year 2008 the Byrne-JAG program was cut by two-thirds. Although Congress authorized over $1 billion, only $520 million were appropriated for fiscal year 2007. The appropriation was then drastically reduced to $170.4 million in fiscal year 2008, and the President has proposed further cuts for the fiscal year 2009 budget.

PAST PROBLEMS WITH BYRNE JAG

The trend to reduce the grant funding may result, in part, from instances where Byrne-JAG funding has been abused. For example, in 1999 Byrne-JAG funding was used in the infamous Tulia outrage in which a rogue police narcotics officer in Texas set up dozens of people, most of them African-American, in false cocaine trafficking charges. In other instances, jurisdictions used the funding to fund task forces focused solely on ineffective, low-level drug arrests, which has put the task force concept—and the diminished standards of drug enforcement that it has come to represent—in the national spotlight.

The most well-known Byrne-funded scandal occurred in Tulia, Texas where dozens of African-American residents (representing 16 percent of the town's black population) were arrested, prosecuted and sentenced to decades in prison, even though the only evidence against them was the uncorroborated testimony of one white undercover officer with a history of lying and racism. The undercover officer worked alone, and had no audiotapes, video surveillance, or eyewitnesses to corroborate his allegations. Suspicions eventually arose after two of the accused defendants were able to produce firm evidence showing they were out of state or at work at the time of the alleged drug buys. Texas Governor Rick Perry eventually pardoned the Tulia defendants (after four years of imprisonment), but these kinds of scandals continue to plague the Byrne grant program.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are federally funded, State managed, and locally staffed, which means they do not really have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and federal funding makes them unaccountable to local taxpayers and governing bodies.

The scandals are more widespread than just a few instances. A 2002 report by the ACLU of Texas identified seventeen scandals involving Byrne-funded anti-drug task forces in Texas, including cases of falsifying government records, witness tampering, fabricating evidence, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling, sexual harassment, and other abuses of official capacity.

Texas is not the only State that has suffered from Byrne-funded law enforcement scandals. Scandals in other States have included the misuse of millions of dollars in federal grant money in Kentucky and Massachusetts, false convictions based upon police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Massachusetts, New York, Ohio, and Wisconsin. A 2001 study by the Government Accountability Office found that the federal government fails to adequately monitor the grant program and hold grantees accountable.

AMENDMENT CONSIDERED BUT NOT OFFERED

Because of these abuses, I would have offered an amendment when this bill was considered at the Full Judiciary Committee markup. My amendment would have addressed the responsible use of Byrne-JAG monies. Specifically, my amendment would have required that a State that receives Byrne-JAG money should collect data for the most recent year for which such funds were allocated to such State, with respect to:

(1) The racial distribution of criminal charges made during that year;

(2) The nature of the criminal law specified in the charges made; and

(3) The city of law enforcement jurisdiction in which the charges were made.

My amendment would have required a condition of receiving funds that the State should submit to the Attorney General the data collected by not later than one year after the date the State received funds. Lastly, the report should be posted on the Bureau of Justice Statistics website and submitted to the Attorney General.

My amendment is good because arrests will be transparent and the light of day and public airing of any problems will be the greatest disinfectant. My amendment is an attempt to make law enforcement more responsible, more accountable, and more just in their dealings with persons of all races and backgrounds. My amendment is but a small price to pay to rid the nation of scandals and disasters that occurred in Tulia, Texas and elsewhere.

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My amendment, which I would have offered, would provide oversight and accountability. It is not burdensome. It will not prevent the States from collecting and funding programs under the Byrne Grant program. My amendment does however shed light on any maladies that might exist in the system. Once we see the problems, we can fix them. My amendment is responsible and aims to make the Byrne-Grant program a better program by ensuring that the funding is used appropriately and is used with oversight.

NO MORE TULIAS

While I support the Byrne JAG reauthorization, I would also my urge my colleagues to also support my bill, H.R. 253, No More Tulias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2007. This bill also enhances accountability with respect to the use of Byrne JAG monies.

First, it prohibits a state from receiving for a fiscal year any drug control and system improvement (Byrne) grant funds, or any other amount from any other law enforcement assistance program of the Department of Justice, unless the state does not fund any anti-drug task forces for that fiscal year or the state has in effect laws that ensure that: (1) A person is not convicted of a drug offense unless the facts that a drug offense was committed and that the person committed that offense are supported by evidence other than the eyewitness testimony of a law enforcement officer or individuals acting on an officer's behalf; and (2) an officer does not participate, in an antidrug task force unless that officer's honesty and integrity is evaluated and found to be at an appropriately high level.

Second, H.R. 253, No More Tulias, requires that states receiving federal funds under the No More Tulias Act to collect data on the racial distribution of drug charges, the nature of the criminal law specified in the charges, and the jurisdictions in which such charges are made. I urge my colleagues to support my No More Tulias Act so that we can quickly bring the bill to markup.

I also urge my colleagues to support Byrne JAG.

Mr. BILIRAKIS. Madam Speaker, I rise today to express my strong support for H.R. 3546, which authorizes the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

Earlier this year I was disappointed to learn of the administration's draconian reduction in funding which would have limited the ability of our law enforcement officers to obtain the necessary manpower, equipment, and other tools to reduce criminal activity, putting them in a reactive rather than proactive mode.

The Edward Byrne Memorial Justice Assistance Grant Program allows States and local governments to improve their criminal justice system by supporting activities that help prevent and control crime.

H.R. 3546 authorizes $1.095 billion annually through FY2012 for the grant program. It is critically important that States and local law enforcement agencies have access to these much-needed resources, which help fight crime and drug proliferation in our communities.

Madam Speaker, we must properly fund our local law enforcement officers, who put their lives on the line daily to keep the rest of us safe. Therefore, I encourage my colleagues to join me in voting for this very important legislation to keep our neighborhoods safe!

Ms. WOOLSEY. Madam Speaker, ensuring that local law enforcement officials are provided with the resources they need to effectively protect our communities requires nothing less than our sustained commitment and dedication. That's why I am proud to support of H.R. 3546, the Byrne-Justice Assistance Grant, JAG, Reauthorization Act.

The Byrne-JAG program provides State and local governments with the tools necessary to prevent and control crime while strengthening our criminal justice system. These grants help fund law enforcement programs targeting school violence, hate crimes, and victims of violent crimes. Additionally, Byrne-JAG grants enable state, regional, and local agencies to confront and overcome the threats posed by drug trafficking through providing essential funding to improve drug enforcement and treatment programs. By using these grants to develop multi-jurisdictional drug task forces, law enforcement officials from around the country have been able to foster institutional collaboration built on their shared expertise and training.

Last year, the City of Santa Rosa and Sonoma County in my Congressional District were fortunate enough to receive Byrne-JAG grants, which went to support programs designed to assist in the prevention of drug use, treat non-violent offenders, and improve the effectiveness of our criminal justice system. That's why I'm a cosponsor of H.R. 3546, which would reauthorize the Byrne-JAG program until 2012. Despite the Bush Administration's efforts to eliminate funding for this important program, I commend the Democratic Leadership for demonstrating their commitment to full funding for Byrne-JAG by bringing this legislation to the Floor.

Local law enforcement officials depend on Byrne-JAG grants to invest in strategies that combat crime and drugs. Without these resources, State and local law enforcement cannot take the steps they need to protect our families and our country's most precious resources, our children and young adults, from violence and drug abuse. Madam Speaker, it's our responsibility to make certain these brave men and women have the support necessary to perform their jobs. It's the least we can do.

Mr. SOUDER. Madam Speaker, I rise today in strong support of H.R. 3546, a bill to authorize funding for the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels—$1.095 billion—through 2012. As a cosponsor of this legislation, I know the critical importance of Byrne-JAG funding to law enforcement, and especially drug task forces, throughout the United States. Many of us remain deeply disappointed that the program's FY 2008 appropriation was cut so drastically at the end of last year.

Byrne JAG provides needed funding to drug task forces throughout my district. For example, the Allen County Drug Task Force relies on this program's funding to continue its work with the FBI, DEA and ATF targeting drug traffickers. As does the Indiana Multi-Agency Group Enforcement (IMAGE), a drug-enforcement team combining select law enforcement from DeKalb, Noble, Steuben, and LaGrange counties. In 2006 alone, IMAGE worked on 101 drug and prostitution cases, and seized illegal drugs valued at nearly $3 million. These results speak for themselves, and they demonstrate how critical it is to the safety of Hoosiers in northeast Indiana, as well as Americans nationwide, that the Byrne JAG program is fully-funded.

I was very upset when Congress cut Byrne-JAG funding by 67 percent last December in the FY 2008 Omnibus Appropriations Bill. If the House doesn't act quickly to restore this key funding source, law enforcement programs throughout the Nation will certainly be reduced—or eliminated—likely reversing hard-won gains that have been made over the years at the local level.

We have an opportunity with the FY 2008 Supplemental Appropriations bill to correct that mistake, and I strongly urge the House to accept the Senate language restoring Byrne-JAG funding for the current fiscal year. This measure is necessary in order for local law enforcement agencies to continue their constant pursuit of criminals, especially drug dealers. We will be taking a major step backward if we don't accept the Senate's proposal. The long-term effects of such a move are dangerous.

As we enter the general appropriations season for next fiscal year, I also urge the Appropriations Committee, and the House in general, to fully fund this program in FY 2009. The Byrne JAG program is a proven success that strongly deserves reauthorization, and I urge passage today of H.R. 3546.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3546, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE 44TH ANNIVERSARY OF FREEDOM SUMMER

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1293) commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1293

Whereas 44 years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as "Freedom Summer";

Whereas Andrew Goodman was a 20-year-old White anthropology major from New York's Queens College, who volunteered for the Freedom Summer Project;

Whereas James Chaney was a 21-year-old African-American from Meridian, Mississippi, who became a civil rights activist, joining the Congress of Racial Equality (CORE) in 1963 to work on voter education and registration;

Whereas Michael "Mickey" Schwerner was a 24-year-old White CORE field secretary in Mississippi and a veteran of the civil rights movement, from Brooklyn, New York;

Whereas in 1964, Mississippi had a Black voting-age population of 450,000, but only 16,000 Blacks were registered to vote;

Whereas most Black voters were disenfranchised by law or practice in Mississippi;

Whereas in 1964, Andrew Goodman, James Chaney, and Michael Schwerner volunteered to work as part of the "Freedom Summer" project that involved several civil rights organizations, including the Mississippi State chapter of the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and CORE, with the purpose of registering Black voters in Mississippi;

Whereas on the morning of June 21, 1964, the 3 men left the CORE office in Meridian and set out for Longdale, Mississippi, where they were to investigate the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas on their way back to Meridian, James Chaney, Andrew Goodman, and Michael Schwerner were detained and later arrested and taken to the Philadelphia, Mississippi, jail;

Whereas later that same evening, on June 21, 1964, they were taken from the jail, turned over to the Ku Klux Klan, and were beaten, shot, and killed;

Whereas 2 days later, their burnt, charred, gutted blue Ford station wagon was pulled from the Bogue Chitto Creek, just outside Philadelphia, Mississippi;

Whereas the national uproar caused by the disappearance of the civil rights workers led President Lyndon B. Johnson to order Secretary of Defense Robert McNamara to send 200 active duty Navy sailors to search the swamps and fields in the area for the bodies of the 3 civil rights workers, and Attorney General Robert F. Kennedy to order his Federal Bureau of Investigation (FBI) director, J. Edgar Hoover, to send 150 agents to Mississippi to work on the case;

Whereas the FBI investigation lead to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the previous several years had not attracted attention outside their local communities;

Whereas the bodies of Andrew Goodman, James Chaney, and Michael Schwerner, beaten and shot, were found on August 4, 1964, buried under a mound of dirt;

Whereas on December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested, and the Department of Justice charged them with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, since murder was not a Federal crime;

Whereas on December 10, 1964, the same day Dr. Martin Luther King, Jr. received the Nobel Peace Prize, a United States District judge dismissed charges against the 21 men accused of depriving the 3 civil right workers of their civil rights by murder;

Whereas in 1967, after an appeal to the Supreme Court and new testimony, 7 individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been strongly implicated in the murders by witnesses, were acquitted because the jury came to a deadlock on their charges;

Whereas on January 6, 2005, a Neshoba County, Mississippi, grand jury indicted Edgar Ray Killen on 3 counts of murder;

Whereas on June 21, 2005, a jury convicted Edgar Ray Killen on 3 counts of manslaughter;

Whereas June 21, 2008, will be the 44th anniversary of Andrew Goodman, James Chaney, and Michael Schwerner's ultimate sacrifice;

Whereas by the end of Freedom Summer, volunteers, including Andrew Goodman, James Chaney, and Michael Schwerner, helped register 17,000 African-Americans to vote;

Whereas the national uproar in response to the deaths of these brave men helped create the necessary climate to bring about passage of the Voting Rights Act of 1965;

Whereas Andrew Goodman, James Chaney, and Michael Schwerner worked for freedom, democracy and equal justice under the law for all; and

Whereas the Federal Government should find an appropriate way to honor these courageous young men and their contributions to civil rights and voting rights: Now, therefore, be it

Resolved, That the House of Representatives encourages all Americans to—

(1) pause and remember Andrew Goodman, James Chaney, and Michael Schwerner and the 44th anniversary of their deaths;

(2) commemorate the life and work of Andrew Goodman, James Chaney, and Michael Schwerner, and all of the other brave Americans who made the ultimate sacrifice in the name of civil rights and voting rights for all Americans; and

(3) commemorate and acknowledge the legacy of the brave Americans who participated in the civil rights movement and the role that they played in changing the hearts and minds of Americans and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

I am so pleased to bring this resolution from the Judiciary Committee to remember the deaths of those three great civil rights workers. And I, of course, begin my comments by thanking and commending our greatest civil rights champion in the House of Representatives, JOHN LEWIS of Georgia, who was a leader in the civil rights movement, worked with the Student Non-Violent Coordinating Committee, and with Dr. Martin Luther King, and with other civil rights organizations. He was also at the great march on Washington in 1963, and we all met.

It was a stirring moment in American history, and these three young men paid with their lives for their dedication to ensure that we could end segregation and secure the right to vote for all people in America.

A number of Judiciary Committee members have joined with me as cosponsors of this measure: the gentleman from New York, JERROLD NADLER; STEVE COHEN, Tennessee; BOBBY SCOTT of Virginia; SHEILA JACKSON-LEE, Texas; ADAM SCHIFF, California;

LINDA SÁNCHEZ, California; BETTY SUTTON, Ohio; and a number of others.

You remember the summer of 1964? Goodman, a student at New York's Queens College; James Chaney of Mississippi; Michael Schwerner, 24 years old of New York, were all working with the CORE, the Congress of Racial Equality. And they left the Meridian, Mississippi, office for the town of Philadelphia 25 miles away. They were stopped by the Klan, and the rest is history.

We still work against the backdrop of this activity. It was out of their sacrifices that the movement and understanding of not only the citizens of the country but the leaders of the country and Washington understood what we had to accomplish. And we passed the Civil Rights Act of 1964, the Voting Rights Act of 1965. Dr. Martin Luther King's inspiring rhetoric kept us together for so, so long, and I'm happy that we're doing what we've done. I'm sure the Senate, the other body, will follow very rapidly.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 1293, honoring Andrew Goodman, James Chaney and Michael Schwerner: Mr. Goodman, a 20-year-old student volunteer; Mr. Chaney, a 21-year-old plasterer and activist in the civil rights movement; Mr. Schwerner, a 24-year-old founder of one of the first community centers for African Americans in Mississippi. Mr. Chaney and Mr. Schwerner were also members of the civil rights task force organized by the Congress of Racial Equality.

All three were tragically killed in 1964, that summer, for their participation in the civil rights campaign in Mississippi, where they had just taken part, along with 175 other volunteers, in a civil rights orientation project, which led the way for some 800 other volunteers.

I had just graduated from high school in California, and I remember the shock of hearing about this tragedy. It was one in a series of tragedies we were seeing portrayed around the United States, where people just simply attempting to be recognized as full human beings in this society, with the opportunity to vote and the opportunity to participate in the political process, were being denied that, and they and many others attempted to try and change that.

That summer, these three men were picked up by a sheriff for allegedly speeding, and after their release from jail, they disappeared.

A KKK informant and an FBI investigation pieced the story together. Evidently, after their release, the three men had been chased off the road, forced into a Klansmen's car, brutally beaten, and killed.

At the time, the State of Mississippi didn't file charges against anyone. The Federal Government charged someone in 1967 with conspiring to violate the civil rights of another, but that defendant was acquitted. Of seven other men convicted on conspiracy charges, no one served more than 6 years for the death of three innocent individuals in this United States of America.

It was not until January 6, 2005, that Mississippi indicted Edgar Ray Killen on three counts of murder. He was found guilty of three counts of manslaughter on June 1, 2005, the 41st anniversary of the crime.

There is no doubt that justice so delayed warrants our honoring these three civil rights heroes again today, some 44 years after their death.

Last year, the House passed H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act, which came out of our committee with bipartisan support, and it directs the Attorney General to designate a deputy chief within the Civil Rights Division of the Department of Justice and a supervisory special agent within the Civil Rights Unit of the FBI to coordinate the investigation and prosecution of unsolved civil rights-era murders.

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We've got to do it now because the perpetrators of these crimes have been able to live in freedom for so long.

And some say why go after old men in their last years? Because, in fact, they should not have the opportunity to live out their lives without being held responsible for these horrendous acts. The bill also provides much-needed resources to the Department of Justice, the FBI, State and local law enforcement officials to prosecute these cases.

Madam Speaker, the FBI has identified nearly 100 outstanding cases that still need to be assessed. Many of these murders are 30 or 40 years old. Obviously they're difficult to investigate and to prosecute because evidence has been lost or destroyed, witnesses and defendants have died, and memories have dimmed. We must act quickly to bring the long-overdue justice to these victims and their families.

I urge all my colleagues to join the chairman of the full committee and other members of the Judiciary Committee in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I thank the floor manager for his statement and his commitment across the years for civil rights activity.

I yield all but 3 minutes to the distinguished gentleman from Georgia, JOHN LEWIS, whose work and writings and the history that he has made in this area are well known across this country and, indeed, around the world.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank Mr. CONYERS, the chairman of the full committee, for his leadership and for his dedication to the issue and the cause of civil rights, and for bringing this resolution to the floor.

Madam Speaker, I rise today to pay tribute to the courage and conviction of three young men, Andy Goodman, James Chaney and Michael Schwerner. On June 21, 1964, they gave their lives in a struggle for voting rights in America.

There was a time, just 44 years ago, when it was almost impossible in the American south for people of color to register and vote. Then, I was 24 years old and the chair of the Student Non-Violent Coordinating Committee, better known as SNCC. I traveled around the country encouraging young people to come to Mississippi to get involved with the Freedom Summer. It was the summer of 1964.

At that time, the State of Mississippi had a black population of voting age of more than 450,000, but only about 18,000 blacks were registered to vote. It was dangerous, very dangerous, for those of us who believed that everyone should have the right to vote. But in spite of the risks, there were people—young and old, black and white, rich and poor—people like Andy Goodman, James Chaney and Mickey Schwerner, who put aside the comfort of their own lives to make sure that every citizen had free and fair access to the ballot, not only in Mississippi, but throughout America.

Mickey Schwerner was a 24-year-old white man from Brooklyn, New York, who was already a participant in the movement. Andy Goodman was also white, a 21-year-old student at Queens College in New York. James Chaney was a 21-year-old African American man from Meridian, Mississippi, who decided to take a stand for justice in his own community, in his own State.

On the morning of June 21, 1964, these three young men drove to Longdale, Mississippi to investigate the burning of an African American church. On their way back, they were arrested, at least stopped and detained by the sheriff and taken to jail in Philadelphia, Mississippi. That same evening they were released from the jail by the sheriff and turned over to the Klan. They were beaten, shot and killed. Their burnt blue Ford station wagon was pulled from a creek just 2 days later. I joined in the search for them that night with a very heavy heart. Their bodies were found a few weeks later, about 6 weeks later, on August 4, 1964, buried under a mound of dirt.

Madam Speaker, I share this story today so that Members of Congress will realize that the struggle for civil rights has been a long, hard road littered by the battered and broken bodies of countless men and women who paid the ultimate price for a precious right, the right to vote, the right to participate in a democratic process.

Andy Goodman, James Chaney and Mickey Schwerner did not die in Europe; they did not die in Asia or in Africa; they did not die in Central America or in the Middle East. They died right here in America, in the American south. I knew these three young men.

So, Madam Speaker, I urge all of my colleagues to vote for this resolution to pay tribute to these three young men and so many others who died in the struggle for voting rights in America. We must never forget their sacrifices, their suffering, their pain, and their death.

As Members of the United States House of Representatives, it is our duty, our mission, our mandate to make sure that these three young men did not die in vain.

Mr. CONYERS. Madam Speaker, I'm delighted now to yield 2 minutes to Dr. JAMES MCDERMOTT of Washington State, a dedicated leader for universal health coverage and a civil rights activist. We were at the United Nations together not too many years ago.

Mr. McDERMOTT. Madam Speaker, I am really very proud to rise in support of a resolution put forward by my friend and colleague, JOHN LEWIS. This is a man who has risked his own life fighting for civil rights, helping to bridge a racial divide during one of America's worst times.

This was a time when it took real courage to go out in the streets and do things. JOHN walked with Martin and with John and with Bobby as they dealt with the threats of racial violence. There was clearly fear in everyone. Anybody who went out was fearful; if they didn't, they didn't know what they were doing.

JOHN LEWIS is a towering figure who, in his own right, has left his mark in this country. And it is fitting and proper that he should bring a resolution honoring these three civil rights workers whose lives ended 44 years ago in Mississippi at the hands of the Ku Klux Klan.

Andrew Goodman, James Chaney and Michael Schwerner were killed in that Freedom Summer of 1964. The widow of one of them is now a distinguished lawyer and a good friend in Seattle. She lives on in the memory of her husband.

Their deaths sparked a national firestorm of anger and awareness that led to the passage of the Voting Rights Act of 1965. Honoring them honors everyone who fought for civil rights and those who suffered great personal sacrifice during times when justice was neither blind nor fair in America.

It reminds me of the injustice America is only beginning to correct for a group of African American soldiers stationed in Fort Lawton in Seattle. Because of the color of their skin, they were denied equal justice and they were wrongly convicted of a crime that they did not commit, were sent to prison, and were given bad conduct discharges.

We must never forget the lessons of history or we risk repeating them.

The resolution Mr. LEWIS of Georgia offers will help us remain vigilant in defending civil rights and civil liberties, and help us protect the Nation these people died to defend.

I urge my colleagues to strongly support the resolution offered by Mr. LEWIS of Georgia.

Mr. CONYERS. Madam Speaker, I thank the distinguished gentleman from Washington State.

I now yield 2½ minutes to a former chairman of the Congressional Black Caucus, the gentlelady from Dallas, Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan.

I rise today in strong support of House Resolution 1293, a bill commemorating the lives of three civil rights activists who were murdered outside Philadelphia, Mississippi by the Ku Klux Klan in June of 1964.

In 1964, Mississippi had the lowest percentage of registered African American voters in the country. Rampant fear and intimidation, along with literacy tests and poll taxes, had kept more than 90 percent of the African Americans in Mississippi from registering to vote. In June of 1964, thousands of young people volunteered to go to Mississippi in order to register African American voters and fight educational disparities.

What would come to be known as "Freedom Summer" ignited backlash and violence against these volunteers and civil rights activists. Many homes and black churches were firebombed or burned down that summer, and more than 1,000 volunteers were arrested. Among these Freedom Summer volunteers were James Chaney, Andrew Goodman and Michael Schwerner, who went to Mississippi to investigate the fire-bombing of the Mount Zion Methodist Church. On June 21, these three men were arrested and held for several hours on alleged traffic violations, but later that evening they were taken from the jail and turned over to the Ku Klux Klan, where they were beaten, shot and killed.

These men gave their lives in the name of freedom and justice. The media coverage surrounding their deaths sparked outrage amongst Americans, millions of them all over the country. Their deaths and the activities of Freedom Summer helped set the stage for the passage of the Voting Rights Act of 1965.

I would like very much to thank Congressman LEWIS for introducing this resolution, who himself has a closer experience than most of us in this body, and as a matter of fact paved the way for many of us to be here today.

I thank you, Congressman LEWIS, for the many sacrifices you have made. And it is an honor to serve alongside Congressman LEWIS, who coordinated the Student Non-Violence Coordinating Committee's efforts to organize voter registration drives and community action programs during Freedom Summer.

I strongly support this resolution to honor the sacrifices of James Chaney, Andrew Goodman and Michael Schwerner, and all of the volunteers of the Mississippi Freedom Summer who helped to pave the way of voting rights for all Americans.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 3 minutes to the gentlelady from the District of Columbia, ELEANOR HOLMES NORTON, a brilliant lawyer who argues in the Supreme Court frequently and is a civil rights leader in her own right.

Ms. NORTON. This entire House has you, Mr. Chairman, to thank for a lifetime of work in civil rights and human rights for all people, I thank you here on the floor.

I thank my good colleague who serves on the Judiciary Committee. And I especially thank my colleague, JOHN LEWIS, who was chair of the Student Non-Violent Coordinating Committee when I first joined. And I think I can say for JOHN and me that either of us expected to be on the floor of this House at that time.

I thank you, JOHN. I'm not surprised that you would come forward with this resolution. For me, it would be too poignant an occasion but for the progress that I think we can say assures that these brutal murders, the murders that we came to call the "Schwerner, Chaney and Goodman murders," certainly have not been in vain.

In 1963, Bob Moses, a legendary figure of the Mississippi movement, recruited me while I was in law school to go to Mississippi. SNCC had opened up virtually everyplace else, but not Mississippi because, frankly, it was terrorist country. And to show you the extent to which Mississippi was a different place, it took the NAACP and Medgar Evers to lead the sit-ins there, and they got beat unmercifully. And that was in Jackson.

I came to the Mississippi Delta that year for an express purpose, to prepare for the 1964 Freedom Summer, by conducting the prototype "freedom school" to be used in 1964, when we knew we would be able to gather thousands of students to come down. It was the high point of student activism. JOHN and others went throughout the United States and students came in huge numbers. We had the highest hopes.

I was particularly working on the 1964 Democratic Convention with my mentor, Fannie Lou Hamer, and Larry Guyout, who now lives here, the cochairs of the Mississippi Freedom Democratic Party, and, working indeed, on the brief that would be used to say that this delegation, rather than the official delegation which excluded African Americans, should be recognized by the 1964 Democratic National Convention.

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And why was there a Mississippi Freedom Democratic Party? Because, indeed, in the summer of 1964, so many had come down to risk their lives for whom that had to have been their choice. Those high hopes were not extinguished when our delegation did not get seated. Those high hopes were not even extinguished when these brutal murders occurred. It took authorities weeks to find the three young men. Those high hopes remained high and, if anything, thrust the civil rights movement forward in a way it had not been before.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. CONYERS. Madam Speaker, I yield the gentlewoman the balance of my time.

Ms. NORTON. How much time do we have, please, Madam Speaker? I don't want to go over.

The SPEAKER pro tempore. The gentlewoman has 4½ minutes.

Ms. NORTON. Thank you, Madam Speaker. I won't take much longer, but this is a very special moment.

In 1963 when I went to Mississippi, I first worked for the March on Washington under Bayard Rustin, then went to the Mississippi Delta. That was, I must say, the most eventful summer of my life, more eventful even than 1964.

The great chief of the Mississippi NAACP Medgar Evers put me on a bus. Medgar Evers tried to convince me to stay in Jackson, but I said, no, that I had promised I was coming to the Delta. So he put me on a bus to go to the Delta. He then turned around, went back home, and he was shot and killed in his driveway that same evening. That was a year I shall never forget.

But the fact is that the 1964 summer, in fact, happened. The students did not go home after the murders. We continued to organize. The Mississippi Freedom Democratic Party, with Fannie Lou Hamer leading the way at the convention, was the high point of that convention. And the country has never forgotten it. It democratized the Democratic Party. It democratized even the Republican Party. And I must say that both parties then recognized that they had to have representative delegations.

Steve Schwerner Michael's brother was one of my classmates in college. When I have met with the families, what has been extraordinary about them is to see that they understand the contributions they personally made to the freedom struggle. They have no regrets. They understand that the loss of Cheney and the two youngsters from the north was the last thing we expected and that that loss helped to waken the country.

Do not forget what happened in 1964. The passage of the 1964 Civil Rights Act, and that act contained Title VII. Something else I could never have imagined—I would one day come to enforce a major civil right's law, the 1964 Civil Right's Act as a Chair of the Equal Employment Opportunity Commission. This was the first civil rights legislation since the radical Republicans gave us our first civil rights legislation after the Civil War, and look what happened afterwards: the 1965 Voting Rights Act and the 1968 Fair Housing Act.

Oh, no, these three young men died for a great and noble purpose. And in case the national panorama doesn't drive that point home, surely the fact that Mississippi today has the largest number of black public officials will help you to see that they did not die in vain, and surely the fact that their relatives now see the first African American to secure the nomination of a major party for President of the United States will drive home the reality that these three young men, at the dawn of their lives, not only did not die in vain but for generations to come and, yes, for this generation, have left a legacy of their own.

I thank the gentleman for yielding.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Once again, I rise in support of H. Res. 1293.

David McCullough, the distinguished writer and historian, said, "We run the risk of being a Nation of historic illiterates." And he was referring to our lack of knowledge of the beginnings of this country, the lack of knowledge of the Founding Fathers and that generation. But he need not look back that far. All he needs to do is to look back 40 some years, as the gentleman from Georgia has mentioned to us and the gentlewoman from the District of Columbia and the gentleman from Michigan.

We cannot allow these real-life tragedies, events, sacrifices to be lost in the midst of memory. We have to make sure that not only do we understand them but that we understand their import and that we teach our children that this is part of America's history and America is what it is today because of the sacrifices of many great men and women, these three included among them: Goodman, Chaney, and Schwerner.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support the commemoration of the 44th Anniversary of the death of civil rights workers Andrew Goodman, James Chaney and Michael Schwerner in Philadelphia, Mississippi while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as Freedom Summer. I would like to thank my fellow Judiciary member and the gentleman from Georgia, Congressman JOHN LEWIS for introducing this legislation.

The right to vote has held a central place in the black freedom struggle. After emancipation, African Americans sought the ballot as a means to in American society. During the summer of 1964, thousands of civil rights activists, many of them white college students from the North, descended on Mississippi and other Southern states to try to end the long-time political disenfranchisement of African Americans in the region. Although blacks had won the right to vote in 1870, thanks to the Fifteenth Amendment, for the next 100 years many were unable to exercise that right. White local and state officials systematically kept blacks from voting through formal methods, such as poll taxes and literacy tests, and through cruder methods of fear and intimidation, which included beatings and lynchings.

Freedom Summer marked the climax of intensive voter-registration activities in the South that had started in 1961. Organizers chose to focus their efforts on Mississippi because of the State's particularly dismal voting-rights record: in 1962 only 6.7 percent of African Americans in the State were registered to vote, the lowest percentage in the country. The Freedom Summer campaign was organized by a coalition called the Mississippi Council of Federated Organizations, which was led by the Congress of Racial Equality (CORE), and included the National Association for the Advancement of Colored People (NAACP), and the Student Nonviolent Coordinating Committee (SNCC).

Freedom Summer activists faced threats and harassment throughout the campaign, not only from white supremacist groups, but from local residents and police. Freedom School buildings and the volunteers' homes were frequent targets; 37 black churches and 30 black homes and businesses were firebombed or burned during that summer, and the cases often went unsolved. More than 1000 black and white volunteers were arrested, and at least 80 were beaten by white mobs or racist police officers.

But the summer's most infamous act of violence was the murder of three young civil rights workers—a black volunteer, James Chaney, and his white coworkers, Andrew Goodman and Michael Schwerner. On June 21, Chaney, Goodman and Schwerner set out to investigate a church bombing near Philadelphia, Mississippi, but were arrested that afternoon and held for several hours on alleged traffic violations. Their release from jail was the last time they were seen alive before their badly decomposed bodies were discovered under a nearby dam six weeks later. Goodman and Schwerner had died from single gunshot wounds to the chest, and Chaney from a savage beating. These savage attacks were perpetrated by the Ku Klux Klan.

The FBI investigation that uncovered the deaths of these three brave young men, white and black, also led to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the years had not attracted much attention.

On December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested and charged with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, because murder was not a Federal crime. Ironically, on the very same day, December 4, 1964, Dr. Martin Luther King, Jr. received the Nobel Peace Prize.

Later, a District Court judge dismissed the charges against the 21 Whites. After three years, and an appeal to the Supreme Court, seven individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been implicated by witnesses, were acquitted because the jury was deadlocked on charges.

Over twenty years later, on June 21, 2005 after new evidence, a jury convicted Edgar Ray Killen on 3 counts of manslaughter. These freedom riders made the ultimate sacrifice for the freedom of all people, black and white. It is fitting that we recognize them and pay tribute, respect, and homage to them, and to the legacy that they have left behind.

We commemorate and acknowledge the legacy of these brave Americans who participated in the civil rights movement and the role they played in changing the hearts and minds of Americans. We also celebrate these Americans for their decision to create a political environment necessary to pass legislation to expand civil rights and voting rights for all Americans.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1293.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RESPONSIVE GOVERNMENT ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6344) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsive Government Act of 2008".

SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§1660. Emergency authority to delay or toll judicial deadlines

"(a) TOLLING IN DISTRICT COURTS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the district court or bankruptcy court of the district.

"(B) Except as provided in subparagraph (C), the authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, prearrest, post-arrest, pretrial, trial, and post-trial procedures), civil actions, bankruptcy proceedings, and the time for filing and perfecting an appeal.

"(C) The authority conferred by this section does not include the authority to extend—

"(i) any statute of limitation for a criminal action; or

"(ii) any statute of limitation for a civil action, if—

"(I) the claim arises under the laws of a State; and

"(II) extending the limitations period would be inconsistent with the governing State law.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the district is unavailable, the authority conferred by this section may be exercised by the district judge in regular active service who is senior in commission or, if no such judge is available, by the chief judge of the circuit that includes the district.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(b) CRIMINAL CASES.—In exercising the authority under subsection (a) for criminal cases, the court shall consider the ability of the United States Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

"(c) TOLLING IN COURTS OF APPEALS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a court of appeals that has been affected or that includes a district court so affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending in the court of appeals.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the circuit is unavailable, the authority conferred by this section may be exercised by the circuit judge in regular active service who is senior in commission.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(d) ISSUANCE OF ORDERS.—The Attorney General or the Attorney General's designee may request issuance of an order under this section, or the chief judge of a district or of a circuit may act on his or her own motion.

"(e) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that, if the chief judge (whether of a district or of a circuit) determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the judicial council of the circuit, enter additional orders under this section in order to further toll or extend such time deadline.

"(f) NOTICE.—A court issuing an order under this section—

"(1) shall make all reasonable efforts to publicize the order, including announcing the order on the web sites of all affected courts and the web site of the Federal judiciary; and

"(2) shall, through the Director of the Administrative Office of the United States Courts, send notice of the order, including the reasons for the issuance of the order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(g) REQUIRED REPORTS.—A court issuing one or more orders under this section relating to an emergency situation shall, not later than 180 days after the date on which the last extension or tolling of a time period made by the order or orders ends, submit a brief report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Judicial Conference of the United States describing the orders, including—

"(1) the reasons for issuing the orders;

"(2) the duration of the orders;

"(3) the effects of the orders on litigants; and

"(4) the costs to the judiciary resulting from the orders.

"(h) EXCEPTIONS.—The notice under subsection (f)(2) and the report under subsection (g) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Emergency authority to delay or toll judicial deadlines.".

SEC. 3. WAIVER OF PATENT AND TRADEMARK REQUIREMENTS IN CERTAIN EMERGENCIES.

Section 2 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(e) WAIVER OF REQUIREMENTS IN CERTAIN EMERGENCIES.—The Director may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademark registrations, and applications therefor to the extent the Director considers necessary in order to protect the rights and privileges of applicants and other persons affected by an emergency or a major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). A decision not to exercise, or a failure to exercise, the waiver authority provided by this subsection shall not be subject to judicial review.".

SEC. 4. AUTHORITY OF DIRECTOR OF PTO TO ACCEPT LATE FILINGS.

(a) AUTHORITY.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i) DISCRETION TO ACCEPT LATE FILINGS IN CERTAIN CASES OF UNINTENTIONAL DELAY.—

"(1) IN GENERAL.—The Director may accept an application under this section that is filed not later than three business days after the expiration of the 60-day period provided in subsection (d)(1) if the applicant files a petition, not later than five business days after the expiration of that 60-day period, showing, to the satisfaction of the Director, that the delay in filing the application was unintentional.

"(2) TREATMENT OF DIRECTOR'S ACTIONS ON PETITION.—If the Director has not made a determination on a petition filed under paragraph (1) within 60 days after the date on which the petition is filed, the petition shall be deemed to be denied. A decision by the Director to exercise or not to exercise, or a failure to exercise, the discretion provided by this subsection shall not be subject to judicial review."

(b) FEE FOR LATE FILINGS.—

(1) IN GENERAL.—In order to effect a patent term extension under section 156(i) of title 35, United States Code, the patent holder shall pay a fee to the United States Treasury in the amount prescribed under paragraph (2).

(2) FEE AMOUNT.—

(A) FEE AMOUNT.—The patent holder shall pay a fee equal to—

(i) $65,000,000 with respect to any original application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this Act, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

(ii) the amount estimated under subparagraph (B) with respect to any other original application for a patent term extension.

(B) CALCULATION OF ALTERNATE AMOUNT.—The Director shall estimate the amount referred to in subparagraph (A)(ii) as the amount equal to the sum of—

(i) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government);

(ii) any net decrease in revenues arising from such patent term extension; and

(iii) any indirect reduction in revenues associated with payment of the fee under this subsection.

The Director, in estimating the amount under this subparagraph, shall consult with the Director of the Office of Management and Budget, the Secretary of the Treasury, and either the Secretary of Health and Human Services or (in the case of a drug product subject to the Act commonly referred to as the "Virus-Serum-Toxin Act"; 21 U.S.C. 151-158) the Secretary of Agriculture.

(3) NOTICE OF FEE.—The Director shall inform the patent holder of the fee determined under paragraph (2) at the time the Director provides notice to the patent holder of the period of extension of the patent term that the patent holder may effect under this subsection.

(4) ACCEPTANCE REQUIRED.—Unless, within 15 days after the Director provides notice to the patent holder under paragraph (3), the patent holder accepts the patent term extension in writing to the Director, the patent term extension is rescinded and no fees shall be due under this subsection by reason of the petition under section 156(i)(1) of title 35, United States Code, pursuant to which the Director provided the notice.

(5) PAYMENT OF FEE.—The extension of a patent term of which notice is provided under paragraph (3) shall not become effective unless the patent holder pays the fee required under paragraph (2) not later than 60 days after the date on which the notice is provided.

(6) FEE PAYMENT NOT AVAILABLE FOR OBLIGATION.—Fees received under this subsection are not available for obligation.

(7) DIRECTOR DEFINED.—Except as otherwise provided, in this subsection, the term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any application—

(A) that is made on or after the date of the enactment of this Act; or

(B) that, on such date of enactment, is pending before the Director or as to which a decision of the Director is eligible for judicial review.

(2) TREATMENT OF CERTAIN APPLICATIONS.—In the case of any application described in paragraph (1)(B), the 5-day period prescribed in section 156(i)(1) of title 35, United States Code, as added by subsection (a) of this section, shall be deemed to begin on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6344, the Responsive Government Act of 2008, bipartisan legislation with strong support on both sides of the aisle.

The bill consists of three major components, each of which has, in substance, previously passed the House on the suspension calendar.

Section 2 of the bill takes into account the practical realities of a natural disaster or other emergency situation where compliance with filing deadlines or other court rules would be impracticable, dangerous, or simply impossible.

In emergency situations, such as those which occurred during, and in the aftermath of, Hurricane Katrina, this section of the bill would provide the Chief Judge of the affected District Court or Court of Appeals with the authority to excuse a failure of litigants or the U.S. Government to comply with filing deadlines.

Section 3 grants similar authority to the Patent and Trademark Office to excuse failures to comply with filing deadlines caused by a natural disaster or other emergency.

Section 4 of the bill also involves a grant of authority to the Director of the Patent and Trademark Office to excuse specific late filings—this time, in connection with unintentional human error.

Section 4 would provide the USPTO with the authority to accept an application for patent term restoration under the Hatch-Waxman Act if that application is filed within 3 business days of the existing 60-day deadline.

This small but important change simply gives the USPTO discretion to accept a late application, within a limited time period, under specific conditions. This change is both good patent policy and good for public health.

Under current law, the 60-day deadline is absolutely rigid, and the consequences of that rigidity can be draconian and harshly disproportionate.

Up to 5 years of patent protection can be destroyed on account of a minor, inadvertent filing error of as little as 1 day.

This penalty is not merely disproportionate and excessive, it is also out of sync with most other patent laws and regulations, which typically give the USPTO Director the authority to excuse minor errors.

For instance, currently, if an applicant files an incomplete Hatch-Waxman application, the USPTO can grant up to 2 extra months to correct the application.

H.R. 6344 would eliminate this dichotomy, bringing the deadline provision of Hatch-Waxman into greater harmony with other relevant patent laws and regulations.

Moreover, H.R. 6344 would save lives. The reality is that the unnecessary forfeit of years of patent rights for drugs can have an extremely damaging effect on patients.

When the existing rigid deadline operates to strip away up to 5 years of patent protection, it significantly reduces the likelihood of the research and innovation that a full patent term would encourage.

This is not just a theoretical problem. A small U.S. maker of Angiomax, a blood thinner, stands to lose 4½ years of patent protection as a result of inadvertently filing its Hatch-Waxman application for patent term restoration 1 day late.

Angiomax is considered the best alternative to heparin in coronary angioplasties, and shows great promise with respect to open heart surgery and the treatment of stroke and peripheral artery disease.

Public health and safety pushes us to promote effective substitutes for heparin, such as Angiomax.

Earlier this year, contamination problems in Chinese manufacturing plants, where heparin is made from pig intestines led to 81 patient deaths.

Even apart from problems of contamination, thousands of people die every year from adverse reactions to heparin.

At this moment, when the serious shortcomings of heparin have come into bold relief, we have rightfully turned our attention to adjusting a flawed patent provision in a manner that can improve and even save the lives of large numbers of sick patients for years to come in this and other instances.

Taken together, the three components of this bill—the discretion provided in cases of emergency and the discretion provided in the case of unintentional human error—are all sound public policy, and have justifiably attracted bipartisan backing.

This bill is not inconsistent with, nor does it detract from, other legal authorities.

I urge my colleagues to support this important legislation.

Madam Speaker, I am pleased now to yield such time as he may consume to the author of this measure, the gentleman from Massachusetts (Mr. DELAHUNT), who has worked tirelessly to make sure that this measure arrives on the floor for consideration today.

Mr. DELAHUNT. Thank you, Mr. Chairman, for yielding the time.

Madam Speaker, I rise in strong support of H.R. 6344.

This is an extremely important bipartisan measure that combines sound judicial policy with rational patent law and good public health policy. The bill is aptly named Responsive Government Act because through its provisions, Congress provides the judicial and executive branches with commonsense flexibility to ease certain administrative requirements which would otherwise result in undue hardship for diligent and well-intentioned individuals and entities.

The House has previously passed this proposal in either identical or similar language, and I should note under a suspension of the rules; however, the other body has failed to act in a timely manner, but I understand now the other body is prepared to proceed expeditiously.

Let me describe the measure.

Sections 2 and 3 provide the Federal courts and the Director of the Patent and Trademark Office, respectively, with needed emergency authority to toll or delay judicial proceedings or statutory deadlines in the event of a natural disaster or other emergency situation which makes it impractical for parties, including the United States, to comply with certain filing conditions or, to the extent deemed necessary, to protect the rights and privileges of people affected by certain emergencies or a major disaster.

We recently all too often have observed how the ravages of natural disasters disrupt the lives of our fellow citizens, which can impede the ability to comply with strict statutory deadlines. Thus the Responsive Government Act provides critical flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, section 4 provides the PTO Director with the discretion to accept an application for a patent term extension filed not later than 3 days after the expiration of the 60-day period in title XXXV of the U.S. Code, provided the Director determines that the delay in filing the application was unintentional.

This provision corrects an anomaly in the patent law and provides the PTO with the discretion to excuse minor filing errors, discretion it already has in most circumstances. As the PTO has testified to Congress in the past, it would bring this provision of law in line with over 30 other patent laws and regulations. It would prevent the inappropriate sacrifice of valuable earned patent rights. More importantly, this adjustment would promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical researchers and practitioners across the Nation.

It addresses a particular section of the Hatch-Waxman Act that provides a patent holder with up to 5 years of restored patent protection for time lost while awaiting FDA approval. This extra time is critical because for many highly innovative medicines, as research continues even after the drugs have been approved and released to market for a particular use. Many of these medicines have additional, potentially lifesaving uses that would not be discovered without further research, which is made possible by the years of patent protection beyond the drug's initial release.

I note the presence here of our friend the delegate from the Virgin Islands, who I am sure will speak to this measure, but I would commend to all of our colleagues a review of her commentary that appeared some time ago describing one drug in particular and what it means for medical research and for practicing physicians such as herself.

By removing the unnecessary barriers to medical research, section 4 of this act will promote research into modern, safer, and more effective medicines, saving lives and reducing burdening costs to our health care system.

□ 1530

In closing, I want to commend Chairman CONYERS, Ranking Member LAMAR SMITH, and our distinguished Chair of the Intellectual Property Subcommittee, Mr. BERMAN, for their outstanding work in preparing the Responsive Government Act of 2008, and urge that my colleagues approve this helpful and necessary measure.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

I rise in support of H.R. 6344, the Responsive Government Act of 2008, and urge my colleagues to adopt it today. There are three major components to the bill. First, the legislation authorizes Federal courts to toll or otherwise delay deadlines outside of their statutorily defined geographic domains during times of emergency. The text is identical to that of H.R. 3729 from the 109th Congress, passed on July 17, 2006, by a voice vote under suspension of the rules.

The need for this legislation became apparent following the terrorist attacks of September 11, 2001, and the impact that these disasters had on court operations, in particular in New York City.

In emergency conditions, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, to litigants, to jurors, and the public, than a facility at a place of holding court within the district. This is particularly true in major metropolitan areas, such as New York, Washington, DC, Dallas, and Kansas City, where the metropolitan areas include part of more than one judicial district.

This reform is also needed to address natural disasters. The impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi once again demonstrated the importance of congressional action on this proposal.

Where court operations cannot be transferred to other divisions within the affected judicial district due to widespread flooding or other destruction, judges must be empowered to shift court proceedings temporarily into a neighboring judicial district.

The advent of electronic court record systems will facilitate implementation of this authority by providing judges, court staff, and attorneys with remote access to case documents.

Secondly, the bill allows the PTO director to waive various patent and trademark filing requirements during emergencies. This text is identical to that of H.R. 4742 from the 109th Congress, passed on December 5, 2006, by voice vote under suspension of the rules.

The devastation caused by Hurricane Katrina in the gulf region affected the ability of applicants, patentees, trademark holders, and other interested parties to do business with the Patent and Trademark Office. Despite its best efforts to date, the PTO needs additional authority to provide individuals and businesses with relief from certain statutory deadlines, especially those pertaining to the maintenance of patents and trademarks.

Pursuant to the bill, the PTO may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademarks, and applications to the extent the director deems necessary to protect the rights and privileges of applicants and other persons affected by an emergency or major disaster.

Third, the bill grants the PTO director discretionary authority to accept a late-filed application for patent term extension in certain cases if the application is filed not later than 3 business days after statutory deadline and the applicant files a petition within 5 business days of the deadline that shows that the delay was unintentional.

This provision is similar to legislation, H.R. 5120, which passed the House by voice vote under suspension of the rules as part of S. 1785, the Vessel Hull Design Protection Amendments of 2005. That passed on December 6, 2006.

Madam Speaker, this is a good bill. It helps Federal litigants, inventors, trademark holders, and other interested parties to maintain their rights under adverse conditions. I urge Members to support the bill, but I am intrigued by the name of the bill, the Responsive Government Act of 2008. One would think that this government could be responsive to the tremendous problem we have with high energy costs in this country, not just gas prices, but home heating oil, the cost of electricity, natural gas.

So with just one week left before the July 4 break, we would hope that the Democrat majority would be willing to bring a bill to the floor, something that is meaningful to provide some solutions to increase the supply of American-made energy and lower gas prices. Perhaps next time we won't leave town if the price of gasoline is $5 a gallon. The way it's going, that may be the case. We shouldn't wait for that. We should act now.

So we should have another Responsive Government Act of 2008, one that responds to the needs and concerns of the American people. Americans are paying, all Americans are paying, on average, about $1.74 more for a gallon of regular unleaded gasoline than they were on the day that the Democrats took over this House, promising a new, commonsense approach to energy that would not only stop increases, but bring it down. Unfortunately, just the reverse has been the case.

Perhaps we could work together somehow, agreeing that America has never been afraid of the future. America has always embraced the future and America has used technology here in the United States to surmount obstacles. It seems strange that we would have American technology now being used in waters off of Brazil to explore where they have just found the largest single oil find in the last 25 years. There are some that suggest that Brazil will now be energy-independent. They won't even have to use the ethanol they produce from their sugar because of this find. If the Congress of the United States had controlled Brazil, they wouldn't have been able to find it, because it's offshore.

Last week, I remind my colleagues, the Democrat leadership had time to schedule legislation to prohibit the interstate sale and transfer of monkeys, but they apparently didn't have enough time to listen to the large majority of Americans who support more U.S. energy production.

The new Fox News poll shows that 76 percent of Americans support immediate efforts to drill more in the United States in order to boost American energy production and help lower record prices. There's only one thing standing in the way of this Congress. If we are to be truly responsive, in addition to this fine bill that we are voting on today, ought we not also respond to the most immediate concern of Americans in every State, in every congressional district, and do something about the supply of American-made energy and lower gas prices.

The response is not, as my friend on the other side said, all we need to do is sue a little bit more. If we can have a few more people and a few more courts, and sue, that will somehow solve the problem. No. The answer is increase the supply of American-made energy and lower gas prices right now. That is what the American people are asking for.

So as I rise in support of the Responsive Government Act of 2008, I would hope we would have another Responsive Government Act, one that will be responsive to the concerns expressed by the American people.

With that, I would yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

We are in a spirit of bipartisanship and we are reaching out. Let's not nationalize the oil companies. We agreed on that. Let's go from shale to coal and let's go into all the alternatives. We are all for that. No suing. Drill, drill, drill. No sue, no sue, no sue.

Now we are getting down to the 41 million acres of leased oil, and he knew I was going to bring that up, that have been unused, and I don't know how to make those oil companies drill and find out if there's anything there or not. Maybe they don't want to know. Maybe they do want to know but they don't have the machinery or equipment.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. CONYERS. Maybe there's a technological problem that is beyond the understanding of we mere mortals on Judiciary.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield, as I yielded to him?

Mr. CONYERS. Yes. The gentlemen yielded to me, so I will yield to him.

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

In response to the question, I am sure the gentleman may be aware of the fact that 52 percent of the exploratory wells that were drilled by American companies in America over the last 5 years were dry wells. So, in some cases, they have taken leases on land offshore, and that has proven not to be a successful well.

The problem is that those that have the greatest prospect for yielding real petroleum and natural gas have been prohibited by this Congress. As the gentleman may know, they pay for those leases. They continue to pay for those leases. I have not heard anybody on this floor accuse the oil companies of paying for something for nothing. They pay for those leases. There is a limit on the time that they can have those leases when they do not produce them.

So, in all cases, they have made judgments as to whether or not the leases they have are yielding leases, and in many cases, 52 percent, they have tried to find oil, and they haven't found it.

So I thank the gentleman for yielding. I appreciate his courtesy.

Mr. DELAHUNT. Would the chairman yield?

Mr. CONYERS. You know, we had a hearing on this subject. The oil execs of the five companies came before us. In the other body, three of them told us how much they made. As you know, they make the top profits of any executives in business, short of the pharmaceuticals, of course. I don't want to short them. We found out that two of them couldn't even remember how much they made.

Look; salaries, options, stock, bonus. Who knows what else. I hope my dear friend from California will join me on the letter that I am sending to the two, referring them to look up their accountant, because I know they paid their taxes on April 15, and just give us a ballpark figure of how much they made. If the gentleman will join me in this consideration, I'd be very grateful.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I thank the Chair. It's seldom that my dear friend from California errs, but I would point out that the 41 million acres that the Chair of the committee alluded to is actually 41 million acres under water. According to the latest statistics, that represents some 80 percent of the proven reserves that are available in terms of offshore waters.

So I don't know where the gentleman gets his statistics, but I would think after we pass this Responsive Government Act, that we could sit down and work out some legislation that would rescind those leases that are currently being banked by leaseholders and the consequences of which are reducing the supply of oil and gas so that as the demand increases, naturally the price explodes.

We cannot afford to have given away our natural resources to major oil companies and have them sit on it and do absolutely nothing, because the gentleman is right, and he well knows it, that the American people are hurting.

☐ 1545

There is legislation I know that the dean of the Massachusetts delegation, Congressman MARKEY, has either filed or is preparing to file, and I am sure that he would welcome my good friend the former Attorney General of California to be an original cosponsor.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a leader in universal health care activities.

Mrs. CHRISTENSEN. Madam Speaker, I thank Chairman CONYERS for yielding, and I rise in support of H.R. 6344, the Responsive Government Act of 2008.

Before I speak to that bill, I also want to register my support for the previous bill, H. Res. 1293, which honors the memory of the three brave young men, Andrew Goodman, James Chaney and Michael Schwerner, who gave their lives to ensure that the right to vote would be guaranteed to every American. We thank them and their families for their service and their sacrifice.

Among its provisions, the Responsive Government Act of 2008 will make a minor but important amendment to the landmark Hatch-Waxman Act patent act of 1984. This act of 1984 has done much to make medicine available and more affordable for countless people in this country. Inadvertently though, in patent term restoration, there is an inflexible deadline provision which has the potential to limit the good that the act can do.

Within H.R. 6344 is a provision which will grant discretion to the Patent and Trademark Office to excuse minor filing errors as is the case with other patents. This will ensure that needed medication that treats sometimes life-threatening illnesses, like Angiomax and others, will be more readily available, while continuing to ensure patient protections.

This is an issue I have worked on as Chair of the Health Braintrust of the Congressional Black Caucus, and I am glad that it is on the floor for passage today. I applaud my colleague from Massachusetts, Mr. DELAHUNT, for his work on this bill, and the Chair and ranking member of the committee for their leadership, and I urge my colleagues to pass H.R. 6344.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 6344 the "Responsive Government Act of 2008. This bill is important because it liberalizes the technical filing requirements in judicial proceedings in the event of a disaster or other emergency situation. The bill provides flexibility in both criminal and civil matters, including patents. I urge my colleagues to support this bill.

Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of the United States. It was the sixth-strongest Atlantic hurricane ever recorded and the third-strongest hurricane on record that made landfall in the United States. Katrina formed on August 23 during the 2005 Atlantic hurricane season and caused devastation along much of the north-central gulf coast of the United States. Most notable in media coverage were the catastrophic effects on the city of New Orleans, Louisiana, and in coastal Mississippi. Due to its sheer size, Katrina devastated the gulf coast as far as 100 miles from the storm's epicenter.

The images of the detriment and devastation remain deeply etched in my mind and much of the remnants of the tragedy still remain in those communities today. The storm surge caused severe and catastrophic damage along the gulf coast, devastating the cities of Bay St. Louis, Waveland, Biloxi/Gulfport in Mississippi, Mobile, Alabama, and Slidell, Louisiana and other towns in Louisiana. Levees separating Lake Pontchartrain and several canals from New Orleans were breached a few days after Hurricane Katrina had subsided, subsequently flooding 80 percent of the city and many areas of neighboring parishes for weeks. In addition, severe wind damage was reported well inland.

This commonsense bill recognizes that deadlines in judicial proceeding need to be relaxed when there are natural disasters and emergencies. I support the bill.

Specifically, the bill provides federal courts with needed emergency authority to toll or delay judicial proceedings in the event of a natural disaster or other emergency situation in which courts are closed, making it impracticable for parties, including the United States, to comply with certain filing deadlines.

Section 3 of the bill provides authority to the Director of the Patent and Trademark office to waive statutory provisions governing patents, trademark registrations and applications to the extent the Director deems necessary to protect the rights and privileges of people affected by certain emergencies or a major disaster.

The Responsive Government Act provides essential flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, Section 4 provides the Director of the Patent and Trademark Office with the discretion to accept an application for a patent term extension filed not later than three days after the expiration of the 60-day period in Title 35 U.S.C. 156, provided the Director determines that the delay in filing the application was unintentional.

This provision, which corrects an anomaly in the patent law, will provide needed flexibility to the PTO to excuse minor filing errors and will promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical practitioners across the Nation.

This bill is common sense. It relaxes the technical filing requirements during times of disaster or emergency. Given the disaster and tough times that we have faced within the last 8 years, with disasters such as Hurricanes Rita and Katrina, and the tragic events of 9/11, Congress needs to have a sensible response to these events. Litigants and patentees should not be penalized because of force majeur and other events beyond their control.

Because this bill is sensible, responsible legislation, I urge my colleagues to support this bill.

Mr. CONYERS. Madam Speaker, I yield back any time we have remaining.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6344.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRE-DISASTER MITIGATION ACT OF 2008

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6109) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pre-Disaster Mitigation Act of 2008".

SEC. 2. PRE-DISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

"(f) ALLOCATION OF FUNDS.—

"(1) BASE AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(A) shall be not less than the lesser of—

"(i) $575,000; or

"(ii) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year; and

"(B) shall be subject to the criteria specified in subsection (g).

"(2) COMPETITIVE PROGRAM.—Other than the amounts described in paragraph (1), financial assistance made available to a State (including amounts made available to local governments of the State) under this section shall be awarded on a competitive basis subject to the criteria in subsection (g).

"(3) MAXIMUM AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year shall not exceed 15 percent of the total amount of funds appropriated to carry out this section for the fiscal year.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of such Act (42 U.S.C. 5133(m)) is amended to read as follows:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2009, 2010, and 2011.".

(c) REFERENCES.—Section 203 of such Act (42 U.S.C. 5133) is amended—

(1) in the section heading by striking "**PREDISASTER**" and inserting "**PRE-DISASTER**";

(2) in the subsection heading for subsection (i) by striking "PREDISASTER" and inserting "PRE-DISASTER";

(3) by striking "Predisaster" each place it appears and inserting "Pre-Disaster"; and

(4) by striking "predisaster" each place it appears and inserting "pre-disaster".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6109.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise and ask the House to support H.R. 6109, as amended, the Pre-Disaster Mitigation Act of 2008. I want to especially thank Chairman OBERSTAR and Ranking Member MICA, and my own subcommittee ranking member, Congressman GRAVES, for their very strong, bipartisan support of this essential bill.

H.R. 6109, the Pre-Disaster Mitigation Act of 2008, reauthorizes the Pre-Disaster Mitigation program for 3 years. The bill authorizes grants to States awarded on a competitive basis, except that each State, and this is important, each State receives a statutory minimum of $557,000 or 1 percent of the funds appropriated, whichever is less. In this way, the bill increases the minimum amount that each State can receive under the program from $500,000 to $575,000 and codifies the competitive selection process of the program, as currently administered by FEMA. The bill authorizes $250 million for each of fiscal years 2009 through 2011 for the Pre-Disaster Mitigation program.

The PDM program was first authorized in the Disaster Mitigation Act of 2000. The program, administered by FEMA through its Mitigation Division, is authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which we call the Stafford Act, of course. Pursuant to section 203(m) of the Stafford Act, the PDM program terminates on September 30 of this year unless Congress reauthorizes the program.

This program provides cost-effective technical and financial assistance to State and local governments, which on the basis of a study of the effects of this quite new program, we now know reduces injuries, loss of life and damage to property caused by natural disasters. It provides grants to the States, territories, tribal governments and local communities on a competitive basis.

According to the CBO, on average future losses are reduced by about $3 measured in discounted present value for each $1 spent on these projects, including both Federal and non-Federal spending.

Madam Speaker, this is not a program which we have lightly authorized. We learned some lessons from Katrina. We have learned lessons, I believe, Madam Speaker, this week when entire sections of our country are being ravaged by flooding.

This amount of money we do not pretend will allow pre-disaster programs to be undertaken for every event that can be expected. What it does do is to draw to the attention of local and State governments to what they and what we should be doing to reduce our own liability from particularly these natural disasters.

Whenever a disaster occurs, Madam Speaker, this Congress will do what it must do. It will step up and do what we are doing in Louisiana. We do not pretend that the worst disaster in recorded United States history could have somehow been even perhaps mitigated by these funds, but we do believe that Katrina tells the story that every bit of mitigation you do, $3 for every $1 invested, says CBO, saves, first of all, lives, and then, of course, saves the investment that we ourselves will be required to make, and as Americans, we can say will make, in the event of a disaster.

We all owe it to the country and to our local jurisdictions to use this money strategically and wisely so that it has the greatest effect, given the amount available.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6109, which reauthorizes the successful Pre-Disaster Mitigation program for the next 3 years. The Pre-Disaster Mitigation program was originally authorized by the Disaster Mitigation Act of 2000 as a pilot program to study the effectiveness of mitigation grants given to communities before disaster strikes. Prior to the creation of the Pre-Disaster Mitigation program, hazard mitigation primarily occurred after a disaster through FEMA's Hazard Mitigation Grant Program. Every disaster costs us in damage to homes, businesses and infrastructure, and potentially in the loss of lives.

The Pre-Disaster Mitigation program prevents damage and destruction by helping communities to act proactively through projects that reduce the cost and limit the adverse impacts of future disasters.

With FEMA's assistance, local governments identify cost-effective mitigation projects, which are awarded on a competitive basis. Since its inception, mitigation programs have helped local communities save lives and reduce property damage through a wide range of mitigation projects, such as home elevations, buyouts, improved shelters and warning systems.

In 2005, the National Institute of Building Sciences issued a study that conclusively demonstrated Federal mitigation programs saved the Federal Government money. Specifically, the study found that for every dollar spent on mitigation, the American taxpayer saves over $3 in Federal disaster payments.

Mitigation projects also are intended to save lives, and this year's record tornado season underscores the importance of lifesaving warning sirens. Given the tremendous destructive power of tornadoes, you can't mitigate against property damage, but you can mitigate the loss of life with a warning system. I particularly want to thank Chairwoman NORTON for including report language clarifying that Congress intended tornado warning sirens to be funded in this program.

At this point I would like to read a paragraph from the committee report on this subject:

"The Committee notes the clear purpose of the Pre-Disaster Mitigation program to reduce injuries, loss of life, and damage to property from natural disasters and the program's broad statutory authority to provide Federal assistance for projects, such as tornado warning sirens, which serve this purpose. Given the sudden nature and extreme destructive power of tornadoes, the Committee believes warning sirens are a cost-effective measure for mitigating injuries and loss of life from tornadoes. The Committee believes that Section 203 of the Stafford Act clearly authorizes mitigation assistance for tornado warning sirens."

I believe this language makes it perfectly clear that Congress intended tornado warning sirens to be an eligible project under the Pre-Disaster Mitigation program and Congress expects the Federal Emergency Management Agency to administer the program accordingly.

In conclusion, mitigation works. It saves lives, limits future damage, and reduces Federal disaster costs. The Pre-Disaster Mitigation program is a worthy program, and I look forward to working with Chairwoman NORTON to reauthorize it this year.

I urge my colleagues to support the bill.

I yield back the balance of my time.

□ 1600

Ms. NORTON. Madam Speaker, it is a special pleasure and honor to introduce the Chair of the full committee whose knowledge and work long before this bill finally came forward in the form of an actual bill has been seminal to the act before us today, the chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlewoman for yielding. And I want to compliment Chairwoman Norton for the splendid work she has done chairing the subcommittee, holding hours of hearings on the Pre-Disaster Mitigation program and on various aspects of FEMA's programs that have unfolded in the aftermath of Hurricane Katrina. She has rendered enormous service to the country, to the people of flood prone, disaster prone areas of the country through these hearings and done a superb job. And to Mr. GRAVES, the ranking member of the subcommittee, and Mr. MICA who has fully participated in the shaping of this legislation. It is truly a bipartisan initiative, but one that goes back a very long time.

It was in 1988, then the Committee on Public Works and Transportation authorized FEMA's Hazard Mitigation Program. We thought then this was a very important initiative to provide grants to communities so that they could put in place initiatives, whether structures or nonstructural approaches to protecting communities and individuals, businesses, residences against the hazards of flood, tornado, hurricane and, in our northern tier, excessive snowfall.

The idea was to build better after a disaster and be better prepared for the next time around. But that idea evolved over time, and it was in the mid 1990s that then James Lee Witt, the administrator of FEMA, conceived the idea of taking hazard mitigation a step further to pre-disaster mitigation. He called it Project Impact.

He came up to the committee, now the Committee on Transportation and Infrastructure, to meet with then Chairman Bud Shuster and me as the ranking member to discuss Project Impact, saying that we can save money, as the gentlewoman, the minority leader for this afternoon, has indicated, that we can save money by protecting against what we know will be hazards, disasters happening in the future. And so the committee crafted in 2000 the Pre-Disaster Mitigation program in our FEMA disaster Hazard Mitigation Program.

Out of that program was allocated to the City of Seattle $50 million to strengthen structures in the city against the possibility of earthquake. The city invested some $50 million in strengthening public structures, public buildings, public roadways, and private structures as well. And then they had an earthquake. After the effects of the earthquake had been analyzed, FEMA estimated that the Pre-Disaster Mitigation investments saved $500 million in what would have been damaged public and private structures alike, tenfold the value of the investment.

The program then was further extended as the Committee on Transportation and Infrastructure continued its work. I remember subsequent Chairman Don Young saying so often: Yes, we have to be prepared. FEMA is in the Department of Homeland Security and has to be part of protecting against the security threat to the United States. We don't know when it will come. We know that we have to be prepared. But we do know that every year, said Chairman Young, there are going to be hurricanes, there is going to be a flood, there is going to be whiteouts, there is going to be an earthquake, and we need to continue this program. So with bipartisan support, we have extended the program.

In the aftermath, one of the best examples was the town of Valmeyer, Illinois, devastated in the 1993 Mississippi River flood. For $45 million in Federal, State, and local funding and Pre-Disaster Mitigation, the town was simply relocated to bluffs 400 feet above the site of the former town. This year, as the Mississippi overflowed its banks in many places along its course from southern Minnesota through Iowa, the Chicago Tribune ran a story entitled, "Valmeyer, Illinois, Soaked in '93, Town Now High and Dry." Quoting a resident, Eleanor Anderson, 86 years old, home destroyed in the 1993 flood, said, "I am sure glad I don't have to worry now that we are high enough here on the hill." That is a reasonable investment of public funds.

Story County, Iowa, in 1990, 1993 and 1996, homes were flooded out. Finally, in 1996, with Pre-Disaster Mitigation Funds, those six homes were bought out and moved out. And in 1998 when the floods struck, FEMA estimated that the Federal and State and local governments saved $541,900 in what would have been damages to restore those homes.

In my own district, in 1999, on the eve of July 4, on July 3, straight-line winds called a derecho of 100 miles an hour in a swath 15 miles wide swept through the Superior National Forest, the Boundary Waters Canoe area on the U.S.-Canadian border, and blew down 26 million trees, 3 years' worth of timber harvest for the whole State of Minnesota, creating an enormous hazard for fire to local residents. In the area outside of the wilderness, trees had to be subjected to salvage logging to clear out a way from homes, from resorts, and from outfitter buildings.

Following up, FEMA came to the area and said, with Pre-Disaster Mitigation funds, we propose a 75/25 participation to install sprinkler systems around all the homes and all the businesses in the Gunflint Trail area to protect against the potential, the very real potential of future fire. Almost every resident and business participated in the program, and about 96 percent of the people maintained their sprinkler systems. Then last year, in April of 2007, a fire broke out. Careless campers left the site of their camping and a wind came up and blew it into what eventually became a 75,000 acre fire. The homes that had the sprinkler systems, the buildings that were protected with the sprinkler systems were unscathed. Those that weren't, 147 of them, burned.

Pre-Disaster Mitigation saves lives, saves property, saves costs. It is a sound investment in the future. We have authorized in this legislation the program for an additional 3 years at $250 million each for fiscal 2009 through 2011. The chair of the subcommittee, the gentlewoman from the District of Columbia (Ms. NORTON) has outlined all of the specifics of the bill; I need not go into them.

I simply speak to reinforce the specific examples the benefits of the Pre-Disaster Mitigation program. It is a sound investment in the future of this country for all of us as we are subjected to increasing amounts of disaster from natural causes.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DAVIS of California). The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6109, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OLD POST OFFICE BUILDING REDEVELOPMENT ACT OF 2008

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5001) to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Old Post Office Building Redevelopment Act of 2008".

SEC. 2. OLD POST OFFICE BUILDING DEFINED.

In this Act, the term "Old Post Office Building" means the land, including any improvements thereon and specifically including the Pavilion Annex, that is located at 1100 Pennsylvania Avenue, NW., in the District of Columbia, and under the jurisdiction, custody, and control of the General Services Administration.

SEC. 3. FINDINGS.

Congress finds the following:

(1) For almost a decade the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure of the House of Representatives has expressed considerable concern about the waste and neglect of the valuable, historic Old Post Office Building, centrally located in the heart of the Nation's Capital on Pennsylvania Avenue, and has pressed

the General Services Administration to develop and fully use this building.

(2) The policy of the Government long has been to preserve and make usable historic properties rather than sell them for revenue.

(3) Security concerns related to this property's proximity to the White House may hinder the sale of the Old Post Office Building to a private party.

(4) On December 28, 2000, the General Services Administration, pursuant to Public Law 105–277, submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate a plan for the comprehensive redevelopment of the Old Post Office.

(5) The Committee on Transportation and Infrastructure approved the redevelopment plan on May 16, 2001, and the Committees on Appropriations and Environment and Public Works approved the plan on June 15, 2001.

(6) The General Services Administration issued a Request for Expression of Interest in 2004 for developing the Old Post Office Building that generated a healthy, private sector interest, but the General Services Administration has failed to proceed with implementation of the approved redevelopment plan.

(7) Redevelopment of the Old Post Office Building will preserve the historic integrity of this unique and important asset, put it to its highest and best use, and provide a lucrative financial return to the Government.

SEC. 4. REDEVELOPMENT OF OLD POST OFFICE BUILDING.

(a) IN GENERAL.—The Administrator of General Services is directed to proceed with redevelopment of the Old Post Office Building, in accordance with existing authorities available to the Administrator and consistent with the redevelopment plan previously approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate.

(b) RELOCATION OF EXISTING BUILDING TENANTS.—The Administrator is authorized, notwithstanding section 3307 of title 40, United States Code, and otherwise in accordance with existing authorities available to the Administrator, to provide replacement space for Federal agency tenants housed in the Old Post Office Building whose relocation is necessary for redevelopment of the Building.

SEC. 5. REPORTING REQUIREMENT.

(a) IN GENERAL.—The Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any proposed redevelopment agreement related to the Old Post Office Building.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed development agreement and a description of the material provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—Any proposed development agreement related to the Old Post Office Building may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of the report required under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5001.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 5001, as amended, and to ask for the support of the House, a bill to direct the General Services Administration to redevelop the Old Post Office located on Pennsylvania Avenue, right in the center of the District of Columbia.

On January 16, 2008, I introduced H.R. 5001, the Old Post Office Development Act, to redevelop the nearly empty Old Post Office, a unique historic treasure which was once the post office of the Nation's capital located at 1100 Pennsylvania Avenue Northwest, owned by the Federal Government's GSA.

For more than ten years, our Subcommittee on Economic Development, Public Buildings, and Emergency Management has expressed continuing and mounting concern about the neglect and underutilization of this invaluable government site, and has pressed the GSA to develop and use this building to its full potential.

Madam Speaker, when I brought this bill to the full committee, Mr. OBERSTAR from whom we just heard on a prior bill and Ranking Member MICA lead what could only be called a round of hoorahs and hosannas that this bill was being brought forward.

More than 20 million visitors come. This building is so strategically placed that it is almost certain that constituents of Members have ventured into this extraordinary building which looks like just the kind of building that invites people on the outside, and then they come on the inside and they can't believe what they see. So the building is well known not only by our subcommittee but by the full committee. Worse, as I shall relate, is why it has not been brought forward.

The Old Post Office Building was completed in 1899. That makes it one of the oldest buildings here, and is certainly one of the oldest, perhaps the oldest, for which rehabilitation and preservation has not somehow begun or envisioned. This grand example of Romanesque revival occupies an entire city block. Because it was the main post office, it was strategically located for a purpose not as an historic building, but in the 19th century when that is how you built post offices.

The building was placed on the Historic Register in 1973, and remains one of the city's most unusual, interesting, and appealing landmarks. Part of the appeal of the Old Post Office Building also is its central location in the Federal Triangle, its proximity to many Federal historic sites not the least of them the White House which is a stone's throw from the Old Post Office. Our major metro lines converge there, and a host of restaurants and other amenities surround this location's major tourist site.

□ 1615

This bill is important for the city I represent, as well, but its importance goes far beyond any particular district. This building belonged to the United States of America before there was any home rule in the District of Columbia.

When the Congress of the United States ran the District of Columbia, they saw fit to have a post office befitting the Nation's capital. You would have thought, particularly given the history of developing historic structures here, for which the GSA deserves special credit, that this building certainly, at some point in the 20th century, would have been rehabilitated.

Actually, this particular struggle started in 1998. Congress passed the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, and in that act our committee required the GSA to submit a development plan for the Old Post Office before any Federal funds could be used to convert the space. And on February 28, 2000, GSA did in fact, pursuant to law, submit such a plan as required.

Madam Speaker, no bill, and in my entire history on the committee, no bill has been necessary for this work. We don't trouble the Congress with this work. But it took a bill now 10 years ago just to get a plan. On May 16, 2001, the Committee on Transportation and the Infrastructure passed an additional resolution authorizing the development of the Old Post Office. So we come forward with bills that ordinarily are unnecessary because the GSA goes ahead and submits a prospectus that we approve, and that's it.

The GSA finally in 2005 did issue what we call a request for expression of interest. That's the way we do federal development in our subcommittee.

This is a priceless treasure. If you go to the inside of the building, you see it was built and looks now almost like a cavernous space, most of it is ceiling like this chamber, Madam Speaker, without the room to place for offices or the like. So in order to decide whether or not this was a property which the private sector thought could be developed, we required GSA to ask for expressions of interest.

The GSA received apparently many indications of interest from the private sector. But the agency has never proceeded to the next step. For that reason—and remember we are talking about 2005 when the request for expression of interest occurred—as has been required, every step along the way, a bill is going to be necessary to move the GSA to act and that is what H.R. 5001 does, so that this structure can in fact be utilized for the benefit of Federal taxpayers, for the benefit of visitors to the city, and of course for the benefit of the city as well.

The Congress may be curious as to why there would be any resistance. It is difficult to understand, Madam Speaker, considering that for three, almost four decades we have poured money into the Old Post Office because they didn't want to let it just stand there and get no revenue. So each year the Federal Government loses $6 million or $7 million more than it takes in from the tiny agencies around the rim of the cave, as it were.

If you multiply that over many decades, you will understand that pouring renovations into a building that needed a complete makeover, while allowing a tiny agency here or there to occupy whatever space you could find, has resulted in the loss of billions of dollars to the Federal Government, when in fact we could have reversed that process, bringing billions of dollars of revenue for us, had we done what we did with the highly regarded Tariff Building, another one of the grand old buildings that stood here when I was a kid and where GSA has already shown it can make excellent use of otherwise antiquated and virtually useless structures.

What it did was to convert the old Tariff Building into the rarified, high priced Monaco Hotel, which sits across from the Portrait Gallery. That building quickly returned revenue to the Federal Government. The redevelopment of the Tariff Building shows what can be achieved when the Federal Government works with the private sector to redevelop a site that brings a return to the government, provides a safe and necessary facility for the city and for visitors, and importantly, preserves a priceless, truly priceless historic treasure.

Madam Speaker, our bill now has language that makes it impossible for the GSA to refuse to proceed, as it has done with our prior two bills. GSA is directed to proceed. We waived the prospectus. OMB is not implicated. And I should say for the record that I think the villain in the piece is OMB and not GSA. For reasons known only to itself, and some have said that they wanted to sell the building, even though there is a bipartisan "no" to, in fact, selling any historic structure in the United States. Whatever is the reason, it took a killing in front of the building when they had rented it out to a George Washington University student organization in order to get any movement on the bill, and now the Congress is going to have to make it impossible for OMB to keep GSA from proceeding or face contempt of Congress.

We also take away the excuse that there are agencies in the building. There are a couple of tiny agencies in the building, the kind of agencies that GSA can relocate on the back of an envelope because it relocates very large agencies all the time. Congress has done its homework. It is now time for the GSA to do its work and start bringing some revenue here from this historic structure and some pleasure for the many visitors who wander inside and are distressed by what they see.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5001, the Old Post Office Building Redevelopment Act of 2008. The bill would direct the General Services Administration to enter into an agreement to develop the Old Post Office building on Pennsylvania Avenue in accordance with its plan approved by the Committee on Transportation and Infrastructure in 2001. The bill would also authorize GSA to relocate the Federal agencies currently occupying the Old Post Office Building.

The management of Federal real property has been on the Government Accountability Office's high-risk list since 2003. One of the key issues the GAO has raised is the problem of unused and under-used Federal property.

Currently, the Old Post Office is under-used and has been for some time. Over the years, there have been many attempts to make better use of this historic building. The most recent attempt was made after Congress passed the Public Buildings Cooperative Use Act in 1976. This act, among other things, required GSA to encourage the public use of public buildings for "cultural, educational and recreational activities" and allowed Federal entities and commercial enterprises to share federally owned buildings.

Unfortunately, the mixed use of Federal and commercial space was not successful in this case. Today, there are only a handful of Federal agencies in this historic building on Pennsylvania Avenue, considered America's Main Street. This area of the city has undergone revitalization to help benefit and attract people who live, work and visit the Nation's capital. Allowing for the redevelopment and reuse of this important building will help to further the progress made in this area of the city.

Authorizing GSA to proceed with the full redevelopment of this building has the potential of being a win-win situation for the Federal Government, the taxpayers, and the local community. I support this bill, and I urge my colleagues to do the same.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5001, a bill to direct the redevelopment of the Old Post Office Building, which is not only a landmark in the Nation's capital, but a jewel of "America's Main Street," Pennsylvania Avenue. I commend the gentlewoman from the District of Columbia (Ms. NORTON) for introducing this legislation and for her work on this issue as Chair of the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

Completed in 1899, the Old Post Office building was intended to be the U.S. Post Office Department Headquarters building as well as the city's main post office. The Old Post Office building was awarded a place on the National Register of Historic Places in 1973. This Romanesque building is the second tallest structure and one of the first steel-frame buildings in the District of Columbia.

Despite the magnificence of this building and its extraordinary location, it has been difficult to develop this building to its fullest potential. A renovation of the Old Post Office began in 1977 as part of the redevelopment of Pennsylvania Avenue. In 1982, the General Services Administration, GSA, entered into a 55-year lease with a private sector developer to lease and operate the Old Post Office building. The building was renovated as a multifunctional building that included office space, retail, and a food court. Unfortunately, this redevelopment effort was not successful because of high turnover among the retail businesses and low satisfaction among tenants. The original developer went into bankruptcy and the lender foreclosed on the leasehold.

Today, the Old Post Office building is an aging historical building that is inefficient, underutilized, and a financial drain on the Federal Building Fund. The building's large atrium and other factors contribute to the high costs of operating and maintaining the building.

The Committee on Transportation and Infrastructure has provided oversight and direction to GSA previously in attempts to foster the development of the Old Post Office, including requiring that GSA submit a viable development plan for the Old Post Office before any Federal funds be used to convert the space. Notwithstanding these efforts, the desired development has not occurred.

H.R. 5001, the "Old Post Office Building Redevelopment Act of 2008", authorizes the Administrator of General Services to enter into an agreement to redevelop the Old Post Office Building in a manner that is beneficial to the Federal Government. This bill will not only help spur the redevelopment of this building but also help ensure that the taxpayers get the fullest return from this historic and treasured structure.

I urge my colleagues to join me in support of H.R. 5001, the "Old Post Office Building Redevelopment Act of 2008."

Mrs. DRAKE. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I have no further requests for time, so I too am prepared to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of

Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5001, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1630

RAW SEWAGE OVERFLOW COMMUNITY RIGHT-TO-KNOW ACT

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2452) to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sewage Overflow Community Right-to-Know Act".

SEC. 2. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(25) SANITARY SEWER OVERFLOW.—The term 'sanitary sewer overflow' means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from a municipal combined storm and sanitary sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater in the United States that do not reach waters of the United States, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

"(26) TREATMENT WORKS.—The term 'treatment works' has the meaning given that term in section 212.".

SEC. 3. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(r) SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.—

"(1) GENERAL REQUIREMENTS.—After the last day of the 180-day period beginning on the date on which regulations are issued under paragraph (4), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—

"(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

"(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;

"(C) in the case of a sewer overflow that may imminently and substantially endanger human health, notify public health authorities and other affected entities, such as public water systems, of the overflow immediately after the owner or operator knows of the overflow;

"(D) report each sewer overflow on its discharge monitoring report to the Administrator or the State, as the case may be, by describing—

"(i) the magnitude, duration, and suspected cause of the overflow;

"(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and

"(iii) the steps taken or planned to mitigate the impact of the overflow; and

"(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—

"(i) the details of how much wastewater was released per incident;

"(ii) the duration of each sewer overflow;

"(iii) the location of the overflow and any potentially affected receiving waters;

"(iv) the responses taken to clean up the overflow; and

"(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.

"(2) EXCEPTIONS.—

"(A) NOTIFICATION REQUIREMENTS.—The notification requirements of paragraphs (1)(B) and (1)(C) shall not apply a sewer overflow that is a wastewater backup into a single-family residence.

"(B) REPORTING REQUIREMENTS.—The reporting requirements of paragraphs (1)(D) and (1)(E) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works' best management practices, and is intended to prevent sewer overflows.

"(3) REPORT TO EPA.—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.

"(4) RULEMAKING BY EPA.—Not later than one year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations to implement this subsection, including regulations to—

"(A) establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—

"(i) assessing whether a sewer overflow has the potential to affect human health or may imminently and substantially endanger human health; and

"(ii) developing communication measures that are sufficient to give notice under paragraphs (1)(B) and (1)(C); and

"(B) define the terms 'feasible' and 'timely' as such terms apply to paragraph (1)(A), including site specific conditions.

"(5) APPROVAL OF STATE NOTIFICATION PROGRAMS.—

"(A) REQUESTS FOR APPROVAL.—

"(i) IN GENERAL.—After the date of issuance of regulations under paragraph (4), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to the requirements of paragraphs (1)(B) and (1)(C).

"(ii) PROGRAM REVIEW AND AUTHORIZATION.—If the evidence submitted by a State under clause (i) shows the notification program of the State to be substantially equivalent to the requirements of paragraphs (1)(B) and (1)(C), the Administrator shall authorize the State to carry out such program instead of the requirements of paragraphs (1)(B) and (1)(C).

"(iii) FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account the scope of sewer overflows for which notification is required, the length of time during which notification must be made, the scope of persons who must be notified of sewer overflows, the scope of enforcement activities ensuring that notifications of sewer overflows are made, and such other factors as the Administrator considers appropriate.

"(B) REVIEW PERIOD.—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).

"(C) WITHDRAWAL OF AUTHORIZATION.—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of paragraphs (1)(B) and (1)(C) with respect to the State.

"(6) SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.—After the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall—

"(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309, and

"(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of paragraphs (1)(B) and (1)(C),

until such date as a permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (1).

"(7) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) SEWER OVERFLOW.—The term 'sewer overflow' means a sanitary sewer overflow or a municipal combined sewer overflow.

"(B) SINGLE-FAMILY RESIDENCE.—The term 'single-family residence' means an individual dwelling unit, including an apartment, condominium, house, or dormitory. Such term does not include the common areas of a multi-dwelling structure.".

SEC. 4. ELIGIBILITY FOR ASSISTANCE.

(a) PURPOSE OF STATE REVOLVING FUND.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(1) by striking "and" the first place it appears; and

(2) by inserting after "section 320" the following: ", and (4) for the implementation of requirements to monitor for sewer overflows under section 402".

(b) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended—

(1) by striking "and" the first place it appears; and

(2) by inserting after "section 320 of this Act" the following: ", and (4) for the implementation of requirements to monitor for sewer overflows under section 402".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2452.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2452, the Sewage Overflow Community Right-To-Know Act, offered by my colleague on the Committee on Transportation and Infrastructure, Mr. BISHOP, is an important commonsense proposal to enhance the monitoring and public notification of sewage spills.

I applaud Mr. BISHOP's work to raise the public's awareness of sewage spills and for his tenacity in bringing together relevant stakeholders on this issue to work through potential differences and produce the fine product under consideration today. I also applaud the work of our colleague, Mr. LOBIONDO, for his efforts in supporting and advocating for H.R. 2452.

Public notification of sewage overflows is an important topic that has not received the attention it rightly deserves. During committee hearings on this legislation last summer, the Subcommittee on Water Resources and Environment received testimony on the overwhelming extent of the problem of sewage overflows. According to the Environmental Protection Agency's own numbers, the frequency and volume of annual sewage overflows is staggering.

For combined sewage systems, EPA estimates that 850 billion gallons of raw or partially treated sewage is discharged annually into local waters. For separate sanitary sewer systems, EPA estimates that 23- to 75,000 of these sanitary sewage system overflows occur each year in the United States, discharging a total volume of between 3 and 10 billion gallons annually.

Worse still is the fact that these sewage overflows can be laden with potentially harmful chemicals, pathogens, viruses, and bacteria and often wind up in local rivers and streams, city streets, parks, or, in unfortunate cases, directly into people's homes.

These statistics further emphasize the importance of investment in our Nation's water-related infrastructure. For too long our communities and citizens have been waiting for us to renew our commitment to meeting the water-related infrastructure needs of this country. While the House of Representatives strongly approved legislation to reinvest and rebuild and replace our failing and outdated waste-water treatment infrastructure and sewers, we have faced continued opposition from this administration investing in our Nation's infrastructure.

I remain hopeful that we will be able to send legislation to the President this year that will meet the water-related needs that we all know exist and are necessary to ensure the economic and environmental health of our Nation.

However, in the interim, we need to make sure that the public is aware of sewage levels to give the individuals the opportunity to stay out of harm's way. It makes no sense for sewage agencies to know where and when overflows are occurring but to avoid making this information readily available to the public. This type of practice defies common sense. Equally troublesome are agencies that lack sufficient monitoring technologies or programs to alert them to the presence of sewage overflows.

The legislation under consideration here today is an essential step in protecting the public's health and environment from the dangers of sewage overflows. H.R. 2452, the Sewage Community Right-to-Know Act, is a commonsense approach to enhance the monitoring and notification of sewage overflows to protect human health and the environment. It is also an approach that can be achieved without significant burden to States and local governments. Monitoring and providing public notification on sewage overflows provides the greatest opportunity to avoid direct contact and potentially harmful pollutants as well.

Facilities' rapid responses to overflows in order to minimize the potential harm to the environment, this legislation amends the Clean Water Act to ensure that all publicly owned treatment works incorporate enhanced monitoring notification and reporting requirements into the existing permits for those systems under their operational control.

Under this Act, the Administrator of the Environmental Protection Agency is given 1 year to issue regulations to define the parameters for monitoring and notification to be carried out by the publicly owned treatment works. Following completion of this rulemaking, all publicly owned treatment works are required within a defined time period to incorporate the monitoring and notification criteria from the rulemaking into the existing clean water permits.

However, to help minimize potential paperwork concerns, this legislation allows owners and operators to incorporate the enhanced monitoring provisions in their existing permits as such permits come up for periodic renewal modification.

To enhance the availability of public information on sewer overflows, H.R. 2452 requires the enhanced notification requirements to take effect 30 days after completion of the rulemaking. The legislation under consideration today is slightly modified from the version that was reported favorably from the Committee on Transportation and Infrastructure on May 15 to address a few technical and transitional concerns that were unresolved before the committee markup.

In addition, the bill under consideration today provides a mechanism for States with active notification programs to petition EPA for the ability to carry out the existing notification programs provided that these programs are determined to be functionally equivalent to the national standard for State notification programs called for in this legislation.

I commend the ranking member of the subcommittee, Mr. BOOZMAN, and the ranking member of the Committee on Transportation and Infrastructure, Mr. MICA, and my Chair, Mr. OBERSTAR, for working in a bipartisan fashion to resolve all the outstanding issues related to this important legislation.

Let me conclude by thanking the following organizations for their efforts in reaching the compromised language that is under consideration today: The American Rivers, the National Association of Clean Water Agencies, the Water Environment Federation and the California Association of Sanitation Agencies. The hard work and willingness of each of these organizations made it possible to reach this agreement and to bring forward this important bipartisan legislation.

Madam Speaker, I submit the following for the RECORD.

JUNE 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JOHN MICA,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. TIM BISHOP,
Cannon House Office Building, Washington, DC.
Hon. FRANK LOBIONDO,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR, RANKING MEMBER MICA, AND REPRESENTATIVES BISHOP AND LOBIONDO: On behalf of our members and supporters across the nation, thank you for reporting H.R. 2452, the Sewage Overflow Community Right-to-Know Act. Our organizations strongly support this legislation and applaud your efforts to suspend the rules and pass the bill.

By requiring public notification, H.R. 2452 could protect millions of Americans from exposure to untreated sewage spills that could make them sick. This first line of defense is critical as hundreds of billions of gallons of raw and partially treated sewage are dumped into our streams, rivers and lakes every year. Many American are unaware when a sewage spill occurs in the local waterways where their families swim and play.

The bacteria, viruses and parasites found in untreated sewage can cause severe symptoms including gastrointestinal problems, infection and fever, as well as heart, liver or kidney failure, arthritis and even cancer. By requiring the public to be notified when sewage spills threaten their health, we can help Americans protect their families by avoiding contaminated areas until the threat has passed.

Thank you again for your hard work on this important legislation. We look forward to working with you to see this bill enacted into law this Congress.

Sincerely,

Eli Weissman, Director of Government Affairs, American Rivers; Christy Leavitt, Clean Water Advocate, Environment America; Tiernan Sittenfeld, Legislative Director, League of Conservation Voters; Nancy Stoner, Director, Clean Water Project, Natural Resources Defense Council; David Jenkins, Government Affairs Director, Republicans for Environmental Protection; Angela Howe, Legal Manager, Surfrider Foundation.

Paul Schwartz, National Policy Coordinator, Clean Water Action; Shawnee Hoover, Legislative Director, Friends of the Earth; Corry Westbrook, Legislative Director, National Wildlife Federation; Will Callaway, Legislative Director, Physicians for Social Responsibility; Debbie Sease, National Campaigns Director, Sierra Club.

CALIFORNIA ASSOCIATION
OF SANITATION AGENCIES,
Sacramento, CA, June 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.
Hon. JOHN MICA,
Ranking Republican, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR AND RANKING MEMBER MICA: On behalf of the California Association of Sanitation Agencies (CASA), I write in support of H.R. 2452, which would address the important issue of reporting and notification for sewer overflows. This legislation represents the culmination of a collaborative approach involving wastewater treatment operators and the environmental community. We appreciate the committee's willingness to address CASA's concerns.

CASA understands that the legislation has been amended to address one of our major concerns, which relates to longstanding California requirements for notification of regulatory authorities and the public in the event of a sewer spill that threatens public health or the environment. Specifically, the amendment provides a delegation process so that existing state notification programs designed to inform the public of health threats emanating from sewer overflows will not be supplanted, provided EPA determines that the programs are substantially equivalent to the federal program. This is vital to avoid inefficient and potentially confusing duplication of effort. Further, this amendment will allow POTWs to target their limited resources to fulfilling their responsibilities as first responders when spills occur. Second, we understand that the committee report clarifies that satellite collection systems are not subject to the provisions of the bill. This is important because many regional POTWs do not manage these upstream systems, and have no authority for spills that occur from facilities outside their jurisdiction.

There is one provision in the amended bill that has given rise to a new concern. This new provision is designed to ensure that the notification provisions of the bill will be implemented in a timely matter. However, as written, there is no mechanism for informing permittees of their new, fully enforceable obligations, which appears to be at odds with basic due process rights. We hope that as Congress considers the bill that this matter can be further reviewed and addressed prior to final passage.

Again, we appreciate the opportunity to work with the committee on this important legislation.

Sincerely,

KAMIL AZOURY,
President.

NATIONAL ASSOCIATION OF
CLEAN WATER AGENCIES,
Washington, DC, June 23, 2008.

Hon. JAMES L. OBERSTAR,
House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JOHN MICA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. TIM BISHOP,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR, RANKING MEMBER MICA AND REPRESENTATIVE BISHOP: The National Association of Clean Water Agencies (NACWA) appreciates your ongoing leadership on, and commitment to, clean and safe water in the United States. As the leading advocacy organization representing the nation's public wastewater treatment agencies, NACWA has been working diligently with your staff and with American Rivers to come up with a common-sense bill to establish a consistent, national framework for monitoring and reporting sewer overflows. The result of this effort is the Sewage Overflow Community Right-to-Know Act (H.R. 2452) being considered by the House today. The bill goes a long way to address the needs and concerns of NACWA's public agency members, and we appreciate the hard work and good faith you have shown in helping craft this language.

NACWA, however, must share the bill and accompanying report with its Board of Directors before indicating whether it can offer its support for the legislation. We expect to have a decision on that matter this week. Again, thank you for your leadership on this issue.

Sincerely,

KEN KIRK,
NACWA Executive Director.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2452, the Sewage Overflow Community Right-to-Know Act.

Our Nation has nearly 23,000 miles of ocean and gulf shoreline along the continental United States, 5,500 miles of Great Lakes shoreline and 3.6 million miles of rivers and streams. Public confidence and the quality of our Nation's waters is important to every citizen of this Nation, but it is also critical to industries that rely on safe and clean water.

To improve the public's confidence in the quality of our Nation's waters and protect public health and safety, Representatives BISHOP and LOBIONDO introduced H.R. 2452, the Sewage Overflow Community Right-to-Know Act. Sometimes, especially during wet weather, sewage systems can leak or overflow. This can be caused by inadequate design or capacity or by breaks in the system of pipes that are often old and in need of repair.

H.R. 2452 requires the publicly owned treatment works develop and implement a feasible monitoring program that is reasonably able to detect the occurrence of an overflow or leak in their sewer systems in a timely manner and to notify the public and health authorities whenever a release would threaten public health and safety.

The Environmental Protection Agency is to develop regulations to help local utilities implement these monitoring and notification requirements starting 180 days after these regulations have been issued. EPA or the States, as the case may be, are to incorporate these monitoring and notification requirements into local utilities' Clean Water Act permits on a rolling basis as their permits come up for renewal.

This should provide for the orderly implementation of this program and minimize the need to reopen utilities' permits. To minimize burdening local utilities with duplicative notification requirements, States that have substantially equivalent release notification programs in place may seek EPA's approval to implement the State's notification program instead of the requirements under H.R. 2452. The bill authorizes the use of State revolving loan funds to help communities pay for this monitoring and notification program.

Under this program, EPA and local utilities must define the appropriate amount of monitoring to reduce risk and reasonably protect human health. However, they need to be careful not to unwisely use up funds that are meant to address the very infrastructure problems that are causing the release of sewage in the first place.

I congratulate Representatives BISHOP and LOBIONDO on sponsoring this bill. The public has a right to know when their waters are threatened by sewage release. So I encourage all Members to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 2452, the "Sewage Overflow Community Right-to-Know Act". Let me begin by congratulating our Committee colleague, the gentleman from New York (Mr. BISHOP), for introducing legislation to provide common-sense standards for public notification of both combined sewer overflows and sanitary sewer overflows. This well-thought-out legislation will be a welcome addition to Federal efforts in protecting public health as well as the natural environment.

The most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate the potential for human exposure to the discharge of pollutants from combined sewer overflows ("CSOs") and sanitary sewer overflows ("SSOs"). This can occur either through the elimination of the discharge, or, in the event that a release does occur, to minimize the potential human contact to pollutants.

Unfortunately, Federal law does not provide uniform, national standards for public notification of combined and sanitary sewer overflows. Notification of sewer overflows is covered only by a patchwork of Federal regulations, State laws, and local initiatives aimed at limiting human exposure to discharges.

Potential human exposure to the pollutants found in sewer overflows can occur in a variety of ways. According to the Environmental Protection Agency ("EPA'), the most common pathways include direct contact with sewer discharges in recreational waters and beaches, drinking water contaminated by sewer discharges, and consuming or handling contaminated fish or shellfish. However, humans are also at risk of direct exposure to sewer overflows, including sewer backups into residential buildings, city streets, and sidewalks.

In October 2007, in my own Congressional district, basements and city streets across the city of Duluth were flooded with sewer overflows that resulted from massive rainstorms in the Lake Superior basin. The Western Lake Superior Sanitary Sewer District reported at least seven major sewage overflows in its service area, with reports of numerous additional backups into local streets and basements.

Similarly, earlier this month, heavy rains in the Midwest and flooding along the Mississippi River system resulted in a significant overload to the sewer systems and treatment works, and resulted in the release of untold gallons of untreated or partially treated sewage into the homes and street of communities along the Mississippi River system. As families are starting to return to their homes, they are in need of information on any health risks from coming into contact with potentially contaminated waters.

The cost of eliminating CSOs and SSOs throughout the nation is staggering. In its most recent Clean Water. Needs Survey (2000), EPA estimated the future capital needs to address existing CSOs at $50.6 billion. In addition, EPA estimates that it would require an additional $88.5 billion in capital improvements to reduce the frequency of SSOs caused by wet weather and other conditions.

Upon being elected Chairman of the Committee on Transportation and Infrastructure, I made it a priority to renew the Federal commitment in addressing the nation's wastewater infrastructure needs.

In March 2007, the House approved two bills reported from the Committee on Transportation and Infrastructure—H.R. 720, the "Water Quality Financing Act", and H.R. 569, the "Water Quality Investment Act"—to reauthorize appropriations for the construction, repair, and rehabilitation of wastewater infrastructure, including measures to address CSOs and SSOs.

H.R. 720 authorizes appropriations of $14 billion over four years for the Clean Water State Revolving Fund, which is the primary source of Federal funds for wastewater infrastructure. H.R. 569 authorizes appropriations of $1.7 billion in Federal grants over 5 years to address combined sewers and sanitary sewers. Both bills are pending before the United States Senate.

However, even with significant increases in Federal, State, and local investment, it is likely that sewer overflows will continue. In the event that a release does occur, the most effective way to prevent illness is to provide timely and adequate public notice to minimize human exposure to pollutants.

H.R. 2452, the "Sewage Overflow Community Right-to-Know Act", amends the Clean Water Act to provide a uniform, national standard for monitoring, reporting, and public notification of sewer overflows. This legislation, which was approved by the Committee on Transportation and Infrastructure by voice vote, will strengthen the monitoring and public notification requirements of the Clean Water Act to encourage increased awareness and public notification of overflows in an expeditious manner.

The bill under consideration this afternoon is a slightly modified version of this legislation as reported by the Committee. The bill, as amended, makes a few technical and clarifying changes to the bill, as well as addresses a few transitional issues on the implementation of this Act.

The framework of this amendment was developed jointly by the majority and minority Members of the Committee, it consultation with the National Association of Clean Water Agencies, the Water Environment Federation, the California Association of Sanitation Agencies, and American Rivers. I appreciate the hard work by all parties to help move this common-sense legislation to increase public awareness of combined sewer overflows and sanitary sewer overflows.

Again, I applaud Mr. BISHOP for introducing this common-sense legislation to ensure that our citizens are made aware of the potential public health threats caused by sewer overflows. I urge my colleagues to join me in supporting H.R. 2452.

Mr. BISHOP of New York. Madam Speaker, on behalf of the residents of eastern Long Island, I would like to commend Chairman OBERSTAR, Chairwoman JOHNSON and Congressman LOBIONDO for their leadership and unwavering dedication to clean water issues. I would also like to thank the Transportation and Infrastructure Committee staff for their hard work and commitment to advancing this legislation to the full House today.

Madam Speaker, the EPA estimates that sewer overflows discharge roughly 850 billion gallons of raw or partially treated sewage annually into local waters. These discharges, laden with potentially harmful chemicals and pathogens, often end up in local rivers, lakes, streams, and the ocean.

In response, the Transportation & Infrastructure Committee has taken appropriate measures to restore the federal commitment to our Nation's wastewater infrastructure. In the 110th Congress, we have passed the Water Quality Financing Act, authorizing funds for the State Revolving Fund; and the Beach Protection Act, to carry out coastal recreation water quality monitoring and notification programs. Today, we take our commitment to water quality one step further by passing the Sewage Overflow Community Right-to-know Act.

As the saying goes, an ounce of prevention is worth a pound of cure: The best way to avoid human health and environmental concerns from sewer overflows is to ensure that they never occur in the first place. However, even with significant increases in investment, sewer overflows will continue to occur. Therefore, it is imperative that we provide the public with comprehensive and timely notification of sewer overflows. We need to make sure that the public is aware of sewer overflows to give communities the opportunity to protect themselves.

It makes no sense for operators of local sewer systems to know where and when overflows are occurring, but not to promptly notify the public. Notification of sewer overflows will help the public avoid direct contact with potentially harmful chemicals and pathogens, and it will facilitate rapid response to overflows in order to minimize the potential harm to the environment.

Accordingly, the Bishop/LoBiondo Sewage Overflow Community Right-to-know Act provides for the monitoring, reporting and public notification of sewer overflows from Publicly Owned Treatment Works by requiring POTWs to institute and utilize programs to alert operators to overflows, notify the public within 24 hours of discovery of an overflow by an operator, and notify public health officials when human health is endangered.

The bill requires the Environmental Protection Agency establish criteria to guide POTWs in assessing whether a sewer overflow has the potential to affect human health and developing communication measures to ensure the public is notified. The bill also establishes a process for EPA to determine if a State's existing notification program is substantially equivalent to, or better than, the requirements established in this bill, and should be allowed to continue.

This bill is a result of hard work by several organizations who believe that Americans deserve clean, safe waters. Without their many insights this legislation would not have been possible. Therefore, I would like to thank American Rivers, the National Association of Clean Water Agencies, the Water Environment Federation, and the California Association of Sanitation Agencies for the countless hours they have given to refine the bill's language to ensure that public health and the environment are protected.

Madam Speaker, I encourage my colleagues to vote in favor of this commonsense legislation, and I again thank my friend and colleague, Mr. LOBIONDO, for his leadership and support in authoring the bill.

Mr. LOBIONDO. Madam Speaker, I rise in strong support of H.R. 2452, the Sewage Overflow Right-to-Know Act.

Last year, nearly 250,000 gallons of partially treated sewage leaked from the Asbury Park, New Jersey, sewer treatment plant into the Atlantic Ocean threatening beach goers for miles down the shore. It was the result of a broken pipe that went undetected for over 6 hours. Fortunately, no one got sick and the environment did not suffer any long term consequences. But that is not always the case.

The EPA estimates approximately 900 billion gallons of untreated sewage enter our waterways each year, sickening nearly 3.5 million people annually.

That is why I was pleased to join with Representative BISHOP to introduce H.R. 2452, the Sewage Overflow Community Right-to-Know Act. This commonsense legislation will help keep the public safe from waterborne illness by requiring sewer operators to put in place monitoring systems to detect overflows and to promptly notify the public in the event of an overflow. While some States and localities have strong notification programs in place already, the majority do not. Establishing a minimum standard for public notification is the right thing to do.

H.R. 2452 makes sewer operators eligible for existing grant funds and loans to help defer the cost of implementing monitoring and notification programs, and it provides flexibility to States that already have these critical programs in place.

I want to thank the National Association of Clean Water Agencies and American Rivers for working with Chairman OBERSTAR and Ranking Member MICA to make improvements to this legislation. The bill before us today represents a good compromise between all interested parties.

I want to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, and Ranking Member BOOZMAN for their assistance and support. I also want to thank Jon Pawlow on Mr. MICA's Staff, Ryan Seiger on Mr. OBERSTAR's staff, and Mark Copeland on Mr. BISHOP's staff for their tremendous effort. I urge all members to support this commonsense measure.

Mrs. TAUSCHER. Madam Speaker, I rise in support of H.R. 2452, the Raw Sewage Overflow Community Right-to-Know Act. Sewer overflows present serious threats to the environment and to human health. Our crumbling wastewater infrastructure has resulted in an increasing number of sewage spills, most commonly through combined sewer overflows and sanitary sewer overflows.

As this Congress works to reauthorize the Clean Water State Revolving Fund and improve our wastewater infrastructure, it is essential that our constituents receive prompt notification when a spill occurs. H.R. 2452 provides a national Standard for such notification and permits the use of Clean Water State Revolving funds for publically-owned treatment works to monitor their infrastructure for spills.

In California, we have an existing notification process that is the most aggressive in the Nation. I applaud Chairman OBERSTAR and his staff for recognizing the existence of State notification programs and ensuring that duplication of State and Federal standards does not overburden local sanitation officials. In this bill, States like California may operate their own notification program if the EPA certifies that it is substantially equivalent to the Federal program.

I would like to include a letter from the California Association of Sanitation Agencies that expresses full support for H.R. 2452. I commend Mr. BISHOP and Mr. OBERSTAR for their hard work on this legislation, and urge my colleagues to support the Raw Sewage Overflow Community Right-to-Know Act.

CALIFORNIA ASSOCIATION OF
SANITATION AGENCIES,
Sacramento, CA, June 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.
Hon. JOHN MICA,
Ranking Republican, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR AND RANKING MEMBER MICA: On behalf of the California Association of Sanitation Agencies (CASA), I write in support of H.R. 2452, which would address the important issue of reporting and notification for sewer overflows. This legislation represents the culmination of a collaborative approach involving wastewater treatment operators and the environmental community. We appreciate the committee's willingness to address CASA's concerns.

CASA understands that the legislation has been amended to address one of our major concerns, which relates to longstanding California requirements for notification of regulatory authorities and the public in the event of a sewer spill that threatens public health or the environment. Specifically, the amendment provides a delegation process so that existing state notification programs designed to inform- the public of health threats emanating from sewer overflows will not be supplanted, provided EPA determines that the programs are substantially equivalent to the federal program. This is vital to avoid inefficient and potentially confusing duplication of effort. Further, this amendment will allow POTWs to target their limited resources to fulfilling their responsibilities as first responders when spills occur. Second, we understand that the committee report clarifies that satellite collection systems are not subject to the provisions of the bill. This is important because many regional POTWs do not manage these upstream systems, and have no authority for spills that occur from facilities outside their jurisdiction.

There is one provision in the amended bill that has given rise to a new concern. This new provision is designed to ensure that the notification provisions of the bill will be implemented in a timely matter. However, as written, there is no mechanism for informing permittees of their new, fully enforceable obligations, which appears to be at odds with basic due process rights. We hope that as Congress considers the bill that this matter can be further reviewed and addressed prior to final passage.

Again, we appreciate the opportunity to work with the committee on this important legislation.

Sincerely,

KAMIL AZOURY,
President.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I ask for support of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2452, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.".

A motion to reconsider was laid on the table.

PROVIDING REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS OF COMMITTEE ON LEVEE SAFETY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMITTEE ON LEVEE SAFETY.

Section 9003(f) of the Water Resources Development Act of 2007 (33 U.S.C. 3302(f)) is amended by striking "To the extent amounts are made available in advance in appropriations Acts," and inserting "Subject to the availability of appropriations,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 6040.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6040, introduced by the ranking member of the Transportation and Infrastructure Committee, Mr. MICA, and the ranking member of the Subcommittee on Water Resources Environment, Mr. BOOZMAN, makes a technical change to title IX of the Water Resources Development Act of 2007.

Title IX of the Water Resources Development Act of 2007 establishes the framework for the creation of the National Levee Safety Program to enhance the safety of levees and those living in levee-protected areas.

In the 3 years since hurricanes Katrina and Rita, the Nation has refocused its attention to the safety and reliability of flood-control structures and how lives and livelihoods can be affected by their failure.

It is especially evident that to our colleagues from the States of Iowa, Missouri, and Illinois, who have been experiencing the challenges of flooding from the Mississippi River and its tributary system over the past few weeks. The Subcommittee on Water Resources and Environment has held numerous hearings on the condition of the Nation's levees and other flood-control structures.

Throughout these hearings, one consistent theme was readily apparent, the condition of the Nation's flood control infrastructure is, at best, unknown, and in a few notable instances, is in desperate need for repair and upgrading. The subcommittee received testimony from noted experts in flood control infrastructure that of the thousands of miles of Federal, State, local, and privately owned levees, in this country little is known about the current condition, including whether levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interests.

☐ 1645

Although rare, failure of flood control structures, such as levees, does occur, and has become more frequent in recent years, and actually, in the last recent weeks.

Levees are typically built in a certain location and to a specified height to provide a certain level of protection. However, the level of protection provided by a levee may change with time, due to natural or manmade changes. Natural changes may include land subsidence, sedimentation, vegetative growth in the floodway, or the potential implications of climate change.

Land use changes in an area such as upstream development, and the loss of natural upstream storage capacity, can induce hydrologic changes, including faster runoff that will reduce the level of protection provided by a levee.

Given the important flood damage reduction and development opportunities provided by levees, it is important for the Nation to understand the true nature and condition of our flood control infrastructure, as well as to develop a comprehensive national policy to address issues related to the construction, operation and maintenance of projects and other management techniques for flood damage reduction.

In that light, the Committee on Transportation and Infrastructure included language in the Water Resources Development Act of 2007 for the creation of a national Committee on Levee Safety.

The committee would be chaired by the Corps of Engineers and would include experts from around the Nation, working towards a short-term recommendation to Congress for the creation of an effective and efficient National Levee Safety Program.

The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. Whatever recommendations are made by the Committee on Levee Safety, these recommendations will be referred back to the Congress for enactment in future legislation.

It is my understanding that the Corps has been working towards the creation of the committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the ranking member of the Subcommittee on Water Resources and Environment for volunteering to move this legislation through the House.

It is my hope that the other body can, also, quickly move this legislation to the President's desk so that the Levee Safety Committee can begin its important work and complete it later this summer.

I urge adoption of this legislation.

Madam Speaker, I submit the following for the RECORD.

AMERICAN SOCIETY OF
CIVIL ENGINEERS,
Washington, DC, June 23, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. JOHN MICA,
Ranking Member, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN MICA: I am writing on behalf of the more than 140,000 members of the American Society of Civil Engineers (ASCE) to support passage of H.R. 6040, a bill to amend the Water Resources Development Act (WRDA) of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

As you recall, ASCE was a strong supporter of legislation to enact a national levee safety program in WRDA 2007. We believe that it is essential to clarify that the members of the Committee on Levee Safety be eligible to receive reimbursement for their travel incurred as a result of their volunteering to work on the Committee. The outcome of the Committee's study undoubtedly will have an important bearing on future legislative efforts to improve the safety of the nation's levee systems.

Sincerely yours,

DAVID G. MONGAN,
President.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have seen in the gulf region and now along the Mississippi River what can happen when hurricane and flood protection infrastructure is inadequate or fails to perform. Yet more Americans are moving to coastal areas where the risk of hurricanes and floods is great.

In the south Atlantic region, the coastal population grew 51 percent from 1980 to 2000, and this trend is expected to continue. Along the Gulf of Mexico, the population has increased 38 percent from 1980 to 2000, and this trend is also expected to continue.

We do not know where the next hurricane or flood will hit, but we do know that many of our major cities, including parts of Washington, D.C., have a greater probability of flooding than did New Orleans.

For example, the City of Sacramento, California, has almost twice as many people as New Orleans; yet it has less flood protection than any other major city in America. Cities like Houston, St. Louis, and Miami also are at risk. We cannot treat citizens of these cities differently unless we have a policy reason that we can explain and justify to our constituents.

As we have learned from recent levee failures, our infrastructure is aging.

What we know about the existence and conditions of these other levees we often learn when one fails or it is overwhelmed by a flood event. For instance, the State of California in 2005 declared a state of emergency in the Central Valley in anticipation of the failure of 24 levees. According to the State of California, it would cost more than $5 billion to make critical delta levees, but not all delta levees, stronger in the face of flood and seismic events in the Central Valley.

In the past, Congress has taken steps to ensure that the Nation's flood damage reduction infrastructure is properly inventoried, inspected, and assessed. In 1986, the Congress authorized the National Dam Safety Program Act to conduct an inventory and assessments of all dams nationwide. The National Inventory of Dams shows that 45 percent of all Federal dams are at least 50 years old and that 80 percent of them are at least 30 years old.

We know less about the status and capabilities of our levees. There has never been a national inventory of levees. Little is known about the current condition of both Federal and non-Federal levees, including whether these levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interest.

Over the decades, levees have been built by different entities, at different times, and to different standards. They have been linked together to provide a protective system, but with such a mixture of conditions, the true level of protection may be in doubt.

Over time, development has taken place behind some of these levees so much more may be at risk in terms of lives and economic resources.

There is so much that we do not know about the levees in America that we cannot be sure how safe our cities and towns really are. We need more information.

The Water Resources Development Act of 2007 included language establishing a panel to develop recommendations for a National Levee Safety Program. However, the Committee on Levee Safety is unable to meet since a drafting error contained in the Water Resources Development Act of 2007 inadvertently keeps the Army Corps of Engineers from carrying out important work.

H.R. 6040 strikes the incorrect language and replaces it with language stating the Committee on Levee Safety can develop its recommendations subject to the availability of appropriations.

This technical change will allow the Corps of Engineers to convene the Committee on Levee Safety as soon as this bill is enacted.

With the recommendations that will come from this Committee on Levee Safety, the Congress can develop a national policy for levee safety and a program to ensure that levees are functional and safe.

I urge all Members to support H.R. 6040.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6040, a bill to make a technical correction to a Water Resources and Development Act of 2007 provision authorizing the Secretary of the Army, acting through the U.S. Army Corps of Engineers, to establish a Committee on Levee Safety.

Title IX of the Water Resources Development Act of 2007 authorizes the Corps to establish a committee of Federal, State, local, tribal, and private sector experts on levee safety to develop recommendations for a national levee safety program.

As the events of the last few years have clearly demonstrated, there is a serious concern with the condition of the Nation's primary structural flood control measures—the Nation's system of levees. These structures, which range from the Federally constructed and maintained levees along the lower Mississippi River and tributaries, to Federal, State, and local levees nationwide, protect our lives and livelihoods from the risks of flooding. Within the jurisdiction of the Corps of Engineers alone, there are between 12,000 to 13,000 miles of levees protecting everything from major metropolitan cities to towns and townships throughout the nation. Without a doubt, the health, safety, and security of countless lives depend on the resiliency and upkeep of these essential structures.

We have all witnessed the result of levee failure. Just 2 years ago, the flood walls surrounding three of the canals within the city of New Orleans failed, and the result was a major metropolitan city being underwater for days. Many of the communities impacted by this failure are still struggling today.

Just this past month, we watched as the rivers of the Upper Mississippi River and its tributaries overfilled their banks and resulted in the unfortunate loss of life, as well as thousands of families losing their homes, their cars, and their businesses to the raging waters of the Mississippi River.

Cognizant of the importance of the Nation's system of levees, the Committee on Transportation and Infrastructure included a provision within the Water Resources Development Act of 2007 to create a Committee on Levee Safety that would be tasked with developing recommendations for a national levee safety program.

The Secretary of the Army will establish the committee, and it will develop short-term recommendations to Congress for the creation of an effective and efficient National Levee Safety Program. The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. The recommendations made by the committee on Levee Safety will be reported to the Committee on Transportation and Infrastructure.

It is my understanding that the Corps has been working toward the creation of this committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the Ranking Member of the Subcommittee on Water Resources and Environment, Congressman BOOZMAN, for sponsoring this legislation. It is my hope that the other body can quickly move this legislation to the President's desk, so that the Committee on Levee Safety can begin its important work later this summer.

I urge my colleagues to support the bill.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back and ask for support for this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6040.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New and Emerging Technologies 911 Improvement Act of 2008" or the "NET 911 Improvement Act of 2008".

TITLE I—911 SERVICES AND IP–ENABLED VOICE SERVICE PROVIDERS

SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

"SEC. 6. DUTY TO PROVIDE 9–1–1 AND ENHANCED 9–1–1 SERVICE.

"(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9–1–1 service and enhanced 9–1–1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

"(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9–1–1 and enhanced 9–1–1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9–1–1 and enhanced 9–1–1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

"(c) REGULATIONS.—The Commission—

"(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

"(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

"(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

"(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

"(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 and enhanced 9–1–1 service and access; and

"(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

"(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

"(e) IMPLEMENTATION.—

"(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

"(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

"(f) STATE AUTHORITY OVER FEES.—

"(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9–1–1 or enhanced 9–1–1 services, provided that the fee or charge is obligated or expended only in support of 9–1–1 and enhanced 9–1–1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

"(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–1–1 or enhanced 9–1–1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

"(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

"(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E–911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

"(1) defining geographic coverage areas for public safety answering points;

"(2) defining network diversity requirements for delivery of IP-enabled 9–1–1 and enhanced 9–1–1 calls;

"(3) call-handling in the event of call overflow or network outages;

"(4) public safety answering point certification and testing requirements;

"(5) validation procedures for inputting and updating location information in relevant databases; and

"(6) the format for delivering address information to public safety answering points.

"(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9–1–1 or enhanced 9–1–1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008."; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3).".

SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: "and for migration to an IP-enabled emergency network";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and statewide basis;

"(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

"(E) include a proposed timetable, an outline of costs, and potential savings;

"(F) provide specific legislative language, if necessary, for achieving the plan;

"(G) provide recommendations on any legislative changes, including updating definitions, that are necessary to facilitate a national IP-enabled emergency network;

"(H) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008;

"(I) identify solutions for providing 9–1–1 and enhanced 9–1–1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

"(J) analyze efforts to provide automatic location for enhanced 9–1–1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9–1–1 services.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety *community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.''.*

TITLE II—PARITY OF PROTECTION

SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

*(1) by striking ''**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**'' in the section heading and inserting ''**SERVICE PROVIDER PARITY OF PROTECTION.**'';*

(2) in subsection (a)—

(A) by striking ''wireless carrier,'' and inserting ''wireless carrier, IP-enabled voice service provider, or other emergency communications provider,'';

(B) by striking ''its officers'' the first place it appears and inserting ''their officers'';

(C) by striking ''emergency calls or emergency services'' and inserting ''emergency calls, emergency services, or other emergency communications services'';

(3) in subsection (b)—

(A) by striking ''using wireless 9–1–1 service shall'' and inserting ''using wireless 9–1–1 service, or making 9–1–1 communications via IP-enabled voice service or other emergency communications service, shall''; and

(B) by striking ''that is not wireless'' and inserting ''that is not via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service''; and

(4) in subsection (c)—

(A) by striking ''wireless 9–1–1 communications, a PSAP'' and inserting ''9–1–1 communications via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service, a PSAP''; and

(B) by striking ''that are not wireless'' and inserting ''that are not via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service''.

(b) DEFINITION.—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

''(8) OTHER EMERGENCY COMMUNICATIONS SERVICE.—The term 'other emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9–1–1 service.

''(9) OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'other emergency communications service provider' means—

''(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services; or

''(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9–1–1 service governing authority to provide other emergency communications services.

''(10) ENHANCED 9–1–1 SERVICE.—The term 'enhanced 9–1–1 service' means the delivery of 9–1–1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9–1–1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04–36 and 05–196, or any successor proceeding.''.

TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES

SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting ''or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))'' after ''section 332(d))'' each place it appears in subsections (d)(4) and (f)(1);

(2) by striking ''WIRELESS'' in the heading of subsection (f); and

(3) in subsection (g), by inserting ''or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))'' after ''telephone exchange service''.

Mr. GORDON of Tennessee (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MOTION OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gordon of Tennessee moves that the House concur in the Senate amendment to H.R. 3403.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3403, the "New and Emerging Technologies 911 Improvement Act of 2008".

This legislation ensures that consumers using Voice over Internet Protocol technology, or VoIP, can make full use of the 911 system in two important ways. First, the legislation extends the same liability protections afforded to wireline and wireless carriers, public safety, and end users to VoIP service. This parity in liability protections will encourage service providers, public safety, and end users to continue to rely on the 911 emergency communications system, regardless of the technology used to make a 911 call. Second, the legislation ensures that VoIP providers can interconnect with legacy telephone networks so they can deliver calls and information to 911 call centers.

Representative GORDON, the author of H.R. 3403, Representative MARKEY, Chairman of the Subcommittee on Telecommunications and the Internet, Representative BARTON, Ranking Member of the Committee, Representatives UPTON and STEARNS, the former and current Ranking Members of the Subcommittee, and I worked very closely with all stakeholders on this legislation, and it has widespread support among the public safety community, industry, and others.

As is clear from the language of the legislation, the requirement for interconnection is for purposes of 911 only and should not be used to bootstrap access for other reasons. Similarly, the legislation makes clear that those who control the legacy gateways to the emergency communications system must provide access, including rights of interconnection, to those seeking to deliver 911 calls and information. Because all stakeholders agreed to the legislative language, we fully expect that this access will not be inhibited by either delay or litigation.

H.R. 3403 also requires the development of a national plan to ensure that the 911 system continues to evolve. It is significant that the plan will include the participation of first responders, including the emergency communications professionals maintaining and using the system. It is also important that the plan will address the needs of the disabilities community when they use emergency communications. I look forward to reviewing the results of this work so we can begin to move to the next generation of emergency communications.

I am disappointed that the Senate stripped out one provision of the House-passed version of this legislation that protected proprietary customer information. This provision prohibited a carrier from using the customer information that other carriers are required to provide for 911 databases for any purpose other than emergency communications. I heard no rational argument against the policy underlying this provision. Nevertheless, in the interest of ensuring that this legislation be enacted swiftly, I will support the bill as passed by the Senate. I intend, however, to take this matter up again in the future. We owe it to consumers to ensure that their emergency communications system does not become a playground for competitive shenanigans.

H.R. 3403 is a forward-looking bill that ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. Each of its elements—giving VoIP providers access to the components they need to provide 911 service; extending to VoIP providers, public safety officials, and end users the liability protections currently afforded to wireline and wireless services; and requiring a plan for the continued evolution of the emergency communications system—is a worthy victory for all consumers. I commend Representative GORDON for his years of dedication to this important issue and hail this success, from which all Americans will reap benefits for years to come.

Mr. GORDON of Tennessee. Madam Speaker, I rise today to offer unanimous consent to consider the Senate amendment to

H.R. 3403, the New and Emerging Technologies 911 Improvement Act of 2008.

When Americans dial 911, they expect the call will go through, regardless of what phone they use. That is why Congress acted in 1999 and 2004 to ensure all Americans had access to 911 services on their wireless phones.

Congress now needs to act to ensure that all Americans have access to lifesaving 911 services on their Voice over the Internet Protocol or VoIP phones and other new technologies.

When I first drafted this legislation in 2005, the intent was to integrate VoIP phones into the Nation's 911 system. Since then the bill has been expanded to include nonvoice technologies used by the deaf and hard of hearing community and other innovative technologies that will exponentially improve public safety for all Americans.

Specifically, the bill will provide VoIP phone service providers direct access to the 911 system at the same rates, terms and conditions, as wireless phone providers. The bill also authorizes VoIP service providers to share customer location information with public safety answering points, PSAPs. This will ensure VoIP services providers can provide full E–911 services to their customers.

The bill extends existing State laws protecting 911 calls made using wireline and wireless phones to not only VoIP 911 calls, but also to any service obligated by the FCC to provide 911 in future, and any service that coordinates with local 911 authorities to offer voluntary 911 emergency services. This will include Video Relay Services and text service used by the deaf and hard of hearing, and new car based 911 services.

By doing this, we will encourage the rapid deployment of innovative new lifesaving 911 technologies, rather than wait for Congress to extend essential liability protections to new technologies.

The bill preserves State, Tribal and local governments' authority to levy 911 fees and stops such fees from being diverted for non 911 purposes.

Finally, the legislation seeks to modernize the Nation's 911 system by requiring the National 911 Coordination Office to establish a national plan to move to an IP-based emergency response network, and allowing 911 PSAP grants to be used for IP-based equipment.

Today's 911 system uses 30-year-old wire and switch technology. Moving to an IP-based system will enable PSAPs for the first time to be interoperable with each other and other first responders. It will also allow them to handle a range of technologies—digital or analog, wireless phone, video, text messaging, data, satellite, VoIP, translation services and even maps of buildings. And it will allow PSAPs to stay operating even if the phone system goes down or their physical locations are destroyed. Events like 9/11 and Hurricane Katrina where 911 systems were overwhelmed highlight why a robust IP based 911 system must be a priority.

H.R. 3403 is supported by the National Emergency Numbering Association, the VON Coalition, the National Cable & Telecommunications Association, Earthlink, Inc, the Coalition of Organizations for Accessible Technology, Motorola, Intrado, the TeleCommunications Systems, Inc., and the U.S. Telecommunications Association.

I want to thank the Energy and Commerce Committee and its staff for the bipartisan effort to move this bill quickly.

I also want to thank Senator TED STEVENS, Senator BILL NELSON, the Senate sponsor of the bill, and the co-chairs of E–911 Congressional Caucus Representative ANNA ESHOO, Representative JOHN SHIMKUS, Senator HILLARY CLINTON.

Working collaboratively with public safety, the deaf and disabled community and the communications industry, we have produced a bill that will greatly improve 911 services in America today and for the future.

I'll close by encouraging my colleagues to vote for this bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING HIGH SCHOOL VALEDICTORIANS OF GRADUATING CLASS OF 2008

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1229) recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1229

Whereas valedictorians are conferred as the highest academically-ranked student in their high school's graduating class;

Whereas our Nation's secondary schools honor their highest academically ranked students with the "valedictorian" title;

Whereas valedictorians have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers;

Whereas valedictorians serve as peer role models to fellow high school students by succeeding academically and contributing to community improvement;

Whereas valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement;

Whereas numerous valedictorians and graduating seniors will further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions;

Whereas family members, teachers, school administrators, and community members have nurtured the intellectual growth and rewarded the academic achievements of valedictorians and graduating seniors; and

Whereas valedictorians and graduating seniors will become America's future civic, business, and political leaders, maintaining our Nation's global leadership position and strengthening its economic competitiveness: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the valedictorians and graduating seniors of the class of 2008 for their academic achievements and contributions to their communities;

(2) encourages all valedictorians and graduating seniors to further their intellectual inquiry and academic studies in universities and postsecondary educational institutions; and

(3) supports the continued social engagement of valedictorians and graduating seniors, which utilizes their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1229 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1229, which recognizes the achievements of America's high school valedictorians of the graduating class of 2008. I am pleased to honor these outstanding individuals, as well as encourage the pursuit of high academic honors.

Today, as we recognize our valedictorians, we reaffirm our commitment to education and encourage our youth to discover the many learning opportunities they will encounter throughout their lives. I hope that by saluting these valedictorians we help make high achievement infectious and help every student appreciate the countless opportunities that await them beyond high school.

Valedictorians are not only the highest academically ranked students in their class; they are also peer role models who represent the ideals of their families and communities. They inspire fellow classmates to become involved in improving the community and motivate their peers to achieve academically.

Long after high school, the title of valedictorian is still upheld as a significant accomplishment. By recognizing the accomplishments of this year's high school valedictorians, I hope to support and promote inquiry and learning across our Nation. I know that this year's valedictorians, and all graduating seniors at our Nation's high schools, are our future leaders. We owe it to these students to give them the best education we can and celebrate high school graduation as an important step toward achieving their goals.

Madam Speaker, I congratulate this year's valedictorians and everyone in the graduating class of 2008. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1229, recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students.

Valedictorians are the highest academically ranked students in their high school's graduating class. These students have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers.

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They serve as peer role models to fellow high school students by succeeding academically and contributing to a culture of excellence in their schools.

Valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement. These students enjoy the support of family members, teachers, school administrators and community members who have nurtured their intellectual growth and rewarded their academic achievements. This class of seniors will become America's future civic, business and political leaders, maintaining our Nation's global leadership position and strengthening its economic competitiveness.

Today I want to especially honor and recognize the valedictorians and graduating seniors of the class of 2008. They have all worked very hard to accomplish the goals they reached on high school graduation day. I know this is not the first outstanding accomplishment for many of these young people, and I am equally certain it will not be the last.

I encourage all valedictorians and all graduating seniors to further their intellectual inquiry and academic studies in universities and post-secondary educational institutions across the Nation.

To all graduating seniors, I want to say congratulations on your many accomplishments, and enjoy your summer.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, as we reflect on the valedictorians of the class of 2008, I think it's important that we think about what the Democrats are doing now in the House of Representatives that are going to affect their future. I think that we have to reflect on the fact that the Democrat majority's "just say no" energy policy certainly darkens America's energy future:

No production of American energy resources, which increases reliance on unstable foreign sources such as Venezuela, Iran and Saudi Arabia.

No new oil refineries built, which increases gas prices and reliance on imported fuel.

No new transmission lines, which hinders renewable electricity getting to consumers and reduces reliability.

No new coal power plants, which increases electricity prices and stifles the economy.

No new advanced zero-emission nuclear plants, which blocks one of the cleanest, most reliable energy sources available.

No new zero-emission hydroelectric plants, which blocks reliable clean energy.

No liquefied natural gas terminals, which increases prices and ships jobs overseas.

Democrats' prohibition on producing American energy resources have made the U.S. more reliant on imported oil and natural gas.

Democrats' roadblocks on the utilization of energy from our North American neighbors have made the U.S. more reliant on the Organization of Petroleum Exporting Countries, OPEC.

Democrats' unfavorable tax rules have sent energy investment and production abroad.

Democrats' unnecessary red tape and bureaucracy have made it nearly impossible to move forward on new clean power generation.

Democrats' 1970s-era energy policies have cancelled dozens of power plants, reducing electricity supplies and increasing electricity costs to consumers.

Democrats' refusal to provide incentives for individuals and businesses has made it difficult to invest in efficient technologies.

But Republicans have solutions that will fix this problem. We then can look at meeting our energy needs with American-made energy in the future.

The comprehensive House Republican plan will fund research and development of technologies and innovations which advance the use of renewable and domestically available energy sources, increase energy efficiency, and ease the environmental impacts of energy use.

We will increase the production of American-made energy in an environmentally safe way.

We support actions that reduce America's dependence on energy from unstable foreign governments and dictatorships by increasing domestic production of oil and natural gas in an environmentally safe way.

And we promote unconventional fuels such as coal-to-liquid technology by recovering our vast oil shale reserves and increasing access for environmentally responsible development of conventional and unconventional domestic oil and natural gas production.

We want to provide coal-to-liquids financing and tax incentives. We want to advance the commercialization of the Nation's 2 trillion barrel shale oil resource, 80 percent of which occurs on government-owned land in the West. This is enough to supply all of America's needs for over two centuries.

We are promoting new, clean and reliable power generation. We encourage more production of environmentally safe energy to increase the use of our vast domestic supply, reduce emissions, and keep coal-dependent communities strong.

We want to expand emissions-free nuclear power, including long-term nuclear waste storage solutions and recycling spent fuel by providing production and investment tax credits for all new base-load electricity products such as advanced nuclear power and clean coal, and allowing immediate expensing for new renewable or zero-emission power.

We want to cut red tape and increase the supply of American-made fuel and energy by expediting permitting for enhanced oil recovery projects, including CO_2 delivery and injection, as well as permitting for new refining capacity.

We want to improve environmental review and permitting to encourage the deployment of technologies which increase the efficiency of existing power plants.

And we want to end ill-advised policies that have led to the proliferation of unique gasoline and diesel fuel formations known as "boutique fuels" which have fragmented our motor fuels distribution system, choked off supply, and exacerbated the already painful Pelosi Premium.

We are encouraging greater energy efficiency by offering conservation tax incentives. We support technologies to help increase energy efficiency in all sectors of the American economy, including removing bureaucratic regulatory barriers that prevent businesses from upgrading their facilities with newer, more efficient energy technologies.

We want to make home energy efficiency upgrades tax deductible, provide incentives for homebuilders and homeowners to make their homes more energy efficient, offer investment expensing for industrial and commercial building efficiency upgrades, extend the residential and business solar and fuel cell investment tax credits, with enhancements to the residential solar credit ($2,000 per ½ kilowatt installed), extend the fiber-optic distributed sunlight investment tax credit, and increase energy efficiency of government-owned facilities.

With that, Madam Speaker, I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, for too long our Nation has been captive of the interests that are preserving dependence on fossil fuels.

What's so exciting about what is happening with the younger generation, among them these valedictorians that we're saluting today, is they're really getting out on the cutting edge in terms of thinking about the green revolution, about new energy technologies. And they're the ones, I think, that are going to join with enlightened policy makers across the country to make sure that we liberate ourselves from that dependence on fossil fuels and we move forward and explore alternatives to that, which is really going to be the solution to our energy crisis over time.

So again, for all they're doing and for stepping up as they do every day and demonstrating incredible accomplishments, I want to salute the valedictorians of the class of 2008 and encourage my colleagues to support H. Res. 1229.

Mr. GRIJALVA. Madam Speaker, today, we rightly honor the hard work and achievements of this year's valedictorians, salutatorians and graduates all across the Nation. I wish to recognize their dedication and the contributions to their community. By completing a high school diploma, the future for these students has become considerably brighter.

I also wish to take a moment to reflect on largo group of valedictorians, salutatorians and graduates who, despite high school success and graduation, will be shut out of many of the opportunities for a prosperous future that we promise to our children for their hard work.

I am referring to the many valedictorians, salutatorians and graduates who have worked hard in the communities they have known their whole lives, played by the rules, excelled in school and, because of their undocumented status, will be systematically cut off from the opportunities that are afforded to successful students like them. Through no fault of their own, these bright, intelligent, model students will be caught in limbo—denied an opportunity to pursue success and, in so doing, to serve our country.

These students are confronted with a lesson that high schools do not teach—that because of a status that was not of their choosing, their achievements are worth less than the achievements of their friends and classmates. This is a cruel lesson indeed; the lesson that they have grown up in a social caste; that despite America's promise of prosperity for hard work, that no matter what their educational success—they will be branded "untouchables".

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1229, recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students, introduced by my distinguished colleague from New York, Representative GREGORY MEEKS, of which I am a proud cosponsor. This bill is an important step in continuing and promoting the excellent secondary education that our nation provides.

This legislation recognizes the fine accomplishments of the graduating class of 2008 and commends them for their intellectual pursuits as well as their academic achievements. This bill, furthermore, recognizes the family members, teachers, school administrators, and community members that have nurtured the intellectual growth and rewarded the academic achievements of this year's valedictorians and graduating seniors.

This year, valedictorians across America have succeeded in tremendous academic endeavors. Whether by inspiring their fellow classmates to study a little longer for a test, or by tutoring them to write an essay, valedictorians have acted as noteworthy role models to their peers. Furthermore, through their hard work and dedications, they have enriched their academic communities.

It is further important that we recognize that valedictorians often engage in extracurricular activities, enriching their local communities and the nation by furthering economic, cultural, and social accomplishments. By volunteering their time in soup kitchens, acting as captain of the soccer team or chess club, or simply taking an after-school job, valedictorians learn more than math and English, they learn to contribute significantly to our society.

As Chair of the Congressional Children's Caucus, I recognize the importance of today's youth. Valedictorians as well as graduating seniors of 2008 will become the future businessmen, leaders, teachers, and scientists that lead this nation. They will use their extraordinary talents to make the world a better place. As thus, it is important for them to continue to cultivate their strengths by attending one of the many universities that this great nation has to offer. I support this legislation that encourages valedictorians and the graduating class of 2008 as a whole, to further their intellectual inquiry and academic studies beyond their secondary education.

With over 15,000 of our nation's schools recognizing this year's valedictorians as the highest academically-ranked students in their graduating class, the members of Congress, as representatives of our nation, must recognize these talented individuals for their hard work. By doing so, we demonstrate the importance of education and show our support for the continued hard work of students across the country. Without this official recognition, talented youth may not feel support which can push them to achieve high goals, such as past valedictorians and the valedictorians of the 2008 graduating class have achieved. I feel strongly that this bill is a step toward providing support for students.

This legislation is imperative to recognizing the achievement of the graduating class of 2008, supporting social engagements by graduating seniors to better our communities, and promoting continued intellectual pursuits by these men and women at colleges and universities. As the Chair of the Congressional Children's Caucus, a Representative of the people of the United States, and a mother of two, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. MEEKS of New York. Madam Speaker, I rise today to recognize and honor the achievements of America's high school valedictorians and the graduating class of 2008. With House Resolution 1229, I know that I capture the sentiment of all Members of the 110th Congress in promoting the importance of intellectual growth and the academic excellence of America's graduating high school students. In my southeast Queens community, New York's Sixth Congressional District, I personally know that great achievements have taking place in the high schools servicing my young constituents. My district's graduating seniors have achieved a major milestone in their educational and social development. With this accomplishment, I now encourage these young adults to take their next major step towards becoming our Nation's future leaders and engaged citizens by entering higher education institutions or by beginning their young careers.

For this graduation celebration, I want to specifically recognize the stellar accomplishments of our Nation's high school Valedictorians. Each year, every high school recognizes an individual student who has risen above his or her fellow students through their consistency of intellectual inquiry, in their demonstration of academic discipline, and their utilization of teacher mentoring. Through their dedication and hard work, these students have attained the position of top academically ranked student within their graduating class and are honored as the "Valedictorian" at their graduation ceremony. Throughout their high school careers, Valedictorians have served as peer role models to fellow high school students by succeeding academically and contributing to community improvement. It is their example that shines clearly to their fellow students and community members, demonstrating the dedication and drive that it takes to become America's future civic, business, and political leaders, and maintaining our Nation's global leadership position through strengthening its economic competitiveness.

During this graduation season, let us not forget that no child achieves alone, but rather it takes an entire community to rear a socially and educationally mature child. Along with our Nation's valedictorians and graduating class, I want to recognize and honor the love, support, and contributions of the parents, community members, teachers, and school administrators, who have provided these students with the resources and guidance needed to achieve. It has been the selfless contributions of these individuals who have nurtured the intellectual growth and rewarded the academic achievements of our Nation's valedictorians and graduating seniors.

In closing, I make the call to all graduating seniors to further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions and to continue their social engagement, utilizing their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of our great Nation.

Mr. SARBANES. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1229, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF LOUIS JORDAN ON THE 100TH ANNIVERSARY OF HIS BIRTH

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1242) honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1242

Whereas Louis Thomas Jordan was born July 8, 1908, in Brinkley, Arkansas;

Whereas he studied music as a young child under his father James Aaron Jordan, who was the bandleader of the Brinkley Brass Band;

Whereas in the late 1920s he attended Arkansas Baptist College in Little Rock, Arkansas, and majored in music;

Whereas he joined Chick Webb's Savoy Ballroom band in 1936 in New York where he played saxophone and performed occasionally as a singer;

Whereas in 1938 he started his own band, the Elks Rendez-Vous Band, and in 1939 he changed the name of the group to the Tympany Five;

Whereas his prolific musical career consists of 54 hit singles including, "Five Guys Named Moe", "Let the Good Times Roll", "Don't Let the Sun Catch You Cryin'", and "Barnyard Boogie", and 18 number 1 hits on Billboard's R&B chart including "Beans and Cornbread", "Run Joe", "Ain't That Just Like A Woman", "Blue Light Boogie", and the 1946 hit "Choo Choo Ch'Boogie", which topped the Billboard's R&B chart for 18 weeks;

Whereas 15 of his hits made it onto the Pop charts, including "Baby It's Cold Outside", "Caldonia", "Is You Is or Is You Ain't My Baby", "Ain't Nobody Here But Us Chickens", "Buzz Me", and "Beware";

Whereas he actively recorded for the Armed Forces Radio Service and the V–Disc program during World War II, and one of the his songs recorded during this period, "G.I. Jive", was number 1 on the Pop chart for 2 weeks;

Whereas he was featured in a variety of short musical films in the 1940s, such as the 1945 short film "Caldonia", and played cameo roles in movies like "Follow the Boys" and "Swing Parade of 1946";

Whereas his 1949 recording of "Saturday Night Fish Fry" was one of the earliest musical examples of what would later become known as "Rock and Roll";

Whereas he died on February 4, 1975, in Los Angeles, California;

Whereas a host of prominent musicians including Chuck Berry, Bo Didley, B.B. King, Ray Charles, James Brown, and Sonny Rollins have counted him as an influence;

Whereas he was inducted into the Rock and Roll Hall of Fame in Cleveland, Ohio, in 1987;

Whereas in 2004, Rolling Stone Magazine named him one of the 100 Greatest Artists of All Time; and

Whereas Louis Jordan will be highlighted on a United States Postal Service stamp, as part of the 2008 commemorative stamp program: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors the life of Louis Jordan, on the 100th anniversary of his birth; and

(2) recognizes his important contributions to American music as a musician, composer, and entertainer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1242 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1242, which honors the life and recognizes the importance of Louis Jordan and his contributions to America as a musician, composer and entertainer.

July 8, 2008 will be Louis Jordan's 100th birthday, the celebration of his 100th birthday. And in celebration of this day, we should recognize Jordan's contributions to this country.

Louis Jordan, born in 1908, is a Brinkley, Arkansas native. Under the musical tutelage of his father, who was a local band leader, music found Jordan at an early age. He expanded and mastered formal components of music through his collegial experience at Arkansas Baptist College in Little Rock. Jordan majored there in music. He learned to play the saxophone, sing, and entertain audiences through his personal experiences and watching his father.

Highly touted musicians, such as B.B. King, Ray Charles, James Brown, Chuck Berry, Bo Diddley and Sonny Rollins, all pointed to Jordan as an influence on their own careers. His prolific musical success consists of 54 hit singles and 18 number one songs on Billboard's R&B charts. Two short musical films were centered around his songs.

Inducted into the Rock and Roll Hall of Fame in 1987, Jordan's contribution to his art is immeasurable. Rolling Stone Magazine named him one of the 100 greatest artists of all time.

Though Jordan passed away in 1975, his legacy flourishes through the work of other artists. He helped shape rock and roll. On this day, I would like to commemorate Jordan's work. Let us recognize his contribution by honoring his 100th birthday.

I urge support of this resolution.

Madam Speaker, I reserve the balance of my time

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1242, honoring the life, musical accomplishments and contributions of Louis Jordan on the 100th anniversary of his birth.

Louis Thomas Jordan, vocalist, bandleader and saxophonist, ruled the charts, stage, screen and airwaves of the 1940s and profoundly influenced the creators of R&B, rock and roll, and post-World War II blues.

Jordan was born July 8, 1908 in Brinkley, Arkansas. His father, James Aaron Jordan, led the Brinkley Brass Band. His mother died when he was young.

Jordan studied music under his father and showed promise in horn playing, especially clarinet and saxophone. Due to World War I, there were vacancies in his father's band, so Jordan filled in. Soon he was good enough to join his father in a professional traveling show touring Arkansas, Tennessee and Missouri instead of doing farm work when school closed.

Jordan briefly attended Little Rock's Arkansas Baptist College in the 1920s and performed with Jimmy Pryor's Imperial Serenaders. He played saxophone and clarinet with them, as well as Bob Alexander's Harmony Kings.

In the 1930s, based in Philadelphia, Jordan found work in the Charlie Gaines Band playing clarinet, and soprano and alto sax, in addition to doing vocals, which he recorded and toured with Louis Armstrong. During this time, Jordan also learned baritone sax, and he joined nationally popular drummer Chuck Webb's Savoy Ballroom Band featuring Ella Fitzgerald.

Jordan created his own band, which was called Tympany Five, regardless of number of pieces. The small size of Tympany Five made it innovative structurally and musically in the Big Band era.

Among the first to join electric guitar and bass with horns, Jordan set the framework for decades of future R&B and rock combos. Endless rehearsals, matching suits, dance moves, and routines built around songs made the band Jordan's singular brand of sophisticated, yet down-home, jump blues and vocals made it a success.

In the 1940s, Jordan released dozens of hit songs, including the swinging "Saturday Night Fish Fry," one of the earlier and most powerful contenders for the title of "First Rock and Roll Record," "Blue Light Boogie," the comic classic "Ain't Nobody Here But Us Chickens," "Buzz Me," "Ain't That Just Like a Woman," "Caldonia," and the million-dollar seller, "Choo Choo Ch'Boogie."

☐ 1715

Jordan died in Los Angeles, California, in 1975. A host of prominent musicians claimed his influence, including Ray Charles, James Brown, Bo Diddley, and Chuck Berry. His songs have appeared in commercials, TV, and movies and have been recorded by dozens of popular artists. Louis Jordan leaves a musical legacy that influences popular music as we know it today.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, it is my privilege now to yield such time as he may consume to the sponsor of this bill, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Proudly today, Madam Speaker, the House of Representatives solutes another great American, acknowledging the contributions of a remarkable man to our great country.

Entertainers reflect the rich history of America, and their stories, their personal stories, tell our story. No more worthy among these is Arkansas native Louis Jordan, a musician, songwriter, entertainer, and even movie performer. Nothing could stifle this remarkably talented man, not racial bigotry or upbringing a century ago in rural Arkansas.

Louis Jordan was born July 8, 1908, in Brinkley, Arkansas, and in the late 1920s he attended Arkansas Baptist College where I live, in Little Rock, Arkansas, and majored in music. He became a songwriter, performer, and movie actor. He actively recorded for the Armed Forces Radio Service and the V-Disc program during World War II, and one of his songs recorded during this period, "G.I. Jive," was number one on both the R&B and Pop charts. He appeared in soundies, which were short musical films in the 1940s displayed on coin-operated film jukeboxes, and played cameo roles in movies like "Follow the Boys" and "Swing Parade" of 1946.

Previous speakers have acknowledged some of his remarkable accomplishments: the "Saturday Night Fish Fry" recording of 1949, which many say was the first rock and roll song; his induction into the Rock and Roll Hall of Fame in Cleveland in 1987; and in 2004 being named one of the 100 Greatest Artists of All Time by Rolling Stone Magazine.

I am pleased that the House today will pass this resolution, but in some ways we don't get the full flavor of his accomplishments and the richness of the heritage of what he did without talking specifically about these songs. Let me go through the list of hits briefly here today.

His career began in the early days of World War II, some dark years for America. The 1942 hits included "I'm Gonna Leave You on the Outskirts of Town" and "What's the Use of Getting Sober (When You Gonna Get Drunk Again)."

In 1943: "The Chicks I Pick are Slender and Tender and Tall," "Five Guys Named Moe," "That'll Just 'Bout Knock Me Out," "Ration Blues."

In 1944: "G.I. Jive," "Is You Is or Is You Ain't My Baby."

In 1945: "Mop! Mop!," "You Can't Get That No More," "Caldonia," "Somebody Done Changed the Lock on My Door," "My Baby Said Yes."

And then truly the remarkable year of 1946 in which he had 13 hits: "Buzz Me"; "Don't Worry 'Bout That Mule"; "Salt Pork, West Virginia"; "Reconversion Blues"; "Beware (Brother, Beware)"; "Don't Let the Sun Catch You Cryin'"; "Stone Cold Dead in the Market (He Had it Coming)"; "Petootie Pie"; "Choo Choo Ch'Boogie"; "That Chick's Too Young to Fry"; "Ain't That Just Like a Woman (They'll Do It Every Time)"; "Ain't Nobody Here But Us Chickens"; "Let the Good Times Roll."

And then on to 1947: "Texas and Pacific"; "I Like 'Em Fat Like That"; "Open the Door, Richard!"; "Jack, You're Dead"; "I Know What You're Puttin' Down"; "Boogie Woogie Blue Plate"; "Early in the Mornin'"; "Look Out."

In 1948: "Barnyard Boogie"; "How Long Must I Wait for You"; "Reet, Petite and Gone"; "Run Joe"; "All for the Love of Lil"; "Pinetop's Boogie Woogie"; "Don't Burn the Candle at Both Ends"; "We Can't Agree"; "Daddy-O"; "Pettin' and Pokin'."

In 1949: "Roamin' Blues"; "You Broke Your Promise"; "Cole Slaw (Sorghum Switch)"; "Every Man to His Own Profession"; "Baby, It's Cold Outside"; "Beans and Corn Bread"; "Saturday Night Fish Fry."

In 1950, four hits: "School Days, "Blue Light Boogie," "I'll Never Be Free," "Tamburitza Boogie."

And in 1951: "Lemonade," "Tear Drops from My Eyes," "Weak Minded Blues."

Those song titles from the remarkable career of hits of Louis Jordan give you a flavor for the kinds of songs, the kind of music, the richness of American heritage.

This was really brought home to me when I was getting signatures to sign onto this bill, and one of the first people I talked to was one of our colleagues Congressman STEVE ISRAEL from New York, a long way from rural Arkansas, and he immediately told me—he signed on—that he had seen "Five Guys Named Moe" in New York three times. He started singing the songs and knew the lyrics of many of these songs, even though Louis Jordan died over 30 years ago.

I appreciate the efforts by the majority and minority today to bring this bill to the floor, and today we salute a remarkable American: Louis Jordan.

Ms. FOXX. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, I want to thank my colleague from Arkansas for that wonderful history on Louis Jordan, and I want to urge my colleagues to support H. Res. 1242.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SARBANES. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING PITTSFIELD, MASSACHUSETTS, AS BEING HOME TO THE EARLIEST KNOWN REFERENCE TO THE WORD "BASEBALL"

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1050) recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States as well as being the birthplace of college baseball, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1050

Whereas Pittsfield, Massachusetts, is the home of a historic document discovered in Pittsfield's archives by noted baseball historian John Thorn in 2004;

Whereas the historic document is a bylaw, passed by the Town of Pittsfield, Massachusetts, during a town meeting on September 5, 1791, which states that "for the Preservation of the Windows in the New Meeting House . . . no Person or Inhabitant of said town, shall be permitted to play at any game called Wicket, Cricket, Baseball, Football, Cat, Fives or any other game or games with balls, within the Distance of Eighty Yards from said Meeting House";

Whereas this bylaw was created to protect the windows of the new meetinghouse in the Town of Pittsfield, Massachusetts, which is currently the Congregational Church, designed by renowned architect Charles Bulfinch in 1789 and completed in 1793;

Whereas Pittsfield, Massachusetts, through the First Home Plate project will commemorate being known as the home of the oldest known documentation of the game by erecting three permanent monuments, Bat, Ball, and Glove, to recognize Pittsfield's unparalleled position in baseball history;

Whereas the monuments will highlight and represent the great virtues of the game that have solidified baseball as our national pastime;

Whereas the virtues of baseball are innocence, youth, bridging generations, and how it parallels the great history of our Nation;

Whereas Pittsfield, Massachusetts, is also the home of many historical baseball moments;

Whereas Pittsfield, Massachusetts, is the birthplace of college baseball in the United States as it is the site of the first intercollegiate baseball game between Amherst College and Williams College, which took place on July 1, 1859;

Whereas in 1865, Ulysses F. "Frank" Grant, generally considered the best African American player of the 19th century, was born in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, is the home of Wahconah Park, an enclosed ballpark and grandstand, originally built in 1892 and placed on the National Historic Register in June 2005;

Whereas Pittsfield, Massachusetts, is where in 1921 and 1922, the Boston Red Sox played 2 exhibition games at Wahconah Park against the Hillies;

Whereas Boston won the first game with a score of 10 to 9 and the Hillies won the second with a score of 4 to 1;

Whereas in 1922, Jim Thorpe, considered one of the most versatile athletes in modern sports, played baseball at Wahconah Park;

Whereas in 1924, Lou Gehrig made his professional debut with the Hartford Senators at Wahconah Park, where he hit a home run into the Housatonic River;

Whereas in 1942, future major leaguer Mark Belanger was born in Pittsfield, Massachusetts;

Whereas on June 1, 1976, a recreation of the 1859 Williams and Amherst collegiate baseball game took place in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, hosted a vintage baseball game which was broadcast on national television in 2004;

Whereas Pittsfield, Massachusetts, in 2005, welcomed the Pittsfield Dukes, a member of the New England Collegiate Baseball League, who made their second season debut at Wahconah Park in 2005; and

Whereas on August 31, 2007, His Excellency, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, proclaimed. September 5, 2007, to be Pittsfield Baseball Day in the Commonwealth: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the importance of college baseball to the Nation; and

(2) recognizes the birthplace of college baseball as Pittsfield, Massachusetts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1050 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1050, which recognizes Pittsfield, Massachusetts, as the birthplace of our Nation's great sport: baseball. This great sport is interlaced into American culture, history, and tradition. Baseball is our Nation's national pastime, and Pittsfield, Massachusetts, helped create the American sporting culture. Legendary players such as Babe Ruth, Lou Gehrig, Cy Young, Hank Aaron, Cal Ripken, and other Hall of Fame players raised the level of play and integrity of the game.

The first recorded mention of baseball in known history occurred when a Pittsfield bylaw passed on September 5, 1791, banned the playing with bats and balls near the town's newly constructed meetinghouse. This ordinance is the first known reference to the game in U.S. history.

Other notable historic moments took place in Pittsfield. The very first collegiate baseball game in the United States took place there on July 1, 1859, between Amherst College and Williams College. Ulysses F. Grant, the most prominent 19th century African American player, was born in Pittsfield. Wahconah Park, a famous ballpark and grandstand built in 1892, is located there. The Boston Red Sox won their first game in that park. Lou Gehrig made his professional debut with the Hartford Senators there where he hit a home run into the Housatonic River. With every great baseball moment, Pittsfield is a part of the significance.

The first home plate project will erect a bat, ball, and glove statues in Pittsfield. These monuments symbolize great virtues, innocence, purity, and parallels to American culture. Let Congress at this time recognize and honor the contribution Pittsfield plays in our Nation's history.

I would like to recognize Pittsfield, Massachusetts' role in our Nation's history, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker I rise today in support of House Resolution 1050, recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States.

The question of the origins of baseball has been the subject of debate and controversy for more than a century. Baseball, as well as the other modern bat, ball, and running games, were developed from earlier folk games. Previous beliefs held that baseball was invented in 1839 by Abner Doubleday in Cooperstown, New York. This belief provided the rationale for baseball centennial celebrations in 1939, including the opening of a National Baseball Hall of Fame and Museum. Still, few historians and even the hall's vice president believed that Cooperstown was indeed the birthplace of the game, most preferring to believe that "baseball wasn't really born anywhere."

In 2004, however, historian John Thorn discovered a reference to a 1791 bylaw prohibiting anyone from playing "baseball" within 80 yards of the new meetinghouse in Pittsfield, Massachusetts. The so-called "Broken Window Bylaw" soon became the earliest known reference to baseball in North America and allowed Pittsfield to lay claim to the honor.

Baseball is unique among American sports in several ways. This uniqueness is a large part of its longstanding appeal and strong association with the American psyche. Some philosophers describe baseball as a national religion. This popularity has resulted in baseball's being regarded as more than just a major sport. Since the 19th century, it has been popularly referred to as the "national pastime," and Major League Baseball has been given a unique monopoly status by the Supreme Court of the United States.

Baseball is fundamentally a team sport. Even a team blessed enough to have two or three Hall of Fame-caliber players cannot count on success. Yet it places individual players under great pressure and scrutiny. Many Americans believe that baseball is the ultimate combination of skill, timing, athleticism, and strategy. The pitcher must make good pitches or risk losing the game. The hitter has a mere fraction of a second to decide whether to swing. The field players, as the last line of defense, make the lone decision to try to catch it or play it on the bounce, to throw out the runner at first base or to try to make the play at home.

Baseball has truly provided countless Americans fond memories of their youth over the years, and I am honored to stand here today recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, at this time I yield such time as he may consume to the sponsor of this bill, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding time.

Madam Speaker, I am pleased today that the House of Representatives is considering House Resolution 1050, which honors the city of Pittsfield for its rich baseball history. As a sponsor of this legislation, I would like to thank the Committee on Education and Labor, especially the gentleman from California Chairman GEORGE MILLER for his assistance in bringing this resolution to the floor.

Pittsfield, Massachusetts, can trace its baseball roots all the way back to 1791.

□ 1730

The city, which was only the town of Pittsfield then, was in the middle of constructing a new meeting house. Trying to protect the windows of this new building, the town enacted a bylaw that banned the playing of "baseball" within 80 yards of it. You see, even back in 1791, youths were already breaking windows playing America's favorite national pastime. With that, the first mention of baseball was penned into history.

Madam Speaker, besides being home to the earliest known reference to baseball, this resolution also honors the city for being designated the Birthplace of College Baseball by the College Baseball Hall of Fame.

On July 1, 1859, the city hosted one of the Nation's oldest collegiate rivalries, Williams College versus Amherst College, in the first collegiate baseball game to be played in the Nation. Now this game was played under the old "Massachusetts" rules. No gloves were used, the ball was pitched under hand, only one out was necessary, and a foul ball, if uncaught, was considered a hit. The record shows that Amherst College won this first contest by a score of 73–32.

Pittsfield is also the site of many other historical baseball moments. Among others, this resolution honors the city for being the birthplace of Ulysses F. Grant, born in 1865, who's generally considered to be the best African American player of the 19th century, as well as Mark Belanger, born in 1944, who spent most of his career playing for the Baltimore Orioles.

In 1924, Lou Gehrig made his professional debut at Wahconah Park, the venerable ballbark in Pittsfield that is listed on the National Historic Register, and in that debut he appropriately hit a home run into the Housatonic River. Jim Thorpe, considered one of the most versatile athletes in modern sports, also played there.

In recognition of its baseball past, the city of Pittsfield plans to erect three permanent monuments, Bat, Ball, and Glove, representing the virtues of the game.

Overall, Madam Speaker, I am proud to recognize the city of Pittsfield for its rich baseball history and I am honored to stand on the floor today to honor its significance to our national pastime.

I urge my colleagues to support this resolution, Madam Speaker.

Mr. SARBANES. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. The rising cost of gas and energy prices throughout this country threatens many aspects of our lives, and the ability to attend baseball games this summer is one of those. The notion that Washington is broken is exemplified in the Democratic majority's refusal to address soaring energy prices.

Two years ago, then-Minority Leader PELOSI promised the American people a "commonsense plan" to lower gasoline prices, but Democrats have not only failed to offer any meaningful solutions, they've put forward policies that will have precisely the opposite effect. As a result of their inaction, oil, gasoline, and electricity prices are as high as they have ever been. Once a nightmare scenario, $4 plus gasoline has become a harsh reality on Speaker PELOSI's watch, and now Americans are paying nearly $1.50 more per gallon at the pump than when the Speaker took office.

This Pelosi Premium is hitting working families hard, at a time when they are confronting high costs of living, a slowing economy, and a housing crunch. This has to change.

Republicans are committed to a comprehensive energy reform policy that will boost supplies of all forms of energy right here at home to reduce our dependence on foreign sources of energy, protect us against blackmail by foreign dictators, create American jobs, and grow our economy, all those things as basic to us as our of love of baseball.

This includes increasing the supply of American-made energy, improving energy efficiency, and encouraging investment in groundbreaking research in advanced alternative and renewable energy technologies. With 21st century technologies and the strictest environmental standards in the world, America must produce more of our own energy right here at home and protect our environment at the same time. That is the change America deserves.

To help ease the pain of the Pelosi Premium, House Republican leaders have also embraced short-term legislation that would suspend the 18.4 cents per gallon Federal gas tax this summer and establish a corresponding freeze on all taxpayer-funded earmarks to ensure the Highway Trust Fund will not be impacted. Savings from the earmarks freeze also would be applied towards reducing the Federal deficit.

A House Republican majority will work to deliver the change America deserves on gas prices with meaningful solutions that make our Nation more energy independent. Here's how we will do it. We will increase the production of American-made energy in an environmentally safe way. This includes the exploration of next generation oil, natural gas and coal, and the production of advanced alternative fuels like cellulosic and clean coal-to-liquids, all while protecting our natural resources for future generations.

We will promote new, clean, and reliable power generation like advanced nuclear and next generation coal, while promoting clean power from renewable energy such as wind and hydroelectric power. Nuclear energy has proven itself as a safe, carbon-free, and environmentally friendly alternative, with France relying on it for 80 percent of its electricity needs, compared to just 19 percent in America.

We will cut red tape and increase the supply of American-made fuel and energy. Limiting the construction of new oil refineries and bureaucratic regulations mandating the use of exotic fuels have decreased supply and increased the Pelosi Premium. We will encourage greater energy efficiency by offering conservation tax incentives to America who make their home, car, and business more energy efficient.

We can do much to make it more feasible for families to attend baseball games this summer and participate in other normal summer activities by reducing our dependence on foreign oil and creating more American-generated energy, and I call on my colleagues to bring up the bills that will allow us to do that.

I yield back the balance of my time.

Mr. SARBANES. The discussion of energy and oil, on the one hand, and baseball on the other, got me thinking about something I read last week, which is a lot of the folks coming into baseball games around the country and sporting events are using public transportation wherever they get the chance, as opposed to driving their cars, and I am so glad that the Democratic Congress has put such an investment into proving our public transportation infrastructure in this country.

Obviously, we have got to do more of that going forward so that we can conserve. That can help drive down some of the gas prices that have been alluded to.

In any event, to get back to the main topic here with respect to recognizing the tremendous role of Pittsfield, Massachusetts, in the establishment of the culture of our national pastime, I want to urge my colleagues to support H. Res. 1050.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1050, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF BLACK MUSIC MONTH

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 372) supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 372

Whereas the Nation should be urged to recognize the exemplary contributions that African-American singers, musicians, and composers have made both to the United States and the world;

Whereas the music of African-Americans is the music of America, and has historically transcended social, economic, and racial barriers to unite people of all backgrounds;

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas Black music has helped African-Americans endure great suffering and overcome injustice with courage and faith;

Whereas civil rights demonstrators often marched to the cadence of many songs written and composed as gospels or spirituals that were created on the fields of slaves;

Whereas June was first declared as Black Music Month in 1979 by President Carter and has yearly been designated as National Black Music Month by all concurrent Presidents;

Whereas African-American musicians have played a significant role in inspiring people across the generations in America and around the world with their vision and creativity by writing lyrics which speak to the human experience and express heartfelt emotion;

Whereas producers of African-American music have come to be known as some of the greatest musical talents who have enriched our culture and continue to influence fellow musicians today;

Whereas African-American musicians have helped shape our national character and have become an important part of our musical heritage; and

Whereas African-American music has millions of fans of different races and ages in cities and towns all across the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Black Music Month;

(2) honors the outstanding contributions that African-American singers, musicians, composers, and producers have made to this country;

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music; and

(4) requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Con. Res. 372 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 372, which supports the goals of Black Music Month. This is an appropriate time to honor the outstanding contributions African American singers and musicians have made to the United States. The Nation benefits culturally and economically from the experience of black musicians. Today, I stand to honor the influence of African American musical artists.

African American music has strong ties to African heritage. The complex rhythm, melodic harmony, and active call-and-response nature of African American music are products of deep African traditions. Many Negro spirituals performed and written by African Americans not only commemorated the African Diaspora but helped to create social change.

In April of 1960, in Monteagle, Tennessee, a 16-year-old girl named Jamila Jones stood in a crowd of nonviolent segregation protestors and began singing, "We Shall Overcome" to a group of armed and hostile deputies. That night, the deputies withdrew and let the students sing. "We Shall Overcome" is a Negro spiritual taken from Reverend Charles Tindley's, "I'll Overcome Some Day." Other songs, such as, "Swing Low Sweet Chariot," "There is a Balm in Gilead," and "Lift Every Voice and Sing," are all prominent African American ballads that were instrumental in the Civil Rights movement.

Other genres of music are rooted in the black experience as well. The origins of gospel, jazz, rhythm and blues, and rap are all closely linked to African American culture. These genres have enormous impact on our Nation at large.

President Carter acknowledged the influence and contribution of black music when he first declared June as, "Black Music Month," in 1979. Black musicians inspire people across generations and around the world with their creativity, vision, and ability to speak to the human experience. The long history of African American music has helped shape our Nation and musical heritage.

There are millions of African American music fans of different races and ages all across our Nation. I support this bill and I honor the goals and ideals of Black Music Month, along with the many contributions of black musicians to the American people.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 372, supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States.

From the days of slavery and discrimination, through the progress of the Civil Rights movement, to today, black music has told the story of the African American experience. In addition to giving voice to black struggles, faith, and joys, African American music has helped also to bring people together. During Black Music Month, we celebrate this integral part of music history by highlighting the enduring legacy of African American musicians, singers, and composers.

In the early days, black music was used to share stories, spread ideas, preserve history, and establish community. These spirituals eventually evolved into a genre that remains vibrant and very meaningful today, gospel music. This great musical tradition developed under the leadership of people like Thomas Dorsey, who was known as the Father of Gospel Music.

In the early 20th century, the progression of jazz took place all over the country, from the deep south of New Orleans and the Mississippi Delta, to northern cities such as Chicago and New York. Jazz captured the interest of 20th century America, making household names of great African American artists like Louis Armstrong, Charlie Parker, Ella Fitzgerald, and Miles Davis. The unparalleled brilliance of these and other great jazz musicians had an extraordinary effect upon the American musical tradition, while bringing great pleasure to millions of fans.

Later, rhythm and blues emerged, synthesizing elements from gospel, blues, and jazz; and from these styles came the birth of rock and roll.

☐ 1745

A fabulous array of artists helped to pioneer this modern musical transformation, including Chuck Berry, Ray Charles, Marvin Gaye, Aretha Franklin and Stevie Wonder.

African American music continues to influence the American music scene today with styles such as rap and hip-hop. As we celebrate the many creative and inspiring African American artists whose efforts have enhanced our Nation, we recognize their enduring legacy and look to a future of continued musical achievement.

I ask my colleagues to support this resolution.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H. Con. Res. 372, honoring the outstanding contributions that African American singers and musicians have made to the United States. June 2008 marks the 29th year of national recognition of Black Music. It is difficult to imagine American music without the rich and continuing innovations of African Americans. Prompted by Songwriter/producer Kenny Gamble, producer Berry Gordy, and artist Stevie Wonder, President Jimmy Carter designated June as Black Music Month in 1979.

From the African American spirituals created and sung by those who were enslaved or who were striving for equal rights, to the celebration of faith in gospel music, to the trials and struggles of life illuminated in blues, the music throughout the years served as a narrative to the African American experience. The number of actual contributors to the African-American Music Movement is immeasurable, and the impact of these artists on American music and culture has been astounding. African American artists have influenced the development of all branches of American popular culture including rock, country, and popular or "pop" music. Artists such as Paul Robeson and Marian Anderson, who lived in my home State of Connecticut, Chuck Berry, Bo Diddley, Duke Ellington, Louie Armstrong, Ella Fitzgerald, Mahalia Jackson, James Brown, Aretha Franklin, and Marvin Gaye set the tone for American music and have influenced artists and musicians across generations throughout the globe.

And so Madam Speaker, I rise to celebrate the numerous African American musicians and singers who have enriched and defined the various forms of American Music and urge the passage of this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 372, Supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States, introduced by my distinguished colleague from Michigan, Representative KILPATRICK. This important resolution honors, recognizes, preserves, and promotes the legacy and contributions that Black Music and African American singers and musicians have made to our great Nation.

Black Music has been woven into the fabric of American Society for centuries, deeply impacting hundreds of generations. The music of African-Americans is the music of America, and has historically transcended social, economic, and racial barriers to unite people of all backgrounds. African American artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music, and their value to the African American community cannot be overstated.

African-American music is indigenous to the United States and originates from African genres of music. From gospel, blues, jazz, rhythm and blues, rap, and hip-hop, African Americans musical roots can be heard throughout many musical genres that we love today. African-American music has had a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture and this legislation commends its pervasive influence. Furthermore, Black music has helped African-Americans endure great suffering and overcome injustice with courage and faith. Civil rights demonstrators often marched to the cadence of many songs written and composed as gospels or spirituals that were created on the fields of slaves.

As we know, African-American music is an American art form that has spanned throughout hundreds of years. Its musical elements can be heard melodiously infused in many genres that we love today. It has grown beyond its roots to achieve pop-culture and historical relevance, touching audiences around the world. According to the Gospel Music Channel, "Gospel music sales now account for nearly 8 percent of all music purchased in the United States, selling seven CDs for every ten purchased in country music."

Regardless of their musical styles, artists have turned to Black music as the source and inspiration for their own music, which has blurred the boundaries between secular and Gospel music. African-American musicians have played a significant role in inspiring people across the generations in America and around the world with their vision and creativity by writing lyrics which speak to the human experience and express heartfelt emotion. This important legislation requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

In 1979, President Carter first declared June as Black Music Month, an honor that has yearly repeated by the designation of National Black Music Month by all concurrent Presidents. African-American musicians have helped shape our national character and have become an important part of our musical heritage and African-American music has millions of fans of different races and ages in cities and towns all across the United States. I am proud to support this legislation that honors the outstanding contributions that African-American singers, musicians, composers, and producers have made to this country and call on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music.

Madam Speaker, I am proud to support this legislation that supports the goals and ideals of Black Music Month and I urge all my colleagues to join me in so doing.

Ms. KILPATRICK. Madam Speaker, I rise today to support H. Con. Res. 372, a resolution I introduced honoring June as Black Music Month. This bill honors the outstanding contributions that African American singers, composers, producers, and musicians have made to the United States and the world.

This resolution expresses our appreciation for and the value of the contributions of African Americans to various genres of music. The roll call of African Americans who have contributed to the uniquely American born but internationally acclaimed mode of music is stellar and stunning. This music, often created against incredible odds, has served as a chronicle of our time and enriches our Nation.

Civil rights demonstrators often marched to the cadence of "People Get Ready" or the numerous gospel or spiritual songs created in the fields by slaves. One of the most beloved gospel songs of all time is "Precious Lord, Take My Hand" by Hall of Fame composer and writer Thomas Dorsey. The music of African Americans is the music of America, and has historically transcended social, economic and racial barriers to unite people of all backgrounds. Young America danced to the rhythm of the sound that emanated from Stax Records of Memphis, Chess Records of Chicago, and from my home town of Detroit, Michigan, through Motown.

Stevie Wonder, Aretha Franklin, The Four Tops, Diana Ross and the Supremes, Jackie Wilson, Marvin Gaye, Smokey Robinson and the Miracles, Anita Baker, and The Temptations are just a few of the tremendously talented artists that hail from the great city of Detroit. Detroit is the also the birthplace of music mogul Berry Gordy's great Motown empire. Motown ushered in a new wave of talent and music across the world. The Motown Sound was brilliantly and meticulously crafted in what is now Hitsville, USA, the original Motown studio located in my district. The impeccable standards of excellence in craftsmanship set Motown and Detroit apart as trailblazers in several musical genres, as recognized through their numerous Grammy Awards, NAACP Awards and other accolades. Motown did far more than produce music. It broke substantial barriers to help to unite the world across race, class and gender lines.

Although Motown has received the most international acclaim for the music produced during the infamous Motown era that spanned decades, Detroiters have also made other tremendous contributions to the musical world. The historical Black Bottom district was a hub for big bands and legendary jazz artists such as Ella Fitzgerald, Count Basie and Duke Ellington. Detroit is also well known for its immense contributions to gospel music. Reverend C.L. Franklin, Della Reese, The Winans and the Clarke Sisters all have roots in the City of Detroit.

Detroit's copious musical history and myriad of noteworthy, award-winning contributions have instilled a great sense of pride in all of its citizens and, hopefully, all Americans. Take some time during the month of June to exhibit said pride and honor all those Black artists that made indelible contributions to the soundtrack of our lives. Give honor to whom honor is due. Join me in spending this month immersing yourself and your loved ones of all ages in the rich array of music that African-Americans have contributed to our great Nation. I encourage all Americans to utilize the celebrations to honor the men and women who have created some of the most influential music our Nation has ever produced. I also want to honor the radio stations and the DJs, like Frankie Darcell, that play this timeless and wonderful music. As we spend time recognizing the contributions of these artists, let us remember that this music is not just African-American music. This music is American music—an integral part of all Americans' heritage.

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the tremendous contributions of black music to American culture. From times of slavery to the Civil Rights Movement, Black music has served the Black community as a source of inspiration and strength and continues to serve as a narrative of Black History and culture.

Spirituals that grew from the cries of slaves have evolved over hundreds of years to the Gospel, Soul, R&B, Jazz, Blues, and Rock & Roll we know today. Black music is enjoyed by the larger community in the U.S. and by an ever larger global community.

Black music was and continues to be a tool to reveal the very soul of the black man to the rest of America. In times of division and hate, black music was one of the few cultural artifacts that was shared with all Americans. "Freedom Songs" used during the civil rights movement like "We Shall Not be Moved," "Lift Every Voice and Sing," and "We Shall Overcome," were sung by all and served as uniters rather than dividers.

Many of the most celebrated musicians in the history of Jazz, Soul and Blues were African Americans; Lena Horn, Billie Holiday, Charlie Parker, Miles Davis, Duke Ellington and John Coltrane are all legends in their own right and have brought innovation and freshness to music that continues to inspire musicians today.

Black music is much more than words and rhythm: it is an encapsulation and reaffirmation of a cultural identity that was formed out of years of struggle and triumph. It is distinctive in the way that it uplifts the spirit and enthralls the intellect. We must recognize that black music has served for generations as more than a pastime; it has been a source of strength and inspiration for a brighter future.

Ms. FOXX. Madam Speaker, I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, again, I urge my colleagues to support H. Con. Res. 372, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SARBANES. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING JAMES MADISON UNIVERSITY FOR 100 YEARS OF SERVICE AND LEADERSHIP

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1051) congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1051

Whereas on March 14, 1908, Virginia Governor Claude A. Swanson signed into law legislation for the establishment of the new State Normal and Industrial School for Women;

Whereas in 1938, the institution was renamed Madison College in honor of the Nation's fourth president, James Madison;

Whereas in 1966, the Virginia General Assembly approved full coeducational status for the college, and men were enrolled as resident students for the first time;

Whereas James Madison University (JMU) enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff;

Whereas in 2007, the US News and World Report ranked JMU as the top public, master's level university in the South for the 17th time;

Whereas also in 2007, the US News and World Report noted JMU's graduation rate, at 80 percent, was the highest among all public and private schools in the South;

Whereas JMU has been led by presidents Julian Ashby Burruss, Doctor Samuel Page Duke, Doctor G. Tyler Miller, Doctor Ronald E. Carrier, and Doctor Linwood H. Rose;

Whereas JMU offers 106 degree programs, including 68 undergraduate programs, 30 graduate programs, 2 education specialist programs, and 6 doctoral programs; and

Whereas JMU has conferred more than 98,000 degrees: Now, therefore, be it

Resolved, That the House of Representatives congratulates James Madison University for 100 years of leadership and service to the Harrisonburg/Rockingham County region, the Commonwealth of Virginia, and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert any extraneous material on H. Res. 1051 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1051, which celebrates James Madison University's 100 years of service and leadership. Founded in 1908, the State Normal and Industrial School for Women eventually became what is now known as James Madison University. Beginning with only 150 students and 15 faculty members, the small school has grown into a prestigious university.

Today, James Madison enrolls over 17,000 students and offers a wide range of courses. With 68 undergraduate majors, 40 graduate and certificate degrees and six doctoral programs, JMU boasts a strong academic program. By coupling this strong educational base with student support, the university is able to graduate 81 percent of its students. According to the United States Department of Education, JMU is ranked 16th nationally for its graduate rate and is first among all schools in the South.

Much has changed in James Madison University's 100 year history, but some of the core principles have remained consistent. The university still strives to empower its students to make a difference and use their education to positively impact the world around them. In fact, JMU ranks 14th on the Peace Corps list of top volunteer producing universities and the ONE campaign listed the school among their top 100 most active schools in the Nation.

This year, James Madison University grew its impact with the graduation of its 100,000th student. As the university community celebrates this accomplishment, JMU will take a moment to reflect on a century of achievement. The university will also take a look ahead to the next 100 years of inquiry, learning and discovery.

Madam Speaker, once again I express my support for James Madison University, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1051, congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

If one word could describe James Madison University, unquestionably that word would be "bold." For 100 years, the institution that began as "the little school that could" has charged through the century like a bullet train. The campus began with two buildings, now called Jackson Hall and Maury Hall, that sat on farmland at the outer edge of Harrisonburg. Constant growth and expansion have been a hallmark for the campus ever since. Today, JMU extends over 650 acres of rolling Shenandoah Valley hills and includes more than 100 buildings.

Founded in 1908 with unmatched enthusiasm that, after a century, has not diminished, today James Madison University's mission reaffirms the university's long-time commitment to meeting the needs of its students. In its earliest years, JMU's academic offerings included only what would now be called technical training or junior college courses. Today, the university offers more than 100 degree programs on the bachelors, masters, educational specialist and doctor levels.

As the university crosses into the new century, the rest of the world is beginning to take notice. Through the individual achievements and service that put the power of knowledge to work embodying President James Madison's belief that a self-governing people "must arm themselves with the power which knowledge gives," JMU is developing, through education, leaders who are well-prepared to help shape the future of the Nation.

I am honored to stand before the House today and recognize this fine university. I congratulate the university's president, Linwood Rose, the board of visitors, the students, alumni, and James Madison University for reaching this milestone, and wish the university continued success.

I ask my colleagues to support the resolution.

I reserve the balance of my time.

Mr. SARBANES. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to my esteemed colleague from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise today to honor James Madison University and ask my colleagues to support House Resolution 1051. I want to thank my colleague from North Carolina and my colleague from Maryland for managing this legislation on the floor, and the chairman and ranking member of the committee for their support of this resolution, which recognizes an outstanding institution of higher education which I am proud to represent in the Sixth Congressional District of Virginia.

This resolution celebrates James Madison University on the occasion of its 100th anniversary, which held a week-long celebration culminating with the centennial celebration on March 14, 2008. The entire JMU community celebrated with galas, portrait unveilings of JMU dignitaries, statue presentations, and a photograph of nearly 3,000 students, faculty, staff and alumni forming a "human 100" to celebrate the centennial.

James Madison University, located in my congressional district in Harrisonburg, Virginia, is surrounded by the beautiful Shenandoah Valley and has proved to be a catalyst in Western Virginia, building on the agricultural base of the region to create a center for higher education and innovation.

James Madison University has grown from its establishment as the Normal and Industrial School for Women in 1908 to its renaming to Madison College in 1938 and eventually to James Madison University, where it presently enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff.

Since its establishment, James Madison University has been led by Presidents Julian Ashby Burress, Dr. Samuel Page Duke, the namesake of JMU's mascot, the "Duke Dog," Dr. G. Tyler Miller, Dr. Ronald Carrier, and the current President, Dr. Linwood H. Rose.

In my service of representing the Sixth District of Virginia and JMU, it has been a true pleasure to work with former President Dr. Ron Carrier and current President Dr. Linwood Rose as they have skillfully guided James Madison University into the 21st century.

Madam Speaker, from its inception, James Madison University has been at the forefront of education. Originally a teachers college, today JMU provides groundbreaking research in information technology, security and alternative fuel sources, and offers more than 100 degree programs, including 68 undergraduate, 30 masters, two educational specialists and six doctor programs. In its 100 yearlings of existence, James Madison University has conferred more than 98,000 degrees.

Based on this outstanding curriculum, in 2007 U.S. News and World Report, for the 17th time, ranked JMU as the top public, masters-level university in the South, and JMU's graduation rate, 80 percent, was the highest among all public and private schools in the South.

Madam Speaker, James Madison University's alumni have impacted the Commonwealth of Virginia, the United States and the entire world. Madison graduates travel to the farthest corners of the Earth to perform groundbreaking research and provide leadership in corporate boardrooms, athletic fields, State legislatures, and even here on Capitol Hill.

I am pleased to have introduced this resolution, cosponsored by the entire Virginia delegation and more than 50 Members of Congress, that recognizes the rich history and accomplishments of this remarkable institution on the occasion of its 100th anniversary.

I urge all the Members of this body to join us in congratulating James Madison University on its 100th anniversary and to support this resolution.

Mr. SARBANES. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, as we reflect on the last 100 years of JMU's history, I want to talk a little bit about a very dark time in our history, the tenure of former President Carter.

During Carter's administration, the Nation suffered from oil shortages. These shortages led to record high gas prices that ultimately persuaded the President to turn to the American public for answers. Following a Camp David summit on energy, he addressed the country saying, "We can't go on consuming 40 percent more energy than we produce. When we import oil, we are also importing inflation plus unemployment."

"We have got to use what we have. The Middle East has only 5 percent of the world's energy, but the United States has 24 percent."

And this one, which President Carter thought was one of the most vivid statements. "Our neck is stretched over the fence and OPEC has the knife."

It is truly frightening how technology has advanced since 1977, yet here we are today faced with the same issues that this Democratic Congress refuses to address. When it comes to energy production, while our global competitors are pursuing 21st century technologies, America is stuck in the 1970s.

On electricity production alone, for example, just to keep up with the new demand, by 2030 the United States must build 747 new coal plants, 52 new nuclear plants, 2,000 new hydroelectric generators, and add 13,000 new megawatts of renewable power. The dire need to increase domestic oil and gas production is no different, yet the Democratic majority refuses to lead.

Republicans are committed to a comprehensive energy reform policy that will increase the supply of American-made energy, improve energy efficiency and encourage investment in groundbreaking research and advance alternative and renewable energy technologies. With 21st century technologies and the strictest standards in the world, America can and must produce more of our own energy right here at home and protect our environment at the same time.

I wonder what President James Madison would think of the situation we find ourselves in, and wonder if he would agree with many people who have compared the views of the 2008 presumptive nominee of the Democrat Party with President Carter and the failed policies of his administration.

I call on the Democratic leadership to bring forth the proposals that Republicans have made that will help solve the problems, and not put America through what we went through in the 1970s all over again.

I yield back the balance of my time.

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Mr. SARBANES. Madam Speaker, I don't know what James Madison would have thought specifically about the issue raised, but I know he had an abiding confidence in the ingenuity of the American people, as did all of our Founding Fathers and I think every President since. And we have been held back from the kinds of investments and partnerships that the American people could join with that ingenuity to move us forward, we have been held back by a lack of investment and emphasis on that kind of investment from the current administration. So I look forward to a time when we can join in partnership with the American people and take advantage of that ingenuity that James Madison and so many others recognized from the earliest days.

What an accomplishment for any university to just be there for 100 years. The fact that James Madison University has reached this milestone with such a terrific list of accomplishments is truly deserving of the recognition that we seek to bestow upon the university today, and I urge my colleagues to support H. Res. 1051.

Mr. MORAN of Virginia. Madam Speaker, I rise today to commemorate the centennial of James Madison University.

Established in Harrisonburg, Virginia, by the Virginia General Assembly in 1908 as the State Normal and Industrial School for Women, the school's first student body was made up of 209 students and 15 faculty members. In 1938, its name was changed to Madison College in honor of the fourth President of the United States, James Madison. In 1966, the university became a coeducational institution, and in 1976, the university's name was changed to James Madison University. Today, the university enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff.

In addition to its expansion in physical size dramatic and student enrollment, JMU has experienced dramatic growth in academic prestige and popularity over the past 20 years. For the 13th consecutive year and 17th time, James Madison University ranked as the top public, master's-level university in the South in the highly regarded annual survey on academic quality conducted by U.S. News & World Report. JMU also had the highest graduation rate—80 percent—among both public and private colleges in the South. Last spring, a record 16,050 students applied for 3,300 spots in the 2007–2008 freshman class.

James Madison University is also notable for encouraging its students to engage in the global community. According to the Institute of International Education, JMU ranks second nationally among master's-level institutions for the total number of students studying abroad. With 65 of its alumni serving as Peace Corps volunteers in developing countries, JMU also ranks second in the nation among medium-sized colleges and universities for graduates currently serving as volunteers with the U.S. service program.

Over the past 100 years, James Madison University has grown from a small technical college for women into a thriving academic institution that exemplifies the full promise of a public university. Throughout its growth, JMU has maintained its core mission of providing a terrific education and producing well-rounded alumni prepared to contribute to society, while at the same time fostering an inclusive and high-spirited atmosphere that complements its beautiful location in the Shenandoah Valley.

Madam Speaker, it is truly an honor to have James Madison University in the State of Virginia and to recognize its 100 years of achievement. I ask all my colleagues to support this resolution and to congratulate the impressive achievements of James Madison University.

Mr. SARBANES. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SARBANES. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING TERRITORIES OF THE UNITED STATES

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 2) expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of United States history, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 2

Whereas individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have contributed to many aspects of the history and culture of the United States, including its politics, athletics, and music;

Whereas many students do not know the location or the significance of these places;

Whereas the diversity of the citizens of the United States strengthens the Nation, and individuals from the territories of the United States contribute to that diversity; and

Whereas it is important for students to study the history of these geographic areas as part of United States history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands and the contributions of such individuals in United States history.

Amend the title so as to read: "Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Con. Res. 2 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 2, which recognizes the contributions of individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands to the United States. Many individuals from these territories have added and continue to add tremendous cultural, political, and athletic contributions to America.

Some examples of these remarkable individuals include Roberto Clemente, David Hamilton Jackson, and Agueda Iglesias Johnston. Roberto Clemente, a native of Puerto Rico, was a legendary major league baseball player with the Pittsburgh Pirates and an altruistic global public servant. I will say as an aside that Roberto Clemente put the Baltimore Orioles in fits during the World Series when I was growing up, and I have a vivid memory of that. While displaying extraordinary athletic feats on the baseball diamond, his selfless nature, not his play, cast him as an national icon and an exemplary role model. Unfortunately, Roberto Clemente died in a plane crash as he was trying to deliver aid to Nicaraguan earthquake victims.

David Hamilton Jackson is another outstanding individual to recognize. Jackson spearheaded the transfer of the United States Virgin Islands territory from the Danish into the hands of the local residents. Jackson, born in the Virgin Islands, parlayed his power into making local Virgin Island residents also United States residents. Jackson served as an educator, legislator, labor leader, and lawyer, and is known as one of the most important figures from the West Indies.

Agueda Iglesias Johnston was Guam's leading educator and well-known patriot. After Japan invaded the island in 1942, she both served as a teacher and principal during dangerous times in Guam. Amidst the perilous state, Johnston showed bravery when many feared. She communicated over the radio about the progress of the war, and she also aided an American Navy soldier, George Tweed, to escape capture by the Japanese. In Guam, she is known for her outstanding commitment, bravery, and service.

Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have many, many historical figures, events, and pivotal historic moments that highlight the legacy of their respective homelands. Children in the United States should understand and appreciate the contributions of citizens from the territories of the U.S. Ensuring America's youth know the contributions of these great territories and their impact on American culture creates a better understanding of our Nation's history.

Madam Speaker, once again, I express my support for recognizing the important contributions of individuals from these territories of the United States.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 2, expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of the United States history.

Scholars say that teaching history to children has many important lifelong benefits. History provides them with identity. Studying history improves their decision-making and judgment. History highlights models of good and responsible citizenship. History also teaches students how to learn from the mistakes of societies' past. History helps them understand change and societal development, and it provides a context from which to understand others.

Students today need to be engaged in substantive historical content. Only through curriculum that provides solid, exciting historical narratives and working with materials firsthand will students grasp the essential events of American history and proficiently comprehend the crucial issues of modern society.

Included in our schools' history curriculum should be a look at the contributions of individuals from the territory of the United States. From revolutionary times through the second World War, these territories have played significant roles in American history.

Individuals who lived in U.S. territories, including Puerto Rico, Guam, the U.S. Virgin Islands, Midway Islands, the Mariana Islands, and American Samoa have all contributed to the history and cultural fabric of our country in unique ways. As such, the stories of their accomplishments and challenges should be passed down to our young people and included when we talk about the rich history of this great country.

I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, it is my privilege at this time to yield such time as she may consume to the gentlelady from the Virgin Islands, the sponsor of this important bill, Mrs. CHRISTENSEN.

Mrs. CHRISTENSEN. Madam Speaker, I am proud to rise in strong support of House Concurrent Resolution 2 today, which I introduced on the first day of this Congress and which expresses the sense of Congress that children in the United States should understand and appreciate the contributions of individuals from the United States Virgin Islands, Puerto Rico, American Samoa, Guam, and the Northern Mariana Islands to the U.S. history. I am joined in this bill by 46 cosponsors.

This bill began with young people and it is for young people, but it is also for all Americans. A few years ago, I was on the campus of the Charlotte Amalie High School in St. Thomas, and as I was leaving some students gathered around to greet me and ask questions. It is because of one of those questions that I introduced this resolution.

A young lady expressed her concern and frustration that so many stateside children and adults as well knew so little about the Virgin Islands. Is it is a complaint I have heard often from other students coming up for Close Up and other legislative classrooms. They challenged me to do something about it.

While it has taken longer than I would have liked, I am pleased that House Concurrent Resolution 2 is being considered today, and I would like to thank Chairman MILLER, Ranking Member MCKEON, and all of the committee members for their support as well as my staff and the staff of the Education and Labor Committee for their work on bringing this resolution to the House floor.

Madam Speaker, the United States presently maintains sovereignty over three unincorporated territories and two commonwealths, the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa, and Northern Mariana Islands. All, including the now Freely Associated States of Palau, Micronesia, and Marshall Islands, have contributed to the defense and the richness of the United States in politics, music, arts, science, sports, education, as well as in many other areas.

And there have been many historic events in the past that unfortunately are not well known by the rest of our country. As depicted in this painting that is the cover on a book about many of the relationships between the then Danish West Indies and the early years of this country, it is reported that it was a ship in Christiansted Harbor in St. Croix that gave the first foreign recognition to the early Stars and Stripes in June of 1776. In another fact, one of the earliest flags was designed by a Markoe, again from the then Danish West Indies.

Madam Speaker, among outstanding Virgin Islanders in American history, we are also proud to count Alexander Hamilton, one of the great Founding Fathers of our Nation, the first Secretary of the Treasury and the author of the Nation's financial system. Hamilton lived in St. Croix, U.S. Virgin Islands, then the Danish West Indies during his formative years and before coming to the then Colonies. It is while on the U.S. Virgin Islands that, according to noted historian Richard Brookhiser and others, that Hamilton learned accounting and trade which spanned international borders and where he began to develop his philosophy of life and politics. One of his earliest recorded writings is a descriptive and moving account of a hurricane which was published in the local newspaper when he was around 16, in 1772.

More recently, one of New York's premier politicians of the mid 1900s was J. Raymond Jones, also known as the Silver Fox, from St. Thomas, who ran politics in New York City and is credited as a mentor by our own greater leader in this Congress, Congressman and Chairman CHARLES RANGEL. He played an important role in laying the political foundation of that city, which continues to this day.

We were active and remain active in the U.S. labor movement. Men like Ashley Totten was one of A. Phillip Randolph's lieutenants, and instrumental in the founding of the Brotherhood of Sleeping Car Porters.

In the entertainment business, people like Kelsey Grammer grew up in St. Thomas, and he is well known for his character on Cheers and its spinoff, Frasier. Benny Benjamin, the well-known songwriter of songs like "I Don't Want to Set the World on Fire," John Lucien, and others were from my home.

There are also individuals like Casper Holstein who played a role in the Harlem Renaissance, and Barbara Christian, an influential feminist literary scholar and critic who was born in St. Thomas, Virgin Islands.

And, of course, we have also made major contributions in sports, with Tim Duncan of the San Antonio Spurs, Raja Bell of the Phoenix Suns who both hail from St. Croix. And in the past we had Giants catcher Valmy Thomas whose daughter Shelley works in our office, Joe Christopher and Horace Clarke, and many others in major league baseball. Boxing legends such as Emile Griffith and Julian Jackson are from the Virgin Islands. And none of us could match the number of major league football players who come from American Samoa.

But it should not take an NBA game or a boxing match to bring about awareness of the U.S. territories. Our children should begin to learn about the U.S. territories within the context of U.S. history.

Madam Speaker, it is the diversity of the citizens of the United States that strengthens this Nation, and individuals from the territories have contributed to that diversity and continue through today. The sad reality is that far too many of our fellow Americans do not even know where the U.S. territories are located, not to mention the important contributions that they have made not only to U.S. history but to world history.

A full history program should include curricula that give students a balanced learning of all of the historic contributions that impact people who live in the United States, including contributions made by the people of the territories, the Commonwealth of the United States, and the Freely Associated States.

This bill will be a giant step forward in ensuring that all Americans, however separated by geography, are fully a part of the told and taught history of our great country, as we are today an integral part of its unfolding future. And to the children and young people of Guam, American Samoa, the Northern Mariana Islands, the Freely Associated States, Puerto Rico, and the U.S. Virgin Islands, this bill is for you.

I urge my colleagues to pass House Concurrent Resolution 2.

Mr. SARBANES. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, unfortunately, as I was listening to the Delegate speak, I realized that the failed energy policies of the Democratic majority are going to be hurting these very groups of folks, because people can't afford to fly there for vacation; the prices of tickets have gone up so much that it is going to hurt significantly the tourism industry.

Also, I think as we study the history of the contributors from the territories of the United States, we need to call attention to people to the history of the actions of the Democrats and Republicans in relation to American-made oil and gas, which is a history of support and opposition.

When it comes to taking meaningful steps to provide affordable energy to the American people, Congress has the ability and responsibility to act. Unfortunately, a clear pattern has emerged over the years as one party consistently has fought to increase access to home-grown energy reserves while the other has consistently voted to expand America's dependence on foreign unstable energy instead.

☐ 1815

We have compiled the facts by the issues.

ANWR exploration: House Republicans, 91 percent supported; House Democrats, 86 percent opposed.

Coal-to-liquid: House Republicans, 97 percent supported; House Democrats, 78 percent opposed.

Oil shale exploration: House Republicans, 90 percent supported; House Democrats, 86 opposed.

Outer Continental Shelf exploration: House Republicans, 81 percent supported; House Democrats, 83 percent opposed.

Refinery increased capacity: House Republicans, 97 percent supported; House Democrats, 96 percent opposed.

I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, at this time it is my pleasure to yield such time as she may consume to the gentlewoman from Guam (Ms. BORDALLO), and I would say I have benefited from having my office right across the hall from her office because she has sponsored a number of cultural activities in the hallway between our offices, so I have learned a lot about Guam since I got here.

Ms. BORDALLO. I thank the gentleman.

Madam Speaker, today the teaching of history to our children and young adults is an integral part of the learning experience and the American elementary and secondary education system. History is a formidable, important part of the curriculum and the intellectual development of our youth. It is through history that we learn about, recall, and reflect upon lessons of the past and it is through history that we learn to responsibly recognize and seize the opportunities of the future. History is an exercise of self-awareness. It helps each citizen understand his or her place and role in our society, and it helps us establish a continuity for progress.

It is through history that we learn about and come to appreciate our roots, our heritage, our culture, our progress as a society, and our relationships to one another and about how our family and our community relate to the broader world and to the generations that have come before us and those that follow us. Through history, our children learn about people and the faces and the stories behind the names that have helped shape our great democratic experiment.

The teaching of United States history is fundamental to the American classroom. Yet, the teaching of history can be elevated today with greater incorporation of facts related to the territories and our fellow Americans who call the territories home. Integration into the modern day curriculum of the accounts of relationships and the circumstances surrounding the entry of each of the territories into the American family is both appropriate and needed if our teaching of American history is to be complete and meaningful. Learning about the contributions of illustrious persons from the territories complements this goal and is a proven, effective means of sharing our history.

Today, American children, for example, learn about Squanto, George Washington, Paul Revere, Lewis and Clark, Buffalo Bill Cody, Susan B. Anthony, Francis Scott Key, Orville and Wilbur Wright, Rosa Parks, and many, many other notable Americans. But, Madam Speaker, the names and the stories of historic figures in the territories are not known, and we have many historic leaders, as my colleague pointed out from her own territory of the Virgin Islands.

Today, our school children learn the capital cities of Jefferson City, Boise, Concord, Tallahassee, and many others. But San Juan, Pago Pago, and Hagatna, for example, they are unfamiliar to their ear and rarely can be pinpointed on the map. Our territorial flags, seals, trees, flowers, birds, et cetera, they are all too frequently overlooked or a mystery, our history under appreciated.

How many young students today know that Guam was discovered by Magellan in 1521, and Guam was governed under Spain for 100 years. Today, too few Americans know and realize that the territory of Guam was bombarded, attacked and invaded by Imperial Japanese forces concurrent with the attack on Pearl Harbor. Too few Americans know and learn about the loyalty and courage of the people of Guam in suffering at the hands of a brutal enemy, while their homeland, sovereign American soil, was occupied. Guam is the only American community to have been occupied since the War of 1812.

This resolution is an exercise about learning to appreciate the cultures and the history of our islands, where our U.S. flag flies. House Concurrent Resolution 2 expresses the sense of this Congress that schools and educators all across these 50 United States and right here in our Nation's capital city should strive to teach our children about the territories and should in their noble profession seek to honor the contributions of individuals from each of these territories.

For over a century now individuals from Guam, Puerto Rico, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands have contributed to the growth and development of our country. Individuals from the territories have stood shoulder to shoulder with their brothers and sisters in harm's way, and I am speaking about the war in Iraq and Afghanistan. They have worn the uniform in times of war, and boast some of highest enlistment rates in our military. Many have paid the ultimate sacrifice from World War I to the present day war against terrorism.

Some have gone on to distinguished military careers as officers. Others have made contributions in the fields of medicine, law, music and the arts. Some have become incredible teachers in their own rights, and work to preserve our history and expand the circle of awareness about the beautiful tapestry and the rich history of the people of the United States territories.

The textbooks, the classroom discussions, the maps, the globes, the technology, the learning games, all could stand to include more pages, more study questions, and more focus on the territories.

I want to thank my colleague, Congresswoman CHRISTENSEN, for her leadership in working to incorporate the territories into history for America's schoolchildren.

I stand here today proud of our own schoolchildren on Guam. This debate is on the heels of their participation last week for the first time in the national competition for National History Day, and my colleague spoke about this. His office is located right across from mine, and they all performed in the hallway. History students from George Washington High School, Untalan Middle School, Agueda Johnston Middle School and Guam High School all competed with students from all across the United States at the University of Maryland, College Park, in the national competition with research papers, exhibits, performance and documentaries. This occurred, as I said, just last week. And they also went on a field trip in Washington, DC.

So, Madam Speaker, I stand in full support, in strong support for the passage of this very important House Concurrent Resolution 2.

Mr. SARBANES. I inquire whether the gentlelady has any additional speakers.

Ms. FOXX. Madam Speaker, I don't have any additional speakers, but I have some additional comments.

Mr. SARBANES. Madam Speaker, in that case, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I went over the list of differences in ways that Republicans have suggested that Americans become energy independent from foreign sources of oil. I want to give a summary of those now.

I have stated that the gap has been as much as 97 percent of House Republicans supporting increasing refinery capacity, and 96 percent Democrats opposing increased refinery capacity.

The summary of all of the issues I have outlined was 91 percent of House Republicans have historically voted to increase the production of American made oil and gas, while on average 86 percent of House Democrats have historically voted against increasing the production of American made oil and gas.

My interest and the interest of other Republicans is in keeping this country as the greatest country in the world and ending our dependence on foreign oil. I call on the Democratic majority to join with Republicans in taking action toward this goal.

Madam Speaker, I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, I know it is incredibly difficult for the minority to resist the impulse to lob this energy rhetoric into every single discussion we have here on the floor. I am not going to take the bait, particularly on this resolution because this is such an important resolution that has been put forward. It encourages and it guides us on how we can teach this valuable, valuable history of the U.S. territories to all Americans so that they can gain a deeper appreciation of it. I want to thank those who spoke today, Congresswoman BORDALLO and Congresswoman CHRISTENSEN, for contributing their perspective on this important bill, and I want to urge my colleagues to support it unanimously if they could.

Mr. FORTUÑO. Madam Speaker, I am tremendously proud to be a co-sponsor of House Concurrent Resolution 2, which expresses the sense of this Congress that schools in the United States should honor the contributions of individuals from the U.S. territories by including such contributions in the teaching of American history. This Resolution will encourage schools to teach—and students to learn—about the rich history and vibrant cultures of the U.S. territories and the many achievements of individuals born there. I want to commend Congresswoman CHRISTENSEN for introducing H. Con. Res 2.

In the case of Puerto Rico, the impact that our native sons and daughters have had on every aspect of American society cannot be overstated. Can you imagine preparing a history of Major League baseball without devoting at least a chapter to Roberto Clemente and the hundreds of Puerto Rican players who have followed in his wake? Likewise, consider how much the film industry owes to great actors like Jose Ferrer, Raul Julia and Benicio del Toro—to name just a few. Beyond athletics and the arts, many Puerto Ricans have made important contributions in the fields of politics, business and law. With respect to national service, students and teachers may not be aware—but should be—that residents of Puerto Rico and the other U.S. territories serve in the U.S. military. They ought to know that Puerto Rico sends a higher percentage of its residents to the armed forces that all but one other U.S. jurisdiction and that four Puerto Ricans have won the Medal of Honor. H. Con. Res 2 will help ensure that students in our Nation's schools learn basic but largely unknown facts about the U.S. territories—how they were acquired, what political and civil rights residents of the territories have and do not have when compared to their fellow citizens in the states, and the prospects for change.

Unsurprisingly, there are still many people in our great Nation—children and adults—who do not know the names of the U.S. territories or their location on a map. It is my hope that, by teaching students about the history of the territories and the individual accomplishments of their residents, we can foster better understanding of and greater appreciation for the many contributions that the territories have made to American life.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 2, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history.".

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS TO COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

The SPEAKER pro tempore. Pursuant to section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade (Public Law 110–183), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on the Abolition of the Transatlantic Slave Trade:

Mr. Donald Payne, Newark, New Jersey

Mr. Howard Dodson, New York, New York

Ms. Evelyn Brooks Higginbotham, Cambridge, Massachusetts.

☐ 1830

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H. Res. 1242; H. Con. Res. 372; and H. Res. 1051, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING THE LIFE OF LOUIS JORDAN ON THE 100TH ANNIVERSARY OF HIS BIRTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1242, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The vote was taken by electronic device, and there were—yeas 348, nays 0, not voting 86, as follows:

[Roll No. 438]

YEAS—348

Abercrombie
Ackerman
Aderholt
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—86

Alexander
Allen
Becerra
Berman
Blackburn
Boucher
Boyda (KS)
Burton (IN)
Buyer
Cannon
Cantor
Carnahan
Carney
Cohen
Costa
Costello
Courtney
Davis (IL)
Doyle
Drake
Engel
Ferguson
Frank (MA)
Gallegly
Gilchrest
Gohmert
Grijalva
Gutierrez
Hill
Hoekstra
Hulshof
Hunter
Israel
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kind
Kingston
Knollenberg
Langevin
Loebsack
Maloney (NY)
McNulty
Miller, Gary
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Nunes
Pascrell
Payne
Pearce
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Reyes
Reynolds
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schiff
Schwartz
Sestak
Shea-Porter
Shimkus
Sires
Solis
Souder
Space
Tancredo
Thompson (MS)
Udall (CO)
Udall (NM)
Walden (OR)
Waters
Weiner
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

□ 1856

Mr. GEORGE MILLER of California changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 438, H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF BLACK MUSIC MONTH

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 372, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 0, not voting 81, as follows:

[Roll No. 439]

YEAS—353

Abercrombie
Ackerman
Aderholt
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler

Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—81

Alexander
Allen
Berman
Blackburn
Boyda (KS)
Burton (IN)
Buyer
Cannon
Carnahan
Carney
Cohen
Costa
Costello
Courtney
Davis (IL)
Delahunt
Doyle
Ferguson
Frank (MA)
Gallegly
Gilchrest
Gohmert
Grijalva
Gutierrez
Hill
Hoekstra
Hulshof
Hunter
Israel
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Kilpatrick
Kind
Kingston
Knollenberg
Langevin
Loebsack
Maloney (NY)
McNulty
Melancon
Miller, Gary
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Nunes
Pascrell
Payne
Pearce
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Reyes
Reynolds
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schiff
Schwartz
Sestak
Shea-Porter
Shimkus
Sires
Solis
Souder
Space
Tancredo
Thompson (MS)
Udall (CO)
Udall (NM)
Walz (MN)
Waters
Weiner
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

☐ 1904

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 439, H. Con. Res. 372, Supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States, had I been present, I would have voted "yea."

WELCOMING HENRY NELSON GILLIBRAND

(Mrs. GILLIBRAND asked and was given permission to address the House for 1 minute.)

Mrs. GILLIBRAND. Mr. Speaker, I rise to announce the birth of the newest upstate New Yorker, Henry Nelson Gillibrand, and to announce his birth to the Members of the 110th Congress.

I want to thank the Members for all their encouragement and good wishes. And I want to thank the friends and all the constituents of upstate New York, from the 20th District of New York, for their good wishes and their prayers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING JAMES MADISON UNIVERSITY FOR 100 YEARS OF SERVICE AND LEADERSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1051, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 80, as follows:

[Roll No. 440]

YEAS—354

Abercrombie
Ackerman
Aderholt
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—80

Alexander
Allen
Berman
Blackburn
Boyda (KS)
Burton (IN)
Buyer
Cannon
Carnahan
Carney
Cohen
Costa

Costello
Courtney
Davis (IL)
Ferguson
Frank (MA)
Gallegly
Gilchrest
Gohmert
Graves
Grijalva
Gutierrez
Heller
Hill
Hoekstra
Hulshof
Hunter
Israel
Johnson (IL)
Johnson, Sam
Kanjorski
Kilpatrick
Kind
Kingston
Knollenberg
Loebsack
Maloney (NY)
McMorris Rodgers
McNulty
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Nunes
Pascrell
Payne
Pearce
Peterson (PA)
Pickering
Price (GA)
Pryce (OH)
Radanovich
Reyes
Reynolds
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schiff
Schwartz
Sestak
Shea-Porter
Shimkus
Sires
Solis
Souder
Space
Tancredo
Thompson (MS)
Udall (CO)
Udall (NM)
Waters
Weiner
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1913

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 440, H. Res. 1051, Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal reasons, I was unable to attend several votes. Had I been present, I would have voted "yea" on final passage of H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; "yea" on final passage of my bill, H. Con. Res. 372, supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States, and "yea" on final passage of H. Res. 1051—Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. POE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4040, CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. KIRK. Mr. Speaker, pursuant to clause 7(c)(1) of rule XXII, I hereby notify the House of my intention to offer a motion to instruct conferees on H.R. 4040.

The form of my motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4040 be instructed to insist on the provisions contained in the House bill with regard to the definition of "children's product".

NO FREEDOM OF SPEECH AT U.N. HUMAN RIGHTS COUNCIL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the U.N. Human Rights Council was formed to have open, lively debate on the basic human rights of all peoples. However, some Muslim nations have put a strong arm on the council and prevented free discussions of practices that are advocated in the name of religion by a few Muslims. Those practices include female genital mutilation and so-called "honor killings," or murder, of women.

One would think that the mutilation and killing of women would be a front-burner topic with the Human Rights Council. But some Muslims have said this subject is taboo and the discussion of this religious practice and the religious practices of other faiths is off-limits.

So much for the basic human right of free speech.

Those that advocate the mutilation and honor killings of women in the name of religion should be proud of this doctrine of faith and be able to justify it before the U.N. Human Rights Council. But I guess not.

By the way, Mr. Speaker, it seems to me that in the history of humanity, more murders, tortures, and wars have been justified and done in the name of the world's numerous religions than any other reason or cause.

Reason enough in 2008 to discuss this practice of abusing women.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TORTURE UNDERMINES OUR VALUES AND MAKES US WEAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, nothing has stained the honor of the United States in recent years like the use of torture against detainees, detainees in Iraq and detainees elsewhere. Torture goes against our Nation's most basic values, and it undermines the American people's reputation as a compassionate and committed people to human rights.

Torture is not only immoral; it has a practical damaging effect on our foreign policy. When America is involved in torture, we lose the moral authority that is our most powerful weapon in the fight against terrorism. How can we lead the world against terrorism when the world believes that we don't respect the rule of law ourselves?

That is why I want to call attention to a new report on torture that was issued last week by the group Physicians for Human Rights. This group assembled a team of doctors and psychologists to evaluate former detainees held in Iraq, in Afghanistan, and Guantanamo Bay. The team found that the detainees were tortured, even though no charges were ever brought against them or any explanation ever given for their imprisonment.

The torture consisted of beatings, electric shocks, involuntary medication, shackling, and sexual humiliation. Other techniques were used, but they are far too awful for me to mention here. One Iraqi detainee who was held for a time in the notorious Abu Ghraib prison said he was subjected to psychological abuse as well as physical torture. He said that his captors threatened to rape his mother and his sisters.

Former Major General Anthony Taguba, who conducted the Army's investigation of the Abu Ghraib scandal in 2004, wrote a preface to the report. He said, "In order for these individuals to suffer the wanton cruelty to which they were subjected, a government policy was promulgated to the field whereby the Geneva Conventions and the Uniform Code of Military Justice were disregarded. The U.N. Convention Against Torture was indiscriminately ignored . . . ."

He continued: "Through the experiences," he said, "of these men . . . we can see the full scope of the damage this illegal and unsound policy has inflicted, both on American institutions and our founding values."

Mr. Speaker, I am sure that there will be some people who will try to discredit this report by charging that it was prepared by a group determined to embarrass the administration. But if they don't believe this report, perhaps they will believe the reporting of the McClatchy newspapers, which conducted an 8-month investigation of the U.S. detention system created after 9/11. The McClatchy investigation found "that the United States imprisoned innocent men, subjected them to abuse, stripped them of their legal rights, and allowed Islamic militants to turn the prison camp at Guantanamo Bay into a school for jihad."

This House did the honorable thing a few months ago when it voted to stop the use of waterboarding and other illegal interrogation techniques. Forty-three retired generals and admirals supported that bill. Eighteen national security experts, including former Secretaries of State and national security advisers, supported it as well. But the President vetoed this bill, sending the world a message that America condones torture.

Torture doesn't work. It doesn't produce good information. It exposes our own troops to torture if they are captured. It creates enemies. In short, torture doesn't make us stronger; it makes us weaker.

Congress must recognize these facts and move to restore our Nation's good name. The best way to begin to do that is by redeploying our troops out of Iraq and then help the Iraqi people to rebuild their lives and their country. I know that this won't happen soon given last week's vote on funding for the occupation of Iraq. But sooner or later, Congress must act. Redeploying out of Iraq will help to heal the wounds of torture and right the wrongs.

Mr. Speaker, it's time for America to be America again: peace loving, compassionate, and a true champion of human rights, and restore our dignity.

HADITHA, IRAQ, FIREFIGHT THE MARINES AND THE PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the New York Times called it the "nightmare" killings of Haditha, Iraq, and the "defining atrocity" of the Iraq War. Maureen Dowd of the New York Times referred to the incident as the "My Lai Acid Flashback." Another New York Times reporter filed 36 stories on what he called the "cold blooded killing," saying, "This is the nightmare everyone worried about when the Iraq invasion took place." Self-proclaimed expert and "worst person ever," Keith Olbermann of MSNBC, called it "willful targeted brutality." Nation Magazine said of the event in Iraq that "members of the 3rd Battalion, 1st Marine Regiment perpetrated a massacre." And even a Member of this House of Representatives said, "Our troops overreacted . . . and killed innocent civilians in cold blood."

It has become the largest investigation in the history of Naval Criminal Investigative Service, which has 65 government agents assigned to this one case. Mr. Speaker, as a former judge and prosecutor, I have never heard of 65 criminal investigators assigned to one case except the 9/11 attack.

What is the terrible atrocity these news sources are talking about?

Well, Mr. Speaker, the Haditha, Iraq, incident took place in November of 2005 when our Marines were attacked by the use of a roadside bomb that exploded, killing one Marine and wounding two others. The Marines were then engaged in a firefight. Twenty-four Iraqis were killed, including some civilians.

After the gun battle was over and the smoke cleared, our government charged four Marines with murder and four others with not properly investigating the case. In a rabid rainstorm of criticism by U.S. journalists who were looking for the scalps of these eight Marines, the eight Marines were tried by a hysterical jury of journalists in the press and apparently found guilty on all charges.

But normally, Mr. Speaker, in America we try folks in our justice system and give them a trial before we send them off to the hangman and the gallows. Be that as it may, now, 2½ years after expensive, intense, and thorough investigation, the facts as portrayed by the sensational National Enquirer-type journalists are not as they were portrayed to be.

According to columnist Michelle Malkin, who covered these cases in depth, seven of the eight Marines have had their cases dropped or dismissed. The eighth is awaiting trial in a real court, rather than the court of yellow journalism.

These journalists, ironically, are the same ones wanting to close down Guantanamo Bay prison and are worried about the treatment of those alleged terrorists there who may get cold blueberry muffins for their breakfast. But these writers could care less about the presumption of innocence for these eight U.S. Marines, seven of which have had their cases dismissed already. Only in America does the press get teary eyed about the Gitmo detainees but is blissfully ignorant about the justice in the prosecution of our Marines.

Meanwhile, the U.S. Marines are still in the midst of battle in Iraq and Afghanistan and standing vigilant in other places of the world protecting American interests and values. Those values include the freedom of speech and the freedom of the press to say anything it wants, even when the press is totally inaccurate and unfair in the expression of those fundamental rights. And for the U.S. Marines, we say Semper Fi. Semper Fi.

And that's just the way it is.

THE PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the Members of the House are aware, in February of 2006, U.S. Border Patrol agents Ramos and Compean were convicted of shooting and wounding a Mexican drug smuggler who brought $1 million worth of marijuana across our borders into Texas. The agents were sentenced to 11 and 12 years in prison and now have been in Federal prison for 523 days.

Last week I sent a letter, signed by Congressmen TED POE, DANA ROHRABACHER, VIRGIL GOODE, LOUIE GOHMERT, JOHN CULBERSON, and DON MANZULLO, to ask the U.S. Department of Justice Office of Professional Responsibility to investigate the actions of U.S. Attorney Johnny Sutton in this case.

□ 1930

One of the main reasons for this request stems from the firearm charge used by his office in prosecuting the agents. This charge carried a 10-year minimum sentence. Without this charge, one of the agents, Agent Ramos, would have already completed his sentence and would be out of prison and with his family today.

The office of U.S. Attorney Johnny Sutton charged the agents with the discharge of a firearm during a crime of violence. Yet, there is no such crime. The law makes it a crime to use or carry or possess a firearm in relation to any crime of violence. The Supreme Court ruled last year in United States vs. Watson that discharge of a firearm is only a sentencing factor for a judge to consider at the conviction, not for the jury to determine if a crime occurred. However, you can imagine how difficult it would be to convince a jury that two Border Patrol agents, law enforcement officers, were unlawfully using, carrying, or possessing their firearms.

When you look at the history of why Congress enacted this statute, one reason stands out: To warn criminals to think twice before they stick a gun in their pocket on the way to the scene of a crime. This is the reason the statute clearly does not apply, does not apply to law enforcement officers like Ramos and Compean. These men were not carrying guns so they could commit a crime, they were required to carry guns as part of their job.

By focusing the jurors' attention on this nonexistent crime of discharging a firearm, there is reason to believe that Johnny Sutton intentionally manipulated the Federal criminal code to obtain a conviction against these two Border Patrol agents at all costs.

The American people must be confident that prosecutors will not tailor the law to make it easier to secure a conviction in a particular case. Federal prosecutors take an oath to enforce the law, not to make it.

I want the families of Ramos and Compean to know that my colleagues and I will continue to bring this injustice to the attention of the American people and to the White House.

I am most grateful, I am most grateful to Chairman JOHN CONYERS and his staff for their interest in investigating the prosecution in this case. I hope that the House Judiciary Committee will soon hold a hearing on this injustice, and I am also hopeful that the Department of Justice will take this matter seriously and will investigate Mr. Sutton's conduct in this case.

Mr. Speaker, before closing, I want the family, again, of Border Patrol Agents Ramos and Compean, that those of us in Congress on both sides of the aisle, we care about their families, we care about these Border Agents, and never, under any circumstances, should they have been indicted and prosecuted.

I want to thank Chairman JOHN CONYERS for holding hearings on this matter.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 18, 2008.

Re Complaint for Prosecutorial Misconduct Against Johnny Sutton, United States Attorney, Western District of Texas

H. MARSHALL JARRETT,
Counsel, Office of Professional Responsibility
United States Department of Justice, Washington, DC.

DEAR COUNSEL JARRETT: As Members of Congress, we write this letter to bring to your attention for investigation what we have concluded to be a serious miscarriage of justice by United States Attorney Johnny Sutton. Mr. Sutton supervised, and has vigorously defended, his office's actions in a case wherein two United States Border Patrol agents—Ignacio Ramos and Jose Alonso Compean—have been convicted, and each are now being punished by imprisonment of 10 years, for a crime that does not exist, and therefore, for a crime that could not have been committed.

Specifically, Mr. Ramos and Mr. Compean were charged with violating 18 United States Code Section 924(c)(1)(A) by the "knowing[] *discharge*[] [of] a firearm . . . during and in relation to a crime of violence." (Emphasis added). There is, however, no such crime. Rather, Section 924(c)(1)(A) makes it a crime to "use or carry . . . during and in relation to any crime of violence" or to "possess a firearm" "in furtherance of" any such crime. And, as the United States Supreme Court recently pointed out, "discharge" is only a sentencing factor to be considered by the judge after conviction, not by the jury in the effort to determine whether the law has been violated. *United States* v. *Watson*, 169 L.Ed.2d 472 (2007).

While this distinction might, at first glance, be merely technical, the United States. Court of Appeals for the Fifth Circuit, the circuit in which Mr. Ramos and Mr. Compean were convicted, ruled that an indictment that did not allege that a defendant had so used or carried, or so possessed, a firearm was insufficient to charge an offense under Section 924(c)(1)(A). See *United States* v. *McGilberry*, 480 F.3d 326, 329 (5th Cir. 2007). Indeed, six years before McGilberry, the Fifth Circuit, ruled that "discharging a firearm during and in relation to a crime of violence" was not an "actus reus" element of the offense defined by 18 U.S.C. Section 924(c)(1)(A), but only a factor to be considered at "sentencing" after conviction." See *United States* v. *Barton*, 257 F.3d 433, 441–43 (5th Cir. 2001). And one year after Barton (and five years before Watson), the United States Supreme Court agreed, ruling that Section 924(c)(1)(A) did not define "discharge" of a firearm as a separate offense, but only as a "sentencing factor[] to be considered by the trial judge after conviction." See *Harris* v. *United States*, 536 U.S. 545, 550–53 (2002).

Notwithstanding these binding precedents in the Western District of Texas, United States Attorney Sutton secured an indictment charging Mr. Ramos and Mr. Compean with the non-existent crime of "discharging" a firearm "in relation to a crime of violence." By this charge Mr. Sutton facilitated the conviction of the two border control agents by means of jury instructions that focused the jury's attention upon the "discharge" of the agents' firearms, rather than upon the lawfulness of the possession, carrying, and use of such firearms in the ordinary course of their employment. Moreover, by this indictment and these instructions, Mr. Sutton obtained a conviction of an offense that carried a minimum 10-year sentence, as provided by the statute, rather than the lesser sentence for violation of Border Patrol rules and regulations. See also, Brief Amici Curiae of Congressman Walter B. Jones, Gun Owners Foundation, United States Border Control Foundation, United States Border Control, and Conservative Legal Defense and Education Fund, Inc., In Support of Appellants, *United States of America* v. *Jose Alonso Compean and Ignacio Ramos*, No. 06–51489, U.S. Court of Appeals, Fifth Circuit (May 27, 2007).

It is our firm conviction that, by these actions, Mr. Sutton is guilty of prosecutorial misconduct, the effect of which has imposed an irreversible and substantial effect upon Mr. Ramos and Mr. Compean and their families. Prior to the return of the indictment against Mr. Ramos and Mr. Compean, Mr. Sutton must have known that it was impossible for there to be probable cause for a "crime" never enacted by Congress, as authoritatively and previously decided by the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit. According to Rule 3.09 of the Texas Disciplinary Rules of Professional Conduct, a prosecuting attorney is to "refrain from prosecuting . . . a charge that the prosecutor knows is not supported by probable cause."

Indeed, the Comments to Rule 3.09 of the Texas Rules of Professional Conduct admonish prosecutors to remember their "responsibility to see that justice is done, and not simply be an advocate."

On April 1, 1940, then Attorney General Robert Jackson, speaking to United States Attorneys serving in each federal judicial district across the country, reminded them why justice should be their goal, not winning their cases. "The prosecutor," he said, "has more control over the life, liberty, and reputation than any other person in America. His discretion is tremendous . . . We must bear in mind that we are concerned solely with the prosecution of acts which the Congress has made federal offenses."

Mr. Sutton has manipulated the federal criminal code to obtain a conviction against two U.S. Border Patrol agents, preferring to win at all costs over his duty as a United States Attorney, and his duty under the Texas Rules of Professional Conduct. This is a matter which your office has a duty to investigate and, on the basis of what we now know, to remedy.

Sincerely yours,
WALTER JONES,
TED POE,
VIRGIL GOODE,
DANA ROHRABACHER,
LOUIE GOHMERT,
JOHN CULBERSON,
DONALD A. MANZULLO,
Members of Congress.

OPERATION STREAMLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Speaker CUELLAR, it's perfectly appropriate that you're in the chair today because you and I have served together in the Texas House, and we have worked together, Mr. Speaker, in cooperation with our friend, Congressman CIRO RODRIGUEZ of Del Rio. You and I and CIRO have worked together to successfully implement a program that I want to single out for praise tonight.

In the Laredo sector and the Del Rio sector, the immigration laws of this country are being enforced with a zero tolerance in a program called Operation Streamline. With the full support of the local community that you represent, Mr. Speaker, because the crime rate in Laredo has dropped 70 percent—excuse me; in Del Rio we have seen a 70 percent drop. I think you have seen about a 60 percent drop in the crime rate in the Laredo sector as a direct result of simply enforcing existing law in a team effort, Mr. Speaker, between the Border Patrol, the U.S. Marshals, the prosecutors, the judges, the magistrates, and the sheriffs, with their local Congressman, Congressman CUELLAR. You, Mr. Speaker, CIRO RODRIGUEZ, and myself on the Appropriations Committee, we have been able to bring together that team approach in a bipartisan way that has resulted in a dramatic decline in the crime rate. The illegal crossings in the Del Rio sector are now at the lowest level they have been since the Border Patrol started keeping statistics in 1973.

I bring this to the attention of the House tonight, Mr. Speaker, first of all, to congratulate and praise those fine men and women in the law enforcement community of the Border Patrol in Del Rio and Laredo, also in the Yuma sector, where this is working so well. In particular, in the Laredo and Del Rio sectors we have seen real success because of the teamwork of those law enforcement officers and the judges and the cooperation we have seen at an unprecedented level between members of both parties in making sure the community and the Nation are safe in those sectors.

I am working with you now, Mr. Speaker, as well as with the local Members of Congress in rolling out Operation Streamline, it's called, the zero tolerance program, in the Rio Grande Valley sector. So that the goal is, of course, from the mouth of the Rio Grande now, up through the Del Rio sector, Lake Amastad, that the border will be secure.

Unfortunately, Mr. Speaker, it is a very different story in Tucson, Arizona. In Tucson, Arizona, the local U.S. Attorney refuses to enforce existing law, and in Tucson, if you are arrested by the Border Patrol, for example, in Del Rio or Laredo, you have a 100 percent chance of being prosecuted and serving some time in jail, obviously with the exception of women and children. The officer will use their good judgment and their good heart.

But if you're arrest in Del Rio or Laredo, you're going to jail. If you're arrested in Tucson, Arizona, Mr. Speaker, carrying less than a quarter ton of dope, you have a 99.6 percent chance of nerve going to jail, and you will probably be home in time for dinner.

It's an unbelievable and outrageous situation that I have worked on behind the scenes as quietly as I can with the Department of Justice, with the U.S. Attorney out there, Diane Humetewa, who refuses to met with me, who refuses to talk to me, who refuses to cooperate. She, to this day, Mr. Speaker, refuses to do anything to improve the prosecution rate in the Arizona sector of the border. As a result, those officers' lives are in danger. As a result of her refusal to enforce the law, the lives of the people of Arizona are in danger. This Nation is in danger because of the refusal of the U.S. Attorney in Arizona, Diane Humetewa, to do her job.

Frankly, I am sick and tired of it, and it needs to be brought to the attention of the American people here on the floor because we have found a bipartisan solution to this. We have found a solution that people on the border support.

You represent the Laredo sector, Mr. Speaker. I know your community, the people you represent are thrilled with the reduction in the crime rate. It has been a team effort. There are no party labels when it comes to Texans. My good friend, SHEILA JACKSON-LEE, will be speaking in a moment, and we are Texans first. There are no party labels when it comes to what is good for Texas and the Nation.

We have found a solution, Mr. Speaker, in Operation Streamline and the Zero Tolerance Program, enforcing existing law with existing resources and existing personnel in a unified team effort, and it's about time for the U.S. Attorney in Arizona to get with the program and recognize that she has an essential role in protecting this Nation.

Frankly, Mr. Speaker, if the U.S. Attorney in Arizona will not enforce the law and live up to her oath of office, I think she ought to find another job. It's about time for her to just step aside. It's unacceptable for a U.S. Attorney to refuse to enforce the law. Those officers' lives are in danger.

We on the Appropriations Committee, I serve on the Homeland Security subcommittee, Mr. Speaker, we sent 40 additional U.S. Attorneys, prosecutors to the southwest border with specific instructions that those attorneys be used to prosecute border crime. The U.S. Attorney in Arizona got 21 of them, and she will not use them to protect the border or this Nation.

Mr. Speaker, we have done great work in Laredo and Del Rio, and the U.S. Attorney in Arizona needs to get with the program and enforce the law with zero tolerance or find another job.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. TOWNS) is recognized for 60 minutes as the designee of the majority leader.

Mr. TOWNS. I want to talk about the energy situation tonight. When I go back to my district, the number one subject today is that people are talking about the cost of fuel. Of course, the other one is affordable housing. But when you look at it, they are all connected.

Of course, when you talk to the taxi drivers, they are saying we cannot make a living because of the fact that gasoline is so high. The bus drivers, the same thing. Hardworking people are finding it almost impossible to make it today because of the price of fuel.

Of course, this is something that has happened all of a sudden. In 2005, gasoline was $2.20 per gallon in December of 2005. Now, today the price of gasoline is $4.10 per gallon. That is June 19, 2008, according to the Energy Information Administration, the agency that collects official energy statistics for the United States Government. In other words, gas is just creating a tremendous problem in this Nation.

Now I know people will say, Well, here's the solution. But let me just say to you there is no silver bullet here, that there is no single solution to this problem. But I think the worst thing in the world to do is to continue to ignore the problem.

You have people saying, Well, ethanol is the solution. Then you have others will say that the fact that ethanol might not be the solution, but we need to make certain that we create cars that will go further. All these things are good, but when we are dealing with a problem like this, whenever you make a decision or make an adjustment, there's always something else that is going to happen.

Hybrid cars. People are coming in now saying that, Look, we are having problems. The blind, in particular. We travel by sound. We can't hear. We are getting knocked down in the parking lots. Senior citizens are getting knocked down.

So we need to look at all these things to be able to bring about safety, but at the same time we have to be able to make certain that the fuel prices come down so people don't have to make a decision as to whether they buy gas or whether they buy food. I mean that is where we are. People who have been volunteering, providing care for seniors, driving them to the shopping mall and driving them to various places, are now saying, I can't do it any more because of the price of gasoline. That, to me, is a shame and a disgrace in one of the wealthiest countries in the world, that we are not paying more attention to our seniors, and of course, as a result, things are getting worse.

What I would like to do now is to yield some time to the gentlewoman from Texas, who has been very involved in these issues over the years. Of course, it's my pleasure to yield to her because she understands how important this issue is, the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I want to thank my distinguished friend, Congressman ED TOWNS. I think it's important to note of his leadership on the Energy and Commerce Committee for any number of years. We have joined together on understanding this issue as it impacts our very broad communities.

The distinguished Congressman, as I note, my good friend from Georgia, is on the floor as well. We all come from different districts. He comes from an urban-centered northeastern district that has mass transit very deeply, but as well it's interesting to note that the cost of gasoline impacts all of our constituents.

I come from a broad, if you will, expensive district in the State of Texas that has not only a fledgling metro system, a metro system that we are just beginning to build, mass transit, but as well it is a community that uses its cars.

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We carpool. We carpool to work. We live very far apart. It is a very large district. Therefore, the cost of gasoline is very, very costly. So we have to come together to address this question from the perspective of how will the consumer feel? We know there has been a question, a bracelet everybody used to wear asking the question how would a certain heavenly person feel about a question. We now ask, how does the consumer feel?

So I rise today to say that I think it is important for this Congress to come together and to be able to push forward an energy agenda that really gets down to the real individuals that are burdened by this cause. So let me explain, Mr. TOWNS, what I believe is important.

First, let me applaud the leadership for their new direction in energy. It is an important direction. It is a greening direction. It focuses on alternatives. It focuses on creating green jobs and getting a sense of understanding about the smallness of the resources that are available now, the fossil fuel and other energy resources that need to be utilized, and therefore it is important to, if you will, impress upon Americans the value of conservation. But, at the same time, I think there are a lot of other issues that we can discuss.

I believe we should accept the premise that there are a number of energy resources that this Congress needs to address. For example, I come from Texas, and obviously we utilize fossil fuel. I think it is important to recognize that fossil fuel is present, but I think we need to emphasize looking at independent producers. They were very prominent in years past. These are smaller companies.

I do believe we need to look at where we are exploring off the Gulf, where those States of Louisiana and Texas have willingly accepted the exploration of the Gulf in a safe and environmental way.

Two or three years ago, Congressman NICK LAMPSON and myself passed legislation to encourage the Federal Government to do an inventory of what was available in terms of fossil fuel resources in the Gulf. I think it is important. We know that there are challenges to exploring the Outer Continental Shelf. There are challenges to exploring ANWR. There are challenges in exploring the coast off the East Coast and the California coast and the Florida coast. I believe those issues are issues that we have to work with the local jurisdictions and the governors and consumers for that to be a comfortable process.

But let us not get stuck on that. There are resources in the Gulf. We have found that there is oil shale, I believe, that has been discovered in West Virginia. There are other domestic resources that have been discovered in Mississippi. We need to be able to utilize and to be able to encourage the safe development of existing resources.

We know that our own multinational energy companies are holding leases they have not utilized. I believe it is important to call these individuals into Washington. The President needs to call these individuals into Washington, the heads of these major companies, and let us discuss why these oil leases are not being utilized, because there lies a possibility of additional resources.

Mr. TOWNS, you know that we have been discussing over the years the increasing of minority energy entrepreneurs. They come in all shapes and sizes. But I happen to know an energy company in the State of Texas, Osyka, that is held solely by African Americans with domestic deposits. They have resources. But what do they need? They need investment. They are not overseas. They are right here in the United States, but they need investment.

So I think there are a lot of small, independent producers that the legislative scheme here in the United States does not foster their development, does not provide them access to capital, does not allow them to build on the resources that they have. You can be assured that the more resources we put out allows us to have the ability to bring down the cost of gasoline.

Let me add an additional point that I think should be considered. When you talk to the multinationals about the cost of gasoline, they will refer you to the antiquated refineries, that they need to build more refineries. That too requires a coming together at the table. I believe we need to have a discussion so they can explain what does it mean by having an antiquated refinery?

There is a new refinery being built in East Texas and in Louisiana. That refinery took a long time to build. But maybe we need to update the refineries. I know that is a questionable proposal and policy to make them more environmentally efficient and safe. That is a key element to dealing with this.

Before I yield back and wait a moment as you yield to the distinguished gentleman from Georgia, I want to cite some numbers that say that the Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol cannot only help reduce the $180 billion that oil contributes to it our annual trade deficit, it can end our addiction to foreign oil. These alternatives should be matched with domestic production. That may help a lot of these small interested producers.

Also the individual oil companies, the large ones who have leases here in the United States, we need to have an inventory and get a determination, as I said, as to why these leases are not being developed. According to the Department of Agriculture, biomass can replace 30 percent of our Nation's petroleum consumption.

So there are ways we can confront this issue. One other way, of course, is to develop more professionals, which we have discussed, and I want to discuss that later.

Let me conclude by saying we have a real crisis in addition to the cost of gasoline. That crisis includes jet fuel. We are seeing the merger of airlines and also a crisis in the airline industry because of the cost of jet fuel. That too impacts on our consumers.

So I frankly believe as we discuss this, Mr. TOWNS, we should talk about what speculators have done to the energy industry. We should talk about minority entrepreneurs who are able to participate in this industry. We should talk about independent producers. We should talk about greening America. We should talk about conservation. And really we should get to the bottom line of how we help our consumers. I think if we bring all these elements together, we will be able to do so.

I will yield back to the gentleman and will join you at a later time.

Mr. TOWNS. Let me thank the gentlewoman from Texas for her remarks, because, let's face it, she is right. We need to end our addiction to foreign oil. We have to do that. I mean, there are no ifs, ands and buts about it. That is something we must address.

Of course, the gentleman from Georgia has been out at the forefront talking about this issue, and, of course, we are delighted he has joined us in this discussion tonight. We are happy to have HANK JOHNSON from the great State of Georgia, who is a leader on this issue as well. Thank you for joining us. I yield to you.

Mr. JOHNSON of Georgia. I thank my colleague from New York, the esteemed Congressman ED TOWNS. I appreciate very much you speaking on this very important issue. It is an issue that has been creeping like a thief in the night into the pocketbooks and into the pockets of Americans, everyday working Americans.

We have seen the price of gas escalating quietly but steadily ever since 2001, I say to Congresswoman SHEILA JACKSON-LEE from Houston, Texas, whom I am proud to serve with. And I see my other colleague, BARBARA LEE from California. So we have got all parts of the Nation covered here.

But ever since 2001, when the price of gas was at $1.50, it has steadily gone up. And that is kind of ironic, given the fact that we elected an oilman to be our President and an oilman to be our Vice President. You would have thought that America would be taken care of by our President and our Vice President. But what we have seen since that administration came to power is prices going through the roof. And, like a thief in the night, people have now awakened to see that they have been gouged and stolen from by the oil industry, and it has all been while we were enjoying a deregulated and unregulated market and we were allowing the speculators, instead of the producers, to get a stranglehold on the American economy. So these speculators are driving up the price of gas, driving up the price of oil. It has become the number one issue in this country.

Mr. Speaker, while it is easy to peddle quick fixes, the hard truth is that there is no quick fix. It is kind of like the war in Iraq. We got in a little easier than it is going to take us to get out. By the way, ironically, some people believe that it was for the 35 billion barrels of oil beneath al-Anbar Province in Iraq that we went to war for. Some people believe that.

So oil has driven much of the policies of this administration. And quick fixes will not do at this point. We are rapidly reaching the point of peak oil, peak oil being the moment, Mr. Speaker, after which global oil supplies will forever decrease. That moment is approaching. Meanwhile, global demand for oil is ever increasing. So we are reaching a point where we have dwindling supply and skyrocketing demand, and that means one thing, among others, but the biggest thing is that gas prices, high gas prices, are here to stay.

Now, the President came up with an energy plan, it was done in secrecy back in 2001, if you will remember. It seems to me that it was Vice President CHENEY who convened a group of people, whom we still have not found out who those people were, in a task force to formulate this country's energy policy. Someone went to court to have the names and identities of those task force members revealed, and I don't think that lawsuit was successful. But I can only speculate on who was in that room setting the oil policy.

That policy went into effect back in August of 2005. When President Bush signed energy legislation into law, gas at the pump was selling for about $2.85 a gallon. Then, just 1 year later, in 2006, July 26, Energy Secretary Bodman celebrated the 1-year anniversary of energy legislation, kind of like "mission accomplished." And that didn't pan out either. At that point, 1 year after the anniversary of the signing of the Bush administration energy policy, 1 year later gas had gone up to $3 a gallon. And, of course, back in May it went up, it continued to go up, to $3.81 in May. But now we are in June heading towards July, and folks are speculating that we will hit $5 a gallon by the end of the summer, and Americans are hurting.

So it comes as no surprise that the big oil President and the big oil Vice President propose more drilling, instead of suggesting real, lasting solutions to our energy problem.

The most effective way to address this problem is to start conserving. There is so much we can do to conserve energy. It means so much for our environment. We need to clean this environment up.

I returned from a trip just 1 month ago to the North Pole, Mr. Speaker. The folks up there are talking about what is going to happen as the ice melts and it will open up the shipping lanes, so there will be more traffic, more opportunity to traverse that area, and more opportunity to get at that oil that is up in the North Pole. And I suppose we will run all of the polar bears out trying to get to that oil, trying to sip every last drop of oil that this Earth has to offer, while at the same time creating environmental havoc.

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So I would be happy to continue to have dialogue on this issue, but I know that there are other colleagues here who want to address this issue, so I would yield back at this point.

Mr. TOWNS. Thank you, the gentleman from Georgia, for his remarks. Of course, he's right on the issue. There are no ifs, ands, or buts about it.

We look at the fact that there has been a 5-year trend of record oil profits under this administration. In 2007, the big five oil companies raked in a profit of $127 billion. That's "B" as in "boy." It is simply unacceptable that consumers are bearing these costs while corporations continue to profit.

Now, the gentlewoman from California, to whom I'm getting ready to yield, has been at the forefront. She has been saying this now for a number of years. Of course, I would say to you that I wish that the country had listened to her because I'm certain, if they had listened to her, we would not have the mess that we have now.

It's my honor to yield 5 minutes to the gentlewoman from California, BARBARA LEE.

Ms. LEE. Thank you very much, Mr. TOWNS.

First, let me thank you for yielding, but let me thank you also for your leadership on this issue and for so many other issues. Your voice is extremely important; your work has been important, and it continues to be quite amazing.

In your coming from New York and in my coming from California, we have very similar issues that we have to deal with in terms of this horrific energy crisis, and so thank you for giving us the opportunity to talk about it one more time.

Also, just as I was listening to my colleague Mr. JOHNSON from Georgia, thank you for that very brilliant presentation and for that historical context. You know, sometimes we forget the past. In the Ghanaian language, in the Akan language, there's a term called "sankofa." In order to move forward, we must look back at our mistakes, and I think what you talked about tonight really makes it very clear that we have to understand how we got to where we are so that we don't make those mistakes again, such as you talked about, which was the drilling in the pristine area in Alaska—in ANWR—and all of the proposals that this administration wants to embark upon.

So thank you very much for that.

To my colleague from Texas, Ms. JACKSON-LEE, you have been on this for many, many years. You come from oil country, and you understand very clearly the oil industry and what we need to do to dig ourselves out of this hole, and so your voice continues to be important in coming from Texas, in understanding that the American people deserve not to have to pay $5 a gallon for gas. The courage that you've displayed has been amazing. Thank you for your voice and for your leadership.

As we work to reduce skyrocketing prices at the pump, we continue to face opposition from the Bush administration, and our colleagues on the other side of the aisle seem to be content to subsidize the big oil companies' record profits that Mr. TOWNS talked about and that you talked about, Mr. JOHNSON and Ms. JACKSON-LEE. They reach record profits quarter after quarter rather than adopt a real solution to meet the energy needs across our Nation.

More specifically, we have proposed legislation that would invest in true, clean and renewable energy sources. Our proposals would also bring much needed accountability, which we need desperately, to the energy markets in order to eliminate the price gouging—do you hear me?—that's taking place and the market manipulation and the speculation that have inflated energy prices to record levels. This week, we will also take up legislation to expand the use of public transit systems to save energy and to reduce greenhouse gas emissions.

In light of this growing energy crisis, I cannot help but to reflect upon the Bush administration's determination to squander our resources on the immoral occupation of Iraq that has directly contributed to the current economic downturn of the high gas prices that the American people are seeing at the pump. Make no mistake. We are in the middle of the Bush-Iraq recession. The economic hardships that Americans face today are the direct result of this administration's failed and flawed policies at home and abroad.

When President Bush took office in January of 2001, the price of oil was $23 a barrel, and gasoline cost as little as, I think it was, $1.35 per gallon. Now, after more than 5 years of bombing and bloodshed in Iraq, since the Iraq invasion, oil has topped $130 a barrel, and gasoline is averaging more than $4 a gallon. As Congressman JOHNSON said, it probably will hit the unfortunate cost of $5 per gallon. By some estimates, the war and continued occupation of Iraq could cost the United States more than $3 trillion. That's a $3 trillion bill for this administration's failed policies in Iraq that our children and grandchildren will be paying for years to come.

The American people recognize the toll this immoral occupation has taken on our economy. They're in dire need of assistance. Many face the impossible choice of buying food for their families or of purchasing the gasoline they need to go to work. If we want to see prices at the gas pump go down, one of the first and most essential steps we must take is to end the war and occupation in Iraq.

We must also focus on transitioning our economy away from fossil fuels to the greener alternative fuels of the future. This will be a long-term process that will affect communities throughout our nations in different ways. It's very important to note that, as we continue to forge these new frontiers to achieve energy independence and to safeguard the environment, communities will face many complex environmental and public health challenges. The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority communities, putting these vulnerable populations on the front lines of the fight against environmental degradation and global climate change.

The communities in my district, like in Mr. JOHNSON's district and in Mr. TOWNS' district and in Ms. JACKSON-LEE's district, all face the severe consequences of pollution, of urban sprawl and of environmental injustice, which harshly affect people of color and low-income communities. Sadly, this epidemic is hitting our children the hardest.

For example, back at home in my own district, when children grow up in the area of West Oakland, they're seven times more likely to be hospitalized for asthma than is the average child in California. None of us can afford to take this lightly. The health of our community and neighbors affects all of us.

I would also like to just take a moment and recognize the role that California's East Bay is playing at the forefront of the green jobs and green industry movement, which is really a critical part in terms of addressing the energy crisis. One of the most exciting and inclusive solutions to the many issues facing environmental health and our energy crisis is the possibility afforded to us by promoting green jobs' training and the growth of the green economy in America.

A true green economy, one that is sincere in its mission and that is deeply rooted in local communities and businesses, can provide innovative answers to many of the problems that our environment faces. Green jobs provide pathways out of poverty for those most affected by environmental injustice, namely, people of color and our urban youth.

We have been working closely in my district with the Ella Baker Center and with the Apollo Alliance. Mayor Ron Dellums—my predecessor here and our colleague—has been working very hard on a new initiative to support the development of green model cities and to focus on economic development through green job training academies and to create a national green institute to serve as a clearinghouse for the green movement. So there are many, many initiatives to which we need to look forward in terms of providing for an alternative to our dependence on foreign oil.

Let me just conclude by saying and by reminding the country that, most recently, the Bush administration has threatened to veto the House-passed H.R. 5351, which is the Renewable Energy and Energy Conservation Tax Act of 2008. This legislation makes critical investments in clean and renewable energy and energy efficiency that will create hundreds of thousands of new jobs and that will help to maintain the United States' position as a leader in innovation as we move toward true energy independence.

So I have to thank my colleagues again, especially the Congressional Black Caucus and Congressman TOWNS, for allowing us to come down for an hour to talk about the basic components and reasons for this energy crisis and also for allowing us to provide what we see as some real and practical solutions that we can embrace right now—not next year, but today—if, in fact, the Bush administration and his oil industry administration would accept the fact that they're responsible for this energy crisis. The American people deserve a way out.

Thank you.

Mr. TOWNS. Let me thank the gentlewoman from California for her remarks and to say that you're right. Our priorities are definitely upside down. There's no question about that.

Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. Thirty minutes.

Mr. TOWNS. Thank you very much.

At this time, I'd like to yield 5 minutes to the gentlewoman from Texas, Congresswoman JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank you very much. I'm glad to have an opportunity to engage again and to thank Congressman TOWNS.

As I have listened to both Congressman JOHNSON and Congresswoman LEE, I hope that what is gleaned to our colleagues as they listen to us is that there is a consensus, a meeting of the minds, that we've got to do something different. I applaud Congresswoman LEE's collaboration with her mayor, Mayor Dellums.

As I was standing here, I was reflecting on the work that our city is doing. We have Mayor Bill White, but I'm quite familiar with the Apollo Alliance, and I was just thinking that it's time now for another meeting to be able to join in that kind of expansive effort.

So, if the Apollo Alliance is listening, let me congratulate them, and let me tell them to come on down to Texas. We've had some meetings early on, but it's the whole concept of educating individuals to change their lives.

You said something else, Congresswoman, about energy. You used the word "energy" and the words "energy industry." That's coming from what we perceive to be the oil capital of the world—Houston, Texas. I want you to know a lot of hardworking people are working in the energy industry, and they, too, see a new world of alternative fuels and also an opportunity to match, if you will, efficiently explored fossil fuels, because it does exist. There is something called "clean coal." As I indicated to you, there is something in the gulf, outside of your birthplace in Texas and Louisiana, where they have been quietly exploring oil and gas for a number of years, and it has been efficient. Even during Hurricane Katrina we noted that those rigs still stayed safe in the gulf. So we can find ways to combine these efforts.

As I listened to Congressman JOHNSON and he took us chronologically to 2001, I want to remind him that post 2001, in 2002, there was created the havoc and the travesty and obviously, as he indicated, the crisis of the Iraq war. Whether or not the Iraq war was for oil, as has been debated, it destabilized the region. When you destabilize the region where all of the oil is coming from, you obviously dumb down the resources coming from that area.

But I wanted to bring to the attention of my colleagues that we know that Saudi Arabia, in this meeting that they've held in the last 48 hours, has suggested that they will increase oil production by 200,000 barrels a day to 9.7 million barrels a day, starting on July 1, in response to the current energy crisis.

The concern there, of course, is that China is increasing its needs, and even though we're sort of plateauing out, I do believe that this is an issue that might not be resolved by the increase in the per barrel per day, meaning the 200,000 barrels per day.

We need a summit. We need a summit here in the United States. We need to get all of the parties together, discussing these components—the high gasoline price, the lack of utilization of the independent producers, not giving capital an access to African Americans and to other minorities who, in fact, might be good stewards of the energy resources, such as those who are finding oil in the Deep South, such as those who are engaged in green and in alternative fuels such as wind.

I offered a bill on cellulosic ethanol, which, I think, is really one of the next steps. Of course, this was embodied in the Democratic conservation bill that included cellulosic ethanol. I know there has been debate over corn ethanol, but here is an approach: Through cellulosic ethanol, costly though it may be, it has a long-term impact.

I also believe it's important to support the legislation that has been offered by two of our colleagues—one to be, I believe, JOHN LARSON, who is moving forward on legislation that has to do with the speculator. We have heard, even today, oil analysts who have said that the speculators are adding an artificial price. In fact, the Enron loophole that was offered by Senator GRAHAM has given a whole array, a whole new industry on speculation, and more and more energy companies are pulling back from that. They're dealing with their own product and with their own need, and I want to applaud them for that.

I want to cite Representative VAN HOLLEN's Energy Markets Anti-Manipulation and Integrity Restoration Act. I happen to be a cosponsor of that legislation. I think it's important. I voted to stop the filling on the Strategic Petroleum Reserve, which will help American families by temporarily diverting the 70,000 barrels of oil that goes to the SPR a day and putting them out on the market.

What I think is important, again, Congressman TOWNS, is that we're not having face-to-face discussions. I asked the question of one of the members of OPEC: What would be the possibility of Members of Congress being observers at the OPEC meeting?

The OPEC meeting has large numbers of African countries. It has large numbers of countries from South America. Then, of course, it has those from the Middle East. I, frankly, believe it's somewhat similar to treaty discussions, that it's somewhat similar to the discussion on race in South Africa when they were on track, that it's somewhat similar to the United Nations. It would be Members of Congress' representing the most powerful law-making body in the world, as described by others, their being able to go to the OPEC meetings as observers and understanding the process of how this oil and gas moves.

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This does not diminish the call for conservation. But I do think it will open our eyes.

Ms. LEE. Let me just say how important that is because we are the people's House. Americans don't understand why they are paying $4.50 per gallon. They expect us to be able to tell them. I think by observing OPEC, being there, interacting and understanding, listening to the dialogue, will give us a much better handle on what the crisis is from OPEC's perspective and what proposed solutions are coming out of OPEC.

I hope we can move forward on that because I think that is a very creative idea. We have to do things out of the box and do things that are creative because so many people are suffering. Thank you for that, and hopefully we can work together to support that.

Mr. TOWNS. Let me say one other thing. I think the energy summit is just a terrific idea because you have so many people who feel there is a single solution to the problem. There is no single solution to the problem. It is going to require less dependence on foreign oil. We must recognize that. We must promote market-based programs that recognize and reward clean energy technology. We need to do that. And we must launch a cleaner, smarter energy future for America that lowers costs for consumers.

We must look at ethanol and consider wind and look at all of these different things in order to make certain that the problem is solved.

I yield to the gentlelady from Houston, Texas.

Ms. JACKSON-LEE of Texas. If I may quickly conclude so my distinguished friend from Georgia, who has made some valid points about the Iraq war that we are still suffering, I was reading something, Congressman JOHNSON, about the condition of the Iraq oil wells and the difficulty of bringing them online and the need for U.S. investment or other investment.

It is interesting, a lot of people think we are making a lot of money in Iraq; we are spending a lot of money in Iraq, I will tell you that.

Let me say this. I will thank all three of my colleagues. I will continue to work and pursue an answer. The Representative indicated he was very interested, and would go back and ask. The meeting is in September and I will pursue that. I don't have the exact location, but I believe it is in Europe. If so, it would be easy for us to go.

I think the other part would be to give the energy leadership of these multinationals, and obviously they are in my congressional district, but a forum to be able to have a conversation outside of a hearing setting. We need to ask the hard questions. We need to ask how much of the cost of gasoline is the refinery cost? How much of the cost of jet fuel is refinery cost? What is attributable to having old refineries, and what can you do to make the energy name of your industry more diverse, to have more green and more alternatives such as wind and biomass.

I am told that wind is very expensive, but you can't get that answer if we are not sitting down at the table.

I thank the gentleman for the idea of a summit. We may work on that. Let me conclude by saying we have been working in this Congress. I don't want anyone to think that we have not been sensitive. You listed a whole road map that you, Mr. TOWNS, as a senior member of the Energy and Commerce Committee have been very much involved in. For example, the Renewable Energy and Energy Conservation Tax Act of 2008, a combination of the Ways and Means Committee and the Energy Committee, which I think is very important because it encourages the development of innovative technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to cleaner renewable energy, and modernizing our energy infrastructure.

The note I want to end on is we have to get more young people involved.

Mr. TOWNS. And it also has gas price gouging and market manipulation included in that legislation.

Ms. JACKSON-LEE of Texas. And that is very important.

What I want to end on is we must get more of our young people involved in the energy industry. We worked on this, Congressman TOWNS. We had a bill about geologists. I have listened to Congresswoman LEE as the chairwoman of the Energy Brain Trust, and we are going to try and focus on that and push our communities, Hispanics and African Americans and other minorities and women, to get into this industry and provide their sensitivity and provide their perspective so that they can talk eloquently about what gasoline prices really mean when they are this high. And then to add to the broader community of America who is crying out for relief, I believe we can turn the corner, or we should, and to bring to all of America an opportunity to have reasonable energy resources, heat in the winter and air conditioning in the summer, and reasonable gasoline prices; because, frankly, I don't think that we can last much longer if we don't bring relief.

I thank you for bringing this very important special order to the floor tonight.

Ms. LEE. I just want to emphasize one point raised by Congresswoman JACKSON-LEE with regard to getting our young people involved. This is a huge new industry. We have proposed the green job training academy to begin to look at the green industry.

It is my understanding that now venture capitalists are looking at this as investment opportunities that will create trillions of dollars in terms of job creation and in terms of an industry. And these are jobs that do not require necessarily a 4-year college degree or a Ph.D. These are jobs, once trained, young people will qualify for and will be able to make a living wage with benefits, good-paying jobs. So we have to provide our young people with these alternatives because they are going to school now and they are getting out of school, and there are no jobs. They have not been trained for the jobs of the future. This has to be an initiative that we pursue.

Mr. TOWNS. I yield to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Congressman TOWNS.

Just listening to the comments of my colleagues, I am intrigued with so many things. My colleague from Texas (Ms. JACKSON-LEE) is pretty much saying we have to have dialogue with our partners around the world, be they friends or foe. Because the bottom line, people talk about the global economy. It is true, we have a global economy. It doesn't always work as fairly as it should, but the bottom line is that we have a global economy. And some folks are making out like bandits, and others are sinking. And so it is time that we have equity in this world.

I know Congresswoman LEE, you have been a woman who has throughout your career insisted on taking care of the have-nots while the haves can continue to be prosperous as well. And so dialogue with our oil-producing nations is so important.

Because by the way, Congresswoman SHEILA JACKSON-LEE, drilling is one of the tools that we need in our tool basket to address this issue. We must take advantage of the leases that have already been granted by this government to the oil companies, that they have been sitting on for years waiting for the price to go up so they can start drilling.

And Congresswoman BARBARA LEE, you talked about the children, and the children are so important. I am looking at an article in today's Washington Post. It says "Fuel Costs May Force Some Kids to Walk." It means that our local boards of education have to pay for the price of diesel fuel which is going through the roof. And to get our children to school costs a whole lot more money than it did last year. And so that means less money for teachers and less money for school infrastructure, the buildings, less money for books.

This oil crisis is wreaking havoc on us, and our children are looking to us to make the right decision. They are counting on us to make the tough choices for the future. They are counting on this Congress to understand that the most effective way to adapt to this changing reality or this new reality, which is dwindling supply with increased skyrocketing demand, we must as a tool in our toolbox insist upon conservation while we also extend tax incentives to companies to develop solar energy. I mean, we have a vast desert where I think it was 107 degrees out there, or more, sun brightly shining down. Do you mean to tell me that we can't put some solar panels out there and start capturing that sunlight and changing it to electricity, to help take some of the demand away from fossil fuels. It is much cleaner, but I think the oil companies would have a hard time trying to get their fingers and their hands around the sun. So we haven't seen a lot of solar energy.

We are getting more wind coming through because of the global-warming phenomenon, the disruption of our climate. We are getting the wind, but we are not using that wind to help us with our energy needs. We need to do that.

Biofuels. And all of these new things are on the table, but instead what we get is a new plan announced by the President which is more drilling, and drilling in our sensitive areas in our environment.

Ms. LEE. If the gentleman would yield, what you are talking about, which is so important, is a comprehensive energy independence plan. We need a national plan for energy independence that provides for this toolbox, as you describe it, that allows for all of the alternatives.

I read in the newspaper that rural communities, because people have to drive so far to jobs, people are having to make decisions whether or not they can afford to go to work because the cost of gasoline is higher than the cost of their wages. Rural communities throughout our country are being devastated by the price of gasoline. This is an emergency.

Mr. JOHNSON of Georgia. The price of food is going up. So we have food going up. We have energy costs going up. And the American people feel squeezed. They are counting on us to do something to address this issue.

Congressman TOWNS, I just appreciate so much your emphasis on this dilemma that we face. We are, I think, proving that all Americans are concerned about the future of this country insofar as energy is concerned.

Mr. TOWNS. It affects a lot of things. First of all, when you look at young people and you talk about the gas prices and what it costs for them to go to work, it prevents them from purchasing a home. They can't afford to buy a home and pay all of these high prices for gas. And of course the fact that some buses are not running, which as you indicated means children are going to have to walk to school because of the fact that these buses are saying we are not making a profit because of the gas prices.

So when you look at the facts, they do not have affordable housing, and the fact that they can't afford to buy a home because of the gas prices, and of course we need to look at tax incentives and things that will bring about this discussion that we need to have because this is a serious problem. And to ignore it, it is not going to go away. It is going to get bigger and it is going to get worse.

We have to come together with a policy that is going to protect not only the seniors, the young, and the middle-aged, to protect America. This is something that we must do. We can no longer allow and have the rich continue to get richer and at the same time having people in a position to have to make a decision whether they are going to buy gasoline or whether they are going to buy food. That is wrong, and we should not stand for it.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. You have given an eloquent summary of the crisis that I think most Americans are facing.

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Ms. JACKSON-LEE of Texas. I would like us to move past these hot months that we have right now and begin to look forward into particularly the colder areas of America and begin to think about what is going to happen with heating fuel and this new coming winter season. We sort of got the tail end of the high price of gasoline sort of as we were leaving the winter months or as we were getting into the summer months, and we saw a crisis of people going on a vacation and taking their kids places during the summer facing this very high cost for gasoline per gallon.

But I met with some of my power companies who provide energy, and, of course, I am in a warmer climate than many of my colleagues. But I am concerned about what we will confront with natural gas and other fossil fuels that may be utilized for heating people's homes. What a crisis for elderly and others and families who can't afford their heating fuels.

So I believe that today on the floor of the House we have offered a suggestion. A summit doesn't mean 3,000 people. It means getting all of the parties together that can sit at the table. Get this energy industry at the table. Let them lay out what is a concept of your company, because energy for me means that you are diversified under the concept of energy, green energy, alternative biomass, begin to look at how we can lay down this roadmap.

And then I think, of course, we need to emphasize the environmentally safe exploration of drilling, as my colleague indicated, and the reason why I say that is because it's still going on in the gulf, not as they say—I know it's difficult in other areas. But in the gulf, it's still going on, and it should be environmentally safe.

Then I think as members of the Congressional Black Caucus we need some meetings with the heads of the nations in the Continent in Africa, Angola, Guinea Bassu, Nigeria. Ghana is finding oil. And it would be very helpful to sit down and have a discussion as to how their product can be marketed where there is—I know the bottom line has to do with dollars—but where there is a sense of morality, a sense of rightness on how that works. And again, it ties into my inquiry and outreach that I am going to make to OPEC because I think a lot of heads are better than none. And you listed all of the good works of the Renewable Energy and Energy Conservation Tax Act of 2008, and I think it's important to note this is what the Democrats did.

But I want to invite people to come together during the Congressional Black Caucus, Mr. TOWNS, and we can join together under the energy brain trust. I must pay tribute to my predecessor, and you certainly knew him, Congressman Mickey Leland, who organized the brain trust, on the basis of getting a sense of morality in this industry. In fact, he was coming into it with another energy crisis that was certainly in that time.

So I believe that with all of the hidden resources that we still have, we will open resources that we can address. And the only reason why we're not coming together is I don't think that we're putting our heads together to be able to develop the kind of balanced policy that brings these people together.

I do want to make mention of the fact that I am looking forward to a roundtable discussion with leadership in my district. However, that is the beginning stages of what I think can be a larger question for this Congress to address, for leadership, for members of the Congressional Black Caucus, for our caucus members to address, because our constituents and poor constituents and elderly constituents and ailing constituents are impacted by the high cost of gasoline and heating oil.

And I thank the distinguished gentleman for giving us an opportunity to raise these crucial issues that I believe have to be raised.

Mr. TOWNS. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Thank you for yielding, Mr. TOWNS. I thank you again for your leadership for bringing us together, but it's going to be through your leadership and others here on the floor tonight, our great Speaker, and bringing together Members of this body to make sure that we can have a bipartisan national energy plan.

I said earlier, and I hope we will always remember, that the jobs that are going to be created by the development of new, innovative energy independent industries, such as the green industry, will be millions of jobs for our young people. And we have to also remember, as I talked earlier, about the long-term public health consequences and the environmental concerns as we move toward energy independence and clean energy, green energy, wind, solar, all of the alternatives that will provide for a much better quality of health for all Americans, as well as for a cleaner environment.

So we do have a chance for a win-win-win. We can create millions of new jobs, we can create a trillion-dollar industry, we can create a cleaner environment, we can create livable communities throughout our country if we would just understand the moment we're in and be honest with the American people and be serious and do some of the things we talked about.

But also I think it's important, as I close, to also remember that the occupation of Iraq, the bombing and invasion of the country of Iraq that was a country that was not an imminent threat to the United States of America where there were no weapons of mass destruction, the havoc that we have wreaked on the country of Iraq and Iraqi civilians and our brave troops, this is a big part of why, when the war started, we were paying about $1.35 per gallon, $35 per barrel; now we are paying $4.50, soon to be $5 a gallon, close to $140 per barrel.

So we can not forget the economic impacts of this occupation of Iraq and remember that we have to include a demand that we end it and we bring our young men and women home.

Mr. Speaker, I would first like to thank Representative TOWNS for holding this special order tonight on an issue that is on the minds of so many of my constituents.

As the Democratic Majority works to reduce skyrocketing prices at the pump, we continue to face opposition from the Bush administration and my colleagues on the other side of the aisle who appear content to subsidize the Big Oil Company's record profits quarter after quarter rather than adopt real solutions to meet the energy needs of people across the Nation.

More specifically, we have proposed legislation that would invest in truly clean and renewable energy sources.

Our proposals would also bring much-needed accountability to the energy, markets in order to eliminate the price gouging and market manipulation and speculation that have inflated energy prices to record levels.

This week, we will also take up legislation to expand the use of public transit systems to save energy and reduce greenhouse gas emissions.

But, Mr. Speaker, in light of this growing energy crisis, I cannot help but also reflect upon the Bush administration's determination to squander our resources on the immoral occupation of Iraq that has directly contributed to the current economic downturn and the high gas prices the American people are seeing at the pump.

Mr. Speaker, make no mistake, we are in the middle of the Bush Iraq recession. The economic hardship that Americans face today is the direct result of this administration's failed and flawed policies—at home and abroad.

When President Bush was signed into office in January of 2001, the price of oil was $23 a barrel and gasoline cost as little as $1.35 per gallon.

Now, after more than five years of bombing and bloodshed in Iraq, oil has topped $130 a barrel and gasoline is averaging more than $4 per gallon.

By some estimates, the war and continued occupation of Iraq could cost the United States more than $3 trillion. That's a $3 trillion bill for this administration's failed policies in Iraq that our children and grandchildren will be paying for years to come.

The American people recognize the toll this immoral occupation has taken on our economy. They are in dire need of assistance. Many face the impossible choice of buying food for their families or purchasing the gasoline they need to go to work.

If we want to see gas prices go down at the pump, one of the first, and most essential steps we can take, is to end to the war and occupation of Iraq.

We must also focus on transitioning our economy away from fossil fuels to the greener alternative fuels of the future. This will be a long term process that will affect communities throughout our Nation in different ways.

But it is important to note that as we continue to forge new frontiers to achieve energy independence and safeguard the environment, communities will face many complex environmental and public health challenges.

The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority communities, putting these vulnerable populations on the "front lines" of the fight against environmental degradation and global climate change.

The communities in my district face the severe consequences of pollution, urban sprawl, and envirnomnental injustice—which harshly affects people of color and low-income families.

Sadly, this epidemic is hitting our children the hardest. Back home in my district, children growing up in West Oakland are seven times more likely to be hospitalized for asthma than the average child in California.

None of us can afford to take this lightly. The health of our community and our neighbors affects all of us.

As the Representative of California's 9th Congressional District, I would also like to take a moment to recognize the role that California's East Bay is playing at the forefront of the green jobs and green industry movement.

One of the most exciting and inclusive solutions to the many issues facing environmental health is the possibility afforded to us by promoting green jobs training and the growth of the green economy in America.

A true green economy, one that is sincere in its mission and deeply rooted in local communities and businesses, can provide innovative answers to many of the problems our environment faces.

Green jobs provide pathways out of poverty for those most affected by environmental injustice, namely minorities and our urban youth.

To that end, my office has been working closely with the Ella Baker Center, and the Apollo Alliance in my district, to expand green jobs and green job training programs.

I am also working with the mayor of Oakland on a new initiative to support the development of green model cities that focus on economic development through green job training academies and to create a national green institute to serve as a clearinghouse for the green movement.

While we are convincing long-standing businesses to go green and new businesses to start green, we must ensure that we are also funding opportunities to train our local youth and qualify our existing work force to be able to work in these industries.

I want to end by saying what so many of us deeply understand: over the last eight years the Bush administration has been openly hostile to the environment.

His administration has repeatedly cut funding for the EPA and put forth disastrous environmental policies that have rolled back environmental protections and undermined the safety and well being of our Nation and our planet.

Most recently, the Bush administration has threatened to veto the House passed H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008.

This legislation makes critical investments in clean, renewable energy and energy efficiency that will create hundreds of thousands of new jobs and help to maintain the United States' position as a leader in innovation as we move toward true energy independence.

I urge my colleagues to help bring an end to policies that place corporate profits ahead of the long-term interest of public health and the environment, and instead work toward a greener and more prosperous future for the United States and the world.

Mr. TOWNS. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. About 4 minutes.

Mr. TOWNS. On that I would like to yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Congressman TOWNS.

Mr. Speaker, I just want to point out the fact that in the short time that the Democrats have been in leadership in Congress, we've passed no less than eight bills, passed them on to the President, the President has either threatened to veto them or vetoed them; and now the President proposes a plan that will have little or no impact on gas prices. It will take years to implement, it will threaten the environment and does nothing to decrease our dependence on foreign oil. And this is a plan that JOHN MCCAIN opposed as recently as last week when he made his announcement that he's now in support of this failed policy. So we look like we're headed for Bush-McCain a third term.

And instead of pandering to the oil industry, the President should work with this Congress to come up with a plan to address our long-term energy challenges. And I want to thank you, Congressman TOWNS, for leading up this effort. I'm proud to be among my members of my fellow colleagues in the Congressional Black Caucus because we're showing that we are broad based. We understand what is happening down home with the average Americans. And we stand with average Americans, regardless of what color, regardless of what shape or size or even sexual inclination. We stand with you because we're all in the same boat together.

Mr. TOWNS. Thank you.

Let me thank all of you for participating in this Special Order. It was said earlier on, I think by Congresswoman LEE, that one reason the food costs have increased along with fuel costs is that fuel is required to both produce and transport food. So in this regard, the rise in fuel costs is felt not only at the pump but at the grocery store as well because people are paying more for our gas.

So I want to thank you for highlighting this tonight because this is something that we just can no longer stand back and ignore.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, I want to thank Congressman TOWNS, and let me extend to my colleagues an invitation to come to Houston and let us have a summit, a discussion, beginning discussion for energy and getting a roadmap for energy.

I would like to thank my fellow CBC Member, Representative TUBBS-JONES for her consistent leadership on the issue of energy. “I am proud to have worked with my dear colleague in the CBC on a number of occasions to promote a most energy responsible America.

We are all painfully aware of the devastation high energy prices have had on American families. This New Direction Congress, of which I am proud to be a part, is fighting to reduce our dependence on foreign oil and bring down record gas prices, and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds of thousands of green jobs.

It is undeniable that America, today, is in the midst of an energy crisis. Just this weekend, Saudi Arabia, the world's top oil exporter, announced that it will increase oil production by 200,000 barrels a day to 9.7 million barrels a day staring July 1st in response the current energy crisis. While this is an important step in the right direction, it is not enough. At a recent world economic forum in Doha, I called for Members of Congress and the United States Government to participate in OPEC's deliberations, in regards to energy production.

I am extremely supportive of the legislation introduced by my distinguished colleague from Maryland, Representative VAN HOLLEN, The Energy Markets Anti-Manipulation and Integrity Restoration Act, of which I am a proud cosponsor. This important legislation would close the so-called Enron loophole by adding energy to the list of items that cannot be traded on deregulated “exempt commercial markets”, as well as closing the Foreign Board of Trade (FBOT) loophole by forbidding an exchange from being deemed an unregulated foreign entity if its trading affiliate or trading infrastructure is in the U.S., and it trades a U.S.-delivered contract that significantly affects price discovery.

Just last month, I voted to stop the filling on the Strategic Petroleum Reserve which will help American families by temporarily diverting the 70,000 barrels of oil that go into the SPR a day, and consequently has the potential to reduce gas prices from 5 to 24 cents a gallon, helping American families, businesses, and the economy as a whole.

There is an undeniable consensus on the importance of America achieving energy independence in the 21st century. It is critical that we terminate our dependence on foreign sources of oil, the majority of which are located in regions of the world which are unstable and in most circumstances, opposed to our interests. Accordingly, there is no issue more essential to our economic and national security than energy independence.

I was happy to vote for the Renewable Energy and Energy Conservation Tax Act of 2008, which is significant and comprehensive legislation that will make substantial strides towards energy independence for our Nation, while also encouraging the development of innovative technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

In addition to being a representative from Houston, Texas, the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action—to all of the sectors who comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet distinct voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy.

Furthermore, I think it is imperative that we involve small, minority- and women-owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

According to the U.S. Minerals Management Service (MMS), America's deep seas on the

Outer Continental Shelf (OCS) contain 420 trillion cubic feet of natural gas (the U.S. consumes 23 TCF per year) and 86 billion barrels of oil (the U.S. imports 4.5 billion per year). Even with all these energy resources, the U.S. sends more than $300 billion (and countless American jobs) overseas every year for energy we can create at home.

I believe that we should mandate environmentally safe and efficient exploration techniques in the Gulf Coast which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

I support innovative solutions to our national energy crisis, such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf. Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks and municipal solid wastes, which are available throughout our nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. With its commitment to American biofuels, this legislation calls for a significant increase in the Renewable Fuels Standard. It encourages the diversification of American energy crops thus ensuring that biodiesel and cellulosic sources are key components in the America's drive to become energy independent.

By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Mr. TOWNS. Mr. Speaker, the balance of the time I yield to the Congresswoman from Jacksonville, Florida, (Corrine Brown).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I first of all want to thank Congressman TOWNS for hosting this energy information transportation session today.

And I was very excited last weekend that I was in your district, and I was able to ride the train from Union Station to downtown New York. That distance, I was able to do it in 2½ hours, and the goal of our Transportation and Infrastructure Committee is to be able to do it in less time.

Mr. TOWNS. From Washington to New York 2½ hours?

Ms. CORRINE BROWN of Florida. That is right. And we want to do it in 2 hours.

But the key is we were able to do that, and I was able to take that train ride and read and contemplate what we've got to do. We've passed the Amtrak bill. We've got to move this country forward, and I want to thank you for your leadership on this issue.

We've had our heads in the sand long enough on the issues of global warming, and I'm glad that the House Leadership is making this issue a top priority. You only need to look at the constantly rising gas prices to understand why we need to focus on energy independence.

My home State of Florida is particularly vulnerable to weather pattern changes brought about by climate change. Florida on average sits just 98 feet above sea level and each year battles hurricanes with increased frequency and intensity.

Fortunately, the Transportation and Infrastructure Committee is taking the bull by the horns and looking at ways that we can decrease the negative effect our transportation system has on the world's ecosystem.

One simple way to do this is increasing the use of passenger and freight rail. Freight railroads have made major gains in fuel efficiency through training and improved locomotive technology. A single intermodal train can take up to 280 trucks off our highways. Today, one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76 percent improvement since 1980. And General Electric will soon unveil the world's first hybrid locomotive.

Passenger rails' ability to reduce congestion is well known, with ridership numbers increasing steadily each year. One full passenger train can take 250–350 cars off the roads. Passenger rail also consumes less energy than automobiles and commercial airlines. But we need to get people to wake up and start making passenger rail a priority in this country.

Unfortunately, this also brings up the bigger issue of capacity and what we are able to accomplish with the limited rail capacity that currently exists in the United States. We need to find a dedicated source for increasing rail capacity and we need to do it now to prepare for the future.

This may not be an easy task, but it is the right thing to do for future generations.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to urge Congress to enact legislation to lower gas prices and invest in alternative energy.

In Texas, the price of a gallon of gasoline has risen more than $1.05 in the past year.

No one drives more than Texans do. With thousands of miles of highways and cities located far from one another, efficient transportation is frequently on our minds.

Nationwide, gas prices have risen from $2.20 per gallon in December 2005 to $4.10 per gallon on June 19, 2008, according to the Energy Information Administration, the entity that collects official energy statistics for the United States Government.

Gas prices are hurting our local families. Citizens must make tough economic choices because of the crippling effect that high gas prices is having on their lives.

Congress must show leadership and take action to address this problem of high gas prices.

Congress should work toward the goals of long-term energy solutions that promote economic and environment stability.

We should invest in research to reduce our dependence on fossil fuels. Wind-, solar-, hydrogen-, nuclear-, and geothermal energy sources are all viable options that should be considered.

We should mandate stricter fuel economy standards on all automobiles.

We should utilize alternative fuels that are environmentally sustainable.

We should incentivize the use of public transportation and improve our transportation infrastructure.

We should conduct stronger oversight to determine if gas prices are being artificially inflated.

My years on the Transportation and on the Science Committees have heightened my sensitivity to this subject of rising gas prices.

I have worked to help these committees pass legislation that:

Funds research for environmentally-friendly highway materials;

Secures dollars for our local transportation infrastructure; and

Supports research on alternative fuels, plug-in hybrid cars, hydrogen, ethanol, and other energy sources.

In Texas, we spend a lot of time in our cars. High gas prices are particularly impactful to our economy.

There is no simple or quick solution to this problem of gas prices, but Congress must show leadership and take action to address it.

Mr. Speaker, I am concerned about my constituents. They are asking for relief from escalating gas prices, and I want to be proactive.

The time to act upon this issue is today.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to stand here tonight on behalf of the Congressional Black Caucus and we discuss the current energy crisis we are facing and the rising gas prices that continue to take a devastating toll on Americans. As we head into the summer months, the Congressional Black Caucus felt it's important to shine a light on this growing problem. More importantly, we wanted the American public to know that the CBC is taking important steps to combat these issues through our CBC Energy Task Force.

I along with the CBC have been working hard to reduce our dependence on foreign oil and bring down record gas prices, and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds of thousands of green jobs.

In an effort to combat soaring gas prices, which are currently hovering around $4.00 a gallon, I joined with a number of my colleagues in supporting legislation to temporarily suspend the filling of the Strategic Petroleum Reserve, SPR, until the end of the year. Filling of the SPR takes 70,000 barrels of oil off the market each day and a temporary suspension could reduce gas prices from 5 to 24 cents a gallon, which would be a critical first step for America's families, businesses, and the economy.

The Strategic Petroleum Reserve is roughly 97 percent full—the highest level ever—with enough oil to meet our national security needs. Currently, we have more in SPR, than we did in 2006 (702 million barrels vs. 688 million in 2006) and the inventory exceeds our International Energy Program commitment to maintain at least 90 days of oil stocks in reserve including private and public stocks.

The SPR has been tapped or suspended before by President Bush, President Clinton, and the first President Bush. In 2000, after such action, the price of oil dropped down by one-third—from $30 to $20 per barrel.

In addition to this initiative, I have and continue to support legislative action on gas prices including: holding OPEC, controlled entities and oil companies accountable for oil price fixing, cracking down on oil price gouging and repealing subsidies for profit-rich "Big Oil" companies so we can invest in a renewable energy for the future.

Additionally, the CBC has been working diligently on the issue of climate control. We recognize the importance of protecting our environment by transitioning from traditional energy sources, such as coal and petroleum, to clean sources, such as bio-fuel, wind, and solar energy. I am a strong supporter of putting more resources into creating alternative energy sources. When we invest in these alternative energy sources it also benefits our increasingly fragile environment.

Additionally, the new energy sources will create much needed green jobs. According to the Union of Concerned Scientists, Ohio stands to gain approximately 7,360 new jobs from renewable energy development. These jobs will be beneficial to both our economy and our environment.

I thank Representative TOWNS and the entire CBC Energy Task Force for their leadership on this issue.

Mr. TOWNS. Thank you very much, Mr. Speaker.

ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Thank you very much, Mr. Speaker. I appreciate the opportunity on this special order this evening to talk about a very, very important issue that's facing this country, if not the most important issue, and that is energy.

We have several Members this evening that will be addressing the House to talk about the energy policies, or lack thereof, in this country. And the first gentleman that I would like to recognize is the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, as I drove around the district today, I got to speak to a number of folks, in fact, even over the weekend; and the number one issue on their mind is our energy policy in this Nation. And they asked me, Rob, what are we going to do about fuel prices? What are we going to do about making sure that we have the long-term interests of this country at heart when we develop this energy policy?

You know, I get to experience that every day. I'm privileged to live close enough to the Capitol here where I commute back and forth every day. I live in a little town that's about 80 miles from here, and I drive that every day. So I get to know what the cost of gas is, and I can really relate to folks back in the district when they ask me, What are we going to do about making sure that we have a good, comprehensive energy policy and making sure that we address fuel prices.

For me, it is about an 80-mile commute, and it is very similar to other folks who live back in the district, whether they live in the upper part of the district in the Fredericksburg area or down in Hampton Roads. Many of them commute day after day. They have to deal with the cost of commuting to get to their work. And they also have to deal with that as they commute to take their families, whether it's to school or whether it's to after-school activities for their children. It's really putting a crimp in their budgets, and they are very, very concerned.

As I drive through the district, I get to see the price of gas each day, and it ranges anywhere from $4.10 a gallon up in the Washington metro area down to $3.83 a gallon down in the Tappahannock area. So I know the range of fuel prices in the district, know where the best places are to buy fuel. But it's still extraordinarily expensive for people. And that really makes it difficult on them. It really puts a crimp in their budgets. It creates challenges for them, and it creates hardships for them. And that's something that they say, Why isn't Congress acting? Why aren't you coming up with a solution for these real problems that we have to deal with day in and day out?

And it's frustrating for them. They watch a Congress that really kind of stumbles and doesn't do anything. And I can understand their frustration and understand why they are frustrated with us.

You know, I would like to relate a couple of different stories.

Earlier in the district, I spoke with some folks in the Fredericksburg area, the Sherman family, and they run a small business, and they rely on diesel trucks in their business. And they said, ROB, we bought diesel trucks for a specific reason. We bought them because of the hauling that we have to do, and diesels are more economical as far as hauling and heavy work. And diesel fuel, when they first bought those vehicles, was less than gasoline. And now we know today diesel is significantly more expensive than gasoline, and they're frustrated. They said, We made that decision. We made that decision based on good business sense, and now today their business is being affected by that.

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In fact, they're having to park their trucks, and it's cutting into their business. So not only is it costing them more to operate, but they also have to make up for that by parking trucks, which reduces the amount of business that they're able to do and affects their bottom line. So not only are they in a situation of having to deal with higher fuel prices, but their margins get pressed, and they do less business because of these higher fuel prices. And they said, ROB, we can't stand that for very long. This really is going to affect what they're able to do.

So we don't have businesses that are growing. We have businesses that are retracting, and they're asking me, ROB, what are you going to do? Why isn't the Congress coming up with a sensible energy policy? And why isn't there a sense of urgency?

You know, folks are saying, look, this is something that affects us day in and day out. We want to feel like Congress has a sense of urgency and is going to Washington to get things done. And they don't want us to sit by idle. They are tired of words. They want action, and I can't blame them.

You know, we have the opportunity to work together to develop a comprehensive energy policy that provides relief to consumers for these high gas and diesel fuel prices and also addresses the issue of our reliance on foreign oil.

A lady today told me she had a great analogy, and I think it's perfect. She said, ROB, did you ever see the movie "*Apollo 13*?" And I said, yes, I did. She reminded me of a scene there where, as the command module and the service module were going to the moon, there was an explosion in one of the oxygen tanks there, and it damaged the primary oxygen tank, which was there to fuel the rocket to send it to the moon. So, obviously, they cut that trip short. But then all the members of the crew, the three members had to move to the command module, and the command module wasn't designed for them to stay in there. You know, those command modules had scrubbers to take out carbon dioxide, these lithium oxide scrubbers, and they weren't designed to keep folks alive for 4 days.

So what happened? They called back to mission control, and the folks in mission control went to the engineers, and they went together and they put together all the pieces of equipment that they had on board in both the service and command modules, and they put it in a box and they took it in the room with the engineers, and they dumped those items on the table, and they said, come up with a solution to the problem. And they gave them a very specific time limit because obviously their oxygen was going to run out. And those engineers took that time and they came up with an idea, and they solved that problem which assured that those astronauts got back to Earth alive.

That's the same sort of spirit of ingenuity to solve problems that we need to bear with this energy problem. We can do it. We've seen that. We've seen that American ingenuity come to light. We've seen it solve problems, and we know with this particular situation we can put together a comprehensive energy policy that includes everything. We need to put everything in that box, just like those Apollo engineers did, and put it on the table and say let's develop a comprehensive energy policy for this country.

And again, it has to include everything. We have to make sure that we look at domestic sources of energy, again to create energy independence, and looking at our refining capacity to make sure that meets our future needs.

You know, we have vast resources here of energy. We need to make sure that we bring those things to the table, whether it's oil shale out west, oil sands, oil and natural gas in the Outer Continental Shelf. And we can do those things, and we can do those things in an environmentally sound manner. We have the technology to do that to make sure that we don't harm the environment, at the same time creating energy independence for this country. And we do have that ability. Whether it's in ANWR, whether it's offshore, or oil sands, or oil shales, we need to be doing that.

You know, we haven't constructed a refinery in this country in over 30 years. We need to do that. We have the ability to do that. We have the ability to create and build environmentally sensitive refineries and develop our energy here in environmentally sensitive ways.

You know, at the same time, it's critical that we encourage the development of clean energy sources, again, all different parts of the puzzle, and we need to bring those pieces together. We need to look at clean energy sources like wind, solar, hydroelectric, geothermal power. The technology is there. The technology is really developing at this particular point. We need to make sure that we enhance that, that we encourage that.

You know, environmentally friendly power production needs to be part of our portfolio, too, in addition to conservation. You know, I think we all agree that development of our domestic sources has to be part of the puzzle, but we can't take that off the table. It has to be part of what we do in this suite of available resources that we have to solve our energy problems here and to come up with a comprehensive energy policy.

You know, it's that energy policy that's going to determine the health of our economy in years to come. We have to conserve. We have to look at alternative and renewable sources of energy. We have to look at the existing sources that we have here. We have to look at nuclear power. We have to look at every available means to make sure that this country can meet its energy needs and to create energy independence.

You know, we have to really ramp up the effort for research and development, not only of these resources, but of conservation and of other sources of energy. And we have to do that aggressively, in addition to aggressively pursuing the sources of energy that we have already. And we can incentivize conservation, and we can make sure that we encourage the use of more energy efficient equipment, in addition to developing our domestic sources.

So, again, we have to look at an across-the-board comprehensive energy policy and realize that there's no silver bullet for increasing gas prices. You can't just say we're going to do one thing and that's going to create a solution to this problem. We have to, just as the *Apollo 13* engineers did, put everything on the table, put everything in that box, and then put that on the table for us to solve these issues.

But the American people are looking for Congress to take clear-cut action to try to solve this problem, and they expect us to work to come up with that policy. They expect us to hear them, to literally feel their pain, and to make sure that we get things done here. They want to make sure that we're investing in these clean sources, in addition to investing and making sure that we develop the sources that we have here in our continental United States.

And you know, we should not cut off resources within our borders. I mean, we have that available. We don't see other countries throughout the world saying, well, we have these resources and we're not going to use them. And you know, we're in a world economy where we're competing against those other nations, and those other nations are buying energy abroad. They're developing their own sources. If we are going to compete with those economies, we cannot neglect the resources that we have here. We have to make sure that we have those resources available for us just to be able to compete.

I know there's some folks that say, well, you know, that's not going to come on line for 2, 3, 4, 15, 20 years down the road. Well, we need to do this now because it does have an effect on price. We all talk about speculation in the market, and speculation is based on the expected supply, and if the expected supply goes up because the United States develops its own sources, that will have an effect on prices, in addition to the effect on prices that conservation and other alternative sources will have. So we can multiply that effect if we make sure that we don't take anything off the table in developing this energy policy.

And you know, as I said, I know that we as Members of Congress have an obligation to act, and the American people demand that we act, and they demand that we take a comprehensive look at what we do to address these energy needs, and we come up with a comprehensive energy policy.

You know, we had the opportunity years ago when we went through an energy crisis to develop a policy, and we didn't. Now, we have a renewed opportunity to do that and do what's best for the American people. They demand it. They tell me every day the things that I need to be doing as a Congress Member, and they say, look, you and your colleagues need to be doing that across the board.

So I think we need to make sure that we're cognizant of what the demand is and what the requirement is from the American public on what we should be doing here, and that's a comprehensive energy policy that includes everything.

Again, we need to take that *Apollo 13* box, dump it out there, and say let's have at it, let's create a comprehensive energy policy that ensures the long-term economic viability of this country.

I can tell you, we can no longer afford to wait, and my constituents demand that as well of every other Member of Congress. Now is the time to create a comprehensive energy policy, taking all the tools that we have.

Mr. LATTA. I thank the gentleman for his statement on energy policy in this country.

I'd like to next recognize the gentlelady from Minnesota, Representative BACHMANN. Good evening.

Mrs. BACHMANN. I thank Representative LATTA. I appreciate your leadership on the issue of energy, and although you are a brand new Member of Congress—you haven't been here for a long time—you've shown just extraordinary leadership on the issue that's probably facing more Americans today than any other, and that's the dramatic increase in the price of energy, and I know how passionate you've been on this issue. You've worked tirelessly in your district, and the people of your district in Ohio are fortunate to have you as their representative. Thank you so much for working so hard on this issue.

It's one, Mr. Speaker, that I believe probably every Member of this body is hearing from their constituents over and over and over again. I know that I have as well. I had conducted a meeting with several members of my community who own gas stations, independent owners of gas stations. And one thing that they told me that broke my heart, they told me that they are seeing 30 percent fewer sales at the pump, and they're also seeing 30 percent fewer sales inside their store, and they're hurting.

One gentleman told me that normally he would spend $10,000 to purchase the gasoline that would go into the ground in the holding tanks, $10,000, and that's money that's out of his pocket, sitting there in inventory until it can be sold. And he said, now, I pay $40,000 to have that inventory in the ground, and now sales are 30 percent less. And so he has more money in the ground, not producing for him, at a higher and higher price level, and he said this is eating up my entire profit margin. There are people going out of business.

And so what he told me is we've got to do something to get gasoline back down from its $4 a gallon, and that's what we're about here tonight to say there's very good news on the horizon.

It's doom and gloom when you wake up in the morning and you see and you hear on the radio and you see when you drive to the gas station what the price at the pump is. But the good news is, there is an answer, and America can go back to $2 a gallon gasoline or less. It's entirely possible.

Why? Because we have the answer right here in our country. We are standing on our own solution. We have energy that's available to us, 86 billion barrels, that's according to our own United States department, 86 billion barrels of energy right now that's available to us in the form of oil in the Outer Continental Shelf area.

We have over 10 billion barrels of oil that's fully recoverable up in the arctic energy slope. This is an area of land that Congress originally set aside specifically for the purpose of accessing that energy through drilling to bring back down to the United States. I had the privilege back in the mid-1970s of working two summers up on the Aleutian Chain in Alaska. That's when the Prudhoe Bay, Alaska, trans-Alaska oil pipeline was built. That oil pipeline is currently up. It's running, but it is only half full.

With very little effort, we could actually tap into that oil pipeline, the 10 billion barrels that we know are already in Alaska, and we could fill that pipeline. Rather than having it half empty, we could fill it and bring down another million barrels of oil a day.

And Mr. Speaker, 1 million barrels of oil a day translates into 27 million gallons of gasoline, and that would mean a 50 percent increase in American reserves than we're already tapping today. That's just those 10 billion barrels. That doesn't include the 85 billion barrels that are also available in the Outer Continental Shelf in the deep sea energy reserves that America only has.

But Mr. Speaker, I think most Americans aren't even aware that America is the only country in the world that has voluntarily made it illegal to access its own energy. That's right, Mr. Speaker, we are the only country in the world that's made it illegal to access our own energy.

Congress caused this problem. The problem is not OPEC and the problem is not speculators. The problem is the United States Congress. I believe part of the reason why we are seeing Congress's approval ratings at an astoundingly low 12 percent is because Congress has chosen to make it illegal to access the answer that we need, and that's our own energy resources.

Here's another great fact. In the gulf coast region, we have what is probably the world's largest reserve of natural gas. We have 420 trillion, 420 trillion cubic feet of natural gas that's available to us right now off the shore in the Gulf of Mexico. We can access this, and we can bring natural gas into our country, use it to fire up our electrical grid, and also, we could even change our cars and buses, run them on natural gas as well.

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America also is home to 25 percent of the Earth's supply of coal right here in the United States, almost an unlimited supply. We have clean coal technology today that's available to us that can process coal and transmit that almost unlimited supply of energy all across the United States.

And as well, nuclear energy. I have a nuclear energy facility in my home district in the Sixth Congressional District of Minnesota, Mr. Speaker. And I'm so grateful we have that because nuclear power supplies almost 20, 25 percent of Minnesota's energy needs. It's a clean, safe, reliable form of energy, and it has zero emissions. I am so excited about this wonderful technology, but unfortunately, Mr. Speaker, again, Congress has made it illegal for us to be able to tap into this wonderful source of energy.

Whether it's nuclear, whether it's coal, whether it's natural gas, whether it's the oil reserves that we have, America has the answer. In fact, this is the industry that we can tap into right now. We don't need to find a magic bullet or a magic alternative. This is energy that we have available to us today that we could tap into today so we can see the American people very soon get back to paying $2 a gallon.

One thing that happened not too long ago was this body, the United States Congress, sent out stimulus checks to Americans all across the country. Why, Mr. Speaker? Because people in the United States Congress were worried about the economy, so we went to the United States Treasury and we wrote checks that are still being sent out to Americans all across this country. Why? We wanted to encourage Americans to spend money to stimulate the economy.

Do you know what I believe the greatest stimulus would be to Americans? It would be to get gasoline back to $2 a gallon. And it's so possible. It was just about 18 months ago that the Democrat majority took over in this body. And when they took over, gasoline, on average, at the national level was $2.33 a gallon. Mr. Speaker, that average today is about $4.07 a gallon. That's a dramatic increase in the price of gasoline, unheard of increase in the price of gasoline. It took us 25 years in the United States for gasoline to go from $1 a gallon to $2 a gallon. And just in the time that the Democrats have held the gavel they have taken this country from $2.33 to $4.08 a gallon.

I was listening to the previous discussion that occurred, and I heard some suggestions about why the price of gasoline has gone up so dramatically. And I find it interesting, because if you look at the votes from 1994 until today, this Congress has already voted on whether or not we should explore in ANWR. We voted on it. In fact, the Congress, back in 1995, sent a bill to President Bill Clinton to say that we should be drilling in ANWR. The House passed that bill, the Senate passed that bill. Unfortunately, it was President Bill Clinton that vetoed that bill; otherwise, we would have already been drilling in ANWR. We wouldn't be in the pickle that we're in today.

But this is the vote and these are the facts. I'm not trying to be partisan because we need to come together, as Democrats and Republicans, and solve this problem now because Americans are feeling real pain and the economy is reeling over energy prices. But here's the facts, Mr. Speaker. This is a fact. Any American can go and find out what the voting has been on ANWR exploration, of bringing energy down from Alaska.

Ninety-one percent of Republicans have voted to explore in ANWR and drill for oil in ANWR, 91 percent; 86 percent of Democrats have opposed drilling. And that hasn't changed today because we already know what the Democrat plan is for energy, they've made it abundantly clear. It is very simple. Their plan has been, let's have the United States Government—that created this problem—take over the oil industry and nationalize oil refineries. That's what they said last week at a press conference, let's nationalize oil refineries. Well, that's not a new idea, but it's not an American idea. And that's not an idea that the American public wants us to embrace. They don't want us to embrace socialism. But that's what we heard Democrats say last week.

Here's the other part of their plan: It is, drive less and pay more. Drive less and pay more. That's not what the American people want. But Senator OBAMA, the nominee of the Democrat party, just recently said it isn't the high price of gasoline that has him worried, it's how quickly that price went up. Well, I'll tell you one thing, Congressman BOB LATTA, Congressman PAUL BROUN and also Congressman ROB WITTMAN, who was on the floor tonight, it's the high price of gasoline that's bothering us.

Republicans don't want to see gas at $4.08 a gallon, or $5 or $6—or whatever that price could be by the end of summer. We don't want it that price because we know for a fact we can get gasoline back down to $2 a gallon or less very simply if all we do is explore what we already know we have. We've got the resources, we've got the technology. We can do this thing, we're Americans. We're Americans, and we can do this, just like Congressman WITTMAN said, like we did with the *Apollo 13*. We can do this, and it's exciting.

We don't have to go with the Democrat agenda, which is, nationalize the oil industry, take over the oil refineries. We think the United States Government—who didn't do such a great job at Walter Reed Hospital—is going to be brilliant and bring down the price of gas by taking over oil refineries? I don't think so. I don't think that's who I want to trust, not with the American people saying that we have a 12 percent approval rating; I don't think they would trust us either.

And I don't think the American people want us to drive less and pay more. I think what the American people want is what the Republicans are offering. And that's why I'm so grateful to Congressman LATTA tonight for sponsoring this important hour on energy. Because what Congressman LATTA is trying to let the American people know is that we can get back down to $2 a gallon of gas or less if we open up the key to our own answer, which is, open up America's supplies and do it in a clean, safe, environmentally sensitive way, which we've already done.

How do I know that to be true? Because the United States was one of the only countries in the world last year that actually reduced its emissions. That's right, Mr. Speaker, the United States is one of the only countries in the world that reduced its emissions. All these other countries that signed onto the Kyoto Treaty, the EU, that signed onto this elaborate, bureaucratic-driven cap and trade system, their emissions all went up, ours went down. What's the difference?

We, in this country, believe in freedom. We believe in freedom and we believe in free markets to solve our problems. And they do, free markets solve the problems. It's not socializing our oil industry like the Democrats have suggested. It's not sitting home, putting a sweater on, turning our thermostat down, that's not going to solve the problem. It's not going to be paying more at the pump; that's not going to solve the problem. It is unleashing American ingenuity and finding these new sources of supply, which we already have, with technology that we already have, and bring the supplies in so we can make it happen.

I am so excited about what Congressman LATTA is doing. And I just want to end now with these other statistics, and they're very simple. House Republicans voted 97 percent of the time to have coal-to-liquid technology, to give us more oil at cheaper prices. Democrats opposed it 78 percent of the time.

Oil shale exploration. The United States is the Saudi Arabia of oil. We have more oil just in Colorado, Utah and Wyoming than all of Saudi Arabia, over 1.3 trillion barrels of oil. Republicans said yes, let's explore that oil 90 percent of the time. Democrats opposed exploring that oil 86 percent of the time.

Outer Continental Shelf, where we have 86 billion barrels of oil. House Republicans voted 81 percent of the time, let's explore, let's access that energy. Democrats, almost the flip, 83 percent opposed exploration.

On refinery increase. Because, you know, we had over 300 refineries not too long ago in this country, we're now down to somewhere near 150 refineries. The Republicans voted 97 percent to increase the number of refineries, Democrats opposed it 96 percent.

I don't take any glory in reading those numbers, but if you average them all together, over 90 percent of the time, Mr. Speaker, Republicans have voted to explore American energy, explore it now so that Americans can pay less. That's our answer. We're not new to this dance. This has been the answer that Republicans have been giving since 1994. That's the answer we want to have. Democrats, since 1994, almost 90 percent have said no, let's not access American resources; in fact, let's make it illegal to access these resources. Well, that's not what the American people say.

Mr. Speaker, over 70 percent of the American people have had it up to here. They're seeing their lives change; they're seeing jobs lost, jobs sent overseas. They want us to explore here, explore now, so they can pay less.

And, Mr. Speaker, we agree with the American people. And Congressman LATTA is leading the charge tonight to let the American people know that we're with them, we're in their corner. We don't think they are the problem. We think the American people are way out in front on this solution.

So I yield back, Congressman LATTA. I yield back because I can't wait to hear what more you have to say on this issue. And thank you for that opportunity.

Mr. LATTA. Well, I thank the gentlelady for yielding back, and also for her enthusiasm and her knowledge of this subject because this is what we have to do in this country because we've got to get the word out to the American people. But as you said, the American people are actually far ahead of Congress right now and they know what we need to do. So I just want to thank you very much for your eloquence tonight on your statement.

At this time, I would like to yield now to my good friend, the gentleman from Georgia (Mr. BROUN), to speak on energy.

I appreciate your being here this evening. Thank you.

Mr. BROUN of Georgia. I thank my good friend for yielding, and I appreciate what you're doing tonight.

Energy is the lifeblood of the American economy. Our economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Unfortunately, U.S. energy production has grown only 13 percent while energy consumption has increased 30 percent since 1973.

According to AAA, the average American is paying over $4.07 per gallon for gasoline today. Instead of traveling to spend time with loved ones, record gas prices will keep many Americans home this 4th of July weekend.

Skyrocketing gas prices and a risky dependence upon fuel supply by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon foreign oil.

Many here in Congress bemoan America's addiction to foreign oil, yet they refuse to allow access to American oil and gas supplies necessary to cure this addiction. America has been blessed with abundant natural resources, and we should not be hesitant to tap into them, especially at a time when energy cost is so high.

We've heard time and time again about how drilling off the coast in the Outer Continental Shelf will harm the environment. This is pure hogwash. Hurricanes Katrina and Rita destroyed or damaged literally hundreds of drilling rigs without causing the spill of a single drop. Yet congressional Democrats continue to pander to the far left environmental whackos instead of mending the pains of hardworking Americans.

We cannot even drill for oil or gas 200 miles off our own shore. Meanwhile, communist China and Fidel Castro's communist Cuba are moving forward with plans for drilling for oil and gas only 45 miles off of the shores of Key West. Liberal Democrats have also prevented any access to the billions of barrels of oil located in ANWR.

The entire area of ANWR is larger than the combined areas of five States—Massachusetts, Connecticut, Rhode Island, New Jersey and Delaware—yet the proposed drilling area is equal to one-sixth the size of Dulles Airport here in Washington, D.C.

Development of American oil and gas on these lands will help bring the price down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. And this can be done in an environmentally sound manner and should be immediately implemented.

The environmental groups haven't allowed a new oil refinery to be built in the United States for decades, about 30 years. It does little good to increase our use of domestic supplies of oil when we do not have the refinery capacity to quickly convert it into a useable form, gasoline. Members on both sides of the aisle need to stand up to these fringe groups and implement policies that encourage the construction of new refineries in the United States.

Liberals also suggest mandating ethanol and renewable fuel production and selling it as the answer to America's energy needs. The 2007 "non-energy" energy bill, or "lack of energy" bill has already proven that the Democratic solution is wrong, dead wrong. Mandating the production of renewable fuels has only led to an increase in world food prices. It is, at best, disingenuous, and at worst, an outright lie to say that renewable fuels can meet America's needs in the near future.

□ 2115

As a good southerner, I love my cornbread and grits. It makes no sense to me to put corn in the tank of my pickup truck.

Energy prices are soaring, and the financial pain that families are feeling at the pump is forcing them to decide what they can and cannot spend. Congressional Democrats act as if they have been living under a rock by continuing to ignore the demands of the American people and refusing to do anything to lower these burdensome prices. Skyrocketing gas prices and a risky dependence on fuel supplied by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon Middle Eastern oil.

The United States is the only nation on Earth that forbids development of its own natural resources. Listen to me. Right now America is drilling for ice on Mars; yet we cannot drill for oil in America. That makes no sense. It's idiotic. It's stupid. We must drill on our own lands and we must do it now. We must streamline our oil refinery processes, and we must end our dependence upon Middle Eastern oil.

Our energy prices were not created overnight and will not be solved overnight. Congress must act swiftly to address this growing energy crisis. America's energy policy must make us stronger and less reliant on countries that are hostile to freedom. Passing any so-called energy bill that fails to produce even a single kilowatt of new energy or produce a gallon of gas is not a solution. We must pass legislation that will allow for responsible use of our known American supplies of energy, that reduce excessive and burdensome environmental policies, and that encourage the development of alternative forms of energy. We need to increase nuclear power. It's the only thing that has proven to be incredibly safe. It's a successful source of energy, and it's the only thing that makes sense economically.

I stand ready to fight for this, and I encourage my colleagues to do the same.

Mr. LATTA, I appreciate your working tonight to bring this issue forward. It's absolutely critical for the American public that we stop this dependence upon Middle Eastern oil. These countries want to destroy us. They hate our freedom. They hate our market system. They hate everything that we stand for. They even hate women. They want to use them as tools. And yet we are funding these countries that want to destroy us. It makes no sense. We have got to develop an energy policy that makes sense economically, environmentally, and makes us not dependent upon these countries that want to destroy us.

I highly commend your effort tonight. I am glad to have joined you tonight, and I look forward to working with you and the rest of the Members.

Congresswoman Michele Bachmann, I just love you and I appreciate your passion and your fervor in fighting for change in our policy. It's absolutely critical. So I applaud your efforts. I know last week I saw you fighting down here on the floor again for the same issues, and I am at awe of your fervor towards this. But we must end our dependence on foreign oil, and I appreciate both of you as well as Congressman Whitman's participation tonight in this Special Order. Thank you so much, and I just praise God for you and your efforts tonight.

Mr. LATTA. Thank you very much, my good friend from Georgia. I really appreciate your being here tonight. And, again, what you say is absolutely what we have to be doing in this country, and I appreciate it. And, again, as we said a little bit earlier, the American people back home get it, but we are not getting it down here in Congress. So I appreciate your words this evening.

Mr. Speaker, we aren't listening to the folks back home. I got home on Friday night from Washington at about 8 o'clock, and gas down at the local gas station was $4.03. I had to speak at our Buckeye Boys State, which was going on at Bowling Green State University on Saturday morning, and I attended one of my county fairs that day and also went to an event at Bowling Green State University that evening. And the only topic that people are talking about right now is what are we going to do in this country about the high prices of fuel? And, again, they understand there's a problem, but, unfortunately, here in this Congress there is a real question if we actually are getting it.

My district, the Fifth Congressional District, is kind of unique in that we are number nine in manufacturing in the entire United States Congress, ninth out of four hundred thirty-five.

What made this country great was the Industrial Revolution. After the Civil War, we watched what happened as the country took off. We had a situation where we had the resources, we had the people, and we were able to produce a product that the rest of the world wanted. And we did great. But the big thing we have to look at today is that energy equals manufacturing, which equals jobs for Americans, and if we are not going to be doing that, we're in trouble.

Another great privilege and honor that I have got out there, I am able to go around my district and go to the manufacturing facilities and talk with a lot of the people that are working in these plants. And one of the questions that I always ask them right upfront is how many miles do you drive to work? or how many folks do you have that are driving out of the area? It's not uncommon to hear 30, 40, 50 miles one way for people to come into work. So you multiply that out, and some people driving 500 miles a week. And some people are saying to me, you know what? There's a real problem out there. What happens when gas gets to the price that I'm not going to be able to afford to drive to work and it's not going to be sound for me to do that? We have got a real problem. We have got a real problem. Because the Fifth Congressional District is 140 miles east to west. It's not as large as going to Montana or Wyoming or some other spots in Iowa or some of the other States. But when you're driving that many miles to work, people are going to start asking, is it worth it for me to actually get to work?

At the same time, we have a lot of different manufacturing facilities in Northwest Ohio. We also have certain very unique ones. We have a float glass plant in my district. Five years ago their costs were around $10 million; today they are $30 million. There are 40 of these facilities being constructed in China today. Their labor force is cheaper. So when we are competing with cheaper labor compared to our more highly skilled labor, but at the same price of fuel, let's just say, they are going to win because their prices are cheaper. We can't have that happen.

The other thing we have in Northwest Ohio, I come from the largest farming area in Ohio, and when you're looking at the farmers today, they have been planting corn and soybeans, and they are getting ready in the near future to be out there and are going to be harvesting that wheat. But it costs money. It costs a lot in diesel. It costs in chemicals. It costs in fertilizer. And this is all from the same thing, and all of it is coming from petroleum. So when people say they are getting X number of dollars for a bushel of wheat or beans or corn, you've got to look at what that production cost is. And it's rising. And not only is it rising for the farmers and the manufacturers, but also for that man and woman going into that grocery store every week to try to make sure they have food on the table for their family. The costs are going up.

In Ohio 80 percent of all the goods that are delivered are delivered by truck. We don't have a rail system. We don't have a metro system. We don't have a bus system. People in my area, if you're going to get someplace, you can't walk. You can't ride a bicycle. You've got to get in that automobile and get to work or get to that store. So we have to make sure that folks have that ability to be able to purchase things because if we have too high prices for gasoline, home fuel oil, natural gas, electric costs, rising food bills, that's going to prevent consumers out there from having more disposable income. And when they don't have disposable income out there, what's going to happen? Well, they are going to quit buying, and pretty soon this economy is going to be in shambles. So we have got to do something right now. And, again, the American people understand it, but we have got to understand it here in Congress.

A couple weeks ago when we were having another Special Order, a Member from Texas brought up an example of a person from his district. A trucker from Texas had a load to take to California. It cost $1,500 in fuel costs to get that to California. That trip cost $1,500, and he got $1,700 for the entire trip. By the time you take out all the expenses, the taxes, the depreciation on the truck, he lost money. So we have got a real problem in this country, and that problem is coming up on us right now.

The United States uses about 21 percent of the world's energy as we speak tonight, but the rest of the world is catching up. We were years ago able to make some dumb mistakes in this country because we were always able to correct them quickly because everybody was behind us. After World War II, most of the world all lay in shambles but the United States. But as time went by, these other countries have been catching up, and I think this chart explains it really quickly.

When you look at the energy consumption in this country and where the other countries are, and I'm talking about India and China, you will see that right now we are leading. But in 2015 China and India are going to be at parity with the United States. In 2020 China is going to surpass the United States in energy usage. What does energy usage mean again? Energy usage means jobs. It means manufacturing. And if they get ahead of us, it's going to be very, very tough to catch up. Once again, we have got to do what we have to do for the American people, and that is to make sure that we have the energy to make sure that we have the jobs for the future.

As my colleagues discussed a little bit earlier some of the issues, nuclear, let's just talk about nuclear for a few minutes. France, about 75 percent of all their energy comes from nuclear power. Not only do they have that nuclear power, but they also have that nuclear power they can export to the rest of Europe. So they're producing it and they're shipping it over.

Japan has 55 nuclear reactors with 2 under construction. Russia, 31 reactors in operation and 37 to 42 currently or will be under construction and operational by 2020. India is building 30 new plants in 25 years. They're smaller, about 200 megawatts, but they are building. China, they are building 40 gigawatt nuclear power stations in the next 25 to 30 years. That's 40 in the next 25 to 30 years.

What about coal? As my colleague from Minnesota brought up about all the coal that we have in this country, what is China doing? Well, right now in China, about 80 percent of their power is electrically generated and 18 percent is hydro, and they are getting into nuclear. China is investing in $24 billion in clean coal technology.

India, the third largest coal producer and consumer in the world. India is right there at number three. India and China account for 45 percent of coal use.

Hydro, China is constructing the Three Gorges hydro plant, which is going to produce about 18.2 gigawatts, and the Yellow River hydro plan will produce 15.8 gigawatts.

Oil, as my colleague from Georgia has mentioned, drilling offshore, the Chinese, as he just mentioned and as my colleague from Minnesota mentioned, China is negotiating for oil leases off Cuba 50 miles from the U.S. Canada is negotiating. Venezuela is negotiating. Those are in waters that would be considered areas that the United States should be drilling in, and we are not.

The alternatives/supplementals, China is mandating by 2020 15 percent of energy from wind, biomass, solar, and small hydro plants.

Things are happening across the world, but the real question is what is happening in this country? What is happening in this country? And I am afraid to report tonight not much at all.

As we have talked about, what's been going with nuclear in this country? The last plant to be licensed in this country was in 1977. The last plant to go online was in 1996. When you're looking at these things, we are getting farther and farther behind. There is a lot of different things we can be talking about with alternatives or maybe you want to call them supplementals, types of powers, but I think people have got to know what we're talking about. When we're looking at what one 1,000 megawatt reactor would need, you would have to erect between 1,250 to 1,700 wind turbines to get there. I think wind is great, but I think you have to remember we have to have a base load out there to make sure that we can run our plants.

As the gentlewoman from Minnesota mentioned, the United States has 24 to 25 percent of the world's coal. Well, what are we doing about it? In Ohio we have higher sulfur in our coal, and the problem with that is it costs more to scrub it. But we have the technology. We have an individual from Northwest Ohio that has helped bring about and invent a clean coal technology that we can consume this coal without emitting it. We have hundreds of years of reserves on our coal.

As has been mentioned, the oil shale in Utah, Colorado, Wyoming, over 6 trillion barrels of oil equivalence out there, and what are we doing about it? Absolutely nothing.

□ 2130

Congress is standing in the way. Oil and natural gas. When we reimport 65 percent of our oil in this country, that is a problem. That is a problem. We need to start doing something. Our friend from Virginia, Mr. WITTMAN, said a little earlier that what they did with Apollo 13, they had to come up with a solution, and come up with it now. We have got to do that in this country.

John Kennedy, when he was in office, had said that we were going to put a man on the Moon by the end of the 1960s. We did it with Neil Armstrong in 1969. But we have got to have a purpose and make sure we get that done.

We are talking about places where we are restricting ourselves. The only country in the world to fight with both hands tied behind its back is this country. ANWR, we have approximately 10.3

billion barrels of oil. As has been mentioned, we are talking about an area of over 19 million acres, and only talking about drilling and exploring in 2,000 of those acres. When you are looking at 10.3 billion recoverable barrels of oil up there, we have got to get up there. As mentioned a little bit earlier, President Clinton, in 1995, vetoed that legislation, or we would be getting that oil right.

Also, as has been mentioned, we have 420 trillion cubic feet of natural gas offshore. We have 86 billion barrels of oil. Of that, the Federal Government denies access to 92 percent for oil drilling and 90 percent of that area for natural gas. As has been mentioned, even if we got that oil to this country, we haven't done anything for over 2½ decades on refinery.

A bill has been introduced here to say if people have that NIMBY, that "don't put it in my backyard," how about using an abandoned military base to put these facilities in, these refineries.

The scary thing we have got going out there is this, is that as we watch more and more American dollars being spent on all of this fuel and all these other dollars going overseas, and of course we have a $9 trillion debt right now, the scary thing that we have got going out there is who's buying our debt. Right now, we have about a $9 trillion national debt. About $2.6 trillion of that is owned by foreign countries. Japan owns, as of the April statement, about $592.2 billion, and the Chinese have about a half a trillion dollars of that debt.

We have got to act now. We can't wait. We can't make mistakes. We have to explore, drill, we have got to conserve. We have got to do everything that has been mentioned here tonight. We have got to look at those alternatives of supplementals because, again, you talk to a lot of folks out there and the question as to alternatives, well, maybe don't have enough base load out there.

So we have to make sure that we get those wind turbines up. Again, people object to those. In my district, out my back door I can see the only four wind turbines in the State of Ohio. We have solar, with two companies, one in production right now in my district, another going to be going online here in the near future, producing solar panels. I have another company in my district working on hydrogen. There's ethanol, there's biodiesel, but everything put together, we have got to go out there and do it all right, and do it all right, and we've got to do it now.

So, Mr. Speaker, I think that the time is now. The American people are demanding action from this Congress, and we can't make the mistakes of the past because we don't have time to catch up.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. LATTA. I yield to my friend from Georgia.

Mr. BROUN of Georgia. I have got a comment and a question. Last week, we heard members of the other party come to this floor and talk over and over again about the oil companies have thousands of acres that they already have leased and that they are not drilling in them. It's my understanding that a lot of this is land that the oil companies just leased up so that they would have the prerogative to be able to do so in the future.

I think this is correct, is that not so?

Mr. LATTA. To the gentlemen, I believe that is absolutely correct. When you're talking about leases, as you said, you're buying and leasing a lot of an area. It doesn't mean they are all profitable, because if every time you put a well down and struck oil, everybody would be doing it.

Mr. BROUN of Georgia. That is the point that I was just wanting you to bring up, is that all this land that the oil companies have leased over the years, they have temporary leases, that when those leases expire, the land turn back. In fact, I have got a friend, the Dudleys in Athens, Georgia, who lease some land in Alabama to an oil company to drill for gas. They had that lease for a number of years. The oil company never drilled. That lease has expired. So those friends of mine, Randy and Mary Dudley, in Athens, Georgia, today, don't have the lease money coming in as they did. The oil company never drilled there.

That is true all over this country, from what I understand. We just hear from the Democrats over and over again that the oil companies have all this land, but it's land where there's no oil. They just lease it in case that they may be able to find oil or gas. But we know there's oil, we know there's gas on the Outer Continental Shelf. In fact, it's my understanding that only about 15 percent of the land in the Outer Continental Shelf is actually leased, that we could tap into. Is that correct?

Mr. LATTA. That is correct.

Mr. BROUN of Georgia. Well, in fact we know that there is oil and gas out there; in fact, trillions of cubic feet of gas. Gas, when we burn it, is a very clean fuel. Those who adhere to this global warming hysteria, which I think is a hysteria and not fact; in fact, I am a medical doctor and scientifically I have looked at this issue, and there are many scientists on both sides, a lot that say that global warming that we are experiencing is due to natural causes and not due to an increase in carbon output by man's use. But we have got propane that is produced from the refinery of oil. We could produce that. There are a lot of cars and buses that run on propane.

We have natural gas that, in my home in Watkinsville, Georgia, I have a natural gas hot water heater, natural gas stove that I cook my wild game on when I get home and have the opportunity to cook my game and fish that I love to hunt and fish. But all these are clean sources of energy, and we are just not tapping into those.

I thank you for bringing these things up. We have got so many sources of clean fuels, even if global warming is caused by human causes, which I am one that I don't think there's enough scientific data to prove that fact. There are a lot of scientists that do say that. But certainly tapping into our own gas and oil resources can make us less dependent upon foreign oil, make us less dependent upon those who want to destroy us as a Nation. It's a national security interest for us to tap into those resources that we have here.

As I said a few minutes ago, America is the only Nation in the world that won't tap into and develop its own natural resources. It makes absolutely no sense. It's stunningly stupid, stunningly stupid that we don't do that. Right now, we are drilling for ice on mars, yet we cannot drill for oil in America. I just cannot understand that. It makes no sense.

We are being blocked over and over again by the people on the other side who are pandering to the radical environmentalists. I am a conservationist. I started my political activity coming up here as a volunteer, working on conservation issues. I think it's critical that we develop those oil sources.

I congratulate you on bringing this forward tonight.

Mr. LATTA. Thank you. I yield to my good friend from Minnesota.

Mrs. BACHMANN. Thank you, Congressman LATTA. I want to address a point that was brought up by Congressman BROUN and really the absurdity of the remark regarding the oil leases that oil companies have taken up. These lands are owned by the American people and they are leased out to oil companies or natural gas companies. These oil and gas companies have to pay for these leases. They aren't just given to them free of charge. They have to pay for the right to search for the oil.

They take all the risk, and they find the natural resource and they access that natural resource. It doesn't make any sense economically for a company to lease something and waste money on leases that they aren't going to use. It's already in law that if the companies that lease this land, if they are not productive, it's already a law they have to turn the leases back. They can't just lease them forever, get them for free, not pay for that right to lease the land. They have to already turn them back if they aren't productive, because the companies know if there's oil on the land, or if there's gas on the land, they already know if it's there.

Just because they have leased land doesn't mean that there's oil on it or that there's gas on it. It just doesn't make sense someone is going to waste money if they are in a private company. That takes away from profit, and you need to have profits to be able to go forward.

Again, this is the 75th anniversary of the New Deal, and it reminds me of Solomon, who said in Ecclesiastes, "There is nothing new under the sun." And there is nothing new under the sun with a lot of these suggestions we have seen. As a matter of fact, the plan we have seen so far from the Democrats has been this, and it's pretty simple, it is: Drive less, pay more. That is pretty much the plan that we have seen. Oh, yeah, also, let's increase taxes on the domestic production of American energy. That doesn't take too much for the American people to figure out.

If Congress would decide we are going to start taxing food, do you think food would cost more? Of course it would. What about if Congress decided, Let's add taxes to health care, as if that wasn't expensive enough. Would that cost more? Of course it would.

This is not the way the American people want us to go. They don't want us to jack up taxes on American production of oil. They don't want to drive less, they don't want to pay more. They don't want to have America socializing and taking over oil refineries. What the American people want, pure and simple, is freedom. They want freedom, they want the free market, and they want to see energy prices get back down to $2 a gallon or less.

I know it's possible, I know it can happen, and that is why I am so thankful for your brilliant leadership tonight, Congressman LATTA, and also for Congressman PAUL BROWN, and also for Congressman WITTMAN, who was here earlier this evening speaking, because here's an answer. Here's an answer.

It's here, it's ours, it's for the taking. We can be environmentally sensitive. We can explore here in America now, and we can have Americans pay less. I yield back.

Mr. LATTA. Thank you very much, Mr. Speaker. We appreciate the opportunity to be here tonight on this Special Order.

GENERAL LEAVE

Mr. BROUN of Georgia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the topics of tonight's Special Order speeches.

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Is there objection to the request of the gentleman from Georgia?

There was no objection.

KELO THIRD ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. The fifth amendment to the U.S. Constitution states that, "No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

June 23, 2005, marks a very sad day in our Nation's history. Exactly 3 years ago today, five unelected members of the U.S. Supreme Court made one of the most despised rulings in our Nation's history, one of the most egregious, unconstitutional rulings in our Nation's history in its ruling of Kelo v. City of New London.

The courts allowed a small Connecticut town to seize a private home to make way for a riverfront development. This activist decision was an attack on middle-class citizens for the benefit of the rich. There have been no worse interpretations of the intent of the fifth amendment than when the Supreme Court seized a private home for the profit of a private company. Yes, a private company.

Justice Sandra Day O'Connor, with whom I have disagreed on many of her decisions, was spot on in her dissent when we stated, "the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, or any home with a shopping mall, or any farm with a factory."

She added that under the Court's decision in Kelo, "any property may now be taken for the benefit of another private party," and "the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has a license to transfer their property from those with fewer resources, to those with more.

☐ 2145

The Founders cannot have intended this perverse result."

So detested was the Supreme Court's 2005 ruling that the small home that became the center of the New London land grab has been moved and restored near the center of town as a constant reminder of the town's injustice. That small, pink home once represented a private home, but now it is a symbol of the evils of an activist court that disregards our constitutional rights.

Our Founding Fathers knew that our liberties were only as secure as our property rights. Property rights are a central institution of Western civilization, yet too often our Nation has violated the basic principles of our Founding Fathers. Federal, State and local governments continue to ignore, neglect, disparage and even fail to understand the importance of property rights.

Today I am pleased to introduce a resolution defending private property rights. This resolution in a very clear manner reflects the intent of our Founding Fathers when they listed private property rights as untouchable by government power. By placing property rights in the fifth amendment to the Constitution, the Founders made the protection of private property a primary aim of the American government. There is no provision in Article I, Section 8, or anywhere else in the Constitution, that allows the unnecessary, predatory seizure of private land.

On this, the third anniversary of one of the Supreme Court's most infamous decisions, I am proud to join property rights advocates all over America in renewing our protest against judicial activism. I applaud the many States that have passed legislation to limit their power to eminent domain and the supreme courts of many States that have barred the practice under their State constitution. I applaud the courage of Susette Kelo and other victims of eminent domain abuse who have stood up to their government and fought for their constitutional rights.

As John Dickinson, signer of the Constitution stated: "Let these truths be indelibly impressed on our minds: (1) that we cannot be happy without being free; (2) that we cannot be free without being secure in our property; and (3) that we cannot be secure in our property if, without our consent, others may as by right take it away."

Private property rights are critical for freedom, and we need to fight for private property rights.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today and June 24.

Mr. HILL (at the request of Mr. HOYER) for today.

Mr. KANJORSKI (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today on account of personal reasons.

Mr. KIND (at the request of Mr. HOYER) for today on account of business in the district regarding flooding.

Mr. MCNULTY (at the request of Mr. HOYER) for today and until 3 p.m. on June 24 on account of personal reasons.

Mr. REYES (at the request of Mr. HOYER) for today.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of business in Kansas.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 24, 2008, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7256. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potatoes; Grade Standards [Docket AMS-2006-0136; FV-06-303] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7257. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Treatment of Fees Collected by State Child Support Agencies — received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7258. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Dietary Noncariogenic Carbohydrates Sweeteners and Dental Caries [[Docket No. FDA-2006-P-0404] (Formerly Docket No. 2006P-0487)] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead Hazard Information Pamphlet; Notice of Availability [EPA-HQ-OPPT-2004-0126; FRL-8358-6] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [EPA-HQ-OAR-2005-0084; FRL-8581-3] (RIN: 2060-AM37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7261. A letter from the Deputy Division Chief, SCPD, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets Petition of American National Standards Institute Accredited Standards Committee C63 (EMC) ANSI ASC C63 [WT Docket No. 07-250] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7262. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Improvements to the Nuclear Materials Management and Safeguards System [NRC-2007-0002] (RIN: 3150-AH85) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7263. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2007 Missile Technology Control Regime Plenary Agreements [Docket No. 080208146-8148-01] (RIN: 0694-AE23) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7264. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expansion of the Gift Parcel License Exception Regarding Cuba to Authorize Mobile Phones and Related Software and Equipment [Docket No. 080519687-8707-01] (RIN: 0694-AE37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7265. A letter from the Secretary, Department of Education, transmitting the fifty-sixth Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7266. A letter from the Secretary, Department of Education, transmitting the thirty-eighth Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7267. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2007 Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

7268. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7269. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7270. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's semiannual report for the period ending March 31, 2008, in accordance with Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

7271. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2007 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7272. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report covering fiscal year 2007; to the Committee on Oversight and Government Reform.

7273. A letter from the Administrator, National Aeronautics and Space Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Administration's FY 2007 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Oversight and Government Reform.

7274. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the "Fiscal Year 2007 Accounting of Drug Control Funds," pursuant to Public Law 105-277, section 705(d)(Div. C-Title VII); to the Committee on Oversight and Government Reform.

7275. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7276. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7277. A letter from the Secretary and Director, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7278. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH33) received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7279. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19 [Docket No. 070817467-8554-02] (RIN: 0648-AV90) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7280. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3285-EM in the State of Wisconsin, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7281. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee, pursuant to Public Law 109-59, section 5305(h)(4); to the Committee on Transportation and Infrastructure.

7282. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction for Port Monmouth, Middletown Township, Monmouth County, New Jersey; to the Committee on Transportation and Infrastructure.

7283. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — C.A.S.E. Reporting and Property Delegations (RIN: 2700-AD40) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3546. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012 (Rept. 110-729). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110-730 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110-730 Pt. 2). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Transportation and Infrastructure and Energy and Commerce discharged from further consideration. H.R. 3195 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. PENCE, Mr. CONYERS, Mr. HENSARLING, Mr. DUNCAN, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Mr. GALLEGLY):

H.R. 6344. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes; to the Committee on the Judiciary. considered and passed.

By Mr. BOUSTANY:

H.R. 6345. A bill to establish a demonstration program to provide financial incentives to encourage the adoption and use of interactive personal health records and to encourage health information exchange networks to link clinical data to such personal health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6346. A bill to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. MICA, and Mr. GONZALEZ):

H.R. 6347. A bill to facilitate the use of HOPE VI grant amounts by certain public housing agencies that have suffered project delays due to catastrophes or emergencies; to the Committee on Financial Services.

By Mr. GINGREY (for himself, Mr. HUNTER, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mrs. DRAKE, Ms. FALLIN, Mr. FEENEY, Mr. MARCHANT, Mr. KLINE of Minnesota, Mr. SHADEGG, Mr. GOHMERT, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. HENSARLING, Mr. KING of Iowa, Mr. LATTA, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. SULLIVAN, Mr. WAMP, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mr. GALLEGLY, Mr. PAUL, Mr. SOUDER, and Mr. CALVERT):

H.R. 6348. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 6349. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 6350. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. CHILDERS):

H.R. 6351. A bill to amend the Public Health Service Act to reauthorize the National Health Service Corps Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia:

H.J. Res. 94. A joint resolution whereas there is no greater expression of freedom and liberty than the defense of the God-given right of an individual to hold, possess, and use private property; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. CAPUANO, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Ms. TSONGAS, Mr. TIERNEY, and Mr. JOHNSON of Illinois):

H. Con. Res. 376. Concurrent resolution congratulating the 2007-2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; to the Committee on Oversight and Government Reform.

By Mr. SKELTON:

H. Con. Res. 377. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1294. A resolution supporting the goals and ideals of National Save for Retirement Week; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself and Ms. FALLIN):

H. Res. 1295. A resolution recognizing and commemorating the efforts and contributions of outstanding female veterans of the Armed Forces, and the vital roles women play today as servicemembers in the defense of the Nation; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 594: Mr. UDALL of Colorado, Mr. VISCLOSKY, Ms. SLAUGHTER, and Mr. GALLEGLY.

H.R. 643: Mr. CAZAYOUX, Mr. CUMMINGS and Mr. PETERSON of Minnesota.

H.R. 820: Mr. GORDON.

H.R. 871: Mr. MOORE of Kansas.

H.R. 932: Mr. CARSON.

H.R. 1078: Ms. HERSETH SANDLIN.

H.R. 1108: Mr. KANJORSKI.

H.R. 1185: Mr. SERRANO.

H.R. 1283: Mr. SALAZAR.

H.R. 1321: Mr. FRELINGHUYSEN.

H.R. 1386: Mr. KLEIN of Florida.

H.R. 1507: Ms. LEE.

H.R. 1621: Mrs. MUSGRAVE and Mr. KING of New York.

H.R. 1665: Mr. DEFAZIO.

H.R. 1820: Ms. MCCOLLUM of Minnesota.

H.R. 2164: Ms. SUTTON.

H.R. 2472: Mr. DOYLE and Mr. GENE GREEN of Texas.

H.R. 2552: Mr. HONDA and Mr. BRADY of Pennsylvania.

H.R. 2712: Mr. BOEHNER and Mr. BLUNT.

H.R. 2721: Mr. MAHONEY of Florida.

H.R. 2880: Mr. HENSARLING.

H.R. 2911: Mr. WAXMAN.

H.R. 2994: Mr. DAVID DAVIS of Tennessee.

H.R. 3098: Mr. ENGLISH of Pennsylvania.

H.R. 3116: Mr. CARSON.

H.R. 3195: Mrs. GILLIBRAND.

H.R. 3234: Mr. CALVERT.

H.R. 3267: Ms. MCCOLLUM of Minnesota.

H.R. 3289: Mr. DINGELL.

H.R. 3334: Mrs. MCMORRIS RODGERS.

H.R. 3347: Mr. PETERSON of Minnesota.

H.R. 3457: Mr. SALI.

H.R. 3546: Mr. BOREN.

H.R. 3650: Mr. CARNEY.

H.R. 3769: Mr. CARDOZA.

H.R. 3874: Mr. BOREN.

H.R. 3934: Mr. GENE GREEN of Texas and Mrs. BACHMANN.

H.R. 4099: Mr. PORTER.

H.R. 4105: Mr. HODES.

H.R. 4236: Ms. BERKLEY and Mr. CLEAVER.

H.R. 4544: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SUTTON, Ms. CORRINE BROWN of Florida, and Mr. BOUSTANY.

H.R. 4930: Mr. CARTER, Mr. SCHIFF, and Mr. STUPAK.

H.R. 5131: Mr. TIM MURPHY of Pennsylvania.

H.R. 5265: Mrs. MALONEY of New York.

H.R. 5425: Mr. SALI.

H.R. 5454: Mr. THOMPSON of Mississippi.

H.R. 5484: Ms. TSONGAS.

H.R. 5507: Mr. MCGOVERN.

H.R. 5564: Mr. CHILDERS and Mr. FILNER.

H.R. 5575: Mr. DOGGETT and Mrs. MALONEY of New York.

H.R. 5606: Mr. BOYD of Florida and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5611: Mr. MORAN of Kansas.

H.R. 5656: Mr. SOUDER, Mr. BROWN of South Carolina, and Mr. MANZULLO.

H.R. 5709: Mr. SESTAK, Mr. SHAYS, and Mr. PASCRELL.

H.R. 5793: Mr. PALLONE.

H.R. 5821: Mr. HERGER.

H.R. 5825: Mr. CHILDERS.

H.R. 5882: Ms. MATSUI.

H.R. 5894: Mr. WEXLER.

H.R. 5921: Ms. MATSUI.

H.R. 5950: Mr. SIRES and Ms. LINDA T. SÁNCHEZ of California.

H.R. 6017: Mr. LEVIN.

H.R. 6039: Mr. DELAHUNT.

H.R. 6087: Mr. TERRY.

H.R. 6107: Mr. MORAN of Kansas, Mrs. MUSGRAVE, and Mr. HENSARLING.

H.R. 6127: Mr. SIRES, Mr. FRANK of Massachusetts, and Mr. WELCH of Vermont.

H.R. 6129: Mr. FERGUSON.

H.R. 6137: Mr. CULBERSON.

H.R. 6151: Mr. DOGGETT.

H.R. 6184: Mr. SESTAK.

H.R. 6195: Mr. BRADY of Pennsylvanian, Mr. SESTAK, Mr. CARNEY, Mr. CAPUANO, and Mr. HOLDEN.

H.R. 6199: Mr. HIGGINS, Mr. ACKERMAN, Mr. FOSSELLA, Mr. MCNULTY, Mr. ARCURI, Mr. TOWNS, and Mr. MEEKS of New York.

H.R. 6207: Mr. GOODE.

H.R. 6220: Mr. PAUL and Mr. BURTON of Indiana.

H.R. 6230: Mr. CASTLE.

H.R. 6251: Mrs. LOWEY, Mr. LEVIN, Mr. HILL, Mr. DINGELL, Mr. COSTELLO, Mr. MITCHELL, Mr. RYAN of Ohio, Mr. WALZ of Minnesota, Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. SESTAK, Mr. CHANDLER, Mr. MCNULTY, and Mr. THOMPSON of California.

H.R. 6252: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. ANDREWS, Mr. BACA, Mr. BARROW, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BONO MACK, Mr. BOUCHER, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CHABOT, Mr. CHANDLER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Ms. DEGETTE, Mr. DOYLE, Mrs. DRAKE, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. Fortuño, Mr. FOSSELLA, Mr. GOODE, Mr. GORDON, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HIGGINS, Mr. HOBSON, Mr. HOEKSTRA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Ms. KAPTUR, Mr. KING of New York, Mr. KUHL of New York, Mr. MARCHANT, Mr. MEEK of Florida, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER, Mr. PRICE of Georgia, Mr. REGULA, Mr. ROGERS of Albama, Mr. ROSS, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SESTAK, Mr. SHULER, Mr. SPRATT, Ms. SUTTON, Mrs. TAUSCHER, Mr. TIBERI, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATSON, Mr. WILSON of South Carolina, and Mr. WITTMAN of Virginia.

H.R. 6253: Mr. ROGERS of Alabama.

H.R. 6256: Mr. HALL of New York, Mr. WALZ of Minnesota, Ms. HOOLEY, Mr. FARR, Mr. SESTAK, and Mr. LANGEVIN.

H.R. 6274: Mr. HAYES and Mr. CHABOT.

H.R. 6278: Mr. MORAN of Virginia.

H.R. 6286: Mr. HERGER, Mr. WAXMAN, Mrs. TAUSCHER, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. FILNER, Mr. ROHRABACHER, Mr. CALVERT, Ms. WOOLSEY, Ms. SOLIS, Mrs. BONO MACK, Mr. ISSA, Mr. HONDA, Mr. FARR, Mr. BACA, Ms. HARMAN, Ms. LEE, Ms. ESHOO, Mr. GALLEGLY, Mr. BILBRAY, Mr. COSTA, Mr. SCHIFF, Ms. PELOSI, Mr. THOMPSON of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. RADANOVICH, Mr. LEWIS of California, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Ms. RICHARDSON, Ms. WATERS, Mr. MCNERNEY, Mr. STARK, Ms. WATSON, Mrs. Davis of California, and Mr. CAMPBELL of California.

H.R. 6298: Mr. WOLF.

H.R. 6307: Mr. LEWIS of Georgia, Mr. PORTER, Mrs. JONES of Ohio, Mr. TIBERI, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. COOPER, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. BLUMENAUER, Ms. HIRONO, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. STARK, Mr. BRADY of Pennsylvania, and Mr. TAYLOR.

H.R. 6309: Ms. VELÁZQUEZ, Mrs. MALONEY of New York, and Mr. MEEKS of New York.

H.R. 6312: Mr. ROSKAM.

H.R. 6315: Mr. KIRK.

H.R. 6330: Mr. LATOURETTE, Mr. LIPINSKI, Mr. HALL of New York, Mr. OBERSTAR, and Ms. CASTOR.

H.R. 6334: Mr. BUTTERFIELD, Mr. MELANCON, and Mr. MATHESON.

H.J. Res. 39: Mr. PLATTS.

H.J. Res. 85: Ms. WOOLSEY and Ms. BERKLEY.

H.J. Res. 89: Mr. KLINE of Minnesota.

H. Con. Res. 195: Mr. LEVIN.

H. Con. Res. 253: Mr. ABERCROMBIE, Mr. BERMAN, Ms. CASTOR, and Mr. FILNER.

H. Con. Res. 315: Mr. MCHUGH and Mr. BONNER.

H. Con. Res. 341: Mr. HOEKSTRA, Mr. TANNER, Mr. LEWIS of Georgia, Mr. SHULER, Mr. BOREN, Mr. HODES, and Mr. YOUNG of Alaska.

H. Con. Res. 342: Mr. GONZALEZ, Mr. LAHOOD, and Mr. BACHUS.

H. Con. Res. 367: Mr. SESSIONS and Mr. WILSON of South Carolina.

H. Res. 925: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1008: Mr. TIBERI.

H. Res. 1090: Mr. WU, Mr. CHABOT, Ms. WOOLSEY, Mr. ROYCE, and Mr. ENGEL.

H. Res. 1179: Mr. INGLIS of South Carolina.

H. Res. 1202: Mr. BLUMENAUER.

H. Res. 1217: Mr. BLUMENAUER.

H. Res. 1231: Mr. TIM MURPHY of Pennsylvania, Mr. BOREN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. AL GREEN of Texas.

H. Res. 1266: Mr. SESTAK, Mr. COHEN, Mr. MCNULTY, Mr. PAYNE, and Mr. WEXLER.

H. Res. 1271: Mr. MILLER of North Carolina.

H. Res. 1273: Mr. KIND.

H. Res. 1279: Mr. COHEN, Mr. KING of New York, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. DICKS, and Mr. WEXLER.

H. Res. 1283: Mr. LOEBSACK and Mr. POE.

H. Res. 1291: Mr. BECERRA, Mr. BACA, Mrs. NAPOLITANO, Mr. SALAZAR, and Mr. REYES.

H. Res. 1293: Ms. LEE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. HOLT, Mr. VAN HOLLEN, Ms. MATSUI, and Ms. KILPATRICK.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. POE.

DISCHARGE PETITION

Under clause 2 of rule XV, the following discharge petition was filed:

(Omitted from the Record of June 20, 2008)

Petition 9, June 18, 2008, by Mr. PHIL ENGLISH on H.R. 2279, was signed by the following Members: Phil English, Todd Tiahrt, Daniel E. Lungren, Bob Goodlatte, Tim Walberg, Devin Nunes, Dennis R. Rehberg, Joseph R. Pitts, Gus M. Bilirakis, Bill Sali, Peter J. Roskam, Mac Thornberry, John T. Doolittle, Kay Granger, K. Michael Conaway, Charles W. Boustany, Jr., J. Randy Forbes, Kevin Brady, Howard P. "Buck" McKeon, Todd Russell Platts, Thomas G. Tancredo, Jean Schmidt, Paul C. Broun, Jim Jordan, Rodney P. Frelinghuysen, Frank D. Lucas, Edward R. Royce, Thomas M. Reynolds, Mary Bono Mack, Connie Mack, Dana Rohrabacher, Wally Herger, Mike Rogers of Alabama, Roy Blunt, Patrick J. Tiberi, Steve Chabot, Deborah Pryce, Robert E. Latta, Joe Barton, Michael T. McCaul, Ron Paul, Randy Neugebauer, Sam Johnson, John R. Carter, Howard Coble, Adrian Smith, David Davis, Sue Wilkins Myrick, Tom Price, Tom Latham, Spencer Bachus, Donald A. Manzullo, Bill Shuster, Henry E. Brown, Jr., John Shimkus, Mike Rogers of Michigan, Scott Garrett, Terry Everett, Dan Burton, Lynn A. Westmoreland, George Radanovich, John Abney Culberson, Fred Upton, Marsha Blackburn, Joe Wilson, Jeff Miller, Mario Diaz-Balart, John Boozman, Sam Graves, Tom Cole, Robin Hayes, Michael C. Burgess, Phil Gingrey, Jeff Flake, Chris Cannon, Christopher Shays, Candice S. Miller, John E. Peterson, Greg Walden, Ron Lewis, John R. "Randy" Kuhl, Jr., Adam H. Putnam, Geoff Davis, Eric Cantor, Patrick T. McHenry, Nathan Deal, John Linder, Frank A. LoBiondo, Mike Ferguson, Thelma D. Drake, John Campbell, Doug Lamborn, Tim Murphy, Bob Inglis, Kenny Marchant, Michael R. Turner, Zach Wamp, Heather Wilson, Ted Poe, Harold Rogers, Lamar Smith, Darrell E. Issa, Cathy McMorris Rodgers, Dean Heller, Ed Whitfield, Steve King, Ken Calvert, Michael K. Simpson, Ginny Brown-Waite, Thaddeus G. McCotter, Jeb Hensarling, J. Gresham Barrett, Ray LaHood, Ric Keller, Robert J. Wittman, Jo Bonner, Robert B. Aderholt, David L. Hobson, Joe Knollenberg, Jo Ann Emerson, Jerry Moran, Steve Scalise, John A. Boehner, Marilyn N. Musgrave, Jim McCrery, Vernon J. Ehlers, Virginia Foxx, Judy Biggert, Gary G. Miller, Pete Sessions, Barbara Cubin, Stevan Pearce, Kevin McCarthy, Michele Bachmann, Paul Ryan, John Sullivan, Charles W. "Chip" Pickering, W. Todd Akin, and Steven C. LaTourette.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8 by Mr. WALBERG on the H.R. 3089: VIRGIL H. GOODE, Jr., TODD TIAHRT, JOE KNOLLENBERG, JOHN E. PETERSON, JERRY MORAN, JIM MCCRERY, BARBARA CUBIN, KEVIN MCCARTHY, JOHN SULLIVAN, and TIM MURPHY.

Petition 6 by Mr. BOUSTANY on H.R. 1843: MICHELE BACHMANN.

Petition 4 by Mr. ADERHOLT on H.R. 3584: MICHELE BACHMANN.

EXTENSIONS OF REMARKS

HONORING MASON SMOAK

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. MAHONEY of Florida. Madam Speaker, I rise today to pay my deepest condolence to the Smoak family and to honor the passing of a great American and close friend. Mason Smoak was an outstanding human being, whose bravery and character left lasting impressions on all who knew him. This kind gentleman exemplified the meaning of leadership. Mason was loved by all in his community, a lifelong resident of Lake Placid, Florida who dedicated his life to his wife, children, and church, as well as the University of Florida his alma mater. Unfortunately, Mason passed away on Friday, June 20, 2008 at the age of 33.

His accomplishments within the agricultural community will serve as inspiration and guidance for aspiring citrus growers. Mason promoted awareness of agriculture and citrus issues in both Washington and Tallahassee, often testifying at the request of elected officials. He enjoyed fruitful partnerships with UF/IFAS and served the community as the current President of the Highlands County Citrus Growers. He was also the Chairman of the Heartland Agricultural Coalition, a Board Member of the Highlands County Habitat for Humanity and Florida Citrus Mutual's Federal Political Action Committee, and Past President of Highlands County Farm Bureau and the Florida Farm Bureau Young Farmers and Ranchers.

Florida will miss Mason's dedication and dogged determination to Florida citrus. Madam Speaker, I will miss Mason as a true friend.

DR. ALAN HARRE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and gratitude that I stand before you today to recognize the many years of dedicated service of Dr. Alan Harre. Having known Alan for many years, I can truly say that he is one of the most committed, knowledgeable, and honorable citizens in Northwest Indiana. Nowhere has his knowledge and commitment been more evident than in his faithful service as President of Valparaiso University. Alan has served Valparaiso University with two decades of dedicated leadership, and he has been a constant fixture in the Valparaiso community. For his efforts, I would like to thank him and extend my best wishes for his retirement. A celebration honoring Dr. Harre's leadership and service will be held at Strongbow Inn Restaurant in Valparaiso, Indiana, on Thursday, June 26, 2008.

Dr. Alan Harre has spent his professional career improving the quality of life at Valparaiso University. Dr. Harre's Strategic Plan set goals for the university in every aspect of campus life. During his tenure, the university has built several new facilities, including: the Center for the Arts, Kallay-Christopher Hall, the Christopher Center for Library Information and Resources, and has broken ground for a new student union. Valparaiso University has also ranked within the top four in its class in U.S. News and World Report's rankings of America's Best Colleges under Harre's leadership. Dr. Harre also contributed to the development of three new Master of Science programs and established a Valparaiso University Phi Beta Kappa honor society chapter. Perhaps Dr. Harre's greatest on-campus achievement is the increasing of the endowment fund from $37 million to over $200 million.

During his time at Valparaiso University, Alan has shared his unrivaled expertise and knowledge of his field with local organizations. Alan has served two terms on the Board for the Greater Valparaiso Chamber of Commerce and was named Distinguished Community Leader by the Chamber in 1998. He was a founding member of the Porter County Community Foundation and a co-founder of the non-profit group Rebuilding Together. Alan also has served as the Chairman of the Quality of Life Council, and in 2007, received the Council's Lifetime Achievement Award. Dr. Harre and his wife, Diane, are also creating the Alan and Diane Harre Scholarship Fund for Valparaiso University.

Madam Speaker, Dr. Alan Harre has devoted his life to improving Valparaiso University and to serving the people of Northwest Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service, perseverance, and dedication. I also ask that you join me in wishing him the best of health and happiness in the years to come.

IRVING KLOTHEN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. SESTAK. Madam Speaker, I rise today to recognize and honor the life of a husband, father, grandfather, and Veteran, who, through hard work and determination, fulfilled the American dream. Irving Klothen, who passed away on Thursday, June 12, at age 84, believed strongly in the principles of democracy and took full advantage of his opportunities in the United States, building a prosperous family and successful career after narrowly escaping Nazi Germany.

A German Jew born shortly after the end of World War I, Irving Klothen barely avoided deportation by the Nazis when he and his parents fled their native Berlin in 1941. Mr. Klothen displayed his strong work ethic and his resolve to make the most of his abilities as he simultaneously completed his secondary education at night school and worked full time for a picture-framing company.

In 1943, Mr. Klothen entered the U.S. Army and his service included guarding German POWs in France, where he met the love of his life, Miriam Frank. He and Miriam, another Jewish refugee from Berlin, married in 1944.

Following the war, Mr. Klothen graduated from New York University with a degree in chemical engineering and would receive several patents for his work with animal-feed additives. His expertise led to business trips that turned into family vacations with his son and wife across the globe. As an employee of American Cyanamid Co, he traveled to Europe, Latin America and Asia.

Mr. Klothen, a loving father of his son Ken and loving grandfather of Erich and Rebecca, never forgot his roots and the family he left behind to move to the United States. In 1989, he visited the Berlin Jewish School, which he attended more than four decades earlier. He committed to assisting the new German Jewish community through work at the now-Jewish High School of Berlin. Even last year, he funded a program to allow teachers from that institution to visit Jewish schools in the United States.

Madam Speaker, I ask you to join me in paying tribute to Irving Klothen. Through his beautiful family, and his contributions to Jewish communities in America and Germany, he has left a lasting contribution that we can all admire.

NAACP PICKS YOUNGEST LEADER EVER, JEALOUS AT THE HELM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today in recognition of Ben Jealous, the new president of the National Association for the Advancement of Colored People, NAACP, and to enter into the RECORD an article from the New York Carib News for the week ending June 3, 2008 titled "NAACP Picks Youngest Leader Ever."

The NAACP was founded in 1909 by an interracial coalition that battled segregation and lynching and helped win some of the Nation's biggest civil rights victories. The mission

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

With a background in communication, community activism and extensive civil rights experience, Ben Jealous has strong credentials for leadership of the NAACP. Ben, who will start his position September 1, is a former managing editor of Mississippi's historic Jackson Advocate. In 2000, he became executive director of the National Newspaper Publishers Association, NNPA, the Black press of America. He left NNPA after three years to become director of Amnesty International's U.S. Human Rights Program. He comes to the NAACP from the San Francisco-based Rosenberg Foundation, where he has served as president since 2005.

Among his plans for the organization are strengthening online presence to connect with activists, mobilize public opinion, and build a database for tracking racial discrimination and hate crimes. His agenda includes ensuring a high voter turnout among the Black community in the November election, pushing an aggressive stance on civil rights, and retooling the national office to make it more effective at helping local branches effect change in their communities.

As a young Black activist, he is poised to attract young African Americans who have criticized the NAACP for being out of step with people who still face racial discrimination after the demise of legalized segregation. Ben Jealous has the smarts, talent, and leadership experience to modernize the organization and lead it into the 21st century better able to continue its historic record of achievement on behalf of the Black community.

[From the NY Carib News, June 3, 2008]

NAACP PICKS YOUNGEST LEADER EVER

The 64-member Board of the National Association for the Advancement of Colored People (NAACP), the nation's largest civil rights organization, decided that it was time to invest in the youth when it announced the decision that 35-year old Ben Jealous will become the organization's President making him the youngest leader in its 99-year history. He will take the helm of the NAACP this September.

"I'm excited. I think that it's a real affirmation that this organization is willing to invest in the future, to invest in the ideas and the leadership of the generation that is currently raising Black children in this country, Jealous said after his confirmation.

Jealous is not a politician, minister or civil rights icon. His background is in communications and community activism. It is hoped that Jealous will provide the NAACP with a new youthful face in order to attract more young people to the organization's ranks. He will bring another invaluable asset—a young but connected chief familiar with Black leadership and social justice issues. He takes the helm as the NAACP's 17th President just months before the organization's centennial anniversary and as the group looks to boost its coffers.

"There are a small number of groups to whom all Black people in this country owe a debt of gratitude, and the NAACP is one of them." Jealous said. "There is work that is undone. . . . The need continues and our children continue to be at great risk in this country."

He succeeds Bruce Gordon, who resigned abruptly in March 2007 after serving just 19 months. It has been public knowledge for some time that he has had a number of bruising clashes with board members over management style and the NAACP's mission. Dennis Courtland Hayes had been serving as interim president and chief executive officer since that time.

Jealous was born in Pacific Grove, Calif., and educated at Columbia University and Oxford University, where he was a Rhodes Scholar. He began his professional life in 1991 with the NAACP, where he worked as a community organizer with the Legal Defense Fund working on issues of health care access in Harlem. His family boasts five generations of NAACP membership.

During the mid 1990s, Jealous was managing editor of the Jackson Advocate, Mississippi's oldest black newspaper. From 1999 to 2002, Jealous led the country's largest group of Black community newspapers as executive director of the National Newspaper Publishers Association.

Jealous left the Publishers Association for Amnesty International to direct its U.S. Human Rights Program, for which he successfully lobbied for federal legislation against prison rape, public disapproval of racial profiling after Sept. 11, and exposure of widespread sentencing of children to life in prison without the possibility of parole.

Since 2005, Jealous has served as president of the Rosenberg Foundation, a private institution that supports civil and human rights advocacy. His experiences caught the attention of the NAACP's search committee, and Jealous said mentors encouraged him to take the job.

"Like all black people in this country. I am deeply grateful for what the NAACP has accomplished in the 20th century, and I want to make sure it's as strong and as powerful in the 21st century," he said. "If I thought that I could help rebuild, if I thought that I could help bring in more funds and give direction to the national staff and increase morale, I needed to take it very seriously, and that's what I've done."

The NAACP was founded in 1909 by an interracial coalition that battled segregation and lynching and helped win some of the nation's biggest civil rights victories. But in the wake of racial advances, the organization has struggled financially.

Among his plans for the group are strengthening its online presence to connect with activists, mobilize public opinion and build a database for tracking racial discrimination and hate crimes; ensuring high voter turnout among Blacks in the November election; pushing an aggressive civil rights agenda, regardless of the makeup of the Congress or White House; and retooling the national office to make it more effective at helping local branches affect change in their communities.

What Jealous lacks in oratorical appeal, he makes up for as an administrator skills he honed during his tenure with the Publishers Association. And his foundation experience could help with fundraising especially as the NAACP looks to raise $100 million in conjunction with its 100th anniversary in February.

IN HONOR OF CELEBRATING 80TH BIRTHDAY OF GERALD (JERRY) KOPEL AND 56TH ANNIVERSARY OF JERRY AND DOLORES KOPEL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. DEGETTE. Madam Speaker, I rise to recognize a dual celebration for two distinguished members of the First Congressional District. This week the Kopel family of Denver celebrates the 80th Birthday of Gerald (Jerry) Kopel and the 56th Anniversary of the marriage between Jerry and Dolores Kopel.

Jerry and Dolores have led an interesting and engaged life together, balancing careers in journalism, law, politics, and policy. They were the original "power couple" long before dual careers were more outwardly prevalent and socially acceptable. What is truly admirable is the Kopels managed to pursue these accomplishments while raising a family and contributing to the broader well-being of our community.

Dolores and Jerry met at the University of Colorado when Jerry was city editor of the Silver and Gold newspaper and Dolores was a reporter. Jerry graduated from the University and Dolores transferred to the University of Denver College of Law. They married at the end of her first year of law school, while Jerry was working for the Rocky Mountain News.

Dolores graduated from law school cum laude in June 1954. Jerry enrolled in law school in January 1955 but continued for a while to pull night shifts at the Rocky Mountain News as a copy editor. In 1958, Jerry graduated cum laude from the University of Denver. The Kopels had the unique experience of practicing law together until 1979, when Dolores was appointed U.S. Trustee for the District of Colorado and Kansas.

As part of his life-long dedication to giving back to the community and preparing the next generation for careers in law, Jerry directed a review course for law students preparing for the Colorado bar exam from 1958 through 1985.

In 1964, Jerry combined his background in journalism and his law degree to become an influential member of the Democratic Party. He served as State representative for a total of 22 years, spanning 2 decades.

Jerry was known as the consummate legislator, reading every bill and every amendment that came before the House chamber. He successfully carried 110 bills as chief sponsor, including the Nation's first sunset law.

Jerry's 22 years in the State Legislature and his extensive involvement in community issues and Colorado politics are encapsulated in "The Gerald Kopel Papers", which are housed in the Denver Public Library's Western History Collection. The papers are perhaps the most extensive archive of the public career of any American state legislator from the 20th century.

After retiring from the Legislature in 1992, Jerry continued to produce a printed newsletter, titled "Jerry Kopel's Report" until 1998. However, for many years, Jerry prepared weekly reports for House Democrats and suggested amendments to bills being debated on the House floor.

Since retirement, Jerry has returned to journalism. He writes a weekly column for the Colorado Statesman and other newspapers and has joined the technological age with an extensive Web site chronicling his columns and exhibiting his extensive knowledge of Colorado politics, law, and history.

Over the years, Jerry has won numerous awards from the Colorado Press Association, most recently in 2006 in the Public Service writing category. All of his 600-some columns were edited by his wife, Dolores. Both Jerry and Dolores have received recognition from the Denver Bar Association for 50 years of practice. Their son, David, is an attorney and author who is a columnist for the Rocky Mountain News.

Jerry is also an accomplished cocktail pianist, and has entertained at many local functions. He has issued several fine CDs, which are in my personal collection.

I have personally known Jerry and Dolores for many years, eagerly accepting Jerry's sage advice on politics and I am an ardent reader of his weekly columns. Jerry and Dolores have had a distinctive lifetime at the forefront of Colorado politics, policy, and history and their commitment to public service and the betterment of the their fellow Coloradans serves as a sterling example for younger generations and those entering public policy careers.

I ask my colleagues to join me in wishing Mr. Kopel and his wife Dolores a wonderful 56th Anniversary and Jerry a healthy and prosperous 80th birthday and pay tribute to their longstanding service and dedication to the City of Denver and the State of Colorado.

TRIBUTE TO SIDNEY H. LICHTER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the life of an outstanding individual, Sidney H. Lichter, upon the completion of his term of office as Commander, Department of New Jersey, Jewish War Veterans of the U.S.A., on Saturday, June 21, 2008.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he has served countless others throughout his lifetime.

A native of Brooklyn, New York, Mr. Lichter enlisted in the Air Force in 1966. He served two decades in the armed forces where he was able to see much of the world and was awarded many honors. Mr. Lichter was stationed all over the globe including: Headquarters, U.S. Air Force, the Pentagon; Alabama; Taiwan, and Germany. When he retired in 1986 as a Master Sergeant, he had been awarded such honors as the Meritorious Service Medal, two Air Force Commendation Medals, the Vietnam Campaign Medal with four campaign stars, along with both the Vietnam Service Medal and the Vietnam Presidential Award.

Mr. Lichter decided in 1991 to continue his service to others, but this time remaining close to home. He brought his commitment and expertise to the volunteer sector. His time with the Jewish War Veterans of the United States has proved to be as rewarding as his time in the Air Force. Over his 17 years of membership, he has served as Post Scholarship Chairman; Post Commander; Commander, Essex County Council; Department of New Jersey Adjutant; both Junior and Senior Vice Commander, and this past year he has served as Commander of the Department. I am proud to represent a man who has spent his lifetime serving his country and community, a commitment I am sure he will continue for years to come.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Sidney H. Lichter.

Madam Speaker, I ask that you join our colleagues, Sidney's friends, the Department of New Jersey, Jewish War Veterans of the U.S.A., and me in recognizing Sidney H. Lichter.

APPLAUDING THE MARK THAT AUGUSTA SOUZA KAPPNER LEAVES ON BANK STREET COLLEGE AND EDUCATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today because a visionary in the field of education has left her post at a premier New York institution after championing the cause there for over a decade. Augusta Souza Kappner, endearingly nicknamed "Gussie," has stepped down from the helm at Bank Street College of Education—a one-of-its-kind, independent graduate school, set beside its own K8 day school, that offers dynamic programs in professional development and community service. She came to Bank Street 13 years ago with unimpeachable, history-making credentials, having served as the first African-American woman to preside over the City University of New York, and afterwards, as the assistant secretary for vocational and adult education in the Clinton Administration's Department of Education.

Besides the obvious heft, intellect, and insightfulness a woman of her caliber inarguably brought to the position, those around her cite a contagious sense of humor, an aura of accessibility, and a profound loyalty to the institution as her defining assets. During her tenure at the college, Kappner launched a series of innovative programs, ones dealing with teacher preparation, early childhood education, leadership development, and dropout prevention and college preparation for adolescents. She oversaw as the college developed a new center to advocate for high quality literature for all children, led efforts to universalize pre-k for New York students, and built partnerships with hundreds of public schools, creating in one instance a project that trained more than 400 principals and assistant principals in the city. She was committed to the Bank Street mission, motivated by its push to address every and any contemporary challenge in American education, guiding the institution through a strategic planning process to affirm and interpret its ambitious aims and increasing its endowment sevenfold through its capital campaign.

Kappner's unrelenting work ethic can be traced to her modest beginnings, raised a poor kid in South Bronx, looking after her dependent mother. She went on to earn a degree from Barnard College, a master's degree in social work from Hunter College, and a doctorate in social welfare policy from Columbia University.

She leaves with a trail of notable achievements to her name and legacy, and she is well-poised, prepared, and positioned for her next endeavor.

RECOGNIZING THE CONTRIBUTIONS OF CAPTAIN EVELYN DECKER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and to pay tribute to one of America's heroes, Captain Evelyn Decker. Captain Decker recently passed away on Friday, April 25, 2008, at the Northport Veterans Medical Center in Northport, New York. Captain Decker was one of the first African American nurses accepted to serve in the armed forces' Army Nurse Corps during the Korean War. She served with distinction for 13 years, in World War II and the Korean War, receiving the following medals and citation: American Campaign Medal; National Defense Medal; Korean Service Medal with 2 Bronze Service Stars; United Nations Service Medal; World War II Victory Medal; Army of Occupation Medal with Japan and Germany clasp; Service Lapel Button WWII; and Republic of Korea Presidential Unit Citation.

Specifically, Captain Evelyn Decker belonged to the 38th Parallel Medical Society of Korea, and served as a nurse in the 8055 MASH unit. Nurses were on the front lines facing danger day and night, and Captain Decker was no exception, having been stationed on the front lines for months longer than normal tours of duty called for. During this time, she helped to save many lives and provided incalculable comfort to countless American soldiers. In addition, she did this as an African American woman serving in a segregated military. I know from my Korean War service that nurses valiantly went into harm's way in order to provide medical care for wounded American soldiers.

Aware that her war duty had compromised her health, making it impossible for her to serve to the standards she wished, Captain Decker left the army. It was many years before she would receive a 100 percent service-connected disability rating for lung disease caused by her tour of duty in Korea. Furthermore, it would take a full 50 years after her leaving the service before Captain Decker, at the age of 92, would finally be presented with her captain's bars and the several medals to which she was entitled.

During all this time, Captain Decker continued to participate in military-related activities, up to and including the current events surrounding the commemoration of the Women in Military Service for America Memorial. Though frail and wheelchair-bound in recent years, Captain Decker felt it was important to stay involved and ensure that young people understood the contributions and sacrifices made by so many of all races and genders for our country.

CALALLEN HIGH SCHOOL WILDCATS BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate the Calallen High School Wildcats for winning the 2008 Texas State 4A Baseball Championship.

The Wildcats' title marked their third of this decade. Calallen culminated their impressive run with a win over the Waxahachie Indians 11–1, a margin so large that the game ended in the fifth inning due to a ten run mercy rule. Catcher Patrick Frasier was named MVP, after going two for three with four RBI and two runs.

This win, however, represents the efforts of the entire team, which was made up of Matt Garza, Derek Hagy, Aaron Alaniz, Logan Verrett, Jeramie Marek, Bryden McClure, Brett Bell, Jake Huddleston, Kris Guerrero, Dustin Vaughan, Hunter Whetsel, Skyler Hoelscher, Patrick Frasier, Dustin Marrou, Travis Neslony, Will Reynolds, Tyler Denman, Roland Resendez, Jordan John, Dillon Denman, Chad Vanaman, Parker Dorsey, Collin Simpson, Adam Hoelscher, Richard Montemayor, Nick Ginn, Rick Salazar, and Robert Zastryzny, as well as Head Coach Steve Chapman and Assistant Coaches Joe Luis Lopez and Rudy Salinas.

I extend my heartfelt congratulations to Coach Chapman and the team, as well as the parents, teachers, and student boosters who worked so hard to propel their team to a historic season.

I especially want to congratulate the seniors on their graduation and best wishes on their future plans.

Playing for a high school team is always a rewarding experience—one that provides enduring lessons in teamwork and responsibility. These student athletes will carry the lessons they learned, both on the diamond and in the classroom, for the rest of their lives.

H.R. 3403, THE NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3403, the New and Emerging Technologies 911 Improvement Act of 2008.

This legislation ensures that consumers using Voice over Internet Protocol technology, or VoIP, can make full use of the 911 system in two important ways. First, the legislation extends the same liability protections afforded to wireline and wireless carriers, public safety, and end users to VoIP service. This parity in liability protections will encourage service providers, public safety, and end users to continue to rely on the 911 emergency communications system, regardless of the technology used to make a 911 call. Second, the legislation ensures that VoIP providers can interconnect with legacy telephone networks so they can deliver calls and information to 911 call centers.

Representative GORDON, the author of H.R. 3403, Representative MARKEY, Chairman of the Subcommittee on Telecommunications and the Internet, Representative BARTON, Ranking Member of the Committee, Representatives UPTON and STEARNS, the former and current Ranking Members of the Subcommittee, and I worked very closely with all stakeholders on this legislation, and it has widespread support among the public safety community, industry, and others.

As is clear from the language of the legislation, the requirement for interconnection is for purposes of 911 only and should not be used to bootstrap access for other reasons. Similarly, the legislation makes clear that those who control the legacy gateways to the emergency communications system must provide access, including rights of interconnection, to those seeking to deliver 911 calls and information. Because all stakeholders agreed to the legislative language, we fully expect that this access will not be inhibited by either delay or litigation.

H.R. 3403 also requires the development of a national plan to ensure that the 911 system continues to evolve. It is significant that the plan will include the participation of first responders, including the emergency communications professionals maintaining and using the system. It is also important that the plan will address the needs of the disabilities community when they use emergency communications. I look forward to reviewing the results of this work so we can begin to move to the next generation of emergency communications.

I am disappointed that the Senate stripped out one provision of the House-passed version of this legislation that protected proprietary customer information. This provision prohibited a carrier from using the customer information that other carriers are required to provide for 911 databases for any purpose other than emergency communications. I heard no rational argument against the policy underlying this provision. Nevertheless, in the interest of ensuring that this legislation be enacted swiftly, I will support the bill as passed by the Senate. I intend, however, to take this matter up again in the future. We owe it to consumers to ensure that their emergency communications system does not become a playground for competitive shenanigans.

H.R. 3403 is a forward-looking bill that ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. Each of its elements—giving VoIP providers access to the components they need to provide 911 service; extending to VoIP providers, public safety officials, and end users the liability protections currently afforded to wireline and wireless services; and requiring a plan for the continued evolution of the emergency communications system—is a worthy victory for all consumers. I commend Representative GORDON for his years of dedication to this important issue and hail this success, from which all Americans will reap benefits for years to come.

TRIBUTE TO A GREAT COMPOSER, IRVING BURGIE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize the amazing accomplishments of one of America's greatest composers, Irving Burgie; and to enter into the RECORD an appreciation by Tony Best from New York CaribNews for the week ending June 3, 2008, titled "Hailed Irving Burgie with Honorary Doctorate, Tribute to Composer of Some of the World's Most Memorable Music."

Mr. Burgie is most known for his work with Harry Belafonte for whom he composed 34 songs between 1955 and 1960. He composed 8 of the 11 songs on Belafonte's Calypso album, which was number 1 on the Billboard Charts for 32 weeks and remained on the charts for nearly 2 years. "Calypso" was the first album of any kind to sell over a million copies, thus making Burgie and Belafonte one of the most successful singer-writer collaborations in recorded music history.

Growing up in the West Indian section of Brooklyn, Mr. Burgie became interested in music of other cultures in his travels as a soldier in World War II. He enrolled in the Julliard School of Music, developing a broad knowledge of song literature. His songs not only changed the culture of music but changed the way people taught their children about music. The article describes his music, as music "that brings hope and puts smiles on faces of people across the globe." Mr. Burgie has left a lasting mark on music for many generations.

In addition to his outstanding musical career achievements, Mr. Burgie has been very generous in his philanthropic efforts to improve the lives of students interested in pursuing a career in music. Mr. Burgie has dedicated his life to making the world a better place through his artistic and charitable efforts and he is truly deserving of the honorary doctorate presented to him by St. John's University.

[From the Caribnews, June 3, 2008]

IRVING BURGIE HAILED WITH HONORARY DOCTORATE

(By Tony Best)

"Concrete examples of committed lives."

The Rev. John Kettleberger, St. John's University's Director of Residence Ministry was describing two outstanding public figures in the United States, Irving Burgie, composer of some of the world's most memorable music and Sister Anthony Barczykowski, Executive Director of Community Service for the Catholic Church's Archdiocese of New Orleans.

Both the composer, an artiste with strong Brooklyn and Caribbean roots, and Sister Barczykowski, whose work in New Orleans after the Hurricane Katrina disaster "brought hope" to the survivors of the floods and gale force winds that left thousands homeless were hailed before an audience of at least 10,000 students, faculty, parents, relatives and friends of the 2008 graduating class.

Each was presented with honorary doctorates of Humane Letters and they were praised for their "commitment to service" to others and for the way they channeled their energies and outstanding talents for the good of humanity.

Actually, the Rev. Kettleberger spoke about the two honorees as he delivered the invocation at the beginning of the 138th commencement exercises at one of America's leading Catholic schools of higher learning. With almost 3,000 students graduating with Bachelor's, Master's and doctorates, the afternoon of pomp, ceremony and stirring commencement addresses by the Rev. Dr. Donald Harrington, St. John's President, and Whitney Coleman, a graduating senior of the College of Liberal Arts and Science, who spoke on behalf of all the students, was underscored by the smiling faces and tears of joy that flowed freely as proud parents and some of the students themselves were affected by the emotions of the moment. "It was truly an emotional moment for me," Burgie said afterwards as he reflected on the tears he shed on being lauded and presented the doctorate from the University's President. "I was thinking of my wife who died recently, about the pleasure she would have enjoyed if she were present on this occasion," he said.

"But it was also emotional to have my sons, their wives and a granddaughter to share this honor with me,"

Burgie, who had previously received an honorary doctorate from the University of the West Indies, was described by Dr. Julia Upton, Provost of St. John's, as a "man who used his special gifts to lift the hearts" and the "spirits" of tens of millions of people around the world.

As she explained it, Burgie, the son of a West Indian mother used his music to "bring hope" and put "smiles" on the faces of people across the globe, often at times of great challenges. Indeed, few artistes anywhere had enhanced the national and global landscapes with their music like Burgie, whose songs, among them "Day-O," "Island in the Sun," "Mary's Boy-Child," and "Angelina," were made famous by Harry Belafonte, Dr. Upton said. They sold more than 100 millions in the 50-plus years since they first came onto the musical scene in the 1950s. Most of the songs on the Harry Belafonte album, Calypso, propelled the collection to the top spot on the Billboard Charts and enabled it to become the first album in the history of recorded music to sell a million copies. But he wasn't simply recognized for his artistic triumphs. Burgie, who was recently inducted into the Song writers Hall of Fame in the United States was heralded for the more than $100,000 in scholarships he gave over 25 years to Bajan youth to encourage their writing skills and the musical scholarship endowed by ASCAP to help American students pursue their musical careers.

In essence, then, both Sister Anthony and Burgie had devoted their lives to the task of making the world a better place and proof of their success can be seen in the hope they had inspired in successive generations, St. John's University stated.

The emphasis on "hope" was at the core of the President's commencement address. He pinpointed many of the serious challenges the world was facing and they ranged from the global economic downturn; starvation in Africa; and the global food crisis to the divisive presidential campaign in the United States; and the devastating wars in Iraq and Afghanistan which have cost more than 4,000 Americans and trillions of dollars in U.S. and British taxpayer money.

But he wasn't disheartened by the monumental task at hand.

Indeed, the President said he was "optimistic" because of the many, "wonderful people" who had worked hard to transform society, Burgie and Sister Anthony included, and because of the young people, especially the members of the graduating class who were prepared to assume their roles in society.

Coleman, the Black student who spoke for the entire class, emphasized the importance of "giving back" and the need for individuals and society to "re-fuel" when their tanks were running low. Just as important was the need to put the "exemplary education" the students had received at St. John's to produce. It was, she asserted, a kind of "roadmap" that would guide them at the beginning of life's journey and would help them along the way. At the end of the ceremonies, Burgie who was born and grew up in Brooklyn but whose music has made him a world citizen summed up the situation: "It was simply wonderful. I thank St. John's for the honor."

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. AKIN. Madam Speaker, on the afternoon of June 18, 2008, I erroneously voted to override the President's veto on H.R. 6124, (roll call No. 417), the Food, Conservation and Energy Act. I intended to vote "nay" and sustain the President's veto.

PERSONAL EXPLANATION–

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes; however, I would like the record to reflect my intentions had I been present. Had I been present for rollcall No. 414, I would have voted "aye". Had I been present for rollcall No. 415, I would have voted "aye". Had I been present for rollcall No. 416, I would have voted "aye". Had I been present for rollcall No. 417, I would have voted "aye". Had I been present for rollcall No. 418, I would have voted "aye". Had I been present for rollcall No.419, I would have voted "aye". Had I been present for rollcall No. 420, I would have voted "nay" Had I been present for rollcall No. 421, I would have voted "aye". Had I been present for rollcall No. 422, I would have voted "aye". Had I been present for rollcall No. 423, I would have voted "aye". Had I been present for rollcall No. 424, I would have voted "aye". Had I been present for rollcall No. 425, I would have voted "aye". Had I been present for rollcall No. 426, I would have voted "aye". Had I been present for rollcall No. 427, I would have voted "nay". Had I been present for rollcall No. 428, I would have voted "aye". Had I been present for rollcall No. 429, I would have voted "aye". Had I been present for rollcall No. 430, I would have voted "aye". Had I been present for rollcall No. 431, I would have voted "nay". Had I been present for rollcall No. 432, I would have voted "aye". Had I been present for rollcall No. 433, I would have voted "aye". Had I been present for rollcall No. 434, I would have voted "aye". Had I been present for rollcall No. 435, I would have voted "aye". Had I been present for rollcall No. 436, I would have voted "aye". Had I been present for rollcall No. 437, I would have voted "nay".

REMARKS IN RECOGNITION OF TONI ANN SECREST

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. SPEIER. Madam Speaker, I rise in heartfelt gratitude to Assistant Principal Toni Ann Secrest who is retiring after 38 passionate years of service to the students, faculty and parents of Mercy High School in Burlingame, California.

Ms. Secrest arrived at Mercy in 1970, just two years after I graduated. While I had the best teachers a student could ask for, Toni Ann Secrest is one more reason why I wish I was just a little younger. Her energetic approach to teaching, her love of all things historical and her captivating and entertaining storytelling ability are legendary.

Toni Ann's students, it is said, never graduate. She instills in them the love of critical thinking and intellectual examination that inspires them to continue along the path of lifelong learning. This didn't stop when she moved out of the classroom and into the counselor's chair. Seeing the mission of her new job as much more than advising on college and careers, Ms. Secrest offered real counsel. Students always left her office more inspired and infinitely more hopeful than they went in.

As Assistant Principal, Toni Ann Secrest was without peer. She brought Mercy High School into the information age by revamping the curriculum to replace typing classes with computer science. She brought the faculty and administration up-to-date also, even if it meant dragging them against their will to learn and embrace new technologies.

Toni Ann is adored by her former students. To a person, they remember her intellect, her kindness and her style. Toni Ann dresses like she lives. She sets an example. As one student recalled, "Ms. Secrest always had it going on." To this day, she is the best-dressed person in any room.

Madam Speaker, like you, Toni Ann Secrest is a pioneer. She was a member of the first co-ed graduating class of the University of

San Francisco, where she got her degree in History. She also has a master's in Counseling from USF and has earned her Secondary Teaching Credential for Life and a Pupil Personnel Credential for Life.

And what a life! Admired by all who work with her (especially me), appreciated by the thousands she has mentored, loved by her large extended family and appreciated by her community.

HONORING DR. MARLIN B. CREASY UPON HIS RETIREMENT FROM MUNCIE COMMUNITY SCHOOLS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. PENCE. Madam Speaker, I rise today to pay tribute to the long and distinguished career of Dr. Marlin B. Creasy.

Dr. Creasy has served as the superintendent of Muncie Community Schools since 1997, but he will long be remembered for a commitment to public education that goes back some 40 years. Ever a champion of the Muncie schools and community, Dr. Creasy was loved by students, parents, faculty, and staff alike.

Dr. Creasy spent countless evenings and weekends throughout his career attending school activities. It was this personal interaction and involvement that impacted students most and this was clearly Dr. Creasy's first love.

Next year, as students fill the halls of Muncie Community Schools, Dr. Creasy will be sorely missed, but his legacy will live on. The lives of the students that Dr. Creasy touched will lead them to experiences that will change the face of Muncie for years to come.

I'd like to thank Dr. Marlin B. Creasy for being a leader in the community and in the lives of the children for whom he opened the doors to a better education.

HONORING JUDGE EUGENE HYMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the Honorable Judge Eugene Hyman and the California State Superior Court for Santa Clara County for receiving the 2008 United Nations Public Service Award today in New York City.

Established in 2003, the United Nations Public Service Award is regarded as the most prestigious international recognition of excellence in public service. In an annual competition, the United Nations presents their U.N. Public Service Awards, rewarding creative achievements and contributions of public service institutions that lead to more effective and responsive public administrations in countries worldwide.

This year's ceremony is particularly special, not only for the innovative achievements of Judge Hyman, but because Judge Hyman is the first American to receive the United Nations Public Service Award. The project he helped initiate—the Juvenile Delinquency Domestic Violence and Family Violence Court—is being honored in the "Improving transparency, accountability and responsiveness in the public service" category.

Judge Eugene Hyman's extensive involvement in the local community shows that he is truly deserving of this honor. As a former police officer and trial lawyer, Judge Hyman was appointed to the Santa Clara County Municipal Court in 1990 and the Superior Court for Santa Clara County in 1997. In 1999, Judge Hyman created the Santa Clara County Juvenile Delinquency Domestic Violence and Family Violence Court.

Judge Hyman's Juvenile Violence Court was the very first of its kind in the United States. With Judge Hyman's dedication and innovation, the Juvenile Violence Court has had a dramatic impact on reducing the number of violent young offenders being re-arrested for violent crimes. This unique system is one that can be easily implemented across the country because all that is required is knowledge of the program and a commitment to follow-through.

I am proud to have this wonderful program and person in my community. I offer my congratulations to Judge Hyman and the Santa Clara County Superior Court for this prestigious award.

TRIBUTE TO BARBARA CROCKETT MOORE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a constituent and an extremely talented woman committed to community service at all levels. This month Barbara Crockett Moore will complete her tenure as International Grand Basileus of the Zeta Phi Beta Sorority. She has served in this capacity since 2002, and has proven to be an extraordinary and effective leader.

As the Zeta's International Grand Basileus, Mrs. Moore leads a sorority made up of 100,000 minority and African-American women in America and abroad. She has led the Zetas in national community outreach services, public policy, governmental affairs, and oversees overall administrative function, including its fiscal management. She has focused her leadership on enhancing the Zeta's commitment to community service and all humanity. Her crowning achievement is the implementation of the international initiative known as Z–HOPE: Zetas Helping Other People to Excel. The program has had positive impacts on more than a million people in America and abroad. Z–HOPE has commissioned more than 44 water wells in Ghana, and West Africa and has begun construction on a health center at the Afua Kobi Ampen Girls School in Ghana.

Mrs. Moore is also responsible for launching the Zeta's new program initiative called ZOL, which seeks to empower women in all aspects of their lives. The program encourages women taking charge of their health and inspires women to take on leadership roles in the sorority and their communities. She has made it a priority to grow the sorority's National Education Foundation by one million dollars, and has formed the Zeta Congressional Institute, which will encourage women to seek public office and provide internships for young women in the Washington, DC area at the Washington Institute. Under Mrs. Moore's leadership, the Zeta's completed a two million dollar renovation to the national headquarters in Washington creating state-of-the-art facilities.

Mrs. Moore's success in the Zeta's lead ship stems from her previous work in various capacities in the sorority. She has served as Chair of the National Executive Board, First Anti-Basileus, Chair of the National Membership Committee and as the FIPSC Project Director, where she managed the first federally funded grant awarded to the sorority. Prior to becoming Grand Basileus, she was Chair of the National Capital Campaign that raised money for the headquarters renovations. She has also served as Boule Chief of Protocol, Chair of the Southeastern Regional Board, Southeastern Regional Conference Marshal, South Carolina State Director, and Basileus of the Kappa Eta Zeta Chapter.

In addition to her duties as Grand Basileus of Zeta Phi Beta, Mrs. Moore serves as Vice President for Institutional Advancement at Benedict College in Columbia, South Carolina. She is also very active in the community as a member of Project Blueprint, The Columbia Forum, Ebony Keys, the Ridgewood Ladies Golf Club and Top Ladies of Distinction, Inc. She is a former board member of the Midlands YWCA, Richland County March of Dimes Foundation, and the Three Rivers Health Care Agency.

She is the recipient of numerous awards including being named one of Ebony magazine's top five organizational leaders in the country. She has been inducted into the United Black Fund of the Midlands' South Carolina Black Hall of Fame and recognized by the African American Cultural Complex in Raleigh, NC as a "Woman of Note" for her exemplary leadership.

Mrs. Moore and her husband, Norman, have one adult daughter, Walletta.

Madam Speaker, I ask you and my colleagues to join me in congratulating Barbara Crockett Moore for her outstanding service to Zeta Phi Beta Sorority and our country. She has selflessly given her time and talents to lead a wonderful organization that is really making a difference in America and overseas. I commend her dedication to service, and look forward to seeing her at work in other leadership roles.

ON THE 36TH ANNIVERSARY OF TITLE IX

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise today to commemorate the 36th anniversary of Title IX of the Education Amendments of 1972. Title IX was the culmination of the hard work of many women and men who fought for women's rights to equal opportunities within the American education system. Today, we remember their efforts and we celebrate their achievements.

Title IX was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Title IX has benefited both males and females, and is at the heart of efforts to create gender equitable schools with equal opportunities and treatment for women. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. Under this law, males and females must receive fair and equal treatment in all areas of higher education, such as admissions, educational programs and athletics.

The benefits of Title IX are compelling and throughout these 36 years we have seen women seize the opportunity to thrive within the education system in all areas. High school sports participation for females has risen 903% since the early 70s. In 1970, women earned only 14% of doctoral degrees, but today earn nearly 50%. Over these 36 years, women have entered and thrived in male-dominated fields such as business and science. I'd like to recognize the 92 current female Members of this Congress who have also entered and thrived in another male-dominated field. Many of my distinguished colleagues have been beneficiaries of Title IX. They have rightfully been given an opportunity to be free from sex discrimination and they are continuing to pave the way for women coming after them.

Throughout our recent history, America has seen the growing momentum to achieve the equality enshrined in our Constitution. The Civil Rights Act of 1964 was the first giant step, which prohibited discrimination on the basis of race, color, sex and national origin. Then during the decade after the passage of the Civil Rights Act, Congress passed a series of laws extending civil rights protections in federally assisted programs. There was Title IX, then Section 504 of the Rehabilitation Act of 1973 which protected those with disabilities, then the Age Discrimination Act of 1975 which prohibited age discrimination, and then the Individuals with Disabilities Education Act to provide education and intervention programs to youth with disabilities.

In the last 44 years we have made great progress towards achieving equality and extraordinary legislation such as Title IX has made this possible. However, despite all this progress, equal rights and opportunities for all have not yet been realized. We continue on the journey to obtain equal opportunities for all Americans, and we acknowledge that there is much more to be done for women and for other historically marginalized groups. But on the 36th anniversary of Title IX, we celebrate our achievements as they give us strength to continue on the path towards equality.

A TRIBUTE TO LIEUTENANT COLONEL CRAIG GREENE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. McHUGH. Madam Speaker, I rise today to pay tribute to an exceptional officer in the United States Army, Lieutenant Colonel Craig Greene, upon his retirement after 20 years of distinguished service. Lieutenant Colonel Greene will retire on September 1, 2008 after having last served as Deputy Chief, Army Senate Liaison Division, Office of the Chief of Legislative Liaison.

I had the privilege to work with Lieutenant Colonel Greene during my tenure as the Chairman of the House Armed Services Committee's Military Personnel Subcommittee. At that time, he served as the Legislative Liaison Officer for the Army, responsible for directing the Army's Personnel Policy and the Operations and Readiness Portfolios. Lieutenant Colonel Greene provided Members and staff with forthright assessments important to ensuring a full understanding of the challenges facing America's Army. His candor, integrity, and insights were always valued. Recognizing Lieutenant Colonel Greene's proven skills as a liaison officer and leader, the Army selected him to serve as Deputy Chief of the Senate Liaison Division where he continued his important work.

During his 5 years of service as an Army Congressional Liaison, Lieutenant Colonel Greene flawlessly escorted over 50 Congressional delegations worldwide, 12 of which were delegations to Iraq and Afghanistan, in support of Operation Iraqi Freedom and Operation Enduring Freedom, respectively. Members of Congress knew they could count on Lieutenant Colonel Greene for his sage counsel, professional advice and unwavering integrity.

Lieutenant Colonel Greene's Senate assignment was the capstone to an outstanding career of service to our Nation. Upon graduating from the University of Massachusetts, Lieutenant Colonel Greene served as an Infantry Officer in command and staff positions in a number of infantry units. Prior to Lieutenant Colonel Greene's assignment to the Office of Chief of Legislative Liaison, he was assigned to the 25th Infantry Division (Light), Schofield Barracks Hawaii from 2001 to 2003. A soldier's soldier, his awards include the Defense Meritorious Medal, four Meritorious Service Medals, five Army Accommodation Medals, two Army Achievement Medals, the Expert Infantry Badge, the Ranger Tab, and Parachutist and Air Assault Badge respectively.

Not only is Lieutenant Colonel Greene an exemplary soldier, he is both husband and father. He is married to the former Michelle Snow of Belchertown, MA, also a Lieutenant Colonel in the United States Army. They have two children, Jackson—14 and Austen—10. In addition to his many responsibilities, Lieutenant Colonel Greene finds time to volunteer in his community, serving as a coach and as a participant in career days at his children's schools.

The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier. Lieutenant Colonel Greene's dedication to duty upholds the highest traditions of military service. He has repeatedly stood for the defense of our Nation and her citizens and their freedom. Devoted to the defense of liberty, he epitomizes what it means to be a soldier and a patriot.

Madam Speaker, on behalf of Congress and the United States of America, I thank Lieutenant Colonel Craig Greene, his wife, Lieutenant Colonel Michelle Greene and their sons, Jackson and Austen, for the commitment, sacrifices, and contributions that they have made throughout his honorable military career. Congratulations on completing an exceptional and successful career.

CONGRATULATING GARFIELD ON THE OCCASION OF HIS 30TH BIRTHDAY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. PENCE. Madam Speaker, I rise today to honor the 30th birthday of arguably America's favorite feline friend, Garfield. From a humble beginning in Muncie, Indiana on June 19, 1978, Garfield and his creator, Jim Davis, have combined to bring laughter and cheer to the lives of millions of Americans over the past three decades.

It would have been easy for the bright spotlight of fame to have drawn our good friend Garfield away from his humble Indiana roots. Yet as the Muncie Star Press writes in a June 19 editorial, "Garfield is a hometown cat at heart." Remaining true to his roots, Muncie's favorite fat cat appears in the Guinness Book of World Records as the world's most widely syndicated comic strip character, appearing in around 2,580 publications each day.

Madam Speaker, as we struggle with another Monday and find ourselves longing for a lasagna dinner, Americans have turned for thirty years to their friends Garfield, Jon, and Odie. Born at five pounds and six ounces, Garfield ate so much pasta that he threatened to put an Italian restaurant out of business, and was rescued to the relief of millions of Americans who have been touched through his inspiring blend of cynicism, complacency, and mediocrity.

As Americans have gone from typewriters to BlackBerry and hatchbacks to SUVs, Garfield has remained a symbol of stability in an ever-changing world. Despite the turbulence of the past 30 years, Americans can still open their local newspaper to be greeted by the smiling face of Garfield. Nine lives or not, Madam Speaker, Muncie's favorite cat continues to live beyond all expectations.

IN RECOGNITION OF THE PAN-MACEDONIAN STUDIES CENTER ON THE OCCASION OF ITS SECOND ANNUAL TESTIMONIAL DINNER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the Pan-Macedonian Studies Center on the occasion of its Second Annual Testimonial Dinner. This year the Center will be honoring His Eminence Archbishop Demetrios, Primate of the Greek Orthodox Church in America, with the Philippion Award.

The Pan-Macedonian Studies Center was established in 1995 by Elias L. Neofytides, Fotis Gerasopoulos and Paul Evangelou to help forge links between generations and between persons of Hellenic descent living in the U.S. and Greece. The Center thus helped ease the transition for adults adapting to a new life in America and increase understanding between generations.

The Pan-Macedonian Studies Center has showcased the best of American and Hellenic cultures. It sponsors programs for young and old, including offerings in sports, fitness, arts and crafts, and dancing; educational initiatives such as a lending library and tutoring; and services including lessons on health education, accounting, civics, and computer literacy. The Center also helps produce Macedonian TV programming airing on Queens public television, and publishes and disseminates books on Macedonian culture to schools and libraries in the United States at no cost. The Center is open to all, regardless of ethnic origin, and all its services and programs are free of charge.

This year, the Pan-Macedonian Studies Center has selected His Eminence Archbishop Demetrios to receive the Philippion Award for his contributions to the Hellenic-American community. His Eminence Archbishop Demetrios is a distinguished Macedonian who always brings "peace and serenity" into the hearts of the faithful adherents of his faith.

He was born Demetrios Trakatellis in Thessaloniki, Greece on February 1, 1928. In 1950 he graduated with distinction from the University of Athens School of Theology. In 1960 he was ordained a deacon, and in 1964 he became a priest. He was elected Bishop of Vresthena in 1967, and served as an auxiliary bishop to the Archbishop of Athens with the primary responsibility for the theological education of the clergy. From 1965 to 1971, on scholarship from the Harvard University Graduate School of Arts and Sciences, he studied New Testament and Christianity's origins and earned a Ph.D. "with distinction" in 1972.

As Bishop of Vresthena, he then returned to his ecclesiastical position in the Archdiocese of Athens and in the ensuing years he held the responsibilities of the theological education of the clergy, youth ministries, and other duties related to theological conferences in Greece and abroad. In 1977, he earned a Th.D. in Theology from the University of Athens.

From 1983 to 1993, the Bishop of Vresthena was the Distinguished Professor of Biblical Studies and Christian Origins at Holy Cross Greek Orthodox School of Theology in Brookline, MA. Serving as a faculty member for more than a decade, he taught many of America's Greek Orthodox clergy. He also taught at Harvard Divinity School as a Visiting Professor of New Testament during the academic years of 1984 to 1985 and from 1988 to 1989. After several years in the United States, he returned to Greece in 1993 to pursue full-time scholarly writing and research. At the same time, he resumed his responsibilities at the Archdiocese of Athens.

Elected Archbishop of America in 1999 by the Holy and Sacred Synod of the Ecumenical Patriarchate, Archbishop Demetrios was enthroned on September 18, 1999 at the Archdiocesan Cathedral of the Holy Trinity in New York City. As Archbishop of America, he leads a church of more than one and a half million Greek Orthodox Christians in the United States. He has done so with distinction, and in so doing has made enormous contributions to our Nation and our world.

I ask that my colleagues join me in saluting the Pan-Macedonian Studies Center and its distinguished honoree, His Eminence Archbishop Demetrios.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 23, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,936 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,936 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous, scourge upon our Nation called abortion on demand.

It is June 23, 2008, 12,936 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 25

9 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine laptop searches and other violations of privacy faced by Americans returning from overseas travel.

SD–226

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the increased global energy demand, focusing on the challenges for meeting future energy needs, while developing new technologies to address the current and future global climate change.

SD–366

Foreign Relations

To hold hearings to examine a new strategy for an enhanced partnership with Pakistan.

SD–419

Joint Economic Committee

To hold hearings to examine the United States economy, focusing on the skyrocketing oil prices.

SD–106

10 a.m.

Environment and Public Works

To hold hearings to examine the future federal role for surface transportation.

SD–406

Homeland Security and Governmental Affairs

Business meeting to consider S. 2583, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, S. 1924, to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty, H.R. 5683, to make certain reforms with respect to the Government Accountability Office, S. 3013, to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, S. 3175, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, S. 2148, to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security, S. 3015, to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building", H.R. 5395 and S. 2622, bills to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill" Clay Post Office Building', H.R. 5479, to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building", H.R. 4185, to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building", H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building", H.R. 3721, to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building", H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office", H.R. 5168, to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building", S. 3082, to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building", and the nomination of Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SD–342

Small Business and Entrepreneurship

To hold hearings to examine solutions to cope with the rise in home heating oil prices.

SR–428A

11 a.m.

Appropriations

Energy and Water Development Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2009 for the Energy Information Administration, focusing on forecasts for oil and gasoline prices.

SD–192

2:30 p.m.

Armed Services

To hold closed hearings to examine the current situation in Afghanistan.

SR–222

Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury, Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce, Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development, Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development, Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association, Luis Aguilar, of Georgia, Troy A. Paredes, of Missouri, and Elisse Walter, of Maryland, all to be Members of the Securities and Exchange Commission, Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers, and Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board.

SD–538

JUNE 26

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Nelson M. Ford, of Virginia, to be Under Secretary of the Army, Joseph A. Benkert, of Virginia, to be an Assistant Secretary, Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy, and Frederick S. Celec, of Virginia, to be Assistant to the Secretary for Nuclear and Chemical and Biological Defense Programs, all of the Department of Defense.

SD–106

Veterans' Affairs

Business meeting to markup S. 2969, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, S. 2309, to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury, S. 22, to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, S. 2617, to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and an original bill to provide technical corrections to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2007; to be immediately followed by a hearing to examine the nomination of Christine O. Hill, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.

SR–418

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the outlook for summer air travel, focusing on addressing congestion and delay.

SR–253

Finance

To hold hearings to examine the foundation of international tax reform, focusing on worldwide, territorial, and other related issues.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine nuclear terrorism, focusing on the federal response for providing medical care and meeting basic needs in the aftermath of an attack.

SD–342

Indian Affairs

To hold an oversight hearing to examine access to contract health services in Indian country.

SD–562

Judiciary

Business meeting to consider S. 2979, to exempt the African National Congress from treatment as a terrorist organization, H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, S. 2892, to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force, S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 3061, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, S. Res. 594, designating September 2008 as "Tay-Sachs Awareness Month", and the nominations of Paul G. Gardephe, to be United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, Cathy Seibel, to be United States District Judge for the Southern District of New York, Glenn T. Suddaby, to be United States District Judge for the Northern District of New York, Kelly Harrison Rankin, to be United States Attorney for the District of Wyoming, and Clyde R. Cook, Jr., to be United States Marshal for the Eastern District of North Carolina.

SD–226

2 p.m.

Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2009 for Labor, Health and Human Services, Education, and related agencies.

SD–106

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine effective ways to catch fugitives in the 21st century.

SD–226

2:30 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA)(Public Law 93–247), focusing on protecting children and strengthening families.

SD–430

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine addressing the nation's financial challenges.

SD–342

JULY 9

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2896 and H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona.

SD–366

HOUSE OF REPRESENTATIVES—*Tuesday, June 24, 2008*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 24, 2008.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

THE FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

Mr. FLAKE. Madam Speaker, today, the House will take up an extension of the Federal Aviation Administration's authorization. Unfortunately, this bill is more than it seems. It contains an $8 billion bailout for the Highway Trust Fund. Now, for years, we've known that the Highway Trust Fund didn't have sufficient money, that it was losing its purchasing power. In fact, that was a concern going into the 2005 highway bill reauthorization. But what did we do?

We not only took no action to shore it up or to do things differently; we approved more than three times as many earmarks as there were in the last highway reauthorization. So now, here we are 3 years later, about a year before our next reauthorization, and we're out of money to cover the projects that we've authorized.

Now, I would submit that the action contained in this bill is the most irresponsible thing we can do. We're transferring $8 billion from the general fund into the Highway Trust Fund. As we've known, as we've seen, when Members have the ability to earmark funds from an account, they do so. We did so to the tune of tens of billions of dollars in the highway authorization bill the last time, including the bridge to nowhere and 6,300 other earmarks. If we move additional moneys from the general fund into the Highway Trust Fund, then Katy bar the door when it comes to spending. We simply cannot keep a lid on it.

I'm just wondering: When are we going to take up the tough choices? It seems like every time we come to a point when we simply don't have money in the account we simply increase the deficit more and more. We're finding the easy way out. There are options available to us. I will offer amendments wherever I can to take money from the earmarks that haven't been spent, money that we know is not priority spending, and shore up the Highway Trust Fund so that we don't have to move general fund moneys into this account. We simply can't do that. We can't start the process of taking general fund moneys and shoring up the Highway Trust Fund when we know that we can't control our spending appetite when it comes to earmarks. I urge my colleagues to oppose this irresponsible bailout.

Another thing that is objectionable: We're doing this on the suspension calendar. That's my understanding today. The suspension calendar is meant as a vehicle to name post offices or to honor sports teams or to do things that are noncontroversial. Yet here we're transferring $8 billion from the general fund to bail out the Highway Trust Fund. Under rules of suspension, that simply doesn't seem right. That is not responsible legislating. It wouldn't be responsible if Republicans did it in the majority. It's not responsible when Democrats do it.

I urge my colleagues to oppose it. Let's find time to actually take a stand for the taxpayers and say enough is enough. We cannot continue to spend money this way.

IMPROVING FEDERAL FLOOD DISASTER POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, like the proverbial pig that has been swallowed by the python, the swollen surge of the Mississippi flood waters is slowly working its way down the river. The damage inflicted is not just to the homes, businesses and farms along the way, but it will have serious consequences for the environment at the mouth of the Mississippi, the so-called "dead zone"—further erosion of topsoil along the length of the river while raising food prices across America and around the world.

The consensus of the scientific community is that extreme weather events like the heavy rainfalls are going to make episodes like this more frequent, but even if you do not agree with the scientific consensus, one thing is beyond dispute: The policies and practices of the Federal Government and of our State and local partners are not just contributing to the disaster but are themselves a disaster.

For generations now, along the riverbank, we have been increasing the amount of water in the mighty Mississippi River as we narrow its course and reduce its meandering ways, making it much shorter than it was at the time of the first European explorers. Weather events resulting from global warming and resulting from humans having put more water in the river, shortening its course or narrowing it, have a compounding effect.

In the State of Iowa, more than 90 percent of the wetlands, nature's natural sponges, have been filled. In vast sections of Iowa, there are tiles under many areas of the farmland, making it this massive plumbing project that is designed to reduce the power of the land to absorb and to retain water. By replacing native vegetation that has deep root systems, with corn and soybeans that don't, covering, some have said, as much as a third of the State, we further accelerate the runoff, and those relatively shallow root systems allow more precious topsoil to erode into the already Big Muddy, which in turn reduces the capacity of the waterways to carry water. All of these greatly enhance the impact of the flood.

It's not just our agriculture and land use policies that are a disaster but how we respond to the challenges posed by the river. From levee failures in New Orleans to the upper Mississippi lock and dam project, all along the Mississippi, the Corps of Engineers and its local and state political and civic leadership, at the behest of Congress, are investing in questionable navigation projects while ignoring the problems of the integrity of the existing levees. All of a sudden, it's news now that there

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are problems with the ability of these levees along the river system to provide needed protection. I have said on the floor of the House when we were debating the upper Mississippi lock and dam project, that there was questionable need since there is steady or even slightly declining barge traffic in the river, this project, the most expensive navigation project in history would be at the expense of protecting public safety.

At the end of the day, a critical part of the equation is restoring some of the natural balance so the inevitable floods can be handled as nature intended, into the surrounding fields and wetlands. This is illustrated by what happened when some of the levee failures reflooded farmland, relieved the pressure and thus reduced the magnitude of flooding downstream. This, obviously, needs to be built into the system. Yet there are cries now going out to remove land—106,000 acres of conservation reserve in Iowa. Now, this is a program that pays farmers to protect the environment and to enhance wildlife habitat and to provide a safety valve, that sponge effect.

Some in Congress are making serious proposals to take this land out of protection and to plant it with the very crops that will help make this situation worse.

I have worked for 10 years to reform our flood insurance program so that, instead of repeatedly putting people in harm's way, we use the money to relocate them or to flood-proof their properties, making them less susceptible to damage. We ought to extend flood insurance coverage so that all responsible property owners will protect themselves, and it will be a signal of the costs of living and of doing business in these risky areas.

As this disaster unfolds, there are actually letters circulating in the Senate that would eliminate the requirement of reform legislation for providing flood insurance inside these levees despite further proof positive that people need it.

The Federal Government needs to get its policies straight. Some of the vast sums we spend in the bloated farm bill should be redirected to pay farmers to restore the environment rather than to make it worse.

Our long-term investments should be to make people safer and slowly reduce support for repetitive flood loss, paying to protect and relocate rather than simply put them back in harm's way. Responsibility, common sense, and sustainable economic and environmental practices can help repair our disaster policies which make the events, which have occurred for centuries, worse and more expensive.

In so doing we make our communities more livable and our families safer, healthier and more economically secure.

Either way, the farmers will be paid. Doesn't it make sense to pay them to make things better?

I strongly suggest that it's time to increase the capacity of the land to absorb water, to get people out of harm's way and to do things in a way that's fair for us all.

DRILL HERE, DRILL NOW, LOWER PRICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. It's good to be here this morning and to be back to work on a good Tuesday morning, Madam Speaker, to let the American people know that we are on the job and that we're here to, hopefully, this week work on the price at the pump. We are here to work on America's independence. As we're coming up on Independence Day, on the Fourth of July, we're working on America's independence from foreign oil.

About 2 weeks ago, I started getting calls from constituents about signing a petition that was on americansolutions.com, and then there were other petitions I was called about—Internet petitions—where Americans were telling Congress this is what we want you to do: Drill here. Drill now. Lower prices.

I was at a gas station in my district, and I went in, and there was a petition there. It said, "We want to lower gas prices." I guess the attendant there was doing that to keep people busy so they wouldn't be hollering at him. So I came up with an idea.

The American people are telling us how they feel. Let's have an opportunity. Let's have our own petition within this House, Madam Speaker, to tell the American people how we feel. So I've come up with a petition. There is no legislation. There is no discharge petition. It's just something that each Member of this body can state to their constituents.

Basically, it says American energy solutions for lower gas prices. Bring onshore oil on line. Bring deepwater oil on line. Bring new refineries on line. The pledge has 435 lines, one for every Member. What it says is "I will vote to increase U.S. oil production to lower gas prices for Americans." It's very simple. "I will vote to increase U.S. oil production to lower gas prices for Americans." That's very simple.

Now, I've heard every excuse in the world from people on this floor, Madam Speaker, about why they didn't want to sign it. Well, if people out there are wanting to know if their Member has signed, they could go to house.gov/westmoreland and see if their Member is on there. They can see if they've signed, and they can see if it says that they will vote to increase U.S. oil production to lower gas prices for Americans.

This is very important. We need to let you know, the American people know, how we feel about the situation that you're in. You're in a situation where you go to the gas pump, and you may have to spend a larger portion of your paycheck than you normally would, but that's only small. We've got winter coming. With natural gas prices as high as they are, you're going to be cold in your home and will not be able to get in your car and drive anywhere to get warm.

So it's not just about the crude oil. It's about the natural gas. We have so much off of our coast, so much natural gas, so much oil in the Outer Continental Shelf. Untie our hands, Madam Speaker. Let our oil go. We want to be self-dependent. We don't want to rely on foreign countries.

I hope that the American people will help us persuade other Members of this body that we need to vote to drill here, to drill now and to lower prices.

AMERICAN ENERGY INDEPENDENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. I agree with the gentleman. We should be doing more drilling in the United States. The oil companies should begin to develop the 6,391 offshore leases they already have that are environmentally approved, that are sitting idle, but the industry is not moving to develop those leases despite the vast resources available. In fact, the estimates of the Minerals Management Service are that they could access 80 percent of the available oil off the shores of the United States of America from their existing leases. They just don't want to do it. Now, why might that be?

Well, maybe it has something to do with their making piles of money the way it is. So why would they want to provide relief to the American consumer by cutting into their obscene profits?

Second, there's some pressure on that side to open up the Arctic National Wildlife Refuge. There may be a fair amount of oil under there. We don't really know. There was one exploratory well drilled 30-some-odd years ago. Proprietary. No one knows. But we do know that right next-door to the west of the pipeline is a vast area that used to be called the Naval Petroleum Reserve. Why was it called that? Because we know there is a huge amount of oil under there. We've known that for 70 years. In fact, Bill Clinton, as President, decided to lease that to the industry to bring on line over 10 billion barrels of oil, of U.S. oil, for the American people.

Now, first, of course, we have to do away with the little loophole the Republicans created when they allowed the ban on the export of Alaska oil to lapse. I have a bill, and I've had a bill for a number of years to reinstate a bill on the ban of the export of Alaska oil.

But how about that known 10-billion-barrel reserve? The oil industry has drilled 25 exploratory wells and then has capped them, and they have no plans to provide transit from there to the existing pipeline, which is just to the east of that reserve.

So how about the industry takes some of the 20–30 billion barrels that are available off of their existing leases that could double our domestic supply for the next 20 years and then develop that? Then we can talk about more leases or, hopefully, by then, we will have transited into a new energy future that isn't going to require the same massive amounts of oil that the current economy requires.

There is something else the Republicans have left out. Had we started down a new energy path after 9/11, the lesson there would have been we don't want to be dependent upon the Middle East and Saudi Arabia. Most of those were Saudis who attacked us.

Who's giving hundreds of billions of dollars a year to the Saudis? Well, unfortunately, American consumers are, and we're dependent upon them, and the President goes over and begs for oil. Even though they're violating international law, he won't file complaints against them. We treat them with kid gloves. We need to be free of those people, so we need to be looking toward a different energy future, but in the short term, we don't need to be price-gouged, which brings up a third point which the Republicans don't want to address.

It's estimated that 50 cents of every gallon today is pure speculation for Wall Street. We could do away with that by closing the Enron loophole. Remember Ken-Boy Lay, the President's principal financier throughout his political career? He's dead now. Ken-Boy ran Enron. He wrote our energy policy behind closed doors with DICK CHENEY. Enron is bankrupt, but the Enron loophole lives on, and other major firms on Wall Street—Goldman Sachs, Morgan Stanley and others—are now fully utilizing that loophole.

According to today's Washington Times, 99 percent of the premium crude in America is controlled not by ExxonMobil, Shell, BP, and others but by Wall Street and futures speculation. They're making a pile of money at the cost to American consumers. So let's close that loophole. But, no, the Republicans never want to take on Big Oil and make them do what they should do, which is to develop existing leases which they're sitting on, and they don't want to take on Wall Street and close the loophole that was created for Enron's Ken-Boy Lay, the President's best buddy.

Those are things we could do to provide short-term relief of, virtually immediately, 50 cents a gallon. Then in the medium and short term, by developing the 6,391 offshore oil leases and the former Naval Petroleum Reserve, with known reserves of over 10 billion barrels, we could make them develop that. Use it or lose it.

I think we're going to have a discussion about that later this week. Let's see where the Republicans come down on that. These are already let leases, and they can be developed much more quickly than new leases could be. Let's see what they're really all about.

ENERGY SUPPLY AND DEMAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, it is great to be on the floor today. You know, just because it's said on the floor doesn't mean it's true, and there are a lot of people who've discussed things today and who've discussed things throughout the debate, and so let's start talking about facts.

I've been on the floor numerous times to talk about energy, and I've softened my discussions. I used to talk about the Pelosi premium. I've kind of gone away from that because, really, the problem is a problem of supply. So I go back to the Bush administration, to January 2001, where a barrel of crude oil was $23. You know, I just want to be honest. I want to talk about supply and demand. I want to get away from the partisan wrangle and address what we really need to address—lower gas prices—which is to bring on more supply. As we talk about these bills that are going to come forward this week, they do nothing for supply, and we'll talk about why that is.

Then when this new majority came in and since Bush has come in, the price has doubled to $58 a barrel. Now, I didn't have time to update today's crude oil price, but as of Thursday of last week, it was $136 a barrel, which is over double the $58. The trend line is negative. The trend line is not a positive thing. So the debate is how do we change the trend line. How do we get to a price where we at least stabilize the price of a barrel of crude oil? Then how do we help that effect the lowering of gas prices?

I live in the bi-State area between St. Louis and Illinois where it's $4.17 a gallon. So, even if we're assuming the promise of the Speaker that we drop it by 50 cents on speculation, we're still paying $3.85 or $3.75. I mean it is still way too high for people in rural America to get to work, to go to school, to get in the fields. Diesel prices have doubled. It's way too high. Even if we assume the promise of speculation at 50 cents, which I reject, that's still way too high. We need to bring on more supply. This is a problem.

So, when you have a problem, you need to start really addressing credible solutions, not scapegoating, not trying to find blame. What do we need to do as a country? We've brought this to the floor numerous times. As for the Outer Continental Shelf, I think the public is now there. The national polls are clear. The Outer Continental Shelf is over 50 miles off the coast. You can't see it from the coastline.

What is more hazardous to our beaches and to our tourism are super tankers that are bringing crude oil from around the world, super tankers that are then having a wreck or are having a disaster where that crude oil is then washing to shore. The exploration off the east coast, off the west coast and off the eastern gulf of billions of barrels of oil that are trillions of cubic feet is not debatable anymore. It is accepted, in principle, by the American public. It was put off access by this Congress years ago.

This year, through the appropriations cycle, we can change this. We can say: Let's encourage our business and industry. Let's go into the Outer Continental Shelf. Let's explore for oil and gas, wind and solar. The great thing about the Republican policy is that we want everything, more of everything. We want wind. There's going to be a big wind generation facility built in my district, and I welcome it. We want solar. I want to encourage tax incentives for people to put solar cells on their homes. All of the above is a solution.

If you'll look to the far right, I have a bigger chart of fuel from coal. The Germans did it in World War II with the Fischer-Tropsch technology. We can do it today. In Illinois alone, there are 250 years of BTU ability, the same as Saudi Arabia's. Then there are renewable fuels. In December, this Congress passed an expansion in renewable fuels, hoping cellulosic comes on. Add that to corn-based ethanol, to biodiesel and to soy diesel. All of the above is our solution and is American made.

The great thing about this: American jobs exploring the OCS, American jobs building the wind and the solar panels, American jobs mining the coal and refining the coal, American jobs in the farm fields across America.

In an era when we are concerned about jobs and the dollar, it makes sense to invest in America, in American energy sources and in American jobs.

AVAILABLE AND AFFORDABLE ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. KAGEN) for 5 minutes.

Mr. KAGEN. Madam Speaker, everywhere in Wisconsin, people are asking for help to cut the cost for gasoline and diesel fuels. People are having a tough time just keeping their heads above water, paying one out of four of their paychecks toward gas just to get to work. We must do everything possible to make certain gas and oil become more affordable. During the past year, I've been listening to everyone involved in the oil industry, and one thing is clear. Current oil prices are not explainable by normal marketplace forces of supply and demand. Why are gas prices so high?

Well, there are many reasons, including increased demand from China and India and the declining value of the dollar, but these reasons alone do not explain today's surging oil prices.

While ignoring cries for help from ordinary people, President Bush and Vice President CHENEY—the two oil men in the White House—have been unwilling to investigate the anticompetitive activities of big oil companies and speculators in large investment banks. Their only response to the surge in oil prices has been to beg for more addictive oil from the Arabian kings in the Middle East, even though last year, as we emptied our pockets, Saudi Arabia enjoyed a windfall of $500 billion.

We cannot afford to follow the advice of the White House oil men and of their supporters. For, if we do, we will become not just bankrupt but a nation of beggars.

Aside from begging, the White House oil men also offered more of the same losing ideas that caused this mess in the first place: More drilling rights for Big Oil. Their old school drilling idea is shortsighted for it requires years—years, not weeks—to explore, pump, refine, and deliver gasoline and diesel fuels. We need gas price relief now, not next year. Here is how we get started.

First, we need leaders who will stand up to Big Oil and who will provide the necessary oversight to the oil markets to prevent speculators from manipulating prices for their own benefit. On June 23, just yesterday, an Oppenheimer equity research expert, Mr. Gyte, testified before an Energy and Commerce subcommittee, focusing on oil price manipulation.

In his words, "I believe the surge in crude oil price, which more than doubled in the past 12 months, was mainly due to excessive speculation and not due to an unexpected shift in market fundamentals."

His testimony and that of others is that speculative manipulation in the oil futures market is real and that, by designing effective regulation of the oil markets, prices for oil may decline immediately, anywhere from $45 to $65 a barrel immediately, not in 10 years.

Based upon all of the information available today, the first and best choice for Congress is to prepare appropriate legislative and regulatory actions, which, according to experts, will drop prices dramatically in several weeks.

In addition to better oversight of the oil markets, Congress must begin to invest in the development of reliable and affordable energy resources. We can do this by continuing to drill for new oil on Federal lands already leased to American oil companies even as we invest in renewable sources of energy using solar, wind, geothermal, cellulosic, and biomass-based technologies. We must also ask: Is it time to build new and more modern nuclear sources of electricity?

By investing in these new renewable energy resources, we will create millions of new, higher waged jobs, and we will develop what we've been talking about—the green economy right here at home—as we become an energy independent Nation.

We cannot neglect again to mention the OPEC kingdoms, which have been manipulating both world oil prices and supplies for years. To push back against their illegal manipulation of the oil market, I sponsored and passed major legislation that will, in time, bust up the oil cartels and will reestablish a freely competitive marketplace to make prices reasonable once again for everyone.

What is it? What is it that my colleagues on the other side have against free markets? Simply put, we cannot continue to be held hostage by OPEC and by the manipulative partners in Big Oil.

The final piece to solving the surge in oil price is the declining value of the dollar. Here, you see a picture form of the dollar in 2000, when President Bush took office, declining by 38 percent in the last year. In several more months of this economic activity of borrow and spend, you will be able to take your dollar, paste it with some glue on an envelope and use it as a postage stamp.

Regretfully, as a direct result of President Bush's economic policy of borrow and spend, our money has lost its purchasing power. It simply doesn't stretch as far as it did before. As a direct result of dollar light, prices for everything have gone up, not just for gasoline but for a loaf of bread, for a gallon of milk and for everything we require just to survive: Our rent, our mortgage payments and our health care bills.

People are screaming, "It's the dollar, stupid!"

Prices for everything are up, but by working together, we can bring about a different economic policy, one different from borrow and spend. We're working hard to bring about the changes we need. By working together, we will become an energy independent Nation, and we will make available, affordable energy for all of us.

LESSON FOR TODAY: DRILL OFFSHORE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE. Madam Speaker, they say it's not safe to drill offshore because, they say, oil rigs are polluters of crude oil. So the lesson for today is: Where does the oil pollution from off our coasts come from?

Let's keep it simple. This is a chart. This is a chart that shows oil pollution from off our coasts. It comes from the National Academy of Sciences. It gives four sources.

As shown by the blue line, the number 1 polluter of crude oil off our coasts comes from Mother Nature. Sixty-three percent of the crude that has polluted our coasts and our gulfs comes from Mother Nature. It seeps from the bottom of the Gulf of Mexico to the surface, 63 percent.

The number 2 polluter, as shown by the green line, is recreational boating. Thirty-two percent of the pollution of crude oil comes from boating.

The number 3 source, shown by the yellow line, appropriately so, is from tankers from overseas, 3 percent. It's those tankers, for example, that come from Saudi Arabia that are polluting our oceans by leaking crude oil, but it's only 3 percent.

As shown by the red line, the little bitty red line, 2 percent of offshore drilling rigs cause 2 percent of that oil pollution.

Let's do it again, Madam Speaker, to make sure it takes.

As shown by the blue line, the number 1 polluter of our oceans and off our coasts is Mother Nature. Sixty-three percent of that pollution seeps from the bottom of the Gulf of Mexico to our shores. Mother Nature is the number 1 villain.

The number 2 culprit, as shown by the green line, is recreational boating. It causes 32 percent of that oil pollution off our shores.

The number 3 culprit, as shown by the appropriate yellow line, are rigs or, rather, tankers from other nations such as Saudi Arabia, causing 3 percent of the pollution.

Lastly, the number 4 culprit of 2 percent, as shown by the little bitty red line, are those nasty offshore drilling rigs.

So, Madam Speaker, maybe it's time we look at the facts and realize that the lesson for today is we should not be punishing America by refusing to drill offshore. Maybe we should drill offshore because we can do so safely and because it has been proven in the past that we can drill safely. There is only a small portion off the U.S. coasts where leasing is allowed, but we know there is crude oil off the east coast, off the sacred west coast and even in other areas of the Gulf of Mexico, so maybe we should drill there as one solution to the problem of high gasoline prices. We need more supply, and this is one way to do it.

And that's just the way it is.

THE PRESIDENT'S CALL TO LIFT THE BAN ON OFFSHORE OIL DRILLING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, we've just been treated to a lecture to a third grade class about what pollution we ought to worry about. Apparently, my colleague from Texas doesn't understand that the problem is that, when you burn oil, you pollute the atmosphere, and that's where the real problem is and why finding more oil is not the answer to the world's problems.

The American people have had a few days to consider the President's call to lift the ban on offshore oil drilling. The New York Times calls it "The Big Pander to Big Oil," saying, "This is worse than a dumb idea. It is cruelly misleading. It will make only a modest difference, at best, to prices at the pump, and even then, the benefits will be years away."

The Los Angeles Times was even blunter in its characterization of this proposal by our President. It said, "It's nonsense for them to use the run-up in gas prices as an excuse to advocate offshore drilling." Continuing, "What's really needed, though, is a moratorium on worthless suggestions from politicians for lowering gas prices."

The Seattle Post-Intelligencer's editorial, up north from Los Angeles, said, "Offshore drilling: This well is dry." They said, "But drilling/plundering our coasts for about 19 billion barrels of oil—that's really all that's available—is akin to placing a Band-Aid on the hemorrhaging wound that is our oil-dependent, wasteful lifestyle."

The Seattle Times called it Bush's last gasp on oil, and their editorial said, "Longing for a higher mileage vehicle in the face of gasoline at $4.30 a gallon? The President's response has been ANWR, not CAFE. (Corporate Average Fuel Economy)—drilling in a wildlife refuge, not fuel efficiency."

There's a pattern here from coast to coast. The American people are tired of rhetoric that fails to meet the reality test. The oil industry already has access to 68 million acres of Federal oil reserves, but they are only pumping out press releases. The President already has access to mountains of data on the urgent need to dramatically change our energy policy to focus on renewable resources, conservation and efficiency. Instead, the President gives us political expediency that will not fill a gas tank, that will not lower gas prices and that will not help our addiction to oil.

For the first time, Congress will have to go it alone to shape energy policy for the 21st century. NANCY PELOSI, our Speaker, has shown that the people's House is up to the task. This week, the House will consider several bills from Democratic leadership that builds upon our existing record for bold, new energy legislation. We are going to take up legislation that holds oil companies accountable, but the fact is we may not get it all done, and we may have to wait for a new President. As long as the oil dynasty occupies 1600 Pennsylvania Avenue, we're not going to get any serious changes in this country.

So hang onto your hats, folks. You're going to have a lot of trouble with oil prices and with gas prices over the next few months.

BATTLING OIL AND GAS POWER PLAYS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. OLVER) for 5 minutes.

Mr. OLVER. Madam Speaker, we are witnessing the mother of all oil and gas power plays in this country. Big Oil and their allies are desperately trying to open every possible site for oil drilling before the Texas oil men, Bush and CHENEY, leave the White House in January.

Under the Bush-Cheney-McCain plan, were it to become law, every acre of the Outer Continental Shelf, 50 to 200 miles offshore, and all of our coastline would be open to leasing and drilling. You can bet your home that the most promising areas for oil production would be fully leased at the foolish, long-term, low-price policy now in effect, but that's all. There's no certainty that the newly leased areas would be producing a drop of oil 10 years out. Big Oil could simply bank their cheap long-term leases until the price of oil reaches $200 or even $500 per barrel. And we, the Congress and country, would be over the barrel. That, after all, has been the history.

The claim has been made that opening the Outer Continental Shelf would unlock 86 billion barrels of known estimated reserves. Eighty-six billion barrels, by the way, would provide a dozen years of America's oil without using any foreign oil at all, but our Minerals Management Service estimates that 80 percent of those reserves lie in areas already open for leasing and for drilling. So the big oil companies have already leased large areas that have the greatest potential for high production, and yet they're producing on less than one quarter of the already leased acreage. Ironically, that may be the best policy for the U.S. because America's problem is huge.

Our less than 5 percent of the planet's population consumes almost 25 percent of the oil produced in the world. We are so dependent on oil that we have limited leverage to reduce demand, but we have only 3 percent of the known oil reserves on the planet, and therefore, have very little leverage to increase the supply. Because exploration has been more thorough and extensive on our land and in our sovereign waters, the oil yet to be discovered on this planet lies not just predominantly but overwhelmingly beyond U.S. sovereignty.

The Bush-McCain solution is doomed to failure because, first, opening more land and waters to leasing will not necessarily lead to production. Second, even if it did, the production under the best circumstances of shallow waters and of easy drilling and infrastructure in place would take 5 and, more typically, 10 years to produce. Third, if we were foolish enough to pursue that policy, we would use all of our oil, economically recoverable, in about 20 years and would be totally at the mercy of unfriendly oil producers.

For America, the only certain solution to the high price of gasoline is to reduce the consumption of gasoline. Many of the big ways to do that require time to achieve, things like developing and switching to renewable energy, the research and development of fuel cell vehicles, living closer to work, building more extensive public transportation systems, replacing the whole vehicle fleet—both cars and trucks—with high fuel efficiency vehicles.

There are immediate ways we can cut the speculation now. We can drive slower. We can drive less. We can carpool. We can use public transportation when it's possible. We can develop "work from home" wherever and whenever that's feasible as an option, and we need to start doing all of those immediate ways immediately.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 48 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of infinite patience and mercy, at times a Member of this Chamber may feel as a "voice crying in the wilderness." Representative of so many Americans, personal opinion often seems not to be heard in such a noisy and busy Nation such as ours. So, Lord, grant perseverance and consistency to Your servants who work in government day after day.

When their words seem to fall on desert land, help them to create a pool of conviction with others that the united effort may soon be recognized. When their efforts seem to be blown away by media winds or opinion polls, enable them to go deeper into where their convictions are rooted and affirm the life there.

In the depths where You breathe forth Your spirit, let them hear the echo of Your revelation and give You thanks and praise now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, the American people are looking to Washington for help in reducing prices at the pump. They don't really have a lot of interest in pointing fingers; they just want us to act in a bipartisan fashion to bring these record prices down. But of course that hasn't stopped the oil company executives from pointing fingers, and of course that is what they do. That is all they can do. Anything but let the American people see where the real fault is, with the oil companies.

Last month, nonetheless, Congress acted in a strong bipartisan fashion to pressure the administration to temporarily suspend the filling of the Strategic Petroleum Reserve which experts agree will help drive down gasoline prices. This bipartisan House also overrode the Presidential veto on the new farm bill that makes an historic commitment to more affordable homegrown American biofuel and increased the oversight of commodity futures in order to detect and prevent market manipulation of energy prices.

Mr. Speaker, as this House prepares to debate more energy legislation this week, I hope we can work together to provide some relief at the pump.

ENERGY DEBATE IS NATIONAL SECURITY DEBATE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, our energy policy is tied to our national security. When America is increasingly reliant on foreign sources of energy, we are increasingly influenced by foreign governments who may be hostile to our interests.

Too many Democrats in Congress believe the debate over energy independence is simply about the price at the pump. Some want to try to lower the price by socializing the oil industry or taxing American energy resources, neither of which will lower the price. Meanwhile, House Democrats refuse to expand exploration for American oil and natural gas. They fail to acknowledge that until we find affordable, reliable fuel sources to replace oil, our Nation will be reliant on this form of foreign energy.

When we invest in American resources, we not only add more supply to the market that has seen increased demand, we invest in our national security by ensuring more of our oil and natural resources come from right here at home.

In conclusion, God bless our troops, and we will never forget September 11th.

HOLD THIS ADMINISTRATION ACCOUNTABLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. When the leadership of this House said back in October of 2006 that impeachment is off the table, what they did is they set the stage for the administration ignoring the subpoenas of the Congress for information. Once the administration understood that they did not have to comply with the law and that Congress essentially took away the one power that Congress has to compel the administration to respect Congress as a coequal branch of government, once that was taken away, the administration basically just decided it wasn't going to appear in front of Congress to answer questions, they wouldn't produce documents or papers that were relevant to congressional investigations.

Congress is a coequal branch of government. It is urgent that we reestablish our coequality, that we create conditions of a check and balance of administrative abuse of power. This isn't a Republican matter, it is not a Democratic matter, it is a matter for our country. We need to have the Congress be strong. We need to hold this administration accountable.

PUBLIC FEELS REPORTERS ARE BIASED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a new survey has found that 68 percent of all voters believe that reporters try to help their favorite candidate win elections. Just 17 percent believe that reporters offer unbiased coverage of election campaigns. And by more than a 3-1 margin, voters believe the media is behind Senator BARACK OBAMA rather than Senator JOHN MCCAIN.

The survey also found that 76 percent of voters believe the media have too much power and too much influence over elections. And skepticism about the media cuts across income, racial, gender, and age demographics.

Americans are right to be skeptical, and should brace themselves for the most one-sided coverage of a Presidential race that we have ever seen. We need to encourage the media to adhere to the highest standards of their profession. Only then can we restore Americans' faith in news reporting.

ENERGY FACTS VERSUS ENERGY FICTION

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, this morning I inaugurate energy facts versus energy fiction. Today's fact:

In the spring of 2001, Vice President CHENEY met with oil industry executives to develop a national energy policy. Then, before their policy was enacted the average price of a barrel of oil was about $23. This morning, the price of a barrel of oil is almost $138. The policy did not work.

Then, before their policy was enacted, the average price of a gallon of gas was about $1.46. This morning, at the Commack Mobil station in my district, the price of a gallon of regular gas is almost $4.29, almost tripled. The policy did not work.

I am not saying that anybody is committing wrongdoing. I am just saying that people have pursued policies that have not worked.

Today we will try again to get to the President's desk Congressman BART STUPAK's anti-price gouging bill. Today we present another solution, a different idea, a better way to bring down gas prices. I urge my colleagues to support it on a bipartisan basis, I urge the other body to support it, get it to the President's desk, and let's start protecting pocketbooks rather than oil company profits.

GUANTANAMO HISTORY LESSON

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in light of last week's Supreme Court decision giving enemy terrorist detainees at Guantanamo habeas corpus rights, I thought I would offer a brief history lesson as described by my friend Gary Bauer.

On June 13, 1942, four armed German spies came ashore on the beaches of Long Island, New York. Four days later, four more spies came ashore at Jacksonville, Florida. All were sent to sabotage American defense sites. All eight were quickly captured, tried by military tribunal, not civilian courts. Less than a month later, their cases began, and by August 4, all were convicted.

Sixty-six years later, almost to the day, the U.S. Supreme Court in a 5-4 decision declared that foreign terrorists captured on foreign soil possess more rights under our Constitution than those Nazi spies sent here to ambush our domestic defenses.

I believe history will no doubt judge that this flawed Supreme Court decision has left the United States less safe as a result.

RECORD HIGH GAS PRICES AT THE PUMP

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, over the last couple months, House Democrats have been working with real solutions to lower pump prices for the American people, smart legislation that invests in renewable energy and temporarily halted the sending of oil to the Strategic Petroleum Oil Reserve.

This week, we will continue with real solutions to give relief to people across this country. We will consider legislation today to prevent price gouging by unscrupulous companies. Later in the week, we plan to take up a bill that will tighten the Enron loophole that allows speculators in the dark markets in places like Dubai to drive up oil prices without having any oversight. Rampant speculation is estimated by most economists to be driving up oil $30 a barrel.

And on Thursday, the House will consider legislation that tells Big Oil to either use it or lose it. This bill would bar oil companies from this fictionist red herring of saying they need more land. They have 68 million acres of the public land that they are choosing not to drill on even though oil is under it. These bills deserve and need to have bipartisan support to truly help the American people.

NO MORE EXCUSES

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I stand to talk to the American people today. The American people are hurting. Young families are hurting, senior adults are hurting, those that are on fixed incomes are hurting, small businesses are hurting, all because we don't have an energy policy that actually includes energy. Let me tell you about one such person.

Over the weekend I met with a young family. The gentleman's name was Vern Long from Jefferson City, Tennessee. Vern told me he makes $8 an hour. He has to drive to work to Knoxville, Tennessee. It costs him $90 a week to drive to work. Vern told me that he may not be able to continue working; he may have to go on welfare, because we don't have an energy policy that has American energy.

This has to stop. It is time for no more excuses. Vern doesn't want to go on welfare. Vern is a United States veteran. He spent time in Iraq. We owe people like Vern Long a better future for he and his family. We need an energy policy that uses American energy now.

No more excuses. It is time for us to pass a policy where we drill for American oil, natural gas, and use clean coal technology. The time is now. No more excuses.

BIG OIL DOES NOT NEED MORE LAND TO LEASE TO DRILL DOMESTICALLY—THEY SHOULD USE IT OR LOSE IT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, American families and businesses are indeed reeling from record gas prices, the results of 7 years of missed opportunities and a 19th century energy policy this White House has allowed oil companies to write. President Bush's policy is only working for one group, the oil companies themselves.

Rather than looking for new solutions, Washington Republicans say that Big Oil needs access to more land and more water so they can drill for more oil. What my friends across the aisle refuse to acknowledge is that 68 million acres of oil reserves on 10,000 separate leases are already acquired by the oil companies for development and are ready for the drill bit to go into the ground. Permitting has been finished, and the oil companies are holding off.

Why are they holding off drilling on these 68 million acres of reserves? If they are really interested in drilling more at home, let's have them do that first before we give them access to the Alaskan Wildlife Refuge or our Atlantic and Pacific coasts. All they need to do is drill is on these 68 million acres they have already acquired. If they don't, I believe they should use it or lose it.

□ 1015

HIGH GAS PRICES ROUND II

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to drive home the fact that the U.S. needs an energy policy now.

In my home State of Alabama, gas prices have risen over 10 cents a gallon in the last 2 weeks. This just can't continue. Not only does this affect how much folks can afford to drive, but it also raises the prices on everyday necessities like food and clothing. Congress needs to act now.

Increased domestic energy exploration is part of the solution, but Congress also must invest heavily in homegrown biofuels and bioenergy.

Imagine pulling up to the service stations of the future, and you can see all sorts of fuels—hydrogen, natural gas, ethanol, and biodiesel. But we won't get there without strong support from Congress now. The same holds true for initiatives like solar and wind power. No one fuel will power our future, but we all know that Congress must do whatever it takes to help get us there now.

So let's act now to make our country energy independent. Let's pass a bill to open ANWR and the Outer Continental Shelf, and let's invest heavily in alternative fuels and new technology to increase efficiency and conservation.

TROOPS AND VETERANS FIRST IN GI BILL

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, last weekend marked the 64th anniversary of the signing of the original GI bill by President Franklin Roosevelt, which honored the service and sacrifice of our World War II veterans and launched millions of families on a course to prosperity.

Last week, this House supported a new GI bill for the 21st century that will provide the same hopes and dreams to our troops fighting in Iraq and Afghanistan.

This bill is long overdue because the current GI bill fails to cover the full cost of a public education. The new GI bill restores the promise of a full 4-year college scholarship for veterans, and at a time when many of our troops are in the midst of multiple redeployments, we must keep our commitment to provide them the very best educational opportunities when their service is completed.

This bill is a promise to our veterans today and tomorrow that their service to this country will continue to be honored.

MOTHER NATURE IS NUMBER ONE OIL POLLUTER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the number one polluter of oil off our coast is Mother Nature. Crude oil seeps to the surface, and Mother Nature causes 62 percent of the crude oil pollution off our coast.

So the way we resolve this problem and get even with Mother Nature is we ought to drill where Mother Nature has that oil, take it out from the bottom of the Gulf of Mexico, and use it to take care of America.

But there is a problem with that. We don't drill anywhere except off my native Texas coast, off Louisiana, Mississippi, and part of Alabama. The rest of this, where it is red on this chart, is prohibited.

It is time for Congress to take the handcuffs off of this inaction and allow leasing off these shores.

Now they say that the oil companies have enough leases; why don't they drill there. The problem is when they drill there, they get a dry hole. And common sense says when they get a dry hole, they quit drilling even though they must continue to pay for those leases.

So it is time to let America take care of America. It is time to let our oil go and take care of ourselves, otherwise this red area that we see here will remain off-limits, and it should be drilled for the crude oil to take care of our country.

And that's just the way it is.

NO ROOM FOR RECKLESS TALK

(Ms. HARMAN asked and was given permission to address the House for 1 minute.)

Ms. HARMAN. Mr. Speaker, I have often said that the terrorists won't check our party registration before they blow us up. Security has been my focus since coming to Congress seven terms ago. I have served on almost every security committee here, including 8 years on the Intelligence Committee.

Our security policy must not be partisan, and that is why last week's compromise on FISA was so meaningful. And that is why Charlie Black's comments in an upcoming Fortune magazine interview that another terrorist attack on U.S. soil "certainly would be a big advantage" to his candidate and that the Bhutto assassination "helped us" were so outrageous.

Yes, he and Senator McCAIN have apologized; and they should have. Another attack here or the assassination of a democratic political party leader anywhere harms all of us.

Seven years after 9/11, Osama bin Laden is still at large. The Taliban is resurgent in Afghanistan, and young kids still want to be suicide bombers. These are tough challenges, and there is no room for reckless talk.

OIL EVERYWHERE, NOT A DROP TO DRILL

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there is an old saying that goes: Water, water everywhere, but not a drop to drink.

Well, what we have in the United States is oil, oil everywhere, and not a drop to drill. That is the slogan of the Congress led by our friends on the other side of the aisle.

If you look at this map, you will see we have made off-limits some of the most potentially productive oil reserves and natural gas reserves not only in this country but in the world. It makes no sense whatsoever.

This week, instead of us addressing the problem this way, our friends on the other side of the aisle are going to bring us sue, sue, sue laws. That is, we are going to not drill our way out of this problem, we are going to sue our way out of the problem. The American people understand that's not the way to get us going.

Let's use American ingenuity, American creativity and technology to safely drill off our shores here in the United States so that we can become energy independent.

As we are coming up close to July 4, let's strike a blow for independence. Let's do something meaningful.

LEFT OVER THE BARREL

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, the cornerstone of the Bush-McCain plan to lower gas prices is to open every acre of the Outer Continental Shelf between 50 and 200 miles offshore to oil leasing, drilling and production. That plan is a surefire failure.

You can bet your house and your children's college education as well that the most promising areas would be leased for long terms at bargain prices, but there is no guarantee that those new leases would be producing a drop of oil even 10 years from now. That's been the history.

The Minerals Management Service estimates 66 billion barrels of oil are recoverable on already-leasable areas of the continental shelf. Sixty-six billion barrels equals 10 years of America's need without any foreign oil at all. Yet less than a quarter of the area actually leased is in production. The oil companies are simply banking their cheap, long-term leases for future higher prices and profits. And we, the Congress and the country, will really be left over the barrel.

EXPLORE AVAILABLE ENERGY RESOURCES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute.)

Mr. SHIMKUS. Mr. Speaker, let's talk about being put over a barrel of oil. In 2001, a barrel cost $23. When this majority came in, it was at $58, and now it is over $136. The trend line is bad.

I don't understand why we want to limit our ability to explore all the available energy resources. Why not go after the leases we have. Why not open new leases. Why not go in the Arctic National Wildlife Refuge. Here is the OCS, off-limits by our mandate. We did it. The Congress said we can't go on the west coast. The Congress said we can't go on the east coast, and the Congress said we can't go on the east gulf. That is foolish at today's prices.

Let's use America's natural resource of coal. In Illinois alone, we have as much Btu as Saudi Arabia has in oil. Let's encourage coal-to-liquid technologies. Let's use solar and wind, and all of the above energy sources, manmade energy resources with American energy and U.S. jobs.

TITLE IX IS SLAM DUNK

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, a player dunked in a Sunday night basketball game. Most

Americans might not think that's news, but when you tell them the player was the WNBA's Candace Parker, only the second woman to dunk in WNBA history, you get a different reaction.

Parker's slam dunk is just one more sign that title IX is a slam dunk. At its core, title IX is a one-sentence law that bans sex discrimination in Federally funded education programs. Title IX tore down the quotas in law and medical schools that would often limit the enrollment of women to 15 per year.

Today, more women than men are attending college. And in law schools, women are now the majority. In 1970, only one out of 27 high school girls played varsity sports. Today that figure is two in five, and these girls are reaping the benefits that come from sports: lower rates of substance abuse, unintended pregnancies, breast cancer, and osteoporosis.

Title IX has made it possible for women to pursue any career they want. I am excited to see what today's girls and young women will do with the opportunities title IX will provide for their futures.

CONGRESS NEEDS TO STOP LIMITING OPTIONS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, today the average price of gas in the Ninth Congressional District of Pennsylvania is over $4 a gallon. It has had a dramatic impact on families and small businesses across my district and across Pennsylvania.

The American people know that drilling isn't the only answer, which my colleagues on the other side of the aisle continue to say, but they do know it is a huge part of the solution. They also know that it will have the greatest impact in the shortest period of time. It is a real solution.

The American people also know that we can explore and drill in places like ANWR and off the coast of the United States. We can do it in environmentally safe ways and extract tremendous amounts of energy in those parts of the world.

The American people also know that this Congress has done nothing, has done nothing to solve the problem at the pump, has done nothing to help this economy with solving our oil and energy crisis that we face today. This Congress needs to act. We need to stop talking and limiting our options available to us. The American people are crying out for us to solve their problem and help them and help this economy grow.

BIG OIL: USE IT OR LOSE IT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the American people are looking for real energy solutions that will bring down prices at the pump. Unfortunately, all they are getting from Washington Republicans are more of the same old policies that are actually responsible for the high gas prices in the first time.

The Republican solution is to open up more of our pristine land and our ocean to oil drilling. They neglect to say that Big Oil already has leases for 68 million acres that, for whatever reason, Big Oil refuses to explore. Experts estimate that these 68 million acres of leased land could produce about 4.8 million barrels of oil which would nearly double our Nation's total production.

Why should we give Big Oil access to more of our land and water when they refuse to drill on 68 million acres they already have? And if drilling is indeed the answer to high gas prices, as my Republican friends always claim, why aren't they demanding that Big Oil start drilling on these lands?

Mr. Speaker, this week House Republicans will have an opportunity to act on their rhetoric by supporting Democratic legislation that tells Big Oil to either use it or lose it.

PROPERTY OWNERS AT RISK

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, yesterday was the third anniversary of the Supreme Court's 2005 decision in the Kelo v. City of New London case.

In that decision, a divided Supreme Court ruled that the government may take people's homes and bulldoze them to make way for strip malls or other private development in order to increase tax revenue.

The negative effects of this far-reaching decision places all private property owners at risk. No property owner is safe if the government decides that their land would serve a better purpose and be an economic gain if something bigger and more taxable were in its place.

To combat these unjust property takings, I introduced H.R. 6219 to protect the rights of the private property owners. With this bill, all Americans now have the tools they need to fight unjust property takings and defend their homes and small businesses.

The government has overstepped its bounds in taking private property from people. It has also done the wrong thing in not allowing us to drill for oil and gas in America. It is very important that we get it in our own backyard. A lot of people on the Democratic side talk about alternative energy sources, and that is good. And we as Republicans believe in that. But also, we believe we need to get energy right here in our own backyard as well as we need to develop these technologies.

□ 1030

HONORING THE LAKE HIGHLANDS EXCHANGE CLUB AND LAKE HIGHLANDS MILITARY MOMS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, today I recognize the Lake Highlands Exchange Club and Rhonda Russell, founder of the Lake Highlands Military Moms. Rhonda formed Military Moms so that mothers could meet once a month to exchange stories, updates, and photographs of their children serving our Nation in uniform overseas.

Recently, these two groups joined together to ensure that our servicemen and women received the local recognition they deserved for their heroic efforts. For example, they created posters for display throughout the Lake Highlands Community featuring photographs of 54 men and women serving our Nation in uniform. Additionally, they ensure that every returning servicemember is publicly honored at the Exchange Club meetings.

Mr. Speaker, on behalf of the Fifth District of Texas, I'm honored to be able to recognize the Lake Highlands Exchange Club and Lake Highlands Military Moms for their continued efforts in honoring our heroes in uniform.

WHAT IS CONGRESS DOING TO LOWER GAS PRICES?

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, my constituents, almost every single one, want to know what Congress is doing to lower the gas prices. Here is part of a letter from Matthew, a Boy Scout, from Winston-Salem, North Carolina: The problem I'm talking about how the gas prices are so high. If gas prices keep going up, we won't be able to go on vacation, we won't be able to go to the grocery store, we won't be able to go to church.

This is completely unacceptable for my constituents and also unacceptable for the constituents represented by my friends on the other side of the aisle. Unfortunately, it's because of the out-of-touch Democrat leadership that Congress has done nothing to combat record gas prices. Democrats pledged to deliver low gas prices well before they even took control of Congress promising a "commonsense" plan to lower gas prices. And here we are with national gas prices at $4 a gallon.

While Democrats only offer more of the same—broken promises in tax increases—House Republicans are committed to pursuing solutions that will help alleviate the pain at the pump and grow the American economy.

MOTION TO ADJOURN

Mr. SULLIVAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SULLIVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 87, nays 299, not voting 48, as follows:

[Roll No. 441]

YEAS—87

Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (PA)
Braley (IA)
Broun (GA)
Camp (MI)
Campbell (CA)
Cantor
Carter
Coble
Conyers
Crenshaw
Cubin
Davis, Tom
Doolittle
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gordon
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Keller
King (IA)
LaHood
Lamborn
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Petri
Pickering
Pitts
Rehberg
Reichert
Renzi
Rogers (AL)
Roskam
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sullivan
Upton
Walden (OR)
Westmoreland
Whitfield (KY)
Wilson (SC)

NAYS—299

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—48

Abercrombie
Boswell
Burgess
Burton (IN)
Cannon
Cardoza
Costa
Davis (IL)
Delahunt
Engel
Eshoo
Gillibrand
Gohmert
Hastings (FL)
Herseth Sandlin
Jefferson
Johnson (IL)
Johnson, Sam
Larsen (WA)
Mahoney (FL)
McCrery
McNulty
Melancon
Mollohan
Nunes
Pascrell
Payne
Pence
Peterson (PA)
Pryce (OH)
Radanovich
Reyes
Reynolds
Ross
Rush
Saxton
Shea-Porter
Slaughter
Souder
Sutton
Tancredo
Thompson (MS)
Turner
Udall (CO)
Waxman
Weiner
Welch (VT)
Young (AK)

□ 1058

Messrs. WITTMAN of Virginia, RAMSTAD, DAVID DAVIS of Tennessee, SESTAK, MICA, PERLMUTTER, SCOTT of Georgia, AL GREEN of Texas, HINOJOSA, ELLISON, GRIJALVA, CLAY, SHERMAN, McNERNEY, HOLT, COHEN, ISRAEL, OBEY, Ms. JACKSON-LEE of Texas, Ms. SPEIER, Ms. SCHAKOWSKY and Mrs. CAPPS changed their vote from "yea" to "nay."

Messrs. UPTON, PICKERING and WESTMORELAND and Mrs. McMORRIS RODGERS changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Madam Speaker, due to inclement weather and aviation delays some 86 Members, including myself, were unable to be on the House Floor for rollcall votes.

Had I been present I would have voted "yea" on rollcall vote 438—Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; "yea" on rollcall vote 439—Supporting the goals and ideals of Black Music Month; "yea" on rollcall vote 440—Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States; and "nay" on rollcall vote 441—a Motion to Adjourn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6331

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Improvements for Patients and Providers Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Subtitle A—Beneficiary Improvements

PART I—PREVENTION, MENTAL HEALTH, AND MARKETING

Sec. 101. Improvements to coverage of preventive services.

Sec. 102. Elimination of discriminatory copayment rates for Medicare outpatient psychiatric services.

Sec. 103. Prohibitions and limitations on certain sales and marketing activities under Medicare Advantage plans and prescription drug plans.
Sec. 104. Improvements to the Medigap program.

PART II—LOW-INCOME PROGRAMS

Sec. 111. Extension of qualifying individual (QI) program.
Sec. 112. Application of full LIS subsidy assets test under Medicare Savings Program.
Sec. 113. Eliminating barriers to enrollment.
Sec. 114. Elimination of Medicare part D late enrollment penalties paid by subsidy eligible individuals.
Sec. 115. Eliminating application of estate recovery.
Sec. 116. Exemptions from income and resources for determination of eligibility for low-income subsidy.
Sec. 117. Judicial review of decisions of the Commissioner of Social Security under the Medicare part D low-income subsidy program.
Sec. 118. Translation of model form.
Sec. 119. Medicare enrollment assistance.

Subtitle B—Provisions Relating to Part A

Sec. 121. Expansion and extension of the Medicare Rural Hospital Flexibility Program.
Sec. 122. Rebasing for sole community hospitals.
Sec. 123. Demonstration project on community health integration models in certain rural counties.
Sec. 124. Extension of the reclassification of certain hospitals.
Sec. 125. Revocation of unique deeming authority of the Joint Commission.

Subtitle C—Provisions Relating to Part B

PART I—PHYSICIANS' SERVICES

Sec. 131. Physician payment, efficiency, and quality improvements.
Sec. 132. Incentives for electronic prescribing.
Sec. 133. Expanding access to primary care services.
Sec. 134. Extension of floor on Medicare work geographic adjustment under the Medicare physician fee schedule.
Sec. 135. Imaging provisions.
Sec. 136. Extension of treatment of certain physician pathology services under Medicare.
Sec. 137. Accommodation of physicians ordered to active duty in the Armed Services.
Sec. 138. Adjustment for Medicare mental health services.
Sec. 139. Improvements for Medicare anesthesia teaching programs.

PART II—OTHER PAYMENT AND COVERAGE IMPROVEMENTS

Sec. 141. Extension of exceptions process for Medicare therapy caps.
Sec. 142. Extension of payment rule for brachytherapy and therapeutic radiopharmaceuticals.
Sec. 143. Speech-language pathology services.
Sec. 144. Payment and coverage improvements for patients with chronic obstructive pulmonary disease and other conditions.
Sec. 145. Clinical laboratory tests.
Sec. 146. Improved access to ambulance services.
Sec. 147. Extension and expansion of the Medicare hold harmless provision under the prospective payment system for hospital outpatient department (HOPD) services for certain hospitals.
Sec. 148. Clarification of payment for clinical laboratory tests furnished by critical access hospitals.
Sec. 149. Adding certain entities as originating sites for payment of telehealth services.
Sec. 150. MedPAC study and report on improving chronic care demonstration programs.
Sec. 151. Increase of FQHC payment limits.
Sec. 152. Kidney disease education and awareness provisions.
Sec. 153. Renal dialysis provisions.
Sec. 154. Delay in and reform of Medicare DMEPOS competitive acquisition program.

Subtitle D—Provisions Relating to Part C

Sec. 161. Phase-out of indirect medical education (IME).
Sec. 162. Revisions to requirements for Medicare Advantage private fee-for-service plans.
Sec. 163. Revisions to quality improvement programs.
Sec. 164. Revisions relating to specialized Medicare Advantage plans for special needs individuals.
Sec. 165. Limitation on out-of-pocket costs for dual eligibles and qualified medicare beneficiaries enrolled in a specialized Medicare Advantage plan for special needs individuals.
Sec. 166. Adjustment to the Medicare Advantage stabilization fund.
Sec. 167. Access to Medicare reasonable cost contract plans.
Sec. 168. MedPAC study and report on quality measures.
Sec. 169. MedPAC study and report on Medicare Advantage payments.

Subtitle E—Provisions Relating to Part D

PART I—IMPROVING PHARMACY ACCESS

Sec. 171. Prompt payment by prescription drug plans and MA-PD plans under part D.
Sec. 172. Submission of claims by pharmacies located in or contracting with long-term care facilities.
Sec. 173. Regular update of prescription drug pricing standard.

PART II—OTHER PROVISIONS

Sec. 175. Inclusion of barbiturates and benzodiazepines as covered part D drugs.
Sec. 176. Formulary requirements with respect to certain categories or classes of drugs.

Subtitle F—Other Provisions

Sec. 181. Use of part D data.
Sec. 182. Revision of definition of medically accepted indication for drugs.
Sec. 183. Contract with a consensus-based entity regarding performance measurement.
Sec. 184. Cost-sharing for clinical trials.
Sec. 185. Addressing health care disparities.
Sec. 186. Demonstration to improve care to previously uninsured.
Sec. 187. Office of the Inspector General report on compliance with and enforcement of national standards on culturally and linguistically appropriate services (CLAS) in Medicare.
Sec. 188. Medicare Improvement Funding.
Sec. 189. Inclusion of Medicare providers and suppliers in Federal Payment Levy and Administrative Offset Program.

TITLE II—MEDICAID

Sec. 201. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 202. Medicaid DSH extension.
Sec. 203. Pharmacy reimbursement under Medicaid.
Sec. 204. Review of administrative claim determinations.
Sec. 205. County medicaid health insuring organizations.

TITLE III—MISCELLANEOUS

Sec. 301. Extension of TANF supplemental grants.
Sec. 302. 70 percent federal matching for foster care and adoption assistance for the District of Columbia.
Sec. 303. Extension of Special Diabetes Grant Programs.
Sec. 304. IOM reports on best practices for conducting systematic reviews of clinical effectiveness research and for developing clinical protocols.

TITLE I—MEDICARE

Subtitle A—Beneficiary Improvements

PART I—PREVENTION, MENTAL HEALTH, AND MARKETING

SEC. 101. IMPROVEMENTS TO COVERAGE OF PREVENTIVE SERVICES.

(a) COVERAGE OF ADDITIONAL PREVENTIVE SERVICES.—

(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (Z), by striking "and" after the semicolon at the end;

(ii) in subparagraph (AA), by adding "and" after the semicolon at the end; and

(iii) by adding at the end the following new subparagraph:

"(BB) additional preventive services (described in subsection (ddd)(1));"; and

(B) by adding at the end the following new subsection:

"Additional Preventive Services

"(ddd)(1) The term 'additional preventive services' means services not otherwise described in this title that identify medical conditions or risk factors and that the Secretary determines are—

"(A) reasonable and necessary for the prevention or early detection of an illness or disability;

"(B) recommended with a grade of A or B by the United States Preventive Services Task Force; and

"(C) appropriate for individuals entitled to benefits under part A or enrolled under part B.

"(2) In making determinations under paragraph (1) regarding the coverage of a new service, the Secretary shall use the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under this title. As part of the use of such process, the Secretary may conduct an assessment of the relation between predicted outcomes and the expenditures for such service and may take into account the results of such assessment in making such determination.".

(2) PAYMENT AND COINSURANCE FOR ADDITIONAL PREVENTIVE SERVICES.—Section

1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and" before "(V)"; and

(B) by inserting before the semicolon at the end the following: ", and (W) with respect to additional preventive services (as defined in section 1861(ddd)(1)), the amount paid shall be (i) in the case of such services which are clinical diagnostic laboratory tests, the amount determined under subparagraph (D), and (ii) in the case of all other such services, 80 percent of the lesser of the actual charge for the service or the amount determined under a fee schedule established by the Secretary for purposes of this subparagraph".

(3) CONFORMING AMENDMENT REGARDING COVERAGE.—Section 1862(a)(1)(A) of the Social Security Act (42 U.S.C. 1395y(a)(1)(A)) is amended by inserting "or additional preventive services (as described in section 1861(ddd)(1))" after "succeeding subparagraph".

(4) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this subsection shall be construed to provide coverage under title XVIII of the Social Security Act of items and services for the treatment of a medical condition that is not otherwise covered under such title.

(b) REVISIONS TO INITIAL PREVENTIVE PHYSICAL EXAMINATION.—

(1) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(A) in paragraph (1)—

(i) by inserting "body mass index," after "weight";

(ii) by striking ", and an electrocardiogram"; and

(iii) by inserting "and end-of-life planning (as defined in paragraph (3)) upon the agreement with the individual" after "paragraph (2)";

(B) in paragraph (2), by adding at the end the following new subparagraphs:

"(M) An electrocardiogram.

"(N) Additional preventive services (as defined in subsection (ddd)(1))."; and

(C) by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), the term 'end-of-life planning' means verbal or written information regarding—

"(A) an individual's ability to prepare an advance directive in the case that an injury or illness causes the individual to be unable to make health care decisions; and

"(B) whether or not the physician is willing to follow the individual's wishes as expressed in an advance directive.".

(2) WAIVER OF APPLICATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking "and" before "(8)"; and

(B) by inserting ", and (9) such deductible shall not apply with respect to an initial preventive physical examination (as defined in section 1861(ww))" before the period at the end.

(3) EXTENSION OF ELIGIBILITY PERIOD FROM SIX MONTHS TO ONE YEAR.—Section 1862(a)(1)(K) of the Social Security Act (42 U.S.C. 1395y(a)(1)(K)) is amended by striking "6 months" and inserting "1 year".

(4) TECHNICAL CORRECTION.—Section 1862(a)(1)(K) of the Social Security Act (42 U.S.C. 1395y(a)(1)(K)) is amended by striking "not later" and inserting "more".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2009.

SEC. 102. ELIMINATION OF DISCRIMINATORY COPAYMENT RATES FOR MEDICARE OUTPATIENT PSYCHIATRIC SERVICES.

Section 1833(c) of the Social Security Act (42 U.S.C. 1395l(c)) is amended to read as follows:

"(c)(1) Notwithstanding any other provision of this part, with respect to expenses incurred in a calendar year in connection with the treatment of mental, psychoneurotic, and personality disorders of an individual who is not an inpatient of a hospital at the time such expenses are incurred, there shall be considered as incurred expenses for purposes of subsections (a) and (b)—

"(A) for expenses incurred in years prior to 2010, only 62½ percent of such expenses;

"(B) for expenses incurred in 2010 or 2011, only 68¾ percent of such expenses;

"(C) for expenses incurred in 2012, only 75 percent of such expenses;

"(D) for expenses incurred in 2013, only 81¼ percent of such expenses; and

"(E) for expenses incurred in 2014 or any subsequent calendar year, 100 percent of such expenses.

"(2) For purposes of subparagraphs (A) through (D) of paragraph (1), the term 'treatment' does not include brief office visits (as defined by the Secretary) for the sole purpose of monitoring or changing drug prescriptions used in the treatment of such disorders or partial hospitalization services that are not directly provided by a physician.".

SEC. 103. PROHIBITIONS AND LIMITATIONS ON CERTAIN SALES AND MARKETING ACTIVITIES UNDER MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS.

(a) PROHIBITIONS.—

(1) MEDICARE ADVANTAGE PROGRAM.—

(A) IN GENERAL.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(i) in subsection (h)(4)—

(I) in subparagraph (A)—

(aa) by striking "cash or other monetary rebates" and inserting ", subject to subsection (j)(2)(C), cash, gifts, prizes, or other monetary rebates"; and

(bb) by striking ", and" at the end and inserting a semicolon;

(II) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subparagraph:

"(C) shall not permit a Medicare Advantage organization (or the agents, brokers, and other third parties representing such organization) to conduct the prohibited activities described in subsection (j)(1); and"; and

(ii) by adding at the end the following new subsection:

"(j) PROHIBITED ACTIVITIES DESCRIBED AND LIMITATIONS ON THE CONDUCT OF CERTAIN OTHER ACTIVITIES.—

"(1) PROHIBITED ACTIVITIES DESCRIBED.—The following prohibited activities are described in this paragraph:

"(A) UNSOLICITED MEANS OF DIRECT CONTACT.—Any unsolicited means of direct contact of prospective enrollees, including soliciting door-to-door or any outbound telemarketing without the prospective enrollee initiating contact.

"(B) CROSS-SELLING.—The sale of other non-health related products (such as annuities and life insurance) during any sales or marketing activity or presentation conducted with respect to a Medicare Advantage plan.

"(C) MEALS.—The provision of meals of any sort, regardless of value, to prospective enrollees at promotional and sales activities.

"(D) SALES AND MARKETING IN HEALTH CARE SETTINGS AND AT EDUCATIONAL EVENTS.—Sales and marketing activities for the enrollment of individuals in Medicare Advantage plans that are conducted—

"(i) in health care settings in areas where health care is delivered to individuals (such as physician offices and pharmacies), except in the case where such activities are conducted in common areas in health care settings; and

"(ii) at educational events.".

(2) MEDICARE PRESCRIPTION DRUG PROGRAM.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

"(l) REQUIREMENTS WITH RESPECT TO SALES AND MARKETING ACTIVITIES.—The following provisions shall apply to a PDP sponsor (and the agents, brokers, and other third parties representing such sponsor) in the same manner as such provisions apply to a Medicare Advantage organization (and the agents, brokers, and other third parties representing such organization):

"(1) The prohibition under section 1851(h)(4)(C) on conducting activities described in section 1851(j)(1).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2009.

(b) LIMITATIONS.—

(1) MEDICARE ADVANTAGE PROGRAM.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21), as amended by subsection (a)(1), is amended—

(A) in subsection (h)(4), by adding at the end the following new subparagraph:

"(D) shall only permit a Medicare Advantage organization (and the agents, brokers, and other third parties representing such organization) to conduct the activities described in subsection (j)(2) in accordance with the limitations established under such subsection."; and

(B) in subsection (j), by adding at the end the following new paragraph:

"(2) LIMITATIONS.—The Secretary shall establish limitations with respect to at least the following:

"(A) SCOPE OF MARKETING APPOINTMENTS.—The scope of any appointment with respect to the marketing of a Medicare Advantage plan. Such limitation shall require advance agreement with a prospective enrollee on the scope of the marketing appointment and documentation of such agreement by the Medicare Advantage organization. In the case where the marketing appointment is in person, such documentation shall be in writing.

"(B) CO-BRANDING.—The use of the name or logo of a co-branded network provider on Medicare Advantage plan membership and marketing materials.

"(C) LIMITATION OF GIFTS TO NOMINAL DOLLAR VALUE.—The offering of gifts and other promotional items other than those that are of nominal value (as determined by the Secretary) to prospective enrollees at promotional activities.

"(D) COMPENSATION.—The use of compensation other than as provided under guidelines established by the Secretary. Such guidelines shall ensure that the use of compensation creates incentives for agents and brokers to enroll individuals in the Medicare Advantage plan that is intended to best meet their health care needs.

"(E) REQUIRED TRAINING, ANNUAL RETRAINING, AND TESTING OF AGENTS, BROKERS, AND

OTHER THIRD PARTIES.—The use by a Medicare Advantage organization of any individual as an agent, broker, or other third party representing the organization that has not completed an initial training and testing program and does not complete an annual retraining and testing program.".

(2) MEDICARE PRESCRIPTION DRUG PROGRAM.—Section 1860D–4(l) of the Social Security Act, as added by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(2) The requirement under section 1851(h)(4)(D) to conduct activities described in section 1851(j)(2) in accordance with the limitations established under such subsection.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on a date specified by the Secretary (but in no case later than November 15, 2008).

(c) REQUIRED INCLUSION OF PLAN TYPE IN PLAN NAME.—

(1) MEDICARE ADVANTAGE PROGRAM.—Section 1851(h) of the Social Security Act (42 U.S.C. 1395w–21(h)) is amended by adding at the end following new paragraph:

"(6) REQUIRED INCLUSION OF PLAN TYPE IN PLAN NAME.—For plan years beginning on or after January 1, 2010, a Medicare Advantage organization must ensure that the name of each Medicare Advantage plan offered by the Medicare Advantage organization includes the plan type of the plan (using standard terminology developed by the Secretary).".

(2) PRESCRIPTION DRUG PLANS.—Section 1860D-4(l) of the Social Security Act, as added by subsection (a)(2) and amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(3) The inclusion of the plan type in the plan name under section 1851(h)(6).".

(d) STRENGTHENING THE ABILITY OF STATES TO ACT IN COLLABORATION WITH THE SECRETARY TO ADDRESS FRAUDULENT OR INAPPROPRIATE MARKETING PRACTICES.—

(1) MEDICARE ADVANTAGE PROGRAM.—Section 1851(h) of the Social Security Act (42 U.S.C. 1395w–21(h), as amended by subsection (c)(1), is amended by adding at the end the following new paragraph:

"(7) STRENGTHENING THE ABILITY OF STATES TO ACT IN COLLABORATION WITH THE SECRETARY TO ADDRESS FRAUDULENT OR INAPPROPRIATE MARKETING PRACTICES.—

"(A) APPOINTMENT OF AGENTS AND BROKERS.—Each Medicare Advantage organization shall—

"(i) only use agents and brokers who have been licensed under State law to sell Medicare Advantage plans offered by the Medicare Advantage organization;

"(ii) in the case where a State has a State appointment law, abide by such law; and

"(iii) report to the applicable State the termination of any such agent or broker, including the reasons for such termination (as required under applicable State law).

"(B) COMPLIANCE WITH STATE INFORMATION REQUESTS.—Each Medicare Advantage organization shall comply in a timely manner with any request by a State for information regarding the performance of a licensed agent, broker, or other third party representing the Medicare Advantage organization as part of an investigation by the State into the conduct of the agent, broker, or other third party.".

(2) PRESCRIPTION DRUG PLANS.—Section 1860D–4(l) of the Social Security Act, as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

"(4) The requirements regarding the appointment of agents and brokers and compliance with State information requests under subparagraphs (A) and (B), respectively, of section 1851(h)(7).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2009.

SEC. 104. IMPROVEMENTS TO THE MEDIGAP PROGRAM.

(a) IMPLEMENTATION OF NAIC RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall provide for implementation of the changes in the NAIC model law and regulations approved by the National Association of Insurance Commissioners in its Model #651 ("Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act") on March 11, 2007, as modified to reflect the changes made under this Act and the Genetic Information Nondiscrimination Act of 2008 (Public Law 110–233).

(2) IMPLEMENTATION DATES.—

(A) IN GENERAL.—The modifications to Model #651 required under paragraph (1) shall be completed by the National Association of Insurance Commissioners not later than October 31, 2008. Except as provided in subparagraph (B), each State shall have 1 year from the date the National Association of Insurance Commissioners adopts the revised NAIC model law and regulations (as changed by Model #651, as so modified) to conform the regulatory program established by the State to such revised NAIC model law and regulations.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State which the Secretary determines requires State legislation in order to conform the regulatory program established by the State to such revised NAIC model law and regulations, the State shall not be regarded as failing to comply with the requirements of this section solely on the basis of its failure to meet such requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(C) TRANSITION DATES.—No carrier may issue a new or revised medicare supplemental policy or certificate under section 1882 of the Social Security Act (42 U.S.C. 1395ss) that meets the requirements of such revised NAIC model law and regulations for coverage effective prior to June 1, 2010. A carrier may continue to offer or issue a medicare supplemental policy under such section that meets the requirements of the NAIC model law and regulations and State law (as in effect prior to the adoption of such revised NAIC model law and regulations) prior to June 1, 2010. Nothing shall preclude carriers from marketing new or revised medicare supplemental policies or certificates that meet the requirements of such revised NAIC model law and regulations on or after the date on which the State conforms the regulatory program established by the State to such revised NAIC model law and regulations.

(b) REQUIRED OFFERING OF A RANGE OF POLICIES.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395s(o)), as amended by section 104(b)(3) of the Genetic Information Nondiscrimination Act of 2008 (Public Law 110–233), is amended by adding at the end the following new paragraph:

"(5) In addition to the requirement under paragraph (2), the issuer of the policy must make available to the individual at least Medicare supplemental policies with benefit packages classified as 'C' or 'F'.".

(c) CLARIFICATION.—Any health insurance policy that provides reimbursement for expenses incurred for items and services for which payment may be made under title XVIII of the Social Security Act but which are not reimbursable by reason of the applicability of deductibles, coinsurance, copayments or other limitations imposed by a Medicare Advantage plan (including a Medicare Advantage private fee-for-service plan) under part C of such title shall comply with the requirements of section 1882(o) of the such Act (42 U.S.C. 1395ss(o)).

PART II—LOW-INCOME PROGRAMS

SEC. 111. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "June 2008" and inserting "December 2009".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (H);

(B) in subparagraph (I)—

(i) by striking "June 30" and inserting "September 30";

(ii) by striking "$200,000,000" and inserting "$300,000,000"; and

(iii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(J) for the period that begins on October 1, 2008, and ends on December 31, 2008, the total allocation amount is $100,000,000;

"(K) for the period that begins on January 1, 2009, and ends on September 30, 2009, the total allocation amount is $350,000,000; and

"(L) for the period that begins on October 1, 2009, and ends on December 31, 2009, the total allocation amount is $150,000,000."; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking "or (H)" and inserting "(H), (J), or (L)".

SEC. 112. APPLICATION OF FULL LIS SUBSIDY ASSETS TEST UNDER MEDICARE SAVINGS PROGRAM.

Section 1905(p)(1)(C) of such Act (42 U.S.C. 1396d(p)(1)(C)) is amended by inserting before the period at the end the following: "or, effective beginning with January 1, 2010, whose resources (as so determined) do not exceed the maximum resource level applied for the year under subparagraph (D) of section 1860D–14(a)(3) (determined without regard to the life insurance policy exclusion provided under subparagraph (G) of such section) applicable to an individual or to the individual and the individual's spouse (as the case may be)".

SEC. 113. ELIMINATING BARRIERS TO ENROLLMENT.

(a) SSA ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—Section 1144 of such Act (42 U.S.C. 1320b–14) is amended by adding at the end the following new subsection:

"(c) ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—

"(1) DISTRIBUTION OF APPLICATIONS AND INFORMATION TO INDIVIDUALS WHO ARE POTENTIALLY ELIGIBLE FOR LOW-INCOME SUBSIDY PROGRAM.—For each individual who submits an application for low-income subsidies under section 1860D–14, requests an application for such subsidies, or is otherwise identified as an individual who is potentially eligible for such subsidies, the Commissioner shall do the following:

"(A) Provide information describing the low-income subsidy program under section 1860D–14 and the Medicare Savings Program (as defined in paragraph (7)).

"(B) Provide an application for enrollment under such low-income subsidy program (if not already received by the Commissioner).

"(C) In accordance with paragraph (3), transmit data from such an application for purposes of initiating an application for benefits under the Medicare Savings Program.

"(D) Provide information on how the individual may obtain assistance in completing such application and an application under the Medicare Savings Program, including information on how the individual may contact the State health insurance assistance program (SHIP).

"(E) Make the application described in subparagraph (B) and the information described in subparagraphs (A) and (D) available at local offices of the Social Security Administration.

"(2) TRAINING PERSONNEL IN EXPLAINING BENEFIT PROGRAMS AND ASSISTING IN COMPLETING LIS APPLICATION.—The Commissioner shall provide training to those employees of the Social Security Administration who are involved in receiving applications for benefits described in paragraph (1)(B) in order that they may promote beneficiary understanding of the low-income subsidy program and the Medicare Savings Program in order to increase participation in these programs. Such employees shall provide assistance in completing an application described in paragraph (1)(B) upon request.

"(3) TRANSMITTAL OF DATA TO STATES.—Beginning on January 1, 2010, with the consent of an individual completing an application for benefits described in paragraph (1)(B), the Commissioner shall electronically transmit to the appropriate State Medicaid agency data from such application, as determined by the Commissioner, which transmittal shall initiate an application of the individual for benefits under the Medicare Savings Program with the State Medicaid agency. In order to ensure that such data transmittal provides effective assistance for purposes of State adjudication of applications for benefits under the Medicare Savings Program, the Commissioner shall consult with the Secretary, after the Secretary has consulted with the States, regarding the content, form, frequency, and manner in which data (on a uniform basis for all States) shall be transmitted under this subparagraph.

"(4) COORDINATION WITH OUTREACH.—The Commissioner shall coordinate outreach activities under this subsection in connection with the low-income subsidy program and the Medicare Savings Program.

"(5) REIMBURSEMENT OF SOCIAL SECURITY ADMINISTRATION ADMINISTRATIVE COSTS.—

"(A) INITIAL MEDICARE SAVINGS PROGRAM COSTS; ADDITIONAL LOW-INCOME SUBSIDY COSTS.—

"(i) INITIAL MEDICARE SAVINGS PROGRAM COSTS.—There are hereby appropriated to the Commissioner to carry out this subsection, out of any funds in the Treasury not otherwise appropriated, $24,100,000. The amount appropriated under ths clause shall be available on October 1, 2008, and shall remain available until expended.

"(ii) ADDITIONAL AMOUNT FOR LOW-INCOME SUBSIDY ACTIVITIES.—There are hereby appropriated to the Commissioner, out of any funds in the Treasury not otherwise appropriated, $24,800,000 for fiscal year 2009 to carry out low-income subsidy activities under section 1860D–14 and the Medicare Savings Program (in accordance with this subsection), to remain available until expended. Such funds shall be in addition to the Social Security Administration's Limitation on Administrative Expenditure appropriations for such fiscal year.

"(B) SUBSEQUENT FUNDING UNDER AGREEMENTS.—

"(i) IN GENERAL.—Effective for fiscal years beginning on or after October 1, 2010, the Commissioner and the Secretary shall enter into an agreement which shall provide funding (subject to the amount appropriated under clause (ii)) to cover the administrative costs of the Commissioner's activities under this subsection. Such agreement shall—

"(I) provide funds to the Commissioner for the full cost of the Social Security Administration's work related to the Medicare Savings Program required under this section;

"(II) provide such funding quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary; and

"(III) require an annual accounting and reconciliation of the actual costs incurred and funds provided under this subsection.

"(ii) APPROPRIATION.—There are hereby appropriated to the Secretary solely for the purpose of providing payments to the Commissioner pursuant to an agreement specified in clause (i) that is in effect, out of any funds in the Treasury not otherwise appropriated, not more than $3,000,000 for fiscal year 2011 and each fiscal year thereafter.

"(C) LIMITATION.—In no case shall funds from the Social Security Administration's Limitation on Administrative Expenses be used to carry out activities related to the Medicare Savings Program. For fiscal years beginning on or after October 1, 2010, no such activities shall be undertaken by the Social Security Administration unless the agreement specified in subparagraph (B) is in effect and full funding has been provided to the Commissioner as specified in such subparagraph.

"(6) GAO ANALYSIS AND REPORT.—

"(A) ANALYSIS.—The Comptroller General of the United States shall prepare an analysis of the impact of this subsection—

"(i) in increasing participation in the Medicare Savings Program, and

"(ii) on States and the Social Security Administration.

"(B) REPORT.—Not later than January 1, 2012, the Comptroller General shall submit to Congress, the Commissioner, and the Secretary a report on the analysis conducted under subparagraph (A).

"(7) MEDICARE SAVINGS PROGRAM DEFINED.—For purposes of this subsection, the term 'Medicare Savings Program' means the program of medical assistance for payment of the cost of medicare cost-sharing under the Medicaid program pursuant to sections 1902(a)(10)(E) and 1933.".

(b) MEDICAID AGENCY CONSIDERATION OF DATA TRANSMITTAL.—

(1) IN GENERAL.—Section 1935(a) of such Act (42 U.S.C. 1396u–5(a)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION OF DATA TRANSMITTED BY THE SOCIAL SECURITY ADMINISTRATION FOR PURPOSES OF MEDICARE SAVINGS PROGRAM.—The State shall accept data transmitted under section 1144(c)(3) and act on such data in the same manner and in accordance with the same deadlines as if the data constituted an initiation of an application for benefits under the Medicare Savings Program (as defined for purposes of such section) that had been submitted directly by the applicant. The date of the individual's application for the low income subsidy program from which the data have been derived shall constitute the date of filing of such application for benefits under the Medicare Savings Program.".

(2) CONFORMING AMENDMENTS.—Section 1935(a) of such Act (42 U.S.C. 1396u–5(a)) is amended in the subsection heading by striking "AND" and by inserting ", AND MEDICARE COST-SHARING" after "ASSISTANCE".

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect on January 1, 2010.

SEC. 114. ELIMINATION OF MEDICARE PART D LATE ENROLLMENT PENALTIES PAID BY SUBSIDY ELIGIBLE INDIVIDUALS.

(a) WAIVER OF LATE ENROLLMENT PENALTY.—

(1) IN GENERAL.—Section 1860D–13(b) of the Social Security Act (42 U.S.C. 1395w–113(b)) is amended by adding at the end the following new paragraph:

"(8) WAIVER OF PENALTY FOR SUBSIDY-ELIGIBLE INDIVIDUALS.—In no case shall a part D eligible individual who is determined to be a subsidy eligible individual (as defined in section 1860D–14(a)(3)) be subject to an increase in the monthly beneficiary premium established under subsection (a).".

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(1)(A) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(A)) is amended by striking "equal to" and all that follows through the period and inserting "equal to 100 percent of the amount described in subsection (b)(1), but not to exceed the premium amount specified in subsection (b)(2)(B).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidies for months beginning with January 2009.

SEC. 115. ELIMINATING APPLICATION OF ESTATE RECOVERY.

(a) IN GENERAL.—Section 1917(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended by inserting "(but not including medical assistance for medicare cost-sharing or for benefits described in section 1902(a)(10)(E))" before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 1, 2010.

SEC. 116. EXEMPTIONS FROM INCOME AND RESOURCES FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)) is amended—

(1) in subparagraph (C)(i), by inserting "and except that support and maintenance furnished in kind shall not be counted as income" after "section 1902(r)(2)";

(2) in subparagraph (D), in the matter before clause (i), by inserting "subject to the life insurance policy exclusion provided under subparagraph (G)" before ")";

(3) in subparagraph (E)(i), in the matter before subclause (I), by inserting "subject to the life insurance policy exclusion provided under subparagraph (G)" before ")"; and

(4) by adding at the end the following new subparagraph:

"(G) LIFE INSURANCE POLICY EXCLUSION.—In determining the resources of an individual (and the eligible spouse of the individual, if any) under section 1613 for purposes of subparagraphs (D) and (E) no part of the value of any life insurance policy shall be taken into account.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to applications filed on or after January 1, 2010.

SEC. 117. JUDICIAL REVIEW OF DECISIONS OF THE COMMISSIONER OF SOCIAL SECURITY UNDER THE MEDICARE PART D LOW-INCOME SUBSIDY PROGRAM.

(a) IN GENERAL.—Section 1860D-14(a)(3)(B)(iv) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(B)(iv)) is amended—

(1) in subclause (I), by striking "and" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(III) judicial review of the final decision of the Commissioner made after a hearing shall be available to the same extent, and with the same limitations, as provided in subsections (g) and (h) of section 205.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SEC. 118. TRANSLATION OF MODEL FORM.

(a) IN GENERAL.—Section 1905(p)(5)(A) of the Social Security Act (42 U.S.C. 1396d(p)(5)(A)) is amended by adding at the end the following: "The Secretary shall provide for the translation of such application form into at least the 10 languages (other than English) that are most often used by individuals applying for hospital insurance benefits under section 226 or 226A and shall make the translated forms available to the States and to the Commissioner of Social Security.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2010.

SEC. 119. MEDICARE ENROLLMENT ASSISTANCE.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall use amounts made available under subparagraph (B) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $7,500,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2009, to remain available until expended.

(2) AMOUNT OF GRANTS.—The amount of a grant to a State under this subsection from the total amount made available under paragraph (1) shall be equal to the sum of the amount allocated to the State under paragraph (3)(A) and the amount allocated to the State under subparagraph (3)(B).

(3) ALLOCATION TO STATES.—

(A) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES.—The amount allocated to a State under this subparagraph from ⅔ of the total amount made available under paragraph (1) shall be based on the number of individuals who meet the requirement under subsection (a)(3)(A)(ii) of section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) but who have not enrolled to receive a subsidy under such section 1860D–14 relative to the total number of individuals who meet the requirement under such subsection (a)(3)(A)(ii) in each State, as estimated by the Secretary.

(B) ALLOCATION BASED ON PERCENTAGE OF RURAL BENEFICIARIES.—The amount allocated to a State under this subparagraph from ⅓ of the total amount made available under paragraph (1) shall be based on the number of part D eligible individuals (as defined in section 1860D–1(a)(3)(A) of such Act (42 U.S.C. 1395w–101(a)(3)(A))) residing in a rural area relative to the total number of such individuals in each State, as estimated by the Secretary.

(4) PORTION OF GRANT BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES TO BE USED TO PROVIDE OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICARE SAVINGS PROGRAM.—Each grant awarded under this subsection with respect to amounts allocated under paragraph (3)(A) shall be used to provide outreach to individuals who may be subsidy eligible individuals (as defined in section 1860D–14(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)) or eligible for the Medicare Savings Program (as defined in subsection (f)).

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Aging, shall make grants to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and Native American programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $7,500,000 to the Administration on Aging for fiscal year 2009, to remain available until expended.

(2) AMOUNT OF GRANT AND ALLOCATION TO STATES BASED ON PERCENTAGE OF LOW-INCOME AND RURAL BENEFICIARIES.—The amount of a grant to a State under this subsection from the total amount made available under paragraph (1) shall be determined in the same manner as the amount of a grant to a State under subsection (a), from the total amount made available under paragraph (1) of such subsection, is determined under paragraph (2) and subparagraphs (A) and (B) of paragraph (3) of such subsection.

(3) REQUIRED USE OF FUNDS.—

(A) ALL FUNDS.—Subject to subparagraph (B), each grant awarded under this subsection shall be used to provide outreach to eligible Medicare beneficiaries regarding the benefits available under title XVIII of the Social Security Act.

(B) OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICARE SAVINGS PROGRAM.—Subsection (a)(4) shall apply to each grant awarded under this subsection in the same manner as it applies to a grant under subsection (a).

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program that are established centers under such program on the date of the enactment of this Act.

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Administration on Aging for fiscal year 2009, to remain available until expended.

(2) REQUIRED USE OF FUNDS.—Each grant awarded under this subsection shall be used to provide outreach to individuals regarding the benefits available under the Medicare prescription drug benefit under part D of title XVIII of the Social Security Act and under the Medicare Savings Program.

(d) COORDINATION OF EFFORTS TO INFORM OLDER AMERICANS ABOUT BENEFITS AVAILABLE UNDER FEDERAL AND STATE PROGRAMS.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Aging, in cooperation with related Federal agency partners, shall make a grant to, or enter into a contract with, a qualified, experienced entity under which the entity shall—

(A) maintain and update web-based decision support tools, and integrated, person-centered systems, designed to inform older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) about the full range of benefits for which the individuals may be eligible under Federal and State programs;

(B) utilize cost-effective strategies to find older individuals with the greatest economic need (as defined in such section 102) and inform the individuals of the programs;

(C) develop and maintain an information clearinghouse on best practices and the most cost-effective methods for finding older individuals with greatest economic need and informing the individuals of the programs; and

(D) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on the most effective outreach, screening, and follow-up strategies for the Federal and State programs.

(2) FUNDING.—For purposes of making a grant or entering into a contract under paragraph (1), the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Administration on Aging for fiscal year 2009, to remain available until expended.

(e) REPROGRAMMING FUNDS FROM MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007.—The Secretary shall only use the $5,000,000 in funds allocated to make grants to States for Area Agencies on Aging and Aging Disability and Resource Centers for the period of fiscal years 2008 through 2009 under section 118 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) for the sole purpose of providing outreach to individuals regarding the benefits available under the Medicare prescription drug benefit under part D of title XVIII of the Social Security Act. The Secretary shall republish the request for proposals issued on April 17, 2008, in order to comply with the preceding sentence.

(f) Medicare Savings Program Defined.—For purposes of this section, the term "Medicare Savings Program" means the program of medical assistance for payment of the cost of medicare cost-sharing under the Medicaid program pursuant to sections 1902(a)(10)(E) and 1933 of the Social Security Act (42 U.S.C. 1396a(a)(10)(E), 1396u-3).

Subtitle B—Provisions Relating to Part A

SEC. 121. EXPANSION AND EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) In General.—Section 1820(g) of the Social Security Act (42 U.S.C. 1395i-4(g)) is amended by adding at the end the following new paragraph:

"(6) Providing mental health services and other health services to veterans and other residents of rural areas.—

"(A) Grants to states.—The Secretary may award grants to States that have submitted applications in accordance with subparagraph (B) for increasing the delivery of mental health services or other health care services deemed necessary to meet the needs of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in rural areas (as defined for purposes of section 1886(d) and including areas that are rural census tracks, as defined by the Administrator of the Health Resources and Services Administration), including for the provision of crisis intervention services and the detection of post-traumatic stress disorder, traumatic brain injury, and other signature injuries of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for referral of such veterans to medical facilities operated by the Department of Veterans Affairs, and for the delivery of such services to other residents of such rural areas.

"(B) Application.—

"(i) In general.—An application is in accordance with this subparagraph if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing the assurances described in subparagraphs (A)(ii) and (A)(iii) of subsection (b)(1).

"(ii) Consideration of regional approaches, networks, or technology.—The Secretary may, as appropriate in awarding grants to States under subparagraph (A), consider whether the application submitted by a State under this subparagraph includes 1 or more proposals that utilize regional approaches, networks, health information technology, telehealth, or telemedicine to deliver services described in subparagraph (A) to individuals described in that subparagraph. For purposes of this clause, a network may, as the Secretary determines appropriate, include Federally qualified health centers (as defined in section 1861(aa)(4)), rural health clinics (as defined in section 1861(aa)(2)), home health agencies (as defined in section 1861(o)), community mental health centers (as defined in section 1861(ff)(3)(B)) and other providers of mental health services, pharmacists, local government, and other providers deemed necessary to meet the needs of veterans.

"(iii) Coordination at local level.—The Secretary shall require, as appropriate, a State to demonstrate consultation with the hospital association of such State, rural hospitals located in such State, providers of mental health services, or other appropriate stakeholders for the provision of services under a grant awarded under this paragraph.

"(iv) Special consideration of certain applications.—In awarding grants to States under subparagraph (A), the Secretary shall give special consideration to applications submitted by States in which veterans make up a high percentage (as determined by the Secretary) of the total population of the State. Such consideration shall be given without regard to the number of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in the areas in which mental health services and other health care services would be delivered under the application.

"(C) Coordination with VA.—The Secretary shall, as appropriate, consult with the Director of the Office of Rural Health of the Department of Veterans Affairs in awarding and administering grants to States under subparagraph (A).

"(D) Use of funds.—A State awarded a grant under this paragraph may, as appropriate, use the funds to reimburse providers of services described in subparagraph (A) to individuals described in that subparagraph.

"(E) Limitation on use of grant funds for administrative expenses.—A State awarded a grant under this paragraph may not expend more than 15 percent of the amount of the grant for administrative expenses.

"(F) Independent evaluation and final report.—The Secretary shall provide for an independent evaluation of the grants awarded under subparagraph (A). Not later than 1 year after the date on which the last grant is awarded to a State under such subparagraph, the Secretary shall submit a report to Congress on such evaluation. Such report shall include an assessment of the impact of such grants on increasing the delivery of mental health services and other health services to veterans of the United States Armed Forces living in rural areas (as so defined and including such areas that are rural census tracks), with particular emphasis on the impact of such grants on the delivery of such services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom, and to other individuals living in such rural areas.".

(b) Use of Funds for Federal Administrative Expenses.—Section 1820(g)(5) of the Social Security Act (42 U.S.C. 1395i-4(g)(5)) is amended—

(1) by striking "beginning with fiscal year 2005" and inserting "for each of fiscal years 2005 through 2008"; and

(2) by inserting "and, of the total amount appropriated for grants under paragraphs (1), (2), and (6) for a fiscal year (beginning with fiscal year 2009)" after "2005)".

(c) Extension of Authorization for FLEX Grants.—Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking "and for" and inserting "for"; and

(2) by inserting ", for making grants to all States under paragraphs (1) and (2) of subsection (g), $55,000,000 in each of fiscal years 2009 and 2010, and for making grants to all States under paragraph (6) of subsection (g), $50,000,000 in each of fiscal years 2009 and 2010, to remain available until expended" before the period at the end.

(d) Medicare Rural Hospital Flexibility Program.—Section 1820(g)(1) of the Social Security Act (42 U.S.C. 1395i-4(g)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) providing support for critical access hospitals for quality improvement, quality reporting, performance improvements, and benchmarking.".

(e) Assistance to Small Critical Access Hospitals Transitioning to Skilled Nursing Facilities and Assisted Living Facilities.—Section 1820(g) of the Social Security Act (42 U.S.C. 1395i-4(g)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) Critical access hospitals transitioning to skilled nursing facilities and assisted living facilities.—

"(A) Grants.—The Secretary may award grants to eligible critical access hospitals that have submitted applications in accordance with subparagraph (B) for assisting such hospitals in the transition to skilled nursing facilities and assisted living facilities.

"(B) Application.—An applicable critical access hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

"(C) Additional requirements.—The Secretary may not award a grant under this paragraph to an eligible critical access hospital unless—

"(i) local organizations or the State in which the hospital is located provides matching funds; and

"(ii) the hospital provides assurances that it will surrender critical access hospital status under this title within 180 days of receiving the grant.

"(D) Amount of grant.—A grant to an eligible critical access hospital under this paragraph may not exceed $1,000,000.

"(E) Funding.—There are appropriated from the Federal Hospital Insurance Trust Fund under section 1817 for making grants under this paragraph, $5,000,000 for fiscal year 2008.

"(F) Eligible critical access hospital defined.—For purposes of this paragraph, the term 'eligible critical access hospital' means a critical access hospital that has an average daily acute census of less than 0.5 and an average daily swing bed census of greater than 10.0.".

SEC. 122. REBASING FOR SOLE COMMUNITY HOSPITALS.

(a) Rebasing Permitted.—Section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)) is amended by adding at the end the following new subparagraph:

"(L)(i) For cost reporting periods beginning on or after January 1, 2009, in the case of a sole community hospital there shall be substituted for the amount otherwise determined under subsection (d)(5)(D)(i) of this section, if such substitution results in a greater amount of payment under this section for the hospital, the subparagraph (L) rebased target amount.

"(ii) For purposes of this subparagraph, the term 'subparagraph (L) rebased target amount' has the meaning given the term 'target amount' in subparagraph (C), except that—

"(I) there shall be substituted for the base cost reporting period the 12-month cost reporting period beginning during fiscal year 2006;

"(II) any reference in subparagraph (C)(i) to the 'first cost reporting period' described in such subparagraph is deemed a reference to the first cost reporting period beginning on or after January 1, 2009; and

"(III) the applicable percentage increase shall only be applied under subparagraph

(C)(iv) for discharges occurring on or after January 1, 2009.''.

(b) CONFORMING AMENDMENTS.—Section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)) is amended—

(1) in subparagraph (C), in the matter preceding clause (i), by striking "subparagraph (I)" and inserting "subparagraphs (I) and (L)"; and

(2) in subparagraph (I)(i), in the matter preceding subclause (I), by striking "For" and inserting "Subject to subparagraph (L), for".

SEC. 123. DEMONSTRATION PROJECT ON COMMUNITY HEALTH INTEGRATION MODELS IN CERTAIN RURAL COUNTIES.

(a) IN GENERAL.—The Secretary shall establish a demonstration project to allow eligible entities to develop and test new models for the delivery of health care services in eligible counties for the purpose of improving access to, and better integrating the delivery of, acute care, extended care, and other essential health care services to Medicare beneficiaries.

(b) PURPOSE.—The purpose of the demonstration project under this section is to—

(1) explore ways to increase access to, and improve the adequacy of, payments for acute care, extended care, and other essential health care services provided under the Medicare and Medicaid programs in eligible counties; and

(2) evaluate regulatory challenges facing such providers and the communities they serve.

(c) REQUIREMENTS.—The following requirements shall apply under the demonstration project:

(1) Health care providers in eligible counties selected to participate in the demonstration project under subsection (d)(3) shall (when determined appropriate by the Secretary), instead of the payment rates otherwise applicable under the Medicare program, be reimbursed at a rate that covers at least the reasonable costs of the provider in furnishing acute care, extended care, and other essential health care services to Medicare beneficiaries.

(2) Methods to coordinate the survey and certification process under the Medicare program and the Medicaid program across all health service categories included in the demonstration project shall be tested with the goal of assuring quality and safety while reducing administrative burdens, as appropriate, related to completing such survey and certification process.

(3) Health care providers in eligible counties selected to participate in the demonstration project under subsection (d)(3) and the Secretary shall work with the State to explore ways to revise reimbursement policies under the Medicaid program to improve access to the range of health care services available in such eligible counties.

(4) The Secretary shall identify regulatory requirements that may be revised appropriately to improve access to care in eligible counties.

(5) Other essential health care services necessary to ensure access to the range of health care services in eligible counties selected to participate in the demonstration project under subsection (d)(3) shall be identified. Ways to ensure adequate funding for such services shall also be explored.

(d) APPLICATION PROCESS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Eligibility to participate in the demonstration project under this section shall be limited to eligible entities.

(B) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means an entity that—

(i) is a Rural Hospital Flexibility Program grantee under section 1820(g) of the Social Security Act (42 U.S.C. 1395i–4(g)); and

(ii) is located in a State in which at least 65 percent of the counties in the State are counties that have 6 or less residents per square mile.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking to participate in the demonstration project under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) LIMITATION.—The Secretary shall select eligible entities located in not more than 4 States to participate in the demonstration project under this section.

(3) SELECTION OF ELIGIBLE COUNTIES.—An eligible entity selected by the Secretary to participate in the demonstration project under this section shall select not more than 6 eligible counties in the State in which the entity is located in which to conduct the demonstration project.

(4) ELIGIBLE COUNTY DEFINED.—In this section, the term "eligible county" means a county that meets the following requirements:

(A) The county has 6 or less residents per square mile.

(B) As of the date of the enactment of this Act, a facility designated as a critical access hospital which meets the following requirements was located in the county:

(i) As of the date of the enactment of this Act, the critical access hospital furnished 1 or more of the following:

(I) Home health services.

(II) Hospice care.

(III) Rural health clinic services.

(ii) As of the date of the enactment of this Act, the critical access hospital has an average daily inpatient census of 5 or less.

(C) As of the date of the enactment of this Act, skilled nursing facility services were available in the county in—

(i) a critical access hospital using swing beds; or

(ii) a local nursing home.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The demonstration project under this section shall be administered jointly by the Administrator of the Office of Rural Health Policy of the Health Resources and Services Administration and the Administrator of the Centers for Medicare & Medicaid Services, in accordance with paragraphs (2) and (3).

(2) HRSA DUTIES.—In administering the demonstration project under this section, the Administrator of the Office of Rural Health Policy of the Health Resources and Services Administration shall—

(A) award grants to the eligible entities selected to participate in the demonstration project; and

(B) work with such entities to provide technical assistance related to the requirements under the project.

(3) CMS DUTIES.—In administering the demonstration project under this section, the Administrator of the Centers for Medicare & Medicaid Services shall determine which provisions of titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.) the Secretary should waive under the waiver authority under subsection (i) that are relevant to the development of alternative reimbursement methodologies, which may include, as appropriate, covering at least the reasonable costs of the provider in furnishing acute care, extended care, and other essential health care services to Medicare beneficiaries and coordinating the survey and certification process under the Medicare and Medicaid programs, as appropriate, across all service categories included in the demonstration project.

(f) DURATION.—

(1) IN GENERAL.—The demonstration project under this section shall be conducted for a 3-year period beginning on October 1, 2009.

(2) BEGINNING DATE OF DEMONSTRATION PROJECT.—The demonstration project under this section shall be considered to have begun in a State on the date on which the eligible counties selected to participate in the demonstration project under subsection (d)(3) begin operations in accordance with the requirements under the demonstration project.

(g) FUNDING.—

(1) CMS.—

(A) IN GENERAL.—The Secretary shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of such sums as are necessary for the costs to the Centers for Medicare & Medicaid Services of carrying out its duties under the demonstration project under this section.

(B) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary estimates would have been paid if the demonstration project under this section was not implemented.

(2) HRSA.—There are authorized to be appropriated to the Office of Rural Health Policy of the Health Resources and Services Administration $800,000 for each of fiscal years 2010, 2011, and 2012 for the purpose of carrying out the duties of such Office under the demonstration project under this section, to remain available for the duration of the demonstration project.

(h) REPORT.—

(1) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration project under this section is implemented, the Administrator of the Office of Rural Health Policy of the Health Resources and Services Administration, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to Congress on the status of the demonstration project that includes initial recommendations on ways to improve access to, and the availability of, health care services in eligible counties based on the findings of the demonstration project.

(2) FINAL REPORT.—Not later than 1 year after the completion of the demonstration project, the Administrator of the Office of Rural Health Policy of the Health Resources and Services Administration, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to Congress on such project, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(i) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.) as may be necessary and appropriate for the purpose of carrying out the demonstration project under this section.

(j) DEFINITIONS.—In this section:

(1) EXTENDED CARE SERVICES.—The term "extended care services" means the following:

(A) Home health services.

(B) Covered skilled nursing facility services.

(C) Hospice care.

(2) COVERED SKILLED NURSING FACILITY SERVICES.—The term "covered skilled nursing facility services" has the meaning given such term in section 1888(e)(2)(A) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)).

(3) CRITICAL ACCESS HOSPITAL.—The term "critical access hospital" means a facility designated as a critical access hospital under section 1820(c) of such Act (42 U.S.C. 1395i-4(c)).

(4) HOME HEALTH SERVICES.—The term "home health services" has the meaning given such term in section 1861(m) of such Act (42 U.S.C. 1395x(m)).

(5) HOSPICE CARE.—The term "hospice care" has the meaning given such term in section 1861(dd) of such Act (42 U.S.C. 1395x(dd)).

(6) MEDICAID PROGRAM.—The term "Medicaid program" means the program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(7) MEDICARE PROGRAM.—The term "Medicare program" means the program under title XVIII of such Act (42 U.S.C. 1395 et seq.).

(8) OTHER ESSENTIAL HEALTH CARE SERVICES.—The term "other essential health care services" means the following:

(A) Ambulance services (as described in section 1861(s)(7) of the Social Security Act (42 U.S.C. 1395x(s)(7))).

(B) Rural health clinic services.

(C) Public health services (as defined by the Secretary).

(D) Other health care services determined appropriate by the Secretary.

(9) RURAL HEALTH CLINIC SERVICES.—The term "rural health clinic services" has the meaning given such term in section 1861(aa)(1) of such Act (42 U.S.C. 1395x(aa)(1)).

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 124. EXTENSION OF THE RECLASSIFICATION OF CERTAIN HOSPITALS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(b) SPECIAL EXCEPTION RECLASSIFICATIONS.—Section 117(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173)) is amended by striking "September 30, 2008" and inserting "the last date of the extension of reclassifications under section 106(a) of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432)".

(c) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508(g) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note), as added by section 117(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2008 (Public Law 110–173)), is amended by striking "during fiscal year 2008" and inserting "beginning on October 1, 2007, and ending on the last date of the extension of reclassifications under section 106(a) of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432)".

SEC. 125. REVOCATION OF UNIQUE DEEMING AUTHORITY OF THE JOINT COMMISSION.

(a) REVOCATION.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(A) in subsection (a)(1), as redesignated by subsection (a)(2), by striking "In addition, if" and inserting "If";

(B) in subsection (b), as so redesignated—

(i) by striking "released to him by the Joint Commission on Accreditation of Hospitals," and inserting "released to the Secretary by"; and

(ii) by striking the comma after "Association";

(C) in subsection (c), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)"; and

(D) in subsection (d), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)".

(2) Section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)) is amended in the fourth sentence by striking "and (ii) is accredited by the Joint Commission on Accreditation of Hospitals, or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of the Joint Commission on Accreditation of Hospitals" and inserting "and (ii) is accredited by a national accreditation body recognized by the Secretary under section 1865(a), or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of such a national accreditation body.".

(3) Section 1864(c) of the Social Security Act (42 U.S.C. 1395aa(c)) is amended by striking "pursuant to subsection (a) or (b)(1) of section 1865" and inserting "pursuant to section 1865(a)(1)".

(4) Section 1875(b) of the Social Security Act (42 U.S.C. 1395ll(b)) is amended by striking "the Joint Commission on Accreditation of Hospitals," and inserting "national accreditation bodies under section 1865(a)".

(5) Section 1834(a)(20)(B) of the Social Security Act (42 U.S.C. 1395m(a)(20)(B)) is amended by striking "section 1865(b)" and inserting "section 1865(a)".

(6) Section 1852(e)(4)(C) of the Social Security Act (42 U.S.C. 1395w–22(e)(4)(C)) is amended by striking "section 1865(b)(2)" and inserting "section 1865(a)(2)".

(c) AUTHORITY TO RECOGNIZE THE JOINT COMMISSION AS A NATIONAL ACCREDITATION BODY.—The Secretary of Health and Human Services may recognize the Joint Commission as a national accreditation body under section 1865 of the Social Security Act (42 U.S.C. 1395bb), as amended by this section, upon such terms and conditions, and upon submission of such information, as the Secretary may require.

(d) EFFECTIVE DATE; TRANSITION RULE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to accreditations of hospitals granted on or after the date that is 24 months after the date of the enactment of this Act.

(2) For purposes of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the amendments made by this section shall not effect the accreditation of a hospital by the Joint Commission, or under accreditation or comparable approval standards found to be essentially equivalent to accreditation or approval standards of the Joint Commission, for the period of time applicable under such accreditation.

Subtitle C—Provisions Relating to Part B

PART I—PHYSICIANS' SERVICES

SEC. 131. PHYSICIAN PAYMENT, EFFICIENCY, AND QUALITY IMPROVEMENTS.

(a) IN GENERAL.—

(1) INCREASE IN UPDATE FOR THE SECOND HALF OF 2008 AND FOR 2009.—

(A) FOR THE SECOND HALF OF 2008.—Section 1848(d)(8) of the Social Security Act (42 U.S.C. 1395w–4(d)(8)), as added by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(i) in the heading, by striking "A PORTION OF";

(ii) in subparagraph (A), by striking "for the period beginning on January 1, 2008, and ending on June 30, 2008,"; and

(iii) in subparagraph (B)—

(I) in the heading, by striking "THE REMAINING PORTION OF 2008 AND"; and

(II) by striking "for the period beginning on July 1, 2008, and ending on December 31, 2008, and".

(B) FOR 2009.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)), as amended by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by adding at the end the following new paragraph:

"(9) UPDATE FOR 2009.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B) and (8)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2009, the update to the single conversion factor shall be 1.1 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2010 and subsequent years as if subparagraph (A) had never applied.".

(3) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(i) in subparagraph (A)—

(I) by striking clause (i)(III); and

(II) by striking clause (ii)(III); and

(ii) in subparagraph (B)—

(I) in clause (i), by adding "and" at the end;

(II) in clause (ii), by striking "; and" and inserting a period; and

(III) by striking clause (iii).

(B) CONTINGENCY.—If there is enacted, before, on, or after the date of the enactment of this Act, a Supplemental Appropriations Act, 2008 that includes a provision amending section 1848(l) of the Social Security Act, the alternative amendment described in subparagraph (C)—

(i) shall apply instead of the amendments made by subparagraph (A); and

(ii) shall be executed after such provision in such Supplemental Appropriations Act.

(C) ALTERNATIVE AMENDMENT DESCRIBED.—The alternative amendment described in this subparagraph is as follows: Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and by the Supplemental Appropriations Act, 2008, is amended—

(i) in subparagraph (A)—

(I) by striking subclauses (III) and (IV) of clause (i); and

(II) by striking subclauses (III) and (IV) of clause (ii); and

(ii) in subparagraph (B)—

(I) in clause (i), by adding "and" at the end;

(II) in clause (ii), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (iii) and (iv).

(b) EXTENSION AND IMPROVEMENT OF THE QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)), as amended by section 101(b)(1) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by adding at the end the following new subparagraphs:

"(C) FOR 2010 AND SUBSEQUENT YEARS.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of reporting data on quality measures for covered professional services furnished during 2010 and each subsequent year, subject to subsection (m)(3)(C), the quality measures (including electronic prescribing quality measures) specified under this paragraph shall be such measures selected by the Secretary from measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

"(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary, such as the AQA alliance.

"(D) OPPORTUNITY TO PROVIDE INPUT ON MEASURES FOR 2009 AND SUBSEQUENT YEARS.—For each quality measure (including an electronic prescribing quality measure) adopted by the Secretary under subparagraph (B) (with respect to 2009) or subparagraph (C), the Secretary shall ensure that eligible professionals have the opportunity to provide input during the development, endorsement, or selection of measures applicable to services they furnish.".

(2) REDESIGNATION OF REPORTING SYSTEM.—Subsection (c) of section 101 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), as amended by section 101(b)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is redesignated as subsection (m) of section 1848 of the Social Security Act.

(3) INCENTIVE PAYMENTS UNDER REPORTING SYSTEM.—Section 1848(m) of the Social Security Act, as redesignated by paragraph (2), is amended—

(A) by amending the heading to read as follows: "INCENTIVE PAYMENTS FOR QUALITY REPORTING";

(B) by striking paragraph (1) and inserting the following:

"(1) INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—For 2007 through 2010, with respect to covered professional services furnished during a reporting period by an eligible professional, if—

"(i) there are any quality measures that have been established under the physician reporting system that are applicable to any such services furnished by such professional for such reporting period; and

"(ii) the eligible professional satisfactorily submits (as determined under this subsection) to the Secretary data on such quality measures in accordance with such reporting system for such reporting period,

in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)) or, in the case of a group practice under paragraph (3)(C), to the group practice, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to the applicable quality percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the reporting period) of the allowed charges under this part for all such covered professional services furnished by the eligible professional (or, in the case of a group practice under paragraph (3)(C), by the group practice) during the reporting period.

"(B) APPLICABLE QUALITY PERCENT.—For purposes of subparagraph (A), the term 'applicable quality percent' means—

"(i) for 2007 and 2008, 1.5 percent; and

"(ii) for 2009 and 2010, 2.0 percent.";

(C) by striking paragraph (3) and redesignating paragraph (2) as paragraph (3);

(D) in paragraph (3), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking "For purposes" and inserting the following:

"(A) IN GENERAL.—For purposes";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the indentation of such clauses 2 ems to the right;

(iii) in subparagraph (A), as added by clause (i), by adding at the end the following flush sentence:

"For years after 2008, quality measures for purposes of this subparagraph shall not include electronic prescribing quality measures."; and

(iv) by adding at the end the following new subparagraphs:

"(C) SATISFACTORY REPORTING MEASURES FOR GROUP PRACTICES.—

"(i) IN GENERAL.—By January 1, 2010, the Secretary shall establish and have in place a process under which eligible professionals in a group practice (as defined by the Secretary) shall be treated as satisfactorily submitting data on quality measures under subparagraph (A) and as meeting the requirement described in subparagraph (B)(ii) for covered professional services for a reporting period (or, for purposes of subsection (a)(5), for a reporting period for a year) if, in lieu of reporting measures under subsection (k)(2)(C), the group practice reports measures determined appropriate by the Secretary, such as measures that target high-cost chronic conditions and preventive care, in a form and manner, and at a time, specified by the Secretary.

"(ii) STATISTICAL SAMPLING MODEL.—The process under clause (i) shall provide for the use of a statistical sampling model to submit data on measures, such as the model used under the Physician Group Practice demonstration project under section 1866A.

"(iii) NO DOUBLE PAYMENTS.—Payments to a group practice under this subsection by reason of the process under clause (i) shall be in lieu of the payments that would otherwise be made under this subsection to eligible professionals in the group practice for satisfactorily submitting data on quality measures.

"(D) AUTHORITY TO REVISE SATISFACTORILY REPORTING DATA.—For years after 2009, the Secretary, in consultation with stakeholders and experts, may revise the criteria under this subsection for satisfactorily submitting data on quality measures under subparagraph (A) and the criteria for submitting data on electronic prescribing quality measures under subparagraph (B)(ii).";

(E) in paragraph (5)—

(i) in subparagraph (C), by inserting "for 2007, 2008, and 2009," after "provision of law,";

(ii) in subparagraph (D)—

(I) in clause (i)—

(aa) by inserting "for 2007 and 2008" after "under this subsection"; and

(bb) by striking "paragraph (2)" and inserting "this subsection";

(II) in clause (ii), by striking "shall" and inserting "may establish procedures to"; and

(III) in clause (iii)—

(aa) by inserting "(or, in the case of a group practice under paragraph (3)(C), the group practice)" after "an eligible professional";

(bb) by striking "bonus incentive payment" and inserting "incentive payment under this subsection"; and

(cc) by adding at the end the following new sentence: "If such payments for such period have already been made, the Secretary shall recoup such payments from the eligible professional (or the group practice).";

(iii) in subparagraph (E)—

(I) by striking "(I) IN GENERAL.—";

(II) by striking clause (ii);

(III) by redesignating subclauses (I) through (IV) as clauses (i) through (iv), respectively, and moving the indentation of such clauses 2 ems to the left;

(IV) in clause (ii), as so redesignated, by striking "paragraph (2)" and inserting "this subsection"; and

(V) in clause (iv), as so redesignated—

(aa) by striking "the bonus" and inserting "any"; and

(bb) by inserting "and the payment adjustment under subsection (a)(5)(A)" before the period at the end;

(iv) in subparagraph (F)—

(I) by striking "2009, paragraph (3) shall not apply, and" and inserting "subsequent years,"; and

(II) by striking "paragraph (2)" and inserting "this subsection"; and

(v) by adding at the end the following new subparagraph:

"(G) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names of the following:

"(i) The eligible professionals (or, in the case of reporting under paragraph (3)(C), the group practices) who satisfactorily submitted data on quality measures under this subsection.

"(ii) The eligible professionals (or, in the case of reporting under paragraph (3)(C), the group practices) who are successful electronic prescribers."; and

(F) in paragraph (6), by striking subparagraph (C) and inserting the following:

"(C) REPORTING PERIOD.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the term 'reporting period' means—

"(I) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

"(II) for 2008, 2009, 2010, and 2011, the entire year.

"(ii) AUTHORITY TO REVISE REPORTING PERIOD.—For years after 2009, the Secretary may revise the reporting period under clause (i) if the Secretary determines such revision is appropriate, produces valid results on measures reported, and is consistent with the goals of maximizing scientific validity and reducing administrative burden. If the Secretary revises such period pursuant to the preceding sentence, the term 'reporting period' shall mean such revised period.

"(iii) REFERENCE.—Any reference in this subsection to a reporting period with respect to the application of subsection (a)(5) shall be deemed a reference to the reporting period under subparagraph (D)(iii) of such subsection.".

(4) INCLUSION OF QUALIFIED AUDIOLOGISTS AS ELIGIBLE PROFESSIONALS.—

(A) IN GENERAL.—Section 1848(k)(3)(B) of the Social Security Act (42 U.S.C. 1395w-4(k)(3)(B)), is amended by adding at the end the following new clause:

"(iv) Beginning with 2009, a qualified audiologist (as defined in section 1861(ll)(3)(B)).".

(B) NO CHANGE IN BILLING.—Nothing in the amendment made by subparagraph (A) shall be construed to change the way in which billing for audiology services (as defined in section 1861(ll)(2) of the Social Security Act (42 U.S.C. 1395x(ll)(2))) occurs under title XVIII of such Act as of July 1, 2008.

(5) CONFORMING AMENDMENTS.—Section 1848(m) of the Social Security Act, as added and amended by paragraphs (2) and (3), is amended—

(A) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "section 1848(k) of the Social Security Act, as added by subsection (b)," and inserting "subsection (k)"; and

(II) by striking "such section" and inserting "such subsection";

(ii) in subparagraph (B), by striking "of the Social Security Act (42 U.S.C. 1395l)";

(iii) in subparagraph (E), in the matter preceding clause (i), by striking "1869 or 1878 of the Social Security Act or otherwise" and inserting "1869, section 1878, or otherwise"; and

(iv) in subparagraph (F)—

(I) by striking "paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w-4(k))" and inserting "subsection (k)(2)(B)"; and

(II) by striking "paragraph (4) of such section" and inserting "subsection (k)(4)";

(B) in paragraph (6)—

(i) in subparagraph (A), by striking "section 1848(k)(3) of the Social Security Act, as added by subsection (b)" and inserting "subsection (k)(3)"; and

(ii) in subparagraph (B), by striking "section 1848(k) of the Social Security Act, as added by subsection (b)" and inserting "subsection (k)"; and

(C) by striking paragraph (6)(D).

(6) NO AFFECT ON INCENTIVE PAYMENTS FOR 2007 OR 2008.—Nothing in the amendments made by this subsection or section 132 shall affect the operation of the provisions of section 1848(m) of the Social Security Act, as redesignated and amended by such subsection and section, with respect to 2007 or 2008.

(c) PHYSICIAN FEEDBACK PROGRAM TO IMPROVE EFFICIENCY AND CONTROL COSTS.—

(1) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(n) PHYSICIAN FEEDBACK PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a Physician Feedback Program (in this subsection referred to as the 'Program') under which the Secretary shall use claims data under this title (and may use other data) to provide confidential reports to physicians (and, as determined appropriate by the Secretary, to groups of physicians) that measure the resources involved in furnishing care to individuals under this title. If determined appropriate by the Secretary, the Secretary may include information on the quality of care furnished to individuals under this title by the physician (or group of physicians) in such reports.

"(B) RESOURCE USE.—The resources described in subparagraph (A) may be measured—

"(i) on an episode basis;

"(ii) on a per capita basis; or

"(iii) on both an episode and a per capita basis.

"(2) IMPLEMENTATION.—The Secretary shall implement the Program by not later than January 1, 2009.

"(3) DATA FOR REPORTS.—To the extent practicable, reports under the Program shall be based on the most recent data available.

"(4) AUTHORITY TO FOCUS APPLICATION.—The Secretary may focus the application of the Program as appropriate, such as focusing the Program on—

"(A) physician specialties that account for a certain percentage of all spending for physicians' services under this title;

"(B) physicians who treat conditions that have a high cost or a high volume, or both, under this title;

"(C) physicians who use a high amount of resources compared to other physicians;

"(D) physicians practicing in certain geographic areas; or

"(E) physicians who treat a minimum number of individuals under this title.

"(5) AUTHORITY TO EXCLUDE CERTAIN INFORMATION IF INSUFFICIENT INFORMATION.—The Secretary may exclude certain information regarding a service from a report under the Program with respect to a physician (or group of physicians) if the Secretary determines that there is insufficient information relating to that service to provide a valid report on that service.

"(6) ADJUSTMENT OF DATA.—To the extent practicable, the Secretary shall make appropriate adjustments to the data used in preparing reports under the Program, such as adjustments to take into account variations in health status and other patient characteristics.

"(7) EDUCATION AND OUTREACH.—The Secretary shall provide for education and outreach activities to physicians on the operation of, and methodologies employed under, the Program.

"(8) DISCLOSURE EXEMPTION.—Reports under the Program shall be exempt from disclosure under section 552 of title 5, United States Code.".

(2) GAO STUDY AND REPORT ON THE PHYSICIAN FEEDBACK PROGRAM.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the Physician Feedback Program conducted under section 1848(n) of the Social Security Act, as added by paragraph (1), including the implementation of the Program.

(B) REPORT.—Not later than March 1, 2011, the Comptroller General of the United States shall submit a report to Congress containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(d) PLAN FOR TRANSITION TO VALUE-BASED PURCHASING PROGRAM FOR PHYSICIANS AND OTHER PRACTITIONERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a plan to transition to a value-based purchasing program for payment under the Medicare program for covered professional services (as defined in section 1848(k)(3)(A) of the Social Security Act (42 U.S.C. 1395w-4(k)(3)(A))).

(2) REPORT.—Not later than May 1, 2010, the Secretary of Health and Human Services shall submit a report to Congress containing the plan developed under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 132. INCENTIVES FOR ELECTRONIC PRESCRIBING.

(a) INCENTIVE PAYMENTS.—Section 1848(m) of the Social Security Act, as added and amended by section 131(b), is amended—

(1) by inserting after paragraph (1), the following new paragraph:

"(2) INCENTIVE PAYMENTS FOR ELECTRONIC PRESCRIBING.—

"(A) IN GENERAL.—For 2009 through 2013, with respect to covered professional services furnished during a reporting period by an eligible professional, if the eligible professional is a successful electronic prescriber for such reporting period, in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)) or, in the case of a group practice under paragraph (3)(C), to the group practice, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to the applicable electronic prescribing percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the reporting period) of the allowed charges under this part for all such covered professional services furnished by the eligible professional (or, in the case of a group practice under paragraph (3)(C), by the group practice) during the reporting period.

"(B) LIMITATION WITH RESPECT TO ELECTRONIC PRESCRIBING QUALITY MEASURES.—The provisions of this paragraph and subsection (a)(5) shall not apply to an eligible professional (or, in the case of a group practice under paragraph (3)(C), to the group practice) if, for the reporting period (or, for purposes of subsection (a)(5), for the reporting period for a year)—

"(i) the allowed charges under this part for all covered professional services furnished by the eligible professional (or group, as applicable) for the codes to which the electronic prescribing quality measure applies (as identified by the Secretary and published on the Internet website of the Centers for Medicare & Medicaid Services as of January 1, 2008, and as subsequently modified by the Secretary) are less than 10 percent of the total of the allowed charges under this part for all such covered professional services furnished by the eligible professional (or the group, as applicable); or

"(ii) if determined appropriate by the Secretary, the eligible professional does not submit (including both electronically and nonelectronically) a sufficient number (as determined by the Secretary) of prescriptions under part D.

If the Secretary makes the determination to apply clause (ii) for a period, then clause (i) shall not apply for such period.

"(C) APPLICABLE ELECTRONIC PRESCRIBING PERCENT.—For purposes of subparagraph (A), the term 'applicable electronic prescribing percent' means—

"(i) for 2009 and 2010, 2.0 percent;

"(ii) for 2011 and 2012, 1.0 percent; and

"(iii) for 2013, 0.5 percent.";

(2) in paragraph (3), as redesignated by section 131(b)—

(A) in the heading, by inserting "AND SUCCESSFUL ELECTRONIC PRESCRIBER" after "REPORTING"; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) SUCCESSFUL ELECTRONIC PRESCRIBER.—

"(i) IN GENERAL.—For purposes of paragraph (2) and subsection (a)(5), an eligible professional shall be treated as a successful electronic prescriber for a reporting period (or, for purposes of subsection (a)(5), for the reporting period for a year) if the eligible professional meets the requirement described in clause (ii), or, if the Secretary determines appropriate, the requirement described in clause (iii). If the Secretary makes the determination under the preceding sentence to apply the requirement described in clause (iii) for a period, then the requirement described in clause (ii) shall not apply for such period.

"(ii) REQUIREMENT FOR SUBMITTING DATA ON ELECTRONIC PRESCRIBING QUALITY MEASURES.—The requirement described in this clause is that, with respect to covered professional services furnished by an eligible professional during a reporting period (or, for purposes of subsection (a)(5), for the reporting period for a year), if there are any electronic prescribing quality measures that have been established under the physician reporting system and are applicable to any such services furnished by such professional for the period, such professional reported each such measure under such system in at least 50 percent of the cases in which such measure is reportable by such professional under such system.

"(iii) REQUIREMENT FOR ELECTRONICALLY PRESCRIBING UNDER PART D.—The requirement described in this clause is that the eligible professional electronically submitted a sufficient number (as determined by the Secretary) of prescriptions under part D during the reporting period (or, for purposes of subsection (a)(5), for the reporting period for a year).

"(iv) USE OF PART D DATA.—Notwithstanding sections 1860D-15(d)(2)(B) and 1860D-15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D-15 that are necessary for purposes of clause (iii), paragraph (2)(B)(ii), and paragraph (5)(G).

"(v) STANDARDS FOR ELECTRONIC PRESCRIBING.—To the extent practicable, in determining whether eligible professionals meet the requirements under clauses (ii) and (iii) for purposes of clause (i), the Secretary shall ensure that eligible professionals utilize electronic prescribing systems in compliance with standards established for such systems pursuant to the Part D Electronic Prescribing Program under section 1860D-4(e)."; and

(3) in paragraph (5)(E), by striking clause (iii) and inserting the following new clause:

"(iii) the determination of a successful electronic prescriber under paragraph (3), the limitation under paragraph (2)(B), and the exception under subsection (a)(5)(B); and".

(b) INCENTIVE PAYMENT ADJUSTMENT.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w-4(a)) is amended by adding at the end the following new paragraph:

"(5) INCENTIVES FOR ELECTRONIC PRESCRIBING.—

"(A) ADJUSTMENT.—

"(i) IN GENERAL.—Subject to subparagraph (B) and subsection (m)(2)(B), with respect to covered professional services furnished by an eligible professional during 2012 or any subsequent year, if the eligible professional is not a successful electronic prescriber for the reporting period for the year (as determined under subsection (m)(3)(B)), the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraph (3) but without regard to this paragraph).

"(ii) APPLICABLE PERCENT.—For purposes of clause (i), the term 'applicable percent' means—

"(I) for 2012, 99 percent;

"(II) for 2013, 98.5 percent; and

"(III) for 2014 and each subsequent year, 98 percent.

"(B) SIGNIFICANT HARDSHIP EXCEPTION.—The Secretary may, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment under subparagraph (A) if the Secretary determines, subject to annual renewal, that compliance with the requirement for being a successful electronic prescriber would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access.

"(C) APPLICATION.—

"(i) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

"(ii) INCENTIVE PAYMENT VALIDATION RULES.—Clauses (ii) and (iii) of subsection (m)(5)(D) shall apply for purposes of this paragraph in a similar manner as they apply for purposes of such subsection.

"(D) DEFINITIONS.—For purposes of this paragraph:

"(i) ELIGIBLE PROFESSIONAL; COVERED PROFESSIONAL SERVICES.—The terms 'eligible professional' and 'covered professional services' have the meanings given such terms in subsection (k)(3).

"(ii) PHYSICIAN REPORTING SYSTEM.—The term 'physician reporting system' means the system established under subsection (k).

"(iii) REPORTING PERIOD.—The term 'reporting period' means, with respect to a year, a period specified by the Secretary.".

(c) GAO REPORT ON ELECTRONIC PRESCRIBING.—Not later than September 1, 2012, the Comptroller General of the United States shall submit to Congress a report on the implementation of the incentives for electronic prescribing established under the provisions of, and amendments made by, this section. Such report shall include information regarding the following:

(1) The percentage of eligible professionals (as defined in section 1848(k)(3) of the Social Security Act (42 U.S.C. 1395w-4(k)(3)) that are using electronic prescribing systems, including a determination of whether less than 50 percent of eligible professionals are using electronic prescribing systems.

(2) If less than 50 percent of eligible professionals are using electronic prescribing systems, recommendations for increasing the use of electronic prescribing systems by eligible professionals, such as changes to the incentive payment adjustments established under section 1848(a)(5) of such Act, as added by subsection (b).

(3) The estimated savings to the Medicare program under title XVIII of such Act resulting from the use of electronic prescribing systems.

(4) Reductions in avoidable medical errors resulting from the use of electronic prescribing systems.

(5) The extent to which the privacy and security of the personal health information of Medicare beneficiaries is protected when such beneficiaries' prescription drug data and usage information is used for purposes other than their direct clinical care, including—

(A) whether information identifying the beneficiary is, and remains, removed from data regarding the beneficiary's prescription drug utilization; and

(B) the extent to which current law requires sufficient and appropriate oversight and audit capabilities to monitor the practice of prescription drug data mining.

(6) Such other recommendations and administrative action as the Comptroller General determines to be appropriate.

SEC. 133. EXPANDING ACCESS TO PRIMARY CARE SERVICES.

(a) REVISIONS TO THE MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.—

(1) AUTHORITY TO EXPAND.—Section 204(b) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395b-1 note) is amended—

(A) in paragraph (1), by striking "The project" and inserting "Subject to paragraph (3), the project"; and

(B) by adding at the end the following new paragraph:

"(3) EXPANSION.—The Secretary may expand the duration and the scope of the project under paragraph (1), to an extent determined appropriate by the Secretary, if the Secretary determines that such expansion will result in any of the following conditions being met:

"(A) The expansion of the project is expected to improve the quality of patient care without increasing spending under the Medicare program (not taking into account amounts available under subsection (g)).

"(B) The expansion of the project is expected to reduce spending under the Medicare program (not taking into account amounts available under subsection (g)) without reducing the quality of patient care.".

(2) FUNDING AND APPLICATION.—Section 204 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395b-1 note) is amended by adding at the end the following new subsections:

"(g) FUNDING FROM SMI TRUST FUND.—There shall be available, from the Federal Supplementary Medical Insurance Trust Fund (under section 1841 of the Social Security Act (42 U.S.C. 1395t)), the amount of $100,000,000 to carry out the project.

"(h) APPLICATION.—Chapter 35 of title 44, United States Code, shall not apply to the conduct of the project.".

(b) APPLICATION OF BUDGET-NEUTRALITY ADJUSTOR TO CONVERSION FACTOR.—Section 1848(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)) is amended by adding at the end the following new clause:

"(vi) ALTERNATIVE APPLICATION OF BUDGET-NEUTRALITY ADJUSTMENT.—Notwithstanding subsection (d)(9)(A), effective for fee schedules established beginning with 2009, with respect to the 5-year review of work relative value units used in fee schedules for 2007 and

2008, in lieu of continuing to apply budget-neutrality adjustments required under clause (ii) for 2007 and 2008 to work relative value units, the Secretary shall apply such budget-neutrality adjustments to the conversion factor otherwise determined for years beginning with 2009.''.

SEC. 134. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) In General.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 103 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "before July 1, 2008'' and inserting "before January 1, 2010''.

(b) Treatment of Physicians' Services Furnished in Certain Areas.—Section 1848(e)(1)(G) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(G)) is amended by adding at the end the following new sentence: "For purposes of payment for services furnished in the State described in the preceding sentence on or after January 1, 2009, after calculating the work geographic index in subparagraph (A)(iii), the Secretary shall increase the work geographic index to 1.5 if such index would otherwise be less than 1.5''.

(c) Technical Correction.—Section 602(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2301) is amended to read as follows:

"(1) in subparagraph (A), by striking 'subparagraphs (B), (C), and (E)' and inserting 'subparagraphs (B), (C), (E), and (G)'; and''.

SEC. 135. IMAGING PROVISIONS.

(a) Accreditation Requirement.—

(1) Accreditation requirement.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (d) the following new subsection:

"(e) Accreditation Requirement for Advanced Diagnostic Imaging Services.—

"(1) In general.—

"(A) In general.—Beginning with January 1, 2012, with respect to the technical component of advanced diagnostic imaging services for which payment is made under the fee schedule established under section 1848(b) and that are furnished by a supplier, payment may only be made if such supplier is accredited by an accreditation organization designated by the Secretary under paragraph (2)(B)(i).

"(B) Advanced diagnostic imaging services defined.—In this subsection, the term 'advanced diagnostic imaging services' includes—

"(i) diagnostic magnetic resonance imaging, computed tomography, and nuclear medicine (including positron emission tomography); and

"(ii) such other diagnostic imaging services, including services described in section 1848(b)(4)(B) (excluding X-ray, ultrasound, and fluoroscopy), as specified by the Secretary in consultation with physician specialty organizations and other stakeholders.

"(C) Supplier defined.—In this subsection, the term 'supplier' has the meaning given such term in section 1861(d).

"(2) Accreditation organizations.—

"(A) Factors for designation of accreditation organizations.—The Secretary shall consider the following factors in designating accreditation organizations under subparagraph (B)(i) and in reviewing and modifying the list of accreditation organizations designated pursuant to subparagraph (C):

"(i) The ability of the organization to conduct timely reviews of accreditation applications.

"(ii) Whether the organization has established a process for the timely integration of new advanced diagnostic imaging services into the organization's accreditation program.

"(iii) Whether the organization uses random site visits, site audits, or other strategies for ensuring accredited suppliers maintain adherence to the criteria described in paragraph (3).

"(iv) The ability of the organization to take into account the capacities of suppliers located in a rural area (as defined in section 1886(d)(2)(D)).

"(v) Whether the organization has established reasonable fees to be charged to suppliers applying for accreditation.

"(vi) Such other factors as the Secretary determines appropriate.

"(B) Designation.—Not later than January 1, 2010, the Secretary shall designate organizations to accredit suppliers furnishing the technical component of advanced diagnostic imaging services. The list of accreditation organizations so designated may be modified pursuant to subparagraph (C).

"(C) Review and modification of list of accreditation organizations.—

"(i) In general.—The Secretary shall review the list of accreditation organizations designated under subparagraph (B) taking into account the factors under subparagraph (A). Taking into account the results of such review, the Secretary may, by regulation, modify the list of accreditation organizations designated under subparagraph (B).

"(ii) Special rule for accreditations done prior to removal from list of designated accreditation organizations.—In the case where the Secretary removes an organization from the list of accreditation organizations designated under subparagraph (B), any supplier that is accredited by the organization during the period beginning on the date on which the organization is designated as an accreditation organization under subparagraph (B) and ending on the date on which the organization is removed from such list shall be considered to have been accredited by an organization designated by the Secretary under subparagraph (B) for the remaining period such accreditation is in effect.

"(3) Criteria for accreditation.—The Secretary shall establish procedures to ensure that the criteria used by an accreditation organization designated under paragraph (2)(B) to evaluate a supplier that furnishes the technical component of advanced diagnostic imaging services for the purpose of accreditation of such supplier is specific to each imaging modality. Such criteria shall include—

"(A) standards for qualifications of medical personnel who are not physicians and who furnish the technical component of advanced diagnostic imaging services;

"(B) standards for qualifications and responsibilities of medical directors and supervising physicians, including standards that recognize the considerations described in paragraph (4);

"(C) procedures to ensure that equipment used in furnishing the technical component of advanced diagnostic imaging services meets performance specifications;

"(D) standards that require the supplier have procedures in place to ensure the safety of persons who furnish the technical component of advanced diagnostic imaging services and individuals to whom such services are furnished;

"(E) standards that require the establishment and maintenance of a quality assurance and quality control program by the supplier that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the technical quality of diagnostic images produced by such supplier; and

"(F) any other standards or procedures the Secretary determines appropriate.

"(4) Recognition in standards for the evaluation of medical directors and supervising physicians.—The standards described in paragraph (3)(B) shall recognize whether a medical director or supervising physician—

"(A) in a particular specialty receives training in advanced diagnostic imaging services in a residency program;

"(B) has attained, through experience, the necessary expertise to be a medical director or a supervising physician;

"(C) has completed any continuing medical education courses relating to such services; or

"(D) has met such other standards as the Secretary determines appropriate.

"(5) Rule for accreditations made prior to designation.—In the case of a supplier that is accredited before January 1, 2010, by an accreditation organization designated by the Secretary under paragraph (2)(B) as of January 1, 2010, such supplier shall be considered to have been accredited by an organization designated by the Secretary under such paragraph as of January 1, 2012, for the remaining period such accreditation is in effect.''.

(2) Conforming amendments.—

(A) In general.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(i) in paragraph (21), by striking "or'' at the end;

(ii) in paragraph (22), by striking the period at the end and inserting "; or''; and

(iii) by inserting after paragraph (22) the following new paragraph:

"(23) which are the technical component of advanced diagnostic imaging services described in section 1834(e)(1)(B) for which payment is made under the fee schedule established under section 1848(b) and that are furnished by a supplier (as defined in section 1861(d)), if such supplier is not accredited by an accreditation organization designated by the Secretary under section 1834(e)(2)(B).''.

(B) Effective date.—The amendments made by this paragraph shall apply to advanced diagnostic imaging services furnished on or after January 1, 2012.

(b) Demonstration Project To Assess the Appropriate Use of Imaging Services.—

(1) Conduct of demonstration project.—

(A) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary'') shall conduct a demonstration project using the models described in paragraph (2)(E) to collect data regarding physician compliance with appropriateness criteria selected under paragraph (2)(D) in order to determine the appropriateness of advanced diagnostic imaging services furnished to Medicare beneficiaries.

(B) Advanced diagnostic imaging services.—In this subsection, the term "advanced diagnostic imaging services'' has the meaning given such term in section 1834(e)(1)(B) of the Social Security Act, as added by subsection (a).

(C) Authority to focus demonstration project.—The Secretary may focus the demonstration project with respect to certain advanced diagnostic imaging services, such as services that account for a large amount of expenditures under the Medicare program, services that have recently experienced a high rate of growth, or services for which appropriateness criteria exists.

(2) IMPLEMENTATION AND DESIGN OF DEMONSTRATION PROJECT.—

(A) IMPLEMENTATION AND DURATION.—

(i) IMPLEMENTATION.—The Secretary shall implement the demonstration project under this subsection not later than January 1, 2010.

(ii) DURATION.—The Secretary shall conduct the demonstration project under this subsection for a 2-year period.

(B) APPLICATION AND SELECTION OF PARTICIPATING PHYSICIANS.—

(i) APPLICATION.—Each physician that desires to participate in the demonstration project under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(ii) SELECTION.—The Secretary shall select physicians to participate in the demonstration project under this subsection from among physicians submitting applications under clause (i). The Secretary shall ensure that the physicians selected—

(I) represent a wide range of geographic areas, demographic characteristics (such as urban, rural, and suburban), and practice settings (such as private and academic practices); and

(II) have the capability to submit data to the Secretary (or an entity under a subcontract with the Secretary) in an electronic format in accordance with standards established by the Secretary.

(C) ADMINISTRATIVE COSTS AND INCENTIVES.—The Secretary shall—

(i) reimburse physicians for reasonable administrative costs incurred in participating in the demonstration project under this subsection; and

(ii) provide reasonable incentives to physicians to encourage participation in the demonstration project under this subsection.

(D) USE OF APPROPRIATENESS CRITERIA.—

(i) IN GENERAL.—The Secretary, in consultation with medical specialty societies and other stakeholders, shall select criteria with respect to the clinical appropriateness of advanced diagnostic imaging services for use in the demonstration project under this subsection.

(ii) CRITERIA SELECTED.—Any criteria selected under clause (i) shall—

(I) be developed or endorsed by a medical specialty society; and

(II) be developed in adherence to appropriateness principles developed by a consensus organization, such as the AQA alliance.

(E) MODELS FOR COLLECTING DATA REGARDING PHYSICIAN COMPLIANCE WITH SELECTED CRITERIA.—Subject to subparagraph (H), in carrying out the demonstration project under this subsection, the Secretary shall use each of the following models for collecting data regarding physician compliance with appropriateness criteria selected under subparagraph (D):

(i) A model described in subparagraph (F).

(ii) A model described in subparagraph (G).

(iii) Any other model that the Secretary determines to be useful in evaluating the use of appropriateness criteria for advanced diagnostic imaging services.

(F) POINT OF SERVICE MODEL DESCRIBED.—A model described in this subparagraph is a model that—

(i) uses an electronic or paper intake form that—

(I) contains a certification by the physician furnishing the imaging service that the data on the intake form was confirmed with the Medicare beneficiary before the service was furnished;

(II) contains standardized data elements for diagnosis, service ordered, service furnished, and such other information determined by the Secretary, in consultation with medical specialty societies and other stakeholders, to be germane to evaluating the effectiveness of the use of appropriateness criteria selected under subparagraph (D); and

(III) is accessible to physicians participating in the demonstration project under this subsection in a format that allows for the electronic submission of such form; and

(ii) provides for feedback reports in accordance with paragraph (3)(B).

(G) POINT OF ORDER MODEL DESCRIBED.—A model described in this subparagraph is a model that—

(i) uses a computerized order-entry system that requires the transmittal of relevant supporting information at the time of referral for advanced diagnostic imaging services and provides automated decision-support feedback to the referring physician regarding the appropriateness of furnishing such imaging services; and

(ii) provides for feedback reports in accordance with paragraph (3)(B).

(H) LIMITATION.—In no case may the Secretary use prior authorization—

(i) as a model for collecting data regarding physician compliance with appropriateness criteria selected under subparagraph (D) under the demonstration project under this subsection; or

(ii) under any model used for collecting such data under the demonstration project.

(I) REQUIRED CONTRACTS AND PERFORMANCE STANDARDS FOR CERTAIN ENTITIES.—

(i) IN GENERAL.—The Secretary shall enter into contracts with entities to carry out the model described in subparagraph (G).

(ii) PERFORMANCE STANDARDS.—The Secretary shall establish and enforce performance standards for such entities under the contracts entered into under clause (i), including performance standards with respect to—

(I) the satisfaction of Medicare beneficiaries who are furnished advanced diagnostic imaging services by a physician participating in the demonstration project;

(II) the satisfaction of physicians participating in the demonstration project;

(III) if applicable, timelines for the provision of feedback reports under paragraph (3)(B); and

(IV) any other areas determined appropriate by the Secretary.

(3) COMPARISON OF UTILIZATION OF ADVANCED DIAGNOSTIC IMAGING SERVICES AND FEEDBACK REPORTS.—

(A) COMPARISON OF UTILIZATION OF ADVANCED DIAGNOSTIC IMAGING SERVICES.—The Secretary shall consult with medical specialty societies and other stakeholders to develop mechanisms for comparing the utilization of advanced diagnostic imaging services by physicians participating in the demonstration project under this subsection against—

(i) the appropriateness criteria selected under paragraph (2)(D); and

(ii) to the extent feasible, the utilization of such services by physicians not participating in the demonstration project.

(B) FEEDBACK REPORTS.—The Secretary shall, in consultation with medical specialty societies and other stakeholders, develop mechanisms to provide feedback reports to physicians participating in the demonstration project under this subsection. Such feedback reports shall include—

(i) a profile of the rate of compliance by the physician with appropriateness criteria selected under paragraph (2)(D), including a comparison of—

(I) the rate of compliance by the physician with such criteria; and

(II) the rate of compliance by the physician's peers (as defined by the Secretary) with such criteria; and

(ii) to the extent feasible, a comparison of—

(I) the rate of utilization of advanced diagnostic imaging services by the physician; and

(II) the rate of utilization of such services by the physician's peers (as defined by the Secretary) who are not participating in the demonstration project.

(4) CONDUCT OF DEMONSTRATION PROJECT AND WAIVER.—

(A) CONDUCT OF DEMONSTRATION PROJECT.—Chapter 35 of title 44, United States Code, shall not apply to the conduct of the demonstration project under this subsection.

(B) WAIVER.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.) as may be necessary to carry out the demonstration project under this subsection.

(5) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall evaluate the demonstration project under this subsection to—

(i) assess the timeliness and efficacy of the demonstration project;

(ii) assess the performance of entities under a contract entered into under paragraph (2)(I)(i);

(iii) analyze data—

(I) on the rates of appropriate, uncertain, and inappropriate advanced diagnostic imaging services furnished by physicians participating in the demonstration project;

(II) on patterns and trends in the appropriateness and inappropriateness of such services furnished by such physicians;

(III) on patterns and trends in national and regional variations of care with respect to the furnishing of such services; and

(IV) on the correlation between the appropriateness of the services furnished and image results; and

(iv) address—

(I) the thresholds used under the demonstration project to identify acceptable and outlier levels of performance with respect to the appropriateness of advanced diagnostic imaging services furnished;

(II) whether prospective use of appropriateness criteria could have an effect on the volume of such services furnished;

(III) whether expansion of the use of appropriateness criteria with respect to such services to a broader population of Medicare beneficiaries would be advisable;

(IV) whether, under such an expansion, physicians who demonstrate consistent compliance with such appropriateness criteria should be exempted from certain requirements;

(V) the use of incident-specific versus practice-specific outlier information in formulating future recommendations with respect to the use of appropriateness criteria for such services under the Medicare program; and

(VI) the potential for using methods (including financial incentives), in addition to those used under the models under the demonstration project, to ensure compliance with such criteria.

(B) REPORT.—Not later than 1 year after the completion of the demonstration project under this subsection, the Secretary shall submit to Congress a report containing the results of the evaluation of the demonstration project conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(6) FUNDING.—The Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) of $10,000,000, for carrying out the demonstration project under this subsection (including costs associated with administering the demonstration project, reimbursing physicians for administrative costs and providing incentives to encourage participation under paragraph (2)(C), entering into contracts under paragraph (2)(I), and evaluating the demonstration project under paragraph (5)).

(c) GAO STUDY AND REPORTS ON ACCREDITATION REQUIREMENT FOR ADVANCED DIAGNOSTIC IMAGING SERVICES.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study, by imaging modality, on—

(i) the effect of the accreditation requirement under section 1834(e) of the Social Security Act, as added by subsection (a); and

(ii) any other relevant questions involving access to, and the value of, advanced diagnostic imaging services for Medicare beneficiaries.

(B) ISSUES.—The study conducted under subparagraph (A) shall examine the following:

(i) The impact of such accreditation requirement on the number, type, and quality of imaging services furnished to Medicare beneficiaries.

(ii) The cost of such accreditation requirement, including costs to facilities of compliance with such requirement and costs to the Secretary of administering such requirement.

(iii) Access to imaging services by Medicare beneficiaries, especially in rural areas, before and after implementation of such accreditation requirement.

(iv) Such other issues as the Secretary determines appropriate.

(2) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than March 1, 2013, the Comptroller General shall submit a preliminary report to Congress on the study conducted under paragraph (1).

(B) FINAL REPORT.—Not later than March 1, 2014, the Comptroller General shall submit a final report to Congress on the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 136. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), and section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "2007, and the first 6 months of 2008" and inserting "2007, 2008, and 2009".

SEC. 137. ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by section 116 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "(before July 1, 2008)".

SEC. 138. ADJUSTMENT FOR MEDICARE MENTAL HEALTH SERVICES.

(a) PAYMENT ADJUSTMENT.—

(1) IN GENERAL.—For purposes of payment for services furnished under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) during the period beginning on July 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall increase the fee schedule otherwise applicable for specified services by 5 percent.

(2) NONAPPLICATION OF BUDGET-NEUTRALITY.—The budget-neutrality provision of section 1848(c)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(ii)) shall not apply to the adjustments described in paragraph (1).

(b) DEFINITION OF SPECIFIED SERVICES.—In this section, the term "specified services" means procedure codes for services in the categories of the Health Care Common Procedure Coding System, established by the Secretary of Health and Human Services under section 1848(c)(5) of the Social Security Act (42 U.S.C. 1395w–4(c)(5)), as of July 1, 2007, and as subsequently modified by the Secretary, consisting of psychiatric therapeutic procedures furnished in office or other outpatient facility settings or in inpatient hospital, partial hospital, or residential care facility settings, but only with respect to such services in such categories that are in the subcategories of services which are—

(1) insight oriented, behavior modifying, or supportive psychotherapy; or

(2) interactive psychotherapy.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this section by program instruction or otherwise.

SEC. 139. IMPROVEMENTS FOR MEDICARE ANESTHESIA TEACHING PROGRAMS.

(a) SPECIAL PAYMENT RULE FOR TEACHING ANESTHESIOLOGISTS.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)), as amended by section 132(b), is amended—

(1) in paragraph (4)(A), by inserting "except as provided in paragraph (5)," after "anesthesia cases,"; and

(2) by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR TEACHING ANESTHESIOLOGISTS.—With respect to physicians' services furnished on or after January 1, 2010, in the case of teaching anesthesiologists involved in the training of physician residents in a single anesthesia case or two concurrent anesthesia cases, the fee schedule amount to be applied shall be 100 percent of the fee schedule amount otherwise applicable under this section if the anesthesia services were personally performed by the teaching anesthesiologist alone and paragraph (4) shall not apply if—

"(A) the teaching anesthesiologist is present during all critical or key portions of the anesthesia service or procedure involved; and

"(B) the teaching anesthesiologist (or another anesthesiologist with whom the teaching anesthesiologist has entered into an arrangement) is immediately available to furnish anesthesia services during the entire procedure.".

(b) TREATMENT OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—With respect to items and services furnished on or after January 1, 2010, the Secretary of Health and Human Services shall make appropriate adjustments to payments under the Medicare program under title XVIII of the Social Security Act for teaching certified registered nurse anesthetists to implement a policy with respect to teaching certified registered nurse anesthetists that—

(1) is consistent with the adjustments made by the special rule for teaching anesthesiologists under section 1848(a)(6) of the Social Security Act, as added by subsection (a); and

(2) maintains the existing payment differences between teaching anesthesiologists and teaching certified registered nurse anesthetists.

PART II—OTHER PAYMENT AND COVERAGE IMPROVEMENTS

SEC. 141. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 105 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "June 30, 2008" and inserting "December 31, 2009".

SEC. 142. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY AND THERAPEUTIC RADIOPHARMACEUTICALS.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 106 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "July 1, 2008" each place it appears and inserting "January 1, 2010".

SEC. 143. SPEECH-LANGUAGE PATHOLOGY SERVICES.

(a) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'outpatient speech-language pathology services' has the meaning given the term 'outpatient physical therapy services' in subsection (p), except that in applying such subsection—

"(A) 'speech-language pathology' shall be substituted for 'physical therapy' each place it appears; and

"(B) 'speech-language pathologist' shall be substituted for 'physical therapist' each place it appears.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1832(a)(2)(C) of the Social Security Act (42 U.S.C. 1395k(a)(2)(C)) is amended—

(A) by striking "and outpatient" and inserting ", outpatient"; and

(B) by inserting before the semicolon at the end the following: ", and outpatient speech-language pathology services (other than services to which the second sentence of section 1861(p) applies through the application of section 1861(ll)(2))".

(2) Subparagraphs (A) and (B) of section 1833(a)(8) of the Social Security Act (42 U.S.C. 1395l(a)(8)) are each amended by striking "(which includes outpatient speech-language pathology services)" and inserting ", outpatient speech-language pathology services,".

(3) Section 1833(g)(1) of the Social Security Act (42 U.S.C. 1395l(g)(1)) is amended—

(A) by inserting "and speech-language pathology services of the type described in such section through the application of section 1861(ll)(2)" after "1861(p)"; and

(B) by inserting "and speech-language pathology services" after "and physical therapy services".

(4) The second sentence of section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" each place it appears; and

(B) by inserting "or outpatient speech-language pathology services, respectively" after "occupational therapy services".

(5) Section 1861(p) of the Social Security Act (42 U.S.C. 1395x(p)) is amended by striking the fourth sentence.

(6) Section 1861(s)(2)(D) of the Social Security Act (42 U.S.C. 1395x(s)(2)(D)) is amended by inserting ", outpatient speech-language pathology services," after "physical therapy services".

(7) Section 1862(a)(20) of the Social Security Act (42 U.S.C. 1395y(a)(20)) is amended—

(A) by striking "outpatient occupational therapy services or outpatient physical therapy services" and inserting "outpatient physical therapy services, outpatient speech-language pathology services, or outpatient occupational therapy services"; and

(B) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861".

(8) Section 1866(e)(1) of the Social Security Act (42 U.S.C. 1395cc(e)(1)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" the first two places it appears;

(B) by striking "defined) or" and inserting "defined),"; and

(C) by inserting before the semicolon at the end the following: ", or (through the operation of section 1861(ll)(2)) with respect to the furnishing of outpatient speech-language pathology".

(9) Section 1877(h)(6) of the Social Security Act (42 U.S.C. 1395nn(h)(6)) is amended by adding at the end the following new subparagraph:

"(L) Outpatient speech-language pathology services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 2009.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect existing regulations and policies of the Centers for Medicare & Medicaid Services that require physician oversight of care as a condition of payment for speech-language pathology services under part B of the Medicare program.

SEC. 144. PAYMENT AND COVERAGE IMPROVEMENTS FOR PATIENTS WITH CHRONIC OBSTRUCTIVE PULMONARY DISEASE AND OTHER CONDITIONS.

(a) COVERAGE OF PULMONARY AND CARDIAC REHABILITATION.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 101(a), is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (AA), by striking "and" at the end;

(ii) by adding at the end the following new subparagraphs:

"(CC) items and services furnished under a cardiac rehabilitation program (as defined in subsection (eee)(1)) or under a pulmonary rehabilitation program (as defined in subsection (fff)(1)); and

"(DD) items and services furnished under an intensive cardiac rehabilitation program (as defined in subsection (eee)(4));"; and

(B) by adding at the end the following new subsections:

"Cardiac Rehabilitation Program; Intensive Cardiac Rehabilitation Program

"(eee)(1) The term 'cardiac rehabilitation program' means a physician-supervised program (as described in paragraph (2)) that furnishes the items and services described in paragraph (3).

"(2) A program described in this paragraph is a program under which—

"(A) items and services under the program are delivered—

"(i) in a physician's office;

"(ii) in a hospital on an outpatient basis; or

"(iii) in other settings determined appropriate by the Secretary.

"(B) a physician is immediately available and accessible for medical consultation and medical emergencies at all times items and services are being furnished under the program, except that, in the case of items and services furnished under such a program in a hospital, such availability shall be presumed; and

"(C) individualized treatment is furnished under a written plan established, reviewed, and signed by a physician every 30 days that describes—

"(i) the individual's diagnosis;

"(ii) the type, amount, frequency, and duration of the items and services furnished under the plan; and

"(iii) the goals set for the individual under the plan.

"(3) The items and services described in this paragraph are—

"(A) physician-prescribed exercise;

"(B) cardiac risk factor modification, including education, counseling, and behavioral intervention (to the extent such education, counseling, and behavioral intervention is closely related to the individual's care and treatment and is tailored to the individual's needs);

"(C) psychosocial assessment;

"(D) outcomes assessment; and

"(E) such other items and services as the Secretary may determine, but only if such items and services are—

"(i) reasonable and necessary for the diagnosis or active treatment of the individual's condition;

"(ii) reasonably expected to improve or maintain the individual's condition and functional level; and

"(iii) furnished under such guidelines relating to the frequency and duration of such items and services as the Secretary shall establish, taking into account accepted norms of medical practice and the reasonable expectation of improvement of the individual.

"(4)(A) The term 'intensive cardiac rehabilitation program' means a physician-supervised program (as described in paragraph (2)) that furnishes the items and services described in paragraph (3) and has shown, in peer-reviewed published research, that it accomplished—

"(i) one or more of the following:

"(I) positively affected the progression of coronary heart disease; or

"(II) reduced the need for coronary bypass surgery; or

"(III) reduced the need for percutaneous coronary interventions; and

"(ii) a statistically significant reduction in 5 or more of the following measures from their level before receipt of cardiac rehabilitation services to their level after receipt of such services:

"(I) low density lipoprotein;

"(II) triglycerides;

"(III) body mass index;

"(IV) systolic blood pressure;

"(V) diastolic blood pressure; or

"(VI) the need for cholesterol, blood pressure, and diabetes medications.

"(B) To be eligible for an intensive cardiac rehabilitation program, an individual must have—

"(i) had an acute myocardial infarction within the preceding 12 months;

"(ii) had coronary bypass surgery;

"(iii) stable angina pectoris;

"(iv) had heart valve repair or replacement;

"(v) had percutaneous transluminal coronary angioplasty (PTCA) or coronary stenting; or

"(vi) had a heart or heart-lung transplant.

"(C) An intensive cardiac rehabilitation program may be provided in a series of 72 one-hour sessions (as defined in section 1848(b)(5)), up to 6 sessions per day, over a period of up to 18 weeks.

"(5) The Secretary shall establish standards to ensure that a physician with expertise in the management of individuals with cardiac pathophysiology who is licensed to practice medicine in the State in which a cardiac rehabilitation program (or the intensive cardiac rehabilitation program, as the case may be) is offered—

"(A) is responsible for such program; and

"(B) in consultation with appropriate staff, is involved substantially in directing the progress of individual in the program.

"Pulmonary Rehabilitation Program

"(fff)(1) The term 'pulmonary rehabilitation program' means a physician-supervised program (as described in subsection (eee)(2) with respect to a program under this subsection) that furnishes the items and services described in paragraph (2).

"(2) The items and services described in this paragraph are—

"(A) physician-prescribed exercise;

"(B) education or training (to the extent the education or training is closely and clearly related to the individual's care and treatment and is tailored to such individual's needs);

"(C) psychosocial assessment;

"(D) outcomes assessment; and

"(E) such other items and services as the Secretary may determine, but only if such items and services are—

"(i) reasonable and necessary for the diagnosis or active treatment of the individual's condition;

"(ii) reasonably expected to improve or maintain the individual's condition and functional level; and

"(iii) furnished under such guidelines relating to the frequency and duration of such items and services as the Secretary shall establish, taking into account accepted norms of medical practice and the reasonable expectation of improvement of the individual.

"(3) The Secretary shall establish standards to ensure that a physician with expertise in the management of individuals with respiratory pathophysiology who is licensed to practice medicine in the State in which a pulmonary rehabilitation program is offered—

"(A) is responsible for such program; and

"(B) in consultation with appropriate staff, is involved substantially in directing the progress of individual in the program.".

(2) PAYMENT FOR INTENSIVE CARDIAC REHABILITATION PROGRAMS.—

(A) INCLUSION IN PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(DD)," after "(2)(AA),".

(B) CONFORMING AMENDMENT.—Section 1848(b) of the Social Security Act (42 U.S.C.

1395w-4(b)) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INTENSIVE CARDIAC REHABILITATION PROGRAM.—

"(A) IN GENERAL.—In the case of an intensive cardiac rehabilitation program described in section 1861(eee)(4), the Secretary shall substitute the Medicare OPD fee schedule amount established under the prospective payment system for hospital outpatient department service under paragraph (3)(D) of section 1833(t) for cardiac rehabilitation (under HCPCS codes 93797 and 93798 for calendar year 2007, or any succeeding HCPCS codes for cardiac rehabilitation).

"(B) DEFINITION OF SESSION.—Each of the services described in subparagraphs (A) through (E) of section 1861(eee)(3), when furnished for one hour, is a separate session of intensive cardiac rehabilitation.

"(C) MULTIPLE SESSIONS PER DAY.—Payment may be made for up to 6 sessions per day of the series of 72 one-hour sessions of intensive cardiac rehabilitation services described in section 1861(eee)(4)(B).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2010.

(b) REPEAL OF TRANSFER OF OWNERSHIP OF OXYGEN EQUIPMENT.—

(1) IN GENERAL.—Section 1834(a)(5)(F) of the Social Security Act (42 U.S.C. 1395m(a)(5)(F)) is amended—

(A) in the heading, by striking "OWNERSHIP OF EQUIPMENT" and inserting "RENTAL CAP"; and

(B) by striking clause (ii) and inserting the following:

"(ii) PAYMENTS AND RULES AFTER RENTAL CAP.—After the 36th continuous month during which payment is made for the equipment under this paragraph—

"(I) the supplier furnishing such equipment under this subsection shall continue to furnish the equipment during any period of medical need for the remainder of the reasonable useful lifetime of the equipment, as determined by the Secretary;

"(II) payments for oxygen shall continue to be made in the amount recognized for oxygen under paragraph (9) for the period of medical need; and

"(III) maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier's or manufacturer's warranty, as determined by the Secretary to be appropriate for the equipment), and such payments shall be in an amount determined to be appropriate by the Secretary.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2009.

SEC. 145. CLINICAL LABORATORY TESTS.

(a) REPEAL OF MEDICARE COMPETITIVE BIDDING DEMONSTRATION PROJECT FOR CLINICAL LABORATORY SERVICES.—

(1) IN GENERAL.—Section 1847 of the Social Security Act (42 U.S.C. 1395w-3) is amended by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Section 1833(a)(1)(D) of the Social Security Act (42 U.S.C. 1395l(a)(1)(D)) is amended—

(A) by inserting "or" before "(ii)"; and

(B) by striking "or (iii) on the basis" and all that follows before the comma at the end.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) CLINICAL LABORATORY TEST FEE SCHEDULE UPDATE ADJUSTMENT.—Section 1833(h)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395l(h)(2)(A)(ii)) is amended by inserting "minus, for each of the years 2009 through 2013, 0.5 percentage points" after "city average)".

SEC. 146. IMPROVED ACCESS TO AMBULANCE SERVICES.

(a) EXTENSION OF INCREASED MEDICARE PAYMENTS FOR GROUND AMBULANCE SERVICES.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "and for such services furnished on or after July 1, 2008, and before January 1, 2010" after "2007,";

(B) in clause (i), by inserting "(or 3 percent if such service is furnished on or after July 1, 2008, and before January 1, 2010)" after "2 percent"; and

(C) in clause (ii), by inserting "(or 2 percent if such service is furnished on or after July 1, 2008, and before January 1, 2010)" after "1 percent"; and

(2) in subparagraph (B)—

(A) in the heading, by striking "2006" and inserting "APPLICABLE PERIOD"; and

(B) by inserting "applicable" before "period".

(b) AIR AMBULANCE PAYMENT IMPROVEMENTS.—

(1) TREATMENT OF CERTAIN AREAS FOR PAYMENT FOR AIR AMBULANCE SERVICES UNDER THE AMBULANCE FEE SCHEDULE.—Notwithstanding any other provision of law, for purposes of making payments under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) for air ambulance services furnished during the period beginning on July 1, 2008, and ending on December 31, 2009, any area that was designated as a rural area for purposes of making payments under such section for air ambulance services furnished on December 31, 2006, shall be treated as a rural area for purposes of making payments under such section for air ambulance services furnished during such period.

(2) CLARIFICATION REGARDING SATISFACTION OF REQUIREMENT OF MEDICALLY NECESSARY.—

(A) IN GENERAL.—Section 1834(l)(14)(B)(i) of the Social Security Act (42 U.S.C. 1395m(l)(14)(B)(i)) is amended by striking "reasonably determines or certifies" and inserting "certifies or reasonably determines".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to services furnished on or after the date of the enactment of this Act.

SEC. 147. EXTENSION AND EXPANSION OF THE MEDICARE HOLD HARMLESS PROVISION UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT (HOPD) SERVICES FOR CERTAIN HOSPITALS.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking "2009" and inserting "2010"; and

(B) by striking the second sentence and inserting the following new sentence: "For purposes of the preceding sentence, the applicable percentage shall be 95 percent with respect to covered OPD services furnished in 2006, 90 percent with respect to such services furnished in 2007, and 85 percent with respect to such services furnished in 2008 or 2009."; and

(2) by adding at the end the following new subclause:

"(III) In the case of a sole community hospital (as defined in section 1886(d)(5)(D)(iii)) that has not more than 100 beds, for covered OPD services furnished on or after January 1, 2009, and before January 1, 2010, for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by 85 percent of the amount of such difference.".

SEC. 148. CLARIFICATION OF PAYMENT FOR CLINICAL LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 1834(g)(4) of the Social Security Act (42 U.S.C. 1395m(g)(4)) is amended—

(1) in the heading, by striking "NO BENEFICIARY COST-SHARING FOR" and inserting "TREATMENT OF"; and

(2) by adding at the end the following new sentence: "For purposes of the preceding sentence and section 1861(mm)(3), clinical diagnostic laboratory services furnished by a critical access hospital shall be treated as being furnished as part of outpatient critical access services without regard to whether the individual with respect to whom such services are furnished is physically present in the critical access hospital, or in a skilled nursing facility or a clinic (including a rural health clinic) that is operated by a critical access hospital, at the time the specimen is collected.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after July 1, 2009.

SEC. 149. ADDING CERTAIN ENTITIES AS ORIGINATING SITES FOR PAYMENT OF TELEHEALTH SERVICES.

(a) IN GENERAL.—Section 1834(m)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding at the end the following new subclauses:

"(VI) A hospital-based or critical access hospital-based renal dialysis center (including satellites).

"(VII) A skilled nursing facility (as defined in section 1819(a)).

"(VIII) A community mental health center (as defined in section 1861(ff)(3)(B)).".

(b) CONFORMING AMENDMENT.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "telehealth services furnished under section 1834(m)(4)(C)(ii)(VII)," after "section 1861(s)(2),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2009.

SEC. 150. MEDPAC STUDY AND REPORT ON IMPROVING CHRONIC CARE DEMONSTRATION PROGRAMS.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the "Commission") shall conduct a study on the feasability and advisability of establishing a Medicare Chronic Care Practice Research Network that would serve as a standing network of providers testing new models of care coordination and other care approaches for chronically ill beneficiaries, including the initiation, operation, evaluation, and, if appropriate, expansion of such models to the broader Medicare patient population. In conducting such study, the Commission shall take into account the structure, implementation, and results of prior and existing care coordination and disease management demonstrations and pilots, including the Medicare Coordinated Care Demonstration Project under section 4016 of the Balanced Budget Act of 1997 (42 U.S.C. 1395b-1 note) and the chronic care improvement programs under section 1807 of the Social Security Act (42 U.S.C. 1395b-8), commonly known to as "Medicare Health Support".

(b) REPORT.—Not later than June 15, 2009, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 151. INCREASE OF FQHC PAYMENT LIMITS.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

"(v) INCREASE OF FQHC PAYMENT LIMITS.—In the case of services furnished by Federally qualified health centers (as defined in section 1861(aa)(4)), the Secretary shall establish payment limits with respect to such services under this part for services furnished—

"(1) in 2010, at the limits otherwise established under this part for such year increased by $5; and

"(2) in a subsequent year, at the limits established under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.".

(b) STUDY AND REPORT ON THE EFFECTS AND ADEQUACY OF THE MEDICARE FEDERALLY QUALIFIED HEALTH CENTER PAYMENT STRUCTURE.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether the structure for payments for services furnished by Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)) under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) adequately reimburses Federally qualified health centers for the care furnished to Medicare beneficiaries. In conducting such study, the Comptroller General shall—

(A) use the most current cost report data available;

(B) examine the effects of the payment limits established with respect to such services under such part B on the ability of Federally qualified health centers to furnish care to Medicare beneficiaries; and

(C) examine the cost of furnishing services covered under the Medicare program as of the date of the enactment of this Act that were not covered under such program as of the date on which the Secretary determined the payment rate for Federally qualified health centers in 1991.

(2) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative action the Comptroller General determines appropriate, taking into consideration the structure and adequacy of the prospective payment methodology used to make payments to Federally qualified health centers under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 152. KIDNEY DISEASE EDUCATION AND AWARENESS PROVISIONS.

(a) CHRONIC KIDNEY DISEASE INITIATIVES.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

"SEC. 399R. CHRONIC KIDNEY DISEASE INITIATIVES.

"(a) IN GENERAL.—The Secretary shall establish pilot projects to—

"(1) increase public and medical community awareness (particularly of those who treat patients with diabetes and hypertension) regarding chronic kidney disease, focusing on prevention;

"(2) increase screening for chronic kidney disease, focusing on Medicare beneficiaries at risk of chronic kidney disease; and

"(3) enhance surveillance systems to better assess the prevalence and incidence of chronic kidney disease.

"(b) SCOPE AND DURATION.—

"(1) SCOPE.—The Secretary shall select at least 3 States in which to conduct pilot projects under this section.

"(2) DURATION.—The pilot projects under this section shall be conducted for a period that is not longer than 5 years and shall begin on January 1, 2009.

"(c) EVALUATION AND REPORT.—The Comptroller General of the United States shall conduct an evaluation of the pilot projects conducted under this section. Not later than 12 months after the date on which the pilot projects are completed, the Comptroller General shall submit to Congress a report on the evaluation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.".

(b) MEDICARE COVERAGE OF KIDNEY DISEASE PATIENT EDUCATION SERVICES.—

(1) COVERAGE OF KIDNEY DISEASE EDUCATION SERVICES.—

(A) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 144(a), is amended—

(i) in subparagraph (CC), by striking "and" after the semicolon at the end;

(ii) in subparagraph (DD), by adding "and" after the semicolon at the end; and

(iii) by adding at the end the following new subparagraph:

"(EE) kidney disease education services (as defined in subsection (ggg));".

(B) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 144(a), is amended by adding at the end the following new subsection:

"Kidney Disease Education Services

"(ggg)(1) The term 'kidney disease education services' means educational services that are—

"(A) furnished to an individual with stage IV chronic kidney disease who, according to accepted clinical guidelines identified by the Secretary, will require dialysis or a kidney transplant;

"(B) furnished, upon the referral of the physician managing the individual's kidney condition, by a qualified person (as defined in paragraph (2)); and

"(C) designed—

"(i) to provide comprehensive information (consistent with the standards set under paragraph (3)) regarding—

"(I) the management of comorbidities, including for purposes of delaying the need for dialysis;

"(II) the prevention of uremic complications; and

"(III) each option for renal replacement therapy (including hemodialysis and peritoneal dialysis at home and in-center as well as vascular access options and transplantation);

"(ii) to ensure that the individual has the opportunity to actively participate in the choice of therapy; and

"(iii) to be tailored to meet the needs of the individual involved.

"(2)(A) The term 'qualified person' means—

"(i) a physician (as defined in section 1861(r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in section 1861(aa)(5)), who furnishes services for which payment may be made under the fee schedule established under section 1848; and

"(ii) a provider of services located in a rural area (as defined in section 1886(d)(2)(D)).

"(B) Such term does not include a provider of services (other than a provider of services described in subparagraph (A)(ii)) or a renal dialysis facility.

"(3) The Secretary shall set standards for the content of such information to be provided under paragraph (1)(C)(i) after consulting with physicians, other health professionals, health educators, professional organizations, accrediting organizations, kidney patient organizations, dialysis facilities, transplant centers, network organizations described in section 1881(c)(2), and other knowledgeable persons. To the extent possible the Secretary shall consult with persons or entities described in the previous sentence, other than a dialysis facility, that has not received industry funding from a drug or biological manufacturer or dialysis facility.

"(4) No individual shall be furnished more than 6 sessions of kidney disease education services under this title.".

(C) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)), as amended by section 144(b), is amended by inserting "(2)(EE)," after "(2)(DD),".

(D) LIMITATION ON NUMBER OF SESSIONS.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (M), by striking "and" at the end;

(ii) in subparagraph (N), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(O) in the case of kidney disease education services (as defined in paragraph (1) of section 1861(ggg)), which are furnished in excess of the number of sessions covered under paragraph (4) of such section;".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after January 1, 2010.

SEC. 153. RENAL DIALYSIS PROVISIONS.

(a) COMPOSITE RATE.—

(1) UPDATE.—Section 1881(b)(12)(G) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii)—

(i) by inserting "and before January 1, 2009," after "April 1, 2007,"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new clauses:

"(iii) furnished on or after January 1, 2009, and before January 1, 2010, by 1.0 percent above the amount of such composite rate component for such services furnished on December 31, 2008; and

"(iv) furnished on or after January 1, 2010, by 1.0 percent above the amount of such composite rate component for such services furnished on December 31, 2009.".

(2) SITE NEUTRAL COMPOSITE RATE.—Section 1881(b)(12)(A) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(A)) is amended by adding at the end the following new sentence: "Under such system, the payment rate for dialysis services furnished on or after January 1, 2009, by providers of services shall be the same as the payment rate (computed without regard to this sentence) for such services furnished by renal dialysis facilities, and in applying the geographic index under subparagraph (D) to providers of services,

the labor share shall be based on the labor share otherwise applied for renal dialysis facilities.".

(b) DEVELOPMENT OF ESRD BUNDLED PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

"(14)(A)(i) Subject to subparagraph (E), for services furnished on or after January 1, 2011, the Secretary shall implement a payment system under which a single payment is made under this title to a provider of services or a renal dialysis facility for renal dialysis services (as defined in subparagraph (B)) in lieu of any other payment (including a payment adjustment under paragraph (12)(B)(ii)) and for such services and items furnished pursuant to paragraph (4).

"(ii) In implementing the system under this paragraph the Secretary shall ensure that the estimated total amount of payments under this title for 2011 for renal dialysis services shall equal 98 percent of the estimated total amount of payments for renal dialysis services, including payments under paragraph (12)(B)(ii), that would have been made under this title with respect to services furnished in 2011 if such system had not been implemented. In making the estimation under subclause (I), the Secretary shall use per patient utilization data from 2007, 2008, or 2009, whichever has the lowest per patient utilization.

"(B) For purposes of this paragraph, the term 'renal dialysis services' includes—

"(i) items and services included in the composite rate for renal dialysis services as of December 31, 2010;

"(ii) erythropoiesis stimulating agents and any oral form of such agents that are furnished to individuals for the treatment of end stage renal disease;

"(iii) other drugs and biologicals that are furnished to individuals for the treatment of end stage renal disease and for which payment was (before the application of this paragraph) made separately under this title, and any oral equivalent form of such drug or biological; and

"(iv) diagnostic laboratory tests and other items and services not described in clause (i) that are furnished to individuals for the treatment of end stage renal disease.

Such term does not include vaccines.

"(C) The system under this paragraph may provide for payment on the basis of services furnished during a week or month or such other appropriate unit of payment as the Secretary specifies.

"(D) Such system—

"(i) shall include a payment adjustment based on case mix that may take into account patient weight, body mass index, comorbidities, length of time on dialysis, age, race, ethnicity, and other appropriate factors;

"(ii) shall include a payment adjustment for high cost outliers due to unusual variations in the type or amount of medically necessary care, including variations in the amount of erythropoiesis stimulating agents necessary for anemia management;

"(iii) shall include a payment adjustment that reflects the extent to which costs incurred by low-volume facilities (as defined by the Secretary) in furnishing renal dialysis services exceed the costs incurred by other facilities in furnishing such services, and for payment for renal dialysis services furnished on or after January 1, 2011, and before January 1, 2014, such payment adjustment shall not be less than 10 percent; and

"(iv) may include such other payment adjustments as the Secretary determines appropriate, such as a payment adjustment—

"(I) for pediatric providers of services and renal dialysis facilities;

"(II) by a geographic index, such as the index referred to in paragraph (12)(D), as the Secretary determines to be appropriate; and

"(III) for providers of services or renal dialysis facilities located in rural areas.

The Secretary shall take into consideration the unique treatment needs of children and young adults in establishing such system.

"(E)(i) The Secretary shall provide for a four-year phase-in (in equal increments) of the payment amount under the payment system under this paragraph, with such payment amount being fully implemented for renal dialysis services furnished on or after January 1, 2014.

"(ii) A provider of services or renal dialysis facility may make a one-time election to be excluded from the phase-in under clause (i) and be paid entirely based on the payment amount under the payment system under this paragraph. Such an election shall be made prior to January 1, 2011, in a form and manner specified by the Secretary, and is final and may not be rescinded.

"(iii) The Secretary shall make an adjustment to the payments under this paragraph for years during which the phase-in under clause (i) is applicable so that the estimated total amount of payments under this paragraph, including payments under this subparagraph, shall equal the estimated total amount of payments that would otherwise occur under this paragraph without such phase-in.

"(F)(i) Subject to clause (ii), beginning in 2012, the Secretary shall annually increase payment amounts established under this paragraph by an ESRD market basket percentage increase factor for a bundled payment system for renal dialysis services that reflects changes over time in the prices of an appropriate mix of goods and services included in renal dialysis services minus 1.0 percentage point.

"(ii) For years during which a phase-in of the payment system pursuant to subparagraph (E) is applicable, the following rules shall apply to the portion of the payment under the system that is based on the payment of the composite rate that would otherwise apply if the system under this paragraph had not been enacted:

"(I) The update under clause (i) shall not apply.

"(II) The Secretary shall annually increase such composite rate by the ESRD market basket percentage increase factor described in clause (i) minus 1.0 percentage point.

"(G) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of payment amounts under subparagraph (A), the establishment of an appropriate unit of payment under subparagraph (C), the identification of renal dialysis services included in the bundled payment, the adjustments under subparagraph (D), the application of the phase-in under subparagraph (E), and the establishment of the market basket percentage increase factors under subparagraph (F).

"(H) Erythropoiesis stimulating agents and other drugs and biologicals shall be treated as prescribed and dispensed or administered and available only under part B if they are—

"(i) furnished to an individual for the treatment of end stage renal disease; and

"(ii) included in subparagraph (B) for purposes of payment under this paragraph.".

(2) PROHIBITION OF UNBUNDLING.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 135(a)(2), is amended—

(A) in paragraph (22), by striking "or" at the end;

(B) in paragraph (23), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (23) the following new paragraph:

"(24) where such expenses are for renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) for which payment is made under such section unless such payment is made under such section to a provider of services or a renal dialysis facility for such services.".

(3) CONFORMING AMENDMENTS.—(A) Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended—

(i) in paragraph (12)(A), by striking "In lieu of payment" and inserting "Subject to paragraph (14), in lieu of payment";

(ii) in the second sentence of paragraph (12)(F)—

(I) by inserting "or paragraph (14)" after "this paragraph"; and

(II) by inserting "or under the system under paragraph (14)" after "subparagraph (B)"; and

(iii) in paragraph (13)—

(I) in subparagraph (A), in the matter preceding clause (i), by striking "The payment amounts" and inserting "Subject to paragraph (14), the payment amounts"; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking "(i)" after "(B)" and by inserting ", subject to paragraph (14)" before the period at the end; and

(bb) by striking clause (ii).

(B) Section 1861(s)(2)(F) of the Social Security Act (42 U.S.C. 1395x(s)(2)(F)) is amended by inserting ", and, for items and services furnished on or after January 1, 2011, renal dialysis services (as defined in section 1881(b)(14)(B))" before the semicolon at the end.

(C) Section 623(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395rr note) is repealed.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed as authorizing or requiring the Secretary of Health and Human Services to make payments under the payment system implemented under paragraph (14)(A)(i) of section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)), as added by paragraph (1), for any unrecovered amount for any bad debt attributable to deductible and coinsurance on items and services not included in the basic case-mix adjusted composite rate under paragraph (12) of such section as in effect before the date of the enactment of this Act.

(c) QUALITY INCENTIVES IN THE END-STAGE RENAL DISEASE PROGRAM.—Section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding at the end the following new subsection:

"(h) QUALITY INCENTIVES IN THE END-STAGE RENAL DISEASE PROGRAM.—

"(1) QUALITY INCENTIVES.—

"(A) IN GENERAL.—With respect to renal dialysis services (as defined in subsection (b)(14)(B)) furnished on or after January 1, 2012, in the case of a provider of services or a renal dialysis facility that does not meet the requirement described in subparagraph (B) with respect to the year, payments otherwise made to such provider or facility under the system under subsection (b)(14) for such services shall be reduced by up to 2.0 percent, as determined appropriate by the Secretary.

"(B) REQUIREMENT.—The requirement described in this subparagraph is that the provider or facility meets (or exceeds) the total performance score under paragraph (3) with respect to performance standards established by the Secretary with respect to measures specified in paragraph (2).

"(C) NO EFFECT IN SUBSEQUENT YEARS.—The reduction under subparagraph (A) shall apply only with respect to the year involved, and the Secretary shall not take into account such reduction in computing the single payment amount under the system under paragraph (14) in a subsequent year.

"(2) MEASURES.—

"(A) IN GENERAL.—The measures specified under this paragraph with respect to the year involved shall include—

"(i) measures on anemia management that reflect the labeling approved by the Food and Drug Administration for such management and measures on dialysis adequacy;

"(ii) to the extent feasible, such measure (or measures) of patient satisfaction as the Secretary shall specify; and

"(iii) such other measures as the Secretary specifies, including, to the extent feasible, measures on—

"(I) iron management;

"(II) bone mineral metabolism; and

"(III) vascular access, including for maximizing the placement of arterial venous fistula.

"(B) USE OF ENDORSED MEASURES.—

"(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under subparagraph (A)(iii) must have been endorsed by the entity with a contract under section 1890(a).

"(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

"(C) UPDATING MEASURES.—The Secretary shall establish a process for updating the measures specified under subparagraph (A) in consultation with interested parties.

"(D) CONSIDERATION.—In specifying measures under subparagraph (A), the Secretary shall consider the availability of measures that address the unique treatment needs of children and young adults with kidney failure.

"(3) PERFORMANCE SCORES.—

"(A) TOTAL PERFORMANCE SCORE.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall develop a methodology for assessing the total performance of each provider of services and renal dialysis facility based on performance standards with respect to the measures selected under paragraph (2) for a performance period established under paragraph (4)(D) (in this subsection referred to as the 'total performance score').

"(ii) APPLICATION.—For providers of services and renal dialysis facilities that do not meet (or exceed) the total performance score established by the Secretary, the Secretary shall ensure that the application of the methodology developed under clause (i) results in an appropriate distribution of reductions in payment under paragraph (1) among providers and facilities achieving different levels of total performance scores, with providers and facilities achieving the lowest total performance scores receiving the largest reduction in payment under paragraph (1)(A).

"(iii) WEIGHTING OF MEASURES.—In calculating the total performance score, the Secretary shall weight the scores with respect to individual measures calculated under subparagraph (B) to reflect priorities for quality improvement, such as weighting scores to ensure that providers of services and renal dialysis facilities have strong incentives to meet or exceed anemia management and dialysis adequacy performance standards, as determined appropriate by the Secretary.

"(B) PERFORMANCE SCORE WITH RESPECT TO INDIVIDUAL MEASURES.—The Secretary shall also calculate separate performance scores for each measure, including for dialysis adequacy and anemia management.

"(4) PERFORMANCE STANDARDS.—

"(A) ESTABLISHMENT.—Subject to subparagraph (E), the Secretary shall establish performance standards with respect to measures selected under paragraph (2) for a performance period with respect to a year (as established under subparagraph (D)).

"(B) ACHIEVEMENT AND IMPROVEMENT.—The performance standards established under subparagraph (A) shall include levels of achievement and improvement, as determined appropriate by the Secretary.

"(C) TIMING.—The Secretary shall establish the performance standards under subparagraph (A) prior to the beginning of the performance period for the year involved.

"(D) PERFORMANCE PERIOD.—The Secretary shall establish the performance period with respect to a year. Such performance period shall occur prior to the beginning of such year.

"(E) SPECIAL RULE.—The Secretary shall initially use as the performance standard for the measures specified under paragraph (2)(A)(i) for a provider of services or a renal dialysis facility the lesser of—

"(i) the performance of such provider or facility for such measures in the year selected by the Secretary under the second sentence of subsection (b)(14)(A)(ii); or

"(ii) a performance standard based on the national performance rates for such measures in a period determined by the Secretary.

"(5) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

"(A) The determination of the amount of the payment reduction under paragraph (1).

"(B) The establishment of the performance standards and the performance period under paragraph (4).

"(C) The specification of measures under paragraph (2).

"(D) The methodology developed under paragraph (3) that is used to calculate total performance scores and performance scores for individual measures.

"(6) PUBLIC REPORTING.—

"(A) IN GENERAL.—The Secretary shall establish procedures for making information regarding performance under this subsection available to the public, including—

"(i) the total performance score achieved by the provider of services or renal dialysis facility under paragraph (3) and appropriate comparisons of providers of services and renal dialysis facilities to the national average with respect to such scores; and

"(ii) the performance score achieved by the provider or facility with respect to individual measures.

"(B) OPPORTUNITY TO REVIEW.—The procedures established under subparagraph (A) shall ensure that a provider of services and a renal dialysis facility has the opportunity to review the information that is to be made public with respect to the provider or facility prior to such data being made public.

"(C) CERTIFICATES.—

"(i) IN GENERAL.—The Secretary shall provide certificates to providers of services and renal dialysis facilities who furnish renal dialysis services under this section to display in patient areas. The certificate shall indicate the total performance score achieved by the provider or facility under paragraph (3).

"(ii) DISPLAY.—Each facility or provider receiving a certificate under clause (i) shall prominently display the certificate at the provider or facility.

"(D) WEB-BASED LIST.—The Secretary shall establish a list of providers of services and renal dialysis facilities who furnish renal dialysis services under this section that indicates the total performance score and the performance score for individual measures achieved by the provider and facility under paragraph (3). Such information shall be posted on the Internet website of the Centers for Medicare & Medicaid Services in an easily understandable format.".

(d) GAO REPORT ON ESRD BUNDLING SYSTEM AND QUALITY INITIATIVE.—Not later than March 1, 2013, the Comptroller General of the United States shall submit to Congress a report on the implementation of the payment system under subsection (b)(14) of section 1881 of the Social Security Act (as added by subsection (b)) for renal dialysis services and related services (defined in subparagraph (B) of such subsection (b)(14)) and the quality initiative under subsection (h) of such section 1881 (as added by subsection (b)). Such report shall include the following information:

(1) The changes in utilization rates for erythropoiesis stimulating agents.

(2) The mode of administering such agents, including information on the proportion of individuals receiving such agents intravenously as compared to subcutaneously.

(3) An analysis of the payment adjustment under subparagraph (D)(iii) of such subsection (b)(14), including an examination of the extent to which costs incurred by rural, low-volume providers and facilities (as defined by the Secretary) in furnishing renal dialysis services exceed the costs incurred by other providers and facilities in furnishing such services, and a recommendation regarding the appropriateness of such adjustment.

(4) The changes, if any, in utilization rates of drugs and biologicals that the Secretary identifies under subparagraph (B)(iii) of such subsection (b)(14), and any oral equivalent or oral substitutable forms of such drugs and biologicals or of drugs and biologicals described in clause (ii), that have occurred after implementation of the payment system under such subsection (b)(14).

(5) Any other information or recommendations for legislative and administrative actions determined appropriate by the Comptroller General.

SEC. 154. DELAY IN AND REFORM OF MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) TEMPORARY DELAY AND REFORM.—

(1) IN GENERAL.—Section 1847(a)(1) of the Social Security Act (42 U.S.C. 1395w–3(a)(1)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)(i), in the matter before subclause (I), by inserting "consistent with subparagraph (D)" after "in a manner";

(ii) in subparagraph (B)(i)(II), by striking "80" and "in 2009" and inserting "an additional 70" and "in 2011", respectively;

(iii) in subparagraph (B)(i)(III), by striking "after 2009" and inserting "after 2011 (or, in the case of national mail order for items and services, after 2010)''; and

(iv) by adding at the end the following new subparagraphs:

"(D) CHANGES IN COMPETITIVE ACQUISITION PROGRAMS.—

"(i) ROUND 1 OF COMPETITIVE ACQUISITION PROGRAM.—Notwithstanding subparagraph (B)(i)(I) and in implementing the first round of the competitive acquisition programs under this section—

"(I) the contracts awarded under this section before the date of the enactment of this subparagraph are terminated, no payment shall be made under this title on or after the date of the enactment of this subparagraph based on such a contract, and, to the extent that any damages may be applicable as a result of the termination of such contracts, such damages shall be payable from the Federal Supplementary Medical Insurance Trust Fund under section 1841;

"(II) the Secretary shall conduct the competition for such round in a manner so that it occurs in 2009 with respect to the same items and services and the same areas, except as provided in subclauses (III) and (IV);

"(III) the Secretary shall exclude Puerto Rico so that such round of competition covers 9, instead of 10, of the largest metropolitan statistical areas; and

"(IV) there shall be excluded negative pressure wound therapy items and services.

Nothing in subclause (I) shall be construed to provide an independent cause of action or right to administrative or judicial review with regard to the termination provided under such subclause.

"(ii) ROUND 2 OF COMPETITIVE ACQUISITION PROGRAM.—In implementing the second round of the competitive acquisition programs under this section described in subparagraph (B)(i)(II)—

"(I) the metropolitan statistical areas to be included shall be those metropolitan statistical areas selected by the Secretary for such round as of June 1, 2008; and

"(II) the Secretary may subdivide metropolitan statistical areas with populations (based upon the most recent data from the Census Bureau) of at least 8,000,000 into separate areas for competitive acquisition purposes.

"(iii) EXCLUSION OF CERTAIN AREAS IN SUBSEQUENT ROUNDS OF COMPETITIVE ACQUISITION PROGRAMS.—In implementing subsequent rounds of the competitive acquisition programs under this section, including under subparagraph (B)(i)(III), for competitions occurring before 2015, the Secretary shall exempt from the competitive acquisition program (other than national mail order) the following:

"(I) Rural areas.

"(II) Metropolitan statistical areas not selected under round 1 or round 2 with a population of less than 250,000.

"(III) Areas with a low population density within a metropolitan statistical area that is otherwise selected, as determined for purposes of paragraph (3)(A).

"(E) VERIFICATION BY OIG.—The Inspector General of the Department of Health and Human Services shall, through post-award audit, survey, or otherwise, assess the process used by the Centers for Medicare & Medicaid Services to conduct competitive bidding and subsequent pricing determinations under this section that are the basis for pivotal bid amounts and single payment amounts for items and services in competitive bidding areas under rounds 1 and 2 of the competitive acquisition programs under this section and may continue to verify such calculations for subsequent rounds of such programs.

"(F) SUPPLIER FEEDBACK ON MISSING FINANCIAL DOCUMENTATION.—

"(i) IN GENERAL.—In the case of a bid where one or more covered documents in connection with such bid have been submitted not later than the covered document review date specified in clause (ii), the Secretary—

"(I) shall provide, by not later than 45 days (in the case of the first round of the competitive acquisition programs as described in subparagraph (B)(i)(I)) or 90 days (in the case of a subsequent round of such programs) after the covered document review date, for notice to the bidder of all such documents that are missing as of the covered document review date; and

"(II) may not reject the bid on the basis that any covered document is missing or has not been submitted on a timely basis, if all such missing documents identified in the notice provided to the bidder under subclause (I) are submitted to the Secretary not later than 10 business days after the date of such notice.

"(ii) COVERED DOCUMENT REVIEW DATE.—The covered document review date specified in this clause with respect to a competitive acquisition program is the later of—

"(I) the date that is 30 days before the final date specified by the Secretary for submission of bids under such program; or

"(II) the date that is 30 days after the first date specified by the Secretary for submission of bids under such program.

"(iii) LIMITATIONS OF PROCESS.—The process provided under this subparagraph—

"(I) applies only to the timely submission of covered documents;

"(II) does not apply to any determination as to the accuracy or completeness of covered documents submitted or whether such documents meet applicable requirements;

"(III) shall not prevent the Secretary from rejecting a bid based on any basis not described in clause (i)(II); and

"(IV) shall not be construed as permitting a bidder to change bidding amounts or to make other changes in a bid submission.

"(iv) COVERED DOCUMENT DEFINED.—In this subparagraph, the term 'covered document' means a financial, tax, or other document required to be submitted by a bidder as part of an original bid submission under a competitive acquisition program in order to meet required financial standards. Such term does not include other documents, such as the bid itself or accreditation documentation.''; and

(B) in paragraph (2)(A), by inserting before the period at the end the following: "and excluding certain complex rehabilitative power wheelchairs recognized by the Secretary as classified within group 3 or higher (and related accessories when furnished in connection with such wheelchairs)''.

(2) BUDGET NEUTRAL OFFSET.—

(A) IN GENERAL.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(i) by striking "and'' at the end of subparagraphs (H) and (I);

(ii) by redesignating subparagraph (J) as subparagraph (M); and

(iii) by inserting after subparagraph (I) the following new subparagraphs:

"(J) for 2009—

"(i) in the case of items and services furnished in any geographic area, if such items or services were selected for competitive acquisition in any area under the competitive acquisition program under section 1847(a)(1)(B)(i)(I) before July 1, 2008, including related accessories but only if furnished with such items and services selected for such competition and diabetic supplies but only if furnished through mail order, - 9.5 percent; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2008;

"(K) for 2010, 2011, 2012, and 2013, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year;

"(L) for 2014—

"(i) in the case of items and services described in subparagraph (J)(i) for which a payment adjustment has not been made under subsection (a)(1)(F)(ii) in any previous year, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013, plus 2.0 percentage points; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013; and''.

(B) CONFORMING TREATMENT FOR CERTAIN ITEMS AND SERVICES.—The second sentence of section 1842(s)(1) of such Act (42 U.S.C. 1395u(s)(1)) is amended by striking "except that'' and all that follows and inserting the following: "except that for items and services described in paragraph (2)(D)—

"(A) for 2009 section 1834(a)(14)(J)(i) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

"(B) for 2014, if subparagraph (A) is applied to the items and services and there has not been a payment adjustment under paragraph (3)(B) for the items and services for any previous year, the percentage increase computed under section 1834(a)(14)(L)(i) shall apply instead of the percentage increase otherwise applicable.''.

(3) CONFORMING DELAY.—Subsections (a)(1)(F) and (h)(1)(H) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by striking "January 1, 2009'' and inserting "January 1, 2011''.

(4) CONSIDERATIONS IN APPLICATION.—Section 1834 of such Act (42 U.S.C. 1395m) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (F), by inserting "subject to subparagraph (G),'' before "that are included''; and

(ii) by adding at the end the following new subparagraph:

"(G) USE OF INFORMATION ON COMPETITIVE BID RATES.—The Secretary shall specify by regulation the methodology to be used in applying the provisions of subparagraph (F)(ii) and subsection (h)(1)(H)(ii). In promulgating such regulation, the Secretary shall consider the costs of items and services in areas in which such provisions would be applied compared to the payment rates for such items and services in competitive acquisition areas.''; and

(B) in subsection (h)(1)(H), by inserting "subject to subsection (a)(1)(G),'' before "that are included''.

(b) QUALITY STANDARDS.—

(1) APPLICATION OF ACCREDITATION REQUIREMENT.—

(A) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(i) in subparagraph (E), by inserting "including subparagraph (F),'' after "under this paragraph,''; and

(ii) by adding at the end the following new subparagraph:

"(F) APPLICATION OF ACCREDITATION REQUIREMENT.—In implementing quality standards under this paragraph—

"(i) subject to clause (ii), the Secretary shall require suppliers furnishing items and services described in subparagraph (D) on or after October 1, 2009, directly or as a subcontractor for another entity, to have submitted to the Secretary evidence of accreditation by an accreditation organization designated under subparagraph (B) as meeting applicable quality standards; and

"(ii) in applying such standards and the accreditation requirement of clause (i) with respect to eligible professionals (as defined in section 1848(k)(3)(B)), and including such other persons, such as orthotists and prosthetists, as specified by the Secretary, furnishing such items and services—

"(I) such standards and accreditation requirement shall not apply to such professionals and persons unless the Secretary determines that the standards being applied are designed specifically to be applied to such professionals and persons; and

"(II) the Secretary may exempt such professionals and persons from such standards and requirement if the Secretary determines that licensing, accreditation, or other mandatory quality requirements apply to such professionals and persons with respect to the furnishing of such items and services.".

(B) CONSTRUCTION.—Section 1834(a)(20)(F)(ii) of the Social Security Act, as added by subparagraph (A), shall not be construed as preventing the Secretary of Health and Human Services from implementing the first round of competition under section 1847 of such Act on a timely basis.

(2) DISCLOSURE OF SUBCONTRACTORS UNDER COMPETITIVE ACQUISITION PROGRAM.—Section 1847(b)(3) of such Act (42 U.S.C. 1395w–3(b)(3)) is amended by adding at the end the following new subparagraph:

"(C) DISCLOSURE OF SUBCONTRACTORS.—

"(i) INITIAL DISCLOSURE.—Not later than 10 days after the date a supplier enters into a contract with the Secretary under this section, such supplier shall disclose to the Secretary, in a form and manner specified by the Secretary, the information on—

"(I) each subcontracting relationship that such supplier has in furnishing items and services under the contract; and

"(II) whether each such subcontractor meets the requirement of section 1834(a)(20)(F)(i), if applicable to such subcontractor.

"(ii) SUBSEQUENT DISCLOSURE.—Not later than 10 days after such a supplier subsequently enters into a subcontracting relationship described in clause (i)(II), such supplier shall disclose to the Secretary, in such form and manner, the information described in subclauses (I) and (II) of clause (i).".

(3) COMPETITIVE ACQUISITION OMBUDSMAN.—Such section is further amended by adding at the end the following new subsection:

"(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The Secretary shall provide for a competitive acquisition ombudsman within the Centers for Medicare & Medicaid Services in order to respond to complaints and inquiries made by suppliers and individuals relating to the application of the competitive acquisition program under this section. The ombudsman may be within the office of the Medicare Beneficiary Ombudsman appointed under section 1808(c). The ombudsman shall submit to Congress an annual report on the activities under this subsection, which report shall be coordinated with the report provided under section 1808(c)(2)(C).".

(c) CHANGE IN REPORTS AND DEADLINES.—

(1) GAO REPORT.—Section 302(b)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(A) in subparagraph (A)—

(i) by inserting "and as amended by section 2 of the Medicare DMEPOS Competitive Acquisition Reform Act of 2008" after "as amended by paragraph (1)"; and

(ii) by inserting before the period at the end the following: "and the topics specified in subparagraph (C)";

(B) in subparagraph (B), by striking "Not later than January 1, 2009," and inserting "Not later than 1 year after the first date that payments are made under section 1847 of the Social Security Act,"; and

(C) by adding at the end the following new subparagraph:

"(C) TOPICS.—The topics specified in this subparagraph, for the study under subparagraph (A) concerning the competitive acquisition program, are the following:

"(i) Beneficiary access to items and services under the program, including the impact on such access of awarding contracts to bidders that—

"(I) did not have a physical presence in an area where they received a contract; or

"(II) had no previous experience providing the product category they were contracted to provide.

"(ii) Beneficiary satisfaction with the program and cost savings to beneficiaries under the program.

"(iii) Costs to suppliers of participating in the program and recommendations about ways to reduce those costs without compromising quality standards or savings to the Medicare program.

"(iv) Impact of the program on small business suppliers.

"(v) Analysis of the impact on utilization of different items and services paid within the same Healthcare Common Procedure Coding System (HCPCS) code.

"(vi) Costs to the Centers for Medicare & Medicaid Services, including payments made to contractors, for administering the program compared with administration of a fee schedule, in comparison with the relative savings of the program.

"(vii) Impact on access, Medicare spending, and beneficiary spending of any difference in treatment for diabetic testing supplies depending on how such supplies are furnished.

"(viii) Such other topics as the Comptroller General determines to be appropriate.".

(2) DELAY IN OTHER DEADLINES.—

(A) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—Section 1847(c)(5) of the Social Security Act (42 U.S.C. 1395w–3(c)(5)) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(B) SECRETARIAL REPORT.—Section 1847(d) of such Act (42 U.S.C. 1395w–3(d)) is amended by striking "July 1, 2009" and inserting "July 1, 2011".

(C) IG REPORT.—Section 302(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended by striking "July 1, 2009" and inserting "July 1, 2011".

(3) EVALUATION OF CERTAIN CODE.—The Secretary of Health and Human Services shall evaluate the existing Health Care Common Procedure Coding System (HCPCS) codes for negative pressure wound therapy to ensure accurate reporting and billing for items and services under such codes. In carrying out such evaluation, the Secretary shall use an existing process, administered by the Durable Medical Equipment Medicare Administrative Contractors, for the consideration of coding changes and consider all relevant studies and information furnished pursuant to such process.

(d) OTHER PROVISIONS.—

(1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

"(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not apply to the following:

"(A) CERTAIN OFF-THE-SHELF ORTHOTICS.—Items and services described in paragraph (2)(C) if furnished—

"(i) by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service; or

"(ii) by a hospital to the hospital's own patients during an admission or on the date of discharge.

"(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in paragraph (2)(A)—

"(i) that are furnished by a hospital to the hospital's own patients during an admission or on the date of discharge; and

"(ii) to which such programs would not apply, as specified by the Secretary, if furnished by a physician to the physician's own patients as part of the physician's professional service.".

(2) CORRECTION IN FACE-TO-FACE EXAMINATION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended by striking "1861(r)(1)" and inserting "1861(r)".

(3) SPECIAL RULE IN CASE OF NATIONAL MAIL-ORDER COMPETITION FOR DIABETIC TESTING STRIPS.—Section 1847(b) of such Act (42 U.S.C. 1395w–3(b)) is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

"(A) IN GENERAL.—With respect to the competitive acquisition program for diabetic testing strips conducted after the first round of the competitive acquisition programs, if an entity does not demonstrate to the Secretary that its bid covers types of diabetic testing strip products that, in the aggregate and taking into account volume for the different products, cover 50 percent (or such higher percentage as the Secretary may specify) of all such types of products, the Secretary shall reject such bid. The volume for such types of products may be determined in accordance with such data (which may be market based data) as the Secretary recognizes.

"(B) STUDY OF TYPES OF TESTING STRIP PRODUCTS.—Before 2011, the Inspector General of the Department of Health and Human Services shall conduct a study to determine the types of diabetic testing strip products by volume that could be used to make determinations pursuant to subparagraph (A) for the first competition under the competitive acquisition program described in such subparagraph and submit to the Secretary a report on the results of the study. The Inspector General shall also conduct such a study and submit such a report before the Secretary conducts a subsequent competitive acquistion program described in subparagraph (A).".

(4) OTHER CONFORMING AMENDMENTS.—Section 1847(b)(11) of such Act, as redesignated by paragraph (3), is amended—

(A) in subparagraph (C), by inserting "and the identification of areas under subsection (a)(1)(D)(iii)" after "(a)(1)(A)";

(B) in subparagraph (D), by inserting "and implementation of subsection (a)(1)(D)" after "(a)(1)(B)";

(C) in subparagraph (E), by striking "or" at the end;

(D) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(E) by adding at the end the following new subparagraph:

"(G) the implementation of the special rule described in paragraph (10).".

(5) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of, and amendments made by, this section, other than the amendment made by subsection (c)(1) and other than section 1847(a)(1)(E) of the Social Security Act, the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of $20,000,000 for fiscal year 2008, and $25,000,000 for each of fiscal years 2009 through 2012. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of June 30, 2008.

Subtitle D—Provisions Relating to Part C

SEC. 161. PHASE-OUT OF INDIRECT MEDICAL EDUCATION (IME).

(a) IN GENERAL.—Section 1853(k) of the Social Security Act (42 U.S.C. 1395w–23(k)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4) PHASE-OUT OF THE INDIRECT COSTS OF MEDICAL EDUCATION FROM CAPITATION RATES.—

"(A) IN GENERAL.—After determining the applicable amount for an area for a year under paragraph (1) (beginning with 2010), the Secretary shall adjust such applicable amount to exclude from such applicable amount the phase-in percentage (as defined in subparagraph (B)(i)) for the year of the Secretary's estimate of the standardized costs for payments under section 1886(d)(5)(B) in the area for the year. Any adjustment under the preceding sentence shall be made prior to the application of paragraph (2).

"(B) PERCENTAGES DEFINED.—For purposes of this paragraph:

"(i) PHASE-IN PERCENTAGE.—The term 'phase-in percentage' means, for an area for a year, the ratio (expressed as a percentage, but in no case greater than 100 percent) of—

"(I) the maximum cumulative adjustment percentage for the year (as defined in clause (ii)); to

"(II) the standardized IME cost percentage (as defined in clause (iii)) for the area and year.

"(ii) MAXIMUM CUMULATIVE ADJUSTMENT PERCENTAGE.—The term 'maximum cumulative adjustment percentage' means, for—

"(I) 2010, 0.60 percent; and

"(II) a subsequent year, the maximum cumulative adjustment percentage for the previous year increased by 0.60 percentage points.

"(iii) STANDARDIZED IME COST PERCENTAGE.—The term 'standardized IME cost percentage' means, for an area for a year, the per capita costs for payments under section 1886(d)(5)(B) (expressed as a percentage of the fee-for-service amount specified in subparagraph (C)) for the area and the year.

"(C) FEE-FOR-SERVICE AMOUNT.—The fee-for-service amount specified in this subparagraph for an area for a year is the amount specified under subsection (c)(1)(D) for the area and the year.".

(b) EXCLUDING ADJUSTMENT FROM THE UPDATE.—Section 1853(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1395w–23(k)(1)(B)(i)) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (4)".

(c) HOLD HARMLESS FOR PACE PROGRAM PAYMENTS.—Section 1894(d) of the Social Security Act (42 U.S.C. 1395eee(d)) is amended by adding at the end the following new paragraph:

"(3) CAPITATION RATES DETERMINED WITHOUT REGARD TO THE PHASE-OUT OF THE INDIRECT COSTS OF MEDICAL EDUCATION FROM THE ANNUAL MEDICARE ADVANTAGE CAPITATION RATE.—Capitation amounts under this subsection shall be determined without regard to the application of section 1853(k)(4).".

SEC. 162. REVISIONS TO REQUIREMENTS FOR MEDICARE ADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.

(a) REQUIREMENTS TO ASSURE ACCESS TO NETWORK COVERAGE.—

(1) INDIVIDUAL MARKET.—Section 1852(d) of the Social Security Act (42 U.S.C. 1395w–22(d)) is amended—

(A) in paragraph (4), in the second sentence, by striking "The Secretary" and inserting "Subject to paragraph (5), the Secretary"; and

(B) by adding at the end the following new paragraph:

"(5) REQUIREMENT OF CERTAIN NONEMPLOYER MEDICARE ADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS TO USE CONTRACTS WITH PROVIDERS.—

"(A) IN GENERAL.—For plan year 2011 and subsequent plan years, in the case of a Medicare Advantage private fee-for-service plan not described in paragraph (1) or (2) of section 1857(i) operating in a network area (as defined in subparagraph (B)), the plan shall meet the access standards under paragraph (4) in that area only through entering into written contracts as provided for under subparagraph (B) of such paragraph and not, in whole or in part, through the establishment of payment rates meeting the requirements under subparagraph (A) of such paragraph.

"(B) NETWORK AREA DEFINED.—For purposes of subparagraph (A), the term 'network area' means, for a plan year, an area which the Secretary identifies (in the Secretary's announcement of the proposed payment rates for the previous plan year under section 1853(b)(1)(B)) as having at least 2 network-based plans (as defined in subparagraph (C)) with enrollment under this part as of the first day of the year in which such announcement is made.

"(C) NETWORK-BASED PLAN DEFINED.—

"(i) IN GENERAL.—For purposes of subparagraph (B), the term 'network-based plan' means—

"(I) except as provided in clause (ii), a Medicare Advantage plan that is a coordinated care plan described in section 1851(a)(2)(A)(i);

"(II) a network-based MSA plan; and

"(III) a reasonable cost reimbursement plan under section 1876.

"(ii) EXCLUSION OF NON-NETWORK REGIONAL PPOS.—The term 'network-based plan' shall not include an MA regional plan that, with respect to the area, meets access adequacy standards under this part substantially through the authority of section 422.112(a)(1)(ii) of title 42, Code of Federal Regulations, rather than through written contracts.".

(2) EMPLOYER PLANS.—Section 1852(d) of the Social Security Act (42 U.S.C. 1395w–22(d)), as amended by paragraph (1), is amended—

(A) in paragraph (4), in the second sentence, by striking "paragraph (5)" and inserting "paragraphs (5) and (6)"; and

(B) by adding at the end the following new paragraph:

"(6) REQUIREMENT OF ALL EMPLOYER MEDICARE ADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS TO USE CONTRACTS WITH PROVIDERS.—For plan year 2011 and subsequent plan years, in the case of a Medicare Advantage private fee-for-service plan that is described in paragraph (1) or (2) of section 1857(i), the plan shall meet the access standards under paragraph (4) only through entering into written contracts as provided for under subparagraph (B) of such paragraph and not, in whole or in part, through the establishment of payment rates meeting the requirements under subparagraph (A) of such paragraph.".

(3) ACCESS REQUIREMENTS.—

(A) IN GENERAL.—Section 1852(d)(4)(B) of the Social Security Act (42 U.S.C. 1395w–22(d)(4)(B)) is amended by striking "a sufficient number" through "terms of the plan" and inserting "a sufficient number and range of providers within such category to meet the access standards in subparagraphs (A) through (E) of paragraph (1)".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to plan year 2010 and subsequent plan years.

(b) CLARIFICATION REGARDING UTILIZATION.—Section 1859(b)(2) of the Social Security Act (42 U.S.C. 1395w–28(b)(2)) is amended by adding at the end the following flush sentence:

"Nothing in subparagraph (B) shall be construed to preclude a plan from varying rates for such a provider based on the specialty of the provider, the location of the provider, or other factors related to such provider that are not related to utilization, or to preclude a plan from increasing rates for such a provider based on increased utilization of specified preventive or screening services.".

SEC. 163. REVISIONS TO QUALITY IMPROVEMENT PROGRAMS.

(a) REQUIREMENT FOR MA PRIVATE FEE-FOR-SERVICE AND MSA PLANS TO HAVE A QUALITY IMPROVEMENT PROGRAM.—Section 1852(e)(1) of the Social Security Act (42 U.S.C. 1395w–22(e)(1)) is amended by striking "(other than an MA private fee-for-service plan or an MSA plan)".

(b) DATA COLLECTION REQUIREMENTS FOR MA REGIONAL PLANS, MA PRIVATE FEE-FOR-SERVICE PLANS, AND MSA PLANS.—Section 1852(e)(3)(A) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)(A)) is amended—

(1) in clause (i), by adding at the end the following new sentence: "With respect to MA private fee-for-service plans and MSA plans, the requirements under the preceding sentence may not exceed the requirements under this subparagraph with respect to MA local plans that are preferred provider organization plans, except that, for plan year 2010, the limitation under clause (iii) shall not apply and such requirements shall apply only with respect to administrative claims data."

(2) by striking clause (ii); and

(3) in clause (iii)—

(A) in the heading—

(i) by inserting "LOCAL" after "TO"; and

(ii) by inserting "AND MA REGIONAL PLANS" after "ORGANIZATIONS"; and

(B) by inserting "and to MA regional plans" after "organization plans".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

SEC. 164. REVISIONS RELATING TO SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by section 108(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended by striking "2010" and inserting "2011".

(b) MORATORIUM ON AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2010, and ending on December 31, 2010, the Secretary of Health and Human Services may not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–21 note) to designate other plans as specialized MA plans for special needs individuals.

(c) REQUIREMENTS FOR ENROLLMENT.—

(1) IN GENERAL.—Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended—

(A) in subsection (b)(6)(A), by inserting "and that, as of January 1, 2010, meets the applicable requirements of paragraph (2), (3), or (4) of subsection (f), as the case may be" before the period at the end; and

(B) in subsection (f)—

(i) by amending the heading to read as follows: "REQUIREMENTS REGARDING ENROLLMENT IN SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS";

(ii) by designating the sentence beginning "In the case of" as paragraph (1) with the heading "REQUIREMENTS FOR ENROLLMENT.—" and with appropriate indentation; and

(iii) by adding at the end the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS FOR INSTITUTIONAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(i), the applicable requirements described in this paragraph are as follows:

"(A) Each individual that enrolls in the plan on or after January 1, 2010, is a special needs individuals described in subsection (b)(6)(B)(i). In the case of an individual who is living in the community but requires an institutional level of care, such individual shall not be considered a special needs individual described in subsection (b)(6)(B)(i) unless the determination that the individual requires an institutional level of care was made—

"(i) using a State assessment tool of the State in which the individual resides; and

"(ii) by an entity other than the organization offering the plan.

"(B) The plan meets the requirements described in paragraph (5).

"(3) ADDITIONAL REQUIREMENTS FOR DUAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii), the applicable requirements described in this paragraph are as follows:

"(A) Each individual that enrolls in the plan on or after January 1, 2010, is a special needs individuals described in subsection (b)(6)(B)(ii).

"(B) The plan meets the requirements described in paragraph (5).

"(C) The plan provides each prospective enrollee, prior to enrollment, with a comprehensive written statement (using standardized content and format established by the Secretary) that describes—

"(i) the benefits and cost-sharing protections that the individual is entitled to under the State Medicaid program under title XIX; and

"(ii) which of such benefits and cost-sharing protections are covered under the plan.

Such statement shall be included with any description of benefits offered by the plan.

"(D) The plan has a contract with the State Medicaid agency to provide benefits, or arrange for benefits to be provided, for which such individual is entitled to receive as medical assistance under title XIX. Such benefits may include long-term care services consistent with State policy.

"(4) ADDITIONAL REQUIREMENTS FOR SEVERE OR DISABLING CHRONIC CONDITION SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(iii), the applicable requirements described in this paragraph are as follows:

"(A) Each individual that enrolls in the plan on or after January 1, 2010, is a special needs individual described in subsection (b)(6)(B)(iii).

"(B) The plan meets the requirements described in paragraph (5).".

(2) AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SNPS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Notwithstanding subsection (f) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28), during the period beginning on January 1, 2010, and ending on December 31, 2010, in the case of a specialized Medicare Advantage plan for special needs individuals described in subsection (b)(6)(B)(ii) of such section, as amended by this section, that does not meet the requirement described in subsection (f)(3)(D) of such section, the Secretary of Health and Human Services—

(A) shall permit such plan to be offered under part C of title XVIII of such Act; and

(B) shall not permit an expansion of the service area of the plan under such part C.

(3) RESOURCES FOR STATE MEDICAID AGENCIES.—The Secretary of Health and Human Services shall provide for the designation of appropriate staff and resources that can address State inquiries with respect to the coordination of State and Federal policies for specialized MA plans for special needs individuals described in section 1859(b)(6)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(ii)), as amended by this section.

(4) NO REQUIREMENT FOR CONTRACT.—Nothing in the provisions of, or amendments made by, this subsection shall require a State to enter into a contract with a Medicare Advantage organization with respect to a specialized MA plan for special needs individuals described in section 1859(b)(6)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(ii)), as amended by this section.

(d) CARE MANAGEMENT REQUIREMENTS FOR ALL SNPS.—

(1) REQUIREMENTS.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by subsection (c)(1), is amended by adding at the end the following new paragraph:

"(5) CARE MANAGEMENT REQUIREMENTS FOR ALL SNPS.—The requirements described in this paragraph are that the organization offering a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(i)—

"(A) have in place an evidenced-based model of care with appropriate networks of providers and specialists; and

"(B) with respect to each individual enrolled in the plan—

"(i) conduct an initial assessment and an annual reassessment of the individual's physical, psychosocial, and functional needs;

"(ii) develop a plan, in consultation with the individual as feasible, that identifies goals and objectives, including measurable outcomes as well as specific services and benefits to be provided; and

"(iii) use an interdisciplinary team in the management of care.".

(2) REVIEW TO ENSURE COMPLIANCE WITH CARE MANAGEMENT REQUIREMENTS.—Section 1857(d) of the Social Security Act (42 U.S.C. 1395w–27(d)) is amended by adding at the end the following new paragraph:

"(6) REVIEW TO ENSURE COMPLIANCE WITH CARE MANAGEMENT REQUIREMENTS FOR SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.—In conjunction with the periodic audit of a specialized Medicare Advantage plan for special needs individuals under paragraph (1), the Secretary shall conduct a review to ensure that such organization offering the plan meets the requirements described in section 1859(f)(5).".

(e) CLARIFICATION OF THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

(1) IN GENERAL.—Section 1859(b)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(iii)) is amended by inserting "who have one or more comorbid and medically complex chronic conditions that are substantially disabling or life threatening, have a high risk of hospitalization or other significant adverse health outcomes, and require specialized delivery systems across domains of care" before the period at the end.

(2) PANEL.—The Secretary of Health and Human Services shall convene a panel of clinical advisors to determine the conditions that meet the definition of severe and disabling chronic conditions under section 1859(b)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(iii)), as amended by paragraph (1). The panel shall include the Director of the Agency for Healthcare Research and Quality (or the Director's designee).

(f) SPECIAL REQUIREMENTS REGARDING QUALITY REPORTING FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.—

(1) IN GENERAL.—Section 1852(e)(3)(A) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)(A)), as amended by section 163, is amended by inserting after clause (i) the following new clause:

"(ii) SPECIAL REQUIREMENTS FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.—In addition to the data required to be collected, analyzed, and reported under clause (i) and notwithstanding the limitations under subparagraph (B), as part of the quality improvement program under paragraph (1), each MA organization offering a specialized Medicare Advantage plan for special needs individuals shall provide for the collection, analysis, and reporting of data that permits the measurement of health outcomes and other indices of quality with respect to the requirements described in paragraphs (2) through (5) of subsection (f). Such data may be based on claims data and shall be at the plan level.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on a date specified by the Secretary of Health and Human Services (but in no case later than

January 1, 2010), and shall apply to all specialized Medicare Advantage plans for special needs individuals regardless of when the plan first entered the Medicare Advantage program under part C of title XVIII of the Social Security Act.

(g) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsections (c)(1), (d), and (e)(1) shall apply to plan years beginning on or after January 1, 2010, and shall apply to all specialized Medicare Advantage plans for special needs individuals regardless of when the plan first entered the Medicare Advantage program under part C of title XVIII of the Social Security Act.

(h) NO AFFECT ON MEDICAID BENEFITS FOR DUALS.—Nothing in the provisions of, or amendments made by, this section shall affect the benefits available under the Medicaid program under title XIX of the Social Security Act for special needs individuals described in section 1859(b)(6)(B)(ii) of such Act (42 U.S.C. 1395w–28(b)(6)(B)(ii)).

SEC. 165. LIMITATION ON OUT-OF-POCKET COSTS FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES ENROLLED IN A SPECIALIZED MEDICARE ADVANTAGE PLAN FOR SPECIAL NEEDS INDIVIDUALS.

(a) IN GENERAL.—Section 1852(a) of the Social Security Act (42 U.S.C. 1395w–22(a)) is amended by adding at the end the following new paragraph:

"(7) LIMITATION ON COST-SHARING FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—In the case of an individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) or a qualified medicare beneficiary (as defined in section 1905(p)(1)) and who is enrolled in a specialized Medicare Advantage plan for special needs individuals described in section 1859(b)(6)(B)(ii), the plan may not impose cost-sharing that exceeds the amount of cost-sharing that would be permitted with respect to the individual under title XIX if the individual were not enrolled in such plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2010.

SEC. 166. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 110 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) by striking "2013" and inserting "2014"; and

(2) by striking "$1,790,000,000" and inserting "$1".

SEC. 167. ACCESS TO MEDICARE REASONABLE COST CONTRACT PLANS.

(a) EXTENSION OF REASONABLE COST CONTRACTS.—Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), as amended by section 109 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "January 1, 2009" and inserting "January 1, 2010" in the matter preceding subclause (I).

(b) REQUIREMENT FOR AT LEAST TWO MEDICARE ADVANTAGE ORGANIZATIONS TO BE OFFERING A PLAN IN AN AREA FOR THE PROHIBITION TO BE APPLICABLE.—Subclauses (I) and (II) of section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) are each amended by inserting ", provided that all such plans are not offered by the same Medicare Advantage organization" after "clause (iii)".

(c) REVISION OF REQUIREMENTS FOR A PLAN THAT ARE USED TO DETERMINE IF PROHIBITION IS APPLICABLE.—

(1) IN GENERAL.—Section 1876(h)(5)(C)(iii)(I) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(iii)(I)) is amended by inserting "that are not in another Metropolitan Statistical Area with a population of more than 250,000" after "such Metropolitan Statistical Area".

(2) CLARIFICATION.—Section 1876(h)(5)(C)(iii)(I) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(iii)(I)) is amended by adding at the end the following new sentence: "If the service area includes a portion in more than 1 Metropolitan Statistical Area with a population of more than 250,000, the minimum enrollment determination under the preceding sentence shall be made with respect to each such Metropolitan Statistical Area (and such applicable contiguous counties to such Metropolitan Statistical Area).".

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the reasons (if any) why reasonable cost contracts under section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)) are unable to become Medicare Advantage plans under part C of title XVIII of such Act.

(2) REPORT.—Not later than December 31, 2009, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 168. MEDPAC STUDY AND REPORT ON QUALITY MEASURES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on how comparable measures of performance and patient experience can be collected and reported by 2011 for the Medicare Advantage program under part C of title XVIII of the Social Security Act and the original Medicare fee-for-service program under parts A and B of such title. Such study shall address technical issues, such as data requirements, in addition to issues relating to appropriate quality benchmarks that—

(1) compare the quality of care Medicare beneficiaries receive across Medicare Advantage plans; and

(2) compare the quality of care Medicare beneficiaries receive under Medicare Advantage plans and under the original Medicare fee-for-service program.

(b) REPORT.—Not later than March 31, 2010, the Medicare Payment Advisory Commission shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Medicare Payment Advisory Commission determines appropriate.

SEC. 169. MEDPAC STUDY AND REPORT ON MEDICARE ADVANTAGE PAYMENTS.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the "Commission") shall conduct a study of the following:

(1) The correlation between—

(A) the costs that Medicare Advantage organizations with respect to Medicare Advantage plans incur in providing coverage under the plan for items and services covered under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act, as reflected in plan bids; and

(B) county-level spending under such original Medicare fee-for-service program on a per capita basis, as calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services.

The study with respect to the issue described in the preceding sentence shall include differences in correlation statistics by plan type and geographic area.

(2) Based on these results of the study with respect to the issue described in paragraph (1), and other data the Commission determines appropriate—

(A) alternate approaches to payment with respect to a Medicare beneficiary enrolled in a Medicare Advantage plan other than through county-level payment area equivalents.

(B) the accuracy and completeness of county-level estimates of per capita spending under such original Medicare fee-for-service program (including counties in Puerto Rico), as used to determine the annual Medicare Advantage capitation rate under section 1853 of the Social Security Act (42 U.S.C. 1395w–23), and whether such estimates include—

(i) expenditures with respect to Medicare beneficiaries at facilities of the Department of Veterans Affairs; and

(ii) all appropriate administrative expenses, including claims processing.

(3) Ways to improve the accuracy and completeness of county-level estimates of per capita spending described in paragraph (2)(B).

(b) REPORT.—Not later than March 31, 2010, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

Subtitle E—Provisions Relating to Part D

PART I—IMPROVING PHARMACY ACCESS

SEC. 171. PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS AND MA–PD PLANS UNDER PART D.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

"(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

"(A) PROMPT PAYMENT.—

"(i) IN GENERAL.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that payment shall be issued, mailed, or otherwise transmitted with respect to all clean claims submitted by pharmacies (other than pharmacies that dispense drugs by mail order only or are located in, or contract with, a long-term care facility) under this part within the applicable number of calendar days after the date on which the claim is received.

"(ii) CLEAN CLAIM DEFINED.—In this paragraph, the term 'clean claim' means a claim that has no defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this part.

"(iii) DATE OF RECEIPT OF CLAIM.—In this paragraph, a claim is considered to have been received—

"(I) with respect to claims submitted electronically, on the date on which the claim is transferred; and

"(II) with respect to claims submitted otherwise, on the 5th day after the postmark date of the claim or the date specified in the time stamp of the transmission.

"(B) APPLICABLE NUMBER OF CALENDAR DAYS DEFINED.—In this paragraph, the term 'applicable number of calendar days' means—

"(i) with respect to claims submitted electronically, 14 days; and

"(ii) with respect to claims submitted otherwise, 30 days.

"(C) INTEREST PAYMENT.—

"(i) IN GENERAL.—Subject to clause (ii), if payment is not issued, mailed, or otherwise transmitted within the applicable number of calendar days (as defined in subparagraph (B)) after a clean claim is received, the PDP sponsor shall pay interest to the pharmacy that submitted the claim at a rate equal to the weighted average of interest on 3-month marketable Treasury securities determined for such period, increased by 0.1 percentage point for the period beginning on the day after the required payment date and ending on the date on which payment is made (as determined under subparagraph (D)(iv)). Interest amounts paid under this subparagraph shall not be counted against the administrative costs of a prescription drug plan or treated as allowable risk corridor costs under section 1860D–15(e).

"(ii) AUTHORITY NOT TO CHARGE INTEREST.—The Secretary may provide that a PDP sponsor is not charged interest under clause (i) in the case where there are exigent circumstances, including natural disasters and other unique and unexpected events, that prevent the timely processing of claims.

"(D) PROCEDURES INVOLVING CLAIMS.—

"(i) CLAIM DEEMED TO BE CLEAN.—A claim is deemed to be a clean claim if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim—

"(I) with respect to claims submitted electronically, within 10 days after the date on which the claim is received; and

"(II) with respect to claims submitted otherwise, within 15 days after the date on which the claim is received.

"(ii) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—

"(I) IN GENERAL.—If a PDP sponsor determines that a submitted claim is not a clean claim, the PDP sponsor shall, not later than the end of the period described in clause (i), notify the claimant of such determination. Such notification shall specify all defects or improprieties in the claim and shall list all additional information or documents necessary for the proper processing and payment of the claim.

"(II) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any defect or impropriety in the claim within 10 days of the date on which additional information is received under subclause (I).

"(iii) OBLIGATION TO PAY.—A claim submitted to a PDP sponsor that is not paid or contested by the sponsor within the applicable number of days (as defined in subparagraph (B)) after the date on which the claim is received shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with subparagraph (A).

"(iv) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under such subparagraph is considered to have been made on the date on which—

"(I) with respect to claims paid electronically, the payment is transferred; and

"(II) with respect to claims paid otherwise, the payment is submitted to the United States Postal Service or common carrier for delivery.

"(E) ELECTRONIC TRANSFER OF FUNDS.—A PDP sponsor shall pay all clean claims submitted electronically by electronic transfer of funds if the pharmacy so requests or has so requested previously. In the case where such payment is made electronically, remittance may be made by the PDP sponsor electronically as well.

"(F) PROTECTING THE RIGHTS OF CLAIMANTS.—

"(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit or limit a claim or action not covered by the subject matter of this section that any individual or organization has against a provider or a PDP sponsor.

"(ii) ANTI-RETALIATION.—Consistent with applicable Federal or State law, a PDP sponsor shall not retaliate against an individual or provider for exercising a right of action under this subparagraph.

"(G) RULE OF CONSTRUCTION.—A determination under this paragraph that a claim submitted by a pharmacy is a clean claim shall not be construed as a positive determination regarding eligibility for payment under this title, nor is it an indication of government approval of, or acquiescence regarding, the claim submitted. The determination shall not relieve any party of civil or criminal liability with respect to the claim, nor does it offer a defense to any administrative, civil, or criminal action with respect to the claim.".

(b) PROMPT PAYMENT BY MA–PD PLANS.—Section 1857(f) of the Social Security Act (42 U.S.C. 1395w–27) is amended by adding at the end the following new paragraph:

"(3) INCORPORATION OF CERTAIN PRESCRIPTION DRUG PLAN CONTRACT REQUIREMENTS.—The following provisions shall apply to contracts with a Medicare Advantage organization offering an MA–PD plan in the same manner as they apply to contracts with a PDP sponsor offering a prescription drug plan under part D:

"(A) PROMPT PAYMENT.—Section 1860D–12(b)(4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

SEC. 172. SUBMISSION OF CLAIMS BY PHARMACIES LOCATED IN OR CONTRACTING WITH LONG-TERM CARE FACILITIES.

(a) SUBMISSION OF CLAIMS BY PHARMACIES LOCATED IN OR CONTRACTING WITH LONG-TERM CARE FACILITIES.—

(1) SUBMISSION OF CLAIMS TO PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)), as amended by section 171(a), is amended by adding at the end the following new paragraph:

"(5) SUBMISSION OF CLAIMS BY PHARMACIES LOCATED IN OR CONTRACTING WITH LONG-TERM CARE FACILITIES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that a pharmacy located in, or having a contract with, a long-term care facility shall have not less than 30 days (but not more than 90 days) to submit claims to the sponsor for reimbursement under the plan.".

(2) SUBMISSION OF CLAIMS TO MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act, as added by section 171(b), is amended by adding at the end the following new subparagraph:

"(B) SUBMISSION OF CLAIMS BY PHARMACIES LOCATED IN OR CONTRACTING WITH LONG-TERM CARE FACILITIES.—Section 1860D–12(b)(5).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

SEC. 173. REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD.

(a) REQUIREMENT FOR PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)), as amended by section 172(a)(1), is amended by adding at the end the following new paragraph:

"(6) REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD.—If the PDP sponsor of a prescription drug plan uses a standard for reimbursement of pharmacies based on the cost of a drug, each contract entered into with such sponsor under this part with respect to the plan shall provide that the sponsor shall update such standard not less frequently than once every 7 days, beginning with an initial update on January 1 of each year, to accurately reflect the market price of acquiring the drug.".

(b) REQUIREMENT FOR MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act, as amended by section 172(a)(2), is amended by adding at the end the following new subparagraph:

"(C) REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD.—Section 1860D–12(b)(6).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2009.

PART II—OTHER PROVISIONS

SEC. 175. INCLUSION OF BARBITURATES AND BENZODIAZEPINES AS COVERED PART D DRUGS.

(a) IN GENERAL.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting after "agents)," the following "other than subparagraph (I) of such section (relating to barbiturates) if the barbiturate is used in the treatment of epilepsy, cancer, or a chronic mental health disorder, and other than subparagraph (J) of such section (relating to benzodiazepines),".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to prescriptions dispensed on or after January 1, 2013.

SEC. 176. FORMULARY REQUIREMENTS WITH RESPECT TO CERTAIN CATEGORIES OR CLASSES OF DRUGS.

Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended—

(1) in subparagraph (C)(i), by striking "The formulary" and inserting "Subject to subparagraph (G), the formulary"; and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(i) IDENTIFICATION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—Beginning with plan year 2010, the Secretary shall identify, as appropriate, categories and classes of drugs for which both of the following criteria are met:

"(I) Restricted access to drugs in the category or class would have major or life threatening clinical consequences for individuals who have a disease or disorder treated by the drugs in such category or class.

"(II) There is significant clinical need for such individuals to have access to multiple drugs within a category or class due to unique chemical actions and pharmacological effects of the drugs within the category or class, such as drugs used in the treatment of cancer.

"(ii) FORMULARY REQUIREMENTS.—Subject to clause (iii), PDP sponsors offering prescription drug plans shall be required to include all covered part D drugs in the categories and classes identified by the Secretary under clause (i).

"(iii) EXCEPTIONS.—The Secretary may establish exceptions that permits a PDP sponsor of a prescription drug plan to exclude from its formulary a particular covered part D drug in a category or class that is otherwise required to be included in the formulary under clause (ii) (or to otherwise limit access to such a drug, including through prior authorization or utilization management). Any exceptions established under the preceding sentence shall be provided under a process that—

"(I) ensures that any exception to such requirement is based upon scientific evidence and medical standards of practice (and, in the case of antiretroviral medications, is consistent with the Department of Health and Human Services Guidelines for the Use of Antiretroviral Agents in HIV-1-Infected Adults and Adolescents); and

"(II) includes a public notice and comment period.".

Subtitle F—Other Provisions

SEC. 181. USE OF PART D DATA.

Section 1860D–12(b)(3)(D) of the Social Security Act (42 U.S.C. 1395w–112(b)(3)(D)) is amended by adding at the end the following sentence: "Notwithstanding any other provision of law, information provided to the Secretary under the application of section 1857(e)(1) to contracts under this section under the preceding sentence—

"(i) may be used for the purposes of carrying out this part, improving public health through research on the utilization, safety, effectiveness, quality, and efficiency of health care services (as the Secretary determines appropriate); and

"(ii) shall be made available to Congressional support agencies (in accordance with their obligations to support Congress as set out in their authorizing statutes) for the purposes of conducting Congressional oversight, monitoring, making recommendations, and analysis of the program under this title.".

SEC. 182. REVISION OF DEFINITION OF MEDICALLY ACCEPTED INDICATION FOR DRUGS.

(a) REVISION OF DEFINITION FOR PART D DRUGS.—

(1) IN GENERAL.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended, in the matter following subparagraph (B)—

(A) by striking "(as defined in section 1927(k)(6))" and inserting "(as defined in paragraph (4))"; and

(B) by adding at the end the following new paragraph:

"(4) MEDICALLY ACCEPTED INDICATION DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'medically accepted indication' has the meaning given that term—

"(i) in the case of a covered part D drug used in an anticancer chemotherapeutic regimen, in section 1861(t)(2)(B), except that in applying such section—

"(I) 'prescription drug plan or MA–PD plan' shall be substituted for 'carrier' each place it appears; and

"(II) subject to subparagraph (B), the compendia described in section 1927(g)(1)(B)(i)(III) shall be included in the list of compendia described in clause (ii)(I) section 1861(t)(2)(B); and

"(ii) in the case of any other covered part D drug, in section 1927(k)(6).

"(B) CONFLICT OF INTEREST.—On and after January 1, 2010, subparagraph (A)(i)(II) shall not apply unless the compendia described in section 1927(g)(1)(B)(i)(III) meets the requirement in the third sentence of section 1861(t)(2)(B).

"(C) UPDATE.—For purposes of applying subparagraph (A)(ii), the Secretary shall revise the list of compendia described in section 1927(g)(1)(B)(i) as is appropriate for identifying medically accepted indications for drugs. Any such revision shall be done in a manner consistent with the process for revising compendia under section 1861(t)(2)(B).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2009.

(b) CONFLICTS OF INTEREST.—Section 1861(t)(2)(B) of the Social Security Act (42 U.S.C. 1395x(t)(2)(B)) is amended by adding at the end the following new sentence: "On and after January 1, 2010, no compendia may be included on the list of compendia under this subparagraph unless the compendia has a publicly transparent process for evaluating therapies and for identifying potential conflicts of interests.".

SEC. 183. CONTRACT WITH A CONSENSUS-BASED ENTITY REGARDING PERFORMANCE MEASUREMENT.

(a) CONTRACT.—

(1) IN GENERAL.—Part E of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by inserting after section 1889 the following new section:

"CONTRACT WITH A CONSENSUS-BASED ENTITY REGARDING PERFORMANCE MEASUREMENT

"SEC. 1890. (a) CONTRACT.—

"(1) IN GENERAL.—For purposes of activities conducted under this Act, the Secretary shall identify and have in effect a contract with a consensus-based entity, such as the National Quality Forum, that meets the requirements described in subsection (c). Such contract shall provide that the entity will perform the duties described in subsection (b).

"(2) TIMING FOR FIRST CONTRACT.—As soon as practicable after the date of the enactment of this subsection, the Secretary shall enter into the first contract under paragraph (1).

"(3) PERIOD OF CONTRACT.—A contract under paragraph (1) shall be for a period of 4 years (except as may be renewed after a subsequent bidding process).

"(4) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into a contract under paragraph (1).

"(b) DUTIES.—The duties described in this subsection are the following:

"(1) PRIORITY SETTING PROCESS.—The entity shall synthesize evidence and convene key stakeholders to make recommendations, with respect to activities conducted under this Act, on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In making such recommendations, the entity shall—

"(A) ensure that priority is given to measures—

"(i) that address the health care provided to patients with prevalent, high-cost chronic diseases;

"(ii) with the greatest potential for improving the quality, efficiency, and patient-centeredness of health care; and

"(iii) that may be implemented rapidly due to existing evidence, standards of care, or other reasons; and

"(B) take into account measures that—

"(i) may assist consumers and patients in making informed health care decisions;

"(ii) address health disparities across groups and areas; and

"(iii) address the continuum of care a patient receives, including services furnished by multiple health care providers or practitioners and across multiple settings.

"(2) ENDORSEMENT OF MEASURES.—The entity shall provide for the endorsement of standardized health care performance measures. The endorsement process under the preceding sentence shall consider whether a measure—

"(A) is evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, and responsive to variations in patient characteristics, such as health status, language capabilities, race or ethnicity, and income level; and

"(B) is consistent across types of health care providers, including hospitals and physicians.

"(3) MAINTENANCE OF MEASURES.—The entity shall establish and implement a process to ensure that measures endorsed under paragraph (2) are updated (or retired if obsolete) as new evidence is developed.

"(4) PROMOTION OF THE DEVELOPMENT OF ELECTRONIC HEALTH RECORDS.—The entity shall promote the development and use of electronic health records that contain the functionality for automated collection, aggregation, and transmission of performance measurement information.

"(5) ANNUAL REPORT TO CONGRESS AND THE SECRETARY; SECRETARIAL PUBLICATION AND COMMENT.—

"(A) ANNUAL REPORT.—By not later than March 1 of each year (beginning with 2009), the entity shall submit to Congress and the Secretary a report containing a description of—

"(i) the implementation of quality measurement initiatives under this Act and the coordination of such initiatives with quality initiatives implemented by other payers;

"(ii) the recommendations made under paragraph (1); and

"(iii) the performance by the entity of the duties required under the contract entered into with the Secretary under subsection (a).

"(B) SECRETARIAL REVIEW AND PUBLICATION OF ANNUAL REPORT.—Not later than 6 months after receiving a report under subparagraph (A) for a year, the Secretary shall—

"(i) review such report; and

"(ii) publish such report in the Federal Register, together with any comments of the Secretary on such report.

"(c) REQUIREMENTS DESCRIBED.—The requirements described in this subsection are the following:

"(1) PRIVATE NONPROFIT.—The entity is a private nonprofit entity governed by a board.

"(2) BOARD MEMBERSHIP.—The members of the board of the entity include—

"(A) representatives of health plans and health care providers and practitioners or representatives of groups representing such health plans and health care providers and practitioners;

"(B) health care consumers or representatives of groups representing health care consumers; and

"(C) representatives of purchasers and employers or representatives of groups representing purchasers or employers.

"(3) ENTITY MEMBERSHIP.—The membership of the entity includes persons who have experience with—

"(A) urban health care issues;

"(B) safety net health care issues;

"(C) rural and frontier health care issues; and

"(D) health care quality and safety issues.

"(4) OPEN AND TRANSPARENT.—With respect to matters related to the contract with the

Secretary under subsection (a), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment on its activities.

"(5) VOLUNTARY CONSENSUS STANDARDS SETTING ORGANIZATION.—The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

"(6) EXPERIENCE.—The entity has at least 4 years of experience in establishing national consensus standards.

"(7) MEMBERSHIP FEES.—If the entity requires a membership fee for participation in the functions of the entity, such fees shall be reasonable and adjusted based on the capacity of the potential member to pay the fee. In no case shall membership fees pose a barrier to the participation of individuals or groups with low or nominal resources to participate in the functions of the entity.

"(d) FUNDING.—For purposes of carrying out this section, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in such proportion as the Secretary determines appropriate), of $10,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for each of fiscal years 2009 through 2012.".

(2) SENSE OF THE SENATE.—It is the Sense of the Senate that the selection by the Secretary of Health and Human Services of an entity to contract with under section 1890(a) of the Social Security Act, as added by paragraph (1), should not be construed as diminishing the significant contributions of the Boards of Medicine, the quality alliances, and other clinical and technical experts to efforts to measure and improve the quality of health care services.

(b) GAO STUDY AND REPORTS ON THE PERFORMANCE AND COSTS OF THE CONSENSUS-BASED ENTITY UNDER THE CONTRACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(A) the performance of the entity with a contract with the Secretary of Health and Human Services under section 1890(a) of the Social Security Act, as added by subsection (a), of its duties under such contract; and

(B) the costs incurred by such entity in performing such duties.

(2) REPORTS.—Not later than 18 months and 36 months after the effective date of the first contract entered into under such section 1890(a), the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 184. COST-SHARING FOR CLINICAL TRIALS.

Section 1833 of the Social Security Act (42 U.S.C. 13951), as amended by section 151(a), is amended by adding at the end the following new subsection:

"(w) METHODS OF PAYMENT.—The Secretary may develop alternative methods of payment for items and services provided under clinical trials and comparative effectiveness studies sponsored or supported by an agency of the Department of Health and Human Services, as determined by the Secretary, to those that would otherwise apply under this section, to the extent such alternative methods are necessary to preserve the scientific validity of such trials or studies, such as in the case where masking the identity of interventions from patients and investigators is necessary to comply with the particular trial or study design.".

SEC. 185. ADDRESSING HEALTH CARE DISPARITIES.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1808 the following new section:

"ADDRESSING HEALTH CARE DISPARITIES

"SEC. 1809. (a) EVALUATING DATA COLLECTION APPROACHES.—The Secretary shall evaluate approaches for the collection of data under this title, to be performed in conjunction with existing quality reporting requirements and programs under this title, that allow for the ongoing, accurate, and timely collection and evaluation of data on disparities in health care services and performance on the basis of race, ethnicity, and gender. In conducting such evaluation, the Secretary shall consider the following objectives:

"(1) Protecting patient privacy.

"(2) Minimizing the administrative burdens of data collection and reporting on providers and health plans participating under this title.

"(3) Improving Medicare program data on race, ethnicity, and gender.

"(b) REPORTS TO CONGRESS.—

"(1) REPORT ON EVALUATION.—Not later than 18 months after the date of the enactment of this section, the Secretary shall submit to Congress a report on the evaluation conducted under subsection (a). Such report shall, taking into consideration the results of such evaluation—

"(A) identify approaches (including defining methodologies) for identifying and collecting and evaluating data on health care disparities on the basis of race, ethnicity, and gender for the original Medicare fee-for-service program under parts A and B, the Medicare Advantage program under part C, and the Medicare prescription drug program under part D; and

"(B) include recommendations on the most effective strategies and approaches to reporting HEDIS quality measures as required under section 1852(e)(3) and other nationally recognized quality performance measures, as appropriate, on the basis of race, ethnicity, and gender.

"(2) REPORTS ON DATA ANALYSES.—Not later than 4 years after the date of the enactment of this section, and 4 years thereafter, the Secretary shall submit to Congress a report that includes recommendations for improving the identification of health care disparities for Medicare beneficiaries based on analyses of the data collected under subsection (c).

"(c) IMPLEMENTING EFFECTIVE APPROACHES.—Not later than 24 months after the date of the enactment of this section, the Secretary shall implement the approaches identified in the report submitted under subsection (b)(1) for the ongoing, accurate, and timely collection and evaluation of data on health care disparities on the basis of race, ethnicity, and gender.".

SEC. 186. DEMONSTRATION TO IMPROVE CARE TO PREVIOUSLY UNINSURED.

(a) ESTABLISHMENT.—Within one year after the date of the enactment of this Act, the Secretary (in this section referred to as the "Secretary") shall establish a demonstration project to determine the greatest needs and most effective methods of outreach to medicare beneficiaries who were previously uninsured.

(b) SCOPE.—The demonstration shall be in no fewer than 10 sites, and shall include state health insurance assistance programs, community health centers, community-based organizations, community health workers, and other service providers under parts A, B, and C of title XVIII of the Social Security Act. Grantees that are plans operating under part C shall document that enrollees who were previously uninsured receive the "Welcome to Medicare" physical exam.

(c) DURATION.—The Secretary shall conduct the demonstration project for a period of 2 years.

(d) REPORT AND EVALUATION.—The Secretary shall conduct an evaluation of the demonstration and not later than 1 year after the completion of the project shall submit to Congress a report including the following:

(1) An analysis of the effectiveness of outreach activities targeting beneficiaries who were previously uninsured, such as revising outreach and enrollment materials (including the potential for use of video information), providing one-on-one counseling, working with community health workers, and amending the Medicare and You handbook.

(2) The effect of such outreach on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

SEC. 187. OFFICE OF THE INSPECTOR GENERAL REPORT ON COMPLIANCE WITH AND ENFORCEMENT OF NATIONAL STANDARDS ON CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES (CLAS) IN MEDICARE.

(a) REPORT.—Not later than two years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall prepare and publish a report on—

(1) the extent to which Medicare providers and plans are complying with the Office for Civil Rights' Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons and the Office of Minority Health's Culturally and Linguistically Appropriate Services Standards in health care; and

(2) a description of the costs associated with or savings related to the provision of language services.

Such report shall include recommendations on improving compliance with CLAS Standards and recommendations on improving enforcement of CLAS Standards.

(b) IMPLEMENTATION.—Not later than one year after the date of publication of the report under subsection (a), the Department of Health and Human Services shall implement changes responsive to any deficiencies identified in the report.

SEC. 188. MEDICARE IMPROVEMENT FUNDING.

(a) MEDICARE IMPROVEMENT FUND.—

(1) IN GENERAL.—Subject to paragraph (2), title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—

"The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

“(b) FUNDING.—

“(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal years 2014 through 2017, $19,900,000,000.

“(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

“(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.”.

(2) CONTINGENCY.—

(A) IN GENERAL.—If there is enacted, before, on, or after the date of the enactment of this Act, a Supplemental Appropriations Act, 2008 that includes a provision providing for a Medicare Improvement Fund under a section 1898 of the Social Security Act, the alternative amendment described in subparagraph (B)—

(i) shall apply instead of the amendment made by paragraph (1); and

(ii) shall be executed after such provision in such Supplemental Appropriations Act.

(B) ALTERNATIVE AMENDMENT DESCRIBED.—The alternative amendment described in this subparagraph is as follows: Section 1898(b)(1) of the Social Security Act, as added by the Supplemental Appropriations Act, 2008, is amended by inserting before the period at the end the following: “ and, in addition for services furnished during fiscal years 2014 through 2017, $19,900,000,000”.

(b) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any other amounts provided in such provisions and amendments, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $140,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2009 through 2013.

SEC. 189. INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.

(a) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

“(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

“(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

“(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

“(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

“(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

“(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.”.

(b) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(1) by inserting “the Department of Health and Human Services,” after “United States Postal Service,” in subsection (c)(1)(A); and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

“(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—MEDICAID

SEC. 201. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244), section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), and section 202 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(1) by striking “June 30, 2008” and inserting “June 30, 2009”;

(2) by striking “the third quarter of fiscal year 2008” and inserting “the third quarter of fiscal year 2009”; and

(3) by striking “the third quarter of fiscal year 2007” and inserting “the third quarter of fiscal year 2008”.

SEC. 202. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by striking “FISCAL YEAR 2007 AND PORTIONS OF FISCAL YEAR 2008” and inserting “FISCAL YEARS 2007 THROUGH 2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010”; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) in the second sentence—

(I) by striking “fiscal year 2008 for the period ending on June 30, 2008” and inserting “fiscal years 2008 and 2009”; and

(II) by striking “¾ of”; and

(ii) by adding at the end the following new sentences: “Only with respect to fiscal year 2010 for the period ending on December 31, 2009, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¼ of the amount specified in the first sentence for fiscal year 2007.”;

(B) in clause (ii), by striking “or for a period in fiscal year 2008” and inserting “, 2008, 2009, or for a period in fiscal year 2010”;

(C) in clause (iv)—

(i) in the heading, by striking “FISCAL YEAR 2007 AND FISCAL YEAR 2008” and inserting “FISCAL YEARS 2007 THROUGH 2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010”;

(ii) in subclause (I), by striking “or for a period in fiscal year 2008” and inserting “, 2008, 2009, or for a period in fiscal year 2010”; and

(iii) in subclause (II), by striking “or for a period in fiscal year 2008” and inserting “, 2008, 2009, or for a period in fiscal year 2010”; and

(3) in subparagraph (B)(i)—

(A) in the first sentence, by striking “fiscal year 2007” and inserting “each of fiscal years 2007 through 2009”; and

(B) by striking the second sentence and inserting the following: “Only with respect to fiscal year 2010 for the period ending on December 31, 2009, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $2,500,000.”.

SEC. 203. PHARMACY REIMBURSEMENT UNDER MEDICAID.

(a) DELAY IN APPLICATION OF NEW PAYMENT LIMIT FOR MULTIPLE SOURCE DRUGS UNDER MEDICAID.—Notwithstanding paragraphs (4) and (5) of subsection (e) of section 1927 of the Social Security Act (42 U.S.C. 1396r–8) or part 447 of title 42, Code of Federal Regulations, as published on July 17, 2007 (72 Federal Register 39142)—

(1) the specific upper limit under section 447.332 of title 42, Code of Federal Regulations (as in effect on December 31, 2006) applicable to payments made by a State for multiple source drugs under a State Medicaid plan shall continue to apply through September 30, 2009, for purposes of the availability of Federal financial participation for such payments; and

(2) the Secretary of Health and Human Services shall not, prior to October 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose the specific upper limit established under section 447.514(b) of title 42, Code of Federal Regulations as published on July 17, 2007 (72 Federal Register 39142).

(b) TEMPORARY SUSPENSION OF UPDATED PUBLICLY AVAILABLE AMP DATA.—Notwithstanding clause (v) of section 1927(b)(3)(D) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)), the Secretary of Health and Human Services shall not, prior to October 1, 2009, make publicly available any AMP disclosed to the Secretary.

(c) DEFINITIONS.—In this subsection:

(1) The term “multiple source drug” has the meaning given that term in section 1927(k)(7)(A)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(7)(A)(i)).

(2) The term “AMP” has the meaning given “average manufacturer price” in section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)) and “AMP” in section 447.504(a) of title 42, Code of Federal Regulations as published on July 17, 2007 (72 Federal Register 39142).

SEC. 204. REVIEW OF ADMINISTRATIVE CLAIM DETERMINATIONS.

(a) IN GENERAL.—Section 1116 of the Social Security Act (42 U.S.C. 1316) is amended by adding at the end the following new subsection:

“(e)(1) Whenever the Secretary determines that any item or class of items on account of which Federal financial participation is claimed under title XIX shall be disallowed for such participation, the State shall be entitled to and upon request shall receive a reconsideration of the disallowance, provided that such request is made during the 60-day period that begins on the date the State receives notice of the disallowance.

"(2)(A) A State may appeal a disallowance of a claim for federal financial participation under title XIX by the Secretary, or an unfavorable reconsideration of a disallowance, during the 60-day period that begins on the date the State receives notice of the disallowance or of the unfavorable reconsideration, in whole or in part, to the Departmental Appeals Board, established in the Department of Health and Human Services (in this paragraph referred to as the 'Board'), by filing a notice of appeal with the Board.

"(B) The Board shall consider a State's appeal of a disallowance of such a claim (or of an unfavorable reconsideration of a disallowance) on the basis of such documentation as the State may submit and as the Board may require to support the final decision of the Board. In deciding whether to uphold a disallowance of such a claim or any portion thereof, the Board shall be bound by all applicable laws and regulations and shall conduct a thorough review of the issues, taking into account all relevant evidence. The Board's decision of an appeal under subparagraph (A) shall be the final decision of the Secretary and shall be subject to reconsideration by the Board only upon motion of either party filed during the 60-day period that begins on the date of the Board's decision or to judicial review in accordance with subparagraph (C).

"(C) A State may obtain judicial review of a decision of the Board by filing an action in any United States District Court located within the appealing State (or, if several States jointly appeal the disallowance of claims for Federal financial participation under section 1903, in any United States District Court that is located within any State that is a party to the appeal) or the United States District Court for the District of Columbia. Such an action may only be filed—

"(i) if no motion for reconsideration was filed within the 60-day period specified in subparagraph (B), during such 60-day period; or

"(ii) if such a motion was filed within such period, during the 60-day period that begins on the date of the Board's decision on such motion.".

(b) Conforming Amendment.—Section 1116(d) of such Act (42 U.S.C. 1316(d)) is amended by striking "or XIX,".

(c) Effective Date.—The amendments made by this section take effect on the date of the enactment of this Act and apply to any disallowance of a claim for Federal financial participation under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) made on or after such date or during the 60-day period prior to such date.

SEC. 205. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS.

(a) In General.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting ", in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County" after "described in subparagraph (B)"; and

(2) in subparagraph (C), by striking "14 percent" and inserting "16 percent".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. EXTENSION OF TANF SUPPLEMENTAL GRANTS.

(a) Extension Through Fiscal Year 2009.—Section 7101(a) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 135) is amended by striking "fiscal year 2008" and inserting "fiscal year 2009".

(b) Conforming Amendment.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

"(ii) subparagraph (G) shall be applied as if 'fiscal year 2009' were substituted for 'fiscal year 2001'; and".

SEC. 302. 70 PERCENT FEDERAL MATCHING FOR FOSTER CARE AND ADOPTION ASSISTANCE FOR THE DISTRICT OF COLUMBIA.

(a) In General.—Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended in each of paragraphs (1) and (2) by striking "(as defined in section 1905(b) of this Act)" and inserting "(which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia)".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply to calendar quarters beginning on or after that date.

SEC. 303. EXTENSION OF SPECIAL DIABETES GRANT PROGRAMS.

(a) Special Diabetes Programs for Type I Diabetes.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended by striking "2009" and inserting "2011".

(b) Special Diabetes Programs for Indians.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking "2009" and inserting "2011".

(c) Report on Grant Programs.—Section 4923(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1254c–2 note), as amended by section 931(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, and section 1(c) of Public Law 107–360, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)—

(A) by striking "a final report" and inserting "a second interim report"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a report on such evaluation not later than January 1, 2011.".

SEC. 304. IOM REPORTS ON BEST PRACTICES FOR CONDUCTING SYSTEMATIC REVIEWS OF CLINICAL EFFECTIVENESS RESEARCH AND FOR DEVELOPING CLINICAL PROTOCOLS.

(a) Systematic Reviews of Clinical Effectiveness Research.—

(1) Study.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine of the National Academies (in this section referred to as the "Institute") under which the Institute shall conduct a study to identify the methodological standards for conducting systematic reviews of clinical effectiveness research on health and health care in order to ensure that organizations conducting such reviews have information on methods that are objective, scientifically valid, and consistent.

(2) Report.—Not later than 18 months after the effective date of the contract under paragraph (1), the Institute, as part of such contract, shall submit to the Secretary of Health and Human Services and the appropriate committees of jurisdiction of Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Institute determines appropriate.

(3) Participation.—The contract under paragraph (1) shall require that stakeholders with expertise in conducting clinical effectiveness research participate on the panel responsible for conducting the study under paragraph (1) and preparing the report under paragraph (2).

(b) Clinical Protocols.—

(1) Study.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine of the National Academies (in this section referred to as the "Institute") under which the Institute shall conduct a study on the best methods used in developing clinical practice guidelines in order to ensure that organizations developing such guidelines have information on approaches that are objective, scientifically valid, and consistent.

(2) Report.—Not later than 18 months after the effective date of the contract under paragraph (1), the Institute, as part of such contract, shall submit to the Secretary of Health and Human Services and the appropriate committees of jurisdiction of Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Institute determines appropriate.

(3) Participation.—The contract under paragraph (1) shall require that stakeholders with expertise in making clinical recommendations participate on the panel responsible for conducting the study under paragraph (1) and preparing the report under paragraph (2).

(c) Funding.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated for the period of fiscal years 2009 and 2010, $3,000,000 to carry out this section.

MOTION TO ADJOURN

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 75, nays 309, not voting 50, as follows:

[Roll No. 442]

YEAS—75

Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Broun (GA)
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Clay
Coble
Cubin
Davis, Tom
Deal (GA)
Doolittle
Duncan
Emerson
English (PA)
Everett
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gordon
Granger
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Keller
King (IA)
Lamborn
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller, Gary
Musgrave
Myrick
Petri
Pickering
Rehberg
Reichert
Renzi
Rogers (AL)
Roskam
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Sullivan
Whitfield (KY)
Young (AK)

NAYS—309

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Regula
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Serrano
Sestak
Shays
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Young (FL)

NOT VOTING—50

Boswell
Boucher
Cannon
Cardoza
Costa
Courtney
Davis (IL)
Davis, Lincoln
Delahunt
DeLauro
Engel
Eshoo
Gillibrand
Gohmert
Jefferson
Johnson (IL)
Larsen (WA)
Mahoney (FL)
McNulty
Miller, George
Mollohan
Nunes
Oberstar
Pascrell
Pence
Peterson (PA)
Pryce (OH)
Radanovich
Rahall
Reyes
Reynolds
Ross
Rush
Saxton
Scott (VA)
Shea-Porter
Souder
Speier
Spratt
Tancredo
Thompson (MS)
Tierney
Turner
Udall (CO)
Wamp
Weiner
Wexler
Wilson (SC)
Woolsey
Yarmuth

☐ 1116

Messrs. SESTAK and KUCINICH changed their vote from "yea" to "nay.".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—Continued

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. RANGEL) be permitted to control 10 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, and I urge my colleagues on both sides of the aisle to offer their support for this bill.

H.R. 6331 would make a number of improvements that are important to protecting the health and well-being of our seniors. The legislation also addresses the reimbursement concerns of doctors who treat Medicare patients. It also completely is paid for by implementing sensible reforms to the Medicare Advantage program that is supported by almost every expert body, including MedPAC and GAO.

Mr. Speaker, while I still believe that the CHAMP Act, which the House passed last year, was the best way to address Medicare's future, the bill before us today is a reasonable compromise that both Democrats and Republicans should support. In the end this legislation would allow us to take the steps necessary to keep Medicare working for America's seniors, doctors, and taxpayers. And with less than a week to go before the impending physician cuts go into effect, it is time to put politics aside and pass this commonsense policy.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Georgia (Mr. BARROW) be permitted to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would ask unanimous consent that the gentleman from Michigan (Mr. CAMP) be allowed to control 10 minutes for debate purposes of the time that I control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in opposition to H.R. 6331, the Medicare bill that is put before this Congress today on a suspension vote.

Somehow I missed it, but I didn't see the notice of the legislative hearing in the Energy and Commerce Committee hearing on this. I didn't see the notice of the subcommittee markup on this bill. I didn't see the full committee notice to have a markup. I didn't get any notice of the technical corrections of the bill, which we received at 10 minutes until 10 a.m. this morning.

The majority seems to be under the mistaken impression that the less input and the less Republicans know about major bills, the more likely we are to vote for them. Well, I have a news flash. When we were not a part of the process, when we don't have any input into the policy, there is over a 95 to 100 percent we are going to be "noes" regardless of the substance of the bill.

On this particular bill, had we had some input, we would have strongly opposed the cuts to Medicare Advantage. A large number of us would have opposed the delay in the durable medical equipment competitive bidding that's supposed to go into effect on July 1 and, under the current bill, is also delayed for 18 months. There is obviously a need to fix the current physician reimbursement system. We have been in session now in this Congress almost 18 months, perhaps longer. You would think that in that time period, there could have been some legislative hearings. There could have been some draft proposals floated. There could have been some markups and some discussion and some give and take, and we could have found a compromise that would pass on the suspension calendar. But that has not been the case, as it was not the case on the CHAMP Act that my good friend from New Jersey just referred to.

So, Mr. Speaker, on this particular piece of legislation for this morning, I would strongly urge a "no" vote and ask all Members of this body that believe in regular process and give and take in policy reform to vote "no," and then sometime when we come back after the July 4th work period, perhaps we can work together to do what needs to be done.

Mr. Speaker, I rise today to oppose H.R. 6331, the Medicare bill put before this Congress today on a suspension vote. While I a agree that we should do something to address the Medicare physician payment cut that will take affect in just a few days, I do not support cutting Medicare Advantage to pay for this short-term fix.

This legislation cuts close to $50 billion from Medicare Advantage, a program that benefits seniors in every State and a program in which our seniors are deeply satisfied. I believe people benefit when they have the kind of choices that only market competition can provide, and that certainly includes choice in health care. As we have seen with the Medicare Part D drug benefit, when an entitlement program is subjected to market forces, everyone is a winner. The taxpayer gets lower spending in an entitlement program; the beneficiary pays lower premiums and co-pays; and we get to provide broader access to affordable and accountable health care for our seniors.

Yes, it is true that this bill provides temporary relief for payment cuts for physician services for the next year or so. So I guess as Members we can rest assured that this problem will disappear for the next 18 months.

But what else have we signed on to if we are to pass this bill today? We have signed on to massive entitlement expansion through the revisions to the low-income subsidy and Medicare savings program. We have signed on to eliminating private, fee-for-service Medicare Advantage plan options that are currently available in 48 States. We have signed on to significant cuts in payment to all Medicare Advantage plans that work with teaching hospitals across this country. And last but not least, we have signed on to a process by which our own committees are now rendered useless in this Congressional body.

Over the course of the past year, there has not been one single Medicare hearing in the Energy and Commerce Committee. Not one. I guess the doc fix is so important that it justifies taking a significant, political, and complex bill straight to the floor under a vote by suspension of the rules.

That means no consideration by the committees of jurisdiction and no amendments on the floor. For an issue that the Democrats like to consider bipartisan—avoiding a physician payment crisis—one has to ask, why not work with Republicans to enact something earlier and more meaningful?

We know why we are here today. If the Speaker is able to jam this down our throats today, we know that it will hit a brick wall in the Senate. How do we know this? Because this bill is just about like the one that recently failed in the Senate. And, the President has indicated that he will veto it, in the unlikely event that it passes both bodies.

So, we see that today's vote for a physician payment fix is merely the political exercise Republicans must endure so that Democrats may turn to their constituents when they return for the holiday next week and say, "See, I tried to help you but those abominable old Republicans, why they just wouldn't let me. They don't even like puppies, I heard."

This bill temporarily stops the hemorrhaging, but it does not fix the long-term problem of physician payment. And the cure is likely worse than the illness—the doc fix is at the expense of our senior who enjoy their MA benefit.

I oppose this bill. I oppose the process—no committee hearings; no committee markups; no mention of the word Medicare in our committee at all.

Last year, I decried the politics of some of debates we had, and I was told that politics is a good thing for this body. Well, we're all elected to these seats, so we know a thing or two about politics, but at some point the people who elected us expect us to quit politicking and start governing. Too often this new Democratic Majority lacks the ideas they need to govern, and so they revert to politics.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes, and I ask unanimous consent that the remainder of my time go to the distinguished chairman of the Health Subcommittee of the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I wish we weren't legislating this way, as the gentleman has pointed out, on the suspension calendar, but as you know, it's difficult working with the other House. They have our CHAMP bill over there, and there is no telling what we might do if we don't come right now and deal with this emergency before these provisions expire.

This would allow the Secretary to add preventative benefits without waiting for the Congress. It would help us out in Medicare. And we have been able to gather the support of the doctors, the hospitals, the pharmacists, those that are concerned with durable medical expenses, the dialysis people, wheelchair. And so we made an attempt, even though it is patchwork and it's not a piece of legislation we're proud of. But if we don't move in this House, the effects of not doing anything would be more detrimental than trying to get a perfect bill.

We have been working desperately hard to try to get something that all of the people could agree to, but, unfortunately, we haven't had an opportunity to do that. And we also are concerned with the teaching hospitals with suggestions that we have heard that they would pay for the whole thing when we know that a physician's fee for service is an area that should equally bear the costs of trying to get this legislation through.

So I really don't think we have much of a choice. Our votes are being recorded. People are watching what we do. And I do hope that we can do a better job next year. But the whole idea is to make certain that the House is responsible, and while we don't have any indication of what's going to happen in the other body, it seems to me that we should move on this bill.

I want to thank Congressman STARK for the great work he and his staff have done. It's always a moving target as to what we can get in, what we can't get in. But I don't think there is anyplace we can go for now except to support the suspension, and then whatever corrections we have to do, we should do it next year.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Medicare bills should be bipartisan and should be fully debated, not on some shortened suspension calendar. My question is just what about this bill worries the majority that they won't fully debate it?

Today we are discussing a serious issue, how to prevent Medicare from cutting physicians' payments by over 10 percent by next Tuesday. Make no mistake. That will happen if Congress does not act, and despite virtually every Member of this House being opposed to such a cut to doctors, here we are only a week away from that happening.

And, sadly, this shouldn't surprise any of us. Shortly after Congress passed the last short-term extension in December, the chairman of the Ways and Means Health Subcommittee noted that he was inclined to do nothing to stop the cut from taking place. And that's exactly what this majority has done for the past 6 months: nothing.

In the last couple of days, this bill has been drafted in secret, and a recent version just appeared at 10 o'clock this morning, 278 new pages of bill. But this bill has been drafted in secret without committee hearings, without committee markups, without committee amendments, and without any chance for public review.

This is the most restrictive Congress in our Nation's history. Neither the minority or majority should find this way of doing the people's business acceptable. It is certainly not what the Speaker promised us or promised the American people.

Maybe that's why when you break the public's trust in this way, your approval numbers plummet. This is the most unpopular Congress ever, and that's saying a lot. The American people want an open, accessible, and accountable government, and they are not getting it from this majority.

So today here we are rushing to pass a bill that couldn't muster enough support in the Senate to even be debated and one that is sure to be vetoed by the President, if it ever got that far. It's the first time I have ever seen this House in such a rush to take up the scraps of the Senate, and, frankly, we would be equally wise to reject this so-called fix. I know I speak for all of my colleagues on this side of the aisle when I say we want to prevent this cut and, in fact, we want to provide physicians with a payment increase. Yet with this bill, we are cutting seniors' access to affordable health care under Medicare some $47 billion, causing 2 million seniors to lose access to health care through Medicare Advantage. What we give some providers we directly take away from beneficiaries. This is no way to manage Medicare.

It is my sincere hope that we can ultimately pass a bipartisan compromise this week. A compromise is imminent in the Senate as we speak. Physicians deserve no less, and certainly beneficiaries, America's seniors, and the disabled deserve no less.

I urge my colleagues to vote "no" and to demand a Medicare doctor fix that is workable for all parties involved.

Mr. Speaker, I reserve the balance of my time.

Mr. BARROW. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, without H.R. 6331 many doctors across the country will not be able to afford to see and treat Medicare patients. In a rural district like mine where a greater percentage of the population depends on Medicare for their health care, that's not acceptable. We are lucky to have world-class health care in this country, but health care is only as good as an individual's ability to get to that health care and their ability to afford it. H.R. 6331 will keep our doctors in business so that our Nation's poor and elderly can get the health care that they need.

I am proud of the fact that H.R. 6331 contains some specific relief for folks in rural areas, making sure that rural doctors get paid fairly, increasing payments to critical access hospitals, and covering the additional fuel costs faced by ambulances in rural districts. This bill will also help poor seniors by increasing the amount of assets that a low-income beneficiary can have and still qualify for financial help with Medicare costs.

I recently spent a week touring just about every kind of health care facility in my district. Folks back home have a lot of problems with our health care system. While this bill doesn't fix everything that's broke with Medicare, it is a big step forward and we absolutely need it.

Mr. Speaker, we have until July 1 to stop these cuts from taking effect.

☐ 1130

Unless we adopt this legislation before then, doctors all across the country will have to start turning away Medicare patients that they are seeing right now. We can't let that happen. I therefore urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to a member of the Energy and Commerce Committee, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Texas.

Mr. Speaker, he mentioned earlier in his comments the lack of hearings that we have had on this issue. Indeed, this morning over in Energy and Commerce there is a hearing on health issues, but nothing to do with Medicare reform, nothing to do with this situation that is before us right now. Indeed, late notice was mentioned.

Mr. Speaker, I think that what we see here is a pattern that is developing with the majority party, and when they don't want to talk about something, they don't want to debate it on the floor, they want to maybe cover a few things into the bill, then we have it on suspension calendar. I find that very unfortunate.

I will say this. With H.R. 6331, 89 percent of our seniors in Tennessee that are enrolled in Medicare Advantage would be adversely impacted by this bill. This is something, this bill, H.R. 6331, would leave a lot of our elderly patients and doctors in peril, while the leadership in this body is playing politics with Medicare.

We have heard about the 10 percent cut on July 1. We have heard about procrastinating and leaving this until the 11th hour rather than taking significant action. Mr. Speaker, I think that we have to look at what is happening to Medicare. I am deeply concerned about this issue and how it impacts our seniors.

We know that the Medicare trust fund is likely to go bankrupt in 2019. These aren't my figures, these are the Congressional Budget Office figures. We know that this year, we hit the 45 percent trigger, which occurs when Congress is obliged to find a new way to curb Medicare spending. This bill does not do one thing to curb that spending. It makes it worse. It is unfair to our seniors.

I urge a "no" vote.

Mr. STARK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I urge my colleagues to support H.R. 6331. For whatever reasons, people may be concerned with process. To me, that is a snare and a delusion. Basically, this bill protects the physicians from their 10 percent cuts. If you vote against it, you're voting to cut physicians by 10 percent.

It improves benefits for seniors and people with disability, it ends discriminatory mental health copayments. So vote against the bill and seniors don't get mental health treatment. It targets extra help to low-income people. Vote against the bill and you're, as Republicans like to do, trashing low-income people for the benefit of rich insurance companies, the only one group that opposes this bill.

It delays the durable medical equipment competitive bidding demonstration, which we have agreed on a bipartisan basis should be delayed. Vote against the bill and let the medical equipment competitive bidding go ahead. It makes improvements in quick pay for pharmacists. Vote against the bill and talk to your local pharmacists, my Republican friends, and see what they think about your voting against the bill, which would otherwise provide them prompt payment.

The clinical labs, therapy services, rural providers, psychologists, social workers, dialysis patients all get help in this bill. So vote against it and go back and talk to your constituents who depend on those services for their quality of life.

I am ready to have you do that because all of this is paid for in a balanced, fair method, suggested, I might add, by the administration's own actuary, and the Government Accountability Office and MedPAC all say that trimming the payments to Medicare Advantage is the right thing to do, and will extend the life of the Medicare trust fund.

So it's not a bill I wish we were considering. The CHAMP Act, which many of you voted, is one. But this is a modest compromise. I urge its support.

For several years now, I have pushed to modernize Medicare's reimbursement for ESRD, consistent with longstanding recommendations from the Medicare Payment Advisory Commission, MedPAC, and the Government Accountability Office, GAO. The current payment system includes a perverse financial incentive to dose higher levels of the anti-anemia drug, Epogen, which can put patients at risk of death and serious cardiovascular events. Both MedPAC and GAO recommend replacing this system by reimbursing providers with one "bundled" payment for dialysis services and related drugs and labs, thereby removing the incentive to overuse items and services that are currently separately billed. This will encourage more efficient provider behavior while maintaining and improving patient care. This modernized payment system is consistent with the philosophy governing many of Medicare's other payment systems.

It is imperative bundling be done in a way that is sensitive to individual patient needs, protects against provider stinting, and is not "one-size-fits all." Including an outlier pool, risk adjustment, and a strong quality performance system all work to ensure that appropriate care is ensured.

That is why I was very proud when the Children's Health and Medicare Protection, CHAMP, Act, which passed the House in August 2007, advanced ESRD bundling with these patient protections. That is also why I am disheartened by the ESRD bundling proposal before us today, as I have several serious concerns with this package.

First, I am very disappointed to see that much of this package is designed to appease the profit-hungry interests of the dialysis and pharmaceutical companies. I have long believed that dialysis providers should meet strong quality standards in order to receive increased payments. I oppose the automatic updates in this bill. I hope that when structuring the quality incentive program, CMS pushes dialysis providers to meet a rigorous set of standards in order to get payment increases. In CHAMP, providers had to meet a clear and strong set of quality measures in order to receive bonus payment.

Unfortunately, the initial anemia management quality measure in this bill is seriously flawed. The MIPPA quality measure tells providers that they are providing acceptable care as long as they haven't gotten worse than their past track record. That's like telling a D-student that they are doing fine as long as they keep getting at least D grades.

This is wrong. We should be encouraging providers to improve the care provided. There are serious health issues at stake, with the FDA warning that using anti-anemia drugs in a way that raises red blood cell levels too high puts ESRD patients at risk of death or cardiovascular events. Sadly, the measure in MIPPA gives providers a pass as long as the care provided just doesn't get worse.

Instead, we should be encouraging providers to get more patients within FDA's recommended range for anemia management. We tried to do this in CHAMP when we designed something that pushed providers to at least meet the national average, with the bar getting raised in subsequent years. If the MIPPA quality measure is enacted into law, I intend to work to override or modify it. I hope that the Centers for Medicare and Medicaid Services will instead develop a system that pushes providers toward improved performance and assesses them against anemia management measures that are consistent with the FDA label.

A second flaw in this package is that it allows the large dialysis organizations, LDOs, to benefit from a mandated low-volume adjustment. I have no problem with a low-volume adjustment if it is warranted and set right. However, LDOs don't need it, and they shouldn't get it. Repeated studies by the HHS Office of Inspector General show that LDOs are able to get much better prices on dialysis-related drugs than smaller dialysis organizations. Even if an LDO has a low-volume facility, that facility still benefits from the price discounts negotiated with the parent corporation. Giving LDOs a low-volume adjustment is an unnecessary waste of money.

Another flaw with the MIPPA package is that it only lets facilities fully opt-in to the bundled payment system in the first year of the phase-in. I suspect that facilities will find the incentives for practice patterns under the old system and new systems to be in conflict, and may quickly realize that moving directly to bundling in year two is easier. To the extent bundling incentivizes more efficient behavior and has the necessary patient protections, if a facility wants to opt-in in year two or three, I see no reason to stop them.

I would also like to clarify something about the bundle itself. MedPAC has repeatedly pushed for a broader ESRD bundle. My understanding of the MIPPA language is that it provides for inclusion of all oral dialysis-related drugs in the bundle, including calcimimetics and phosphate binders. Specifically the term "items and services" at clause (14)(B)(iv) of the Social Security Act, as amended by MIPPA, and the reference to "other drugs and biologicals" at clause (14)(B)(iii), both afford the Secretary broad discretion to include oral drugs furnished to an individual for the treatment of end stage renal disease that don't necessarily have an IV equivalent.

I know why some pharmaceutical companies want to exclude these drugs from the bundle. They want another product line where they can play their separately billable game and try to drive up utilization and corporate profits. That is contrary to the philosophy of bundling and not the intent of Congress.

These drugs should be included in the bundle to prevent cost shifting to Part D in order to circumvent the new bundled payment. Most importantly, it would ensure that decisions as to which drug a patient receives are driven by clinical decisions not reimbursement policy. This will also ensure that all drugs furnished to patients for the treatment of ESRD are captured in the new bundled payment.

I also believe the bundle should set in a way, including any appropriate adjustments, so that more frequent home dialysis, both peritoneal and hemodialysis, is adequately paid and encouraged.

ESRD bundling is long overdue, but it is unfortunate that industry has demanded such a high price for it. If this bill becomes law, I intend to keep pushing for these changes and will be watching and weighing-in heavily as CMS moves forward with implementation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. CAMP of Michigan. I yield 1 minute to a respected physician, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague for yielding time to me.

As a physician, I am deeply disappointed in the way we are legislating on health care. Here we are, on one hand, physicians are facing a 10 percent cut in reimbursement, which is going to deeply have an impact on access. Furthermore, a 5 percent cut coming up in January. On the other hand, we are going to cut $47 billion out of a Medicare program that is extremely valuable to rural America.

I have a substantial number of citizens, constituents in my district, who depend on this program for access, not just coverage. Coverage is something on paper. Coverage gets you, hopefully, into the door, but not necessarily into the door of a physician's office where they can have a physician-patient relationship, a meaningful relationship that focuses on prevention and screening and not just treating everybody as if they are just a cog or an animal.

We want to do good health care, and this is an irresponsible way to do this. This bill does not pay attention to access; it simply glosses over it. It pits seniors, seniors against physicians. As a physician, I deeply resent that.

Mr. BARROW. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend from Georgia, and I congratulate him on the way he is handling this legislation. We are proud of him and his service.

Mr. Speaker, the legislation before us today is critical to ensuring high quality physician services for Medicare beneficiaries. If you want to cabal about that, you're making a great mistake. If this legislation fails, physicians are going to face a 10 percent pay cut, and that is going to drive them out of Medicare and it's going to threaten the security and the health care of senior citizens and the disabled.

At the same time, this legislation provides additional protections for low-income beneficiaries, adds benefits to the traditional Medicare program, such as coverage for more preventive benefits. It will also address the Medicare drug benefit and make it work better for pharmacists and therefore seniors.

Finally, the legislation addresses one of the most egregious problems, and that is private plans operating in Medicare. Private Fee-for-Service plans, or PFFS plans, which is one type of Medicare Advantage plan. There, they are cutting a fat hog at the expense of the public. If you do away with that particular vice, you will find you are making it more solvent over a long period of time and you are using a mechanism which will help our senior citizens to know that their Medicare is protected and seeing to it that the doctors are there to provide the care that is needed. We are also assuring that the pharmacists are able to stay in this business by addressing a significant hurt that they are undergoing.

I urge my colleagues to support this legislation and not to cabal about the perfection of the process.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 30 seconds.

I think we are entitled to cabal about the process. We represent about 48 percent of the American people and have had absolutely no input into a multi, multibillion-dollar temporary fix. This would only go into effect for 1 year. It doesn't solve the long-term program. So I think we are entitled to a little caballing, as they said.

I want to yield 2 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Texas.

Florida 5 is the district that I represent, and it is not a wealthy area. I have the highest number of people on Social Security of any Member of this Congress, and obviously a huge number on Medicare.

Medicare Advantage is a very popular program. And why is it popular? It's popular because many of the programs, and by the way, there's a large variety of programs for the seniors to choose from, many of the programs will actually pay the seniors' part B cost.

When you represent a district that isn't wealthy, let me assure the Members of both sides of the aisle that this is an important medical program and it does give them choices. Nobody is forced into the Medicare Advantage plans, but they join them because it saves them money, while offering quality health care.

Yes, we all want to fix the cuts to the doctors. Yes, we want to make sure that the DME program is revised, and revised well. But we all know that it has already been said the Senate won't accept it, the President has just issued a veto threat on it, and so my question is: Why are we here?

Obviously, July 1 is right around the corner, and to take this up at the last minute when the bill was only available at 10 o'clock this morning, I think is an insult. It's an insult to the people who like the Medicare Advantage program and it certainly is an insult to every Member of this Chamber, 278 pages of a bill that we really don't know everything that is in it because it's now a little after 11:30 in the morning. So obviously nobody has had the time to adequately review the bill.

Medicare Advantage is a good program that helps so many low-income seniors. People have to ask: Why does the Democrat Party want to do away with this program? Shame, shame, shame.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, the chairman of the Subcommittee on Health, for yielding.

Mr. Speaker, like any other great and necessary journey, the journey to improve Medicare must start with a first step. Although we can and must do more, this bill is that first step.

I want to just mention the pulmonary rehabilitation benefit and the kidney provision, which I strongly support, and the increase in the community health center cap. Seniors deserve a Medicare program that delivers services, supports doctors, and prevents disease.

Take this first step. It is a good step, it is a necessary step. It is the right thing to do. I urge all of my colleagues to support this bill.

Mr. CAMP of Michigan. I yield 2 minutes to a physician and respected Member of this House, the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman.

As a physician, nothing is more important to me than patients and the ability of doctors to take care of them. One of the reasons that I ran for public office was to work as diligently as I could to get politics out of the clinical exam room and out of the operating room.

The process that has brought this bill to the floor, a new bill of over 270 pages, just this morning, reveals the cynical and solely political activity of the majority leadership, a crisis of leadership in this House. No hearing, no amendments, no fairness, no recognition of the true needs of patients and doctors.

Politics over policy, politics over people. Shame, Mr. Speaker. Shame.

MR. BARROW. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the Medicare Improvements for Patients and Providers Act not only eliminates the scheduled 20 percent cut to physicians, which is set to take place next week, but it also will provide numerous other protections. It provides incentives for prescriptions for e-prescribing technology and it extends and vastly improves low-income assistance programs for very low-income Medicare beneficiaries.

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And this bill includes a very important 2-year reauthorization of the special diabetes programs for type 1 diabetics and American Indians. Thanks to over a decade of investment in these programs, we can point to tangible and significant progress, like the creation of an artificial pancreas. It is vital for a multiyear reauthorization because of the structure of the NIH funding cycle, and I want to thank my chairman and the leadership for including this language in the bill. There are other wonderful protections in the bill for diabetics and for other Medicare beneficiaries.

I just want to close by saying one thing: The language in this bill and the concepts are not new today. We have been talking them to death for 2 years. This program expires next week, and I don't think that the patients of America and the doctors of America are going to be too sympathetic about process arguments, when what they really care about is being able to provide quality medical services to low income and to senior citizens in this country.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, I have missed the legislative hearing on this issue in the last 18 months. Maybe they had it in the other body, but we haven't had it here. The actual bill that we are addressing, we got it at 10 minutes until 10 this morning. This is the same group that passed a farm bill that left out a complete title, and we are passing a 278 page bill that the original substance I think we got Friday or Monday, the technical corrected copy we got at 10 until 10.

I may be mistaken, but I believe if we had a process that worked and had enough time to think about it, if we had actually been holding hearings and substantive markups and all that is on the books of how the Congress is supposed to work, we would probably have a bill for the suspension calendar that both parties could work for. But the way our friends in the majority are operating these days, the proof is in the pudding.

I would strongly recommend a "no" vote, and then let's do it right. Let's do it right so we can vote for it.

Mr. STARK. Mr. Speaker, I would like to yield to the gentlewoman from Kansas (Mrs. BOYDA) for a unanimous consent request.

Mrs. BOYDA of Kansas. Mr. Speaker, I rise in support of H.R. 6331, along with the National Community Pharmacists Association, the Kansas Pharmacists, the National Rural Health Care Association, the American Medical Association, the Kansas Medical

Society, the American Hospital Association, the Kansas Hospital Association, the Federation of American Hospitals, and on and on.

These people agree that passage of this bill is vital for Medicare and America's seniors, and certainly for people with disabilities.

Mr. STARK. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY) for the purpose of making a unanimous consent request.

Mr. KENNEDY. Mr. Speaker, I rise in support of H.R. 6331, to extend my support along with Mental Health America for equal coverage for our seniors for mental health. This bill supports mental health parity, and that is why we should pass this bill.

Mr. STARK. I yield to the gentleman from Washington (Mr. McDERMOTT) for the purpose of making a unanimous consent request.

Mr. McDERMOTT. I rise in support of H.R. 6331, along with the American College of Cardiology, the American College of Physicians, the American College of Radiology and the American College of Surgeons. All the medical organizations are supportive of this bill.

Mr. STARK. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Speaker, 2 years of debate, a 10 percent cut, 40 million American seniors at risk, and 6 days before the clock strikes 12. That is where we are. Regardless of what anyone says, that is where we are. We need to do something. The time to act is now.

The bill before us is actually a Senate version of an attempt to come up with a modest bipartisan fix. Is it the best bill we could have? Absolutely not. But it is a fix that avoids a 10 percent cut, which could cause many physicians across the country to say no mas. I cannot afford to do this. And it would cause 40 million American seniors to say where do I get my health care?

We need to do something. That is why the Alliance for Retired Americans, the American Association for Health Care, the American College of Physicians, the American College of Surgeons, the American Medical Association, the Federation of American Hospitals, the National Committee to Preserve Social Security and Medicare, the National Community Pharmacists Association, and the National Rural Health Association have said please stop the partisanship. Pass this bill.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Committee on Ways and Means, the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, I rise in opposition to the bill on the floor today. I have some prepared remarks that I am going to submit for the RECORD, but rather than reiterate the problems that we have with the process that brought this bill to the floor, let me say my good friend Mr. STARK has been talking with us all along about this problem. We have all been aware of it. And, frankly, it was our understanding in talking with the distinguished chairman of the Health Subcommittee of the Ways and Means Committee that we were going to try to let the Senate, our colleagues in the Senate, work out a bipartisan solution to this take that we could then embrace and bring to the floor.

They were not able to do that at first in the Senate, so we frankly were kind of scrambling to figure out what we were going to do. But now we are told that our friends in the Senate have indeed reached a bipartisan compromise on this issue. They hope to bring it to the floor within the next day or two. At that time, we could take that bill on a bipartisan basis in the House and embrace it and pass it and get this problem behind us. So why are we doing this today? I am not really sure. It baffles me.

This is a bill that does not have bipartisan support. It did not get 60 votes in the Senate. It couldn't even come up on the floor for a vote. The President would veto it. It is clear this bill is not going to become law.

So I think we are wasting our time here today, to be frank. We ought to be joining arms and hoping that the Senate gets that bill to us, the new compromise bipartisan bill, in a timely fashion so we can get it done this week and avert the drastic cut to reimbursements for physicians, as well as the other things that will occur with caps on services to seniors and the like.

So, Mr. Speaker, I would urge us to defeat this bill today on a bipartisan basis, and then get about the serious business of passing a bipartisan bill later this week that can become law.

I rise in opposition to H.R. 6331.

The Majority notified us at 10 o'clock this morning that they have made a number of changes to the bill that they told us would be on the floor. Members have had just one hour to review this 278-page bill, which moves tens of billions of dollars around in the Medicare program. The limited time for review of such an important measure should give every Member pause.

For six months now, the Democratic Majority in the House has known that physicians face a looming 10.6 percent cut to their Medicare payments.

Now with just six days left before this cut is scheduled to take effect, they are bringing a bill to the floor that we all know will never be signed into law. The Senate considered a similar bill 2 weeks ago and they could not even get the 60 votes necessary to be able to debate the bill. We also know that the President would veto this bill, because of the changes it makes to the Medicare Advantage program.

Yet here we are, playing games with less than a week before physicians' Medicare reimbursements are scheduled to be cut, therapy services for some seniors will be ended, and billions of dollars that assist rural physicians and hospitals will be terminated. Once this bill fails today, we'll still be faced with the same expiring Medicare policies, but we will have one less day to fix them.

If anyone actually believes that this bill is a serious effort to fix these problems, they need only look to page 253 of the bill. Here you'll find a "Sense of the Senate" provision. Mr. Speaker, the last time I checked, this is the House of Representatives. This raises the question of whether, in their rush to bring this bill up for a vote, the Majority even read their own 278-page bill, which they introduced an hour ago, or if they simply copied the failed Senate bill word for word.

Well, my staff has read the bill, and here's what else they found. The bill cuts approximately $50 billion from Medicare Advantage. CBO predicts that more than 2 million seniors would lose access to their Medicare Advantage plan if this bill were enacted. The President has said repeatedly that he would veto any bill that contained these reductions. Thankfully, he won't have to, because the Senate already rejected these cuts two weeks ago.

Mr. Speaker, if the Majority was really serious about helping Medicare beneficiaries and providers, we would take up the compromise bill that Senators BAUCUS and GRASSLEY have worked out. That bill will eliminate the physician payment cuts in 2008 and 2009, extend rural payment add-ons and the existing exceptions process for therapy services and fully pay for these changes without changing the rules governing private fee for service plans. I believe that bill will pass the Senate, and then we in the House will have an opportunity, on a bipartisan basis, to protect physicians from the looming drastic cut in their reimbursement.

Mr. BARROW. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding, and I thank him for his leadership. I also want to thank Energy and Commerce Chair JOHN DINGELL and the Health Subcommittee Chairman FRANK PALLONE, as well as Chairmen RANGEL and STARK of the Ways and Means Committee for their continued leadership.

Last year, we passed the CHAMP bill to prevent a 10.6 percent cut in payments to Medicare providers and to make critical improvements, and today we are trying again. This bill would prevent physician payment cuts in 2008 and provide an increase in 2009. And, something of particular concern to me, it would address the cuts to mental health providers that have already taken place.

While we need to do more, we have to act now. And there are many, many reasons to support the passage of this bill. It provides mental health parity. It expands access to low-income assistance for seniors and people with disability struggling to pay their health care costs. It extends the moratorium on physical therapy caps. It eliminates cuts to oxygen treatment and wheelchairs. It postpones competitive bidding for durable medical equipment. On the diabetes front, it includes a 2-year reauthorization of the special diabetes program, prompt pay requirements for pharmacies, and on and on.

If you think it is more important to continue excess payments to private Medicare Advantage plans, plans that are getting 13 percent more than Medicare, you should vote no. In 2008, this meant that Medicare Advantage plans saw a 6 percent increase, while physicians are scheduled for a 10.6 percent cut. Next year, Medicare Advantage plans will see between a 5 and 7 percent increase, while physicians are scheduled for a 5 percent cut. But if you think it is more important to prevent Medicare cuts to physicians and providers and to help senior citizens and persons with disabilities, then you will vote yes.

I hope that all my colleagues on both sides of the aisle will make the right choice. I hope you will side with Medicare physicians and their patients and pass H.R. 6331.

Mr. BARTON of Texas. Mr. Speaker, can I inquire as to the time remaining on the four sides.

The SPEAKER pro tempore. The gentleman from Texas has 2½ minutes remaining; the gentleman from Georgia has 1½ minutes remaining; the gentleman from Michigan has 3 minutes remaining; and the gentleman from California has 3½ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I have no other speakers, so I reserve the balance of my time and am prepared to close.

Mr. STARK. Mr. Speaker, I recognize the distinguished gentlewoman from California (Mrs. DAVIS) for a unanimous consent request.

Mrs. DAVIS of California. Mr. Speaker, I join with the California Medical Association, the Center for Medicare Advocacy, the Clinical Social Work Association, the Federation of American Hospitals, the Food Marketing Institute and Kidney Care Partners in supporting H.R. 3631.

PARLIAMENTARY INQUIRY

Mr. CAMP of Michigan. Mr. Speaker, parliamentary inquiry. Is this coming out of the gentleman's time?

The SPEAKER pro tempore. A Member asking to insert remarks may include a simple declaration of sentiment for the question under debate, but should not embellish the request with extended oratory.

Mr. CAMP of Michigan. Mr. Speaker, the answer is yes?

The SPEAKER pro tempore. The Chair may charge time in the case of extended oratory.

Mr. CAMP of Michigan. I am sorry, could you repeat that?

The SPEAKER pro tempore. The Chair may charge time in the case of extended oratory.

Mr. CAMP of Michigan. I would certainly urge the Chair to charge time, because you have repeated extended oratories during this debate, and we would like the rules to be followed.

The SPEAKER pro tempore. The gentleman is correct.

Mr. STARK. I would like to yield 1 minute to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding and also for his leadership on this issue.

Mr. Speaker, today's vote is about maintaining access to health care for seniors and people with disabilities. Although this bill stops cuts to physician payments, it is not about how much we pay doctors. This bill is about access to health care for patients, people that need medical attention.

The data are convincing. Over 60 percent of California physicians would leave Medicare or stop taking new Medicare patients if these cuts are implemented. In rural California, like rural America, we are already facing a physician shortage crisis. The impact on seniors would be devastating if Medicare beneficiaries lose access to thousands of physicians in California because of this cut.

Fortunately, we can prevent those cuts and further strengthen Medicare through expanded preventive health services, enhanced low income protections and other improvements to help people in need of care by passing H.R. 6331.

There may not be bipartisan support in this House for this bill, but there is bipartisan support across the country for this bill. I urge everyone to vote for it.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, this bill offers a false choice between helping our physicians and our pharmacists, who need fair reimbursement, and helping our seniors, especially those in minority communities and those in rural communities from being able to see a doctor who they know and knows them.

Unfortunately, this Congress is full of false choices. In Texas, I know if we pass this bill, we have got over 800,000 seniors, mainly in rural communities and in very poor communities, who will not be able to see a doctor, will not be able to get the health care that they chose under Medicare, because this Congress has decided that they are going to pit those poor seniors against physicians and pharmacies in our communities. Those false choices is why this Congress has the lowest approval rating since they began taking polls.

Let's stop playing games with our doctors, let's stop playing games with our pharmacists, and let's stop playing games with the lives of our seniors. We can do better than this.

Mr. BARROW. Mr. Speaker, it is a pleasure for me to yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Mr. Speaker, I rise in support of H.R. 6331. The alternative to this bill is a 10 percent pay cut for doctors who serve critical seniors and those with disabilities. Our doctors are desperate for this. It is emergency care. It is a band-aid approach, but at least it will stop the bleeding.

Last year we had a much better package, the CHAMP Act, which we did debate on this floor and which we did vote out. It hit a roadblock in the other body and at the White House. This bill at least ensures our physicians can continue practicing in our communities and serving the Medicare population.

I do want to mention two important items, a cost saving provision which will improve services for the Medicaid beneficiaries by expanding the numbers of patients who can be covered by the county organized health systems in Ventura and other counties in California. This is a proven way to provide cost-effective access to quality health care, and it has been in place in my County of Santa Barbara for many years.

I also want to commend the inclusion of E-Prescribing language. I was proud to work on this with my colleagues ALLYSON SCHWARTZ and JON PORTER. E-Prescribing will ensure prescriptions are transmitted safely.

I urge my colleagues to vote "yes" on this legislation.

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Mr. BARTON of Texas. I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, when it comes to health care reform, my colleagues on the other side say the most important priority is the relationship between a patient and a doctor. Why isn't that true for seniors?

Today, our Republican friends are once again confronted with a simple choice: Stand with seniors and their physicians, or stand with the big insurance companies and tax cheats.

Seniors on Medicare are at risk of losing access to the doctor they know and trust. We have a plan to ensure that doesn't happen, and strengthen Medicare while doing it. Our plan stops overpayments to big insurance companies. We tell providers that owe billions in taxes that they cannot continue to cheat the taxpayers and go unpunished.

I know some of my colleagues on the other side of the aisle oppose this bill.

Under their plan, seniors would go without care, tax cheats go unpunished, and insurance companies go to the bank. That is a tough argument to make here in Congress, and it is an even tougher argument to make to the American people.

I hope my Republican colleagues reconsider and lend their support to this legislation, which continues the relationship between seniors and their physician of choice.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. BARROW. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I am prepared to close if everybody else is prepared to close.

I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. BARTON of Texas. We do have a serious issue here, Mr. Speaker. We have known for several years that we needed to fix the current system for physician reimbursement. We also have known that in some of the other issues that have been put into this bill, that there are areas of reform that need to be implemented. One of the things that I have worked on for over 12 years is a competitive bidding process for durable medical equipment which is supposed to go into effect July 1 of this year. The pending bill has a moratorium on that implementation I believe for 18 months, which I think is ill-advised.

But I do think that when each of us gets elected to this body, when we go out and campaign and ask for Members and voters to support us, we don't say: If you vote for me, I will go to Washington and I will make sure that I have no input into major issues, and when they are put up at the last minute I will go vote "yes" on the suspension calendar. That is not what we say.

This is a serious issue. There are serious issues that need to be addressed in this bill. I am not sure this bill is even a House bill. My understanding is that it is a failed version of a Senate bill that has been patched together for purposes of a vote today just in case there is not a bipartisan compromise later in the week, as Congressman McCRERY spoke about earlier.

Process does count. Policies are better if there is bipartisan input and you go through the give and take of subcommittee, full committee markup where stakeholders and Congressmen and women on both sides of the aisle can be involved. That has not happened here.

Again, this is a multibillion-dollar bill. Even if it were to be passed, it only has the effect for the rest of this year and the next calendar year. It is not a permanent fix. It doesn't address long term these issues. And all of the groups that are supporting the bill today that have been enunciated by the majority, when they have been in to see me they are talking about a permanent fixes, they are not talking about a temporary quick fix, patch it, go on down the road, kick the can fixes, which is what this is if it were to be implemented.

So I really hope that we can vote against this. Since it is a suspension vote, it only needs 146 "no" votes and it would fail, and then we could work together to perhaps on a permanent way fix some of these in a bipartisan way. So I urge a "no" vote.

Mr. STARK. Mr. Speaker, I yield myself the balance of my time, and urge my colleagues to support the bill.

The distinguished gentleman from Louisiana was quite correct; we have worked together on this. But for us now to depend on the other body is sheer folly. We quite have an idea of what they will send us, and it will be much less. There will be no prompt pay for pharmacists in the other body's bill. They will cut payment to oxygen providers and wheelchair providers. There will be less for low income seniors. There will be no preventative services. The only difference will be a slightly less cut to the private fee for service plans, and the administration actuaries have just recently sent us an e-mail saying this will extend the life of the Medicare trust fund.

And I apologize also to my distinguished ranking member on the Health Subcommittee, and I understand when we have 50 groups supporting our bill and you only have one, the lobbyists for the private fee for service plan, it gets a little annoying. But we will see if we can find one other group to support your bill. I doubt it, but we will try.

I urge this. This may be the last chance. I won't discuss process, but we all know that we cannot rely on the other body to come together and work as well as we have on a bipartisan basis.

Every part of this bill has had support on a bipartisan basis over the last year in this House. It is put together to get as much as we can for as little cost to the providers, to extend benefits to the seniors, to provide preventative care, to give mental health parity, and pay the doctors what they are entitled to. Please support the bill, and let us finish our work this week.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I would just say, if we are really worried about cuts to physicians, why bring up a bill that has already failed in the Senate?

And frankly, I would say to my good friend that every person or group that supports this bill will also support the bipartisan Senate bill that is going to come over from the Senate later this week.

And let me just say, if anyone actually believes still that this bill is a serious effort to fix these problems, they need only look to page 253 of the bill. As my friend from Texas pointed out, this is the group that left a whole section out of the farm bill so we had to revote on it a second time. But here we will find a "Sense of the Senate provision." And, Mr. Speaker, the last time I checked, this is the House of Representatives. And this really raises the question of whether in the rush to bring this bill up for a vote the majority even read their own 278 page bill because they introduced it at about 10:00, 2 hours ago, or if they just simply copied the Senate bill word for word.

So, frankly, I think if we could look at the Senate bill that I just got an e-mail that their bipartisan issue is imminent, that they are working and they are close to a deal. This could have happened in the House as well if the majority had decided to honestly debate this issue.

So I urge my colleagues to vote "no" on this bill that is dead before it even arrived, as it has already failed in the Senate.

At this time I yield back the balance of my time.

Mr. BARROW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have until July 1 to stop these cuts from taking effect. Unless we adopt this legislation before then, doctors all across the country will start turning away Medicare patients. We cannot let that happen.

I want to thank the distinguished chairman of the Committee on Energy and Commerce for his leadership on this matter. I urge my colleagues to support this bill.

Mr. ENGEL. Mr. Speaker, I rise today in strong support for H.R. 6331, the "Medicare Improvements for Patients and Providers Act of 2008."

As a senior member of the Health Subcommittee of the House Energy and Commerce Committee, I have worked hard throughout my career in Congress to pass commonsense healthcare measures. I am proud to have worked with my colleagues on the underlying legislation. H.R. 6331 prevents the pending 10 percent payment reduction for physicians in Medicare, enhances Medicare preventive and mental health benefits, and improves and extends programs for low-income Medicare beneficiaries.

Our physicians are the backbone of our communities and we must guarantee that they are fairly compensated for the good work they do. By eliminating the physician payment reduction and through the other measures included in H.R. 6331, we can ensure our patients' continued access to quality care.

Mr. Speaker, I am deeply trouble by some of the rhetoric on the other side of the aisle. It is absolutely disgraceful that the Republican leadership has been urging a "no" vote in part because we are strengthening the Medicare program in this bill. There have been comments from the Republican side opposing the expansion of the Medicare Savings Program, MSP, in this bill—a program specifically designed to provide a extra assistance to low-income seniors who desperately need it. Republicans also oppose he expansion of Medicare's coverage of preventive services in this bill. We all know that improving access to quality health care, such as by providing preventive services will save millions of Medicare dollars down the line. It is backwards thinking to simply wait till seniors' healthcare erodes beyond repair before we take action.

Democrats will stand by our Medicare beneficiaries and doctors and vote "yes" on H.R. 6331 today. Republicans should do the same. Anything different is simply unconscionable.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of the Medicare Improvements for Patients and Providers Act of 2008. This legislation prevents the pending 10-percent payment reduction for physicians in Medicare, enhances Medicare preventive and mental health benefits, improves and extends programs for low-income Medicare beneficiaries, and extends expiring provisions for rural and other providers.

While I do have some concerns regarding the lack of protections for African American end stage renal disease patients, I am encouraged by many of the provisions included in this legislation. I am particularly pleased that the bill extends and improves low-income assistance programs for Medicare whose income is below $14,040.00 including the qualified individual program that pays part B premiums for low-income beneficiaries. Additionally, the bill adds new preventative benefits to the Medicare program and reduces out of pocket expenses for mental health care.

Specifically, provisions of the legislation include modest steps to reduce Medicare payments to private plans that receive more than 100 percent of the cost to treat a beneficiary in fee-for-service Medicare. The legislation would accomplish this by phasing out the Indirect Medical Education double-payment, eliminating the Medicare "slush" fund to further increase payments to private plans, and ensuring that Private Fee-for-Service, PFFS, plans comply with quality requirements and have adequate access to providers.

Additionally, the legislation provides assistance to physicians and pharmacies including eliminating the pending 10-percent cut in Medicare payments to physicians through 2008, a 1.1 percent update in Medicare physician payments for 2009, and requires Medicare Advantage plans to pay pharmacies promptly within a 14-day period.

Mr. KLEIN of Florida. Mr. Speaker, I rise in support of H.R. 6331, the "Medicare Improvements and Patients and Providers Act of 2008," and thank Chairmen RANGEL and DINGELL for their leadership in bringing it to the House floor today. This legislation, among other things, will block a devastating 10.6 percent cut in reimbursement fees for physicians who accept Medicare patients.

Mr. Speaker, Medicare used to be known as the "Gold Standard" for physicians because it provided them with fair and sustainable reimbursement rates, but not anymore. As a result of the President trying to balance the budget on the backs of doctors, physicians all across the country are facing severe cuts in their Medicare reimbursements on July 1.

In south Florida, we're currently facing a severe shortage of qualified physicians in part because of the way physicians are paid under Medicare, and the pending cut could hasten this exodus, potentially leaving many elderly and other vulnerable populations without doctors to treat them.

This is an unacceptable situation for south Florida or for any region of this country. Eliminating the cuts and providing physicians with a 1.1 percent increase in 2009 is simply the right thing to do.

But we cannot be satisfied with short-term patches to this systemic problem. During the next 18 months, let us once and for all end all talk of patches or fixes, and come together in a bipartisan way to find a permanent solution to the way we pay our doctors.

We owe it to our seniors, to the men and women who helped to make this country the greatest in the world, to ensure that when they are sick, a doctor will be there to see them. It's a fair deal, and one we must not turn our backs on.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6331, the "Protecting the Medicaid Safety Net Act of 2008." I would like to thank my colleague from New York, Chairman CHARLES RANGEL for his leadership in this important issue.

This legislation could not come at a more crucial time. Americans are in need of support. Rising gas prices, food costs at an all-time high, and a rocky housing market have pushed this great Nation towards an economic downturn. Families are clinging to basic necessities and quality healthcare is one of those essential needs.

I am pleased to see that there is no language that inhibits physician ownership of general acute care hospitals. I have worked tirelessly with Members of leadership and with the Texas delegation to support general acute-care hospitals and their future development. Physicians who have decided to build in areas where often no other hospital will—should not be penalized for their commitment to work on the clinical and business side of health care.

General acute-care hospitals still need to be able to: maintain a minimum number of physicians available at all times to provide service; provide a significant amount of charity care; treat at least 1/6 of their outpatient visits for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment; maintain at least 10 full-time interns or residents-in-training in a teaching program; advertise or present themselves to the public as a place which provides emergency care; serve as a disproportionate share provider, serving a low income community with a disproportionate share of low income patients; and have at least 90 hospital beds available to patients.

This issue is of the utmost importance to me because I, like others in the Democratic Caucus, have hospitals and hospital systems such as University Hospital Systems of Houston in my district that would have been greatly affected by this provision.

For example, 2 years ago, St. Joseph Medical Center, downtown Houston's first and only teaching hospital, was on the verge of closing its doors. However, a hospital corporation in partnership with physicians purchased it, and as a result of proper and responsible management, has made it the premier hospital in the region, with a qualified emergency room responsive to a heavily populated downtown Houston. St. Joseph Medical Center is also in the process of reopening Houston Heights Hospital, the fourth oldest acute care hospital in Houston. This hospital will be serving a large Medicare/Medicaid population.

I am committed to this issue and to the issue of health care for all Americans. Provisions that could end the expansion of truly compassionate hospital care in places like Texas, Maryland, New York and California have no place in healthcare legislation.

What I do support is legislation that seeks to aid our elderly, our disabled, our veterans, our children and our indigent populations. I stand here today to show my support not only for the physicians and medical care providers of Houston, Texas, but for all of our healthcare providers across this country. We need them to continue to be able to care for our underserved and elderly—this bill allows them to do just that.

This bill provides a delay of 18 months for the competitive bidding program for Durable Medical Equipment, DMEPOS. It also prevents the 10.6 percent pay cut to physicians that is scheduled to take place on July 1, and provides a 1.1 percent update starting January 1, 2009.

This bill also includes important beneficiary improvements such as Medicare mental health parity, improved preventive coverage, and enhanced assistance for low-income beneficiaries.

It contains provisions that will protect the fragile rural health care safety net. In my home State of Texas, we have not only great urban areas such as Houston, Dallas and Austin, we have over 300 rural areas in Texas with cities such as Rollingwood and Hamilton.

Our rural health care providers are scheduled to receive steep cuts in Medicare reimbursement rates on July 1 unless we take action now. Such cuts are catastrophic in rural America, where a disproportionate number of elderly Americans live. These seniors are, per capita, older, poorer and sicker (with greater chronic illnesses) than their urban counterparts. Additionally, recruitment and retention of providers to much of rural America is often daunting. Provider shortages are rampant throughout many rural and most frontier regions.

Additionally, H.R. 633 also includes several other critical provisions for rural providers which, cumulatively, create a rural package that will help protect both the rural health safety net and the health of tens of millions of seniors who call rural America home.

H.R. 6331 focuses on strengthening primary care and takes significant strides in protecting rural seniors' access to care by correcting certain long-standing inequities between rural and urban providers.

Thank you both for your continued concern for the health of rural Americans. So many enduring inequities in health care must be faced by rural patients and providers daily. H.R. 6331 offers critical assistance and will go far to improving the health of millions of rural Medicare beneficiaries.

Quality measures must continue to be adequately funded in order to promote quality, cost-effective health care for consumers and employers. The uncertainty of Medicare payments makes it increasingly difficult for surgeons and their practices to plan for the expenses that they will incur as they serve their patients.

The provisions included in H.R. 6331 would enable surgeons and surgical practices to plan for the rising costs that they will continue to face over the next year and a half.

By addressing payment levels through 2009, Chairman RANGEL has given us more time to study the payment issues surrounding Medicare and allow us to look at the systemic reforms needed to preserve access to quality surgical care and other physician services.

As a long-time advocate for universal health care, I believe we must continue to support our essential medical providers so that they can focus on patient care. We need more physicians as we seek to expand health care for all Americans. Yet, how can we expect to grow that workforce when we continue to cut their reimbursement levels? We must support our physicians so that they may support and care for their patients. We have to continue to look at how we can save Medicare and expand it to care for those who need it most.

I am proud to cosponsor legislation that will add support for our healthcare workforce. I urge my colleagues to join me in supporting this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008.

Most importantly, this legislation prevents the impending 10 percent cut in Medicare payments to physicians for the remainder of 2008 and provides a 1.1 percent update in physician payments for 2009. The uncertainty of Medicare payments makes it difficult for physicians and their practices to plan for the expenses that they will incur as they serve Medicare beneficiaries. And in turn, beneficiaries will face increasing difficulties accessing physicians who accept Medicare. What we need to do is address this issue in the long term by reforming the flawed reimbursement formulas. By addressing this issue in the short term through 2009, we will provide Congress with the needed time to study and develop a long term solution to this problem.

Not only would we prevent cuts in Medicare physician reimbursements, the bill will make important and necessary improvements to the Medicare program by enhancing Medicare preventative and mental health benefits, improving assistance for low-income Medicare beneficiaries, and extending expiring provisions for rural and other providers.

And this legislation is fully paid for. It reduces Medicare Advantage Indirect Medical Education IME, overpayments, which are being paid twice: once to the teaching facility itself, and again to Medicare Advantage plans, with no requirement that plans pass the IME payment along to the teaching facility. H.R. 6331 will eliminate the needless double payment by still reimbursing the teaching facility directly for the higher cost of care, but ceasing IME payments to Medicare Advantage plans.

I am pleased that this legislation contains a provision that makes a technical correction to ensure that all physicians, including podiatrists, are permitted to perform required face-to-face examinations so that they are able to prescribe Medicare-covered durable medical equipment, prosthetics, orthotics and supplies, DMEPOS. This provision corrects a drafting error in the 2003 Medicare Modernization Act that pointed to the wrong definition of physician in the Social Security Act when requiring face-to-face examination in order to prescribe DMEPOS items.

I am also pleased that the bill includes a two-year reauthorization of the Special Diabetes Programs for Type 1 Diabetes and the Special Diabetes Programs for Native Americans at current funding levels. It is vital that this successful program be reauthorized on a multi-year basis so that the National Institutes of Health, NIH, can invest in new research. Without this reauthorization, NIH would have to begin to shut down research projects that are currently underway.

Mr. Speaker, we owe it to provide and beneficiaries to make these modest improvements to the Medicare program now. This bill will protect our seniors. The clock is ticking. I urge my colleagues to support this much-needed legislation.

Mr. BLUMENAUER. Mr. Speaker, today I am proud to support H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. This legislation addresses issues within Medicare that have been too long ignored, including preventing the pending 10 percent payment reduction for, enhancing preventive and mental health benefits, improving and extending programs for low-income Medicare beneficiaries, and extending expiring provisions for rural providers.

By addressing the critical issue of physician payment under Medicare through 2009, Congress will have the time to study and develop the systemic, sustainable reforms necessary to preserve patient access to physician services under Medicare. And the 18-month delay in implementation of the flawed competitive bidding program for Durable Medical Equipment, DMEPOS, allows Congress time to evaluate and improve this policy.

I am heartened this legislation passed with such overwhelming bipartisan support, demonstrating that we can come together with thoughtful solutions that better the lives of Americans.

Mr. FARR. Mr. Speaker, I would like to add my comments for the record on this Medicare bill that we debate today.

Yes, it is a critical bill. It will prevent a 10.6 percent cut in payments to doctors who treat America's senior citizens, the wide network of doctors in the Medicare system. In addition, it shores up those payments with a 1.1 percent payment increase in 2009.

But though I applaud what is in this bill, I bemoan what is not in the bill.

The negotiators on this bill have heard from me—and others—long and loud about the flaws in the formula that determines Medicare doctor fees. In a number of States across the country the formula knowingly and erroneously designates some areas as being rural in nature when they are by all other definitions clearly urban. The result of this deliberate misclassification is to pay doctors at low rural reimbursement rates rather than at their true costs of operating a medical practice in a high-end urban setting.

Doctors in my district and 9 other counties in California are paid upwards of 10 to 12 percent less than the law—yes, the law—says they ought to be paid. But because the Centers for Medicare and Medicaid Services, CMS, won't make the necessary technical formula adjustment in a factor called the Geographic Practice Cost Index or GPCI, these doctors are underpaid. Doctors in Santa Cruz, Sonoma, Monterey, San Diego, Santa Barbara, Sacramento, El Dorado, Marin, and San Benito counties in California are mistreated by CMS. But nothing in the bill we debate today will help them.

Previously this House did take a step to correct this inequity. In H.R. 3162, the original CHAMP bill that we passed last summer, Section 308 fixed the GPCI factor. But despite my efforts and those of my colleagues from affected counties throughout California and in similarly impacted States of New York, Texas and elsewhere, H.R. 6331 maintains the flawed formula and perpetuates the clear disparities of this CMS payment policy. Even the GAO in its report last year, GAO–07–466, showed that without a doubt the CMS formula did not fairly compensate doctors and needed serious reform. Despite mountains of evidence and years of engaging the Ways and Means Committee on this issue, H.R. 6331 ignores an opportunity to do what's right by these doctors.

I am not going to vote against this bill. But I have to say that it is a sad day when this House votes to pass a doctor payment reform bill that only reforms doctor payments for some and not for all.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of H.R. 6331, The "Medicare Improvements for Patients and Providers Act of 2008." This bill fulfills America's promise to its seniors and disabled citizens, protecting access to high quality health care without unreasonable costs.

For more than 40 years, Medicare has helped meet the needs of many vulnerable Americans. It cannot continue to do so if providers are paid unreasonable reimbursements, if rules hinder quality patient care, or if the burden of paperwork and payment delays keeps small businesses out of the health care market. This bill ensures physicians, pharmacists, durable medical equipment suppliers, and other health care providers can continue to support the health and well being of Medicare beneficiaries in many ways.

H.R. 6331 will ensure health care is available in rural areas of this country, like those in the Second District of North Carolina. By replacing a 10 percent cut in pay with a slight increase, it ensures doctors can afford to stay in business wherever they choose to practice medicine. By improving payments to hospitals that provide care where no other provider is available, and by making sure rural hospitals are paid equally for clinical services, it ensures those services are available throughout the country. By increasing access to telehealth, it expands the reach of professional advice beyond the doctor's office.

H.R. 6331 is also a boon for small businesses. The vast majority of medical providers are small businesses, and by ensuring they can afford to provide care we support the engine of our economy. Especially in rural areas, our small community pharmacies and medical equipment suppliers are the face of medicine for many Medicare beneficiaries. Health care is improved when people know their providers, and this makes them more likely to comply with medical directives. I am pleased that H.R. 6331 includes several provisions for these small suppliers that I have advocated for some time, including prompt payment provisions and a delay in rules from the Centers for Medicare and Medicaid Services, CMS. Before proceeding, we need to be sure that these initiatives, including competitive bidding for durable medical equipment and the implementation of the Average Manufacturing Price, AMP, system, help to preserve and improve patient care by allowing community suppliers to remain open so that they may continue to serve, and, more importantly, operate at a level that facilitates the provision of the best possible, safest medical care.

Mr. Speaker, this legislation improves the health and health care of Medicare beneficiaries, the ability of medical professionals to provide that care, and the quality of medical care throughout our country. I urge my colleagues to join me in supporting H.R. 6331.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of H.R. 6331, the "Medicare Improvement for Patients and Providers Act of 2008." This bill makes some important changes in the Medicare program that help assure access for our seniors to quality medical care.

The bill defers the 10.6% cut in physician reimbursements mandated by the Sustainable Growth Rate (SGR) that would go into effect on July 1, 2008. Instead, the bill continues the present reimbursement rate for 18 months and then increases it by 1.1%.

The bill also provides important improvements for our senior citizens, increasing the allowable income and asset maximums for premium assistance. The co-payments for mental health services are reduced from 50% to 20%, the same as any other doctor visit.

The legislation addresses problems within Medicare to pay for these benefits, reforming the system that overpays to Medicare Advantage (MA) plans, private plans that operate within Medicare, which cost the government on average 12% more than traditional services. The bill will also require that any delinquent taxes owed by Medicare providers be deducted from their Medicare reimbursements.

In addition to improving Medicare services, the legislation also makes important changes to Medicaid, including a provision that is particularly vital for the people of Hawaii: Disproportionate Share Hospital (DSH) payments.

Following an oversight in the Balanced Budget Act of 1997, only Hawaii and Tennessee have not received DSH payments in Medicaid, which provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients. This bill provides a temporary remedy, which will help keep these hospitals open.

I have been working with Senator DANIEL AKAKA, the Hawaii Delegation and my colleagues on the Committee on Energy and Commerce to ensure that Hawaii and Tennessee receive equal treatment in the matter of DSH payments from the Federal Government. H.R. 6631 extends DSH payments for Hawaii and Tennessee through December 31, 2009, and provides an additional $15 million for Hawaii. This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services (CMS) or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I will continue to work toward a permanent solution to the DSH matter, but until then, I urge my colleagues to support this measure. It is not an earmark, but merely provides Hawaii and Tennessee equity with everyone else.

Again I want to thank Chairman RANGEL, Chairman DINGELL, Chairman PALLONE, and Chairman STARK on this important piece of legislation that protects our seniors and provides equity for the State of Hawaii. I urge my colleagues to pass this vital bill.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H.R. 6331, the Medicare Improvements for Patients and Providers Act, legislation that strengthens the Medicare Program and maintains our commitment to rural America.

Rural America continues to be challenged by shortages of health care providers, barriers to health care access, and geographic isolation. In my own home State of North Dakota, approximately 80 percent of the State is designated as a partial or full county Health Professional Shortage Area. In order to address these unique challenges, the Medicare Modernization Act, MMA, enacted special payment enhancements to make sure that rural health care facilities and providers have the resources they need to deliver quality care in their communities.

Unfortunately, many of these important provisions are set to expire and further assistance is needed to ensure that seniors living in rural America have access to quality, affordable health care. That is why I introduced H.R. 2860, the Health Care Access and Rural Equity, H–CARE, Act, bipartisan legislation that addresses these and other barriers to quality health care by recognizing the unique characteristics of health care delivery in rural areas and assisting rural health care providers in their efforts to continue to provide quality care to rural Americans.

I am pleased that the Medicare Improvements for Patients and Providers Act, MIPPA, of 2008 incorporates many important provisions from H–CARE that will do much to protect the fragile rural health care safety net. More specifically, MIPPA will do the following:

Reauthorize and expand the FLEX Grant Program to include a new grant program that could mean up to $1 million to Richardton, North Dakota, as they convert from their status as a Critical Access Hospital;

Extend Section 508 of the Medicare Modernization Act which provides nearly $10 million a year to North Dakota hospitals to give them the resources they need to compete in an increasingly competitive labor market;

Ensure that rural doctors are paid the same rate for their work as their urban counterparts by extending the 1.0 work floor on the Medicare work geographic adjustment applied to physician payments bringing in $9 million to North Dakota through 2009;

Improve Medicare reimbursements for Critical Access Hospitals by directly increasing payments for critical lab services such as blood testing and other diagnostic services;

Boost reimbursements to sole community hospitals by updating the data used to calculate their Medicare reimbursements;

Protect access to rural ambulance services by providing rural ambulance providers an additional 3 percent of their Medicare reimbursement in order to help cover their costs;

Require prompt payment to rural pharmacies by Medicare prescription drug plans;

Extend a provision that allows 19 North Dakota hospital-based labs to directly bill Medicare for pathology services; and

Expand access to telehealth services by allowing hospital-based renal dialysis facilities, skilled nursing facilities, and community mental health centers to be reimbursed under Medicare for telehealth services.

I would also like to express my appreciation of the Chairman's consideration of technical corrections to recently enacted reforms to the Long Term Care Hospital payment system under Medicare and I look forward to continuing to work with him to resolve this issue.

Medicare Improvements for Patients and Providers Act is a good bill that has been endorsed by the National Rural Health Association and deserves every Members' support.

Mr. BACA. Mr. Speaker, I rise today to support of H.R. 6331, the Medicare Improvements for Patients and Providers Act.

My top priorities are the patients and their families from my District.

Over the past several months, I've received several phone calls from hard-working families. These families are worried whether the Medicare physician payment cuts will prevent them from being able to see their doctor.

These families are worried about their ability to receive life saving medicines and medical supplies in the mail next time they run out.

These families are worried about their local pharmacy's ability to offer discounts on medicines.

For these families, I stand here in support of H.R. 6331.

This bill delays physician payment cuts, protecting our seniors from facing difficulty in accessing needed healthcare. In these times of skyrocketing gas prices, this bill improves low-income assistance programs for Medicare beneficiaries. Many working families from the Inland Empire, in California, are faced with putting food on the table or paying for medicines.

Furthermore, my constituents will face a unique situation when the competitive bidding process rolls out on July 1st. This bill delays this process; preventing any possible harmful interruptions in the shipment of medical supplies to patients.

Time is quickly running out, these deadlines are approaching and we must not stand by and watch.

I urge my colleagues to vote for H.R. 6331, our working families are counting on us.

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. This important legislation amends titles XVIII and XIX of the Social Security Act to extend, for 18 months, expiring provisions under the Medicare Program. This critical bill prevents the implementation of a scheduled 10.6 percent cut in Medicare reimbursements for physicians and other health care professionals, and extends the 0.5 percent payment update for 2008 and provides a 1.1 percent payment increase for physicians in 2009.

Cutting funds to Medicare, in any way, threatens to up heave the very system that millions of Americans rely upon to provide life saving medical care and services. It boggles the mind to think that, with an aging population and a worsening physician shortage, we would even consider cutting reimbursement rates to our hard-working physicians who care for millions of Medicare patients across the country. If these cuts were allowed to go into effect, many physicians would opt out of accepting Medicare, and would therefore be unable to provide necessary medical services to our seniors.

Mr. Speaker, we are in the midst of a bona fide health care crisis. One-in-three Americans either have either no health insurance whatsoever, or have insurance that is so inadequate that it can potentially lead to financial ruin. For those lucky enough to have survived these misadventures in our fragmented non-system of care, Medicare and Medicaid is their singular saving grace.

Allowing Medicare to unravel before our eyes is unacceptable. It, along with Medicaid, represents a lone island in a sea of broken services representative of our fragmented, non-system of health care. We must not only keep Medicare afloat, but improve and expand its ideals and principals if we are to ever truly provide quality health care to all.

Mr. Speaker, passage of H.R. 6331 is simply a necessity. However, we as a Congress must confront head-on the looming health care crisis and make the difficult decisions our constituents expect us to make. Revising the Sustained Growth Rate Formula, which is used to set Medicare's physician payment rate, represents only a portion of reforms which are needed to ensure that our seniors are cared for in the sunset of their lives. Patch-work fixes and temporary solutions are no substitution for real answers to difficult problems. After all, what we put off today must be dealt with tomorrow.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 6331, the Medicare Improvement for Patients and Providers Act of 2008. I am pleased that the House of Representatives is taking action to address some immediate concerns within the Medicare program. This matter has regrettably become stalled in the Senate, and passage of this bill will affirm our commitment to ensuring continued access to care for America's Medicare beneficiaries.

This measure includes a number of important provisions, including increased access to low income assistance, additional supports for rural providers and beneficiaries, and an extension of access to therapy services through 2009. Additionally, this bill delays the impending 10.6 percent cut in Medicare physician reimbursements scheduled to take effect on July 1, 2008. Instead, it freezes payments for the remainder of 2008 and provides a modest 1.1 percent increase in 2009. This legislative fix, although temporary, will help ensure that access to care is not compromised and physicians can continue serving our most vulnerable populations. It is my hope that Congress will use these next 18 months as an opportunity to find a permanent and sustainable solution for the flawed reimbursement formula so that it more accurately represents the costs of providing care in the current market.

Also included in this bill is a provision to delay Medicare's competitive bidding program for durable medical equipment. Although competitive bidding was instituted to reduce spending within the already overburdened Medicare system, serious concerns have been raised over the implementation and potential consequences of this program. H.R. 6331 halts the implementation of the competitive bidding program for one year, while making necessary improvements to the bidding process and establishing quality standards for suppliers. This will constitute an important step towards a more efficient system that maintains the quality and access that beneficiaries deserve.

Americans everywhere are counting on this Congress to take action before July 1, to ensure that access to Medicare services is not jeopardized. I urge my colleagues to support this bill so that lawmakers can begin to discuss long-term, viable solutions to reform and stabilize the Medicare program.

Mr. GEORGE MILLER of California. Mr. Speaker, this is a very important bill that will prevent the pending payment reduction of 10 percent for physicians in Medicare, enhance Medicare preventive and mental health benefits, and includes many important improvements to the Medicare program to the benefit of our constituents.

I strongly support the legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 6331. This important piece of legislation will delay the physician payment cut, which is scheduled to go into effect on July 1.

It has been over a decade since the physician fee schedule was put in place to help control increases in Medicare payments to physicians.

The Medicare program reimburses physicians who treat seniors using a complex formula that is based on a number of factors.

Unfortunately, payments for physician services matched the SGR and expenditure targets for only the first 5 years.

Since then, the actual expenditures have exceeded the target by so much that the system is no longer realistic.

As we have learned in recent years the formula reduces payments to physicians when the economy goes down—a time when doctors are least able to absorb the extra costs.

These payment reductions have caused many physicians to hold off on accepting new Medicare patients, withdraw from the program, or retire altogether.

In areas like mine that rely heavily on Medicare and Medicaid, we probably will not be in a situation where doctors stop taking Medicare.

Rather, we will see access problems created by attrition—where the gap created physician retirements is not filled by new crops of doctors willing to take Medicare patients.

If we reach that point, Medicare will have failed in its mission to provide equality in access to health care for our senior citizens.

Twice we have tried to pass legislation to address the physician payment cut and these bills were vetoed twice by the President.

H.R. 6331 will delay by 18 months the 10.6% physician pay-cut in Medicare reimbursement rates due to take effect July 1 and will give physicians a 1.1 % payment update for 2009.

This bill is not a long term solution to the physician payment and SGR problem, but it does give Congress time to revamp the program.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take a moment to express my enthusiastic support for H.R. 6331, the Medicare Improvements for Patients and Providers Act, which amends titles XVII and XIX of the Social Security Act and extends expiring provisions under the Medicare program. H.R. 6331 not only prevents the 10.6 percent pay cut to physicians scheduled to take effect July 1 while maintaining current payment levels for the rest of 2008, but it replaces the additional 5.4 percent cut scheduled on January 1, 2009 with a 1.1 percent increase in Medicare physician payments. By preventing these cuts, suppliers will be able to anticipate the costs that they will incur and will be less likely to withdraw from the program. H.R. 6331 also has a very positive outcome for beneficiaries as well. The provisions will improve choice and access to health care providers by changing the network requirements for the Medicare Advantage Private Fee for Service Plan. Further the bill will reduce cost-sharing for mental health services and increase coverage for preventive services.

These policy improvements will translate into significant relief for the national medical community, including the 21 hospitals in the Illinois Seventh Congressional District; a district which also has some of the most medically-underserved constituents of any in this nation. Many of these individuals are Medicare beneficiaries that seek hundreds of Chicago doctors to provide Medicare services. Therefore, it is in the best interest of my constituents as well as Medicare providers, suppliers, and recipients across this nation that Congress enacts H.R. 6331, The Medicare Improvement for Patients and Providers Act. As a testament to the importance of this issue to Chicago, I received over 50 calls within the last few days urging me to support this bill. I stand with these constituents and Chicago more broadly to support this bill.

I would like to thank Chairman RANGEL for spearheading this legislation. I have fought and will continue to advocate vigorously in Congress alongside my colleagues for the improvement of Medicare resources in support of Medicare providers, suppliers, and beneficiaries.

Mrs. BACHMANN. Mr. Speaker, I must reluctantly rise in opposition to H.R. 6331, the Medicare Improvements for Patients and Providers Act. While I applaud the House for taking under consideration a bill to address the impending cut to Medicare physician reimbursement payments, H.R. 6331 contains provisions that would rob America's seniors of crucial health care access in the form of funding cuts to Medicare Advantage.

Indeed, H.R. 6331 contains a provision that would reverse the scheduled 10.1 percent payment cut set to take effect on July 1, 2008, a provision I have supported in the past. That being said, the bill also contains deep cuts to Medicare Advantage plans, which millions of seniors depend on to serve their broad health care needs. These cuts, totaling nearly $50 billion, would place the burden of leadership's failed Medicare reform policies directly on the backs of America's seniors.

To be sure, Medicare Advantage is popular choice for seniors across the Nation. With nearly 10 million Medicare beneficiaries currently enrolled in Medicare Advantage plans, up nearly 60 percent since 2004, it is clear that America's seniors are seeing the benefits of the competition-driven plans. These plans offer greater choice, lower out-of-pocket costs, and expanded service to America's seniors who seek value and quality in their health care coverage.

Specifically, H.R. 6331 would target those beneficiaries who have chosen Private Fee-for-Service, PFFS, plans through Medicare Advantage by requiring PFFS plans to establish costly provider networks if they wish to continue to operate in areas that already have two or more networked plans. This requirement would apply to 96 percent of all counties in the United States, and, according to the nonpartisan Congressional Budget Office, CBO, disrupt PFFS plans for more than 2 million seniors by 2013. In my State of Minnesota, each of the nearly 73,000 individual Medicare Advantage PFFS plans would be in jeopardy.

Furthermore, it is unfortunate that rather than considering a bill that will remedy the problem at hand, Democrat leadership chose to bring a bill to the floor that has been given a veto threat from the President. Both providers and patients deserve a bill that can be seriously considered for signature into law. This is not a topic on which we should play political games.

Mr. Speaker, America's physicians need Congress to prevent a devastating cut to their Medicare reimbursement payments. However, the burden of the solution should not be placed on the shoulders of America's seniors, gambling with access to the health coverage on which they rely.

Mr. PAUL. Mr. Speaker, Congress is once again forsaking an opportunity to begin addressing Medicare's long-term fiscal problems. Instead, the legislation before us today, while not without its merits, exacerbates the problems facing Medicare by giving new authority to the Center for Medicare and Medicaid Services (CMS), even though CMS's excessive power is a major reason why so many physicians and patients are dissatisfied with the current Medicare system.

One clear indicator of the lack of seriousness with which this issue is being treated is the fact that this bill is coming before us on suspension, a procedure generally used for noncontroversial legislation, such as bills naming Post Offices. This significant Medicare legislation will receive only 40 minutes of debate, and members will have no opportunity to offer amendments.

I certainly recognize the need to make adjustments in physicians' payments. Many physicians are already losing money treating Medicare patients, thanks to CMS's low reimbursements and the cost of having to comply with CMS's numerous rules and regulations. Unless Congress acts, many physicians will simply refuse to see Medicare patients. I think we all agree that driving physicians out of the Medicare program is not the proper way to reform the system.

Therefore, if H.R. 6331 only contained the provisions dealing with the physicians' rate cut, I would vote for it. However, H.R. 6331 further endangers Medicare's fiscal situation by giving almost $20 billion in new funds to CMS, and giving CMS new regulatory authority.

Instead of simply pretending we can delay the day of reckoning by giving CMS more money and power, we should be looking for ways to shore up Medicare by making cuts in other, lower priority programs, using those savings to ensure the short-term fiscal stability of Federal entitlement programs while transitioning to a more stable means of providing health care for senior citizens. I have been outspoken on the areas I believe should be subject to deep cuts in order to finance serious entitlement reform that protects those relying on these programs. I will not go into detail on these cuts, although I will observe that today the House Committee on Financial Services is planning to authorize billions of new foreign aid spending, perhaps some of those billions might be better spent reforming the Medicare system.

Congress should also reform the Medicare system by providing Medicare patients more control over their health care than is available under either traditional Medicare or the Medicare Advantage program.

Mr. Speaker, H.R. 6331 may provide some short-term benefit to Medicare providers, however, it does so by further jeopardizing the long-term fiscal soundness of the Medicare program. Thus, passage of this bill will ultimately damage the very Medicare providers and patients the bill aims to help.

Ms. WOOLSEY. Mr. Speaker, H.R. 6331, the Medicare Improvements for Patients and Providers Act will delay cuts in physician payments under Medicare until next year. I hope that this is the last temporary delay and next year we will implement a permanent fix to this problem. It's important to Medicare patients and physicians that there is a continuity of payments so physicians can continue to treat Medicare patients and Medicare patients do not lose access to the physician most familiar with their medical needs.

When we implement a permanent fix to the Medicare physician payment cuts, I hope to address the issue of the Medicare physician geographic payment discrepancy that is faced by many areas in California and across the country. One of these areas is Sonoma County, in my District. This inconsistency has led to doctor's reimbursements being based upon geographic location and not the true cost of providing services. Because of this discrepancy, doctors in Sonoma County receive a lower payment for the same services than doctors in next door Marin County and this discrepancy is causing doctors to leave Sonoma County. Congress must act to fix this discrepancy and ensure that physicians with Medicare patients can continue to afford to see Medicare patients regardless of where a practice is located.

I urge my colleagues to support H.R. 6331, Medicare Improvements for Patients and Providers Act and look forward to working together to provide a permanent solution to the Medicare physician payment issues so that our Nation's seniors receive the best possible care from the physician who knows the patient the best.

Mr. KENNEDY. Mr. Speaker, I rise in support of H.R. 6331, the Medicare Improvement for Patients and Providers Act. This important bill includes mental health parity for Medicare beneficiaries. Currently, there is a discriminatory 50-percent copayment requirement for mental health services, while a 20-percent copayment exists for physical health care services under Medicare.

As the lead sponsor of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, I am fighting to enact mental health parity for individuals who receive their insurance in the private sector. Federal employees, including Members of Congress, have had equal access to mental health and addiction services since 2001 with little or no cost increase. It's time for the private sector and Medicare to join in this effort to protect the health of all Americans, regardless of age or diagnosis.

In my home State of Rhode Island, I spend countless hours in senior centers and high-rises talking to my constituents, and it's clear that there is an epidemic of undiagnosed and untreated mental illness among older Americans. In fact, as many as one-quarter of seniors have significant clinical depression. But the one thing we must remember is that depression does not have to be a byproduct of aging—it isn't "normal" to get depressed as you get older. Allowing mental illness to go untreated in our seniors is not only unethical, but it increases health care costs, especially for those seniors with depression who are unable to manage their chronic illnesses.

Tragically, only 3 percent of older adults with mental illness ever seek mental health treatment. Often, this is due to stigma. Stigma that is reinforced by our reimbursement structure that favors the treatment of our physical health over our mental health. H.R. 6331 ends this stigma by phasing in a 20-percent copayment for Medicare mental health services over 6 years. By ending arbitrary and discriminatory financial limits and making treatment more affordable, we can ensure that all seniors have access to mental health services. I urge my colleagues to support H.R. 6331.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in support of H.R. 6331, the Medicare Improvement for Patients and Providers Act of 2008. Due to a flight delay on June 24, 2008, I was unable to cast my vote in favor of this important piece of legislation.

The Medicare Improvement for Patients and Providers Act is critical to my district as it stops the scheduled cut in physician payment rates under the Medicare program and provides for a 1.1 percent increase in 2009. If these cuts are not halted by Congressional action, under current law, physicians across the country are to receive a 10.6 percent cut in their Medicare payment rates. This will lead to a loss of health care access for Medicare beneficiaries in every Congressional district. Short of a permanent fix to the sustainable growth rate for doctors, it is imperative that Congress pass short-term extensions, such as this, to ensure that physicians around the country are reimbursed by Medicare for the care they are providing to our Nation's seniors. It is important to recognize that many of these doctors own small businesses and the services they provide to their communities are undeniable and necessary. We must ensure that Medicare beneficiaries have access to doctors, and passing this legislation will ensure access to care.

While I was disappointed that the bill included cutting Medicare Advantage payments in order to pay for the physician payment increase, I believe that the underlying issue of physician payments must take precedence in order to preserve access for Medicare beneficiaries with their local physicians.

As the President has given Congress until July 15 to act on this issue, I look forward to having an opportunity to pass legislation to fix this issue for our physicians and Medicare beneficiaries.

Mrs. MALONEY of New York. Mr. Speaker, I strongly support H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. The 14th Congressional District of New York, which I represent, is home to 18 hospitals—perhaps more than any other district in the nation. Of course, along with hospitals come physicians who regularly report to me about the crisis of healthcare in this country. I am grateful that H.R. 6331 helps America's doctors while also significantly helping Medicare beneficiaries and hope that the other body will act swiftly on this much needed legislation.

H.R. 6331 eliminates the pending 10.6 percent cuts in the Medicare Sustainable Growth Rate (SGR) to physicians for the remainder of 2008 and provides a 1.1 percent update in payments for 2009. I have thousands of doctors in my district who tell me that the uncertainty of Medicare payments makes it increasingly difficult to plan for expenses. Unfortunately, we are seeing that for many doctors, the response to the uncertainty is to stop taking new patients, or even more dire, end their participation with the Medicare program. This is catastrophic for patient access and care. This bill is a positive first step toward eliminating that uncertainty and allowing time for Congress to develop reforms to the current system.

I am proud that this bill strengthens Medicare for those beneficiaries who are in greatest need and ensures access to good quality care while remaining fiscally responsible. I thank Chairmen DINGELL and RANGEL for this important bill and urge my colleagues to support America's seniors by voting in favor of H.R. 6331.

Mr. BARROW. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6331, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 59, not voting 20, as follows:

[Roll No. 443]

YEAS—355

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—59

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Boustany
Brady (TX)
Broun (GA)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Cole (OK)
Conaway
Crenshaw
Culberson
Doolittle
Duncan
Flake
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Granger
Hensarling
Herger
Hulshof
Johnson, Sam
Jordan
King (IA)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Marchant
McCrery
McHenry
Mica
Neugebauer
Paul
Pitts
Radanovich
Renzi
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Thornberry
Westmoreland

NOT VOTING—20

Bishop (UT)
Cannon
Davis (IL)
Engel
Gohmert
Higgins
Johnson (IL)
McNulty
Miller, George
Nunes
Pence
Peterson (PA)
Pryce (OH)
Reyes
Reynolds
Rush
Saxton
Speier
Tancredo
Thompson (MS)

☐ 1236

Mr. DANIEL E. LUNGREN of California changed his vote from "yea" to "nay."

Messrs. CHABOT, WHITFIELD of Kentucky, FRANK of Massachusetts, GRAVES, HASTINGS of Washington, WELLER of Illinois, LATTA, FARR, Mrs. MYRICK, Messrs. GALLEGLY, REICHERT, Mrs. MILLER of Michigan, Messrs. McKEON, MANZULLO, MILLER of Florida, BOOZMAN, WILSON of South Carolina, MACK, DREIER, ISSA, CALVERT, HALL of Texas, Mrs. DRAKE, Messrs. HUNTER, ROGERS of Kentucky, GARY G. MILLER of California, McCAUL of Texas, KLINE of Minnesota, RAMSTAD, Mrs. McMORRIS RODGERS, Ms. FALLIN, Messrs. KINGSTON, DEAL of Georgia, and BROWN of South Carolina changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GEORGE MILLER of California. Mr. Speaker, because I was chairing a hearing today on whether OSHA is failing to adequately enforce construction safety rules, I was unable to vote on the Medicare Improvements for Patients and Providers Act of 2008, H.R. 6331.

I strongly support the legislation, and I would have voted in favor of H.R. 6331 had I been present during the vote.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

Mr. NEAL of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2008".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "June 30, 2008" and inserting "September 30, 2008".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "June 30, 2008" and inserting "September 30, 2008".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "June 30, 2008" and inserting "September 30, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "July 1, 2008" and inserting "October 1, 2008", and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2008" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking the date specified in such paragraph and inserting "October 1, 2008".

(c) EXTENSION OF EXPIRING AVIATION PROGRAM AUTHORITY.—

(1) Section 40117(l)(7) of title 49, United States Code, is amended by striking "the date that is 3 years after the date of issuance of regulations to carry out this subsection." and inserting "September 30, 2008.".

(2) Section 47141(f) of title 49, United States Code, is amended by striking "September 30, 2007." and inserting "September 30, 2008.".

(3) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "fiscal year 2008 before July 1, 2008." and inserting "fiscal year 2008.".

(4) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Pub. L. No. 108–176, 117 Stat. 2490, 2518) is amended by striking "October 1, 2007, and for the portion of fiscal year 2008 ending before July 1, 2008," and inserting "October 1, 2008,".

(5) Section 47115(j) of title 49, United States Code, is amended by striking "fiscal years 2004 through 2007," and inserting "fiscal years 2004 through 2008,".

(6) Section 44302(f)(1) of title 49, United States Code, is amended by striking "August 31, 2008" and inserting "November 30, 2008".

(7) Section 44303(b) of such title is amended by striking "December 31, 2008" and inserting "March 31, 2009".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(5) of title 49, United States Code, is amended to read as follows:

"(5) $3,675,000,000 for fiscal year 2008.".

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "June 30, 2008," and inserting "September 30, 2008,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first, let me thank Chairman RANGEL and Chairman OBERSTAR for their tireless efforts in trying to seek a long-term funding solution for our Nation's aviation programs.

Last year, I was honored to chair a hearing in the Select Revenue Measure Subcommittee where we heard from all sides on this issue, including the chairman and ranking member of the Transportation Committee and Aviation Subcommittee. Unfortunately, our colleagues on the other side of the Hill have not been able to secure an agreement, and that's really why we're here today to provide some additional time for negotiations.

H.R. 6327 extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on June 30, 2008. H.R. 6327 extends these dates at current rates for 3 months through September 30, 2008.

Previous legislation extending these taxes were unanimously reported out of the Ways and Means Committee with bipartisan support. The substitute amendment makes one change from the bill as introduced. It deletes section 5 which would have transferred $8 billion to the Highway Trust Fund. This provision would prevent cuts in highway programs next year. CBO has informed us that it would have no budgetary impact.

While that provision enjoys significant bipartisan support, a number of Republican Members have indicated strong opposition. It is imperative that we enact the FAA provisions this month. To ensure that we have the necessary two-thirds support to pass this bill today, we decided to remove the highway language. This bill will keep the Airport and Airway Trust Fund taxes and operations in place until a long-term FAA reauthorization act is signed into law.

□ 1245

The bill also includes a number of authorizing provisions under the jurisdiction of the Transportation and Infrastructure Committee, which worked with Ways and Means to develop the legislation.

The most important of these is the Airport Improvement Program, or AIP. This program funds grants for projects throughout the country. Many of our airports rely on this program to help finance critical modernization and expansion efforts.

The bill would extend the AIP for another 3 months. The other authorizing provisions are also 3-month extensions.

Mr. Speaker, this is a temporary extension of an essential funding mechanism for our aviation programs, and I urge its adoption.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6327, the Federal Aviation Administration Extension Act of 2008.

This bill would extend for 3 months the excise taxes that presently fund the Airport and Airway Trust Fund. These are taxes on passengers' tickets and on jet fuel. They are due to expire next Monday. It's important we extend them because they benefit our Nation's airports, airlines, passengers, and pay the salaries of thousands of FAA employees.

This 3-month extension will also allow us additional time to consider some fundamental reforms to the tax structure that finances the Airport and Airway Trust Fund.

We need time to study how the burdens of the taxes that fund our airports and our air traffic control system are distributed among the users.

For example, higher fuel prices have led to higher ticket prices, which means Americans are paying more in taxes on their tickets since the tax is based on a percentage of the fare. I hope we will examine a new system that replaces the percentage tax with a more fair approach that is based on a departure fee, plus the mileage traveled. It seems to make much more sense.

We also need more time to examine proposals to modernize our air traffic control system to satellite, which promises to help cut down on congestion and delays and reduce fuel costs.

Unfortunately, this bill does nothing to help the airline industry keep fuel costs under control, does nothing to keep prices reasonable, does nothing to keep routes accessible and jobs stable for American families, businesses and thousands of airline workers today.

The escalating cost of jet fuel—which peaked at $175 a gallon last month, up nearly $100 from the beginning of this year—in this country is killing our aviation industry, and they can't make up the cost enough in ticket prices alone. This year, the airlines are projecting they will spend $20 billion more in jet fuel, and that will be a 72 percent increase from last year.

Now fuel costs consume almost 40 percent of the price of a ticket, which has tripled just in the last 7 years. Jet fuel has to compete against gasoline and biodiesel for refinery space, and gas continually wins out. We simply don't have enough supply or refinery capacity to produce enough affordable jet fuel.

In response to these record-high jet fuel prices, the airlines have laid off thousands of workers, cut service to hundreds of communities, raised ticket prices, and have started charging new fees even for luggage.

Americans are suffering. Our economy is suffering, and airlines are suffering because of these high fuel prices. I urge my colleagues to bring legislation to the floor that will finally address the core of the problem we all know to be: more supply, more American-made energy, less dependency on foreign sources of oil. And we don't need more gimmicks, gimmicks like suing OPEC, gimmicks like use-it-or-lose-it, gimmicks like windfall profits taxes.

We need to open up the closed areas in our waters and on our land to thoughtful exploration and production. We need to invest in existing technologies.

We need to develop oil shale and coal-to-liquid technology, which can go in our airline fuel tanks, as well as promote advanced biofuels instead of relying on food-based fuel. We also need to get more refineries online by streamlining the permitting process. We also should extend current tax benefits for renewable energy, as well as solar and wind technology.

So, while I urge my colleagues to vote "yes" on this bill, I hope they will consider real relief for the airline industry, passengers and its workers to address the growing cost of fuel.

Congress has failed to act. Our airlines and their workers and those passengers have paid the price. It is time to produce more American-made energy.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Illinois (Mr. COSTELLO) whose knowledge of transportation and aviation initiatives in Illinois is not only extensive but most impressive.

Mr. COSTELLO. I thank my friend for yielding his time and for his kind words.

Mr. Speaker, I rise today in support of H.R. 6327, the Federal Aviation Administration Extension Act. I want to thank Chairman RANGEL and Chairman NEAL for bringing this to the floor today, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI.

The Aviation Trust Fund was established to help the fund to develop a nationwide airport and airway system and to make critical investments in our air traffic control facilities.

The trust fund provides funding for the Airport Improvement Program, which provides grants for construction and safety projects at airports; the Facilities and Equipment account, which funds technological improvements to the air traffic control system; and a Research, Engineering, and Development account. The fund also partially pays for the salaries, expenses, and operations for the Federal Aviation Administration.

This trust fund is currently operating under a short-term extension that expires on June 30, 2008. Congress must act before June 30 to ensure that critical safety and capacity improvement funds are provided to our airports and our entire aviation system. Further, without action, the FAA will be forced to lay off 4,000 employees on June 30 of this year.

To address these issues, H.R. 6327 extends not only the aviation taxes and expenditure authority, but also AIP contract authority until September 30, 2008.

H.R. 6327 provides an additional $919 million in AIP contract authority, resulting in a full-year contract authority level of $3.675 billion for fiscal year 2008. These additional funds will allow airports to proceed with critical safety and capacity enhancement projects, particularly large projects that require full-year's worth of AIP funding in order for them to move forward.

On September 20, 2007, the House passed H.R. 2881, the FAA Reauthorization Act of 2007, a long-term authorization of the FAA's programs. The other body, as Chairman NEAL has indicated, has yet to pass its version of the bill, and until H.R. 2881 becomes law, it is important that we extend the FAA programs on a short-term basis.

Mr. Speaker, aviation is too important to our Nation's economy—contributing $1.2 trillion in output and approximately 11.4 million U.S. jobs—to allow taxes or funding for critical aviation programs to expire.

As we begin what is expected to be a very busy travel season, Congress must act now on this extension to reduce delays and congestion, improve safety and efficiency, and help our economy.

Mr. Speaker, I urge our colleagues to support the bill.

Mr. BRADY of Texas. Mr. Speaker, I yield 5 minutes to a gentleman who is a recognized expert on aviation infrastructure in America, the ranking Republican on the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. In September, the House considered and passed the FAA Reauthorization Act of 2007, also known as H.R. 2881. That legislation reauthorizes the FAA for the next 4 years. Unfortunately, though, the other body has not come to any agreement on its bill, and so we are here today considering yet another extension. The bill before us would extend the programs and funding at the Federal Aviation Administration at current levels through the end of this budget year.

This bill funds the operations and safety initiatives of the Federal Aviation Administration; provides Airport Improvement Program contract authority at the budget year 2007 level through the end of September; authorizes such sums as are necessary for FAA Facilities and Equipment, Research and Development, through the end of the budget year; and extends the authority to limit the third party liability of air carriers arising out of acts of terrorism through March of 2009.

The bill before us will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

We need to look at how to meet the growing demands placed on our Nation's infrastructure whether modernizing our antiquated air traffic control system or repairing our crumbling infrastructure.

We also need to produce more domestic energy and look for alternative fuel sources.

There is much work yet to be done on the FAA reauthorization bill. I urge our colleagues in the other body to take up a comprehensive reauthorization package so that we may get to conference. We must work in a bipartisan and bicameral fashion to craft legislation that our President can sign.

So I support this extension in order to allow us time to accomplish the important goal of coming to agreement on the comprehensive FAA reauthorization package.

Mr. NEAL of Massachusetts. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank Mr. NEAL for his leadership and as well thank my good friend Chairman RANGEL and fellow Texas friend Mr. BRADY, Mr. COSTELLO, and others who have been engaged in this legislation.

I chair the Subcommittee on Transportation Security and Infrastructure Protection. We have much overlapping concerns as relates to the aviation industry. So I rise to support these extensions because I believe that we do have a challenge in not disallowing these payments to go forward.

The costs of air travel have increased rapidly in the last few months. Airlines have not only increased the price of air fare, but they have been forced to put charges on extra baggage, cut flights, and lay off hundreds of employees. But safe, secure air travel is essential, as it is beneficial environmentally, socially, and especially economically necessary. Without the ability to travel by air cheaply and easily, the flow of people, goods, and ideas would substantially decrease.

I represent Houston Intercontinental Airport and the headquarters for Continental Airlines. I see it firsthand. In order to be able to have safe secure travel, the necessary resources must be in place.

I look forward to meeting with the leadership of my hometown airline to discuss what Congress can do as it relates to jet fuel. Although we know how many of our consumers are suffering because of price per gallon for gasoline, the need for jet fuel and the cost has risen exponentially, with no relief in sight.

In fact, let me applaud Continental Airlines for its alliance with Star Alliance just last week to be able to provide more services and other necessary support matters being taken care of. It is standing independently, but as well, it has its own concerns.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. NEAL of Massachusetts. I yield the gentlelady an additional 1 minute.

Ms. JACKSON-LEE of Texas. If we do not extend funding to airline programs, many negative consequences will ensue, including the cutting of services, such as air traffic control, certification, and inspection, as well as the inability by the airlines to buy new equipment for aging infrastructure.

As I travel around the country on behalf of my constituents, I'm also hearing from small towns who are concerned that because of the high cost of flying, those centers will be cut off. Although I live in the fourth largest city in the Nation, I'm not interested in seeing others in the surrounding areas of Texas not have air transport.

The Airport and Airway Trust Fund was established in 1970 "to provide for the expansion and improvement of the Nation's airport and airway system." It has provided funds for the Federal Aviation Administration.

And so this is an important extension because we need air travel, but we need it in the right way.

Mr. Speaker, I look forward to working with my colleagues and addressing the question of high fuel costs, of looking at ensuring the safety and security of our fellow travelers, and as well to ensure that we have opportunities for minority businesses to work on these large projects that are coming forward.

This is a necessary bill. I ask my colleagues to support it.

I rise today in strong support of H. Res. 6327, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes, introduced by my distinguished colleague from New York, Representative CHARLES B. RANGEL. This important legislation will extend funding in order to improve transportation for Americans across the Nation.

The costs of air travel have increased rapidly in the last few months. Airlines have not only increased the price of air fare, but they have been forced to put charges on extra baggage, cut flights, and lay off hundreds of employees. Air travel is essential, as it is beneficial environmentally, socially, and especially economically. Without the ability to travel by air cheaply and easily, the flow of people, goods, and ideas would substantially decrease.

If we do not extend funding to airline programs, many negative consequences will ensue, including cutting services, such as air traffic control, certification, and inspection, as well as the inability by the airlines to buy new equipment for the aging infrastructure.

It is obvious that something must be done to solve this pressing problem. It is necessary for airlines to look into alternative means in order to increase their effectiveness. However, it is also necessary for the United States to fund several programs.

The Airport and Airway Trust Fund was established in 1970 "to provide for the expansion and improvement of the Nation's airport and airway system." Since then, it has provided funds for the Federal Aviation Administration. Various pieces of legislation have come before the Congess to extend this fund, and yet partisanship has stalled these bills. It is necessary for us to extend this program in order to modernize our air traffic control system. NextGen, a state-of-the-art air traffic control system, would allow control towers to pinpoint the exact locations of aircraft, making the skies less chaotic, and air travel much more efficient.

Additionally, the extension of the Airport Improvement Program is necessary in order to improve safety and efficiency in our air travel. Airports are sites used by millions and millions of Americans every single day. It is vital that airports, travelers, and air flight personnel be secure, and thus it is important to continue to fund this program.

Even though air travel is obviously important, other forms of travel contribute to the Nation as well. The Highway Trust Fund was created by the Highway Revenue Act of 1956 to ensure a dependable source of financing for the National System of Interstate and Defense Highways. This is the premier fund for Government spending on highways, with approximately 45 percent of all highway spending coming from this fund. The Congressional Budget Office predicts the fund will run a deficit of $1.7 billion at the end of 2009 and $8.1 billion by the end of 2010. The Highway Trust Fund balance must be restored.

This bill will extend the taxes that fund the Airport and Airway Trust Fund, extend the expenditure authority of the Airport and Airway Trust Fund, extend the Airport Improvement Program, and restore the Highway Trust Fund balance. This will be important to keep airports modernized and we should also ensure that minority-owned and women-owned and small businesses have equal chances for construction work. This is a vital bill for cities like Houston, Texas, which happens to have one of the top 10 airports in the Nation. I urge my fellow members of Congress to support H.R. 6327 in order to increase efficiency, safety, and functioning of our Nation's transportation systems.

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Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

I would say these sky-high jet fuel prices are caused in part because America is doing less, not more, to take responsibility for our own energy needs.

We're blessed in this country with more than a 200-year supply of coal. It is affordable, but not yet clean. It can be, with the right technology, converted to super clean liquid fuels. Technology has existed in Germany since the 1940s and used in African countries for almost one-third of their diesel and other vehicle fuels. This Congress needs to act to create more affordable fuel here at home.

With that, I yield 2 minutes to the gentleman from Texas whose district reflects a lot of the American-made energy that has created America, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank my colleague from Texas for allowing me to rise.

I, too, support the short-term extension of this bill. But you cannot talk about the regulation of the airline industry without talking about jet fuel prices. As has already been stated in a variety of ways, airlines are experiencing dramatic increases in their cost of fuel. They're trying to cope, they're struggling to cope with these high prices, but baggage fees and soda fees and blanket rentals are not going to get there in terms of allowing them to become profitable again. They need more jet fuel at a cheaper price.

One of our problems is additional refining capacity. We don't build refineries in America anymore. We import some 3 million barrels of refined products every day. Even Iran recognizes that they're vulnerable and have announced a doubling of their refining capacity so that they no longer have to import refined products, and yet we continue to do that.

As we take steps and measures are brought to this floor, I urge my colleagues on the other side of the aisle to understand the impact that those have. I am told that we will have a bill on the floor later on this afternoon on price gouging—in the face of all evidence that there has never been any price gouging—that they want to try to curtail. This price gouging bill that they will bring again will have a chilling effect on anybody who wants to build a refinery because it will place grave uncertainties as to whether or not, during times of emergencies or times of shortages, that the market will be able to function the way the market is supposed to.

So I urge my colleagues to vote for this short-term extension, but we also ought to be about rational, thoughtful approaches to increasing the fuel supply in this country, whether it's diesel for truckers, gasoline for cars or homes, or jet fuel.

We can fix this problem. We really need to quit talking by each other and understand that the extremes don't work. The path is in the middle of responsible development of American resources and American energy to reduce our vulnerabilities and, at a minimum, address a crying need these airlines are trying to deal with, and that is higher jet fuel prices.

I urge my colleagues to vote for this bill.

Mr. NEAL of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, at this point, I yield 3 minutes to one of our leaders in the party who is knowledgeable on many issues, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank my colleague for yielding time to me.

Mr. Speaker, I rise today to support this short-term authorization for the FAA because we simply cannot allow our transportation system to fail. However, I believe this country and its airspace would be better served by the FAA if this legislation demanded greater accountability and responsiveness from this agency.

We need to continue to invest in our air transportation system to make it safer and more efficient. Airline passenger volume continues to increase, and the percentage of flights delayed 15 minutes or more in 2007 is close to surpassing the record set in 2000.

Many business travelers are rightfully frustrated by the long delays and inefficiencies at these airports. However, I am opposed to the FAA's implementation of its preferred Integrated Airspace Alternative, which will redesign the New York, New Jersey and Philadelphia airspace to mitigate air traffic congestion. Furthermore, the arrogance I have experienced in working with the FAA to mitigate airline congestion and improve efficiency at some of our Nation's most congested airports, like LaGuardia, Kennedy and Newark, is palpable.

In deciding to move forward with its Integrated Airspace Alternative, the FAA had three other alternatives to choose from, but selected the congestion mitigation plan that would shift the approach for flights to LaGuardia to the north, which would reroute significant air traffic over previously unaffected populated areas. The FAA has refused to consider other market-based measures that could be equally as effective and less extreme than redesigning the airspace.

I am particularly disappointed the FAA has not implemented any noise mitigation strategies in the district I represent, or many districts throughout the northeast, despite the wide swath of land over the Fourth District that will be adversely impacted by planes flying as low as 4,000 feet. I believe if the FAA was required to take quality of life concerns into consideration, it would not have decided to implement its preferred Integrated Airspace Alternative.

Time and again I have shared my concerns and the concerns of my constituents with the FAA and emphasized the fact that the plan would bring countless more planes into the region at the expense of the region's quality of life. It seems to many of us there are other solutions that need to be considered before implementing such a radical alternative that negatively affects so many thousands of residents throughout the northeast.

Even though there is no mandate to consider quality of life issues, the FAA simply must not ignore the hugely negative impacts of air noise in this process.

In closing, it is my hope that in the long term we can address the need to upgrade and improve our air transportation system and demand greater accountability from the FAA.

Mr. NEAL of Massachusetts. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Texas has 8½ minutes and the gentleman from Massachusetts has 11 minutes.

Mr. BRADY of Texas. Mr. Speaker, at this time, I would like to yield 2 minutes to the gentlelady from North Carolina, who is going to talk about one of the solutions to higher jet fuel prices for airlines.

Ms. FOXX. I thank my colleague from Texas for giving me this time.

Even in western North Carolina we have figured out that this is a technology that needs to be done, turning coal into liquid fuel. Bixby Energy, which is located in North Wilkesboro, North Carolina, has found a way to heat coal and turn it into natural gas, and there is no pollution and no detriment to the environment.

We all know how the price of airline tickets is going up tremendously. I had visits last week from USAir saying they're going to go out of business if we don't do something about the cost of fuel. And the Republicans have brought in many, many ideas about how we can do this. We simply have got to address the issue of the cost of fuel because it is threatening families, it is threatening industries, and it is doing great harm to our economy.

So I'm here to support this bill, but also to say that the Democratic majority must pay attention to the issue of fuel and the cost of that fuel.

Mr. NEAL of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself as much time as I may consume.

This bill is an appropriate one. It is important in the airline infrastructure to find the right solutions. As America continues to grow, the aviation infrastructure needs to grow and upgrade as well.

I appreciate the gentleman from Massachusetts and the gentleman from Illinois' leadership on this issue because it is so vital to our future in America.

Equally important, I think, though, is the cost of energy in this country. It seems to me that while America has done less and less to take responsibility for our energy needs, we've seen prices go up and up. Under President Carter's Presidency, at the time of the last energy crisis America was only importing one-third of the oil that we needed each day. Today, it is the reverse; we import nearly two-thirds of what we use each day and we are now, unfortunately, subject to the whims of the global market on energy prices. As a result, in the airline industry we're seeing each day we can't open the newspaper without seeing the cuts to some community that depend upon service from airlines. We don't see some notices of layoff. I know in Continental, we're going to lose 3,000 jobs, 3,000 families being laid off through no fault of their own, except this Congress has not acted. It has failed to act to address lower jet fuel prices for the airline industry plus lower gas prices for America as a whole.

The solution is fairly direct. In addition to energy conservation, which we need to do more of, in addition to renewable energies, which are important, we need to also provide more traditional energy, the supply of oil and gas, coal and oil shale, that will help ease the transition to renewable energies and avoid the cost of layoffs, the unprofitable quarters, and the impact on our American airline industry.

I hope that this Congress will come together again, not on gimmicks, but on real substantive issues that Republicans and Democrats together can support that will create more American-made energy, more supply here in America, and lower gas prices.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, the issue has been vetted in committee. The House has had an opportunity to work its will, and we're simply asking for an extension based upon the bipartisan support demonstrated here today. I urge adoption of the resolution and urge adoption of the extension.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6327. This legislation provides a three-month extension of aviation programs and taxes, through September 30, 2008. Without this extension, the Federal Aviation Administration, FAA, will face a partial shut-down beginning next week, on July 1, 2008.

The previous authorization for aviation programs—the "Vision 100—Century of Aviation Reauthorization Act"—expired on September 30, 2007. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007," to reauthorize FAA programs for fiscal yeas 2008–2011.

Unfortunately, the Senate has yet to act on this or any other long-term FAA reauthorization bill. I strongly urge the other body to bring their reauthorization bill to the floor, so we can go to conference and pass a long-term reauthorization of aviation programs. In the meantime, the three-month extension before us today is urgently needed.

H.R. 6327 extends the aviation excise taxes through September 30, 2008. These taxes are necessary to support the Aviation Trust Fund, which in recent years has provided about 80 percent of the FAA's budget. With an uncommitted cash balance of just $1.5 billion at the start of this fiscal year, any lapse in the aviation taxes could put the solvency of the Aviation Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 6327 extends the FAA's authority to make expenditures from the Aviation Trust Fund. Without this authority, the FAA will face a partial shut-down beginning July 1st, as it will be unable to pay approximately 4,000 employees whose salaries are funded entirely by the Aviation Trust Fund.

H.R. 6327 also provides an additional $919 million in contract authority for the Airport Improvement Program, AIP. Together with the $2.756 billion provided under the previous short-term extension, this results in a total of $3.675 billion in contract authority for the AIP program in FY 2008. This will enable airports to move forward with important safety and capacity projects.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 6327 also extends several other provisions of Vision 100.

I thank Chairman RANGEL and Ranking Member MCCRERY of the Committee on Ways and Means for their assistance in ensuring the continued operation of aviation programs. I also thank my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I urge my colleagues to support H.R. 6327.

Mr. ENGEL. Mr. Speaker, I rise today not in opposition to this legislation, but simply to talk for a moment about the problems of the FAA.

Early last year, we were informed by the FAA of their plan to implement a redesign of the airspace in the northeast, which would negatively affect Rockland County, which I represent. I wanted to know more about the redesign, so I investigated the maps and other materials on their website, and my staff did the necessary research.

After looking at the information, I could not determine how many more planes would be flying over my District if the FAA changed the airspace to their preferred alternative. The maps were extremely vague, with no landmarks or cities identified.

Only through persistent inquiries to the FAA, most of which yielded little new information, did I finally learn that their plan would send up to 400 additional flights every day over Rockland County, at altitudes as low as 5,000 feet. This translates to one flight every 2 to 3 minutes over a previously quiet suburban area.

Although I strongly disagreed with their decision to send hundreds of new planes over Rockland every day, the plan itself wasn't the FAA's only problem. The bigger issue was how they tried to implement this plan without telling the very people who would be most affected by the redesign. Although a number of town hall meetings were held in the region, the FAA avoided going to Rockland County. Only through my efforts did I finally get the FAA to hold a town hall meeting in Rockland County, where 1,200 attended and spoke in universal opposition to this plan. Before this meeting the FAA arrogantly decided not to consider Rockland County's views. The FAA maintained it was too late to take their voices into consideration. Of course, it would be too late if they stubbornly kept their mindset of ignoring the views of Rocklanders before the close of the official comment period. At least the FAA did eventually meet my demands and come to Rockland to listen to my affected constituents. Unfortunately, the FAA didn't learn from the universal opposition to their failed plan, as they continue to pursue the flawed redesign plan.

Throughout the whole process, the FAA has made it difficult, if not impossible, to get accurate information on the effects of the airspace redesign. For example, over a year after it was announced to us, we still don't know how loud it will be when 400 planes fly overhead every day. We don't know how much additional pollution this will cause. We don't know how it will affect the disproportionate rate of childhood asthma in my District. This level of secrecy is simply unacceptable.

Everyone in this room knows that we must do something to prevent this summer from turning into the disaster of delays we experienced last summer. However, it seems to me the solution is not to implement a flawed airspace redesign proposal that will relieve little, if any, congestion. The FAA estimates that this will possibly save a couple of minutes per flight. However, they can't say this for sure. Last year, at Members supported the call for the GAO to study the effectiveness of this redesign. And despite the fact that the GAO is currently studying whether this will actually have any benefit on congestion, the FAA is rushing full speed ahead to implement their plan before the study is completed.

Over time we have witnessed a number of different strategies to reduce regional delays without adversely affecting thousands of people. Reinstituting flight caps at Newark, La Guardia, and JFK can help to reduce delays. Opening up military airspace, as the President did over the holidays, is another way to help. Expediting the implementation of the NextGen air traffic control system will offer positive benefits as well.

I ask all of my colleagues to put yourselves in the position of the 300,000 people who live in Rockland County, as well as the countless others the FAA failed to properly consult in the drafting of this flawed proposal. Think about trying to read a book in your quiet living room, and then imagine someone turns on the vacuum cleaner every two minutes for the entire day. My constituents chose to live in Rockland County because they wanted to get away from the noise of the city. They didn't choose to buy a house next to an airport. They live 30, 40, even 50 miles from the nearest major airport, and they have had little say in this redesign plan. I ask you to take this lesson into account: Today's airspace redesign harms people and their quality of life in my District. Tomorrow, another redesign effort can have the same negative impact on your constituents. If this plan goes forward, I fear for the quiet neighborhoods across the county.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 6327, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FOSTERING CONNECTIONS TO SUCCESS ACT

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6307) to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fostering Connections to Success Act".

SEC. 2. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.

(a) STATE PLAN OPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting "; and"; and

(3) by adding at the end the following:

"(28) at the option of the State, provides for the State to entèr into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d).".

(b) IN GENERAL.—Section 473 of such Act (42 U.S.C. 673) is amended by adding at the end the following:

"(d) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.—

"(1) KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT.—

"(A) IN GENERAL.—In order to receive payments under section 474(a)(6), a State shall—

"(i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph;

"(ii) provide the prospective relative guardian with a copy of the agreement; and

"(iii) certify that any child on whose behalf kinship guardianship assistance payments are made under the agreement shall be provided medical assistance under title XIX in accordance with section 1902(a)(10)(A)(i)(I).

"(B) MINIMUM REQUIREMENTS.—The agreement shall specify, at a minimum—

"(i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement;

"(ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;

"(iii) the procedure by which the relative guardian may apply for additional services as needed; and

"(iv) subject to subparagraph (D), that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed $2,000.

"(C) INTERSTATE APPLICABILITY.—The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the kinship guardian.

"(D) NO EFFECT ON FEDERAL REIMBURSEMENT.—Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

"(2) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

"(A) IN GENERAL.—The kinship guardianship assistance payment shall be equal to the amount of the foster care maintenance payment for which the child would have been eligible if the child had remained in a foster family home, or, at State option, the amount of the adoption assistance payment for which the child would have been eligible if the child had been adopted, and may be readjusted periodically based on changes in the circumstances of the relative guardians involved and the needs of the child. Notwithstanding the preceding sentence, the amount of the kinship guardianship assistance payment may not exceed the foster care maintenance payment which would have been paid during the period involved if the child had been in a foster family home.

"(B) LIMITATION.—A State may not make a kinship guardianship assistance payment to a relative guardian for any child who has attained 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii).

"(3) CHILD'S ELIGIBILITY FOR A KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

"(A) IN GENERAL.—A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

"(i) The child has been—

"(I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;

"(II) under the care of the State agency for the 12-month period ending on the date of the agency determination;

"(III) eligible for foster care maintenance payments under section 472 while in the home of the prospective relative guardian; and

"(IV) residing for at least 6 months with the prospective relative guardian.

"(ii) Being returned home or adopted are not appropriate permanency options for the child.

"(iii) The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

"(iv) With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

"(B) TREATMENT OF SIBLINGS.—With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

"(i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and

"(ii) kinship guardianship assistance payments may be paid for the child and each sibling so placed.".

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(2) of such Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following:

"(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved shall be considered never to have been made.".

(2) STATE PLAN REQUIREMENT.—

(A) IN GENERAL.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is amended—

(i) by adding "and" at the end of subparagraph (C); and

(ii) by adding at the end the following:

"(D) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in subparagraph (C) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may be finally approved for placement of a child regardless of whether kinship guardianship assistance payments are to be made on behalf of the child under the State plan under this part;".

(B) REDESIGNATION OF NEW PROVISION AFTER AMENDMENT MADE BY PRIOR LAW TAKES EFFECT.—

(i) IN GENERAL.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(I) in subparagraph (D), by striking "(C)" and inserting "(B)"; and

(II) by redesignating subparagraph (D) as subparagraph (C).

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect immediately after the amendments made by section 152 of Public Law 109–248 take effect.

(3) PAYMENTS TO STATES.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by striking the period at the end and inserting "; plus"; and

(B) by adding at the end the following:

"(6) an amount equal to the percentage by which the expenditures referred to in paragraph (2) of this subsection are reimbursed of the total amount expended during such quarter as kinship guardianship assistance payments under section 473(d) pursuant to kinship guardianship assistance agreements.".

(4) DEFINITIONS.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 473(d), a description of—

"(i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) the reasons for any separation of siblings during placement;

"(iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;

"(iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;

"(v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and

"(vi) the efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.".

(d) CONTINUED SERVICES UNDER WAIVER.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

"(g) For purposes of this part, after the termination of a demonstration project relating to guardianship conducted by a State under section 1130, the expenditures of the State for the provision, to children who, as of September 30, 2008, were receiving assistance or services under the project, of the same assistance and services under the same terms and conditions that applied during the conduct of the project, are deemed to be expenditures under the State plan approved under this part.".

SEC. 3. FAMILY CONNECTION GRANTS.

Part B of title IV of the Social Security Act (42 U.S.C. 620-629i) is amended by adding at the end the following:

"Subpart 3—Family Connection Grants

"SEC. 441. FAMILY CONNECTION GRANTS.

"(a) IN GENERAL.—The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children who are in, or at risk of entering, foster care reconnect with family members through the implementation of—

"(1) kinship navigator programs designed to assist kinship caregivers in navigating their way through programs and services, and to help the caregivers learn about and obtain assistance to meet the needs of the children they are raising and their own needs;

"(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children; or

"(3) family group decision-making meetings for children in the child welfare system that engage and empower families to make decisions and develop plans that nurture children and protect them from enduring further abuse and neglect.

"(b) APPLICATIONS.—An entity desiring to receive a matching grant under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of how the grant will be used to implement 1 or more of the activities described in subsection (a);

"(2) a description of the types of children and families to be served, including how the children and families will be identified and recruited, and an initial projection of the number of children and families to be served;

"(3) if the entity is a private organization—

"(A) documentation of support from the relevant local or State child welfare agency; or

"(B) a description of how the organization plans to coordinate its services and activities with those offered by the relevant local or State child welfare agency; and

"(4) an assurance that the entity will cooperate fully with any evaluation provided for by the Secretary under this section.

"(c) LIMITATIONS.—

"(1) GRANT DURATION.—The Secretary may award a grant under this section for a period of not less than 1 year and not more than 3 years.

"(2) NUMBER OF NEW GRANTEES PER YEAR.—The Secretary may not award a grant under this section to more than 20 new grantees each fiscal year.

"(d) FEDERAL CONTRIBUTION.—The amount of a grant payment to be made to a grantee under this section during each year in the grant period shall be the following percentage of the total expenditures proposed to be made by the grantee in the application approved by the Secretary under this section:

"(1) 75 percent, if the payment is for the 1st or 2nd year of the grant period.

"(2) 50 percent, if the payment is for the 3rd year of the grant period.

"(e) FORM OF GRANTEE CONTRIBUTION.—A grantee under this section may provide not more than 50 percent of the amount which the grantee is required to expend to carry out the activities for which a grant is awarded under this section in kind, fairly evaluated, including plant, equipment, or services.

"(f) USE OF GRANT.—A grantee under this section shall use the grant in accordance with the approved application for the grant.

"(g) RESERVATIONS OF FUNDS.—

"(1) EVALUATION.—The Secretary shall reserve 3 percent of the funds made available under subsection (h) for each fiscal year for the conduct of a rigorous evaluation of the activities funded with grants under this section.

"(2) TECHNICAL ASSISTANCE.—The Secretary may reserve 2 percent of the funds made available under subsection (h) for each fiscal year to provide technical assistance to recipients of grants under this section.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary not more than $50,000,000 for each of fiscal years 2009 through 2013.".

SEC. 4. NOTIFICATION TO RELATIVES OF FOSTER CARE PLACEMENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 2(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting "; and"; and

(3) by adding at the end the following:

"(29) provides that, not later than 30 days after the date the State places a child in foster care, the State agency shall attempt to locate and notify any noncustodial parents, siblings, grandparents, aunts, or uncles of the child who are adults, of the removal of the child from the custody of the child's parent or parents and explain the options the relative has to participate in the care and placement of the child, subject to exceptions due to family or domestic violence which shall be provided for under State law.".

SEC. 5. STATE OPTION FOR CHILDREN IN FOSTER CARE, AND CERTAIN CHILDREN IN AN ADOPTIVE OR GUARDIANSHIP PLACEMENT, AFTER ATTAINING AGE 18.

(a) DEFINITION OF CHILD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

"(8)(A) Subject to subparagraph (B), the term 'child' means an individual who has not attained 18 years of age.

"(B) At the option of a State, the term shall include an individual—

"(i)(I) who is in foster care under the responsibility of the State;

"(II) with respect to whom an adoption assistance agreement is in effect under section 473 if the child had attained 16 years of age before the agreement became effective; or

"(III) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the child had attained 16 years of age before the agreement became effective;

"(ii) who has attained 18 years of age;

"(iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and

"(iv) who is—

"(I) completing secondary education or a program leading to an equivalent credential;

"(II) enrolled in an institution which provides post-secondary or vocational education;

"(III) participating in a program or activity designed to promote, or remove barriers to, employment; or

"(IV) employed for at least 80 hours per month.".

(b) CONFORMING AMENDMENT TO DEFINITION OF CHILD-CARE INSTITUTION.—Section 472(c)(2) of such Act (42 U.S.C. 672(c)(2)) is amended by inserting ", except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations" before the period.

(c) CONFORMING AMENDMENTS TO AGE LIMITS APPLICABLE TO CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE OR KINSHIP GUARDIANSHIP ASSISTANCE.—Section 473(a)(4) of such Act (42 U.S.C. 673(a)(4)) is amended to read as follows:

"(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

"(i) who has attained—

"(I) 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii); or

"(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

"(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

"(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

"(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. SHORT-TERM TRAINING FOR CHILD WELFARE AGENCIES, PROSPECTIVE RELATIVE GUARDIANS, AND COURT PERSONNEL.

(a) IN GENERAL.—Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended—

(1) by inserting "or relative guardians" after "adoptive parents";

(2) by striking "and the members" and inserting ", the members";

(3) by inserting ", or State-licensed or State-approved child welfare agencies providing services," after "providing care";

(4) by inserting ", and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts" after "part,";

(5) by inserting "guardians," before "staff members,"; and

(6) by striking "and institutions" and inserting "institutions, attorneys, and advocates".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

(c) PHASE-IN.—With respect to an expenditure described in section 474(a)(3)(B) of the Social Security Act by reason of an amendment made by subsection (a) of this section, in lieu of the percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

(1) 55 percent, if the expenditure is made in fiscal year 2009;

(2) 60 percent, if the expenditure is made in fiscal year 2010;

(3) 65 percent, if the expenditure is made in fiscal year 2011; or

(4) 70 percent, if the expenditure is made in fiscal year 2012.

SEC. 7. EQUITABLE ACCESS FOR FOSTER CARE AND ADOPTION SERVICES FOR INDIAN CHILDREN IN TRIBAL AREAS.

(a) AUTHORITY FOR INDIAN TRIBES TO RECEIVE DIRECT FEDERAL TITLE IV–E FUNDS.—Section 472(a)(2)(B) of the Social Security Act (42 U.S.C. 672(a)(2)(B)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following:

"(iii) an Indian tribe or a tribal organization (as defined in section 479B(a)) or a tribal consortium, if the Indian tribe, tribal organization, or tribal consortium—

"(I) operates a program under section 479B;

"(II) has a cooperative agreement with a State under section 479B(d); or

"(III) submits to the Secretary a description of the arrangements (jointly developed in consultation with the State) made by the Indian tribe or tribal consortium for the payment of funds and the provision of the child welfare services and protections required by this title; and".

(b) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV of such Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

"(a) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section:

"(1) IN GENERAL.—Except as provided in paragraph (2), the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) SPECIAL RULE FOR ALASKAN TRIBES.—The term 'Indian tribe' means, with respect to the State of Alaska, only the Metlakatla Indian Community of the Annette Islands Reserve and the following Alaska Native regional nonprofit corporations:

"(A) Artice Slope Native Association.

"(B) Kawerak, Inc.

"(C) Maniilaq Association.

"(D) Association of Village Council Presidents.

"(E) Tanana Chiefs Conference.

"(F) Cook Inlet Tribal Council.

"(G) Bristol Bay Native Association.

"(H) Aleutian and Pribilof Island Association.

"(I) Chugachmuit.

"(J) Tlingit Haida Central Council.

"(K) Kodiak Area Native Association.

"(L) Copper River Native Association.

"(b) APPLICATION.—Except as provided in subsections (c) and (e), this part shall apply to an Indian tribe, tribal organization, or a tribal consortium that elects to operate a program under this part in the same manner as this part applies to a State.

"(c) MODIFICATION OF PLAN AND OTHER REQUIREMENTS.—

"(1) IN GENERAL.—In the case of an Indian tribe, a tribal organization, or a tribal consortium submitting a plan for approval under section 471, the plan—

"(A) shall—

"(i) in lieu of the requirements of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe, tribal organization, or tribal consortium; and

"(ii) in lieu of the requirements of section 471(a)(10), provide for the establishment and application of standards for foster family homes and child care institutions pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care; and

"(B) may, at the option of the Indian tribe, tribal organization, or tribal consortium, in lieu of the requirements of section 471(a)(20), provide procedures for conducting background checks in accordance with the requirements of section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) and regulations issued thereunder, and for conducting checks of child abuse and neglect registries maintained by the Federal Government, by a State, and by an Indian tribe, tribal organization, or tribal consortium in a manner that ensures the safety of, and accountability for, children placed in foster care or who are being placed for adoption.

"(2) DETERMINATION OF FEDERAL SHARE; SOURCES OF NON-FEDERAL SHARE.—

"(A) PER CAPITA INCOME.—

"(i) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe, a tribal organization, or a tribal consortium under paragraphs (1) and (2) of section 474(a) (and for purposes of payments made under an arrangement described in section 472(a)(2)(B)(iii)(III)), the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium shall be based upon the service population of the Indian tribe, tribal organization, or tribal consortium as defined in the plan of the Indian tribe, tribal organization, or tribal consortium, in accordance with paragraph (1)(A), except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive less than the Federal medical assistance percentage for any State in which the tribe is located.

"(ii) CONSIDERATION OF OTHER INFORMATION.—Before making a calculation under clause (i), the Secretary shall consider any information submitted by an Indian tribe, a tribal organization, or a tribal consortium that the Indian tribe, tribal organization, or tribal consortium considers relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium.

"(B) ADMINISTRATIVE, TRAINING, AND DATA COLLECTION EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes, tribal organizations, and tribal consortiums pursuant to section 474(a)(3) for purposes of this section (and for purposes of payments made under an arrangement described in section 472(a)(2)(B)(iii)(III)), except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion than the corresponding amount specified for a State in that section.

"(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe, tribal organization, or tribal consortium may use Federal, State, tribal, or private funds, which may be in kind, fairly evaluated, including plant, equipment, administration, and services, to match payments for which the tribe, organization, or consortium is eligible under section 474.

"(3) MODIFICATION OF OTHER REQUIREMENTS.—On the request of an Indian tribe, tribal organization, or a tribal consortium, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or tribal consortium, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or tribal consortium.

"(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of a tribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

"(d) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—An Indian tribe, a tribal organization, or a tribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds under this part.

"(2) APPLICATION AND ENFORCEMENT OF INCORPORATED PROVISIONS OF THIS SECTION.—If an Indian tribe, a tribal organization, or a tribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable.

"(3) PRIOR AGREEMENTS IN EFFECT.—Any cooperative agreement described in paragraph (1) that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

"(e) JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Except as provided in section 477(j), subsection (b) of this section shall not apply with respect to the John H. Chafee Foster Care Independence Program established under section 477 (or with respect to payments made under section 474(a)(4) or grants made under section 474(e)).".

(c) APPLICATION OF FEDERAL MATCHING RATE THAT WOULD APPLY TO INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR TRIBAL CONSORTIA TO EXPENDITURES UNDER STATE AGREEMENTS OR AN AGREEMENT WITH THE SECRETARY.—

(1) FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS.—Paragraphs (1) and (2) of section 474(a) of such Act (42 U.S.C. 674(a)) are each amended by inserting "(or, with respect to such payments made during such quarter under an agreement entered into by the State and an Indian tribe, tribal organization, or tribal consortium, or under an arrangement described in section 472(a)(2)(B)(iii)(III), an amount equal to the Federal medical assistance percentage that would apply under subsection (c)(2)(A) of section 479B (in this paragraph referred to as the 'tribal FMAP') if such Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP

is less than the Federal medical assistance percentage that applies to the State)" before the semicolon.

(2) ADMINISTRATIVE EXPENDITURES.—Section 474(a)(3) of such Act (42 U.S.C. 674(a)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking "section 472(i)" and inserting "subparagraph (E) and section 472(i)";

(B) in subparagraph (D), by striking "and" at the end;

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

"(E) in the case of a State that has entered into an agreement with an Indian tribe, tribal organization, or tribal consortium (or an Indian tribe, tribal organization, or tribal consortium with an arrangement described in section 472(a)(2)(B)(iii)(III)), an amount equal to the proportions that would be paid to such tribe, organization, or consortium pursuant to regulations issued under section 479B(c)(2)(B) if the tribe, organization, or consortium operated a program under that section; and".

(d) HOLD HARMLESS FOR INDIAN FAMILIES RECEIVING FOSTER CARE MAINTENANCE PAYMENTS OR ADOPTION ASSISTANCE.—Nothing in the amendments made by this Act shall be construed as authorization to terminate funding to any Indian or Indian family currently receiving foster care maintenance payments or adoption assistance on behalf of a child and for which the State receives Federal matching payments under paragraph (1) or (2) of section 474(a) of the Social Security Act, regardless of whether a cooperative agreement between the State and an Indian tribe, tribal organization, or tribal consortium is in effect pursuant to subsection (d) of section 479B(d) of such Act, or an Indian tribe, tribal organization, or tribal consortium elects to operate a foster care and adoption assistance program directly under such section 479B.

(e) NONAPPLICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR INDIAN CHILDREN.—Section 472(a) of such Act (42 U.S.C. 672(a)) is amended by adding at the end the following:

"(5) NONAPPLICATION OF CERTAIN REQUIREMENTS FOR INDIAN CHILDREN.—In the case of an Indian tribe, tribal organization, or tribal consortium that assumes responsibility for administering the program under this part through a cooperative agreement with the State under section 479B(d), or that elects to operate a foster care and adoption assistance program directly under section 479B, the following rules shall apply:

"(A) USE OF AFFIDAVITS, ETC.—The requirement in paragraph (1) shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under such paragraph.

"(B) RESIDENCY REQUIREMENT IMPOSED UNDER AFDC STATE PLAN.—Notwithstanding paragraph (3)(A), any residency requirement imposed under the State plan referred to in such paragraph shall not apply with respect to a child for whom an Indian tribe, tribal organization, or tribal consortium assumes responsibility.".

(f) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF AN AGREEMENT TO OPERATE THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—

(1) IN GENERAL.—Section 477 of such Act (42 U.S.C. 677) is amended by adding at the end the following:

"(j) AUTHORITY FOR AN INDIAN TRIBE, TRIBAL ORGANIZATION, OR TRIBAL CONSORTIUM TO RECEIVE AN ALLOTMENT.—

"(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B, which is receiving funding to provide foster care under this part pursuant to a cooperative agreement with a State, or that provides child welfare services and protections in accordance with an arrangement submitted to the Secretary under section 472(a)(2)(B)(iii)(III), may apply for an allotment out of any funds authorized by paragraph (1) or (2) (or both) of subsection (h) of this section.

"(2) APPLICATION.—An Indian tribe, tribal organization, or tribal consortium desiring an allotment under paragraph (1) shall submit an application to the Secretary to directly receive such allotment that includes a plan that satisfies such requirements of paragraphs (2) and (3) of subsection (b) as the Secretary determines are appropriate.

"(3) PAYMENTS.—The Secretary shall pay an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection from the allotment determined for the tribe, organization, or consortium under paragraph (4) of this subsection in the same manner as is provided in section 474(a)(4) (and, where requested, and if funds are appropriated, section 474(e)) with respect to a State, or in such other manner as is determined appropriate by the Secretary, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion of such funds than a State is authorized to receive under those sections.

"(4) ALLOTMENT.—From the amounts allotted to a State under subsection (c) of this section for a fiscal year, the Secretary shall allot to each Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection for that fiscal year an amount equal to the tribal foster care ratio determined under paragraph (5) of this subsection for the tribe, organization, or consortium multiplied by the allotment amount of the State within which the tribe, organization, or consortium is located. The allotment determined under this paragraph is deemed to be a part of the allotment determined under section 477(c) for the State in which the Indian tribal organization or tribal consortium is located.

"(5) TRIBAL FOSTER CARE RATIO.—For purposes of paragraph (4), the tribal foster care ratio means, with respect to an Indian tribe, tribal organization, or tribal consortium, the ratio of—

"(A) the number of children in foster care under the responsibility of the Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of the State), in the most recent fiscal year for which the information is available; to

"(B) the sum of—

"(i) the total number of children in foster care under the responsibility of the State within which the Indian tribe, tribal organization, or tribal consortium is located; and

"(ii) the total number of children in foster care under the responsibility of all Indian tribes, tribal organizations, or tribal consortia (either directly or under supervision of the State).".

(2) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF A COOPERATIVE AGREEMENT ENTERED INTO WITH RESPECT TO THE CHAFEE PROGRAM.—Section 477(b)(3)(G) of such Act (42 U.S.C. 677(b)(3)(G)) is amended—

(A) by striking "and that" and inserting "that"; and

(B) by striking the period and inserting "; and that each Indian tribe, tribal organization, or tribal consortium in the State that does not receive an allotment under subsection (j)(4) for a fiscal year may enter into a cooperative agreement or contract with the State to administer, supervise, or oversee the programs to be carried out under the plan with respect to the Indian children who are eligible for such programs and who are under the authority of the Indian tribe and to receive from the State an appropriate portion of the State allotment under subsection (c) for the cost of such administration, supervision, or oversight.".

(g) RULE OF CONSTRUCTION.—Nothing in the amendments made by this Act shall be construed as affecting the responsibility of a State—

(1) as part of the plan approved under section 471 of the Social Security Act (42 U.S.C. 671), to provide foster care maintenance payments and adoption assistance for Indian children who are eligible for such payments or assistance and who are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to a foster care and adoption assistance program operated under section 479B of such Act; or

(2) as part of the plan approved under section 477 of such Act (42 U.S.C. 677) to administer, supervise, or oversee programs carried out under that plan on behalf of Indian children who are eligible for such programs if such children are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to an approved plan under section 477(j) or a cooperative agreement or contract entered into under section 477(b)(3)(G) of such Act.

(h) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with Indian tribes, tribal organizations, tribal consortia, and affected States, shall promulgate regulations to carry out the amendments made by this section.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 8. HEALTH OVERSIGHT AND COORDINATION PLAN.

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

"(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

"(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

"(ii) how health needs identified through screenings will be monitored and treated;

"(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

"(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

"(v) the oversight of prescription medicines; and

"(vi) how the State actively consults with and involves physicians or other appropriate medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

"(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;".

SEC. 9. EDUCATIONAL STABILITY.

(a) In General.—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 2(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

"(G) A plan for ensuring the educational stability of the child while in foster care, including—

"(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

"(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking "and reasonable" and inserting "reasonable"; and

(B) by inserting ", and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement" before the period.

(b) Educational Attendance Requirement.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a) and 4 of this Act, is amended—

(1) by striking "and" at the end of paragraph (28);

(2) by striking the period at the end of paragraph (29) and inserting "; and"; and

(3) by adding at the end the following:

"(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is—

"(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

"(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

"(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

"(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information included in the case plan of the child.".

SEC. 10. SIBLING PLACEMENT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a), 4, and 9(b) of this Act, is amended—

(1) by striking "and" at the end of paragraph (29);

(2) by striking the period at the end of paragraph (30) and inserting "; and"; and

(3) by adding at the end the following:

"(31) provides that reasonable efforts shall be made to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.".

SEC. 11. ADOPTION INCENTIVES PROGRAM.

(a) 5-Year Extension.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking "in the case of fiscal years 2001 through 2007,";

(2) in subsection (b)(5), by striking "1998 through 2007" and inserting "2008 through 2012";

(3) in subsection (c)(2), by striking "each of fiscal years 2002 through 2007" and inserting "a fiscal year"; and

(4) in each of subsections (h)(1)(D), and (h)(2), by striking "2008" and inserting "2013".

(b) Updating of Fiscal Year Used in Determining Base Numbers of Adoptions.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

(1) in paragraph (3), by striking "means" and all that follows and inserting "means, with respect to any fiscal year, the number of foster child adoptions in the State in fiscal year 2007.";

(2) in paragraph (4)—

(A) by inserting "that are not older child adoptions" before "for a State"; and

(B) by striking "means" and all that follows and inserting "means, with respect to any fiscal year, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2007."; and

(3) in paragraph (5), by striking "means" and all that follows and inserting "means, with respect to any fiscal year, the number of older child adoptions in the State in fiscal year 2007.".

(c) Increase in Incentive Payments for Special Needs Adoptions and Older Child Adoptions.—Section 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is amended—

(1) in subparagraph (B), by striking "$2,000" and inserting "$4,000"; and

(2) in subparagraph (C), by striking "$4,000" and inserting "$8,000".

(d) 24-Month Availability of Payments to States.—Section 473A(e) of such Act (42 U.S.C. 673b(e)) is amended—

(1) in the heading, by striking "2-year" and inserting "24-month"; and

(2) by striking "through the end of the succeeding fiscal year" and inserting "for the 24-month period beginning with the month in which the payments are made".

SEC. 12. INFORMATION ON ADOPTION TAX CREDIT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a), 4, 9(b), and 10 of this Act, is amended—

(1) by striking "and" at the end of paragraph (30);

(2) by striking the period at the end of paragraph (31) and inserting "; and"; and

(3) by adding at the end the following:

"(32) provides that the State will inform any individual who is adopting, or whom the State is made aware is considering adopting, a child who is in foster care under the responsibility of the State of the potential eligibility of the individual for a Federal tax credit under section 23 of the Internal Revenue Code.".

SEC. 13. MODIFICATION OF FOSTER CARE MATCHING RATE FOR THE DISTRICT OF COLUMBIA TO CONFORM WITH MEDICAID MATCHING RATE.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended in each of paragraphs (1) and (2) by striking "(as defined in section 1905(b) of this Act)" and inserting "(which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia)".

SEC. 14. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) In General.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) Collection of Unemployment Compensation Debts Resulting From Fraud.—

"(1) In general.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

"(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

"(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

"(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return and the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

"(2) Priorities for offset.—Any overpayment by a person shall be reduced pursuant to this subsection—

"(A) after such overpayment is reduced pursuant to—

"(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

"(ii) subsection (c) with respect to past-due support; and

"(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

"(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

"(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

"(A) notifies the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

"(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

"(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

"(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

"(4) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

"(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected;

"(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud; and

"(C) any penalties and interest assessed on such debt.

"(5) REGULATIONS.—

"(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

"(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

"(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

"(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).".

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting "(10)," after "(6),".

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking "(c), (d), or (e)" each place it appears in the heading and text and inserting "(c), (d), (e), or (f)",

(B) in subparagraph (A) by inserting ", to officers and employees of the Department of Labor and its agent for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402," after "section 6402", and

(C) in subparagraph (B) by inserting ", and any agents of the Department of Labor," after "agency" the first place it appears.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking "(l)(16)," and inserting "(l)(10), (16),";

(B) in subparagraph (F)(i), by striking "(l)(16)," and inserting "(l)(10), (16),"; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking "(l)(16)," and inserting "(l)(10), (16),";

(ii) by inserting "(10)," after "paragraph (6)(A),"; and

(iii) in each of the last two places it appears, by striking "(l)(16)" and inserting "(l)(10) or (16)".

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by inserting "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

"(i) amounts may be deducted to pay any fees authorized under such section; and

"(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking "(c), (d), and (e)," and inserting "(c), (d), (e), and (f)".

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking "and before such overpayment is reduced pursuant to subsection (e)" and inserting "and before such overpayment is reduced pursuant to subsections (e) and (f)".

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting "or subsection (f)" after "paragraph (1)".

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "(c), (d), or (e)" and inserting "(c), (d), (e), or (f)".

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "subsection (c) or (e)" and inserting "subsection (c), (e), or (f)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

SEC. 15. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

"§ 323. Investment of operating cash

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.".

SEC. 16. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, each amendment made by this Act to part B or E of title IV of the Social Security Act shall take effect on the date of the enactment of this Act, and shall apply to payments under the part amended for quarters beginning on or after the effective date of the amendment.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 17. NO FEDERAL FUNDING TO UNLAWFULLY PRESENT INDIVIDUALS.

Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, we are here today on behalf of young people like Anthony Reeves, a former foster child in Georgia who wrote something that defines our call to action. "Life is tough enough when transitioning out of care, but it's even tougher if you don't have the support that you need from people who care about you or if you don't have resources and skills packed along with the rest of our belongings as you are shown out the door."

Anthony's words should remind us that government, and ultimately society, acts as the legal guardian of foster children. These are our children, and the fact is we are failing too many of them.

There is no shortage of problems to confronting foster care—insufficient services for at-risk families, too few qualified case workers, and an outdated Federal eligibility standard, to name a few. We'll have to confront these issues in order to provide the comprehensive reform that is so urgently needed.

Today we are focused on the shortcomings in the existing system that can disconnect foster children from the things they need most—family, support and school.

Sometimes children have to be removed from their homes to protect them from abuse and neglect. That is a sad, but undeniable fact. But the foster system unnecessarily disrupts other connections to home, family and school for these vulnerable children at a time when they're most in need. One glaring example of this is when foster children are literally pushed out into the streets when they turn 18 years of age. No parent I know of severs all ties and abandons their kids at age 18, yet that is Federal policy for foster care. We displace them from their homes, support them, and then tell them to go it alone. Rather than provide a glide path to success, we subject foster children to a crash landing.

Another example is the inconsistent effort to help foster children stay connected to family. Today, we deny grandparents assistance if they become the legal guardians to a foster child. This is contrary to the growing base of research illustrating that children do better living with relative guardians than they do living in traditional foster homes. Additionally, siblings are too often separated during foster care placement just when a foster child most needs a brother or a sister.

Ensuring school stability is yet another area where we too often come up short. Not enough is done to ensure children that they can stay in their current schools when they are placed in foster care, thus depriving them of the one place where they may feel secure.

We also hear too many stories about foster children not receiving adequate health care services, especially for mental health. Furthermore, we have a special duty to ensure that prescription medications foster children are receiving are effective and appropriate instead of quick and easy.

And finally, we don't provide adequate assistance for Native American children who are removed from their homes and then cared for by tribal communities.

For Anthony Reeves and every foster child, we can and must do better. And that is why we are here today. The Fostering Connections Success Act addresses many of these issues. The legislation would allow States to extend foster care assistance up to age 21, giving young men and women more time to get an education and become truly self-sufficient.

Recognizing that many grandparents and other relatives want to provide loving, permanent homes for children in foster care, the bill would provide Federal payments to relatives who become legal guardians of children for whom they have cared for as foster parents.

□ 1315

It also requires improved efforts to keep siblings together when they are removed from their homes. The measure would require increased oversight of the health care needs of foster kids. And there is a renewed attention paid to ensuring educational stability for foster children in foster care, including avoiding frequent school changes.

Additionally, the bill gives tribes equal and fair access to Federal resources dedicated to keeping vulnerable children safe. For the first time, tribal child welfare programs could directly receive Federal foster care financing. The legislation also provides new resources to ensure all child welfare workers have access to training, which ultimately results in better care for kids. And, finally, this bill extends and improves incentives for States that increase the number of children adopted out of the foster care system.

The legislation includes two provisions outside of the foster care system which save money and thereby ensure that the bill is budget neutral. The first provision reduces Federal tax refunds for individuals who have fraudulently collected unemployment insurance. The same policy has already passed the House once. The second provision will allow the Treasury Department to improve the management of the government's short-term operating cash to achieve a better rate of return. While this bill doesn't do all that's needed, it does meet many of the critical challenges in our foster care system.

We received a letter today from the American Academy of Pediatrics, representing 60,000 professionals, urging passage. The academy said: "Our Nation has a moral and legal obligation to provide the best possible care to these most vulnerable children." I couldn't agree more.

The legislation is bipartisan, budget neutral, and good for children, and deserves every Member's support.

Before I yield to my ranking member on the subcommittee and the co-author of this bill, let me first thank him for his dedication to foster children and his willingness to find common ground. JERRY WELLER has been a true partner in doing what is right for our most vulnerable children. He's retiring from Congress this year, and I can think of no better parting gift than passing a bipartisan bill he worked on to improve the lives of foster children.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6307, the Fostering Connections to Success Act. I also want to thank my chairman for his leadership and his dedicated example of working together in a bipartisan way to help vulnerable kids. This legislation, H.R. 6307, is an example of what we can accomplish when we work together. And, again, I want to thank Chairman MCDERMOTT for this opportunity to work together.

This is bipartisan legislation, and it's a result of a series of hearings in which we heard about how youth are shortchanged in the current foster care system. For example, most foster youth experience three to four placements while in care and some many more than that. Different homes often mean different schools, poor performance, repeated grades, and far too many ultimately dropping out before graduation. About one in four foster youth do not complete high school. In fact, many attend three to four different schools during their foster care experience, and even more don't complete school on the same timetable as their peers.

To address such serious problems, this legislation steps up efforts to engage adult relatives in caring for children abused or neglected by their parents. My home State of Illinois has been at the forefront of efforts to support more care by adult relatives, like grandparents, adults, or cousins, rather than strangers in foster care. These efforts resulted in better outcomes for children, including more stability and safety, stronger attachments to school and community, and better long-run prospects for young people. H.R. 6307 encourages more care by relatives nationwide.

A former intern in my Washington office, Jamaal Nutall of Joliet, who testified before our subcommittee, was a product of the foster care system and whose life was turned around by being placed in the care of relatives. Jamaal lived what we all intuitively know to be sound policy. In most cases placement with a child's own family makes for the best environment for the child to grow and prosper.

This legislation also will hold foster youth and the adults who care for them accountable for the type of responsible behavior any parent would expect and which will help them succeed in the long run. So for the first time, staying in high school through graduation will be a condition of receiving Federal foster care, relative guardian, or adoption payments. A similar new "education, training, or work" requirement will apply to young people over the age of 18 who receive continued Federal support.

As a letter endorsing this policy from the Foster Care Alumni Association of America put it, "Holding young people and families in the foster care system to this high standard is a statement from Congress that lowered expectations are not acceptable for those of us from foster care."

Mr. Speaker, I will insert a copy of the Foster Care Alumni Association's letter endorsing this legislation in the RECORD at this point, and I thank this fine organization and so many others for their help in assembling this bill.

FOSTER CARE
ALUMNI OF AMERICA,
Alexandria, VA, June 18, 2008.

Hon. JAMES MCDERMOTT, Chair,
Hon. JERRY WELLER, Ranking Member,
Subcommittee on Income Security and Family Support, Ways and Means Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCDERMOTT AND REPRESENTATIVE WELLER: We are writing on behalf of the 12 million alumini of the foster care system in the United States and the 1,400 members of Foster Care Alumni of America (FCAA) to offer support for "The Fostering Connections to Success Act of 2008." We are pleased with the thoughtful approach you have taken in this legislation to assist children in foster care develop and strengthen bonds to their families and communities. Throughout your careers, you have been tireless advocates for youth in high risk situations. This bill is a reflection of your ongoing commitment to ensuring that all young people have the opportunity to build successful futures through access to affordable health care, a decent education, and the chance to develop healthy, lifelong relationships with family.

As alumni of the foster care system we know that reforms of all kinds are necessary to truly improve the child welfare system. However, increasing opportunities among foster youth to improve bonds with siblings, kin and their communities are essential first steps. The "Fostering Connections to Success Act of 2008" bill achieves these goals in a number of ways.

First, through the new Family Connections Grant program and additional requirements upon states, the bill provides assurances that states will go to great lengths to keep siblings together and pursue all possible kinship placements before a child is placed into foster care. We especially appreciate the provision which mandates that youth over the age of 14 have a role in selecting placement options. As alumni, we recognize the importance of providing youth with some control over their fate in the system.

Second, this bill requires states to develop a plan for the oversight and coordination of health care services and educational stability. This will vastly improve the access of foster youth to both systems. Equally important, this bill requires that the foster care system keep better, more organized records of youth involvement with these systems. Sadly, the inferior record-keeping of foster care systems, and the lack of coordination among foster care, health care and education provides as much of a barrier to young people in care as the shoddy medical and educational services they too often receive. This bill also encourages adults involved in the lives of foster youth to help youth stay in school by withholding foster care and adoption payments for children under 18 who have not completed high school unless the child is in school or home school full time, or is incapable of attending school full time due to a medical condition. Holding young people and families in the foster care system to this high standard is a statement from Congress that lowered expectations are not acceptable for those of us from foster care.

This bill extends Title IV–E eligibility for tribal youth. We know that American Indian children have faced disproportionately large consequences for their need to be part of the child welfare system and we appreciate the attention and commitment to bringing equal support to this group.

We are pleased with the provision in the bill to expand options to train America's private sector child welfare workforce. Our members who had positive experiences in foster care often attribute this to the availability of a diligent, competent social worker. These workers exist in both the public and private agencies yet, federal reimbursement rates for training them is not equitable. Conversely, our members who suffered through very difficult experiences, all too often recount having dealt with an overburdened social worker who was ill-equipped to respond to even the most basic request. Your bill acknowledges that social workers in both private and public agencies with the right tools, training, and time can make a positive impact in the lives of children and families.

Finally, the bill addresses the needs of older youth in care in two important ways. The bill encourages states not to give up on finding permanent, loving homes for older youth by doubling the states' adoption incentive payment for older youth. This legislation also offers states the option to extend foster care to age 21. Here, you take seriously the challenges of young people who are unable to achieve permanency or to be prepared for total financial and emotional emancipation by age 18. Over 24,000 of our brothers and sisters in care age out of foster care at 18, entering adulthood ill-prepared for independence in numerous ways. States should be encouraged to extend foster care to 21 and use this additional time wisely to provide concrete services and training for older foster youth to support their successful transition to independence.

"The Fostering Connections to Success Act of 2008" places the first step of child welfare reform where it rightly belongs—with the very children and youth the system intends to serve. As such, we are pleased to offer our support to this thoughtful legislation. Thank you for all that you do to improve the lives of America's children, youth and families. Please feel free to contact us at Foster Care Alumni of America to further discuss the urgent concerns of our brothers and sisters in care.

Respectfully,

NATHAN MONELL,
Chief Executive Officer.
MISTY STENSLIE,
Deputy Director.

Other provisions in this bill track legislation I have spent literally years working to pass. One builds on my legislation to harmonize Federal reimbursement rates for training child welfare workers. This is critically important in States like Illinois that depend heavily on private child welfare workers, organizations such as Catholic Charities, Baby Fold, Lutheran Social Services, for example, who currently qualify for lower Federal training payments. We equalize that in this legislation.

H.R. 6307 also would address concerns about child welfare services for Native American children. Our first Americans should be treated as full Americans, including in child welfare programs, as this legislation will accomplish. We hope this provision will translate into better care and better outcomes for young people in tribal areas, which I understand number almost 3,000 children in foster care on tribal lands. Clearly, the current system is not working for our first Americans. We want to right that wrong.

Finally, this legislation reauthorizes and improves the current Adoption Incentives program, which has been a bipartisan success and expires this year. All sides agree on the need to extend and improve this important program.

I am delighted to have worked with Chairman MCDERMOTT on this important legislation. This is a good bill. It's fully paid for by the inclusion of several anti-fraud provisions drawn from the President's budget, one of which the House has already passed unanimously.

Misty Stenslie of the Foster Care Alumni Association noted in her testimony before our subcommittee that Members of this body stand in the place where the parents of children in foster care belong. That is a serious responsibility, and this legislation accepts that responsibility and makes solid, bipartisan improvements to help children who today have too many challenges and not enough opportunities.

I urge all Members to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6307.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I now yield 2 minutes to the gentleman from Tennessee (Mr. COOPER), not a member of the committee but a staunch advocate for foster kids.

Mr. COOPER. I thank my friend Mr. MCDERMOTT for yielding.

Mr. Speaker, I urge all of my colleagues to support this bill. It does great work to help our foster children nationwide. It's long overdue, many of these reforms, and, thankfully, it's paid for. As a Blue Dog, my colleagues know that I am focused on fiscal responsibility issues. So this bill does good not only for the foster kids, but also it does not injure our budget.

I hope that people realize that while this bill is a very positive step, it is an incremental step. There is so much more that we need to do to improve our foster care and adoption system. My friend from Washington (Mr. MCDERMOTT) has a very comprehensive bill in this regard. We need to look at that. First we are going to have to figure out a way to pay for it. But investing in kids is an investment in our own future.

In my opinion, the area of foster care is perhaps the most broken area of Federal law. So let's not use this small step we are taking today as a reason for inaction in the future. Let's use it as a stepping stone to bigger, better, bolder reforms that would help the half million children who are in government supervision today. There are 10,000 in Tennessee alone, and we're not doing justice by these children.

Today's bill will help with kinship care and helping them get care when they have aged out of the system at 19, 20, 21, but there is so much more that we need to do.

So I thank my friend the gentleman from Washington (Mr. MCDERMOTT) for his amazing leadership in this year. It's an accomplishment what we are doing today. I urge all Members to support it. But this is just the beginning.

Mr. WELLER of Illinois. Mr. Speaker, it's a pleasure for me to yield to a distinguished member of the Ways and Means Committee, someone who has had a long-time interest in child welfare issues and a gentleman who has made a substantial contribution to this bipartisan legislation. I yield 6 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I would like to applaud Chairman MCDERMOTT and Ranking Member WELLER for their leadership in bringing forward this major piece of legislation that will change so many lives across our country.

We have a lot of challenges in our different communities, and one of the largest challenges is how we can help our foster children.

Can you imagine a child sitting in a living room, maybe 5 or 6 years old or maybe 10 or 12 years old, sitting in a living room watching television or maybe playing a game. Two strangers come to the door, knock on the door, and say, "You're now leaving. It's time for you to leave this family, and we're going to take you to a new family." Can you imagine the pain of that child? And in some cases it happens time and time again. Imagine two strangers showing up out of the blue to tell you that you have to move to another family.

Also imagine if you are a child that goes from family to family that you may not have the right prescription for your glasses and your family may not know that you need glasses, or you may get numerous tetanus shots as you go from family to family.

Mr. Speaker, these are some of the challenges that our foster kids are facing today in a system that is broken and needs our help and our assistance now more than ever, and we need to find creative ways to help these children and to help these families.

I have two children. Each are in their twenties. And I can assure you that after the age of 18, they keep coming home. And they are more than welcome in my home, but as Chairman MCDERMOTT mentioned, there's a lot of children that don't have a home to go to after the age of 18. So in the Nevada State Senate, I passed legislation that I think has changed a few lives in Nevada. I found a creative way to help fund a program between the ages of 18 and 21 for those children that don't have a home. It provides for education. It provides for a place for them to live, for health care, and for training. And it's generating about $1½ million a year today to help these foster kids.

I am proud to be a cosponsor of this legislation. And, again, I applaud our chairman and ranking member. There are some key areas of the bill that I know have been addressed, but certainly the fact that we now can help families work within families, helping grandparents and brothers and sisters and the extended family to get involved in a far faster, more efficient but also more caring way, plus the fact that there are requirements for the children to be in school and to finish school.

So, again, we need to help these kids that need our help the most. And, unfortunately, these children or that child sitting in the living room watching television today does not have high paid lobbyists that are out there pushing the needs of these children. They have Members of Congress and very caring Members of this U.S. Congress but also elected officials across the country. So I stand here today encouraging my colleagues to pass this legislation, to step up and provide these new tools for our local governments and for our communities.

Mr. Speaker, I appreciate this opportunity.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Philadelphia (Mr. FATTAH), who has been the chairman of the Forum on Children, which the Speaker created.

□ 1330

Mr. FATTAH. I rise today to commend both the chairman and the ranking member. I am in an all-day markup on the Homeland appropriations bill, but I left that markup because I think this is very important to our homeland security. The notion that as a Nation we would finally address some of the shortcomings in our foster care system, I think is so appropriate. I want to thank Chairman MCDERMOTT for his leadership on this.

This bill, particularly when we focus on kinship care, when we look at the whole question of aging out and the challenges, we held a forum the other day right here in the Capitol and heard from experts, but more importantly, heard from a former foster child herself about how she was told to leave immediately upon her 18th birthday and all of her belongings put in four trash bags. Now she's getting ready to graduate from one of our finest universities, and she's on the right track, but to think how abruptly she was treated by this foster family.

We need to look at, through all of these challenges, how we can better reform these systems. Hundreds of thousands of young people and their life chances are impacted. I join the ranking member and the chairman as a cosponsor of this bill. But this is just the beginning. There are other issues raised in the Invest in Kids Act; there are issues, and we have raised them in the bill that I have offered, to create a White House conference on children so that we can focus anew on what we can do to improve our entire foster child system.

I thank you for this time.

Mr. WELLER of Illinois. Mr. Speaker, can you tell us how much time remains on each side, please.

The SPEAKER pro tempore. The gentleman from Illinois has 11½ minutes. The gentleman from Washington has 9 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I want to start off by thanking Chairman MCDERMOTT for doing a fabulous job on this bill on behalf of foster kids generally.

Mr. Speaker, I rise in support of H.R. 6307, the Fostering Connections to Success Act. Many of my colleagues already know that I care deeply about foster care, in part because 8 years ago, my wife and I adopted two of our children from foster care.

We didn't know much about foster care back then, but we certainly are intimately familiar with it at this point, and familiar with the plight of foster kids in America. These children who come into foster care through no fault of their own face a number of inequalities compared to children who have not endured the type of abuse that typically places a foster child in care.

While foster parents receive Federal assistance to care for kids in their home, family members, many of whom would willingly care for their nieces and nephews, only if they had a little help to do so, are denied foster care payments. This legislation will end that misguided policy and provide that assistance to family members.

While biological children count on health insurance policies of their parents until the age of 25, foster children's health care coverage is often terminated on the night of their 18th birthday. Mr. Speaker, I want to believe that all children are self-sufficient on the day they turn 18, but as a father, both of us know better than that.

Earlier this year, I introduced legislation that would require health care coverage for children in foster care until the age of 21. Chairman MCDERMOTT lent his support to my bill, and I understand there is a similar provision in his bill to provide States with the option of extending health care coverage.

I hope that all States will exercise this option because parents don't walk out on their kids at 18, and neither should we.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. MCDERMOTT. I yield the gentleman 1 additional minute.

Mr. CARDOZA. Thank you, Mr. MCDERMOTT.

Finally, Mr. Speaker, this bill will improve the oversight of health care needs for our children in foster care. My wife is a family doctor, and she has been taken aback by the lack of oversight in the medical treatment of foster kids. The committee heard testimony from foster children who have been over-prescribed or mis-prescribed numerous medications. I know personally that my children received several rounds of immunizations, when they only needed one set.

It's about time we raise the standards for continuity of health care, medical records, and prescription drugs, and this legislation will in fact accomplish that. I will continue to work with my colleagues and fight on the behalf of abused and neglected children in America. I thank the gentleman who has authored this bill for doing the same, and I thank him for bringing this legislation to the floor.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself the balance of my time.

I am proud to say that this is bipartisan legislation designed to help children. Children need help. I am also proud to say that this legislation has a proud array of organizations that have endorsed it. I'd like to go through that list.

Organizations which have endorsed H.R. 6307, the Fostering Connections to Success Act: The Alliance for Children and Families; American Academy of Pediatrics; the Center for Law and Social Policy; Child Welfare League of America; County Welfare Directors Association of California; Foster Care Alumni of America; National Association of Counties; National Congress of American Indians; National Council for Adoption; National Indian Child Welfare Association; North American Council on Adoptable Children; Pew Commission on Children in Foster Care; Public Children Services Association of Ohio; Voices for America's Children; and also, Mr. Speaker, I have letters of support here from the Lutheran Services in America in support of this legislation, Catholic Charities USA, in support of this legislation, and also an organization which I am proud to say is headquartered in the 11th Congressional District of Illinois, which I represent, an organization that is respected, called the The Baby Fold, which is a long-time child welfare advocacy organization, as well as providing outstanding services children need.

In closing, I want to say this is good legislation, and I want to commend my chairman, Mr. MCDERMOTT, for working in a bipartisan way, reaching out to a broad array of organizations, reaching out to a broad, wide variety of Members of the House on both the Democrat and Republican side who care about kids in foster care, and ensuring children who have needs, that we work to help them.

This is good legislation. It's bipartisan. It enjoys the support of a wide array of groups. And it helps kids. That is our goal. That is the bottom line. We want to help children who need help.

Mr. Chairman, I, of course, again want to thank you for the opportunity of working with you. I look forward to working with you as we reach out to our colleagues in the other body as we work towards our goal of this legislation becoming law this year. I want to thank you for the spirit of cooperation and bipartisanship which you have extended to me, as well as other members on our subcommittee and the full committee and other Members of this body. For that, I want to congratulate you as well as thank you.

Mr. Speaker, again, I urge my colleagues to support this legislation with a strong bipartisan vote.

ORGANIZATIONS ENDORSING H.R. 6307, THE "FOSTERING CONNECTIONS TO SUCCESS ACT"

1. Alliance for Children and Families.
2. American Academy of Pediatrics.
3. Center for Law and Social Policy.
4. Child Welfare League of America.
5. County Welfare Directors Association of California.
6. Foster Care Alumni of America.
7. National Association of Counties.
8. National Congress of American Indians.
9. National Council for Adoption.
10. National Indian Child Welfare Association.
11. North American Council on Adoptable Children.
12. Pew Commission on Children in Foster Care.
13. Public Children Services Association of Ohio.
14. Voices for America's Children.

LUTHERAN SERVICES IN AMERICA,
Washington, DC, June 24, 2008.

Hon. JERRY WELLER,
House of Representatives
Washington, D.C. 20515

DEAR CONGRESSMEN WELLER: Lutheran Services in America (LSA) expresses its strong support for the Fostering Connections to Success Act (H.R. 6307). LSA member organizations are particularly supportive of the expansion of child welfare worker training funds to private, non-profit organizations. Many of LSA's member organizations, including Lutheran Social Services of Illinois, have been working in close partnership with states for many years to provide excellent services for children and families involved in the foster care system without access to federal training funds. This bill would enable our organizations to better train, develop and retain qualified, dedicated child welfare workers who have already shown such passion and dedication for their work and the people they serve.

LSA is an alliance of national Lutheran church denominations and their health and human service providers. LSA member organizations deliver more than $9.5 billion in services to more than six million people every year—that translates to one in 50 people in the United States. LSA members provide services in all 50 states and the Caribbean. The network of close to 300 organizations serves the elderly, children and families, people with mental and physical disabilities, refugees, victims of natural disasters and others in need. Through these efforts LSA is on the front lines of building self-sufficiency and creating hope in millions of lives.

Thank you for your dedication to improving the connections children in foster care have to relatives, schools and communities so they have a better chance to succeed. If LSA can be of further assistance, please contact Lisa Hassenstab.

Sincerely,

LISA M. CARR,
Senior Director of Public Policy.
LISA HASSENSTAB,
Associate Director of Public Policy.

CATHOLIC CHARITIES USA,
Alexandria, VA, June 24, 2008.
Hon. JIM MCDERMOTT,
Chairman, Subcommittee on Income Security and Family Support, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.
Hon. JERRY WELLER,
Ranking Member, Subcommittee on Income Security and Family Support, Committee on Ways and Means, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVES MCDERMOTT AND WELLER: I am writing to express our support for your recently introduced legislative proposal, "Fostering Connections to Success Act," H.R. 6307. This legislation advances a number of important improvements to the nation's child welfare system. Catholic Charities USA thanks you for your leadership in promoting stable homes for children in the foster care system through family, educational, and health care supports.

We are particularly pleased that your proposal includes the following improvements:

A state option to extend federal foster care payments to age 21 for children living in a supervised setting; a state option to continue federal assistance to relative guardians of foster children; an expansion of federal funds for training of child welfare workers in private agencies; family connections grants, including kinship navigator programs; notification to adult relatives within 30 days of a child's placement in foster care and reasonable efforts to place siblings together; coordination and oversight of health care services for children in care; and reauthorization and expansion of the Adoption Incentive Program.

Catholic Charities USA is one of the nation's largest private networks of over 1,700 social service agencies and institutions providing services to nearly 8 million people annually. As one of the nation's largest social service providers, we recognize the importance of a strong child welfare system in keeping families out of generational poverty. Catholic Charities USA strongly supports ongoing improvements to the child welfare system to protect and strengthen vulnerable children.

We look forward to working with you and your colleagues on these important reforms. Please do not hesitate to call on Catholic Charities USA if we can provide any assistance.

Sincerely,

CANDY HILL,
Sr. Vice President for Social Policy and Government Affairs.

THE BABY FOLD,
Normal, IL, June 23, 2008.
Hon. JERRY WELLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WELLER: On behalf of The Baby Fold, I would like to offer our full support of the bipartisan Fostering Connections To Success Act of 2008 (H.R. 6307). Thank you for your leadership in supporting and improving critical services for our nation's children and families.

Provisions of the Act will improve the lives of youth by addressing their basic needs for safety, stability, education, health and vocational preparation.

Kinship Guardianship Assistance Payments will support relative caregivers in being able to provide permanent loving family homes for their related children without unnecessary and costly long term government oversight. Having a sense of belonging to family is a key to children's long term success in life.

Family Connection Grants will provide critical funding for services to help at risk families overcome the obstacles that could result in their children being removed from the home and placed in substitute care settings. Investing in these types of prevention services will not only save families, but will save costs of longer term government services for these children and families.

Federal Matching for Training Private Sector Child Welfare Workers will enable private agency child welfare workers to receive the same training and federal reimbursement for training as public child welfare workers. In Illinois, the shift in caseload responsibilities for foster care has shifted substantially to the private sector child welfare sector, and yet Title IV E monies have not been available to offset the cost of private sector staff training. Private sector agencies have been absorbing the average cost of $5,000 per staff for required child welfare training. With State funding in Illinois being stagnant over the past 8 years, these unfunded but critical training requirements have threatened the viability of some agencies continuing to provide much needed foster care services.

The reauthorization and enhancement of the Adoption Incentives Program helps to offset the additional cost of recruitment of and training of adoptive parents for special needs children.

Thank you for your leadership in introducing this legislation and your continued support of our nation's children and families.

Sincerely,

KAREN ROUSEY,
Vice President of Programs.

I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I will only take a moment here at the end. The old rule we learned a long time ago is if you have the vote, shut up. So I am not going to make a long speech.

It has been a great pleasure to work with Mr. WELLER. The only thing I really am sad about is that you won't be here to work with me on the Invest in Kids Act in the next legislative session of this Congress.

This bill obviously does not do everything. One would always like to do more. But what we did today was what was possible and what we could pay for and what we could agree upon. I think that that is the important thing for people to realize, that the Congress does work together, and it works best when the sides work together on issues like this. They can be resolved, even though some of these have some sticking points here and there, they can be resolved, and in this case, the children are the beneficiaries. I think for that, the Congress should all be proud today as we vote unanimously, I hope, for this bill.

I think that there are children out there right now who are going to benefit from this, whose stories, many of which we heard in the committee, and if we stood here and told the stories that we heard in the committee, everyone would be in support of this bill.

Mr. STARK. Mr. Speaker, I rise to support important progress toward reforming our troubled child welfare system. Today, we can come one step closer to fulfilling our promise to abused and neglected children that we will protect them, heal their wounds, and provide them with stable and loving homes.

Anyone who has paid attention to the plight of our half a million foster children and the millions of former foster children should be angry at how miserably we have failed them. Once a child enters the system, we, the government, become their parents. Just like parents, we have a moral obligation to act in their best interests. Unfortunately, many foster children are cycled from placement to placement and school to school, over-medicated with psychotropic drugs, and kept apart from their siblings and other relatives who could provide them with support. Not surprisingly, former foster youth are not doing well. They are more likely to become homeless, incarcerated, disconnected from education and the workforce, or using drugs than nearly any other group of individuals. Perhaps most shockingly, these youth suffer from post traumatic stress disorder at rates comparable to Iraq war veterans.

The "Fostering Connections to Success Act" allows us to turn our anger into action. This legislation will create permanency for thousands of children by providing Federal assistance to grandparents and relatives who care for a foster child. In my home State of California, a State-funded Program exists to help ease the financial burden for relative caregivers. Much needed Federal support will ensure that this program will not be zeroed out during the current fiscal crisis and will be able to expand to help additional children. This bill also recognizes a truth that is obvious to any parent: turning 18 does not mean that a young person is ready to live on their own. I have heard from too many former foster youth that when they turned 18 they found their belongings placed in garbage bags with no idea where they would live or how they would support themselves. By extending assistance to foster youth until age 21, we an help ease their transition into adulthood.

Finally, this legislation takes important steps to promote educational stability for foster children and better oversee their medical care. During committee hearings we heard accounts from advocates and former foster youth about children on multiple psychotropic drugs prescribed by different doctors that never spoke to each other. Many foster children have serious and complex physical and mental illnesses. Their care must be coordinated and appropriate. This bill requires oversight and accountability to ensure that foster children are not overly medicated, but receiving effective, high-quality health care.

I am heartened that this legislation has strong support from both sides of the aisle. It should. These are our children and we should provide them with the same level of support we provide for children living under our own roofs.

Ms. BERKLEY. Mr. Speaker, I rise today in support of the Fostering Connections to Success Act. The provisions contained in this bipartisan legislation will benefit thousands of children and will help to promote stability and permanency in their lives.

The ultimate goal of our Nation's child welfare system is to promote safe, stable and permanent homes for America's most vulnerable children. The provisions of this bill will help to accomplish this by allowing States to continue foster care assistance for kids up to the age of 21, authorizing Federal assistance to relatives assuming legal guardianship of children for whom they have cared as foster parents, and extending and improving the Adoption Incentives Program.

While much more remains to be done to ensure the safety and well being of our Nation's foster children, I support this legislation as a commonsense and much needed first step in the right direction.

I urge my colleagues to support this legislation.

Ms. BACHMANN. Mr. Speaker, I rise today to support H.R. 6307, the Fostering Connections to Success Act. This vital piece of bipartisan legislation was designed to make much needed improvements to the child welfare system, focused on some of the most vulnerable among us—foster children.

There are more than 500,000 children in foster care nationwide today, many of whom come from troubled homes and have been moved from family to family several times. My husband and I have cared for 23 foster children, and I understand full well the struggles these children face on a daily basis. This bill goes a long way in alleviating some of the roadblocks standing in their way.

The main focus of this bill is to improve the accessibility foster youth have to essential services, their family, health care, and education. However, this legislation makes considerations for those not only actually in foster care, but for those who "age out" of the system—a group of young men and women who are often overlooked.

A key component of this bill is the extension of federal foster care payments up to the age of 21. We are considered adults at the age of 18 in this society, but reaching 18 does not automatically mean that an individual is financially independent. As these young men and women pursue a degree of higher learning, or whether they choose to start working, this bill will give them the financial help they desperately need. Too often their troubled past and unstable family background have not provided them the foundation of support to do it on their own.

Along with providing—for the first time—federal financial support for relatives who assume legal guardianship of foster children, this bill also expands coverage of federal funds for the training of child welfare workers to include private agency and non-profit workers who provide foster care and adoption services on behalf of the state. When combined, all of the components of this bill offer the overhaul our foster care system so sorely needs.

Today, I stand proud knowing that Congress is on the cusp of passing such a crucial piece of bipartisan legislation for America's youth. As a foster mother myself, I thank Congress for giving this matter the serious time and consideration it deserves.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 6307 a bill that makes a number of critical changes to the child welfare system to better connect children in foster care with the services, healthcare and education programs they need.

This bill includes legislation I introduced earlier this year which would provide tribes with the same direct access to federal funding for foster care and adoption services that states currently receive. Under current law, funds under Title IV–E of the Social Security Act cannot go directly to tribes, leaving Indian and Alaska Native children living on tribal lands without direct access to services which are an entitlement to all other children in similar circumstances. While most tribes provide some level of basic foster care or permanency services, they are not able to provide the comprehensive level of services that children under state custody receive via Title IV–E.

My legislation, which has been included in this bill, would remedy this situation by providing equity to Native American children who are in need of foster care and adoptive services. It would do this by allowing tribes to apply to the Department of Health and Human Services to directly administer Title IV–E foster care and adoption programs.

This legislation is supported by many child welfare organizations including Child Welfare League of America, the North American Council on Adoptable Children, the American Academy of Pediatrics, and the American Public Human Services Association as well as numerous tribes and tribal organizations.

I urge you to support H.R. 6307 to make sure that all children in foster care have a better chance at success in school and the workforce.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong support of H.R. 6307, the Fostering Connections to Success Act of 2008.

First, let me thank the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) for their leadership and bipartisanship in crafting this effort to assist children and families in our Nation's child welfare system.

Mr. Speaker, young people in the child welfare system have done nothing wrong. They are victims of abuse and neglect. H.R. 6307 will provide Federal support for kinship care, increase adoption incentives, and provide assistance for foster youth up to age 21. This bill opens the door by addressing many issues facing children in foster care and those who care for them.

I am particularly proud that our Subcommittee Chairman, the gentleman from Washington (Mr. MCDERMOTT) shared the words of my constituent, Mr. Anthony Reeves, a former foster care youth about the importance of making these changes. I am honored to have another outstanding young woman and former foster care youth from Georgia, Ms. Brittany Scott, interning in my congressional office this summer. When you see their passion and determination to commit, work, and act to change the lives of their friends, siblings, and the Nation's way of serving those most in need, you know we must take action.

This legislation is good; it is right. But we can do better, and we must do better. Across the country, case workers lack proper training and are overworked and underpaid. Foster children are expelled from the system at 18 with little to no support. Kinship care providers and adoptive parents lack support when caring for foster children. And when programs are in place they are often fragile because of lack of funding. We need to help those on the front lines.

One of the major components of Mr. MCDERMOTT's broader child welfare reform bill that I support is revising the so-called "look back" provision. Using an outdated 1996 Federal standard to determine poverty levels is a major reason that children are denied Title IV–E assistance in Georgia. Currently, only half of the abused and neglected children in foster care across the country are eligible for Title IV–E funding.

States continue to lack the funding needed to adequately improve services to youth in the child welfare system. States also face drastic cuts to the social services they provide as a result of the Deficit Reduction Act. These are just some of the many challenges that face our Nation's child welfare systems. We cannot afford to ignore them any longer.

We need to look across the board at new and diverse ways to make the process work better. We must come together and do what is right for America's foster care youth. Again, I applaud my Ways and Means colleagues for this strong bipartisan effort. I look forward to continuing to work with them on improving services, support, and assistance for those most in need.

I urge all of my colleagues to vote yes on H.R. 6307.

Mr. MCDERMOTT. I yield back the balance of my time, and urge my colleagues to vote for this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 6307, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1294) supporting the goals and ideals of National Save for Retirement Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1294

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 19 through October 25, 2008, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Save for Retirement Week, including raising public awareness of the various tax-preferred retirement vehicles;

(2) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the 2007 Fiscal Year Budget;

(3) supports the need to raise public awareness of the importance to save adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing the retirement savings for all the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us supports the goals and ideals of National Save for Retirement Week, which this year falls between October 19 and October 25, 2008. I want to thank my colleague, Mr. JOHNSON of Texas, for working with me to bring attention to the importance of retirement planning for American families.

We are living in a time when workers are being asked to shoulder an increasing share of the cost of saving for retirement. Even with an employee-sponsored retirement plan and the promise of Social Security benefits, Americans need to put additional money aside to ensure a financially secure retirement.

For many Americans, saving is becoming an increasingly difficult task as they struggle to meet their everyday obligations. Even in solidly middle-income families, financial resources are stretched thin as parents work to meet other pressing needs, whether it's purchasing health care coverage, paying for college, buying a tank of gas, or simply paying monthly bills on time.

Over the past several years, we have seen a dramatic shift in our retirement system. Most workers are no longer eligible for traditional pensions, which provide a predictable monthly benefit throughout retirement. Instead, workers are bearing more of the costs and investment risks of saving adequately for their retirement through workplace defined contribution plans, such as 401(k)s or through IRAs.

As a result, the value of most Americans' retirement benefits, and the security of their retirement, is now directly linked to their own decisions and the amount of dollars that they save over the years and the balance held in their accounts when they retire.

The dramatic shift towards individual defined contribution plans is clear. According to Employee Benefits Research Institute, only 10 percent of workers are currently covered by defined benefit plans, compared to 63 percent of workers who are currently covered by 401(k) plans. This stands in stark contrast to the reality of 30 years ago when it was just the opposite, when coverage rates were 62 percent for defined benefits plans and 16 percent for 401(k)s.

While this shift is empowering American workers to make more of their own financial decisions, many families are finding it difficult to save significantly to meet their retirement needs. It is particularly difficult during a time of economic uncertainty, as we are experiencing today.

It may be difficult but continues to be vitally important for Americans to prepare for retirement, to think about savings, especially given that half of all workers have less than 25 percent in total savings, whether for retirement or to help them in periods of financial difficulty.

As our country shifts towards an increasing reliance on individual savings and as families are tempted to dip into their retirement accounts to meet current everyday expenses during this time of high gas and food prices, it is more important than ever that we educate Americans about the pressing need to save even small amounts every year that they possibly can.

In my district, I have partnered with banks and credit unions and other financial institutions to host seminars to help provide information on how to make educated, financially responsible decisions about personal and family budgets and to help establish a habit of saving for the future.

I have even visited with schools in my district to help reach out to young people in order to emphasize the importance of saving for the future. It is never too early to learn that every little bit we save now will help in the long run.

So whether you're a 16-year-old receiving your first paycheck, or a 25-year-old getting your first real raise, or a 45-year-old with a mortgage and two kids, the habit of putting a little bit away every month in regular savings can, with the help of compound interest, add up to a more secure retirement.

□ 1345

The resolution before us supports and encourages educational opportunities on a national scale and creates a collaborative effort to emphasize the importance of making savings for retirement a priority for all Americans.

Mr. Speaker, I urge my colleagues to support this resolution so that we can help Americans create a financial security for themselves in their retirement years.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1294, to recognize the goals of National Save for Retirement Week. I am pleased to join my colleague from Pennsylvania, Representative ALLYSON SCHWARTZ, to again introduce a resolution in support of National Save for Retirement Week.

The week is designated this year as October 19–25. You know the best time for Americans to save is on payday. That is when they have got the cash. When employees save through their employer-based retirement plan, the money comes out of their paycheck before other tempting priorities get in the way.

Saving for numero uno ought to be every working American's top priority before spending on optional things like dinner, movies, or, I hope today, still buying a shiny new car. Saving for retirement is not as flashy or fun as many competing priorities, but the only way most of us are ever going to be able to afford retirement in the future is by saving today.

This spring, the Employee Benefit Research Institute released its annual retirement confidence survey that shows Americans' confidence in their ability to afford a comfortable retirement has dropped to its lowest level in several years. This drop in confidence represents several concerns, but the big concerns I hear about are the overall state of the economy, the weak stock market and concern about one's own job security.

The answer to these concerns, in my opinion, is to save in an employer-based retirement plan. The first reason is that most employers match the employee contributions. If an employee puts 1 percent of earnings into a plan, many employers match that contribution dollar for dollar. That means the employee gets a 100 percent rate of return. Even if the market slides a little bit, the employee still comes out ahead because of the company match. Many employers match even more generously, up to 4 or 6 percent of salary. When an employer is handing out free money, I encourage all employees to get in line and let's say "yes."

A second reason to save at work is our economy is going to recover soon and employees can look at their current stock market purchases as buying low. The formal term for regular purchases in the stock market is dollar cost averaging. That means you purchase mutual funds or stocks at regular intervals, such as on payday, regardless of share price. Under dollar cost averaging, when the market prices are low, you end up buying more shares with a set amount of money, and when market prices are high you buy fewer shares with your set amount of dollars. Buy low, sell high. It works every time to build wealth.

The third reason to participate in an employer-based retirement plan is that the sooner people save money, the sooner the most powerful force on Earth can work for them, the power of compound interest. With an average of 8 percent return, money doubles every 9 years. The cost of living in the future, even in retirement, is not going to go down, but money saved early in one's work life will make retirement easier.

Another powerful force in saving is inertia, sometimes described as a body at rest stays at rest, or a body in motion stays in motion. Employers and Congress recognize that principles of inertia often means that employees never get around to affirmatively signing up for retirement plans at work.

To address inertia, Congress passed a law to allow employers to automatically enroll employees in retirement plans and get those savings rolling forward with the power of compound interest. The amazing thing is we are now seeing roughly 90 percent employer participation in retirement plans with an automatic enrollment, up from previous levels of roughly 70 percent. I am glad to see this new law is working.

Last year, after we enacted a similar resolution, I was happy to see reports about the number of employers that promoted National Save for Retirement Week. There were lots of employee benefit fairs, promotional enrollment meetings and seminars, and other employers printed up new brochures for employees to review regarding the importance of retirement savings. I hope to work with more employers in my congressional district this year to bring the message of Save for Retirement Week to employees.

Mr. Speaker, I know that Americans are strapped for cash and that right now saving is a hard thing to do. Rising gas prices are taking bigger and bigger bites out of everyone's income. It is hard to set aside retirement money for years down the road. It feels like right now there is a lot of month left at the end of every paycheck.

But Americans don't want to work forever, and the only way to retire is to plan and save. I would encourage everyone to go to the Web site choosetosave.org and use any of the calculators that help to plan for retirement, college savings, and budgeting in general. Planning is a great first step to financial security.

Mr. Speaker, we know that Americans who have only Social Security as retirement income end up in poverty. As much as some of my colleagues hate to admit it, Social Security has a serious funding problem in a relatively short time and we need to address the problem. We can't just tax our way out of that problem either.

Part of the reason for our horrible national savings rate is that Americans are paying a whopping 15 percent of salary between their individual share and their employer's share in payroll taxes.

In 1984, when payroll taxes went up dramatically by 5 percent, the national savings rate fell by the same amount. Congress took those payroll taxes out of Americans' pockets in order to fund Social Security and Medicare, with the promise that the programs would always be there to pay benefits in the future. The problem is our programs face huge structural deficits, and Americans have not been saving. We need to change a lot of things, but the first thing we can do is get people to start saving. Americans need to save at work where they generally get a match from their employer and where the money goes down to their own retirement accounts before expenses get in the way.

I look forward to working with employers and financial institutions in my Dallas and Collin County representation areas later this year to promote National Save for Retirement Week, which will happen the week of 19 October through 25 October.

Mr. Speaker, I want to thank ALLYSON for introducing this legislation.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Ms. SCHWARTZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. SCHWARTZ. I just want to close by thanking my colleague Mr. JOHNSON for working with me on this legislation this year, and for encouraging even in these difficult economic times that all Americans think about saving even a little bit of I week. With compound interest, it does add up, particularly if you start young to do that. But any time is good. And certainly as we recognize that there is increasing reliance on our own individual ability to save and to think about the future, this is an important resolution that can help Americans have greater financial security in their retirement.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ) that the House suspend the rules and agree to the resolution, H. Res. 1294.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FEDERAL PRICE GOUGING PREVENTION ACT

Mr. STUPAK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6346) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6346

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Price Gouging Prevention Act".

SEC. 2. UNCONSCIONABLE PRICING OF GASOLINE AND OTHER PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—It shall be unlawful for any person to sell, at wholesale or at retail in an area and during a period of an energy emergency, gasoline or any other petroleum distillate covered by a proclamation issued under paragraph (2) at a price that—

(A) is unconscionably excessive; and

(B) indicates the seller is taking unfair advantage of the circumstances related to an energy emergency to increase prices unreasonably.

(2) ENERGY EMERGENCY PROCLAMATION.—

(A) IN GENERAL.—The President may issue an energy emergency proclamation for any area within the jurisdiction of the United States, during which the prohibition in paragraph (1) shall apply. The proclamation shall state the geographic area covered, the gasoline or other petroleum distillate covered, and the time period that such proclamation shall be in effect.

(B) DURATION.—The proclamation—

(i) may not apply for a period of more than 30 consecutive days, but may be renewed for such consecutive periods, each not to exceed 30 days, as the President determines appropriate; and

(ii) may include a period of time not to exceed 1 week preceding a reasonably foreseeable emergency.

(3) FACTORS CONSIDERED.—In determining whether a person has violated paragraph (1), there shall be taken into account, among other factors—

(A) whether the amount charged by such person for the applicable gasoline or other petroleum distillate at a particular location in an area covered by a proclamation issued under paragraph (2) during the period such proclamation is in effect—

(i) grossly exceeds the average price at which the applicable gasoline or other petroleum distillate was offered for sale by that person during the 30 days prior to such proclamation;

(ii) grossly exceeds the price at which the same or similar gasoline or other petroleum distillate was readily obtainable in the same area from other competing sellers during the same period;

(iii) reasonably reflected additional costs, not within the control of that person, that were paid, incurred, or reasonably anticipated by that person, or reflected additional risks taken by that person to produce, distribute, obtain, or sell such product under the circumstances; and

(iv) was substantially attributable to local, regional, national, or international market conditions; and

(B) whether the quantity of gasoline or other petroleum distillate the person produced, distributed, or sold in an area covered by a proclamation issued under paragraph (2) during a 30-day period following the issuance of such proclamation increased over the quantity that that person produced, distributed, or sold during the 30 days prior to such proclamation, taking into account usual seasonal demand variations.

(b) DEFINITIONS.—As used in this section—

(1) the term "wholesale", with respect to sales of gasoline or other petroleum distillates, means either truckload or smaller sales of gasoline or petroleum distillates where title transfers at a product terminal or a refinery, and dealer tank wagon sales of gasoline or petroleum distillates priced on a delivered basis to retail outlets; and

(2) the term "retail", with respect to sales of gasoline or other petroleum distillates, includes all sales to end users such as motorists as well as all direct sales to other end users such as agriculture, industry, residential, and commercial consumers.

(c) CONSTRUCTION.—As described in this section, a sale of gasoline or other petroleum distillate does not include a transaction on a futures market.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. In enforcing section 2(a) of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of gasoline and other petroleum distillates in excess of $500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates this Act with actual knowledge or knowledge fairly implied on the basis of objective circumstances shall be subject to—

(A) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(B) a fine of not more than $3,000,000.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties obtained under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 4. CRIMINAL PENALTIES.

(a) IN GENERAL.—In addition to any penalty applicable under section 3, any person who violates section 2 shall be fined under title 18, United States Code—

(1) if a corporation, not to exceed $150,000,000; and

(2) if an individual not to exceed $2,000,000, or imprisoned for not more than 10 years, or both.

(b) ENFORCEMENT.—The criminal penalty provided by subsection (a) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice.

SEC. 5. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 2(a) of this Act, or to impose the civil penalties authorized by section 3(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act, involving a retail sale.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 6. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under section 3 of this Act shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, the fund shall be used to provide assistance under the Low Income Home Energy Assistance Program administered by the Secretary of Health and Human Services.

SEC. 7. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this Act shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this Act preempts any State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the U.S. House of Representatives has an opportunity to vote on my legislation, the Federal Gas Price Gouging Prevention Act, H.R. 6346. Every Member of the House will face a simple choice: Vote to stand up for consumers, your constituents, who are paying outrageous gas prices at the pump, or vote to allow oil companies to go on setting them unchecked.

As of last night, the national average for a gallon of gasoline, regular gasoline, was $4.07. With rising prices, it makes sense that we vote on this legislation before the House leaves for the 4th of July holiday and millions of Americans fill their gas tanks and hit the road. Or even as we look forward to this winter, with home heating oil at $3.98 per gallon, it will be impossible for people to heat their homes this winter.

The high cost of energy produces more opportunities for multiple opportunities to have price gouging and price manipulation. Unfortunately, with these high prices, fewer families will be traveling this year, and that takes an especially hard toll on districts like mine that rely on tourism.

As I travel my vast northern Michigan congressional district, I have heard from everyone from clergy to farmers to seniors who are outraged by prices at the pump. They are shocked to learn that there is no Federal law against gas price gouging. Just as speculators are driving up prices on the global energy markets, unscrupulous wholesalers, retailers and refiners operate without the Federal oversight to ensure prices are fair and justified.

Twenty-nine States and the District of Columbia have put their own price gouging laws into place, but there is no uniform standard as to price gouging. Absent Federal action, Michigan Governor Jennifer Granholm is pushing State legislation that would give the Michigan Attorney General full authority to investigate price fixing and gas gouging at Michigan's gas pumps.

In Michigan, in fact, in my district, we have seen recent evidence of price gouging. An energy company of Kansas City, Missouri, opted to settle a class action suit brought under the Michigan's Consumer Protection Act in May over charges that they charged at least $1 above the State average over energy this year. I am pleased a deal was reached that will provide Michigan consumers with recourse, but I have a hard time believing this is an isolated case. If price gouging is occurring in my district, I have to believe it is not happening in other parts of the country and we need a uniform law to prevent it and enforce penalties on those who violate it.

Because there is no Federal law against price gouging, the Federal Trade Commission has never prosecuted a case of gas price gouging. Let me give you an example.

After Hurricane Katrina, the Federal Trade Commission at the request of Congress examined gas prices and found 23 percent of the refineries looked at, 9 percent of the wholesalers looked at and 25 percent of the retailers that were reviewed had increased prices that "were not substantially attributed to increased costs" and "could not be attributed to national market trends."

In other words, they were price gouging after Hurricane Katrina. Yet, the FTC was still powerless to act because there is no law against gas price gouging. I hope my colleagues in the other body will take action and join the House in passing this bill and work toward giving Federal agencies the tools to provide effective oversight of energy companies. There is no reason for my colleagues on either side the aisle to vote against my legislation.

Today, every House Member has a choice: Side with big oil companies who are making obscene profits, or side with the American consumer.

□ 1400

A vote against my bill is a vote against consumers and a vote for Big Oil. I am pleased to be joined by other Members and colleagues who are here to work very hard on this issue with me.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 6346. I know it is very similar to a bill that my friend introduced a year ago, and I think we even had a vote on the House floor a year ago on the bill, but there are some changes. Let me give the process argument against it, and then I will give the policy argument against it.

The process argument against it is a bill that is introduced on one day, is voted out of the House Floor the next day. That certainly shows a speedy government, but it doesn't show due process under the normal rules of the House of Representatives.

It would be good to have a legislative hearing on the bill and to have either a subcommittee and/or, and preferably or, a full committee markup. We have a number of bills right now that have been introduced on oil speculation in the futures markets. My friend, Mr. STUPAK of Michigan, has introduced a bill, I have introduced a bill. He and I and the chairman of the full committee, Mr. DINGELL, are on a bill together on that issue. We had an excellent oversight hearing yesterday that Chairman Stupak chaired. We have got a commitment from Chairman DINGELL that we are going to have a legislative hearing and go through regular order on the oil speculation bill. So we will have an oil speculation bill on the floor hopefully within the month that will have gone through the process, that will be bipartisan. This bill doesn't meet that test. It was introduced in its current form yesterday and we are voting on it on the floor today.

Now, as to the substance of the bill. Let me read into the record some information on prices. These are national average gasoline prices in the United States of America.

In 2006, the average retail price was $2.56 a gallon. This is the national retail price for self-serve unleaded gasoline. The average retail margin was 14 cents, and the average credit card fee was a little over 6 cents. Last year in 2007, the average retail price had gone up to $2.79. The average retail margin was still 14 cents, and the average credit card fee had gone up to 7 cents.

So far, for data that we have this year for calendar year 2008, the average retail price has jumped to $3.37. Now we know as a side note that as of today the average national retail price is a little over $4, I believe $4.07. The average retail margin has gone down to 12 cents, so we have lost 2 cents in retail margin, and the average credit card fee has gone up 8.4 cents.

So based on, such as there is, the definition of price gouging in this bill, which if you go over to page 3 of the bill, they don't directly have a definition of price gouging, but in the factors considered on page 3 of the bill it does speak about a price that grossly exceeds—we don't know what grossly means—grossly exceeds the average price at which the applicable gasoline or other petroleum distillate offered for sale during the 30 days prior to a proclamation, which is a presidential emergency proclamation, or grossly exceeds the price at which the same or similar gasoline or petroleum distillate was readily obtainable in the same period.

So to the extent we have a definition of price gouging in this bill, it is based on an average price 30 days prior or an average price in the same period.

Based on that kind of implicit definition, we don't have price gouging, as far as I can tell, going on in the United States of America today. We do have high prices. There is no question that an average national price of $4.08 a gallon for self-service unleaded is a price that we should not be having to pay right now. But the reason we have that price is not because of price gouging at retail. If the average national price is a little over $4, and that is the average, in some parts of the country I am told out in California it is up over $4.20. In my State in Texas, I did not see but I was told that in Dallas near Love Field they were having a gas price war and you could get a gallon for $3.62, which is a price that is certainly preferable to $4 or $4.50. But according to the statistics that I have, we don't have price gouging going on in the United States of America.

The second point. I am not aware of any pending State action on price gouging. And almost every State in the Union has State law that gives the State Attorney General the ability to go after price gougers within the boundaries of that State. Now, my friend from Michigan may have information about some price gouging efforts that are going on at the State level, but I don't have that information. That would indicate that we don't—again, we have high gasoline prices and high diesel prices and high fuel oil prices and high aviation fuel prices, but it is not because of retail or wholesale price gouging.

The second issue with the bill, it requires the declaration of a Presidential energy emergency. I am going to read that title or that paragraph:

The President may issue an energy emergency proclamation for any area within the jurisdiction of the United States during which the prohibition in paragraph 1 shall apply. The proclamation shall state the geographic area, the gasoline or other petroleum distillate covered, and the time period that such proclamation shall be in effect.

The bill doesn't give any definition as to why the President should declare an energy emergency, but it does say that, in order for the bill to go into effect, the President has to declare that emergency. It has the term in the bill unconscionable pricing, but again does not define it. It just says unconscionably excessive, or the seller is taking unfair advantage. It doesn't define that.

So here we have a bill that has not been through any kind of a process, no hearings. My good friend from Michigan did introduce a similar bill last year, and so it is obviously something that perhaps at the Federal level—and I say perhaps. I am not saying it should be, but I will admit that it could be addressed. We passed a price gouging bill in the last Congress in this body. It went to the other body, it went to the Senate, and was not passed over there.

So I can't say categorically that I am opposed to any price gouging legislation. But I do think, on process grounds, it ought to go through the committee system. And I think on policy grounds, this bill is undefined, it doesn't state the reasons the President should declare a national emergency, it doesn't define what unconscionably excessive is. It appears to base when you would bring a finding based on an average price that was it in a region 30 days before the current period or a price in the region in the current period that is grossly excessive. And, again, it doesn't define grossly excessive.

So Mr. Speaker, I know there is a lot of pressure on the Congress doing something. I would state we would be better served to look at the underlying fundamentals, and the underlying fundamental is pretty straightforward:

Oil is a fungible commodity. It can be produced anywhere in the world; and once it is produced, it can be shipped and refined anywhere in the world. We are currently consuming worldwide about 85 million barrels of petroleum products, and we have the capacity to produce about 86 million barrels. So we have about a 1 million barrel per day surplus production capacity. That is less than 1 percent.

Any time you get the oil markets less than 3 percent capacity in terms of surplus over the demand, you are going to have what is called a very tight market, and the prices are going to tend to spike because there is enough uncertainty in the market that people will bid up, not necessarily in the United States, but in China and India and the developing countries where demand is high and increasing, they will bid these high prices to get that marginal barrel of oil.

What we need to do in this Congress on this floor is bring to the floor bills that address the fundamental supply situation. The United States of America is a treasure house of energy resources. We have 2 trillion barrels of shale oil reserves. We have a 300-year supply of coal that we can convert to liquids. We have hundreds of billions of barrels potentially of oil reserves that are off-limits in the Outer Continental Shelf and in the State of Alaska and on the Federal lands and the lower 48 that we have put off-limits from drilling.

Only 6 percent of the Federal lands in the United States have been made available for leasing under current law. We need to unlock our treasure house. We need to at least start the process of letting there be an opportunity to increase American made energy for America's families. And if we do that, we won't need to depend on false remedies like price gouging legislation. We can bring to the floor bills that increase our supply. And as our supply increases, the price we have to pay will go down, will change domestically and in the world the fundamental supply/demand equation. That is why we have high prices. We are not meeting the demand for energy in the United States from American-made energy, but we could do a lot better.

So I have great respect for my friend from Michigan. I understand it is difficult to focus on the long term in the mid-term strategy. But bringing bills like this to the floor, they may be politically satisfying, but they do not do anything to address the underlying problems. So I would hope that we would vote against this legislation, and then work together on substantive issues that will address the supply and demand inequality.

Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, before I yield to Mr. MARKEY of Massachusetts, if I may just respond a little bit to my good friend, Mr. BARTON.

I agree with him, we need to have a short-term and long-term strategy. And as the former chairman of the Energy and Commerce Committee, my friend Mr. BARTON knows that this is my third bill we have had on price gouging. And the reason why we have it is short term, like in Midland in 2005 where gas went up 75 cents in one day, that is price gouging. Or in Escanaba, you wake up and it is 30 cents in one night. What happened in that one night? Or if you take a look at it, the reason why we need a Federal law, because as we see in the bill it is wholesale. So when refineries increase their prices 255 percent from September 2005 to September 2006, for a State like mine to enforce a price gouging legislation we need a Federal law to help them out.

And the Presidential emergency the gentleman brought up; we need that because, as you know, before Hurricane Katrina gas went up over $5 a gallon before the hurricane even struck. Therefore, you need a President who can step forward and say that is excessive, that is not necessary in this region, we will keep gas prices at a reasonable price.

As far as the millions of acres and the drilling that should be done, and I know the Republican Party has been advocating we should drill more and drill more and drill more, but I would remind the gentleman that for the last 6 years, when the Republican Party controlled the House, the Senate, and the Presidency, you never sought to open up those areas now, because there is about 48 million acres of oil leases unused. I hope later this week we will have a chance to vote on a piece of legislation called Use It Or Lose It. It is unfair for oil companies to tie up our areas and refuse to drill in it when they have leases on it. So if you don't use that lease, let's give it up to someone who will drill, who will bring the oil to the surface, and therefore we can help to address our energy needs.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in strong support of this legislation. And I want to commend especially the gentleman from Michigan (Mr. STUPAK) for his historic leadership in bringing this bill to the floor.

Time and again, the opponents of Mr. STUPAK's measure have exhorted us not to interfere with the free market, not to let the Federal Government help consumers in the face of price gouging.

□ 1415

Even as gas prices have sped past $4 a gallon, it is all just a matter of supply and demand, say the oil companies and Republican leaders in Washington. Well, it is a matter of supply and demand: consumers are being forced to supply whatever money the oil companies demand from them at the pump.

The oil companies have the consumer over a barrel, a barrel of oil, that the oil companies control and that they price. They tip the consumer upside down at the pump every single day and shake every bit of money out of their pockets, which they can.

The Christians had a better chance against the lions than the American consumer has against the oil companies at the pumps in the United States today. And all we are saying, all Mr. STUPAK is saying is let's give the Federal Government a sword to get into the battle, to get into the arena on behalf of the American consumer.

The bill before us today would give the Federal Trade Commission new authority to investigate and punish the wholesale or retail sale of gasoline or other petroleum distillates at prices that are unconscionably excessive, or take unfair advantage of consumers during any Presidentially declared national or regional energy emergency.

The Republicans think that is terrible. Why would you pass a law against unconscionably excessive or unfair practices that are tipping the consumers upside down. Don't give the Federal Government that kind of authority to take on the oil and gas industry. And President Bush and Dick Cheney, the oil President and Vice President for 8 years, are saying that they will veto legislation that gives authority to go after excessive, unconscionable pricing of gasoline.

Under the bill, the Justice Department could impose criminal penalties of up to $150 million on corporations, and fines of up to $2 million and jail sentences of up to 10 years for individuals. The legislation would give the regulators the tools they need to more aggressively aid consumers when the oil companies are turning them upside down.

When President Bush took office, the price of oil was $30 a barrel. A couple of years ago, oil at $100 a barrel was unthinkable. Now we are up to $135 a barrel.

So the first energy crisis back in 1973–1974, it was an oil embargo; 1979–1980, a revolution in Iran. What has been going on for the last year? How could the price of oil double and everyone says it is not a crisis in the White House. How about manipulation. How about fraud. How about the consumer being taken advantage of at the pump.

I thank the gentleman for his good leadership.

Mr. BARTON of Texas. I would like my good friend, Mr. MARKEY, to stay at the microphone and let's have a little colloquy, if he is willing.

I recognize myself for 1 minute just to make an observation.

I don't know, Mr. Speaker, that this is a totally true story, so that's why I needed Mr. MARKEY's input. But I am told when he was a young man, he sold ice cream cones and Popsicles outside of Fenway Park. I am also told that he bought or purchased those ice cream cones and Popsicles at a very low price, and he tended to mark the price to market in a somewhat monopolistic fashion. And so depending on how hot the day was and how heated the Red Sox nation was, he was known to price those Popsicles in a way that maximized his profit.

Now my question, if he is willing to answer it, would he consider what he did selling Popsicles and ice cream cones outside of Fenway Park as a young lad, would he consider that unconscionably excessive price gouging, or would he consider that simply being a capitalistic entrepreneur?

The SPEAKER pro tempore (Mr. BLUMENAUER). The gentleman's time has expired.

Mr. BARTON of Texas. I continue to yield myself such time as I may consume.

I am happy to yield to my friend to give us an explanation of his pricing scheme selling ice cream cones at Fenway Park.

Mr. MARKEY. I hate to say this because there is a bit of the capitalist, the unregulated capitalist in all of us. But when I had my Fudgsicles, my chocolate eclairs, my strawberry shortcakes, my twin fudges, and Mr. Softie wasn't coming down the same street, there is a tendency to try to raise the price because there is no one else in the market and there is no regulator going up and down those streets. And if you are outside Fenway Park and there are 35,000 fans coming out and there is no regulator around to say what you can charge as an audience is coming toward you in desperate need of a Popsicle, of a Fudgsicle or a Coke, you have a tendency without a regulator to charge unconscionably high prices.

Now at the time, I didn't think of it that way because, of course, the capitalist never thinks that way. That is why you need regulators to protect consumers against anyone who is selling any product in the marketplace. And that's the lesson I learned.

And I decided early, I was not going to do that any longer, I was going to move over to the regulatory side to protect consumers against human nature that sometimes can affect certain corporate chieftains, especially in the oil industry, to tip consumers upside down and take advantage of them.

Mr. BARTON of Texas. Reclaiming my time, it seems to me that given the circumlocutory answer that I got from my friend from Massachusetts, that he did tend to price somewhat above the market, and he seems to at the time take glee in it.

Mr. MARKEY. I feel guilty about. I feel very guilty about it.

Mr. BARTON of Texas. The statute of limitations under the Commonwealth of Massachusetts has expired.

Mr. Speaker, if it is still my time, I want to yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding, and I certainly regret I didn't have an opportunity to negotiate a Popsicle with the gentleman from Massachusetts. I am sure that would have been an interesting experience; about as interesting as this experience is in debating a bill which I feel has a lot to do with feel-good politics, a bill that is particularly unworkable, I fear may lead to de facto price controls, and really takes our attention off of the challenge that we face, and that is to increase American production of American energy.

As much as Members of Congress might like to do it, in over 200 years I have yet to see the ability to repeal the laws of supply and demand. And so again, I am sure the gentleman from Michigan is very sincere, and I know that he has worked on similar legislation for quite some time, but when we talk about price gouging and an emergency situation, what are we doing to bring down the price of gas at the pump today.

Instead, we have a piece of legislation that is going to allow Federal regulators, bureaucrats that according to the gentleman from Massachusetts, appear to be the savior of the Nation, to tell us what is, quote, "unconscionably excessive," and "taking unfair advantage" related to "an energy emergency to increase prices unreasonably." So now we are going to have a Federal bureau come in and tell us what are reasonable prices and reasonable situations.

The FTC, the Federal Trade Commission, after Katrina researched this issue. They could find very little evidence of it. We have unconscionably high gas prices in America, but it has everything to do with a Congress that wants to put its head in the sand and produce no energy.

Our friends from the other side of the aisle, the Democrats, since taking over the energy policy of the Nation, since taking over the economic policy of the Nation 18 months ago, have overseen gas prices that are now 75 percent higher. They have attempted to beg their way, beg OPEC to somehow produce more and bring down the cost of energy. Well, if we can't beg them, maybe we should sue them. We have had legislation to sue OPEC. We are going to sue for lower prices at the pump.

Well, if that doesn't work, maybe we can tax. Let's tax oil producers. Well, Mr. Speaker, the only challenge with that is once you tax them, they turn around and put it in the price of the product, and the poor, beleaguered consumer who is going to the convenience store trying to decide do I buy a gallon of milk or do I buy a gallon of gas, he ends up paying for it. I mean, these are policies that are out of the 1970s. President Carter and a Democrat Congress tried them; they failed. We became more dependent using these types of policies on foreign sources of energy.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BARTON of Texas. I yield the gentleman an additional 30 seconds.

Mr. HENSARLING. We have tried these policies. It is deja vu all over again. What our friends on the other side of the aisle won't do is open up ANWR where we know we have half of the Nation's proven reserves. Almost 85 percent of our deep sea energy resources have been put out of bounds.

Listen, we all agree, we need to develop renewables. We need to develop alternative sources of energy, but people have to go to work every day and take the children to school every day. This bill does nothing to help them. We need to produce American energy in America today.

Mr. STUPAK. I yield 2 minutes to the gentleman from northern New York (Mr. HALL) who has been a real advocate and a fighter for lower energy costs since he came to Congress 18 months ago.

Mr. HALL of New York. Mr. Speaker, in my district, my constituents are complaining and wondering why one day a gas tanker pulls up to a service station and fills a tank underground at the price of that day, and 2 days later the world price of crude oil goes up and the guy at the local gas station goes up on a ladder and changes the numbers, raising the numbers from $4.17 to $4.29, or whatever it is currently in the 19th Congressional District. We are well above $4 for regular. Why is it that gas that is already in the ground goes up on the world price of crude, but when the world price of crude comes down, the price at the pump detaches from it and keeps going up or staying up?

They ask me this question, and I ask people down here who supposedly know what they are talking about, and they tell me: Oh, it's a commodity. It fluctuates on the commodity market.

Well, I call it the rockets-and-feathers syndrome. The price of gas goes up like a rocket, and it comes down like a feather. And it never seems to deviate from that. While American families are scrimping, oil company profits are soaring. The Big Five's profits jumped a whooping $37 billion this quarter.

After the Bush administration's drill first and ask questions later policy has padded oil profits on the backs of working families, it is time for us here to look out for American drivers.

The Federal Energy Price Gouging Prevention Act, which I strongly support, will give the government the authority to investigate and punish anyone who takes advantage of consumers by running up energy costs with a steep fine and jail time.

After Hurricane Katrina, the FTC found 23 percent of refineries, 9 percent of wholesalers, and 23 percent of retailers had price spikes that could not be explained by increased costs or market trends.

We need to be aggressively vigilant to ensure that none of that behavior is going on and consumers are protected. President Bush threatened to veto this bill the last time Congress tried to take this action. I hope that this time he and his allies will for once choose to stand with the American driver and against Big Oil.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time because I only have one more speaker who is not on the floor.

Mr. STUPAK. Mr. Speaker, it is my pleasure to yield to the gentleman from New York (Mr. ARCURI), a freshman Member who has been a great advocate for increased energy, not only supply but lower prices here in this country, for 2 minutes.

Mr. ARCURI. I thank the gentleman from Michigan for yielding.

Mr. Speaker, traveling across my district, there is one thing I hear about again and again, and that is gas prices. Whether it is at the grocery store or at the gas pumps, Americans are feeling the crunch. Skyrocketing gas prices are hitting hardworking families across my upstate New York district and across the country.

Today, we will take one more step to bring down gas prices by cracking down on price gouging by big oil companies. The Energy Price Gouging Prevention Act would provide relief for consumers by giving the Federal Trade Commission the authority to investigate and punish companies that artificially inflate the price of energy.

The largest oil companies have seen record profits and record paychecks for their CEOs, while middle-class families struggle just to fill up their tank. It is time to hold them accountable.

Under this bill, the Justice Department could impose criminal penalties of up to $150 million on corporations and jail sentences of up to 10 years to crack down on wholesale and retail companies charging unconscionable and excessive prices. Penalties from price gougers would go to the Low-Income Home Energy Assistance Program, LIHEAP, to help families with heating and air conditioning bills. Already this Congress has fought to increase domestic oil supply and hold OPEC and speculators accountable for price manipulations.

□ 1430

We have invested in new alternative energy sources that will decrease our dependency on finite fossil fuels and create good-paying jobs in places like Upstate New York.

Mr. Speaker, we owe it to our constituents and to our children and grandchildren to do everything we can to bring down outrageous gas prices, put our economy back on track and make sure that this country is on a new path to energy independence and success.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL) who sits on the Ways and Means Committee and knows the ins and outs of the oil industry.

Mr. PASCRELL. Mr. Speaker, I'm proud to rise in support of H.R. 6346, the Federal Price Gouging Prevention Act. And I want to commend the gentleman from Michigan not only for this legislation but other legislation he's put forward debunking the theory that this is simply a supply-and-demand problem. It is not. It is not.

The New York Mercantile Exchange laid it out very clearly. The speculators have increased their share of oil futures, oil future contracts to 71 percent this year from 37 percent in 2000. At the same time, the contracts held by traditional oil users have fallen to less than 30 percent from more than 60 percent. So while this piece of legislation talks about gouging at the pump, there is gouging going on Wall Street; and if you don't want to recognize it, that's your problem. The American people want answers.

In these tough economic times, price gouging is a very real problem for Americans struggling to get to work. How about that for openers. As prices climb, so does the potential for consumers to be gouged at the pump. Now, it's $4.07 a gallon; when the President took office in January of 2001, $1.36. That's a 270 percent increase. The food becomes more expensive, millions of Americans lose their jobs.

It is shameful that unscrupulous vendors try to make a quick buck by artificially inflating the price. Just last week, officials in my home State of New Jersey issued 350 citations for price gouging-related offenses after surveying 1,000 gas stations. 350 citations. Where is the urgency? If you don't understand the urgency, then we ought to go back to 101.

H.R. 6346 will ensure that those who engage in this practice are not only investigated and found guilty, thoroughly punished, just like what we should do to those on Wall Street who gouge those prices who have speculated and speculated and got us to believe at a time when consumption and supply is just about the same as last year. That's ridiculous.

This bill directs penalties from price gougers to the Low-Income Home Energy Assistance Program to help families with their heating and their air-conditioning bills. Twenty-eight States, Mr. Speaker, have anti-price gouging laws on the books. And it's time for the Federal Government to do exactly the same thing.

I urge my colleagues to support Mr. STUPAK in his efforts and to support the Federal Price Gouging Prevention Act.

And I don't sit until I say, Mr. STUPAK, the American people say thank you to you.

Mr. BARTON of Texas. I continue to reserve.

Mr. STUPAK. Mr. Speaker, I think we have the right to close on this side. So I would ask for their last speaker, and we will close on this side.

Mr. BARTON of Texas. Well, Mr. Speaker, let me just simply say in closing that with regards to the last speaker's comment about the futures market, I tend to agree there may be something that we need to look at. That's why I'm on a bill with Mr. STUPAK and Mr. DINGELL to look at the futures market. But on page 3 of this bill, there is a line that specifically excludes the futures market from the jurisdiction of the bill that's before us.

We have a Federal price gouging bill on the floor right now that deals with retail and wholesale price gouging when there is absolutely no evidence of States' attorneys general conducting prosecutions of price gouging anywhere in this country. And as I pointed out in my opening statement, the average retail price for gasoline is up while retail margins are down, refineries margins are down.

Retail prices are up because the wholesale price of crude oil is up over $130 a barrel. We're not doing anything in this bill to address that fundamental supply problem. We are a treasure house of energy resources here in the United States. We could produce more American energy for America's families and factories.

You know, a price gouging bill when you don't have any real evidence of price gouging and where the States that think there's price gouging going on in their States have legislation to deal with that seems to me to be superfluous and symbolic.

So I would ask for a "no" vote on this legislation, and let's work together on issues that would fundamentally address the supply and balance and bring prices down.

With that, I yield back.

Mr. STUPAK. Mr. Speaker, in closing, let me just once again reiterate today every Member of the House has a choice. He can side with the big oil companies and the record profits, or you can side with the American consumer. A vote against my bill is a vote against consumers and a vote for Big Oil.

I am pleased so many of my Democratic Members came and joined me. This legislation is necessary. As I said, this is the third time I have had legislation on price gouging. As I pointed out earlier, this winter we experienced price gouging for energy needs, it was a dollar more than the rest of the region in Michigan and the area was being charged. The attorney general in Michigan, because we don't have a price gouging law, had nowhere to go.

Here's the bill that the Michigan legislature—House bill 6249—just introduced 2 weeks ago, tried new price gouging because we see it going on and on and on; and it's going to continue as we see these record prices and further chances to manipulate the market and to charge excessive prices to support these excessive profits of the oil companies.

Underneath the Democratic House, and I feel I have to say this, we have done a number of things in the last 18 months: Renewable Energy and Jobs Creation Act, which extends tax incentives for renewable energy. We had the Gas Price Relief for Consumers Act, which combats record gas prices. We have the energy price gouging bill we're doing today. We put forth the first new vehicle fuel efficiency standards in 32 years. We have a commitment to affordable American-grown biofuels which are keeping gas prices down. They are lower now than what they would have been if we did not pass this legislation. Action for lower gas prices by suspending oil purchases for the Strategic Petroleum Reserve. Later, hopefully the next month or two, we will see the bill on speculation that Mr. BARTON has mentioned. That is a piece of legislation we're looking at for excessive speculation which is driving up record profits for the price of oil.

But in this Democratic-led Congress, we will continue to invest in clean American renewable energy. We will boost energy technologies. We will help Americans struggling with the high energy prices. We will reward conservation. We will promote efficient vehicles, we will reduce mass transit fares and build infrastructure. We will further close the Enron loophole and speculators in dark petroleum markets which is driving up prices. We will encourage safe domestic drilling by forcing Big Oil to use it or lose it on Federal drilling permits.

I am perplexed that there's 68 million acres that we are not even drilling on because the oil companies have them tied up in leases. And what we are saying is if you're not going to drill to help the American people, then give up your lease. Let's give it to oil companies that at least drill. Democrats aren't against drilling. Let's at least go in these leases, which have been approved, environmentally sound, let's drill, let's bring that energy to the surface. If you're not going to use it, then we're going to pass legislation to say you lose it.

And last but not least, Democrats are leading the way to transition America to a more affordable energy future. But right now, as we go fill up this 4th of July weekend as we travel our parades in our districts and enjoy the summer months, can't we at least make sure that the price we're paying at the pump is based on a reasonable basis, reasonable factor, reasonable cost for taking that oil out of the ground, for shipping it, for refining it, for distributing it and putting it in your gas pump? We should not have to worry about being gouged tomorrow. We should not wake up on July 3 and find that gas went up 40 cents overnight for no reason other than someone needs a few more pennies to pay for their 4th of July. I don't want to pay for the big oil companies' 4th of July. I want the American people to enjoy this 4th of July and to know when they fill up at the pump, it's based on a fair, reasonable price.

Let's finally pass, after some 3 years of arguments on this floor, a Federal price gouging legislation that the other body will take up and we can present to the President. Let's have a reasonable basis for our pricing, and let's try to give the American people some relief from these high excessive energy prices we are experiencing.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 6346, The Federal Energy Price Gouging Prevention Act.

Today, my constituents in Central New Jersey are paying on average $3.98 at the pump, over a dollar more than they were paying at the beginning of the year. Increases in gas prices have affected every sector of the economy. We are paying $2 more whenever we get a pizza delivered, $10 more for lawn mowing services, $1.70 for shipping packages, an extra penny for every letter that we send, and these are just a few examples of the effects of gas price increases on the economy at large. As American families suffer, oil companies continue to rake in record profits. It is essential that we prevent price gouging, speculation, and profiteering by those who would take advantage of our energy predicament and guard against harm to commuters and struggling families.

Current law does not have a mechanism for allowing the investigation and punishment of individuals and corporations that are artificially inflating the price of energy. H.R. 6346 would grant the Federal Trade Commission the authority to investigate and punish those who engage in price gouging. H.R. 6346 would finally provide a clear definition of price gouging so that the FTC can prosecute the worst offenders, specifically those companies with more than $500,000,000 in sales per year. It would strengthen the criminal penalties for price gouging to up to $150 million for corporations, and fines of up to $2 million plus jail sentences of up to 10 years for individuals. Finally, it would redirect the fines assessed to help fund the Low Income Home Energy Assistance Program (LIHEAP).

Unfortunately, we are seeing examples across the country of unscrupulous individuals taking advantage of consumers during this energy emergency. Last week, New Jersey's Attorney General Anne Milgram released the results of an investigation that uncovered over 350 ticket worthy instances of gasoline price manipulation after a survey of 1,000 gas stations in the state. Among the citations issued were: 62 violations for the pump not accurately measuring fuel, 46 violations for per-gallon prices being different on each side of the pump, 37 violations for fuel grades not posted, 26 violations for inaccurate octane ratings, 19 violations for inaccurate total sale price calculation and 14 violations for multiple price changes in a 24-hour period. States like New Jersey are already taking action to prosecute gas price manipulation on a small scale; however, they do not have the means necessary to prosecute large-scale offenders. It is past time that Congress gives the FTC the tools it needs protect American consumers from these egregious violations at the pump and the legislation before us today takes an important first step towards achieving this goal.

Passing H.R. 6346 would help to prevent price gouging and I urge my colleagues to support this legislation. However this bill is merely a short term solution to our long term energy needs. There are no easy answers to the fluctuating gas prices. We are paying at the pump today for flawed decisions made years ago. That is why we must work to implement strategies that will lower demand for oil in the long term.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H.R. 6346, also know as the Federal Price-gouging Prevention Act. I join my other colleagues from both sides of the aisle and American consumers to address the issue of price gouging of gasoline and other fuels.

This bill has received widespread support for several reasons. First, the bill gives the Federal Trade Commission the ability to investigate and punish companies that falsely inflate energy prices. It is unacceptable for energy companies to artificially raise prices. This bill serves to address these crimes and protect the American people.

Second, this bill will allow for the Justice Department to collect criminal penalties and impose jail time during a state of national emergency on those who are found guilty of price-gouging. Most importantly, penalties collected from price-gouging companies will be forwarded to the Low-Income Home Energy Assistance Program, LIHEAP, to help families pay for their heating and air-conditioning bills.

At this time, 28 states have passed legislation against price-gouging. More laws are needed at both the state and local levels to ensure that those who are responsible for artificially raising energy prices are investigated and punished.

I urge other colleagues to support this bill. I applaud the work done by to protect the American people from energy price-gouging.

Mr. STUPAK. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. STUPAK) that the House suspend the rules and pass the bill, H.R. 6346, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STUPAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING DANDY-WALKER SYNDROME AND HYDROCEPHALUS

Ms. HOOLEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 163

Whereas Dandy-Walker syndrome is the most common congenital malformation of the cerebellum and its causes are largely unknown;

Whereas between 10,000 and 40,000 people have Dandy-Walker syndrome in the United States;

Whereas the incidence of Dandy-Walker syndrome is at least 1 case per every 25,000 to 35,000 live births, however this is likely a significant underestimate because of difficulties diagnosing the syndrome;

Whereas the Metropolitan Atlanta Congenital Defects Program, Centers for Disease Control and Prevention reports that Dandy-Walker syndrome may affect as many as 1 in 5000 live born infants;

Whereas approximately 70 to 90 percent of patients with Dandy-Walker syndrome have hydrocephalus;

Whereas Dandy-Walker syndrome accounts for approximately 1 to 4 percent of hydrocephalus cases;

Whereas patients with Dandy-Walker syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus;

Whereas Dandy-Walker syndrome affects males and females approximately equally;

Whereas seizures occur in 15 to 30 percent of patients with Dandy-Walker syndrome;

Whereas subnormal intelligence is manifested in 41 to 71 percent of patients with Dandy-Walker syndrome;

Whereas failure to diagnose Dandy-Walker syndrome with hydrocephalus in a neonate or a child can cause serious neurologic complications;

Whereas Dandy-Walker syndrome is named after former University of New Mexico neurosurgeon and professor Arthur E. Walker (1907–1995) and Walter E. Dandy (1883–1941), who first described the disorder in 1914; and

Whereas there are 2 known researchers dedicated to Dandy-Walker Syndrome in the United States and additional investigators are needed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first National Institutes of Health conference on hydrocephalus in September 2005 and the Inaugural "Cerebellar Development: Bench to Bedside International Conference" in November 2006; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration, with respect to Dandy-Walker syndrome, among the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, and the Office of Rare Diseases;

(B) further research into the epidemiology, diagnosis, pathophysiology, disease burden, and improved treatment of Dandy-Walker syndrome and hydrocephalus should be conducted and supported; and

(C) public awareness and professional education regarding Dandy-Walker research should increase through partnerships between the Federal Government and patient advocacy organizations, such as the Dandy-Walker Alliance and the Hydrocephalus Association.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Oregon.

GENERAL LEAVE

Ms. HOOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Ms. HOOLEY. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H. Con. Res. 163 which supports continued research to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker Syndrome and hydrocephalus.

Dandy-Walker Syndrome is a congenital brain malformation that affects the cerebellum and the fluid spaces around it. Symptoms often develop early in infancy robbing children of their future potential just as their lives are beginning. Its causes are largely unknown, but what is known is that it can have a devastating impact on a child. A baby with Dandy-Walker Syndrome may experience developmental delays, enlarged head size, and severely reduced intellectual capabilities.

Dandy-Walker Syndrome was discovered almost 100 years ago in 1914 by former University of New Mexico neurosurgeon and professor Arthur E. Walker and Dr. Walter E. Dandy. A cure for the disease remains elusive.

□ 1445

The resolution before us supports the continuing research collaboration into Dandy-Walker syndrome. It recognizes the work of the National Institutes of Health with the National Human Genome Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, and the Office of Rare Diseases.

H. Con. Res. 163 also encourages increased collaboration between the Federal Government and patient advocacy organizations seeking to find a cure for Dandy-Walker syndrome.

I would like to thank my colleagues, Congresswoman HEATHER WILSON and Congressman CHRIS VAN HOLLEN, for their efforts in bringing this resolution to the floor today. I urge my colleagues to join me in support of H. Con. Res. 163.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, I, too, rise in favor of H. Con. Res. 163, which is sponsored by the gentlewoman from New Mexico, HEATHER WILSON. She has worked diligently on this issue and has helped raise public awareness for the 10,000 to 40,000 approximate Americans currently diagnosed with Dandy-Walker syndrome. I commend her on her work with H. Con. Res. 163 and support further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus.

Currently, the National Institute of Neurological Disorders and Stroke at the NIH conducts and supports a wide range of studies that explore the complex mechanisms of normal brain development. The knowledge gained from these fundamental studies provides the foundation for understanding abnormal brain development and offers hope for new ways to treat and prevent developmental brain disorders such as Dandy-Walker syndrome.

Dandy-Walker syndrome is a congenital brain malformation that can appear dramatically or develop unnoticed. Symptoms, which often occur in early infancy, include slow motor development and progressive enlargement of the skull. In older children, symptoms of increased intracranial pressure such as irritability, vomiting, and convulsions, and signs of cerebellar dysfunction such as unsteadiness, lack of muscle coordination, or jerky movements of the eyes may occur. Other symptoms include increased head circumference, bulging at the back of the skull, problems with the nerves that control the eyes, face and neck, and abnormal breathing patterns. Dandy-Walker syndrome is frequently associated with disorders of other areas of the central nervous system, and subnormal intelligence is manifested in 41 to 71 percent of the patients.

Treatment for the one in every 25,000 to 35,000 individuals diagnosed with Dandy-Walker syndrome generally consists of treating the associated problems with a special tube to drain off excess fluid inside the skull. This will reduce intracranial pressure and help control the swelling.

Mr. Speaker, I urge Members to recognize the outstanding research that the NIH has conducted and commend them on their efforts to gain more insight into brain disorders such as Dandy-Walker syndrome and hydrocephalus. I, again, congratulate the gentlelady from New Mexico, HEATHER WILSON, and the gentleman from Maryland in their interests in helping these folks and bringing this resolution to the floor today.

I reserve the balance of our time.

Ms. HOOLEY. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from Maryland, CHRIS VAN HOLLEN. I know he has worked very hard on this issue.

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, I rise in strong support of this resolution, which supports further research and also activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus.

I, too, want to thank our colleague from New Mexico, HEATHER WILSON, for her leadership on this issue, her persistence on this issue. She has met with families from around the country who are struggling with Dandy-Walker syndrome, and I thank her for all the good work that she has done on this matter.

As we've heard, this is a very rare birth defect that's commonly associated with hydrocephalus. It can cause neurological damage that will delay development and cause severe developmental problems and sometimes lead to death. The Centers For Disease Control and Prevention reports that the Dandy-Walker syndrome may affect one in 5,000 infants, of which approximately 70 to 90 percent will go on to develop hydrocephalus.

The causes of this disease are largely unknown, and current treatment for Dandy-Walker consists primarily of treating the associated problems, the symptoms, rather than the syndrome itself. And as we heard, hydrocephalus is treated today much in the same way it was back in 1952, when this syndrome was first identified, by inserting a special tube called a "shunt" into the brain to drain off excess fluid.

We're here today because we think we need to focus more efforts and research in this area, that we shouldn't allow 1950s medical treatment to dictate how Dandy-Walker syndrome and hydrocephalus are treated. That is why we need to learn more about this syndrome and continue to raise public awareness about this condition. And that's why the National Institutes of Health should continue the current collaboration and research that they are doing and increase that effort.

I've had the privilege of getting to know a family with a child who has Dandy-Walker syndrome and hydrocephalus. While waiting for the birth of their child in 2005, Andrea and Eric Cole of Kensington, Maryland, learned that their son would be born with Dandy-Walker syndrome. Their son, Ryan, was born 3 months prematurely. He weighed 1 pound, 15 ounces.

On learning that there was no national organization or support network already organized to advocate on behalf of individuals with Dandy-Walker syndrome, Eric and Andrea took the necessary steps to found the only national nonprofit organization for Dandy-Walker syndrome, the Dandy-Walker Alliance. We're very proud that they are with us today.

The Dandy-Walker Alliance is an organization that's launched a variety of educational programs, publications, activities, and other efforts to raise public awareness and understanding of the Dandy-Walker syndrome.

Mr. Speaker, what we're trying to do today is send a message to families across the country who have members of their family who have Dandy-Walker syndrome, to let them know that they are not alone in this fight, that Congress is listening to their concerns, and that Congress is taking action to encourage all the resources that we can bring to bear through the NIH and other organizations to help fight this syndrome, and to make sure that those around the country who have not been heard until recently really have a voice, not just here on the floor of the Congress, but through the resources that we can focus on this very important issue.

So I urge my colleagues to join me in passing this resolution. Again, I congratulate our colleague from New Mexico, HEATHER WILSON, for her leadership.

Mr. TERRY. At this time, I yield as much time as she may consume to the author, the gentlelady from New Mexico.

Mrs. WILSON of New Mexico. I thank my colleague from Nebraska.

I also wanted to thank my colleague from Maryland, CHRIS VAN HOLLEN, for joining me in this effort and being the lead cosponsor of House Concurrent Resolution 163. There are 105 Members of this body who are cosponsors of this resolution, and it's intended to increase awareness of a syndrome that, frankly, before someone came and talked to me about it, I had never heard of. My guess is most of our colleagues have never heard of Dandy-Walker syndrome because it affects a relatively small number of families, but it's a very serious syndrome that deserves attention and research and understanding.

The resolution encourages the National Institutes of Health and the Centers for Disease Control to do more research on the causes and cures and prevalence of the disease and to encourage education of medical doctors so that it can be quickly and accurately diagnosed.

Even the estimates of the number of children who suffer from Dandy-Walker vary greatly. Somewhere between 10,000 and 40,000 children in America suffer from this syndrome, and it is very serious and often very difficult to diagnose, a combination of developmental delays, enlarged head circumference, hydrocephalus and seizures, that together define a syndrome that was initially described by a neurosurgeon and professor at the University of New Mexico named Dr. Arthur Walker. He initially described nine cases of what is now known as Dandy-Walker in 1942.

Early detection and diagnosis, accurate diagnosis, is critical for these children, particularly because of the coincidence of hydrocephalus in children, a very serious condition that can result in neurological complications if it's not diagnosed very early in life.

Currently, there are only five researchers in the United States who are focused on Dandy-Walker and trying to understand it, develop treatments, and perhaps eventually develop ways to prevent the disease.

This resolution expresses the sense of the Congress that further research and activities are needed to increase public awareness, to increase professional education, and to make sure physicians and the medical community are aware of what this syndrome's characteristics are so that it can be accurately diagnosed.

It also commends the National Institutes of Health on their first-ever sponsorship of a research workshop focused on hydrocephalus and Dandy-Walker, and acknowledges the need for continued collaboration between different institutes and centers at NIH.

Some of my colleagues have commended me for my leadership on this issue, and I have to demur in that regard. Sometimes I think that the best thing about being a Representative is that you are often the wagon that harnesses the enthusiasm and the passion of others. I would like to recognize where that passion really comes from: Eric Cole and his wife Andrea, who are here in the gallery today. They are the proud parents of Ryan.

The fact is that Eric's dad called me. Eric's dad and I served in the Air Force together, and one time, Captain Don Cole tried to teach me something about politics at the United States Air Force Academy. There are people in this body who would probably disagree as to how well I learned those lessons. But Captain Cole's son is Eric Cole. His grandson is Ryan, and Ryan suffers from Dandy-Walker syndrome.

I want to commend Eric for his leadership, for making a decision to get involved, not only to help his son but to help others who suffer from the same disease. It is because individuals choose to get involved that things change over time.

I would like to place into the RECORD a letter of support from the March of Dimes in support of this resolution. It's dated June 22, 2007.

Again, I'd like to thank my colleague, Mr. VAN HOLLEN of Maryland, for working with us on this resolution and for his staff member, Ray Thorn, who's been particularly helpful in this process. Also, I would like to recognize two of my colleagues, Mr. ADERHOLT of Alabama and Mr. RYAN of Ohio, for their support and their encouragement on this resolution.

I would urge my colleagues to support this resolution to move forward on the understanding and the research and the professional education associated with a syndrome that adversely affects close to 40,000 young Americans.

MARCH OF DIMES,
Washington, DC, June 22, 2007.

Hon. HEATHER WILSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WILSON: On behalf of more than 3 million volunteers and 1400 staff members of the March of Dimes Foundation, I am writing to commend you for introducing H. Con. Res. 163, expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis and treatment of Dandy-Walker syndrome and hydrocephalus.

As you may know, in the United States, about 3% of all babies are born with a major birth defect. Birth defects are the leading cause of infant mortality accounting for more than 20% of all infant deaths. Children with birth defects who survive often experience lifelong physical and mental disabilities, and are at increased risk for developing other health problems. In fact, birth defects contribute substantially to the nation's health care costs. According to Centers for Disease Control and Prevention (CDC), the lifetime economic cost of caring for infants born each year with 1 of the 18 most common birth defects exceeds $8 billion.

Yet, the causes of nearly 70% of birth defects are unknown. Therefore, March of Dimes is working with Members of Congress from both sides of the aisle to increase funding for the National Center on Birth Defects and Developmental Disabilities, with particular focus on the groundbreaking research being done through the National Birth Defects Prevention Study. This important CDC initiative is being carried out by 9 regional Centers for Birth Defects Research and Prevention. The Centers use medical histories, DNA samples and data on environmental exposures, and lifestyle obtained from parents to study gene-environment interactions. The study has already yielded critical information on certain birth defects and has been particularly useful in responding to public health concerns regarding possible links between medication exposures and birth defects. The study also holds promise for increasing our understanding of the effects of medication use during pregnancy.

Increased federal support for birth defects research and prevention is sorely needed and H. Con. Res. 163 will heighten awareness and encourage additional federal research on Dandy-Walker syndrome and other serious birth defects.

Thank you for your leadership to help improve the health of infants and know that all of us at the March of Dimes look forward to working with you on this and other initiatives to improve the health of each and every child.

Sincerely,

MARINA L. WEISS,
Senior Vice President,
Public Policy & Government Affairs.

Ms. HOOLEY. We have no other speakers, if you would like to close. I'm happy to do that after you.

Mr. TERRY. Mr. Speaker, I want to close by thanking the gentlelady from New Mexico and the gentleman from Maryland (Mr. VAN HOLLEN) for bringing this to the floor, helping to increase public awareness and provide education and training to physicians for early diagnosis, and encouraging the NIH to continue their research to help those with Dandy-Walker and hydrocephalus.

With that, I would encourage all of our colleagues today to vote "aye" in support of this measure.

I yield back my time.

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Ms. HOOLEY. Mr. Speaker, again I urge an "aye" vote.

This bill will give families with Dandy-Walker Syndrome hope. It is something we can all come together on. People need to know that we listen when they speak. And this is a way to make sure that further research is done on a disease that's been around for a long time. Most of us didn't know about it before this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Oregon (Ms. HOOLEY) that the House suspend the rules and agree to the resolution, H. Con. Res. 163, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF HOUSE REGARDING PROSTATE CANCER DETECTION AND TREATMENT

Ms. HOOLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 353) expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 353

Whereas the annual commemoration of Men's Health Week during the week preceding Father's Day gives new reason to consider the critical need to improve detection and treatment of prostate cancer;

Whereas prostate cancer now strikes at least one in six American men, with African-American men having a 60 percent higher incidence rate than Caucasian men and a mortality rate twice as high;

Whereas each year more than 230,000 American men are newly diagnosed with prostate cancer, more than 1,500,000 men have biopsies, and around 30,000 men fall prey to this potential killer;

Whereas it is important for men to take advantage of prostate cancer screening exams in order to detect the disease at the earliest opportunity, when it is still curable;

Whereas a recent study funded by the National Cancer Institute demonstrated that the most common available methods of detecting prostate cancer, the PSA blood test and physical exams, are not foolproof—imaging would be another beneficial factor in the diagnosis and treatment of prostate cancer;

Whereas the use of advanced imaging technologies to detect and treat prostate cancer could be beneficial for eliminating unnecessary and costly medical procedures that increase psychological and emotional trauma for American men and their families;

Whereas the lack of accurate imaging tools means that biopsies can miss cancer even when multiple samples are taken, and current treatments—either radical surgery or radiation—can leave 50 to 80 percent of men incontinent or impotent or both; and

Whereas advanced imaging technologies could be combined with treatment tools to perform image-guided, minimally invasive and precisely targeted interventions, which will be performed in outpatient clinics with minimal discomfort, complications and costs and which will end the fear, pain, suffering and costs that prostate cancer causes men and their families: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Congress should support research and development of advanced imaging technologies for prostate cancer detection and treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Oregon.

GENERAL LEAVE

Ms. HOOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Ms. HOOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 353, which calls for increased support for research and development of advanced imaging technologies for prostate cancer detection and treatment. This resolution recognizes the inadequacies of the current way prostate cancer is detected. There is an urgent need for the development of advanced imaging technologies.

Prostate cancer is the second most common cancer in the United States and the second leading cause of cancer-related deaths in men. In 2008, more than 218,000 men will be diagnosed with prostate cancer and more than 27,000 men will die from the disease. This resolution hopes to use the very successful model presented by the development of breast imaging technologies which has led to life-saving breakthroughs in detection, diagnosis and treatment of that insidious disease. Using this research and development model, hopefully we can achieve the same detection and life-saving successes for prostate cancer.

Imaging technology cannot only save lives, but also has the potential for reducing health care costs with accurate and affordable diagnosis of prostate cancer. This is an important piece of legislation for men's health.

I want to thank my colleague, Congressman ELIJAH CUMMINGS, for his leadership on this issue and urge my colleagues to join me in support of House Resolution 353.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I'm proud to rise in favor of House Resolution 353, which is sponsored by the gentleman from Maryland, ELIJAH CUMMINGS. He has worked steadfastly on this issue that affects an approximate 2 million Americans currently diagnosed with prostate cancer, and I commend him on his work.

House Resolution 353 supports the development and innovative advances of using imaging technologies when detecting and treating prostate cancer.

Prostate cancer is the most common non-skin cancer in America and takes the lives of nearly 28,000 American men each year. Over a lifetime, that is one out of every six males will fall victim to this silent killer.

Early prostate cancer usually has no symptoms and is commonly detected through prostate cancer screening tests such as the PSA blood test and DRE. The chance of being diagnosed with prostate cancer increases rapidly after the age of 50. The most likely risk factors that are associated to prostate cancer are age and family history of the disease.

In addition to the PSA blood test and DRE, imaging is another useful tool that can help with the detection and treatment of the disease. It is important for men to take advantage of prostate screening exams which could yield early detection when the disease is still curable.

I urge my fellow Members to support House Resolution 353.

Mr. Speaker, I reserve the balance of my time.

Ms. HOOLEY. Mr. Speaker, I yield to the gentleman from Maryland as much time as he may consume.

Mr. CUMMINGS. I want to thank the gentlelady for yielding, and I want to thank everyone for all the hard work that went into getting this bill to the floor today.

I rise today to express my appreciation to all of my colleagues who are considering H. Res. 353 which I introduced expressing the need for enhanced support for advanced imaging technologies for prostate cancer detection and treatment. This legislation will lead to the development of prostate cancer screening technologies that are on par with mammography, while improving blood tests and providing education to the general public.

Mr. Speaker, the tragedy of prostate cancer has touched so many Americans, and I ask that you consider these issues:

Prostate cancer is the second most common cancer in the United States and the second leading cause of cancer-related deaths in men. This cancer strikes one in every six men, making it even more prevalent than breast cancer, which strikes one in every seven women. In 2007, more than 218,000 men were diagnosed with prostate cancer and more than 27,000 men died from this disease. One new case occurs every 2.5 minutes, and a man dies from prostate cancer in this country every 19 minutes.

To compact the matter even further, African-American men are 56 percent more likely to develop prostate cancer compared with Caucasian men and nearly 2.5 times as likely to die from the disease. Many of us in the Congress, and indeed throughout the country, have either personally been affected by the disease or had a loved one suffer from it. For me, it was my father.

Tragically, our commitment to fighting the disease has not met its impact. To date, the Department of Health and Human Services has failed to invest substantial resources in promising advanced imaging technologies for prostate cancer research. And while they have failed, people have died. As a result of that, there are currently no reliable accurate diagnostic tools for detection and treatment of prostate cancer.

The implications of this reality have been grave. More than 1 million men have unnecessary prostate biopsies each year, resulting in needless suffering and an enormous waste of resources. At least 10 percent of men undergoing surgery and 44 percent of men undergoing radiation treatment would have benefited more from watchful waiting.

Current treatment is costly and causes many complications, including impotence and incontinence, in up to 50 percent of men. I might note here that Johns Hopkins Hospital and University, which are located in my district, have done many pioneering things with regard to this disease; as a matter of fact, they have some of the leading experts on it.

More than 70,000—or about one in two—men experience treatment failure each year. Mr. Speaker, in this country, with the greatest medical system in the world, we can simply do better. And we must do better. That is why I was so glad that I was joined by 101 of my colleagues in sponsoring H. Res. 353. This legislation is a first step in recognizing the critical need to address this very tragic disease.

I urge my colleagues to similarly take up the Prostate Research Imaging and Men's Education Act, or PRIME Act, H.R. 3563, which I have also introduced.

The bill provides $100 million per year for 5 years to expand research on prostate cancer and provides the resources to develop innovative and advanced imaging technologies for prostate cancer detection, diagnosis and treatment. The bill also allocates $10 million a year for 5 years for a national campaign to increase awareness about the need for prostate cancer screening and the development of better screening techniques.

Finally, it will spend $20 million a year for 5 years to improve current, often unreliable, blood tests. Just the other day, Mr. Speaker, as I stood in the bank, I ran into four men, all of whom had recently gone through prostate cancer procedures. And it is so sad when you hear them tell their various stories about how it has affected their lives.

And I do believe that this Congress can do better. I believe that this Nation can do better. So many men have said that they want to be treated, but they are simply afraid; they're afraid of the pain, they're afraid of the embarrassment. And I spend a lot of time in my district preaching, almost, to men to make sure they get the test. But if they don't have to have the test, if they can have a better method of discovering this disease, I want them to have that.

Someone once said that in our time and in our space we can make a difference. And we can make a difference. And I realize that a resolution is one thing, something allocating money to do something is another. And that's why this is more or less a precursor, hopefully, for legislation which will bring about the resources so that we can properly address this issue.

Mr. TERRY. Mr. Speaker, I recognize myself for as much time as I may consume.

Mr. Speaker, in closing, let me just thank Mr. CUMMINGS from Maryland for drafting this resolution and his bill and congratulate him on getting this resolution to the House floor. I encourage all of my colleagues to support it.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. HOOLEY. Mr. Speaker, I, too, would like to thank my colleague from Maryland (Mr. CUMMINGS) for all of his hard work on this piece of legislation. This is something that we should pass. I urge my colleagues to vote "aye."

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H. Res. 353 and I urge my colleagues to support the resolution. I want to thank Chairman DINGELL and Ranking Member BARTON for bringing this resolution to the Floor today. I am proud to be a sponsor of this resolution and I was honored to work with my friend and colleague from Maryland, Representative ELIJAH CUMMINGS—the Democrat sponsor of the resolution—to bring some critically needed awareness to this issue. Representative CUMMINGS has been a true leader on this issue, and today is the culmination of a two-year effort to shine a public spotlight on this national tragedy. This resolution sends a strong signal to the National Institutes of Health and the private sector that Congress is prepared to help them move prostate cancer detection and treatment into the 21st Century.

Prostate cancer is the most common form of cancer, other than some kinds of skin cancer, among men in the United States, affecting at least one in six American men, a rate comparable to breast cancer which strikes one in seven American women. In fact, prostate cancer is the second leading cause of cancer deaths among men in the United States, after lung cancer, and the seventh leading cause of death overall for men in this country. The National Cancer Institute estimates that in 2007 alone approximately 218,000 new cases of prostate cancer were diagnosed and roughly 27,000 American men died as a result of this disease.

Medical experts do not know what causes prostate cancer. Medical experts do not know how to prevent prostate cancer, but they do know that not smoking, maintaining a healthy diet, staying physically active, and seeing your doctor regularly contribute to overall good health.

While all men are at risk for prostate cancer, some factors increase risk:

Family history. Men with a father or brother who has had prostate cancer are at greater risk for developing it themselves.

Race. Prostate cancer is more common in some racial and ethnic groups than in others, but medical experts do not know why. Prostate cancer is more common in African-American men than in white men. It is less common in Hispanic, Asian, Pacific Islander, and Native American men than in white men.

It is important for men to take advantage of prostate cancer screening exams in order to detect the disease at the earliest opportunity, when it is still curable. Unfortunately, a recent study funded by the National Cancer Institute demonstrated that the most common available methods of detecting prostate cancer, the PSA blood test and Digital Rectal Exam, DRE, the only preinvasive indicators available for the detection of prostate cancer, are not particularly adept at detecting prostate cancer. The study showed that many PSA blood tests that screen for prostate cancer result in false-negative reassurances and numerous false-positive alarms (15 percent of men with normal PSA levels still have prostate cancer). Even when PSA levels are abnormal, 88 percent of men end up not having prostate cancer that would require surgery but undergo unnecessary biopsies. As a result more than 1,000,000 U.S. men have prostate biopsies annually—costing our health care system approximately $1.44 billion—many of which could be eliminated if we had advanced diagnostic imaging tools.

Today, neither the U.S. Department of Health and Human Services nor the Department of Defense devotes substantial resources to prostate cancer imaging research. I have been told that the National Institutes of Health spent only $10 million on prostate cancer detection research last year out of a total prostate cancer research budget of $350 million. In short, there is no concerted Federal effort to bring the equivalent of mammography to prostate cancer detection.

Breakthroughs in the diagnosis and treatment of breast cancer resulted from the development of advanced imaging technologies led by the Federal Government and I am convinced that Federal leadership could lead to similar breakthroughs for prostate cancer. That is why we introduced, along with my colleague ELIJAH CUMMINGS of Maryland, H. Res. 353—Expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment.

We owe it to ourselves, our fathers, grandfathers, brothers, sons, husbands, and friends to make this effort. I urge my colleagues to support H. Res 353.

Ms. HOOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Oregon (Ms. HOOLEY) that the House suspend the rules and agree to the resolution, H. Res. 353, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

VETERANS' EPILEPSY TREATMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2818) to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Epilepsy Treatment Act of 2008".

SEC. 2. EPILEPSY CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF EPILEPSY CENTERS OF EXCELLENCE.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7330A. Epilepsy centers of excellence

"(a) DESIGNATION OF CENTERS.—Not later than 120 days after the date of enactment of this section, the Secretary shall designate an epilepsy center of excellence at each of the 5 centers designated under section 7327.

"(b) EXPERT CLINICAL AND RESEARCH STAFF.—Each center designated under subsection (a) shall employ such expert clinical and research staff, including board certified neurologists and neurosurgeons, as may be necessary to ensure that such center is capable of serving as a center of excellence in research, education, and clinical care activities in the diagnosis and treatment of epilepsy, including post-traumatic epilepsy.

"(c) REQUIREMENTS AND OPERATION OF CENTERS.—Each center designated under subsection (a) shall function as a center for—

"(1) research on the diagnosis, treatment, and long-term effects of epilepsy, including epilepsy developed as a result of combat, in order to support the provision of services for such diagnosis and treatment in accordance with the most current information on epilepsy;

"(2) the development of evidence-based methodologies for treating individuals with epilepsy;

"(3) the continuous and consistent coordination of care from the point of referral throughout the diagnostic and treatment process and ongoing follow-up after return to home and community;

"(4) the development of a national system of coordinated care for veterans with epilepsy, including the development and maintenance of a national network of Department health care personnel with an interest and expertise in the care and treatment of epilepsy and the establishment of a referral system and procedure within each Veterans Integrated Service Network;

"(5) assist in the expansion, where appropriate, of the utilization of telehealth technology, including exploring the use of such technology to develop, transmit, monitor, and review neurological diagnostic tests and other applicable uses of telehealth technology for the diagnosis, care, and treatment of veterans with epilepsy; and

"(6) the dissemination of educational materials and research regarding diagnosis, care, and treatment of epilepsy, throughout the Department.

"(d) ADMINISTRATION.—In order to assist the Secretary in carrying out this section, the Secretary shall designate a national coordinator for epilepsy programs who shall report to the official responsible for neurology at the Veterans Health Administration and shall—

"(1) supervise the operation of the centers designated under this section;

"(2) coordinate and support the national network of Department health care professionals with an interest and expertise in the care and treatment of epilepsy;

"(3) ensure that the education and research mission of such centers is being accomplished; and

"(4) conduct regular evaluations of such centers to ensure compliance with the requirements of this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2013.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Epilepsy centers of excellence.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) will each control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, in this Congress the new Members have taken a great leadership role on many matters, and especially those in the area of veterans affairs. One of those great new Members is Mr. PERLMUTTER of Colorado, and I yield to him as much time as he might consume to explain his bill which is on the floor today and will do so much for so many veterans.

Mr. PERLMUTTER. I thank Mr. FILNER for this opportunity.

Mr. Speaker, I rise today in support of H.R. 2818, the Veterans' Epilepsy Treatment Act, which establishes a national epilepsy network within the Veterans Affairs health care system.

I introduced H.R. 2818 on June 21, 2007, and now, 1 year later, I'm pleased it was reported out of the VA Committee by a voice vote.

The measure has the support and sponsorship of 135 Members of Congress. And I want to thank Chairman FILNER, Subcommittee Chairman MICHAUD, Ranking Member BUYER, Mr. MILLER from Florida, and their staff for the work they do on behalf of our Nation's veterans and for their work on H.R. 2818.

I also want to thank Majority Leader HOYER for the interest he has taken in this bill, and Rick Palacio from his office.

H.R. 2818, the Veterans' Epilepsy Treatment Act, will establish five epilepsy treatment centers called Epilepsy Centers of Excellence which are going to be co-located at the VA polytrauma centers in Palo Alto, Minneapolis, San Antonio, Richmond and Tampa. These centers will care for veterans experiencing seizures, and especially those we predict will develop epilepsy as a result of suffering traumatic brain injury while serving in Iraq and Afghanistan.

Mr. Speaker, we have a moral obligation to our service men and women who are defending our country overseas to help them when they return home. Our veterans health care system is the best in the world, and H.R. 2818 will make our system even stronger.

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Today estimates show some 89,000 veterans have epilepsy and 42 percent of that number is service connected.

Epilepsy is often defined as two or more seizures, and during Vietnam, a number of men and women returned home with head wounds and head injuries. Of those who came home with these types of injuries, some 53 percent developed epilepsy within 15 years thereafter; 15 percent of those who developed epilepsy did so 5 years or more after their combat injuries.

For these service-connected injuries, the relative risk for developing epilepsy is 25 times higher than in the population as a whole. These statistics indicate the number of veterans who will develop epilepsy due to the extended combat in Iraq and Afghanistan is only going to rise. And with the IED injuries that our men and women have suffered, we know that that's going to occur. That is why we need expert clinical and research staff to work together to diagnose, care for, and research the long-term effects of epilepsy.

This bill takes those steps by creating a National Epilepsy Program through the establishment of five sophisticated centers for epilepsy care. In addition, each Veterans Integrated Service Network, or VISN, will have an epilepsy referral clinic and the VA's telehealth capacity will be expanded to track the neurological diagnostic tests of our rural veterans. These centers will develop and administer treatments and possibly cures for our veterans, allowing them to live their lives to the fullest.

It establishes a National Coordinator For Epilepsy within the VA system, and it will provide educational materials throughout the country to assist people in dealing with epilepsy or those who may come into contact with people with epilepsy.

Moreover, the body of knowledge developed through the research conducted by the VA will help our society as a whole. And I will admit to having a child with epilepsy, and, quite frankly, if, in fact, the research that's developed by the VA assists her, I will be very thankful for that on a personal basis.

The bill authorizes expenditures of $5 million per year for the years 2009–2013. A small price to diagnose, treat, and research epilepsy for those who have served us so valiantly all around the globe.

Therefore, Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2818, the Veterans Epilepsy Treatment Act. I want to thank the Epilepsy

Foundation, the Brain Injury Association, the American Academy of Neurology, the Disabled American Veterans, the Paralyzed Veterans of America, the Blinded Veterans, and the Vietnam Vets of America for their support of this bill. Again, I want to thank the VA Committee for supporting this bill and voting it out by a voice vote.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2818, as amended, the Veterans Epilepsy Treatment Act of 2008. It's a bill to amend title 38 of the United States Code to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs.

I would like to thank the Health Subcommittee chairman, MIKE MICHAUD; and Ranking Member JEFF MILLER for their work on the bill. They determined that existing six new centers spread throughout the country without utilizing the clinical and scientific expertise available within the VA's polytrauma rehabilitation centers was probably not the optimal approach. So working in a bipartisan manner, this legislation was amended to ensure that there will soon be five polytrauma rehabilitation centers.

We also need to recognize that we have many of these 89,000 veterans who live in rural areas and also will be traveling distances, we need to acknowledge, to these rehabilitation centers; so there is an energy cost issue, which we are going to address here in a moment.

The VA has a long history of providing specialized treatment and research on epilepsy. In 1972, recognizing that head trauma, whether mild or severe, is a risk factor for developing epilepsy, the VA created dedicated centers to improve the quality of care for veterans who may develop posttraumatic epilepsy as a result of military service. Today the VA operates seven sites with advanced capabilities to monitor and perform epilepsy surgery.

There are, as I said earlier, approximately 89,000 veterans, many of whom also live in rural America, with epilepsy enrolled in the VA health care system. And with the prevalence of combat-related traumatic brain injury among our returning OEF and OIF servicemembers, it is important that the VA is a national leader in the prevention, treatment, and research on epilepsy.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Let me speak to a couple of matters relative here to the House in how we manage the House's business. First I will speak with regard to process.

We are bringing eight veterans bills to the floor all as individual bills. That is very concerning to me because these could have been placed all in one omnibus bill that we would then bring to the floor. It would create better management of the floor. So why is this brought as eight individual bills on suspension? My guess, Mr. Speaker, is that the House is now performing what I would call filling the time. Why are we filling time? Well, because this Congress isn't working on some of the most important issues facing this country.

We have about 35 legislative days left in this Congress. This Congress has not passed a single appropriations bill to run the government. This is a dysfunctional Congress, and we're failing to meet our responsibilities. So while we are not doing the responsibilities of the country, we have to fill time. So they turn to the Veterans' Affairs Committee and other committees and find what are all the bills that you've got out there that we can do on suspension, that we can do on the calendar? Let's fill the time. And that's what is happening here, and it's extremely bothersome to me.

Here the country is facing tremendous issues, whether it's the downturn of the economy, the issues relative to people leaving their homes. We have got an energy crisis with the challenge on how we're going to reduce our energy dependence on a lot of bad actors around the world. We have got the solvency of Medicare issue. We have got the Social Security issue. We have got the AMT patch. We have got immigration. No, this Congress, we're not going to work on those important issues, I guess must be the message that the country is receiving from our acts of today, because we're going to take up a lot of time here on the legislative calendar on eight individual veterans bills. Now, think about that. That's eight bills split up of 40 minutes on each bill. This is the House equivalent of dilatory tactics when it comes to working on what is important facing the country.

So I guess on the energy issue, I think my colleagues would immediately respond, well, my gosh, Steve, we just voted on price gouging. Okay. I think my Democrat colleagues think that to solve the energy crisis relative to the country, we are going to, let's see, tax the profits of oil companies. We're going to do price gouging legislation. Oh, there must be something going on out there in the futures market; so let's talk about speculators. Let's do nothing with regard to supply.

Now, I am in favor of these Centers of Excellence to advance and coordinate care for veterans with epilepsy. So why am I talking about these other issues? I'm talking about them because they are important issues also facing the country that this Congress is not addressing. And as we continue to work as a Congress to improve the quality of life for our veterans, we must examine the added burden that energy costs are placing upon those who served their country.

Americans are coping with increased energy prices, including veterans. Congress must act to decrease the energy costs. The energy bills we have been voting on in the House are fighting the smoke of the energy crisis in America, not fighting the fires. So my Democrat colleagues love to work on the demand side of the economic equation. Price is fundamental economics. You've got a supply and demand result in the increase in price.

We've got one of my colleagues here that wants a 50 cent consumption tax on gasoline. Why would they be proposing things like this? Well, you propose things like that because you want to compress demand on energy to change the American culture rather than opening up supplies.

Why is this such an important issue? It's an important issue because it impacts veterans. Energy price impacts veterans, and nationwide Americans are now spending nearly 4 percent of their aftertax income on gasoline.

So on this bill on epilepsy, we talked about the fact that we have got 89,000 veterans with epilepsy enrolled in the VA health care system. We now in this bill are saying that we are going to move them to the polytrauma centers. There are five polytrauma centers, which means that individuals to gain access to the polytrauma care centers now have to travel. How do they get there? They either get there through the airlines or through surface transportation. In order to do that, they're facing increased costs to the access of health care. That's why energy is also an important veterans issue.

We are importing over 60 percent of our oil from foreign countries, and as the price of gasoline increases, the cost of food, goods, and medical care go up. Veterans are being hit by increased prices at the pump, and Congress must make every effort to deal with the heart of the energy issue for every citizen and increase our energy supply. If we increase our supply, we will then decrease energy prices.

Many of America's veterans, as I said, live in rural areas, and they also then get hit the hardest by the increase in gasoline prices. While 4 percent may be the average amount Americans are paying, that figure has surpassed 13 percent in rural areas. Rural Americans are estimated to be paying now over $2,000 for gasoline this year, and this has a tremendous impact upon our——

POINT OF ORDER

Mr. FILNER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana will suspend.

The gentleman from California will please state his point of order.

Mr. BUYER. I have the time, Mr. Speaker. I have not yielded for a point of order.

The SPEAKER pro tempore. It is not necessary that the Member under recognition yield for a point of order. The Chair may recognize another who seeks recognition for a point of order.

The gentleman from California will please state his point of order.

Mr. FILNER. Mr. Speaker, clause 1 of rule XVII says: "A member is required to confine himself or herself to the question under debate," which is the establishment of epilepsy centers in this country, "and may not stray from the subject under discussion. If so, a Member may be subject to a point of order that his or her remarks are not relevant to the debate."

And I raise that as a point of order, Mr. Speaker.

Mr. BUYER. May I speak to the point of order?

The SPEAKER pro tempore. The gentleman may speak to the point of order.

Mr. BUYER. Mr. Speaker, the bill before us creates these epileptic centers to be associated with the five polytrauma centers. In order for veterans to gain access to them, they have to be able to travel to get there. The increased price of energy is very important for veterans to be able to gain access to these centers.

It is pertinent, it is relevant, and it is material to this debate.

The SPEAKER pro tempore. The gentleman is requested to continue the nexus to the subject at hand.

The gentleman may proceed.

Mr. BUYER. So have you overruled the chairman's point of order?

The SPEAKER pro tempore. The Chair has simply acknowledged the need to maintain the nexus to the subject at hand. The gentleman may proceed.

Mr. FILNER. Mr. Speaker, if I may say one more thing in support of my point of order.

Before I withdraw my point of order, I would like to point out that the definition of "filling the time" has just been shown by the ranking member.

Mr. BUYER. I ask for a ruling from the Chair.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BUYER. I ask for a ruling from the Chair on the point of order.

Mr. FILNER. Mr. Speaker, I ask to withdraw my point of order.

Mr. BUYER. I object.

The SPEAKER pro tempore. The point of order is withdrawn.

Mr. BUYER. I object.

The SPEAKER pro tempore. Unanimous consent is not required to withdraw a point of order.

The gentleman from Indiana is recognized.

Mr. BUYER. Mr. Speaker, what I object to is the fact that the chairman of the committee must not care about the increased cost of energy prices on veterans in America. He must not care, Mr. Speaker, because he's so concerned that he wants to raise a point of order against me to silence the issue of the impact of energy prices at the VA on health care, on medical research?

Mr. Speaker, this is a very, very pertinent and important issue. The increased prices to the VA, a few years back we had an emergency supplemental, and part of that was because of the increase in energy costs to the VA. This is a pretty important issue.

So let me now embrace your counsel, Mr. Speaker, to me.

□ 1530

H.R. 2818, as amended, will improve the VA's research. Now why do I mention research? Well, because what we're doing here, we recognize the VA has a long history of providing specialized treatment and research on epilepsy. So now let's talk about the impact on energy prices on research. It's a proper nexus, would the Speaker not agree? The Speaker is stoic.

H.R. 2818, as amended, I believe it improves VA's research, but as we look at this, the research activities consume high amounts of energy, and these activities include using CT scans, MRIs, other medical imaging technology. We use medical testing and other laboratory devices. Research laboratories require high amounts of security to protect personal medical information on research subjects. Laboratory data may examine heating and cooling systems to control specimen temperatures to ensure viability in our research activities. All that requires energy and in fact energy prices will impact the delivery of care that we do at our epileptic centers.

Facility energy consumption also involves power to run computers, printers, scanners, copiers, shredders. Some of these research, medical research projects require specialized lighting and may occur after hours when VA physicians have time to work in their labs and analyze data when these systems would then be shut down.

From 2005 to 2007, the Department of Veterans Affairs' energy costs have increased by 20 percent. The VA's energy costs have increased 65 percent since the 2003 baseline set by Federal mandates in the OMB energy scorecard.

May I ask the Speaker how much time I have remaining.

The SPEAKER pro tempore. The gentleman has approximately 10 minutes remaining.

Mr. BUYER. The increasing cost of energy is affecting every sector of American life, including the services provided by the Department of Veterans Affairs, which we are not immune to the effects of high fuel prices. Yet, our colleagues, it appears the chairman of the Veterans' Affairs committee, that is so upset now that I am talking about the increase in energy and its impact on the quality of care we can deliver in health care, are not providing the relief on energy costs. We should be looking at ways to reduce the energy burden on the VA.

So when I look at the energy baseline in 2003 in the VA on energy costs and its impact on how we can provide quality health care to our veterans, that baseline was $287.7 million. Today, that energy baseline—actually, my numbers are of 2007—was $475.5 billion. That is a 65 percent increase in VA utility expenses.

So with regard to the Speaker's counsel to me that I can talk about energy prices in the VA so long as there is a proper nexus, well, I think if we are talking about a 65 percent increase in fuel prices and its impact upon the VA and how we will be able to deliver not only quality research but also quality health care at our epileptic centers, I think is a pretty important issue.

With that, I reserve the balance of my time.

Mr. FILNER. Before I yield to my colleague on the committee, I just want to point out to the 25 million veterans of our Nation, 100 million people who constitute their families, all of this Nation who cares about health care for our veterans, the benefits for our veterans, all of those who understand that this war is costing us enormous personal tragedies, brain injuries, amputations, psychological wounds, that we have millions of veterans from earlier wars who are suffering, need help from the VA. All of that health care, all of that concern for the VA has been called by my colleague, the ranking member from Indiana, "filling the time." I am happy to fill the time with bills that refer to the health and well-being of all our veterans, whether from this war or from earlier wars.

I would yield such time as she may consume to a very important member of our committee for 16 years, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank you for your leadership on the committee and your leadership for these veterans in this country. And to the ranking member, I know that he did not mean that the leadership of this House, that have devoted a block of time to talk about the veterans and their service to this country, is filling the time.

I want to thank the leadership, I want to thank the chairman, and I want to thank the Republicans on the committee because we have some issues that we want to talk about honoring veterans that have served this country. So I know he did not mean that talking about veterans, other than Memorial Day or Veterans Day, is filling our time. He didn't mean that, I know that.

So I want to rise in support of veterans-related bills being considered today, and I support all eight of them.

I am pleased to be a cosponsor of House Resolution 1231, supporting Vietnam Veterans Day. In my State of Florida, we have close to 600,000 thousand veterans in Florida, and I am pleased to be given the chance to serve their interests as a member for 16 years on the Veterans' Affairs Committee.

The Vietnam War was a very divisive time in our Nation's history, and I hope that all Americans, through this resolution, will be able to continue to help heal this Nation, and that the Vietnam vets, who so bravely served our country, will finally get the respect they have earned. Let me just say: Vietnam veterans bravely served this country finally get the respect they helped earn.

I am also pleased recently to visit Puerto Rico recently and tour the VA Medical Center in San Juan. I was very impressed with the people who work at that facility and with the people in the territory as a whole. The employees were very professional, and it is a credit to both Puerto Rico and to the VA.

I was also in Ponce, admiring the port there, in my other role as a member on the Transportation Committee, and was very impressed by the city and very pleased that the veterans there have access to the VA clinic.

I support H.R. 4289, to name the VA clinic in Ponce after Captain Rubio, who earned the Medal of Honor for his service protecting his comrades above and beyond the call of duty.

I also rise in support of H.R. 4918, to rename the Miami Veterans Medical Center after one of Florida's bravest servicemen, Private Bruce Wayne Carter, of the United States Marine Corps. His mother still lives in Jacksonville. Private First Class Carter was ordered to Vietnam in April, 1969, and served as a radio operator. When he was 19, and in an act of incredible altruism, he threw himself on an enemy grenade, absorbing the full extent of the blast to protect his fellow marines.

He gave his life in service to our country and to his fellow marines and was awarded the Congressional Medal of Honor. I am pleased to join the entire Florida delegation in support of this legislation in honor of Bruce Carter.

Again, I want to thank the chairman, and I urge all of my colleagues to support all eight bills honoring veterans on the floor of the House of Representatives today. And once again I want to thank the leadership for bringing these veterans bills up today.

Mr. BUYER. The gentlelady knows quite well, having been here a very long time, that the best way to utilize the floor time, which is extremely important on the important issues facing the country, is that we could have taken these eight veterans bills and consolidated them and brought them to the floor. That is not what we have done.

Half of the bills that we are talking about here today, Mr. Speaker, I say to the gentlelady, is that they are naming bills. They are naming bills. We could have managed the time of the floor much better.

So the gentlelady was absolutely correct. No one here should try to attempt to spin my remarks about filling time as if somehow veterans substantive legislation is not important. The fact that the time on the floor is what is extremely important.

We have 35 legislative days, approximately, to go. I know you're praising leadership, Ms. BROWN, but this Congress, we have not done one appropriations bill to run this country. Mr. Speaker, I think that is correct. I think there are 12 legislative bills. We haven't done any of them. None of them have come to the House floor.

Ms. CORRINE BROWN of Florida. Will you yield?

Mr. BUYER. I yield to the gentlelady.

Ms. CORRINE BROWN of Florida. Sir, I understand what you're saying, but I don't know that it was any different when the Republicans were in charge. The appropriations bills, they are going through the process, they are going through the different hearings and the discussion. But today we have an opportunity to honor the veterans.

Mr. BUYER. I reclaim my time. When the gentlelady brought up with regard to what you did when you were in charge—I will just share this with the gentlelady—the bills that have been brought to the floor here under suspension, in the past, for years now you and I have work together and served on the Veterans' Affairs Committee. Any time the bill would actually come to the floor, it was always by agreement between the ranking and the chairman and other members of interest, always by consensus and by agreement.

That is not what happened here today. That is not. We did that with regard to seven bills. At the last moment, another bill gets added. We had some general concerns with regard to the language in the bill. But, no, the chairman is going to have his way.

So I just share with the gentlelady that he wanted to roll the minority, no differently than how the Speaker has rolled the committee with regard to the GI Bill and others.

Mr. FILNER. Would the gentleman yield?

Mr. BUYER. I wanted the gentlelady to know when you brought up the issue about, Well, here's what occurred when you were in charge, we had great deference to the Speaker and the access to the floor.

Ms. CORRINE BROWN of Florida. Will the gentleman yield?

Mr. BUYER. My point is that because this Congress has now chosen not to work on these very important issues facing the country, whether it's decreasing the energy prices, on immigration, solvency of Social Security, Medicare, all of these list of issues, we are not doing right now. So we need to be able to say, Okay, what are we going to do with our time. So we take the eight veterans bills that we have and split them each up individually, with 40 minutes on each bill.

I yield to the gentlelady.

Ms. CORRINE BROWN of Florida. Mr. BUYER, I think it is appropriate to take proper time to honor the veterans, and I am very happy that we are doing this today. The appropriation bills, as you know, will be coming up. These are the "must" bills that we have to pass. And so often, as you well know, we take them and we wrap them in a continuing resolution. Hopefully, we will pass several of those bills, but today it is time for us to honor the veterans.

We have passed, working together, the largest VA budget in the history of the United States.

Mr. BUYER. I reclaim my time. If you want to honor the veteran, then help me help this Congress and the American people reduce energy prices that impact upon the VA and other departments of government, but in particular, our veterans today, this bill before us deals with the epilepsy centers. And in order for these patients to gain access to these epileptic centers, they are either going to have to fly or they have got to drive great distances to get there, and there is going to be a cost increase to do that.

So if we are facing now from 2003 to today a 65 percent increase in energy baseline at the Department of Veterans Affairs, carry that across all government. So, today we are going to honor the veterans? We can't do things in a vacuum, I would say, Mr. Speaker. We have to be holistic with regard to how we apply our policies that we do here in Congress.

So with regard to caring for the Nation's veterans, for which we all embrace, we can only do that if we can increase the quality of our health care; at the same time, increasing the access. If we don't work on the increase in energy prices, then it has a depression then upon the access to quality health care.

So we can invest all the moneys we like on improving the quality of care, but if we can't also get them access, then have we achieved the goal for which we desire?

Ms. CORRINE BROWN of Florida. Will the gentleman yield?

Mr. BUYER. I yield to the gentlelady.

Ms. CORRINE BROWN of Florida. Last week, just last week we passed the Amtrak bill, which is an opportunity that we can take people out of their cars and move them forward. I went from downtown Brussels to downtown Paris, 200 miles, 1 hour and 15 minutes. That is the future of this country. We are moving forward. And I know you voted for my Amtrak bill. That is a great step forward.

☐ 1545

Mr. BUYER. Reclaiming my time, I appreciate that your own chairman did not object to your words. I voted for your Amtrak bill and I support the increase in our transportation, and I appreciate the deference of the chairman for not objecting to your words being outside of the nexus of the bill. I think they were inclusive of the nexus of the bill, Mr. Speaker, because it is about transportation and how our veterans gain access to the health care system. So I also appreciate the indulgence of the Chair by permitting the gentlewoman to speak and not silencing an individual Member's words on the House floor.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, before I yield to the gentleman from Colorado, I heard the gentleman from Indiana object to the naming bills. I guess that would be a unanimous consent request to tell Mr. HASTINGS from Washington, Mr. MILLER from Florida, Mr. FORTUÑO from Puerto Rico and Ms. ROS-LEHTINEN from Florida that he doesn't want to hear their bills. That is what I heard.

I yield such time as he may consume to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I want to thank the chairman for bringing up these bills today.

It is actually a little disappointing to stand here and listen to the dialogue, when I know my Republican colleagues on the House Veterans' Committee actually voted unanimously to get these bills to the floor. You know, veterans issues to me are not a partisan issue. We are all Americans. I think all of us support veterans, and we are all doing the best we can to move this thing forward.

Today, Mr. Speaker, I rise to support H.R. 2818, the Veterans' Epilepsy Treatment Act of 2008. I want to especially thank my fellow Coloradan, Congressman ED PERLMUTTER, who introduced this bill. He continues to be a champion for Colorado, for Colorado veterans and veterans across the Nation who suffer from epilepsy.

According to the VA, there are currently 89,000 veterans enrolled in the VA who have been diagnosed with epilepsy. This bill creates a national system of care to treat our veterans, colocated at existing polytrauma centers. This is very important to rural districts like mine, where making health care accessible is a constant challenge.

The Veterans Health Subcommittee has heard about the increasing rates of TBI among our returning veterans. A DOD study after Vietnam found that 53 percent of soldiers with brain injuries suffered from a penetrating TBI, the most severe type of TBI. About 15 percent of these also developed epilepsy soon after their injury.

Longer deployments put our heroes at greater risk for these injuries and mental health conditions. At the same time, advancements in medicine have saved many soldiers from injuries that only a few years ago would have been fatal. The result is a greater number of vets in the VA health care system with these types of injuries.

As a veteran myself, I was proud to serve my country at the end of the Vietnam War. Vietnam veterans returned home with head injuries, TBI and PTSD, but were not properly diagnosed. This bill honors their service by improving access to health care for current and future veterans. H.R. 2818 will go a long way in helping change our health care system to one that is prepared for tomorrow's challenges.

I encourage my colleagues on both sides of the aisle to support this legislation, as we did in the Veterans Affairs Committee, and I want to especially once again thank our Congressman from Colorado, who has a special interest for his leadership in making sure that our veterans have the health care that they deserve.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Colorado. He is a very valuable member of the Veterans' Affairs Committee. He and I have traveled part of the world together and I have tremendous respect for him. He also knows the Veterans' Affairs Committee works best when it works in a bipartisan fashion. So I turn to my good friend and ask for that help and assistance and best counsel that he can give to the chairman to stop the divisiveness that occurs on the committee by the actions he has been taking.

With that, I embrace the gentleman from Colorado. The gentleman should also know if the House is not going to address the big energy issues that also face America, and in particular your State with regard to oil shale and being able to access important sources of oil for this country, then I have to be able to create the nexus, Mr. Chairman, where I can, to talk about the impact of energy on this country and the impact upon veterans in this country.

With that, I reserve my time.

Mr. FILNER. I am the closing speaker on our side, Mr. Speaker, so I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I urge my colleagues to support H.R. 2818, as amended, and, with that, I yield back.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all the huffing and puffing, I am glad the minority ranking member supports the bill. Let me remind people what this bill is all about. It is about our veterans. It is about our veterans.

A DOD study after Vietnam found in fact that 15 percent of veterans with severe traumatic brain injury, TBI, developed epilepsy soon after their injury. We know how many TBI victims we have from Iraq and Afghanistan. So as more and more veterans move from DOD health care to the VA health care system, the VA must be prepared to treat TBI and epilepsy.

The Epilepsy Centers of Excellence in this bill by Mr. PERLMUTTER of Colorado would function as centers of research on the diagnosis, treatment and long-term effects of epilepsy. It gives the VA the tools to provide to veterans with epilepsy the quality of care that they deserve.

I join my ranking member in urging my colleagues to support H.R. 2818, as amended.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2818, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2818, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide for the establishment of epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs.".

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEORGE MILLER of California. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 379

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 26, 2008, or Friday, June 27, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on

Tuesday, July 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, June 26, 2008, through Friday, July 4, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 7, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. SHULER). The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H.R. 5876 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1276 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5876.

☐ 1557

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes, with Ms. MCCOLLUM of Minnesota in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5876, the Stop Child Abuse in Residential Programs For Teens Act of 2008. Last year, a 17-year-old boy in a Maryland residential program for teens became unresponsive after he was physically restrained by staff members. According to the press reports, prosecutors alleged that the staff members waited 41 minutes to call 911 because they thought the boy was faking. The boy died. A 15-year-old boy in a wilderness camp in Colorado died in May 2007 from a staph infection. According to the press reports, State authorities said the boy showed observable signs of infection that were neglected by the camp staff members.

Tragically, these recent deaths are not isolated cases. The Government Accountability Office has thousands of cases and allegations of child abuse and neglect stretching back decades in teen residential programs, including boot camps, wilderness camps and therapeutic boarding schools.

The Education and Labor Committee has closely examined a number of these neglect and abuse cases, including cases that resulted in the death of a child. We have heard stories about program staff members forcing children to remain in so-called stress positions for hours at a time, to stand with bags over their heads and nooses around their necks in mock hangings, to eat foods to which they were allergic, even as they got sick, or to eat their own vomit. We have heard from parents of children who died preventible deaths at the hands of untrained, uncaring staff members.

☐ 1600

Bob Bacon testified that program staff members mocked his son, Aaron, when the 16-year-old boy asked for medical help, calling him a faker. For weeks, the staff deprived Aaron of adequate food and water even though his weight loss became frighteningly apparent. When Bob and his wife Sally went to the mortuary to see their son, they found scars of abuse and dried skin stretched taut over Aaron's bones.

Cynthia Harvey told the Education and Labor Committee that program staff members waited 45 minutes before summoning appropriate medical care for her daughter, Erica, who had collapsed and was having difficulty breathing.

Paul Lewis testified that program staff members ignored his son Ryan's obvious signs of emotional distress, denying him psychiatric care that could have saved his life.

In addition to wrenching stories like these parents told, the Education and Labor Committee has also heard from adults who attended these programs as teens. They too were victims of physical and emotional abuse and witnessed other children being abused.

Madam Chairman, these abuses have been allowed to continue unchecked because of the weak patchwork of State and Federal regulations governing teen residential programs.

An exhaustive 18-month study by the Government Accountability Office showed that State licensing programs may exclude certain types of teen residential programs, and thus place children at higher risk of abuse and neglect. In some States, inconsistent licensing enables programs to define themselves out of the licensing altogether. According to the GAO, in Texas a program that calls itself a residential treatment center would be required to obtain a license; but if that same program were simply called a boarding school, it would not require a license. Even when licensing exists, GAO found that there may not be minimum standards to effectively prevent child abuse and neglect.

Parents often send their children to these programs when they feel they have exhausted all their alternatives. Their children may be abusing drugs or alcohol, attempting to run away—or physically harm themselves—or otherwise acting out. Parents turn to these programs because of the promise that staff members will help their children straighten their lives out. And surely there are many cases in which programs do provide families with the help they need. In far too many cases, however, the very people entrusted with the safety, health, and welfare of these children are the ones who violate the trust in some of the most awful ways imaginable.

We have learned a great deal from the Government Accountability Office about programs' irresponsible operating practices that put kids at risk and about the deceitful marketing practices that programs use to lure parents desperate for help for their children. The Government Accountability Office also found examples of the shady network that programs sometimes relied on, such as referral service providers that claim to offer independent services to parents but that actually have close financial or personal ties to the very programs that they are "independently recommending."

We know that there are many programs and people around the country who are committed to helping improve the lives of young people and who do good work every day. But, unfortunately, it has become extremely difficult for parents to tell the good programs from the bad. And I would remind you again that very often these parents seek nothing but the best for their children, children who are extremely difficult to handle, who have failed in other efforts and other programs to deal with their problems. So these parents have exhausted most of their options, and then they run into some of these programs which then endanger their child even though the parent is seeking the best for their child.

The legislation before us today, H.R. 5876, would help keep children safe in residential programs and help ensure that parents have information they need to make safer choices for their kids. The legislation requires the U.S. Department of Health and Human Services to establish minimum standards for private programs to enforce those standards.

With children's health and safety at risk, this Federal rule is a necessary recognition that we are dealing with an emergency and we cannot wait for the States to act. These abuses have been going on for years. States have had time to act and in many instances they have failed to do so.

Ultimately, however, States will be primarily responsible for carrying out the work of this bill. The legislation calls for States within 3 years to take up the role of setting standards and enforcing them on all programs, both public and private.

The Health and Human Services Administration and the State standards would include prohibitions on physical, sexual, and mental abuse of children. The standards would require that programs provide children with adequate food, water, and medical care. They would require that programs have plans in place to handle medical emergencies. They would also include new training requirements for program staff members, including training on how to identify and report child abuse.

The legislation requires Health and Human Services to set up a toll-free hotline for people to call to report abuse in these programs.

As you can see, Madam Chair, these are minimum requirements for the health and the safety of the children that have been placed in this care.

It also requires Health and Human Services to create a Web site with information about each program so that parents can look and see if substantiated cases of abuse have occurred at a program that they are considering for their children.

Finally, the legislation helps prevent programs from using deceptive marketing tactics to target parents. Among other things, it requires programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members, and requires programs to notify parents of substantiated reports of child abuse or violations of health and safety laws.

The legislation has the strong support of the American Association of Residential Centers. One of the association board members, Dr. Christopher Bellonci, testified in support of the legislation earlier this year. He said, and I quote, "The goal of this legislation is to ensure that children are not abused in these treatment settings, not to limit access to appropriate, regulated, and licensed residential care for children who are in need of these services. All of us working in licensed residential centers should support this goal."

Madam Chairman, we have a responsibility to keep children safe no matter what setting they are in, and today we are taking an important step towards finally ending the horrific abuses that have gone on far too long in residential programs for teens.

I want to thank Congresswoman McCARTHY of our committee for her hard work on this legislation, and I want to thank Congressman McKEON for his effort. And we will be offering a manager's amendment later that I think will help make this bill bipartisan and helps deal with some of the concerns that people had with the legislation. So I want to thank Congressman McKEON and his staff.

I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

We are here today to consider a bill that will help protect the thousands of young people enrolled in residential treatment facilities.

Although we don't know exactly how many such facilities exist, it is estimated that hundreds of them have been established all around the country. We will hear a lot about boot camps today, but there are a range of residential treatment programs, both public and private, ranging from wilderness therapy to boarding schools.

Many of these programs are successful, helping troubled teens overcome addiction, emotional struggles, and other challenges in order to turn their lives around. We are here today not because of the success stories, and there are many, but because of cases where these programs have harmed the young people they are meant to heal.

Over the last several years, the Government Accountability Office has been conducting a series of inquiries into reports of child abuse, neglect, and even death at residential treatment programs for teens.

Beginning last fall, the Education and Labor Committee heard testimony from the GAO on its findings. We also heard directly from victims of abuse and from the families of teens who lost their lives.

The stories we heard were devastating and the response was unequivocal: Someone needs to take responsibility for regulating and monitoring these programs and enforcing strong protections for the young people they enroll. However, even though we know the need to regulate these programs is clear, we are faced with many obstacles in determining the best approach.

The threshold challenge we face is to determine exactly what facilities we are talking about. Even the GAO, which has spent years investigating these programs, cannot offer a precise count or even an estimate of how many such programs exist and where they are located.

There is also the question of protecting against abuse while still allowing effective programs to serve families. As I mentioned earlier, in addition to stories of neglect and victimization, our inquiries into these programs also brought to light numerous success stories. We heard from young people who suffered from drug addiction, emotional and behavioral troubles, and other self-injuring behaviors. They credited residential treatment programs with turning their lives around.

Balancing these and other challenges, and after a process of review, analysis, and cooperation, I am pleased that we have developed a bipartisan proposal that will ensure the effective regulation, monitoring, and enforcement of these programs by the States, with the Federal Government playing an appropriate oversight role.

I appreciate Chairman MILLER's willingness to work with our side of the aisle throughout this process, and particularly over the last several days as we were able to forge a compromise that achieves our shared goal of protecting young people without creating the type of parallel and conflicting dual-regularity structure envisioned in the original bill.

As with any piece of legislation, this bill is not yet perfect. I remain concerned about potential conflicts between State child abuse laws and the new definitions and interpretations established here at the Federal level. I also think we need to consider whether linkages to the Child Abuse Prevention and Treatment Act will be sufficient to ensure States are fulfilling their duties to protect the young people in these programs. But on the whole, I am pleased with the progress we have made to develop a strong bipartisan bill that will help put an end to the cases of abuse, neglect, and death in these facilities.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for yielding and I thank him and I thank the ranking member as well for a bill that is, I think, very important to the country.

This is a matter of State regulation and will remain and should remain a matter of State regulation. But the fact is that there are many jurisdictions like my own which, because of the nature of the mental or the emotional or the behavioral problem of a particular child and the attempt to match that with the child's needs, may be required to send the child out of State. That is more likely to be the case if you are in a city, a medium-sized city like the District of Columbia which of course, does not have State facilities, but it is true of every State. We have learned of instances where I think even with the best efforts of the city, and the city has been to blame some of the time, there would have been very little that the city could have done unless there was a monitor on the spot. And understand, it costs hundreds of millions of dollars to send these children out of State. This is very expensive to do, but you do it for a young child, in the hope that you can help this child and bring this child back.

We had a situation recently, Madam Chair, where the city was sued, this city, the District of Columbia was sued for a hefty amount because the city had sent a child to a clinic in Pennsylvania and the child was raped by a very trusted counselor.

Now, perhaps the city should have been sued, so I am certainly not here to say whose fault it was, and I know nothing of the regulations of the State of Pennsylvania. I do know this: That if there are not minimum standards across these United States, no city or jurisdiction which sends children to another jurisdiction can be confident that every day, everything is going to happen as expected.

There is a monitor of child welfare matters in the District of Columbia, and she recently reported that, for example, that some District children that were being treated in Florida like "garbage." And the only way the District of Columbia knew was they read it in the newspapers. Now, what were they supposed to do, have somebody down there looking every day at what they were doing? Perhaps it was their fault. But we do not know if there were standards, such as the chairman and the committee have proposed here.

We just had to take some children out of something called "therapeutic restraint," Madam Chair, after we found that the children's arms had been broken as a part of this therapeutic restraint. Excuse me, spare me this therapy.

In this city, at least, we send hundreds upon hundreds of children to such schools around the country. It costs the District of Columbia $210 million a year. If you are in a larger State, this child may go within the State. Even so, there are large numbers who don't go within the State.

I want to thank the chairman for simply creating standards, and by the way, standards that will apply to the public sector and not only the private sector. There is no private right of action given by this bill. I particularly like the random inspections, because you never know if they are going to look at you.

☐ 1615

Mr. GEORGE MILLER of California. I yield the gentlewoman 1 additional minute.

Ms. NORTON. Madam Chairman, I like the commonsense, low-cost approach here because we obviously are not trying to duplicate what they do in the States. The random inspections will say to you, you never know if they are going to come to get you, and there are States that don't do such inspections. The fact that we are not talking about suing you, these people know how to get lawyers to sue under the appropriate circumstances.

In any case, we don't want to do something after the fact. We want to be assured if we have to send our children to another jurisdiction, that all will be well to the greatest extent possible. This bill, which covers the entire country, will, I think, restore the confidence of many parents that in fact at least the Congress has done all it can.

I thank the chair and the ranking member and the committee again for this important bill.

Mr. McKEON. Madam Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), a member of the committee.

Mr. BISHOP of Utah. Madam Chairman, first of all, I wish to thank the two gentlemen from California, Mr. McKEON and as much as I hate to, Mr. MILLER as well, for continuing to work on this particular bill. To say that this bill that is before us today is vastly better than the one that came out of the committee is definitely one of the understatements of the century, and so I appreciate their efforts to continue to try to make improvements on this particular bill.

I still have some problems. You know, this is the era of the NBA draft, and every team that's involved in the NBA draft is going through all of the data. They are going through all the pictures, they are going through the reviews, and they are checking the schedules of all the players. Not one of them is basing their decisions on a couple of comments in the yearbook written in the high school year of one of the kids.

Unfortunately, this bill is based upon a GAO report that is spotty at best which dealt with anecdotal evidence, several deaths of teens that were reported in this program. My office received a very emotional call from one of those who was cited, one of the programs that was cited, saying that the death had been found to be an accident, but GAO had never asked them about it. In fact, the GAO investigator admitted the eight anecdotal cases that were brought before us, only one resulted in any kind of criminal activity which simply meant either these problems were dealt with in a professional way or the legal system failed us miserably.

The GAO investigator admitted not knowing how many problems existed and the depth of the problem, if there was any, because no official study had been done on those particular areas.

Instead, perceptions were made on these particular programs which are designed to help troubled youth, youth in difficult situations to begin with.

One of the studies I did see indicated that in a study that was done, wilderness programs like this designed for troubled kids estimate about 1.1 injuries of all kinds per 1,000 days of participation. High school football camps have 19.7 injuries per 1,000 days of participation. In fact, even average kids living at home who have a driver's license are estimated at 4.5 accidents per 1,000 days.

We are dealing with a situation here which is more anecdotal than actual, and we are still coming up with a bill, much better than what we had in committee, but still has a few problems. Subsection (J) still insists on a sex offender registry that is yet to be up and running. Subsection (M) deals with parental requirements in which the parent is supposed to give information yet there is no enforcement mechanism to ensure the parent actually gives that particular recommendation. So there is still work that needs to be done on this.

Perhaps I can end with a quote from a parent whose daughter was actually in the same program as one of those who testified in front of the committee in which she said: Improvements can only happen when they are based on reality rather than generalizations and politics.

The reality is that there are three basic approaches to residential placement of youth, and each has its own strengths and weaknesses and a different route to improve each. First, there are juvenile justice institutions; second, treatment facilities including psychiatric hospitals and residential treatment centers; and the third general type are those that we refer to as parental-choice schools and programs.

We can and need to do better, but a solution will come about from reasoned discussions and step-by-step improvements that address the real problems in each type of approach. I am dubious that the Federal Government has the ability to improve the situation. This is partly based on what I have seen in the committee hearings where the emphasis was on wringing political condemnations, blurring boundaries and appealing to ideology and biases, and partly because of chronic problems existing in the current public-funded and controlled programs.

In short, this is an approach in which the States, especially my State, are actually solving the problem in a better way right now. We do not need the Federal Government to be involved in this particular program.

The CHAIRMAN. The gentleman's time has expired.

Mr. McKEON. I yield the gentleman an additional minute.

Mr. BISHOP of Utah. I am told that one of the quirks of the system we have right now is in the State of California. Anyone who is age 14 or older can check him or herself out of a situation or a program, which may be one of the reasons why programs in other parts of the country have almost 30 percent of their residents in these parent-type choice programs coming from the State of California. Maybe in the future we should work on how California deals with the situation internally instead of having a one-size-fits-all program here when the States are close to the problem and actually have stepped up to the plate and are doing a better job in trying to emphasize and control these programs than anything that we can do here on the Federal level.

With that, once again I thank the chairman and the ranking member for improving this bill from where it was.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Chairman, as a child psychiatrist, I have seen lots of these kids. I have seen them both in detention centers and in mental health facilities and in a variety of settings in which youngsters with really severe problems, people try to handle them. And it is with that in mind, that is why I rise in strong support of H.R. 5876, the Stop Child Abuse in Residential Programs For Teens Act of 2008.

It was introduced by my friend, GEORGE MILLER, and I am proud to be a cosponsor of what is a very important piece of legislation that will help protect America's kids.

In answer to the remarks of one of my colleagues just a moment ago about whether or not maybe we ought to let California deal with their problems, this is a problem nationwide. This is not a California problem. There are parents all over this country who have severely disturbed youngsters who try to find a place to place a kid in hopes that the program that is offered will in some way help their child get back on the track to being a successful adult. There are thousands of these youngsters every year that look for a place, some in their States, some outside their State. Parents know what they know. They may not know what the rules are in various States, and in some ways it is almost inevitable something like this, because of the transfer across State lines, that we have a national standard by which we require programs to operate.

They go to these programs for help in facing behavior and emotional problems, substance abuse and sometimes elements of building self-confidence that are known as bootstrap programs or wilderness camps or self-help boarding schools, and they operate across the country.

Now the teenagers who come into these programs receive help.

The CHAIRMAN. The gentleman's time has expired.

Mr. GEORGE MILLER of California. I yield 1 additional minute.

Mr. McDERMOTT. But tragically, Madam Chairman, they sometimes become the victims of child abuse and neglect. And you have heard about the GAO study, and I think there are plenty of examples about why this is necessary.

The bill would stop any program from restraining kids for any reason other than safety. It would stop a program from withholding essential food and water, clothing and shelter. It would mandate education and training for workers. It would require operators to disclose everything from the roles and responsibilities of their employees to confirmed cases of abuse.

Now to ensure compliance, the department will be empowered to carry out unannounced inspections and enforcement. And above all, this bill places the safety and well-being of the child above marketing hype and unscrupulous operators. In some cases, people have closed a program in one State and moved to another State. These programs that truly help children with a positive, uplifting experience will only benefit from this legislation.

There is no place in America for a program that hurts kids who are there trying to get help. This is not a bootstrap program, it is a dangerous program that should be changed or shut down, and I urge my colleagues to support this.

To allow children who are unable to control their own emotions and their own well-being to be in the hands of people who aren't thinking about them from their safety first is really a misguided program, and this bill will correct that.

Mr. McKEON. Madam Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Madam Chairman, child abuse is a horrendous evil. Such abuse is reported on an average of every 10 seconds in the United States. And three children die every day in our country as a result of abuse. Any abuse in residential treatment programs is an incredible travesty.

While fighting child abuse poses a tremendous challenge for us to overcome, this bill is not the answer. The manager's amendment makes great progress in improving the bill, yet there remain provisions that are simply unconscionable for those who respect the system of Federalism long established in our Nation. H.R. 5876 represents a dramatic expansion of the Federal oversight role in really an unprecedented area. Most States already have systems in place to check the abuse that this legislation would supposedly address. Yet this legislation would trump those systems. This bill provides a one-size-fits-all mandate for residential treatment facilities, inflexible to the needs of actual children and unresponsive to the local challenges faced by such youth treatment programs.

Residential treatment programs have had a great impact on youth in my district in Idaho. For instance, Cherry Gulch is a small, owner-operated treatment facility located on 220 acres of pristine land near Boise, Idaho. The ranch-style therapeutic boarding school is designed specifically for 10- to 14-year-old boys, and has made an incredible difference in the lives of the youth who have participated in those programs. Yet directors of these facilities have expressed grave concerns to me that their needs will not be met by H.R. 5876.

For instance, as one treatment program director pointed out, in a State like Idaho where usage of drugs like methamphetamine has exploded, giving every child the undefined right to so-called "reasonable" access to a telephone creates direct and unreasonable risks. Why allow youth the opportunity to contact drug dealers when the entire point of being put in such a facility is to overcome their addictions?

There is kind of political hubris to this approach. The attitude of this bill is that we here on Capitol Hill know better than people in our home States how to address the needs of abused children. I find that stunning. I would invite any of my colleagues to go back to their districts and talk with the people who day in and day out work to bring hope and healing to children victimized by abuse. I believe they will find it, as I have, quite humbling. We don't have all of the answers in Washington, D.C., and we certainly would be wrong to impose a top-down system of Federal management on States and localities.

Overall, I am certain that we can agree that it is important that children in residential treatment programs be protected. However, I do not believe that another Federal intrusion into the affairs of all 50 States is the answer.

In Federalist No. 8, James Madison warned of the dangers of creeping Federal powers over the States. In his words: "Ambitious encroachments of the Federal Government on the authority of the State governments would be signals of great alarm."

The CHAIRMAN. The gentleman's time has expired.

Mr. McKEON. I yield the gentleman an additional 1 minute.

Mr. SALI. When the Father of the Constitution issues such a warning, we should listen closely. Even more importantly, the Constitution of the United States says in the 10th amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people."

In 1941, the New Deal Supreme Court, in Darby v. United States, commented that this amendment is mere "truism." Many of us here in this body would challenge that assertion. The authority of the States and their right to govern their own affairs is not a trite and archaic remark but an essential aspect of our Federal system. We diminish it to the peril of our system of Federalism which has been vital to our freedom as a Nation.

H.R. 5876 is not a solution looking for a problem, but it is a solution that I will submit solves fewer problems than it will create.

☐ 1630

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. McDERMOTT) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The Committee resumed its sitting.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. McCARTHY) who's been very, very involved in the drafting of this legislation and also in other matters before our committee to keep children safe in whatever setting they're in.

Mrs. McCARTHY of New York. Madam Chairman, I want to start by saying congratulations to Chairman MILLER on this important day and thank him for his strong leadership over the many years that this has been an issue for him.

I also want to thank Chairman MILLER and the committee staff for working with me on this important legislation. When we started working on this issue in the committee, I became outraged over the testimony we heard. You see, children are dying.

I cannot forget the testimony of Bob Bacon, father of Aaron Bacon. Bob and his wife Sally were seeking the best alternative for their son, Aaron, who was struggling. They talked with therapists, counselors, pastors, and doctors, and were referred by friends to a particular program. They read, and I quote, in their very compelling brochure, spoke with the office on the phone, and met with the owners for a personal interview and chose this particular program for their son. They felt that the owners were caring people who had experience in counseling kids who were struggling with drugs and peer pressure.

He continued on in his testimony to our committee: "Of course, being normal, trusting, and honest people ourselves, we assumed we were being told the truth." They were not.

I will never forget the pain in the father's eyes when he told us that he regretted being talked into using the program's escort service, and here is why: At 5 a.m., Bob's son, Aaron, was taken from his bed under the threat of physical force if he resisted. Aaron was not permitted to speak to Bob or Sally, his mother, or father. His parents managed to hug him and tell him that it was for the best. The van backed out of the driveway, and Bob told us the pleading eyes of his son which begged them not to send him away haunt them today. They never spoke again.

Aaron died in the wilderness with the program's staff claiming he was faking the entire time. Aaron begged to be seen by a doctor. The criminal investigation illuminated 21 days, 21 days of physical and psychological abuse and neglect that Aaron experienced. There is no excuse for this.

This and many other stories are the cause of my outrage, and we should all be outraged. There were many stories and testimony from parents that came to our committee and talked to us, but here is the bottom line. There are some good residential programs out there that are for the treatment of our young people that have problems. But the majority, I have to say, they go from State to State to State. When they close down in one State, they open up in another State, and they use their same abusive practices.

This is America. These are our most vulnerable children. And yes, as far as I'm concerned, it is a Federal duty to protect these children because these camps do go from State to State. And we should at least be able to give the parents the tools that they need to make sure that their children are getting the treatment and the care that they were promised.

I hope that this bill passes. I hope that those in Congress understand because only because we never know if that's going to happen to one of our children in our families or our grandchildren, and we want to make sure that we have the information that is out there to make sure that our children get the treatment that they need.

Chairman MILLER, I thank you for bringing this forward. I hope this goes forward. I hope we can protect the children of this country. I hope that we can set standards for the many camps around this country that unfortunately do not do what they say to help the children.

Mr. McKEON. Madam Chairman, I yield 3 minutes no the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Madam Chairman, I thank the gentleman from California for yielding, and I thank the House for taking up this important bill.

In my 25-plus years of practicing as a child psychologist, I have treated many of the types of children that we're talking about today: young men and women, young boys and girls, who oftentimes characteristically really have reached the point in living with their family where the family has lost all ability to control these children.

As one group of parents told me when I was working them once in a group, the mother said, You know, it's like walking on eggshells when you're around my son. Another mother said, No, it's like walking on glass. You have to be so careful. You never know when you're going to have harm.

And so it is. I know so many of them move me so much when I wrote my book about these children called "The Angry Child." I recognized what many of their characteristics are: They have difficulty solving problems; they tend to blame other people for their problems; their primary emotional reaction to difficulty is anger; they believe that anger is a source of power for them, and they have a great deal of destructive self-talk. It is so very, very difficult to change these children.

And thus it is important that we have residential treatment programs available as an option because these parents have certainly gone through the whole gamut of possible treatment options through psychotherapy, counseling, sometimes hospitalizations, medication, et cetera. And they're so moved by their love and affection and hope for their child they're willing to try anything. But we have to make sure that "anything" does not involve situations that can lead to more harm and abuse.

One of the reasons this bill is so important is because parents have to know at a time when they feel they can no longer trust their child to control themselves and they no longer can trust their own ability to parent, they have to trust someone. And sound, residential treatment programs that are there with proper staff properly trained in therapy, not there to physically abuse or harm the child, of which a majority of these programs are good programs, but parents have to know there is something they can trust.

It is so terribly, terribly heartbreaking to work with these families and work with these children and know that they have destroyed a family. Their threats of violence, the risk for drug and alcohol abuse, their attacking other children, all just on this side of law so they don't end up in jail.

Parents are desperately trying to help them. I'm pleased this legislation is taking some steps to help restore some sense of trust for parents to know that the child can get some treatment to know the risks of harm are eliminated for them.

But still we have to recognize we must keep options open for these families who no longer know how to handle their very, very angry and difficult child.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. I thank our distinguished chairman.

Madam Chairman, I rise in support of the manager's amendment to the Stop Child Abuse in Residential Programs for Teens Act.

I want to begin by thanking our distinguished Chairman MILLER and his wonderful staff, as well as the ranking member and his outstanding staff, for putting together this bipartisan bill and for working with me to incorporate two provisions into this manager's amendment that will strengthen accountability measures in the bill.

Specifically, my provisions direct programs such as these to notify parents of any reports of abuse as soon as possible but absolutely no later than 48 hours after the incident.

Parents have the right to know when their child is in danger, and this amendment ensures that parents are informed expeditiously of any reports of child abuse or neglect. This amendment would also strengthen accountability in this way: The bill creates a publicly searchable Web site that will contain information on these facilities such as death, reports of abuse, and violations of safety standards. My provisions require the Web site to disclose the cause of death.

This will help parents to make informed decisions about which residential facilities are safely caring for children as well as which have poor records on incidents of abuse and/or death.

It is a terrifying yet documented fact that such severe abuse occurs in these programs. The Government Accountability Office reports that precipitated this bill found that more than 1,600 cases of alleged abuse in 33 States occurred in 2005 alone. These alarming occurrences of cruelty and neglect must end, and this bill will establish new national safety standards and guidelines for private therapy facilities to reduce, if not eliminate, these incidents.

Again, I would like to thank Chairman MILLER and his outstanding staff for all of his help in including my thoughts on this measure. I thank again the ranking member and his staff for making this a very important bipartisan measure that deserves the support of all of our colleagues.

Mr. MCKEON. Madam Chairman, I reserve my time.

Mr. GEORGE MILLER of California. If the Chair might advise us of how much time we have remaining.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 9 minutes. The gentleman from California (Mr. MCKEON) has 14 minutes.

Mr. GEORGE MILLER of California. If the gentleman has no further speakers, I would be happy to yield back the general debate time.

Mr. MCKEON. Madam Chairman, I yield myself the balance of my time.

I plan to support passage of H.R. 5876 today not because it's perfect but because Members on both sides of the aisle have acted in good faith to develop a package of reform that will help to protect the young people enrolled in residential treatment facilities.

I thank Chairman MILLER. I think that he knows that this is not the bill I would have written, and some concerns do remain, but he's made compromises and I have made compromises, and together we're working to develop a seamless system of oversight to ensure the teens in these programs, some of our most vulnerable young people, will be kept safe. I plan to continue working with the chairman in the coming months to improve the bill, avert unintended consequences, and ultimately achieve our goal of putting an end to the stories of abuse, neglect, and even death that have put a black mark on some of these programs.

I look forward to working more closely with the programs themselves as this legislation moves forward. I believe there are best practices out there that can be identified and replicated, and I take the expertise of these programs will be invaluable as we develop programs that do not undercut their ability to treat troubled youth.

I'm also eager to work more closely with the States, some of whom are doing an excellent job of licensing and regulating these programs. Unfortunately, not all States are rising to the task, which is what this bill hopes to change.

So let me close by simply thanking Chairman MILLER by shining a spotlight on this issue and offering my assurances that I will continue to work with you to stop child abuse in residential programs for teens.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I want to thank the gentleman from California (Mr. MCKEON) for all of his assistance, for his remarks, and we all recognize that this is a bill that is a work in progress. I think certainly at this stage we have it about right, but we will continue those discussions. Again, I thank him for his assistance.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 5876, "Stop the Child Abuse in Residential Programs for Teens." I would like to thank my colleagues on the Committee on Education and Labor for bringing this very important legislation to the floor.

On Capitol Hill we often debate matters that can address varying viewpoints. I believe that this legislation can only be looked at from two angles—right and wrong.

They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care and residential care system. Black, White, Hispanic, and Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents or in treatment centers with experienced and caring providers. And some do not.

This legislation allows us to keep our children safe with:

New national standards for private and public residential programs—

Prohibit programs from physically, mentally, or sexually abusing children in their care;

Prohibit programs from denying children essential water, food, clothing, shelter, or medical care—whether as a form of punishment or for any other reason;

Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing federal law on the use of restraints;

Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;

Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and

Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens—

Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;

Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and

Require programs to include a link or web address for the website of the U.S. Department of Health and Human Services, which will carry information on residential programs.

Hold teen residential programs accountable for violating the law—

Require states to inform the U.S. Department of Health and Human Services of reports of child abuse and neglect at covered programs and require HHS to conduct investigations of such programs to determine if a violation of the national standards has occurred; and

Give HHS the authority to assess civil penalties of up to $50,000 against programs for every violation of the law.

Ask States to step in to protect teens in residential programs—

Three years after enactment, the legislation would provide certain Federal grant money to

States only if they development their own licensing standards, that are at least strong as national standards, for public and private residential programs for teens and implement a monitoring and enforcement system, including conducting unannounced site inspections of all programs at least once every 2 years. The Department of Health and Human Services would continue to inspect programs where a child fatality has occurred or where a pattern of violations has emerged.

This legislation seeks to protect the unprotected—our children—from abuse, neglect and exploitation. Many of these children are not safe, and their futures are uncertain. The groups serving children and adolescents with mental health or substance use conditions need better regulation. The youth boot camps and other "alternative placement facilities" should be forced to provide greater transparency as to the policies and practices of their programs.

This legislation is a welcomed and needed response to numerous studies documenting the ineffectiveness of these programs and, in several instances, the tragic deaths as a result of child abuse and neglect as reported by the GAO in October 2007. Too many families struggle mightily in nearly every state to find placements, when appropriate, for their children that will address their complex mental health needs.

These facilities flourish, in part, because parents lack the necessary information about the operation and practices of these programs. The promise of help cannot be allowed to obscure the fact that these kinds of program are not science-based and have not been forthcoming about the incidence of neglect or abuse.

This addresses the challenges facing many families. It seeks relief from these risks by (1) establishing standards for these programs that are consistent with current child protection laws; (2) ensuring that personnel is qualified; (3) shifting these programs to be family-centered, as well as culturally and developmentally appropriate; (4) creating mechanisms for the monitoring and enforcement of these goals; (5) calling for greater transparency and accessibility to the compliance of these standards; and (6) providing grants to states for the prevention of child abuse and neglect and for the treatment of children's mental health or substance use conditions.

Additionally, the annual report to Congress is an effective tool in ensuring that these critical issues emerge from the shadows and see the light of day. I share the vision and commitment of Chairman MILLER and the Education and Labor Committee in protecting our youth from such predators.

I urge my colleagues to vote for our children, vote for our families, and vote for H.R. 5876.

Mr. DAVIS of Illinois. Madam Chairman, I rise today to emphasize the need for standards and enforcement provisions that prevent and respond to allegations of child abuse and neglect at residential treatment facilities. These facilities include both public and private programs that serve teens with emotional, behavioral, and mental health problems; wilderness camps, boot camps, therapeutic boarding schools, and behavior modification facilities are all programs that serve this purpose. The Stop Child Abuse in Residential Programs for Teens Act, H.R. 5876, would require accountability and transparency from these programs. I strongly support this bill, which would help protect these vulnerable teens entrusted to their care.

Residential programs are meant to provide help and support to teenagers. However, in October 2007, the Government Accountability Office found numerous allegations of abuse, some of which led to death, connected to these programs between 1990 and 2007. Accounts of physical and sexual abuse have been publicized, although with difficulty given that these programs are not accountable to a Federal agency or other entity. It is unacceptable for Government to facilitate this secrecy. Parents trust that residential facilities will keep their child safe and care for their children properly; however, it is often found that this is not the case. I am proud that we are taking steps to implement Federal guidelines for treatment and care for these vulnerable youth.

H.R. 5876 works to end this abuse by enforcing national standards that provide for the basic health and safety of children, along with disseminating information about programs that will help ensure compliance. The bill requires States to inform the Department of Health and Human Services of incidences of child abuse, neglect, and fatalities at covered programs; it also requires HHS to investigate any allegations and will be authorized to financially penalize programs for these offenses. A Web site will summarize information on programs and any problems they have had, including whether the problems occurred under the same management but different program names. In addition, there will be a toll-free hotline to report child abuse and neglect at covered programs. I encourage Congress to fully support H.R. 5876 and, in turn, support the teens that it has been created to protect.

Mr. MATHESON, Madam Chairman, during my 8 years representing Utah's Second District, I have always worked to protect children. The press reports of abuse, neglect, and tragic deaths in some residential therapy programs for youth are very concerning to me. Over the years, many treatment centers have been established across the Nation, including in my home State of Utah. As a result, Utah has worked hard to license and regulate residential treatment programs over the past several years and my State meets many of the standards set forth in the legislation before us. It is my understanding that some States have not developed stringent requirements and that leads to a patchwork of regulations where kids can fall through the cracks.

I'd like to thank Chairman MILLER for working with me to include language in the manager's amendment requesting that HHS study the outcomes of individuals in these types of programs through a longitudinal study. I feel this data is extremely useful to better understand the outcomes of individuals in these programs and the progress made towards the goals of the treatment programs to fully rehabilitate troubled youth and teens. I want to thank the chairman and ranking member of the committee for their leadership and efforts to establish a more standardized process for overseeing residential treatment centers for children. I believe a uniform set of standards makes sense, especially when it comes to meeting the needs of the most troubled children and their families. Those centers that service families well should not fear uniform standards because they will naturally comply. However, those who say the standards are burdensome fail to recognize that we all must perform at the highest possible standard to ensure the safety of all children. These measures seek to support good actors and encourage those who are not to become so.

Mr. RANGEL. Madam Chairman, I rise today to express my support of the Stop Child Abuse in Residential Programs for Teens Act of 2008, introduced by Repesentative GEORGE MILLER.

The bill H.R. 5876 provides American teenagers with security and safety in residential programs. The passage of the bill is crucial for the American Education System and American society. Many times residential programs leave teenagers without necessary attention and care, which can lead to abuse, harm and even death of children. It is critical to address this problem now. Through various requirements and changes, The Stop Child Abuse in Residential Programs Act will significantly improve residential programs for children. This important legislation will better the lives of many young Americans by making them safer and healthier.

U.S. Government can not allow further abuse and neglect of teenagers in private or public residential programs. Members of Congress must understand how crucial Stop Child Abuse in Residential Programs for Teens Act is and must strongly support its enactment. In taking action to enact this proposed legislation today we will send a strong message that this abuse must stop.

Mr. GEORGE MILLER of Califonia. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Child Abuse in Residential Programs for Teens Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term "child" means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term "child abuse and neglect" has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term "covered program" means each location of a program not operated by a governmental entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boat camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term "covered program" does not include—

(i) a hospital licensed by the State;

(ii) a foster family home or group home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home or group home; or

(iii) a psychiatric residential treatment facility that is certified as meeting the requirements specified in regulations promulgated for such facilities under section 1905(h)(1)(A) of the Social Security Act and that provides psychiatric services for which medical assistance is available under a State plan under title XIX of such Act.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term "protection and advocacy system" means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term "State" has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each location of a covered program that individually or together with other locations has an effect on interstate commerce, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) INSPECTIONS.—The Assistant Secretary shall establish a process for conducting unannounced site inspections of each location of a covered program to determine compliance with the standards required under subsection (a)(1). Such inspections shall—

(A) begin not later than the date on which the Assistant Secretary promulgates interim regulations under subsection (a)(2)(A); and

(B) be conducted at each location of each covered program not less often than once every two years, until such time as the Assistant Secretary has determined a State has appropriate health and safety licensing requirements, monitoring, and enforcement of covered programs in such State, as determined in accordance with section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act.

(2) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(3) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contains, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five year period immediately preceding the date of the enactment of this Act;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(3), any judgments or orders issued by a court pursuant to section 5, and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(3) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, sua sponte, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. PRIVATE RIGHT OF ACTION.

(a) MAINTENANCE OF ACTION.—Any person suffering an injury-in-fact traceable to a violation of a regulation promulgated pursuant to section 3(a) may bring suit or a claim demanding relief.

(b) RELIEF.—A court hearing a claim or suit under subsection (a) may order any appropriate equitable remedy and award damages, including punitive damages and reasonable attorneys' fees, for a violation of a regulation promulgated pursuant to section 3(a).

(c) LIMITATION.—The provisions of section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) shall not apply to any action brought under this Act.

SEC. 6. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a description of the number and types of covered programs inspected by the Assistant Secretary pursuant to section 3(b)(1);

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(2);

(4) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 8 of this Act; and

(5) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services $50,000,000 for each of fiscal years 2009 through 2013 to carry out this Act (excluding the amendment made by section 8 of this Act).

SEC. 8. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

"(2) COVERED PROGRAM.—

"(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

"(i) provides a residential environment, such as—

"(I) a program with a wilderness or outdoor experience, expedition, or intervention;

"(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

"(III) a therapeutic boarding school; or

"(IV) a behavioral modification program; and

"(ii) operates with a focus on serving children with—

"(I) emotional, behavioral, or mental health problems or disorders; or

"(II) problems with alcohol or substance abuse.

"(B) EXCLUSION.—The term 'covered program' does not include—

"(i) a hospital licensed by the State;

"(ii) a foster family home or group home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home or group home; or

"(iii) a psychiatric residential treatment facility that is certified as meeting the requirements specified in regulations promulgated for such facilities under section 1905(h)(1)(A) of the Social Security Act and that provides psychiatric services for which medical assistance is available under a State plan under title XIX of such Act.

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

"(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

"(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

"(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2008;

"(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

"(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

"(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

"(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

"(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

"(B) a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

"(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

"(D) creating a database, to be integrated with the annual State data reports required

under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

"(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

"(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

"(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

"(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

"(B) there is a child fatality at a covered program operating in the State;

"(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), violations of standards required under paragraph (1), and all penalties levied against such programs;

"(6) annually submit to the Secretary a report that includes—

"(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

"(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

"(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop and policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

"(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of this subsection (b) unless—

"(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

"(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

"(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

"(4) the State creates a database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

"(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

"(6) after a review of assessments conducted under section 3(b)(2)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

"(d) OVERSIGHT.—

"(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

"(A) preventing child abuse and neglect at covered programs operating in each such State; and

"(B) enforcing the licensing standards described in subsection (b)(1).

"(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

"(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

"(i) a child fatality at such program; or

"(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

"(B) annually, a random sample of review of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

"(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2008.

"(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

"(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

"(B) the Secretary and the appropriate local agency shall jointly investigate such report.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by inserting before the period at the end the following: ", and $200,000,000 for each of fiscal years 2009 through 2013".

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after "specific" the following: "(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)".

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).".

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: "(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)"; and

(B) in paragraph (6), by inserting before the period at the end the following: "or who were in the care of a covered program, as such term is defined in section 114".

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

"Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–717. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to an amendment; and shall not be subject to a demand for division of the question.

□ 1645

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–717.

Mr. GEORGE MILLER of California. Madam Chairman, I have an amendment at the desk, the manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 2, line 20, strike "not".

Page 2, line 21, strike "governmental" and insert "public or private".

Page 3, line 20, insert "or" after the semicolon.

Page 3, beginning line 21, strike "or group home".

Page 3, line 23, strike "place" and insert "placed".

Page 4, line 3, strike "or group home; or" and insert a period.

Page 4, strike lines 4 through 11.

Page 9, line 4, after "program" insert "immediately, to the maximum extent practicable, but not later than within 48 hours".

Page 9, line 13, strike "section 8" and insert "section 7".

Page 10, strike line 13 through page 11, line 4.

Page 11, line 5, strike "(2)" and insert "(1)".

Page 11, line 13, strike "section 8" and insert "section 7".

Page 12, line 10, strike "section 8" and insert "section 7".

Page 12, line 15, strike "(3)" and insert "(2)".

Page 13, line 10, strike "contains" and insert "contain".

Page 13, line 21, strike "section 8" and insert "section 7".

Page 14, beginning line 1, strike "section 8" and insert "section 7".

Page 14, line 8, before the semicolon insert ", and including the cause of each such death".

Page 14, line 15, strike "section 8" and insert "section 7".

Page 14, beginning line 19, strike "(b)(3), any judgments or orders issued by a court pursuant to section 5," and insert "(b)(2)".

Page 16, line 8, strike "(b)(3)" and insert "(b)(2)".

Page 16, strike line 14 through page 17, line 2.

Page 17, line 3, strike "6" and insert "5".

Page 17, strike lines 13 through 21 and insert the following:

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

Page 17, line 22, strike "(4)" and insert "(3)".

Page 17, line 25, strike "section 8" and insert "section 7".

Page 17, line 25, strike "and" at the end.

Page 18, line 1, strike "(5)" and insert "(4)".

Page 18, line 3, strike the period and insert "; and".

Page 18, after line 3, insert the following:

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

Page 18, line 4, strike "7" and insert "6".

Page 18, line 6, strike "$50,000,000" and insert "$15,000,000".

Page 18, line 8, strike "section 8" and insert "section 7".

Page 18, line 8, after "of this Act" insert "and section 8 of this Act".

Page 18, line 9, strike "8" and insert "7".

Page 19, line 25, insert "or" after the semicolon.

Page 20, beginning line 1, strike "or group home".

Page 20, line 8, strike "or group home; or" and insert a period.

Page 20, strike lines 9 through 16.

Page 22, line 14, insert "establishing" after "(B)".

Page 22, line 20, strike "that such" and insert "that substantiated reports of child abuse and neglect may remain confidential and all".

Page 23, line 4, insert "non-public" before "database".

Page 24, line 21, insert "substantiated" before "child".

Page 24, line 25, insert "and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated" after "neglect".

Page 25, line 20, strike "develop and" and insert "develop".

Page 26, line 15, insert "non-public" before "database".

Page 28, line 14, strike "annually, a random sample of review" and insert "an annual review by the Secretary".

Page 29, line 19, strike "$200,000,000" and insert "$235,000,000".

At the end of the bill, add the following new section:

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 1276, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 5 minutes.

I rise in strong support of this manager's amendment, and I offer this manager's amendment on behalf of myself and Congressman MCKEON, who worked with us on this amendment to improve the legislation.

It is the intent, as you have just heard from the debate on this legislation, to ensure that children are safe no matter what settings they are in. And this amendment further refines the legislation to improve the legislation.

The main changes that are offered in this amendment—and Mr. MCKEON pushed for these changes and recognized the need for them—one is to broaden the Federal oversight to include public residential programs as well as private ones. It strikes the right provided under this Act for families to sue in Federal court for violations of the national standards. And it strikes the requirement that the Health and Human Services conduct site inspections of all covered programs at least every 2 years.

It was my belief that we continue and are able to maintain the intent and the purposes of this Act to make sure that children are safe in these varied settings, as we heard from Mr. MURPHY of Pennsylvania, children who are very difficult to handle in many instances and parents who have run out of the capacity to deal with these children seeking to have this care.

I believe that the manager's amendment further refines the legislation, strikes a better balance in the bill, and I want to again thank Mr. MCKEON.

I reserve the balance of my time on the manager's amendment.

Mr. MCKEON. I claim the time in opposition to the amendment, Madam Chairman, although I am not opposed.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

After the devastating stories we heard of children dying at residential treatment facilities, every member of our committee wondered how this could have happened and what could have been done to prevent it. And being in Washington, it's easy to assume the answer lies here with the Federal Government.

But, Madam Chairman, we know the answer is not always the Federal Government. In fact, States may be better equipped to regulate, monitor, and enforce the safety protections that are needed for these programs. We can ensure stronger protections by resisting the urge to consolidate all responsibility inside the Beltway.

When this bill was brought before the committee, the Department of Health and Human Services said the following:

"The Federal Government has no oversight or rules governing child abuse and neglect investigations, as each State has its own process for defining and investigating child abuse and neglect, including the timeliness and methods for responding to and completing investigations of allegations. As such, any Federal investigations of abuse and neglect would likely interfere and perhaps conflict with a State's procedures for the same."

The Miller-McKeon substitute will go a long way toward addressing this issue, and I want to once again thank Chairman MILLER for his willingness to consider our concerns. Some danger still remains that the specific requirements of this bill could conflict with State child protection laws, and I look forward to working in a bipartisan basis to resolve that issue as this bill moves forward.

There was also a practical problem with the top-down Federal regulation in the bill as it was drafted. It would have been virtually impossible for HHS to build up a new regulatory infrastructure and have the capacity to begin visiting each and every one of these programs in the time allotted. It is far more practical for the States, many of which are already licensing and regulating these programs, to take on that responsibility. This substitute ensures that States will do so.

The bill, as originally drafted, also included a new private right of action to sue in Federal court, something that I think would have provided a much greater benefit to trial lawyers than victimized youth. I'm pleased this provision has been removed. Victims of abuse still have the right to remedies in court, but our emphasis now is on protection and prevention instead of litigation.

And so, Madam Chairman, because of this substitute, the bill we will vote on later today is a considerable improvement over what was introduced. While it is still not perfect, I plan to support it and continue working with the Chairman to create strong protections for the young people enrolled in these programs.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the ranking member for yielding.

I rise in strong support of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act. This legislation will create and enforce safety standards for residential treatment facilities that serve to rehabilitate troubled youth.

While many residential treatment facilities for teens, such as boot camps and substance abuse treatment programs, provide effective rehabilitation services for troubled youth, it is the few bad actors that bring us here today. Families send their teens to residential treatment facilities many times after all other options have been exhausted. Though many of these programs involve extreme physical activities as part of their treatment plans, no child should be forced to endure suffocation, dehydration, or other types of physical abuse that surfaced during hearings that the Committee on Education and Labor held earlier this year.

While I supported the original bill, I believe that this manager's amendment makes the bill even stronger, and I thank Chairman MILLER and Ranking Member McKEON for working together on this very important issue.

The substitute places the responsibility of monitoring and enforcement of these safety standards in the hands of each State government, rather than officials here in Washington. In addition, the manager's amendment would ensure that all facilities that provide treatment to children, public or private, are subject to safety standards.

I want to stress that not all residential treatment facilities are abusive or bad actors—in fact, quite the opposite. Through the process of considering this legislation, I have heard from many facilities which are proud of the positive impacts that they have had on the lives of teens. I've also heard from graduates from these programs who believe that they owe their lives to a treatment facility.

This bill, the Stop Child Abuse in Residential Programs for Teens Act, aims to ensure that all programs are working in good faith to achieve these goals and do not use violence or intimidation under the guise of treatment.

Again, I'd like to thank Chairman MILLER and Ranking Member McKEON for working together to improve this important piece of legislation. I urge my colleagues to support the manager's amendment and ultimately to support H.R. 5876, legislation that is critically important to the safety of our Nation's children.

Mr. GEORGE MILLER of California. I have no further requests for time if the gentleman would yield back.

Mr. McKEON. I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 110–717.

Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 1 printed in House Report 110–717 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 17, as follows:

[Roll No. 444]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Bilbray
Cannon
Christensen
Davis (IL)
Fortuño
Hunter
Johnson, E. B.
Markey
Pence
Pryce (OH)
Rush
Sanchez, Loretta
Snyder
Speier
Velázquez
Weldon (FL)
Wexler

☐ 1720

Messrs. CANTOR, BAIRD, and POE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, on rollcall No. 444, I was delayed due to traffic—fundraising for DCCC. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Ms. MCCOLLUM of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes, pursuant to House Resolution 1276, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 5876 to the Committee on Education and Labor with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment: On page 9, beginning on line 3, insert the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

(N) Policies to require the consent of parents or legal guardians of a child, before any prescription medication (including contraception) not previously disclosed in writing pursuant to subparagraph (M)(i) by such parents or legal guardians, may be dispensed to such child.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, today I rise to offer a motion which will ensure that parents of children in residential treatment facilities have control over any medication being prescribed to their child. While the bill as currently written would require a parent or a legal guardian to disclose to the facility any prescription drugs that their child is currently taking, the facility would not be required to receive parental consent for the child to be issued a prescription for any new medications.

As a mother and also as a foster mother, I strongly believe in the importance of the role of the parent or the legal guardian in a child's life. This is especially true, Mr. Speaker, when it comes to matters as serious as the health and well-being of a child.

Prescription drugs, such as medication to treat psychiatric conditions, can have a major impact on the mind and the body of an adult, let alone on the young mind and the young body of a child. Such a critical decision should only be made by a qualified medical doctor with the expressed consent of a parent or legal guardian. This is only common sense, Mr. Speaker.

Mr. Speaker, the bill before us today would allow residential treatment facilities to impose their will on children without affording those children the protection and guidance of their closest family. Whether the parent, whose intimate relationship and familiarity with their child is critical in choosing a treatment path, feels that it is in their child's best interest or not, any medication could be prescribed. For example, in its present form, this bill would allow a treatment facility to prescribe contraception to a child, who when properly informed and guided by a parent may have chosen to carry the baby to term, either raising it as their own or contacting an adoption agency, not terminating its life.

The purpose of this amendment is to protect children who are in a very vulnerable situation away from their families in a residential treatment facility where they are supposed to be receiving help for a very difficult problem. The parents and the guardians who have raised and cared for these children, who know and understand their children and their medical histories best, should know about any new or changed medications to exercise their role as primary medical decision makers for their children. The right of consent should be explicitly stated in this legislation meant to protect these vulnerable youth.

☐ 1730

Mr. Speaker, one thing that I saw firsthand as a foster mother, there were too many children of color, minority children, who were overly prescribed for prescription drugs at a younger and younger age. This is a very disturbing issue and expressly underscores why parents or their guardians should have a say to actually give consent whether these children are given prescription drugs.

That being said, my motion, Mr. Speaker, does not infringe in any way on the role of the medical facility at a treatment facility. The expertise of the staff and the physicians would still be fully utilized in the diagnosis and, upon parental consent, the dispensing of prescription medication.

Moreover, my motion would not require parental notification for nonprescription drugs. A child in a residential treatment facility would not be hindered in obtaining any over-the-counter medication, such as aspirin. Only prescription drugs, which can have such far-reaching effects on a patient, would be applicable to the terms of this motion.

The prescription drugs often used in these facilities, especially the mental health drugs, have very serious, and sometimes fatal side effects. This is no laughing matter, Mr. Speaker. These side effects for children, for children, Mr. Speaker, include suicide, homicide, psychosis, heart problems, tics, movement disorders, diabetes, even obesity.

Mr. Speaker, a parent is one of the most powerful influences in a child's life. I think this body agrees on that. In the case of a child in a residential treatment facility, with a very small voice and no ability to protect himself or herself, it is imperative that a parent or a legal guardian be given proper authority over the course of the treatment recommended by the treatment facility.

Mr. Speaker, today I rise to offer a motion which will ensure that parents of children in residential treatment facilities have control over any medication being prescribed to their child. While the bill, as currently written, would require a parent or legal guardian to disclose to the facility any prescription drugs their child is currently taking, the facility would not be required to receive parental consent for the child to be issued a prescription for any new medication.

This issue is very real for me. As a mother and a foster mother who has cared for children in similar situations, I strongly believe in the importance of the role of the parent or legal guardian in a child's life. This is especially true when it comes to matters as serious as the health and well-being of that child. Prescription drugs, such as medication to treat psychiatric conditions can have a major impact on the mind and body of an adult, let alone the young mind and body of a child. Our professionals deal with this on a regular basis in mental health facilities all across the nation. Especially tragic is the statistically high number of children of color who are placed on prescription psychotropic drugs, often with severe misgivings from parents or guardians. Such a critical decision should only be made by a qualified medical doctor and only after the expressed consent of a parent or legal guardian is given.

Mr. Speaker, the bill before us today would allow staff in residential treatment facilities to impose their will on children, without affording those children the protection and guidance of their closest family. Whether the parent, whose intimate relationship and familiarity with their child is critical in choosing a treatment path, feels it is in their child's best interest or not, any medication could be prescribed.

That is a historic leap in loss of parental rights over their children. Parents remain legally and financially liable for their children's mental and physical welfare yet this bill has government stripping parents of their right to consent to medical treatment via prescription drugs for their children. This bill says parents are good enough to pay the bill, but they can't be trusted to make decisions regarding their child's health. That is insulting, demeaning, and wrong.

The purpose of this amendment is to protect children who are in a very vulnerable situation away from their families in a residential treatment facility where they are supposed to be receiving help for very difficult problems. The parents and guardians that have raised and cared for these children, who know and understand their children and their medical histories best, should know about any new or changed medications to exercise their role as primary medical decision makers for their offspring. The right of consent should be explicitly stated in this legislation meant to protect these vulnerable youth.

That being said, this motion does not infringe on the role of the medical faculty at a treatment facility. The expertise of the staff and physicians would still be fully utilized in the diagnosis, and upon parental consent, the dispensing of prescription medication. Moreover, this motion would not require parental notification for non-prescription medication. A child in a residential treatment facility would not be hindered in obtaining any over-the-counter (OTC) medication such as aspirin. Only prescription drugs, which can have such far-reaching effects on the patient, would be applicable to the terms of this motion.

The prescription drugs often used in these facilities, especially the mental health drugs, have extremely serious, and sometimes fatal side effects. These include suicide, homicide, psychosis, heart problems, tics and movement disorders, diabetes and obesity.

Mr. Speaker, Members understand, a parent is one of the most powerful influences in a child's life. In the case of a child in a residential treatment facility, it is imperative that his or her parent or legal guardian be given proper authority over the course of treatment recommended by the treatment facility.

I believe this is an important addition to this bill and I urge my colleages to support the addition of this language.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1276, further proceedings on this bill are postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. HASTINGS of Florida (during consideration of H.R. 5876), from the Committee on Rules, submitted a privileged report (Rept. No. 110–731) on the resolution (H. Res. 1297) providing for consideration of the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. HASTINGS of Florida (during consideration of H.R. 5876), from the Committee on Rules, submitted a privileged report (Rept. No. 110–732) on the resolution (H. Res. 1298) providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

Mr. HASTINGS of Florida (during consideration of H.R. 5876), from the Committee on Rules, submitted a privileged report (Rept. No. 110–733) on the resolution (H. Res. 1299) providing for consideration of the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of House Concurrent Resolution 379; approval of the Journal; and motions to suspend the rules with regard to H.R. 6327 and H.R. 6346.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Concurrent Resolution 379, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 197, not voting 12, as follows:

[Roll No. 445]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel

Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bachus
Cannon
Capps
Cuellar
Davis (IL)
Pence
Pryce (OH)
Rush
Snyder
Speier
Weldon (FL)
Wexler

☐ 1751

Messrs. KINGSTON, LINDER and BISHOP of Utah changed their vote from "yea" to "nay."

Ms. DELAURO and Mr. KENNEDY changed their vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUELLAR. Madam Speaker, on rollcall No. 445, had I been present, I would have voted "yea."

Mrs. CAPPS. Madam Speaker, on rollcall No. 445, had I been present, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore (Ms. MCCOLLUM of Minnesota). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, answered "present" 2, not voting 12, as follows:

[Roll No. 446]

YEAS—239

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—181

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin

Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—12

Cannon
Davis (IL)
Edwards (TX)
Hirono
Moore (WI)
Pence
Pickering
Pryce (OH)
Rush
Snyder
Speier
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1758

So the Journal was approved.

The result of the vote was announced as above recorded.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6327, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 6327, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 447]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Davis (IL)
McCarthy (NY)
Pence
Peterson (MN)
Pryce (OH)
Rush
Scott (VA)
Snyder
Speier
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1807

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL PRICE GOUGING PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6346, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. STUPAK) that the House suspend the rules and pass the bill, H.R. 6346, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 276, nays 146, not voting 13, as follows:

[Roll No. 448]

YEAS—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—146

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—13

Berman
Blumenauer
Cannon
Davis (IL)
Melancon
Miller, George
Moore (KS)
Pence
Pryce (OH)
Rush
Snyder
Speier
Wexler

☐ 1816

Mr. WITTMAN of Virginia and Mrs. BONO MACK changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–127)

The SPEAKER pro tempore (Mr. WELCH of Vermont) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2008.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 24, 2008.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE AMERICAN VETERAN

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1098) supporting the goals and ideals of the Year of the American Veteran.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1098

Whereas there are currently more than 25,000,000 veterans of the United States Armed Forces, residing in the United States;

Whereas those who are legally termed "veteran" have served the United States honorably in either times of peace or war;

Whereas by the very nature of their service, veterans have sacrificed, along with their families, in the name of their country;

Whereas the service of veterans has and continues to guarantee the fundamental freedoms afforded to all Americans;

Whereas the American people are grateful and appreciative of the sacrifices made by all veterans, past, present, and future and wish to especially commemorate their service; and

Whereas the Commission on the Future for America's Veterans has designated 2008 as the "Year of the American Veteran": Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages the American people to recognize and acknowledge the sacrifices the American veteran demonstrates in the name of freedom;

(2) encourages the education of the American people on the many great contributions of the American veteran to American society; and

(3) supports the goals and ideals of the Year of the American Veteran.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Res. 1098 to support the goals and ideals of the Year of the American Veteran.

This resolution encourages the American people to recognize and acknowledge the sacrifices the American veteran demonstrates in the name of freedom; encourages the education of the American people on the many great contributions of the American veteran to American society; and supports the goals and ideals of the Year of the American Veteran.

The Commission on the Future for America's veterans has designated 2008 as the "Year of the American Veteran," and today we are joining them in remembering our veterans.

I ask my colleagues to support this resolution, and for us to strive together to remember our veterans not only this year, but in the years and decades to come.

Mr. Speaker, I would say that George Washington over 220 years ago had it right when he said the most important factor in the morale of our fighting troops is the sense of how they are going to be treated when they come home. So we have a job to do for the veterans not only of this war, but of all the previous wars that we have carried out.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my name is pronounced BOO-yer, B-u-y-e-r. It looks like "buyer." The descent is from Alsace-Lorraine, pronounced de BOO-yea, and you just Americanized it. But we refer to it as BOO-yer. Thank you.

In the previous debate, Mr. Speaker, I would like the RECORD to properly reflect that the chairman had made a comment with regard to four naming bills that was not accurate at all. I support consideration of this naming bill and three other veterans' naming bills on the schedule today. I do wish to correct the record regarding the statement I understand Chairman FILNER to have made during early consideration of H.R. 2818 that I, quote, "objected to the consideration of the veterans' naming bills today, all four of them."

While I do not think Chairman FILNER intended to dissemble about the matter, I thought I detected his impish grin for which he is so well-known. In any event, Mr. Speaker, I want to make clear that I support the consideration of veterans' naming bills.

I did ask Chairman FILNER by way of my staff director to his to address specific drafting concerns I have about H. Res. 1291 before scheduling the resolution for the suspension calendar today; but that was not done so I will try to clarify the matter on the resolution with the author of the bill when it is considered.

I also need to clarify for the RECORD in the last debate that in response to Mr. SALAZAR's remarks, my dear friend from Colorado, that "all of these bills were passed through committee."

The only bill which we are considering right now, Mr. Speaker, that was passed through the committee is H. Res. 1098. It was marked up and reported out of the Veterans' Affairs Committee. The other seven bills are being brought straight to the floor without committee report or action.

As the ranking member of the House Committee on Veterans' Affairs, I have an obligation to help ensure that veterans and their families have access to the benefits and services they so richly deserve. More importantly, I have been an advocate for military members and veterans almost my entire life. I have been in uniform with the United States Army Reserves both on and off active duty now for 28 years. For the last 16 years, I have simultaneously served in Congress as I have also been in the Army Reserves. It is a great part of who I am. It is for this reason that I am proud to support H. Res. 1098 which supports the goals and ideals of the Year of the American Veteran.

As the chairman stated earlier today, there are over 25 million veterans in the United States who sacrificed by defending the freedoms we enjoy as Americans, and supporting the ideals of liberty all over the world.

Mr. Speaker, this resolution recognizes those sacrifices and commemorates the service of veterans in times of peace and war. This resolution also encourages the people of the United States to join the Commission of the Future of America's Veterans in celebrating the year 2008 as the "Year of the American Veteran."

Before we pass this resolution, I believe that my colleagues should also pause for a moment and say why is this Congress bringing this resolution to the floor at this time. I view bringing this resolution to the floor at this time as a continued matter of the chairman attempting to inoculate the majority, inoculate because the Democrats who control this Congress, they want to bring a bill to the floor that would cut a monthly pension to wartime elderly, disabled and indigent veterans in the amount of nearly a billion dollars. So before the Democrats take nearly a billion dollars away from war-time disabled, indigent, homebound veterans, they want to stand and put their arms around veterans and say, We are going to name 2008 the Year of the American Veteran so it makes them look good just before they take a billion dollars from the most vulnerable veterans.

I need to inform not only the Members but the country so they know what this Congress is about to do. I believe it is a matter of principle that the Nation should not be taking money from one group of deserving veterans to fund someone else. In this case, the attempt is to take this series of dollars and if we adopt what the chairman had done in the full committee, it would be to take nearly this $1 billion and make these payments that would then go to Filipinos who fought with the United States during World War II. If we pick up what the Senate had done, they take nearly the billion dollars and they spread it out among a number of veterans programs of which a smaller portion then would be with regard to the Filipinos.

I bring that to everyone's attention because the President of the Philippines is in the United States and is here to deliver a resolution that passed through their legislature wanting our country to know that if Mr. FILNER and this Congress is successful, they will not offset any moneys the United States will be sending to the Philippines.

So this matter before the House is very serious. The American people, Mr. Speaker, should know and all Members should clearly know that before we say that 2008 is the Year of the Veteran, we better make sure that is exactly what we mean. That we embrace those ideals before we take nearly a billion dollars and cut that from the very same soldiers that fought right next to those World War II Philippine veterans.

You think about this, we make it a law and say if someone is about to die, well actually, let me rephrase that.

We believe it is shameful and therefore make it against the law to actually go up and put your hand in the pocket of someone who is dead and steal from that person, take money away from them. Well, I think that is right. We should do that.

But then what are we about to do here with regard to these wartime elderly and indigent, homebound veterans whom are the most vulnerable. Many are lying in a bed. They are homebound. They are 60 percent or greater disabled, and now we are saying Congress, we are going to deny that monthly pension that goes to you. We are going to stop it, take it away from you. And oh, by the way, we are going to give it to the living because you are about to die, so we are going to spread it among other veterans, which will be the nonresident alien Filipinos that served valiantly in World War II.

☐ 1830

Now, if in fact that's what Congress wants to do, fund it with some other source, don't take it from this vulnerable population. When I talked about what the Senate bill approved—actually, when I referred to it as almost $1 billion, it's $912 million in pension benefits for these wartime elderly, indigent, severely disabled, or homebound American veterans. A portion of the funding saved by this unprecedented cut in veterans' benefits would be used to fund, if we followed Chairman FILNER's view, which would be a very oversized pension for World War II Filipino veterans; or if we followed the Senate's version, we would take those moneys, reduce the size of the pensions and spread it among other veterans. We would be doing this in the very same year in which the chairman is asking we make the Year of the American Veteran.

Now, I suspect that most Americans would be shocked and dismayed that any Member of Congress, regardless of what party they are in, would propose such a drastic cut. But that is exactly what the chairman intends to do very soon.

What is more ironic is that today we are here on the floor to consider this worthy resolution that will recognize this year as the Year of the American Veteran while in the same stroke, this very Congress wants to cut veterans' benefits from the very same people from which we are honoring with this resolution.

The bill that I am referring to is Senate 1315 as amended which passed out of the Senate in April, and a similar bill that I earlier had mentioned is H.R. 760 as amended, which passed the House Committee on Veterans Affairs last July. Both of these bills contain this cut of nearly $1 billion.

When the Democrat majority passed these bills out of the Senate and out of the House Committee on Veterans Affairs, they voted to eliminate, as I said, a special monthly pension for severely disabled veterans over 65 who were receiving pensions for wartime service. This special monthly pension provides an additional payment of up to $2,200 per year to the most severely disabled veterans.

In 2006, the United States Court of Appeals for Veterans Claims overturned the Department of Veterans Affairs decision that denied the special monthly pension to an 86-year-old legally blind World War II veteran named Robert A. Hartness, who was also receiving a VA pension granted to poor, disabled veterans. The court reversed the VA's denial of benefits to Mr. Hartness and required them to begin paying this monthly pension. The court held that the United States Code requires an award of a special monthly pension to an eligible veteran for VA nonservice-connected disability pension if, in addition to being at least 65 years old, the veteran has a disability rating of at least 60 percent or is permanently housebound.

This, in the Year of the American Veteran, Senate 1315 and H.R. 760 would override the court's decision.

According to the VA, more than 20,200 veterans could be affected by this unprecedented cut in veterans' benefits. This cut in veterans' benefits is opposed by the American Legion, AMVETS, the National Association of Uniform Services, the Gold Star Wives of Americans, and other veterans' service organizations.

The following excerpt is from an April 25, 2008, letter to all Members of Congress: "The American Legion believes the sacrifice of these heroes warrants relief. Balancing the books on the backs of the very patriots that protected and defended this Nation is unconscionable. Don't make a grave mistake in the name of fairness, equality, or even fiscal responsibility. Do what is right."

Well, I wholeheartedly agree. Congress has an obligation to protect these vulnerable veterans, and it's because I believe they have no voice, and indeed many of them are so severely disabled, they are housebound, and require aid and attendance.

While I recognize the service of the Filipino veterans of World War II, those who advocate for their compensation should do so from other funding sources. It should not be at the expense of our needy veterans.

I believe that we should not cut benefits from aging veterans who need us most to fund new entitlements. To do so would violate the principle of honor that defined their service and our obligation to both them and the Nation they served.

Mr. Speaker one of the provisions of the resolutions states, "Resolved, that the House of Representatives (1) encourages the American people to recognize and acknowledge the sacrifices the American veteran demonstrates in the name of freedom."

How can the House of Representatives encourage the American people to acknowledge the sacrifices of American veterans when very soon afterwards, this very same Congress that is supposed to represent the people wants to vote to cut nearly $1 billion from these wartime elderly, indigent, disabled veterans who need it most? We are sending veterans, servicemembers, and the American people the wrong message if we do this.

So I would remind my colleagues who vote in support of this resolution to please recognize that when this legislation may come soon to the floor. Because if my colleagues join me in embracing our Nation's veterans, particularly those who are disabled by sacrifice for the ideals and the heritage of this Nation and truly want to thank them by naming 2008 the Year of the American Veteran, then I ask you do not cut their veterans' benefits if this bill is brought to the floor.

I urge my colleagues to support the resolution, but I do not support the rationale of continued inoculation and a mixed message that will result in this cut of nearly $1 billion from these wartime elderly, disabled, and indigent veterans.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I'm prepared to close, and I will reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I ask all Members to support the chairman's resolution.

I yield back all my time.

Mr. FILNER. Mr. Speaker, we are debating House Resolution 1098, although the ranking member spent all of his time on a bill called S. 1315 which earlier passed the full Senate by a vote of 96-1. Would 96 Senators support a bill that cuts nearly $1 billion in special monthly pension benefits for elderly veterans? No, because that's not what S. 1315 does. And in fact, the leader of the minority party, Senator JOHN MCCAIN, voted in favor of this bill; and he said, I certainly believe that we should compensate not only the thousands and thousands of veterans who get the money from the bill but the Filipinos for their brave service to our Nation.

But we are on House Resolution 1098 to honor the Year of the American Veteran. I will tell the Speaker that in the last year and a half of a Democratically led Congress, about $17 billion of new money came into the VA system to help the health care of our veterans. That is real contribution to health care. That is real contribution to mental health that we need to deal with.

We have thousands and thousands, even though the Department of Defense refuses to admit it, of young men and women coming back from Iraq and Afghanistan with traumatic brain injury and PTSD, post-traumatic stress disorder. These require months and months, if not years and years, if not decades, of treatment from a grateful Nation for their service. We have put the money in that will begin to do that job.

Of course, our committee has to continue with oversight over bureaucracies that tend to respond rather slowly. But in our Resolution 1098, in our budget which meets the veterans' groups so-called independent budget, which is put together by them, and for the first time in the history of the independent budget for 2 years in a row we exceeded their budget from this Democratic Congress. So the Year of the American Veteran is not just words. It's budget dollars, it's commitment, it's programs, it's support for our brave veterans, like I said, whether from this war or earlier wars.

So, Mr. Speaker, I urge my colleagues to unanimously support House Resolution 1098.

I would also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1098.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF VIETNAM VETERANS DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1231) supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1231

Whereas the Vietnam War was the longest military conflict in United States history;

Whereas more than 3,000,000 Americans served in Southeast Asia during the Vietnam War;

Whereas more than 58,000 Americans lost their lives defending the Nation's freedom during the Vietnam conflict;

Whereas 304,000 additional Americans were wounded during the war;

Whereas on March 29, 1973, the last remaining members of the United States Armed Forces withdrew from Vietnam; and

Whereas the United States does not have a national day of recognition specifically for Vietnam veterans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Vietnam Veterans Day; and

(2) calls on the American people to recognize such a day to remember those men and women who sacrificed their lives defending the Nation in the Vietnam conflict, to recognize the prisoners of war and those members of the Armed Forces who are missing in action, and to honor all Vietnam veterans who served the Nation faithfully to protect its freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

This resolution, 1231, supports the goals and ideals of Vietnam Veterans Day. I don't think we have to remind this body that the Vietnam war was a very divisive time in this country. One of the lessons that we should draw from Vietnam is that although we may disagree about a war, as we do about the current one in Iraq, we must never, never disagree about the importance of honoring the service and sacrifice of the men and women who serve our Nation. We must never confuse the war with the warrior. We must never, never forget the warrior.

This war that we are engaging in Iraq is only exceeded in its length by America in the Vietnamese war, the longest conflict in our history. More than 3 million Americans served in southeast Asia. More than 58,000 Americans lost their lives on the battlefield. Over 300,000 Americans were wounded, and that was at the time of the war itself. We know because we did not honor these heroes when they came home and we did not have the resources in place, especially with regard to mental health, that we inflicted a terrible, terrible future on many of those soldiers.

Half of the homeless on the street tonight are Vietnam veterans. We think that there are more suicides by Vietnam veterans than who died on the original battlefield. That's a terrible, terrible blot on America for not honoring our veterans. And certainly we cannot make the same mistake again with those returning from Iraq and Afghanistan.

So we have a Vietnam memorial. We must always remember the service and sacrifices. A day of remembrance is a particularly fitting way to remember the painful lessons learned. But we could do some more material things, too, and I hope that the cooperation and goodwill shown by my ranking member at all times will make sure that we up the budget, for example, to deal with the homeless veterans on the street—most of them are Vietnam veterans—that we grant their Agent Orange claims that they have fought for for decades, that we provide some security for them and increase the budget that is aimed at their future as citizens in this Nation.

So yes, let us pass this resolution. But let us move on in the context of the budget and in the context of other legislation to really honor these warriors who, when they came home, did not get that honor.

I will reserve the balance of my time.

The SPEAKER pro tempore (Mr. KLEIN of Florida). The gentleman from Indiana (Mr. BUYER) is recognized.

Mr. BUYER. Mr. Speaker, it looks like "buyer" but it's pronounced BOO-yer. It comes from Alsace-Lorraine, along the Rhine, and it was pronounced de BOO-yea. You just Americanized my name by calling me "Buyer." We sort of Americanized de Buyer as referring to it as BOO-yer. You are now the second Speaker pro tem who has taken the well who has done so.

Perhaps I need to introduce myself to you. So for that, I apologize.

The SPEAKER pro tempore. The Chair apologizes and recognizes the gentlemen from Indiana.

□ 1845

Mr. BUYER. I rise in support of House Resolution 1231, a bill which would support the goals and ideals of Vietnam Veterans Day and calls upon the American people to recognize such a day. I thank my colleague, Mr. SHULER of North Carolina, for his efforts in bringing the bill to the House floor.

The American participation in the conflict of Vietnam began in March 1959 and continued until March 29, 1973, when the last remaining members of the United States Armed Forces were withdrawn from Vietnam. The conflict itself continued until April 30, 1975. During this conflict, considered the longest military conflict in U.S. history, over 3 million veterans answered their Nation's call to duty. More than 58,000 servicemembers lost their lives, and over 300,000 were wounded. This bill would designate for the first time a national day to recognize Vietnam veterans and commend them for their service to a grateful Nation.

While this resolution is belated, it reflects a better perspective on those who served in an unpopular war and who came home to indifference or outright hostility. That was wrong, and today, we acknowledge that our Vietnam veterans deserved much better.

Now, we recognize also that there are some that perhaps did not honor these veterans in the way in which they should have been, but I also want to recognize there were many people in the country that did recognize their service and honor them.

My grandfather was a World War I veteran who was a Legion commander of the post in Francesville, Indiana. My father then later became that very same commander. And I remember, even as a young man, the discussions about Vietnam and the support. And I remember a young man who even babysat for the four kids and later went on to Vietnam, and I remember the discussions.

But I came from a small town, and I don't remember the hostilities. I remember seeing war protesters on TV, and I remember the term "hippy." I didn't even know what that meant, and I remembered all these things happening as a young man in the 1960s and early 1970s. And it was challenging for me because I didn't share that perspective. I wasn't brought up in a family that had the perspective of public protest and war protesting and those of whom would spat upon someone in uniform and treat them in outward disgrace.

I never understood that. I could never get there to understand that. I understand today that those of whom may have done that in the follies of their youth are filled with guilt, and I'm glad that they are overcoming those types of feelings.

And I will embrace what the chairman had just said, when he said never confuse the war with the warrior. And I think he's absolutely right. And so the country had learned some painful lessons with regard to the Vietnam War, and so if you've got challenges, don't take them out on the warrior, and so I embrace the chairman's remarks.

I was trained as a young ROTC cadet at The Citadel by Vietnam veterans, and I hold the Vietnam veteran in pretty high self-esteem because of the challenge that they went through in a guerrilla war. You know, they never lost a battle. Our soldiers didn't lose a battle, but they ended up losing a war. And we learned a lot, also as a military force, in guerrilla tactics. And a lot of that is coming home to roost here in the successes that General Petraeus had also used here with regard to the surge.

In the war in which I had served in, the first Gulf war, that war, the first Gulf war, its success came from the leadership of the Vietnam veteran. Those Vietnam veterans were, in fact, the senior NCOs, and they were the general officers and the senior colonels, and they knew the mistakes of Vietnam. They also knew that in Vietnam it was as soon as they hit the ground, they wanted to know when their rotation would end, when do they get to go home. And so when we went in the first Gulf war, it was nothing about rotation. It was all about we're here to do a job, we do the job and get to go home.

So that leadership, the senior leadership from Vietnam, had a great impact upon our military heritage and our legacy.

And so acknowledging the service and the honored sacrifice of the Vietnam veterans, I want to thank the chairman for doing that. I urge my colleagues to support this bill.

I yield back my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I urge my colleagues to join our committee unanimously to support House Resolution 1231.

Mr. SHULER. Mr. Speaker, I rise today to pay tribute to the millions of veterans who served our country during the Vietnam War.

March 29th, 1973 marked the official departure of the last American troops in Vietnam.

During the longest military conflict in U.S. history, over 3 million Americans served in Southeast Asia. Over 58,000 Americans lost their lives and 304,000 additional Americans were wounded.

Those who fought to preserve our freedom in Vietnam have never received the hero's welcome they richly deserve.

Derrell Maxwell and the Veterans of Chapter 994 of Vietnam Veterans of America in Franklin, North Carolina recently approached me with an idea. They wanted Congress to commemorate March 29th as Vietnam Veterans Day.

I was proud to work with Chairman FILNER to get the full House of Representatives on record in support of this idea. House Resolution 1231 calls on all Americans to take time each March 29th to remember all of the service members who defended our Nation in Vietnam.

We honor those who made the ultimate sacrifice, those held captive or missing in action, and those who sustained wounds, both seen and unseen. To all Vietnam veterans, including my constituents in Western North Carolina and those currently serving in this body, I offer my deepest thanks for your service to our Nation.

I urge passage of this resolution.

Mr. FILNER. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1231.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ELWOOD "BUD" LINK DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2245) to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ELWOOD "BUD" LINK DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs outpatient clinic located in Wenatchee, Washington, shall after the date of the enactment of this Act be known and designated as the "Elwood 'Bud' Link Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I rise today to offer my support of H.R. 2245, a bill to name the VA Outpatient Clinic in Wenatchee, Washington, after Elwood "Bud" Link.

Mr. Link, along with his comrades from the Cashmere Veterans of Foreign Wars Post 1045, was the driving force in getting a VA clinic built in North Central Washington. A veteran of World War II, Link worked tirelessly to bring accessible health care to his rural community.

And according to the Northwest Chapter of the Paralyzed Veterans of America, "Bud may not be the highest ranking veteran in the community or the one with the most medals. But if you ask us, no one stood taller than him in the veteran community and naming the [clinic] after him will inspire us all to greater heights."

In a newspaper article on the opening of the clinic, Mr. Link's widow stated that the message of Link's work for veterans was "if you want to get something done, get a group behind you and go for it." Mr. Link did just that, and today, the veterans of rural Washington have a veterans' health care facility.

So today we not only honor the work of Elwood "Bud" Link, we also, in a very real sense, recognize the efforts of all of our veterans who work tirelessly day after day to ensure that their comrades get the health care benefits that they earned in service to our Nation.

Mr. Speaker, everywhere I go across the Nation I find leaders like Bud Link who don't just care about their own benefits, their own next appointment with the VA, but all the veterans, and they work in their community to make sure that we as a Congress respond to those needs. And I hope that we continue to respond to them.

I reserve the balance of my time.

Mr. BUYER. I rise in support of H.R. 2245, a bill to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic. I commend my colleague from Washington, DOC HASTINGS, for introducing this bill.

Bud was a very outspoken Navy veteran of World War II. Along with his friend and fellow veteran Bill Forte, he worked tirelessly with local veteran service organizations and elected officials to establish this outpatient clinic in Wenatchee, Washington, which is about 148 miles from Seattle. Bud is recognized as the catalyst behind this outpatient clinic, but unfortunately, he passed away before seeing its opening.

This selfless example of service to veterans is an inspiration to us all and certainly should be recognized. Memorializing Bud by renaming the clinic will recognize his service as both a seaman and as a veteran advocate.

Mr. Speaker, I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. FILNER. I'm prepared to close and would reserve my time.

Mr. BUYER. I urge my colleagues to adopt this resolution, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2245.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, thank you for the opportunity to speak in support of H.R. 2245, my bill to name the Department of Veterans Affairs community-based outpatient clinic in Wenatchee, Washington in honor of Elwood "Bud" Link.

Bud joined the Navy in 1941 and served on the destroyer USS *Tracy* that aided U.S. forces at Guadalcanal, Okinawa, and elsewhere in the Pacific. He was one of many residents of north central Washington who were called to serve their country during World War II. However, Bud's support for his Nation didn't stop when his military service ended.

As an active member of the local Cashmere Veterans of Foreign Wars post, Bud was a dedicated advocate for increased hometown health care. He experienced firsthand the long distances north central Washington veterans had to travel for even the most basic health care. In 2001, the Cashmere-Leavenworth VFW passed a motion to research the need for a VA clinic, and Bud quickly took the lead. He became a tireless proponent of bringing a veterans outpatient clinic to north central Washington.

Bud was instrumental in keeping the local veterans motivated, active and informed about how to successfully make a clinic a reality. He championed the clinic until his death in 2003.

For several years I worked with Bud Link and local veterans to make the case for a new clinic in north central Washington and press the VA when the project faced delays. Our hard work paid off in 2006 when the Secretary of Veterans Affairs approved a new clinic. And, in 2007 I was very proud to attend the grand opening of the new VA clinic in Wenatchee.

As a tribute to Bud's work to support hometown health care for rural Washington state veterans, Senator PATTY MURRAY and I introduced legislation to name the clinic in Bud's honor.

This bill has the endorsement of the local community, the entire Washington state Congressional delegation, the Washington state Chapters of the Paralyzed Veterans of America, the American Legion, the Disabled American Veterans, and the Vietnam Veterans of America.

By officially naming this clinic in Wenatchee after Bud, we are paying respect to a local veteran who fought for the quality care his fellow veterans deserve.

I would like to thank Bud's wife, Helen, for her steadfast support of Bud's efforts. I would also like to thank the members of the Cashmere-Leavenworth VFW for their work to organize the local community in support of the clinic. Finally, I would like to thank Chairman FILNER and Ranking Member BUYER for their work to bring this bill to the floor today.

I strongly encourage my colleagues to support H.R. 2245. Through this bill we are recognizing the heroic efforts of Bud Link and his work to improve the health care of his fellow veterans.

Mr. FILNER. I urge my colleagues to unanimously support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2245.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MICHAEL BILIRAKIS DEPARTMENT OF VETERANS AFFAIRS SPINAL CORD INJURY CENTER

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4264) to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS SPINAL CORD INJURY CENTER, TAMPA, FLORIDA.

The spinal cord injury center located at the James A. Haley Department of Veterans Affairs Medical Center in Tampa, Florida, shall after the date of the enactment of this Act be known and designated as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center". Any reference to such center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I rise today to offer my support to name the VA Spinal Cord Injury Center in Tampa, Florida, after our former colleague, Michael Bilirakis, and I thank Mr. MILLER for bringing us this important resolution.

One of the virtues, I guess—although some people advise against this—of naming a facility after someone who's living and who's a former colleague is that we remember him. It's not a historical kind of moment. We have known Michael for many, many, many years in this House, and his efforts, of course, brought this particular center into being. And it's fitting that we recognize his efforts.

But he was responsible for a great many things. His background was in the Air Force where he served for 4 years. He left for the Congress in 1982, served here for 24 years, retired at the end of the last Congress, and we miss his advocacy for veterans. Although, his son, GUS, has taken his place and is a member of our Veterans' Affairs

Committee and I'm sure will achieve greatness in terms of his advocacy for veterans, also.

I just have to say personally about Mr. Bilirakis, if he is listening. Mike Bilirakis was a little old fashioned. He believed in civility, that, in fact, we should relate to each other as human beings. We could differ on issues, but we have to speak with respect and complete integrity in the way we deal with each other.

I will tell you that he was not always happy with some of my statements in my years on the Veterans' Affairs Committee, but he would not just let them go. He came up to me and explained why he thought I should take a different tone.

☐ 1900

And he convinced me that working with the other party, working together on the committee, in fact, you can achieve much more. He really became the conscience of the Veterans' Affairs Committee. I think he made that committee far more civil, and we miss him, of course, today.

I admired and watched him for many, many years deal with the issue that not too many people understood, it was called "concurrent receipt," that those who were retirees from our Armed Forces but who also were disabled from their time in the service would get both payments because they earned them both; and yet the law had offset them, and so the disabled veteran was actually paying for his disability.

Michael Bilirakis fought tirelessly to get rid of that offset, to have, in fact, concurrent receipt. He was able to achieve his goal for about half of the veterans. We're going to continue his work. And I know GUS is taking the lead to make sure we get full concurrent receipt and really honor him not only in the naming of this center, but in finally achieving that goal for really millions of veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 4264, a bill to name the Department of Veterans Affairs Spinal Cord Injury Center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center."

Mr. Michael Bilirakis served in the United States Air Force from 1951 to 1955 and served Florida's Ninth District as Congressman for 24 years, from 1983 to 2007. As a veteran, Mike wanted to be a strong veterans' advocate in Congress, and specifically requested to be appointed to a seat on the House Committee on Veterans' Affairs.

Those of us who served with Mike on the committee well remember his hard work on what the chairman just spoke about, the issue of concurrent receipt. Since his first introduction of the legislation in the 99th Congress to eliminate the offset of the military pension in order to receive the VA disability compensation, Mike consistently worked each Congress to have this legislation passed, including reintroducing the bill each consecutive Congress in which he had served.

When I served on the House Armed Services Committee as chairman of Military Personnel in the late 1990s, I went to Mr. Bilirakis and informed him that I had $25 million, and I wanted to address the issue of concurrent receipt. And what we did was we first took that $25 million and we said we're going to take care of those 100 percent combat-disabled veterans. And Mike and I felt pretty good about what we had done. We had moved incrementally, but we were going to take on this issue. Boy, did we find out that in the very next Congress we were being attacked. Here we thought we were doing great things on behalf of the veterans' community, and then Mr. Bilirakis and I then began to be attacked by all these other veterans who did not receive the benefits of concurrent receipt. Here we thought we were trying to do that which was best, open up the issue of concurrent receipt, address the 100 percent combat-disabled veterans, and then all of a sudden Michael Bilirakis and I were being attacked because we didn't do it for everyone. And Mike always took on these issues with great humor, self-deprecating humor, and for that I have great respect for him.

He also fought for the Survivor Benefit Plan and improvements for the widows of military retirees, dependency and indemnity compensation and survivors' benefits, veterans' equitable resource allocation, benefits and health care for former prisoners of war, hospice care for veterans, as well as the designation of the National Women Veterans Recognition Week.

Additionally, Congressman Michael Bilirakis sought and obtained funding for the following projects to serve veterans within his congressional district in the State of Florida. The Port Richey Outpatient Clinic, the Spinal Cord Injury Center at the James Haley VA Medical Center. We have the Florida National Cemetery, the Land O'Lakes Nursing Home, and the Sub-Regional Veterans Office in Tampa, Florida. Among his top priorities was obtaining the funding and resources for the Spinal Cord Injury Center located at the VA Medical Center in Tampa, Florida.

Mr. Speaker, for all of his outstanding work on behalf of our Nation's veterans, it is most appropriate today that we consider this legislation to name the Spinal Cord Injury Center after Michael Bilirakis.

I had the opportunity to tour this facility. And I welcome all of my colleagues, if you ever have the chance to be in Tampa, to visit the polytrauma center; go by this spinal cord facility. It is one of the most remarkable facilities that we have in the country in which we care for these veterans. And it's only fitting, since Mike worked so hard on this particular facility, that it be named in his honor.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield such time as the gentleman from Florida (Mr. MILLER) may consume, the ranking member of the Health Subcommittee.

Mr. MILLER of Florida. I thank the ranking member for yielding the time.

As you already know, for 24 years Mike Bilirakis served as a staunch advocate for veterans, not only on the floor of this House, but in the committee room, serving on the Veterans' Affairs Committee, including vice-chairman of the full committee. Mike strongly promoted equitable and improved benefits for all of our Nation's veterans and their families as well.

One of his signature efforts has already been talked about today, and that was concurrent receipt, H.R. 303. We all remember that very well because that was his signature bill that he pushed on the floor of this House. But his work was not just there. I mean, he was instrumental in seeing that the Department of Veterans Affairs took care of surviving spouses, as the ranking member just said, through the Survivor Benefit Plan. He reassured veterans everywhere that they were not forgotten. And as chairman of the Subcommittee on Oversight and Investigations, he made sure that the VA carried out its mission through its responsibilities.

Another one of the key accomplishments of Mike's during his tenure was funding for the Spinal Cord Injury Center at the James Haley VA Medical Center. For 12 years, Mike worked tirelessly to see this center come to reality, and I think it's fitting that it be named after Congressman Bilirakis.

When the center opened in February of 2002, some 7,000 veterans from that area finally had a place that they could specifically go that was suited for their needs that they had, those unique needs. So Mr. Speaker, it is only fitting that this facility, providing groundbreaking research such as this one, be named after a person who gave everything that he had to see that veterans receive the care and attention that they deserve.

Veterans always knew they had a voice in Michael Bilirakis. Many of us got to serve with him very proudly here in Congress and applauded his enthusiasm. So it's my pleasure to stand today in support of this piece of legislation.

Mr. BUYER. Mr. Speaker, I now yield such time as he may consume to GUS BILIRAKIS of Florida, the son of Michael Bilirakis.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 4264 to name the Department of Veterans Affairs Spinal Cord Injury Center at the James Haley VA Medical Center in Tampa, Florida, after my father, former Congressman Michael Bilirakis.

I would like to thank Mr. MILLER for introducing this legislation, my colleagues from Florida for their support, and you, Mr. Speaker, as well as Chairman FILNER and Ranking Member BUYER for their leadership. I appreciate all of their hard work in recognizing my father's dedication to providing our veterans suffering from spinal cord injuries with a much needed state-of-the-art facility.

As a veteran himself, my father came to Washington in 1982 to be a strong advocate for our Nation's veterans in the halls of Congress. He served as a member of the House Committee on Veterans' Affairs during all of his 12 terms in office. During the last 6 years of his career, he served as vice-chairman of the full committee. He also founded the Military Veterans Caucus in the 108th Congress.

Through his work on the committee, my father sought to recognize the great contributions of our Nation's veterans and the sacrifices made by their families. He consistently fought to ensure that veterans received the benefits and services that they earned through their military service. In fact, he often said that veterans' benefits were our one true "entitlement" because individuals had to earn their benefits by wearing our Nation's military uniform. It took 12 years to secure the funding, but the construction of the new Tampa SCI Center was one of my father's most important achievements in Congress.

There are over 3,000 veterans suffering from spinal cord injury disabilities living within the Tampa VA spinal cord injury service area, as well as another 3,000 to 4,000 veterans with spinal cord dysfunctions living in the region. Before the construction of this facility, the Tampa SCI Unit occupied space originally designed for psychiatric patients and was not well suited for the unique needs of SCI patients. My father made getting this spinal cord treatment center one of his top priorities while in Congress. As a matter of fact, he has dedicated his life to veterans; he is still working for veterans.

In total, he secured $44 million for the construction of this facility, which serves as a much needed addition to the James Haley VA Medical Center. Since opening in February of 2002, it has provided essential services to local veterans suffering from these debilitating injuries.

My father will be so proud—and I appreciate all of you, my colleagues—and honored; he would be honored to have his name attached to the Spinal Cord Injury Center that he worked so hard to establish while in Congress. His leadership and his advocacy on behalf of veterans' issues continues today, as I said, and this bill brings the deserved recognition for one of his great accomplishments and his devoted mission to support our Nation's brave men and women.

Mr. BUYER. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Indiana has 11½ minutes.

Mr. BUYER. Mr. Speaker, I yield as much time as she may consume to Dr. ILEANA ROS-LEHTINEN of Florida.

Ms. ROS-LEHTINEN. I thank the gentleman from Indiana, the ranking member of Veterans' Affairs, for this time.

I am so honored to be here tonight congratulating our good friend, Mr. MILLER of Florida, for this bill, and Congressman BILIRAKIS, another Florida colleague, for speaking on this bill as well.

I rise in strong support of House Resolution 4264 to rightfully name the Department of Veterans Affairs Spinal Cord Injury Center in Tampa, Florida as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center."

I had the honor and the pleasure of serving with Congressman Mike Bilirakis here in the House for almost 17 years. He was a colleague, a statesman, a fellow Floridian. Mike was and continues to be a strong voice for our country's men and women proudly serving our country. He was also an advocate for Florida's environment, including the protection of our pristine coastlines. But his time here in the House was truly defined by his supreme dedication to veterans, serving on the House Committee on Veterans' Affairs for his entire tenure in the U.S. House.

After 24 years in Congress, this fine public servant retired in 2006. However, we all have the wonderful pleasure to serve with his son, GUS BILIRAKIS, and I'm honored to serve with GUS on our Foreign Affairs Committee. We're delighted to see him follow in his father's footsteps in his passion for our veterans.

Naming this Department of Veterans Affairs after Congressman Mike Bilirakis is certainly a sound tribute to a man who gave so much to his community, to our brave service men and women, and indeed, to our country.

I urge all Members to vote in favor of this resolution that rightfully honors a man such as Congressman Mike Bilirakis, a friend to all, and especially to our veterans.

Mr. BUYER. Mr. Speaker, our good friend, Michael Bilirakis, and his wife, Evelyn, I'm sure are listening right now. And to my good friend Michael, I know this is a little uncomfortable listening to your colleagues say nice things about you while you're alive, so I thank the chairman for doing this bill.

And we recognize you, Michael Bilirakis, because your presence here was significant. You heard a very personal admission on behalf of the chairman. And I think all of us on the committee could say the very same thing that the chairman had said. Michael was very good at keeping and maintaining civility, and it's about who he was as a person.

I also had the opportunity to serve with him on the powerful House Energy and Commerce Committee. And we honor his work, not only on behalf of America's veterans, but I also remember his work on the Health Subcommittee. It worked out very well, his knowledge of Energy and Commerce along with his work on the Health Subcommittee on the House Veterans' Affairs Committee. And he was able to integrate his work with Health and Human Services and NIH and research and met with the VA and research. Your work is highly recognized and remembered by the House.

But I also know that, Michael, if you were still here, you would be just as concerned as I am with regard to the high cost of energy because you voted on a lot of efforts to bring down energy prices for all Americans, which include our veterans.

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So with that I urge all my colleagues to support the legislation before us in naming this spinal cord facility on behalf of Michael Bilirakis.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. To the now Congressman BILIRAKIS, you honor your father with your work on the committee and your advocacy, and we look forward to many years of that.

And, of course, Mr. Speaker, this is not an obituary. Mike Bilirakis is very much alive and working for veterans still. His work on the Commission for the Future of America's Veterans is important. It's going to be very timely. It's going to be significant. And I hope we all listen to what he says in his new role on that commission.

And, Michael, if you're watching, I don't always meet your ideal of civility, but I remember your teaching. I remember your example every day.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 4264, legislation to designate the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center" at the James A. Haley Hospital in Tampa.

First, I want to commend my colleague from Florida, JEFF MILLER, a distinguished member of the Veterans' Affairs Committee, for introducing this legislation to honor our former colleague and my friend MIKE BILIRAKIS.

There is no member of this House who devoted more of his time and energy to improve the quality of care for our Nation's veterans than MIKE BILIRAKIS. Long a member of the Veterans' Affairs Committee, he made the establishment of the Spinal Cord Injury Unit at Tampa one of his highest legislative priorities.

As a result of these efforts, we have at Tampa the finest center of its kind anywhere in our Nation taking care of seriously injured veterans. We are thankful that MIKE had the foresight to pursue this project as it has become a critical center in taking care of returning heroes from the war against terrorism in Iraq and Afghanistan.

Naming the Spinal Cord Injury Center for MIKE BILIRAKIS will be a lasting tribute to a man who never forgot our Nation's commitment to our veterans. It is also a special honor to a member of this House who did not seek acclaim or recognition. He just worked hard every day for the people of his district and for the veterans who wore the uniform.

Mr. Speaker, I urge all of my colleagues to join in approving this legislation to honor one of this House's quiet heroes who is a champion of those who bore the uniform in the past, do so now, and will into the future.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support the bill.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4264.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EURIPIDES RUBIO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4289) to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, PONCE, PUERTO RICO.

The Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, shall after the date of the enactment of this Act be known and designated as the "Eurípides Rubio Department of Veterans Affairs Outpatient Clinic". Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Eurípides Rubio Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer my support of H.R. 4289, a bill to name the VA outpatient clinic in Ponce, Puerto Rico, after Euripides Rubio.

The Congressional Medal of Honor, Mr. Speaker, is the highest military decoration for bravery beyond the call of duty and action in the face of enemy attack. Euripides Rubio was awarded the Medal of Honor posthumously. His citation reads as follows:

"For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Captain Rubio, Infantry, was serving as communications officer, 1st Battalion, when a numerically superior enemy force launched a massive attack against the battalion defense position. Intense enemy machinegun fire raked the area while mortar rounds and rifle grenades exploded within the perimeter. Leaving the relative safety of his post, Captain Rubio received two serious wounds as he braved the withering fire to go to the area of most intense action where he distributed ammunition, re-established positions, and rendered aid to the wounded. Disregarding the painful wounds, he unhesitatingly assumed command when a rifle company commander was medically evacuated. Captain Rubio was wounded a third time as he selflessly exposed himself to the devastating enemy fire to move among his men to encourage them to fight with renewed effort. While aiding the evacuation of wounded personnel, he noted that a smoke grenade which was intended to mark the Viet Cong position for air strikes had fallen dangerously close to the friendly lines.

"Captain Rubio ran to reposition the grenade but was immediately struck to his knees by enemy fire. Despite his several wounds, Captain Rubio scooped up the grenade, ran through the deadly hail of fire to within 20 meters of the enemy position, and hurled the already smoking grenade into the midst of the enemy before he fell for the final time. Using the repositioned grenade as a marker, friendly air strikes were directed to destroy the hostile positions. Captain Rubio's singularly heroic act turned the tide of the battle, and his extraordinary leadership and valor were a magnificent inspiration to his men. His remarkable bravery and selfless concern for his men are in keeping with the highest traditions of the military service and reflect great credit on Captain Rubio and the United States Army."

In the words of the veterans' groups who support this legislation, "Captain Euripides Rubio's selfless and courageous actions, which earned him the Congressional Medal of Honor, reflect the highest ideals of the United States Army and serve as an inspiration for the people of Puerto Rico, soldiers and civilians alike." Today, by passing H.R. 4289, which would designate the outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic," we honor the bravery and sacrifice of Captain Rubio.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 4289, a bill to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic."

I commend my colleague Mr. FORTUÑO of Puerto Rico for introducing the bill.

I cannot improve upon the words of Chairman FILNER. I urge my colleagues to support this bill and honor the extraordinary valor of Captain Euripides Rubio.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4289.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FORTUÑO. Mr. Speaker, it is with great pride that I submit this statement for the record in support of H.R. 4289, which will name the Veterans' Affairs Outpatient Clinic in Ponce, Puerto Rico after Captain Euripides Rubio. Captain Rubio was an officer in the United States Army who fought and, at age 28, died in combat in the jungles of South Vietnam. For the actions that led to his death, Captain Rubio was posthumously awarded the Medal of Honor, one of four residents of Puerto Rico to have earned this supreme honor. By naming the veterans' clinic after Captain Rubio, Congress pays tribute to his courage and, by extension, honors the hundreds of thousands of sons and daughters of Puerto Rico who have served in the armed forces of this great Nation. I thank the Congress, and particularly the Veterans' Affairs Committee, for helping to preserve the memory of an extraordinary American.

It is fitting that Ponce, where Captain Rubio was born in 1938, is known as "the City of Lions." Captain Rubio truly had the qualities of a lion—strength, courage, and fidelity. Those who served alongside him in the 1st Battalion, 28th Infantry remember him as an inspirational leader and as a model soldier completely committed to his country and to his comrades.

It is impossible to read Captain Rubio's Medal of Honor citation without shaking one's head and wondering how the world produces men of such caliber. On the day of his death—November 8, 1966—enemy forces launched an attack against the battalion's defensive position in the Tay Ninh province. Machine gun fire, mortar rounds and rifle-launched grenades exploded within the defense perimeter. Captain Rubio chose to leave the relative safety of his post and "braved the withering fire to go to the area of most intense action where he distributed ammunition, re-established positions and rendered aid to the wounded." In the process, Captain Rubio was wounded twice.

Moments later, when a rifle company commander was medically evacuated, Captain Rubio assumed command. He received a third wound as he "selflessly exposed himself to the devastating enemy fire to move among his men to encourage them to fight with renewed effort."

While helping to evacuate wounded comrades, Captain Rubio observed that a smoke grenade, intended to mark the Viet Cong position for U.S. air strikes, had fallen perilously close to friendly lines. Captain Rubio ran to reposition the grenade but was immediately brought to his knees by enemy fire. Despite his many wounds, Captain Rubio picked up the grenade, ran through the deadly hail of fire to within 20 meters of the enemy position, and threw the grenade into the midst of the enemy before he fell for the final time. Because of Captain Rubio's actions, U.S. aircraft were able to identify and destroy the hostile positions.

The Medal of Honor citation ends with these simple and powerful words: "Captain Rubio's singularly heroic act turned the tide of battle, and his extraordinary leadership and valor were a magnificent inspiration to his men. His remarkable bravery and selfless concern for his men are in keeping with the highest traditions of the military service and reflect great credit on Captain Rubio and the U.S. Army."

There are many important ways in which this Congress and this country can honor our Nation's warriors. We can—and should—work to ensure they have the proper equipment they need to fight. We can—and should—work to ensure that their families are taken care of during long deployments. We can—and should—work to ensure that, having left the service, our veterans receive the best educational opportunities and medical care available. Simply put, we should fight and sacrifice on behalf of those who have fought and sacrificed for us.

There is something else we can do, too. Something we as a country do not do enough of. And that is to publicly honor the most remarkable instances of bravery on the battlefield displayed by our men and women in uniform. In the last two years, six Americans have won the Medal of Honor for their actions in Afghanistan and Iraq. And yet one must struggle—often in vain—to find stories in the mainstream press about these present-day Euripides Rubios. Had they lived, these heroes would likely have been reluctant to talk about themselves. Such is the nature of soldiers. It is our obligation—and it should be our privilege—to publicly honor their achievements. And H.R. 4289 does precisely that.

Thanks to Congress's actions today, I know that many children in Puerto Rico, looking upon the clinic that bears his name, will ask their parents or grandparents who Euripides Rubio was. It is my fervent hope that, from the answer given, they will learn about this Lion of Ponce, who died far too young, but whose short life was filled with greatness.

Mr. FILNER. Mr. Speaker, I ask my colleagues to approve H.R. 4289.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4289.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BRUCE W. CARTER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4918) to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, MIAMI, FLORIDA.

The Department of Veterans Affairs medical center in Miami, Florida, shall after the date of the enactment of this Act be known and designated as the "Bruce W. Carter Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bruce W. Carter Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I rise to offer my support for the bill to name the VA Medical Center in Miami, Florida, after Bruce W. Carter.

I have a biography, but I never knew Mr. Carter and I'm sure Ms. ROS-LEHTINEN knows him best or knows his record the best.

Mr. Speaker, I rise today to offer my support of H.R. 4918, a bill to name the VA Medical Center in Miami, Florida, after Bruce W. Carter.

For his actions during Operation Idaho Canyon in the Quang Tri Province of the Republic of Vietnam in 1969, PFC Bruce W. Carter was posthumously awarded the Medal of Honor in 1971. The citation reads, in part:

> Pfc. Carter and his fellow marines were pinned down by vicious crossfire when, with complete disregard for his safety, he stood in full view of the North Vietnamese Army soldiers to deliver a devastating volume of fire at their positions. The accuracy and aggressiveness of his attack caused several enemy casualties and forced the remainder of the soldiers to retreat from the immediate area. Shouting directions to the marines around him, Pfc. Carter then commenced leading them from the path of the rapidly approaching brush fire when he observed a hostile grenade land between him and his companions. Fully aware of the probable consequences of his action but determined to protect the men following him, he unhesitatingly threw himself over the grenade, absorbing the full effects of its detonation with his body. Pfc. Carter's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and the U.S. Naval Service. He gallantly gave his life in the service of his country.

H.R. 4918, which would designate the VA Medical Center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center" honors the service and sacrifice of this Marine Corps hero.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield such time as she may consume to Dr. ILEANA ROS-LEHTINEN of Florida to speak on the bill.

Ms. ROS-LEHTINEN. I thank the chairman and the ranking member.

Mr. Speaker, I am so honored that we have this legislation before us. H.R. 4918 honors a brave soldier, a brave marine, who gave his life for our country. And this legislation to name the Department of Veterans Affairs Medical Center located in my hometown of Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center" is a great honor not just to the family and to the legacy that Bruce left, but also it honors the selfless sacrifice of all of our members and all of our veterans.

Bruce was born in New York, and he moved with his family to Texas, then Louisiana, and then they settled in South Florida. He attended Miami Springs Elementary School and then Miami Springs High School before enlisting in the U.S. Marine Corps in Jacksonville, Florida. He was promoted to Private First Class January 1, 1969, and deployed to Vietnam in April of that year, serving as a radio operator with Hotel Company, 2nd battalion, 3rd Marines, 3rd Marine Division.

Sadly, his hopes, his dreams, his lifelong ambitions were brutally cut short in Vietnam. On August 7, 1969, in combat north of the Vandegrift base in the Quang Tri province, Private First Class Carter threw himself on an enemy grenade, giving his life in service to our country so that his fellow Marines could survive.

His sacrifice embodies the honor, the courage, and the commitment to freedom which is characteristic of both a hero and a United States Marine.

On September 19, 1971, at a ceremony attended by his mother, Georgianna "Georgie" Carter-Krell and other family members, Private First Class Carter was posthumously awarded the Medal of Honor for his unwavering patriotism and sacrifice. For his valor Private First Class Carter has also received the Purple Heart, the Combat Action Ribbon, the National Defense Service Medal, the Vietnam Service Medal with one Bronze Star, and the Republic of Vietnam Campaign Medal.

However, the legacy of Private First Class Bruce Carter's commitment to our Nation endures. It endures in his mother, Georgie, who has carried on her son's legacy through her leadership in an organization known as the Gold Star Mothers organization. Today Georgie is serving her second term as national president of Gold Star Mothers, an organization committed to paying tribute to the men and women who have made the ultimate sacrifice on behalf of liberty.

I am privileged to represent the 18th Congressional District of Florida, hometown to many servicemen and women who have bravely defended our interests every day. My husband, Dexter, served our country in Vietnam as a U.S. Army ranger and was severely wounded in combat. My stepson Doug and his wife are captains in the U.S. Marine Corps, having served our country in Iraq. And I am deeply and personally interested in all of the affairs related to veterans to make sure that we honor them with the benefits that they so richly have earned through their sacrifice. They have served our country proudly, and they deserve to be treated with great respect.

Those who dedicated their lives to the service of others truly embody the heart and the spirit of all that is best in America. And that can truly be said of Private First Class Carter, of his dedication to freedom and of his fellow Marines, and it must never be lost in the dusty pages of our history book. Through the naming of this medical center, we will be remembering not just Bruce's sacrifice but the sacrifice and service of all of the brave men and women who proudly serve and wear our Nation's uniform.

I thank the chairman of the Veterans' Affairs Committee for this opportunity, and I especially want to thank the ranking member, my good friend from Indiana, for this time.

Mr. BUYER. Mr. Speaker, I would ask all colleagues to support H.R. 4918, a bill to name the Department of Veterans Affairs Medical Center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center."

I want to thank my colleague Dr. ILEANA ROS-LEHTINEN of Miami, Florida, for introducing the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I also thank the gentlewoman from Florida for telling us so eloquently about Mr. Carter.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4918.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I would urge my colleagues to support unanimously H.R. 4918 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4918.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS OF THE AMERICAN GI FORUM ON ITS 60TH ANNIVERSARY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1291) expressing gratitude for the contributions of the American GI Forum on its 60th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1291

Whereas millions of veterans returning home from World War II looked to the guarantee of educational, medical, housing, and other basic benefits provided by the GI bill;

Whereas these benefits were denied in large part to Americans of Mexican descent and other Hispanics throughout the United States;

Whereas the American GI Forum was founded in 1948 by Army Major Hector P. Garcia, a physician from Corpus Christi, Texas, in response to such inequities;

Whereas the Forum's motto is "Education Is Our Freedom and Freedom Should Be Everybody's Business";

Whereas in 1998 the Forum was granted a Federal charter pursuant to an Act of Congress (Public Law 105–231);

Whereas one of the purposes expressed in the Forum's charter is "fostering and enlarging equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin";

Whereas the Forum's Veterans Outreach Program is based in San Antonio, Texas, and provides training, employment, and counseling for veterans in the Southwestern United States; and

Whereas the American GI Forum continues to be a beacon of hope and an avenue for involvement for returning veterans and ordinary citizens aspiring to improve conditions within their own communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need for equal access to veterans' benefits for all who have honorably served;

(2) supports the goals, ideals, and deeds of the American GI Forum and its members;

(3) commends the work of the American GI Forum on its 60th anniversary; and

(4) encourages others to join with the American GI Forum to ensure that veterans are never again denied the benefits they rightfully deserve.

☐ 1930

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1291, which comes to us courtesy of Mr. RODRIGUEZ from Texas. I just want to point out that what we are doing here is expressing the gratitude for the contributions of the American GI Forum as it celebrates its 60th anniversary. We all know that the GI Bill of 1944 made an immense impact on the lives of returning veterans by guaranteeing educational, medical, housing, and other basic benefits.

Though this legislation was groundbreaking, it takes much more than words on paper to ensure that institutional goals are implemented. One man who understood this was Army Major Hector Garcia, who realized that the disparate treatment and denial of benefits to many Hispanic veterans must be ended. To carry out this purpose, he inspired to rally around him a group of fellow veterans who formed the American GI Forum.

Their motto is, "Education is our Freedom and Freedom Should be Everybody's Business." The ideals which they stand for, equal education opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities are ingrained in the fabric of American values. Since its inception, branches around the country have reached milestones in veterans' issues, in education, and civil rights.

Knowing the effects of unequal treatment, Army Major Garcia devoted himself to standing up for the isolated Hispanic members of our veteran community. We are happy to honor the organization he founded. We look forward to working with them for the common good and welfare of veterans for many years to come.

The broad-ranging and comprehensive initiatives which the GI Forum has undertaken over the last 60 years include the cofounding of SER-Jobs for Progress, Incorporated, a top-10 national Hispanic nonprofit organization, and the National Veterans Outreach Program, which is designed to assist military veterans in securing affordable housing and provides counseling and employment assistance services.

It is not the years though, however, that the GI Forum has existed, but how much it has accomplished that indicates their impact and why we are honoring them today. Leaders of the forum, from Army Major Garcia, on to the current president, Antonio Gil Morales, have an irrepressible spirit and a dynamic energy, using their benefit for the benefit of others.

Today, the GI Forum continues to challenge disparate policies on behalf of Hispanic veterans by challenging barriers and enhancing understanding. For their support of all veterans, specifically Hispanic veterans, and their leadership in being a beacon of hope and an avenue of involvement for returning veterans and ordinary citizens aspiring to improve conditions within their communities, we take the occasion of the 60th anniversary of their founding to recognize the GI Forum with this resolution as evidence of the high esteem in which it's held by all its members.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, House Resolution 1291 recognizes the contributions of the American GI Forum on its 60th anniversary. Mr. Speaker, the work of the founder of the American GI Forum, Dr. Hector Garcia, is one that shows the determination of the American spirit.

Serving during World War II as an infantryman, as a combat engineer, and a medical doctor, he was awarded the Bronze Star Medal with six battle stars and achieved the rank of major. Upon his return from the war, he worked to encourage other Mexican Americans to educate themselves in the Democratic principles, and founded the American GI Forum in 1948 to fight for equal treatment for Mexican American veterans, including proper medical treatment and educational benefits.

In reviewing the current legislative priorities for the American GI Forum, it is evident their efforts have continued to instill in the Hispanic/Latino community the desire to achieve through liberty.

Mr. Speaker, there is one clarification that I think should be made regarding the resolution whereas clauses, and I will take these up in a moment here with the author of the bill. In particular, the whereas clause reads, "Whereas, millions of veterans returning home from World War II look to the guarantee of educational, medical, housing, and other basic benefits by the GI Bill," and, "Whereas, these benefits were denied in large part to Americans of Mexican descent and other Hispanics throughout the United States."

By having these two statements like this in the whereas clause, this statement implies systematic denial of benefits as a matter of policy by the VA. Individual accounts of bigotry most likely did in fact occur, but I have great concerns with regard to the drafting of the bill. I was very disappointed that the chairman would not work with the minority on the drafting of this bill.

Those of us who wear and have worn the uniform, we embrace the ideals that veterans benefits are to be extended without regard to race, color, or creed. As I said, I will have some questions of Mr. RODRIGUEZ regarding the clarification of his intent on the whereas clauses.

Mr. Speaker, the work of the veterans service organizations like the American GI Forum advocates for veterans and assists those of us in Congress and particularly on the committee of Veterans' Affairs to formulate policy that will help guide our country in respect to veterans' affairs. I commend the American GI Forum's work these past 60 years.

I reserve the balance of my time.

Mr. FILNER. Before I recognize the author of the bill, I just want to say that the very definition of institutional racism is the fact that people in the institution don't even recognize its being practiced.

Mr. RODRIGUEZ, you have served us for 10 years. You have been a leader in getting this Congress and this Nation to follow the ideals that we talk about with Mr. Garcia. We thank you for this resolution.

I recognize the gentleman from Texas (Mr. RODRIGUEZ) for such time as he may consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman, and ranking member.

Let me take this opportunity, first of all, to congratulate the GI Forum on their extraordinary work. These are veterans that came after World War II and continue to give in their communities.

I speak today on behalf of a bill that I introduced, House Resolution 1291, expressing the gratitude for the contributions of the American GI Forum on its 60th anniversary. Some 60 years ago, Dr. Hector P. Garcia, a U.S. Army major and veteran of World War II, established the American GI Forum in Corpus Christi, Texas, to address the concerns of the Mexican American veterans who were segregated from other veteran groups.

Dr. Garcia initially formed the group to request services for the World War II veterans of Mexican descent who were denied medical services by the United States Department of Veterans Affairs. The forum soon spread into nonveteran issues, such as voting rights issues, jury selection issues, and educational desegregation issues, advocating for civil rights of all Mexican Americans.

The GI Forum's first campaign was on behalf of Felix Longoria, a Mexican American private who had been killed in the Philippines in the line of duty. Upon the return of his body to Texas, he was denied burial services in Texas, and Dr. Garcia and the GI Forum were organized around this issue, requesting the involvement of then-Senator Lyndon Baines Johnson, who secured Longoria's burial at the Arlington National Cemetery. This was a soldier whose body had been returned to Texas and was denied burial in a particular cemetery in south Texas.

The case brought the American GI Forum to the national attention and the charters were obtained throughout the country. A large number of GI Forum organizations were organized during that period, and continue to this day.

Ten years later, in 1998, Congress officially recognized the GI Forum with a charter. Its motto is "Education is our Freedom and Freedom Should be Everybody's Business." The forum currently operates chapters throughout the United States, with a focus on veterans' issues, education, and civil rights. Its two largest national programs are the San Antonio-based Veterans Outreach Programs and the Dallas-based Service, Employment, Redevelopment-Jobs for progress.

I want to urge Members of Congress to join me in voting for the resolution and expressing the gratitude for the contributions of the GI Forum.

Let me just also indicate that the resolution that we drafted, at the end says, "Whereas, the GI Forum continues to be a beacon of hope." These individuals continue to work with our veterans. They have a beautiful homeless project that reaches out to our veterans out there, and it's veterans working with veterans.

So it says, "Now, therefore be it resolved that the House of Representatives recognizes the need for equal access to veterans benefits for all who have honored their service to, support the goals and ideals and deeds of the American GI Forum and its members, and commends the work of the American GI Forum on its 60th anniversary, and encourages others to join with the American GI Forum to ensure that veterans are never again denied the benefits that they rightfully deserve."

So I will ask for your support.

Mr. BUYER. Mr. Speaker, I have some questions on my time. I would like to inquire of the gentleman regarding his intent on the drafting of the resolution. In particular, the first and second clauses of the resolution. The first clause, "Whereas, millions of veterans returning home from World War II looked to the guarantee of educational, medical, housing, and other basic benefits provided by the GI Bill"; and, "Whereas, these benefits were denied."

As it's drafted, it basically says here are the benefits they looked forward to. And then we say, "these benefits were denied" and then "in large part, to Americans of Mexican descent."

So in the whereas clause we are saying that here are benefits that millions of veterans coming back from World War II looked forward to, then in the drafting it says, oh, by the way, "Whereas, these benefits were denied, in large part to Americans of Mexican descent and other Hispanics throughout the United States."

Now there are other individuals, other forms of odious discrimination of various kinds encountered by veterans, whether they be African American, whether they are women, individuals are Puerto Rican. There could have been many other forms of discrimination and bigotry in which people were subjected to in our country, not only back then but even probably of today.

What I was hoping we could do is that we are actually voting on a resolution on the floor, that this drafting is kind of awkward. I was hoping that we could try to correct that.

What I wanted to do is yield to the gentleman so he can tell us about his intent with regard to the legislation.

I yield to the gentleman.

Mr. RODRIGUEZ. Thank you. The intent, if you look at the final, "Be it resolved that the House of Representatives recognizes the needs of equal access to veterans benefits for all who have honorably served and continues to support the goals and ideals."

Now the whereases that are there, those are the founding principles as to why that group got together right after the war. We all know that there was discrimination. We know that people were denied. There were the Mexican schools and the all-white schools. There were places where you couldn't go eat in Texas either if you were a Mexican. So that existed.

So the language is there as a result of the foundation of this group that organized. When that body came back, as a soldier, he was denied burial. We have Mexican burial sites and white burial sites. Unfortunately, we still have them, in some cases. But the reality was that that is the reality of then. So the whereases talk about the time then where the discrimination existed.

Yes, there were other groups that were discriminated and other people that were denied. But this is not about African Americans, this is not about women. It's about the veterans that served at that point in time that came back and experienced that discrimination. That is why the organization was organized.

By the way, the group now does a beautiful job, and if anyone espouses and loves this country more, it is those veterans that are part of the GI Forum, and they are the ones that have a beautiful program for job training, they have some programs that deal with the homeless, and a variety of other types of programs.

☐ 1945

Mr. BUYER. Mr. Speaker, reclaiming my time, the chairman and I both have been to Harlingen, we have been in Deep South, Texas. We understand your challenges. We have also met with many of your comrades down there, who have tremendous enthusiasm for our country.

I appreciate your explanation with regard to the "whereas" clauses, that these were the foundation of the GI Forum. I just wanted to make sure that we did not have the implication as a policy record of discrimination by the VA. That in fact there were forms of discrimination by individuals, but our country, who was then run by Presidents Roosevelt, Truman, Eisenhower, Kennedy and Johnson, never would have in fact embraced any form of this policy.

Mr. RODRIGUEZ. Remember, we also had discrimination by the military itself. It was there. We can't deny that. It did discriminate, and in some cases it was pretty blatant. It was there.

Mr. BUYER. Okay. I appreciate the gentleman clarifying the intent with regard to the "whereas" clauses.

With that, I urge my colleagues to adopt the resolution before the House, and I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the chairman of the full committee, Mr. FILNER, for constantly coming down on the side of veterans, and my good friend and colleague, Congressman RODRIGUEZ, who eloquently articulated the importance of the GI Forum on its 60th anniversary. Let me thank the ranking member for participating in this debate, and commend my colleagues to this important resolution.

I would just speak briefly of the GI Forum, that I saw just recently in a Judiciary Committee hearing, looking at the treatment of some of our soldiers who are not yet citizens, and how the burden falls on their shoulders, even though they are on the front lines of fighting for our freedom. So we do know there are inequities. But we appreciate the GI Forum for its leadership over the years, and clearly its founding member, who worked so hard and certainly is someone renowned and respected in Texas.

So let me briefly congratulate the GI Forum in its 60th year, and commend my colleagues to reading about Army Major Hector P. Garcia, who we honored just a few weeks ago by naming the Voting Rights Act of 1965 and then recently reauthorized after Mr. Garcia.

One item that comes to mind is that he moved the GI Forum, after being recognized by Lyndon Baines Johnson, Ronald Reagan as President, and former President Clinton, for his service, he began to move the GI Forum towards civil rights. He questioned some of the inequities, and used this organization with its mighty might of returning veterans to speak on behalf of those who cannot speak for themselves. They did fight for education and civil rights and good health care.

One of the stories that he is well-known for is the story recounted by my good friend from Texas of the soldier who came home from World War II and was not able to be buried in a South Texas funeral home. He thought that to be an unfortunate set of circumstances, and he called then President of the United States and moved this soldier from South Texas to be ultimately buried in the Arlington Cemetery.

So that is the standard of the GI Forum. It is a helping hand for veterans. It is a respected, renowned, national organization, full of patriots who understand as they fought for freedom on the battlefields across the world that they would also fight for freedom here in the United States.

Let me applaud the Veterans Committee and my good friend Congressman RODRIGUEZ for this very astute legislation, recognition of a valid civil rights organization, the GI Forum, and ask my colleagues to vote for this.

Mr. FILNER. Mr. Speaker, in closing, Dr. Martin Luther King, Jr., used to say we have come a long way with regard to civil rights, but we have a long way to go. I would just ask my ranking member from Indiana not to think that any institution in this country, even at a time when we are nominating the first African American of a major political party for President, that discrimination and racism has been cleansed from the American body politic. It exists, it is real, and we have to commit ourselves to continually fighting against it.

That is why this resolution is so important. It reminds us of those who took on the struggle when it was so blatant and so urgent. But that struggle is not over, and we have to recommit ourselves to ending racism and discrimination in any form.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1291.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ORTIZ. Mr. Speaker, I rise today in support of H. Res. 1291, which celebrates the 60th anniversary of one of our country's most prominent veterans and civil rights organizations—the American GI Forum.

Originally founded to assist Hispanic World War II veterans fight discrimination from the VA, the American GI Forum now advocates for numerous additional causes, including voting rights, job training, and better access to education.

This bill is special to me because it also commends the American GI Forum's founder, Dr. Hector P. Garcia, who hails from my hometown of Corpus Christi, TX. Dr. Garcia, himself a distinguished veteran, was one of the early leaders of the Hispanic civil rights movement.

Dr. Garcia served as an alternate ambassador to the United Nations in 1967, was appointed to the United States Commission on Civil Rights in 1968, and was awarded the Presidential Medal of Freedom—the Nation's highest civilian honor—in 1984.

Dr. Garcia grew up in South Texas and hitchhiked 30 miles a day to go to school. He enrolled into the University of Texas Medical School which accepted only one Mexican-American student per year.

In addition to helping Hispanic veterans, Dr. Garcia also led the fight against ending discrimination against Hispanic students and brought attention to the poor conditions of migrant workers.

From working with Presidents on civil rights issues to providing medical services to those who couldn't pay, Dr. Garcia dedicated his life to bettering the lives of all. His legacy, through the American GI Forum, will always live on.

I congratulate the members of the American GI Forum for all their work as a beacon of hope for all veterans and citizens aspiring to improve the lives of those in their community.

Mr. FILNER. Mr. Speaker, I ask my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. CLEAVER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1271) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1271

Whereas the President of the United States has issued a proclamation designating the month of June 2008 as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLEVER) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLEAVER. Mr. Speaker, I yield myself 5 minutes.

The month of June is National Homeownership Month, and at a time of growing concern about the foreclosure crisis affecting the lives of too many Americans, Congress has responded with a bipartisan effort to revitalize the housing market.

This year, the President, in one of the proclamations that actually I think spoke for most Members of this body, as well as for most Americans, said, "For many Americans, owning a home represents freedom, independence and the American dream."

During National Homeownership Month, we highlight the benefits of owning a home and encourage our fellow citizens to be responsible homeowners. It is difficult to be a responsible homeowner at this time because foreclosure filings last month went up nearly 50 percent compared with a year earlier. Nationwide, this is unbelievable. 261,255 homeowners received at least one foreclosure-related filing in May. That is up 48 percent from the same month last year, and up 7 percent from April. Last week, the Mortgage Bankers Association reported that about 2.5 percent of home mortgages were in foreclosure during the first quarter of this year, almost double the rate of a year earlier.

I was reading an article in the June 19 Washington Post which suggests that 6.5 million loans will fall into foreclosure within the next 5 years; 6.5 million loans. That means that 8 percent of all homeowners in the United States will be impacted directly. That does not count the people who live on the block where a home is foreclosed, and in the urban core, anywhere around the country, that spells disaster, because you will have a rundown property in an area that is already undervalued by those who make declarations about the value of property.

Nearly 74,000 properties were repossessed by lenders nationwide just in May, while more than 58,000 received default notices. That is according to the New York Times, June 14 of this year.

As a person who did not live in a real home until he was 14, I can speak I think very clearly about the value of homeownership. I lived in a house in Waxahachie, Texas, from the time I was born until I was eight that had no running water, no electricity, no indoor plumbing. My mother, father, three sisters and I lived in this shanty, which at one time served as slave quarters.

We were able to move out of that when I was eight. We moved into public housing. We lived in public housing until my father, working about three jobs, sometimes four at the same time, could buy his own home. He bought a home in a white neighborhood, and so he had to have it moved to the black neighborhood.

That home meant everything to the six Cleavers who lived in it. It meant so much that my father had converted this home into a palace that we considered having been blessed to live in. His lawn can be compared with the lawn of anybody in the country, and some of the neighbors even make fun of him because if you drop a cigarette butt or a piece of paper on the street anywhere near his home, it gets picked up.

Homeownership is valuable, and it does grant us a piece of the American dream. But for many Americans, the American dream has become a nightmare. The subprime lending crisis has devastated communities, but let us not forget it has devastated individuals. 705,446 homes will suffer price declines due to foreclosures nearby.

Mr. Speaker, tonight we lift up the value of homeownership, but we do so with a commitment to do everything that we can possibly do to impact the climate so that we can turn things around from the destructive way in which this Nation is suffering.

The month of June is National Homeownership Month. At a time of growing concern about the foreclosure crisis affecting the lives of too many Americans, Congress has responded with a bipartisan effort to revitalize the housing market. This year the President proclaimed, "For many Americans, owning a home represents freedom, independence, and the American dream. During National Homeownership Month, we highlight the benefits of owning a home and encourage our fellow citizens to be responsible homeowners."

"Foreclosure filings last month were up nearly 50 percent compared with a year earlier, according to one company's count released yesterday." [Washington Post, June 19, 2008].

"Nationwide, 261,255 homeowners received at least one foreclosure-related filing in May, up 48 percent from the same month last year, and up 7 percent from April, foreclosure listing service RealtyTrac said." [Washington Post, June 19, 2008].

"Last week the Mortgage Bankers Association reported that about 2.47 percent of home mortgages were in foreclosure during the first quarter of the year, almost double the 1.28 percent rate of a year earlier, and the highest point since the group began compiling such figures in 1979." [Washington Post, June 19, 2008].

"A Credit Suisse report this spring predicted that 6.5 million loans will fall into foreclosure over the next five years, reaching more than 8 percent of all U.S. homes." [Washington Post, June 19, 2008].

"According to the RealtyTrac report, one in every 483 U.S. households received a foreclosure filing in May, the highest number since RealtyTrac started the report in 2005 and the second straight monthly record." [Washington Post, June 19, 2008].

"Nearly 74,000 properties were repossessed by lenders nationwide in May, while more than 58,000 received default notices, the company said." [New York Times, June 14, 2008].

At the end of the first quarter of 2008, there were an estimated 1.27 million properties in foreclosure in the United States. In addition, there were approximately 350,000 subprime mortgages more than 90 days delinquent where foreclosure proceedings had not yet begun.

The Center for Responsible Lending offers the following statistics for Missouri: 42,727 foreclosures predicted for 2008–2009; 705,446 homes will suffer price declines due to foreclosures nearby; a $1.8 billion in home values/tax base; and $2,540 average decrease in home value per unit affected.

"The Federal Housing Administration expects to lose $4.6 billion because of unexpectedly high default rates on home loans." [New York Times, June 10, 2008].

"One study estimates that in just 10 states (AZ, CA, FL, GA, IL, MA, MI, MN, NV, NY), lost tax revenue in 2008 will total $6.6 billion due to foreclosures." [Global Insight, The Mortgage Crisis: Economic and Fiscal Implications for Metro Areas, November, 2007].

"Further, an estimated 524,000 fewer jobs are projected to be created this year because of the foreclosure crisis." [Global Insight, The Mortgage Crisis: Economic and Fiscal Implications for Metro Areas, November, 2007].

Initiatives to help responsible homeowners keep their homes have been launched. The Federal Housing Administration has created the FHASecure program so that flexibility in refinancing mortgages for homeowners who have good credit histories but cannot afford their current payments is just one solution. Furthermore, the HOPE NOW Alliance connects struggling homeowners with lenders, loan servicers, and mortgage counselors to help families stay in their homes.

67.8 percent of Americans own their own homes [Census Bureau].

72.0 percent of Midwesterners own their own homes (the highest percentage in the nation) [Census Bureau].

With an increase in age, comes an increase in homeownership. Americans view homeownership as a mark of success, and as proof that they have at least begun to realize the American dream. The purchase of a first home is a symbol of stability, and often acts as a monument to family life, which is the cornerstone of our culture.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today on behalf of Representative GARY MILLER to recognize the importance of homeownership in America and to commend him on his resolution.

On May 29, 2008, President Bush designated June as Homeownership Month, as he has done for the past 7 years. To complement this designation, this resolution, H. Res. 1271, provides congressional recognition of National Homeownership Month and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American dream and is the largest personal investment most families will ever make. For millions of families across this country, a home is more than just a symbol of the American dream. It is the backbone of the American way of life.

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Despite all that's occurring in the housing market, we need to remember that homeownership has historically been the single largest creator of wealth for most Americans. Not only does homeownership provide economic security by building wealth over time; it also strengthens and builds communities. Affordable housing is vital to resolving the current crisis the United States' housing market has in preserving homeownership.

National Homeownership Month is a reminder of the importance of housing issues in America. This bipartisan resolution, 1271, recognizes the need for National Homeownership Month and for the overall importance of homeownership in America.

I urge my colleagues to join me in supporting this resolution to reinforce our commitment to housing opportunities and to help guarantee the dream of homeownership for more American families.

I reserve the balance of my time.

Mr. CLEAVER. Mr. Speaker, I have no more requests for speakers. If the gentleman from Georgia cares to bring another speaker at this time, I would reserve the balance of my time.

Mr. PRICE of Georgia. I thank my friend for his comments earlier.

I want to, once again, commend Representative MILLER for his resolution. I think it's important in the context of this discussion, however, to make certain that the Nation understands and that our colleagues appreciate that much work has been done to make certain that individuals are able to remain in their homes. There are remarkable programs that have helped, literally, millions of Americans remain in their homes, programs that we strongly support and encourage the expansion of.

So I want to, once again, commend my friend from California for introducing this resolution, and I want to thank my friend for his comments.

Ms. WOOLSEY. Mr. Speaker, the importance of homeownership can't be underestimated. That's why I support H. Res. 1271, a bill to recognize National Homeownership Month and the importance of homeownership in the United States.

For most Americans, homeownership represents security for themselves and their families. Unfortunately in recent months, homeownership (a cornerstone of the American Dream) has been tarnished by an unscrupulous mortgage industry that has trapped far too many families into paying for homes they can't afford. In my district, all over California, and across the country, we are seeing family after family fall into foreclosure, as their dreams turn to dust, and they hand over their prize possession to the bank.

So, as we consider this bill in support of homeownership, I think it's important that we also don't forget the homeowner . . . those past, present and future, who need the assistance of this Congress to ensure they get a fair deal.

Mr. Speaker, it's my hope that those who vote in favor of this bill, H. Res. 1271, will also join in passing real housing reform to bring about systemic changes to help more Americans be able to achieve the goal of owning their own home, on fair terms, at affordable prices.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1271, Recognizing National Homeownership Month and the importance of homeownership in the United States, introduced by my distinguished colleague from California, Representative GARY MILLER. This timely legislation helps to highlight the importance of ownership by recognizing homeowners in the United States.

This legislation recognizes June 2008 as National Homeownership Month. We should be very proud that the people of the United States are one of the best-housed populations in the world. This phenomenon has evolved because we are anchored in the belief that owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make. Homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches. Creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments. In 2007, Texas ranked fourth behind California, Florida, and Illinois in pre-foreclosures. Last year, Texas held the top seat for active foreclosures.

This is why it is important that we reaffirm that homeownership can be sustained through appropriate homeownership education and informed borrowers. Affordable homeownership and maintaining the confidence and morale of current homeowners will play a vital role in resolving the crisis in the United States housing market: Now, therefore, I fully support the goals and ideals of National Homeownership Month, and I recognize the importance of homeownership in building strong communities and families.

H. Res. 1271 recognizes homeowners and only homeowners, not speculators or lenders. This legislation reminds us that we cannot continue to stand by as the housing market continues to deteriorate. U.S. home prices tumbled in April at the fastest rate since a widely-followed index was begun in 2000 with all 20 metropolitan areas posting annual declines for the first time. Texas reported 13,829 properties entering some stage of foreclosure in April, a 16 percent increase from the previous month and the most foreclosure filings reported by any state. The state documented the nation's third highest state combined foreclosure rate—one foreclosure filing for every 582 households.

Many homeowners in my district are worried about missing their next house payment or their next home equity mortgage, or their interest rate going up. These families are under stress and in constant fear of loosing their homes.

This bill should not be the last word in housing legislation nor should it be restricted to the status of symbolic rhetoric. The American people need us to intervene in this housing crisis that is leaving many undeserving families homeless. This bill coupled with Congresswoman MAXINE WATERS' bill, H.R. 5818, the Neighborhood Stabilization Act, provides a good starting point in providing Americans with relief. We must never forget that many of the New Deal programs under President Roosevelt were considered bailouts at that time. And yet, these programs brought our country out of the Depression, rejuvenated our economy, and gave hope as we sought to deal with the War overseas.

We are spending billions of dollars on the war in Iraq. I support our troops but I am dismayed at how our support for a war that needs to become less military and more diplomatic in nature, has disrupted our ability to take care of things at home. Thank you Madam Speaker for your leadership in this area, I urge my colleagues to support recognizing American homeowners by supporting H.R. 1271.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of National Homeownership Month. This month marks the 40th anniversary of the landmark 1968 Fair Housing Act, which opened the dialogue of equal homeowner opportunities and growth. The National Homeownership Month continues with the same principles by promoting the very core of American values of fairness, opportunity, and growth.

National Homeownership Month reflects the importance of homeownership and the American dream. For most Americans, owning their own home will be their largest and most significant financial investment. It represents security, builds neighborhood pride, and is essential in creating positive productive communities.

National Homeownership Month focuses on creating affordable housing opportunities for all and economy sustainability. Home affordability and financial education is the key to overcoming the housing crisis and promoting good housing practices and policies. Financial education not only directly benefits American families, but, in turn, helps to ensure a robust and strong economy.

Mr. Speaker, it is vital that we continue to empower people of all races, economic status, and backgrounds who desire to own their own home. It is a valuable stabilizer for both families and communities.

Mr. PRICE of Georgia. I yield back the balance of my time.

Mr. CLEAVER. Mr. Speaker, I have no additional speakers, and so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLEAVER) that the House suspend the rules and agree to the resolution, H. Res. 1271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PRICE of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CREDIT UNION, BANK, AND THRIFT REGULATORY RELIEF ACT OF 2008

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6312) to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Credit Union, Bank, and Thrift Regulatory Relief Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CREDIT UNIONS

Sec. 101. Investments in securities by Federal credit unions.
Sec. 102. Increase in investment limit in credit union service organizations.
Sec. 103. Member business loan exclusion for loans to nonprofit religious organizations.
Sec. 104. Authority of NCUA to establish longer maturities for certain credit union loans.
Sec. 105. Providing the National Credit Union Administration with greater flexibility in responding to market conditions.
Sec. 106. Conversions of certain credit unions to a community charter.
Sec. 107. Credit union participation in the SBA section 504 program.
Sec. 108. Amendments relating to credit union service to underserved areas.
Sec. 109. Short-term payday loan alternatives within field of membership.
Sec. 110. Credit union governance.
Sec. 111. Encouraging small business development in underserved urban and rural communities.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

Sec. 201. Restatement of authority for Federal savings associations to invest in small business investment companies.
Sec. 202. Removal of limitation on investments in auto loans.
Sec. 203. Repeal of qualified thrift lender requirement with respect to out-of-state branches.
Sec. 204. Small business and other commercial loans.
Sec. 205. Increase in limits on commercial real estate loans.
Sec. 206. Savings association credit card banks.

TITLE III—NOTICE PROVISIONS

Sec. 301. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.

TITLE IV—BUSINESS CHECKING

Sec. 401. Short title.
Sec. 402. Interest-bearing transaction accounts authorized for all businesses.
Sec. 403. Interest-bearing transaction accounts authorized.
Sec. 404. Rules of construction.
Sec. 405. Consumer banking costs assessment.

TITLE I—CREDIT UNIONS

SEC. 101. INVESTMENTS IN SECURITIES BY FEDERAL CREDIT UNIONS.

Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) by striking "A Federal credit union" and inserting "(a) IN GENERAL.—A Federal credit union"; and

(2) by adding at the end the following new subsection:

"(b) INVESTMENT FOR THE CREDIT UNION'S OWN ACCOUNT.—

"(1) IN GENERAL.—In addition to the investments authorized in subsection (a), a Federal credit union may purchase and hold for its own account such investment securities of investment grade as the Board may authorize by regulation, subject to such limitations and restrictions as the Board may prescribe in the regulations.

"(2) PERCENTAGE LIMITATIONS.—

"(A) SINGLE OBLIGOR.—In no event may the total amount of investment securities of any single obligor or maker held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the net worth of the credit union.

"(B) AGGREGATE INVESTMENTS.—In no event may the aggregate amount of investment securities held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the assets of the credit union.

"(3) INVESTMENT SECURITY DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'investment security' means marketable obligations evidencing the indebtedness of any person in the form of bonds, notes, or debentures and other instruments commonly referred to as investment securities.

"(B) FURTHER DEFINITION BY BOARD.—The Board may further define the term 'investment security'.

"(4) INVESTMENT GRADE DEFINED.—The term 'investment grade' means with respect to an investment security purchased by a credit union for its own account, an investment security that at the time of such purchase is rated in one of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

"(5) CLARIFICATION OF PROHIBITION ON STOCK OWNERSHIP.—No provision of this subsection shall be construed as authorizing a Federal credit union to purchase shares of stock of any corporation for the credit union's own account, except as otherwise permitted by law.".

SEC. 102. INCREASE IN INVESTMENT LIMIT IN CREDIT UNION SERVICE ORGANIZATIONS.

Section 107(a)(7)(I) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I)) (as so redesignated by section 101(1)) is amended by striking "up to 1 per centum of the total paid" and inserting "up to 3 percent of the total paid".

SEC. 103. MEMBER BUSINESS LOAN EXCLUSION FOR LOANS TO NONPROFIT RELIGIOUS ORGANIZATIONS.

Section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended by inserting ", excluding loans made to nonprofit religious organizations," after "total amount of such loans".

SEC. 104. AUTHORITY OF NCUA TO ESTABLISH LONGER MATURITIES FOR CERTAIN CREDIT UNION LOANS.

Section 107(a)(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so redesignated by section 101(1)) is amended in the matter preceding subparagraph (A), by striking "except as otherwise provided herein" and inserting "or any longer maturity as the Board may allow, in regulations, except as otherwise provided in this Act".

SEC. 105. PROVIDING THE NATIONAL CREDIT UNION ADMINISTRATION WITH GREATER FLEXIBILITY IN RESPONDING TO MARKET CONDITIONS.

Section 107(a)(5)(A)(vi)(I) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)(I)) (as so redesignated by section 101(1)) is amended by striking "six-month period and that prevailing interest rate levels" and inserting "6-month period or that prevailing interest rate levels".

SEC. 106. CONVERSIONS OF CERTAIN CREDIT UNIONS TO A COMMUNITY CHARTER.

Section 109(g) of the Federal Credit Union Act (12 U.S.C. 1759(g)) is amended by inserting after paragraph (2) the following new paragraph:

"(3) CRITERIA FOR CONTINUED MEMBERSHIP OF CERTAIN MEMBER GROUPS IN COMMUNITY CHARTER CONVERSIONS.—In the case of a voluntary conversion of a common-bond credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in subsection (b)(3), the Board shall prescribe, by regulation, the criteria under which the Board may determine that a member group or other portion of a credit union's existing membership, that is located outside the well-defined local community, neighborhood, or rural district that shall constitute the community charter, can be satisfactorily served by the credit union and remain within the community credit union's field of membership.".

SEC. 107. CREDIT UNION PARTICIPATION IN THE SBA SECTION 504 PROGRAM.

Section 107(a)(5)(A)(iii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(iii)) (as so redesignated by section 101(1)) is amended by inserting ", and applicable regulations," after "specified in the law".

SEC. 108. AMENDMENTS RELATING TO CREDIT UNION SERVICE TO UNDERSERVED AREAS.

(a) IN GENERAL.—Paragraph (2) of section 109(c) of the Federal Credit Union Act (12 U.S.C. 1759(c)(2)) is amended to read as follows:

"(2) EXCEPTION FOR UNDERSERVED AREAS.—

"(A) IN GENERAL.—Notwithstanding subsection (b), the Board may approve an application by a Federal credit union to allow the membership of such credit union to include any person or organization whose principal residence or place of business is located within a local community, neighborhood, or rural district if—

"(i) the Board determines—

"(I) at any time after August 7, 1998, that all of the local community, neighborhood, or rural district taken into account for purposes of this paragraph is an underserved area (as defined in section 101(10)); and

"(II) at the time of such approval, that the credit union is well capitalized or adequately capitalized (as defined in section 216(c)(1)); and

"(ii) before the end of the 24-month period beginning on the date of such approval, the credit union has established and maintains an office or facility in the local community, neighborhood, or rural district at which credit union services are available.

"(B) TERMINATION OF APPROVAL.—Any failure of a Federal credit union to meet the requirement of clause (ii) of subparagraph (A) by the end of the 24-month period referred to in such clause shall constitute a termination, as a matter of law, of any approval of an application under this paragraph by the Board with respect to the membership of such credit union.

"(C) ANNUAL CREDIT UNION REPORTING REQUIREMENT.—Any Federal credit union which has an application approved under this paragraph shall submit an annual report to the Administration on the number of members of the credit union who are members by reason of such application and the number of offices or facilities maintained by the credit union in the local community, neighborhood, or rural district taken into account by the Board in approving such application.

"(D) PUBLICATION BY ADMINISTRATION.—The Administration shall publish annually a report containing—

"(i) a list of all the applications approved under this paragraph prior to the publication of the report;

"(ii) the number and locations of the underserved areas taken into account in approving such applications; and

"(iii) the total number of members of credit unions who are members by reason of the approval of such applications.".

(b) UNDERSERVED AREA DEFINED.—Section 101 of the Federal Credit Union Act (12 U.S.C. 1752) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(10) the term 'underserved area'—

"(A) means a geographic area consisting of a single census tract or a group of census tracts, each of which—

"(i) meets the criteria for—

"(I) a low income community, as defined in section 45D(e) of the Internal Revenue Code of 1986; or

"(II) an investment area, as defined and designated under section 103(16) of the Community Development Banking and Financial Institutions Act of 1994; and

"(ii) is not a tract in which 50 percent or more of the resident families have annual incomes in excess of $75,000 (as adjusted periodically by the Board, at the discretion of the Board, to reflect changes in the average Consumer Price Index for all-urban consumers published by the Department of Labor); and

"(B) notwithstanding subparagraph (A), includes, with respect to any Federal credit union, any geographic area within which such credit union—

"(i) has received approval to provide service before the date of the enactment of the Credit Union, Bank, and Thrift Regulatory Relief Act of 2008 from the National Credit Union Administration; and

"(ii) has established a service facility before such date of enactment.".

SEC. 109. SHORT-TERM PAYDAY LOAN ALTERNATIVES WITHIN FIELD OF MEMBERSHIP.

Section 107(a) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so redesignated by section 101(1)) is amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18), respectively; and

(2) by inserting after paragraph (15) the end the following new paragraph:

"(16) to make short-term unsecured loans as an alternative to payday loans, in amounts not more than $1,000 each and for a term of not more than 90 days, to nonmembers in the field of membership, subject to the same terms and conditions as are applicable under paragraph (5)(A), including the interest rate ceiling, with respect to loans to members, to the extent applicable, and to regulations prescribed by the Board.".

SEC. 110. CREDIT UNION GOVERNANCE.

(a) EXPULSION OF MEMBERS FOR JUST CAUSE.—Subsection (b) of section 118 of the Federal Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:

"(b) POLICY AND ACTIONS OF BOARDS OF DIRECTORS OF FEDERAL CREDIT UNIONS.—

"(1) EXPULSION OF MEMBERS FOR NONPARTICIPATION OR FOR JUST CAUSE.—The board of directors of a Federal credit union may, by majority vote of a quorum of directors, adopt and enforce a policy with respect to expulsion from membership, by a majority vote of such board of directors, based on just cause, including disruption of credit union operations, or on nonparticipation by a member in the affairs of the credit union.

"(2) WRITTEN NOTICE OF POLICY TO MEMBERS.—If a policy described in paragraph (1) is adopted, written notice of the policy as adopted and the effective date of such policy shall be provided to—

"(A) each existing member of the credit union not less than 30 days prior to the effective date of such policy; and

"(B) each new member prior to or upon applying for membership.".

(b) TERM LIMITS AUTHORIZED FOR BOARD MEMBERS OF FEDERAL CREDIT UNIONS.—Section 111(a) of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended by adding at the end the following new sentence: "The bylaws of a Federal credit union may limit the number of consecutive terms any person may serve on the board of directors of such credit union.".

SEC. 111. ENCOURAGING SMALL BUSINESS DEVELOPMENT IN UNDERSERVED URBAN AND RURAL COMMUNITIES.

Section 107A(c)(1)(B) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1)(B)) is amended—

(1) by striking "or" after the semicolon at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

"(v) that is made to a member, the proceeds of which are to be used for commercial, corporate, business, farm or agricultural purposes in an underserved area if such extension of credit—

"(I) is made to a person or organization whose principal residence or place of business is located within an underserved area (as defined in section 101(10)) served by the credit union, and is not a business, or a local outlet of a business, operating on a nationwide basis (for purposes of the preceding clause, a locally-owned franchise that consists only of local operations shall not be treated as a business operating on a nationwide basis); or

"(II) is secured by real property located within, or is intended to operate as part of a business located within, such underserved area; or".

TITLE II—SAVINGS ASSOCIATION PROVISIONS

SEC. 201. RESTATEMENT OF AUTHORITY FOR FEDERAL SAVINGS ASSOCIATIONS TO INVEST IN SMALL BUSINESS INVESTMENT COMPANIES.

Subparagraph (D) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended to read as follows:

"(D) SMALL BUSINESS INVESTMENT COMPANIES.—Any Federal savings association may invest in 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies formed under the Small Business Investment Act of 1958, except that the total amount of investments under this subparagraph may not at any time exceed the amount equal to 5 percent of capital and surplus of the savings association.".

SEC. 202. REMOVAL OF LIMITATION ON INVESTMENTS IN AUTO LOANS.

(a) IN GENERAL.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraph:

"(V) AUTO LOANS.—Loans and leases for motor vehicles acquired for personal, family, or household purposes.".

(b) TECHNICAL AND CONFORMING AMENDMENT RELATING TO QUALIFIED THRIFT INVESTMENTS.—Section 10(m)(4)(C)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

"(VIII) Loans and leases for motor vehicles acquired for personal, family, or household purposes.".

SEC. 203. REPEAL OF QUALIFIED THRIFT LENDER REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.

Section 5(r)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(1)) is amended by striking the last sentence.

SEC. 204. SMALL BUSINESS AND OTHER COMMERCIAL LOANS.

(a) ELIMINATION OF LENDING LIMIT ON SMALL BUSINESS LOANS.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by inserting after subparagraph (V) (as added by section 202(a) of this title) the following new subparagraph:

"(W) SMALL BUSINESS LOANS.—Small business loans, as defined in regulations which the Director shall prescribe.".

(b) INCREASE IN LENDING LIMIT ON OTHER BUSINESS LOANS.—Section 5(c)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended by striking ", and amounts in excess of 10 percent" and all that follows through "by the Director".

SEC. 205. INCREASE IN LIMITS ON COMMERCIAL REAL ESTATE LOANS.

Section 5(c)(2)(B)(i) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(B)(i)) is amended by striking "400 percent" and inserting "500 percent".

SEC. 206. SAVINGS ASSOCIATION CREDIT CARD BANKS.

Section 10(a)(1)(A) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(A)) is amended by inserting "and such term does not include an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 for purposes of subsections (a)(1)(E), (c)(3)(B)(i), (c)(9)(C)(i), and (e)(3)" before the period at the end.

TITLE III—NOTICE PROVISIONS

SEC. 301. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

"(c) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

"(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

"(2) does not share information with affiliates under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act; and

"(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

"(d) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

"(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands; or

"(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.".

TITLE IV—BUSINESS CHECKING

SEC. 401. SHORT TITLE.

This title may be cited as the "Business Checking Fairness Act of 2008".

SEC. 402. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

Section 2 of Public Law 93-100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.''.

SEC. 403. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) Repeal of Prohibition on Payment of Interest on Demand Deposits.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

"(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any'' and inserting "savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) [Repealed]''.

(b) Effective Date.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 404. RULES OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution for the purpose of completing the settlement of a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action, including any benefits which have been so determined by the appropriate Federal regulator,

shall not be treated as the payment or receipt of interest for purposes of this title and any provision of Public Law 93–100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions. No provision of this title shall be construed so as to require a depository institution that maintains an escrow account in connection with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. No provision of this title shall be construed as preempting the provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

SEC. 405. CONSUMER BANKING COSTS ASSESSMENT.

(a) In General.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(2) by inserting after section 29 the following new section:

"SEC. 30. SURVEY OF BANK FEES AND SERVICES.

"(a) Biennial Survey Required.—The Board of Governors of the Federal Reserve System shall obtain biennially a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

"(1) Checking and other transaction accounts.

"(2) Negotiable order of withdrawal and savings accounts.

"(3) Automated teller machine transactions.

"(4) Other electronic transactions.

"(b) Minimum Survey Requirement.—The biennial survey described in subsection (a) shall meet the following minimum requirements:

"(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Check processing fees.

"(D) Check printing fees.

"(E) Balance inquiry fees.

"(F) Fees imposed for using a teller or other institution employee.

"(G) Stop payment order fees.

"(H) Nonsufficient fund fees.

"(I) Overdraft fees.

"(J) Fees imposed in connection with bounced-check protection and overdraft protection programs.

"(K) Deposit items returned fees.

"(L) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Rate at which interest is paid to consumers.

"(D) Check processing fees for negotiable order of withdrawal accounts.

"(E) Fees imposed for using a teller or other institution employee.

"(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

"(A) Monthly and annual fees.

"(B) Card fees.

"(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

"(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(F) Point-of-sale transaction fees.

"(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

"(A) Wire transfer fees.

"(B) Fees related to payments made over the Internet or through other electronic means.

"(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

"(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

"(c) Biennial Report to Congress Required.—

"(1) Preparation.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

"(2) Contents of the report.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

"(3) SUBMISSION TO THE CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an biennial report to the Congress not later than June 1, 2009, and before the end of each 2-year period beginning after such date.

"(d) Definitions.—For purposes of this section, the term 'insured depository institution' has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term 'insured credit union' has the meaning given such term in section 101 of the Federal Credit Union Act.''.

(b) Conforming Amendment.—

(1) In general.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

"(1) Collection required.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

"(A) the information required to be disclosed under section 127(c);

"(B) the average total amount of finance charges paid by consumers; and

"(C) the following credit card rates and fees:

"(i) Application fees.

"(ii) Annual percentage rates for cash advances and balance transfers.

"(iii) Maximum annual percentage rate that may be charged when an account is in default.

"(iv) Fees for the use of convenience checks.

"(v) Fees for balance transfers.

"(vi) Fees for foreign currency conversions.''.

(2) Effective date.—The amendment made by paragraph (1) shall take effect on January 1, 2009.

(c) Repeal of Other Report Provisions.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. KANJORSKI) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks as to this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, I rise today in strong support of H.R. 6312. This bill will make a number of statutory improvements in the laws concerning credit unions, banks and thrifts. It will also help consumers assist businesses, ease paperwork burdens and promote economic development in underserved communities.

In developing this bill, we have sought to identify an appropriate balance between competing interests. I am especially pleased that this legislation contains a number of important provisions affecting credit unions. Some of these provisions have previously passed the House, including the sections concerning the treatment of loans made by credit unions to nonprofit religious organizations, the authority of credit unions to invest in high-grade securities and the governance of credit unions.

The bill also contains a number of new provisions based on the proposals first set out in the Credit Union Regulatory Improvements Act, or CURIA. The inclusion of these provisions in this bill is an important step forward in our legislative debates about how best to ensure that credit unions can better serve their members.

One provision found in CURIA and contained in this bill we are now considering will permit all Federal credit unions, regardless of charter type, to expand services to eligible communities that the Treasury Department determines meets income, unemployment and other distress criteria. This change fixes a drafting error made nearly a decade ago when the Congress passed H.R. 1151, the Credit Union Membership Access Act.

Like CURIA, we also make in this bill important and sensible modifications to the definition of an "underserved area." Moreover, the legislation will allow credit unions to help underserved communities in two other important ways:

First, at the request of the chairman of the Financial Services Committee, it will permit credit unions to provide short-term, unsecured loans to anyone in their field of membership. Second, it will exempt loans made to small businesses operating in underserved areas, in census tracts, from the existing member business lending caps. Together, these two provisions will help to promote economic development and will provide a stable source of funds for businesses and individuals.

Another provision in this bill that permits financial institutions to pay interest on business checking accounts will also help small business growth. I have worked for more than a decade on this issue, and have previously introduced legislation to implement the recommendations first made by regulators in 1996.

Before closing, Mr. Speaker, I want to thank several of my colleagues for their assistance in bringing this legislation forward today: The gentleman from Massachusetts (Mr. FRANK) provided essential guidance and assistance in developing this legislative product. Additionally, the gentleman from California (Mr. ROYCE) has stood with me for 5 years as we have worked on a bipartisan basis to update the laws governing credit unions. I am grateful for his support. The gentleman from Kansas (Mr. MOORE) also provided important contributions to the package before us, especially regarding the reduction of paperwork burdens and the collection of needed information about consumer banking services and costs.

In sum, Mr. Speaker, this bill will help credit unions to provide better services and to promote economic growth in underdeveloped areas. Moreover, H.R. 6312 is, without question, the most significant piece of credit union legislation considered in the House in nearly a decade. H.R. 6312 will also appropriately ease regulatory burdens but will still protect the interests of consumers. It also addresses some of the concerns of banks and thrifts.

Because it is a balanced product, I urge all of my colleagues to support H.R. 6312.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of this legislation. This is the Credit Union, Bank and Thrift Regulatory Relief Act that we have before us.

As our capital markets continue to change and continue to evolve, the regulatory model overseeing our financial institutions must adjust as well. This legislation today is a small example of this effort to improve the regulatory structure overseeing the banks and the credit unions and the thrifts. By reducing the regulatory burdens, H.R. 6312 allows credit unions and banks and thrifts to devote more resources toward better servicing their customers and toward better serving those who use these institutions.

Since the 108th Congress, as Mr. KANJORSKI mentioned, he and I have coauthored the Credit Union Regulatory Improvements Act in an effort to modernize the regulatory model overseeing America's credit unions. We have made tremendous strides over the years. That bill, which is called CURIA now, has the support of 150 Members of this Chamber, and while today's legislation may not go as far as some would like, it is important that we not let the perfect be the enemy of the good. The Credit Union, Bank and Thrift Regulatory Relief Act has several worthwhile provisions which deserve consideration.

Among other things, this measure clarifies the intent of the Credit Union Membership Access Act, which is that all federally chartered credit unions should be allowed to serve underserved areas around the country. By increasing the field of membership and by exempting member business loans made in these underserved areas, this provision will allow credit unions to extend credit to these areas. Following a hearing in the Financial Services Committee, this provision was adjusted to ensure those areas that benefit are, indeed, underserved.

Additionally, this bill would support the community development work of nonprofit religious institutions by excluding such loans from credit union business lending caps. I introduced legislation to do just this back in 2003 with the intent of closing a longstanding liquidity gap between creditors and nonprofit organizations.

I believe the other major provisions contained in CURIA and which are not in today's legislation are important, and I believe they should not be forgotten. In particular, I am going to continue to push to modernize the capital requirements for our credit unions because we must replace the current one-size-fits-all leverage capital requirement with a more rigorous, two-part, net worth structure that will more closely monitor actual asset risk. This will put credit unions' capital requirements on par with those of other FDIC-insured institutions.

One hundred fifty Members of this Congress have signed on to CURIA, and it will remain the ultimate objective for those of us trying to bring the regulatory structure of overseeing credit unions into the 21st century.

Today's legislation joins regulatory relief for credit unions with improvements geared towards thrifts and towards banks. Representative MOORE's reg relief bill, much of which has been incorporated into this measure, will remove several unnecessary regulatory burdens faced by these financial institutions, allowing them to better serve their customers.

Among other things, the bill provides savings institutions with greater lending flexibility by removing limits on small business and on auto loans. The bill also increases the ability of savings associations to invest in small business investment companies and to make commercial real estate loans. Furthermore, this measure 6312 authorizes banks and thrifts to pay interest on business checking accounts for their customers.

Again, I would like to thank Chairman KANJORSKI, and I would like to thank Representative MOORE for their work on this legislation. This bill is an important step toward removing some of the unnecessary regulatory burdens placed on our Nation's financial institutions.

I have no further speakers on this side, and I yield back the balance of my time.

Mr. KANJORSKI. I yield 5 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. I thank my friend, Mr. KANJORSKI, for yielding me time.

I also want to congratulate Mr. KANJORSKI and Mr. ROYCE on their hard work in crafting a bipartisan bill to provide reg relief to credit unions.

As you know, the legislation before us today combines important provisions from credit union regulatory relief legislation previously introduced by Mr. KANJORSKI and Mr. ROYCE with provisions from my legislation H.R. 5841, the Bank and Thrift Regulatory Relief Act of 2008.

At a time when many businesses are having difficulty obtaining access to credit, H.R. 5841 will provide important credit opportunities for small- and medium-sized businesses. Among other provisions, this legislation would remove the existing limits on small business lending for thrifts, thereby enhancing the role of savings associations as community leaders. The Homeowners Loan Act currently caps the aggregate amount of commercial loans other than small business loans at 10 percent of a savings association's assets, and it permits commercial lending, including small business lending, of up to 20 percent of assets.

According to the Small Business Administration's Office of Advocacy, smaller businesses have experienced difficulty in obtaining relatively small loans from large commercial banks that set minimum loan amounts relatively high. Savings associations are increasingly important providers of small business credit and communities throughout the country.

This change, Mr. Chairman, will allow savings associations to continue to serve their small business customers and to further diversify their assets while also providing businesses with greater choice and flexibility to meet their credit needs.

Additionally, this proposal will significantly reduce the amount of time financial institutions spend filling out paperwork, and it will free up resources for the thousands of institutions on the front lines of community lending.

For example, the legislation would provide relief to community banks and financial institutions from requirements under the Gramm-Leach-Bliley Act to provide annual privacy notices to their customers, detailing their privacy policies and the way they share information.

While I have consistently advocated for increased protection of sensitive financial information, there should be targeted exemptions from this requirement to relieve the burden from small banks that do not share information with their affiliates and that have not otherwise changed their privacy policies.

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This change, Mr. Speaker, will save small businesses millions of dollars in compliance costs while also protecting consumers from unnecessary and duplicative notices.

The legislation also contains important provisions that would repeal the prohibition against the payment of interest on business checking. This prohibition was enacted during the Depression as part of the Banking Act of 1933, to protect banks in the heat of competition from offering interest levels on deposit balances that might be sustained through risky investments.

In their 1996 report "Streamlining of Regulatory Requirements," the Federal banking regulators concluded, however, that the statutory prohibition against paying interest on business accounts no longer serves a valid public purposes. For example, large financial services companies have devised products, such as "sweep accounts" that, in effect, provide interest on deposit accounts, giving them a competitive advantage over small community banks that may not have the capability to offer such accounts.

In addition, most small business owners don't have the minimum balances necessary to maintain a sweep account so they are forced to keep vital cash in zero-interest checking accounts. Making this small change would make a huge difference for small businesses.

Furthermore, every provision in this bill providing regulatory relief for banks and thrifts has been approved previously by Congress in one form or another. The bipartisan support for this bill shows just how important it is for both businesses and consumers that Congress pass this meaningful legislation.

America's financial services industry is the most effective and competitive in the world and my proposal will help us stay out in front. Reducing regulatory burdens on businesses and consumers is simply the right thing to.

Mr. Speaker, I thank Chairman KANJORSKI and the staff, and I look forward to passage of this legislation today.

Mr. KANJORSKI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman.

Mr. Speaker, there are over 90 million members of America's credit unions, including more than 168,000 in the district I represent. Each of them will benefit from passage of this bill, which I strongly support. It is a bipartisan piece of legislation that is an excellent first step towards improving the regulatory framework for our Nation's credit unions and banks.

Credit unions serve a broad and diverse membership, including many low and moderate-income individuals who would otherwise be unable to access the services provided by financial institutions. This bill will allow Federal credit unions to better serve consumers and provide them with greater access to financial products and services.

I ask my colleagues to support this commonsense and long-overdue legislation.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE) who wishes to enter into a colloquy.

Mr. MOORE of Kansas. As one of the cosponsors of this legislation, I would like to engage its primary sponsor, you, Mr. KANJORSKI, in a colloquy on two questions related to section 111. This section concerns the encouragement of small business development in underserved urban and rural communities.

First, I have a question about the meaning of the provision that exempts business loans made by credit unions in underserved areas from the existing cap on member business lending. Is it the intent of this provision that the proceeds from exempt loans will be used to support business operations inside underserved areas?

Mr. KANJORSKI. Yes, the provision would exempt from the cap those loans that are used to support business operations in an underserved area in order to stimulate economic growth in these areas.

Mr. MOORE of Kansas. Thank you, Mr. KANJORSKI, for that clarification.

Section 111 of the bill also includes language that member business loans in an underserved area underwritten by a credit union for a business, or a local outlet of a business, operating on a nationwide basis, shall not be eligible from exemption from the business lending cap.

It is the phrase "operating on a nationwide basis" where I have a question. For the purpose of this section, it would seem that a business located in an underserved area that meets the other criteria, like a small family-owned business but which has a Web site that sells their goods to anyone who visits it, would not be treated as a business operated on a nationwide basis for the purpose of this section, as the economic benefit from those sales is going to that business in the underserved area.

Have I correctly characterized the intent of this section?

Mr. KANJORSKI. Yes, you have. As the title of the section indicates, the intent of this section is to promote economic growth by encouraging small business development in underserved urban and rural communities. We want to help businesses and business owners that have a presence there, like a mom-and-pop operation with an Internet store. Moreover, we have taken steps in the legislation to ensure that a locally owned franchise that consists only of local operations shall not be treated as a business operating on a nationwide basis.

Mr. MOORE of Kansas. Thank you for this clarification, Mr. KANJORSKI. I agree with your assessments.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 6312, The Credit Union, Bank, and Thrift Regulatory Relief Act of 2008. I am particularly pleased to speak in favor of this legislation because I have always been a strong supporter of credit unions. These institutions have been effective in pursuit of their mission to serve people of modest means and underserved communities, both of which characterize much of my district. Regulatory improvement in this industry is long overdue and I want to thank Mr. KANJORSKI and Mr. MOORE for their work on this bill.

Credit union regulatory relief is especially urgent in light of the nation's current financial crisis. We are either at the brink of a recession—or already in one—largely because of the crisis in the subprime mortgage market that has led to a wave of foreclosures unlike any since the Great Depression. In significant part, this crisis resulted from certain financial institutions, many of them largely unregulated, peddling dangerous mortgage loan products to borrowers who did not fully understand the risk they were taking on. Meanwhile, the lenders themselves whisked their own risk to the four corners of the earth via securitization and the secondary market. Much of the Financial Services Committee's work in the past year has involved working to enact legislation that prevents this from ever happening again.

Notably, credit unions did not help to create this mess. Indeed, analysis of 2006 home mortgage disclosure data reveals that credit unions were far less likely than other lenders to make subprime loans to low and moderate income households, especially minorities.

So credit unions were not part of the problem. But they can and must be part of the solution. If there is any lesson to be learned from this crisis, it is that low or moderate income households and residents of underserved communities don't just need access to any credit, but rather access to sound and appropriate financial products. Credit unions stand ready to provide such products to more people and more communities, but need Congressional action to do so. Specifically, H.R. 6312 would allow credit unions to extend their services to areas with high unemployment rates and below median incomes that are generally underserved by other depository institutions.

Critically, it would also allow some people who don't belong to a local credit union nonetheless to go to that credit union for short term loans, as an alternative to the exorbitant rates charged by payday lenders. This is progress in achieving the outcome policymakers must pursue in the financial services sector, namely, connecting households of modest means with the soundest financial products and institutions available to them.

I urge my colleagues to support this bill.

Mr. KANJORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 6312.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOSPEL MUSIC HERITAGE MONTH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 370) expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 370

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearns, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol", "Heroes", "Dancing with the Stars", "O Brother, Where Art Thou?", "Sister Act", "The Preacher's Wife", "Evan Almighty", and more;

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries; and

Whereas September 2008 would be an appropriate month to designate as "Gospel Music Heritage Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the designation of "Gospel Music Heritage Month" which would recognize the contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I gladly join my colleagues in the consideration of H. Con. Res. 370 which expresses support for the designation of September 2008 as "Gospel Music Heritage Month" and honors gospel music for its valuable and longstanding contributions to America's culture.

H. Con. Res. 370 was introduced by the gentlewoman from Texas (Ms. JACKSON-LEE) on June 10, 2008, and is cosponsored by 53 House Members. The bill before us was reported favorably from the Oversight Committee on June 12, 2008, by voice vote.

Gospel music is a unique national art form that truly exemplifies the American "melting pot" concept. Its diverse influences include African-American spirituals, traditional African music, ragtime, jazz, and blues, as well as Irish folk songs and hymns.

While some originally deemed the fusion of secular music with sacred lyrics, which characterizes gospel music, to be unconventional, gospel music has quickly grown into an integral part of American culture. The influence of gospel music extends throughout practically all forms of secular music performed today, including rock and roll, country, soul, and rhythm and blues.

Gospel music has motivated innumerable musicians over the years, including such greats as Tommy Dorsey, who is sometimes credited as the "Father of Gospel Music," James Vaughan, Diana Washington, Smokie Norful, Yolanda Adams, Sam Cooke, Mahaliah Jackson, Elvis Presley, Marvin Gaye, Ray Charles, Buddy Holly, Bob Dylan, and the list goes on.

Mr. Speaker, it is important that we as a Congress honor the enormous and beautiful contributions that gospel music has given to not only America, but to the world by designating September 2008 as Gospel Music Heritage Month. I urge the swift passage of this bill.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

The legacy of gospel music is an American art form that continues to uplift and comfort people throughout this country and world. Therefore, I ask my colleagues to join me in support of this resolution in recognition of this national treasure.

Gospel music is a cultural and international art form that fosters an outpouring of deep spiritual beliefs. It has developed over the years in the United States but its blend of diverse cultures and music styles give us songs that transcend borders and beliefs.

It is a fitting tribute to this uniquely American music that September be designated as Gospel Music Heritage Month as it has touched millions of people throughout the world. It has been enjoyed in many different mediums such as books, television and motion pictures which has increased the enjoyment for many in varied cultural venues.

The style of gospel music has expanded from its roots to include Urban, Christian Country and Southern Gospel further broadening the appeal of this music to more people. The Gospel Music Channel has played an important role in bringing the diverse types of gospel music to many fans. Some of the music greats such as Aretha Franklin, Whitney Houston, Ray Charles, Buddy Holly, Alan Jackson and even Elvis Presley are among the many recording artists that have their roots in gospel music and have recorded significant gospel music albums. Their ability to bring their personal inspiration from gospel music to their millions of fans with varied musical styles is another tribute to this wonderful music genre.

The legacy of gospel music is an American art form that continues to uplift and comfort people throughout this country and world. Therefore, I ask my colleagues to join me in support of this resolution in recognition of this national treasure.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize the sponsor of the resolution, the gentlewoman from Texas (Ms. JACKSON-LEE) for 3 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the manager of this legislation, Mr. LACY CLAY, and my special appreciation to the chairperson of the full committee, Chairman WAXMAN. He expressed a great deal of appreciation and sensitivity for this legislation; and to the ranking member, Mr. TOM DAVIS, to the staff of the committee for their untiring work and dedication, and certainly to the manager on the minority side on this legislation.

I am delighted to see a number of Members on the floor of the House, and I am especially appreciative of the gospel singers and advocates who have helped encourage this legislation to move forward.

Let me also thank Senator BLANCHE LINCOLN who authored this legislation in the Senate, along with Senator HUTCHINSON and my cosponsor, Congresswoman BONO MACK.

We understand that this Congress has an opportunity on many occasions to celebrate and commemorate important historical cultures of this Nation. Gospel Music Heritage Month is that, for it is not with respect to race, color or creed, or even religion. As I was told by one artist singing in Japan, singing gospel music borne out of the seeds of slavery, that those in Japan were celebrating and clapping to that gospel music.

Gospel music has been woven into the fabric of American society for centuries, deeply impacting hundreds of generations, from rock and roll, country, the blues, R&B, and even hip-hop. And so H. Con. Res. 370 designating the month of September is intended to offer to America an opportunity to pause for a moment and be able to celebrate gospel music.

According to the Gospel Music Channel, which has been very helpful with this legislation, gospel music sales now account for nearly 8 percent of all music purchased in the United States, selling seven CDs for every 10 purchased in country music.

Regardless of their musical styles, artists have turned to gospel music as a source of inspiration for their own music. And we recognize in this legislation a number of those cited, such as Tommy Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, and many more. And others who got their start through gospel music, Elvis Presley, Marvin Gaye, Aretha Franklin, Buddy Holly, Whitney Houston, Ray Charles, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis, to mention a few.

We know that Mahalia Jackson reigned as a pioneer interpreter of gospel music, and I know that she will be discussed with great admiration. I loved to hear her sing.

And yes, of course, one of our other great and wonderful stars that we have here, the famous James Cleveland, someone that everyone knew, born in Chicago, Illinois, but no one can offer a voice likes James Cleveland, leading choirs, inspiring others, recognizing that choir rehearsals were the cause of the inspiration of music in our churches. As we recognize James Cleveland, we are still reminded of the great work he has done.

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The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. CLAY. I yield the gentlewoman 2 additional minutes.

Ms. JACKSON-LEE of Texas. James Cleveland was, of course, the choir director's choir director. It was in one of these rehearsals that James was singing, and he was noticed and made a choir mascot. The choir director, Thomas A. Dorsey, wrote a song for him which launched the career of what was to be a long line of performances. Through Dorsey's teaching and directing, James was influenced in a great way, and James Cleveland became himself, the great teacher, the great choir director, the great musician, and boy, he could move your spirit. James Cleveland will be remembered, and we will be able to celebrate him and his music in this wonderful month.

Many of us know the wonderful songstress of Sandi Patty, still bursting with creative energy and magnetic talent three decades into her career. The Gospel Music Hall of Fame inductee with 39 Dove awards, 5 Grammy awards, and an armload of platinum and gold albums has seen professional peaks and personal valleys alike while in the spotlight, all of them tempered by the grace of God. Sandi Patty is one that will be a light as we honor Gospel Music Heritage Month.

And then our own hometown girl, Yolanda Adams, who debuted her song, "Just As I Am" in the 1980s. I remember sitting on the seats of many churches and seeing Yolanda, a tall, regal young teacher, sing in the choir. And then when she came to her own and began to sing and win all of these awards being reminded of her songs, "Mountain High . . . Valley Low," and of course many other songs that she had sung, winning many awards having that wonderful regal ability to convey her spirit, and particularly her song, "I need you now."

Yolanda Adams, along with Mary Mary, Kurt Carr, V. Michael McKay, Kathy Taylor, and many others in and around the State of Texas and elsewhere, are well to be remembered. Brenda Ward, Carl Preacher, and Shirley Joiner, as Gospel greats of BC&S.

So many have offered a joy to this Nation. That is why I ask my colleagues to support this resolution celebrating and stopping for a moment in the month of September every year to commemorate gospel music heritage. Remember, it is not a respect of color or creed or religion; it is an opportunity to feel your spirit. So let me ask my colleagues to support this legislation.

I thank Mr. CLAY for his time. I thank my colleagues.

Mr. Speaker, I rise today in strong support of my legislation, H. Con. Res. 370, Expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring Gospel music for its valuable and longstanding contributions to the culture of the United States. I am delighted to stand on the floor of the House today to honor, recognize, preserve, and promote the legacy and contributions that Gospel music has made to our society.

Gospel music has been woven into the fabric of American society for centuries, deeply impacting hundreds of generations. From rock and roll, country, the blues, R&B, and even hip hop, Gospel's musical roots can be heard throughout many musical genres that we love today. Not only has Gospel music entertained the masses, but its spiritual roots have spread the Gospel of Jesus Christ to millions, giving it the unique ability to minister to souls around the world.

It is very important that we recognize and celebrate the vital role Gospel music has played in music history and also in contemporary times. That is why I am so proud of my legislation, H. Con. Res. 370, Designating September as "Gospel Music Heritage Month." This bill recognizes Gospel music's contributions in American culture by celebrating its rich heritage and artists for a full month. I urge my fellow Members of Congress to support this vital legislation.

As we know, Gospel music is an American art form that has spanned throughout hundreds of years. Its musical elements can be heard melodiously infused in many genres that we love today. It has grown beyond its roots to achieve pop-culture and historical relevance, touching audiences around the world. According to the Gospel Music Channel, "Gospel music sales now account for nearly 8 percent of all music purchased in the United States, selling seven CDs for every ten purchased in country music."

Regardless of their musical styles, artists have turned to Gospel music as the source and inspiration for their own music, which has blurred the boundaries between secular and Gospel music. Gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol," "Dancing with the Stars," "Sister Act," and more.

The history of Gospel music can be traced back to African American spirituals that blended diverse elements from traditional African music, folk songs and hymns, and ultimately borrowed from other American musical styles including ragtime, jazz, and blues. Let us not forget that the legacy of Gospel music includes some of the most memorable voices and pioneers in American history, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, and many more. Gospel music has paved the way for legendary recording artists such as Elvis Presley, Marvin Gaye, Aretha Franklin, Buddy Holly, Whitney Houston, Ray Charles, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis just to name a few.

Let us now take a look at some of Gospel's most influential, recognizable artists:

Mahalia Jackson reigned as a pioneer interpreter of gospel music whose fervent contralto was one of the great voices of this century. Both gospel and rhythm and blues had their roots in the sanctified church, but whereas blues and R&B departed on secular paths that led to rock and roll, gospel stayed the spiritual course. Nonetheless, the influence of gospel on R&B and rock and roll, especially through such force-of-nature voices as Jackson's, is inescapable. Little Richard has cited Jackson as an inspiration, calling her "the true queen of spiritual singers."

No other Christian artist at work today is better suited to sing about life's journey than Sandi Patty. Still bursting with creative energy and magnetic talent three decades into her career, the Gospel Music Hall of Fame inductee with 39 Dove Awards, five Grammy Awards, and an armload of platinum and gold albums has seen professional peaks and personal valleys alike while in the spotlight, all of them tempered by the grace of God.

The Winans are a contemporary Christian music group formed by four brothers, Marvin, Carvin, Ronald and Michael Winans, from Detroit, Michigan, USA. The family has additionally produced two well-known solo/duo gospel performers, BeBe and CeCe Winans. After having sung in gospel choirs all their lives the brothers began their professional career in the early 80s. Staying close to their gospel roots but always maintaining a distinctive, jazzy sound, their reputation saw them work and perform with leading artists including Vanessa Bell Armstrong, Anita Baker and Michael McDonald, the latter pair both appearing on their 1987 album, Decision. Their two QWest albums of the early 90s, Return and All Out, saw the Winans attempt to convert their popularity into mainstream R&B success. Even this, however, was motivated by moral concerns: "The whole purpose was to win over young people who might have been on the verge of going into a life of crime or going off track," Ronald Winans told Billboard magazine in 1995.

Ever since her late-80s debut Just As I Am, Yolanda Adams has triumphantly carried the torch for contemporary gospel and inspirational music via 12 glorious albums. Stunningly beautiful, exceptionally educated, filled with the spirit and blessed with one of the most powerful voices in any genre of music, this Houston-native and one-time school teacher has been a stately beacon of God's light, earning numerous accolades and awards for her shining efforts; including the first American Music Award for Contemporary Gospel Artist, four Gospel Music Association Dove Awards and four National Academy of Recording Arts and Sciences Grammy® Awards (including 1999's Best Contemporary Soul Gospel Album for Mountain High . . . Valley Low which featured her secular breakthrough hit "Open My Heart," and 2005's Best Gospel Song for "Be Blessed," for which she was a co-writer).

Since his debut, 1993's Kirk Franklin & the Family, Kirk Franklin has been one of the brightest stars in contemporary gospel music. The album spent 100 weeks on the gospel charts (some of those on top), crossed over to the R&B charts, and became the first gospel debut album to go platinum. His second album, Kirk Franklin & the Family Christmas, became the genre's first Christmas album to make it to number one, and his 1996 album Whatcha Lookin' 4 went gold as soon as it was distributed. With such phenomenal success, it is small wonder that some have hailed him "the Garth Brooks of gospel." Still, despite all the adulation and brouhaha, Franklin remains a humble, devout Christian, eschewing the title "entertainer" in favor of labeling himself as just a "church boy."

The Reverend James Cleveland was born in Chicago, Illinois, on December 5, 1931, to Rosie Lee and Benjamin Cleveland during the height of the greatest depression. James' grandmother attended Pilgrim Baptist Church, where she was a member of the choir. James had no choice but to attend these rehearsals with his grandmother and found himself sitting through these choir rehearsals—bored stiff! Eventually James decided he would conquer the boredom through attempting to sing along with the choir. It was in one of these rehearsals that James' singing was noticed and he was made choir mascot. The choir director, Thomas A. Dorsey wrote a song for him which launched the career of what was to be a long line of performances. Through Dorsey's teaching and directing young James was influenced in a great way. Reverend Cleveland will never be forgotten as one of the world's foremost leaders and pioneers of gospel music and his gospel music ministry will live on. Literally every black gospel artist today has been influenced by James Cleveland.

It's not hard to divide the world of Gospel quartet music into categories. In fact, there are really only two. There's the Mighty Clouds of Joy, and then there's everybody else. After 44 years and 35 albums, three Grammys and trophy-case full of almost every award imaginable; shows that have run a gamut from the church-house to the White House, and top-billings with a dazzling roster of superstar artists from nearly every genre of popular music (the Rolling Stones, Aretha Franklin, James Brown, Earth, Wind & Fire, Luther Vandross, Ray Charles, and Paul Simon are but a few), The Mighty Clouds of Joy are more than a Gospel legend. They are nothing less than a national treasure. Still, one must choose his words carefully when describing the Clouds. "Icons?" Absolutely. "Pioneers?" Without a doubt. "Venerable?" Most certainly. "Forefathers" of modern Gospel, R&B, rock and pop? It's just the straight fact of the matter; but don't let founding member and lead vocalist, Joe Ligon, or any of the other five Clouds hear you referring to them with any synonym that even hints at greatness in the past tense.

Perhaps the most interesting story in modern Gospel music over the past few years has been the emergence from nowhere of Smokie

Norful. Virtually unheard of when he released his debut album, I Need You Now, in early 2002, Norful became Billboard Magazine's #1 Gospel Artist of 2003 and also won the coveted 2003 Stellar Awards for both Best Male Vocalist and Best New Artist. It is encouraging to find new artists like Norful that are blending the rhythms and production quality of modern soul with the lyrical depth of modern Gospel. It also is encouraging that Urban Adult Contemporary radio was willing to embrace an obviously spiritual song such as "I Need You Now." And while great Gospel artists such as Mary Mary and even Yolanda Adams had difficulty finding continuing broad crossover sales following their smash 2000 albums, fans of quality Soul will continue to hope that strong future material by artists such as Smokie Norful will lead to sustained mainstream success for spiritual music.

Let me speak now, of some Gospel music that is particularly important to me: The Soul Stirrers, formed by Roy Crain in 1926, which became one of the most popular and influential gospel groups of the 20th Century and was the first Gospel group inducted into the Rock and Roll Hall of Fame; Joe Ligon and The Mighty Clouds of Joy, another quartet that got their start here in Houston; Don Robey's Peacock Records, which in its 1960s' gospel heyday, featured such artists as The Dixie Hummingbirds, Rev. Cleophus Robinson, The Loving Sisters and with its subsidiary label, Song Bird Records, released recordings from the legendary Inez Andrews and other Gospel Greats; BC&S (Brenda Waters, Carl Preacher & Shirley Joiner), the nucleus of what would become Southeast Inspirational Choir, the vehicle that launched the prolific solo career of Yolanda Adams; V. Michael McKay, one of the most prolific songwriters of our time, with songs like The Potter's House, The Battle is the Lord's, and Broken, But I'm Healed; Kathy Taylor, whose anointed voice is heard from the sanctuary of Windsor Village to places all around the world; Kirk Franklin, who in a decade brought Gospel Music out of the Church and back into the streets of the young people of America and the world, while revolutionizing the genre in the process; Kurt Carr, whose artistry demands the attention of the world, while at the same time, the heart of God . . .

Psalm 150 states: "Praise God in his sanctuary; praise him in his mighty heaven! Praise him for his mighty works; praise his unequaled greatness! Praise him with a blast of the ram's horn; praise him with the lyre and harp! Praise him with the tambourine and dancing; praise him with strings and flutes! Praise him with a clash of cymbals; praise him with loud clanging cymbals. Let everything that breathes sing praises to the Lord!"

Praising the Lord is at the core of Gospel music and today we honor the many Gospel musicians who have dedicated their lives to praising the Lord. Their messages of faith, hope, and wisdom continue to encourage in times of hardship, and express joy in times of prosperity. Gospel musicians use their talents to motivate listeners to live positive life styles grounded in love, patience, goodness, kindness, self-control, gentleness, peace, and joy; all of which we know as the Fruit of the Spirit.

Today, Gospel music has a vast audience around the country and around the world. This is a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries.

Without a doubt, Gospel music deserves national recognition and I urge my colleagues to expediently pass this vital piece of legislation. By supporting H. Con. Res. 370, the Members of Congress will finally honor the great contributions of Gospel music artists of the yesteryears and years to come. Let us recognize the significant cultural contributions of Gospel music to the fabric that weaves together the patchwork of American society, by designating September as "Gospel Music Heritage Month." I am grateful for the help of the Gospel Music Channel, the Grammys and my Gospel artists. I also appreciate the work of Gospel Music advocate Carl Davis.

I would like to thank Senator BLANCHE LINCOLN for her great leadership in the Senate in getting this resolution passed. I am proud to support H. Con. Res. 370 and to provide Congressional support for the designation of "Gospel Music Heritage Month" which would recognize the contributions to the culture of the United States derived from the rich heritage of Gospel music and Gospel music artists. I strongly urge all my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. I thank the gentleman for yielding.

Today I rise in strong support of H. Con. Res. 370, the Gospel Music Heritage Month resolution. I thank Congresswoman SHEILA JACKSON-LEE and Congressman CLAY for bringing this measure to the floor.

My region has a strong connection to Gospel music. It is home of "The Queen of Gospel Song" Mahalia Jackson. Ms. Jackson was born in New Orleans, more specifically in the Carrollton neighborhood of Uptown in 1911 and grew up singing, starting in the Plymouth Rock Baptist Church before moving to Chicago as a teenager.

Like so many gospel singers, she struggled to get a career going, laboring as a domestic but soon became a prolific soloist at churches and funerals in the Chicago area. The world took notice, and her voice became a soundtrack for the civil rights movement of the fifties and sixties. Her commanding contra-alto voice rang out in song for Presidents Eisenhower and Kennedy and before Dr. Martin Luther King, Jr's, I Have a Dream speech. At the March on Washington, she sang "I Been 'Buked and I Been Scorned" at Dr. King's request. Dr. King is recalled as having said about Mahalia Jackson, "A voice like this comes, not once in a century, but once in a millennium."

Fittingly, she won a Lifetime Achievement Award Grammy in 1972, was inducted into the Rock and Roll Hall of Fame in 1997 and was honored with a U.S. Postal Service stamp in 1988.

The gospel music of Mahalia Jackson, as has all gospel music, inspired music of other genres, in particular jazz, blues, and rock and roll. Little Richard, indeed, names her as one of his biggest influences. "She was my inspiration," he says. "She could sing."

Gospel music expresses all that is important in the human experience: our trials, our fears, our faith, our hope for salvation.

Today, the gospel tradition started in New Orleans by Mahalia Jackson continues. Through the inspirational singing and award-winning performances of Bishop Paul S. Morton, Trin-I-Tee 5:7, the Zion Harmonizers, the New Orleans Spiritualettes, Tara Alexander, and many others, God is powerfully glorified.

New Orleans is truly a bedrock of gospel music and gospel music the cornerstone of hope and spirituality for our Nation. Gospel music deserves, Mr. Speaker, and its artists deserve to have the recognition that this resolution affords. And I urge its adoption.

Mr. CLAY. Mr. Speaker, I would like to recognize the gentleman from New Jersey (Mr. PAYNE) for 3 minutes.

Mr. PAYNE. Mr. Speaker, let me join in with my colleagues in expressing support for the designation of September 2008 for Gospel Music Heritage Month. And let me commend the sponsor, Ms. SHEILA JACKSON-LEE, for her initiative to make the gospel music national art form as we've seen with jazz in the past.

And let me thank the gentleman from Missouri (Mr. CLAY) for his support of this legislation.

Let me say that this resolution certainly recognizes gospel music's contribution in American culture by celebrating its rich heritage and artists for the entire month of September. It is very important that we recognize and celebrate the vital role gospel music has played in music history and also in contemporary times.

Gospel music has been woven into the fabric of American history spanning generations from rock and roll, country, to blues, R&B, and even hip hop. Gospel music roots can be many musical genres, and we love that today. Not only has gospel music entertained the masses, but its spiritual roots have spread the hope to many souls around the world.

As you know, the history of gospel can be traced back to the African American spirituals that blended diverse elements from traditional music, folk songs, and hymns and ultimately borrowed from other American musical styles including ragtime, jazz, and the blues.

The first Negro spirituals were inspired by the hardship of slavery yet enlightened by the hope and faith of God. They were used to send messages to express personal feelings and uplift broken spirits. They told a story of a generation, and each era's sense of belief, hence the word "gospel."

As traditional Negro spirituals continued to be sung, new spiritual songs were created. The lyrics of these songs were sung and they dealt with the praise of the Lord with personal improvement and with brotherly community life. Many of them were inspired by social problems, segregation, lack of love, and the list goes on and on.

Words from traditional spirituals were slightly changed and adapted to special events. For example, the words of "Joshua Fought the Battle of Jericho (and the walls came tumbling down)" was changed into "marching around Selma."

The SPEAKER pro tempore The gentleman's time has expired.

Mr. CLAY. I yield the gentleman 1 additional minute.

Mr. PAYNE. Instruments would later be infused in the culture influencing some of the most memorable voices, and we heard them, in particular Mahalia Jackson and Roberta Martin, and many, many others. Later we heard Marvin Gaye and Elvis Presley and Aretha Franklin.

But in our local town of Norton, we had people at New Hope Baptist Church where Sissy Houston is still the head of music there, and Sissy Houston came out of our New Hope Baptist Church and Dionne Warwick preceded them, all in the same choir at New Hope Baptist Church.

So therefore without doubt, gospel music deserves national recognition, and that is why I rise in strong support of H. Con. Res. 370, designating September as National Gospel Music Heritage Month.

Ms. LEE. Mr. Speaker, I rise today to express support for a resolution designating September as Gospel Music Heritage Month. This resolution recognizes the legacy of gospel music for its invaluable and longstanding contributions to the musical traditions of the United States.

Let me begin by thanking Representative JACKSON-LEE of Texas, the Recording Academy, and the Gospel Music Channel for all of their support to pay homage to this influential and inspirational genre of music. Gospel music is truly an American classic that's gone far too long without being recognized for the significant impact it's made on our culture.

Whether it's swaying with the choirs, tapping along with the quartets, or simply raising hands to the rhythm of soul-stirring crooners, gospel music is a cornerstone of the American musical tradition. Gospel music is more than the sounds that resonate in congregations on Sundays; it's the musical thread that has woven its influence throughout religious and secular musical genres including rock and roll, country, and rhythm and blues. From Ray Charles and Elvis Presley to Aretha Franklin and Dolly Parton, many of America's greatest recording artists emerged through the historical art form of gospel.

While gospel may have its roots based in the African-American traditions of Negro spirituals, its reach has spanned not only across the ages, but it has grown beyond its established audience to achieve popular culture and historic relevance across the globe. With its use of choral singing in unison and harmony, Gospel has emerged as a distinct category of popular song, with its own supporting publishing and recording firms, and performers appearing in sell-out concerts nationwide.

This resolution allows Members of Congress to celebrate gospel's rich heritage and honor musical pioneers from the likes of Mahalia Jackson and Sandi Patty, and the Hawkins Family, very own constituents: Tramaine, Edwin and Walter Hawkins. Additionally, it allows Members of Congress to pay tribute to this important American legacy and the role it plays in the lives of millions.

Since Thomas Dorsey first stretched the boundaries to create gospel music, choirs, quartets, and powerful vocalists have been singing this same song, albeit in different styles and places. Gospel is here to stay, and I urge all of my colleagues to join me in supporting this measure to honor the gospel community, and create a month designated to annually acknowledge the "good news" it represents.

Mr. CLAY. Mr. Speaker, I wholeheartedly support House Concurrent Resolution 370. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 370.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS AND THEIR FAMILIES OF THE RECENT IOWA TORNADO

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1283) expressing heartfelt sympathy for the victims and their families following the tornado that hit Little Sioux, Iowa, on June 11, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1283

Whereas the Boy Scouts attending the Little Sioux Scout Ranch for the annual Pohuk Pride Junior Leadership training course suffered through a horrific tornado;

Whereas, on June 11, 2008, the tornado hit the Little Sioux Boy Scout Ranch near Little Sioux, Iowa, at 6:35 p.m., killing 4 youths and injuring 43 other people at the camp;

Whereas Little Sioux Boy Scout Ranch, which spans 1,800 acres, is located in the Loess Hills in western Iowa, close to the border with Nebraska, about 40 miles north of Omaha;

Whereas the tornado caused a giant rock chimney to collapse in the bunkhouse where the Boy Scouts were seeking shelter;

Whereas the devastation of the tornado resulted in the deaths of Sam Thomsen, Josh Fennen, Ben Petrzilka, and Aaron Eilerts;

Whereas Sam Thomsen of Omaha, Nebraska, was 13 years old and the son of Sharon and Larry Thomsen;

Whereas Sharon Thomsen referred to Sam as the family's "miracle" baby, as he was born more than 3 months premature, but luckily had no lasting health problems;

Whereas Sam Thomsen, who loved camping, Jesus, football, and the Nebraska Cornhuskers, as a member of Troop 26 and wanted to eventually become an Eagle Scout;

Whereas Sam was about to turn 14 years old on June 16, 2008, and he had asked his parents for tickets to the College World Series as his birthday present;

Whereas Josh Fennen of Omaha, Nebraska, was 13 years old, had just finished the 8th grade, and was the son of Charles and Dorothy Fennen;

Whereas Josh Fennen, a member of Troop 331, was confident and inquisitive, with natural leadership abilities;

Whereas according to Josh Fennen's middle school principal, Josh was a "good student, a hard worker, and he was always trying to be creative";

Whereas Ben Petrzilka of Omaha, Nebraska, was 13 years old and the son of Bryan and Arnell Petrzilka;

Whereas Ben Petrzilka had just finished 7th grade at Mary Our Queen Catholic School and often spent time fishing and hunting with his father;

Whereas Ben Petrzilka had been a member of Troop 448 for 3 years and had reached First Class rank, 3 steps below Eagle, and was assistant leader of the Ninja Patrol of Troop 448;

Whereas Aaron Eilerts of Eagle Groove, Iowa, was 14 years old and a member of Boy Scout Troop 108;

Whereas Aaron Eilerts was always doing things for others, whether it was creating brightly colored pillowcases for patients at local hospitals, making fleece blankets for dogs at the Humane Society, or making table centerpieces for the senior citizen dining center in Eagle Grove;

Whereas Aaron Eilerts, an aspiring chef with an obsession with Elvis, was very involved in his community, as he often performed "The Star Spangled Banner" at local sporting events, participated in football, ran cross country, and was involved in both band and choir;

Whereas Sam Thomsen, Josh Fennen, Ben Petrzilka and Aaron Eilerts all lived by the Scout Oath, "On my honor, I will do my best to do my duty to God and my country and obey the Scout law, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight";

Whereas all the Boy Scouts exhibited extraordinary leadership by executing techniques they had recently been taught in a mock emergency drill just a day before the tornado hit;

Whereas the Boy Scouts removed stones that had fallen onto fellow Scouts, tied tourniquets around the limbs of the wounded, helped pull the injured out of the rubble, carried the injured on stretchers, and kept their composure in the face of disaster;

Whereas the 43 injured people were taken to 5 hospitals: Creighton University Medical Center in Omaha; Mercy Medical Center in Sioux City, Iowa; Burgess Health Center in Onawa, Iowa; Community Memorial Hospital in Missouri Valley, Iowa; and Memorial Community Hospital in Blair, Nebraska;

Whereas the majority of those injured and sent to area hospitals received treatment and were released;

Whereas first responders and officers of the Little Sioux Volunteer Fire Department, Monona Country Emergency Management, Decatur Volunteer Fire Department, Fort Calhoun Volunteer Fire Department, Monona County Sheriff's Department, Harrison County Sheriff's Department, Iowa State Patrol, Iowa National Guard, Red Cross, and Mercy Air Care arrived at the Little Sioux Boy Scout Ranch within 10 minutes and walked through the rain on a muddy road to reach the campers, as fallen trees in the heavily timbered park blocked their vehicles;

Whereas, on June 12, 2008, Iowa Governor Chet Culver and Nebraska Governor Dave Heineman met with families of the victims, expressed their condolences, and thanked those who helped during the disaster;

Whereas Department of Homeland Security Secretary Michael Chertoff toured the camp on June 12, 2008, and said it appeared that the Boy Scouts "didn't have a chance" and that the tornado came through the camp "like a bowling ball"; and

Whereas the Boy Scout community will grieve the loss and celebrate the lives of those who died in this horrific natural disaster for months and years to come: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims and their families of the tornado in Little Sioux, Iowa, on June 11, 2008; and

(2) conveys its gratitude to the city and county officials, police, fire department, sheriff, volunteer, and emergency medical teams who responded swiftly to the scene to treat the wounded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I rise in support of House Resolution 1283 which expresses our heartfelt sympathy for the victims and the families following the tornado that hit Little Sioux on June 11.

At 6:35 p.m. on June 11, a tornado touched down at the Little Sioux Boy Scout Ranch near Little Sioux, Iowa. The tornado, which tore through the ranch with the greatest force of nature, caused a rock chimney to collapse into the bunkhouse where the Scouts sought shelter. In the aftermath of the tornado's destruction, 43 individuals were injured, and four, Sam Thomsen, Josh Fennen, Ben Petrzilka, and Aaron Eilerts, were tragically killed.

Mr. Speaker, the Boy Scout community and America at large will grieve the loss of the four Scouts whose lives ended so suddenly. With this bill, we have the opportunity to commemorate the lives of these individuals and to convey our gratitude to all those who so swiftly responded to the disaster, and I urge the adoption of this resolution.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Wednesday, June 12, a vicious cluster of tornadoes ripped through the Midwest ending lives and destroying homes in Minnesota, Nebraska, Kansas, and Iowa. Though the storms devastated families everywhere they touched down, one storm in particular that touched down at the Little Sioux Scout Ranch in Loess Hills, Iowa, wounded the heart of our Nation a little more. And in a moment, I will recognize some of our colleagues who were directly involved and are here to share their thoughts on this tragedy.

Mr. Speaker, I reserve the balance of our time.

Mr. CLAY. Mr. Speaker I continue to reserve.

Ms. FOXX. Mr. Speaker, I now yield to my colleague from Nebraska (Mr. TERRY) such time as he may consume.

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Mr. TERRY. I appreciate you yielding me the time.

I rise today to pay tribute to four boys who lost their lives after a tornado destroyed their Boy Scout camp near Little Sioux, Iowa, on Wednesday, June 11. And as the gentlelady from North Carolina mentioned, it was a string of storms all the way from Iowa through Omaha, Nebraska, all the way down into Manhattan, Kansas.

The boys were at this camp in Little Sioux, Iowa, Boy Scout camp, learning leadership skills and were definitely on the right path to be leaders in their future endeavors. Unfortunately, their lives were cut short by a fierce and destructive storm, an F–3 tornado.

Interestingly, it was just the day before where the Scouts practiced how to react to a disaster like a tornado, and we can be very proud of the Scouts and how they acted after the storm.

This tornado killed four boys, injured almost 50 others. Killed in the storm was 13-year-old Ben Petrzilka, 13-year-old Sam Thomsen, and Josh Fennen. Those three boys were all from Omaha. Ironically, all three of them were only a few miles from where my wife and my family live.

Ben Petrzilka has been described as a caring and a natural leader. He was a member of Boy Scout Troop 448 and earned more than 20 merit badges, truly amazing.

Sam Thomsen was born more than 3 months premature, adopted by a caring and loving family. They called Sam their "miracle boy." His pastor said he was "great kid" and always had a smile on his face.

Josh Fennen, a great student and hard worker as he was described by his school principal, had a knack for exploring and was a natural leader.

Aaron Eilerts was a member of Boy Scout Troop 108 in Humboldt, Iowa, loved music, especially Elvis. For merit badges, he created pillowcases for local hospitals and made blankets for the humane society. He truly lived the Boy Scout Oath of: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help others at all times; to keep myself physically strong, mentally awake, and morally straight."

All of these boys lived the Scout Oath, something their family, friends and fellow Scouts can be extremely proud of. I know I am.

I'm proud of all the Scouts and how they reacted. The stories of heroism from these four fallen boys' colleagues are truly moving.

So God bless them, their families and Scouts everywhere.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I rise to support this legislation of Mr. TERRY and to offer my deep sympathy.

I serve on the board of the Boy Scouts in the Houston-Galveston area and have worked with the Boy Scouts for a very, very long time. And so I want to offer to the families of those who lost their life the deepest sympathy of those from Texas and to be able to express my appreciation for the organization of Boy Scouts that teaches character and leadership and empathy.

And listening to the testimonies of those who survived and listening to the testimony of those boys who then helped others survive, I know that even in the loss of these young heroes other young boy Scouts will learn the lessons even better of leadership and challenge.

I'd like to add my sympathy to the families and to the community. As we look over the Midwest, this has been an enormously tragic time. Families have lost their homes. They've lost loved ones, but this was particularly heartwrenching, and many of us know the service that Boy Scouts give across America.

And so I ask my colleagues, along with the Members who have come to the floor today to support H. Res. 1283, to recognize the great loss that we've experienced. We have to champion the organization of Boy Scouts that teaches leadership and service, but also begins to build the building blocks that allows those young men to be courageous as they were to help others in their time of need.

Mr. Speaker, I ask support of the legislation.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my colleague from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentlewoman from North Carolina for the time.

Mr. Speaker, I rise to express my sympathy to the families who lost their boys in the tornado in Little Sioux, Iowa, earlier this month.

As a parent, I know that no words uttered on this floor will ease the pain of losing a child. I only hope today's statements will serve as a timeless reminder that America's heart broke upon the news of this tragic loss. As a Nation, we are all so very sorry for your loss.

I'd like to take a moment to talk about Aaron Eilerts of Eagle Grove, Iowa. Aaron was 14 years old. He was the only son of Bob and Carol Eilerts. He was a dedicated member of Boy Scout Troop 108.

Although I didn't have the honor of knowing Aaron, many people in the town of Eagle Grove were touched deeply by this outstanding young man. After reading the many tributes to Aaron Eilerts, I was struck by what a special person he was.

Aaron had taken it upon himself to make pillowcases for children who were sick and confined in hospitals. He made dozens of colorful pillowcases, including one for his cousin who was recovering from losing his leg serving our country in Iraq.

Aaron will be remembered for his generosity and his big heart. He enjoyed making people happy and had a special gift for making folks smile.

It should be noted that Aaron was a distinguished member of Scouting's National Honor Society, The Order of the Arrow. Aaron was elected to the Order by his peers because he best exemplified the Scout Oath and Law in his daily life.

I will recite the Scout Oath and Law in Aaron's memory, and I hope it will give people a sense of what kind of a person he was and what we should all aspire to be.

The Scout Oath reads: "On my honor, I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight."

The Scout Law requires each Boy Scout to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.

We should all follow Aaron Eilerts' example. He lived a good life, doing good things for people in need.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

I rise with my colleagues this evening to pay tribute to the Scouts who were lost in that storm of June 11, 2008, and to those also who survived and set such a fine example for Scouts everywhere and for all time to follow.

The location of the tragedy is a few miles west of where I live, I suppose about 25 miles as the crow flies over our beloved Loess Hills, some of us call them the bluffs, yet a unique soil type that exists in only one other place in the world.

And in those Loess Hills is an 1,800-acre wilderness park, the Boy Scout camp, where sometimes there are as many as 8- to 900 Scouts camping. On that fateful evening of June 11, there were about 93 Scouts on the location, along with about 25 leaders.

And in this disaster, as I have been on the site the second morning after the tragedy, as well as went over it last Saturday morning to take a look at that from the air to try to make sense of it and put it in a concept where I can at least explain it, this tornado came across the Missouri riverbottom, and it ripped through a small treeline down on the flat part of the riverbottom and then over an irrigation system and flipped it over and went directly to the ranger's house, the ranger who lives into the first finger valley in the bluffs in his home with his wife and three small children.

That tornado went directly at his home, which had no basement, slab on-grade, about the same kind of architecture as the shelter house that the Boy Scouts were in, and took his house and tore it to shreds. They huddled in an interior closet and ended up underneath the rubble from their fireplace, trapped there, the ranger, his wife and the three children. And they were all trapped and laying underneath the blocks and the stones.

And the tornado then went on up the valley and just jumped over a little ridge and dropped right down on the shelter house where 40 to 50 of the Scouts had gone to for shelter.

And I want to emphasize, Mr. Speaker, that there's nothing more the Scouts could have done, no place that they could have gone that was better than where they went, with 93 of them scattered out in these finger valleys, and they were living in small pup tents that were pitched along the valley. As I came in there, many of those tents were crushed underneath the trees. If they had stayed in their tents they would not have survived.

Some of them didn't get into the shelter house and had to lay on the ground. Those that survived, the tornado miraculously sucked the air out of their lungs, but 40 to 50 went into the shelter house, Mr. Speaker. And they did the only thing they could do which is get the kind of shelter that they could.

The velocity of the wind was such that it picked up a pick-up truck that was sitting about 100 feet on the one side of the building and blasted that vehicle through the building, through the fireplace, through the chimney. And that vehicle landed about 150 feet the other side of what was left of the building, which wasn't much at all. And the Scouts that we lost were lost underneath the rubble that was knocked down by that pick-up truck that was blown through.

This lasted about 8 seconds. Scouts being always prepared, one of them punched the stopwatch on his wristwatch and timed the storm while it was there and shut the stopwatch off. Eight seconds was how long the terror lasted.

And immediately after that was over, some of the Scouts rose up from the rubble and began to help the others and triage and do as their first aid training had taught them.

Some of them ran down not quite a half a mile to the ranger's home, where they began frantically tearing the rubble off of the ranger and his three children and his wife and who were trapped underneath there and would have eventually suffocated. They pulled them all out, and they all walked away, the ranger and his family.

Some of the Scouts ran up to another location on the wilderness campsite and went into a building and got a couple of small ATVs and all the chainsaws they could get their hands on. By the time the emergency personnel arrived—that was within 7 minutes—they were sawing logs out of the way to make room for the emergency workers.

These Scouts not only had trained the day before, but 2 years and 2 months earlier, they had trained in April for a similar kind of a drill. They were surprised at 5 o'clock in the morning by the Scout leaders and the local EMT workers who had set up this training drill. They had issued the Scouts first-aid kits, light boxes or clear plastic boxes, with gauze and other type of first-aid equipment in those kits. These Scouts who had trained 2 years earlier and 1 day earlier for a similar disaster, found themselves with the first-aid kits that they had been issued, giving first aid to their fellow Scouts and some to their Scout leaders.

As I walked that site on the Friday morning following the Wednesday afternoon, some of these first-aid kits were scattered out around the site where they had been used up helping each other. It's a powerful example of the training that the Scouts had gone through and how they used that training.

Mr. Speaker, they did everything they could have done from a training standpoint. They did everything they could have done from a reaction standpoint. They did all of the right things in the aftermath of the tornado, and I believe that this tragedy of losing the four Scouts, as sad as it is—and we pay tribute to them and their lives and we offer our prayers and our shared grief to their families and the families of all of those who feel this pain—as sad as that is, I believe that there is a silver lining to this cloud.

First, I'm confident that there will be a memorial built on that location for those four Scouts.

☐ 2100

And I believe that there will be a day soon where the training drills of the Scouts will incorporate the things that they learned there, the things that they did there, and I believe there will be Scouts that come to this camp, this 1,800-acre wilderness camp, from all over the United States over time who will train on the very location where we lost the four Scouts.

Before I conclude, Mr. Speaker, I do want to read the list of the local volunteer organizations that I know are at least on this list—and I'm convinced it cannot be all of them—the Little Sioux, Iowa, Volunteer Fire Department on the site quickly, along with the Monona County Emergency Management people, the Decatur Volunteer Fire Department of Decatur, Nebraska, Fort Calhoun, Nebraska Volunteer Fire Department, Monona County Sheriff's Department, Harrison County Sheriff's Department, the Iowa State Patrol, Iowa National Guard, Red Cross, Mercy Air Care, and the Little Sioux Boy Scout Ranch. They all began to arrive there within 7 minutes of the time that this tornado concluded.

I congratulate them for their courageous response, for the example that they've set, for the inspiration that they are. I hope to be there to dedicate the memorial when that day comes. I offer my prayers and sympathy to the Scouts and their families. May God continue to bless the Boy Scouts of America.

Mr. CLAY. Mr. Speaker, I urge the adoption of this resolution and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, from our darkest trials, Americans consistently display their true heroism. The horrible events on the night of June 11 were no different. No one is surprised to learn that the Scouts themselves displayed leadership skills and composure in the face of danger above and beyond their years. Had these courageous young men not lived up to their motto, "Always Be Prepared," it is likely that this tragedy would have been magnified.

I pray that all involved with Scouting will be inspired by the examples of the Scouting community shown through this tragedy, and that our benevolent God grant a sense of peace to all those affected by the tragedy.

Mr. Speaker, I urge all Members to support the passage of H. Res. 1263.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING A NATIONAL DYSPHAGIA AWARENESS MONTH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 195) expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 195

Whereas dysphagia, or difficulty with swallowing, is a medical dysfunction that affects as many as 15,000,000 Americans;

Whereas the Centers for Disease Control and Prevention has estimated that 1,000,000 people in the United States annually are diagnosed with dysphagia;

Whereas the Agency for Healthcare Research and Quality has estimated that 60,000 Americans die annually from complications associated with dysphagia;

Whereas based on Centers for Disease Control and Prevention mortality data, this is more than the total number of Americans dying from all forms of liver disease, kidney disease, and HIV/AIDS combined—and nearly as many as those dying from diabetes, the number 6 killer of Americans;

Whereas the most common complication arising from dysphagia is aspiration pneumonia—caused by food or saliva entering the windpipe and into the lungs;

Whereas one in 17 people will develop some form of dysphagia in their lifetime, including 50 to 75 percent of stroke patients and 60 to 75 percent of patients who undergo radiation therapy for head and neck cancer;

Whereas as many as half of all Americans over 60 will experience dysphagia at some point;

Whereas complications due to dysphagia increase health care costs by resultant hospital readmissions, emergency room visits, extended hospital stays, the necessity for long-term institutional care, and the need for expensive respiratory and nutritional support;

Whereas the cost of managing a patient with a feeding tube, which for many has been the primary treatment option for this condition, is reported to average over $31,000 per patient per year;

Whereas the total annual cost to Medicare just for enteral feeding supplies for outpatients was more than $670,000,000 in 2003, nearly 6 percent of the total Medicare budget for that year;

Whereas including the monies spent in hospitals, the total cost of dysphagia to the health care system is well over $1,000,000,000 annually;

Whereas the condition of dysphagia is a vastly underreported condition and not widely understood by the general public; and

Whereas observing June 2008 as National Dysphagia Awareness Month would raise public awareness about dysphagia and the need for early detection and treatment: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that a National Dysphagia Awareness Month should be established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am proud to join my colleagues in the consideration of H. Con. Res 195, which expresses the sense of Congress that a National Dysphagia Awareness Month should be established.

Dysphagia, or difficulty swallowing, is a medical disorder currently afflicting nearly 15 million Americans, with another million Americans diagnosed each and every year. Moreover, among those over 60 years of age there is over a 50 percent probability of experiencing dysphagia at some point. Unlike many other medical disorders, dysphagia has not gathered the national attention that it deserves, despite the fact that more than 60,000 American deaths occur annually from dysphagia-related complications.

Mr. Speaker, I urge swift passage of H. Con. Res 195, as it will shed national attention on dysphagia, which is afflicting so many of our fellow Americans and costing us over $1 billion to treat annually.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague from Missouri for his excellent presentation on this resolution. I also commend my colleague, Mr. WAMP from Tennessee, for introducing the resolution and am sorry that a scheduling conflict has prevented his being here to speak.

I urge my colleagues to support H. Con. Res. 195.

Mr. WAMP. Mr. Speaker, I rise today to support H. Con. Res. 195, a resolution designating June 2008 as National Dysphagia Awareness Month. First, I would like to thank my colleague, Congressman GENE GREEN, for being the lead cosponsor of this resolution and for his efforts in helping move this resolution forward. Congressman GREEN is a strong advocate on healthcare issues in Congress and I am pleased to have the opportunity to work with him on the vital issue of raising awareness about dysphagia. In addition, I would like to thank the Dysphagia Awareness Society, the American Speech-Language-Hearing Association, and the American Occupational Therapy Association for their grassroots efforts in building support for the resolution. It truly has been a collaborative effort for an important cause.

Dysphagia is a medical condition incorporating any difficulty with swallowing and affects as many as 15 million Americans. Dysphagia can be caused by any condition weakening or damaging the muscles and nerves used for swallowing, including strokes, nervous system complications, and head injuries. The Centers for Disease Control and Prevention has estimated that 1 million people in the United States annually are diagnosed with dysphagia. According to the Agency for Healthcare Research and Quality, an estimated 60,000 Americans die annually from complications associated with dysphagia.

Dysphagia awareness is particularly important to my home state of Tennessee, where stroke incident rates are relatively high. Dysphagia affects a significant percentage of stroke survivors due to weakness in the muscles of the throat and mouth traditionally caused by strokes. Dysphagia can cause additional life-threatening complications for these stroke survivors, such as pneumonia, malnutrition, dehydration, and airway obstruction.

In addition, complications due to dysphagia increase health care costs by resultant hospital readmissions, emergency room visits, extended hospital stays, the necessity for long-term institutional care, and the need for expensive respiratory and nutritional support. Including money spent in hospitals, the total cost of dysphagia to the health care system is well over $1 billion annually.

Unfortunately, the condition of dysphagia is vastly underreported and not widely understood by the general public. Observing June 2008 as National Dysphagia Awareness Month would raise public awareness about dysphagia and the need for early detection and treatment.

Mr. Speaker, I urge all Members to support the passage of this important resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 195, which would designate June 2008 as National Dysphagia Awareness Month.

Dysphagia is a condition that affects nearly 15 million Americans. According to the NIH, people with dysphagia have difficulty swallowing and may also experience pain while swallowing.

Some people may be completely unable to swallow or may have trouble swallowing liquids, foods, or saliva. Eating then becomes a challenge. Often, dysphagia makes it difficult to take in enough calories and fluids to nourish the body.

The CDC estimates that 1,000 people in the United States annually are diagnosed with dysphagia and 60,000 Americans die from complications from this condition every year.

However, many people have never heard of dysphagia and unfortunately most cases of dysphagia go unreported.

Designating June 2008 as National Dysphagia Awareness Month will help raise awareness and understanding of dysphagia.

I want to thank Mr. WAMP for sponsoring this legislation and urge my colleagues to support this resolution.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL CORVETTE DAY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 970) expressing support for designation of June 30 as "National Corvette Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 970

Whereas the Chevrolet Corvette is America's first sports car;

Whereas the first production Corvette rolled off a Flint, Michigan, assembly line on June 30, 1953;

Whereas the Corvette is now manufactured in Bowling Green, Kentucky;

Whereas the Corvette is the most widely respected production sports car in United States history;

Whereas the Corvette is truly a symbol of American pride;

Whereas General Motors is celebrating its 100th anniversary in 2008; and

Whereas the 30th of June would be an appropriate day to designate as "National Corvette Day": Now, therefore, be it

Resolved, That the United States House of Representatives supports the designation of a "National Corvette Day" to honor the Chevrolet Corvette.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, being a car enthusiast, this is one bill that gives me great pleasure. And I stand to join my colleagues in the consideration of H. Res. 970, which supports the designation of June 30 as National Corvette Day, offered by my friend from Illinois (Mr. SHIMKUS).

Mr. Speaker, when we think of American-manufactured sports cars, one of the first vehicles that probably comes to mind is the Chevrolet Corvette. The Corvette debuted fresh off of the assembly lines back in 1953 as part of Chevy's new wave sports cars. Since then, the Corvette has become a hallmark in the automobile industry both here in America as well as around the world.

Mr. Speaker, the Corvette has been America's favorite sports car for the past 55 years. And in honor of its performance, prowess and prestige, I urge my colleagues to join me in expressing support for the designation of June 30 as National Corvette Day by voting in favor of H. Res. 970.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution designating June 30 as National Corvette Day.

In the early 1950s, General Motors' chief designer, Harley J. Earl, began ruminating about a sports car that would cost about the same as an American sedan, the "poor man's supercar."

With GIs returning from service during World War II sporting stylish European sports cars, GM wanted to develop an American competitor. At the 1953 Motorama, GM debuted their new supercar, the Corvette. Less refined than European counterparts, but nevertheless a visible portrayal of the American psyche, the Corvette captured American hearts, and the first one rolled off the line in Flint, Michigan on June 30, 1953.

As we honor the 100th anniversary of General Motors, it is only fitting that we honor one of their most successful creations. Over the years, the Corvette has become an American icon and source of national pride. Never straying from its roots, the Vette has a long history of melding exceptional handling and brutal amounts of engine power into an affordable package. Driven by celebrities, national heroes, superheroes, and average citizens, including many in the Fifth District of North Carolina, the Corvette is America. Built in our heartland at the Bowling Green, Kentucky plant for the heart of our country, we rise today to honor this legendary icon of the highways.

With that, Mr. Speaker, I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to enthusiastically support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 970.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING THE LIFE OF ROBERT MONDAVI

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 365) honoring the life of Robert Mondavi.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 365

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rose, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother, Peter, in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition, the Robert Mondavi Winery;

Whereas in the later 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines, like his now-legendary Fumé Blanc;

Whereas as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or "Judgement of Paris", wine competition;

Whereas in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food, and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the life of Robert Mondavi, a true pioneer and patriarch of the California wine industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, representing the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.Con.Res 365, which celebrates the life of Robert Mondavi, a notable winemaker and philanthropist who had a great effect in boosting the economic and cultural well-being of California and the Nation.

Robert Mondavi was born on June 18, 1913 in Virginia, Minnesota to Italian immigrants. In 1965, Mr. Mondavi started his own winery, the Robert Mondavi Winery, in the fertile soil of the Napa Valley and immediately became a passionate advocate for California wines. Through his vineyard, he worked to raise the status of California wines and was successful.

Through his professional and charitable work, Mr. Mondavi's influence on the California wine industry and the Nation at large has been immense and lasting. Therefore, Mr. Speaker, I urge the swift approval of this resolution honoring the life of Mr. Mondavi.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the proud granddaughter of Italian immigrants, I am always proud to recognize the achievements of Italian Americans.

I also want to say how grateful North Carolina is for the work that was done by Mr. Mondavi and others in creating an appetite for fine wine in this country.

The Fifth District of North Carolina, the district that I represent, has, in the last couple of years, been granted two appellations, the Yadkin Valley and Swan Creek appellations, and we hope some day that those appellations will be spoken of in the same way that the Napa Valley and other appellations are spoken of currently in our country and around the world.

I commend the resolution to my colleagues and urge its approval.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to join us in adopting this resolution.

Mr. THOMPSON of California. Mr. Speaker, I rise to honor the life and legacy of the late Robert Mondavi, a founding father of the American wine industry.

Mr. Mondavi was born to Italian immigrants in June 1913. He graduated from Stanford University and joined his family in running Charles Krug Winery in my hometown of St. Helena.

Nearly three decades later, he founded the Robert Mondavi Winery to make his dream of creating world-class California wines a reality. Only a few years later, he released a Cabernet Sauvignon that opened the eyes of the world to the potential of the Napa Valley region.

He went on to create the first French-American wine venture, the first of many international partnerships.

His work made him known throughout the world as a premier winemaker and businessman. His pursuit of excellence and passion for winemaking could be found in every sip of a Robert Mondavi vintage.

Through innovation and determination, he redefined American wines and helped propel the birth of one of our Nation's fastest growing industries. Robert Mondavi's leadership is irreplaceable.

But to me and many others, he was best known—and loved—as a dear friend, a pillar of the community, and a much-admired philanthropist.

I was fortunate to know Mr. Mondavi my whole life. I grew up with his children and I later worked with him on issues important to the wine community. Of all his accomplishments, it was his commitment to our community that I found most awe inspiring.

A lifelong student himself, Bob established the Robert Mondavi Institute for Wine and Food Science at the University of California at Davis so that future generations could continue improving his craft.

He also established the Robert and Margrit Mondavi Center for Performing Arts at UC Davis. He was a leading force in the creation of Copia: The American Institute for Food, Wine, and the Arts in downtown Napa. He helped found the Napa Valley Wine Auction, which raises millions of dollars to help many of our local charities. He was also a strong and steady voice for the conservation of our farmlands.

Mr. Mondavi's legacy, can be found throughout the world. But it is most treasured at home. My district would not be what it is today without him.

I will miss him greatly. My thoughts and prayers are with Margrit, sons Tim and Michael, daughter Marcia and his entire family.

Mr. Speaker, it is my hope that this resolution serves as a tribute to the unparalleled life of Robert Mondavi.

Mr. RADANOVICH. Mr. Speaker, I rise to support H. Con. Res. 365, which my fellow co-chair of the Congressional Wine Caucus, MIKE THOMPSON and I introduced in remembrance of a friend and giant in the California and international wine community, Robert Mondavi, who passed away in May of this year.

Robert may most be remembered for his tremendous success in producing and promoting California wines to the international community. After graduating from Stanford, Robert joined his family in running the Charles Krug winery in Napa, and then went on to found the Robert Mondavi Winery in 1966.

His tireless efforts to introduce California wine to the world and compete against established European wines are much of the reason why winemaking in California is now an 18 billion dollar industry—the largest retail wine market in the world. In fact, the United States accounts for 61 percent of wine sold in the world. This would not be possible without the lifetime of hard work by Robert Mondavi.

He was also extremely involved in charitable causes across the country to promote wine, food and the arts.

Robert Mondavi was an inspiration to my own winemaking ventures as I'm sure he was to many boutique winemakers across the country. Such inspiration has led to wine being produced in all 50 States. His innovation, spirit and passion for winemaking will be sorely missed throughout our Nation and the world.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H. Con. Res. 365, a resolution celebrating the accomplished life and enduring legacy of Robert Mondavi, whose vision helped propel California winemakers as leaders in the international wine market.

Robert Mondavi was born to a family of Italian immigrants on June 18, 1913. In 1923, his father moved the family to Lodi, California, to pursue an interest in the grape business. Following in his father's footsteps, a young Robert Mondavi began working at Sunny St. Helena Winery in the 1930s, and then later at Charles Krug Winery after his father had purchased the business.

Less than three decades later, Mr. Mondavi had founded the Robert Mondavi Winery to fulfill his vision of developing world-class Napa Valley wines. He later went on to establish the first French-American wine venture, one of many international collaborations. These efforts helped to drive the Mondavi name to be synonymous with premier California wines.

However, Mr. Mondavi's accomplishments were not limited to the wine industry. His philanthropic and charitable contributions to the community, including founding the Robert Mondavi Institute for Wine and Food Science at the University of California at Davis, the Robert and Magrit Mondavi Center for Performing Arts at UC Davis, the Napa Valley Wine Auction, which has raised millions of dollars for local charities, and his tireless efforts for the conservation of American farmlands all have left an indelible impact on our country.

Mr. Mondavi's bold innovations laid the foundations for many of the wine growers in my Congressional District. His efforts contributed to the success of these wineries now enjoy as one of the world's pre-eminent wine making regions. Mr. Speaker, Robert Mondavi's life and leadership should be applauded, and I urge my colleagues to join me in honoring Robert Mondavi by passing this important resolution.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 2115

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5687) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Advisory Committee Act Amendments of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Ensuring independent advice and expertise.
Sec. 3. Preventing efforts to circumvent the Federal Advisory Committee Act and public disclosure.
Sec. 4. Increasing transparency of advisory committees.
Sec. 5. Comptroller General review and reports.
Sec. 6. Definitions.
Sec. 7. Effective date.

SEC. 2. ENSURING INDEPENDENT ADVICE AND EXPERTISE.

(a) BAR ON POLITICAL LITMUS TESTS.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in the section heading by inserting "MEMBERSHIP;" after "ADVISORY COMMITTEES;";

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (a) the following:

"(b) APPOINTMENTS MADE WITHOUT REGARD TO POLITICAL AFFILIATION OR ACTIVITY.—All appointments to advisory committees shall be made without regard to political affiliation or political activity, unless required by Federal statute.".

(b) CONFLICTS OF INTEREST DISCLOSURE.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by inserting after subsection (b) (as added by subsection (a)) the following:

"(c) CONFLICTS OF INTEREST DISCLOSURE.—

"(1)(A) The head of each agency shall ensure that no individual appointed to serve on an advisory committee that reports to the agency has a conflict of interest that is relevant to the functions to be performed by the advisory committee, unless the head of the agency determines that the need for the individual's services outweighs the potential impacts of the conflict of interest.

"(B) If the head of the agency makes such a determination with respect to an individual, nothing in this subsection is intended to preclude the head of the agency from requiring the recusal of the individual from particular aspects of the committee's work.

"(C) In the case of an individual appointed as a representative, the fact that an individual is associated with the entity whose views are being represented by the individual shall not itself be considered a conflict of interest by the agency.

"(2) The head of each agency shall require—

"(A) that each individual the agency appoints or intends to appoint to serve on an advisory committee as a representative inform the agency official responsible for appointing the individual in writing of any actual or potential conflict of interest—

"(i) that exists before appointment or that arises while the individual is serving on the Committee; and

"(ii) that is relevant to the functions to be performed; and

"(B) that, for an individual appointed to serve on an advisory committee, the conflict is publicly disclosed as described in section 11.

"(3) Nothing in this subsection is intended to alter any requirement or obligation for a special Government employee under the Ethics in Government Act (5 U.S.C. App.) or other applicable ethics law, including any requirement to file a financial disclosure report. The head of each agency shall require that each individual the agency appoints as a special Government employee inform the agency in writing of any conflict that exists before appointment or that arises while the individual is serving on the committee to the extent any financial disclosure required by the Ethics in Government Act (5 U.S.C. app.) or other applicable law would not uncover the conflict of interest as such term is defined in regulations promulgated by the Office of Government Ethics to carry out this subsection.

"(4) The head of each agency shall ensure that each report of an advisory committee that reports to the agency is the result of the advisory committee's judgment, independent from the agency. Each advisory committee shall include in each report of the committee a statement describing the process used by the advisory committee in formulating the recommendations or conclusions contained in the report.".

(c) REGULATIONS.—

(1) REGULATIONS RELATING TO CONFLICTS OF INTEREST.—Not later than 160 days after the date of the enactment of this Act, the Director of the Office of Government Ethics, in consultation with the Administrator of General Services, shall promulgate—

(A) regulations defining the term "conflict of interest";

(B) regulations identifying the method by which individuals must disclose conflicts and the period of time for which a representative or special Government employee, or a candidate for appointment as a representative or special Government employee, shall look back in time to determine whether an interest is considered a conflict for the purpose of the notification requirement in subsection (c) of section 9 of the Federal Advisory Committee Act, as added by this section; and

(C) such other regulations as the Director finds necessary to carry out and ensure the enforcement of such subsection (c).

(2) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting after "(c)" the following: "The Administrator shall promulgate regulations as necessary to implement this Act.".

SEC. 3. PREVENTING EFFORTS TO CIRCUMVENT THE FEDERAL ADVISORY COMMITTEE ACT AND PUBLIC DISCLOSURE.

(a) DE FACTO MEMBERS.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following:

"(d) TREATMENT OF INDIVIDUAL AS MEMBER.—An individual who is not a full-time or permanent part-time officer or employee of the Federal Government shall be regarded as a member of a committee if the individual regularly attends and participates in committee meetings as if the individual were a member, even if the individual does not have the right to vote or veto the advice or recommendations of the advisory committee.".

(b) INTERAGENCY ADVISORY COMMITTEES.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following:

"(f) INTERAGENCY ADVISORY COMMITTEES.—(1) Any communication between—

"(A) an interagency advisory committee established by the President or the Vice President or any member or staff acting on behalf of such an interagency advisory committee, and

"(B) any person who is not an officer or employee of the Federal Government,

shall be made available for public inspection and copying. Any portion of a communication that involves a matter described in section 552(b) of title 5, United States Code, or that is subject to a valid constitutionally based privilege against such disclosure, may be withheld from public disclosure.

"(2) In this subsection, the term 'interagency advisory committee' means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, established in the interest of obtaining advice or recommendations for the President or the Vice President, that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government and includes officers or employees of at least two separate Federal agencies but does not include an advisory committee as defined in section 3(2) of this Act.

"(3) This subsection is not intended to apply to cabinet meetings, the National Security Council, the Council of Economic Advisors, or any other permanent advisory body established by statute.".

(c) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking subsection (a) and inserting the following:

"(a) APPLICATION.—The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee, including any subcommittee or subgroup thereof, except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise. Any subcommittee or subgroup that reports to a parent committee established under section 9(a) is not required to comply with section 9(e). In this subsection, the term 'subgroup' includes any working group, task force, or other entity formed for the purpose of assisting the committee or any subcommittee of the committee in its work.".

(d) COMMITTEES CREATED UNDER CONTRACT.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C) by adding at the end the following: "An advisory committee is considered to be established by an agency, agencies, or the President, if it is formed, created, or organized under contract, other transactional authority, cooperative agreement, grant, or otherwise at the request or direction of, an agency, agencies, or the President.".

(e) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by adding at the end the following new subsection:

"(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special government employees shall not be considered full-time or part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).".

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 11. DISCLOSURE OF INFORMATION.";

(2) by redesignating subsection (a) as subsection (d) and in that subsection—

(A) by inserting the following subsection heading: "AVAILABILITY OF PAPER COPIES OF TRANSCRIPTS.—"; and

(B) by inserting after "duplication," the following: "paper";

(3) by striking "(b)" and inserting "(e) AGENCY PROCEEDING DEFINED.—"; and

(4) by inserting before subsection (d), as redesignated by paragraph (2), the following new subsections:

"(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

"(1) The charter of the advisory committee.

"(2) A description of the process used to establish and appoint the members of the advisory committee, including the following:

"(A) The process for identifying prospective members.

"(B) The process of selecting members for balance of viewpoints or expertise.

"(C) A justification of the need for representative members, if any.

"(3) A list of all current members, including, for each member, the following:

"(A) The name of any person or entity that nominated the member.

"(B) The reason the member was appointed to the committee.

"(C) Whether the member is designated as a special government employee or a representative.

"(D) In the case of a representative, the individuals or entity whose viewpoint the member represents.

"(E) Any conflict of interest relevant to the functions to be performed by the committee.

"(4) A list of all members designated as special government employees for whom written certifications were made under section 208(b) of title 18, United States Code, a summary description of the conflict necessitating the certification, and the reason for granting the certification.

"(5) A summary of the process used by the advisory committee for making decisions.

"(6) Transcripts or audio or video recordings of all meetings of the committee.

"(7) Any written determination by the President or the head of the agency to which the advisory committee reports, pursuant to section 10(d), to close a meeting or any portion of a meeting and the reasons for such determination.

"(8) Notices of future meetings of the committee.

"(9) Any additional information considered relevant by the head of the agency to which the advisory committee reports.

"(b) MANNER OF DISCLOSURE.—

"(1) Except as provided in paragraph (2), the head of an agency shall make the information required to be disclosed under this section available electronically on the official public internet site of the agency at least 15 calendar days before each meeting of an advisory committee. If the head of the agency determines that such timing is not practicable for any required information, he shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the committee. An agency may withhold from disclosure any information that would be exempt from disclosure under section 552 of title 5, United States Code.

"(2) The head of an agency shall make available electronically, on the official public internet site of the agency, a transcript or audio or video recording of each advisory committee meeting not later than 30 calendar days after the meeting.

"(c) PROVISION OF INFORMATION BY ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall provide, on the official public internet site of the General Services Administration, electronic access to the information made available by each agency under this section.".

(b) CHARTER FILING.—Section 9(e) of the Federal Advisory Committee Act (5 U.S.C.

App.), as redesignated by section 2, is amended—

(1) by striking "with (1) the Administrator," and all that follows through ", or" and inserting "(1) with the Administrator and";

(2) by striking "and" at the end of subparagraph (I);

(3) by striking the period and inserting a semicolon at the end of subparagraph (J); and

(4) by adding at the end the following new subparagraphs:

"(K) the authority under which the committee is established;

"(L) the estimated number of members and a description of the expertise needed to carry out the objectives of the committee;

"(M) a description of whether the committee will be composed of special government employees, representatives, or members from both categories; and

"(N) whether the committee has the authority to create subcommittees and if so, the agency official authorized to exercise such authority.".

SEC. 5. COMPTROLLER GENERAL REVIEW AND REPORTS.

(a) REVIEW.—The Comptroller General of the United States shall review compliance by agencies with the Federal Advisory Committee Act, as amended by this Act, including whether agencies are appropriately appointing advisory committee members as either special government employees or representatives.

(b) REPORT.—The Comptroller General shall submit to the committees described in subsection (c) two reports on the results of the review, as follows:

(1) The first report shall be submitted not later than one year after the date of promulgation of regulations under section 2.

(2) The second report shall be submitted not later than five years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 6. DEFINITIONS.

Section 3 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new paragraphs:

"(5) The term 'representative' means an individual who is not a full-time or part-time employee of the Federal Government and who is appointed to an advisory committee to represent the views of an entity or entities outside the Federal Government.

"(6) The term 'special Government employee' has the same meaning as in section 202(a) of title 18, United States Code.".

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act, except as otherwise provided in section 2(c)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5687, the Federal Advisory Committee Act Amendments of 2008.

H.R. 5687, which I introduced along with Chairman WAXMAN on April 3, 2008, was reported out of the Committee on Oversight and Government Reform on May 15 of 2008. The FACA amendments will improve the balance, transparency, and independence of Federal advisory committees.

Congress passed FACA in 1972 to address the rising costs and lack of accountability among Federal advisory committees. However, FACA has been undermined by loopholes that have been created over the years.

H.R. 5687 strengthens FACA by closing those loopholes. For example, the bill clarifies that FACA applies to subcommittees, ensuring that agencies cannot avoid the requirements of FACA by conducting business through subcommittees. The bill also increases the disclosure requirements for advisory committees and requires agencies to obtain conflict of interest disclosures.

As amended, H.R. 5687 takes into account recommendations made by the Office of Government Ethics and other stakeholders. The amendment makes the conflict of interest restrictions on advisory committee members more workable while preserving the bill's requirement of public disclosure. The amendment also clarifies that agencies have the authority to require advisory committee members to recuse themselves when the committee's work will impact their personal interests.

Mr. Speaker, this legislation will improve the advisory committee process. I urge my colleagues to support passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will make a number of changes to the Federal Advisory Committee Act, legislation enacted in 1972 to govern the operations, expenditures, and report requirements of advisory committees established to help Federal agencies on policy and other issues.

Specifically, this legislation would further increase the disclosure requirements for advisory committees and minimize the use of political affiliations in making appointments to advisory committees.

Today over 1,000 Federal advisory committees are involved in making key decisions that affect everyone's life on vital issues such as health care, civil rights, and national security. Increasing transparency and public involvement are essential to having a free and open process.

In strengthening the disclosure and transparency requirements of Federal advisory committees, however, we must be careful not to hinder the process by which the President and other executive branch agencies receive expert advice from these committees.

I am cautiously optimistic this legislation strikes a balance between these two priorities, but I trust the majority will continue to work with us as H.R. 5687 moves forward to make sure we do not impose any unnecessary burden upon advisory committees or their members.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I certainly look forward to working with the gentlewoman from North Carolina and her colleagues to perfect this bill and to get it to a point where we can all agree on it.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, H.R. 5687, the Federal Advisory Committee Act Amendments of 2008, makes needed improvements to one of our core open government laws. I want to thank Chairman CLAY for introducing this bill and for his continued leadership in support of open government.

Advisory committees play a critical role in giving the President and agencies advice on complex issues. The Federal Advisory Committee Act, FACA, is intended to make the advisory committee process open and accountable to protect the independence and integrity of these committees. But in recent years, FACA has been undermined by the practices of the Bush administration. This bill is our response to these abuses:

One of my concerns over the last 8 years has been the growth of secrecy. This bill says that White House task forces can no longer operate in total secrecy. They must disclose whom they meet with and what recommendations they receive from special interests.

After President Bush was elected, he put Vice President CHENEY in charge of a task force to develop the administration's energy policy. Vice President CHENEY and his staff met secretly with oil, gas, nuclear, and coal executives. They developed a policy that has enriched the energy companies and their executives at the expense of American consumers, our energy security, and our environment.

This bill says that task forces like the Vice President's energy task force must come out from the shadows.

Another issue the bill addresses is the growing politicization of science. As documented in a Committee staff report in August 2003, the administration manipulated scientific advisory committees by employing political litmus tests and filling advisory committees with members with conflicts of interest. H.R. 5687 says that advisory panels must be independent and requires agencies to obtain conflict of interest disclosures from all prospective committee members. The bill prohibits an agency from appointing an individual with a relevant conflict of interest unless the head of the agency determines that the need for the individual's services outweighs the potential impacts of the conflict. The bill requires agencies to publicly disclose the conflicts of advisory committee members on their Web sites.

H.R. 5687 also prohibits using political loyalty as a basis for making appointments to advisory committees.

H.R. 5687 addresses other loopholes that have emerged in FACA over the years. It says that FACA panels cannot avoid public disclosure by operating through subcommittees. This was the tactic used by the President's Commission to Strengthen Social Security. The legislation also closes the "de facto member" loophole by clarifying that agencies cannot avoid FACA by giving Federal employees the right to vote on an advisory committee but then having private sector individuals participate in the committee as if they were members.

A number of improvements have been made to the bill based on comments from the Office of Government Ethics, OGE, and others. For example, the amendment clarifies that nothing in the bill is intended to weaken existing ethics requirements for special government employees. Under the amendment, a committee member appointed as a special government employee will be required to disclose any conflict of interest, as OGE defines that term, beyond what is disclosed in the member's financial disclosure report. This is intended to prevent special government employees from having to disclose the same conflict twice if they would already be required to disclose it through a financial disclosure report.

The bill leaves it to OGE to determine what disclosures are required beyond what has to be reported in a financial disclosure report. OGE should consider what interests a committee member may have that would not be uncovered in a financial disclosure report but that still may compromise the member's objectivity. For example, a committee member who held a position 2 years ago with an entity that would be affected by a decision of the committee could be considered to have a conflict even though the member's previous position would not be reported in a financial disclosure report.

Last year, we enacted reforms to another important open government law, the Freedom of Information Act. I hope this year we will continue our efforts to improve the transparency and accountability of government by enacting this bill. I urge my colleagues to support H.R. 5687.

I submit the following letters for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 24, 2008.

Hon. HENRY WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN: The Committee on Ways and Means applauds your efforts to foster greater federal advisory committee transparency and accountability. However, the Committee has concerns about some potential unintended effects that your bill, H.R. 5687, the Federal Advisory Committee Act Amendments of 2008, might have on the advisory committee system established under the Trade Act of 1974, as amended. While the Committee is still reviewing H.R. 5687, of particular serious concern are sections 2 and 4 of the bill.

The Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar based on our understanding that changes will be made to H.R. 5687 as it moves through the legislative process. These changes will ensure that application of the Federal Advisory Committee Act on the trade advisory committees under the Trade Act of 1974, as amended, is consistent with and does not extend beyond requirements set forth in current law.

This request is made with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

The Committee intends to look for opportunities to improve the transparency and accountability of the federal advisory committees established under the Trade Act of 1974, as amended, in ways consistent with their purpose and aim. We look forward to soliciting your suggestions for reform.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 24, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: I understand there are special circumstances surrounding the creation and functioning of the advisory committee system established under the Trade Act of 1974, as amended.

As the bill moves through the legislative process, changes to H.R. 5687, the Federal Advisory Committee Amendments Act of 2008, will be made to address fully the concerns raised by the Committee on Ways and Means to your satisfaction.

I look forward to working with the Committee on Ways and Means as this bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Ms. FOXX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5687, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4040, CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. KIRK. Mr. Speaker, pursuant to clause 7 of rule XXII, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Kirk moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4040 be instructed to insist on the provisions contained in the House bill with regard to the definition of "children's product".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. KIRK) and the gentleman from Louisiana (Mr. MELANCON) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in June of 2007, the United States Consumer Product Safety Commission and toy company RC2 announced the recall of 1.5 million various Thomas & Friends wooden railway toys because they contained dangerous amounts of lead.

Lead poisoning causes vomiting, diarrhea, convulsions, anemia, loss of appetite and abdominal pain, irritability, fatigue, constipation, difficulty sleeping, headaches, and coma. Of course, it can even be fatal. The toys on recall were made in China and retailed throughout our country.

Just about every family with young kids in America knows Thomas the Tank Engine well. And that's why I stand here this evening.

In 2004 the Consumer Product Safety Commission reported 121 United States product recalls. By 2007 that number had fallen to 83. Meanwhile, the commission recorded 148 recalls of products from China. But last year Chinese recalls totaled 287.

Now, last July I joined with Congressman RICK LARSEN, the co-Chair with me of the United States China Working Group, in introducing H.R. 3100, the bipartisan Import Safety Act of 2007, to increase penalties for willful violators of Federal regulations on imported goods and increase our commitment to overseas inspections by the FDA and the commission. Our effort brought needed attention to this critical issue, and the legislation that we are discussing today, H.R. 4040, included provisions to increase penalties for violators.

Last August Congressman LARSEN and I led a delegation to China for intense discussions on product safety. We met with the Vice Minister Wei at China's General Administration For Quality Supervision, Inspection and Quarantine. We told him that we would not stop until China allowed the Food and

Drug Administration and the Consumer Product Safety Commission to deploy United States product safety officers to China. When we returned, we made good on our promise. After months of work and intense consultations with the State Department, the FDA, the Chinese Foreign Ministry, and the commission, we are pleased to report that we now can announce the FDA will be deploying eight full-time United States product safety officers to China later this year.

Just a few hours ago, Congressman LARSEN and I met with Mr. Christopher Hickey, who will be America's incoming FDA country director for China. We will continue working with our colleagues to ensure that Mr. Hickey has all of the resources he requires to get his work done and keep families safe. We particularly stressed on him the importance of having a letter from the Secretary of Health and Human Services giving him as country director power to stop a dangerous shipment from being unloaded in a U.S. port if, in his view as a country director, he feels that Americans could be at risk. We feel that this letter will give him important powers and negotiating leverage to make sure that he has access where needed on behalf of the FDA and the Department of Health and Human Services to make sure that Americans are safe.

At a hearing of the Appropriations Subcommittee on Financial Services in March of this year, I pressed Chairman Nord to follow FDA's lead and immediately deploy United States product safety officers from the commission to China. After weeks of intense follow-up discussions, we are pleased to have the commission's commitment to send its first full-time American product safety officer to Beijing. As a member of the Appropriations Subcommittee that will fund this effort, our understanding is that the startup costs for this effort will total $310,000 with reoccurring costs of $550,000 per year to support the commission's deployment to China.

I want to thank our ambassador to the People's Republic of China, Sandy Randt, for working with us to secure the physical space in Beijing and Shanghai and Guangzhou to accommodate these critical deployments, and staffers from the Kirk and Larsen offices on behalf of the China Working Group did inspect those facilities just a few months ago.

Mr. Speaker, on December 19 of last year, the House passed H.R. 4040, the Consumer Product Safety Commission Reform Act, by a unanimous 407–0 vote. This House came together on a bipartisan basis and defined a children's product as a consumer product designated or intended for children, and here's the key phrase, "up to age 12."

□ 2130

It would mean that toys for kids up to age 12 would be subject to lead testing. Now our colleagues in the Senate took up a bill and amended this definition and lowered the age requirement to just 7 years.

I take this action tonight on behalf of Americans like Ryan Fischer, age 3, who is now recovering from lead poisoning. Ryan's mother, Beth, came to the Congress to highlight the danger that she faced, among other Americans, including the toys of Ryan's 8-year-old brother that contained lead but would not be covered under the Senate bill. The toy in question in this case was a figure from a Nickelodeon character, Diego, that was among the 17 pounds of toys that had high lead levels in the Fischer home.

Today, I rise to offer what I think is a commonsense motion to instruct conferees on H.R. 4040 to insist on the House definition of a children's product over what the Senate chose.

Now, earlier this evening, I logged onto Etoys.com, a very popular Web site for children's toys. When I clicked on toys for children ages 9 to 12, I found 21 products in the Thomas and Friends line available for sale.

Did our colleagues in the Senate think that dangerous toys coming from China could only harm kids below 8 years of age? If so, the Senate would be out of touch and is not listening to the concerns of many American families.

On May 15, 2008, Linda Ginzel, the cofounder of Kids in Danger, called on conferees to adopt the House definition of a children's product. Linda knows what it's like to lose a child from an unsafe product. In Linda's words, "Kids in Danger especially urges the conferees to include the definition of children's products that go up to age 12. Stopping at age 7 would effectively stop protecting children in the second grade." I agree with Linda, as I think do most Americans. The American Academy of Pediatrics agrees with her as well.

On November 6, 2007, Dr. Dana Best testified before the Congress on behalf of the AAP, issuing the following statement, "The AAP further recommended that children's products be defined as one used by children under the age of 12 years in order to provide a standard that protects most children throughout periods of rapid brain development."

In her later testimony, Dr. Best went on to say, "The AAP further appreciates the fact that this legislation requires lead testing in products designed or intended for use by or with children up to age 12 years. Children's brains develop rapidly throughout childhood, and significant damage would occur from lead exposure at any point during this time. This provision represents a vital protection for child health."

Now, for some reason, our colleagues in the Senate disagreed with Kids in Danger. Our colleagues in the Senate disagreed with the American Academy of Pediatrics and, in my judgment, the common sense of the American people. For some reason, our colleagues in the Senate may have never logged on to Etoys.com to find out that products recalled less than 1 year ago because of dangerous lead content targeted children between the ages of 9 and 12.

Mr. Speaker, we should not allow toy manufacturers to stop protecting American children once they hit the second grade.

Mr. Speaker, legislation of this type has now been under consideration in the Congress for almost a year. We passed this very legislation in December. We went to conference on this bill over 4 weeks ago. As we work tonight, it is only 4 months until the Christmas shopping season goes into high gear. Likewise, Hanukkah begins 4 days before Christmas.

Time is quickly running out to send a very clear signal by this Congress in this month that lead standards in toys will not just be a recommendation of major retailers, but will have the force of law and will apply to products for children age 12 and down.

In my view, this is a commonsense, bipartisan issue that the House should insist on as it rapidly concludes its conference. We should maximize protections for our Nation's children.

In this effort, I want to thank Will Carty from Mr. BARTON's staff for helping us out on this; Brian Diffell from Mr. BLUNT's staff for this important motion today; and my key staffers, Richard Goldberg and Patrick Magnuson, for their assistance and work on this effort.

I urge my colleagues to support this commonsense motion to instruct, and reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tonight I happened to talk to my 2-year-old grandson, Jackson, in his home in south Louisiana. He is just 2 so we didn't talk a lot of details about his pap and what his pap was going to be doing tonight. But I thought it fitting to call him before speaking in favor of this motion to instruct.

For the next couple of years, he will play with just about anything put in front of him. He will clap blocks together, chip paint off of model cars, and I will bet chew on anything that is handy. We owe it to him, his mother, his dad, his grandmothers, his other grandfather, and to me, to do what we can to make certain the toys he plays with won't make him sick. It's that simple. We have that responsibility, and I believe this underlying bill gets us closer to fulfilling it.

Mr. Speaker, I am proud of this bipartisan bill. It passed out of the committee 51–0 and passed the House 407–0. It bans lead beyond the tiniest amounts in products intended for kids 12 and under. That is an important age, as kids are exposed to so many different toys and products as they grow up. I believe the House bill takes this into account, and I am proud to support it.

Mr. Speaker, this motion is a good one. I thank my friend from Illinois for offering it. I urge that the House support the motion to instruct offered.

Mr. Speaker, I yield back the balance of my time.

Mr. KIRK. Mr. Speaker, I thank my colleague. His State has gone through enough, and I am glad for the attention and time he has spent on this issue.

I think most Americans know with regard to Thomas and other faulty products from China, we have known about this problem for a year, and that the House of Representatives has passed completely bipartisan legislation on this subject 7 months ago. We have been in conference for 4 weeks now.

Quite frankly, our colleagues in the Senate made a mistake by making the protections cover only toys from zero to age 7. We risk having a situation in which parents who do not follow the rigid declarations of what is available on the labeling on the box may make a mistake, and we do not offer protections under the Senate bill; or, that older brothers and sisters may have toys available which clearly fall outside the Senate definition but would come clearly inside the House definition. That is why I think this is a very important motion to instruct.

I think this calls attention to this issue for a piece of legislation which should be rapidly finished to send a clear signal to the holiday-buying public. I think it gently corrects our colleagues in the other body that they made a mistake and they should back down to the House's position.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KIRK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

USE IT OR LOSE IT HOAX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. I am here on the floor tonight to set the record straight about false claims that Democrats are peddling as a "use it or lose it" hoax. With American families and small businesses continuing to feel the pain at the pump, House Democrats have begun offering a series of hollow bills that will do nothing to reduce gas prices.

Today's bill, purportedly meant to address price gouging, serves no purpose other than to provide political cover to Democrats who continue to divide the will of the American people who are calling on Congress to increase the supply of American energy. In fact, today's bill is a rehashed version of a similar price gouging bill passed by the House last year.

Still to come in this week's series of no energy bills, the Democrats' "use it or lose it" hoax, with no facts to back up their desperate rhetoric, Democratic leaders continue to make misleading and inaccurate claims with the hope of confusing the American people.

Following are some of the most prevalent examples. Myth. If the American people want increased production of American energy, Congress must force energy companies to use their leased Federal lands to produce oil or lose those leases.

Here's the fact. Use it or lose it is already the law of the land. As a matter of fact, in a bipartisan vote, Speaker PELOSI, Majority Leader HOYER, and Natural Resources Committee Chairman RAHALL each voted for it in 1992. Under the law, Federal energy leaseholders already must produce oil or natural gas within 5 to 10 years after drilling on the land begins, and the Secretary of the Interior has the power to cancel the lease if the energy company fails to comply.

If Representatives PELOSI, HOYER, and RAHALL all had voted for "use it or lose it" 16 years ago, then why are they so insistent on forcing another vote on the exact same concept this year? Could it be because they have no meaningful plan of their own to bring down gas prices?

Another myth. Oil companies are sitting on 68 million acres of Federal lands without drilling for oil or gas on any of it. This is another false claim, which has become one of the Democrats' top talking points, but they can't back it up with any facts.

Energy companies already are actively exploring their currently leased lands to find oil or gas. Once they determine that oil or gas is present, only then can they actually begin drilling. The entire process can take years.

As the Independent American Association of Petroleum Geologists noted in a letter to House leaders yesterday, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right.

□ 2145

It also requires access to areas where exploration ideas can be tested. The greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps. In other words, energy companies cannot be expected to drill on every acre of land every single day, and the Democrats know it.

Another myth: 4.8 million barrels of oil per day and 44.7 billion cubic feet of natural gas per day may be "extrapolated" from the oil companies' unused federally-leased lands. In fact, no Democrat, not Speaker PELOSI, Majority Leader HOYER, Democratic Caucus Chairman RAHM EMANUEL, and not Natural Resources Committee Chairman NICK RAHALL can explain where they got those figures. In fact, Democrats have refused to respond to a written request from Natural Resources Committee Republicans for this information. Did they just make it up?

Mr. Speaker, we know that what will help this problem and our country, the "Pelosi premium," which has driven up gas prices to over $4 a gallon, is to increase the supply. We must increase the supply in order to meet the demand. The Democrats act as though they have repealed the law of supply and demand, the most basic law of economics. They can do a lot of things, Mr. Speaker, but they can't repeal the law of supply and demand. What they have to face up to is the fact that we need additional supply.

Republicans have offered commonsense solutions to this issue. We have many plans and many bills out there that would increase the supply and relieve the burden on working Americans. Democrats need to understand that. They need to stop trying to fool the American people with their hoaxes on use-it-or-lose-it, and help us put together a plan to bring greater supply to the American people and give them some relief.

NAFTA AND ITS EFFECT ON THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last Friday, Senator JOHN MCCAIN, campaigning for President in Canada, of all places, criticized opponents of NAFTA, the godfather of all troubled trade agreements. Incredibly, the Senator said, "Since NAFTA was concluded, it has contributed to strong job growth and flourishing trade." He didn't say where. He then said, "Since the agreement was signed, the U.S. has added 25 million jobs and Canada more than 4 million."

Wherever is he getting his data? Most Americans know this so-called free trade agreement is anything but free. We know it has created huge job losses and trade deficits, and we know the harm it has caused in this country and across our continent.

NAFTA has created a gaping net hemorrhage of jobs, lost jobs and wealth for our country. I beg Senator MCCAIN to look at the discipline of the numbers. Look at the trade accounts. They don't lie.

Since NAFTA's passage in 1993, our country has suffered $1 trillion of NAFTA trade loss, amassing a huge deficit with both Mexico and Canada. The figures get worse every single year. NAFTA has not only cost our country over 1 million lost jobs, we would have added even more economic growth and jobs if we had not allowed all these jobs and production lines to be outsourced.

Robert Scott of the Economic Policy Institute points out that "growing trade deficits with Mexico and Canada have pushed more than 1 million U.S. workers out of higher wage jobs and into lower wage positions in non-trade related industries. Thus, the displacement of 1 million jobs from traded to non-traded goods industries reduced wage payments to U.S. workers by $7.6 billion in 2004 alone." Those are staggering figures.

That loss packs a wallop by any measure. I will place in the RECORD a list of just some of the factories that have outsourced production and relocated to Mexico. They go from A to Z: Allied Signal, Amana, Maytag, you can go all the way down the list, Medtronics, Stanley Works, Zenith. I will place the entire list in the RECORD.

Now, it is interesting where Senator MCCAIN was making his speech. He had not just outsourced himself to Canada to make the speech, he spoke before the Economic Club of Canada, a business organization whose membership cheered his remarks. And they should. They alone have made out handsomely under this lopsided trade agreement.

Listen to what the leader of the New Democratic Party in Canada, Parliamentarian Jack Layton, has to say about what is going on in Canada. In a recent letter to Senator OBAMA, Leader Layton stated clearly: "Despite the fact that most Canadians are working longer hours, 80 percent of families have lost ground or stagnated in both earnings and after tax returns compared to the previous generation. Real wages have not increased in Canada for more than 30 years. Yet the share of corporate profits in our Canadian economy is at its highest point since 1961."

Thoughtful leaders in Canada disagree with Senator MCCAIN. They know the income washout that can come from ill-cast trade agreements. He should pay attention to their views.

Before NAFTA, the United States had a trade surplus with Mexico of over $1 billion a year. Jobs were increasing in our country. Today, since NAFTA's passage, the U.S. has racked up an astounding $452.3 billion deficit with Mexico and an even larger $606 billion trade deficit with Canada. At a minimum, our Nation should seek balance and reciprocity, not deficits with these nations.

In Mexico, its civil society has been pleading with us to correct the abuses of NAFTA. Former Mexican Parliamentarian Victor Suarez pleads, "We want good trade, not free trade." He should know well. The Mexican countryside has been devastated as the result of NAFTA as over 2 million poor farm families have been thrown off their land, uprooted in the most cruel of ways. A visible sign of their plight here is their illegal immigration to our Nation out of sheer desperation.

A group of farmers in Mexico calling themselves "The Countryside Can't Take It Anymore" literally rode their horses down to the Mexican Parliament to draw attention to the washout of livelihoods of their country men and women.

When NAFTA was first debated, many Members here tried to amend the agreement to avoid these negative consequences on people and communities. Senator MCCAIN didn't lift a finger to help. Senator OBAMA was not a Senator then.

America should advance trade agreements that produce jobs, balances and surplus, not deficits. Deficits are not good, in your checkbook or in America's accounts. Trade should lift all boats, not create a race to the bottom. Good trade means fair trade for all, not "gotcha" trade. Good trade means good jobs, living wages, the right to bargain the worth of your labor by contract, a sustainable environment, and sovereign food rights for all people.

For a rich Nation like America, I think good trade also means a conscience for the poorest people on this continent, not exploitation. NAFTA has produced none of this. It has produced negatives. It is time America voted for positives.

A Mexican worker observed to me, on one of my several trips there, that their futures were put at even more risk as these global companies work them for pennies an hour, always threatening to move elsewhere. The worker said to me: "Poor countries are like crabs in a bucket. Every time one country starts to climb up out of the bucket, another one pulls it back down."

NAFTA has produced none of this. It has produced negatives for the vast majority, and vast wealth for a few.

For Senator MCCAIN and any others who do not know which outsourced firms have contributed to America's growing trade deficits on this continent with accompanying job and benefit losses, let me place them in the RECORD:

COMPANIES RELOCATED TO MEXICO SINCE NAFTA

20th Century Plastics; 3 Day Blinds; Aalfs Manufacturing; Acer Peripherals; Advance Transformer; Alcoa Fujikura; Allied Signal; Amana; American Olean Tile; American Standard; Ametek; AMP; Amphenol; Anchor Glass Container; Anvil Knitwear; Autoliv ASP; AZT Sewing; Bali Company, Inc.; Bassett Furniture Industries; Batts; and Bayer Corp./Medsep.

BMW; Borg Warner Automotive; Breed Technologies; Brunswick Bicycles; Burlington Industries; Capital Mercury Apparel; Canon Business Machines; Casio Manufacturing; C-Corps Electronics; Champion Products; Chrysler; Clothes Connection; Commemorative Brands; Cross Creek Apparel; Daewoo; Dayco Products; Dean Foods Vegetable Company; Dyersburg Fabrics; Dixon Ticonderoga; and Eastman.

Eaton Corporation; Kodak/Verbatim; Eberhard-Faber; Eli Lilly Corporation; Emerson Electric; Ericsson; Exide; Federal Mogul; Fisher-Price; Fiskars; Flexel; Ford; Foster Grant; Fruit of the Loom Corporation; General Electric; JVC; General Motors; Gerber Childrenswear; Haggar Clothing; and Hamilton Beach-Proctor-Silex.

Hasbro; Henry I. Seigel; Hershey Chocolate; Hewlett Packard; Hitachi Home Electronics; Honda; Honeywell, Inc.; House of Perfection; Household Perfection; Hughes Aircraft; Hyundai Precision America; IBM; Ithaca Industries; Jeanerette Mills; John Deere; Johnson Controls; Kellogg Company; Kemet Electronics; and KLH Industries.

Kodak Polychrome Graphics; Lee Apparel; Levi Strauss; Lexington Fabrics; Mallinckrodt; Martin Mills; Master Lock; Matsushita; Mattel; Maytag; Maxell Corporation; McCulloch Corp.; Medtronic; Mercedes Benz; Mitsubishi Electronics Corp; Monon Corp.; Motorola; Nissan; and Nokia.

Oneita Industries; Oshkosh B'Gosh; Oxford Industries; Parker Habbifin; Philips; Pioneer Speakers; PL Industries; Plaid Clothing; Ransom Industries; Regency Packing Company; Russell Corporation; Samsonite Corporation; Samsung; Sanyo North America; Sara Lee; Scientific Atlantica; Seton Company; Siemens; Singer Furniture; Smith Corona; and SMTC Manufacturing.

Spangler Candy; Sola optical; Solectron Corporation; Sony Electronics; Square D; Stanley Works; Stony Creek Knitting Mills; Strick Corporation; Stroh Brewery; Sun Apparel; Sunbeam; Texas Instruments; Thomas and Betts; Tiffany; and Toshiba.

Tri-Con Industries; Trinity Industries; TRW, Tultex Corporation; Tyco Electronics; United State Leather; United Technologies; Automotive; Vanity Fair Intimates; VF; VW; Walls Industries; Weiser Lock; Westinghouse; Wilkins Industries; William Carter; Woolrich; Wrangler; Xerox; and Zenith.

MCCAIN CRITICIZES OBAMA'S OPPOSITION TO NAFTA

(By David Espo)

In a cross-border political attack, John McCain said Friday that Barack Obama's opposition to the North American Free Trade Agreement is "nothing more than retreating behind protectionist walls."

The Republican presidential nominee-in-waiting added that if he wins the White House, "have no doubt that America will honor its international commitments and we will expect the same of others."

McCain did not mention Obama by name as he spoke before the Economic Club of Canada, a business organization whose membership cheered his remarks.

Obama, on the campaign trail in Florida, shot back: "What's interesting to me is that he chose to talk about trade in Canada instead of in Ohio or Michigan. . . . I think

Senator McCain should have shared some of his views there to American voters."

Obama said he talked to Canadian Prime Minister Stephen Harper on June 9 after he secured the Democratic presidential nomination. "I believe that the U.S. has an enormous interest in maintaining robust trade relationships with Canada and Mexico, and I expect those to continue under an Obama administration," he said.

McCain's trip to Canada was unusual if not unprecedented for a presidential candidate, one that his campaign paid for yet aides insisted was not political.

Democrats criticized plans for a scheduled $100-per-person "finance event," and raised questions about U.S. Ambassador David Wilkins' involvement in the trip. McCain's aides said Wilkins had done nothing wrong. They also countered that the money was to pay the cost of the Economic Club luncheon, then canceled the event without explanation.

The free trade agreement is intensely controversial in the United States, supported by most businesses, opposed by many unions, and has already emerged as a flashpoint in the presidential race.

McCain supports it, while Obama and former rival Hillary Rodham Clinton vied for support among blue-collar workers in the Democratic primaries by stressing their desire to force changes.

"Since NAFTA was concluded, it has contributed to strong job growth and flourishing trade. Since the agreement was signed, the United States has added 25 million jobs and Canada more than 4 million," McCain said.

In an unmistakable reference to Obama, he added, "Demanding unilateral changes and threatening to abrogate an agreement that has increased trade and prosperity is nothing more than retreating behind protectionist walls."

Aides said that was a reference in part to comments the Illinois senator had made in a Feb. 26 debate during the primaries.

"I will make sure that we renegotiate in the same way that Senator Clinton talked about," he said at the time. ". . . I think we should use the hammer of a potential opt-out as leverage to ensure that we actually get labor and environmental standards that are enforced."

In his speech, McCain expressed his appreciation for Canada's deployment of 2,500 troops to Afghanistan, and skipped lightly over Iraq, where the government declined to send forces.

". . . This nation has done all that those differences would allow to help the Iraqi people. In characteristic form, Canada has given generous humanitarian aid and development assistance," he said.

Later, at a news conference, he said he hoped officials from the two countries could resolve the issue of Omar Khadr, a young Canadian citizen who is imprisoned at Guantanamo as a detainee in the war on terror.

"I have always opposed torture and any interrogation technique that would be constructed in any way as torture," McCain added, unprompted.

McCain has made several trips outside the United States since he became a presidential contender, including European and Middle Eastern countries.

He arrived in the Canadian capital aboard his chartered campaign jet and was greeted on the tarmac by Wilkins. The senator said it was not a political journey, yet told reporters he did not feel it was appropriate to have U.S. taxpayers pick up the cost.

McCain was still on Canadian soil when the Democratic National Committee filed a Freedom of Information Act request with the State Department seeking information about possible violations of federal law in connection with the trip. Under the law, federal officials are limited in their ability to undertake political activity.

Aides said in advance McCain would come to Canada to highlight trade, and there has been widespread speculation that he will soon travel to Mexico and perhaps elsewhere to make the same point as he made before his lunchtime audience.

"Last year alone, we exchanged some $560 billion in goods, and Canada is the leading export market for 36 of the 50 United States," the Arizona senator said.

"This country stands as America's leading overall export market, and America is Canada's leading agricultural market. With 60 percent of all direct foreign investment in Canada originating in the United States some $289 billion in 2007—our economies draw strength from one another."

He also said improvements are needed.

"Complying with NAFTA's rules of origin can be cumbersome and costly. Border delays can pose a serious impediment to trade, the equivalent of a tariff," he said.

REVISIONS TO BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 210 and 212(b) of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6331 (Medicare Improvements for Patients and Providers Act of 2008). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008[1]	Fiscal Year 2009[1,2]	Fiscal Years 2009-2013
Current Aggregates:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,029,644	11,780,107
Change in Medicare Improvements for Patients and Providers Act (H.R. 6331):			
Budget Authority	1,942	6,633	n.a.
Outlays	1,924	6,516	n.a.
Revenues	1	9	156
Revised Aggregates:			
Budget Authority	2,456,198	2,462,553	n.a.
Outlays	2,437,784	2,497,436	n.a.
Revenues	1,875,401	2,029,653	11,780,263

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	0	0	0	0	0	0
Ways and Means	0	0	0	0	0	0
Change in Medicare Improvements for Patients and Providers Act (H.R. 6331):						
Energy and Commerce	89	81	839	802	3,163	3,157
Ways and Means	1,853	1,843	5,794	5,714	−7,022	−5,227
Total	1,942	1,924	6,633	6,516	−3,859	−2,070
Revised allocation:						
Energy and Commerce	89	81	839	802	3,163	3,157
Ways and Means	1,853	1,843	5,794	5,714	−7,022	−5,227

AMERICA'S FAILED ECONOMIC AND ENERGY POLICIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the minority leader.

Mr. HENSARLING. Mr. Speaker, 18 months ago, there was an election. The Democrats won. They won fair and square. And for 18 months, Mr. Speaker, they have controlled the economic policies and the energy policies of our great Nation. Let's look back and take a look at what has happened in those 18 months.

Since Democrats have taken control of these policies, the price of bread, Mr. Speaker, has increased 21 percent; milk, 26 percent; eggs, 34 percent; gasoline, the price that we pay at the pump, has increased 71 percent under the energy policies of this new Democrat majority. As an aside, in the last 18 months, the value of one's home has decreased 7 percent under their policies.

Mr. Speaker, tonight many of us have gathered to specifically talk about the energy policies of the Democrat majority and how they differ so greatly from the policies of the Republican party.

All over America, families are going to convenience stores and they are having to make a decision: Do I buy a gallon of milk, or do I buy a gallon of gas? They are having to make decisions about do I take my children to school, or do I go to work? Families are in pain, having seen their gasoline prices increase 71 percent.

What has the Democrat majority brought us in the way of an energy policy? Well, their first policy was to beg. "Let's beg OPEC. Let's see if maybe we beg them, they will bring down the price of gasoline at the pump."

Well, that didn't work, Mr. Speaker.

What was their next policy? Their next policy was to sue. "Let's sue OPEC. If we somehow bring in the trial attorneys, we will lower prices at the pump."

Well, Mr. Speaker, that didn't seem to work either.

Well, here is another one they want to try. "Let's tax. Let's tax oil producers, and somehow that will bring down prices at the pump."

Well, something I remember from my eighth grade economics about supply and demand and cost. You impose another cost on a producer, well, he is going to do his best to put it in the price of the product. Well, in fact, that is what will happen. It almost sounds the like the policies of Jimmy Carter and a Democrat Congress of a bygone era which made us even more dependent upon foreign oil.

Here is another one: "Let's try to castigate. Let's bring up people who produce energy and let's say nasty things about them and their companies and their families. Surely that will bring down the cost of energy at the pump."

Well, that hasn't seemed to work either.

The new one we tried today, the Democrat majority, "well, let's outlaw people who charge unreasonable prices. Let's criminalize that activity."

What they never have thought of, Mr. Speaker, is why don't we try to produce more American energy in America? I mean, not only have they not thought about it, Mr. Speaker, they are moving in the complete opposite direction. They are passing policies that make it more difficult to produce American energy in America to bring down the cost at the pump.

In fact, in one of the many non-energy energy bills that this Democrat majority has brought to the floor, they passed a provision known as section 526 of Public Law 110–140 that would prohibit Federal agencies, in this case specifically the United States Air Force, from contracting, taking in long-term contracts in order to get energy from oil shale, tar sands, coal-to-liquids, alternative fuels, which is one, one of the ways that we could make ourselves more energy independent and quit relying so much on foreign sources of oil that are driving up the cost of gasoline at the pump.

Because of this section that was introduced in one of the many Democrat non-energy energy bills, or, as one of my colleagues say, the Democrat lethargy bills, myself and the gentleman from Texas, Mr. CONAWAY, have introduced H.R. 5656, which almost has 100 cosponsors now, that would repeal this section, which would allow the Federal Government to contract for these alternative fuels to try to bring in more energy independence to help jump-start some of these alternative technologies, which is a huge part of the solution in order to bring down the price of gasoline at the pump.

Mr. Speaker, many of us will come to the floor to talk about this very critical issue to American families, and those who have town hall meetings know it is the number one issue on the minds of our constituents, as it well should be.

Mr. Speaker, I am happy to lead this Special Order tonight. At this time I would like to yield to the coauthor of H.R. 5656, which would repeal this needless section making it more difficult to enact alternative energy policies, I would like to yield to the gentleman from Texas, Mr. CONAWAY, for his opening comments.

□ 2200

Mr. CONAWAY. Well, I thank my colleague from Texas, and I want to say a few things. We'll get to some of our other speakers who are here tonight before we get into the heart of what you and I intend to talk about.

Mr. Speaker, the serious business of providing energy for America, whether that energy is electricity to light the lights in this hall or to run manufacturing facilities or gasoline, whether it is diesel or jet fuel to move people and goods and us around, is serious business. Yet our colleagues on the other side of the aisle are not treating it seriously. This week's get-out-of-town energy strategy included four peripheral bills that are not intended to really deal with it or intended to give cover, political cover, for the folks who voted for these four bills.

Next week, when we all go home to our constituents, we'll have to look them in the eye and tell them that, yes, we've done absolutely nothing to address the cost of gasoline that you're paying. The interesting thing about gasoline is that we may not buy gasoline every single day, but as we drive around, we see the price posted all over town, and I dare say that every single driver looks at the price to check to see what it is. Even though you may not intend to buy gasoline that day, you check those prices constantly. So it's constantly in front of our minds as it is when we have town halls or telephone town halls.

The get-out-of-town strategy included a price-gouging bill—again, puffery—because seven DOE and Federal Trade Commission price-gouging studies over the last decade have shown absolutely no evidence whatsoever of price gouging. This serious business of providing gasoline to consumers at prices that they can afford has been reduced to sloganism: "Use it or lose it." "We can't drill our way out of these problems." They're casual, offhand, flippant comments that don't do the seriousness of this issue justice. A 30-second sound bite works well on a television commercial, but at the heart of the matter, these are complicated issues that deserve and that should get serious consideration on both sides of the aisle.

The solutions aren't Republican. The solutions aren't Democratic. The solutions are what are best for America. To the extent that we can begin to delve deeper into what the issue might be and into what the solution might be, the better off we are, but as long as we're just very cavalier about what we're doing with the get-out-of-town energy policy or with the sloganism that seems to permeate everything that we do with respect to energy, we will not solve this issue.

Gasoline prices will continue to rise. Electricity costs will continue to go up as natural gas prices rise and as we use more and more natural gas to generate electricity. So we are not about the good work of trying to find solutions. We are simply about the bad work of being very casual, very cavalier and very unthoughtful, quite frankly, about this particular issue.

So I look forward to hearing the comments from the other two speakers we have with us tonight, and then I look forward to delving a little deeper into things that I've already talked about.

With that, I yield back.

Mr. HENSARLING. Well, I thank the gentleman for his opening comments, and I certainly thank him for his leadership and for working with me in coauthoring this critical piece of legislation to help us really start, jump start, some of the alternative fuels that will help us bring down the cost of gasoline at the pump.

At this time, Mr. Speaker, I want to yield time to one of the real workhorses in Congress, to one of the outspoken advocates of trying to produce American energy in America. The gentleman from Georgia (Mr. GINGREY) is recognized.

Mr. GINGREY. Mr. Speaker, I thank my colleague for yielding time.

I wanted to, first off, say that I am a very proud cosponsor of the legislation introduced by Mr. HENSARLING from Texas and by Mr. CONAWAY also from Texas, H.R. 5656, which he referred to at the outset of this hour.

I want to talk specifically about that particular bill because it's so important, but before I get into the discussion about 5656, I want to make sure that we put it into perspective in regard to the discussion tonight.

We first heard from our colleague from North Carolina, Ms. FOXX, who was talking for 5 minutes about the issue of supply and demand. She was saying that that is a basic economic principle, and I think we all know that. As she pointed out, Mr. Speaker, our Democratic colleagues cannot legislate away the basic principle of supply and demand.

So what we're talking about and will talk about during this hour is, I guess, the opportunity lost if we continue this folly of not going after petroleum products in our own country. We call it and we refer to it, of course, as domestic production. A lot of the focus is on ANWR—that frozen tundra on the North Slope of Alaska, that very small area where we know, as the geologists have already told us, there are something like 10 billion barrels of petroleum. At full production, we would be producing 1.5 million barrels of additional domestic oil every day from that one source.

That is a small amount compared to what is available if we were not handcuffing ourselves off of our coasts—off both our east coast and our west coast—and off the eastern part of the Gulf of Mexico in what is known as OCS, or the Outer Continental Shelf. There are literally trillions of cubic feet of natural gas there which is part of our, the United States', territorial waters on the Outer Continental Shelf for which we could be drilling. There are tens of billions of gallons of petroleum. Yet the Democratic majority, Mr. Speaker, continues to prohibit, continues a moratorium which has existed since, I think, maybe, back to 1990.

Today, what we're talking about, of course, is the price of a gallon of regular gasoline. In the year and a half since the Democrats assumed the majority of not only this House but also the majority of the United States Senate, the price of a gallon of gasoline has gone from $2.60 to $4.08. Mr. HENSARLING, of course, pointed that out very well at the beginning of this hour.

I want to ask my colleagues to just take a look at this one poster that I want to show you. I think it's very important. I think it's very instructive. This basically is the courtesy of Representative JOHN PETERSON from Pennsylvania, who is retiring this year. He is a great Republican Member of this body who has spoken so well on this issue of giving us the opportunity to go after that natural gas and oil in the Outer Continental Shelf off of our coastline.

On this poster, it shows here that, off the Pacific coast, the amount of oil in the Outer Continental Shelf is 10 billion barrels. The amount of natural gas is estimated to be 18 trillion cubic feet. That's off the Pacific coast. Off of the Atlantic coast, the amount of oil is 2.3 billion barrels, and the amount of gas is 28 trillion cubic feet. The eastern part of the Gulf of Mexico is also off limits: Oil, 3.58 billions of gallons. Natural gas, 12 trillion cubic feet.

Mr. Speaker, that's bad enough, but now lets get to 526. I want to just take a little time before I yield back to my colleagues, who are the real experts on this.

Last year, the Democratic majority passed a bill. They called it the Energy Independence and Security Act of 2007. It doesn't give us independence, and it darn sure doesn't give us security. What they did in that particular bill is they put in a section, section 526, that the Hensarling-Conaway legislation, H.R. 5656, would repeal that section 526.

Why is that important?

Well, section 526 literally prohibits our Government, any agency of our Federal Government, from contracting for any petroleum product that is not conventional fuel if that product, that nonconventional petroleum source, yields one scintilla—by the way, my colleagues, a "scintilla" is a very, very small amount—of an increased carbon dioxide footprint.

Now, ladies and gentlemen of the House, that may have made sense when the price of gasoline was $2.60 a gallon and when we had this expectation and this hope that it would drop down to $1.50, but on June 24, 2008, when the price of gasoline has now gone up 75 percent—not down—and it's $4.08 a gallon, does it make any sense to prohibit our Federal Government from contracting for other sources of petroleum? They are in this country in abundance.

The reason I have this poster is I want to point out to my colleagues—and it doesn't show the exact spot, but in the western States, in the Rocky Mountain States—and there are about five of them—there is this rock product called shale, S-H-A-L-E. It is estimated by the geologists, by the experts, that within that rock is 1.3 trillion barrels of petroleum. Yet our Federal Government is prohibited from mining that shale and from getting this petroleum source because it might, just might, result in a little bit more carbon dioxide.

To put it in perspective, Mr. Speaker, the Federal Government actually uses 380,000 barrels of refined product every day, and most of that is used by the Department of Defense, and 75 percent of their usage is by the Air Force in jet fuel. Just think about that and the cost. Well, I'm going to tell you exactly what it is.

For the year 2008, this year, it's estimated that our Air Force will spend an additional $9 billion on jet fuel at the cost of $135 a barrel of petroleum. Yet all of this oil and natural gas and this petroleum that we could get from shale in the Midwest, in the Rocky Mountain States, sits there, and there it remains trapped in rock because of this senseless section 526 that the Democrats passed last year in their energy bill, in their so-called Energy Independence and Security Act.

It is time, as Mr. HENSARLING, as Mr. CONAWAY and as the many other cosponsors, including myself, have said, to say, look, that doesn't make any sense today. We're all concerned about global warming—of course we are—and about the environment and about clean air, but we're not going to die tomorrow from that. We are about to starve to death, and this country is about to go bankrupt when people can't get to work and when they can't get to the grocery store. When they get to the grocery store, they can't afford to buy food because of this senseless ethanol conversion from corn to ethanol. That's a whole different issue. I'm just here tonight to weigh in with my colleagues. I thank them for giving me the time.

I sit on two committees—on the House Armed Services Committee and on the Science and Technology Committee. This year, of course, we reauthorized the National Defense Act of 2009, and we reauthorized the NASA, the National Aeronautics and Space Administration, Act. Both of these agencies of the Federal Government utilize a lot of jet fuel. I tried to take the Hensarling-Conaway bill and make it as an amendment to strike that section or at least to grant a waiver from that restriction of 526.

This Democratic leadership refused to even make those bills in order so that the men and women, the commonsense men and women on both sides of the aisle in this Chamber, would have an opportunity to vote up or down in these trying economic times when we're losing jobs and when people can't even afford to go to work.

So I thank the gentleman for letting me join with the Texas delegation, if you will—my three classmates—who know so much about this issue and about the many other issues of supply and demand as Ms. FOXX said earlier. So I look forward to the rest of the hour.

I yield back to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman from Georgia for joining us, and I certainly appreciate his illuminating comments.

Mr. Speaker, I hope people listened very carefully to what the gentleman had to say.

First, again, since the Democrats took over the Nation's energy policies 18 months ago, the price of gasoline, as almost every working family in America knows, has increased, roughly, 70 percent in just 18 months. How does that impact working families in America?

Well, Mr. Speaker, I have the privilege of representing the Fifth Congressional District of Texas, and I go out of my way to make sure that I reach out to my constituents and understand the challenges, their hopes and aspirations, and I hear from them frequently.

I have recently heard from the Thomas family in Mesquite, Texas. They wrote to me.

"Dear Congressman, to make up for the rising prices, we calculate the use of the car to make the gas last a week. Some things we no longer can buy. We have had to cut back on our groceries. We rarely have three meals a day anymore."

☐ 2215

Mr. Speaker, I know they don't mean to do it. I know there are men and women of good intentions, but under the Democrat energy policies, people in Mesquite, Texas, can no longer have three meals a day. That is the result of these policies.

Again, as they have tried to beg, castigate, tax and criminalize their way into lower gas prices, they have failed each and every time. What they want to do is produce American energy in America. As the gentleman from Georgia pointed out, under their policies, Mr. Speaker, 85 percent, 85 percent of our deep-sea resources are put out of bounds, out of bounds. And 75 percent of our onshore resources, out of bounds.

The Arctic area of Alaska where more than half of America's proven energy reserves reside, no, can't produce American energy there. Why wouldn't you want to do that when people are suffering?

Now there are so many different things that we need to do, but the most important thing that we need to do, Mr. Speaker, is produce American energy in America. I just read today where there was a huge discovery of petroleum off the coast of Brazil. In Brazil, they celebrated. What a wonderful thing, we have these huge new energy reserves. America must be the only country in the world that when we discover great energy reserves, it is a cause for mourning. Oh, no, we have oil. Oh, no, we have natural gas. Quick let's go out, let's make sure nobody can touch it. It is a point of shame. We can't have these natural resources helping working American families.

I mean, what a fouled-up policy, Mr. Speaker.

I am very happy that we have been joined tonight by the gentleman from Texas (Mr. CARTER) who knows all too well what the Democrat majority has done to put all of this energy out of bounds and who will speak to us more about what needs to be done in leasing our deep-sea resources and the Arctic area of Alaska. I am very happy to yield time to Mr. CARTER.

Mr. CARTER. I am honored to be here with my colleagues from Texas. As I start, I am sure there is someone somewhere who is saying, yes, there are three Texans on the floor from the largest petroleum-producing State in the Nation, and of course they want to talk about oil and gas. Well, of course we do.

Also, I think most of us who are here tonight have lived with this industry in our homes and our hometowns in our State. And there seems to be some kind of mystery about terminology that our colleagues on the other side of the aisle I assume are confused about but I don't think that they would intentionally use sloganism to misadvise the American public. But they are in charge of the House, and it is their responsibility to know what we mean when we say lease space for production of oil and gas.

Now the concept of leasing is not a tough concept. This House is full of lawyers, but it doesn't take a lawyer to talk about a lease. Most Americans know what a lease is. Most Americans some time in their life have leased a home or leased an apartment. Some Americans have leased a house for their family or they have leased a car over a period of time.

Now when they lease, let's say, a car, they say I will pay you so much money for the ability to have this car in my possession and use it as I see fit for a period of time. And I am going to use it for transportation. But they don't have to use it for transportation. They can park it in the garage if they want to, but they would be economically stupid to park it in the garage when they are spending good money for the right to use that leased car. But they certainly would be entitled to do that. If they were doing it for business purposes, they certainly would lose money on that business.

There is no difference, really, between an oil and gas lease and any other sort of lease. The concept is the same concept. A company goes and bids to lease from the Federal Government a certain amount of land for the production of oil and gas and petroleum products. And they pay money to the Federal Government for the right to be able, for a period of time, 5 or 10 years, to explore and ultimately drill for and produce petroleum on that land. If they haven't done that within the period of time of that lease, then the lease is void and goes back to the government. I suppose the government can lease it to somebody else.

Now, we have a term that has come out "use it or lose it" which is nebulous, to say the least, because every single oil and gas lease that I have ever heard about from the Federal Government is a use-it-or-lose-it lease. The terms of the lease say you have the right to explore for and produce on this property for a set period of time, say 5 years. After that period, if you haven't done that, if you haven't explored and you haven't produced, the lease goes back because that's the purpose of your using this land. You either use it for that or after 5 years, the terms of the lease that you paid for, you lose it.

Now the oil companies spend billions of dollars for these leases because there is something peculiar about oil, and I think most people in this country understand this. The peculiarity is that it is not everywhere. It is sometimes in your backyard, and sometimes the nearest place is five States away. So the oil companies are speculating based upon sort of known concepts, but they use very highly technical equipment and procedures to give them an indication of whether or not there is oil or gas underneath a piece of property.

For my lifetime they have been using seismic measurements to determine whether or not there is the possibility of a formation below the ground that would be producing oil or gas. This seismic thing is not really fancy. It is vibrations through the earth and they use explosives to make it. Now from the time when I was a kid when I tried to get a job on a seismic crew, that was pretty old-fashioned technology. Today I am sure it is digital and high tech and much better than it was in those days. And I just recently learned they are using some kind of magnetic survey that the big companies are working on that give them other indications where it might be. But the bottom line is it is either there or it is not, and they have to look for it and spend money to see if it is there. So they lease large parts of the country or the offshore area, and they go out and they spend lots of money to look and see if there is oil. And you know what, if they don't see any good indications for production that will pay for itself, they are in the business of oil and gas. So just like you wouldn't lease something you wouldn't use, they won't continue to lease a lease that they can't produce on.

But to say use it of lose it for the leases that are out there, believe me, every oil company that is in the business of producing petroleum products is going to utilize the money they spent on those leases to try to make discoveries to find oil and gas products.

So to come up this slogan that means nothing because it is already in the contract, it doesn't make sense. It is not a good way for us to stand up for the American people. The Democrats are in charge of this House. They have to be willing, as we were when we were in charge, to take the heat for the things that are happening in this country. And quite frankly, the heat right now is the price of gasoline. It has gone up $1.75 or so since they got in office, and they have to take the heat.

What we Republicans are saying is basically what we have been saying since 1990: America has the potential to produce its own energy in multiple forms and we support all those forms that are clean, can be produced environmentally safely, and oil and gas falls within those parameters. And we should be using American energy that we can produce in America.

I would like to tell you, there is an issue about ANWR. ANWR is the frozen tundra area in the far north part of Alaska. You can probably see the pictures of those pristine mountains in the distance if you use a telescopic lens to make it look like they are in your backyard. But most pictures you see of actual ANWR, it kind of looks like this table but it is marshy and frozen.

And this is a good example so you know what we are talking about. I think every American knows what a football field looks like. If they don't, they know what a soccer field looks like. If you take a book of matches and toss it out on the football field, that book of matches would represent the area that is being sought to drill the well to produce in ANWR, and the football field would represent ANWR.

So when they are talking about destroying the wildlife preserve, we are talking about a tiny bit of a place the size of South Carolina. That's what we are looking to drill on, that is what we are looking to produce on. And the track record is undisputable as far as drilling is concerned. Drilling is environmentally safe and almost spillproof. Last year we spilled one tablespoon of oil in the drilling process. Remember, I said the drilling process. So one tablespoon of oil worldwide producing oil through drilling. So yes, there is a little spillage, but that ain't bad. That is pretty good, and I think we could do that without even spilling a drop in ANWR.

So these issues that are making so much noise come down to basic, sound principles that we can't afford $4 or $5 or $6 a gallon gas until we start making some common sense about American policy towards oil and gas.

I don't even want to mention because I happen to be blessed to live down in a State where at least in my part of the State it doesn't get real cold in the wintertime. But I have been in Congress long enough to know that the minute it starts getting cold up here in the northern clime, people start getting real cold when they don't have heating oil to heat their homes. And then they start running to Congress and asking us to give them money to supplement their heating bills because the price of oil is through the roof. Well, they haven't seen the price of oil through the roof until they look at this $138 or $139 a barrel price for crude oil. And the heating cost that is going to be hitting the northeast and the midwest and the far west and the mountain areas of this country come cold weather time is going to make this problem with driving our automobiles look like a walk in the park for people in that cold weather.

So let's start dealing with this issue now so that we can, as we show the courage to do what is right and not block what is right, then those people who are speculating, and also just bidding in competition with us on the futures that are available in the oil market, will realize that America is serious about producing its own energy. And when they see us serious, they will know that we won't be the big players to drive up the market, and I believe they will start to dump those holdings they are holding now. As they dump those holdings into the market, the price will go down. It is the argument that everyone has said here today, the law of supply and demand. Right now we are short on supply, certainly short on domestic supply. As we show the will to seek domestic supply, our competitors will realize we are going to have our own supply which will make that international trading in the market less valuable to them and they will start to dump their oil before they start to lose money on their speculations. So I think this is common sense. This is easy. This is economics 101. I hope that everybody will remember that leasing is just exactly what it is. There is nothing magical about an oil and gas lease. It is paying money for the use of land for a period of time. That's what we are talking about here. So this use it or lose it idea is really strange.

In addition, there are some facts that have been thrown out that I want to mention, and then I will yield back my time.

Democrats are saying that 4.8 million barrels of oil per day and 44.7 billion cubic feet of natural gas per day may be extrapolated from the oil company's Federally leased land that they already hold today. This is not true.

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No Democrat, not Speaker PELOSI, HOYER, RAHM, any of them can give us one source where they got that number, and it's been specifically requested by the Republicans in the Natural Resources Committee to ask them where they got that number and how they extrapolate it, and there's been nothing forthcoming. I can't imagine that they just made it up.

But the reality is if it is there, it has got to be found. If it has got to be found, there's going to be hundreds of millions of dollars spent to find it. And believe me, they're not going to waste their money. If it's there, they're going to go get it. And so this is simple stuff. And I hope the American people and the Members of this Congress know it's simple stuff.

Mr. HENSARLING. I thank the gentleman from Texas for joining us this evening. I thank him for the valuable leadership that he provides us in the Republican Congress, and I particularly appreciate his comments, his illuminating comments on leasing and what it is that we can do as a Nation to provide more American energy in America.

Again, Mr. Speaker, elections have consequences. Since the Democrats took over the energy policy of this Nation 18 months ago, when they took it over, gasoline was selling at a national average of $2.33 a gallon. Today we know, Mr. Speaker, it is well over $4 a gallon in just 18 months. I'm not sure if history shows us any greater increase in the price at the pump in such a short period of time under the policies, again, of this Democrat majority.

Now, that's having a devastating impact, Mr. Speaker, on working families. And yet the Democrat majority refuses, refuses to do anything to produce more energy in America. And I think sometimes, Mr. Speaker, they forget about how their policies are impacting hard working American families.

Again, I have the privilege of representing the Fifth Congressional District of Texas. And I hear from my constituents often about the challenges they're facing having to pay this Pelosi premium, having to pay all of this extra money for gas. I recently heard from the Forest family of Mesquite, Texas. And they wrote to me, Dear Congressman, we cannot continue to operate this way. We have now canceled our life insurance policies, canceled our cable, scaled down our automobile insurance, and buy only the necessities at the grocery store. No movies or other luxuries. My son and his daughter have had to move in with us because he can no longer pay rent, day care, buy food, and pay for his auto insurance and gas to go to work.

Again, Mr. Speaker, I know they don't mean to do it, but the Democrat majority has got to wake up on how their no energy, no production policies are hurting working Americans.

People in Mesquite, Texas, are having to cancel their life insurance policies and take in their adult children back into their homes because they refuse, refuse to produce any American energy in America to bring down the cost of gasoline at the pump. That is a travesty, Mr. Speaker, a travesty.

And for further comments on the energy policies that we need in the Nation, and the need to repeal this Section 526 that for all intents and purposes will make it almost impossible to develop oil shale, tar sands, and coal-to-liquid technology, I once again want to yield to the coauthor of H.R. 5656, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my colleague for hosting this night's hour. I hope that it helps some of our colleagues learn a little bit more about the oil business. One of the things that is true in almost every area is that before you begin to regulate something, before you begin to try to control something, you really ought to understand it first. And the lack of understanding, not malicious, but it's not in their professional background. But the lack of understanding of most of our colleagues about the oil business and how it happens is—most of that information is limited to the "Dallas" TV show and J.R. Ewing, which was anything but the truth.

The interesting thing about Section 526 is that it basically says the Federal Government can't buy fuel from unconventional sources unless it can be proven that the lifecycle greenhouse emissions are less for the unconventional source than under the conventional source.

What this mechanically does is it takes a tremendous buying power of the Federal Government out of the development phase of getting to unconventional and new sources of ways to drive our cars that are better. The Federal Government has great capacity to buy and buys great quantities, particularly the Department of Defense, and we've now pushed that market aside in terms of being able to use that market to be able to develop these alternatives.

In addition, we've said that rather than buying fuel from tar sands in Canada, which no one can prove whether or not the lifecycle of greenhouse gases is more or less under those circumstances, we can't buy that fuel, but we can buy fuel and crude oil from countries that are, at best, not our allies.

In fact, we have recently passed on the floor of this House, hopefully it won't get any further in the Senate, the opportunity for Americans to sue OPEC to increase OPEC production. Again, an example of how the wrong-headed energy policy has become under the leadership that currently runs this House.

On the one hand, we will sue OPEC to increase production, on the other hand, we say it is not in our best interest to have oil and gas production from stable sources like the Outer Continental Shelf of the United States or the Rocky Mountains of the United States. We don't want to produce those resources, but we want to sue OPEC to force them to produce more crude oil that we would, in fact, buy.

I'm also anxious to see how OPEC is going to respond to that by allowing—setting in place the mechanisms to allow their citizens to sue America to force America to produce its own energy. And the reason they would do that, of course, is that crude oil is a worldwide market, and to the extent that America is withholding her crude oil from the market, she is, in effect, pushing up the price of crude oil worldwide. So on the one hand, we want to sue OPEC, force them to produce their barrels, but on the other hand, we don't want to produce our own barrels which would go into the worldwide supply and would help bring down that cost.

Now, I suspect there is some crafty Federal Trade Commission lawyer that would look at America as creating some sort of a tort within that system by withholding specifically supplies off the market in order to push up the price of crude oil. I think that you could be arguing with that.

I wanted to walk through the energy work that we're going to take up this week.

One of them we've already taken up was the price gouging bill. Price gouging is an interesting phenomenon. There's no real good definition for it. It's pretty vague and in the eye of the beholder. But the price gouging bill that we took up today would have penalized gasoline retailers for trying to adjust their prices during a time of emergency to equalize supply shortages and demand circumstances in those shortages. The market is the best allocator of that resource, and it happens to be on price.

So what we were setting our retailers up for, must of which are mom-and-pop shops or small convenience store chains, or corporations like Valero, which is simply a refiner and also a retailer of gasoline, for the fall of this deal because if this bill had passed today, the Federal crime that would have been committed was ill-defined.

And I want to read briefly from a CRA international study done back in 2007 talking about price gouging.

It says, Under legislation that threatens to punish acts that are defined vaguely and ambiguously, the behavior of the enforcing agencies is inherently unpredictable. And businesses potentially affected by the legislation could form expectations of prosecutorial conduct that could discourage the efficient functioning of markets. Excessively harsh penalties for setting the wrong price could give pause to market decisions that are critical to alleviate shortages, especially if individuals, unsure about the actions of the enforcers, were to adopt very conservative behavior so as to ensure compliance with the law.

The result would be exactly the opposite to the good intentions of the legislation's authors, disincentives to provide additional . . . the waste occasioned by gas lines and the failure to allocate supplies to those who benefit the most.

And then finally, this FTC study is in fact only the most recent assessment of claims of gasoline price gouging. In the last decade, the United States Department of Energy and the FTC have investigated all of the numerous incidences of regional price spike—gasoline price spikes. Their conclusion in every case has been that gasoline prices increases—gasoline price increases were due to the operation of supply and demand in light of an interruption of supply and that the magnitude of price increases was consistent with the magnitude of the loss of supply. There has never been a finding that gasoline price increases were caused by manipulation of the markets.

And yet we continue to hammer away at price gouging, the second time at least that this bill has come up, and it failed again today.

There is also a title of a bill that will deal with speculators in the market. And as of early this afternoon, we've not seen the actual language of that bill. But it is an attempt to go after speculators. Now, it's interesting that the ag committee that I serve on, the full committee had a hearing today in which Walter Lukken, who's the acting chairman of the CFTC, the Commodities Futures Trading Corporation, which oversees the speculative market in crude oil, among other things, testified today that while he is constantly on the lookout for potential manipulation by speculators and/or other participants in the market, that they have seen no evidence that those speculators are having undue influence on the price of crude oil. And then in fact the price of crude oil is set by supply and demand as best they can tell it.

But they are on the lookout every single day. And again, Mr. Lukken feeds his family trying to protect markets from manipulation like the speculators might have an impact on.

The other bill is a "use it or lose it" that my colleague from Texas has already talked about. One of the other facts—it's interesting. If we say facts around here, if you say a wrong fact often enough, and often enough as we clearly do, it becomes legend; and that 68 million acres is tossed about by every member of the Democratic leadership, 68 million acres. We have asked how they came up with that number. The Bureau of Minerals Management can't figure out how they've come up with it. The Department of Interior can't figure out how they've come up with it. And we've gone to the leadership and said, We don't know if that number is right or wrong. Tell us how you got to that number. And much like the extrapolated production numbers that our colleagues just talked about, they won't tell us.

All they'll say is that the majority staff of the Natural Resources Committee came up with this number. Now, we don't know if it's good or bad without knowing what it is. So we're having to defend against a number that may have just been flat-out made up. But our colleagues across the aisle won't come forward with their methodology to help us understand what they've done.

And it's a pretty clear statement. If you're going to beat us about the head and shoulders with a number of 68 million acres, then you need to prove to us what that is and how you came to it and whether or not we should be beat about the head and shoulders with it.

And then the final bill which we take up is something referred to as the Saving Energy Through Public Transportation Act of 2008. This is an attempt to help Federal employees cope with these higher commuting costs through public transportation and reimbursements for that, which is not a bad thing, but it clearly shows how tone deaf our colleagues across the aisle are.

They will listen to their employees who are saying we're having a hard time getting to and from work and we need help to reimburse that, but not being able to understand that that is going on across the United States, that that's not limited to just Federal employees.

So they've taken the position that it's a good thing to try to help Federal employees help deal with and cope with these higher gasoline prices, but let's ignore the rest of America who are actually paying the taxes that would have to be used to pay for those commuting costs.

So looking forward to my colleagues' continued comments on these and other issues, the 526 bill, Section 526 repeal is important. We've made several attempts at it. We've included with that a refinery siting bill that would ask the President or require the President to locate no fewer than three potential unused military bases for sitings of refineries, go through all of the proper evaluation and permitting processes, and the governor of the States involved would have a veto.

But nonetheless, an attempt to say, Here are some places we can build refineries to help alleviate the strategic vulnerability that this country has. And so far, we've just been shut out on any attempt to move towards actual more and new production of crude oil and natural gas that would, in fact, deal with this issue of higher prices.

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Mr. HENSARLING. Again, I thank the gentleman from Texas for his leadership. I thank him for working with me and co-authoring, I think, a very important piece of legislation.

Again, Mr. Speaker, since the Democrats took control of the energy policy of this Nation 18 months ago, the price of gasoline has increased 70 percent to over $4 a gallon, having a terrible impact on working families all across America and the Fifth District of Texas that I represent.

I recently heard from the Gardner family of Dallas who wrote me: "Dear Congressman, I am the proud father of an Eagle Scout. I know you are an Eagle as well. I have a younger son in the Scouting program. In order to afford sending our youngest to summer camp, we have had to cancel any summer family trips in order to afford the increased cost of fuel of sending our youngest to camp in Colorado."

Mr. Speaker, I salute this family for their commitment to Scouting, their commitment to their son, but under the Democrat energy policies that have seen gasoline go to over $4 a gallon, families all across America are having to cancel their summer vacation plans.

Mr. Speaker, what's the answer? Well, I wish there was just one magic button or one magic wand that we could wave to get this done. There is not, but it has a lot to do with, again, producing American energy in America, and it is not just oil and gas. It is renewables. It is alternatives.

I am proud to say that our Republican Party has constantly, constantly supported renewable energy. In the Energy Policy Act of 2005 was almost $4 billion for the hydrogen fuel cell program, with the goal of launching hydrogen fuel cars by the year 2020; $3 billion dedicated to developing affordable, efficient and renewable energy technologies. We supported extending the renewable electricity production credit, the H Prize that would offer cash prizes for achievements in the development of hydrogen energy technologies, millions for biomass research, millions for solar research. Renewables are part of the equation.

Mr. Speaker, before I came to Congress, I was an officer in one of the Nation's leading retailers of green electricity. I'm committed to it. Mr. Speaker, I'm the father of a 6-year-old daughter and a 4-year-old son, and I hope one day that they are driving in hydrogen-powered cars. I hope that one day they will have solar cells on their roofs and no longer be tied to the electricity grid.

But in the meantime, Mr. Speaker, every day in America somebody needs to drive to work today. Every day in America somebody needs to take an elderly parent to see a doctor. That's today. Somebody has to take their child to school. That is today.

There are wonderful renewable technologies, but I can tell you as one who has worked in the industry, for these to be commercially viable, for them to be scalable, these technologies are easily 10 years away, perhaps 15, and in some cases, 20.

Another part of the answer, Mr. Speaker, is diversification. China is building two to three nuclear plants a year. In America, we haven't built a new nuclear plant and we haven't had any new permits in 30 years, and yet we know nuclear power has zero emissions, no impact, no carbon footprint whatsoever. We need diversification.

Another thing we need to do, Mr. Speaker, under the Republican plan to bring down the price of fuel at the pump is reduce the number of boutique fuels. There was a time in America's history where if you drove from Spokane, Washington, to Kansas City, Kansas, to Dallas, Texas, to Miami, Florida, there's only one gasoline you bought. Now it may be as many as a dozen, which drives up the price and leads to spot shortages.

Mr. Speaker, not only have we doubled, we are twice as dependent on foreign sources of energy today as we were at the height of the Arab oil embargo. Not only are we importing more oil, we are now having to import refined gasoline. Why? Because we haven't built a refinery in a generation because of this worshipping at the altar of radical environmentalism.

And Mr. Speaker, sometimes I think my friends on the other side of the aisle have forgotten that people are part of the environment, too, and they're struggling. They're struggling to keep their job, pay their rent, fill up their cars. We have to expand American refining capacity.

And then we have to produce the energy we have. Mr. Speaker, we are blessed with great energy resources. We are the Saudi Arabia of coal. That's why I and the gentleman from Texas have introduced this bill to ensure that Federal agencies can contract to help to develop these promising technologies in coal-to-liquid. It's already being done in Britain, in Saudi Arabia. We can do it now if the Democrat majority would get out of the way and let us produce.

And our oil resources, Mr. Speaker, the Outer Continental Shelf, our deep sea resources, why is 85 percent of that outlawed? Why is it off the board? Why can't we produce there?

There are decades and decades and decades of energy just sitting there for the take, and again, the radical environmental left that helps control our Democrat majority won't let it happen.

The arctic area of Alaska, half of our proven petroleum reserves sit there in an area of America where almost no one lives.

Mr. Speaker, I get to represent a large portion of East Texas, and I can tell you, somehow man, nature and pump jack can coexist. They can coexist peacefully, and it can be done in Alaska as well.

So, Mr. Speaker, I would hope that something as challenging as the high price of petroleum, that we could come together as Republicans and Democrats and work for the betterment of all the people in America.

But Mr. Speaker, you cannot outlaw supply and demand. You cannot do it. Demand has increased precipitously over the world, particularly in areas like China and India, and we're sitting on these great supplies, and we're the only Nation in the world that I'm aware of who sits on so much energy and refuses to produce it.

And instead, what does our Democrat majority offer us? Beg OPEC, sue OPEC, tax oil companies, castigate oil companies, impose a form of price controls. That does nothing, nothing to help American families.

The Republican plan will, and with that, I would be happy to yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding, and I hope that everybody is listening in detail to what my colleagues are talking about here today.

You know, I spent a long time as a district judge and watching lawsuits. It is very fascinating, this sue OPEC argument that's out there, because as I understand it, the lawsuit would be you are not producing enough, therefore, you're fixing the price and we're suing you. And I would see a lawyer for the Saudi Arabians or whomever we had sued, they would say, well, wait a minute, you're not producing, therefore, you're influencing the price of oil; so I'm going to counter-sue you under this lawsuit, and now, America, let's see who's not producing the most.

I'm afraid we'd lose because we're not producing anything on the east coast, anything on the west coast, anything in half of the Gulf of Mexico and anything in a quarter of Alaska, where they can argue that they're producing everything they can pump. It's just how fast they turn up the pumps. So that lawsuit might turn its back on us right there, and that concerns me. But that's all speculation.

It's not speculation that that family's not getting to go on a vacation. You know, it's not speculation the people who worry about how they're going to get their children to their schools and their after-school activities come the start of school in the fall.

I talked to a lady two-and-a-half years ago when the Democrat minority, when we were in the majority, were criticizing us for $2.40 a gallon, $2.50 a gallon gasoline. They were criticizing us, and I went and pumped gas in a gas station for about 3 hours and talked to the people as I filled up their tank.

And the lady who told the most compelling story was the one who said, I have to get my kids to their various recitals, practices, after-school activities and make sure they get to school on time. They go to three different schools. I'm a single mom, with three kids in three different schools in three different parts of town. And I have to choose between what we eat or if we eat and whether I get to drive the car to get these kids.

That was at $2.50 a gallon of gas. We have now got $4.07 a gallon of gas, and I can't help but think about that lady every day and wonder—I'd like to actually hear from her—wonder how she's doing.

Also, the trucker that hauled a load from Houston to San Diego and got paid $1,800, and his fuel costs were $1,700, how is that man going to make a living?

This is about making a living, living the American dream, just being good Americans, and we're being kept from that by the Democrats' energy policy. It's time to wake up and produce American energy for America.

Mr. HENSARLING. I thank the gentleman, and for our final closing comments, I yield to the other gentleman from Texas.

Mr. CONAWAY. I want to thank our two colleagues for being with us tonight to talk about this.

What you're really talking about is an attack on the American lifestyle. We have built a Nation predicated on cheap gasoline because it has always had cheap gasoline, and we've built suburbs. We've expanded into rural areas. We've built a lifestyle that demands low gasoline prices.

And what we are telling Americans is that this Democratic-led Congress wants high gasoline prices and wants to attack the American lifestyle.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHRISTENSEN (at the request of Mr. HOYER) for today and June 25 on account of official business in district.

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, June 25 and 26.

Mr. WESTMORELAND, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965; to the Committee on Education and Labor.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 18, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3179. To amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

ADJOURNMENT

Mr. CONAWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 25, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7284. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a letter regarding the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

7285. A letter from the Under Secretary of Defense, Department of Defense, transmitting a letter on the approved retirement of

General Richard A. Cody, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7286. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Robert Magnus, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7287. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General William R. Looney III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7288. A letter from the Principal Deputy Assistant Secretary of the Navy, Department of Defense, transmitting notification that the Department proposes to donate the submarine ex-DOLPHIN (AGSS 555) to the Maritime Museum of San Diego, California, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

7289. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiologicial waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

7290. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7780] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7291. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7292. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8021] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7293. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2007, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28 and Section 1224 of Pub. L. 110-181; to the Committee on Foreign Affairs.

7294. A letter from the Office of the Coordinator for Counterterrorism, Department of State, transmitting a letter detailing necessary corrections in the Department's annual report, "Country Reports on Terrorism 2007"; to the Committee on Foreign Affairs.

7295. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires originally designed for use on the M977 Heavy Expanded Mobility Tactical Truck, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7296. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires originally designed for use on Heavy Expanded Mobility Tactical Wheeled Vehicles, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7297. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires primarily used on military heavy trucks, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7298. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period April 1, 2008 through May 31, 2008; to the Committee on Foreign Affairs.

7299. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

7300. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

7301. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the six-month period which ended on March 31, 2008, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

7302. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-6294-33; I.D. 110806C] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7303. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2005 [Docket No. 041108310-5347-04, I.D. 100104H] (RIN: 0648-AS78) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7304. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Modification to Fishing Activities [Docket No. 060405097-6161-02; I.D. 033006E] (RIN: 0648-AU10) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7305. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Right Whale Protection; Southeast U.S. Gillnet Closure [Docket No. 061107293-6293-01; I.D. 103006B] (RIN: 0648-AU95) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7306. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-6295-34; I.D. 110806D] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7307. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill to establish authority for the Secretary of Labor to impose a fee on employers submitting applications to the Department of Labor for the certification of temporary employment of non-immigrant aliens in the United States under the H-2B non-agricultural worker visa program; to the Committee on the Judiciary.

7308. A letter from the Director of Operations, Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2007, pursuant to 36 U.S.C. 1101; to the Committee on the Judiciary.

7309. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Assistance Program Under the 9/11 Heroes Stamp Act of 2001 [Docket ID FEMA-2005-0001; Legacy ID DHS-2005-0006] (RIN: 1660-AA34) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7310. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share [TD 9398] (RIN: 1545-BD70) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7311. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 7874 for Determining the Ownership Percentage in the Case of Expanded Affiliated Groups. [TD 9399] (RIN: 1545-BE93) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7312. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 860D, 860F, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2008-28) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7313. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-24) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1297. Resolution providing for consideration of the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes (Rept. 110–731). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1298. Resolution providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community (Rept. 110–732). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1299. Resolution providing for consideration of the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990 (Rept. 110–733). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FATTAH:

H.R. 6352. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to a trust used to provide need-based college scholarships; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. SMITH of Texas, Mrs. BONO MACK, Mr. DANIEL E. LUNGREN of California, Mr. GALLEGLY, Mr. FEENEY, Mr. CHABOT, Mr. WALZ of Minnesota, and Mr. BOUCHER):

H.R. 6353. A bill to amend the Controlled Substances Act to address online pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 6354. A bill to require an immediate adjustment of the thrifty food plan to increase the benefits provided under the supplemental nutrition assistance program; to the Committee on Agriculture.

By Mr. OBERSTAR (for himself and Mr. COSTELLO):

H.R. 6355. A bill to amend title 49, United States Code, to provide for improvements in the quality of airline services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself and Mr. STEARNS):

H.R. 6356. A bill to reform the collection and distribution of universal service support under the Communications Act of 1934; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, Mr. PALLONE, Mr. DEAL of Georgia, Mr. GORDON, Mr. HALL of Texas, Mr. TOWNS, Mr. UPTON, Mr. ENGEL, Mrs. WILSON of New Mexico, Mr. GONZALEZ, Mr. GINGREY, and Mrs. BIGGERT):

H.R. 6357. A bill to amend the Public Health Service Act to promote the adoption of health information technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 6358. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. BIGGERT:

H.R. 6359. A bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 6360. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 6361. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) (both by request):

H.J. Res. 95. A joint resolution providing for the disapproval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mrs. CUBIN:

H. Con. Res. 378. Concurrent resolution expressing support for designation of September 6, 2008, as Lousia Swain Day; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California:

H. Con. Res. 379. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Mr. DELAHUNT, Mr. MCDERMOTT, Mr. HINCHEY, Mr. FARR, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. MCGOVERN, Mr. KUCINICH, Mr. FATTAH, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, and Ms. LEE):

H. Con. Res. 380. Concurrent resolution recognizing the 63rd anniversary of the United Nations; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Ms. CORRINE BROWN of Florida, Mr. JEFFERSON, Mr. RUSH, Ms. WATSON, Ms. LEE, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. CARSON, Mr. TOWNS, Ms. NORTON, Mr. AL GREEN of Texas, Mr. WATT, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. DAVIS of Alabama, Mrs. CHRISTENSEN, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Mr. ELLISON, Ms. CLARKE, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, and Mr. MEEKS of New York):

H. Con. Res. 381. Concurrent resolution honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Ms. LORETTA SANCHEZ of California):

H. Res. 1296. A resolution supporting the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizing their efforts on behalf of children and youth as a positive investment for the future of our Nation; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. EMERSON):

H. Res. 1300. A resolution supporting efforts to raise awareness, improve education, and encourage research of inflammatory breast cancer; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H. Res. 1301. A resolution calling upon the Government of Zimbabwe to postpone the run-off presidential election scheduled for Friday, June 27, 2008; to the Committee on Foreign Affairs.

By Mr. TANNER (for himself and Mr. SHADEGG):

H. Res. 1302. A resolution honoring the life and mourning the death of John Berthoud, Ph.D; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. FOSSELLA, Mr. KIRK, Mr. MCCOTTER, Ms. SCHAKOWSKY, Mr. SOUDER, Mr. DAVIS of Illinois, Mr. PITTS, Ms. WATERS, Mr. PENCE, Mr. MCGOVERN, and Mr. GOODE):

H. Res. 1303. A resolution calling on the Egyptian Government to respect human rights and freedoms of religion and expression in Egypt; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. PORTER.
H.R. 423: Mr. TERRY.
H.R. 471: Mr. STUPAK.
H.R. 693: Mr. GRIJALVA.
H.R. 861: Mr. SPACE and Mr. KAGEN.
H.R. 1050: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1076: Mr. GUTIERREZ.
H.R. 1108: Mr. BROWN of South Carolina.
H.R. 1172: Ms. HERSETH Sandlin.
H.R. 1194: Ms. LEE.
H.R. 1228: Mr. KENNEDY, Mr. HARE, and Mr. TERRY.
H.R. 1292: Mrs. CAPPS.
H.R. 1373: Mr. MEEKS of New York.
H.R. 1524: Mr. STUPAK.
H.R. 1665: Mr. LATHAM.
H.R. 1781: Ms. NORTON.
H.R. 1881: Ms. MATSUI.
H.R. 2020: Mr. ROTHMAN.
H.R. 2455: Mr. KLINE of Minnesota.
H.R. 2472: Mr. EHLERS, Mr. REGULA, and Ms. DEGETTE.

H.R. 2493: Mr. BROWN of South Carolina and Mr. HASTINGS of Washington.

H.R. 2578: Mr. COLE of Oklahoma.

H.R. 2677: Mr. GONZALEZ; Mr. MEEKS of New York, and Ms. HOOLEY.

H.R. 2721: Ms. SOLIS.

H.R. 2818: Mr. PASCRELL.

H.R. 2851: Ms. WATERS, Mr. Childers, Mr. MCNERNEY, and Mr. SPACE.

H.R. 2915: Mr. MILLER of North Carolina.

H.R. 2923: Mr. FILNER and Mr. Foster.

H.R. 2933: Mr. LUCAS.

H.R. 2965: Mr. WELLER and Ms. SOLIS.

H.R. 3014: Ms. ESHOO.

H.R. 3289: Mr. NADLER, Ms. HERSETH SANDLIN, and Mr. MCNERNEY.

H.R. 3818: Mr. KUHL of New York.

H.R. 3861: Ms. BEAN.

H.R. 3934: Mr. MILLER of Florida.

H.R. 3995: Ms. TSONGAS, Mr. JOHNSON of Illinois, and Mr. BARROW.

H.R. 4054: Mr. SALAZAR.

H.R. 4066: Mr. FORTENBERRY and Mr. PLATTS.

H.R. 4087: Mr. SALI.

H.R. 4174: Mr. FARR.

H.R. 4245: Mr. HERGER.

H.R. 4457: Mr. CHILDERS, Mr. PICKERING, and Mr. TAYLOR.

H.R. 4461: Mr. ELLISON and Mr. KING of New York.

H.R. 4652: Mr. SESTAK.

H.R. 4776: Ms. BEAN.

H.R. 4789: Mr. WAMP.

H.R. 4840: Mr. KLINE of Minnesota.

H.R. 5244: Mr. CUELLAR and Mr. RANGEL.

H.R. 5268: Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. SERRANO, and Mr. LEVIN.

H.R. 5435: Mr. GRIJALVA and Mr. HINOJOSA.

H.R. 5447: Mr. PALLONE.

H.R. 5454: Mrs. LOWEY.

H.R. 5513: Ms. JACKSON-LEE of Texas.

H.R. 5534: Ms. RICHARDSON, Mr. FRELINGHUYSEN, and Mr. GUTIERREZ.

H.R. 5575: Mr. FILNER.

H.R. 5656: Mr. HASTINGS of Washington, Mr. CAMPBELL of California, and Mr. CRENSHAW.

H.R. 5734: Mr. MCNERNEY.

H.R. 5737: Mr. BARTON of Texas, Mr. TIM MURPHY of Pennsylvania, and Mr. BISHOP of Georgia.

H.R. 5741: Mr. INSLEE.

H.R. 5766: Mr. BRADY of Pennsylvania, Ms. MATSUI, Ms. NORTON, and Ms. HIRONO.

H.R. 5772: Mr. HINOJOSA.

H.R. 5782: Mrs. SCHMIDT.

H.R. 5809: Ms. ZOE LOFGREN of California.

H.R. 5842: Mr. BLUMENAUER.

H.R. 5843: Mr. BLUMENAUER.

H.R. 5854: Mr. ROTHMAN and Mr. TERRY.

H.R. 5868: Mr. BARTON of Texas and Mr. GOODLATTE.

H.R. 5874: Mr. THORNBERRY.

H.R. 5892: Mr. BLUMENAUER, Mr. WEXLER, and Mr. PETERSON of Minnesota.

H.R. 5925: Mrs. TAUSCHER.

H.R. 5935: Mr. FORTENBERRY and Mr. SPACE.

H.R. 5949: Mr. BOREN and Mr. SARBANES.

H.R. 6018: Mr. YOUNG of Alaska.

H.R. 6030: Mr. REICHERT and Mr. GERLACH.

H.R. 6092: Ms. WASSERMAN SCHULTZ.

H.R. 6104: Ms. HARMAN, Mr. FOSTER, Mr. PALLONE, Mr. BERMAN, Mr. SIRES, and Mr. POMEROY.

H.R. 6122: Mr. SIRES.

H.R. 6129: Mrs. DRAKE.

H.R. 6130: Mr. BUYER, Mr. PLATTS, and Mrs. BACHMANN.

H.R. 6131: Mr. BROWN of South Carolina.

H.R. 6132: Mr. FOSSELLA, Mrs. BACHMANN, and Mr. POE.

H.R. 6133: Mr. FOSSELLA.

H.R. 6135: Mr. FOSSELLA.

H.R. 6136: Mr. FOSSELLA.

H.R. 6137: Mr. FOSSELLA.

H.R. 6138: Mr. BROWN of South Carolina, Mr. POE, Mr. FOSSELLA, and Mr. SALI.

H.R. 6139: Mr. FOSSELLA and Mr. BROWN of South Carolina.

H.R. 6166: Mr. GOODE.

H.R. 6168: Mr. CLAY.

H.R. 6169: Mr. CLAY.

H.R. 6185: Mr. SHAYS and Mr. GOODE.

H.R. 6199: Mr. REYNOLDS, Mr. KUHL of New York, and Mr. WEINER.

H.R. 6205: Mr. BLUMENAUER, Mr. STUPAK, Mr. PASCRELL, and Mr. LOEBSACK.

H.R. 6208: Mr. CLAY.

H.R. 6209: Mrs. BOYDA of Kansas, Ms. HARMAN, Ms. SOLIS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. DOYLE, Mr. WEINER, Mr. MOLLOHAN, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, and Mr. EMANUEL.

H.R. 6210: Mr. CAZAYOUX.

H.R. 6220: Mr. SMITH of Nebraska.

H.R. 6233: Mr. FORBES and Mr. MCHENRY.

H.R. 6251: Mr. KILDEE, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. ALTMIRE, Mr. HODES, Mr. MURPHY of Connecticut, Mr. GORDON, and Mr. VAN HOLLEN.

H.R. 6255: Mr. GONZALEZ.

H.R. 6256: Mr. HIGGINS and Mr. VAN HOLLEN.

H.R. 6274: Mr. WALBERG, Mr. SENSENBRENNER, and Mr. MILLER of Florida.

H.R. 6307: Mr. CONYERS, Mr. CARDOZA, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 6341: Mr. PALLONE, Mr. BRALEY of Iowa, Ms. JACKSON-LEE of Texas, and Mr. JONES of North Carolina.

H.J. Res. 79: Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, and Mr. SESTAK.

H.J. Res. 89: Mr. TAYLOR.

H. Con. Res. 24: Mr. JEFFERSON and Mr. PAYNE.

H. Con. Res. 73: Mr. JONES of North Carolina.

H. Con. Res. 244: Mr. PALLONE.

H. Con. Res. 296: Mr. SALI.

H. Con. Res. 338: Mr. JOHNSON of Georgia.

H. Con. Res. 342: Mrs. BOYDA of Kansas and Mr. GOHMERT.

H. Con. Res. 357: Mr. SHIMKUS, Mr. GARY G. MILLER of California, Mr. WAMP, Mr. MILLER of Florida, Mrs. CUBIN, and Mr. HENSARLING.

H. Con. Res. 362: Mr. BOOZMAN, Mr. KIND, Mr. BERRY, Mr. BISHOP of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARRETT of South Carolina, Mrs. SCHMIDT, Mr. SCALISE, Mrs. GILLIBRAND, Mr. HODES, Mr. RUPPERSBERGER, Mr. NUNES, Mr. MCHENRY, Mr. MAHONEY of Florida, Mr. GINGREY, Mr. ISSA, Mr. KLINE of Minnesota, Mr. COOPER, Mr. MCINTYRE, Mr. FRANKS of Arizona, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, Mr. PUTNAM, Mr. PALLONE, Ms. LORETTA SANCHEZ of California, Mr. BARROW, Mr. HIGGINS, MRS. CUBIN, Mr. VAN HOLLEN, Mr. HALL of Texas, Mr. JOHNSON of Georgia, Mr. INGLIS of South Carolina, Mr. JOHNSON of Illinois, Mr. THOMPSON of California, Mr. KING of Iowa, Mr. ROSS, Mr. SPACE, Mr. FOSSELLA, and Mr. DAVIS of Alabama.

H. Res. 373: Mr. LANGEVIN.

H. Res. 655: Mr. SCOTT of Virginia, Ms. WATSON, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CONYERS, Mr. SESTAK, and Mr. GONZALEZ.

H. Res. 757: Mr. WATT.

H. Res. 771: Mr. HINCHEY.

H. Res. 985: Mr. DICKS.

H. Res. 1143: Mr. MCHUGH.

H. Res. 1244: Ms. HOOLEY, Mr. TOWNS, Mr. COHEN, Mrs. SCHWARTZ, Mr. WU, and Mr. SNYDER.

H. Res. 1258: Mr. FARR.

H. Res. 1267 Mr. SHULER and Mr. MYRICK.

H. Res. 1286: Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. LEE, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, and Mr. PAYNE.

H. Res. 1287: Mr. SPACE, Mr. BARTON of Texas, Mr. CHABOT, Mr. MOORE of Kansas, Mr. MILLER of Florida, and Mr. MICHAUD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBERSTAR

The amendment # to be offered by Mr. OBERSTAR of Minnesota, or his designee, to H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

H.R. 6355, the "Air Service Improvement Act of 2008," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SENATE—*Tuesday, June 24, 2008*

(Legislative day of Monday, June 23, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Grant, O God, that our lawmakers may move forward today as those who are heirs of eternal life. Give them the wisdom to learn contentment with Your purposes, enabling them to experience the eternal here and now. As they move through this day with its shades and shadows, give them freedom—not from difficulties but strength for the challenges that greet them. As they encounter setbacks, may they trust the unfolding of Your loving providence. In the face of misfortunes, empower them to surrender to Your will. Lord, give them the humility to be more concerned about being on Your side than recruiting You to be on their side.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PROGRAM

Mr. REID. Mr. President, we have a very busy schedule this week. We have some work we need to complete. We have, of course, FISA, the Foreign Intelligence Surveillance Act; we have the supplemental appropriations bill; we have the tax extenders; we have Medicare we need to complete; and, of course, we are on housing today. Regarding that, following any remarks I make and those of the Republican leader, we will return to the House message to accompany H.R. 3221, the housing reform legislation. There will be up to an hour of debate equally divided and controlled between the two leaders or their designees prior to a vote on the motion to invoke cloture on the Dodd-Shelby substitute with respect to the housing reform bill. Senators have until 10:30 a.m. today to file amendments to the Dodd-Shelby substitute.

By virtue of the previous order, the Senate will be in recess from 12:30 until 2:15 today for our weekly business luncheons.

Mr. President, let me say a couple of other things. We are going to do a number of judges this afternoon, the exact number of which we don't have worked out just yet, but we are going to do three circuit court judges and some district court judges. I have to confer with Senator LEAHY on the number of district court judges.

I would also say to my friend the distinguished Republican leader that I spoke to Senator FEINGOLD this morning regarding the FEC nominations, and it appears very clear we should be able to do them today. In regard to that, I wish to underscore my desire—our desire—to constitute the Federal Election Commission so it is working.

Just a brief history, Mr. President. Before Memorial Day, there were four FEC nominations pending—two Republicans, two Democrats. At that time, we offered to confirm those nominees by unanimous consent. The Republicans did not take me up on that offer. There would have been five FEC Commissioners today had that been done. In fact, it would have been prior to that recess. There would have been enough to conduct all official business. There was a thought, I assume, on the part of the Republicans that they wanted a full six, and I understand that. So they rejected the offer I made. They wanted to wait until a replacement for the failed nomination of Hans von Spakovsky was received in the Senate. I told the Republicans in December that von Spakovsky would not be approved by this body. Someone should have been cleared to replace him long before now. Nonetheless, I pledged to swiftly move that new nominee, and we have done that. I implored my Republican colleagues to confirm the four who were ready to go so there would be five to restore the agency so it would be workable. That offer was not accepted. The new nominee has now been nominated, and we have waived both the hearing and the markup to speed this up. That makes good on the pledge we made to swiftly review the nominee, and we did that, again without a hearing and without a markup.

As I discussed on Friday, Senator FEINGOLD—I didn't mention his name at the time, but it is out in the press since then—would like to meet with each of the nominees. That will be completed today. These meetings are important to the Senator. He has the right to do that. I certainly compliment him for caring so much. Four of the five FEC nominations now pending are relatively new to the Senate, and it is certainly within Senator FEINGOLD's right to speak with them prior to their confirmation. This is not unusual. So I look forward to completing that, unless something comes up that I don't understand, and we should be able to do that today. It is very important.

There has been some concern raised by my colleagues on the other side of the aisle that the Democrats have set out to delay this FEC being reconstituted so that the Democratic National Committee's lawsuit against Senator MCCAIN may be heard in the court. The DNC sued MCCAIN, alleging that he violated campaign finance laws in the treatment of his primary campaign funding. The court dismissed that suit without prejudice, saying the DNC needed to give the FEC 120 days to act on its complaint before coming to court. The 120 days expires today, June 24.

There is simply no truth to the argument that we are playing this game with the FEC. Democrats have been trying to get the FEC running since it went dark in December. Repeatedly, the Republicans have objected to consent request after consent request. This lawsuit of the DNC's has been out there many months. The decision for setting the deadline for FEC action was made prior to our Memorial Day recess, and the offer to confirm the pending nominations was made before that time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

What this means is that Democrats offered to confirm the four pending FEC nominees—which would have stopped the DNC suit—before Memorial Day. If we were trying to help the DNC's suit, would we have made that offer? I don't think so. Would we offer to waive the hearing and the markup for both Republican nominees so it would be moved quickly? The answer would be no. Of course we wouldn't have done that, Mr. President. As I have told my colleagues, Democrats want a functional agency as soon as possible. That could have happened in May. It could happen today. We want to do everything we can to reconstitute the FEC. It is extremely important to do that.

I have mentioned the matters we need to complete, and, of course, the one thing I didn't mention was the FAA extension. I asked unanimous consent to do that, and that was objected to yesterday by my friend Senator KYL on behalf of Senator DEMINT. I hope we can get that done. The House is going to pass that today as a temporary extension.

We also are going to bring before the body, within the next 24 hours, the PEPFAR legislation. What is that? It is the AIDS legislation that the President is in favor of and which we have been trying to move. It has been held up on the other side by a Senator or two, and we hope we can complete that. Again, I will ask unanimous consent that be passed today. It is my understanding, having spoken with Senator ENZI, that he and Senator BIDEN have worked something out on that, and hopefully the Senator on the other side who is objecting to this will no longer object to it.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FEC NOMINATIONS

Mr. McCONNELL. Mr. President, with regard to the Federal Election Commission, let me first say that my good friend the majority leader is correct that I was not inclined to reconstitute the FEC with a three-to-two Democratic majority, and that would have been, of course, the case had we gone forward on some but not all of the FEC nominations back before Memorial Day. So it is a fact that, in addition to objecting to Republican nominees of the FEC, which has become something of a tradition around here, there was an additional attempt to gain a majority on the FEC by acting prematurely, before we could confirm a full complement.

Now we have the opportunity to confirm a full complement, and there have been various efforts, it appears, to delay in order to give the DNC an opportunity to file a lawsuit today. Maybe I will be proven wrong today. Maybe they won't file that lawsuit, and then I will feel comforted that the effort to delay confirming all six—or the four additional FEC members whom we are confirming—was not somehow related to litigation being proposed by the DNC. So I hope they will not file that lawsuit, and I guess that will be the best evidence of whether there was an effort underway here to delay it.

I am encouraged by the fact that the majority leader indicates we can confirm these nominees today, and I have given him advance notice that I would like to propound a unanimous consent agreement that we do just that.

Mr. President, I ask unanimous consent that the Senate proceed, at some point today mutually agreeable to the majority leader and the Republican leader, to executive session for the consideration of the following Federal Election Commission nominations: Calendar No. 306, Steven T. Walther; Calendar No. 624, Cynthia L. Bauerly; Calendar No. 625, Caroline C. Hunter; and Calendar No. 626, Donald F. McGahn; and the nomination of Matthew S. Petersen, which is to be discharged from the Rules Committee.

I would further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally, the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I hope in a matter of hours that we can agree to the consent request proposed by my friend, the distinguished Republican leader. I don't know what time the last meeting is that Senator FEINGOLD has with the last individual, but as soon as I get word on that, I will immediately come to the floor and accept the offer of the distinguished Republican leader. So I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCONNELL. Mr. President, I appreciate the comments of my good friend the majority leader, and I hope we will be able to confirm these nominees today. Also, hopefully the lawsuit by the DNC will not be filed today, further raising the suspicion that the delays of the majority were related to facilitating that legal action.

Mr. President, let me say with regard to this week that this is a week when the Senate, hopefully, can make significant progress. There are three very significant pieces of legislation we hope to deal with this week, as the majority leader indicated.

After a failed attempt to address the housing crisis without Republican input, Democrats finally agreed last week to allow our input. As a result, we now have a bipartisan housing bill that addresses many of our concerns. I think it could be made even better with some further amendments, which I am hopeful we will have an opportunity to offer, even if cloture is invoked, because as much as I would like to see this bill move forward, there are some housing-related amendments that have been shut out of the process so far, and I am hoping the majority leader and I can discuss how we might be able to dispose of those expeditiously before we clear that bill here in the Senate this week.

We must also complete two important and long overdue national security measures—the supplemental troop funding bill that the President first requested more than 500 days ago and an updated terrorist surveillance bill that the Senate first approved last August but which expired more than 4 months ago, after House Democratic inaction. It is worth noting that on both national security measures, Democrats will be approving something Republicans have supported all along.

Regarding the supplemental, Republicans have argued for the past year and a half that Congress has a solemn duty to fund our troops while they are on the field of battle. Regarding FISA, Republicans have argued for more than a year that the intelligence community should have the tools it needs to listen in on conversations between terrorists overseas and that companies that may have allowed them to do so should not be punished for helping.

I remain hopeful the Senate will be able to get these important issues accomplished this week, and maybe a bipartisan Medicare agreement as well, and other matters that can be dealt with. It is interesting how quickly the Senate can move when there is a broad bipartisan consensus behind measures. It may have taken a while for our friends on the other side to come around to our view and the view of most Americans on these issues, but for the sake of our troops, our families, and our security, we are glad they finally did. I hope the majority leader and I, working together, can figure a way through this massive amount of legislation in a very few days that allows us to reach a successful conclusion on many legislative fronts that will give both sides an opportunity to leave here at the end of the week believing this was a week of significant accomplishment for the Senate and for the American people.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

Who yields time?

Mr. SHELBY. I yield the Senator from Idaho 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5009 to delay for 1 year the merchant card reporting requirement.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5010, my amendment to strike the merchant card reporting requirement.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5002.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5003, my amendment to eliminate the FHA reverse mortgage cap.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, like many of my colleagues, I am frustrated that we have not been allowed to call up germane amendments for the past few days. This is a substantial piece of legislation and Senators should have had the opportunity to have up and down votes. I have filed four amendments and I would like to talk briefly about two of them that deal with the merchant card reporting requirement.

In an effort to find revenue offsets, I am concerned that Congress is rushing to adopt a flawed merchant card reporting proposal that establishes a new tax compliance burden on small business and does not provide enough time to develop and implement this new system. Little is really known about the true costs of this proposal and the Finance Committee hasn't had an opportunity to have the IRS demonstrate in a hearing that the information collected could be used in a meaningful way to drive tax compliance.

The merchant card reporting proposal would require that the institution that makes the payment to the merchant—payment facilitator—for a payment card—both credit cards and debit cards—report annually to the Internal Revenue Service—IRS—the name, address, and aggregate amounts of payments for the calendar year of each participating merchant. Additionally, the payment facilitator or the electronic payment organization must validate the taxpayer identification number—TIN—of the participating merchant. If the number does not match, then the payment facilitator or the electronic payment organization must withhold 28-percent from the merchant.

This unprecedented level of reporting to the Federal Government will likely impose substantial implementation costs that will be passed on to many compliant small business taxpayers. Small business owners will also have to ensure that their records conform with the additional information reported by the merchant card processor. This is an additional compliance step, which will add to the already high cost of tax compliance for small business owners, who currently spend on average over $74 per hour to meet tax paperwork and compliance burdens that already exist.

The structure of the merchant card system does not make complying with the proposal feasible in a couple of years. Merchants are not currently identified in systems by social security numbers or taxpayer identification numbers. Instead, merchants are generally assigned a merchant identification number. If implemented, this proposal would require institutions to spend several years trying to match merchants to social security numbers of taxpayer identification numbers.

I appreciate the fact that the underlying legislation extends the effective date for reporting to December 31, 2011, and the effective date for backup withholding to December 31, 2012. However, I do not believe this provides enough time to make the changes to existing systems and processes, build and test new reporting systems, perform taxpayer identification number matching, and hire and train the personnel needed to implement and comply with the new reporting requirements.

In addition, a higher dollar reporting threshold is necessary to eliminate reporting on casual sellers rather than persons engaged in business, and it should be granted to all payment settlement entities.

My preference would be that we strike this section until we identify the costs to business, the total costs of implementing the new reporting regime with the IRS, and the ability of the IRS to use the information in a meaningful way to close the tax gap. If that amendment is defeated, then the Senate should provide an additional year to implement this system. But as I indicated, we will not have an opportunity to vote on these amendments or other amendments that other Senators want to bring because we have been stopped from calling up germane amendments as we move forward on this legislation.

As I indicated, I also tried to bring up several other amendments—an amendment to reduce the $300 billion loan authority to $68 billion, which is the number that CBO expects the FHA refinancing program to actually utilize, and the number that was used to calculate the score of the new program. Yet we will not be allowed to match the projections to the reality of the legislation.

I also asked permission to bring up my amendment, No. 5003, to eliminate the FHA reverse mortgage cap, something which this Senate floor has already voted to do and which was in the FHA modernization legislation that this Senate has already passed. Yet it is now not included in this legislation, and we are not going to be given an opportunity, once again, to include it.

There is important material in this legislation that needs to move forward, but the legislation also contains serious flaws. I am concerned that the process we are following has not allowed this Senate to truly work its will on this legislation as it moves forward.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SHELBY. Mr. President, I will suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHELBY. I ask unanimous consent that the time be equally divided, charged against each side equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may offer amendment No. 5020.

Mr. SHELBY. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 5020

Mr. ENSIGN. Mr. President, I am sorry to see objection has been raised. This is the amendment that we are trying to get brought up on the housing bill that passed with an 88-to-8 vote in the Senate the last time we were considering the housing bill. This is the tax bill that will extend the renewable energy tax credits for the United States. It includes solar, wind, geothermal, and many other forms of renewable energy that are so important at this time of high energy prices in the United States. It seems absolutely ridiculous to this Senator that with an amendment that passed 88 to 8 in the Senate, one of the few bipartisan actions we have taken for a long time around here, that there would be objection to adding it onto this bill.

So over the next couple of days, I want to let the managers of this bill know that there are some procedural things that can go on so it is going to take them a little more time to get this bill done than they would otherwise have liked to have done.

I alert them this Senator will be exercising his full rights to try to get this renewable energy tax credit put on this bill.

So it is a critical piece of legislation. It is not only critical to get it done, it is critical to get it done soon, because a lot of jobs in the United States are going to be lost if these contracts cannot be let out for a lot of the projects in renewable energy across the country. There are a lot of people out there right now, whether they get their financing put together or not, who are looking to see if the Senate will extend the renewable energy tax credits.

This is an amendment Senator CANTWELL and I have worked on together. We are pushing this any way we can to get this thing done. I applaud her for her efforts. But it is absolutely critical that this body act at a time when we can create jobs, we can produce more green energy for the United States, and we can become less dependent on foreign sources of energy.

This is a small part of the energy package but an important part of the energy package that we need to put together. We are going to continue to work on this.

I see my colleague from the State of Washington, Senator CANTWELL, is on the floor. I will yield the floor so she can make some comments.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I actually applaud the Senator from Nevada in trying to move this amendment onto this bill. I say that knowing some of my colleagues on this side of the aisle are frustrated, but the American people are frustrated with the high costs of energy. They want us to be doing all we can to try to help alleviate those energy bills that are going to be affecting them not just this summer but next winter as they see higher home heating bills.

The Senator from Nevada and I are trying to say to our colleagues, it is important not to have this energy legislation tied up in a larger bill that is not currently moving before we adjourn for the July recess.

We are already seeing jobs being canceled, projects being canceled, people laid off, and generation not being ready to be put onto the grid to help assist with high energy costs, particularly in the area of natural gas.

The underlying amendment Senator ENSIGN and I are talking about giving tax credits to individual homeowners so they can make improvements to their homes, and it can result in more than a 20-percent savings in their heating bills this winter. Those are improvements, I guarantee you, we need to be making because many people in the Northeast are not going to be able to afford the high energy costs they are going to be seeing.

In addition, it puts additional megawatts onto the grid, not just in 2008, 2009, but for many decades to come. We need to diversify off the high costs of natural gas. The point is that natural gas costs are continuing to rise with other pressures. We need to diversify off of natural gas and coal as the primary source for our electricity grid. The fact is this produces and saves about $20 billion in natural gas because of the production we would get onto the electricity grid. We need to be doing this now.

We already know the result of our delay, that we have cost jobs in America, projects have been canceled, people have been laid off. We already know it is costing us in lost time and investment to stimulate our economy, and now we know it is also going to cost us in higher energy rates to our consumers. So I am for any plan that will get this energy legislation untangled from other bills and actually approved by the House and the Senate. My colleague and I are willing to work across the aisle and across the Rotunda with people who have any ideas how to get this done—either paid for or not paid for.

But we simply cannot stand here today and say this is a vehicle that should move without trying to put this housing and energy package together, since it is the underlying bill, and we do think it is stimulative to the economy.

I say to my colleagues that the return on investment of this investment in energy is a far greater ROI than some of the other stimulative activities we have done. So if we want to be true to our consumers' anxiety about the high cost of energy they are seeing, not only in gasoline but what they think is coming ahead, then we need to move. We need to stop holding up good energy legislation while we are trying to use it to get other legislation.

I hope we can pass this bill out of the Senate before we leave for the July recess.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, for a number of months now I have been trying, with the help of both Democrats and Republicans, to bring a LIHEAP bill onto the floor. The reason for that is, with the energy crisis we are now facing and the cost of home heating fuel and electricity escalating, there is no doubt in my mind that both in warm-weather States this summer and cold-weather States next winter, there are going to be people struggling for their lives.

Without air-conditioning, people—old people, frail people, sick people—are going to have a hard time when the temperature gets above 100 degrees. What we are seeing all over this country are unprecedented numbers of homes being shut off from electricity because people cannot pay their bills.

We remember some years back, in Chicago, hundreds and hundreds of elderly people died from heat exhaustion because of the heat in their apartments. We must not allow that to happen again.

LIHEAP, of course, pays electric bills to help people keep their air-conditioning on when the temperature becomes very high. Clearly, in my State of Vermont and throughout the whole northern tier of this country, there is great fear right now—I should tell you that—not just about $4.10-a-gallon gas prices today—people worry about that, but they worry about what is going to happen next winter when the price of home heating fuel is soaring.

So I have tried, and will continue to try, working with people in a bipartisan manner to get a vote on the floor. The simple truth is, we have a lot of support from Republicans and Democrats, progressives and conservatives. People understand the significance of this issue. We are going to do our best to get a vote on the floor as soon as we possibly can.

In the last couple months we have had large numbers of Republicans and Democrats coming together on bipartisan legislation. We are going to keep up that effort.

So I wished to mention to my friends this is an issue of great importance, I believe, to the American people all over this country. People are fearful about what happens when the weather goes down below zero, and people are worried about what happens when the temperature goes up over 100 degrees.

In this country, we do not want to see people dying of heat exhaustion and we do not want to see people freezing to death. With the cost of home heating fuel soaring, electricity soaring, we have a moral obligation to significantly expand LIHEAP funding. I will continue to do my best to make sure, finally, we get a vote on the floor of the Senate to do that.

Thank you, Mr. President. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I understand I have 6 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. I thank the Chair.

Mr. President, let me make a couple observations.

First of all, I see my colleague from Vermont in the Chamber. I, once again, commend him for his strong interest—a shared interest I have—in the Low-Income Home Energy Assistance Program, and our effort to, one way or another, get to this matter, given the importance of this issue to all of us.

Let me, if I can, review the bidding a little bit as to where we are. This morning, there are two new reports out that relate directly to the subject matter that is before the Senate: the housing crisis, which is at the heart of the economic crisis; the foreclosure issue is, of course, the heart of the housing issue.

As I pointed out over the last number of days, we now have a staggering number of foreclosure filings on a daily basis in the country. The latest report shows that 8,427, on average, filings for foreclosure are occurring on a daily basis—not on a weekly or monthly basis. But every single day in this country between 8,000 and 9,000 people are filing for foreclosure on their homes. This is obviously a statistic that is deeply troubling and an indication of broader problems in our economy.

In fact, this morning, one report has the consumer confidence levels at the lowest since they have been recorded in 1967—40 years. People's anticipation about the future, about the well-being of their children or their grandchildren, their ability to own a home, to raise a family, to be able to meet their obligations, to be able to retire with dignity, to be able to afford higher education—all these things working families in this country historically, for the most part, have been optimistic and confident about, today, are showing the lowest level in 40 years.

So the issue we are grappling with is not one that is necessarily going to guarantee we are going to right the problems overnight, but it is a reflection that this body—made up of Democrats, Republicans, and Independents—can, in fact, come together and do something constructive and positive at the epicenter of our economic problems.

That is the opportunity we are going to have in a few short moments, to decide whether to go forward and adopt legislation that would allow us to begin to put a tourniquet on the hemorrhaging of foreclosures in this country with the adoption of the HOPE for Homeowners Act, to be able to do something about the government-sponsored enterprises and to see to it we have a strong regulator, and to establish, for the first time ever, a permanent affordable housing program.

There is a lead story in the New York Times this morning that talks about families who have had their children going to four and five and eight different schools in a school year in some cases because they have had to move out of rental properties as the costs have moved up. So the affordable housing issue, while it is not directly related to the foreclosure crisis, does deal with the issue of affordable, decent shelter in this country. The fact that families are having to move as frequently as they do and their children are having to go to as many different schools in a year as they do because of the cost of housing is a problem we address with this legislation as well.

There is nothing that is as important as this bill for the country at this moment. That is not to say there are not other issues we ought to be grappling with. But there is a great danger we will miss the opportunity of doing something about housing in this country.

The Case-Shiller index now indicates—and I quote them this morning:

> The S&P/Case-Shiller home-price indexes, a closely watched gauge of U.S. home prices, show price declines continued to get steeper in April, with prices in every region surveyed now showing year-over-year drops.

Those predictions indicate we may have as much as a 30-percent decline in home values. That is evaporating the long built-up equity people have acquired as a result of purchasing their homes and holding on to them.

So that idea of selling your home one day after your children are grown to provide for your long-term security, to deal with the cost of higher education, to deal with an unpredictable health care crisis that could emerge—today we have almost 15 million homes in this country where debt exceeds equity, and those numbers are predicted to grow steeper and steeper, as the Case-Shiller report this morning indicates.

So the level of optimism, the declining value of homes, and the serious problems in rental housing—all this is contributing to the most serious economic crisis we have had in decades.

What Senator SHELBY and I and the other 19 members of our committee have tried to do is to put together, on a bipartisan basis, with a 19-to-2 vote out of our committee—not a highly divided committee, having held almost 50 different hearings over the last year as to what we ought to do to get our hands around this issue—our best recommendation to the Members of this body. Those of us on the committee, working together—all 21 of us on this committee—have tried to fashion and cobble together a proposal that deals with the heart of this issue.

So with the remaining minutes we have to debate this subject matter before the vote at around 11:15—in the next 5, 6 or 7 minutes—I urge my colleagues to join with us. We are not telling you what we have written is perfect. We are not telling you it is going to solve all the problems. If it does nothing more than to restore some confidence the American people ought to have in their Congress, that in itself will be an achievement.

Beyond that confidence and optimism, we think we have recommended some specific ideas that can very well begin to treat the problem of growing foreclosures, declining values in our homes, and the spread and contagion effect this is having on student loans, municipal finance, corporate finance, and the rest, in our Nation and around the world as well. This issue is going beyond our own shores.

So we urge our colleagues to join with us, and over the remainder of today, as these various amendments are offered, to keep our eye on the ball.

The idea is to get a bill done, to work out our differences with the other body, and then to give a bill to the President of the United States, I would hope, by the Fourth of July, by Independence Day. What better gift on independence could we give the American people than a sense that this, their Congress of the United States, can come together, despite political differences, and craft legislation to make a difference for our country.

I urge the adoption of the motion when the question is asked.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama controls the remaining time.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I believe all time has been yielded back. We are prepared to move forward.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the amendment of the House, striking section 1 and all that follows through the end of title V, and inserting certain language, to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act, with amendment No. 4983.

Harry Reid, Christopher J. Dodd, Daniel K. Inouye, Jeff Bingaman, Max Baucus, Patty Murray, Mark L. Pryor, Barbara Boxer, Benjamin L. Cardin, Sherrod Brown, Jon Tester, Bill Nelson, Bernard Sanders, Maria Cantwell, Tom Harkin, Frank R. Lautenberg, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment striking section 1 and all that follows through the end of title V, and inserting certain language to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act, with amendment No. 4983, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 83, nays 9, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—83

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—9

Barrasso
Bond
Bunning
Crapo
DeMint,
Ensign
Enzi
Kyl
Vitter

NOT VOTING—8

Allard
Brownback
Clinton
Coburn
Inhofe
Kennedy
McCain
Obama

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 83, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, for the knowledge of all the Senators here, we are trying to wrap up a number of items today. Today is Tuesday. We have to get out of here by Friday or Saturday, we would hope, at least. We have a lot to do. We need to complete what we are working on now, the housing legislation. We have a number of issues we are trying to work out on judges. We also have to confirm the FEC nominees. We hope to do that later today. We have FISA that we have to work out. We have a supplemental appropriations bill. We have the doctors fix on Medicare. We have the tax extenders. We are working on all these things, so a lot of balls are in the air. I hope Members would be cooperative and try to work through this.

The Republican leader talked to me today, I have spoken to the manager on our side on the housing legislation, and he has spoken to the other manager, Senator SHELBY—I haven't had that opportunity—and what we are trying to work out on that is, apparently, there are a number of Senators who asked that consideration be given by the managers to having a finite number of housing-related matters, reviewed by the two managers. That is something we are trying to do to see if we can work out something to speed up the work we are doing on the housing bill. I hope we can do that. If we have the cooperation of Members, we can do that. If people dig in their heels and say we are not going to do that, we might be in a situation where we don't finish the housing legislation. That would be a shame, but that is certainly possible. There is the potential to still have a number of other cloture votes on the housing legislation. So we are trying to work that out. I hope we can do that. The two managers I talked about before have experience and understand what we are trying to do.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OIL EXPLORATION

Mr. DOMENICI. Mr. President, fellow Senators, I have spoken extensively over the past several months about the growing threat of our dependence on foreign oil. Two weeks ago, we were reminded of the threat by new trade deficit numbers showing a $4.4 billion deficit increase in just 1 month as a result of growing oil prices and growing oil imports. Last week, the Wall Street Journal reported that six Arab economies took in $400 billion in oil and gas revenues last year alone. The Journal also reported that petroleum-producing states are investing more of their oil wealth at home, triggering an investment and spending boom in the Middle East.

But as our reliance on foreign oil grows, 85 percent of our offshore acreage in the continental United States is still off limits for leasing, as are 62 percent of onshore oil reserves. Let no one tell you that we have plenty of American acreage leased for energy development because compared to the rest of the world, we are falling behind, and it is making us poor and poorer and poorer. Since the Senate last voted on my proposal to increase production, it was estimated that America likely sent about $50 billion overseas to import oil.

What is particularly troubling to me is that after rejecting a proposal I submitted on behalf of myself and 20 other Senators to open new areas for production, the majority has come up with excuse after excuse for not taking any action.

First, without any evidence to back them up, they claimed that price gouging was the reason for high prices. At the same time, they said high prices were not caused by supply-and-demand issues, they told America that we must stop filling the Strategic Petroleum Reserve because the 70,000 barrels a day that went into it were raising the price of gas. Suspending the SPR fill is something I have supported, but I also said we need to do much more. It alone is practically nothing. Unfortunately, advocates of this SPR suspension in the majority rejected a proposal to open areas of production that would bring online more than 2 million barrels of oil a day.

Now the other side has apparently settled on an argument that first originated with the Wilderness Society. They claim oil companies are sitting on their leases and that if those companies just developed in those areas, we would not need to open new areas. If only that were true, Mr. President. The other side is now saying the oil companies must use it or lose it when it comes to their leases. They propose adding a tax on companies to punish them for not producing fast enough.

This Wilderness Society argument demonstrates a fundamental lack of understanding of how we explore for oil and gas in this country, and the fact that this argument originates with a group that has led four major lawsuits in the last 4 years to prevent development in the very same area speaks to how disingenuous it really is. Part of the reason it takes so long for companies to produce is because groups such as the Wilderness Society keep throwing up roadblocks. They know it; we know it.

Today, I am going to tackle this idea that companies are choosing to sit on their leases, and I will debunk that once and for all.

First, let's consider the logic. Companies are paying a lot of money for the right to explore on a lease and are given a short period of time to produce oil. With the cost of oil now at $135 a barrel, why on Earth would a lessee intentionally sit on a lease and choose not to make money on it? Why would a company pay money essentially to rent a tract of land and then not use it?

I have heard the claim that 41 million acres are leased on the Outer Continental Shelf and of that acreage, 33 million acres are not being produced. The use of this statistic shows a fundamental lack of understanding of the long, risky procedure and process that begins even before bidding on a lease and hopefully ends with production. The other side is saying that unless oil is literally coming out of the ground on an acre, it doesn't count, even if that acre is being explored or is in the process of getting environmental permits or in any other part of a process that is very long and tedious. Additionally, the use of this argument by groups who consistently go to court to prevent developing on existing lease areas speaks volumes about the intent here.

Congress currently restricts access to 574.2 million acres of OCS. In actuality, it is clear by any measurable assessment that the majority in Congress is sitting on far more oil than the oil companies themselves. Let me repeat that. It is clear by any measurable assessment that the majority in Congress is sitting on far more oil than the oil companies themselves.

Let's focus on offshore Federal leases for a moment. Simply examining the number of acres leased and the number of acres producing during a snapshot of time is deceptive. There are many different steps for producing oil and gas. At any given moment, a lease may not be producing, but it is active and under development. In the 5, 8, or 10 years that a company holds a lease—and they are given a specific period of time—environmental assessments could be underway, lessees could be trying to secure permits, the leasing agency could be challenged in litigation, and the lessee could be reviewing seismic data. In fact, any number of preproduction processes could be underway. These take time. These require experts. These cost money.

I do not hear critics suggest that we speed this up or that we waive or shorten environmental requirements—and I am not suggesting that either. But critics do want to impose new costs on U.S. producers under the guise of "speeding up leases." This tax and spend solution to a supply and demand problem makes no sense. And, once again, the other side proposes a solution that threatens our competitiveness with nationalized oil companies who are after the same commodity around the world. My friends on the other side of the aisle are fond of saying that we can't drill our way out of the problem—and they are right. But my message back to them is that we can't tax our way out of the problem either, and that is exactly what they keep proposing to do.

Second, there are many up-front costs that leaseholders take on to acquire an oil and gas lease. Bonus payments and pre-production rental payments often cost millions of dollars and these capital investments are only being made for the ultimate development and production of oil to return a profit on investment. Simply put, if oil is not produced from a lease, companies lose money on it.

Third, using these acreage numbers to claim that companies are "sitting on" $135 oil simply ignores the historical fact that simply because you lease lands does of necessarily mean that you are able technically or economically to produce on them—or even that there is oil under your lease. Hence the term: "exploratory well."

Ironically, some of the very same people who are arguing that these leases are not being developed also opposed an inventory of new areas that would clearly speed the development process when they are opened.

To suggest that companies are not diligently developing their leases on the American deep sea is to simply ignore the facts. Over the past decade, more than 100 new discoveries have been announced and since the passage of the Deepwater Royalty Relief Act 13 years ago, offshore oil production has increased by 535 percent. Over the past months, three major sales for OCS oil and gas leases have taken place and together raised more than $9 billion in federal revenues. Under the oppositions argument—that is a lot of money companies are paying to sit on leases.

I have had the opportunity to review the data provided by one company that holds leases—BP. BP has 124 leases that are actively producing. Those are the only ones that the majority is counting when they give you their statistics of producing leases. But BP also has 459 leases that are in the exploration phase, So 65 percent of BP's leases are under exploration so that BP can produce from them in the future, yet the majority would have you believe that BP is "sitting on" those leases instead of actively working toward producing on them. This is about as deceptive an argument as I have ever heard. It is either totally deceptive or it is absent knowledge and information—which is impossible. This information is readily available.

We have severely limited our access to the American deepwater, and the situation is only getting worse. In 1982, nearly 160 million acres of land were being leased for exploration. Today, its less than 40 million. Why? Because we are running out of available land and we are restricting access to our own resources in favor of foreign oil. According to the MMS, only 2.4 percent of the total offshore acreage is currently being leased and about 85 percent of our continental offshore is under moratorium. As we debate about the use of

43 million acres available for development, we must recognize that Congress has placed 574.2 million acres under moratorium—and the majority has supported continuing to do so. Only 6 percent of total lower—48 OCS is currently leased. This does not demonstrate a lack of progress in the deepwater, it demonstrates a lack of progress on energy policy in Congress.

The American people have had enough with excuses and they are looking for leadership. Two-third of Americans are asking us to produce American oil, but the majority in the Senate is blocking it. I urge my colleagues to look at the facts and take action.

There is no question in my mind that the excuse that is being used is that we cannot drill our way out of the crisis. I submit that is not the issue, whether we can drill our way out of the crisis. The issue is whether we can produce more American oil or oil alternatives so we spend less overseas and keep more of our money at home. We are spending ourselves broke. We are spending ourselves into economic oblivion by sending so much of our resources overseas every day, every month, every year, for the acquisition of crude oil from foreign countries.

I have an editorial from the Albuquerque Journal of Sunday past called "It Takes Black Gold To Get to Green Future." It states:

> With all due respect to Al Gore, there is an urgent, new "inconvenient truth." Unless Congress acts quickly to expand domestic oil supplies, the nation could face economic destruction long before it sees the environmental fallout of global warming.
>
> For decades it has been easy for most Americans to dodge the truth about our foreign oil dependence and to just keep driving—but $4-a-gallon gas has finally snapped the trance. Reality is sobering. The United States has put its economic survival in the hands of unstable foreign powers and volatile commodities markets. At any time, a major disruption in foreign supply could bring the enormous, transportation based U.S. economy to a standstill.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DOMENICI. I ask unanimous consent the editorial and a Washington Post editorial called "Drill Deeper" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, June 22, 2008]

IT TAKES BLACK GOLD TO GET TO GREEN FUTURE

With all due respect to Al Gore, there is an urgent new "inconvenient truth." Unless Congress acts quickly to expand domestic oil supplies, the nation could face economic destruction long before it sees the environmental fallout of global warming.

For decades it has been easy for most Americans to dodge the truth about our foreign oil dependence and just keep driving—but $4-a-gallon gas has finally snapped the trance. Reality is sobering: The United States has put its economic survival in the hands of unstable foreign powers and volatile commodities markets. At any time, a major disruption in foreign supply could bring the enormous, transportation-based U.S. economy to a standstill.

The U.S. trade deficit jumped to its worst level in more than a year in April, driven primarily by oil imports. Not only does this empower anti-American regimes, it siphons off money consumers could be spending or saving or investing.

"I have never been more frightened for America's future than I am right now;" Sen. Pete Domenici said last week, urging Congress to remove the ban on off-shore drilling and open the Arctic National Wildlife Refuge to oil companies.

President Bush—in a speech laced with counter-productive partisan rhetoric—called on Congress last week to open up several domestic oil fields that have been off-limits since the 1980s. ANWR could yield 27 billion barrels; the Atlantic and Pacific coasts contain 17 billion barrels, and the Gulf Coast could produce another 72 billion. There is strong evidence this can be done in an environmentally responsible way.

Democratic presidential candidate Barack Obama has so far ignored polls that show a majority of Americans rallying around calls for domestic drilling. He continues to argue that the answer to foreign oil dependence lies in wind, solar and nuclear technologies. The inconvenient truth, however, is that climate-friendly technologies will take decades to develop. We look forward to the day when we can all plug our green cars into an electrical grid powered by something other than coal.

Until then, we're going to have keep buying gas. Even if we achieve a dramatic 20 percent reduction in oil consumption, some experts estimate that oil will still cost $200 a barrel by 2012. So here's another inconvenient truth: New drilling isn't about returning to cheap gas. It's about economic survival.

The United States needs to organize a Manhattan Project for alternative energy, addressing the threats from both global warming and foreign dependence. We need to vigorously pursue those, along with a crash course in conservation.

These are monumental undertakings, and to succeed they must transcend party lines or individual egos. Sen. Jeff Bingaman was on-target Wednesday when he faulted President Bush for injecting "election-year politics" into the Rose Garden speech. As chairman of the Senate energy committee, Bingaman will be a key player on both fronts of the effort to chip away at America's-dangerous level of dependence on foreign oil.

The way ahead is not easy. Fuel costs are impacting food and retail prices. Truckers are parking their rigs. School bus operators and closing up shop. Airlines are laying off thousands and perhaps are heading for prices that will put air travel out of reach for the middle class. The idea of the family flying to Disneyland, for example, would be out of the question. Even a family vacation by car could look like a luxury.

Americans have never backed down from a challenge, however. Once we know the truth, no matter how inconvenient it may be, we like to get to work. In this case, the work involves a drilling rig, and the self-confidence to use it.

[From the Washington Post, June 22, 2008]

DRILL DEEPER

If there is a silver lining in the price of gasoline shooting past $4 a gallon, it's that it has sparked an intense debate in the United States about its energy security—or lack thereof. President Bush and Sen. John McCain (R-Ariz.) have given the impression that relief for drivers lies in off-shore drilling and the construction of nuclear power plants. In fact, those solutions wouldn't produce results for years. But if this level of passion and debate continues through the fall election and is followed up by action, the nation will be better off.

Mr. McCain, the presumptive Republican Party nominee for president, kicked things off last Tuesday when he reversed himself in a speech to a Houston audience and announced that the moratorium on drilling on the Outer Continental Shelf that has been in effect since 1981 should be lifted. He got a Rose Garden assist the next day from Mr. Bush, who called on Congress to allow states the option of drilling off their coasts to tap the estimated 18 billion barrels of oil underneath. On Wednesday, Mr. McCain said that if elected president he wanted 45 nuclear reactors built by 2030 "with the ultimate goal of 100 new plants to power the homes and factories and cities of America."

The mantra from the Democratic Party—from the presumptive presidential nominee, Sen. Barack Obama (Ill.), on down—has been a variation on "We cannot drill our way out of this energy crisis." Considering that the U.S. is estimated to have 3 percent of the world's oil reserves, that's certainly true. But it if is acceptable to drill in the Caspian Sea and in developing countries such as Nigeria, where environmental concerns are equally important, it's hard to explain why the United States should rule out careful, environmentally sound drilling off its own coasts. Like Mr. McCain, we do not support drilling in the Arctic National Wildlife Refuge, which Mr. Bush advocated Wednesday. That pristine area, with its varied and sensitive ecosystems, should be preserved.

Washington has done a poor job of telling the public that energy security will be achieved not from one source overnight but from many over years and that there are no easy solutions and no cheap ways to break this nation's dependence on oil. There will be trade-offs and sacrifices that have yet to be considered. So far, the focus has been on biofuels, solar power and wind energy. But all this talk of drilling, squeezing oil out of shale, as Mr. Bush proposed, and pushing for more nuclear power is a welcome widening of a larger and necessary discussion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I will return the discussion to housing. I do thank the Senator from New Mexico for his comments on energy. I know from traveling around Wyoming last weekend, the biggest thing on everybody's mind is $4-plus gas. I got a lot of comments on ways it could be fixed. What we are working on right now, of course, is fixing housing.

I am going to discuss the Federal Housing Finance Regulatory Reform of 2008. That is what we just had the vote on. I do not support this legislation.

I opposed this legislation in the Senate Banking Committee and I continue to oppose it today. As the national housing market continues to suffer from falling home sales, housing starts, and skyrocketing foreclosure rates in some parts of the country, the Senate has an opportunity today to restore confidence in the principles of good government to our economy. These principles include limiting taxpayer liability, ensuring a sustainable housing market in the future, and preventing a Federal Government bailout of big banks that made unaffordable loans or investors who made bad investments. Unfortunately, the bill ignores these principles and ignores irresponsible actions at the expense of responsible homeowners and hard-working taxpayers.

This bill contains a title called "The HOPE for Homeowners Act." The program included in this title would create a $300 billion taxpayer loan guarantee program.

Let me repeat that. It would create a $300 billion taxpayer loan guarantee program—taxpayer guarantee program—doubling the size of the Federal Housing Administration. This expansion will be accomplished by taking the worst performing and the most risky loans made by banks, shifting 100 percent of the liability of foreclosure onto the American taxpayer. The loans I am talking about have made a lot of press in the past few months—adjustable rate, interest only, low documentation or no documentation; loans that in many cases the lender made with no regard for the borrower's ability to repay.

The Congressional Budget Office estimates that 35 percent of these loans will default, placing a huge liability on the FHA and ultimately the taxpayer for guaranteeing these loans. Even FHA Commissioner Brian Montgomery believes this is a dangerous proposition. On June 9 he stated:

> The FHA is not designed to become Federal lender of last resort, a mega-agency to subsidize bad loans.

But that is exactly what this bill does. In past years, banks continued to make record profits by pushing these unaffordable mortgages. Investors, homeowners, bankers, and realtors bet heavily on the tidal wave of ever increasing home prices. If a rate adjustment made monthly mortgage payments unaffordable, homeowners and mortgage investors could count on home equity to bail them out. In other words, the value of the price of the home would go up sufficiently to cover the costs homeowners could not. As the Senate's only accountant, I can tell you this practice does not make good financial sense. It is completely unsustainable. However, most of industry ignored the warning signs and continued to make record profits from unaffordable loans.

Now these same banks and investors are in trouble. They have discovered that unaffordable mortgages can be, shockingly, unaffordable. Complicating this matter is that the housing market cycle is now on a downswing and people can no longer rely on home equity loans to bail them out of a mortgage rate hike. Banks and speculators now expect Congress to reward this irresponsible behavior with a taxpayer bailout. They expect the Federal Government to turn its back on responsible lenders and borrowers and renters waiting to become first-time homeowners, and support those groups that have pushed our housing market into decline with bad loans and bad investments. This bill is a Federal Government bailout and that is why I oppose it.

I will also note there are separate provisions of the legislation I do support. A separate title of this bill would create a new regulator for the government-sponsored enterprises, Fannie Mae and Freddie Mac, and the Federal Home Loan Banks. This world-class regulator will have the authority necessary to ensure that these entities are adequately capitalized and are operating safely within the secondary mortgage market.

The GSEs, government-sponsored enterprises, are the most important factors in our mortgage market and play an increasingly influential role in our global credit markets.

The regulators created by this legislation must support the housing market by allowing Freddie and Fannie to buy and securitize mortgages, thereby increasing credit at lower rates and restoring investor confidence. While I continue to oppose the affordable housing trust fund included in the bill, I support a strong regulator that will allow the secondary mortgage market to operate more effectively, to the benefit of our economy.

I support the deliberate and safe conversion of the GSEs into the jurisdiction of the new agency included in this legislation. It is past due. As these massive entities are brought under new supervision, I trust the transition will be done in a way that ensures that no disruptions occur in our housing and our credit markets.

There are also several tax provisions that are important to Wyoming and the Nation. Currently, Wyoming receives approximately $2 million per year in low-income housing tax credits to encourage developers and contractors to develop affordable rental housing projects. This bill will provide a temporary 2-year increase of approximately $50,500, a 2.5-percent increase to the Wyoming Community Development Authority. It will also increase access to the Mortgage Revenue Bond Program, another helpful tool for Wyoming housing infrastructure development.

Unfortunately, the good provisions of this legislation are not enough to outweigh the bad ones. Pushing liability onto the Federal Government by bailing out irresponsible lenders and investors is not good government. I cannot support a bill that puts reckless investors and lenders ahead of hard-working Wyoming taxpayers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I want to take a couple of minutes, if I can. We had a very strong vote again this morning on the housing proposal. I thank my colleagues. This morning I believe that vote was 83 to 9 to invoke cloture, to begin the 30 hours of debate on this aspect of the bill.

I would remind my colleagues, going back a little bit to the end of last year on the FHA modernization bill, the Senate voted 94 to 2, in December of 2007 on the Foreclosure Prevention Act in April, we voted 84 to 12; then the government-sponsored enterprises, HOPE for Homeowners vote out of committee, which included the affordable housing program, as well as the GSE reform and the HOPE for Homeowners, passed 19 to 2 in our committee, an overwhelming vote on a controversial bill involving substantial resources and ideas to deal with the housing problem.

Then late last week, we had amendments to strike the affordable housing program. That was defeated 77 to 11. An amendment basically to stop or cut out the HOPE for Homeowners Act was defeated 69 to 12.

The point I make with these votes is it is quite clear that this body, both Democrats and Republicans, believes it is important that we craft and move forward with a major housing bill. I cited earlier this morning in the discussion the two recent reports dealing with consumer confidence and the value of homes in America.

The value of homes in America reported by the Case-Shiller Index, which is the most respected index on home values in our country, has reported yet further decline in housing values. In fact, Professor Shiller has predicted we may have as much as a 30-percent decline in home values. That would be the most significant drop nationally since the Great Depression, to the point where now we have millions of homes where the equity in the homes is exceeded by the debt. Of course, for families, that home ownership has not only been a stable environment for them and their families, but it has also been a source of wealth creation; that is, building up the equity in that home to provide for the retirement years, where that home can be sold and the value, the increased equity, can be a source for financial support.

For many families that has been one source of additional income for middle-income families to provide that higher education they promised their children since the day they were born. If you work hard, do the right things, your family is going to stick with you. When that cost of education comes up, for college or community college or a technical school, we are going to be there to help you because the equity in our home is going to give us some additional cash to make that possible.

Let me tell you what it is like for that family today, those 15 million homes across our country where that debt exceeds equity. They turn to that child and say: We can no longer do it because our financial obligations exceed the value of our house because it has declined because of the foreclosure crisis, where more than 8,400 homes are filing for foreclosure every single day in the country.

So we have done what we can in our committee, and our colleagues have supported these ideas. The HOPE for Homeowners Act, the GSE reform, the affordable housing ideas have been embraced by overwhelming majorities. So what we need to do today, if we can, is to come over. The amendments have been suggested. I want to work out as many amendments on housing as I can. There are some we can work out and accept. Some I will not be able to accept, obviously, working with Senator SHELBY and others who are involved. But we need to get this done.

If we go again into the middle of July—and just remember that if we take next week off, which we do, we will go back to our respective States. While we are back there walking in our parades and celebrating Independence Day, every day we are there, somewhere between 8,000 and 9,000 of our fellow citizens, on Independence Day, will be filing foreclosure on their homes. So we may leave here Friday or Saturday without having gotten this done, but as you are flying back home and visiting your States and celebrating Independence Day, remember if we did not get this done many more Americans are going to be paying an awful price.

So I urge my colleagues with amendments, give us a chance to work these out. For those who want to offer amendments that are not directly related to this but are terribly important, I do not minimize it. I beg your indulgence to spare us the opportunity of having to engage in that debate on this bill. That does not minimize the importance of your idea. But if you put it on this bill and it is not paid for, the House will reject it, and you will lose both ideas—both your idea and this idea that we are trying to move forward. So some discipline is needed, some understanding is needed. This is the issue of the hour. This is the problem that is causing so much depression in terms of people's aspects of their future.

That report this morning about consumer confidence is so alarming. That, more than anything else, is what I worry about: the optimism and confidence of our fellow citizens. It is at the lowest since data has been collected on consumer confidence. It is at a 40-year low; 40 years have transpired since the confidence and optimism of our fellow citizens have been as low as it is today.

We bear responsibility more than anything else to offer a future, some hope for our fellow citizens and people who count on us. I think this housing proposal gives us a chance to do that. It is not going to solve everyone's problems, but it can make a difference in saying to the American people: We hear what you are saying, and we are doing something about it.

I have often cited historically those first 100 days from March of 1933 to June of 1933, the beginning of the Franklin Roosevelt administration when the country was in a deep depression, millions had lost their jobs, homes were being foreclosed. In that 100 days, there were a lot of ideas that were posed to get us back on our feet again. Many of them never went anywhere; some did.

The most important thing, more than anything else that the Congress or the President achieved in those 100 days, was the American people saw a government that had rolled up its sleeves and gone to work on their behalf. That, more than anything else, was what was needed in those days to give people a sense of hope and optimism and confidence that their Government, their President, their Congress was going to work on their problems and give them a chance to have a better day. And that is as much as what is needed today.

We need to demonstrate to the people of this country who have lost an awful lot of faith in almost everything but certainly in ourselves here, that we can get something done, that we can put aside differences and make a difference in their lives. That is the opportunity that Senator SHELBY and I are offering to our colleagues in the remaining hours of this debate.

So we need your help to come over and bring people together so we can wrap this up and send a bill to the House which, hopefully, they can accept. I am confident they will. Not that they are going to agree with everything that we have done, but I believe BARNEY FRANK, the Congressman from Massachusetts, the chairman of the Financial Services Committee; NANCY PELOSI, the distinguished Speaker of the House—they get this, they understand this. They understand the difficulties we have over here procedurally to deal with things, to deal with matters that are different from the House of Representatives.

But they also understand we basically embrace three of the major concepts: HOPE for Homeowners, affordable housing, GSE reform. That is the centerpiece of what we are trying to achieve. The Presiding Officer, as a member of the Banking Committee, has been tremendously helpful, and I thank him for it, as well as other members of the committee, putting aside our own specific ideas of how we would do this to come up with a product that could be embraced by 19 of our 21 members of that committee to bring the bill forward as we have today, with the added provisions that have been included in this bill.

So we urge our colleagues to come over. Senator SHELBY and I are more than happy to entertain ideas. Where we can accommodate them, we will do so. If we cannot, we will be candid and tell them that we cannot. There is always another day, but we cannot deal with every bill and every idea that people have been waiting for on this bill. We urge our colleagues to do that.

I ask unanimous consent that the time while the Senate is in recess for the conference lunches count under the time postcloture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. With that, we have had a strong vote. I say this to my colleague from Alabama, through the chair, that 83-to-9 vote, not to mention 94 to 2 on modernization; 84 to 12, the various votes on other matters late last week—all indicate the strong willingness on the part of our colleagues, the overwhelming majority here, to get something done on this issue. That is the best news of all. Now we need to come to closure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to pick up on a few things that the Senator from Connecticut has been talking about. We got a vote a few minutes ago, I believe 83 to 9, on cloture on this bill.

Last week we had three or four well-debated amendments offered by various Senators, and they were overwhelmingly rejected, huge votes.

Where are we now? We have worked on this a long time. We have GSE reform in here, which I have worked on for 5 years on the Banking Committee, as Senator DODD recalled, and the Presiding Officer, a member of the Banking Committee and very involved in the Banking Committee.

This is a very complicated piece of legislation in this title dealing with GSEs, which we have come a long way with. Everybody here knows, I believe on both sides of the aisle, that the GSEs provide a lot of the mortgage funds, most of them today. But they do need to be well regulated. They also need to be well capitalized, considering the risk and so forth, the implicit guarantee of the Federal Government.

I have been told recently that their debt, that Freddie Mac and Fannie Mae debt, exceeds the debt of the United Kingdom and France together. I do not know if that is exactly right. But if it is, that is over $5 trillion.

So we need to get this done. We need to make sure the GSEs survive. We want to make sure GSEs are properly regulated, and we can do it here. Another part of the title of this bill is dealing with housing, as the Presiding Officer knows. This is going to give a lot of people in America an opportunity to refinance some mortgages. It will not save everybody. It should not save everybody.

But there is no specific bailout for any specific mortgage company or banks, as somebody alluded to last week—none of that. The chairman of the committee, the Presiding Officer, as a member of the committee, and I, as a Senator, we would not have that. We would not vote our support for anything like this. But we will create conditions to let people refinance their mortgages, assuming they can work this out, assuming the lender would rather take a haircut—you know, less money than a foreclosure.

The last thing a lender as a rule wants is a foreclosure because the house is vacant in the neighborhood. Senator DODD was talking about that. We do not need four or five vacancies in the neighborhood and the house run down, weeds growing instead of the lawn trimmed.

Everybody knows what that does to the value of their neighbors' property.

Housing is important. What we are trying to do—and one can see the votes we have been getting—is fashion something that will give a lot of people a better opportunity to finance their home, as well as to regulate the GSEs in a meaningful way. Most of the Members of the Senate know that.

If somebody has an amendment, they ought to come down here. I know we can debate this for 30 hours under the rules—I believe that is right—after cloture.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SHELBY. We are that close to passing a meaningful piece of legislation. We would like to pass it. We would like the House to pick it up quickly—either agree to it, amend it, or whatever, and get it to the President. The sooner, the better.

This is not a perfect piece of legislation, but overall it has a lot of good things in it. I certainly urge my colleagues to support it.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senate is not in a quorum call, I expect.

The PRESIDING OFFICER. The Senate is not in a quorum call.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes and that 10 minutes be applied to the 30 hours postcloture.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object, I ask unanimous consent that following Senator VITTER—he is going to speak next for approximately 5 minutes—I then be recognized to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from North Dakota is recognized.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3183 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to speak on the housing bill before this body now and to speak about an important omission from the managers' amendment that is before the Senate. This is just one piece, one narrow issue, but it is an important one that will affect many folks in the housing market and throughout America. I am talking about the need to provide a transition period for the implementation of the new GSE regulatory structure in the bill.

A large part of this legislation on housing recovery is devoted to GSE regulatory reform. GSE means "government-sponsored enterprises"—regulatory reform regarding those entities. This is a huge undertaking, with wide-reaching consequences for the mortgage and housing industries and our economy generally.

This GSE reform title would combine the regulatory authority and personnel of three distinct agencies—HUD, the FHLB, and the OFHEO—to create an entirely new GSE supervisor with broad, far-reaching powers over this $3 trillion part of our economy, the housing finance system. The effects of new regulatory powers would not be limited even to the housing industry, as big as it is. The vast global investment in GSE securities and the 8,000 member banks that obtain liquidity and other services from our Federal Home Loan Bank system would also be significantly affected.

Given the far-reaching and very significant impact of this part of the bill—this very significant consolidation of three separate agencies—I think simple common sense would dictate that implementing that sort of measured change should be done with great care and over some reasonable time period. That is why the House in its legislation recognized the need for an orderly transition. Their bill included a uniform effective date of 6 months after enactment to allow the President to begin the appointment process immediately but to give that 6-month transition to a very new regulatory structure.

Unfortunately, the bill before us in the Senate today does not include this transition period in this language.

Under the Senate substitute amendment, the powers of the new agency would be effective immediately, potentially destabilizing our housing market, causing real concerns among many in that important market.

I am very concerned about this. I think it is a significant omission, a significant problem, a significant issue. Making the powers of a new agency effective immediately, before the three existing agencies are combined and before expert personnel can be transferred and this new agency staffed is putting the cart before the horse. At a time of great instability in the mortgage and housing markets, we should use care to preserve consumer and market confidence by ensuring a smooth transition and regulatory stability.

That is why I am strongly urging the adoption of the House approach with regard to this specific issue. It would ensure a gradual transition of no less than 6 months, allowing for careful and efficient consolidation. In our push to make the housing and mortgage markets stronger and more responsive to the American people, let's also make certain we don't break what we didn't need to fix in the first place.

I urge my colleagues in the Senate to adopt this commonsense, reasonable, balanced House approach with regard to a 6-month transition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, is it necessary that I ask to speak as in morning business? I am taking time off my postcloture time.

The PRESIDING OFFICER. The Senator may be recognized under cloture.

Mrs. BOXER. I thank the Chair.

DRILLING IN PRISTINE AREAS

Mr. President, I am going to discuss, in about a 20-minute timeframe, a couple issues that are swirling around this country and the Senate, and I wish to go on record on both of them. One has to do with President Bush and Senator MCCAIN's proposal to open pristine areas off America's coastline to offshore oil drilling as an answer, they say, to high gas prices. I am going to, hopefully, debunk that argument, and I hope I can do it convincingly.

The second area is going to be my feeling on the FISA bill, which is coming to us tomorrow—the Foreign Intelligence Surveillance Act bill.

I think I can start off where Senator DORGAN ended. He has been brilliant on the point that speculation in oil futures is what is responsible for a good deal of this horrific runup in the price of gas at the pump. We need to do something about these speculators. We have been blocked from doing that by the Republican leadership. I wish to quote Michael Greenberg, a former director of trading and markets for the Commodity Futures Trading Commission, who testified before the Senate Commerce Committee. He said:

> Going after the speculators will bring down the price of crude oil to get at least a 25 percent drop in the cost of oil and a corresponding drop in the cost of gasoline.

Testifying Monday before a House Energy and Commerce Committee subcommittee, Michael Masters, of Masters Capital, said:

> The price of crude oil would drop to a marginal cost of $65 to $75 a barrel, about half of the current $135.

Imagine, the experts are telling us speculation is responsible for about 25 to 50 percent of the cost runup of gasoline. We are trying desperately to close that Enron loophole, to ensure that the speculators are once again regulated. There is a Bill Nelson bill, S. 3134, which would say all energy future contracts will fall within the regulatory format they were at before. So we can do this.

Where are President Bush and Senator McCAIN on going after the speculators? I don't hear them suggesting that. I don't see my Republican friends embracing this. They have already stopped us a couple times from doing it. If we want to do something about the price of gas, let's go after the speculators, and it will result in a very quick reduction in these outrageous price increases. We have the Strategic Petroleum Reserve which is 97 percent full. George Bush's father took some oil out of there after the first gulf war. President Clinton also took some out of there, and it had the impact of lowering the price. In other words, they are adding a supply from the Strategic Petroleum Reserve. Again, it is 97 percent full. This is the moment when we could tap it. It will make a difference, and it will get to the people, within a few short days. Thirteen days from a Presidential decision, we could have more oil on the market.

Our colleagues agreed with us to stop filling SPR, but we don't have their support for taking some out—and, of course, you would return it at another time.

Here is a big one, and I will show you this chart. Remember, the President and Senator McCAIN said open all the coastal areas to drilling—these pristine areas. So you have to ask yourself: Well, have we run out of places to drill offshore? The answer is no. What about onshore? No. Oil companies hold leases to nearly 68 million acres of Federal lands that are not producing oil. This land could produce 4.8 million barrels of oil each day—six times the peak production from drilling in the Arctic—and it would double total U.S. oil production. Let me say that again—68 million acres of oil leases are being held today by the oil companies. I say they should use it or lose it. Here we have people saying: Oh, give them more. That is akin to saying to a kid, whom you are trying to get to do something, I will buy you an ice cream cone if you do XYZ; but they are holding two ice cream cones in their hands now.

Let me show you what 68 million acres looks like. First, I will show you the onshore, which is about half of that. Look at the red areas on the map. This is onshore, 34.5 million acres that are unused by the oil companies. They will not drill there, but now they want more leases in the most beautiful parts of America.

This is ridiculous. It is a phony idea. It is not going to bring down gas prices 1 cent, according to the Bush Energy Department. It will have no impact—maybe by 2030. I am looking at some of the Senate pages, and they will be moms and dads by then.

Let's look at the offshore leases. Look at this. These are the offshore leases that the oil companies hold. They are not using them. Yet, still, President Bush and Senator McCAIN—and this is a flip-flop by Senator McCAIN; he has always supported protecting the beautiful areas, but they are now saying it is necessary now to sell off the family jewels.

I have to tell you, coming from a State—and the Senator in the chair does as well—where an unspoiled coastline is our ticket to a tourist industry, a fishing industry, a recreation industry, an industry in America that provides, today, $70 billion in a coastal economy—$70 billion and millions of jobs. In my State, it is about $11 billion or $12 billion and a quarter of a million jobs.

So you have to ask this question to the President and Senator McCAIN: We all want to help our middle class and our working poor pay for the price of gas. We want to bring down the price of gas, or we want to give them alternatives to having to fill their cars; we all want to do that. Let's give real answers. Let's not give an answer that could threaten a huge coastal economy. Our families are having a very hard time paying for gas. Imagine what happens when they lose their jobs because the coastal economy is now going to go. What good is that? Millions of jobs are at stake.

So rather than go after the speculators, rather than look at the Strategic Petroleum Reserve, rather than tell the oil companies, look, you can double production and you are not doing it, rather than ask the Federal Trade Commission to investigate supply manipulation—and I can give you story after story of supply manipulation. In my own State, we had a large company—Shell Oil—try to close down a refinery. They said it wasn't making money and there were no buyers. Untrue. We called our State attorney general. He got involved. We found out they were making money and that there were buyers. They just want to manipulate the supply. Because of our involvement, and especially the attorney general, that refinery was sold. That was 2 percent of our State's supply at the pump.

So these oil companies do not come to this with clean hands. We know it. This administration gives them a pass, saying let the speculation fly, and let the oil companies sit on these leases; forget about using the CFTC, forget about going to the World Trade Organization and lodging a complaint against OPEC because they are anticompetitive. They don't do that. They are not doing anything to extend the tax credit for the most fuel-efficient vehicles. That expired because they put a cap on it, on how many cars would have to be sold before you no longer get this tax credit. They don't do any of the things that would help us now. I don't see them saying: Let's make sure our transportation districts locally have enough funds to add more buses and to add more ferry boats. We could be doing these things now.

What is their answer? Drill, drill, drill, drill, drill. Where? The most pristine areas of our coasts—these areas that are a gift from God. Millions of dollars have gone into setting aside marine sanctuaries. We will put it all at risk because oil companies see it as an opportunity to get more leases, increase their portfolio, and increase the assets on their books.

I have to say I hope the American people will look at this proposal the same way they looked at the gas tax holiday. When that first came up, having a gas tax holiday, JOHN McCAIN recommended it, saying this is going to mean good news at the pump. The truth is it threatens the highway trust fund because those are the funds that go into the highway trust funds so we can take care of our highways. There was nothing in the proposal that would have led to a lowering of the price of gasoline. Other costs could have been passed right on to the consumer.

So it is amazing to me that we now have another proposal that is basically the same kind of proposal: Drill, drill, drill, and put at risk a $70 billion coastal economy. First, the gas tax holiday put at risk the highway trust funds. This proposal puts at risk a $70 billion coastal economy and millions of jobs that go with it, and it doesn't even account for the fact that there are so many acres—68 million acres—leased to oil companies that they have not produced.

It seems to me the American people will understand that this so-called solution to high gas prices, which the President's own Energy Department says will not save a penny, is another phony solution. It is not real. When we look at the long term, what we know is we have to pass global warming legislation. When we do that, when the private sector puts a price on carbon, we are going to see technologies erupt from America that are going to make us competitive. We will export those technologies.

We know when we take care of our environment, in the long run, our economy gets stronger. We need to invest in transportation. We need to go after OPEC. We have to go after the speculators. We know we will see, with global warming legislation, investments in cellulosic ethanol, which is going to compete with fossil fuel, and we know it is going to work.

So there are short-term answers to these gas prices, and I laid them out, and there are long-term answers, and I laid those out. I am not the only person in the Senate who has these ideas. But to put out a phony solution to a real problem does not help us and it jeopardizes a lot of jobs and a coastal economy.

I look forward to working with my colleagues on going after the speculators and doing all I need to do.

I ask unanimous consent that I be given an additional 10 minutes on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, this debate over gas prices and the long-term and short-term solutions is going to go on for a while. I look forward to addressing them, both in my committees of jurisdiction and on the floor.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. President, we are about to get a Foreign Intelligence Surveillance Act bill that is going to come to the Senate probably tomorrow. I know that a lot of my colleagues worked very hard and very long to try to get a compromise on this bill. I have to say that there is a portion of this bill that I believe is egregious and will prevent me from voting for this bill. It is because I believe one of the most basic tenets of our freedom is justice. Looking at justice, we have to see what lies at the heart of justice. And what lies at the heart of justice is the search for the truth. If you block the truth from coming out, if you don't allow a search for the truth, you don't find justice. I worry very much about that.

Throughout our history, whenever the U.S. Government has violated the trust of the American people, we have worked to regain that trust by seeking the truth and allowing for a full examination of the abuses of Government power. We can see that in the history of America. Sometimes these egregious acts take many years to uncover. I am thinking of the Tuskegee experiments. Of course, we have to go back to the days of slavery. Go back to the Jim Crow laws. Go back to the era of the Vietnam war and the tenure of J. Edgar Hoover, who headed the FBI. We knew in that particular case that the CIA and the FBI, under J. Edgar Hoover—he headed the FBI—he engaged in spying on the political activities of American citizens. He was spying on famous, important people, such as Martin Luther King. He was spying on people at the highest levels of Government. He was also spying on the American people. Pictures were taken at rallies where people were trying to argue for an end to the Vietnam war.

In 1975, the Church Committee, which would later become the Senate Committee on Intelligence, looked into allegations of covert and illegal spying by the Federal Government on Americans. What did the committee find? The committee found that, indeed, there had been spying on Americans by the FBI and the CIA.

Here is what is interesting. What did the Congress do when they found out, in horror, that the Government was spying on the people? They passed the Foreign Intelligence Surveillance Act in 1978. It set up a new court with authority to approve electronic surveillance but only on a case-by-case basis. Since that time, we have updated FISA to reflect the changes in the threat we face in America and to reflect the new technologies.

Suddenly, in late 2005, we learned that the U.S. Government—our Government, the Bush administration—had violated the trust of the American people again when the New York Times published a story exposing a warrantless surveillance program authorized by President Bush shortly after 9/11. Since that time, Congress and the American people have been grappling with the disclosure and working, with no help from this administration, to find out what happened. We cannot find out exactly what happened, who was spied upon. Was I spied upon? Were you spied upon? How many people were spied upon? What information was gained?

In putting together the FISA bill, I do believe House and Senate members tried hard to find a balance and figure out a way to get to the truth, but I feel they have fallen short because what we will have before us when this bill comes before us is not only a bill that will deny the court the ability to make a judicial determination as to the legality of the spying program, but it will effectively guarantee immunity for the telecommunications companies that cooperated with the administration and violated the privacy of their customers.

You have to know that we had laws in place that specifically said to telephone companies: You cannot invade the privacy of your customers. What apparently happened was the Government went to them and said: We are asking you to disregard the law.

I understand the predicament of the companies, although there was one company that refused to cooperate. One company refused to cooperate. They said: No, we are not going to do it. But all the others cooperated. And now we have a situation where we know the telephone companies responded to the Government and said: OK, we will disregard that law on your say-so.

I would support granting the telecom companies indemnification—in other words, having the Government step in and be the party that has to pay the price—but this immunity provision that is in the bill blocks us from finding the truth. Remember what I said when I started: The essence of justice is to get to the truth, and we are not going to be able to get to the truth. We are not going to know exactly how this program ran. We don't know enough. The Bush administration, in my view, trampled on the Constitution, and we are not doing anything in this bill to provide accountability. Frankly, if we just left out this provision and passed the rest of the bill, we would let the courts do their job. Fine. But, no, no, we have to add this provision and essentially set up kind of a new law now to deal with this spying operation.

I don't think we can hold up the Constitution when it suits us and set it aside when it hinders us. That is not what the Constitution is.

The supporters of this compromise will say: Wait a minute, Senator BOXER, we have a provision in there that says the telecom companies have to prove they were asked by the Government to do this activity. We know they were asked by them. That is why I don't want to punish the telecom companies.

Mr. President, I tell you what I do want to do: find out the truth. That, the truth, I want to find out. I have to believe that if we don't change Title II of this bill, we are perpetuating a coverup. I use that word advisedly because I don't think we will ever get to the truth of what happened here.

I support giving our country every tool necessary to track down the terrorists. I voted to go to war against bin Laden, and I am disgusted that he is still out there taunting us, all these days, all these years, despite George Bush. Dead or alive, we will get him. Where is he? I want to go after al-

Qaida. I want to go after bin Laden. I think we do have to provide all the tools that are necessary, but we also must uphold the Constitution and the rights of our citizens.

This granting of immunity will block the courts from moving forward and learning whose privacy was violated. I want to be able to look in the eyes of my constituents in California, 38 million people, and say: I know you were in that group of people, and I feel terrible, and we are going to make it right for you; or, I know you were not involved in being caught up in this net.

These are extraordinary and difficult times. Our sons and daughters were sent to Iraq to fight for our freedoms. We have to listen to what former Justice Marshall says:

> History teaches us that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure.

Our Constitution is not an extravagance. It is the centerpiece, the very essence of a democracy. It is what our sons and daughters are fighting for abroad. How could we say on the one hand to our soldiers: Go fight for our freedoms, go fight for the freedoms in our Constitution, while at home we are covering up the erosion of those freedoms?

The bill was improved upon, and I am glad Title I improved the way we go about protecting the rights of our citizens and balances it with the need to get this information. I am very pleased with that. But it seems to me, if you believe in the truth, then I don't see how you grant this type of immunity.

Again, I would substitute the Government, I would indemnify these companies. I am not interested in hurting them. But I want to get to the truth. We have a really good way to do that, which is to strip this part from the bill. We will have our rights protected then. We will have the tools we need to fight terrorism. We must do better than this.

So unless there is some miracle that happens overnight and we see some changes, I will be forced to oppose this bill. I am hoping we will have an opportunity to vote on a substitute that will keep the rest of the bill intact but eliminate this egregious provision which really is very troubling. Anyone who lived through the days of J. Edgar Hoover and the kind of spying that went on, who understands FISA was passed to protect Americans has to be alarmed.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Missouri.

Mr. BOND. Mr. President, I came to the floor for another subject, but I do wish to tell my friend from California that we will have an opportunity to talk about the FISA bill that was passed. The bill we passed in the Senate with an overwhelming bipartisan majority protected civil liberties of American citizens much further than they have ever been protected even under existing criminal law, we provided more protection.

The Senate committee looked at the essence of the terrorist surveillance program for which we recommended that retroactive immune liability protection be provided for those who cooperated. They cooperated in good faith on the basis of the representation by the intelligence community that there was a Presidential directive authorized by the Attorney General. It was authorized under the clear constitutional authority of article II of the U.S. Constitution, supported by the MOFA that was passed by Congress. We determined that they were entitled to protection.

As a lawyer, I have read all of the documents. I am convinced that the bill we passed does not in any way give away any rights or protections.

Anybody who objects to the granting of this liability protection should know that we do not protect Government officials or the Government itself from lawsuits. If one wants to challenge it, file suit against the Government, file suit against Government officials, but don't ruin the business reputation of those who, in good faith, as good citizens, provided the intelligence that was needed to keep our country safe and to keep our soldiers and marines, such as my son, on the field safe from battlefield attacks. They provided that information, and we owe them better than to haul them before a court to have them exposed to the vengeance of terrorists or people who didn't like what they did. We owe our security in the United States better than to lay out in an open court proceeding all of the things our intelligence community can do to stop terrorist attacks—terrorist attacks which have not occurred in this country since September 11, 2001, which were certainly planned and underway before they were interrupted.

I can't go into any more on the floor. Any Member of the Senate is entitled to have that information in confidential SCIFs where we discuss classified information. I invite them to be briefed, and I will have much more to say about the FISA law when we get on the debate.

MISSOURI FLOODING

But I come to the floor today to share some observations with my colleagues, and anyone else who may happen to be watching, about the natural disaster that is going on right now in my State of Missouri.

If you turn on the television, you will probably see the flooding that is expanding over an area west of St. Louis County and St. Charles County. The Eagle Point levee breached last night, and that is only the latest example. Many other levees have also been breached.

This past weekend, I went to visit the people on the front lines. I met with State and local officials, who are prepared and are responding extremely well, given the prolonged damages, the challenges, and the extensive duration of the flood. This effort, I am proud to say, is a good testament to how bad disasters can be mitigated from becoming worse disasters when competent local and State leaders and volunteers proactively take steps at the immediate scene of the disaster.

At Winfield, MO, on Friday afternoon, right along the Mississippi River, I met with volunteers from the Salvation Army, the Red Cross, Missouri Civil Air Patrol, local law enforcement's emergency planning officials, the Missouri National Guard, and local and surrounding community volunteers. It was inspiring to see how people came together to help protect lives and property. Over 1,000 volunteers—some of my staff members joined with them—filled sandbags and built the levees. They were joining neighbors, church groups, civic groups, and other people coming in to help. By that afternoon, they said they were going to have to call and say: We don't have need for more volunteers now, so wait until there is a problem elsewhere.

As always, the National Guard acted valiantly. Their work has given businesses and families the critical time they need to get important assets out of harm's way where levees are in danger of failing. And so far—knock on wood—we have come through with minimal personal damage. People from all walks of life across Missouri and across the heartland—neighbors came in from Illinois—have pitched in to help. It has truly been an all-hands-on-deck effort, and I couldn't be more proud of them. I thanked them in person, and I come here on the floor to express my thanks to them.

Missourians and our midwestern neighbors have pulled together and, as it turns out, they may be doing too great a job of fighting the floods. Local communities have been burdened with the financial strain that comes with any disaster. Communities along the Mississippi have invested hundreds of thousands of dollars in pumps and sandbags, and untold tens of thousands of volunteer efforts in trying to protect property and lives. While these current investments made are small compared to cleanup costs, our small towns, our communities, still need Federal help.

I come here today to report, regrettably, that despite national news coverage day after day of the destruction in Missouri, FEMA has still not declared Missouri a Federal disaster area. Our families and communities along the Mississippi River are investing every resource they have to mitigate the disaster while FEMA figures out the extent of the disaster.

Not only has this flood destroyed homes, but it is currently saturating tens of thousands of acres of some of our State's most productive farmland. In addition to waiting for the waters to recede, farmers will have to remove the debris the Mississippi River leaves behind before they can plant their crops. I don't know if you have ever been to a flood scene, but it isn't just a whole bunch of land getting wet; it brings in everything you don't want to have on your land, and you can't plow it, you can't even mow it because of all the debris left.

Many have heard the saying "knee high by Fourth of July." That used to be a reference to corn height in Missouri, if you wanted a good crop. Now, in a good year, if it isn't six feet tall, then you are way behind. But this year, regrettably, in talking about the height of corn, there is a lot of land where we are going to be talking about the height of water.

USDA, FEMA, and other Government agencies, I hope and I expect, will provide emergency funds to clean up the disaster. I am pleased I have been joined by my other colleagues from the Midwest to fund these programs in supplemental appropriations bills that will ensure disaster victims receive much needed aid. We have to continue to do our part in the Senate to make sure these flood victims will be able to get their feet back on the ground. I have joined with eight of my colleagues in cosponsoring Senator GRASSLEY's disaster tax package, which will also help.

But, I repeat, none of these actions will provide any relief until Missouri gets a disaster declaration. And with everyone in Missouri doing their part—his and her part—acting responsibly and responding locally, I urge FEMA to do its part and approve the predisaster declarations they asked our State officials to make. We know there is going to be more work in finding out the total extent, but anybody who looks at the pictures on the television and who doesn't believe this is a major disaster, is saying, I am not believing my own lying eyes, because it is right there for them to see. I wish FEMA would start the mechanism rolling.

We know we have a lot of work to do, we have a lot of disaster, but we are thankful in our hearts for minimal human damage and the tremendous human outreach. It is time for the Federal Government's emergency management agency to get off the dime and move.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me say to my friend from Missouri, we do see the videos of what is happening in his State with the devastating floods, and the people of Maryland agree with the Senator's statements. We want to make sure FEMA does the right thing.

Certainly the Senator is very concerned about the circumstances, and we want to do everything we can to help the people of Missouri and the other States that have been devastated by these floods. It has obviously had a dramatic impact on many lives, and this is when our Nation needs to come together to help those who have been devastated. So the Senator will have our support, and I wanted him to know that.

Mr. President, the bill we are considering now in postcloture is the bill the House sent over to us to deal with the housing crisis. I was very encouraged with the vote earlier today, and I hope we are on the verge of passing this much needed legislation so we can work out our differences between the House and the Senate. I know we still have some procedural hurdles we have to overcome, but I hope my colleagues will act quickly so we can complete our work on this very important housing bill.

The people of Maryland, the people around the Nation, are hurting today because of what is happening in the housing market. We know it was the housing market that triggered our current economic problems. We know throughout the country there has been a large number of these so-called subprime adjustable rate mortgages that were issued over the last several years, and as a result of the declining housing market and the adjustable rate mortgages and subprime mortgages, we have record numbers of foreclosures around the Nation, including my own State of Maryland.

We are not only seeing a record number of foreclosures, we are also seeing circumstances where homeowners' equity in their property is actually negative. That means the money they owe on their mortgage is exceeding the value of their property. And with declining markets, it is becoming more and more difficult for individuals to be able to sell their homes, so we anticipate there could be continued problems of more foreclosures. That means it is very important that this Congress act.

We also know it not only affects the individual whose home is at jeopardy, but it affects the entire neighborhood. When there is a foreclosure in a community, the value of all the homes in that community declines. Local governments are also seeing a dramatic reduction in property tax revenues as a result of the decline of property values. Just at the time we need local government being more active in helping people who are going through tough economic times, they are finding it more difficult to act.

I thank Senator DODD and Senator SHELBY for bringing forward a bipartisan bill, a bill that now stands an excellent chance of being enacted, and a bill that the people of this Nation desperately need. It would do something about the housing problems in this country, so I do thank them for their patience and their work.

I see Senator DODD is on the floor, and I personally thank him for the work he has done. We are now on the verge, I hope, of passing this very badly needed legislation, the key features of which are going to help the people of Maryland and around the Nation.

This bill deals with properties that are in danger of being foreclosed by trying to prevent foreclosure. I think that is one of the things we should be doing here. The HOPE for Homeowners Act will help up to 400,000 or 500,000 homeowners on a voluntary basis get their mortgages refinanced, at no cost to the Government, using FHA, in order to make it affordable and to prevent foreclosure. That, to me, is smart. It is good for the homeowner, it is good for our economy, and it is a great investment for taxpayers because it will save them money by having less foreclosures in their communities.

The legislation also helps communities in desperate need. The CDBG funds are increased to help the communities that have been hardest hit through the numbers of foreclosures, but then, moving forward, we do something about the housing crisis in this country. We provide affordable housing funds, which we desperately need in Maryland and throughout the Nation.

We also provide more money for counseling. I say to Senator DODD that I had a meeting in Baltimore with housing counselors who are overwhelmed. They cannot handle the number of people seeking their help, so the funds provided in this legislation will help them help people who want to get counseling, but the services are not available in so many communities around the country.

The new disclosure requirements will also help people who will be moving forward because they will know what they are doing and have less chance of ending up in trouble in the future.

I also want to comment on the provisions in this legislation that ease the credit crunch. Today, it is very difficult to find affordable mortgages. Obviously, lenders are being much more cautious and it is difficult today, if you live in a minority community or you live in a modest-income neighborhood, to be able to get a mortgage. Yet banks are willing to write mortgages. In the subprime mortgage industry, there were so many people, particularly from minority communities, who were steered into subprime loans. These individuals could have had traditional mortgages and they wouldn't have been in trouble today. Now there are many people who need help in finding an affordable mortgage.

In this legislation, with the GSEs, the government-sponsored entities—Fannie Mae, Freddie Mac, and the Federal Home Loan—and the reforms in the FHA—raising the loan limits and by changing some of the underwriting—they will provide more mortgages to modest-income families in America, so those who are in the market to buy homes and who want to be in the market to buy homes will have a much easier time finding an affordable mortgage in order to move forward. That will be good for home ownership, which is good for our neighbors, and it is going to be good for our economy.

I also thank Senator BAUCUS of the Senate Finance Committee for bringing forward some changes, some amendments to this legislation, which I think are very important. I had a meeting in Baltimore and met with the real estate community, and they told me several months ago we needed to do something to try to get first-time home buyers into the market. If the Federal Government could offer some incentives, it would help in freeing up the market, which is going to be good for our economy. At that time, I filed an amendment that would have provided a first-time homeowner's tax credit. I thank Senator BAUCUS for bringing out a similar proposal in the bill that is before us for first-time home buyers. The Federal Government will help participate in their buying a home and will offer them a credit of up to 10 percent of the cost of the home, up to $8,000, which will ultimately be an interest-free loan that the Federal Government will invest in an individual buying their first home, for modest-income families.

To me, that makes sense. We want to encourage young people who can afford to own homes to buy homes, but they are reluctant to get into the market today because they do not know what is going to happen with the property values. When the Federal Government helps them buy that home, they are going to be more confident this is the right time to come into the market and to buy that home.

I think this provision can make a huge difference, and I appreciate the Senate Finance Committee adding it to the good work of the Banking Committee.

As I said earlier, this is an important bill. Today's vote was an important vote. We are on the path to getting it enacted. I urge my colleagues, let's work out our last differences, and let's get the votes we need to get on the floor of the Senate. Let's move this bill forward. Let's reconcile the differences with the House. Let's get it to the President. Let's get it into law so we can help the housing situation around the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I commend Senator DODD and Senator SHELBY for working so hard to bring this bill to the floor—Senator CHRIS DODD for his wonderful leadership on the House bill.

I ask unanimous consent to speak as in morning business for 10 minutes and the time be charged postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREATING AMERICAN JOBS

Ms. STABENOW. Mr. President, I have to say that I was quite amazed and shocked yesterday to hear the proposal that certainly flies in the face of what I believe needs to be happening for Michigan and other States that have been the backbone of the manufacturing economy in our country, the backbone of the middle class. It was a proposal to turn our way of handling American jobs and the economy into a game show. We do not need a game show. We do not need prizes down at the end of some long line for doing what needs to be done in order to create innovation and be able to focus us on the next generation of advanced battery technology or any other technologies. What we need is something thoughtful and sustained, ongoing investments to create jobs in the United States.

The last 8 years we have not seen that. We have not seen a willingness to step up and aggressively invest in advanced battery technology research or any other areas where we would be able to get the kind of jobs and production we need in the United States. I remind the Chair that, as he knows so well, just since January we have lost 325,000 good-paying jobs in America. As the distinguished Presiding Officer and I have both come to the floor to speak about good-paying American jobs, middle-class jobs for middle-class families, we continue to lose jobs.

I am very proud to be a part of a majority that is tackling that, focusing on investments, on jobs rebuilding America, on investments in the future. We passed a budget resolution a little earlier this year that included a green-collar jobs initiatives, which I was proud to offer. It had strong support from our Presiding Officer. Among things that we listed and we put into the budget resolution was advanced battery funding. This is something I know our appropriators are taking seriously. I also know my colleague, Senator LEVIN, is focusing on this in the Department of Defense authorization. I know we are serious about investing in the future now, today—putting dollars in to partner with the private sector to get us to that next generation of vehicle that is so critical.

One of the things about which I am extremely concerned is that other countries have been investing for years, and we have not seen the same kind of investments proposed year after year in the President's budget or supported by our colleagues on the other side of the aisle.

When Toyota first made the Prius, we heard a lot about it. They made this with advanced batteries made in Japan. What is more concerning is when Ford Motor Company first made the Ford Escape Hybrid—and I am very proud they did—they looked around and couldn't find the advanced battery in America. They got it in Japan.

We cannot afford to be on a road to dependency on foreign technology as we are trying to get off of dependence on foreign oil. This needs more than proposals that feel like game show prizes down at the end of a road, a road we may not be able to get to if we are not serious as a country about what we need to do in making investments right now.

Germany has announced a great battery alliance which will invest over $650 million in advanced lithium-ion batteries. It is specifically aimed at helping German auto companies.

South Korea, by 2010, will have spent $700 million on advanced batteries and developing hybrid vehicles.

China has invested over $100 million in advanced battery research and development.

Over the next 5 years, Japan will spend $230 million on advanced battery research. It is spending $278 million a year on hydrogen research for zero emission fuel cell vehicles.

These countries understand they need to step up to compete in a global economy and partnering with their automobile industry. We need to do no less.

We have picked one segment of the economy, the automobile industry, in which we have placed a major new mandate—an $80 billion mandate on fuel efficiency. We need to do everything we can to help them achieve that. But they will not get there unless now—this year, next year, the year after—we are supporting and partnering on efforts for advanced battery technology research and development. Not the basic research, the basic research is being done. Now we are at a point where we need to have the technology developed to deal with issues around the size and the weight of the vehicle and the reliability of the batteries and all of the issues that bring it to the point for marketing and sales. We are very close. But our country needs to be taking this very seriously right now if we are going to have good-paying manufacturing jobs, high-tech manufacturing jobs in this country, particularly in the automobile industry.

I thank our majority leader and our chairman of the Budget Committee who placed dollars into the budget. I thank all of those who will be involved as we move forward to implement our efforts to invest in advanced battery technology research. I only wish the passion that was shown yesterday would be shown on the Senate floor, would be shown in votes for the budget resolution, would be shown in votes for appropriations, would be shown in votes and leadership speaking up as the President, year after year, has woefully underfunded his requests for advanced battery technology research.

We are past time to get this done. It should not be treated as something that is trite but as something that is very serious and very doable if we are willing to step up and partner and make the investments that need to be made, as every other country is doing.

Our companies today are not competing with other companies around the world. They are competing with other countries around the world, other countries that understand that whoever gets to advanced battery technology first will have the edge. Whoever is getting the hydrogen fuel cell technology first will have the edge. Whoever gets to that next technology will find themselves in the position to be the leaders in a global economy. We need to understand that and take that seriously. I am proud to be part of a majority that does, and we are working very hard.

We have moved the ball down the road and have more to do, but I am amazed to hear the kinds of discussions that have gone on in the last 24 hours as it relates to jobs and the economy and prizes. The prize for us is a good-paying job and a strong middle class and keeping advanced manufacturing in this country. We do that by being serious and sustained and thoughtful, by providing dollars on the front end, by making sure we understand the seriousness of the competition around the world, and having a sense of urgency about American jobs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we are on the bill having to do with homes and foreclosures. I want to speak on the bill, and then I would ask unanimous consent that I be allowed to speak thereafter as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I will be offering an amendment which I think will be adopted or embraced, approved, cleared by both sides. It is a bipartisan amendment with Senator COLEMAN. It is to give some commonsense relief to homeowners who are trying to stay in their home while their home is under foreclosure.

If a homeowner is there and doesn't have any cash, the homeowner has fewer options of what to do if the bank is foreclosing on the home. But suppose the homeowner has a retirement fund, a private retirement fund, a 401(k) retirement fund. We have allowed, under current law, for the ability of a homeowner to take money out of that retirement fund, without paying the 10 percent penalty, to take it out of the retirement fund before retirement for the purpose of purchasing a home. But if it is a homeowner with a home that is under foreclosure and they need cash, under current law, if their only source of cash is that retirement fund, in order to pull it out, they have to pay a 10-percent penalty. It seems it is common sense and the kind of public policy that we would want to adopt to give the homeowner the means of avoiding foreclosure by being able to tap into some of their cash in their retirement fund in order to save their home.

That is what the amendment is all about. It is simple. It waives the 10-percent penalty for folks wishing to make an early withdrawal from their retirement fund in order to avoid foreclosure.

We put some parameters, some boundaries around it so it cannot be abused. We say homeowners have to show they are participating in a government- or industry-sponsored foreclosure prevention program, such as the ones we are setting up in this bill, the HOPE NOW or the HOPE for Homeowners programs. Both of those are established in the bill before us today. That is one parameter. Another parameter is, we make this thing limited for 2 years so it will not go on and on. The foreclosure crisis is right now. We want to help homeowners stay in their homes. We limit it for 2 years.

The third parameter, we put a limit of $25,000 on what they can take out of their retirement fund. We are going to give that homeowner, once they take the money out and they save their home, the ability to put that money back into their retirement fund within a 3-year period and not have to pay income tax on that money. A normal retirement fund, you take money out of the fund, you will have to pay income tax on it. If the purpose is to get a ready source of cash to help them stay in their home under foreclosure, we want to give them that opportunity to get it back in their retirement fund and not have to pay income tax. They have to do that—another one of those parameters—within 3 years.

The cost is fully offset. I want to give an example. We all, from our States, get horror stories. I got one from a retired Air Force sergeant who lives in Stuart, FL. He recently lost his job and, in order to stay in his home, pay his mortgage, he liquidated his 401(k) savings and paid the 10-percent penalty. The bill we are considering today gives, in another provision, a tax credit for first-time homeowners to buy their first home. But unless we do it with this provision, we are going to penalize folks such as Wayne who didn't have any source of cash except his 401(k) in order to try to do his best to save his own home using his own money.

It is true that for most people, a home is the greatest single source of wealth. It seems to me it is common sense that we would have this narrowly defined, limited exception to allow homeowners to use every tool available within their power to stay in that home and not have it foreclosed. That is the amendment I will be offering at an appropriate time. I believe we have received clearance from Senator GRASSLEY. I am trying to get clearance from Senator BAUCUS, then the two managers of the bill, and the Banking Committee, to get clearance from them.

OIL FUTURES

Why has oil hit, last week, $140 a barrel, and why is it, within the last couple days, somewhere in the high 130s? We have had testimony now from the president of Shell Oil Company. We have had testimony from an executive of ExxonMobil. The two respective testimonies say that under the normal marketplace for oil, a world marketplace of supply and demand, one of them testified oil ought to be at $55 a barrel, not $140, and the other one testified it ought to be somewhere between $35 and $65 a barrel, not $140. So why is it at $140?

It is true that little "jitterations" in the marketplace, any little minicrisis in any part of the world is going to send jitters into the financial marketplace. That is going to cause upward pressure. The fact is that China and India, of course, having so much consumption of oil, makes it tighter. But even so, with all that, they said it ought to be in the range of somewhere between $35 and $65 a barrel.

The reason it isn't is because 8 years ago, in the dead of night just before Christmas in the year 2000, the Senate, adjourning to go home, a provision was slipped into an unrelated bill that deregulated energy futures contracts. It was called the Enron loophole because it benefited Enron. We saw that a couple years thereafter in electricity contracts in California having been bid up and bid up and bid up, and that caused a great crisis that ultimately caused blackouts in California. Then, when Enron unraveled financially, we found out about that. But nothing was done to reregulate the agency, the Commodity Futures Trading Commission, the CFTC.

A lot of our colleagues here think we just reregulated them last Thursday night in the farm bill. But we only partially reregulated them when we passed the farm bill over the President's veto. What that was, was new power of the CFTC to go in on an ad hoc basis on an individual oil contract, with certain other limitations, to examine it and then determine if it wants to regulate it. I don't want to do that.

The bill I have filed—and I have Senator DORGAN, Senator OBAMA, and Senator BOXER as cosponsors—takes us back to the status quo before the Enron loophole was passed, which is the trading mechanisms attached to the United States have to be regulated if it is energy futures contracts. It is very simple. As a matter of fact, my bill is only two words. It inserts the words "or energy" in there to reregulate energy futures contracts.

What is regulating? That Commission would decide, for example, that they are going to require that if you are going to bid on these future contracts for oil, you are going to have to use that oil. It is people now who don't have any intention of using oil who go into these markets and speculate and bid up the price. It is believed that if we plugged this loophole, the price of gasoline will drop by half. That is pretty dramatic. Yesterday, the House of Representatives had testimony that the price of oil per barrel would drop by over half. That is pretty dramatic.

People are hurting. Every Senator knows that. Our people are hurting. This $4 gas is hurting our people financially. They are not able to make financial ends meet. So if we want to do something, we have to get to where we can do something about it.

Why did the price of oil futures jump $11 in 1 day? Do you know what the airline industry has told us? That 1-day jump of $11 a barrel cost the airline industry $4 billion extra. They can't survive like that. This is an entity we want to survive. They transport us about the country and the world. We can do something about it, if we have the political will.

This Senator is going to continue to pound on this issue to try to get the attention, and we are getting some heft, when DORGAN and OBAMA and BOXER all start signing up. It is a very elegant, very simple thing. You go back and plug the loophole that was unplugged back in December of 2000 and allow the Government to do what it ought to do by saying that the commodity exchanges have to regulate the trading of oil futures contracts.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. DODD. Madam President, to inform my colleagues and others interested, we are making progress on various amendments that people are proposing to the housing bill. As the majority leader has indicated, the only amendments we are going to consider are housing amendments. This is a housing debate. These are the issues on which people are anxious to see resolution so we can begin to make some serious movement on the foreclosure crisis in our country.

I have a long list of potential amendments, some 44 of them. I am not sure all are going to be offered. Some, because we are in a postcloture environment, might fall. But I strongly urge those who have amendments, Democrats and Republicans, to come to the floor to meet with staff to try to resolve their amendments if at all possible, to reach some compromise on them so they can be agreed to or in some cases clarity as to how to proceed so we can begin to organize how these amendments can be handled.

It is my intention shortly on a couple of amendments—a Democratic amendment and a Republican amendment—where we have reached agreement and compromise, to propose those, as my colleague from Alabama will, and to agree to those amendments, and then at some point my hope is to try to propose a unanimous consent proposal to accommodate those who insist on floor votes, to accommodate those with time agreements so we can have some clarity as to how the rest of this bill will unfold.

There are complicated procedural hurdles we have to weave our way through, but I think, given the overwhelming vote of 83 to 9 on cloture, there is a strong bipartisan desire to complete this housing measure. We have the opportunity to do that. I need Members or staff, whomever they designate, to come over with their amendments to give Senator SHELBY and I an opportunity to try to resolve them, to declare whether they are going to qualify for working out some agreement. That would be a great help. There are some, I know, to which we can agree. There are other matters that Members want to bring up on this bill, but I know there is going to be strong resistance—and properly so—by the majority leader to entertain ideas that are not pertaining to housing. There will be other opportunities, and there have been other opportunities, for the consideration of such ideas, but they are not going to be a part of this bill, knowing that when we go to the other body with provisions that will not be accepted by the other body, they will kill those ideas, as well as this one, the housing bill.

So for reasons that are very practical, not political, we have to stay on the theme we are dealing with, housing, foreclosures, and what we can do to put our housing situation on a far better footing and give the institutions and the regulatory bodies the necessary reforms and tools that allow them to do their jobs. That is fundamentally what is at the heart of this legislation.

The other body has completed their proposals, and we are talking with them in productive meetings, with Congressman FRANK, chairman of the House Financial Services Committee, along with JACK REED, our colleague from Rhode Island, talking about how we might resolve some of these differences on these two bills.

There are a number of efforts ongoing. Even though we have not been engaged in a public debate in this Chamber over the last several hours, there is movement.

Those who have amendments, I strongly urge them to come to the floor, bring their ideas, and see if we can't resolve how we are going to handle them, either a vote up or down to agree to them or inform the authors that they will probably fail in a postcloture environment.

I am grateful to all of our colleagues for their support this morning on invoking cloture and getting us close to adoption of this complicated housing proposal. We had very strong votes beginning in December with the FHA modernization bill, in April with the foreclosure proposals, and most recently 19 to 2 out of our committee on this particular proposal, and, of course, the vote this morning on cloture, 83 to 9. So there is a strong indication that I take from our colleagues' actions that there is a desire to get this bill done. We have the opportunity to do that in the next few hours, a day or so, to complete this process before the Independence Day recess.

The ideas I just suggested, the proposals we are making, will help us come closer to that reality if people will take advantage of them.

Mr. BUNNING. Madam President, I want to speak directly to the folks at home right now. In the last few days, we have heard Senators say that we are in a historical crisis that requires action by the Federal Government. Supporters of this bill say it directs relief to homeowners who desperately need it, and deserve it. But they are trying to sell you on the cover of a book without letting you see what is inside. I like to know what kind of product I am buying before I open my wallet. As U.S. Senators, we have a responsibility to dig through any piece of legislation before we open up your pocketbook.

This bill is over 600 pages long. I have seen portions of it in the Banking Committee and the Finance Committee, but for the first time we are seeing the whole package here on the Senate floor. I am not buying it, and I do not think you, your children, and your grandchildren should have to either. Let me tell you why.

This bill puts you, the taxpayer, at risk. It creates a new, permanent tax on mortgage business done by Fannie Mae and Freddie Mac. That tax threatens the solvency of those institutions and permanently punishes the shareholders, many of which are institutional investors such as pension funds. The tax also reduces the amount of capital these GSEs can provide to the mortgage lending system in a moment of serious liquidity issues in the market.

Furthermore, the FHA is already projecting losses of over $4.6 billion from existing loans, which will wipe out 22 percent of its capital reserves. The Congressional Budget Office has estimated that participants in the FHA refinancing program will re-default at a rate of 35 percent. That is more than one out of every three loans refinanced through the program. We are putting more bad loans on an already broken program that can't handle the risks it currently has. Is that a good idea? Of course not.

The author of this bill says it does not put the taxpayer on the hook. That is just not true. First, the tax on Fannie Mae and Freddie Mac will be paid by ordinary Americans, either through higher costs for future mortgages or through lower share prices in their retirement accounts. Is that fair? No.

Second, taxpayers are on the hook for any losses beyond what is being taken from the GSEs. Supporters of this legislation say that will not happen, but even their own numbers show just how likely it is for this program to be bankrupt in a few years. The CBO score for losses only fits within the GSE tax set aside for the program because they assume less than a third of the refinancing authority is used. I think time will prove all those assumptions wrong. The real question in my mind is when will we have to bail out FHA and who is going to pay for it?

This bill not only creates a dangerous new tax, but also uses that revenue to fund housing initiatives off the books of the Federal Government. Under this bill, Fannie Mae and Freddie Mac will be assessed $500-800 million annually by the Federal Government. At least for the first year, that money will be used to cover the inevitable losses to the FHA from a bailout program for irresponsible and undeserving lenders and borrowers. The balance of that money will pay for a permanent slush fund for housing causes that will end up benefitting partisan groups, some of whom have recently had workers indicted for voter fraud. Additionally, there is an extra $150 million in counseling funds for these partisan groups, with even less accountability attached to those funds.

Another provision that has received little attention is $4 billion in emergency spending to buy foreclosed homes. That is nothing more than a gift to the banks, who by definition are the ones who have foreclosed homes to sell. These funds will have the perverse effect of increasing foreclosures because banks know there is going to be a willing buyer.

And if these tax and spend policies weren't enough, this bill vastly increases an already overreaching Federal bureaucracy. It nearly doubles the size of the FHA. It assigns important decisionmaking responsibilities with regard to this program to a board created of various agency heads, not Congress. It creates a new trust fund for "affordable housing" that is permanent and mandatory, outside the normal appropriations process. It requires loan originators to participate in a National Mortgage Licensing System and Registry. If you are a fan of big government, this bill definitely delivers.

But I am only skimming the surface. Unfortunately, it gets much worse. Make no mistake—this bill is a huge bailout for our Nation's lenders. The bill's author has said this bill is going to help the everyday man. Let's take a closer look and see what you think.

The FHA program created by this bill refinances borrowers who have defaulted on their mortgages into government-insured loans. Just how much of those loans does the government insure? One hundred percent. By creating this program, this bill limits how much lenders can possibly lose through mortgage transactions. When you invest in a business venture or in the stock market does the Federal Government cap your losses? No. But when it comes to big banks this bill willingly transfers downside risk of future losses right to the FHA and you, the American taxpayer.

As I said before, CBO estimates at least one in three mortgages refinanced under this bill will default again. Therefore, we have put in motion a scenario where taxpayers take the hit rather than the lenders who made that loan to a risky buyer who bought a house he could not afford, with a mortgage he could not afford. That is a bailout for the lender any way you slice it.

Probably the most glaring flaw is that the bill offers no way to keep out irresponsible and undeserving borrowers. In fact, borrowers are not required to show that they did not lie on their original mortgage application. To qualify for the bailout, borrowers get to sign a piece of paper saying they did not lie the last time they signed for a mortgage. This bill subjects the FHA to another wave of fraud that these no-documentation loans experienced in the primary market.

Borrowers who have not demonstrated an ability to pay can get a bailout because there is no requirement that borrowers have made any timely payments on their original mortgage. There is no income cap on eligibility for the program. As written, this bill would allow homeowners with houses valued at up to $550,000 to qualify for a bailout. In my county in Kentucky, which is one of the most expensive in the whole State, the median home price is $270,000. So this bill would give a bailout to people with homes valued at twice the median price. The American people are compassionate and often willing to help those in need. But I do not think giving a bailout to anyone who owns such an expensive home is fair to the average American. If you recall from the economic stimulus debate, my colleagues on the other side of the aisle vehemently opposed rebates for "rich" taxpayers. Now when it comes to bailing out banks that made risky loans, all income classes of borrowers can qualify.

The list of problems goes on and on. Mortgage professionals, people who by definition should have known better, can qualify for the bailout. People who defaulted on government loans before can come back to the trough. People who drained all the equity in their homes to buy flat screen TVs and new cars can qualify. This seems to me like a surefire way to set a program up for failure at a time when the FHA is reporting record losses.

The tax division of this bill also is flawed in several respects. In particular, it includes a $9.8 billion tax increase on small businesses that the Senate Finance Committee has never held hearings to review. This credit card reporting provision will result in a vast increase in paperwork for credit card companies and in millions of confusing and possibly misleading notices sent to the IRS and taxpayers.

Another provision that needs more work is the new limitation on the gain exclusion for the sale of a second home. This provision applies to any second property owned by the taxpayer, including an investment home That means that taxpayers who lose their principal residence and move into a vacation home or investment property will also lose the benefit of gain exclusion. Is that the drafter's intent? This legislation has not been well thought out. That scenario should be excluded, and I have no doubt it would have been if this bill had followed the normal course through the Senate Finance Committee.

There are a few provisions in this bill which are worthwhile and needed. Most importantly, the bill creates a strong new regulator for Fannie Mae and Freddie Mac. Congress has been trying to pass such a bill for years, and it is sorely needed and worth passing on its own. But the proponents of the bailout are holding those needed reforms hostage to get their bailout.

I and many others hoped to offer amendments to try to mitigate the damage this bill could do. Unfortunately we have been blocked from doing so. On a bill of this magnitude that is irresponsible and unacceptable.

One of my amendments would have made refinancing more affordable for the vast majority of homeowners by allowing them to write off interest points paid on a home mortgage in the year paid. For no good reason, the Tax Code requires homeowners to treat points differently, depending on when they are incurred. If they are incurred in an original purchase financing, the points are deductible, just as they would be under my amendment. If they are incurred in a refinancing, the points can only be deducted ratably, over the life of the loan. The difference is so significant that it will affect the ability of millions of homeowners to afford refinancing.

The whole idea of bailing out people who took a gamble and lost is an irresponsible way to spend the taxpayers' money. I do not think the people back in Kentucky sent me to Washington to bailout speculators, Wall Street executives, and people who drained the equity in their homes to buy flat screen televisions and new cars.

This bill is simply the wrong kind of housing policy for Congress to be engaging in and is fatally flawed. Even the sponsor of the bill has admitted on the Senate floor that he is not even sure it is going to work, but he hopes it will. As the most deliberative body in the world, I think we can do better. In fact, we owe it to our grandchildren to do better. Who is going to bail them out when FHA is left with $300 billion in bad debt? On behalf of the people of Kentucky, this Senator is not buying this bailout bill.

Mr. BROWN. Madam President, I am pleased the Senate has turned to the Housing and Economic Recovery Act, which in large part was the responsibility of three of my colleagues, Senator DODD, Senator REED from Rhode Island, and Senator SHELBY, which will provide much needed relief to our country's homeowners and the communities they live in.

Ohio has been at the center of this storm for a number of years, and after years of neglect from the Federal Government, I am pleased that we are finally about to act. Congress needs to help and it needs to act quickly.

I understand we have an agreement that limited amendments today to those that are relevant. This agreement I hope remains in effect through the consideration of the legislation.

Ohio set a record for foreclosures last year, some 83,000 foreclosures. That is more than 1,000 a week. That is close to 200 a day. More precisely, every week about 1,500 families have lost their homes. The end is nowhere in sight. These families need our help now. They do not need political posturing on unrelated issues. We have seen too much of that. That can wait until we are done with this bill.

This fall, by some estimates, we will see the peak of the subprime mortgage resets. One research firm predicts half the subprime loans made in the fourth quarter of 2006 will fail. That is not lending; that is gambling with someone else's house.

The people who were sold these loans, and the neighborhoods they live in, must be among our highest priorities. The needs of communities are critical because this crisis has an impact far beyond the people who lose their homes. Whenever a home goes in foreclosure, the value of neighboring homes drops by about 1 percent. Crime goes up. Just when property tax revenues are plunging and the resources of a city or town are stretched to the limit, more resources are needed, and there is less ability to deliver to help people.

The Foreclosure Prevention Act which we passed in April has been incorporated in this legislation before us. It will provide close to $4 billion in aid to communities so they can rehabilitate or in some cases knock down abandoned homes in neighborhoods.

The bill will fund more counseling to help people rework unfair loans. Yesterday in Columbus I visited a neighborhood on East 21st Street where the Columbus Housing Partnership has been so helpful in counseling many people. More than 100 people, they say, have had their homes saved because of this counseling. Two of them were with me on East 21st Street yesterday.

This is no easy task. Once upon a time you took out a loan with your local bank to buy a home, you knew people at the bank, they knew you, and the bank had a stake, as much stake in your success as you did.

Today, especially for subprime loans, that is seldom the case. The voice on the phone and the owner of the loan could be anywhere in the world. Help in navigating the mortgage maze is essential. But the problem is too big for one-by-one approaches. No matter how hard counselors and servicers work—and they are doing yeoman work all over the country, Toledo, Cleveland, Dayton, and Springfield, all over my State and all over the country. No matter how hard they work, we need a more comprehensive approach to help homeowners who could afford to stay in their homes if they had a fair mortgage.

The bill before us establishes a temporary program within the Federal Housing Administration that, on a voluntary basis, would allow lenders and borrowers to refinance their mortgages into a more affordable and stable product.

The HOPE for Homeowners Act would help perhaps half a million families. But the impact is far wider, as their neighbors and communities will be helped as well if we can avoid foreclosure for these homes in the neighborhoods.

These provisions are not a bailout for borrowers or lenders. Borrowers get no subsidy from the Federal Government. They will have to pay a mortgage on their property like everybody else. The difference is they will now have a standard 30-year fixed rate loan based on the true value of the property, rather than an exploding adjustable rate mortgage based on an inflated appraisal. Lenders, meanwhile, will have to take a loss by writing down the mortgage below the actual value of the property if they choose to participate.

In many cases it will be in their interest to do so. With bank-owned homes selling at a fraction of the outstanding mortgages on them, many will want to accept a smaller loss. If the program works as we hope, it should provide liquidity to the mortgage market so that lenders will be able to again make prudent loans.

The legislation also creates an affordable housing fund. With our stock of affordable housing both aging and shrinking, this fund will be vital to the many families who are struggling to keep a roof over their children's heads.

Families who are ready to buy a home will be helped in several ways by this legislation. First, it includes a modernization of the FHA program. What we saw over the past several years was an incredible shrinking of the market share for FHA loans as borrowers opted for riskier loans instead. The legislation would update the FHA program, increasing limits for high-cost areas and streamlining its operation. Second, home buyers will be eligible for a credit of $8,000 in the form of a 15-year interest-free loan. This credit is phased out for higher income taxpayers, and it will last 1 year. But it should provide help not only to home buyers but help to stabilize markets around the country.

The bill includes several other noticeable tax provisions. It provides an additional $11 billion of mortgage revenue bonds, so that State housing agencies can respond to the housing crisis in a way that best suits their situation. It provides a measure of property tax relief to people who do not itemize on their taxes, an estimated 28 million taxpayers.

This legislation provides a needed overhaul to the regulation of Fannie Mae and Freddie Mac and the Federal Home Loan Banks. This is an issue that has been debated for years. We have now reached a point where we can move forward. The bill creates a new independent regulator with broad authority equivalent to that of other Federal financial regulators. The new regulator will be able to establish capital standards, management standards, and review and approve new products. It will have teeth too, as it will be able to enforce its orders through various means.

This new regulator will draw from various agencies already in place, and it will be required to undertake rulemaking in several areas. I hope my colleagues will give some attention to the transition from the current regulatory regime to the new one. It has taken us years to get to this point in the legislative process. It is unlikely that a new regulator can be created to do a competent job overnight.

Let me conclude by commending Chairman DODD and Ranking Member SHELBY for bringing us to this point today, and especially to the majority leader for his work in getting there. No one in the Senate wants to help people who engaged in fraud or speculation. But hundreds of thousands of people were sold mortgages designed to fail. These people can stay in their homes with a fair mortgage but will be on the street without our assistance. They deserve our help. They deserve it now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the Senate now proceed to executive session to consider Calendar No. 630, the nomination of Helene White to be a United States circuit judge for the Sixth Circuit; that there be 4 hours for debate with respect to the nominations covered under this agreement today, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of Calendar No. 630; that if the nominee is confirmed, the motion to reconsider be laid upon the table and that President Bush be immediately notified of the Senate's action; that upon confirmation of Calendar No. 630, the Senate then proceed to the consideration and vote on confirmation of the following nominations in the order listed, Calendar Nos. 631 and 632; that with respect to any vote sequence, there be 2 minutes of debate between votes and that any succeeding votes be limited to 10 minutes each; that upon confirmation, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, provided that no further motions be in order, and the Senate then resume legislative session; further, that on Thursday June 26—this coming Thursday—notwithstanding rule XXII, if it is applicable at all, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session to consider Calendar Nos. 627 and 628; that they be debated concurrently for 1 hour, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed, with 2 minutes of debate time equally divided and controlled in the usual form between the votes, and the second vote in the sequence be 10 minutes in duration; that upon confirmation, the motion to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action; further, that if Calendar No. 630 is not confirmed, then all aspects of this agreement are null and void, with no further intervening action or debate, and the Senate then resume legislative session; that any time consumed under this agreement count postcloture, if applicable, provided that no further motions be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that in the consent request I initiated, where I read the words "then all aspect of this agreement are null and void, with no further intervening action or debate," the words "no intervening action or debate," which I read into the RECORD, be deleted.

The PRESIDING OFFICER. "No further intervening action or debate" shall be deleted from the request.

Mr. REID. That is correct, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF HELENE N. WHITE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Helene N. White, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. ISAKSON. Madam President, I ask unanimous consent that the time during the quorum be equally divided between the parties, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is presently in executive session.

Mr. LEAHY. Am I correct that we are now on a judicial nomination?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Is there a time agreement?

The PRESIDING OFFICER. There is 4 hours equally divided. But the Senate has used some of that time in the quorum call.

Mr. LEAHY. I yield myself such time as I may need in the time allotted to the Senator from Vermont.

Today, the Senate is turning to a package of three nominations for lifetime appointments to the Federal bench in Michigan, including President Bush's nominations of Judge Helene White and Raymond Kethledge to fill the final two vacancies of the Sixth Circuit Court of Appeals.

These nominations are the result of the hard work of Senators LEVIN and STABENOW, who consulted with President Bush to end a decade-long impasse in filling vacancies on the Sixth Circuit. During that time, Senate Republicans had blocked President Clinton's nominees to that circuit, leaving open four vacancies.

I am worried that some on the other side seem intent on preventing us from making this progress. Judge White's nomination should be a consensus nomination. Judge White was nominated by a Democratic President and by a Republican President. When the most partisan President in modern history, one responsible for sending us so many divisive nominations, renominates a Clinton judicial nominee, it actually should send a signal.

Nevertheless, her nomination drew criticism from the Republican leader and opposition from Republicans on our committee. After I expedited a hearing on the Michigan nominees, figuring that 10 years of waiting might have been enough, Republicans objected that we were moving too fast. They peppered her with more questions than any nominee of President Bush that I can recall. At our committee markup, Republicans made the wildly dumbfounding claims that she is not experienced. But after more than 25 years as a Michigan State court judge, including 15 as a State appellate court judge, she is a more experienced judicial nominee than many of those they previously supported.

It is interesting that Republicans did not raise this concern when they were supporting far less experienced nominees such as Jennifer Elrod and Catharina Haynes of Texas to fill circuit court vacancies. In fact, Judge White has been on the appellate bench longer than Mr. Kethledge, the other Sixth Circuit nominee, has been out of law school.

It is ironic that last week several Republican Senators held a press conference with representatives from right wing groups organized by a group calling itself Concerned Women for America. It is Republican opposition to a woman nominee that has been holding up the progress of filling judicial vacancies. Now this woman nominee they seemed concerned about is described on President Bush's White House Web site as "an experienced and highly qualified judge, who is known for her intellect, work ethic, and demeanor." She has been given the highest rating for the position by the ABA. Yet her extensive experience, which is far more than the experience of many supported by my friends on the other side of the aisle, does not seem to meet the sudden last-minute standards set by Republican members of the committee.

As a state judge, she has not been called upon to consider and apply certain Federal statutes. That would be the same with thousands of state judges all over the country. It is understandable. But if you characterize her because of that as unqualified, that would turn back the clock to before the confirmation of Justice Sandra Day O'Connor, who had been a State legislator and a State judge. Justice O'Connor was not experienced in deciding Federal law issues before confirmation as the first woman on the U.S. Supreme Court. I think we should all agree she nonetheless served the Nation well in that capacity. And I agreed with her chief sponsor in this body, my friend and former colleague, Barry Goldwater of Arizona, and I was proud to join with him in voting for Sandra Day O'Connor.

It is also ironic that week after week, as the Senate continues to make progress in filling judicial vacancies, we hear a steady stream of grumbling from Republicans whose main priorities now seem to be to prevent the Senate and the Judiciary Committee from addressing the priorities of ordinary Americans. You would almost think that gasoline has not skyrocketed as the dollar has collapsed in value worldwide because of the huge debt caused by the Iraq war. They do not seem to realize that some of the typical Americans in my State of Vermont and, I suspect, the Presiding Officer's State of New Jersey, are finding it very hard to buy gas to go to work or pick up their children after school or do their grocery shopping or visit an ailing parent. You would not think these were important matters when you hear of the priorities on the other side. You would not be aware there is a huge crisis in the housing industry, where people are losing houses all over this country, hard-working Americans who finally had the American dream of owning their own home and are now losing it. You would think that was not happening by what we hear from the other side.

Republicans are now regularly objecting to hearings before the Judiciary Committee. They seem disappointed when we conclude hearings within the first 2 hours of the Senate's day and they cannot disrupt them.

They objected to Senator FEINSTEIN completing an important hearing on interrogation techniques used against detainees. It is almost as if, if we can block that hearing from happening, these terrible things never would have happened because Republicans foreclosed the ability of Americans to hear what went on in those hearings.

They objected to a hearing highlighting the impact of Supreme Court decisions on the daily lives of all Americans even though that meant cutting short the testimony of two brave women victimized by such a decision, Pennsylvanians who came to Washington to tell how badly they had been hurt by these decisions. The Republicans effectively silenced them to make sure they could not speak and could not testify because they said we should not have these Judiciary Committee meetings. So these two Pennsylvanians had to go back home unable to finish telling their story.

And a few days ago, the Republican minority objected to a hearing that had been requested by Judiciary Committee Republicans to examine the need for additional Federal judgeships throughout the country. This now all too familiar pattern is childish and serves no good purpose.

We will see later this week whether they allow Senator BIDEN to proceed to chair a hearing before the Subcommittee on Crime and Drugs concerning fugitives from justice.

Regrettably, these obstructionist tactics from the other side of the aisle are likely to continue without regard to the real priorities of the struggling Americans I spoke about, the voters who have elected every Senator to serve. Their priorities are being pushed aside.

We read last week another story about the dissatisfaction of right wing activists and their pressuring of the Republican leadership in the Senate. We witnessed their response this month as they forced a reading of a substitute amendment to critical climate change legislation. They did this for hours and hours, thereby shutting down the work of the Senate.

Two weeks ago, we saw a story in Roll Call that included the headline "Divided GOP Settles on a Fight Over Judges." That headline reminded me of the famous Wolfowitz quote about why the Bush administration settled on supposed weapons of mass destruction as the justification for attacking Iraq even though they knew there were no weapons of mass destruction—it was the rationale they could agree on. They all knew they wanted to attack Iraq, they knew they did not have the facts to attack Iraq, so they found a cover story they could use. And thousands of lives and $1 trillion later they say: Oops, sorry, no weapons of mass destruction, but, boy, we all agreed on the rationale.

The report in Roll Call included discussion by Republican Senators of the politics that fuels their efforts to appeal to "conservative activists" and "ignite base voters" and find an issue that "serves as a rare unifier for Senate Republicans" and their Presidential nominee. That piece mirrored an earlier article in the Washington Times, reporting how this is all part of an effort to bolster Senator McCAIN's standing among conservatives.

This political song-and-dance would not be so bad if it were not impacting the integrity and the independence of the Federal judiciary, something that in the past both Republicans and Democrats tried to protect.

I had suspected that much of this complaining was because Republican partisans were looking for an issue to energize their political base during an election year. The reports from the media outlets have confirmed my suspicions. I wonder if they realize that liberals, conservatives, Republicans, and Democrats are suffering from having to pay these outrageous gas prices. Wouldn't it be better if they worked on that?

Americans, Republicans and Democrats, in all parts of this country, are seeing their houses disappear and the value they had hoped for their retirement gone. Wouldn't addressing that be something better on which to unite America?

On this date in the 1996 session, another Presidential election year but one in which a Republican Senate majority was considering judicial nominees of a Democratic President, do you know how many judicial nominees had been confirmed? The answer is easy: None, not a single one. That was a session that ended without a single circuit court judge being confirmed.

By contrast, if Republicans will allow the confirmation of Judge White to the Sixth Circuit, we will have today completed the confirmations for 12 judges, including 4 circuit court judges, so far this Presidential election year, compared to 1996, when none had been confirmed at this point.

In addition to today's three nominees, two more judicial nominees already reported by the Senate Judiciary Committee are pending on the Senate's executive calendar. I have placed four more on the Judiciary Committee business agenda for later this week.

It is perhaps the ultimate irony that here, as the Democratic leadership of the Senate takes the extraordinary step of proceeding to two more of President Bush's circuit court nominees in June of a Presidential election year, I am being criticized by Republicans for, of all things, moving too quickly. I had hoped, in light of the discussion between the majority leader and the Republican leader earlier this spring, to have concluded Senate action on this package of Michigan nominees more quickly. I tried to have these votes in May before the Memorial Day recess, but we were thwarted in that effort by Republican concerns about expediting consideration of these Bush nominees. So what we might have done in May, we are now having to do in June.

It reminds me a little bit of the Republican antics and shenanigans earlier this year that cost us progress in February. Rather than making progress, Republicans refused to make a quorum in the Judiciary Committee that entire month so no judicial nominees would come out in March, and then in March, they could give speeches.

So let there be no mistake. If Judge White is confirmed, we will have broken a 10-year impasse on the Sixth Circuit. By contrast, the Republican Senate majority during the Clinton years refused to consider President Clinton's Sixth Circuit nominees for 3 years and left four vacancies on that court.

When, as chairman, I scheduled a hearing and vote for Judge Julia Smith Gibbons of Tennessee and Judge John Marshall Rogers of Kentucky, we were able to confirm the first new judges to the Sixth Circuit in 5 years. The others had been pocket-filibustered by Republicans. I said we would not do the same thing to them, and we did not. We moved quickly on President Bush's nominees to that circuit. The confirmations of Judge White and Mr. Kethledge of Michigan would complete the process by filling the two remaining vacancies on the Sixth Circuit.

Judge White was first nominated by President Clinton to a vacancy on the Sixth Circuit more than 11 years ago, but the Republican-led Senate refused to act on her nomination. She waited in vain for 1,454 days for a hearing before President Bush withdrew her nomination in March 2001. Hers was 1 of more than 60 qualified judicial nominees pocket-filibustered by Republicans. This year, President Bush reconsidered and renominated her, and I applaud President Bush for doing so. He deserves credit for trying to close the door on a sorry chapter. I commend the President for doing it and for what he has said on his White House Web site about Judge White's nomination. I hope the Senate will follow the example of President Bush and confirm Judge White to one of the last two vacancies on the Sixth Circuit.

The Michigan vacancies on the Sixth Circuit have proven a great challenge. I commend the senior Senator from Michigan, chairman of the Senate Armed Services Committee, Senator LEVIN, and his outstanding colleague, Senator STABENOW, for working to end years of impasse. I had urged the President to work with the Michigan Senators. After 7 years, he now has.

We have come a long way since I became chairman in 2001 when the Sixth Circuit was in turmoil because Republicans had blocked nominations for many years. Today we complete that progress by confirming Judge White and Raymond Kethledge.

I yield the floor and retain the remainder of my time. How much time remains to the Senator from Vermont?

The PRESIDING OFFICER. There is 1 hour 32 minutes.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are moving forward today on the votes for confirmation of three Federal judges. Among the many very heavy responsibilities of the Senate, the confirmation process ranks very high. Under our system of government, we give to the judicial branch the responsibility of interpreting the Constitution and establishing the rule of law. That has broad implications. It means the courts render decisions where one citizen has a claim against another, which goes to court. It means a claim when the government and a citizen have a controversy which is to be settled by an impartial judicial arbitrator. It also involves some of the historic constitutional confrontations, one of which we will have later this week on the Foreign Intelligence Surveillance Act. Where does the Article II power of the President end as Commander in Chief, and where does the Article I power of the Congress of the United States establish itself under Article I?

It is a very, very high calling. When the framers adopted the Constitution, Article I was given to the Congress, Article II to the executive branch and Article III to the judicial branch. Later, Chief Justice Marshall, in effect, rewrote the order of priority. I think if the Constitution were to be rewritten today, the judicial branch would be No. 1, because the judicial branch has taken over the responsibility, for a variety of reasons, for deciding all of the cutting edge questions.

We have had a great deal of focus of attention on the confirmation process. This attention usually happens when Supreme Court nominations are involved. Then, in the major committee hearing rooms, Senators are all at their desks. There are not too many Senators at their desks here today. In fact, I don't see anybody at their desk here today, except for the Presiding Officer, which is not exactly his desk. It is the vice president's desk. But, Senator LAUTENBERG from New Jersey looks comfortable in the position. We have had, during the confirmation process of Chief Justice Roberts and Associate Justice Alito, seen the Senate at its best—avoiding the controversy, avoiding the partisanship, and moving forward in dignified hearings.

As I have said before—and it is worth repeating—I compliment the distinguished chairman of the Judiciary Committee for his courageous stand in voting for Chief Justice Roberts. Chief Justice Roberts was confirmed by a vote of 78 to 22. Counting the Independent vote with the Democrats, a majority of the Democrats voted in favor of Chief Justice Roberts, and it was a good, unifying symbol. We moved through that process where there had been some doubt as to how the Senate would perform, a doubt which was occasioned by the very bitter infighting, which characterized the Senate in 2003, 2004, and 2005, when we had the controversy with the filibuster by one side and the threat to invoke a new rule of cloture with the so-called constitutional or nuclear option.

I have the pleasure of having my 14-year-old granddaughter with me this week. She just graduated from the eighth grade and is spending a week as an intern in the Senate. It may be a little early for the job. Her father spent 6 weeks with Senator Hugh Scott many years ago when he was 17. But, in going over the day's itinerary, I sought to explain to my granddaughter, Silvia Specter, what a confirmation is. She is watching, with more interest, the activities of the Senate today because she is onboard. It is my hope, with agreements which have been reached here today to move ahead with the confirmation of three Federal judges today and two more on Thursday, that perhaps we will see a return to at least some basic level of comity in the Senate. We have moved a considerable distance from the tradition of confirmation of Federal judges where, in times gone by, there was merely a review of academic standing, professional standing, and trial practice; now, we go into much more detail of the ideology and philosophy of the nominees. That change has led to some deep concerns over the so-called cultural wars which have, candidly, muddied the waters. However, it is my hope that in the time that remains in the 110th Congress, we will move ahead with the confirmation of judges on up-and-down votes.

The three nominees we are considering today have come to the floor as a result of an arrangement worked out by the leadership on both sides. Originally, there had been a commitment to have these confirmations occur before Memorial Day. When I say "commitment," let me modify that slightly to "best efforts." When the nominees were selected, there was concern on the part of the Republican side of the aisle that there was insufficient time to take up the nomination of appellate court Judge Helene White to be a judge of the Sixth Circuit.

I will ask unanimous consent that the full text of my statement on Judge

White's nomination be printed in the RECORD at the conclusion of my remarks.

By including my statement, I can abbreviate my comments now. In my statement, I note that there were only 22 days between Judge White's nomination and hearing, and there was not an opportunity to get into the details of her record, which is a matter not just of procedure, not just of form, but of real substance in terms of the committee's ability to evaluate Judge White. I shall talk about that specifically, in terms of her qualifications and in terms of specific cases which she has decided. The context of the mere 22 days to evaluate her nomination is further illuminated by the fact that there were so many other nominees who had been on the agenda for much longer. A very distinguished lawyer, Peter Keisler, a man who has been praised on the editorial pages, had been waiting for 726 days for a committee vote on his nomination to Circuit Court for the District of Columbia. It is not too often that judicial nominees are praised on the editorial pages, but Peter Keisler has been. A judge in North Carolina, District Court Judge Robert Conrad, who is up for a seat on the Fourth Circuit, has been waiting for a hearing for 343 days. A man named Steve Matthews, also for a seat on the Fourth Circuit, has been waiting for a hearing for 292 days.

It seemed to my Republican colleagues and me that where you had a commitment for confirmations by Memorial Day, and you had people who had been waiting around for this length of time and we were in a position to evaluate them, that they should have been the ones to be considered. But, the majority leader chose otherwise, and now we have before us the nomination of Judge White for a position on the Sixth Circuit.

The status of a circuit judge is extremely important in our judicial hierarchy because the circuit court—for those who are not familiar with the details of Federal procedure—is the appellate court right above the U.S. District Court, which is the federal trial court. When appeals are taken, or, more specifically, a petition for a writ of certiorari is applied for to the Supreme Court of the United States, it is a discretionary matter whether the Supreme Court takes the case. Most of those applications are not heard—the U.S. Supreme Court takes very few cases from the court of appeals. So, when a three-judge panel sits in a circuit court, that is it. Now, sometimes there will be a decision by the circuit court en banc, when the full circuit court will decide, but customarily the decision is only rendered by the three-judge panel, and many decisions are two to one.

One case which illustrates the importance of the circuit court, and especially the Court of Appeals for the Sixth Circuit, was the decision on the constitutionality of the Terrorist Surveillance Program, the program put into effect by the President on warrantless wiretaps. These wiretaps went on for a long time before they were disclosed—a violation of the National Security Act of 1947, which requires the President to inform the Intelligence Committees of such proceedings, and a violation of the Foreign Intelligence Surveillance Act of 1978.

The President has responded to the law that Article II powers are not affected by statute, but that is a matter for judicial decision. A Federal court in Detroit declared the Terrorist Surveillance Program unconstitutional. The case was appealed to the Sixth Circuit, and on a two-to-one decision, the Sixth Circuit decided the plaintiffs did not have standing. That is a complicated legal procedure, which I will not take time to discuss today, but, in short, they do not have a right to challenge it because they are not sufficiently affected by it.

There was a dissent in that Sixth Circuit decision. Then, the Supreme Court of the United States denied certiorari—a decision which I thought was unfortunate. When you have a major constitutional confrontation between the Congress and the President—the most dominant confrontation of this era—it seems to me the Supreme Court of the United States ought to decide the issue and, candidly, not look for a way to duck it.

The doctrine of standing has sufficient flexibility, as illustrated by the dissent in the Sixth Circuit, that the Court could have taken the case. There is a lot of flexibility when the court deals with issues such as standing. Coming back to the point, one judge of the Sixth Circuit made the difference. So, when you have a nominee to the Sixth Circuit Court of Appeals, or any court of appeals, it is an important decision.

Going back to the topic at hand, we had the hearing on Judge Helene White, and we had it in a very hurried fashion. We did not have the rating of the American Bar Association, and, regrettably, we did not have all the materials that should have been available to the committee. When judges write opinions, a good many of them are what are called unpublished. For those who do not know the legal procedures, there are published opinions, which are bound in volumes that are used for precedents. But, the courts make a distinction on what is published and what is unpublished, and a good many of Judge White's opinions were unpublished and reversed, and we never were able to get them.

I asked Judge White at the hearing about a number of her cases because my own sense is to get involved in the specifics. In evaluating judges and evaluating lawyers on their legal skills, it is very revealing to see what they have decided. Perhaps even more revealing than what they have decided is the way they have reasoned through the decision. My questions about her cases were not designed to be so-called "gotcha" questions. All the cases I used for questioning were specifically listed on Judge White's Senate questionnaire that she provided to the committee on April 25, just 12 days prior to her hearing. I thought she would at least be familiar with these cases.

One of the cases I questioned Judge White on was captioned People v. Santiago. In that case, Judge White dissented from her colleagues' opinion, where her colleagues—two other judges—upheld a jury conviction of a defendant for first-degree felony murder and armed robbery. Judge White would have reversed the sentence.

In this case, the defendant had driven the other two defendants to the house where the robbery and murder were committed, knowing that the defendants intended to rob and likely kill the victim—a classic example of aiding and abetting. It is a basic, fundamental rule of criminal law that an accomplice in a getaway car is a part of the conspiracy to rob and is responsible for the consequences of a felony murder which follows—very basic fundamental law.

I asked Judge White why she did not agree with her colleagues that the defendant was guilty of aiding and abetting. She could not explain why her decision deviated from the legal standards. I asked her specifically if it was "standard, clear-cut law that when somebody drives a codefendant to a place where there is a robbery and a murder, that kind of assistance constitutes guilt on the part of the coconspirator, accessory before the fact?" She commented, unresponsively, that she "went to law school in Pennsylvania," but then continued that "in Michigan, to be responsible for the principal offense, one has to either share the intent to commit the principal offense or provide aid and support with knowledge that the principal offense was going to be committed."

Given that acknowledgment, I again asked her why she came to a contrary conclusion. I asked her if she stood by her decision, even though her two colleagues who participated in the case with her on the Michigan Court of Appeals disagreed and the Supreme Court had denied appeal, and she responded that she stood by her original judgment, without providing any legal reasoning to justify that conclusion.

I asked Judge White about another case, captioned People v. Ryan. She participated in the decision affirming the dismissal of a drug dealer's conviction. The conviction had been reversed. The circumstances were that the defendant was arrested by Federal agents but was charged and convicted in a state court. The defendant argued that the decision to pursue a state prosecution rather than a federal prosecution was vindictive. The panel on which Judge White sat found that the trial court's determination that there was vindictive conduct was not clearly erroneous. The Supreme Court reversed stating:

> The mere threat to refer the case for State prosecution does not amount to objective evidence of hostile motive.

The Supreme Court reversed the decision to which Judge White had been a party.

I am sorry for the interruption. Anyone watching this debate on C–SPAN just saw a congenial exchange between the distinguished chairman and the ranking member of the Judiciary Committee. As a matter of fact, we have quite a few such exchanges. The evening is getting late and a lot of colleagues have a lot of commitments, and there has been a request by the majority that I abbreviate my comments. I think I can do that sensibly and will be delighted to do so.

Mr. LEAHY. Mr. President, if the Senator will yield without losing the floor?

Mr. SPECTER. No, Mr. President. I already have yielded.

Mr. LEAHY. Mr. President, I appreciate what the Senator said. I hope people understand who are listening. I know the two Senators from Michigan are going to speak very briefly. But if we wrapped up the comments in, say, the next 15, 20 minutes, we could then go to a rollcall vote on Helene White. I would agree, then, to a voice vote on the other two judges, provided the ranking member had no objection to that, which would probably bring about a huge sigh of relief from Senators on both sides of the aisle that we would not be stuck here with three votes.

Mr. SPECTER. Mr. President, I thank the distinguished chairman for his suggestion. It is almost 6 o'clock—a few minutes before—and I know people have a lot of engagements. I think the course he outlines is a solid one. I think we can handle the Senate's business in that way. As I said earlier, I will expedite my presentation and rely more on what I have in my statement for the RECORD. I do not think I am going to change a whole lot of votes in what I say, but I do think it is important for the Senate to understand that voting against Judge Helene White is not a matter that is done lightly or without cause. There ought to be a statement as to why.

Well, back to the case of People v. Ryan. Quite frequently there is a Federal investigation and a State prosecution. It happens all the time. It was very commonplace when I was district attorney of Philadelphia. That scenario is certainly not the basis for saying it is vindictive or out of order. For one reason or another, it is better suited to pursue the State court. If a State law is violated, you can do it that way. Judge White was wrong, as determined by the appellate court.

There is one other case on which I wish to comment. There is a case called People v. Thomas, which is in the RECORD and which I will incorporate by reference to save some time; however, I do want to specify the case of People v. Hansford, which was an opinion reversed on appeal by the Michigan Supreme Court and was a third case she had summarized in her questionnaire prior to her hearing.

After reading to Judge White in the hearing the defendant's extensive criminal record, which included several counts of larceny and attempted larceny, receiving and concealing stolen property, fleeing and alluding, and violations of probation, I noted that habitual offender statutes are designed to take habitual offenders off the streets. I asked what her reasoning was for determining that a man with an extensive criminal record such as the defendant did not deserve to be off the streets for life.

Once again, her response to my question was that she was not familiar with the case. She further stated that she "accept[ed] the Supreme Court's decision . . . and accept[ed] that the sentence was appropriate . . . because the Supreme Court has said it is appropriate."

I again asked her whether she thought her decision was correct in light of the Michigan Supreme Court's reversal, and she said:

> I have to have been wrong . . . The Supreme Court reversed. I was wrong. The Supreme Court reversed.

Well, that is, in my legal opinion, totally insufficient for a nominee to respond in that way to a very important question such as that. You have habitual offender statutes which are designed to take career criminals off the streets. When you have three or more convictions for violent offenses, it has been determined that the criminals ought to have life sentences. Based on the experience I had as district attorney dealing with these cases, I authored the Armed Career Criminal bill, which created a federal life sentence for serious repeat offenders convicted of three or more major felonies. The fundamental part of the criminal law is to protect society. Recidivists commit 70 percent of the crimes so if there is a habitual offender who commits repeat crimes, they ought to be taken off the streets. Here there was one, and the Supreme Court of Michigan said the treatment should have been for a habitual offender. Judge White didn't treat it that way, and she didn't have any justification for why she didn't treat it that way, and she didn't explain the logic of her reasoning.

As delineated in the very extensive floor statement, which I have already had printed in the RECORD, we were not given a great many of Judge White's opinions. It was very difficult—really impossible—to calculate her reversal rate when we didn't have those opinions. Based on the opinions we have, her reversal rate was in excess of 6 percent, much higher than Judge Robert Conrad's reversal rate—2 cases out of 175, or about 1 percent. The national average is at 8.6 percent; however, Judge Boyle from North Carolina, who was rejected by the Democrats based on his high reversal rate, had a reversal rate which was lower than Judge White's. And I repeat, we still don't know what her reversal rate is. We don't know what her reversal rate is because we had a great many unpublished opinions that were reversed on appeal that we did not have an opportunity to examine because they were not provided to us.

Just a couple of comments in conclusion. It is my hope that we will yet return to some basic comity and have a respectable number of confirmations of Federal judges this year. The statistics show that President Clinton had a significantly larger number of circuit judges and district court judges confirmed than President Bush has had in the last 2 years. Further, President Clinton's overall confirmation numbers are higher than President Bush's. President Clinton had 65 circuit judges and 305 district court judges confirmed, while President Bush has had only 59 circuit judges and 244 district judges confirmed. We have heard several discussions about the so-called "Thurmond rule"—that is a rule which has been commented upon which, when analyzed, has no real substance. During President Clinton's Administration, Chairman LEAHY commented that the so-called "Thurmond rule" was a "myth," and then he proceeded to specify a great many judges who had been confirmed late in past Presidents' terms.

Upon examination, we find that the facts are that in the last 2 years of Presidents' terms, there have been many judicial confirmations. In 1988, President Reagan's last year in office, the Senate confirmed 7 circuit nominees and 33 district court nominees. In 1992, President George H.W. Bush's last year, the Senate confirmed 11 circuit nominees and 53 district court nominees. In 2000, President Clinton's last year in office, the Senate confirmed 8 circuit nominees and 31 district court nominees.

The Thurmond rule allegedly arose when the issue about the confirmation of judicial nominees came up near the end of President Carter's term in office. But, an examination of the facts shows that nominations were not being blocked. In fact, by today's standards, the end of President Carter's term was a rather remarkable situation. President Carter nominated Steven Breyer to be a court of appeals judge for the First Circuit on November 13, 1980, after President Carter had lost the election to President Reagan. We talk about the fights over circuit judges now. The election was gone. We had a new President. But, the Senate confirmed Steven Breyer to the First Circuit, and history shows that he later became a U.S. Supreme Court Justice.

We have had some very troubled times on this Senate floor, and that kind of infighting and partisanship is something which does not add to the luster of the Senate as the world's greatest deliberative body. We have seen very bitter disputes on this Senate floor. The Republican majority, in my opinion, did not act properly on President Clinton's nominees when the Republicans controlled the Senate and the President was a Democrat. I said so on the floor at that time and voted for President Clinton's qualified nominees.

When we had the battle over filibuster versus the so-called nuclear constitutional option, the tradition of this body was strained to the utmost, and we dodged that bullet or cannon or nuclear bomb. So, it is my hope that Senator LEAHY and I can take the lead, as we have in the past. He is the chairman; I am the ranking member. The roles have been reversed. We have a lot of role reversals around here. When PAT LEAHY and ARLEN SPECTER passed the gavel, it was a seamless passing of the gavel. We are not going to filibuster Judge White. I am going to vote against her for the reasons I have given here, and more detailed in my statement. I have not campaigned against her. I think the matter is up for every individual Senator to judge. My expectation is that she will be confirmed. I think there may well be a fair number of votes against her, but I haven't counted the votes. But, I think the important thing is that we have an up-and-down vote, and that we not have a filibuster. We have waiting in the wings the judge from North Carolina, Judge Conrad, and the man from South Carolina, also nominated to the Fourth Circuit. I hope we move on these nominees.

I also have written to my colleagues who are not returning blue slips on nominees from New Jersey and from Maryland and from Rhode Island. I have talked to them and urged them to return their blue slips, urging that we not maintain vacancies in anticipation of the election results. But, essentially, it is my hope that we can move ahead in a way that is in the tradition of the Senate and to discharge our constitutional responsibilities with up-or-down votes.

Mr. President, I now ask unanimous consent that my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ARLEN SPECTER, FLOOR STATEMENT, NOMINATION OF JUDGE HELENE WHITE TO THE SIXTH CIRCUIT COURT OF APPEALS

I have sought recognition to discuss the nomination of Judge Helene White to the United States Court of Appeals for the Sixth Circuit, but before I discuss the merits of her nomination, I'd like to remind the members of this Committee of the history behind this nomination.

On April 15, 2008, Majority Leader Reid and Chairman Leahy committed to confirming at least three more circuit court nominees by the Memorial Day recess. Senator Reid said: "Senator Leahy and I are going to do everything we can to approve three circuit court judges by Memorial Day. . . . Who knows, we may even get lucky and get more than that. We have a number of people from whom to choose."

The same day as the Majority's commitment, the White House reached an agreement with the Senators from Michigan on nominations to the Sixth Circuit, which broke a decade-long impasse. The impasse began in 1997, when President Clinton first nominated Judge Helene White to a seat on the Sixth Circuit. The Senate did not act on Judge White's nomination prior the end of the Clinton Administration, and as a result, there has been an ongoing feud between the Michigan Senators and the White House, which led to numerous filibusters of Sixth Circuit nominees in 2003 and 2004, and left the Sixth Circuit with an understaffed court for over ten years. The April 15th agreement between the White House and the Michigan Senators specified that the White House would withdraw the nomination of Mr. Stephen Murphy to the Sixth Circuit and would instead nominate Judge White to that seat. In return, the Michigan Senators would return their blue slips on Mr. Raymond Kethledge, another Sixth Circuit nominee who has been blocked for over 700 days, and Judge White. Mr. Murphy was nominated to a Michigan district court seat instead, and the Michigan Senators agreed to return blue slips on his nomination.

On April 29th, when it became clear that the Majority intended to include the recent nomination of Judge White in the promised "three circuit court nominees confirmed by Memorial Day deal," Senator McConnell and I sent a letter to Senators Reid and Leahy advising them of the logistical impossibility of confirming Judge White by Memorial Day. In the letter, we noted the numerous "time-consuming steps in the judicial confirmation process" and expressed our concern that "[g]iven these standard prerequisites and Judge Helene White's recent nomination date of April 15, 2008, we do not believe regular order and process will allow for her confirmation prior to May 23, 2008." We further observed the ABA rating for Judge White was not likely to be completed in time, given the ABA's standard timeframe for completing ratings, and noted that the "Democratic Majority has placed particular importance [on the ABA rating] over the years." In fact, the Judiciary Committee has never held a hearing for a circuit court nominee prior to receiving his or her ABA rating.

On May 7th, a mere 22 days after her nomination, the Committee held a hearing on Judge White. Twenty-two days is a very short period of time to evaluate any circuit court nominee's record, but this expedited confirmation process was even more troubling in the case of Judge White. Judge White has been a state court judge her entire career and has participated in over 4500 cases on the Michigan Court of Appeals alone. It has been eight years since her last nomination was pending, and in that time period, she likely participated in over 2000 cases in addition to the 2500 she participated in before 1997. That is quite a record to go through in just 22 days.

As is standard Committee procedure, questions were submitted to both Judge White and Mr. Kethledge after their hearing. Republicans were criticized for submitting these initial questions even though they submitted a total of only 73 questions to Judge White, which is no more than other circuit court nominees have received from Democrats. In fact, several recent Bush appellate nominees and a Department of Justice nominee have received more questions from Democrats than Judge White received from Republicans. Democrats submitted 108 questions for Judge Jennifer Elrod, a 5th Circuit nominee, 80 questions for Judge Leslie Southwick, another 5th Circuit nominee, and 250 questions for Grace Becker, a nominee to the Civil Rights Division of the Department of Justice. In addition, the Committee had more time to evaluate these other nominees' records prior to their hearings. Contrasted with the mere 22 days the Committee had to evaluate Judge White's record, the Committee had 112 days to evaluate Judge Elrod's record between her nomination and her hearing, 121 days for Judge Southwick, and 117 days for Ms. Becker. I believe these questions for Judge White were particularly warranted given the expedited hearing schedule for her nomination. Both nominees' returned their answers by Wednesday, May 21st, three days before the end of the session, negating the proposition that Republicans' questions slowed these nominations.

As Senator McConnell and I predicted, the ABA did not issue its rating for Judge White prior to the Memorial Day recess, and the Committee was unable to complete its work on her nomination prior to the recess.

The Majority did not fulfill its commitment to confirm three more circuit court nominees by Memorial Day because they chose to expedite the confirmation of a recently submitted circuit court nominee rather than acting on any of the other outstanding circuit court nominees currently pending in Committee whose paperwork has been complete for months or even years longer than Judge White's.

The failed Memorial Day commitment is not the first time the Majority has not fulfilled expectations. At the beginning of this Congress in February 2007, Senator Reid stated: "[W]e are going to do our very best to make sure this is not our last circuit court judge [confirmation] but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours." During the last 20 years, on average, the Senate has confirmed 17 circuit court nominees in the final two years of a president's term, and in President Clinton's final two years in office, the Senate confirmed 15 circuit court nominees. Since Senator Reid made that statement in February of last year, this Senate has confirmed only 8 circuit court nominees, less than half of the historical average, and the Majority has intimated that they may not process any more circuit court nominees this year. Hence, Senator Reid's February statement was the first of many unfulfilled commitments.

Second, in his announcement of the deal, Senator Reid acknowledged the fundamental unfairness of discriminating against circuit court nominees from states with two Republican Senators in favor of nominees from states with Democratic delegations or mixed delegations. He stated: "[W]e have a number of places from which the Judiciary Committee can move matters to the floor. We have North Carolina, South Carolina, Rhode Island, Maryland . . . Pennsylvania. . . . Virginia. . . . Maryland. We have a wide range to choose from. . . . [N]o, it should not be because you have two from the same party from one State and they are not our party; that should not cause them not to have their nominee approved. . . . I think if you have two Senators from the same party, they should not be discriminated against. I mentioned their names. Their names are Matthews and Conrad." Notwithstanding this acknowledgment, the Majority insisted on proceeding with Judge White and Mr. Kethledge rather than moving to other exceptional circuit court nominees from states with Republican Senators such as Steve Matthews of South Carolina and Robert Conrad of North Carolina who had been ready and waiting for Senate action for months longer than Judge White. Once again Senator Reid disregarded his prior commitment not to discriminate against states with Republican delegations, breaking yet another commitment.

Now, I'd like to turn to Judge White's qualifications. Providing advice and consent on judicial nominees is one of the most important duties of a United States Senator. I take my role in the confirmation process very seriously, and I have serious concerns about Judge White's qualifications to be a judge on the Sixth Circuit Court of Appeals. Except for the two years she spent clerking for a Michigan State Supreme Court judge, Judge White has been a state court judge her entire career. She has never litigated a case, she has never handled clients, and she has had extremely limited experience with federal law as a state court judge.

While this lack of certain legal experience by a circuit court nominee certainly would not immediately disqualify the candidate from holding a federal appellate position, given the short time frame the Senate has had to consider Judge White's record, these factors are significant in her case. She had a very limited opportunity to demonstrate her ability to handle her docket and the complicated legal issues that face a federal appellate court judge.

Given her lack of experience with federal law, Judge White was questioned about the types of federal issues that she has handled and was asked to articulate her understanding of some common federal legal principles. She repeatedly responded that she had not dealt with these issues and was unable even to discuss some common federal legal issues and the cases addressing them.

At her hearing, I also asked Judge White several questions about decisions that she had participated in on the Michigan Court of Appeals that were reversed by the Michigan Supreme Court. She repeatedly stated that she was unfamiliar with the cases and did not recall the factual scenarios or her legal reasoning. Even after I had given her the relevant facts of the cases, she was unable even to articulate her legal analysis or reasoning process. My questions about her cases were not designed to be "gotcha" questions; the cases I mentioned were all specifically listed in Judge White's Senate questionnaire that she provided the Committee on April 25, just 12 days prior to her hearing. Further, for three of the cases, she had provided the Committee with short summaries of the facts and holdings in her questionnaire. At the very least, I thought she would be familiar with the cases she apparently had reviewed recently in order to provide the Committee with those summaries.

In one case upon which I questioned Judge White, People v. Santiago, she dissented from her colleagues' opinion upholding a jury conviction of a defendant for first degree felony murder and armed robbery. In this case, the defendant had driven the two other defendants to the house where the robbery and murder were committed, knowing that the defendants intended to rob and likely kill the victim—a classic example of aiding and abetting. When I asked her about her dissent which held that the defendant was not guilty of aiding and abetting, she could not explain why her decision deviated from the legal standards for aiding and abetting, as enunciated by the majority opinion and as affirmed by the Michigan Supreme Court when they denied appeal. I specifically asked her if it was "standard, clear-cut law that when somebody drives a co-defendant to a place where there is a robbery and a murder, that kind of assistance constitutes guilt on the part of the co-conspirator, accessory before the fact?" She responded first that she "went to law school in Pennsylvania," but then continued that "in Michigan, to be responsible for the principle offense, one has to either share the intent to commit the principal offense or provide aid and support with knowledge that the principal offense was going to be committed." Given that acknowledgement, I again asked her why she came to the conclusion that the defendant was not guilty of aiding and abetting. Again, she could not explain her legal reasoning in the case. I asked her if she stood by her decision even though her two colleagues who participated in the case and heard the same set of facts disagreed with her and the Supreme Court had denied appeal, and she responded that she did.

In another case, People v. Ryan, Judge White participated in a decision affirming the dismissal of a drug dealer's conviction, and the Supreme Court reversed that decision and reinstated the conviction. In this case, the defendant was arrested by federal agents, but was charged and convicted in State court. The defendant argued that the decision to pursue a State prosecution rather than a federal prosecution was vindictive. The panel on which Judge White sat found that the trial court's determination that there was vindictive conduct was not clearly erroneous. The Supreme Court reversed stating: "The mere threat to refer the case for State prosecution does not amount to objective evidence of hostile motive." After reciting these facts to her, I asked Judge White if she stood by her opinion given that the only evidence of vindictiveness was that Federal DEA authorities turned the matter over to State prosecutors, which is a very common practice. In response Judge White cited her unfamiliarity with the case and deferred to the Supreme Court's holding rather than answering my question. She stated that "because the Supreme Court reversed, it meant that I among others, got it wrong, . . . I stand by the Supreme Court." I was concerned by her stated unfamiliarity with the case because this was a case Judge White had cited in her questionnaire for which she had provided a summary. I was equally concerned that she deflected my question about whether she stood by her opinion.

I next turned to another case Judge White had summarized in her questionnaire captioned People v. Thomas. I detailed the facts of the case to Judge White, which included the conviction of a drug dealer who was charged with second-degree murder and was found guilty by a jury of voluntary manslaughter, carrying a concealed weapon, and felony firearm. I asked her whether she stood by her decision to reverse the conviction of this gang member when the Michigan Supreme Court had subsequently overturned her panel's opinion. Once again she deferred to the opinion of the Supreme Court and stated "I stand by the judgment of the Supreme Court." I told her I knew the Supreme Court had the final word, but I wanted to know whether she thought the Supreme Court's decision was right. She again stated that she "accept[ed] the conclusion of the Supreme Court." She did not answer my question. I wanted to evaluate her judgment, but she would not answer whether she thought her opinion was right or wrong.

I also asked her about a Court of Appeals' opinion in which she participated that reversed a sentence for a defendant who was a habitual criminal offender, People v. Hansford. Again, this was an opinion that was reversed on appeal by the Michigan Supreme Court and was a third case she had summarized in her questionnaire. After reading her the defendant's extensive criminal record, which included several counts of larceny and attempted larceny, receiving and concealing stolen property, fleeing and alluding, and violations of probation, I noted that habitual offender statutes are designed to take habitual offenders off the streets, and I asked her what her reasoning was for determining that a man with an extensive criminal record such as the defendant did not deserve to be off the streets for life. Once again, she claimed not to be familiar with the case. She further stated that she "accept[ed] the Supreme Court's decision . . ." and "accept[ed] that the sentence was appropriate . . . because the Supreme Court has said it is appropriate." I again asked her whether or not she thought her decision was correct in light of the Michigan Supreme Court's reversal, and she said "I have to have been wrong . . . The Supreme Court reversed. I was wrong. The Supreme Court reversed."

In her answer to my question about the habitual offender, Judge White also noted that the vast majority of her court's opinions are unpublished. At her hearing, I expressed concern about how many of her opinions were unpublished. I am also concerned that copies of a number of her opinions that were reversed on appeal were not provided to the Committee prior to her hearing as required. Question 15(d) of the Committee Questionnaire specifically asks for "a list of and copies of any of [the nominee's] unpublished opinions that were reversed on appeal or where [the nominee's] judgment was affirmed with significant criticism of [the] substantive or procedural rulings;" however, Judge White only provided the Committee with copies of 23 cases that were unpublished and reversed on appeal. Three of the cases about which I questioned her were listed elsewhere in her questionnaire, but were not included in those 23 cases that she provided to the Committee and clearly fit into the category of cases she should have provided. The Committee and the full Senate cannot properly evaluate a nominee's record if it does not have key elements of that record. I would have liked to have had access to all of Judge White's opinions that were reversed prior to her hearing so that they could have been analyzed and used as the basis for questioning.

In follow up questions after her hearing, I asked Judge White to provide those missing cases and to explain why she did not provide them initially. She responded to my question by saying it was an "oversight" that she did not include them initially and further stated that she can only provide the Committee with a "partial list of cases in which [she] participated . . . which were reversed" because the method the Michigan Court of Appeals employs to catalogue cases makes it difficult to locate those cases. She only provided the Committee with an additional 11 cases that were reversed on appeal. I find this response deeply troubling for a number of reasons. First, appellate judges should be held to the highest standards of competence. "Oversights" by a judge can lead to defendants being wrongly convicted, criminals being set free, or wronged litigants not receiving justice. Attention to detail and thoroughness are critical qualities in an appellate judge. Second, nominees to the federal courts who have served as judges should provide all of the opinions they participated in that were reversed on appeal or, at least, demonstrate a reasonably robust effort to do so. Democrats have required prior appellate court nominees to provide substantial numbers of their unpublished opinions in addition to the ones that were reversed on appeal. I recall one judge being asked to go to a depository in another state to retrieve copies of unpublished opinions. Judges should make every reasonable effort to provide all of their opinions that were reversed on appeal, not merely the ones that are easily accessible. I am also troubled by Judge White's relatively high reversal rate. A review of Judge White's opinions that are available publicly reveals that 6.7% of her cases have been reversed by the Michigan Supreme Court. That is a pretty high percentage of cases. Further, Judge White's reversal rate may be much higher, but we cannot determine her actual reversal rate because Judge White still has not provided the Committee with all of her unpublished opinions that were reversed on appeal. As comparison, Democrats objected to the nomination of Judge Terrence Boyle to the Fourth Circuit when his reversal rate was 6.2%.

I am troubled by some of Judge White's decisions that were reversed on appeal, but I am more concerned about her inability to articulate her legal analysis and reasoning process in these cases and her lack of experience with complex federal issues. I am also concerned that Judge White has not provided the Committee with a complete record of her judicial opinions upon which we could evaluate her qualifications for this prestigious position.

Given the brief period of time I had to review Judge White's opinions, her apparent unfamiliarity with her own opinions, her inability to articulate her legal reasoning and analysis in those opinions, and her failure to provide the Committee with important elements of her judicial record prior to her hearing, I plan to vote against her confirmation to the Sixth Circuit.

NEEDLESS RUSH TO JUDGMENT ON JUDGE WHITE

A Republican Senate confirmed 15 circuit court judges and 57 district court judges in President Clinton's final two years. Thus far in this Congress, the Senate has confirmed only 8 of President Bush's circuit court nominees and 38 district court nominees.

President Bush is also far behind President Clinton in total confirmations when contrasting their entire terms. President Clinton had 65 circuit court and 305 district court judges confirmed, while President Bush has so far had only 59 circuit and 241 district court judges confirmed.

There are a total of 32 judicial nominees currently pending in the Judiciary Committee: 11 Circuit Court vacancies with 10 nominees; 36 District Court vacancies with 22 nominees.

Judge Helene White was nominated on April 15. Her Judiciary Committee questionnaire was received on April 25, and the Minority did not receive her FBI report until April 29. Her hearing was held on May 7. Responses to Judge White's questions for the record following her hearing were received yesterday.

The mere 22 days that elapsed between nomination date and hearing is a far shorter period of time than is typical for the Committee to perform its standard review of a circuit court nominee's record. The average for Bush's circuit court nominees has been 162 days between nomination and hearing.

The American Bar Association has still not completed its rating of Judge White. The Committee has never held a hearing for a circuit court nominee prior to receiving their ABA rating.

Democrats have accused Republicans of stalling the two sixth circuit nominees. Senator Reid: "Senators on the Republican side on the Judiciary Committee have delayed consideration of Judge White. . . . following the hearing, [they] asked a total of 73 separate written questions"

In fact, Judge White did not receive more questions than other recent circuit court nominees: Republicans submitted 73 questions for Judge Helene White, 6th Circuit; Democrats submitted 108 questions for Judge Jennifer Elrod, 5th Circuit; and Democrats submitted 80 questions for Judge Leslie Southwick, 5th Circuit.

And, the Committee had more time to evaluate these other nominees' records prior to their hearings. Days from nomination to hearing: White: 22 days; Elrod: 112 days; and Southwick: 121 days.

Judge White has already submitted her answers to the Committee, proving that no delay by Republicans occurred. The delay is due to the importance Democrats' have placed on the ABA rating. In 2001, Senator Leahy stated: "Here is the bottom line. There will be an ABA background check before there is a vote." Senator Leahy reiterated this pledge at Judge White's hearing.

Judge White's nomination has only been pending for 37 days. Meanwhile, Mr. Peter Keisler, D.C. Circuit, has waited 693 days for a Committee vote, Judge Robert Conrad, 4th Circuit, has waited 310 days for a hearing, and Mr. Steve Matthews, 4th Circuit, has waited 259 days for a hearing.

Mr. SPECTER. My final comment, if I may make it while the chairman is on the floor, is that we do have some other Senators who wish to speak. Well, I have just been advised that we don't have Senators who wish to speak. Apparently, Senator LEAHY, your comments about an early conclusion were much more persuasive than mine.

Mr. LEAHY. Mr. President, if the Senator will yield for a moment, when the Senator from Pennsylvania is finished, I know Senator LEVIN and Senator STABENOW wished to speak very briefly. If that was the case, I hope that maybe within the next 10 minutes or so, or that by 6:30, or at 6:30, that perhaps what we can do is this: Let's say at 6:30, if the Senator from Pennsylvania would agree that we might vote at 6:30, then under the previous unanimous consent, if Judge White is confirmed, assuming she is, but if she is under the unanimous consent, then the regular order would be to go to the other two nominees from Michigan. It would be my intent—unless somebody objected—it would be my intent to do those by voice vote. That, of course, is contingent upon her being confirmed under the unanimous consent agreement that I have been shown. Would that be acceptable?

Mr. SPECTER. Mr. President, that is acceptable to this side of the aisle. I think it is an illustration of how the Senate can conduct its business in an expeditious way. We started on a 4-hour time agreement at 5:15. We are 54 minutes into the 4 hours, and we will conclude with a 2-hour-and-45-minute savings. Let this be an example for the balance of the confirmation process and other Senate work.

I yield the floor.

Mr. HATCH. Mr. President, I will vote for all of the Judicial nominees before us today. I want to offer a few comments about one of them and also about the current state of the judicial confirmation process.

The Constitution gives authority to nominate and appoint judges to the President, not to the Senate.

The Senate's role is to check the President's power, to ensure that his nominees are not crooks, cronies, or corrupt.

Too often in relent years, however, Senators have tried to push our role beyond merely checking the President's power to actually highjacking the President's power.

That goes too far and undermines the separation of powers which is so critical to limit government power and to keep our system of government in balance.

For this reason, my perspective on the judicial confirmation process begins with substantial deference to the President, no matter which party occupies the While House or has the Senate majority.

For this reason, I have voted against and worked to eliminate filibusters used to defeat majority-supported judicial nominees.

And for this reason, I have voted against very few nominees during my 32 years in this body and on the Judiciary Committee.

From that perspective of deference, I then look at a nominee's judicial philosophy and qualifications.

Applying these criteria, my decision to support two of the nominees before us today, Raymond Kethledge to the Sixth Circuit and Stephen Murphy to the Eastern District of Michigan, was easy.

My decision to support Judge Helene White's nomination to the Sixth Circuit, however, was a much closer call.

Frankly, I have always believed that a President has the right to appoint judges who reflect his or her judicial philosophy.

I asked Judge White detailed questions designed to explore her judicial philosophy, her understanding of the proper role of Federal appellate judges in our system of government.

I want to share a few of her responses with my colleagues.

I asked Judge White to comment on the notion that judges must make decisions based on the law as enacted by the people and their elected representatives, even if they personally disagree with it.

Judge White agreed with this wholeheartedly, staying that judges "should be prepared to have no constituency except the law."

I realize this is straight out of civics 101, but there are many today who believe judges may twist and shape the Constitution and statutes into any form they please in order to achieve results they desire.

In fact, some ray colleagues on the other side of the aisle have said judges must take sides, that they must favor certain ideological interests and serve certain political constituencies.

I also asked Judge White whether judges may decide cases based on their personal views, sense of justice, empathy, or experience.

It would be difficult to come up with a more misguided and even dangerous role for unelected judges in our system of government, but some of my friends on the other side of the aisle have endorsed that approach.

To her credit, Judge White flatly rejected that activist view of a judge's role.

I wanted to share these thoughts with my colleagues because some have questioned whether Judge White is the kind of judge President Bush has said he would appoint.

She was, after all, first nominated to the Sixth Circuit by President Clinton whose nominees generally embraced a more activist judicial philosophy.

President Bush is the first, at least during my Senate tenure, to resubmit an appeals court nominee first offered by a President of the other party.

President Clinton certainly did not do that.

But the Constitution gives each President the authority to make that judgment and I have always believed that there is a high bar for the Senate to withhold its consent on the basis of judicial philosophy.

That perspective of deference and her answers to questions like the ones I described satisfy me on this point.

Let me turn to the question of qualifications.

The American Bar Associations rating of judicial nominees is more important for some than for others.

My friends on the other side have consistently said the ABA rating is the gold standard for evaluating judicial nominees.

I take that back.

They have called the ABA rating the gold standard until they want to obstruct nominees who have received even the highest rating.

Judge White's ABA rating in 2008 is higher than it is in 1997, when she was first nominated to the Sixth Circuit.

At that time, some members of the ABA evaluation committee thought she was not qualified at all.

This time, a majority of the evaluation committee found her well qualified and no one thought her unqualified.

It is a little surprising, however, that after 26 years as a State court judge, 15 of them on the appellate bench, Judge White still has not garnered a unanimous well qualified rating from the ABA.

In fact, Raymond Kethledge, the other Sixth Circuit nominee before us today, received a *higher* ABA rating than Judge White and he has no judicial experience at all.

Judge White has never litigated a case. She has never handled clients. She has virtually no experience with Federal law issues of any kind.

There have been serious concerns about her ability to manage her current docket, let alone the far busier and more complex docket she would face on the Federal bench.

Perhaps these dare some of the issues that kept the ABA evaluators from giving her the highest rating.

Unfortunately, Judge White did not distinguish herself in her hearing and offered the committee little to offset these and other concerns about her qualifications. The distinguished ranking member, Senator SPECTER, and others are detailing some of those concerns on the floor today.

Some of my friends on the other side have responded that this nomination has really been pending for 11 years and that we should somehow already know enough to fill in the blanks and resolve the doubts.

That is ridiculous.

I have served in this body and on the Judiciary Committee for 32 years. I know of no Senator who keeps tabs on the careers, accomplishments, and record of unconfirmed nominees from previous administrations on the off chance that they might some day be renominated.

We must evaluate each nominee on the current record developed through the current process.

And on the question of qualifications, that record satisfies but certainly does not excite me.

I respect the judgment of colleagues, especially on this side of the aisle, who look at these and other issues and conclude that they cannot support Judge White. Voting against a nominee of your own party is a significant step.

There are Senators on the other side who have served here even longer than I have who have never voted against a nominee of their party.

Each of us might make that judgment for ourselves and, though it is indeed a closer call than I would like, I will vote to confirm Judge White.

Before I conclude, I want to make a few observations about the judicial confirmation profess with regard to Judge White's nomination in particular and judicial nominations in general.

When I chaired the Judiciary Committee during the previous administration, Judge White's nomination did not receive a hearing because she lacked support from her home State Senator who served on the Judiciary Committee at the time.

Similarly, Sixth Circuit nominees of the current President, including Mr. Kethledge who is before us today, did not receive a hearing because they too lacked home State Senator support.

I am certainly glad that this issue has been resolve with our distinguished colleagues from Michigan so that these nominees can move forward.

But I remain baffled why my following that longstanding policy is today attacked as a 'so-called pocket filibuster while the current chairman following that policy is praised for an exercise in senatorial courtesy.

That is one of number of baffling and frustrating futures of the current judicial confirmation process.

There have been seven previous Congresses during my service here that included a presidential election year.

During an average of 313 days in session, 25 appeals court nominees received a hearing and 20 appeals court nominees were confirmed.

Using that as our benchmark, in the current 110th Congress, we are nearly 90 percent finished with our days in session but so far less than one-third as many appeals court nominees have received a hearing and only half as any have been confirmed.

It does not have to be this way, it has not been this way in the past.

I hope that when the nominees before us today ire confirmed, we will turn our attention to the others who are pending some for many months and even for years, and continue doing what the American people sent us here to do.

I yield the floor.

Mr. LEAHY. Mr. President, I yield 5 minutes to the senior Senator from Michigan.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we are nearing the end, I hope, of what is surely one of the longest judicial nomination sagas in U.S. history. Judge White was previously nominated by President Clinton for a vacancy on the Sixth Circuit of the Court of Appeals starting in 1997. Her nomination was returned to the President without a hearing. Another nominee of President Clinton was also returned without a hearing. That was the nomination of Kathleen McCree Lewis in 1999.

Judge White has been serving as a judge on the Court of Appeals of Michigan since 1993, and I believe she has participated in more than 4,000 decisions. Before that, she served as a judge on the Wayne County Circuit Court from 1983 to 1993, and that is Michigan's top trial court. Judge White, as have our other nominees, has been given a "well-qualified" rating by the American Bar Association's standing committee, and President Bush has called Judge White "an experienced and highly qualified judge who is known for her intellect, work ethic, and demeanor."

The second nominee for the Sixth Circuit is Raymond Kethledge, currently a partner at the Bush, Seyferth firm in Detroit, MI. Before joining that firm, Mr. Kethledge was a law clerk to Justice Anthony Kennedy on the U.S. Supreme Court and earlier clerked for a judge well known to those of us in Michigan, beloved Judge Ralph Guy of the U.S. Court of Appeals for the Sixth Circuit. Mr. Kethledge also served as judiciary counsel for Senator Spencer Abraham from 1995 to 1997, and he graduated magna cum laude from the University of Michigan Law School in 1993.

Steven Murphy, who is the nominee for the Eastern District position, currently serves as U.S. attorney for the Eastern District of Michigan. Prior to his service as U.S. attorney, Mr. MURPHY was an attorney with the General Motors legal staff in Detroit. He worked for the U.S. Department of Justice for more than 12 years.

I wish to take this opportunity to recognize the life and the work of Kathleen McCree Lewis who, as I mentioned, was nominated by President Clinton in 1999 for a seat on the Sixth Circuit Court of Appeals. Kathy McCree Lewis passed away last year. She never had her hearing and opportunity to be voted on by the Senate. She was dedicated to her profession and to her family. While she is no longer with us, we remember her today.

The seat that Judge White is being nominated for on the Sixth Circuit is the same seat that was held by a wonderful woman, Judge Susan Bieke Neilson. She held that seat for a tragically short period of 2 months. This vote is also a vote to Judge Neilson. Her husband, Jeffrey Neilson, wrote Chairman LEAHY back in April that he believed that Helene White "will reflect the best qualities of both Susan and Kathleen in the performance of her duties, so that although death has precluded their presence on the Sixth Circuit, they will be there in spirit.

Finally, I thank Chairman LEAHY and our Democratic leader, HARRY REID, for all they have done to make it possible that we can finally, hopefully, resolve this Michigan issue that has been stymied in the Sixth Circuit and Eastern District for far too long, with a bipartisan resolution the President has sent us on these three nominees with his full support in the Senate.

I hope the Senate will give an overwhelming vote to Judge White but also then adopt a voice vote for the other two nominees.

Mr. LEAHY. Mr. President, I had hoped that before the Senate we not would hear unfair criticism leveled at Judge White. Last month, Senator BROWNBACK publicly apologized for his actions at her confirmation hearing, and I commended him for doing so. After Judge White answered the scores of time-consuming questions Republicans sent to her and the committee had received the updated ABA ratings emphasized so much by Republicans in connection with these nominations, I hoped we could move forward with this in a consensus fashion. It is disappointing that some still seem bent on grasping at straws to criticize Judge White, applying a different standard from that which they used to evaluate other Bush judicial nominees.

Judge Helene White has served on the Michigan Court of Appeals for the past 15 years, having been elected by the people of Michigan in 1992. Before that she served for a dozen years on the Wayne County Circuit Court, the Common Pleas Court for the city of Detroit, and the 36th District Court of Michigan. She is described on the Bush White House Web site as "an experienced and highly qualified judge, who is known for her intellect, work ethic, and demeanor."

Judge White has been now been nominated by Presidents from both parties, by a Democratic President and by a Republic President. She has served as a Michigan State court judge for more than 25 years. In addition, she has been active as a member of the legal community and of community organizations including COTS, Coalition on Temporary Shelter; JVS, Jewish Vocational Services; and the Metropolitan Detroit Young Women's Christian Association. She should be a consensus confirmation.

Oddly, Republican attacks on Judge White have focused on what they term a lack of experience. Somehow, someone who has been a respected appellate judge for 15 years, who has served as a judge for well over 25 years, and who the ABA rates as well qualified for the Federal circuit court , is in their view not "experienced" enough to be a Federal appellate court judge.

Some Senators suggested that her lack of experience with specific Federal issues that never come before even the most experienced State judge was a problem. They ignore the fact that judges always have to learn new areas of the law as new cases come before them, and no one is better prepared to do that than an experienced jurist like Judge White.

Indeed, Mr. Kethledge, President Bush's youthful nominee to the other vacancy on the Sixth Circuit, was gracious enough to concede at the hearing that he, too, lacked experience in the same specific areas of Federal law. Yet his qualifications have not been in called into question by Republican Senators. Judge White has served as a Michigan State appellate court judge longer than Mr. Kethledge has been out of law school, but some are questioning her experience while embracing his relatively lack of experience.

With these criticisms, Republicans risk turning back the clock to before the confirmation of Justice Sandra Day O'Connor, who herself had been a State legislator and State judge. Justice O'Connor was not experienced in deciding Federal law issues before her confirmation as the first female justice of the U.S. Supreme Court. I think we can agree that she nonetheless served the Nation well in that capacity.

Should we conclude from the Republic attacks that no State court judge can be confirmed to sit on a Federal court? Certainly Jennifer Elrod, a State court judge with far less experience than Judge White, who the Senate confirmed to the Fifth Circuit late last year, was not held to that standard by the Republicans. Indeed, recall what Senator CORNYN said about her nomination: "I would point out that when it comes to experience, most of us, when we apply for a new job, or a nominee, have rarely done that job before. So the question is not whether you have actually done that job before, it's whether you are likely to do a good job, if confirmed."

Others have pointed to a handful cases in which Judge White was on a panel decision that was reversed. This handful of cases comes from 4,300 cases she heard on the bench. These were cases in which Judge White joined a unanimous panel of her court or in one instance where she agreed with the rest of the court on the law and differed only on the facts. More to the point, they were cases of such limited precedential value that the decisions were not even published. When asked about each case, Judge White testified that she accepted the Michigan Supreme Court's decision as correct. I hope that in a long career spanning thousands of decisions, she will not be judged by a few unremarkable cases. Republicans have certainly asked us not to focus on a small handful of cases decided by other Bush nominees, even when the cases in question were far more noteworthy.

Republicans have simply not been able to point to anything in Judge White's long and distinguished career that should disqualify her or even justify a negative vote. It is unfortunate that some Republicans seem to be trying so hard to find reasons not to support this particular nominee.

I hope that Republican and Democratic Senators will join together to support her nomination and the entire package of Michigan nominations that President Bush has sent to us after consultation with Senators LEVIN and STABENOW.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to join my friend and distinguished colleague in supporting the nominations of Judge Helene White, Mr. Raymond Kethledge to the Sixth Circuit Court of Appeals, and Mr. Stephen Murphy III to the District Court for the Eastern District of Michigan. I also want to remember those whom Senator LEVIN spoke of as well.

I thank, particularly, Chairman LEAHY for working with us in a very diligent manner, for his patience, and for his commitment and his willingness to work with us to move the President's nominations forward. It has been a very long process—one that started more than 11 years ago for Judge Helene White. In fact, I have been here for 8 years, and she has been waiting more than 11 years for this vote—4½ years, originally, to have the hearing. I find that because of the length of time she has been waiting, it is difficult to say that somehow this was a short-circuited process or a process that happened too quickly. It has, in fact, been more than 11 years. I hope this serves as an example of how we can come together when both sides, with the administration, are willing to work together in a bipartisan manner. I am very pleased we have been able to come to this agreement together. That is what we have done here.

Senator LEVIN and I have worked with the Bush administration, and as a result, we have the three nominees for the Federal bench who are in front of us. In fact, all three of them were rated "well-qualified" by the American Bar Association. I urge my colleagues to support them.

First, let me say a few words about Judge Helene White, who brings 30 years of legal experience to the Sixth Circuit Court of Appeals. She is a graduate of the University of Pennsylvania Law School and the Barnard College at Columbia University. Judge White has been a State judge since 1981. She has served on both the 36th District Court for the city of Detroit and the Wayne County Circuit Court. Since 1992, she has served, with distinguished service, on the Michigan Court of Appeals. She has participated in more than 4,400 cases in her time as a judge on the Michigan Court of Appeals. All told, Judge White will bring more than 25 years of bench experience to the Sixth Circuit. While I support all of our nominees, Judge White is the only person who brings that judicial experience, having served on the bench with distinguished service, someone who is respected by all sides for her intellect, her fairness, and her balance. I am so very pleased that we are finally at this point to be able to vote on this important nomination.

Secondly, Mr. Raymond Kethledge, who is also nominated for the Sixth Circuit Court of Appeals, graduated magna cum laude from the University of Michigan and the University of Michigan Law School. I told him that even though I went to a rival school—Michigan State University—I will support his nomination. In fact, my son is a graduate of U of M. I was pleased to see another Wolverine being nominated for this distinguished position. Following law school, he served as Senator Spence Abraham's judiciary counsel. He then went on to clerk for both Judge Ralph Guy, on the Sixth Circuit Court of Appeals, and Justice Kennedy, on the Supreme Court, before eventually becoming a partner at Bush Seyferth Kethledge & Paige in Troy, MI. I am certainly pleased to support his nomination to this position.

Finally, Mr. Stephen Murphy has been nominated for a seat on the District Court for the Eastern District of Michigan. He will bring both academic and Federal law experience to the bench. He has taught at the University of Detroit Mercy School of Law and the Ave Maria School of Law in Ann Arbor. He has practiced as both a Federal prosecutor and a defense counsel. He also practiced business litigation as an attorney for General Motors. Since 2005, he has served as the U.S. attorney for the Eastern District of Michigan.

I urge my colleagues on both sides of the aisle to support the President's nominees. We have worked hard in a bipartisan manner. It has taken a long time to get to this point, but I am very pleased we are here together supporting these nominees for the Sixth Circuit Court of Appeals and the Eastern District of Michigan. I am hopeful that, very shortly, we will confirm each of these nominees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I listened to Senator SPECTER talk about one of our most important responsibilities; that is, the confirmation process on the President's nominations for our courts, which are lifetime appointments. It is a major responsibility each of us has in the Senate.

I think the way this confirmation process has proceeded with the three judges before us is an example as to how we should be working on the confirmation of judges. First, I think the process under which the Senators worked with the White House on the appointments is a model that should be used. I hope, in more circuits, where there is a real working relationship between the Senators and the White House to come up with the best qualified individuals to serve on the Federal bench. I congratulate Senators LEVIN and STABENOW for the manner in which these nominations were brought forward.

Second is the confirmation process before the Judiciary Committee. I spent a lot of time reading the backgrounds on each of our nominees, as well as the hearing itself. I must tell you that as a result of reading the background material, as a result of the confirmation hearings, I am a strong supporter of Judge White for her confirmation to the court of appeals. I also support Mr. Kethledge for the court of appeals. I must tell you, in reading his background, I was a little concerned because he didn't have any real experience in writing opinions, didn't have experience in trying cases, as far as a judge is concerned, and there wasn't much to judge his ability to reason on the court of appeals by his background. But I must tell you, after listening to the confirmation hearings, I was convinced that he is well qualified to serve on the court of appeals. I am supporting his nomination. That is what the confirmation process should be about.

I listened to Senator SPECTER have concerns about Judge White because of some of her opinions. I must tell you, I am pleased we have before us a nominee who has the experience to go onto the court of appeals or appellate courts. Judge White has served 15 years on the State appellate court. She has written numerous opinions, has participated in over 4,000 cases, served 12 years on the circuit court in Michigan. So she has trial court experience as a judge, and she has appellate court experience as a judge.

Quite frankly, I have been disappointed by a lot of the nominees who have been brought forward by the White House because they have brought forward individuals who do not have experience to go on our second highest court. I think experience is important. I raised those concerns during Judge Elrod's confirmation hearing and Judge Haynes's hearing. I would like to have people with more experience so that we can judge their qualifications.

In Judge White's case, we have that record, and it is a great one. Has she been reversed in her 4,000 decisions? Yes. That is why we have appellate courts. But she has never been challenged as far as her reasoning and her fairness and her demeanor. In fact, she has been rated by the American Bar Association as "well-qualified."

One more thing, Mr. President, as to why I strongly support Judge White's confirmation, and that is the manner in which she handled the confirmation hearings. They were not easy hearings. There were tough questions that were asked. She exercised the type of demeanor I want to see in our Federal judges. She exercised the type of response that I think represents the types of qualifications I want to see on our Federal bench. So I am very much supporting her confirmation. I hope she will receive a strong vote on the floor.

I urge my colleagues to support all three of the Michigan judges who are before us for confirmation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I appreciate the comments of my colleagues. First, I commend the two Senators from Michigan, who spent years working out this conclusion for these three nominees to be here. I commend Senator LEVIN and Senator STABENOW for working so hard. Senator CARDIN spent so much time at the hearing with me. I appreciate the amount of time he spent there. His words of calm reasoning, but with questions that cut right to the importance of the hearing, were extremely valuable.

If nobody else is seeking recognition, I am going to suggest the absence of a quorum in a moment. So that Senators will understand, at 6:30 I will call off the quorum, and the time will be yielded back on both sides. Then we will go to a rollcall vote on Helene White.

If Judge White is confirmed, as I fully expect she will be, then we will go to the next two judges, but only if she is confirmed. Again, Senator SPECTER and I have both said we expect she will be. We will go to the next two judges, and I don't know of anyone who will require a rollcall vote on those two judges.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. LEAHY. I am authorized to yield back all time on both sides. I yield back all time on both sides.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Helene N. White, of Michigan, to be United States Circuit Judge for the Sixth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—63

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Crapo
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—32

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hutchison
Inhofe
Kyl
Martinez
McConnell
Roberts
Specter
Sununu
Thune
Vitter
Wicker

NOT VOTING—5

Bond
Byrd
Kennedy
McCain
Obama

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the President shall be immediately notified of the Senate's action.

NOMINATION OF RAYMOND M. KETHLEDGE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report Executive Calendar No. 631.

The assistant legislative clerk read the nomination of Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am satisfied with a voice vote on this nominee.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit?

The nomination was confirmed.

NOMINATION OF STEPHEN JOSEPH MURPHY III TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. The clerk will report Executive Calendar No. 632.

The assistant legislative clerk read the nomination of Stephen Joseph Murphy III, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, because of the lateness of the hour, I am willing to forgo a rollcall on this nominee and a voice vote will be sufficient.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Stephen Joseph Murphy III, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I thank my colleagues, I thank the Chair, and I thank the distinguished leader for helping us to get here.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made en bloc, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The majority leader.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

Mr. REID. Mr. President, there will be no more votes this evening. If I could, though, have the attention of Senators who are here.

Mr. President, first of all, let me say on this package of judges, we have been working on these for 5 or 6 years. That is how long it has taken. So this is really a step forward. Everyone has cooperated. I appreciate very much the help of the entire Republican caucus. Senator KYL was especially helpful to work through what we have done. We are going to approve two more judges the day after tomorrow, and then we will see where we go from there on judges.

What I wanted to tell everyone here is we wanted to finish the housing bill tonight. Senator DODD and Senator SHELBY have worked very hard to craft a bill that doesn't go back to the House, but when the House signs off on——

The PRESIDING OFFICER. The majority leader will suspend. The Senate will come to order.

Mr. REID. I apologize, it was hard to concentrate on what I wanted to say.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Senators DODD and SHELBY are crafting a bill that can go directly to the President. That is what we are trying to do, craft something on which there has been general agreement with the counterparts of SHELBY and DODD in the House, and it would go immediately to the President. As you know, they can do things very quickly in the House that we cannot do here. That is the goal with housing.

We are going to get there eventually. The problem is the way this is sent to us from the House, the format in which it was sent to us, we are now under cloture. That cloture will run out at approximately 5:45 tomorrow evening. At that time there are two germane amendments that we know of. There are a couple more that are arguably germane. We will see what is the will of the body.

It is my understanding that on those two that are arguably germane, the managers of the bill have worked something out. If there would be no objection, they would accept those. The problem is on the amendments they have worked on up to this time, there has been an objection and we cannot proceed on any of those amendments that DODD and SHELBY have worked out.

Automatically, after the 30 hours is up, we would vote on the germane amendments. No one can stop us from adopting or rejecting those amendments. If we cannot get permission from everyone here as of now—I know of only one holdup on our being able to complete the housing legislation. If we can't get that Senator to sign off on this, then we only have one alternative; that is, we will file cloture on another arm of this housing legislation. We will have cloture on that 2 legislative days later, and then we still have one more to do. That would mean we would have to be here over the weekend. It was not anticipated that we would do that.

In the meantime, having done that, it will hold up our being able to do FISA. We wanted to do a consent agreement on that tonight. I was told that would not be possible.

On that, there are people who do not like the FISA legislation. I recognize that the majority of the Senate does, but some people do not like it. But, in spite of that, I have found the two people who speak out mostly against that—but there are others—are Senator FEINGOLD and Senator DODD who have been very diligent in their opposition to the legislation. But, of course, they understand the Senate very well.

So what we would like to do is have a cloture vote on the motion to proceed to that, but we cannot do that unless it is by consent. Therefore, we are going to have to do cloture on the motion to proceed to FISA at some later time, and then that only allows us to proceed to the bill. Then we still have to do cloture on the bill.

FISA is a product of the administration. It has passed the House, and that is fine. But we are not going to stop people from going home for the Fourth of July recess over FISA. If people do not want to do it, then we are not going to do it. It is not because we are holding it up over here, is what I am saying. It is being held up by the minority.

We are going to proceed, and we are going to stay here and finish this housing bill. The Case-Shiller Home Price Index registered the largest decline in home prices in that index's history. That is more than 40 years. Consumer confidence is at an all-time low.

So we are going to finish the housing bill. It may knock a few people out of parades on July 4, or whatever—however long it takes us to do this.

The other product we have that we want to finish before we go home is the supplemental appropriations bill. Again, there has been a delicately crafted piece of legislation that has come from the House. They worked very hard to get the House leadership to approve that, Democratic and Republican. The President of the United States has signed off on it. Is it everything that I want? Is it everything we want over here? The answer is no. But I think it is something that will pass with a very large margin over here. But we cannot get to it unless people allow us to get to it. So that, too, would have to wait until we get back after the July 4 recess.

I think that would be a shame. We have been told that the Pentagon can pay the bills until about the middle of February. Then they are out of money.

I want the President and all of his people to hear what I am saying. We are not holding up the supplemental. We, the Democrats, are not holding it up. We, the Democrats, are not holding up FISA.

We also have a matter that we need to complete, and that is the Medicare fix. It is the doctors fix. That is what we call it. But, again, today the House passed that by a 350-some-odd margin to whatever makes up 435—passed that overwhelmingly, again, with the sponsorship and leadership of the House leadership, Democrats and Republicans. We are going to take that up before we go. We have to. Not only that, if we do not pass that legislation before we go, we do not have the doctors fix taken care of, but that has a snowballing effect.

What it does is all insurance companies base their reimbursement on what the Medicare Program is. There are two things we have to do before we go home for July 4: Housing and Medicare. We do not have to do it if the Republicans don't want to do it—we don't have to do FISA, and we don't have to do the supplemental. We can do it the week we get back after July 4.

There are other things we would like to do—the FAA extension for 6 months. I tried to move to that yesterday. It was objected to. We want the President and others who have worked so hard on this global AIDS bill—we would like to get that passed. I was told by Senator BIDEN today that should be worked out tomorrow. But we can't do any of this as long as people are holding us up on this housing bill.

One Senator I talked to tonight who I thought was holding up the housing bill—which is true—did not object to our going to FISA. But others have.

I do not know how much more direct I can be. I want to pass the supplemental. I want to pass FISA. I want to pass the Medicare fix. I want to pass housing.

I do not particularly like FISA, and I am going to vote against FISA. But I have an obligation as the majority leader to move legislation that the majority of the body wants to go forward. The majority of Republicans and a significant number of Democrats want FISA to pass. But I am not going to ask people to stay here next week because there is someone over here holding up the President's bill. I am pointing to the Republicans.

I am willing to be as reasonable as I can. I think we showed that on the housing bill when I brought up a piece of legislation that Senator DEMINT and others wanted to move forward on—and Senator BUNNING. We did that to show good faith in reporting this housing bill. But with home prices continuing to fall, foreclosures continuing to rise, 8,800 foreclosures a day—a day—the time to act is now.

I have said on this floor many times, the housing bill is bipartisan. DODD and SHELBY have done a remarkably good job. I hope those people who are trying—I don't know what their message is. To show the power of a Senator? I acknowledge, one Senator has a lot of power. But I think they should recognize they are holding up a lot of stuff.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me say on this occasion I almost entirely agree with the majority leader about what needs to be accomplished this week. We do indeed need to do the housing bill. We do indeed need to do the supplemental for the wars in Iraq and Afghanistan. The FISA bill, the Medicare fix—it is a complicated legislative tangle which my good friend, the majority leader, has described, and with which he is trying to deal as we move through the week. But my goal is really the same as his, and we are going to continue talking to each other, continue to sort of run the traps and hopefully clear the traps in such a way that we can have a highly successful week before the recess.

That is my goal. It is the same as his goal. I will be working with him to see if we can get all of those things done in the next few days.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would say one final thing. There is a time when we need to work together. The Republican leader recognizes that; I recognize that. This is the time. We need to figure out a way to get from here to there. We are going to do our very best.

I think our messages—we don't need to worry about those next week. We can come back and do that after the break. We really need to try to get this done for the American people. It would be good for the American people if we could do something on one of the major crises we have faced in our country, and that is this housing debacle. It is very difficult.

Everyone knows that I do not throw a lot of bouquets to the administration, but I throw them a bouquet on their willingness to work with us on the supplemental because they were willing to bend a little bit here and there. I repeat, was it everything that I wanted, that we wanted? No, but a tremendous step forward. I compliment and I applaud the President and the people who worked with us to get to the point where we are. I would be ashamed to have to wait until after the Fourth of July to do this bill; that is, the supplemental appropriations bill, because even though what we are going to be voting on only deals with the GI bill of rights and the unemployment compensation and those other things, if we do not act, the war funding doesn't go forward. We do not have to vote on war funding. We have already done that.

As I said, I appreciate the work we have been able to accomplish with the administration on this supplemental appropriations bill. Even though, as I have indicated, I am not going to vote for the FISA bill, there are people who have worked on this FISA matter for 3 months or more. Again, the administration worked with them. Did they, on the FISA bill, move enough to make me vote for the bill? The answer is no. But they moved enough to get a lot of people to vote for this bill, and I appreciate that also.

But we could wind up with all this good work being put off. It will be very anticlimactic, the accomplishments that we have made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

64TH ANNIVERSARY OF THE GI BILL OF RIGHTS

Mr. BROWN. Mr. President, on Sunday, June 22, we marked an anniversary. On June 22, 1944, President Roosevelt signed the Servicemen's Readjustment Act into law. I come to the floor today to commemorate the 64th anniversary of the passage of this profoundly important bill, better known as the GI bill of rights.

World War II was the largest, most deadly, most terrible war in world history. Before it was over, Americans fought on the continents of Europe, Asia, and Africa, and in the Atlantic and Pacific Oceans. Over 16 million American men and women, including my father, answered the call to serve. Since joining this body, I have held about 100 roundtables across my home State of Ohio, and through these discussions I have had the opportunity and privilege to meet with a number of Ohio veterans from World War II. Getting to know those remarkable men and women has reaffirmed my profound respect for their decision to serve our country. Their service and their sacrifice produced both a stronger nation and a safer world. The "greatest generation" earned this Nation's enduring gratitude.

They earned the benefits the GI bill provided and used them to propel this country into a time of unprecedented prosperity. The GI bill was more than a payment to the veterans for their service to our country; it was also a very smart, very pragmatic investment in the social fabric and economic potential of our Nation. The GI bill was designed to help smooth the transition from military service into civilian life. And it did that for millions of men and women who served. It paid for veterans' tuition, books, fees, a monthly stipend, and other training costs. It also provided veterans low-interest mortgages and unemployment insurance.

The GI bill provided veterans in Ohio and the rest of the country the opportunity to realize the American dream. The number of degrees awarded by colleges and universities more than doubled between 1940, the last full year before the war, and 1950.

Veterans were responsible for buying 20 percent of all new homes after the war. The investment in the middle class drove the development and economic expansion of an entire generation.

I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield my hour post cloture to Senator DODD.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I too yield my postcloture hour to Senator DODD.

The PRESIDING OFFICER. Senators have that right. The time is yielded to Senator DODD.

The Senator from Ohio.

Mr. BROWN. When you think about what happened to the GI bill, it was not only providing opportunity individually to millions of men and women who served, and in that sense a payment they earned; it also created a huge, unprecedented, and unsurpassed sense of prosperity for the country. When all of these men and women came home and were given the opportunity to go to college, regardless of their income or their family status or their wealth or their positions, they were given that opportunity which they earned from World War II.

In recognition of that important anniversary honoring the service men and women, giving them the opportunity and creating the prosperity of millions of newly educated men and women in our country, I call on Congress to renew its commitment to our veterans to recognize this anniversary.

It is our responsibility, our privilege, to uphold the promises our Nation has made to veterans. It is our responsibility and our privilege to advance our Nation's economic goals. Passing the updated GI bill into law is the right way to fulfill both responsibilities. I urge every Member of this body to support that.

The PRESIDING OFFICER. The majority leader.

FEC NOMINATIONS

Mr. REID. Mr. President, I am very pleased that I am finally able to say we are going to restore the Federal Election Commission to a fully functioning six-member body.

The FEC lost a functioning quorum last January when three recess appointments to the Commission expired, leaving only two FEC commissioners. It takes four to conduct official business, so there was no way to conduct business. When the FEC went dark in January, it meant our Nation's campaign finance watchdog was off the beat. It also meant that important provisions of the Democrats' Honest Leadership and Open Government Act would not be implemented.

Most notably, the building of this Federal Election Commission is so very important. I would be remiss to not say that the Honest Leadership and Open Government Act passed on a bipartisan basis. For example, the bundling rules we worked so hard to enact into law were put into limbo. But now with the FEC within a few minutes going to be reestablished, that will not be the case.

Since even before the Commission lost its quorum, I began offering my Republican colleagues votes on the pending FEC nominees, but those efforts were rejected.

Democrats have been united in their desire to have the FEC restored to full power. I am pleased we can finally come together with our Republican colleagues tonight on the nominations.

I would be remiss if I did not speak very briefly about my two Democratic nominees, Steven Walther and Cynthia Bauerly, both outstanding lawyers. I can tell you even more than that. They are outstanding people and public servants. Steven Walther is from Nevada. He is one of those people who is in public service because he wants to do something to help his country. He has been very active for many years in State bar activities, very involved in the ABA activities, and he gave up a lucrative law practice to come here. He was a senior partner in a major law firm in Nevada. He did this for the right reason.

Both Cynthia and Steven are patient individuals. Steve Walther was first recommended to the President by me for this position on July 6, 2005. That is almost 3 years ago.

He waited almost 3 years for the full Senate to confirm him.

I recommended Ms. Bauerly to the President in July 2007. She has waited for confirmation over 11 months.

I cannot say enough nice things about Steven Walther. I want everyone within the sound of my voice to understand what a man of integrity he is. He is not even a Democrat. He is an Independent. But I have such confidence in his fairness that it did not matter what his party affiliation is. He is a fine individual, has a wonderful family, a son Wyatt who is getting used to the big city of Washington, DC.

I so appreciate Steve waiting since January with basically no job. He has had no paycheck. There has been no FEC. Some people dropped off because they couldn't afford to not have a job. But fortunately, for the FEC and our country, Steven Walther could afford to be unemployed for 6 months.

Again, I want the record spread with my appreciation for Steven Walther's public service and his friendship to me. These two individuals, Bauerly and Walther, have shown exceptional patience which will be an asset to them in their work as Commissioners. I wish them and the FEC very well.

EXECUTIVE SESSION

NOMINATIONS OF STEVEN T. WALTHER, CYNTHIA L. BAUERLY, CAROLINE C. HUNTER, DONALD F. McGAHN, AND MATTHEW S. PETERSEN TO BE MEMBERS OF THE FEDERAL ELECTION COMMISSION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar Nos. 306, 624, 625, and 626; that the Rules Committee be discharged from further consideration of PN 1765, the nomination of Matthew Petersen; that the Senate proceed en bloc to consideration of the nominations; that the Senate then proceed to vote on confirmation of the nominations in the order listed; that upon confirmation of the nominations, the motions to reconsider be laid on the table en bloc, the President be immediately notified of the Senate's action, with no further motions in order, and the Senate then resume legislative session, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the first nomination.

The legislative clerk read the nomination of Steven T. Walther, of Nevada, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Steven T. Walther, of Nevada, to be a member of the Federal Election Commission?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Cynthia L. Bauerly, of Minnesota, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Cynthia L. Bauerly, of Minnesota, to be a member of the Federal Election Commission?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Caroline C. Hunter, of Florida, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Caroline C. Hunter, of Florida, to be a member of the Federal Election Commission?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Donald F. McGahn, of the District of Columbia, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Donald F. McGahn, of the District of Columbia, to be a member of the Federal Election Commission?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will report the last nomination.

The legislative clerk read the nomination of Matthew S. Petersen, of Utah, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Matthew S. Petersen, of Utah, to be a member of the Federal Election Commission?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

MEASURES READ THE FIRST TIME—S. 3186 AND H.R. 6331

Mr. REID. Mr. President, it is my understanding there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows.

A bill (S. 3186) to provide funding for the Low-Income Home Energy Assistance Program.

A bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

Mr. REID. Mr. President, I am going to object to my own request en bloc, but prior to the Chair accepting my objection, I want everyone to know that S. 3186 is the Warm in Winter and Cool in Summer Act, which is LIHEAP. That is an important piece of legislation. We are going to work very hard to figure out a way to do that within the next 30 days. I would also say that H.R. 6331, the Medicare Improvements for Patients and Providers Act, is a bill that overwhelmingly passed the House of Representatives to take care of the so-called doctors' fix.

I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the time to count postcloture.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FISA AMENDMENTS ACT OF 2008

Mr. KYL. Mr. President, I rise today to speak in favor of the passage of the FISA Amendments Act of 2008. This is a law that our Nation needs. The most important change made by the pending bill is to allow immediate and real-time surveillance of overseas targets as soon as they become apparent in the course of a foreign-intelligence investigation. FISA had never been intended to block surveillance of such targets, but a 2007 FISA court decision interpreted FISA to apply to even foreign-to-foreign communications that are routed through the United States. Because of changes in technology and U.S. dominance in the telecommunications industry, even phone calls from Afghanistan to Pakistan could be routed through the United States. As a result, a FISA order could be required before communications between two suspected al-Qaida members outside the United States could be monitored.

This system made overseas surveillance a practical impossibility in many cases and caused valuable intelligence to be lost. Our best tool against al-Qaida and other terrorists is intelligence; it is absolutely critical that we gather whatever intelligence is available.

In the summer of 2007, Congress enacted a 6-month restoration of U.S. agents' surveillance capabilities with the Protect America Act. Today—over 4 months after the PAA expired—Congress finally acts to extend this surveillance authority for another 4½ years. I am heartened to note that the Attorney General and the Director of National Intelligence both strongly support this bill and believe that it provides them with the tools they need to gather intelligence about America's foreign enemies.

Critically, this bill allows immediate and real-time surveillance of foreign targets located overseas whenever the Justice Department and the intelligence community find that, without immediate surveillance, "intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance" of a court order prior to such surveillance. This provision, in a new section 702(c)(2) of FISA, addresses the exact problem that intelligence agencies faced in 2007. Congress expects our intelligence agents to use every tool that is technologically available to monitor al-Qaida and those associated with it. With this reform, we make such surveillance possible.

I also think that it is important that, in new section 702(i), the FISA Amendments Act allows pending surveillance certifications to be immediately amended to allow surveillance of new targets related to or growing out of previous surveillance. This should help to reduce the paperwork burden of FISA, allowing our agents to focus more time on monitoring the enemy and less on filling out forms. Also, the judicial review authorized by this section is appropriately limited and recognizes the intelligence community's primary role in deciding what foreign targets to monitor. The court's role is limited to reviewing whether certifications are procedurally proper and are accompanied by reasonable procedures to limit potential impact on U.S. persons. Thus, courts could block any obviously bad faith or improper use of foreign surveillance that might affect U.S. persons, but courts will not be second-guessing intelligence judgments, and should not be imposing procedures or making demands that will consume intelligence resources and divert agents from their primary mission. This limited role should also allow the FISA Court to decide these cases very quickly, minimizing the burden on both the intelligence community and on those judges who are assigned to the FISA Court.

I should also note that this bill contains important provisions that will allow all of the lawsuits against telecommunications companies to be dismissed upon certification by the Attorney General. Foreign intelligence surveillance is a matter that our Constitution entrusts to the executive in consultation with Congress, not to private litigants and the judiciary. These lawsuits all should have been dismissed immediately; this bill will finally produce that result. Title II is a critical part of this bill that should have been enacted long ago. Frankly, I find it odd that much of the early criticism of this bill has been directed at this of all provisions. Those who are opposed to the President's efforts to monitor al-Qaida's communications after 9/11 should take their argument to the President, not to the private companies that patriotically complied with government requests to help this country. Monitoring of al-Qaida's electronic communications cannot be conducted without the cooperation of private companies. The general rule that private citizens acting in good faith to assist law enforcement are immune from suit has deep roots and serves important public policies. As Justice Cardozo noted in the 1928 case of Babbington v. Yellow Taxi Corporation, the rule ensures that "the citizenry may be called upon to enforce the justice of the State, not faintly and with lagging steps, but honestly and bravely and with whatever implements and facilities are convenient and at hand."

Finally, I should note that this bill's so-called "exclusive means" provision, like the similar provision in the 1978 FISA, is hortatory verbiage that obviously yields the Constitutional authority of the President. The FISA Court of Review, in its 2002 decision in In re Sealed Cases, made the point:

> The [Fourth Circuit in the Truong case], as did all the other courts to have decided the issue, held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. . . . We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power.

Indeed, every administration since FISA was enacted—including the Carter administration—has concluded that Congress cannot take away the President's power to monitor foreign enemies of the United States without a warrant, and that to the extent that FISA purports to do so, it is unconstitutional. The Constitution's framers vested the executive with primary responsibility and authority to protect the United States from foreign attack. Section 102 repeats FISA's "exclusive-means" claims, yet provides in the same section of the bill, at subsection (c), an amendment to the immunity provisions for electronic communications service providers in 18 U.S.C. 2511(2) to require that certifications conferring immunity identify the "specific statutory provision" that allows the surveillance, but only if the certification "for assistance to obtain foreign intelligence information is based on statutory authority." This provision, in the same section making claims of exclusive means, acknowledges that not all surveillance is based on statutory authority, but may, instead, be based on the executive's constitutional authority. If this nation again finds itself under attack as it did on September 11, those in charge of our security should not conclude from the exclusive-means language in section 102 that they may not act in any constitutionally appropriate way to protect this country.

Finally, the "sunset" provision in section 403, which will repeal the authorities in the bill at the end of 2012, is problematic. As the Attorney General and the Director of National Intelligence have said: "[t]he Intelligence Community operates more effectively when the rules governing our intelligence professionals' ability to track our enemies are firmly established." The need to modernize FISA has been extensively debated since 2006, including numerous hearings, briefings, and floor debates that "involved the discussion in open settings of extraordinary information dealing with sensitive intelligence operations." As the Attorney General and the Director of National Intelligence have pointed out, "[e]very time we repeat this process it risks exposing our intelligence sources and methods to our adversaries."

Despite these flaws, the bill before us is needed. It is very similar to the bill that the Senate passed earlier this Congress and on which the House refused to act. It has passed the House by a 3-to-1 margin, and I expect that we will see a similar margin in the Senate, as the bill already appears to have gained the support of some Senators who opposed last year's bill. I look forward to the passage of this bill.

WORLD REFUGEE DAY

Mr. LEVIN. Mr. President, I would like to take a moment to talk about World Refugee Day, which we recently recognized, and offer some observations on the millions of refugees around the world and our efforts to aid them.

Refugees find themselves in the immensely difficult position of being unable to return to their homeland, yet stuck without any place else to turn. They are often the targets of persecution due to their race, religion, political associations, or other traits that should be worthy of respect rather than a threat on one's life. The theme of this year's World Refugee Day is "protection," with a particular focus on shining a bright light on the plight of refugees around the world, so that the world community takes action to ensure their safety.

While refugees deserving of our attention exist in many places around the world, one area of significant concern is the refugee situation in Iraq. The U.N. estimates that over 4 million Iraqis have been displaced by violence, with 1.5 million living in Syria and over 1 million in Jordan, Iran, Egypt, Lebanon, Yemen and Turkey. It is a staggering humanitarian crisis. As part of the National Defense Authorization Act for Fiscal Year 2008, Congress adopted the Iraqi Refugee Crisis Act, which I sponsored along with a number of my colleagues. This legislation creates a process for Iraqis who have offered assistance to our forces in Iraq to apply directly to the United States for refugee status. It is clear that the United States has a special obligation to help this population. The largest community of Iraqi Christians in the world outside of Iraq is in Michigan, which makes this issue particularly significant for me and my constituents.

The stark reality is that Iraq is just one small part of the tragic refugee situation around the world. Thon Chol, who was one of the "Lost Boys of Sudan," is currently serving as an intern in my Washington, DC, office. He recently graduated with a master's degree in social work from Western Michigan University. His success is hard earned, but his story underscores the point that refugees deserve our attention as well as our aid and protection.

Thon was forced to flee his hometown at age 6. While attempting to reach Ethiopia he was one of thousands who faced dehydration, famine, and attacks from wild animals and Government soldiers alike. He lost most of his family, witnessing many deaths himself. He reached a refugee camp in 1987, was forced back to Sudan due to the civil war in Ethiopia in 1991, and then eventually traveled to live in a refugee camp in Kenya for 8 years before being one of less than 4,000 Lost Boys permitted to settle in the United States and moving to Grand Rapids, MI.

Many are now American citizens. Thon's remarkable educational achievements are in line with others who were in his situation; many have sought degrees beyond high school, ranging from community college to one student who is pursuing a master's degree at Yale University. Thon and others have committed themselves to returning to Sudan to teach democratic values and religious freedom.

There are many challenges even for those very few refugees who have been granted asylum or citizenship in welcoming countries, including cultural adjustments, difficulties in uniting separated families, obtaining work skills, and adapting to an unfamiliar climate. In Michigan, numerous volunteers, community organizations, churches, and businesses have come together to assist refugees who come to our state. On this World Refugee Day, I offer my praise and appreciation for the organizations and individuals—both those local to Michigan and those international in scope—who are committed to helping refugees find some stability and normalcy, and I urge my colleagues to consider what we can do to help the millions who are suffering right now. Individuals who wish to help can begin by visiting the U.N. Refugee Agency website at http://www.unhcr.org.

GASPEE DAY

Mr. WHITEHOUSE. Mr. President, every student of American history knows the story of the Boston Tea Party, the men who crept onto British ships moored in Boston Harbor on December 16, 1773, to destroy shipments of tea that the English sought to tax. They were patriots who yearned for liberty, for "no taxation without representation," and who stepped into history.

Only a few miles south and more than a year earlier, however, another group of men had engaged in another act of patriotism—yet these men are largely forgotten outside my home State of Rhode Island. Every year, in their memory, Rhode Islanders celebrate Gaspee Day. This is their story.

During the buildup to the Revolutionary War, as tensions between England and its American colonies grew increasingly strained, King George III stationed the HMS *Gaspee*, under the command of LT William Dudingston, in the waters off Rhode Island. Its mission was to search incoming ships for smuggled goods and enforce the payment of taxes.

On June 9, 1772—16 months before the tea party in Boston—the sailing vessel *Hannah* was traveling from Newport to Providence when it was intercepted by the *Gaspee* and ordered to stop to allow a search. On board the *Hannah*, Captain Benjamin Lindsey refused and continued on his course, despite warning shots fired by the *Gaspee*. The smaller and more maneuverable *Hannah* then raced up Narragansett Bay and into the safety of Pawtuxet Cove. The hulking *Gaspee* tried to chase the *Hannah* but ran aground in the shallow waters of Namquid Point. The *Gaspee* was stuck, awaiting the higher tides of the following day.

Meanwhile, Captain Lindsey proceeded on his course, and upon arriving in Providence he met with John Brown, a community leader who later founded Brown University. The two men arranged for a meeting of local patriots at Sabin's Tavern, in what is now Providence's East Side, later that day. At the meeting, the assembled group of Rhode Islanders decided that action must be taken. *Gaspee* was a symbol of their oppression, and she was helplessly stranded in Pawtuxet Cove. In short, the opportunity was too good to pass up.

As night fell on June 9, 1772, there was no moonlight on the waters of Pawtuxet Cove. The *Gaspee* lay silent on the sand bar at Namquid Point. But just a few miles away in Providence, a team of about 60 men led by John Brown and Abraham Whipple was preparing for an assault that would soon break that silence. They armed themselves, boarded longboats, and set course for the *Gaspee*.

After paddling the longboats 6 miles down the dark waters of Narragansett Bay, the men reached the *Gaspee* and surrounded it. Brown called out and demanded that Lieutenant Dudingston surrender his vessel. Dudingston refused and instead ordered his men to fire upon anyone who attempted to board the *Gaspee*.

True to form, these brave Rhode Islanders seized the challenge. They forced their way aboard the *Gaspee*, and a struggle ensued. In the melee Lieutenant Dudingston was shot in the arm by a musket ball: Rhode Islanders had drawn the first blood of the American Revolution, right there in Pawtuxet Cove.

Brown and Whipple's men took control of the ship from the British crew and transported the captive Englishmen safely to shore. They then returned to the abandoned *Gaspee* for one final act of defiance to the crown. The men set fire to the *Gaspee* and watched as its powder magazine exploded, leaving the whole ship burning down to the water line. The place was eventually renamed Gaspee Point.

If that is not an act that defines the American struggle for independence, then I don't know what does.

Since that night in June when the *Gaspee* burned, Rhode Islanders have marked the event with celebration. This year, as I do every year, I had the good fortune to march in the annual Gaspee Days parade in Warwick, RI.

And every year, I think about what it must have felt like to be among the 60 men hauling on those longboat oars, as they paddled toward destiny.

While it is doubtful that many of those patriots could fully grasp the place they were about to take in history, there must have been a feeling of deep satisfaction known only to those who, in the face of tyranny, have stood up for home, for family, and for country. It is the same feeling that must have accompanied the soldiers of General Washington as they crossed the Delaware, the delegates of the Continental Congress as they signed the Declaration of Independence, and indeed those men in Boston who emptied a shipment of tea into the ocean. I hope that the brave Rhode Islanders that gave us Gaspee Day will be remembered with those other giants of the Revolution, and given their due place in our Nation's history.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

TO WHOM IT MAY CONCERN: The rising cost of fuel and food are a big concern for us that live in Northern Idaho. We live in a lightly populated area and the trips to "town" are right at 100 miles round trip. We are on Social Security and Social Security doesn't allow a lot of flexibility in what a person can spend. Basic items like home heating and food prices have made huge changes in the way we live.

Recently we had a death in the family in another state (Arizona). After figuring the cost of both driving and flying we determined it would be too much of an expense for us to go. We sent our love and regards—but that doesn't take the place of a hug. The cost of heating our home with heating oil has gone from under a dollar a gallon to 3.97 at the last tank fill up. That is a huge increase for a basic need. Many are worse off then we are and have to choose between being warm and eating. *Something must be done*.

Every day we see our government reaching out with aid to *other* countries. . . .what about those right here in America? I expect the stimulus payment most people received went to catch up on a couple of bills—no one could afford the luxury of just frivolously spending it. We need everyday, down-to-earth practical help so basic needs can be met.

Please stop this ever-increasing price on fuel and food.

Thank you. . . .sincerely,

MR. AND MRS. RAY, *Priest River*.

I normally drive our 1999 Chevy Suburban. It gets 14 MPG on average. With gas prices over $4.00 a gallon I just use this simple rule of thumb to calculate how much a trip on the interstate costs me. It's simple. At normal interstate speed of 65 MPH, it costs me $20.00 an hour to drive. 65 divided by 14 = 4.65 x $4.10 a gallon = $19.00 not including wear and tear. So $20.00 an hour is my rule of thumb.

Now if I lived 1 hour from work and I made $12.50 an hour, I would have to work 3.2 hours more to get my 8 hours pay.

Do the math yourself. This has to be fixed.

A few things that bother me the most:

Hearing that the gas companies have made "record profits" again while I'm paying for it; the price of a barrel of oil goes up in the morning then by noon the same day the price of gas goes up even though that gas has been in the underground tank for days; the price of a barrel of oil goes down in the morning but the gas prices stay the same until they can go up again later; relying on foreign oil. That is relying on a foreign people who are not necessarily our friends or care about us; we have oil under our own ground but can't get it? Why?

Here's a question. Since when is not having oil not a national security issue?

AARON, *Caldwell*.

SENATOR: Nightly, I listen to a number of pundits and politicos debate the "solutions" to our energy problems. One of the more ridiculous ones is mandating people switch to higher fuel efficiency automobiles (i.e., buy a new car). As a small business owner, our health insurance premiums have just gone up (again), the minimum wage has risen, grocery costs are rising and our 401k is diminishing. The very thought of anyone in Congress telling me I have to replace my "paid for" cars, and take out a loan to buy a new (more energy efficient) car is ludicrous!! Gasoline would have to be over $10 a gallon to make economic sense to my family, in lieu of absorbing a car payment.

I support drilling offshore and in ANWAR, as well as shale oil extraction. I think it's time that the world's most technologically-advanced nation illustrate to the world the most technologically advanced means of extracting energy. I'm deeply offended that the United States government, who can't profitably manage Amtrak, the US Postal Service, or even its own Senate cafeteria, has the audacity to pretend to convince me that they know more about "safe & sound" energy extraction than the companies that are professionals in this endeavor. I hear people crying about how drilling in the US might "spoil natural resources"! I'd be willing to wager that if we weren't dependent upon Middle Eastern oil, we could have, most likely, saved about 4,000 US Servicemen and women's lives. *That* cost of natural resource is infinitely greater than a handful of caribou!

Respectfully,

DANIEL, *Boise*.

My mother-in-law (80 years old) had emergency surgery in Grand Junction, Colorado. With increased fuel prices, the air fare to fly my wife to Grand Junction ONE WAY was almost $900. I drove separately to Grand Junction so our car would be available for our use. The total mileage over a week's time was in excess of 1,500 miles and, at over $4.00/gal, our fuel bill (23 miles/gal) exceeded $260.00. I'd like to buy a more fuel-efficient car, but my down payment was significantly reduced!

In eastern Idaho, the cost to go camping, fishing, or hunting will average from 50 miles to 150 miles or more round trip. A weekend outing has increased in cost from $5.00 to $16.00 for someone with a small SUV to $7.50–$22.50 when using the standard pickup and pulling a boat or trailer. This is based on $4.00/gal fuel compared to $2.50/gal a year ago. Summertime costs can easily be $100 per month more for fuel in this area just for simple recreation (long distances and not much else to do). Add a few trips to the store for supplies and the costs can be 50% higher. We can't afford these extra costs.

Some think the answer is E–85 Ethanol from corn, but that does NOT save significant petroleum products and creates additional water pollution in corn-growing states. Additionally, my cost for food for my family has gone up significantly because of the increase in the price of corn. So why, oh why, do you in the government PAY the Midwest ethanol producers $0.51/gal to pollute the water and drive up the cost of food throughout the country, while still using as much oil for tractors in the fields, fuel trucks to transport the ethanol (it can't go in pipelines), fertilizer, fuel the ethanol plants, and other energy costs for something that only has about 68% of the energy content of gasoline? You in the government should get out of the way of the energy industry. They were doing fine before government got involved. Please let the energy sector drill for oil, develop coal and oil shale gasification technologies, mine the off-shore methane deposits, and set as a goal that nuclear power plants will be licensed as fast as they can be built. Government reviews should be minimal and should help instead of hinder our progress. Wind power should be developed in areas which have minimal impact (look at the INL site—huge area where the Idaho wind blows all the time). Small solar installations could easily be developed as the solar energy industry grows. The very best thing that government could do is to GET OUT OF THE WAY!! Maybe a few insects and frogs will die as a result, but it is better than running out of energy and then trying to figure out what to do in the dark

DARYL.

SENATOR CRAPO: I wanted to briefly share some of the impacts the high fuel prices are having on my family. I drive 32 miles one way to work. My car gets about 25 miles per gallon. So it is costing me almost $10 a day just to go to work. My husband is a farmer. We normally purchase 500 gallons of fuel at a time for the farm. We have not been financially able to buy it this spring/summer. He has cut back on the water of the crop because the power bills are so high, which will most likely affect the yield. Fertilizer is skyrocketing. Diesel is ridiculous. Our entire food supply is going to be affected as other farmers face these same problems. We are not buying any extras anymore. Groceries have increased, so non-essentials like chips, candy, boxed cereals, etc. are out. We are not eating out like we used to either. We normally ate out once or twice a week. For the past 18 years, I have planted beautiful potted flowers for the entrance of our home, usually spending around $300. I will not be planting flowers like that this year. We are not buying any new clothes for summer. We'll have to make do.

We live in an area where several years ago BP Petroleum came through and indicated that studies show fuel resources are available, however, nothing that we know of is being done to proceed with any exploration or development.

You would think that a country as great as ours with as many resources as we have would not allow themselves to be held hostage to foreign fuel resources!!!! We would appreciate any help you can send our way.

Sincerely,

MARIE.

PROPOSITION FUEL REFUND AND REFORM

Item 1: There shall be a $4.0 billion one-time charge imposed against each Refinery listed in Item 1 that shall be refunded to all California drivers with a valid California drivers license and age 18 and over. This Charge shall be apply to Exxon Mobil, BP (includes ARCO), Texaco, Chevron, Conoco Phillips, Shell, and Citgo. Each Refinery Charged the refund shall pay their amount to the California State Treasury for disbursement within 60 days of the passage of this Proposition. The state shall disburse this money within 150 days of the passage of this Proposition. There shall be a daily fine of $10 million a day charged to any Refinery that has not paid its share of the refund in the allotted time payable to the State of California general fund.

Item 2: All Refineries shall sell off all fuel retail establishments within one year of the passage of this proposition. No Refinery or fuel wholesaler shall be allowed to own or control any fuel retail outlets with the passage of this proposition. The price of these establishments must fall within the current market value within its area. Violation of this item will result in a daily fine of 10 million dollars per day payable to the State of California general fund.

Item 3: Any present and future contracts between fuel retail outlets shall be hereby banned and null and void. Any fuel retail establishment shall be able to purchase fuel from any Refinery or fuel wholesaler he or she chooses without restriction. Also any retail outlet shall be able to sell multiple brands of fuel without restriction. Violation of this item by any Refinery or fuel wholesaler will result in a daily fine of ten million dollars per day payable to the State of California general fund until corrected.

Item 4: Each Refinery selling fuel in California shall maintain a stored reserve of fuel within the borders of California equal to 1.5 times the monthly volume of fuel it sells within the State of California. This requirement shall be enforced beginning 1 year from the passage of this proposition by the State of California. Violation of this item by any Refinery or fuel wholesaler will result in a daily fine of 10 million dollars per day payable to the State of California general fund until corrected.

Item 5: Beginning 10 days after the passage of this Proposition and for a period of 5 years, wholesale prices of gasoline and diesel per gallon sold to retail establishments in the State of California shall not exceed 1.2 percent of the average price of oil per barrel on the world market. Violation of this item will result in a daily fine of 10 million dollars per day payable to the State of California general fund.

Item 6: Beginning 10 days after the passage of this Proposition and for a period of 5 years retail prices of gasoline and diesel per gallon sold in the State of California shall not exceed 2.0 percent of the average price of oil per barrel on the world market. Violation of this item will result in a daily fine of 10 thousand dollars per day payable to the State of California general fund.

Item 7: The people of California have determined by the passing of this proposition that the Refineries listed in item one meet the definition of a monoply because of the way fuel prices have risen everywhere in the state of California in unison in the past 4 years, because these refineries dominate the market, and by the documented huge increased, sustained and increasing profits made by these oil refineries. The people of California request the United States department of Justice apply antitrust legal action against the refineries listed in item 1.

Item 8: If any Items listed in this proposition are nullified by court action then all other Items shall remain in effect.

UNSIGNED.

SENATOR CRAPO: Thank you for asking for my opinion. As I interact with my employees as a business executive, with my fellow church members as a church leader, and as a husband and father, I think the real bottom line is this: The great majority of people have no viable alternative to spending additional money on fuel and many other goods and services that also rise with fuel price increases. Most people are just paying more because there is no alternative. This means that bankruptcy, unemployment, and other severe financial strains will be staved off until they cannot be held off anymore, and then it will collapse. The danger signs of energy dependence are so dire, yet congress does not make any moves. I think the future is bleak for individuals on the edge, and a large "correction" is due. I also would not be surprised to see your constituents come after congress with pitchforks and torches, but I have doubts that congress will act.

AARON, *Coeur d'Alene.*

DEAR SENATOR CRAPO: Today, we had to make the difficult choice of putting fuel in the car or grocery shopping. You see, we needed milk, bread, and some other staples and we needed a tank of gas. Each purchase was going to amount to around $80, and we had to choose one or the other. So we gassed up the car and decided to try to make it until payday with the food that we had at home.

I have never felt so sick or downtrodden at the one or the other kind of option we faced today. I went home and also deduced through some back bills that our housing heating and cooling has doubled since 2002. In only six years our gas has gone from $67 a month to $112 and our electric from $87 to $167, despite my keeping our heating at 65 day and 60 night in the winter and our cooling at 75 in the summer. We are hard pressed to pay those bills in addition to gas. This spiral has got to stop or I do not know how we are going to manage.

Sincerely,

D., *Boise.*

DEAR SENATOR CRAPO: I commute 52 miles round trip daily to Rexburg from Idaho Falls. Since January I have been car pooling with a co-worker in my department and we are encouraging our employer to let us telecommute at least one day a week. My family has declared two days a week as "no drive days" where we don't even turn the key in either of our cars. We save our errands and schedule appointments for other days of the week. This basic routine is helping, but not enough.

We recently had a daughter in the hospital in Idaho Falls for seven and a half weeks, and for another four and a half weeks at the University of Utah Medical Center. Those expenses were of course offset by health insurance, although out of pocket expenses still amounted to thousands of dollars. However during those 12 weeks we had no choice but to drive to the hospital daily while fuel prices were skyrocketing. This created a sudden and unexpected burden on our family budget. With the added cost of fuel forecasted to stay high into the future, our financial recovery is nowhere in sight.

Thanks for listening.

BOB AND BEVERLY, *Idaho Falls.*

SENATOR CRAPO: I own a small retail shop in Salmon, Idaho. Retailers in this area depend on the local economy and on Tourism to make ends. Tourists provide 60% of our sales revenue and the gas prices have dramatically diminished travelers. Whitewater rafting companies are struggling and my retail store is in danger. I am unable to meet my monthly expenses, let alone purchase merchandise to replenish my normal inventory. Consumers cannot afford anything beyond gas and food. Prices have doubled on groceries, shipping and all are related to rising fuel costs. Most of the people I know have no extra from their paychecks and it is killing small businesses all over the Country! Here in the Rocky Mountains we can't drive hybrid cars. The snow, rain and rural homes make cars impossible. We have to have 4 wheel drives and chains just to get out of our driveways and to the grocery store! There is no mass transit and carpooling wouldn't be feasible.

Congress seems to be at a loss as to what to do and if something doesn't happen soon we will be facing a major depression! The Speculators are driving prices even higher and the oil producing nations are unwilling to cut their profits. Most of us feel that Congress and the Senate are in bed with the oil companies.

Something has to be done to open oil and gas production in this Country. We have Anwar, the Bakkan oil in the North Central States and off shore oil pockets. It is time that our government look out for the American People and stop bucking under to the Environmentalists.

Something has to be done quickly. Long-term renewable energy sources will take decades, by that time all the small businesses like mine will be forced to either close or file bankruptcy. Currently my shop is in jeopardy. I am behind on all my bills and my credit has been ruined so I can't even get a loan to get me through the crisis. If our governmental body can't find a solution now, then expect to see small and medium businesses go under. We are the backbone of this land and we need some backbone leadership!!!!

Sincerely

DONNA, *Salmon*.

DEAR SENATOR CRAPO: I would be more than happy to share our story of high energy prices and the toll it is taking on our family and our finances. My husband and I find it outrageous that environmental groups can have SO much pull in this country to put bans on the construction of oil refineries, liquid coal plants and drilling for our own domestic petroleum. At this point, we are dependant on this abundant and efficient fuel. There is no other alternative right now to take the place of petroleum—at least nothing that is practical, efficient and most importantly—affordable!!! To ignore our vast reserves of coal and oil in this country to leave us dependent on Middle East Fuel is ludicrous. There is wonderful technology out there that can turn coal into liquid fuel that burns cleaner than gasoline! But because your average environmentalist does not understand how this technology works—they are against it because traditionally burnt coal is filthy. They would rather grow food crops to fill their tanks up while people and animals starve.

We live in Salmon, Idaho. My husband is a Real Estate Appraiser who frequently travels almost 600 miles in a week simply to reach the properties to do his work. The cost of living necessitates at this point that he take EVERY SINGLE job that crosses his desk—so frequently driving round-trip to Arco and back in a day or over to Missoula, Montana and back in a day is a normal thing. BUT—the drawback is that right now we have an outstanding balance on our Chevron card that is over $1,400 and over limit—so we can't even use the card. We make large payments every month, but with the interest rate we still have not been able to bring the balance low enough to even use the card. So we pay the Chevron bill AND pay for gas out of our regular checking account. The Chevron card went well over limit way back when gas hit $3.50 a gallon, and we have not been able to catch up and bring the balance down. We have a propane bill that is over $1,100 right now that I pay $125 a month on—but this is a balance from an $1,800 fill up of our tank back in November of 2007. I am going to call the gas company this week to see if they will fill the tank now while prices are "lower". So we will probably have a bill that is over $3,000 for heating our home basically 6 months out of the year. If gas goes any higher—we are going to have to figure out how to get even deeper in debt to find a cheaper way to heat our home in the winter. As you know—Idaho gets cold. We HAVE to heat our home!!! Living in Salmon, we HAVE to drive over 300 miles in a round trip either to Idaho Falls or Missoula Montana for doctors, Costco, clothes shopping etc.—as due to there being a lack of logging or mining anymore there is really no local options for shopping, etc. The very lives of people living here depend on big rig trucks bringing our food etc. For MANY years now, we have been hearing of the Idaho Cobalt Project—but because the environmentalists have such a stranglehold on ALL industries in this country—we are still awaiting word of WHEN or IF this project will start. If it does get clearance, Salmon, Idaho will once again have jobs that pay a living wage for a family. We have a house that we moved out of in downtown Salmon in 2005—it has been sitting empty awaiting a buyer since then. It is in a commercial zone—and commercial is dead in Salmon. We filed paperwork with our mortgage company way back in February to give the house back in a Deed in Lieu—and we are still awaiting word!!! Apparently, the mortgage companies are backlogged about 6 months? We can't afford to visit family in California because we can't afford the gas. My husband's mother and father in California got extremely ill this last year, but he was never able to visit because of the debt load we are carrying and how expensive driving or flying is!! We are working to make payments and catch up on our gas bills that are maxed out right now. We stopped making payments on a house that would not sell for 3 years now—that has left us behind in everything. With fuel costs continuing to rise because we have a Democratic Liberal, Anti-American Congress that continues to ban any sort of domestic drilling for our own petroleum deposits—we don't even have a chance to catch up right now as gas prices continue to rise. We are fortunate though. My husband has a busy and successful business and thankfully at least, we are able to work to make our payments. On Father's Day, we decided against a picnic any further than 5 miles out of town because of the cost of fuel. It is sickening to us that our government cares SO little for the average working American. It is sad that our government has allowed itself to be controlled by secular humanist environmentalists who care more for a spotted owl or a tiny snail than the human family. Just ask anyone here in Salmon how we feel about the forests being shut down to logging—yet it is perfectly fine for the forest that is becoming nothing more than a deadfall tinderbox to burn and choke us with toxic, suffocating smoke for 2 months every summer! Something has to change because if it does not soon—this country is going to enter a depression that makes the Great Depression look like the Good Old Days!!!

Sincerely,

BRENT AND KATIE, *Salmon*.

It is very hard to understand why the United States, the most powerful Nation on Earth, is begging the Middle East for oil. We need to immediately increase drilling off shore, in Alaska and other States, plus utilize technology available to extract oil from shale deposits in the Rocky Mountains. We have advanced technology sufficiently to be safe for the environment and yet provide for ourselves rather than being dependent upon the Middle East.

Is it true that China is drilling off the Florida coast, but we can't? In Idaho Falls, the Chamber is bragging about bringing a French company's new uranium enrichment plant and the corresponding jobs to the area to fuel nuclear power for France. WHAT—we have had the capability of generating nuclear power at the INEL for 35 years. My father worked at the INEL for 35 years. You mean to tell me the environmentalists will allow uranium enrichment for France, but we can't utilize an existing US nuclear plant for power for Idaho?

Bio-fuels are not the whole answer, it puts too much pressure on our farmland that we need to crop food crops. The prices of food are going up enough because of the fuel costs.

The US has substantial coal deposits, we need to build more coal fired power plants. Combined with the nuclear and wind, we should be able to have more than enough power to re-charge hybrid cars.

Besides increasing drilling in the US, we need to invest in some updated/additional refineries.

Then, Congress needs to do something about the speculators driving up the price of crude oil. I don't know if you can make it illegal to speculate on oil futures or restrict it, but news media are reporting that $3.00 of every gallon goes to speculators profits buying and selling.

CHRIS, *Idaho Falls*.

DEAR SENATOR: My husband and I own a small business in Lewiston, where we do print advertising and TV/Video productions (among other things). We live close to our business, so although our fuel prices have increased, it's not having a huge impact—YET. However, we frequently have to travel across or out of the state to shoot various jobs, and we are now having to charge such high travel expenses that we are at risk of losing some clients to production companies closer to their location, even though they would prefer to keep working with us. We are bidding on a job right now which falls in that category—a year ago we would have quoted them $200 for mileage, and now we have to quote almost $500. Obviously this will impact our bottom line by the end of the year—something that we really can't afford.

BOBRI, *Lewiston*.

SENATOR CRAPO: I would guess that my story is different than the story you were looking for.

In 1974 I graduated from the University of California with a B.S. in Mechanical Engineering.

The height of the first real Oil Crisis created by OPEC.

Because of the skyrocketing price of gasoline, gas lines, and shortages, I purchased a manual transmission diesel Volkswagen for $7,500. That car on average got 52 miles per gallon. Diesel is a cheap byproduct of gasoline refinement. At that time, it cost ½ the price of gasoline per gallon.

Tell me why it costs more than gasoline now?

A few weeks after graduation, I was granted a full scholarship to continue engineering graduate school at UC.

In 1979 I graduated from UC with a Ph.D. in Mechanical Engineering, my specialty: thermodynamics, energy, and materials science. My thesis was on the extraction of heat energy from hot geothermal brine solutions.

I started working for a startup company purchased by Weyerhaeuser. My project was researching burning lignite (dirty coal) in a fluidized bed reactor to produce clean coal energy. It included the removal of NO_X, SO_X, and high temperature particulate down below the submicron size.

My research burned one train car load of lignite (environmentally the worst coal to burn with the lowest heating value) from West Virginia, in Menlo Park, CA every day

24/7 for nearly 9 months performing experiments under contract with the US DOE. Our work was successful but went no further. During the operation of that combustion system and the associated experiments we passed all EPA combustion gas stream standards. That company years later went bankrupt. I left after 2 years to join Hewlett Packard in their computer systems group. For the past 25 years I've been involved in semiconductor manufacturing.

Thirty years have passed and sadly our government is no closer to a long term proactive energy policy than it was in 1979.

It is a national disgrace and one day will be a national disaster which will make the Great Depression pale in comparison.

PLEASE, wait no longer. Turning food stocks into ethanol, waiting for cheap solar, and looking to the wind to solve this global crisis is beyond ridiculous.

Drill now in ANWR, Drill off the Coasts of Florida, and California, Turn on the clean coal industry and liquefy coal for fuel, build as many nuclear power plants as fast as possible (then maybe we can avoid the energy depression). I don't believe we have another 30 years to gamble away.

Regards,

LARRY, *Eagle.*

MIKE, I really believe that we don't need to find alternative fuels. America is set up to burn petroleum based products and there are so many drawbacks to all of the "bio" fuels. We have lots of oil right off of our own coasts and in the Gulf on Mexico, ANWR and North and South Dakota with oil shale.

Our problem to being independent is not supply, Arabs or the environment! It's Congress and the wacko left enviro crowd who would rather see us all on bicycles!

I'm 62 years old and I DO ride a bicycle. However, like you mentioned in your opening letter, bikes don't work all the time in Idaho. Matter of fact between October and June, they suck! We had 2" of snow in Moscow on June 10th this year.

Congress needs to just get out of the way and let industry do its thing.

Mike, I realize you're only one Senator from a little-known state out West that doesn't matter to everybody East of the Mississippi River but some how we have to find the courage to stand up to the liberal Dems before our economy state and country are turned into a Third World European nightmare like B. H. O is designing.

Sincerely,

DAVE, *Moscow.*

ADDITIONAL STATEMENTS

IN RECOGNITION OF ROBERT LINGENFELTER

• Mr. CARPER. Mr. President, today I recognize Robert Lingenfelter, affectionately known as "Link," for being named Delaware History Teacher of the Year by the Gilder Lehrman Institute of American History and Preserve America. Link has dedicated his life to the thousands of school children whose lives he has touched as a teacher, as a coach and as a mentor.

The History Teacher of the Year Award, now in its fifth year, was designed to promote and celebrate the teaching of American history in classrooms across our Nation. The award honors one exceptional teacher from each State and U.S. territory. The selection of the State winner is based upon several criteria, including a deep career commitment to teaching American history; evidence of creativity and imagination in the classroom that address literacy and content beyond state standards; and evidence of thoughtful assessment of student achievement. Through Link's 13 dedicated years of teaching, it is clear that he embodies all of these criteria and many more.

After working for years as a night supervisor for what is now AstraZeneca, Link graduated from Wilmington College in 1995 with a bachelor's degree in education on a day that I was privileged to deliver the commencement address there. Three years later, he earned his master's of instruction from Wilmington College, which is now Wilmington University. He was motivated to become a teacher because of his interest in American History, his love of coaching and his passion to motivate children to achieve their true potential.

His interest in American history was increased in part by his work with me as a volunteer photographer over the past 26 years. During that time, Link also has documented a host of important events throughout Delaware. In his own words, he "created history with his camera lens."

In addition to teaching, Link has coached high school baseball for 14 years. He developed a love of the game as a child and wanted to see the same passion he felt for the game in the eyes of the children he coached. He stresses individual success for each of his players and he has always believed that once a child experiences success, they start believing that anything is possible. Link tries to foster this "anything is possible" mentality in all of his students and players, continually encouraging them to do their absolute best and settle for nothing less.

He has been instrumental in the growth of many children, building their confidence and showing them the path to personal success. His dedication to the children he coached is apparent to all who know him as he teaches his players lessons that will help them in all walks of life, both on and off the diamond.

Noticing his innate ability to connect with students and his drive to help them grow, Link's friends and players' parents suggested he pursue a career in teaching. With their encouragement, he decided to combine his love for American history and his commitment to helping children succeed. He became a teacher.

Link started his teaching career at Stanton Middle School, where he worked from 1995–1998 as a 7th grade social studies and language arts teacher. In 1998, he joined Skyline Middle School where he teaches today. He is an 8th grade American history and social studies teacher and also serves as the social studies department chair. In addition, he works as an adjunct professor at Wilmington University.

Link has been recognized many times as the Social Studies Teacher of the Year by the Red Clay School District and was named the 2002–2003 Teacher of the Year at Skyline Middle School. These awards are a tribute to Link's creative teaching style and his genuine desire to help his students succeed.

Link's teaching style is unique and specifically tailored to helping students not just learn history but relive it. Link and others think of him as more than just a teacher. He is something of an actor, as well. He brings history alive in his classroom with props and costumes and engages his students in a way no textbook can. He and his students hold simulations of historical events, assuming the roles of prominent historic figures and acting out the sequence of the events. His students reenact the Boston massacre mock trial, the Constitution Convention of 1787, slavery and the underground railroad, and even battles of the Civil War. He doesn't simply teach history he engages his students to participate in history, bringing to mind the old Chinese proverb: Tell me, and I'll forget. Show me, and I may remember. Involve me, and I'll understand.

Link also utilizes the historic sites in the area to further instill in his students an understanding of America's past. He takes his students on trips to the Constitution Center in Philadelphia and to Fort Delaware, as well as to any number of sites in Washington, DC. His "classroom museum" is a place of interactive learning that is far from a memorization of dates and locations; instead, it is a journey through American history, with stops and detours along the way where students fully embrace America's past and its impact on the present.

Link is a powerful teacher with a deep love for his students and for history. He has a lighthearted attitude that allows him to connect with students on a level that few can. He can always be counted on to have a joke ready to break up the stresses of the students he teaches. Using his sense of humor to his advantage, Link constantly builds a closer relationship with his students to the point where they know they can come to him with anything from a history question to a problem with a friend at school.

Link is a truly remarkable teacher and human being. He encourages his students to reach beyond their limits and settle for nothing less. He instills in them the confidence they need to stand up for principles they believe in and become proponents of change in the future. His teaching philosophy is one to be admired and emulated as it allows students to be participants in history as opposed to mere observers.

Robert "Link" Lingenfelter has become one of the finest teachers in Delaware, and he is on his way to becoming one of the finest teachers in America. It is with a genuine sense of honor and joy that I rise today to extend heartfelt congratulations to my good friend for his award. There could not be a more deserving recipient. He will always be a role model, not just to his own students, but to all of us.●

TRIBUTE TO LeROY KOPPENDRAYER

• Mr. COLEMAN. Mr. President, today, I honor the distinguished public career of LeRoy Koppendrayer, retiring chairman of the Minnesota Public Utilities Commission. LeRoy was appointed commissioner in 1998 and chairman in 2003. He has served Minnesotans honorably for 10 years, upholding and protecting the interests of Minnesota's utility ratepayers while enjoying the respect and camaraderie of his fellow commissioners and those who have come to know him.

LeRoy's journey to becoming a commissioner has been filled with a lifetime of experiences anyone would admire. In the 1990s, LeRoy was elected to four terms as a representative in Minnesota's Legislature where he worked successfully on issues ranging from agriculture to energy to education. He also worked for years as a dairy farmer and then as an international agricultural consultant, spending time in South America, Africa, Jamaica, Philippines, and Indonesia, consulting farmers and working to develop and improve their economies and their lives. LeRoy's appointment to the commission caps his decades-long commitment to public service.

LeRoy's work as commissioner includes decisions on a myriad of issues facing Minnesota's utility ratepayers, such as rate cases filed by natural gas, electric, and telephone utility companies, the twin cities metro area code split, the establishment of rules governing reliability standards for electric utilities, renewable energy projects and the citing and routing of energy facilities and transmission pipelines, to name just a few.

LeRoy's committee memberships include the National Association of Regulatory Commissioners, known as NARUC; as liaison to NARUC's International Relations Committee; the NARUC Regulatory Advisory Committee to the Institute of Public Utilities; and the NARUC Committee on Electricity and Subcommittee on Strategic Issues. He has also served as chair of the Nuclear Waste Strategy Coalition and as a member of the board of the Organization of Midwest States, which oversees the Midwest electricity grid.

As chairman, LeRoy has ensured the integrity of the commission's process through thoughtful consideration of issues and a friendly rapport with those who appear before the commission. Whether it is a lawyer representing a utility or a concerned citizen appearing for the first time, LeRoy's approach is the same. He treats everyone with genuine respect and professional courtesy and with a sincere interest in understanding each person's point of view.

And on top of it all, LeRoy recently found time to make a 150-mile bicycle trip with his wife Carolyn and 10 other family members in support of MS research.

LeRoy is a man of loyalty, conviction, and fortitude. He commands great respect and great affection. He has an enviable capacity for warmth and kindness and is driven by his value for hard work. He stands firm in what he believes and yet finds common ground where there are differences, using a welcoming approach and a friendly smile to bring people together. And if all else fails, he'll make you laugh, mostly at his own expense, by poking fun at himself.

Today, at this bittersweet moment, it is with gratitude and admiration that I stand before you to honor LeRoy's longstanding contributions to the people of Minnesota through his years of service as commissioner of the Minnesota Public Utilities Commission.●

125TH ANNIVERSARY OF BELFIELD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. From July 11 to July 13, the residents of Belfield, ND, will celebrate their community's history and founding.

Belfield is situated along the banks of the Heart River in western North Dakota. As the westward expansion of the Northern Pacific Railroad progressed, settlers established this community and first identified it as Fort Houston. Belfield is said to have later adopted its current name after Belle Field, the daughter of a railroad engineer.

Belfield offers visitors and residents fresh air and beautiful scenery. From Custer's Trail and Initial Rock, to Belfield Dam and the Maah Daah Hey Trail, Belfield has a wealth of outdoor recreational activities. This gateway to the west is also birthplace of North Dakota Supreme Court Judge Herbert L. Meschke.

To celebrate its 125th anniversary, Belfield is organizing a weekend filled with events such as a parade, class reunions, a demolition derby, a steak fry, historical photo and pottery displays, and games for all ages. Belfield will also be host to the Black Daggers, a U.S. Army Special Operations Command Parachute Demonstration Team. The team will be performing parachute jumps throughout the weekend at various locations. It will no doubt add a breathtaking element to this celebration.

Mr. President, I ask the U.S. Senate to join me in congratulating Belfield, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Belfield and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Belfield that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Belfield has a proud past and a bright future.●

125TH ANNIVERSARY OF MENOKEN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On June 21, the residents of Menoken gathered to celebrate their community and its historic founding.

Menoken is located in Burleigh County, just a few miles from the State capital. Although its population is small, Menoken holds an important place in our State's history. As the first tracks of the Northern Pacific Railroad were being laid across North Dakota, the Seventeenth Siding was marked; later to be known as what is now Menoken. Upon the completion of the railroad, settlers from Maine occupied the territory and named the town Blaine, after Maine Senator James G. Blaine. Once more the town's name was changed to Clark, and then finally secured as Menoken.

The citizens of Menoken take great pride in their community enriched with history. The town is home to the Menoken Indian Village, which is a preserved prehistoric earthlodge village that dates back to the early 13th century A.D. In addition, the battlegrounds of General Sibley's campaign of 1863 are located near Menoken. These two landmarks are among many of the town's sacred keepsakes that resemble the very essence of North Dakota.

The 125th anniversary celebration included a school tour, fashion show, and parade. It was followed by a horseshoe tournament, tractor pull, and old-time music. Once evening set in, people witnessed an exceptional cavalry reenactment. It was no doubt a day unlike any other.

Mr. President, I ask the U.S. Senate to join me in congratulating Menoken, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Menoken and all other towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Menoken that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Menoken has a proud past and a bright future.●

125TH ANNIVERSARY OF MICHIGAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating it 125th anniversary. On July 24 through July 27, the residents of Michigan will celebrate their community's history and founding.

Michigan is a small town with a population of 345 residents located in Nelson County in northeastern North Dakota. It was established on January 2, 1883, with the completion of its post office with C.J. Bondurant as postmaster. Soon after its establishment, railroad tracks were completed, and, in March of 1883, the first train reached Michigan. The town quickly became known as a trading center. With the railroads came more people, who built businesses, churches and schools. The settlers began to cultivate the land and raise crops. Agriculture soon became the center of their economy and remains so to this day.

Today, Michigan remains a proud community that has a prosperous economy consisting of farming, manufacturing industries, and retail businesses. Residents of Michigan are known for their honesty, strong work ethic, and living off the land. It is a great place for enjoying the outdoors all year round, including hunting, cross-country skiing, fishing, boating, and camping. Michigan Days is a highlight each summer. During Michigan Days, the residents enjoy live music, a softball tournament, street dances, a tractor pull, and ice cream socials.

As part of the weekend anniversary celebration residents will be able to go to the interesting Dakota Mysteries and Oddities Museum. Michigan will also hold a golf tournament at the Duffers Club and dedicate the Veteran's Memorial Building for all the brave residents of Michigan who have served in past wars. Several other wonderful activities will be taking place throughout the weekend.

Mr. President, I ask the U.S. Senate to join me in congratulating Michigan, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Michigan and all the other historic towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Michigan that have helped shape this country into what it is today, which is why this community is deserving of our recognition.

Michigan has a proud past and a bright future.●

125TH ANNIVERSARY OF MILNOR, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 18–20, the residents of Milnor will gather to celebrate their community's history and founding.

During the summer of 1863, Henry Hastings Sibley and his army camped on the shore of Storm Lake—Camp Buel—and about 20 years later, in 1883, Milnor was established on that historical site. Milnor was named after William E. Milnor, the first telegrapher at the Milnor Station and WM Milnor Roberts, a famous civil engineer of the day. In October 1883, Milnor's post office was established, and it became a city in 1914.

Today, Milnor remains a small, proud community. Each year, the community gathers in June for its annual Jamboree. The residents celebrate with a BBQ, golf tournament, street dance, parade and many other fun activities. During the summer, many Milnor residents can be found at the local pool, catching up with friends and family, or at the Lakeview golf course playing a few holes. Two National Wildlife Refugees are located near Milnor, the Tewaukon and Storm Lake Refuges. Many residents enjoy camping, fishing, and spotting wildlife at these beautiful sites. Milnor also has many other outdoor recreational areas located nearby, like Buffalo Lake—Kandiotta Lake—and Dead Colt Creek.

To celebrate the 125th anniversary, the residents of Milnor will gather for many fun and exciting activities, including a parade, a street dance, and a time capsule unveiling.

Mr. President, I ask the U.S. Senate to join me in congratulating Milnor, ND, and its residents on their first 125 years and wishing them well in the future. By honoring Milnor and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Milnor that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Milnor has a proud past and a bright future.●

125TH ANNIVERSARY OF MINTO, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 25 to 27, the residents of Minto will gather to celebrate their community's history and founding.

Minto is a community of over 600 residents located in the fertile Red River Valley in northeast North Dakota. The Homestead Act brought the first settlers to the Minto area, including a Canadian by the name of Angus Gillespie, Sr., who left his home in Minto Township, Ontario, to farm in North Dakota. Minto was incorporated in 1883. Twenty years later, Minto was recognized as a city. Minto's links with its Canadian forefathers have been renewed as the town of Minto, ND, became the sister city of Minto, Ontario, in 2007.

The community of Minto is host to many businesses and amenities. There are numerous enterprises dedicated to farming, including elevators, implement dealerships, and trucking services. It also offers its citizens many leisure activities. Residents of the town and the surrounding area are able to enjoy a meal at the town's café and have their hair done at one of the salons. Families often gather in Minto's beautiful park, which has a baseball field, tennis court, playground, and picnic area. In the winter, the children of Minto can be found skating or playing hockey at the town's outdoor ice rink.

Current and former residents of Minto will gather to celebrate the 125th anniversary. Events will begin with the telling of area Polish family histories at Minto's new community center. The Walsh County Historical Museum will also be open to the public. Minto's park will host a classic car show, magic show, and community baseball game. Each day of celebration will close with a dance.

Mr. President, I ask the U.S. Senate to join me in congratulating Minto, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Minto and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Minto that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Minto has a proud past and a bright future.●

NEA'S HONORING OF PAUL MANN

● Mr. HARKIN. Mr. President, in early July, when nearly 9,000 educators are in Washington for the National Education Association's annual Representative Assembly, they will posthumously honor one of Iowa's most dedicated and respected teachers, Paul Mann. Lola Mann, Paul's wife of 38 years, will accept the Applegate-Dorros Award on behalf of her late husband at NEA's annual Human and Civil Rights Awards Dinner on July 2.

The Applegate-Dorros Award is given each year to an individual who has made lasting contributions to the cause of international understanding, and who has encouraged young people to study the world and work for world peace. Over a long and distinguished career spanning nearly four decades as a teacher with the Des Moines public school system, Paul both lived and taught those ideals. He shaped the thinking of generations of students, and he was active on the national stage as a long-time leader of NEA's Midwest Peace and Justice Caucus.

I do not believe that democracy is a spectator sport, and neither did Paul. As his wife Lola said, "he felt strongly that he was placed on this earth for a purpose . . . that he was here to help make the world a better place." He challenged his colleagues and students alike to get involved in campaigns and in the broader political process. His own passion for politics and engagement was infectious.

Paul stood up for social justice and the peaceful resolution of conflict. Just as Gandhi counseled that "You must be the change you wish to see in the world," Paul lived a life that embodied the progressive ideals that he advocated.

Paul Mann was born in Onawa, IA on March 12, 1947, graduated from Central Missouri State University in 1969, and earned a master's in public administration from Drake University in 1981. He began teaching in Des Moines in 1969 and was an energetic, beloved teacher right up until his sudden passing in September of 2006. At the time of his death, he was a teacher of world civilization and government at Central Academy, the magnet school for Des Moines' gifted and talented middle- and high-school students.

As a teacher, Paul was a consummate professional who had a deep personal commitment to ensuring that every child receives a high-quality public education. This commitment led to his activism and leadership within the Des Moines Education Association, including 8 years as president. He served in a various leadership positions at the local, State and national levels within the National Education Association. He was also active in local and State politics.

I have always appreciated what Lee Iacocca said about teachers. "In a completely rational society," he said, "the best of us would be teachers, and the rest of us would have to settle for something else." Fortunately, in Iowa, so many of our best and brightest do go into teaching. And Paul Mann was one of the very finest.

To honor his activism in the cause of world peace and understanding, the Paul Mann Memorial School has been established in Chiapas, Mexico. In addition, he has another living legacy: countless former students who are living the noble ideals that he taught in his classroom and embodied in his life.

Paul Mann lived a life of constant activism and thoughtful action both in and out of the classroom. His life is one worthy of recognition and I commend his family and all of his former colleagues for doing their part in honoring him with the Applegate-Dorros Award.•

125TH ANNIVERSARY OF IPSWICH, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Ipswich, SD, on reaching the 125th anniversary of its founding. As the county seat of Edmunds County, the rural community of Ipswich is infused with hospitality, beauty, and an exceptional quality of life.

The town of Ipswich was founded in 1883, with the railroad industry jumpstarting the area as a business and transportation center. Ipswich was noted for its many buildings made of native prairie stone, and was eventually given the nicknames: "the Home of the Yellowstone Trail," "the Arch City," and "the Zinnia City."

Today, Ipswich has come a long way from its days as a railroad supply center. The town now boasts a variety of businesses, including those in the service, manufacturing, and agricultural sectors. For the outdoor enthusiasts, Ipswich offers an abundance of local hunting and fishing.

The people of Ipswich celebrated their Trail Days on the weekend of June 13–15, 2008, with an all-school reunion, a parade, a pie-baking contest, a demolition derby and a street dance. South Dakota's small communities are the bedrock of our economy and vital to the future of our state. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Ipswich and its citizens are no different and truly know what it means to be South Dakotan. One hundred and twenty five years after its founding, Ipswich remains a vital community and a great asset to the wonderful state of South Dakota. I am proud to honor Ipswich on this historic milestone.•

HONORING ARROWS RESTAURANT

• Ms. SNOWE. Mr. President, today I honor Arrows Restaurant of Ogunquit, ME, on the occasion of its 20th anniversary and to recognize the tremendous talent and innovative environmental stewardship of its owners, award-winning chefs Mark Gaier and Clark Frasier.

Quite simply, Arrows is one of America's great restaurants. It has received recognition from national publications such as Gourmet magazine, which ranked it 14th on its list of "America's Top 50 Restaurants in 2006," and Bon Appêtit, which named Arrows "one of the country's 10 most romantic restaurants."

Arrows has also received some of the highest and most consistent ratings in the annual Zagat survey. In addition, Mr. Gaier and Mr. Frasier were nominated as Best Chefs in the Northeast by the James Beard Foundation, a national organization whose annual awards have been deemed the "Oscars of the food world" by Time magazine.

Arrows has further distinguished itself by its extraordinary garden, which offers more than 300 varieties of herbs, flowers, fruits, and vegetables. It provides Mr. Gaier and Mr. Frasier with the source of most of the ingredients for their menu and serves as a wonderful illustration of how sensitive environmental stewardship and entrepreneurial spirit can go hand-in-hand. It should come as no surprise that Arrows has been featured on television programs such as PBS's "Victory Garden," and NBC's "Today Show."

Like the restaurant, the garden has received tremendous acclaim in the press. Bon Appêtit noted that "[Arrows] helped pioneer the idea of growing your own food and paying attention to what's seasonal in a place that is unforgiving in its climate." Earlier this year, the Daily Green—a Web site that reports on the environmental concerns of everyday Americans—praised Mr. Gaier and Mr. Frasier as " . . . stalwart forerunners of the sustainable movement."

As ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, I am eminently proud of all of Maine's small firms, and am particularly impressed by Mr. Gaier's and Mr. Frasier's dedication to making Arrows the premier dining establishment that it has become. These two restaurateurs have helped transform American cuisine, and have brought the world to Maine—as well as Maine to the world. They are truly deserving of our admiration and praise, and I wish them well in all that they do.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States sumitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2008.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 24, 2008*.

MESSAGES FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 24, 2008, he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

At 3:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2452. An act to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.

H.R. 4044. An act to amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6109. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes.

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

H.R. 6344. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history.

H. Con. Res. 372. Concurrent resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African-American singers and musicians have made to the United States.

The message further announced that pursuant to section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade (Public Law 110-183), and the order of the House of January 4, 2007, the Speaker appoints the following members on the part of the House of Representatives to the Commission on the Abolition of the Transatlantic Slave Trade:

Mr. DONALD PAYNE of Newark, New Jersey.

Mr. Howard Dodson of New York, New York.

Ms. Evelyn Brooks Higginbotham of Cambridge, Massachusetts.

At 6:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 379. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4044. An act to amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under Chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days; to the Committee on the Judiciary.

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; to the Committee on Environment and Public Works.

H.R. 6109. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6344. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history; to the Committee on Energy and Natural Resources.

H. Con. Res. 372. Concurrent resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; to the Committee on Health, Education, Labor, and Pensions.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Homeland Security and Governmental Affairs by unanimous consent, and referred as indicated:

S. 3145. A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway"; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

S. 3186. A bill to provide funding for the Low-Income Home Energy Assistance Program.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 24, 2008, she had presented to the President of the United States the following enrolled bills:

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6718. A communication from the Director, Naval Reactors, transmitting, pursuant to law, the Naval Nuclear Propulsion Program's latest reports on environmental monitoring and ideological waste disposal, worker radiation exposure, and occupational safety and health; to the Committee on Armed Services.

EC-6719. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6720. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification of the fact that the cost of response and recovery efforts for FEMA-3285-EM in the State of Wisconsin has exceeded the limit for a single emergency declaration; to the Committee on Banking, Housing, and Urban Affairs.

EC-6721. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Secretary, received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6722. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Loans; Number of Days of Interest Paid on Loss Claims" (RIN0560-AH55) received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6723. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 33313) received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6724. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 33315) received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6725. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 33317) received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6726. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 33311) received on June 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6727. A communication from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's management report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6728. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act" (RIN1010-AD17) received on June 19, 2008; to the Committee on Energy and Natural Resources.

EC-6729. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a document issued by the Agency entitled, "Hazard Education Before Renovation of Target Housing; State of Colorado Authorization Application"; to the Committee on Environment and Public Works.

EC-6730. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Prevention of Significant Deterioration" (FRL No. 8684-4) received on June 20, 2008; to the Committee on Environment and Public Works.

EC-6731. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exhaust Emission Standards for 2012 and Later Model Year Snowmobiles" (FRL No. 8684-6) received on June 20, 2008; to the Committee on Environment and Public Works.

EC-6732. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities" ((RIN2060-AM74)(FRL No. 8684-8)) received on June 20, 2008; to the Committee on Environment and Public Works.

EC-6733. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories" ((RIN2060-AO27) (FRL No.

8683-3)) received on June 20, 2008; to the Committee on Environment and Public Works.

EC-6734. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Innovation Program" (RIN0693-AB59) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6735. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5" (RIN3150-AI24) received on June 24, 2008; to the Committee on Environment and Public Works.

EC-6736. A communication from the Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, a report entitled, "National Alcohol and Drug Addiction Recovery Month"; to the Committee on Health, Education, Labor, and Pensions.

EC-6737. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary, Office of Postsecondary Education, received on June 20, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6738. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary, Office of Management, received on June 20, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6739. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report on Federal agencies' use of the physicians' comparability allowance program; to the Committee on Homeland Security and Governmental Affairs.

EC-6740. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6741. A communication from the Secretary and Director, Postal Regulatory Commission, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Commissioner, received on June 20, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6742. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report on the Proposed Personnel Demonstration Project; to the Committee on Homeland Security and Governmental Affairs.

EC-6743. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a discontinuation of service in acting role in the position of U.S. Attorney of the District of South Carolina, received on June 20, 2008; to the Committee on the Judiciary.

EC-6744. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a confirmation for the position of U.S. Attorney of the District of South Carolina, received on June 20, 2008; to the Committee on the Judiciary.

EC-6745. A communication from the Director of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes" (RIN2900-AM86) received on June 20, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2504. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes (Rept. No. 110-399).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2565. A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Jeffrey R. Platt, to be Lieutenant.

*Coast Guard nomination of Eileen M. Lutkenhouse, to be Lieutenant Commander.

*Coast Guard nomination of Nakeisha B. Hills, to be Lieutenant Commander.

*Coast Guard nomination of Elizabeth A. McNamara, to be Lieutenant Commander.

*National Oceanic and Atmospheric Administration nominations beginning with Mark H. Pickett and ending with Patrick M. Sweeney III, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2008.

By Mr. BIDEN for the Committee on Foreign Relations.

*Liliana Ayalde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Nominee: Liliana Ayalde.

Post: Ambassador to Paraguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses: Stefanie Narvaez, none; Natalia Narvaez, none.

4. Parents: Jaime Ayalde, none; Mercedes Ayalde, none.

5. Grandparents: N/A.

6. Brothers and spouses: Jaime H. Ayalde (brother), none; Julie Ayalde (sister-in-law), none.

7. Sisters and spouses: Maria E. Ayalde (sister), none; Sergio Romero (brother-in-law), none; Gloria Perez-Ayalde (sister), none; Gustavo Perez (brother-in-law), none.

*John R. Beyrle, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Nominee: John Beyrle.

Post: U.S. Ambassador, Moscow.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: John Beyrle, 0.

2. Spouse: Jocelyn Greene, 0.

3. Children: Alison Beyrle, 0; Caroline Beyrle, 0.

4. Parents: JoAnne Beyrle, deceased; Joseph Beyrle I, deceased.

5. Grandparents: deceased.

6. Brothers and spouses: Joseph Beyrle II, 0, Kathy Alward, 0.

7. Sisters and spouses: Julie Schugars, 0; Jack Schugars, 0.

* Asif J. Chaudhry, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: Asif J. Chaudhry.

Post: Moldova.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, N/A.

2. Spouse, $250, February 2004, John Kerry.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A

7. Sisters and Spouses: N/A.

* James Culbertson, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: James B. Culbertson.

Post: Ambassador to the Kingdom of the Netherlands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $750, 10/28/2004, Richard Burr; $1,000, 03/10/2005, Virginia Foxx; $2,100, 05/19/2005, Elizabeth Dole; $2,100, 05/19/2005, Elizabeth Dole; $2,300, 05/07/2007, Rudy Giuliani; $250, 10/17/2007, Richard Burr.

2. Spouse: Germaine C. Culbertson, $800. 05/19/2005, Elizabeth Dole; $250, 10/16/2006, Richard Burr; $2,300, 05/07/2007, Rudy Giuliani.

3. Children and spouses: Blair and James W. Robbins, no contributions.

4. Parents: Arthur B. and Siddie Belle Culbertson, deceased.

5. Grandparents: Livi Angus and Mary Braswell Lancaster, deceased; Henry Young and Dora Durham Culbertson, deceased.

6. Brothers and spouses: Arthur B. and Brenda Culbertson, Jr., no contributions.

7. Sisters and spouses: none.

*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

*David F. Girard-diCarlo, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Nominee: David Franklin Girard-diCarlo.

Post: Chief of Mission, U.S. Embassy, Rep. of Austria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, See attached.
2. Spouse, See attached.
3. Children and spouses, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses: John Girard-diCarlo, none; Pamela Girard-diCarlo, none.
7. Sisters and spouses: Elizabeth Severino, ncone.

1. Contributions for David Franklin Girard-diCarlo: 2,300, 1/16/2008, McCain 2008; 5,000, 2/26/2008, D & G PAC (Dent and Gerlach); 2,300, 3/21/2008, Texans for Senator John Cornyn; 1,000, 3/28/2008, Manion for Congress, *Contribution made after Mr. Girard-diCarlo signed SFRC questionnaire on 3/26/08.

2,100, 1/15/2007, McCain 2008; 1,000, 3/5/2007, Davis for Congress; 2,300, 3/5/2007, Senate Majority Fund; 500, 4/10/2007, Collins for Senate; 2,300, 4/25/2007, Coleman for Senate; 200, 6/1/2007, McCain 2008; 2,300, 6/1/2007, Citizens for Arlen Specter; 2,300, 6/1/2007, Treadwell for Congress; 1,000, 6/19/2007, Team Sununu (R–NH); 1,000, 7/20/2007, Castle Campaign Fund; 1,000, 7/20/2007, People for English; 1,000, 10/2/2007, Ferguson for Congress; 5,000, 10/10/2007, Republican Federal Committee of PA; 2,300, 11/6/2007, Treadwell for Congress; 1,000, 11/7/2007, Collins for Senate; 2,300, 12/19/2007, Reelect Senator Arlen Specter.

1,000, 2/22/2006, PHILPAC (Cong Phil English); 2,100, 2/22/2006, Kean for U.S. Senate; 2,100, 3/22/2006, Friends of Conrad Burns; 1,000, 3/27/2006, Tom Davis for Congress; 1,000, 3/27/2006, Fitzpatrick for Congress; 25,000, 4/27/2006, Republican National Committee; 4,200, 4/30/2006, Steele for Maryland, Inc.; 1,000, 5/16/2006, Dent for Congress; 5,000, 6/15/2006, Santorum Majority Committee; 2,100, 8/26/2006, Weldon Victory Committee; 2,100, 10/27/2006, DeWine for Senate; 1,000, 10/27/2006, Nancy Johnson for Congress.

1,000, 5/1/2005, Friends of George Allen; 4,200, 5/1/2005, Santorum 2006; 2,100, 5/1/2005, Friends of Don Sherwood; 2,100, 5/1/2005, Talent for Senate; 25,000, 5/11/2005, Republican Regents; 2,100, 6/1/2005, Talent for Senate; 500, 6/9/2005, People with Hart; 1,600, 6/26/2005, People with Hart; 1,000, 7/18/2005, Stevens for Senate Committee; 1,000, 9/12/2005, Senate Republican Majority; 1,000, 9/16/2005, Kyl for Senate; 1,000, 9/22/2005, Friends of Mike Ferguson; 4,200, 9/28/2005, Gerlach for Congress; 2,100, 10/26/2005, Delay Congressional Committee; 5,000, 10/26/2005, McCain—Straight Talk America PAC.

1,000, 3/2/2004, Castle Campaign Fund; 2,000, 3/2/2004, Citizens for Arlen Specter; 2,000, 3/2/2004, Friends of Melissa Brown; 2,000, 3/2/2004, Martinez for Senate; 4,000, 4/22/2004, Bill Shuster for Congress; 25,000, 4/27/2004, Republican National Committee; 2,000, 5/17/2004, Thune for Senate; 2,000, 8/27/2004, Charlie Dent for Congress; 2,000, 8/27/2004, Jim Gerlach for Congress Committee; 2,000, 8/27/2004, Scott Paterno for Congress; 2,000, 8/27/2004, The Richard Burr Committee; 5,000, 10/15/2004, Republican Federal Committee of PA.

2. Contributions for Constance Bricker Girard-diCarlo: 2,300, 1/16/2008, McCain 2008; 5,000, 2/26/2008, D & G PAC (Dent and Gerlach); 2,300, 3/21/2008, Texans for Senator John Cornyn.

2,100, 1/15/2007, McCain 2008; 2,300, 3/5/2007, Senate Majority Fund; 2,300, 4/25/2007, Coleman for Senate; 200, 6/1/2007, McCain 2008; 2,300, 6/1/2007, Citizens for Arlen Specter; 2,300, 6/1/2007, Treadwell for Congress; 1,000, 7/20/2007, Castle Campaign Fund; 1,000, 7/20/2007, People for English; 1,000, 10/2/2007, Ferguson for Congress; 2,300, 11/6/2007, Treadwell for Congress; 1,000, 11/7/2007, Collins for Senate; 2,300, 12/19/2007, Re-elect Senator Arlen Specter.

1,000, 2/22/2006, PHILPAC (Phil English); 2,100, 2/22/2006, Kean for U.S. Senate; 2,100, 3/22/2006, Friends of Conrad Burns; 1,000, 3/27/2006, Fitzpatrick for Congress; 25,000, 4/27/2006, Republican National Committee; 2,100, 4/30/2006, Steele for Maryland, Inc.; 2,100, 5/16/2006, Friends of Don Sherwood; 8,000, 6/15/2006, Santorum Majority Committee; 2,100, 8/26/2006, Weldon Victory Committee; 2,100, 10/27/2006, DeWine for Senate; 500, 12/6/2006, Stevens for Senate Committee.

1,000, 3/9/2005, Dent for Congress; 4,200, 5/1/2005, Santorum 2006; 2,000, 5/11/2005, Senate Victory Fund; 1,000, 5/11/2005, People for English; 25,000, 5/11/2005, Republican Regents; 1,000, 5/19/2005, Young—Alaskans for Don Young; 4,200, 6/1/2005, Talent for Senate; 4,200, 9/28/2005, Gerlach for Congress; 2,100, 10/26/2005, Delay Congressional Committee.

2,000, 1/26/2004, HALPAC; 1,000, 3/2/2004, Castle Campaign Fund; 2,000, 3/2/2004, Friends of Melissa Brown; 2,000, 3/2/2004, Martinez for Senate; 4,000, 3/2/2004, Citizens for Arlen Specter; 1,000, 3/30/2004, Citizens for Bunning (KY); 1,000, 3/30/2004, Citizens for Cochran (MS); 1,000, 3/30/2004, Vitter for US Senate (LA); 4,000, 4/22/2004, Bill Shuster for Congress; 25,000, 4/27/2004, Republican National Committee; 2,000, 5/17/2004, Thune for Senate; 2,000, 6/7/2004, Friends of Don Sherwood; 2,000, 8/27/2004, Charlie Dent for Congress; 2,000, 8/27/2004, Jim Gerlach for Congress Committee; 2,000, 8/27/2004, Scott Paterno for Congress; 2,000, 8/27/2004, The Richard Burr Committee.

John Melvin Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Noninee: John Melvin Jones.

Post—Georgetown, Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Christie R. and Keenan Aden, Jamal H.M. Jones, none.
4. Parents: Beverly E. and Bertha L. Jones, both decreased.
5. Grandparents: John and Marian Porter, both deceased.
6. Brothers and spouses; Earl B. Jones, decreased.
7. Sisters and spouses: Elaine V. Williams; Jaculyn L. Jones, none.

*Tina S. Kaidanow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Nominee: Tina S. Kaidanow.

Post: U.S. Ambassador to Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, n/a.
4. Parents: Esther Kaidanow, none; Howard Kaidanow, none.
5. Grandparents, n/a.
6. Brothers and spouses: Eric Kaidanow, none; Patricia Kaidanow, none.
7. Sisters and spouses, n/a.

*Philip Thomas Reeker, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Macedonia.

Nominee: Philip T. Reeker.

Post: Ambassador to Macedonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Philip T. Reeker $250, 12/13/05, Gabrielle Giffords; $250, 03/18/06, Gabrielle Giffords; $250, 06/26/06, Gabrielle Giffords.
2. Spouse: Solveig C. Reeker, none.
3. Children and spouses: N/A.
4. Parents: Larry H. Reeker (father), none; Linda K. Davenport (mother), none.
5. Grandparents: Walter M. & Frances M. Reeker, both deceased; Emery I. Karman and Constance K. St. Clair, both deceased.
6. Brothers and Spouses: David A. and Laura Reeker, none; Greg J. Reeker, none; Seth S. Reeker, none.
7. Sister and Spouse: Christina & Patrick Davenport, none.

*Kristen Silverberg, of Texas, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Kristen Lee Silverberg.

Post: Ambassador to the European Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, President George W. Bush, $2000.
2. Parents: Eric and Rhoda Silverberg, none.
3. Grandparents: Axel Silverberg, none.
4. Sister and Spouse: Lee Silverberg and Lane Duncan, none.

*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

* Lezlee J. Westine, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

* Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

* Eric J. Boswell, of the District of Columbia, to be an Assistant Secretary of State (Diplomatic Security).

* Eric J. Boswell, of the District of Columbia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

* Foreign Service nomination of Russell Green.

* Foreign Service nomination of Dawn M. Liberi.

* Foreign Service nominations beginning with Matthew Kazuaki Asada and ending with Adam Zerbinopoulos, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 22, 2008. (minus 1 nominee: Tunisia M. Owens)

* Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. NELSON of Florida, and Mr. CARPER):

S. 3183. A bill to amend the Commodity Exchange Act to provide oil and gas price relief by requiring the Commodity Futures Trading Commission to take action to end excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY:

S. 3184. A bill to make grants to States to implement statewide portal initiatives, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. WHITEHOUSE, Mr. SANDERS, Mr. KERRY, Mr. WYDEN, and Mr. NELSON of Florida):

S. 3185. A bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN, and Mr. CARDIN):

S. 3186. A bill to provide funding for the Low-Income Home Energy Assistance Program; read the first time.

By Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S.J. Res. 42. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations pursuant to 42 U.S.C. 2159, for not to exceed 45 calendar days.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. LUGAR, Mr. KERRY, Mr. SPECTER, Mr. MENENDEZ, Mr. BROWNBACK, Mr. BAYH, Ms. STABENOW, and Mr. FEINGOLD):

S. Res. 598. A resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species; to the Committee on Foreign Relations.

By Mr. NELSON of Nebraska (for himself, Mr. HARKIN, Mr. HAGEL, and Mr. GRASSLEY):

S. Res. 599. A resolution expressing the condolences of the Senate to those affected by the tragic events following the tornado that hit the Little Sioux Scout Ranch in Little Sioux, Iowa, on June 11, 2008; considered and agreed to.

By Mr. REID (for Mr. OBAMA (for himself, Mr. SPECTER, Mr. LEAHY, and Mr. SCHUMER)):

S. Res. 600. A resolution commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 1232

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 1970

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2618

At the request of Mr. ISAKSON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2818

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2908

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 3072

At the request of Mr. WICKER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3072, a bill to provide for comprehensive health reform.

S. 3122

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3122, a bill to amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S. 3131

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3131, a bill to amend the Commodity Exchange Act to ensure the application of speculation limits to speculators in energy markets, and for other purposes.

S. 3134

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3167

At the request of Mr. BURR, the names of the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. DEMINT) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. RES. 530

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 530, a resolution designating the week beginning October 5, 2008, as "National Sudden Cardiac Arrest Awareness Week".

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. OBAMA), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5009

At the request of Mr. CRAPO, the names of the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 5009 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the names of the Senator from Alaska (Ms.

MURKOWSKI) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5024

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 5024 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. NELSON of Florida, and Mr. CARPER):

S. 3183. A bill to amend the Commodity Exchange Act to provide oil and gas price relief by requiring the Commodity Futures Trading Commission to take action to end excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, I rise to introduce a piece of legislation on behalf of myself, Senator NELSON of Florida, and Senator CARPER dealing with the subject of energy speculation. I want to run through a couple charts, and I want to describe the reason for the introduction of this legislation.

This chart shows the price of oil and what has happened to the price of oil. The price of oil has nearly doubled in a year. There is no justification for it, no fundamentals of supply and demand that explain what has happened to the price of oil.

These commodity contracts, by and large, are traded in this country on something called the commodity exchange—NYMEX, it is called. This is what it looks like. They trade back and forth, and there are legitimate reasons to trade on the exchanges. Those reasons to trade on the exchanges are for legitimate hedging for actual physical petroleum products for future delivery. The problem is, with respect to the oil markets, the legitimate hedging has become a smaller part of what is traded. There is now this unbelievable speculation going on in the commodity markets. That speculation has perverted the market, broken the market, causing the price of oil and gasoline to be well above that which is justifiable.

We have an organization in the Government called the Energy Information Administration, the EIA. They are the ones who know what there is to know about energy issues. As shown on this chart, here is what they have told us. Back in May of 2007—last year—here is where they said the price of oil would be. Back in July, they said it would be on this line, as shown on this chart; back in September, on this line. I hope they were not buying any commodities on the basis of their advice—they would be flat broke in a month. Here is what happened to the price. It went straight up. All the while, the EIA did not seem to have the foggiest notion of where the price was going to go. Why? Because the fundamentals do not justify what is happening.

Now I have the EIA coming down to testify before my subcommittee this week. I want to ask them these questions. They insist there is very little speculation in this marketplace. But most experts insist this has become an unbelievable spectacle of speculation that injures America's drivers and consumers, injures our industry, and causes great damage to our economy.

A House study, just in the last few days, from the House Subcommittee on Oversight and Investigations, said here is what has happened to the commodities market with respect to oil. As to the oil futures market: 37 percent used to be speculators in that market. Now it has gone to 71 percent. The speculators have taken over that market.

When the Commodity Exchange Act was passed by the Congress in the 1930s, here is what the congressional report said: This bill authorizes the Commission—the Commodity Futures Trading Commission; that is supposed to be the regulating body—to fix limitations on purely speculative trades and commitments.

Hedging is exempted. But for purely speculative positions, we provided the authority to the Commodity Futures Trading Commission to deal with that because we did not want this market to be taken over by speculators.

I have used these charts many times.

This one has to do with Fadel Gheit, the top energy analyst for Oppenheimer & Co. Here is what he says:

> There is absolutely no shortage of oil. I'm convinced that oil prices shouldn't be a dime above $55 a barrel.
>
> I call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops on the beat and no speed limit and everybody's going 120 miles an hour.

I will not show all the charts I have shown in the past, but the CEO of Marathon Oil says:

> $100 oil isn't justified by the physical demand in the market.

It was recently reported Americans drove 4.5 to 5 billion fewer miles in the last 6 months than in the previous 6 months. So we are driving 4 or 5 billion fewer miles, using less energy. Four of the first 5 months of this year, crude oil inventories were up—not down, up. So if the supply of the product is going up and the use of the product is going down, the marketplace would have you believe—or at least you would expect—the price would come down. Instead, the price has gone up, which demonstrates this is not about market fundamentals. It is about an unbelievable orgy of speculation in the marketplace that is not justified.

Now the question is, Will Congress do something about it or will it just apply some lip gloss? Is this just something where we act as if we are doing something or are we going to drive the speculators out of this market? I am introducing legislation that is tough and real and will address this issue.

The regulating body here is the Commodity Futures Trading Commission. It has acted like most regulating bodies in recent years. Most of them are run by people who came to the Government not liking Government and not wanting to regulate. It all goes back to Mr. Pitt, back in 2001, in which he said: The Securities and Exchange Commission is going to be a business-friendly place. Well, we have seen a lot of these agencies that are business friendly. They just get out of the way and pretend they are in a deep Rip van Winkle sleep, and they are not going to see anything and they are not going to know anything and they are not going to care much about anything.

This agency is not much different—the Commodity Futures Trading Commission. The fact is, it has been asleep on its feet, just dead from the neck up. It is time for us to say to this agency: It is your job to regulate. The fact is, Franklin Delano Roosevelt, when he signed this legislation some 70, 80 years ago, said:

> It should be our national policy to restrict, as far as possible, the use of these exchanges for purely speculative operations.

Franklin Roosevelt knew it. Why doesn't this Commodity Futures Trading Commission know it?

The legislation I am introducing today does a couple things. No. 1, it demands the Commodity Futures Trading Commission by date certain to distinguish between that which represents normal hedging transactions between producers and consumers of a physical product and the rest, which is speculation. It says this market is designed for normal hedging of risks between producers and consumers of a physical product. Others who are engaged in excess speculation are going to be slapped with a higher margin—a 25-percent margin requirement—that is either quadruple or quintuple the current requirement, depending on what is assessed between the 5- and 7-percent rate. But this essentially says to speculators: It is going to cost you more to speculate in this marketplace if you are one of these folks who just want to speculate to make a lot of money.

Will Rogers talked about this long ago. He talked about people buying things they will never get from people who never had it. That is what is going on with investment banks, hedge funds, and a lot of others who are neck deep in this marketplace. They have never seen a barrel of oil. They don't want a barrel of oil. All they want to do is speculate and make a bundle of money. The problem is, it is damaging this country.

My legislation, No. 1, requires the separation of legitimate traders verses speculators. It puts an increased margin requirement on the speculators to try to wring some of that speculation out of the market.

No. 2, it requires position limits that are significant, imposed by the Commodity Futures Trading Commission.

No. 3, it requires the Commodity Futures Trading Commission to revoke or modify any previous actions they have taken in which they have prevented themselves from being able to regulate and see the transactions that exist in this futures market.

Unbelievably almost, the Commodity Futures Trading Commission, which is the regulator, decided, on its own volition, that it would allow, for example, a London exchange, largely owned by American interests, to come in and trade on computer terminals in Atlanta, GA, and pretend they are not American. So the Commodity Futures Trading Commission said: Do you know what, we will do a letter of no action so we can't regulate and can't see it. That is unbelievable, in my judgment. It is an unbelievably irresponsible position for a regulator to have taken. It is taken, I suppose, by those who believe "regulations" is a four-letter word. It is not. If ever we wonder about that, take a look at what has happened to the price of oil and gas in a situation where speculators have taken over.

The Commodity Futures Trading Commission is a regulator of this market. It has done a miserable job. It has nearly all the authority it needs to do the right thing. What I propose to do with the Commodity Futures Trading Commission is wring the speculators out of this market. They have distorted the market, broken the market, and we end up in a situation now where the price of gasoline is devastating this economy. The price of oil is not justified by supply and demand. When that happens, there is a responsibility for this Congress to act. It is an urgent responsibility, in my judgment, now for this Congress to say what is happening is wrong, it is hurting this country's economy, it is hurting industries and the American people, and we need to do something about it. The best start, in my judgment, would be to pass this legislation I am introducing today.

One final point. I am reaching out to Democratic and Republican offices in the hopes that this will be a bipartisan piece of legislation that will address a very serious issue on an urgent basis and begin to do something that moderates the price of oil and gas that many experts have told us is 20, 30, and in some cases 40 percent above that which is justified by the marketplace. We should not stand for it. We do not have to. We ought to pass this legislation soon.

By Mr. KERRY:

S. 3184. A bill to make grants to States to implement statewide portal initiatives, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, we must do all we can to ensure that our young people have the skills necessary to compete in today's global economy. My home State of Massachusetts has done an outstanding job ensuring that educators have access to the high-quality tools necessary to adequately prepare our students for the future. In particular, they have been one of a handful of pioneering states that have created a statewide, online education "portal", which is a suite of web-based tools that enhance the teaching and learning experience for teachers, parents, and students.

Education portals are a one-stop resource for educators, parents, and students to support teaching and learning, as well as leadership skills. Portals provide access to shared resources and create an entry point to other information and services including: lesson plans; research-based training resources; model classroom examples; engaging interactive media; listservs; and after-school resources. Among other things, a portal allows educators to quickly search for lesson plans or other resources by content standard, grade level, specific student and classroom needs, and/or topic. It also provides a secure, on-line community for educators to collaborate and discuss teaching and learning experiences, as well as providing a vital communication tool between the school and parents.

It is for these reasons, I am sponsoring legislation to help my State and others secure the funding they need to improve their education systems and prepare their students for success. While it is true that Congress has done a lot to promote education technology and set higher standards for teachers, more must be done to address the divide that afflicts so many of our rural and urban schools.

What is missing is a funding source for states to develop and maintain web-based tools for training, communication, collaboration, and curriculum planning. The Empowering Teaching and Learning Through Education Portals Act establishes annual competitive grants that will provide funding on a one-to-one basis for states that wish to implement and maintain best-practice education portals. The legislation also provides new tax incentives to private organizations that support State education portal efforts.

The Empowering Teaching and Learning Through Education Portals Act bridges the urban-rural digital divide by ensuring that all districts have access to the best available resources. It supports high quality teaching, professional development and retention of teachers and promotes an on-line support network and learning community for teachers and administrators. Furthermore, it provides teacher coaching and guidance in order to address the challenges of teaching a diverse student body, and collaborate on winning strategies to address various learning styles, needs, and achievement levels. It offers administrators tools to securely communicate and collaborate with district personnel, as well as with the Department of Education, and gives them access to formative assessments and other resources. Finally, it provides a means to actively engage students in a rich, relevant, multimedia environment that results in improved learning and student retention.

It is imperative that we prepare our children for the sophisticated workforce of the 21st century and an increasingly competitive global economy. This legislation takes some of the brightest ideas for modernizing teaching and learning and matches them with the dollars needed to translate them from paper to practice. That, I believe, is a goal we can all agree on.

I urge my colleagues to support the Empowering Teaching and Learning Through Education Portals Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Empowering Teaching and Learning Through Education Portals Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) 21ST CENTURY SKILLS.—The term "21st century skills"—

(A) means skills that students need to succeed in school, work, and life; and

(B) includes—

(i) skills related either to core academic subjects or to 21st century themes;

(ii) learning and innovation skills, such as—

(I) creativity and innovation;

(II) critical thinking and problem solving; or

(III) communication and collaboration; and

(iii) life and career skills to prepare students for the global economy, such as—

(I) flexibility and adaptability;

(II) productivity and accountability; or

(III) leadership and responsibility.

(2) CORE ACADEMIC SUBJECTS; EDUCATIONAL AGENCIES; SCHOOLS; STATE.—The terms "core academic subjects", "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) COVERED EDUCATOR.—The term "covered educator" means a teacher, administrator, or other professional staff member, at a covered school.

(4) COVERED PARENT.—The term "covered parent" means the parent of a covered student.

(5) COVERED SCHOOL.—The term "covered school" means a Head Start agency operating a Head Start program, or a public school that is a preschool, elementary school, secondary school, or institution of higher education (including such an institution offering a program leading to a baccalaureate degree or a program leading to an advanced degree).

(6) COVERED STUDENT.—The term "covered student". means a student at a covered school.

(7) COVERED TEACHER.—The term "covered teacher" means a teacher at a covered school.

(8) EDUCATION TECHNOLOGY.—The term "education technology" means any technology resource that improves the learning, training, and engagement of students or helps teachers learn, improve their knowledge, and practice.

(9) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002).

(10) PROFESSIONAL DEVELOPMENT.—The term "professional development" means a resource or training that increases a teacher's skills, content knowledge, or other information that has a positive impact on student learning.

(11) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary may award grants to eligible States, to pay for the Federal share of the cost of implementing and maintaining education portal initiatives.

(b) AMOUNTS.—The Secretary may award the grants for periods of not less than 1 year and not more than 3 years.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 50 percent.

(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

SEC. 4. APPLICATIONS AND AWARDS.

(a) IN GENERAL.—To be eligible to receive a grant under this section for an initiative, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—The application shall contain, at a minimum—

(1) a comprehensive plan for the initiative for which the State seeks the grant, including evidence that the initiative meets the requirements of subsections (a) and (c) of section 5;

(2) information describing how the State will provide the non-Federal share of the cost described in section 3(a), and will continue to provide that share during the implementation of the initiative and the remainder of the grant period;

(3) information describing how the State will meet the maintenance of effort requirements in section 6;

(4) information explaining the protocol the State will use to ensure safe and legal access to the education portal;

(5) an assurance that the State has established or will establish an advisory panel, to provide advice on the implementation and maintenance of the initiative, including representatives of leaders in school districts, leaders at institutions of higher education, State educational agencies, parents, and teachers; and

(6) a plan to ensure sufficient statewide bandwidth capacity and systems access to implement and maintain the State education portal.

(c) AWARDS.—In determining the amounts of grants under this Act, the Secretary—

(1) shall take into consideration the extent to which a State has developed and implemented an education portal initiative prior to the date of the submission of the application involved; but

(2) shall not penalize States that have made greater progress in developing and implementing such initiatives.

SEC. 5. USE OF FUNDS.

(a) REQUIRED USES.—A State that receives a grant under this Act for a fiscal year shall use the funds made available through the grant to implement or maintain an education portal initiative that includes—

(1) collecting and making available—

(A) high quality resources (including data, tools, and digital media content) for covered educators, covered students, and covered parents, that support teaching, leading, and learning, and are, as appropriate, aligned with State education standards; and

(B) information for covered teachers to use in assisting covered students to attain skills such as 21st century skills; and

(2) collecting resources for ongoing and sustainable professional development for covered educators, related to the use of education technology, and making the resources available through the implementation of research-based methods and strategies for teacher coaching, collaborating, or mentoring.

(b) ALLOWABLE USES.—The State may use the funds made available through the grant for such an initiative, for a portal that—

(1) gives covered educators access to formative assessment and other resources to address various student learning styles, needs, and achievement levels;

(2) provides an entry point to other information or services, including information on model examples of effective classroom practices, subscriptions or data systems, content standards, lesson plans, courses of study, engaging interactive media, Web resources, e-mail list management software, online portfolios, after-school program resources, and other educational resources;

(3) provides access to technology-based curriculum resources and tools that promote the teaching and learning of 21st century skills;

(4) enables covered educators to quickly search for lesson plans, professional development resources, model examples of effective classroom practices, or other resources, by content standard, grade level, or topic;

(5) provides an online support network or community for covered educators to collaborate on and discuss teaching, learning, curricula, and experiences, and serves as a communication tool between covered educators and covered parents;

(6) includes digital media content developed by a television public broadcasting entity in coordination with the grant recipient; or

(7) makes available access to 1 or more resource sections of the education portal, subject to the protocol described in section 4(b)(4), by covered education, covered students, and covered parents, from other States (with no requirement for State-specific log-ins), so that those covered educators, covered students, and covered parents can benefit from resources developed in the State, thereby expanding access to the national learning community.

(c) PROVISION OF AND ACCESS TO RESOURCES.—The covered educators, covered students, and covered parents in the State may provide resources and information for the education portal, subject to the protocol described in section 4(b)(4). The resources and information in the education portal shall be accessible statewide by the educators, students, and parents, subject to the protocol.

(d) OTHER FEDERAL FUNDS.—A State that receives a grant under part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) may use funds made available through that grant to maintain (but not implement) the State's education portal initiative under this Act, after the end of the period in which the State receives funding under this Act.

(e) CONFORMING AMENDMENT.—Section 2113(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(a)) is amended by striking "A" and inserting "Subject to section 5 of the Empowering Teaching and Learning Through Education Portals Act, a".

SEC. 6. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A State that receives a grant under this Act for a fiscal year shall maintain the expenditures of the State for education portal initiatives at a level not less than the level of such expenditures of the State for the fiscal year preceding the first fiscal year for which the State received such a grant.

(b) REDUCTION.—If the Secretary determines that a State, during a fiscal year, expends less than the sum required to comply with subsection (a), the Secretary shall—

(1) determine the difference between the required sum and the expenditure; and

(2) reduce the State's grant under this Act for the following year by the amount of the difference.

SEC. 7. EVALUATIONS AND CONFERENCE.

(a) FEDERAL EVALUATION.—The Secretary shall conduct an evaluation of each initiative funded under this Act. The Secretary shall submit a report containing the results of the evaluation to Congress.

(b) FEDERAL CONFERENCE.—Not less often than once every 2 years, the Secretary shall hold a conference for advisory panels described in section 4(b)(5), to share information on best practices relating to education portal initiatives.

(c) STATE EVALUATIONS.—Each State that receives a grant under this Act shall conduct an evaluation of the initiative funded under the grant, using funds provided as part of the non-Federal share of the costs described in section 3(a). The State shall prepare and submit to the Secretary a report containing the results of the evaluation.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $100,000,000 for each of fiscal years 2009 through 2012, and such sums as may be necessary for each of the following 2 fiscal years.

SEC. 9. SPECIAL RULES RELATING TO CORPORATE CHARITABLE CONTRIBUTIONS TO EDUCATION PORTAL PROJECTS OF ELIGIBLE STATES.

(a) IN GENERAL.—Paragraph (2) of Section 170(b) of the Internal Revenue Code of 1986 (related to percentage limitations) is amended by redesignating subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR CORPORATE CONTRIBUTIONS TO EDUCATION PORTAL PROJECTS OF ELIGIBLE STATES.—

"(i) IN GENERAL.—In the case of qualified education portal project contributions—

"(I) subparagraph (A) shall be applied separately with respect to such contributions and with respect to other charitable contributions of the taxpayer, and

"(II) in applying subparagraph (A) to such qualified education portal project contributions, subparagraph (A) shall be applied by substituting '50 percent' for '10 percent'.

"(ii) QUALIFIED EDUCATION PORTAL PROJECT CONTRIBUTION.—For purposes of this paragraph, the term 'qualified education portal project contribution' means a charitable contribution in cash—

"(I) to a State (as defined in section 2 of the Empowering Teaching and Learning Through Education Portals Act) which has a grant application approved under section 4 of such Act, and

"(II) for the purpose of paying the non-Federal share of the cost of implementing and maintaining education portal initiatives (within the meaning of section 3 of such Act).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S.J. Res. 42. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations pursuant to 42 U.S.C. 2159, for not to exceed 45 calendar days.

Mr. BIDEN. Mr. President, today Senator LUGAR and I introduce, by request, a resolution of approval of the proposed agreement for peaceful nuclear cooperation between the United States and the Russian Federation, which the President transmitted to Congress on May 13, 2008, pursuant to sections 123b. and 123d. of the Atomic Energy Act. Pursuant to section 130i.(2) of that Act, the majority and minority leaders have designated Senator LUGAR and me to introduce this resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 598—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO LEAD RENEWED INTERNATIONAL EFFORTS TO ASSIST DEVELOPING NATIONS IN CONSERVING NATURAL RESOURCES AND PREVENTING THE IMPENDING EXTINCTION OF A LARGE PORTION OF THE WORLD'S PLANT AND ANIMAL SPECIES

Mr. BIDEN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. LUGAR, Mr. KERRY, Mr. SPECTER, Mr. MENENDEZ, Mr. BROWNBACK, Mr. BAYH, Ms. STABENOW, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 598

Whereas scientists estimate that approximately ⅒ of the world's known biological diversity is currently in danger of extinction, including at least ¼ of all mammals, ⅓ of all primates, ⅓ of all amphibians, and ⅛ of all birds;

Whereas scientists have concluded that the initial stages of a major worldwide extinction event are occurring now and have estimated that by the end of the 21st century as much as ⅔ of the world's plant and animal species could be in danger of extinction;

Whereas scientists estimate that approximately ¾ of the world's terrestrial plant and animal species reside in whole or in part in developing nations, where in many cases poor management of natural resources has exacerbated the threat of extinction to many species and directly harmed local communities;

Whereas, in addition to producing 20 percent of the world's carbon emissions, unsustainable forestry practices and illegal logging operations have led to the destruction of vast areas of forested land around the world, which, in turn, has led to species loss, increased flooding, erosion, insect infestations, and higher incidences of malaria and other infectious diseases;

Whereas the degradation of the marine environment and unsustainable fishing practices in many parts of the world have led to dramatic declines of many fish and other marine species;

Whereas the introduction of invasive species threatens natural habitats;

Whereas scientists have concluded that many species could face an increased risk of extinction from global climate change;

Whereas sound natural resource management and the conservation of species and habitats are vital to alleviating poverty for many communities in developing countries that depend on these resources for their livelihoods, food, medicinal compounds, housing material, and other necessities;

Whereas there are significant risks to the global and national economies from the destruction of natural resources around the world and the valuable services they provide, such as water and air purification, soil fertility and erosion control, flood and drought mitigation, protection from storm surges, and the sequestration of carbon;

Whereas human encroachment into natural ecosystems increases opportunities for the emergence and transmission of new animal-borne diseases that could cause high levels of human mortality and affect major global industries including travel, trade, tourism, food production, and finance;

Whereas loss of species can jeopardize important future pharmaceutical discoveries, given that more than ¼ of all medicinal drugs possess active ingredients from wild species and that at least ½ of the most prescribed medicines in the United States are derived from natural compounds;

Whereas natural pollinators and the opportunities of wild and domesticated crossbreeding are vital to world and United States agriculture;

Whereas poverty aggravated by natural resource degradation contributes to political instability, ethnic and sectarian conflict, and the social conditions that can fuel increased violence and terrorism;

Whereas the extinction of plant and animal species raises profound ethical questions, and many religious traditions call upon human beings to act as good stewards of the Earth;

Whereas opportunities for sustainably managing natural resources and conserving viable populations of species and their habitats rapidly diminish every year;

Whereas a substantial body of academic and field research has identified global strategies and market based approaches for better managing natural resources and protecting biological diversity;

Whereas strategic large-scale and site-specific habitat conservation could help to buffer the impacts of climate change on endangered species and human communities;

Whereas an effective international conservation effort that ensures the use of natural resources on a sustainable basis and prevents the worst predicted extinction scenarios from unfolding will require commitment and action from all nations; and

Whereas the United States's traditional role in confronting international challenges, protecting the environment, expanding opportunities for people, and articulating a moral vision for global action gives the Nation the opportunity to lead an international conservation effort: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government should make full use of Federal laws, regulations and policies, diplomatic agreements, and other appropriate mechanisms to—

(A) identify global conservation goals that help ensure the sustainable use of natural resources and protect biological diversity in terrestrial and marine environments of developing countries;

(B) focus international conservation efforts on natural areas that are important biodiversity conservation priorities and for which there is a good likelihood of success;

(C) raise the international profile of the debate by putting the issue of rapidly declining global biodiversity and poor natural resource management on the agenda of major international decision-making bodies;

(D) work with other donor nations to increase funding and other support for global conservation strategies that focus on achieving each of the goals identified in subparagraphs (A) through (C); and

(E) achieve meaningful progress in the next 5 years toward the goals identified in subparagraphs (A) through (C);

(2) the United States should use diplomatic mechanisms, relevant international institutions and agreements, and other appropriate mechanisms to lead other nations toward the goals and actions identified in paragraph (1); and

(3) the efforts of Federal agencies should reflect a recognition of the extreme urgency of the problem and recognize that opportunities for increased conservation are rapidly dwindling, by annually providing to the appropriate Committees of Congress progress reports and action plans with regard to the goals and activities identified in paragraphs (1) and (2).

Mr. BIDEN. Mr. President, the evidence is clear. We stand at the brink of major losses among the living species on our planet. By the end of this century, as many as two out of every three plant and animal species could be in danger of extinction. This disturbing trend has many causes, but several are clear and manmade—they are our responsibility and they are within our control.

Our industrial emissions are changing our world's climate and, in so doing, drastically altering habitats—

habitats already threatened by deforestation and other landuse changes. Unsustainable fishing and the spread of invasive species due to enhanced global commerce pose similar manmade challenges.

That is why I am introducing, along with Senators SNOWE, BOXER, LUGAR, KERRY, SPECTER, MENENDEZ, BROWNBACK, BAYH, STABENOW, and FEINGOLD, a resolution expressing the sense of the Senate that the United States should take a leadership role in protecting international biodiversity. With one out of every ten species facing extinction, with habitats declining, and with developing countries searching to build a better economic future while protecting their natural environments, now is the time for renewed efforts to protect our living world.

This morning, my colleagues and I hosted a briefing by Dr. Edward O. Wilson, renowned University Research Professor Emeritus at Harvard and author of two Pulitzer Prize-winning books, and Dr. Eric Chivian, who shared the Nobel Peace Prize and is Founder and Director of the Center for Health and the Global Environment at Harvard Medical School. These two eminent scientists made the case that biodiversity is not just a moral, ecological, and economic issue, but also one of major importance to human health.

We often find, Mr. President, that the areas most in danger are in developing nations, which have the least ability to protect them. Developing nations face very real economic and human challenges. Many are struggling to provide enough food for their people, especially given the recent rise in food prices. They now face the choice between feeding their people and preserving their environment. We know how that will turn out. We must give them another choice.

To do that, the United States and other wealthy nations must help. The 10 colleagues with whom I worked on this resolution understand that protecting our global biodiversity is actually in our own national interest. Sustainable agricultural practices promise sustainable economies in the developing world. A stable climate will reduce the threat of water shortages, shifting growing seasons, population movements, and resource wars. Protecting habitats not only protects the rich diversity of life on earth—protecting habitats will preserve some of the most basic building blocks of our economies and societies.

Not least, as Dr. Wilson and Dr. Chivian so persuasively argue, the preservation of biodiversity is an investment in human health. More than a quarter of the world's medicinal drugs possess active ingredients from wild species, and more than half of the most prescribed medicines in the United States are based on natural compounds. If we hope to advance medicine, to ease pain and suffering and to extend lifespans, the bounty of nature offers an indispensable guide and resource.

Finally, we have a moral obligation to protect biodiversity. Ensuring that we can feed and clothe and shelter millions more people while preserving the elaborate tapestry of creation will allow our children and grandchildren to inherit the rich planet that we were bequeathed. Species extinctions are nothing new. But species extinctions that are avoidable, that are within our power to prevent, extinctions due to our greed, or our ignorance, impose on us a special responsibility. Those are mistakes that can never be undone. We must resolve to do all we can to replace greed with a better calculation of our long-term interests. We must resolve to replace ignorance with knowledge and with wisdom.

That is why my colleagues and I are offering the resolution, to express the will of the Senate to redouble United States efforts internationally to protect our world in all its complexity, and diversity.

SENATE RESOLUTION 599—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS FOLLOWING THE TORNADO THAT HIT THE LITTLE SIOUX SCOUT RANCH IN LITTLE SIOUX, IOWA, ON JUNE 11, 2008.

Mr. NELSON of Nebraska (for himself, Mr. HARKIN, Mr. HAGEL, and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 599

Whereas, on the evening of June 11, 2008, a tornado struck the Little Sioux Scout Ranch in Little Sioux, Iowa;

Whereas 4 lives were tragically lost, and many other people were injured;

Whereas Boy Scouts and Boy Scout leaders at the camp showed great heroism and courage in providing aid and assistance to their fellow Scouts;

Whereas the first responders, firefighters, and law enforcement, and medical personnel worked valiantly to help provide care and comfort to those who were injured;

Whereas the Boy Scouts of America will continue to feel the loss and remember the courage of the Boy Scouts who were at the Little Sioux Scout Ranch the evening of June 11, 2008;

Whereas the Boy Scouts of America will continue to develop young men who show the character, strength, and bravery that was demonstrated by the Boy Scouts at the Little Sioux Scout Ranch on the evening of June 11, 2008; and

Whereas the people of Nebraska and Iowa have embraced those affected and will continue to offer support to the families of those who were lost and injured; Now, therefore, be it:

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the families and friends of those who lost their lives in the terrible events of June 11, 2008, at the Little Sioux Scout Ranch in Little Sioux, Iowa: Sam Thomsen, Josh Fennen, and Ben Petrzilka of Omaha, Nebraska, and Aaron Eilerts of Eagle Grove, Iowa;

(2) shares its thoughts and prayers for a full recovery for all those who were injured;

(3) commends the Boy Scouts of America for the support the organization has provided to the families and friends of those who were lost and injured;

(4) extends its thanks to the first responders, firefighters, and law enforcement, and medical personnel who took quick action to provide aid and comfort to the victims; and

(5) stands with the people of Nebraska and Iowa as they begin the healing process following this terrible event.

SENATE RESOLUTION 600—COMMEMORATING THE 44TH ANNIVERSARY OF THE DEATHS OF CIVIL RIGHTS WORKERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER IN PHILADELPHIA, MISSISSIPPI, WHILE WORKING IN THE NAME OF AMERICAN DEMOCRACY TO REGISTER VOTERS AND SECURE CIVIL RIGHTS DURING THE SUMMER OF 1964, WHICH HAS BECOME KNOWN AS "FREEDOM SUMMER"

Mr. REID (for Mr. OBAMA (for himself, Mr. SPECTER, Mr. LEAHY, and Mr. SCHUMER)) submitted the following resolution; which was considered and agreed to:

S. RES. 600

Whereas 44 years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer";

Whereas Andrew Goodman was a 20-year-old White anthropology major at New York's Queens College, who volunteered for the "Freedom Summer" project;

Whereas James Chaney, from Meridian, Mississippi, was a 21-year-old African-American civil rights activist who joined the Congress of Racial Equality (CORE) in 1963 to work on voter education and registration;

Whereas Michael "Mickey" Schwerner, from Brooklyn, New York, was a 24-year-old White CORE field secretary in Mississippi and a veteran of the civil rights movement;

Whereas in 1964, Mississippi had a Black voting-age population of 450,000, but only 16,000 Blacks were registered to vote;

Whereas most Black voters were disenfranchised by law or practice in Mississippi;

Whereas in 1964, Andrew Goodman, James Chaney, and Michael Schwerner volunteered to work as part of the "Freedom Summer" project that involved several civil rights organizations, including the Mississippi State chapter of the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and CORE, with the purpose of registering Black voters in Mississippi;

Whereas on the morning of June 21, 1964, the 3 men left the CORE office in Meridian and set out for Longdale, Mississippi, where they were to investigate the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas on their way back to Meridian, James Chaney, Andrew Goodman, and Michael Schwerner were detained and later arrested and taken to the Philadelphia, Mississippi, jail;

Whereas later that same evening, on June 21, 1964, they were taken from the jail, turned over to the Ku Klux Klan, and beaten, shot, and killed;

Whereas 2 days later, their burnt, charred, and gutted blue Ford station wagon was pulled from the Bogue Chitto Creek, just outside Philadelphia, Mississippi;

Whereas the national uproar caused by the disappearance of the civil rights workers led President Lyndon B. Johnson to order Secretary of Defense Robert McNamara to send 200 active duty Navy sailors to search the swamps and fields in the area for the bodies of the 3 civil rights workers, and Attorney General Robert F. Kennedy to order his Federal Bureau of Investigation (FBI) director, J. Edgar Hoover, to send 150 agents to Mississippi to work on the case;

Whereas the FBI investigation led to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the previous several years had not attracted attention outside their local communities;

Whereas the bodies of Andrew Goodman, James Chaney, and Michael Schwerner, beaten and shot, were found on August 4, 1964, buried under a mound of dirt;

Whereas on December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested, and the Department of Justice charged them with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, since murder was not a Federal crime;

Whereas on December 10, 1964, the same day Dr. Martin Luther King, Jr. received the Nobel Peace Prize, a United States District judge dismissed charges against the 21 men accused of depriving the 3 civil right workers of their civil rights by murder;

Whereas in 1967, after an appeal to the Supreme Court and new testimony, 7 individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been strongly implicated in the murders by witnesses, were acquitted because the jury came to a deadlock on their charges;

Whereas on January 6, 2005, a Neshoba County, Mississippi, grand jury indicted Edgar Ray Killen on 3 counts of murder;

Whereas on June 21, 2005, a jury convicted Edgar Ray Killen on 3 counts of manslaughter;

Whereas June 21, 2008, was the 44th anniversary of Andrew Goodman, James Chaney, and Michael Schwerner's ultimate sacrifice;

Whereas by the end of "Freedom Summer", volunteers, including Andrew Goodman, James Chaney, and Michael Schwerner, helped register 17,000 African-Americans to vote;

Whereas the national uproar in response to the deaths of these brave men helped create the necessary climate to bring about passage of the Voting Rights Act of 1965;

Whereas Andrew Goodman, James Chaney, and Michael Schwerner worked for freedom, democracy, and equal justice under the law for all; and

Whereas the Federal Government should find an appropriate way to honor these courageous young men and their contributions to civil rights and voting rights: Now, therefore, be it

Resolved, That the Senate—

(1) encourages all Americans to pause and remember Andrew Goodman, James Chaney, and Michael Schwerner and the 44th anniversary of their deaths;

(2) commemorates the life and work of Andrew Goodman, James Chaney, Michael Schwerner, and all of the other brave Americans who made the ultimate sacrifice in the name of civil rights and voting rights for all Americans; and

(3) commemorates and acknowledges the legacy of the brave Americans who participated in the civil rights movement and the role that they played in changing the hearts and minds of Americans and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5030. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5031. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5032. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5034. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5035. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, Mr. COLEMAN, Mrs. MCCASKILL, Mr. BOND, Mr. LUGAR, Mr. BAYH, Ms. KLOBUCHAR, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5036. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5037. Mr. BAYH (for himself, Mr. NELSON, of Nebraska, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5038. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5039. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5040. Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. HARKIN, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5041. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5042. Mr. WYDEN (for himself, Mr. SMITH, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5043. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5044. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5045. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5046. Mr. CORNYN (for himself, Mrs. BOXER, Mr. ROBERTS, Mr. PRYOR, Mr. ISAKSON, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5047. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5048. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5049. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5050. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5051. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R.

3221, supra; which was ordered to lie on the table.

SA 5052. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5053. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5054. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5055. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5056. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5030. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 615, between lines 2 and 3, insert the following:

SEC. 3083. EXTENSION OF CERTAIN BONUS DEPRECIATION PLACED IN SERVICE REQUIREMENTS.

Section 15345(d)(1) of Public Law 110–246 is amended—

(1) by striking "December 31, 2008" in subparagraph (C) and inserting "December 31, 2010", and

(2) by striking "December 31, 2009" in subparagraph (D) and inserting "December 31, 2011".

SA 5031. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 133, strike line 10 and all that follows through page 160, line 17.

SA 5032. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 615, line 4, strike all through page 623, line 12.

SA 5033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 506, strike line 16 and all that follows through page 518, line 3.

SA 5034. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 414, strike line 24 and all that follows through page 415, line 3.

SA 5035. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, Mr. COLEMAN, Mrs. MCCASKILL, Mr. BOND, Mr. LUGAR, Mr. BAYH, Ms. KLOBUCHAR, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3211, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III of division C, insert the following:

SEC. _____. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (i), and (j) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(3) OTHER BENEFITS.—Section 3082(a) of this Act (relating to use of amended income tax returns to take into account receipt of certain casualty loss grants by disallowing previously taken casualty loss deductions).

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term "Midwestern disaster area" means an area—

(A) with respect to which a major disaster has been declared by the President after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the

Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term "applicable disaster date" means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting "qualified Midwestern disaster area bond" for "qualified Gulf Opportunity Zone Bond" each place it appears,

(B) by substituting "any State in which a Midwestern disaster area is located" for "the State of Alabama, Louisiana, or Mississippi" in paragraph (2)(B),

(C) by substituting "designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)" for "designated for purposes of this section" in paragraph (2)(C),

(D) by substituting "January 1, 2013" for "January 1, 2011" in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting "$5,000" for "$2,500", and

(ii) by substituting "before the earliest applicable disaster date for Midwestern disaster areas within the State" for "before August 28, 2005",

(F) by substituting "qualified Midwestern disaster area repair or construction" for "qualified GO Zone repair or construction" each place it appears, and

(G) by substituting "after the date of the enactment of the Housing and Economic Recovery Act of 2008 and before January 1, 2013" for "after the date of the enactment of this paragraph and before January 1, 2011" in paragraph (7)(C).

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2009, 2010, and 2011,

(B) by substituting "Disaster Recovery Assistance housing amount" for "Gulf Opportunity housing amount",

(C) by substituting "before the earliest applicable disaster date for Midwestern disaster areas within the State" for "before August 28, 2005" in paragraph (1)(B), and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER THE APPLICABLE DISASTER DATE.—Section 1400N(d)—

(A) by substituting "qualified Disaster Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2011" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2012" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "the day before the applicable disaster date" for "August 27, 2005" in paragraph (3)(A), and

(F) determined without regard to paragraph (6) thereof.

(4) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting "qualified section 179 Disaster Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(5) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting "qualified Disaster Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on the applicable disaster date and ending on December 31, 2010" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2).

(6) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2011" for "January 1, 2008" in paragraph (1), and

(C) by substituting "December 31, 2010" for "December 31, 2007".

(7) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h)—

(A) by substituting "the applicable disaster date" for "August 28, 2005", and

(B) by substituting "January 1, 2011" for "January 1, 2008" in paragraph (1).

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting "qualified Disaster Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after the day before the applicable disaster date, and before January 1, 2011" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "the applicable disaster date" for "August 28, 2005" in paragraph (2)(B)(ii)(I),

(D) by substituting "qualified Disaster Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv), and

(E) by substituting "qualified Disaster Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting "Midwestern tax credit bond" for "Gulf tax credit bond" each place it appears,

(B) by substituting "any State in which a Midwestern disaster area is located" for "the State of Alabama, Louisiana, or Mississippi" in paragraph (4)(A)(i),

(C) by substituting "after December 31, 2008 and before January 1, 2010" for "after December 31, 2005, and before January 1, 2007",

(D) by substituting "shall not exceed $100,000,000." for "shall not exceed" and all that follows in paragraph (4)(C), and

(E) by substituting "the earliest applicable disaster date for Midwestern disaster areas within the State" for "August 28, 2005" in paragraph (5)(A).

(10) NEW MARKETS TAX CREDIT.—Section 1400N(m)—

(A) by substituting "$300,000,000 for 2009 and 2010" for "$300,000,000 for 2005 and 2006" in paragraph (2)(A), and

(B) by substituting "$400,000,000 for 2011" for "$400,000,000 for 2007" in paragraph (2)(B).

(11) EDUCATION TAX BENEFITS.—Section 1400O, by substituting "2008 or 2009" for "2005 or 2006".

(12) HOUSING TAX BENEFITS.—Section 1400P, by substituting "the applicable disaster date" for "August 28, 2005" in subsection (c)(1).

(13) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting "qualified Disaster Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after the applicable disaster date and before January 1, 2010" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "the applicable disaster date" for "August 28, 2005" in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting "qualified storm damage distribution" for "qualified Katrina distribution" each place it appears,

(F) by substituting "after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(G) by substituting "the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area" for "the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina" in subsection (b)(2)(B)(iii),

(H) by substituting "beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Housing and Economic Recovery Act of 2008" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(I) by substituting "qualified storm damage individual" for "qualified Hurricane Katrina individual" each place it appears,

(J) by substituting "December 31, 2009" for "December 31, 2006" in subsection (c)(2)(A),

(K) by substituting "beginning on the date of the enactment of the Housing and Economic Recovery Act of 2008 and ending on December 31, 2009" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(L) by substituting "the applicable disaster date" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(M) by substituting "January 1, 2010" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(14) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2009" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(15) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section

1400S(a), by substituting the following paragraph for paragraph (4) thereof:

"(4) QUALIFIED CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution—

"(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

"(II) is made for relief efforts in 1 or more Midwestern disaster areas,

"(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

"(i) to an organization described in section 509(a)(3), or

"(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

"(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.".

(16) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting "the applicable disaster date" for "August 25, 2005".

(17) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance)

(18) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting "2008 or 2009" for "2005 or 2006".

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting "Midwestern displaced individual" for "Hurricane Katrina displaced individual" each place it appears, and

(B) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting "beginning on the applicable disaster date and ending on December 31, 2009" for "beginning on August 25, 2005, and ending on December 31, 2006".

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting "beginning on the applicable disaster date and ending on December 31, 2009" for "beginning on August 25, 2005, and ending on December 31, 2006" in subsection (a), and

(B) by substituting "the applicable disaster date" for "August 25, 2005" in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting "the applicable disaster date" for "August 28, 2005" both places it appears, and

(C) by substituting "January 1, 2010" for "January 1, 2007" in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting "on or after the applicable disaster date" for "on or after August 25, 2005".

SEC. ____. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) of such Code is amended by adding at the end the following new paragraph:

"(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

"(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

"(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. ____. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) of the Internal Revenue Code of 1986 (relating to termination) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) of such Code (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. ____. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) of the Internal Revenue Code of 1986 (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking "and" at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

"(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

SA 5036. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF TAXPAYERS.

Notwithstanding any other provision of this Act, title III of Division B of this Act shall not take effect.

SA 5037. Mr. BAYH (for himself, Mr. NELSON of Nebraska, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 573, line 12, strike through page 574, line 14, and insert the following:

"(8) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(B) $500 ($1,000 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.".

SA 5038. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III of division C, insert the following:

SEC. ____. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (i), and (j) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(3) OTHER BENEFITS.—Section 3082(a) of this Act (relating to use of amended income tax returns to take into account receipt of certain casualty loss grants by disallowing previously taken casualty loss deductions).

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term "Midwestern disaster area" means an area—

(A) with respect to which a major disaster has been declared by the President after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

In the case of a State with respect to which the President during the period beginning on January 1, 2008, and ending on July 31, 2008, has declared major disasters under such Act with respect to at least 75 percent of the counties of such State, subparagraph (A) shall be applied by substituting "December 31, 2007" for "May 20, 2008".

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term "applicable disaster date" means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting "qualified Midwestern disaster area bond" for "qualified Gulf Opportunity Zone Bond" each place it appears,

(B) by substituting "any State in which a Midwestern disaster area is located" for "the State of Alabama, Louisiana, or Mississippi" in paragraph (2)(B),

(C) by substituting "designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)" for "designated for purposes of this section" in paragraph (2)(C),

(D) by substituting "January 1, 2013" for "January 1, 2011" in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting "$5,000" for "$2,500", and

(ii) by substituting "before the earliest applicable disaster date for Midwestern disaster areas within the State" for "before August 28, 2005",

(F) by substituting "qualified Midwestern disaster area repair or construction" for "qualified GO Zone repair or construction" each place it appears, and

(G) by substituting "after the date of the enactment of the Housing and Economic Recovery Act of 2008 and before January 1, 2013" for "after the date of the enactment of this paragraph and before January 1, 2011" in paragraph (7)(C).

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2009, 2010, and 2011,

(B) by substituting "Disaster Recovery Assistance housing amount" for "Gulf Opportunity housing amount",

(C) by substituting "before the earliest applicable disaster date for Midwestern disaster areas within the State" for "before August 28, 2005" in paragraph (1)(B), and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER THE APPLICABLE DISASTER DATE.—Section 1400N(d)—

(A) by substituting "qualified Disaster Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2011" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2012" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "the day before the applicable disaster date" for "August 27, 2005" in paragraph (3)(A), and

(F) determined without regard to paragraph (6) thereof.

(4) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting "qualified section 179 Disaster Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(5) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting "qualified Disaster Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on the applicable disaster date and ending on December 31, 2010" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2).

(6) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2011" for "January 1, 2008" in paragraph (1), and

(C) by substituting "December 31, 2010" for "December 31, 2007".

(7) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h)—

(A) by substituting "the applicable disaster date" for "August 28, 2005", and

(B) by substituting "January 1, 2011" for "January 1, 2008" in paragraph (1).

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting "qualified Disaster Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after the day before the applicable disaster date, and before January 1, 2011" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "the applicable disaster date" for "August 28, 2005" in paragraph (2)(B)(ii)(I),

(D) by substituting "qualified Disaster Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv), and

(E) by substituting "qualified Disaster Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting "Midwestern tax credit bond" for "Gulf tax credit bond" each place it appears,

(B) by substituting "any State in which a Midwestern disaster area is located" for "the State of Alabama, Louisiana, or Mississippi" in paragraph (4)(A)(i),

(C) by substituting "after December 31, 2008 and before January 1, 2010" for "after December 31, 2005, and before January 1, 2007",

(D) by substituting "shall not exceed $100,000,000." for "shall not exceed" and all that follows in paragraph (4)(C), and

(E) by substituting "the earliest applicable disaster date for Midwestern disaster areas within the State" for "August 28, 2005" in paragraph (5)(A).

(10) NEW MARKETS TAX CREDIT.—Section 1400N(m)—

(A) by substituting "$300,000,000 for 2009 and 2010" for "$300,000,000 for 2005 and 2006" in paragraph (2)(A), and

(B) by substituting "$400,000,000 for 2011" for "$400,000,000 for 2007" in paragraph (2)(B).

(11) EDUCATION TAX BENEFITS.—Section 1400O, by substituting "2008 or 2009" for "2005 or 2006".

(12) HOUSING TAX BENEFITS.—Section 1400P, by substituting "the applicable disaster date" for "August 28, 2005" in subsection (c)(1).

(13) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting "qualified Disaster Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after the applicable disaster date and before January 1, 2010" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "the applicable disaster date" for "August 28, 2005" in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting "qualified storm damage distribution" for "qualified Katrina distribution" each place it appears,

(F) by substituting "after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(G) by substituting "the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area" for "the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina" in subsection (b)(2)(B)(iii),

(H) by substituting "beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Housing and Economic Recovery Act of 2008" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(I) by substituting "qualified storm damage individual" for "qualified Hurricane Katrina individual" each place it appears,

(J) by substituting "December 31, 2009" for "December 31, 2006" in subsection (c)(2)(A),

(K) by substituting "beginning on the date of the enactment of the Housing and Economic Recovery Act of 2008 and ending on December 31, 2009" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(L) by substituting "the applicable disaster date" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(M) by substituting "January 1, 2010" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(14) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting "the applicable disaster date" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2009" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(15) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

"(4) QUALIFIED CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution—

"(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

"(II) is made for relief efforts in 1 or more Midwestern disaster areas,

"(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

"(i) to an organization described in section 509(a)(3), or

"(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

"(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.".

(16) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting "the applicable disaster date" for "August 25, 2005".

(17) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance)

(18) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting "2008 or 2009" for "2005 or 2006".

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting "Midwestern displaced individual" for "Hurricane Katrina displaced individual" each place it appears, and

(B) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting "beginning on the applicable disaster date and ending on December 31, 2009" for "beginning on August 25, 2005, and ending on December 31, 2006".

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting "beginning on the applicable disaster date and ending on December 31, 2009" for "beginning on August 25, 2005, and ending on December 31, 2006" in subsection (a), and

(B) by substituting "the applicable disaster date" for "August 25, 2005" in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting "the applicable disaster date" for "August 28, 2005" both places it appears, and

(C) by substituting "January 1, 2010" for "January 1, 2007" in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting "on or after the applicable disaster date" for "on or after August 25, 2005".

SEC. ____. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) of such Code is amended by adding at the end the following new paragraph:

"(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

"(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

"(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. ____. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) of the Internal Revenue Code of 1986 (relating to termination) of the Internal

Revenue Code of 1986 is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) of such Code (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. ____. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) of the Internal Revenue Code of 1986 (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking "and" at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

"(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

SA 5039. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 455, between lines 14 and 15, insert the following:

SEC. 1606. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 7) is amended by adding at the end the following new section:

"SEC. 2004. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

"Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government entity occurring during fiscal years 2008, 2009, or 2010, the Secretary shall consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property at least to minimum State and local code standards and of maintaining the existing affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.".

SA 5040. Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. HARKIN, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 510, strike lines 1 through 5, and insert the following:

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures; and

(E) redevelop demolished, blighted, or vacant properties, including those damaged or destroyed in areas subject to a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SA 5041. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 455, between lines 14 and 15, insert the following:

SEC. 1606. SENSE OF THE SENATE ON THE JOINT EFFORTS OF THE CITY OF PHILADELPHIA AND PHILADELPHIA COURT OF COMMON PLEAS TO PREVENT HOME FORECLOSURES.

(a) FINDINGS.—The Senate finds that—

(1) the Mortgage Bankers Association reported this month that over 1,000,000 homes have entered foreclosure proceedings, the highest rate of such proceedings ever recorded;

(2) the Center for Responsible Lending reports that 7,200,000 families now hold a subprime loan;

(3) the Joint Economic Committee of the Congress estimates that from the third quarter of 2007 through the fourth quarter of 2009 there will be 45,470 subprime foreclosures in Pennsylvania;

(4) the Joint Economic Committee further predicts that the cumulative loss in property value resulting from these foreclosures will exceed $2,400,000,000 and the estimated loss in property taxes will be $34,000,000;

(5) the Pew Charitable Trusts reports that 1,684,475 Pennsylvania homeowners will experience home devaluation due to subprime foreclosures in 2008 and 2009;

(6) a 2005 Freddie Mac/Roper poll of homeowners indicates that more than 6 in 10 delinquent borrowers are not aware of services that lenders offer to individuals having trouble with their mortgage;

(7) the Department of Housing and Urban Development program statistics show that 96 percent of the families that receive housing counseling services avoid foreclosure;

(8) Philadelphia County reported 730 properties filed for foreclosure in April 2008, more foreclosure filings than any other county in Pennsylvania;

(9) the Center for Responsible Lending estimates that Philadelphia County could lose up to 4,444 homes to foreclosure; and

(10) it has been over 1 year since the first legislation dealing with the subprime mortgage crisis was introduced in the Senate to consider housing legislation that provides homeowners with relief and that alleviates the foreclosure crisis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the City of Philadelphia and the Philadelphia Court of Common Pleas should be commended for their efforts to facilitate negotations between borrowers and lenders to attempt to restructure loan terms and prevent foreclosures;

(2) the commitment of such entitites to their home foreclosure prevention program, such program's requirement of mandatory counseling for delinquent borrowers, and such program's use of professional housing counselors to negotiate between lenders and homeowners represent the best practices in the industry; and

(3) the Secretary of Housing and Urban Development should, to the extent possible, inform other cities about the Philadelphia program and advise such other cities that the funds provided under section 2401 may be used to defray the cost of similar foreclosure prevention programs.

SA 5042. Mr. WYDEN (for himself, Mr. SMITH, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security; developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 614, line 23, insert ", but only with respect to property the acquisition of which has not occurred, or the construction, reconstruction, or renovation of which has not begun, before the date of the enactment of the Housing Assistance Tax Act of 2008" after "Alabama".

SA 5043. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security; developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. INCREASING ACCESS AND UNDERSTANDING OF ENERGY EFFICIENT MORTGAGES.

(a) DEFINITION.—As used in this section, the term "energy efficient mortgage" has the same meaning as given that term in paragraph (24) of section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(24)).

(b) RECOMMENDATIONS TO ELIMINATE BARRIERS TO USE OF ENERGY EFFICIENT MORTGAGES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of Housing and Urban Development, in conjunction with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall consult with the residential mortgage industry and States to develop recommendations to eliminate the barriers that exist to increasing the availability, use, and purchase of energy efficient mortgages, including such barriers as—

(A) the lack of reliable and accessible information on such mortgages, including estimated energy savings and other benefits of energy efficient housing;

(B) the confusion regarding underwriting requirements and differences among various energy efficient mortgage programs;

(C) the complex and time consuming process of securing such mortgages;

(D) the lack of publicly available research on the default risk of such mortgages; and

(E) the availability of certified or accredited home energy rating services.

(2) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall submit a report to Congress that—

(A) summarizes the recommendations developed under paragraph (1); and

(B) includes any recommendations for statutory, regulatory, or administrative changes the Secretary deems necessary to institute such recommendations.

(c) ENERGY EFFICIENT MORTGAGES OUTREACH CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development, in consultation and coordination with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and State Energy and Housing Finance Directors, shall carry out an education and outreach campaign to inform and educate consumers, home builders, residential lenders, and other real estate professionals on the availability, benefits, and advantages of—

(A) improved energy efficiency in housing; and

(B) energy efficient mortgages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the education and outreach campaign described under paragraph (1).

SA 5044. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security; developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 587, line 24, insert "and '80 percent of the class life of such property' shall be substituted for '20 years' in paragraph (1)(B)(ii)(III) thereof" after "thereof".

SA 5045. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 630, after line 2, insert the following:

TITLE IV—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 3101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

"(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

"(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

"(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

"(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

"(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

"(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

"(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

"(D) ELIGIBLE BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

"(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

"(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

"(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

"(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

"(I) which a qualified facility will require for utilization of such facility, and

"(II) which is not a qualified facility.

"(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

"(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

"(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.".

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: "The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.".

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

"(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

"(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

"(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

"(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.".

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 3101, is amended by striking "January 1, 2012" and inserting "the date of the enactment of paragraph (11)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 3103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking "January 1, 2009" and inserting "January 1, 2015".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and".

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

"(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

"(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and "(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(C) the energy efficiency percentage of which exceeds 60 percent, and

"(D) which is placed in service before January 1, 2015.

"(2) LIMITATION.—

"(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

"(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(3) SPECIAL RULES.—

"(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

"(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

"(A) paragraph (1)(C) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking "$2,000" and inserting "$4,000".

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,333".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.".

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

"(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

"(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 3105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)))."

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 3106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

"(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

"(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond, or

"(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

"(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54C. Qualified clean renewable energy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 3111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking "$1,300,000,000" and inserting "$2,550,000,000".

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.".

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and" at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.".

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

"(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).".

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and" at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and".

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE" in the heading and inserting "CERTAIN".

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 3112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))" after "20 percent".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking "shall not exceed $350,000,000" and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.".

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 3113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking "January 1, 2014" in subparagraph (A) and inserting "December 31, 2018", and

(2) by striking "January 1 after 1981" in subparagraph (B) and inserting "December 31 after 2007".

SEC. 3114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 3115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 3121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel",

(2) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of such subsection and inserting "CELLULOSIC BIOFUEL", and

(3) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of paragraph (2) thereof and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 3122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking "50 cents" and inserting "$1.00".

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

"(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.".

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking "subsection (b)(5)(C)" and inserting "subsection (b)(4)(C)".

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking "subsection (b)(5)(B)" and inserting "subsection (b)(4)(B)".

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "diesel fuel" and inserting "liquid fuel",

(2) by striking "using a thermal depolymerization process", and

(3) by striking "or D396" in subparagraph (B) and inserting ", D396, or other equivalent standard approved by the Secretary".

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new sentence: "Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: "The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 3123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Paragraph (6) of section 40(d) is amended to read as follows:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—.

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 3124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

"(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

"(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which has a gross vehicle weight rating of less than 14,000 pounds,

"(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity.

"(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

"(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

"(f) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

"(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.".

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

"(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.".

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking "and" each place it appears at the end of any paragraph,

(2) by striking "plus" each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (32) and inserting ", plus", and

(4) by adding at the end the following new paragraph:

"(33) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30D," after "25D,".

(C) Section 25B(g)(2), as amended by section 104, is amended by striking "and 25D" and inserting ", 25D, and 30D".

(D) Section 26(a)(1), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(E) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30D".

(2) Section 1016(a) is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30D(f)(1).".

(3) Section 6501(m) is amended by inserting "30D(f)(4)," after "30C(e)(5),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. New qualified plug-in electric drive motor vehicles.".

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking "sections 27, 30, and 30B" and inserting "sections 27 and 30".

(B) Paragraph (3) of section 55(c) is amended by striking "30B(g)(2),".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 3125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

"(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

"(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

"(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

"(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 3126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Federal Housing Finance Regulatory Reform Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "section 1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.".

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.".

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).".

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)" after "qualified transportation fringe".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking "30 percent" in subsection (a) and inserting "50 percent", and

(2) by striking "$30,000" in subsection (b)(1) and inserting "$50,000".

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 3141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 3106, is amended by adding at the end the following new section:

"SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

"(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

"(e) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs,

"(iii) rural development involving the production of electricity from renewable energy resources, or

"(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels,

"(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

"(g) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by section 3106, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond,

"(B) a new clean renewable energy bond, or

"(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as amended by section 3106, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

"(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

"(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54D. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 3142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

"(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

"(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.".

(d) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting ", or an asphalt roof with appropriate cooling granules," before "which meet the Energy Star program requirements".

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting "or asphalt roof" after "metal roof", and

(B) by inserting "or cooling granules" after "pigmented coatings".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2007.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 3144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible",

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 3145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

"(iii) any qualified smart electric meter, and

"(iv) any qualified smart electric grid system.".

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

"(18) QUALIFIED SMART ELECTRIC METERS.—

"(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

"(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

"(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

"(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

"(iv) provides net metering.

"(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

"(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

"(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

"(ii) providing real-time, two-way communications to monitor or manage such grid, and

"(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.".

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking "October 1, 2009" and inserting "October 1, 2012".

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking "issuance," and inserting "issuance of the last issue with respect to such project,".

Subtitle D—Revenue Provisions

SEC. 3151. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

"SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of its income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of its income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

"(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

"(A) such amount shall be so includible in gross income when determinable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SUBSTANTIAL RISK OF FORFEITURE.—

"(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

"(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by section 3011, is amended by striking "and" at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting ", and", and by adding at the end the following new subparagraph:

"(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term "qualified contributions" means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term "qualified inclusion amount" means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SA 5046. Mr. CORNYN (for himself, Mrs. BOXER, Mr. ROBERTS, Mr. PRYOR, Mr. ISAKSON, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING MORTGAGE DISCLOSURE.

(a) IN GENERAL.—Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by inserting after "spouse" the following: ", except that this exception shall not apply to a reporting individual described in section 101(f)(9)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 month after the date of enactment of this Act.

SA 5047. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, strike line 4 and all that follows through page 401, line 4, and insert the following:

"(iii) each enterprise received credit towards achieving each of its goals resulting from a transaction or activity pursuant to section 1331(b)(2); and

"(iv) each enterprise is achieving the purposes of the enterprise established by law; and

"(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

"(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime and nontraditional loans;

"(5) compare the characteristics of subprime and nontraditional loans both purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise; and

"(6) compare the characteristics of high-cost loans purchased and securitized, where such securities are not held on portfolio to loans purchased and securitized, where such securities are either retained on portfolio or repurchased by the enterprise, including such characteristics as—

"(A) the purchase price of the property that secures the mortgage;

"(B) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(C) the terms of the mortgage;

"(D) the creditworthiness of the borrower; and

"(E) any other relevant data, as determined by the Director.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b), the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

"(B) the characteristics of individual subprime and nontraditional mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the creditworthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

"(C) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data—

"(A) is not released in an identifiable form; and

"(B) is not otherwise obtainable from other publicly available data sets.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

SEC. 1126. PUBLIC USE DATABASE.

Section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) AVAILABILITY.—

"(1) IN GENERAL.—The Director"; and

(B) by adding at the end the following new paragraph:

"(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.";

(2) in subsection (b)(2), by inserting before the period at the end the following: "or with subsection (a)(2)"; and

(3) by adding at the end the following new subsection:

"(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.".

SEC. 1127. REPORTING OF MORTGAGE DATA.

Section 1326 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546) is amended—

(1) in subsection (a), by striking "The Director" and inserting "Subject to subsection (d), the Director"; and

(2) by adding at the end the following:

"(d) MORTGAGE INFORMATION.—Subject to privacy considerations, as described in section 304(j) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(j)), the Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public, in order to make available to the public—

"(1) the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act of 1975; and

"(2) information collected by the Director under section 1324(b)(6).".

SEC. 1128. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1335 the following:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and each year thereafter, annual housing goals, as described under this subpart, with respect to the mortgage purchases by the enterprises.

"(b) SPECIAL COUNTING REQUIREMENTS.—

"(1) IN GENERAL.—The Director shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

"(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

"(c) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

"(2) REPORT TO CONGRESS ON DISPARITIES.—Upon a finding by the Director that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Director shall—

"(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

"(B) forward the report prepared under subparagraph (A) to any other appropriate regulatory or enforcement agency.

"(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Director shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

"(d) TIMING.—The Director shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

"SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—

"(1) REVIEW.—The Director shall review the appropriateness of each goal established pursuant to this subpart at least once during each year to assure that given current market conditions that each such goal is feasible.

"(2) PETITION TO REDUCE.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—

"(1) 30-DAY PERIOD.—If an enterprise submits a petition for reduction to the Director under subsection (a)(2), the Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition.

"(2) EXTENSION.—The Director may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Director requests additional information from the enterprise.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) ESTABLISHMENT OF GOALS.—

"(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgage purchases of the enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

"(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

"(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

"(A) national housing needs;

"(B) economic, housing, and demographic conditions;

"(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available;

"(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

"(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

"(G) the need to maintain the sound financial condition of the enterprises.

"(3) HIGH-COST LOANS AND INAPPROPRIATE LENDING PRACTICES.—In establishing annual targets under paragraph (1), the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices pursuant to section 1331(b)(2).

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"(f) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing 1-to-4 unit owner-occupied properties shall count toward the achievement of the single-family housing goal under this section, if such properties otherwise meet the requirements under this section notwithstanding the use of 1 or more units for rental purposes.

"SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

"(a) PREPAYMENT OF EXISTING LOANS.—

"(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

"(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

"(A) national housing needs;

"(B) economic, housing, and demographic conditions;

"(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available;

"(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

"(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

"(G) the need to maintain the sound financial condition of the enterprises.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, by unit, dollar volume, or percentage of multifamily activity, as determined by the Director, an annual goal for the purchase by each enterprise of—

"(A) mortgages that finance dwelling units affordable to very low-income families; and

"(B) mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the housing goal established under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Director), or with mortgages of up to $5,000,000 (as adjusted by the Director).

"(3) FACTORS.—The Director shall establish the goal and additional requirements under this section taking into consideration—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market, including the size of the small multifamily mortgage market;

"(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other reliable data as may be available regarding multifamily mortgages;

"(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

"(i) small multifamily projects;

"(ii) multifamily properties in need of preservation and rehabilitation; and

"(iii) multifamily properties located in rural areas; and

"(F) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing projects that otherwise qualify under such goal and that are financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT RENT LEVEL.—

"(1) IN GENERAL.—The Director shall monitor the performance of each enterprise in meeting the goal established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable to low-income and very low-income families.

"(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal described under subsection (a) for a year only if the multifamily mortgage purchases of the enterprise meet or exceed the goal for the year established under subsection (a).

"(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing the goal under this section, the Director may take into consideration the number of housing units financed by any mortgage purchased by an enterprise on single-family rental housing that is not owner-occupied.

"(f) REMOVING CREDIT.—The Director shall subtract from the units or mortgages counted toward the goal established under this section in a current year any units or mortgages credited toward such goal in a prior year if an enterprise requires a lender to repurchase, or reimburse for losses, or indemnify the enterprise against potential losses on such units or mortgages.

"(g) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (d) regarding compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the goal for the year under subsection (a).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.".

(c) CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(d) DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) by striking paragraph (24), as so designated by section 1002 of this Act, and inserting the following:

"(24) VERY LOW-INCOME.—

"(A) IN GENERAL.—The term 'very low-income' means—

"(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income; and

"(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

"(B) RULE OF CONSTRUCTION.—For purposes of section 1338 and 1339, the term 'very low-income' means—

"(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

"(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director."; and

(2) by adding at the end the following:

"(26) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the applicable dollar limitation, in effect at the time of such origination, under—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

"(27) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

"(28) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

"(29) MINORITY CENSUS TRACT.—The term 'minority census tract' means a census tract that has a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.

"(30) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Director that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(31) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Director that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

"(ii) the number of extremely low- and very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.".

SEC. 1129. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**duty to serve underserved markets and**" before "**other**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets by purchasing or securitizing mortgage investments.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 1130. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) IN GENERAL.—Section 1336 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566) is amended by striking subsections (b) and (c) and inserting the following:

"(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

"(2) RESPONSE PERIOD.—

"(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

"(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

"(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

"(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

"(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

"(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

"(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

"(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

"(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

"(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period, to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

"(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

"(ii) each final determination that the achievement of a housing goal was or is feasible; and

"(iii) the reasons for each such final determination.

"(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

"(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

"(A) a feasible plan describing the specific actions the enterprise will take—

"(i) to achieve the goal for the next calendar year; and

"(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

"(B) sufficiently specific to enable the Director to monitor compliance periodically.

"(3) DEADLINE FOR SUBMISSION.—The Director shall establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

"(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

"(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

"(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 15 days after such disapproval, or such longer period that the Director determines is in the public interest.

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may—

"(A) seek other actions when an enterprise fails to meet a goal; and

"(B) exercise appropriate enforcement authority available to the Director under this Act.".

(b) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

(c) CEASE AND DESIST PROCEEDINGS .—

(1) REPEAL.—Section 1341 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581) is hereby repealed.

(2) CEASE AND DESIST PROCEEDINGS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1342 the following:

"SEC. 1341. CEASE AND DESIST PROCEEDINGS.

"(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).

"(b) PROCEDURE.—

"(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

"(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

"(A) comply with the goals;

"(B) submit a report under section 1327;

"(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with the housing plan in compliance with section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

"(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director or otherwise, as provided in this subpart.".

(d) CIVIL MONEY PENALTIES.—

(1) REPEAL.—Section 1345 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4585) is hereby repealed.

(2) CIVIL MONEY PENALTIES.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1344 the following:

"SEC. 1345. CIVIL MONEY PENALTIES.

"(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

"(c) PROCEDURES.—

"(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

"(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

"(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

"(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

"(A) the gravity of the offense;

"(B) any history of prior offenses;

"(C) ability to pay the penalty;

"(D) injury to the public;

"(E) benefits received;

"(F) deterrence of future violations;

"(G) the length of time that the enterprise should reasonably take to achieve the goal; and

"(H) such other factors as the Director may determine, by regulation, to be appropriate.

"(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

"(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(f) DEPOSIT OF PENALTIES.—The Director shall use any civil money penalties collected under this section to help fund the Housing Trust Fund established under section 1338.".

(e) DIRECTOR AUTHORITY.—

(1) AUTHORITY TO BRING A CIVIL ACTION.—Section 1344(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4584) is amended by striking "The Secretary may request the Attorney General of the United States to bring a civil action" and inserting "The Director may bring a civil action".

(2) SUBPOENA ENFORCEMENT.—Section 1348(c) of the Federal Housing Enterprises

Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting "may bring an action or" before "may request".

(3) CONFORMING AMENDMENTS.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking "Secretary" each place that term appears and inserting "Director" in each of—

(A) section 1342 (12 U.S.C. 4582);

(B) section 1343 (12 U.S.C. 4583);

(C) section 1346 (12 U.S.C. 4586);

(D) section 1347 (12 U.S.C. 4587); and

(E) section 1348 (12 U.S.C. 4588).

SEC. 1131. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Section 1337 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567) is hereby repealed.

(b) HOUSING TRUST FUNDS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.) is amended by inserting after section 1336 the following:

"SEC. 1337. AFFORDABLE HOUSING APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of sections 1338 and 1339.

"(2) ALLOCATION.—Of the amounts authorized to be appropriated under paragraph (1)—

"(A) 65 percent of such amounts shall be allocated to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

"(B) 35 percent of such amounts shall be allocated to fund the Capital Magnet Fund established pursuant to section 1339.

"(b) REQUIRED AMOUNT FOR HOPE RESERVE FUND.—Of the aggregate amount allocated under subsection (a), 25 percent shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

"(c) LIMITATION.—No funds under this title may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, for purposes of this section, public use shall not be construed to include economic development that primarily benefits any private entity.

"SEC. 1338. HOUSING TRUST FUND.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall establish and manage a Housing Trust Fund, which shall be funded with amounts appropriated under section 1337 and any amounts as are or may be transferred or credited to such Housing Trust Fund under any other provisions of law. The purpose of the Housing Trust Fund under this section is to provide grants to States for use—

"(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

"(2) to increase homeownership for extremely low- and very low-income families.

"(b) ALLOCATIONS FOR HOPE BOND PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c), to help address the mortgage crisis, of the amounts appropriated under section 1337(a) in excess of amounts described in section 1337(b)—

"(A) 100 percent of such excess shall be used to reimburse the Treasury for payments made pursuant to section 257(w)(1)(C) of the National Housing Act in calendar year 2009;

"(B) 50 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2010; and

"(C) 25 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2011.

"(2) EXCESS FUNDS.—At the termination of the HOPE for Homeowners Program established under section 257 of the National Housing Act, if amounts used to reimburse the Treasury under paragraph (1) exceed the total net cost to the Government of the HOPE for Homeowners Program, such amounts shall be used for their original purpose, as described in subparagraphs (A) and (B) of section 1337(a)(2).

"(3) TREASURY FUND.—The amounts referred to in subparagraphs (A) through (C) of paragraph (1) shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

"(c) ALLOCATION FOR HOUSING TRUST FUND IN FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—

"(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall distribute the amounts appropriated for the Housing Trust Fund under this section to provide affordable housing as described in this subsection.

"(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

"(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

"(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

"(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

"(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

"(iii) The ratio of extremely low-income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

"(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

"(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

"(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

"(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

"(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

"(4) ALLOCATION OF GRANT AMOUNTS.—

"(A) NOTICE.—Not later than 60 days after the date that the Secretary determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

"(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2009, the Secretary shall make a grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

"(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

"(5) ALLOCATION PLANS REQUIRED.—

"(A) IN GENERAL.—For each year that a State or State designated entity receives a grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

"(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

"(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

"(iii) comply with paragraph (6); and

"(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

"(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

"(i) notify the public of the establishment of the plan;

"(ii) provide an opportunity for public comments regarding the plan;

"(iii) consider any public comments received regarding the plan; and

"(iv) make the completed plan available to the public.

"(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

"(i) a description of the eligible activities to be conducted using such assistance; and "(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(6) SELECTION OF ACTIVITIES FUNDED USING HOUSING TRUST FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

"(A) are eligible under paragraph (7) for such use;

"(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

"(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

"(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

"(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that not less than 75 percent of such grant amounts shall be used for the benefit only of extremely low-income families and not more than 25 percent for the benefit only of very low-income families; and

"(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as down payment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

"(i) is available for purchase only for use as a principal residence by families that qualify both as—

"(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

"(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of independent financial education and counseling from an eligible organization that meets the requirements of section 132 of the Federal Housing Finance Regulatory Reform Act of 2008.

"(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

"(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

"(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

"(iii) provide forms of assistance, such as down payments, closing costs, or interest rate buy-downs for purchasers;

"(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

"(9) LIMITATIONS ON USE.—

"(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

"(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

"(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a grant amount authorized under this subsection.

"(D) PROHIBITED USES.—The Secretary shall, by regulation—

"(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

"(I) political activities;

"(II) advocacy;

"(III) lobbying, whether directly or through other parties;

"(IV) counseling services;

"(V) travel expenses; and

"(VI) preparing or providing advice on tax returns;

"(ii) provide that, except as provided in clause (iii), grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

"(I) the State or State designated entity; or

"(II) any other recipient of such grant amounts; and

"(iii) limit the amount of any grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection, including home ownership counseling, to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

"(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any grant amounts used under this section for eligible activities under paragraph (7). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

"(1) except as provided in paragraph (2)—

"(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

"(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

"(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

"(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(II) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

"(I) describes the activities funded under this section during such year with such grant amounts; and

"(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of grant amounts which were not used in accordance with this section;

"(ii) require the State or State designated entity to repay the Secretary any amount of the grant which was not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the State or State designated entity.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

"(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

"(ii) the number of very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

"(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(g) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Secretary ensure that the use of grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

"(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with grant amounts under this section, which shall provide for priority in funding to be based upon—

"(i) geographic diversity;

"(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

"(v) the extent to which the application makes use of other funding sources; and

"(vi) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

"(E) requirements and standards for establishment, by a State or State designated entity, for use of grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

"(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

"(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

"SEC. 1339. CAPITAL MAGNET FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

"(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

"(1) any amounts appropriated to the Fund pursuant to section 1337(a); and

"(2) any amounts as are or may be transferred or credited to such Fund under any other provisions of law.".

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

"(1) the development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

"(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

"(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet Fund shall be considered to be Federal financial assistance.

"(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

"(1) a Treasury certified community development financial institution; or

"(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

"(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

"(1) To provide loan loss reserves.

"(2) To capitalize a revolving loan fund.

"(3) To capitalize an affordable housing fund.

"(4) To capitalize a fund to support activities described in subsection (c)(2).

"(5) For risk-sharing loans.

"(g) APPLICATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

"(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

"(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

"(B) the types, sources, and amounts of other funding for such projects; and

"(C) the expected time frame of any grant used for such project.

"(h) GRANT LIMITATION.—

"(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

"(2) GEOGRAPHIC DIVERSITY.—

"(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

"(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

"(i) the percentage of low-income families or the extent of poverty;

"(ii) the rate of unemployment or underemployment;

"(iii) extent of blight and disinvestment;

"(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

"(v) any other criteria designated by the Secretary of the Treasury.

"(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

"(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

"(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

"(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of the enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Director of the Federal Housing Finance Agency may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Director of the Federal Housing Finance Agency shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Secretary any amount of the Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(i) PERIODIC REPORTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

"(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

"(j) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

"(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

"(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

"(i) funds be fairly distributed to urban, suburban, and rural areas; and

"(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

"(I) the ability to use such funds to generate additional investments;

"(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

"(III) ability to obligate amounts and undertake activities so funded in a timely manner.".

SEC. 1132. FINANCIAL EDUCATION AND COUNSELING.

(a) GOALS.—Financial education and counseling under this section shall have the goal of—

(1) increasing the financial knowledge and decision making capabilities of prospective homebuyers;

(2) assisting prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

(3) helping prospective homebuyers to improve their credit scores by understanding the relationship between their credit histories and their credit scores; and

(4) educating prospective homebuyers about the options available to build savings for short- and long-term goals.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the "Secretary") shall make grants to eligible organizations to enable such organizations to provide a range of financial education and counseling services to prospective homebuyers.

(2) SELECTION.—The Secretary shall select eligible organizations to receive assistance under this section based on their experience and ability to provide financial education and counseling services that result in documented positive behavioral changes.

(c) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of this section, the term "eligible organization" means an organization that is—

(A) certified in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)); or

(B) certified by the Office of Financial Education of the Department of the Treasury for purposes of this section, in accordance with paragraph (2).

(2) OFE CERTIFICATION.—To be certified by the Office of Financial Education for purposes of this section, an eligible organization shall be—

(A) a housing counseling agency certified by the Secretary of Housing and Urban Development under section 106(e) of the Housing and Urban Development Act of 1968;

(B) a State, local, or tribal government agency;

(C) a community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union; or

(D) any collaborative effort of entities described in any of subparagraphs (A) through (C).

(d) AUTHORITY FOR PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall authorize not more than 5 pilot project grants to eligible organizations under subsection (c) in order to—

(A) carry out the services under this section; and

(B) provide such other services that will improve the financial stability and economic condition of low- and moderate-income and low-wealth individuals.

(2) GOAL.—The goal of the pilot project grants under this subsection is to—

(A) identify successful methods resulting in positive behavioral change for financial empowerment; and

(B) establish program models for organizations to carry out effective counseling services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section and for the provision of additional financial educational services.

(f) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness and impact of the grant program established under this section. Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF STUDY.—The study required under paragraph (1) shall include an evaluation of the following:

(A) The effectiveness of the grant program established under this section in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

(B) The extent to which financial education and counseling services have resulted in positive behavioral changes.

(C) The effectiveness and quality of the eligible organizations providing financial education and counseling services under the grant program.

(g) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to implement and administer the grant program authorized by this section.

SEC. 1133. TRANSFER AND RIGHTS OF CERTAIN HUD EMPLOYEES.

(a) TRANSFER.—Each employee of the Department of Housing and Urban Development whose position responsibilities primarily involve the establishment and enforcement of the housing goals under subpart B of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 et seq.) shall be transferred to the Federal Housing Finance Agency for employment, not later than the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee described under subsection (a) accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on such effective date, if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Department of Housing and Urban Development and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

Subtitle C—Prompt Corrective Action

SEC. 1141. CRITICAL CAPITAL LEVELS.

(a) IN GENERAL.—Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by striking "For" and inserting "(a) ENTERPRISES.—FOR"; and

(2) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal Home Loan Bank shall be such amount of capital as the Director shall, by regulation, require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal Home Loan Banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section) establishing the critical capital level under such section.

SEC. 1142. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking "In General" and inserting "Enterprises";

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal Home Loan Banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal Home Loan Banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or the value of collateral pledged as security has decreased significantly or that the value of the property subject to any mortgage held by the regulated entity (or securitized in the case of an enterprise) has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section), relating to capital classifications for the Federal Home Loan Banks.

SEC. 1143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(2) by striking "An enterprise" each place that term appears and inserting "A regulated entity";

(3) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(4) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any undercapitalized regulated entity;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by adding at the end the following:

"(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the capital restoration plan; and

"(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this subtitle.";

(5) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY";

(B) in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(C) in paragraph (2)—

(i) by striking "make, in good faith, reasonable efforts necessary to"; and

(ii) by striking the period at the end and inserting "in any material respect."; and

(6) by striking subsection (c) and inserting the following:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 1144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking "undercapitalized enterprise" and inserting "undercapitalized";

(2) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(3) by striking "An enterprise" each place that term appears and inserting "A regulated entity";

(4) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(5) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY" and inserting "SPECIFIC";

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, 1 or more";

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

"(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(F) by adding at the end the following:

"(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection."; and

(6) by striking subsection (c) and inserting the following:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.".

SEC. 1145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

"(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

"(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

"(C) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

"(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(E) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(F) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(H) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(I) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to a regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(J) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

"(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) MANDATORY RECEIVERSHIP.—

"(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

"(i) the assets of the regulated entity are, and during the preceding 60 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

"(ii) the regulated entity is not, and during the preceding 60 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

"(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

"(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

"(ii) at least once during each succeeding 30-calendar day period.

"(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

"(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

"(5) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

"(iv) preserve and conserve the assets and property of the regulated entity; and

"(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

"(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

"(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

"(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

"(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

"(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

"(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(K) OTHER PROVISIONS.—

"(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

"(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

"(I) any extension of credit from any Federal Reserve Bank, Federal Home Loan Bank, or the United States Treasury; or

"(II) any security interest in the assets of the regulated entity securing any such extension of credit.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date on which the Agency denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of the regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

"(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) shall not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under clause (ii) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

“(15) FRAUDULENT TRANSFERS.—

“(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

“(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

“(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

“(ii) any immediate or mediate transferee of any such initial transferee.

“(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

“(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

“(ii) any immediate or mediate good faith transferee of such transferee.

“(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

“(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

“(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

“(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

“(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

“(19) GENERAL EXCEPTIONS.—

“(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

“(B) MORTGAGES HELD IN TRUST.—

“(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by a regulated entity for the benefit of any person other than the regulated entity shall not be available to satisfy the claims of creditors generally, except that nothing in this clause shall be construed to expand or otherwise affect the authority of any regulated entity.

“(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

“(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with the regulations of the Director.

“(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

“(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

“(A) Administrative expenses of the receiver.

“(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

“(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

“(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

“(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

“(A) the Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

“(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

“(3) DEFINITION.—As used in this subsection, the term ‘administrative expenses of the receiver’ includes—

“(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

“(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

“(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

“(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

“(A) to which such regulated entity is a party;

“(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

“(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

“(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

“(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

“(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

“(i) limited to actual direct compensatory damages; and

“(ii) determined as of—

“(I) the date of the appointment of the conservator or receiver; or

“(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

“(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term ‘actual direct compensatory damages’ shall not include—

“(i) punitive or exemplary damages;

“(ii) damages for lost profits or opportunity; or

“(iii) damages for pain and suffering.

“(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

“(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

“(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

“(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

“(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

“(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

“(i) be entitled to the contractual rent accruing before the later of the date on which—

“(I) the notice of disaffirmance or repudiation is mailed; or

“(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

“(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and “(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

“(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

“(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

“(i) treat the lease as terminated by such repudiation; or

“(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

“(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

“(i) the lessee—

“(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

“(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

“(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

“(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

“(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

“(i) treat the contract as terminated by such repudiation; or

“(ii) remain in possession of such real property.

“(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

“(i) the purchaser—

“(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

“(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

“(ii) the conservator or receiver shall—

“(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

“(II) deliver title to the purchaser in accordance with the provisions of the contract; and

“(III) have no obligation under the contract other than the performance required under subclause (II).

“(C) ASSIGNMENT AND SALE ALLOWED.—

“(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

“(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

“(7) SERVICE CONTRACTS.—

“(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

“(i) a claim to be paid in accordance with subsections (b) and (e); and

“(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

“(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

“(i) the other party shall be paid under the terms of the contract for the services performed; and

“(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

“(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

“(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

“(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

“(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

“(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

“(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

“(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

“(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

“(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

“(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

“(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

“(i) QUALIFIED FINANCIAL CONTRACT.—The term ‘qualified financial contract’ means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

“(ii) SECURITIES CONTRACT.—The term ‘securities contract’—

“(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

“(III) means any option entered into on a national securities exchange relating to foreign currencies;

“(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(V) means any margin loan;

“(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

“(VII) means any combination of the agreements or transactions referred to in this clause;

“(VIII) means any option to enter into any agreement or transaction referred to in this clause;

“(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative,, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

"(ii) such transfer includes any qualified financial contract.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This subparagraph shall not—

"(I) apply to a contract for liability insurance for an officer or director;

"(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

"(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal Home Loan Bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity; or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

"(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

"(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

"(i) LIMITED-LIFE REGULATED ENTITIES.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

"(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity shall operate subject to that charter; and

"(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

"(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

"(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

"(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

"(2) CHARTER AND ESTABLISHMENT.—

"(A) TRANSFER OF CHARTER.—

"(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

"(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

"(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

"(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

"(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

"(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

"(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

"(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

"(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

"(3) CAPITAL STOCK.—

"(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

"(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

"(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

"(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) WINDING UP.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

"(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

"(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

"(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

"(I) the status of the limited-life regulated entity as such shall terminate; and

"(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

"(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

"(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

"(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

"(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

“(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

“(7) TRANSFER OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—

“(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

“(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

“(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

“(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

“(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

“(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

“(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

“(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

“(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

“(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

“(i) the Agency may—

“(I) remove the directors of a limited-life regulated entity;

“(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

“(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

“(ii) the board of directors of a limited-life regulated entity—

“(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

“(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

“(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

“(10) NO FEDERAL STATUS.—

“(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

“(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

“(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

“(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

“(11) AUTHORITY TO OBTAIN CREDIT.—

“(A) IN GENERAL.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

“(B) INABILITY TO OBTAIN CREDIT.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

“(i) with priority over any or all of the obligations of the limited-life regulated entity;

“(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

“(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

“(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

“(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

“(D) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

“(12) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

“(j) OTHER AGENCY EXEMPTIONS.—

“(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

“(2) TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

“(3) PROPERTY PROTECTION.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

“(4) PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

“(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking “an enterprise” each place that term appears and inserting “a regulated entity”; and

(B) by striking “the enterprise” each place that term appears and inserting “the regulated entity”;

(2) in section 1369C (12 U.S.C. 4622), by striking “enterprise” each place that term appears and inserting “regulated entity”;

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking “an enterprise” each place that term appears and inserting “a regulated entity”; and

(B) in subsection (a)(1), by striking “An enterprise” and inserting “A regulated entity”; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 1151. CEASE AND DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—

"(1) AUTHORITY OF DIRECTOR.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Office of Finance, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Office of Finance or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

"(2) LIMITATION.—The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).";

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: ", unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease and desist order"; and

(B) in paragraph (2)—

(i) by striking "or director" and inserting "director, or entity-affiliated party"; and

(ii) by inserting "or entity-affiliated party" before "consents";

(3) in each of subsections (c), (d), and (e)—

(A) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(B) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(C) by striking "conduct" each place that term appears and inserting "practice";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking "or director" and inserting "director, or entity-affiliated party"; and

(ii) by inserting "to require a regulated entity or entity-affiliated party" after "includes the authority";

(B) in paragraph (1)—

(i) by striking "to require an executive officer or a director to"; and

(ii) by striking "loss" and all that follows through "person" and inserting "loss, if";

(iii) in subparagraph (A), by inserting "such entity or party or finance facility" before "was"; and

(iv) by striking subparagraph (B) and inserting the following:

"(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;"; and

(C) in paragraph (4), by inserting "loan or" before "asset";

(5) in subsection (e), by inserting "or entity-affiliated party"—

(A) before "or any executive"; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking "enterprise" and inserting "regulated entity, finance facility,"; and

(B) by striking "or director" and inserting "director, or entity-affiliated party".

SEC. 1152. TEMPORARY CEASE AND DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GROUNDS FOR ISSUANCE.—

"(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

"(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

"(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

"(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).";

(2) in subsection (b)—

(A) by striking "or director" and inserting "director, or entity-affiliated party"; and

(B) by striking "enterprise" each place that term appears and inserting "regulated entity";

(3) in subsection (c), by striking "enterprise" each place that term appears and inserting "regulated entity";

(4) in subsection (d)—

(A) by striking "or director" each place that term appears and inserting "director, or entity-affiliated party"; and

(B) by striking "An enterprise" and inserting "A regulated entity"; and

(5) in subsection (e)—

(A) by striking "request the Attorney General of the United States to"; and

(B) by striking "or may, under the direction and control of the Attorney General, bring such action".

SEC. 1153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637-4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) AUTHORITY TO ISSUE ORDER.—

"(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Office of Finance a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

"(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Office of Finance, if the Director determines that—

"(A) that party, officer, or director has, directly or indirectly—

"(i) violated—

"(I) any law or regulation;

"(II) any cease and desist order which has become final;

"(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(IV) any written agreement between such regulated entity and the Director;

"(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

"(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(B) by reason of the violation, practice, or breach described in subparagraph (A)—

"(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

"(ii) such party has received financial gain or other benefit; and

"(C) the violation, practice, or breach described in subparagraph (A)—

"(i) involves personal dishonesty on the part of such party; or

"(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

"(b) SUSPENSION ORDER.—

"(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(A) determines that such action is necessary for the protection of the regulated entity; and

"(B) serves such party with written notice of the order.

"(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

"(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued under subsection (b).

"(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

“(c) NOTICE, HEARING, AND ORDER.—

“(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

“(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

“(A) the party receiving such notice, and good cause is shown; or

“(B) the Attorney General of the United States.

“(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

“(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

“(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

“(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

“(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

“(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

“(1) participate in any manner in the conduct of the affairs of any regulated entity or the Office of Finance;

“(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

“(3) violate any voting agreement previously approved by the Director; or

“(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Office of Finance.

“(e) INDUSTRY-WIDE PROHIBITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Office of Finance, or prohibited from participating in the conduct of the affairs of a regulated entity or the Office of Finance, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Office of Finance.

“(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Office of Finance, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Office of Finance described in the written consent. Any such consent shall be publicly disclosed.

“(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

“(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

“(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

“(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

“(1) SUSPENSION OR PROHIBITION.—

“(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

“(2) REMOVAL OR PROHIBITION.—

“(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

“(B) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

“(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

“(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

“(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

“(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

“(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

“(4) HEARING REGARDING CONTINUED PARTICIPATION.—

“(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

“(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

“(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

“(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking "section 1379B" and inserting "section 1379D";

(B) in section 1373(a)—

(i) in paragraph (1), by striking "or 1376(c)" and inserting ", 1376(c), or 1377";

(ii) in paragraph (2), by inserting "or 1377" after "1371"; and

(iii) in paragraph (4), by inserting "or removal or prohibition" after "cease and desist"; and

(C) in section 1374(a)—

(i) by striking "or 1376" and inserting "1313B , 1376, or 1377"; and

(ii) by striking "such section" and inserting "this title".

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking "The" and inserting "Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking "The" and inserting "Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

SEC. 1154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1313B, 1376, or 1377".

SEC. 1155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity or any entity-affiliated party. The Director shall not impose a civil penalty in accordance with this section on any regulated entity or any entity-affiliated party for any violation that is addressed under section 1345(a).";

(2) by striking subsection (b) and inserting the following:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

"(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(D) violates any written agreement between the regulated entity and the Director.

"(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

"(A) the regulated entity or entity-affiliated party, respectively—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

"(A) knowingly—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

"(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)—

(A) by striking "enterprise" each place that term appears and inserting "regulated entity";

(B) by inserting "or entity-affiliated party" before "in writing"; and

(C) by inserting "or entity-affiliated party" before "has been given";

(4) in subsection (d)—

(A) by striking "or director" each place such term appears and inserting "director, or entity-affiliated party";

(B) by striking "an enterprise" and inserting "a regulated entity";

(C) by striking "the enterprise" and inserting "the regulated entity";

(D) by striking "request the Attorney General of the United States to";

(E) by inserting ", or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located," after "District of Columbia";

(F) by striking ", or may, under the direction and control of the Attorney General of the United States, bring such an action"; and

(G) by striking "and section 1374"; and

(5) in subsection (g), by striking "An enterprise" and inserting "A regulated entity".

SEC. 1156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377, as added by this Act, the following:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Act)—

(A) by striking "an enterprise" and inserting "a regulated entity";.and

(B) by striking "the enterprise" and inserting "the regulated entity";

(2) in section 1379A (as so designated by this Act), by striking "an enterprise" and inserting "a regulated entity";

(3) in section 1379B(c) (as so designated by this Act), by striking "enterprise" and inserting "regulated entity"; and

(4) in section 1379D (as so designated by this Act), by striking "enterprise" and inserting "regulated entity".

SEC. 1157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking "2-year" and inserting "6-year";

(2) by striking "a director or executive officer of an enterprise" and inserting "an entity-affiliated party";

(3) by striking "director or officer" each place that term appears and inserting "entity-affiliated party"; and

(4) by striking "enterprise." and inserting "regulated entity.".

SEC. 1158. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "administrative";

(ii) by inserting ", examination, or investigation" after "proceeding";

(iii) by striking "subtitle" and inserting "title"; and

(iv) by inserting "or any designated representative thereof, including any person designated to conduct any hearing under this subtitle" after "Director"; and

(B) in paragraph (4), by striking "issued by the Director";

(2) in subsection (b), by inserting "or in any territory or other place subject to the jurisdiction of the United States" after "State";

(3) by striking subsection (c) and inserting the following:

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

"(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1).";

(4) in subsection (d), by inserting "enterprise-affiliated party" before "may allow"; and

(5) by adding at the end the following:

"(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

"(1) attend court;

"(2) testify in court;

"(3) answer any lawful inquiry; or

"(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.".

Subtitle E—General Provisions

SEC. 1161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking "(a) OFFICE PERSONNEL.—The" and inserting "(a) IN GENERAL.—Subject to title III of the Federal Housing Finance Regulatory Reform Act of 2008, the"; and

(ii) by striking "the Office" each place that term appears and inserting "the Agency";

(B) in subsection (c), by striking "the Office" and inserting "the Agency";

(C) in subsection (e), by striking "the Office" and inserting "the Agency";

(D) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(E) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking "the Office" each place that term appears and inserting "the Agency"; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears, and inserting "Director of the Federal Housing Finance Agency"; and

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary,. in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director";

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Finance Agency"; and

(ii) in paragraph (2), by striking "Secretary" each place that term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears, and inserting "Director of the Federal Housing Finance Agency";

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting "the" after "Secretary of";

(B) in subsection (i)—

(i) by striking "section 1316(c)" and inserting "section 306(c)"; and

(ii) by striking "section 106" and inserting "section 1316"; and

(C) in subsection (j)(2), by striking "of substantially" and inserting "or substantially"; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Finance Agency";

(ii) in paragraph (2), by striking "the Secretary" each place that term appears and inserting "the Director of the Federal Housing Finance Agency"; and

(iii) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Finance Agency".

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(e) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency."; and

(2) in section 3132(a)(1)—

(A) in subparagraph (B), by striking ",, and" and inserting ", and";

(B) in subparagraph (D)—

(i) by striking "the Federal Housing Finance Board";

(ii) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency"; and

(iii) by striking "or or" at the end;

(C) in subparagraph (E), as added by section 8(d)(1)(B)(iii) of Public Law 107-123, by adding "or" at the end; and

(D). by redesignating subparagraph (E), as added by section 10702(c)(1)(C) of Public Law 107-171, as subparagraph (F).

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency," after "Commission,".

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

"(vii) Federal Housing Finance Agency.".

SEC. 1162. PRESIDENTIALLY-APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting

"13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

SEC. 1163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 1201. RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.

Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended by adding at the end the following:

"(f) RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.—Prior to promulgating any regulation or taking any other formal or informal agency action of general applicability relating to the Federal Home Loan Banks, including the issuance of an advisory document or examination guidance, the Director shall consider the differences between the Federal Home Loan Banks and the enterprises with respect to—

"(1) the Banks'—

"(A) cooperative ownership structure;

"(B) the mission of providing liquidity to members;

"(C) affordable housing and community development mission;

"(D) capital structure; and

"(E) joint and several liability; and

"(2) any other differences that the Director considers appropriate.".

SEC. 1202. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

"(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

"(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

"(B) independent directors, who shall comprise not fewer than ⅖ of the members of the board of directors.

"(3) SELECTION CRITERIA.—

"(A) IN GENERAL.—Each member of the board of directors shall be—

"(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

"(ii) a citizen of the United States.

"(B) INDEPENDENT DIRECTOR CRITERIA.—

"(i) IN GENERAL.—Each independent director that is not a public interest director under clause (ii) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall have more than 4 years of experience in representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

"(iii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director, officer, or employee of any member of a Bank, or of any person that receives advances from a Bank.

"(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

"(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.";

(2) by striking "elective" each place that term appears, other than in subsections (d), (e), and (f), and inserting "member";

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through "Each elective directorship" and inserting the following:

"(b) DIRECTORSHIPS.—

"(1) MEMBER DIRECTORSHIPS.—Each member directorship"; and

(B) by adding at the end the following:

"(2) INDEPENDENT DIRECTORSHIPS.—

"(A) ELECTIONS.—Each independent director—

"(i) shall be elected by the members entitled to vote, from among eligible persons nominated, after consultation with the Advisory Council of the Bank, by the board of directors of the Bank; and

"(ii) shall be elected by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under paragraph (1) in an election to fill member directorships.

"(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

"(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.";

(4) in subsection (c)—

(A) by striking "elective" each place that term appears and inserting "member", except—

(i) in the second sentence, the second place that term appears; and

(ii) each place that term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting "(A) except as provided in clause (B) of this sentence," before "if at any time"; and

(ii) by inserting before the period at the end the following: ", and (B) clause (A) of this sentence shall not apply to the directorships of any Federal Home Loan Bank resulting from the merger of any 2 or more such Banks";

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking ", whether elected or appointed,"; and

(ii) by striking "3 years" and inserting "4 years";

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Regulatory Reform Act of 2008";

(ii) by striking "⅓" and inserting "¼"; and

(iii) by striking "or appointed"; and

(C) in the third sentence—

(i) by striking "an elective" each place that term appears and inserting "a"; and

(ii) by striking "in any elective directorship or elective directorships";

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking "appointed or" each place that term appears; and

(C) in paragraph (3)—

(i) by striking "(3) ELECTED BANK DIRECTORS.—" and inserting "(2) ELECTION PROCESS.—"; and

(ii) by striking "elective" each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking "Subject to paragraph (2), each" and inserting "Each"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ANNUAL REPORT.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal Home Loan Banks to the directors on the boards of directors of the Banks."; and

(8) by adding at the end the following:

"(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.".

SEC. 1203. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

SEC. 1204. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) by striking section 18 (12 U.S.C. 1438) and inserting the following:

"SEC. 18. ADMINISTRATIVE PROVISIONS.

"(a) ACQUISITION AUTHORITY.—The Director of the Office of Thrift Supervision, utilizing the services of the Administrator of General Services (hereinafter referred to as the 'Administrator'), and subject to any limitation hereon which may hereafter be imposed in appropriation Acts, is hereby authorized—

"(1) to acquire, in the name of the United States, real property in the District of Columbia, for the purposes set forth in this section;

"(2) to construct, develop, furnish, and equip such buildings thereon and such facilities as in its judgment may be appropriate to provide, to such extent as the Director of the Office of Thrift Supervision may deem advisable, suitable and adequate quarters and facilities for the Director of the Office of Thrift Supervision and the agencies under its administration or supervision;

"(3) to enlarge, remodel, or reconstruct any of the same; and

"(4) to make or enter into contracts for any of the foregoing.

"(b) ADVANCES.—The Director of the Office of Thrift Supervision may require of the respective banks, and they shall make to the Director of the Office of Thrift Supervision, such advances of funds for the purposes set out in subsection (a) as in the sole judgment of the Director of the Office of Thrift Supervision may from time to time be advisable. Such advances shall be apportioned by the Director of the Office of Thrift Supervision among the banks in proportion to the total assets of the respective banks, determined in such manner and as of such times as the Director of the Office of Thrift Supervision may prescribe. Each such advance shall bear interest at the rate of 4 ½ per centum per annum from the date of the advance and shall be repaid by the Director of the Office of Thrift Supervision in such installments and over such period, not longer than twenty-five years from the making of the advance, as the Director of the Office of Thrift Supervision may determine. Payments of interest and principal upon such advances shall be made from receipts of the Director of the Office of Thrift Supervision or from other sources which may from time to time be available to the Director of the Office of Thrift Supervision. The obligation of the Director of the Office of Thrift Supervision to make any such payment shall not be regarded as an obligation of the United States. To such extent as the Director of the Office of Thrift Supervision may prescribe any such obligation shall be regarded as a legal investment for the purposes of subsections (g) and (h) of section 11 and for the purposes of section 16.

"(c) PLANS AND DESIGNS.—The plans and designs for such buildings and facilities and for any such enlargement, remodeling, or reconstruction shall, to such extent as the chairperson of the Director of the Office of Thrift Supervision may request, be subject to the approval of the Director.

"(d) CUSTODY, MANAGEMENT AND CONTROL.—Upon the making of arrangements mutually agreeable to the Director of the Office of Thrift Supervision and the Administrator, which arrangements may be modified from time to time by mutual agreement between them and may include but shall not be limited to the making of payments by the Director of the Office of Thrift Supervision and such agencies to the Administrator and by the Administrator to the Director of the Office of Thrift Supervision, the custody, management, and control of such buildings and facilities and of such real property shall be vested in the Administrator in accordance therewith. Until the making of such arrangements, such custody, management, and control, including the assignment and allotment and the reassignment and reallotment of building and other space, shall be vested in the Director of the Office of Thrift Supervision.

"(e) PROCEEDS.—Any proceeds (including advances) received by the Director of the Office of Thrift Supervision in connection with this subsection, and any proceeds from the sale or other disposition of real or other property acquired by the Director of the Office of Thrift Supervision under this section, shall be considered as receipts of the Director of the Office of Thrift Supervision, and obligations and expenditures of the Director of the Office of Thrift Supervision and such agencies in connection with this section shall not be considered as administrative expenses. As used in this section, the term 'property' shall include interests in property.

"(f) BUDGET PROGRAM.—

"(1) IN GENERAL.—With respect to its functions under this section, the Director of the Office of Thrift Supervision shall—

"(A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this paragraph, the terms 'wholly owned Government corporations' and 'Government corporations', wherever used in such title, shall include the Director of the Office of Thrift Supervision; and

"(B) maintain an integral set of accounts which shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions, as provided in such title, and no other settlement or adjustment shall be required with respect to transactions under this section or with respect to claims, demands, or accounts by or against any person arising thereunder.

"(2) MISCELLANEOUS PROVISIONS.—The first budget program shall be for the first full fiscal year beginning on or after the date of enactment of this subsection. Except as otherwise provided in this section or by the Director of the Office of Thrift Supervision, the provisions of this section and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to the Act of June 20, 1938 (D.C. Code, secs. 5-413—5-428), except that the proviso of section 16 thereof shall apply to any building constructed under this section, and section 306 of the Act of July 30, 1947 (61 Stat. 584), or any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures or the obtaining of sites therefor, but any person or body in whom any such function is vested may provide for delegation or redelegation of the exercise of such function.

"(g) LIMITATION.—No obligation shall be incurred and no expenditure, except in liquidation of obligation, shall be made pursuant to paragraphs (1) and (2) of subsection (a), if the total amount of all obligations incurred pursuant thereto would thereupon exceed $13,200,000, or such greater amount as may be provided in an appropriations Act or other law.".

(3) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the 2 commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking "FORMAL BOARD RESOLUTION" and inserting "APPROVAL OF DIRECTOR"; and

(B) by striking "by formal resolution";

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) by striking "the Board" each place that term appears and inserting "the Director";

(9) by striking "The Board" each place that term appears and inserting "The Director";

(10) by striking "the Finance Board" each place that term appears and inserting "the Director";

(11) by striking "The Finance Board" each place that term appears and inserting "The Director"; and

(12) by striking "Federal Housing Finance Board" each place that term appears and inserting "Director".

SEC. 1205. HOUSING GOALS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 10b the following new section:

"SEC. 10C. HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish housing goals with respect to the purchase of mortgages, if any, by the Federal Home Loan Banks. Such goals shall be consistent with the goals established under sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(b) CONSIDERATIONS.—In establishing the goals required by subsection (a), the Director shall consider the unique mission and ownership structure of the Federal Home Loan Banks.

"(c) TRANSITION PERIOD.—To facilitate an orderly transition, the Director shall establish interim target goals for purposes of this section for each of the 2 calendar years following the date of enactment of this section.

"(d) MONITORING AND ENFORCEMENT OF GOALS.—The requirements of section 1336 of the Federal Housing Enterprises Safety and Soundness Act of 1992, shall apply to this section, in the same manner and to the same extent as that section applies to the Federal housing enterprises.

"(e) ANNUAL REPORT.—The Director shall annually report to Congress on the performance of the Banks in meeting the goals established under this section.".

SEC. 1206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 4(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)(1)) is amended—

(1) by inserting after "savings bank," the following: "community development financial institution,"; and

(2) in subparagraph (B), by inserting after "United States," the following: "or, in the case of a community development financial institution, is certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994.".

SEC. 1207. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

"(a) INFORMATION ON FINANCIAL CONDITION.—In order to enable each Federal Home Loan Bank to evaluate the financial condition of one or more of the other Federal Home Loan Banks individually and the Federal Home Loan Bank System (including any risks associated with the issuance or repayment of consolidated Federal Home Loan Bank bonds and debentures or other borrowings and the joint and several liabilities of the Banks incurred due to such borrowings), as well as to comply with any of its obligations under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Director shall make available to the Banks such reports, records, or other information as may be available, relating to the condition of any Federal Home Loan Bank.

"(b) SHARING OF INFORMATION.—

"(1) IN GENERAL.—The Director shall promulgate regulations to facilitate the sharing of information made available under subsection (a) directly among the Federal Home Loan Banks.

"(2) LIMITATION.—Notwithstanding paragraph (1), a Federal Home Loan Bank responding to a request from another Bank or from the Director for information pursuant to this section may request that the Director determine that such information is proprietary and that the public interest requires that such information not be shared.

"(c) LIMITATION.—Nothing in this section shall affect the obligations of any Federal Home Loan Bank under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the regulations issued by the Securities and Exchange Commission thereunder.".

SEC. 1208. EXCLUSION FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), and 14(c) of the Securities Exchange Act of 1934, and related Commission regulations;

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank;

(3) section 17A of the Securities Exchange Act of 1934, and related Commission regulations, with respect to the transfer of the securities of a Federal Home Loan Bank; and

(4) the Trust Indenture Act of 1939.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934, except to the extent provided in section 38 of that Act.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person (other than a Federal Home Loan Bank effecting transactions for members of the Federal Home Loan Bank System) that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for that person's own account, as applicable, is a broker or dealer, as those terms are defined in paragraphs (4) and (5), respectively, of section 3(a) of the Securities Exchange Act of 1934, but is excluded from the definition of—

(A) the term "government securities broker" under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term "government securities dealer" under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) IN GENERAL.—The Commission shall promulgate such rules and regulations as may be necessary or appropriate in the public interest or in furtherance of this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms "Bank", "Federal Home Loan Bank", "member", and "Federal Home Loan Bank System" have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term "Commission" means the Securities and Exchange Commission; and

(3) the term "securities laws" has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 1209. VOLUNTARY MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever"; and

(2) by adding at the end the following:

"(b) VOLUNTARY MERGERS AUTHORIZED.—

"(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

"(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1), including the procedures for Bank member approval.".

SEC. 1210. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking "As soon" and inserting "(a) IN GENERAL.—As soon"; and

(2) by adding at the end the following:

"(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

"(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

"(2) pursuant to a decision by the Director to liquidate a Bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

SEC. 1211. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities'" before "shall".

SEC. 1212. PUBLIC USE DATA BASE; REPORTS TO CONGRESS.

Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(1) in subsection (j)(12)—

(A) by striking subparagraph (C) and inserting the following:

"(C) REPORTS.—The Director shall annually report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the collateral pledged to the Banks, including an analysis of collateral by type and by Bank district."; and

(B) by adding at the end the following:

"(D) SUBMISSION TO CONGRESS.—The Director shall submit the reports under subparagraphs (A) and (C) to the Committee on Banking, Housing, and Urban Affairs of the

Senate and the Committee on Financial Services of the House of Representatives, not later than 180 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008."; and

(2) by adding at the end the following:

"(k) PUBLIC USE DATABASE.—

"(1) DATA.—Each Federal Home Loan Bank shall provide to the Director, in a form determined by the Director, census tract level data relating to mortgages purchased, if any, including—

"(A) data consistent with that reported under section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

"(B) data elements required to be reported under the Home Mortgage Disclosure Act of 1975; and

"(C) any other data elements that the Director considers appropriate.

"(2) PUBLIC USE DATABASE.—

"(A) IN GENERAL.—The Director shall make available to the public, in a form that is useful to the public (including forms accessible electronically), and to the extent practicable, the data provided to the Director under paragraph (1).

"(B) PROPRIETARY INFORMATION.—Notwithstanding subparagraph (A), the Director may not provide public access to, or disclose to the public, any information required to be submitted under this subsection that the Director determines is proprietary or that would provide personally identifiable information and that is not otherwise publicly accessible through other forms, unless the Director determines that it is in the public interest to provide such information.".

SEC. 1213. SEMIANNUAL REPORTS.

Section 21B of the Federal Home Loan Bank Act is amended in subsection (f)(2)(C), by adding at the end the following:

"(v) SEMIANNUAL REPORTS.—The Director shall report semiannually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the projected date for the completion of contributions required by this section.".

SEC. 1214. LIQUIDATION OR REORGANIZATION OF A FEDERAL HOME LOAN BANK.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by adding at the end the following: "At least 30 days prior to liquidating or reorganizing any Bank under this section, the Director shall notify the Bank of its determination and the facts and circumstances upon which such determination is based. The Bank may contest that determination in a hearing before the Director, in which all issues shall be determined on the record pursuant to section 554 of title 5, United States Code.".

SEC. 1215. STUDY AND REPORT TO CONGRESS ON SECURITIZATION OF ACQUIRED MEMBER ASSETS.

(a) STUDY.—The Director shall conduct a study on securitization of home mortgage loans purchased or to be purchased from member financial institutions under the Acquired Member Assets programs. In conducting the study, the Director shall establish a process for the formal submission of comments.

(b) ELEMENTS.—The study shall encompass—

(1) the benefits and risks associated with securitization of Acquired Member Assets;

(2) the potential impact of securitization upon liquidity in the mortgage and broader credit markets;

(3) the ability of the Federal Home Loan Bank or Banks in question to manage the risks associated with such a program;

(4) the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and

(5) the joint and several liability of the Banks and the cooperative structure of the Federal Home Loan Bank System.

(c) CONSULTATIONS.—In conducting the study under this section, the Director shall consult with the Federal Home Loan Banks, the Banks' fiscal agent, representatives of the mortgage lending industry, practitioners in the structured finance field, and other experts as needed.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress on the results of the study conducted under subsection (a), including policy recommendations based on the analysis of the Director of the feasibility of mortgage-backed securities issuance by a Federal Home Loan Bank or Banks and the risks and benefits associated with such program or programs.

(e) DEFINITIONS.—As used in this section, the terms "member", "Bank", and "Federal Home Loan Bank" have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

SEC. 1216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, and 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) FIRREA.—Section 1216 of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1833e) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) the Federal Housing Finance Agency;";

(2) in subsection (b), by striking "Federal National Mortgage Association" and inserting "Federal Home Loan Banks, the Federal National Mortgage Association,"; and

(3) in subsection (c), by striking "Finance Board" and inserting "Finance Agency".

SEC. 1217. STUDY ON FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House or Representatives on the extent to which loans and securities used as collateral to support Federal Home Loan Bank advances are consistent with the interagency guidance on nontraditional mortgage products.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall—

(1) consider and recommend any additional regulations, guidance, advisory bulletins, or other administrative actions necessary to ensure that the Federal Home Loan Banks are not supporting loans with predatory characteristics; and

(2) include an opportunity for the public to comment on any recommendations made under paragraph (1).

SEC. 1218. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 1301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Office of Federal Housing Enterprise Oversight, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act; or

(iv) any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 1302. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1301(a).

SEC. 1303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 1301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 1301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 1311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Board, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Act to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 1312. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1311(a).

SEC. 1313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1), to the extent that such authority relates to a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 1311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 1311(a), all property of the Board shall transfer to the Agency.

TITLE IV—HOPE FOR HOMEOWNERS

SEC. 1401. SHORT TITLE.

This title may be cited as the "HOPE for Homeowners Act of 2008".

SEC. 1402. ESTABLISHMENT OF HOPE FOR HOMEOWNERS PROGRAM.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

"SEC. 257. HOPE FOR HOMEOWNERS PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Federal Housing Administration a HOPE for Homeowners Program.

"(b) PURPOSE.—The purpose of the HOPE for Homeowners Program is—

"(1) to create an FHA program, participation in which is voluntary on the part of homeowners and existing loan holders to insure refinanced loans for distressed borrowers to support long-term, sustainable homeownership;

"(2) to allow homeowners to avoid foreclosure by reducing the principle balance outstanding, and interest rate charged, on their mortgages;

"(3) to help stabilize and provide confidence in mortgage markets by bringing transparency to the value of assets based on mortgage assets;

"(4) to target mortgage assistance under this section to homeowners for their principal residence;

"(5) to enhance the administrative capacity of the FHA to carry out its expanded role under the HOPE for Homeowners Program;

"(6) to ensure the HOPE for Homeowners Program remains in effect only for as long as is necessary to provide stability to the housing market; and

"(7) to provide servicers of delinquent mortgages with additional methods and approaches to avoid foreclosure.

"(c) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—

"(1) DUTIES OF THE BOARD.—In order to carry out the purposes of the HOPE for Homeowners Program, the Board shall—

"(A) establish requirements and standards for the program; and

"(B) prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards.

"(2) DUTIES OF THE SECRETARY.—In carrying out any of the program requirements or standards established under paragraph (1), the Secretary may issue such interim guidance and mortgagee letters as the Secretary determines necessary or appropriate.

"(d) INSURANCE OF MORTGAGES.—The Secretary is authorized upon application of a mortgagee to make commitments to insure or to insure any eligible mortgage that has been refinanced in a manner meeting the requirements under subsection (e).

"(e) REQUIREMENTS OF INSURED MORTGAGES.—To be eligible for insurance under this section, a refinanced eligible mortgage shall comply with all of the following requirements:

"(1) LACK OF CAPACITY TO PAY EXISTING MORTGAGE.—

"(A) BORROWER CERTIFICATION.—

"(i) IN GENERAL.—The mortgagor shall provide certification to the Secretary that the mortgagor has not intentionally defaulted on the mortgage or any other debt, and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining any eligible mortgage.

"(ii) PENALTIES.—

"(I) FALSE STATEMENT.—Any certification filed pursuant to clause (i) shall contain an acknowledgment that any willful false statement made in such certification is punishable under section 1001, of title 18, United States Code, by fine or imprisonment of not more than 5 years, or both.

"(II) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Federal Housing Administration any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Secretary.

"(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Board determines appropriate).

"(2) DETERMINATION OF PRINCIPAL OBLIGATION AMOUNT.—The principal obligation amount of the refinanced eligible mortgage to be insured shall—

"(A) be determined by the reasonable ability of the mortgagor to make his or her mortgage payments, as such ability is determined by the Secretary pursuant to section 203(b)(4) or by any other underwriting standards established by the Board; and

"(B) not exceed 90 percent of the appraised value of the property to which such mortgage relates.

"(3) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment or refinancing of the eligible mortgage, and all fees and penalties related to default or delinquency on the eligible mortgage, shall be waived or forgiven.

"(4) EXTINGUISHMENT OF SUBORDINATE LIENS.—

"(A) REQUIRED AGREEMENT.—All holders of outstanding mortgage liens on the property to which the eligible mortgage relates shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under the eligible mortgage, and all encumbrances related to such eligible mortgage shall be removed. The Secretary may take such actions, subject to standards established by the Board under subparagraph (B), as may be necessary and appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages.

"(B) SHARED APPRECIATION.—

"(i) IN GENERAL.—The Board shall establish standards and policies that will allow for the payment to the holder of any existing subordinate mortgage of a portion of any future appreciation in the property secured by such eligible mortgage that is owed to the Secretary pursuant to subsection (k).

"(ii) FACTORS.—In establishing the standards and policies required under clause (i), the Board shall take into consideration—

"(I) the status of any subordinate mortgage;

"(II) the outstanding principal balance of and accrued interest on the existing senior mortgage and any outstanding subordinate mortgages;

"(III) the extent to which the current appraised value of the property securing a subordinate mortgage is less than the outstanding principal balance and accrued interest on any other liens that are senior to such subordinate mortgage; and

"(IV) such other factors as the Board determines to be appropriate.

"(C) VOLUNTARY PROGRAM.—This paragraph may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

"(5) TERM OF MORTGAGE.—The refinanced eligible mortgage to be insured shall—

"(A) bear interest at a single rate that is fixed for the entire term of the mortgage; and

"(B) have a maturity of not less than 30 years from the date of the beginning of amortization of such refinanced eligible mortgage.

"(6) MAXIMUM LOAN AMOUNT.—The principal obligation amount of the eligible mortgage to be insured shall not exceed 132 percent of the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a property of the applicable size.

"(7) PROHIBITION ON SECOND LIENS.—A mortgagor may not grant a new second lien on the mortgaged property during the first 5 years of the term of the mortgage insured under this section.

"(8) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

"(A) be based on the current value of the property;

"(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

"(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

"(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

"(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

"(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the HOPE for Homeowners Program under this section, the mortgagee under the mortgage shall document and verify the income of the mortgagor by procuring an Internal Revenue Service transcript of the income tax returns of the mortgagor for the 2 most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Board or the Secretary shall establish.

"(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under any provision of Federal or State law for fraud, including mortgage fraud.

"(11) PRIMARY RESIDENCE.—The mortgagor shall provide documentation satisfactory in the determination of the Secretary to prove that the residence covered by the mortgage to be insured under this section is occupied by the mortgagor as the primary residence of the mortgagor, and that such residence is the only residence in which the mortgagor has any present ownership interest.

"(f) STUDY OF AUCTION OR BULK REFINANCE PROGRAM.—

"(1) STUDY.—The Board shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under this section. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

"(2) CONTENT.—

"(A) ANALYSIS.—The study required under paragraph (1) shall analyze—

"(i) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under this section;

"(ii) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

"(iii) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

"(iv) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

"(v) and any other factors that the Board considers relevant.

"(B) DETERMINATIONS.—To the extent that the Board finds that a facility of the type described in subparagraph (A) is feasible and useful, the study shall—

"(i) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

"(ii) determine whether there is a need for additional authority with respect to the loan underwriting criteria established in this section or with respect to eligibility of participating borrowers, lenders, or holders of liens;

"(iii) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under this section.

"(3) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this section, the Board shall submit a report regarding the results of the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under paragraph (2)(A) and of the determinations made pursuant to paragraph (2)(B), and shall include any other findings and recommendations of the Board pursuant to the study, including identifying various options for mechanisms described in paragraph (1).

"(g) APPRAISAL INDEPENDENCE.—

"(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

"(2) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

"(h) STANDARDS TO PROTECT AGAINST ADVERSE SELECTION.—

"(1) IN GENERAL.—The Board shall, by rule or order, establish standards and policies to require the underwriter of the insured loan to provide such representations and warranties as the Board considers necessary or appropriate to enforce compliance with all underwriting and appraisal standards of the HOPE for Homeowners Program.

"(2) EXCLUSION FOR VIOLATIONS.—The Board shall prohibit the Secretary from paying insurance benefits to a mortgagee who violates the representations and warranties, as established under paragraph (1), or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage.

"(3) OTHER AUTHORITY.—The Board may establish such other standards or policies as necessary to protect against adverse selection, including requiring loans identified by the Secretary as higher risk loans to demonstrate payment performance for a reasonable period of time prior to being insured under the program.

“(i) PREMIUMS.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect—

“(1) at the time of insurance, a single premium payment in an amount equal to 3 percent of the amount of the original insured principal obligation of the refinanced eligible mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness that existed on the eligible mortgage prior to refinancing; and

“(2) in addition to the premium required under paragraph (1), an annual premium in an amount equal to 1.5 percent of the amount of the remaining insured principal balance of the mortgage.

“(j) ORIGINATION FEES AND INTEREST RATE.—The Board shall establish—

“(1) a reasonable limitation on origination fees for refinanced eligible mortgages insured under this section; and

“(2) procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

“(k) EQUITY AND APPRECIATION.—

“(1) FIVE-YEAR PHASE-IN FOR EQUITY AS A RESULT OF SALE OR REFINANCING.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, or upon the subsequent refinancing of such mortgage, be entitled to the following with respect to any equity created as a direct result of such sale or refinancing:

“(A) If such sale or refinancing occurs during the period that begins on the date that such mortgage is insured and ends 1 year after such date of insurance, the Secretary shall be entitled to 100 percent of such equity.

“(B) If such sale or refinancing occurs during the period that begins 1 year after such date of insurance and ends 2 years after such date of insurance, the Secretary shall be entitled to 90 percent of such equity and the mortgagor shall be entitled to 10 percent of such equity.

“(C) If such sale or refinancing occurs during the period that begins 2 years after such date of insurance and ends 3 years after such date of insurance, the Secretary shall be entitled to 80 percent of such equity and the mortgagor shall be entitled to 20 percent of such equity.

“(D) If such sale or refinancing occurs during the period that begins 3 years after such date of insurance and ends 4 years after such date of insurance, the Secretary shall be entitled to 70 percent of such equity and the mortgagor shall be entitled to 30 percent of such equity.

“(E) If such sale or refinancing occurs during the period that begins 4 years after such date of insurance and ends 5 years after such date of insurance, the Secretary shall be entitled to 60 percent of such equity and the mortgagor shall be entitled to 40 percent of such equity.

“(F) If such sale or refinancing occurs during any period that begins 5 years after such date of insurance, the Secretary shall be entitled to 50 percent of such equity and the mortgagor shall be entitled to 50 percent of such equity.

“(2) APPRECIATION IN VALUE.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.

“(l) ESTABLISHMENT OF HOPE FUND.—

“(1) IN GENERAL.—There is established in the Federal Housing Administration a revolving fund to be known as the Home Ownership Preservation Entity Fund, which shall be used by the Board for carrying out the mortgage insurance obligations under this section.

“(2) MANAGEMENT OF FUND.—The HOPE Fund shall be administered and managed by the Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the HOPE Fund.

“(m) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

“(n) REPORTS BY THE BOARD.—The Board shall submit monthly reports to the Congress identifying the progress of the HOPE for Homeowners Program, which shall contain the following information for each month:

“(1) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

“(2) The aggregate principal obligation of new mortgages insured under this section.

“(3) The average amount by which the principle balance outstanding on mortgages insured this section was reduced.

“(4) The amount of premiums collected for insurance of mortgages under this section.

“(5) The claim and loss rates for mortgages insured under this section.

“(6) Any other information that the Board considers appropriate.

“(o) REQUIRED OUTREACH EFFORTS.—The Secretary shall carry out outreach efforts to ensure that homeowners, lenders, and the general public are aware of the opportunities for assistance available under this section.

“(p) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Board, the Secretary shall take such actions as may be necessary to—

“(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

“(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

“(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

“(q) GNMA COMMITMENT AUTHORITY.—

“(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

“(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

“(r) SUNSET.—The Secretary may not enter into any new commitment to insure any refinanced eligible mortgage, or newly insure any refinanced eligible mortgage pursuant to this section before October 1, 2008 or after September 30, 2011.

“(s) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) APPROVED FINANCIAL INSTITUTION OR MORTGAGEE.—The term ‘approved financial institution or mortgagee’ means a financial institution or mortgagee approved by the Secretary under section 203 as responsible and able to service mortgages responsibly.

“(2) BOARD.—The term ‘Board’ means the Board of Directors of the HOPE for Homeowners Program. The Board shall be composed of the Secretary, the Secretary of the Treasury, the Chairperson of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

“(3) ELIGIBLE MORTGAGE.—The term ‘eligible mortgage’ means a mortgage—

“(A) the mortgagor of which—

“(i) occupies such property as his or her principal residence; and

“(ii) cannot, subject to subsection (e)(1)(B) and such other standards established by the Board, afford his or her mortgage payments; and

“(B) originated on or before January 1, 2008.

“(4) EXISTING SENIOR MORTGAGE.—The term ‘existing senior mortgage’ means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

“(5) EXISTING SUBORDINATE MORTGAGE.—The term ‘existing subordinate mortgage’ means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

“(6) HOPE FOR HOMEOWNERS PROGRAM.—The term ‘HOPE for Homeowners Program’ means the program established under this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

“(t) REQUIREMENTS RELATED TO THE BOARD.—

“(1) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

“(A) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Board.

“(B) TRAVEL EXPENSES.—Members of the Board shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

“(2) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Board.

“(3) QUORUM.—A majority of the Board shall constitute a quorum.

"(4) STAFF; EXPERTS AND CONSULTANTS.—

"(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Board, any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(B) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

"(u) RULE OF CONSTRUCTION RELATED TO VOLUNTARY NATURE OF THE PROGRAM.—This section shall not be construed to require that any approved financial institution or mortgagee participate in any activity authorized under this section, including any activity related to the refinancing of an eligible mortgage.

"(v) RULE OF CONSTRUCTION RELATED TO INSURANCE OF MORTGAGES.—Except as otherwise provided for in this section or by action of the Board, the provisions and requirements of section 203(b) shall apply with respect to the insurance of any eligible mortgage under this section.

"(w) HOPE BONDS.—

"(1) ISSUANCE AND REPAYMENT OF BONDS.—Notwithstanding section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d(b)), the Secretary of the Treasury shall—

"(A) subject to such terms and conditions as the Secretary of the Treasury deems necessary, issue Federal credit instruments, to be known as 'HOPE Bonds', that are callable at the discretion of the Secretary of the Treasury and do not, in the aggregate, exceed the amount specified in subsection (m);

"(B) provide the subsidy amounts necessary for loan guarantees under the HOPE for Homeowners Program, not to exceed the amount specified in subsection (m), in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), except as provided in this paragraph; and

"(C) use the proceeds from HOPE Bonds only to pay for the net costs to the Federal Government of the HOPE for Homeowners Program, including administrative costs.

"(2) REIMBURSEMENTS TO TREASURY.—Funds received pursuant to section 1338(b) of the Federal Housing Enterprises Regulatory Reform Act of 1992 shall be used to reimburse the Secretary of the Treasury for amounts borrowed under paragraph (1).

"(3) USE OF RESERVE FUND.—If the net cost to the Federal Government for the HOPE for Homeowners Program exceeds the amount of funds received under paragraph (2), remaining debts of the HOPE for Homeowners Program shall be paid from amounts deposited into the fund established by the Secretary under section 1337(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, remaining amounts in such fund to be used to reduce the National debt.".

SA 5048. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 133, between lines 9 and 10, insert the following:

"(g) ADDITIONAL LIMITATIONS ON DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—None of the funds allocated under this section shall be distributed out of either the Housing Trust Fund or the Capital Magnet Fund to—

"(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

"(B) an organization which employs applicable individuals.

"(2) APPLICABLE INDIVIDUALS DEFINED.—In this subsection, the term 'applicable individual' means an individual who—

"(A) is—

"(i) employed by the organization in a permanent or temporary capacity;

"(ii) contracted or retained by the organization; or

"(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

"(B) has been indicted for a violation under Federal law relating to an election for Federal office.".

SA 5049. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 401, line 10, after the first period insert the following:

"(x) NO BENEFIT FOR DELINQUENCY WITHIN FIRST SIX MONTHS.—No insurance benefits shall be paid by the Secretary pursuant to this section if a mortgagor fails to timely make any of his or her first six payments on a refinanced eligible mortgage insured under this section.".

SA 5050. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 510, between lines 5 and 6, insert the following:

(4) SALE REQUIREMENT.—If a State or unit of general local government purchases or otherwise acquires an abandoned or foreclosed upon home or residential property with funds received pursuant to this section or with any amounts derived or generated from activities authorized under this section, that State or unit of general local government shall sell such home or property by a date that is not later than 5 years after the date of enactment of this Act.

SA 5051. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 575, strike lines 3 through 13 and insert the following:

"(A) INCREASE FOR 2008.—

"(i) IN GENERAL.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $11,000,000,000 multiplied by the State share for such State.

"(ii) STATE SHARE.—For purposes of this paragraph, the State share for any state shall be the amount, expressed as a percentage, determined with respect to such State under the formula established under clause (iii).

"(iii) FORMULA.—The formula established under this clause shall be established by the Secretary, in consultation with the Secretary of Housing and Urban Development, and shall be based on need, as such need is determined in the discretion of the Secretary, taking into account—

"(I) the number and percentage of home foreclosures in each State;

"(II) the number and percentage of homes financed by a subprime mortgage related loan in each State; and

"(III) the number and percentage of homes in default or delinquency in each State.

"(iv) FORMULA TO BE DEVISED SWIFTLY.—The formula under clause (iii) shall be established not later than 30 days after the date of enactment of this paragraph.

SA 5052. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 518, line 3, strike the period and insert ": *Provided*, further that none of the funds appropriated by this section for section 2401 or funds appropriated by section 2401 shall be for political activities, lobbying, whether directly or through other parties, or travel expenses.''.

SA 5053 Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike Title III of Division B.

SA 5054. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. Reid (for Mr. Dodd (for himself and Mr. Shelby)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE ___—CLEAN ENERGY TAX STIMULUS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Clean Energy Tax Stimulus Act of 2008''.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. ___11. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) Extension of Credit.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009'' and inserting "January 1, 2010'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) Production Credit for Electricity Produced From Marine Renewables.—

(1) In general.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and'', and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.''.

(2) Marine renewables.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) Marine and hydrokinetic renewable energy.—

"(A) In general.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) Exceptions.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(3) Definition of facility.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) Marine and hydrokinetic renewable energy facilities.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.''.

(4) Credit rate.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)'' and inserting "(9), or (11)''.

(5) Coordination with small irrigation power.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010'' and inserting "the date of the enactment of paragraph (11)''.

(c) Sales of Electricity to Regulated Public Utilities Treated as Sales to Unrelated Persons.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).''.

(d) Trash Facility Clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns'' and inserting "facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking "COMBUSTION''.

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) Modifications.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) Trash facility clarification.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. ___12. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) Extension of Credit.—

(1) Solar energy property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009'' and inserting "January 1, 2017''.

(2) Fuel cell property.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008'' and inserting "December 31, 2017''.

(3) Qualified microturbine property.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008'' and inserting "December 31, 2017''.

(b) Allowance of Energy Credit Against Alternative Minimum Tax.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and'', and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) Repeal of Dollar Per Kilowatt Limitation for Fuel Cell Property.—

(1) In general.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) Conforming amendment.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)'' and inserting "subsection (c)(2)(B)''.

(d) Public Electric Utility Property Taken Into Account.—

(1) In general.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) Conforming amendments.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Allowance against alternative minimum tax.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) Fuel cell property and public electric utility property.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. ___13. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) Extension.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008'' and inserting "December 31, 2009''.

(b) No Dollar Limitation for Credit for Solar Electric Property.—

(1) In general.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. ___14. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. ___15. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives To Improve Energy Efficiency

SEC. ___21. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL ,GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. ___22. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. __23. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. __24. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SA 5055. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI of division A, add the following:

SEC. 1606. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

"(3) OTHER PERSONS.—In the case of any other person or governmental or private entity in the State described in paragraph (1)—

"(A) any provision of the constitution of that State that establishes a maximum lawful annual interest rate, or otherwise or limits the amount of interest, discount points, finance charges, fees, or other charges that may be charged, taken, paid, received, or reserved from time to time, until judgment, thereby interfering in interstate commerce, shall not apply to any loan, discount, or credit sale made, or upon any bond, note, obligation, bill of exchange, financing transaction, or other evidence of debt issued or acquired by any other person or governmental or private entity; and

"(B) such interest, discount points, finance charges, fees, or other charges that may be charged, taken, paid, received, or reserved from time to time, until judgment, in any loan, discount, or credit sale made, or upon any bond, note, obligation, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other person or governmental or private entity may not exceed 17 percent per year.''.

SA 5056. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI of division A, add the following:

SEC. 1606. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCING STATE.—The term ''eligible producing State'' means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term ''new producing area'' means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term ''new producing State'' means a State with respect to which a petition has been approved by the Secretary under subsection (b).

(4) QUALIFIED REVENUES.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil leasing, gas leasing, or both, as determined by the State, in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified revenues in the general fund of the Treasury; and

(2) 50 percent of qualified revenues in a special account in the Treasury, which the Secretary shall disburse to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1).

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this section.

(e) EFFECT.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests.

The hearing will be held on July 9, 2008, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Subcommittee will also consider S. 3179, a bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 24, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 24, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 24, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 24, 2008, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Emergence of the Superbug: Antimicrobial Resistance in the U.S.'' on Tuesday, June 24, 2008. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 24, 2008, at 10:30 a.m. to conduct a hearing entitled ''Ending Excessive Speculation in Commodity Markets: Legislative Options.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''From Nuremberg to Darfur: Accountability for Crimes Against Humanity'' on Tuesday, June 24, 2008, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Rick Houghton, who will graduate from the U.S. Military Academy at West Point next year and who now is an intern in my office, be accorded the privilege of the floor during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. I ask unanimous consent that Winoka Begay, Jessica Borchert, Jullian Carr, Kelley Fry, and Dane Lauritzen, from the office of Senator BINGAMAN, be granted the privileges of the floor for today, June 24, 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Matthew Solomon, a detailee on Senator LEAHY's staff, be granted floor privileges for the remainder of the FISA debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that Ryan Kehmna and Ben Weingrod, both staff members from my office, be granted the privilege of the floor for the remainder of the debate on H.R. 6304.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Dionne Thompson, a fellow in the office of Senator LANDRIEU, be given floor privileges during the current session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 3145

Mr. DODD. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3145, and that it then be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONRAD B. DUBERSTEIN UNITED STATES BANKRUPTCY COURTHOUSE

THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION

JAMES M. ASHLEY AND THOMAS W.L. ASHLEY UNITED STATES COURTHOUSE

TIMOTHY J. RUSSERT HIGHWAY

Mr. DODD. Mr. President, I further ask unanimous consent that the EPW Committee be discharged and the Senate immediately proceed to the following naming bills en bloc: H.R. 430, H.R. 2728, H.R. 3712, S. 3145.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 430) to designate the United States Bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse."

The Senate proceeded to consider the bill (H.R. 2728) to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station."

The Senate proceeded to consider the bill (H.R. 3712) to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse."

The Senate proceeded to consider the bill (S. 3145) to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway."

Mr. DODD. Mr. President, I ask unanimous consent that the bills be read a third time and passed, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 430) was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 2728) was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3712) was ordered to a third reading, was read the third time, and passed.

The bill (S. 3145) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Timothy "Tim" John Russert was born on May 7, 1950 in Buffalo, New York, to Elizabeth and Timothy Joseph Russert.

(2) Tim Russert graduated from Canisius High School in Buffalo, New York, earned his bachelor's degree in political science from John Carroll University in 1972, and his Juris Doctor from Cleveland State University—Marshall School of Law in 1976.

(3) Tim Russert embarked on a career in public service with United States Senator Daniel Patrick Moynihan and the Governor of New York, Mario Cuomo, from 1977 to 1984.

(4) After his career in public service and New York politics, Tim Russert began his career in journalism when he joined NBC in 1984.

(5) In 1991, Tim Russert became the host of the Sunday morning news program Meet the Press, the longest-running program in the history of television. He would go on to become the longest serving host of the show.

(6) Throughout his career, Tim Russert received 48 honorary doctorates and several awards for excellence in journalism, including—

(A) the Edward R. Murrow Award from the Radio-Television News Directors Association;

(B) the John Peter Zenger Freedom of the Press Award;

(C) the American Legion Journalism Award;

(D) the Veterans of Foreign Wars News Media Award;

(E) the Congressional Medal of Honor Society Journalism Award;

(F) the Allen H. Neuharth Award for Excellence in Journalism;

(G) the David Brinkley Award for Excellence in Communication;

(H) the Catholic Academy for Communication's Gabriel Award; and

(I) an Emmy Award from the National Academy of Television Arts and Sciences.

(7) In 2004, Tim Russert authored the best-selling autobiography, Big Russ and Me, which chronicled his life growing up in South Buffalo and his education at Canisius High School. He is also the author of Wisdom of our Fathers.

(8) Tim Russert advocated on behalf of abused children and voiced the need to protect our Nation's young people, serving on the board of directors of the Greater Washington Boys and Girls Club and America's Promise—Alliance for Youth.

(9) Tim Russert sat in the front seat of history, chronicling the political and societal events that have defined our time, and serving as a trusted source of information and analysis for millions of Americans.

(10) Tim Russert was a tireless booster of Buffalo, a famous fan of his beloved Buffalo Bills, and was always proud of his South Buffalo roots, a source of civic pride in the Western New York community.

(11) Tim Russert passed away on June 13, 2008. He is survived by his wife, Maureen Orth and their son, Luke Russert.

SEC. 2. DESIGNATION.

The portion of United States Route 20A located in Orchard Park, New York, between Abbot Road and California Road shall be known and designated as the "Timothy J. Russert Highway".

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of United States Route 20A referred to in section 2 shall be deemed to be a reference to the Timothy J. Russert Highway.

THE CALENDAR

Mr. DODD. Mr. President, I further ask unanimous consent that the Senate now proceed to the consideration of the following named bills on the calendar, all en bloc: Calendar No. 760, S. 2403; Calendar No. 761, S. 2837; Calendar No. 762, S. 3009; Calendar No. 763, H.R. 781; Calendar No. 764, H.R. 1019; Calendar No. 766, H.R. 4140.

I further ask unanimous consent that the bills be read a third time and passed en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE

The bill (S. 2403) to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE.

(a) DESIGNATION.—The new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, shall be known and designated as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Courthouse referred to in subsection (a) shall be deemed to be a reference to the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

The bill (S. 2837) to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEODORE ROOSEVELT UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, shall be known and designated as the "Theodore Roosevelt United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Theodore Roosevelt United States Courthouse".

J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING

The bill (S. 3009) to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING.

(a) DESIGNATION.—The Federal Bureau of Investigation building under construction at the intersection of 120th and L Streets in Omaha, Nebraska, shall be known and designated as the "J. James Exon Federal Bureau of Investigation Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the J. James Exon Federal Bureau of Investigation Building.

COLONEL CHARLES D. MAYNARD LOCK AND DAM

The bill (H.R. 781) to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam," was considered, ordered to a third reading, read the third time, and passed.

RAFAEL MARTINEZ NADAL UNITED STATES CUSTOMHOUSE BUILDING

The bill (H.R. 1019) to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building," was considered, ordered to a third reading, read the third time, and passed.

RICHARD B. ANDERSON FEDERAL BUILDING

The bill (H.R. 4140) to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building," was considered, ordered to a third reading, read the third time, and passed.

EXPRESSING CONDOLENCES TO THE VICTIMS OF THE TORNADO IN LITTLE SIOUX, IOWA

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 599 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 599) expressing the condolences of the Senate to those affected by the tragic events following the tornado that hit Little Sioux Scout Ranch in Little Sioux, Iowa, on June 11, 2008.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I am pleased to be an original cosponsor of this Senate resolution to pay tribute to the four boy scouts who lost their lives almost 2 weeks ago when a tornado struck Little Sioux Scout Ranch in western Iowa: Aaron Eilerts of Eagle Grove, Iowa and Sam Thomsen, Josh Fennen, and Ben Petrizilka of Omaha, Nebraska. I would like also to recognize the bravery and dedication of all the other scouts affected by this tragedy and of the emergency crews who responded.

All of these remarkable young people had already established themselves as leaders in their community. The loss of four of them is a tragedy for Iowa and Nebraska.

I would like in particular to express my condolences to the four families who have suffered such a devastating loss. My thoughts and prayers are with them at this difficult time.

The Boy Scouts of America is an organization that never fails to exceed expectations. All the Scouts at Little Sioux Ranch that day kept their courage when all about them was chaos. Many of those who survived suffered considerable injuries. As the storm passed, the Boy Scouts immediately began to administer first aid to the injured and set to work to clear the roads, allowing the emergency crews to move in. In their bravery and resourcefulness, they did honor to Boy Scouts throughout the country. We are proud of them and humbled by their service.

I am saddened that we must be here today at all offering this resolution, but I am honored to pay tribute to these young leaders, and I extend my deepest sympathy to all those affected by this tragedy.

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 599) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 599

Whereas, on the evening of June 11, 2008, a tornado struck the Little Sioux Scout Ranch in Little Sioux, Iowa;

Whereas 4 lives were tragically lost, and many other people were injured;

Whereas Boy Scouts and Boy Scout leaders at the camp showed great heroism and courage in providing aid and assistance to their fellow Scouts;

Whereas the first responders, firefighters, and law enforcement, and medical personnel worked valiantly to help provide care and comfort to those who were injured;

Whereas the Boy Scouts of America will continue to feel the loss and remember the courage of the Boy Scouts who were at the Little Sioux Scout Ranch the evening of June 11, 2008;

Whereas the Boy Scouts of America will continue to develop young men who show the character, strength, and bravery that was demonstrated by the Boy Scouts at the Little Sioux Scout Ranch on the evening of June 11, 2008; and

Whereas the people of Nebraska and Iowa have embraced those affected and will continue to offer support to the families of those who were lost and injured; Now, therefore, be it:

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the families and friends of those who lost their lives in the terrible events of June 11, 2008, at the Little Sioux Scout Ranch in Little Sioux, Iowa: Sam Thomsen, Josh Fennen, and Ben Petrzilka of Omaha, Nebraska, and Aaron Eilerts of Eagle Grove, Iowa;

(2) shares its thoughts and prayers for a full recovery for all those who were injured;

(3) commends the Boy Scouts of America for the support the organization has provided to the families and friends of those who were lost and injured;

(4) extends its thanks to the first responders, firefighters, and law enforcement, and medical personnel who took quick action to provide aid and comfort to the victims; and

(5) stands with the people of Nebraska and Iowa as they begin the healing process following this terrible event.

HONORING MEMBERS OF THE U.S. AIR FORCE

Mr. DODD. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the House concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 32) honoring the members of the U.S. Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 32) was agreed to.

The preamble was agreed to.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

Mr. DODD. Mr. President, I ask unanimous consent that the Senate resume consideration of the House message to accompany H.R. 3221, the Housing reform legislation.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. DODD. Mr. President, as the chairman of the Senate Banking Committee, I express my gratitude to all the Members of this body. We began proceedings on the motion to invoke cloture earlier today, which passed by a vote of 83 to 9, another overwhelming vote in support of moving to the housing bill.

Regretfully, we were not able to deal with many amendments today because there was at least one objection to proceeding to the matter, pending the outcome of an extraneous matter that had little, if anything, to do with housing, regretfully—despite the strong bipartisan vote this morning—once again demonstrating that in this body one Senator can disrupt the efforts to achieve a larger result. Certainly, that is the Senator's right, and nothing was done illegally or unlawfully. It just dramatizes the difficulty in achieving even something as important as the housing legislation we are working on.

I would be remiss if I didn't observe that the Senator from Ohio, the occupant of the chair, is a worthwhile member of that committee. I am grateful to him and the other members of the committee for their work over the last year and a half since the majority began that work. We have had some 50 hearings on that committee. We adopted some 17 or 18 pieces of legislation out of the committee—maybe more—more than half of which have become the law of the land. A number of others, of course, have passed the Senate, or passed on out of committee, and we have not been able to resolve all of them.

No matter is as significant and as important as the housing reform legislation—to stop the hemorrhaging that is occurring, with more than 8,400 people a day filing for foreclosure in our country. People find those numbers alarming, and it is intended to be so, because it is large. Our efforts here are to try to keep people in their homes, and finding a floor, if we can, to this housing problem that continues to cascade downward will be a challenge for all of us.

Our legislation takes a major step in the direction of dealing with that, along with the reform of the government-sponsored enterprises and, of course, the permanent affordable housing program, not to mention the efforts we have made in community development block grants, counseling services, mortgage revenue bonds, and tax relief for those who wish to acquire a foreclosed property—all part of a larger piece of legislation to deal with the housing crisis. I am hopeful and confident we will get to it. It will take a little bit longer as a result of the objections some are raising.

This evening I rise to talk about another matter, which will be the subject of a debate, whether it is in the next few days or weeks. It is a subject matter which I care deeply and passionately about. It involves the rule of law, the Constitution of the United States, and the very basic principle that we are a nation of laws, not men; that even those in the most lofty of positions in our Government are not above the law; that individuals, corporations, and companies have an obligation to respect that law, and those of us charged with guarding it in an institution such as the Senate have an obligation to defend it and to remind ourselves and the country when there are efforts to undermine that rule of law.

As I did in December of last year, when the matter first came up, and again in February, when the effort came back to the Senate to change the Foreign Intelligence Surveillance Act, and particularly to grant retroactive immunity to a handful of telecom companies, which, over the past number of years, have gathered up information and private information of individual citizens in this country, which may have been the single largest breach or personal invasion in the history of our country, the issue of whether that was done legally ought to be determined by the courts of our country.

The bill that will come before us grants retroactive immunity without ever considering what happened, how it happened, who was responsible, why it was done, and why was no effort made to go before the Foreign Intelligence Surveillance Courts—the FISA courts—which have been in existence since the 1970s. All of those are important questions the American people deserve an answer to. Was the rule of law violated? Were there individuals who insisted that this invasion of privacy occur in this country? I don't think it is asking too much to want to get to the bottom of that. Americans, regardless of ideology or party persuasion, ought to be jointly offended when there is an effort here to grant retroactive immunity without determining what happened and why these events were allowed to go forward.

This evening I am going to take the time allowed to me under the rules of the Senate because we are in a postcloture environment. I am limited to the amount of time I am permitted to talk under the rules of the Senate. But I can do this because of the generosity of Senator JACK REED of Rhode Island, Senator MAX BAUCUS of Montana, and the willingness of the majority leader, to give me the maximum time allowed to talk about this FISA bill, the Foreign Intelligence Surveillance Act. I will speak about why I am so deeply concerned about it, and what I think the precedent-setting nature of this could mean for our country.

There are moments such as this when we are asked to do something because, we are told, if we don't, we will jeopardize our Nation. During such times, we have historically made some of the worst mistakes in our history. One only needs to go back to the period of World War II when, because of the fears people had, we incarcerated a lot of very good Americans of Japanese descent, because those who engaged in the fear mongering were able to convince even the Supreme Court of the United States—a majority—to allow for the virtual incarceration of literally thousands of human beings. We know now, today, what a great mistake that was, and how courageous it was that people like Robert Jackson, a Supreme Court Justice, a former Attorney General under Franklin Roosevelt, a solicitor general, chief prosecutor at Nuremberg, one of the sole voices on the Court who objected to that effort to require these American citizens to be deprived of their homes, personal belongings, and the virtual incarceration in camps in the western part of the country. Today, we know what a mistake that was. But because we acted out of fear, we made a dreadful error.

My concern about this FISA bill, while not of that magnitude at this point, is that we are about to make another great error because of fear, because we fail to understand that balancing legitimate interests of our security and our rights ought not to be compromised. That is what the FISA courts were created to do—to balance rights and fears over legitimate concerns about our security being jeopardized.

So I rise once again to voice my strong opposition to the misguided FISA legislation before us, as it will come in the next day or so. I have strong reservations about the so-called improvements made to title I of the legislation. But more than that, this legislation includes provisions that would grant retroactive immunity to telecommunications companies that apparently have violated the privacy and the trust of millions of our fellow citizens by participating in the President's warrantless wiretapping program. If we pass this legislation, the Senate will ratify a domestic spying regime that has already concentrated far too much unaccountable power in the President's hands and will place the telecommunications companies above the law.

I am here this evening to implore my colleagues to vote against cloture when that vote occurs, as it will sometime in the next 24 to 48 hours.

Let me make it clear at the outset of the debate that this is not about domestic surveillance itself. We all recognize, here and elsewhere, the importance of domestic surveillance in an age of unprecedented threats. This is about illegal, unwarranted, unchecked domestic surveillance. The difference between surveillance that is lawful, warranted, and that which is not, is everything.

I had hoped I would not have to return to this floor again under these circumstances. I hoped, in truth, that in these negotiations that went on over the past number of weeks and months we would have been able to turn aside retroactive immunity on the grounds that it is bad policy and sets a terrible precedent.

As all of my colleagues know, I have long fought against retroactive immunity, because I believe it is simply an abandonment of the rule of law. I have fought this with everything I have in me, and I have not waged this fight alone.

In December, I opposed retroactive immunity on the floor of this body. I spent 10 hours on this floor then. In January and February, I came to the floor time and time again to discuss the dangers of granting retroactive immunity, along with my colleague and friend, RUSS FEINGOLD of Wisconsin, who has shown remarkable leadership on this issue. I offered an amendment that would have stripped retroactive immunity from the Senate bill. Unfortunately, our amendment failed and, to my extreme disappointment, the Senate adopted the underlying bill.

Since passage of the Senate bill, there have been extensive negotiations on how to move forward. Today we are being asked to pass the so-called compromise that was reached by some of our colleagues and approved by the other body, the House of Representatives.

I am here this evening to say I will not and can not support this legislation. This legislation goes against everything I have stood for—everything this body ought to stand for, in my view.

There is no question some improvements have been made over the previous versions of this legislation. Title I, which regulates the ability of Government to conduct electronic surveillance, has been improved, albeit modestly. I congratulate those who were involved with it. I say, very quickly, that it is my hope a new Congress and a new President will work together to fix the problems with title I should the Senate adopt this new legislation.

But in no way is this compromise acceptable. This legislation before us purports to give the courts more of a role in determining the legality of the telecommunications companies' actions. But in my view the title II provisions do little more than ensure without a doubt that the telecommunications companies will be granted retroactive immunity.

Allow me to quote the Senate Intelligence Committee report on this matter. It reads as follows:

> [B]eginning soon after September 11, 2001, the Executive branch provided written requests or directives to U.S. electronic communications service providers to obtain their assistance with communications intelligence activities that had been authorized by the President.
>
> . . . The letters were provided to electronic communication service providers at regular intervals. All of the letters stated that the activities had been authorized by the President. All of the letters also stated that the activities had been determined to be lawful by the Attorney General [of the United States], except for one letter that covered a period of less than 60 days. That letter, which like all the others, stated that the activities had been authorized by the President, stated that the activities had been determined to be lawful by the Counsel to the President.

This is all from the Intelligence Committee report.

Under the legislation before us, the district court would simply decide whether the telecommunication companies received documentation stating the President authorized the program and that there had been some sort of determination it was legal. But as the Intelligence Committee has already made clear, we already know this happened. We already know the companies received some form of documentation with some sort of legal determination.

But that is not the question. The question is not whether these companies received a document from the White House. The question is, Were their actions legal? Were they above the law or not?

It is a rather straightforward, surprisingly uncomplicated question. The documentation exists. Was it legal or not? Either the companies were presented with a warrant or they were not. Either the companies and the President acted outside the rule of law or they followed it. Either the underlying program was legal or it was not—not a complicated question. Was it legal or wasn't it?

The suggestion that they had documentation is then supposed to be a justification for the legality of it is not for us to decide. That is a matter for the courts, the coequal branch of Government called the judiciary. We are asked to determine that this was legal because documents were sent, not because some adjudication as to whether there had been a legal basis for these documents. Yet we are told that with the adoption of this legislation, accept it as a conclusion and move on. I don't believe we ought to do that. I believe it is a mistake and a mistake of significance.

Because of this legislation, none of the questions will be answered. Because of the so-called compromise, the judge's hands will be tied and the outcome of these cases will be predetermined by our votes. Because of this so-called compromise, retroactive immunity will be granted and, as they say, that will be that. Case closed.

No court will rule on the legality of the telecommunications companies' activities in participating in the President's warrantless wiretapping program. None of our fellow Americans will have their day in court. What they will have is a Government that has sanctioned lawlessness, at least as far as we know.

I refuse to accept that argument. I refuse to accept the argument that because the situation is too delicate, too complicated, this body is simply going to go ahead while sanctioning lawlessness. I think we can do better than that. I think we have an obligation to do better than that.

If I have needed any reminder of that fact, simply look to those who have joined this fight—my colleagues and the many Americans who have given me an awful lot of support and strength for this fight, strength that comes from the passion and eloquence of citizens who don't have to be involved but choose to be involved.

They see what I see in this debate—that by short-circuiting the judicial process, we are sending a dangerous signal to future generations. They see us as establishing a precedent that Congress can and will provide immunity to potential lawbreakers if they are important enough.

Some may be asking: Why is retroactive immunity too dangerous? What is the issue? Why should you care at all? Allow me to explain by providing, if I can, a bit of context. I remind my colleagues what I said about the bill months ago because the argument against providing retroactive immunity remains unchanged. Nothing has changed since last December, January or February.

Unwarranted domestic spying did not happen in a panic or short-term emergency, not for a week, a month or even for a year. If it had, quite candidly, I would not be standing here this evening. I understand, in the wake of 9/11, there were actions taken because of the legitimate fears we had, given the circumstances of that attack, that some actions such as this for a week, a month, a year, I think I would have accepted as normal, understandable behavior as a government overreacting in haste and in the emotions of the moment. But that is not the case. We now know this spying by the administration went on relentlessly for more than 5 years.

I might not be here as well if it had been the first offense of a new administration. Maybe not if it had been the second or third. Again, understanding mistakes can be made. No one is perfect. Again, in the haste of the moment, the emotions, these things can happen. But that is not the case either.

Indeed, I am here tonight because with one offense after another after another, I believe it is long past time to say enough is enough. I am here this evening because of a pattern—a pattern of abuse against civil liberties and the rule of law, against the Constitution of the United States, of which we are custodians, temporary though that status may be.

I would add that had these abuses been committed by a President of my own party, I would have opposed them as strongly as I am this evening. I am here this evening because warrantless wiretapping is merely the latest link in a long chain of abuses.

So why are we here? Because it is alleged that giant telecom corporations worked with our Government to compile Americans' private, domestic communications records into a database of enormous scale and scope.

Secretly, and without warrant, these corporations are alleged to have spied on their own customers, the American people. Here is only one of the most egregious examples, according to the Electronic Frontier Foundation:

> Clear, first-hand whistleblower documentary evidence [states] . . . that for year on end, every e-mail, every text message, every phone call carried over the massive fiber-optic links of 16 separate companies routed through AT&T's Internet hub in San Francisco—hundreds of millions of private, domestic communications—have been . . . copied in their entirety by AT&T and knowingly diverted wholesale by means of multiple "splitters" into a secret room controlled exclusively by the NSA.

The phone calls and the Internet traffic of millions of Americans diverted into a secret room controlled by the National Security Agency. That allegation still needs to be proven in a court of law. But it clearly needs to be determined in a court of law and not by a vote in the Senate.

I suppose if you only see cables and computers there, the whole thing seems almost harmless, certainly nothing to get worked up about; one might say a routine security sweep and a routine piece of legislation blessing it.

If that is all you imagine happened in the NSA secret room, I imagine you will vote for immunity. I imagine you would not see much harm in voting to allow the practice to continue either.

But if you see a vast dragnet for millions of Americans' private conversations conducted by a government agency that acted without a warrant, acted without the rule of law, then I believe you recognize what is at stake. You see that what is at stake is the sanctity of the law and the sanctity of our privacy. And you will probably come to a very different conclusion.

Maybe that sounds overdramatic to some. Perhaps they will ask: What does it matter at the end of the day if a few corporations are not sued? These people sue each other all the time.

Others may say: This seems a small issue. Maybe the administration went too far, but this seems like an isolated case.

Indeed, as long as this case seems isolated and technical, then those who are supporting this will win. As long as it appears to be about another lawsuit buried in our legal system and nothing more, then they will win as well. The administration is counting on the American people to see nothing bigger than that—nothing to see here.

But there is plenty to see here, and it is so much more than a few phone calls, a few companies, and a few lawsuits. What is at stake is nothing less than equal justice—justice that makes no exceptions. What is at stake is an open debate on security and liberty and an end to warrantless, groundless spying.

The bill does not say trust the American people, trust the courts and judges and juries to come to a just decision. Retroactive immunity sends a message that is crystal clear: Trust me. And that message comes straight from the mouth of an American President: Trust me.

What is the basis of that trust? Classified documents, we are told, that prove the case for retroactive immunity beyond a shadow of a doubt. But we are not allowed to see them, of course. I have served in this body for 27 years, and I am not allowed to see them. Neither are a majority of my colleagues. We are all left in the dark.

I cannot speak for my colleagues, but I would never take the "trust me" for an answer, not even in the best of times, not even from a President on Mount Rushmore. I cannot put it better than this:

> "Trust me" government is government that asks that we concentrate our hopes and dreams on one man; that we trust him to do what's best for us. My view of government places trust not in one person or one party, but in those values that transcend persons and parties.

Those words are not spoken by someone who took our national security lightly. They were spoken by Ronald Reagan in 1980. They are every bit as true today. President Reagan's words—let me repeat them:

> "Trust me" government is government that asks that we concentrate our hopes and dreams on one man; that we trust him to do what is best for us. My view of government places trust not in one person or one party, but in those values that transcend persons and parties.

Those words of Ronald Reagan, 28 years ago, were right and those words are right today in the year 2008. They are every bit as true today, even if times of threat and fear blur our concept of transcendent values, even if those who would exploit those times urge us to save our skins at any cost.

But again, why should any of us care, I suppose. The rule of law has rarely been in such a fragile state. Rarely has it seemed less compelling. What, after all, does the law give us, anyway? It has no parades, no slogans. It does not live in books or precedents. We are never failed to be reminded the world is a very dangerous place.

Indeed, that is precisely the advantage seized upon, not just by this administration but in all times, by those looking to disregard the rule of law. Listen to the words of James Madison, the father of our Constitution, words that he said more than two centuries ago:

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

With the passage of this bill, the words of James Madison will be one step closer to coming true. So it has never been more essential that we lend our voices to the law and speak on its behalf.

What is this about? It is about answering the fundamental question: Do we support the rule of law or the rule of men? To me, this is our defining question as a nation and may be the defining question that confronts every generation, as it has throughout our history.

This is about far more than a few telecoms. It is about contempt for the law, large and small.

I have said that warrantless wiretapping is but the latest link in a long chain of abuses when it comes to the rule of law. This is about the Justice Department turning our Nation's highest law enforcement offices into patronage plums, turning the impartial work of indictments and trials into the pernicious machinations of politics. Contempt for the rule of law once again.

This is about Alberto Gonzales, the Nation's now-departed Attorney General, coming before Congress to give us testimony that was, at best wrong and at worst, outright perjury. Contempt for the rule of law by the Nation's foremost enforcer of the law.

This is about a Congress handing the President the power to designate any individual he wants as an unlawful enemy combatant, hold that individual indefinitely, take away his or her right to habeas corpus, the 700-year-old right to challenge anyone's detention.

If you think the Military Commissions Act struck at the heart of the Constitution, you would be understating this. It did a pretty good job on the Magna Carta while it was at it.

If you think this only threatens a few of us, you should understand that the writ of habeas corpus belongs to all of us. It allows anyone to challenge their detention.

Rolling back habeas corpus endangers us all. Without a day in court, how can you prove you are entitled to a trial? How can you prove you are innocent? In fact, without a day in court, how can you let anyone know you have been detained at all?

Thankfully, and to their great credit, the Supreme Court recently rebuked the President's lawlessness and ruled that detainees do have the right to challenge their detention.

Mr. President, the Military Commissions Act also gave President Bush the power some say he wanted most of all: the power to get information out of suspected terrorists by virtually any means, the power to use evidence gained from torture.

I don't think you could hold the rule of law in any greater contempt than sanctioning torture. Because of decisions made by the highest levels of our Government, America is making itself known to the world, unfortunately, for torture, with stories like this one:

A prisoner at Guantanamo—to take one example out of hundreds—was deprived of sleep for over 55 days, a month and 3 weeks. Some nights, he was doused with water or blasted with air-conditioning. After week after week of this delirious, shivering wakefulness, on the verge of death from hypothermia, doctors strapped him to a chair—doctors, healers who took the Hippocratic Oath to do no harm—pumped him full of three bags of medical saline, brought him back from death, and sent him back to his interrogators.

To the generation coming of age around the world in this decade, that is America—not Normandy, not the Marshall Plan, not Nuremberg, but Guantanamo. Think about it.

We have legal analysts so vaguely defining torture, so willfully blurring the lines during interrogations that we have CIA counterterrorism lawyers saying things like, "If the detainee dies, you're doing it wrong." We have the CIA destroying tapes containing the evidence of harsh interrogations—about the administration covering its tracks in a way more suited to a banana republic than to the home of great freedoms. We have an administration actually defending waterboarding, a technique invented by the Spanish Inquisition, perfected by the Khmer Rouge, and in between originally banned for excessive brutality—listen to this—by the Gestapo.

Still, some way waterboarding is not torture. Oh, really? Listen to the words of Malcolm Nance, a 26-year-old expert in intelligence and counterterrorism, a combat veteran, and former chief of training at the U.S. Navy Survival, Evasion, Resistance and Escape School. While training American soldiers to resist interrogation, he writes:

> I have personally led, witnessed, and supervised waterboarding of hundreds of people. Unless you have been strapped down to the board, have endured the agonizing feeling of water overpowering your gag reflex, and then feel your throat open and allow pint after pint of water to involuntarily fill your lungs, you will not know the meaning of the word. It does not simulate drowning, as the lungs are actually filling with water. The victim is drowning. How much the victim is to drown depends on the desired result and the obstinacy of the subject. Waterboarding is slow motion suffocation. Usually the person goes into hysterics on the board. When done right it is controlled death.

That is from a soldier, a combat veteran, testifying about what waterboarding was about—controlled death. That is not torture? Not according to President Bush's White House. They have said waterboarding is legal and that if it chooses, America will waterboard again.

Surely, then, our new Attorney General would condemn torture. Surely the Nation's highest law enforcement officer in the land, coming after Alberto Gonzales's chaotic tenure, would never come before the Congress and defend the President's power to openly break the law. Well, think again.

When he came to the Senate for his confirmation, Michael Mukasey was asked a simple question, bluntly and plainly: Is waterboarding constitutional? He replied: "If waterboarding is torture, torture is not constitutional."

One would hope for a little more insight from someone so famously well versed in national security law, but Mr. Mukasey pressed on with the obstinacy of a witness pleading the fifth: "If it's torture, if it amounts to torture, it is not constitutional," he said. And that is the best this noted jurist, this legal scholar, longtime judge, an expert on national security law had to offer on the defining moral issue of this Presidency. Claims of ignorance. Word games.

Now-Attorney General Mukasey was asked the easiest question we have in a democracy: Can the President of the United States openly break the law? Can he, as we know he has already done, order warrantless wiretapping, ignore the will of Congress, and then hide behind nebulous powers he claims to find in the Constitution? The response of the nominee to become Attorney General: The President has "the authority to defend the country." In one swoop, the Attorney General conceded to the President nearly unlimited power, just as long as he finds a lawyer willing to stuff his actions into the boundless rubric of "defending the country"—unlimited power to defend the Nation, to protect us as one man sees fit, even if that means listening to our phone calls without a warrant, even if it means holding some of us indefinitely. That is contempt for the rule of law.

So this is very much about torture—about enhanced interrogation measures and waterboarding. It is also about extraordinary rendition—outsourced torture of men this administration would prefer we didn't even know exist.

But now we do know. One was a Syrian immigrant raising his family in Canada. He wrote computer code for a company called MathWorks and was planning to start his own tech business. On a trip through New York's JFK Airport, he was arrested by U.S. federal agents. They shackled him and bundled him onto a private CIA plane and flew him across the Atlantic Ocean to Syria. This man spent the next 10 months and 10 days in a Syrian prison. His cell was 3 feet wide—the size of a grave. Some 300 days passed alone in that cell, with a bowl for his toilet, another bowl for his water, and the door only opened so he could wash himself once a week—though it may have been more or less because the cell was dark and he lost all track of time. The door only opened for one reason: for interrogators who asked him again and again and again about al-Qaida.

Here is how it was described:

> The interrogator said, “Do you know what this is?” I said, “Yes, it's a cable,” and he told me, “Open your right hand.” I opened my right hand, and he hit me like crazy. It was so painful, and of course I started crying, and then he told me to open my left hand, and I opened it, and he missed, then hit my wrist. And then he asked me questions. If he does not think you are telling the truth, then he hits you again.

The jail and the torturers were Syrian, but America sent this man there with full knowledge of what would happen to him because it was part of a longstanding secret program of “extraordinary rendition,” as it is called. America was convinced that he was a terrorist and wanted the truth beaten out of him.

No charges were ever filed against him. His adopted nation's government, Canada, one of our strongest NATO allies, cleared him of all wrongdoing after a year-long official investigation and awarded him more than $10 million in government compensation for his immense pain and suffering—but not before he was tortured 10 months, 10 days in a 3-foot by 3-foot cell the size of a grave. Does his torture make us safer? Did his suffering improve our security? Of course not.

I would note that our own Government has shamefully refused to even acknowledge that his case exists.

We know about a German citizen as well, living in the city of Ulm with his wife and four children. On a bus trip through Eastern Europe, he was pulled off at a border crossing by armed guards and held for 3 weeks in a hotel room, where he was beaten regularly. At the end of 3 weeks, he was drugged and shipped on a cargo plane to Kabul, Afghanistan. For 5 months, he was held in the Salt Pit—a secret American prison staffed by Afghan guards. All he had to drink was stagnant water from a filthy bottle. Again and again, masked men interrogated him about al-Qaida, and finally, he says, they raped him. He was released in May of 2004. Scientific testing confirmed his story of malnourishment, and the Chancellor of Germany publicly acknowledge he was wrongly held. What was his crime? Having the same name as a suspected terrorist.

Again, our own Government has shamefully refused to even acknowledge that this case exists.

So we do know, Mr. President. We know because there aren't enough words in the world to cover all the facts.

If you would like to define torture out of existence, be my guest. If you would rather use a Washington euphemism—“tough questioning,” “enhanced interrogation”—feel free. Feel free to talk about fraternity hazing, as Rush Limbaugh did, or to use a favorite term of Vice President CHENEY's, “a dunk in the water.” You can call it whatever you like. But when you are through, the facts will be waiting for you: controlled death, outsourced torture, secret prisons, month-long sleep deprivations, the President's personal power to hold whomever he likes for as long as he likes. It is as if you had awakened in the middle of some Kafkaesque nightmare.

Have I gone wildly off topic, Mr. President? Have I brought up a dozen unrelated issues? I wish I had. I wish that none of these stories were true. But we are deceiving ourselves when we talk about the U.S. attorneys issue, the habeas issue, the torture issue, the rendition issue, or the secrecy issue as if each were an isolated case, as if each were an accident. When we speak of them as isolated, we are keeping our politics cripplingly small. And as long as we keep this small, the rule of men is winning.

There is only one issue here; that is, the rule of law, the law issue. Does the President of the United States serve the law or does the law serve the President? Each insult to our Constitution comes from the same source. Each springs from the same mindset. If we attack this concept for the law at any point, we will wound it at all points.

That is why I am here this evening, Mr. President. Retroactive immunity is on the table for discussion over these next several days, but also at issue is the entire ideology that justifies it, the same ideology that defends torture and executive lawlessness. Immunity is a disgrace in itself, but it is far worse in what it represents. It tells us that some believe in the courts only so long as their verdict goes their way; that some only believe in the rule of law so long as exceptions are made at their desire. It puts secrecy above sunshine and fiat above the law.

Did the telecoms break the law? I don't know. I can't say so. But pass immunity, and we will never know. A handful of favored corporations will remain unchallenged. Their arguments will never be heard in a court of law. The truth behind this unprecedented domestic spying will never see the light of day, and the cases will be closed forever.

“Law” is a word we barely hear from the supporters of immunity. They offer neither deliberation about America's difficult choices in the age of terrorism nor a shared attempt to set for our times the excruciating balance between security and liberty. They merely promise a false debate on a false choice: security or liberty but never, ever both.

I think differently, and I believe some of my colleagues do as well. I think America's founding truth is unambiguous: security and liberty, one and inseparable and never one without the other, no matter how difficult the situation, no matter what threats we face. Secure in that truth, I offer a challenge to immunity supporters: You want to put a handful of corporations above the law. Could you please explain how your immunity makes any one of us any safer at all?

The truth is that a working balance between security and liberty has already been struck. In fact, it has been settled for decades—for 30 years, in fact. FISA, the Foreign Intelligence Surveillance Act, has prevented executive lawbreaking and protected Americans, and that balance stands today.

In the wake of the Watergate scandal in the 1970s, the Senate convened the Church Committee, a panel of distinguished former Members of this body determined to investigate executive abuses of power. Not surprisingly, they found that when Congress and the courts substitute “trust me” ideas for real oversight, massive lawbreaking can result. The Church Committee found evidence of the U.S. Army spying on the civilian population, Federal dossiers on citizens' political activities, a CIA and FBI program that opened hundreds of thousands of Americans' letters without warning or warrant. In sum, Americans had sustained a severe blow to their fourth amendment rights “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” At the same time, the Senators of the Church Committee understood surveillance was needed to go forward to protect our people.

Surveillance itself is not the problem. Unchecked, unregulated, unwarranted surveillance was. What surveillance needed, in a word, was legitimacy. And in America, the Founders understood power becomes legitimate when it is shared. Congress and the courts check that attitude which so often crops up in the executive branch—“if the President does it, it is not illegal.”

The Church Committee's final report, “Intelligence Activities and the Rights of Americans,” put the case very powerfully indeed.

> The critical question before the committee was to determine how the fundamental liberties of our people can be maintained in the course of the government's efforts to also protect our people. The delicate balance between these basic goals, two absolutely essential goals of our system of government, is often difficult to strike, and it is never perfect, but it can, and must, be achieved.

A sense of balance between liberty and security, security and liberty.

> We reject the view that the traditional principles of justice and fair play have no place in our struggle against the enemies of freedom. Moreover, our investigation has established that the targets of intelligence activity have ranged far beyond persons who could properly be characterized as enemies of freedom.

The Church Committee went on:

> We have seen segments of our government, in their attitudes and actions, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes. We have seen a consistent pattern in

which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as "vacuum cleaners," sweeping in information about lawful activities of American citizens.

The Church committee Senators concluded:

> Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our domestic society and fundamentally alter its nature.

What a strange echo from three decades ago we hear in those words. They could have been written yesterday; could have been written tonight.

Three decades ago, our predecessors in this Chamber, Republicans and Democrats, responding to an abuse of power, crafted a wonderfully balanced idea between security and liberty. They did it in this very Chamber, coming together. They understood that when domestic spying goes too far it threatens to kill just what it promises to protect—an America secure in her liberty. That lesson was crystal clear 30 years ago. Why is it so clouded today?

Before we entertain the argument that everything has changed since those words were written, remember: The men who wrote them had witnessed a World War, the Cold War, had seen Nazi and Soviet spying, and they were living every day under the cloud of a nuclear holocaust. It was indeed a dangerous time. Certainly, the argument that we have to take extraordinary measures to protect ourselves against those who would do us great injury—those were not easy times. Yet those Republicans and Democrats, our predecessors in this Chamber, struck that balance and reminded us that our security was important, but it needed to be tempered and understood in the context of our freedoms and our liberties.

So I ask this: Who will chair the commission investigating the secrets of warrantless spying years from today? Will it be a young Senator in the body today who maybe has just joined us in the last 2 years? Will it be someone not yet elected? What will that Senator say when he or she comes to our actions, maybe three decades from now, as I just quoted from a report 30 years ago, which is so wonderfully written and captures exactly the essence of what I am arguing for this evening? What will that Senator say when he or she reads about the actions of a Senate here—reads in the records how we let outrage after outrage slide with nothing more than a promise to stop the next one? I imagine that Senator will ask of us: Why didn't they do anything? Why didn't they fight back? What happened between the 1970s and the year 2008, that two Senates in 30 years time could go from standing up for the rule of law and liberty in the face of executive abuses—what happened to that Congress that decided 30 years later that they would do just the opposite; in fact, retreat from that fight?

In June of 2008, when no one could doubt any more what this administration was doing, why did they sit on their hands and do almost nothing? In fact, go further. Why did they grant immunity to companies that had engaged in warrantless wiretapping?

Since the time of the Church Commission, the threats facing us have multiplied and grown in complexity, but the lesson has been immutable: warrantless spying threatens to undermine our democratic society unless legislation brings it under control. In other words, the power to invade privacy must be used sparingly, guarded jealously, and shared equally between the branches of our Government.

Or the case could be made pragmatically. As my friend, Harold Koh, dean of Yale Law School, recently argued:

> The engagement of all three branches tends to yield not just more thoughtful law but a more broadly supported public policy.

Three decades ago, our predecessors in this Chamber embodied that solution in the Foreign Intelligence Surveillance Act, the FISA law. FISA confirmed the President's power to conduct surveillance of international conversations involving anyone in the United States, provided that the Federal FISA Court issued warrants ensuring that wiretapping was aimed at safeguarding our security and nothing else. The President's own Director of National Intelligence, Mike McConnell, explained the rationale in an interview last summer:

> The United States did not want to allow [the intelligence community] to conduct . . . electronic surveillance of Americans for foreign intelligence unless you had a warrant, so that was required.

As originally written in 1978 and as amended numerous times, I might add, FISA has accomplished its mission. It has been a valuable—invaluable tool for conducting needed surveillance of those who would do us great harm and those who would harm our country. Every time Presidents have come to Congress openly to ask for more leeway under FISA, our Congresses have worked with them. Congress has negotiated, and together Congress and the executive branch have struck a balance that safeguards America while doing its utmost to protect our privacy.

Last summer, Congress made a technical correction to FISA enabling the President to wiretap without a warrant conversations between two foreign targets, even if those conversations are routed through American computers. For other reasons, I believed that this past summer's legislation went too far, and I opposed it. But the point is that Congress once again proved its willingness to work with the President on FISA.

Isn't that enough?

Just this past October and November, the Senate of the U.S. Intelligence and Judiciary Committees worked with the President to further refine FISA and ensure that, in a true emergency, the FISA Court would do nothing to slow down intelligence gathering.

Wasn't that enough?

And, as for the FISA Court, between 1978 and 2004, according to the Washington Post, the FISA Court approved—and listen to these numbers—18,748 warrants from 1978 to 2004—18,748 warrants. It rejected 5; 18,748 warrants were approved; 5 were rejected between 1978 and 2004. The FISA Court has sided with the executive branch 99.9 percent of the time. Wouldn't you think that would be enough? Is anything lacking? Have we forgotten something here? Isn't all of this enough to keep us safe? There were numerous amendments in 30 years to a piece of legislation to strike the balance between security and liberty.

Of course, we all know the answer we have received. This complex, finely tuned machinery, crafted over 3 decades by 3 branches of Government, 4 Presidents, and 12 Congresses, was ignored for 5 long years. It was totally ignored. It was a system primed to bless nearly any eavesdropping a President could conceive of, and spying still happened illegally—18,748 warrants approved from 1978 on; 5 were turned down. Yet this administration completely disregarded the FISA Court in seeking the warrantless wiretapping by the telecom industry.

If the shock of that decision has yet to sink in, think of it this way: President Bush ignored not just a Federal court but a secret Federal court; not just a secret Federal court but a secret Federal court prepared to sign off on his actions 99.9 percent of the time. A more compliant court has never been conceived. Yet still that wasn't good enough.

I ask my colleagues of this body candidly, and candidly it already knows the answer: Is this about security or is it about power? Why are some fighting so hard for retroactive immunity? The answer, I believe, is that immunity means secrecy, and secrecy means power. It is no coincidence that the man who proclaimed "if the President does it, it is not illegal"—Richard Nixon—was the same man who raised executive secrecy to an art form. The Senators of the Church committee 30 years ago—bipartisan, by the way—expressed succinctly the deep flaw in the Nixonian executive: "Abuse thrives on secrecy," they said, and in the exhaustive catalog of that report, they proved it.

In this push for immunity, secrecy, I believe, is at the center of it. We find proof in immunity's original version, a proposal to protect not just the telecoms, but everyone involved in the wiretapping program. Remember that in the original proposal of what is before us today, or will be before us, that is what they wanted to immunize—themselves. The administration asked that everyone be immunized. To their credit, the Intelligence Committee rejected that request, but it ought to be instructive that the Bush administration requested total blanket immunity for everyone involved in that program.

What does that tell you about their intentions or their motivations? Think about it. It speaks to their fear and perhaps their guilt, their guilt that they have broken the law and their fear that in the years to come they would be found liable or convicted.

They knew better than anyone else what they had done. They must have had good reason to be concerned.

Thankfully, immunity for the Executive is not part of this bill, and, again, I congratulate the committee. But don't ever forget it was asked for. That will tell you something about motivations.

The original proposal tells us something very important, that this is and always has been a self preservation bill. Otherwise, why not have the trial and get it over with? If the proponents of retroactive immunity are right, that the documentation alone is all you need to prove legality, the corporations will win in a walk. After all, in the official telling, the telecoms were ordered in documents to help the President spy without a warrant, and they patriotically complied. We have even heard on this floor the comparison between the telecom corporations to the men and women laying their lives on the line in Iraq and Afghanistan.

But ignore comparison which, frankly, I find deeply offensive. Ignore for a moment the fact that in America we obey the laws, not the President's orders. Ignore that not even the President has the right to scare or bully you into breaking the law, though it seems that tactic has proven surprisingly fruitful. Ignore that the telecoms were not unanimous. One of them, Qwest, wanted to see the legal basis for the order, never received it, and so refused to comply. Not everyone decided that documentation alone was a legal justification for 5 years of vacuuming up the private information of American citizens.

Ignore that a judge presiding over the case ruled:

> AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

Ignore all of that: If the order the telecoms received was legally binding then they have a easy case to prove. The corporations only need to show a judge the authority and the assurances they were given and they will be in and out of court in 5 minutes. If the telecoms are as defensible as the President says, why doesn't the President let them defend themselves? If the case is so easy to make, why doesn't he let them make it?

It can't be that they are afraid of leaks. Our Federal court system has dealt for decades with the most delicate national security matters, building up an expertise in protecting classified information behind closed doors, ex parte and in camera. We can expect no less in these cases. No intelligence sources need be compromised. No state secrets need to be exposed. After litigation at both the district court and circuit court levels, no state secrets have been exposed.

In fact, Federal district court judge Vaughn Walker—a Republican appointee, I might point out; the quotes are from him—has already ruled that the issue can go to trial without putting state secrets in jeopardy. Walker reasonably pointed out—Ronald Reagan's appointee to the bench, I point out—the existence of the terrorist surveillance program is hardly a secret at all.

> The Government has [already] disclosed the general contours of the "terrorist surveillance program," which requires the assistance of a telecommunications provider.

As the state secrets privilege is invoked to stall these high-profile cases, it is useful to consider that privilege's history. In fact, the privilege was tainted at its birth by a President of my own party, Harry Truman. In 1952, President Truman successfully invoked the new privilege to prevent public exposure of a report on a plane crash that killed three Air Force contractors. When the report was finally declassified, 50 years later I might add, decades after anyone in the Truman administration was within reach, it contained no state secrets at all, only facts about the repeated maintenance failures that would have seriously embarrassed some important people. So the state secrets privilege began its career, not to protect our Nation, but to protect some powerful people.

In his opinion, Judge Walker argued, even when it is reasonably grounded—let me quote him:

> . . . the state secrets privilege still has its limits. While the court recognizes and respects the executive's constitutional duty to protect the nation from threats, the court also takes seriously its constitutional duty to adjudicate the disputes that come before it. To defer to a blanket assertion of secrecy here would be to abdicate that duty, particularly because the very subject matter of this litigation has been so publicly aired.

Again, that is not some wild-eyed liberal judge drawing the conclusion in this case. That is a sober conservative judge who reminds us of the balance that is necessary; why there is a coequal branch called the judiciary, where that body, not elected representatives in a voting Chamber, should determine the legality of this action taken by these companies.

He went on to say—the judge's words:

> The compromise between liberty and security remains a difficult one. But dismissing this case at the outset would sacrifice liberty for no apparent enhancement of security.

That is a judge reminding this body that to suggest somehow we grant blanket immunity to these companies is to dismiss this case at the outset, as he points out, sacrificing liberty with no apparent enhancement of our security.

And that ought to be the epitaph of this administration: "sacrificing liberty for no apparent enhancement of our security." Worse than selling our soul, we are giving it away for free.

It is equally wrong to claim that failing to grant this retroactive immunity will make the telecoms less likely to cooperate with surveillance in the future. Baloney. I do not believe it. The truth is, after the 1970s, FISA has compelled telecommunications companies to cooperate with surveillance when it was warranted. What is more, it immunizes them. It has done that for more than a quarter of a century. So cooperation in warranted wiretapping is not at stake today, and despite the claims of supporters of immunity, it never has been. Collusion in warrantless illegal wiretapping is. And the warrant makes all the difference, because it is precisely the court's blessing that brings Presidential power under the rule of law, even when that warrant, as we permit, is granted after the surveillance has already begun, as you can under the FISA law.

In sum, we know that giving the telecoms their day in court, giving the American people their day in court, would not jeopardize an ounce of our security. It does jeopardize our liberty. And it would only expose one secret: the extent to which the rule of law has been trampled upon. Does documentation qualify as legal authority? Again, that is not a matter for a majority in this Chamber to decide by a vote. It is a matter for our courts to determine: Were these letters that were transmitted—was there a legal justification? Why didn't the administration go to the FISA Court, where 18,748 requests have been made since 1978 and granted, and only 5 rejected, a secret Federal court where a warrant could have been granted after the fact of the surveillance actually having begun? Why didn't they do that? Why did they send out letters? Why didn't they go before that court? I am not concluding they did it wrongfully, but I don't know they didn't do it wrongfully. That ought to be determined by the courts of law, not to be above the law.

That is the choice at stake today: Will the secrets of the last years remain closed in the dark, as they will once we grant this immunity, or will they be open for generations to come? What will they think of us? I revere what this Congress did in 1978, Democrats and Republicans, standing up to executive powers and abuses. They fashioned a law that granted us greater protection over those who would do us harm while simultaneously protecting our rights and liberties. What a great Senate. What a great Congress that had the courage to stand up and put aside partisan differences and stand up for 200 more years of this Nation's history of liberty, of freedom.

What will be said about this Congress? When a future generation looks back at this hour, what did we do when faced with a similar fact situation and were confronted with that choice? Or will we be open to the generations to come, as I said, to our successors in this Chamber so they can prepare themselves to defend against future outrages, as they will surely occur, of power and usurpations of law from future Presidents of either party? As I stand here this evening, I promise you it will happen. It has never not happened in the past; it will in the future. That is why we have these shared powers to maintain that balance. We are going to concede that by suggesting that in this most important of all cases we are going to grant retroactive immunity. For what? For what? Can anyone even begin to make the case that our security gets enhanced because we deprive Americans who feel they may have been wronged by determining whether the actions taken by these companies at the behest of an administration were legal?

Now, 30 years after the Church committee, history has repeated itself. If those who come after us are to prevent it from happening again, they need the full truth. That is why we must not allow these secrets to go quietly into the night. I am here this evening because the truth is no one's private property; it belongs to every one of us. It demands to be heard.

"State secrets," "patriotic duty," those, as weak as they are, are the arguments the telecoms' advocates use when they are feeling high-minded. When their thoughts turn baser, they make their arguments as amateur economists.

Here is how Mike McConnell put it:

> If you play out the suits at the value they're claimed, it would bankrupt these companies. So we have to provide liability protection to these private sector entities.

To begin with, that is a clear exaggeration. We are talking about some of the wealthiest, most successful companies in America. Some of them have continued to earn record profits and sign up record numbers of subscribers at the same time as this very public litigation, totally undermining the argument that these lawsuits are doing the telecoms severe reputational damage, as Mike McConnell suggested. Companies of that size could not be completely wiped out by anything but the most exorbitant and unlikely judgment. To assume that the telecoms would lose, and that their judges would then hand down such back-breaking penalties, is already to take several leaps.

Opponents of immunity, including myself, have stated that we would support a reasonable alternative to a blanket retroactive immunity. No one seriously wants to cripple the telecommunications industry. The point is to bring checks and balances back to domestic spying. Accepting that precedent would hardly require a crippling judgment. It is much more troubling, though, that the Director of National Intelligence would even suggest such an argument. I might understand if the Secretary of the Treasury made that case, or some economist at the World Blank or the IMF or the Federal Reserve. But to have the Intelligence Director of our country suggest liability protections for private sector entities, even to speak of that, is rather incredible. This is not the Secretary of Commerce we are talking about but the head of our Nation's intelligence efforts.

For that matter, how does that even begin to be relevant to letting this case go forward? Since when did we throw out entire suits because the defendants stood to lose too much? It astounds me that some can speak in the same breath about national security and bottom lines. Approve immunity, and Congress will state clearly: The richer you are, the more successful you are, the more lawless you are entitled to be. A suit against you is a danger to the Republic.

And so, at the rock bottom of its justifications, the telecoms' advocates are essentially arguing that immunity can be bought. The truth is, of course, exactly the opposite, or it should be. The larger the corporation, unfortunately, the greater the potential for abuse.

No one suggests that success should make a company suspect. Companies grow large and essential to our economy because they are excellent at what they do, and most of them are overwhelmingly well managed. But the size and wealth open the realm of possibility for abuse far beyond the scope of the individual.

After all, if the allegations are true, we are talking about one of the most massive violations of privacy in American history. Shouldn't there be some retribution or penalty? If reasonable search and seizure means opening a drug dealer's apartment, the telecoms' alleged actions would be the equivalent of strip-searching everyone in the building, ransacking their bedrooms, and prying up all of the floorboards.

The scale of these corporations opens unprecedented possibilities for abuse, possibilities far beyond the power of the individual. What the telecoms have been accused of could not be done by one man or even 10. It would be inconceivable without the size and resources of a large corporation, the same size that makes Mike McConnell fear the corporation's day in court. That is the massive scale we are talking about. And that massive scale is precisely why no corporation must be above the law.

On that scale, it is impossible to plead ignorance. As Judge Walker ruled:

> AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

Again, Ronald Reagan's appointee to the Federal bench. But the arguments of the President's allies sink even lower. Listen to words of a House Republican leader spoken on FOX News. They are shameful:

> I believe that they deserve immunity from lawsuits out there from typical trial lawyers trying to find a way to get into the pockets of American companies.

Of course, some of the "typical greedy trial lawyers" bringing these suits actually work for a nonprofit. And the telecoms that some want to portray as pitiful little Davids actually employ hundreds of attorneys, retain the best corporate law firms, and spend multimillion dollar legal budgets every year.

But if the facts actually mattered to immunity supporters, we would not be here. For some, the prewritten narrative takes precedence far above the mere facts; and here it is the perennial narrative of the greedy trial lawyers.

With that, some can rest content. They can conclude that we were not ever serious about law, or about privacy, or about checks and balances; it was all about money all along.

There can no longer be any doubt: One by one the arguments of the immunity supporters, of the telecoms' advocates, fail.

I wish to spend, if I could, a few minutes reviewing in detail those claims and their failures. I will put up some of these quotes here for you.

The first argument is: The President has the authority to decide whether the telecoms should be granted immunity.

The facts are the judiciary, not the executive branch, should be allowed to determine whether the President of the United States has exceeded his powers by obtaining from the telecoms wholesale access to domestic communications of millions of ordinary citizens. That is one of the arguments of those who argue that the granting of immunity is a Presidential prerogative. I argue quite the opposite. The court should not simply be in the business of certifying that the companies received some form of documentation, some letters that they received; rather, they should be allowed to evaluate the validity of the legal arguments attested to in the document. Was the request legal or not? Is a letter a legal document that requires you to cooperate?

Remember, the administration's original immunity proposal protected everyone, as I said a moment ago, involved in the wiretapping program, not just the companies. In their original proposal to the Congress, they wanted to immunize themselves as well. As I said, thankfully the committee disregarded that request. They made it. But, again, I think that is instructive.

The second argument: Immunity supporters claim that only foreign communications were targeted, not Americans' domestic calls.

And here, litigation against the telecom companies is based upon clear, firsthand evidence, authenticated by those corporations in court. Every e-mail, every text message, every phone call, foreign or domestic carried over the massive fiber optic links of 16 separate companies, routed through AT&T's Internet hub in San Francisco, have been knowingly diverted by AT&T by means of multiple splitters into a secret room controlled exclusively by the NSA. There may be other such rooms as well.

This was given to the courts by the individual who was involved directly in the program. So the argument was only conversations between foreign targets that they have argued is completely and factually wrong.

The third argument immunity supporters make is that: A lack of immunity will make the telecoms less likely to cooperate.

Again, I made this case a moment ago. But for more than 25 years the FISA legislation has compelled the telecommunications companies to cooperate. This is not a choice if, in fact, the FISA courts demanded it. In fact, when they have done that, what they do is they also immunize, so they can protect these companies against future litigation that can occur from people who claim they have done something wrong in the process.

But to argue somehow these companies might never again be helpful is to not understand existing law. For 25 years they have, in fact, been compelled to comply and, in fact, we provided the immunity when they have done so.

Why in this case, after 25 years, did the Bush administration completely disregard this? And instead of compelling their compliance, and providing the immunity they would have gotten immediately, they decided to send a letter instead, without any legal documentation, without any argument at all. But they are relying on that thin reed of a letter saying, "You should do this." "We want you to do this."

Not all of them complied. Qwest said: Wait a minute, that is not legal. A letter is not enough. They did not comply, and obviously they did not get involved in the program and they were not asked to do so further. So I am rather mystified. Shouldn't we know the answer to that question? Is it wrong for us to say: I think you ought to explain why you think that was legal?

Why was a document legal? The fact that we are immunizing, in effect, through retroactive immunity, their actions, what sort of precedent are we setting? That we are in a sense, if you will, almost sanctioning that action. While we are saying it should never happen again, I will almost guarantee you that someday someone will do something like it and will refer to this Congress's decision to, in effect, sanction the use of letters alone without documentation to determine the legality of their actions.

The fourth argument: Immunity supporters argue that telecoms can't defend themselves without exposing State secrets. This is highly offensive. Again, Judge Walker has already ruled the issue can go to trial. In fact, he was incensed, as I quoted earlier.

"The Government," he said, "has [already] disclosed the general contours of the 'terrorist surveillance program,' which requires the assistance of a telecommunications provider."

The suggestion that State secrets—I know the Presiding Officer is a former attorney general, and I am preaching to the choir on these matters, but I am confident he knows that for decades Federal courts meeting ex parte in camera have religiously guarded State secrets when they have been asked to make judicial decisions about matters involving information that could fall into the area of State secrets. I don't know of any example where leaks have occurred. So the suggestion that if you allow this to go into Federal court to determine the legality of this action, actions that now are publicly well known, that somehow we are going to have a leak of State secrets, there is not a scintilla of evidence that has ever been the case. It is a phony argument to suggest that somehow State secrets would be jeopardized.

Five: Immunity supporters claim they are already protected by common law principles. In this case, of course, the fact is that common law immunities do not trump specific legal duties imposed by statute, such as the specific duties Congress has long imposed on the telecommunications companies to protect customer privacy and records. In the pending case against AT&T, the judge already has ruled unequivocally that AT&T cannot seriously contend that a reasonable entity in its position could have believed the alleged domestic dragnet was legal. Even so, the telecommunications company defendants can and should have the opportunity to present these defenses to the courts, and the courts—not Congress preemptively—should decide whether they are sufficient. Again, common law does not trump specific legal duties imposed by statute.

The sixth argument immunity supporters claim is that leaks from the trial might damage national security. I have already talked about this. I said that the Federal courts over the years have handled matters very well, and this is a red herring. When, if ever, then, can we challenge the legality of actions in Federal courts? If the case is made in this case, if this is upheld and we buy into that argument on this matter, which is already publicly known but also, in a sense, siding, if you will, with this argument by granting retroactive immunity, then in cases where, in fact, national security information may, in fact, be at risk, I suspect the same argument will be made, and they will be relying on the actions taken by the Senate, in this case, involving the telecom companies. This is the kind of precedent-setting action that could occur by our vote to grant retroactive immunity, if we buy into this very argument, which is a dangerous argument, indeed, to suggest somehow that our Federal courts are incapable of providing the kind of security where national security leaks could occur. We can be increasingly confident that these cases will not expose State secrets based on history.

The seventh argument made by the supporters of this effort to grant retroactive immunity, they claim that litigation will harm the telecoms by causing them reputational damage. I hesitate to even make an argument against this, it is so offensive to me. The fact that the Director of the National Security Agency would suggest somehow there was a financial loss to the companies if we went further with this, that is not the kind of argument I expect to be made by someone who is in charge of intelligence. That is an economic argument. It doesn't hold up, in my view. We are talking about wealthy companies. But even so, I don't know if anyone is suggesting that these actions, if, in fact, they prove to be true, that, in fact, there was an illegal action taken here, would necessarily warrant an overexcessive judgment that would somehow cripple these 17 companies from their financial well-being.

There is plenty of evidence that they are doing tremendously well. But the idea somehow that a company ought not to be sued, that a plaintiff ought not to bring a case because you might win and there might be damage financially, that is a ludicrous argument on its face to make when we are talking about millions of people's rights of privacy being invaded for 5 years by 17 companies vacuuming up every bit of information, that you might be damaged because the plaintiffs might win. It is a foolish argument and a dangerous one to make as well.

The eighth argument, immunity supporters claim the lawsuits will bankrupt the companies. It is the same argument as I made about financial damage. The fact is, if we accept that premise about financial damage or reputational damage, if we could conceive of a corporation so wealthy, so integral to our economy that its riches place it outside the law altogether, that is a frightening concept, and I hope it will be rejected by our colleagues. Ensuring a day in court is not the same as ensuring a verdict. When that day comes, if it does—and I doubt it will, in light of the votes that have been cast in the past—I have absolutely no investment in a verdict either way. But I am bothered by it. I am bothered that the administration didn't go to the FISA Court, as others had 18,748 times since 1978, and on five occasions the warrants were rejected, and in 18,748 cases, the warrants were granted, that this administration decided not to go that route, I have my doubts. But nonetheless, what I am calling for is not a verdict by this body. All I am calling for is to allow a judgment to be rendered by a court of law, allow plaintiffs to make their case, allow a Federal judge in that coequal branch of government to determine whether what occurred was legal. If it was legal, case over. If it was not, then allow the plaintiffs to make their case and be rewarded accordingly.

But by a vote of 51 to 49 or whatever the vote may be here, we are going to superimpose our judgment for a legal argument. I think letting a political judgment replace a legal judgment is a dangerous precedent indeed. This is a big matter. We ought to have the courage to stand up to this administration, after a litany of abuses over the last 7 years. As I said some time ago, if this had been for a week, a month, a year, after 9/11, I would not be here tonight. I am a reasonable, practical person. The emotions were high; fears were great after we were attacked. The fact that someone might have rushed in and done something like this, I might not like it, I may worry about it, but I wouldn't prejudge it. Emotions could be such that one would take those actions. But this went on for 5 years and would still be going on if a whistleblower hadn't stood and said: This is what is happening. And it was reported widely in the national media. That is the only reason it stopped. If not, it would be still going on. So it wasn't one of these early events that can sometimes happen in which reasonable people ought to be able to step back and say: I understand why that happened.

If we were talking about an administration that had been upholding the rule of law over the last 7 years or had been defending it, I might also not be standing here. But how many lessons do we have to learn about an Attorney General politicizing U.S. attorneys, rendition, torture, walking away from habeas corpus, walking away from the Geneva Conventions? How many more examples do we have to have of how this administration regarded the rule of law? And yet at the end of all that, within months of this administration leaving town, this body is going to say: We are going to side with the administration, grant immunity, and we will never find out what went on here. Why did this crowd seek immunity for itself, if it wasn't fearful about a judgment or a court of law examining what happened here? When letters became the legal basis rather than going to the very court that had been around for 30 years, that had provided warrants over and over again in 99.9 percent of the cases, why did this administration decide not to go that route and seek that kind of a warrant from the very secret court established to strike that balance between the needed security and surveillance we should have and balancing those rights so the judgments could be rendered?

Just as it would be absurd to declare the telecoms clearly guilty, it would be equally absurd to close the case in Congress without a decision. That is immunity.

Throughout this debate, telecoms' advocates have needed to show not just that they were right but that they are so right and that they are so far beyond the pale that we can shut down the argument right here and now with a vote, grant them immunity. That is a burden they have clearly not met, in my view, in any of the arguments, all eight of them, that they have made. They cannot expect to meet it when a large majority of our colleagues who will make that decision have not even seen the secret documents that are supposed to prove the case for retroactive immunity.

My trust is in the courts, in the cases argued openly, in the judges who preside over them, and in the juries of American citizens who decide them. They should be our pride, not our embarrassment. They deserve to do their jobs. That is what the Founders created. It has been a great system of checks and balances, coequal, three coequal branches of Government—an executive, a legislative, and a judicial branch. We have an executive branch that took action. We are going to have a legislative branch that is going to sanction it by granting immunity without ever allowing that coequal branch of Government to determine the legality of their actions. We are depriving what the very Founders of our country insisted upon.

This isn't about being a Democrat, a Republican, a liberal or a conservative. It is about whether you understand the rule of law, that no man, not even the President, is above it. Whether this President was of my party or anyone else's, I would stand here with the same degree of passion in making this case. A case I know I have lost in the past but I care so deeply about that I want my children and my grandchildren one day to know that their father and grandfather at this moment stood for the rule of law. And I believe my colleagues, if given the chance to think about this, will reach the same conclusion.

This is one of those moments. They don't happen very often, but they do happen here. We have learned about them only after the fact too often. But this one is before us as it has been over the last number of months. We owe it not only to ourselves but to future generations to stand for these timeless principles of the rule of law, liberty, and security. As complex, as diverse, as relentless as the assault on the rule of law has been, our answer to it is a simple one. Far more than any President's lawlessness, the American way of justice remains deeply rooted in our character that no President can disturb.

So on this evening, I am full of hope, on a dark day, when it may seem we are going to lose this case once again. I would like to have faith that we can unite security and justice because we have already done it. It is not a choice, one or the other. It can never be that. That is a false choice and a false dichotomy. Justice and security is what our forebears have given us, what our predecessors have struggled with, and which we now must wrestle with ourselves. It is never perfect. There is always one side maybe a bit more weighty than the other, but it is our responsibility to try and strike that balance, to keep us secure in the face of those who would do us great harm and to do so at a time without giving up our rights and liberties. To do so is to change the very nature of who we are as a people. To succumb to the fears of those who would suggest that you have to make choices about being more secure or being free, I don't believe that.

In fact, I think if we give up freedoms, we become far less secure and far less safe. That is the judgment we must now make, whether we can be secure and free and guarantee those liberties to go forward.

My father was the executive trial counsel at the Nuremberg trials in 1945 and 1946. I have never forgotten the example he set, as Justice Robert Jackson said in the opening statement at the Nuremberg trials, a statement, by the way, that my parents made us memorize as children because it captured the essence of the Nuremberg trials. The rule of law is what motivated those who insisted upon that trial. The overwhelming majority of people did not want a trial. Why should you spend the money giving these 21 defendants a lawyer? Fifty-five million people had died at the hands of the

Nazis and their allies; 6 million Jews had been incinerated in the concentration camps; 5 million others had the same fate befall them because of their political affiliation, their ethnicity, their sexual orientation; 11 million people incinerated; 45 million died at their hands. Why in the world would you ever give them a trial?

Why not, as Winston Churchill suggested, just line them up and shoot them? Just line them up and shoot them. They did not deserve civility. But Robert Jackson; Henry Stimson, the Secretary of War under Franklin Roosevelt—a Republican, I might add; the only one in Roosevelt's Cabinet—Samuel Rosenman, a great speechwriter for Franklin Roosevelt; Robert Jackson, a Supreme Court Justice, and a handful of others stood up and said: No, that war was not about treasury or treasure or land, it was about values and principles, and the principle of the rule of law is something we stood for.

So despite all of the appetite for vengeance, we are not going to give these defendants that which they gave to their victims. We are going to prove the difference. We are going to give them that which they never gave their victims. They are going to get a day in court. They are going to live with the rule of law.

Robert Jackson, speaking to that Court, in the summer of 1945, said the following, which I memorized years ago. Speaking about the Soviet Union, the French, the British, and ourselves, he said the following:

> That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

It is a remarkable sentence, and it captured the essence of Nuremberg—the rule of law. From that experience, America led the way in creating the structures in architecture that gave us almost 70 years of global peace. The IMF, the World Bank, Bretton Woods, the expansion of the United Nations, NATO—all of those institutions occurred because of the moral high ground we achieved by insisting upon the rule of law.

It was Nuremberg, in many ways, that conjured up the image of who we were as a people. Compare that with the words "Guantanamo," "Abu Ghraib," "renditions," "torture," "habeas corpus," "walking away from the Geneva Conventions." This is not who we are. Nuremberg was who we are, not Guantanamo, not giving retroactive immunity where the rule of law is being abused, or potentially being abused. That is why we are here.

Each generation has been asked to defend these principles and values, and each generation in its own way has done that. I believe our generation can and must as well. Therefore, the challenge before us is not a simple one, but an easy one, in my view; that is, to stand up for this principle.

The world is not going to collapse, the sky is not going to fall if some companies have to face some plaintiffs and explain why they vacuumed up all their private information for more than 5 years. What was the legal justification for that action? To grant retroactive immunity would, in fact, do just that.

So what is the tribute that Power owes to Reason? That America stands for a transcendent idea, the idea that laws should rule, and not men, the idea that the Constitution does not get suspended for vengeance, the idea that this Nation should never tailor its eternal principles to the conflict of the moment, because if we did, we would be walking in the footsteps of the enemies we despised.

The tribute that Power owes to Reason is due today as well. I know we can find the strength to pay it. And if we cannot, we will have to answer for it, I fear.

There is a famous military recruiting poster that comes to mind. A man is sitting in an easy chair with his son and daughter on his lap, after some future war has ended. His daughter is asking him, "What did you do in the war?" And his face is shocked and shamed because he knows he did nothing.

My little daughters, Grace and Christina, are 6 and 3. They are growing up—I hope sound asleep at this hour, as I speak in the late night hours here, but they are growing up in a time of two great conflicts: one between our Nation and its enemies, and another between what is best and worst in our American soul. And someday soon, I know I am going to hear that question: What did you do at the time when this conflict was emerging? What side did you take? I want more than anything else, when that day comes, to give the right answer, that I stood for the rule of law.

That question is coming to each and every one of us in our own way. Every single one of us will be judged by a jury from whom there is no hiding: our sons and daughters and grandchildren. Someday soon, they will read in their textbooks the stories of a great nation—one that threw down tyrants and oppressors for two centuries, one that rid the world of Nazism and Soviet communism, one that proved that great strength can serve great virtue, that right can truly make might.

And then they will read how, in the early years of the 21st century, that nation could have lost its way. We do not have the power to strike that chapter. But we cannot go back. We cannot un-destroy the CIA's interrogation tapes. We cannot un-pass the Military Commissions Act. We cannot un-speak Alberto Gonzales's testimony before the Congress. We cannot un-torture innocent people. We, perhaps, sadly and shamefully, cannot stop retroactive immunity. We cannot undo anything that has been done in the last 6 years for the cause of lawlessness and fear. We cannot block out that chapter. But we can begin the next chapter, even this evening, even in the days to come, as we debate this issue. And let its first words read: Finally, in the month of June of 2008, the Senate of the United States—Democrats and Republicans—said: Enough. Enough is enough.

I implore my colleagues to write it with me. I implore my colleagues to vote against retroactive immunity and vote against cloture when that opportunity arrives in the next day or so. I think it would be a mistake to grant it. I think we can do better. I think we can reform the law. But we ought not to have any decision be above the law, as is the danger here.

Mr. President, I want to, if I can, share with my colleagues, and those who may be listening to all this, some articles because their eloquence is far greater than mine when they talk about the importance of all of this, and they are worth noting and reading as we examine this question before us.

There have been editorials and others that have addressed this issue. There is an editorial in the New York Times from June 18, entitled: "Mr. Bush v. the Bill of Rights."

> In the waning months of his tenure, President Bush and his allies are once again trying to scare Congress into expanding the president's powers to spy on Americans without a court order.
>
> This week, the White House and Democratic and Republican leaders on Capitol Hill hope to announce a "compromise" on a domestic spying bill. If they do, it will be presented as an indispensable tool for protecting the nation's security that still safeguards our civil liberties. The White House will paint opponents as weak-kneed liberals who do not understand and cannot stand up to the threat of terrorism.
>
> The bill is not a compromise. The final details are being worked out, but all indications are that many of its provisions are both unnecessary and a threat to the Bill of Rights. The White House and the Congressional Republicans who support the bill have two real aims. They want to undermine the power of the courts to review the legality of domestic spying programs. And they want to give a legal shield to the telecommunications companies that broke the law by helping Mr. Bush carry out his warrantless wiretapping operation.
>
> The Foreign Intelligence Surveillance act, or FISA, requires that government to get a warrant to intercept communications between anyone in this country and anyone outside it. The 1978 law created a special court that has approved all but a handful of the government's many thousands of warrant requests.
>
> Still, after Sept. 11, 2001, Mr. Bush bypassed the FISA court and authorized the interception of international calls and e-mail messages without a warrant. Then, when The Times disclosed the operation in late 2005, Mr. Bush claimed that FISA did not allow the United States to act quickly enough to stop terrorists. That was nonsense. FISA always gave the government the

> power to start listening and then get a warrant—a grace period that has been extended since Sept 11.
>
> More fundamental, Mr. Bush's powers do not supersede laws passed by Congress or the constitution's protections against unreasonable searches and seizures.
>
> The ensuing debate did turn up an Internet-age problem with FISA: It requires a warrant to eavesdrop on foreign communications that go through American computers. There was an easy fix, but when Congress made it last year, the White House muscled in amendments that seriously diluted the courts' ability to restrain the government from spying on its own citizens.
>
> That law expires on Aug. 3, and Mr. Bush is demanding even more power to spy. He also wants immunity for the telecommunications companies that provided the government with Americans' private data without a warrant after Sept. 11.
>
> Lawsuits against those companies are the best hope of finding out the extent of Mr. Bush's lawless spying. But Democratic leaders in Congress are reported to have agreed to a phony compromise drafted by [one of our colleagues], the Republican vice chairman of the Intelligence Committee.
>
> Under the so-called compromise, the question of immunity would be decided by federal district court—a concession by Mr. Bond [our colleague from Missouri], who originally wanted the FISA court, which meets in secret and is unsuited to the task, to decide. What is unacceptable, though, is that the district court would be instructed to decide based solely on whether the Bush administration certifies that the companies were told the spying was legal. If the aim is to allow a court hearing on the president's spying, the lawsuits should be allowed to proceed—and the courts should be able to resolve them the way they resolve every other case. Republicans, who complain about judges making laws from the bench, should not be making judicial decision from Capitol Hill.
>
> This week, House and Senate leaders were trying to allay the concerns of some lawmakers that approving the immunity would be tantamount to retroactively declaring the spying operation to have been legal. Those lawmakers are right. Granting the corporations immunity would send that exact message.
>
> The new bill has other problems. It gives the government too much leeway to acquire communications in the United States without individual warrants or even a showing of probable cause. It greatly reduces judicial review, and it would remain in force for six years, which is too long.
>
> If Congress cannot pass a clean bill that fixes the one real problem with FISA, it should simply extend the temporary authorization. At a minimum . . .

It talks about what other steps can be taken.

There are several other articles I want to share with colleagues, but let me also say to my colleagues, we are in a postcloture environment here on the housing bill. We will be in cloture until tomorrow evening on the 30 hours required under the housing bill, unless some intervening action is taken. I know we are supposed to consider voting on cloture on this bill sometime tomorrow morning. I reserve the right to use whatever vehicle is available to me. While I am upset we are not dealing with the housing bill—I believe that is a priority on which Americans expect something to be done. You have 8,400 people filing for foreclosure every day in this country. It is a massive economic issue that is crippling the livelihood and the future wealth and security of too many American families. I would object to any unanimous consent request to go to the FISA bill. If we do get to a cloture motion, I will be urging my colleagues to vote against cloture, to send this bill back to the Intelligence Committee, the Judiciary Committee, and craft some reforms of FISA, but stay away from this retroactive immunity. It is not needed. It is unnecessary. It is shameful it is even being requested in this bill for all the reasons I have identified earlier.

Let me read, if I can, from the New Jersey Star-Ledger. Again, this paper calls for rejecting the wiretap bill, as well. This editorial says:

> The House of Representatives is to vote today on a wiretapping bill that would give some of America's biggest and richest companies a get-out-of-jail card for breaking the law and that also would help the government carry out unsupervised snooping for years in the future.
>
> But Verizon and other telecommunications companies should not be rewarded with immunity against lawsuits for agreeing to perform President Bush's illegal eavesdropping. They should answer for their actions in court, just like any other citizen.
>
> And Congress should not gut the current law that says a federal judge's review is essential to avoid the very abuses of power that Bush's White House embraced.
>
> The House "compromise" wiretapping bill is not a compromise at all. It would give the telecommunications companies absolute immunity from the suits pending against them for wiretapping if they can simply show that the Bush administration told them at the time that the snooping was legal. Which everyone agrees the administration did indeed do.

It is not a debate. They sent letters. The question is, were the letters and the documentation a legal justification? We already know they sent the letters, so all they are providing for us in here is tantamount to acknowledging what we already know occurred. What we are not getting to is the legal conclusion that those documents not seeking the warrants of the FISA court was a legal justification for their actions. It does not take a legal scholar to see the danger in this approach. It means that the law becomes whatever the President wants it to be, never mind what the statutes or even the Constitution may say. That is why the courts exist. That is why you have Federal judges to make those determinations.

This editorial goes on to say:

> The President also very much wants the other major part of the new wiretapping law, the section that amounts to an aggressive broadening of federal surveillance powers. The provisions would emasculate the ability of federal judges to review wiretapping orders, especially if the orders were for a general information "dragnet" as opposed to targeting specific persons.
>
> Snooping government agents would be officially free to plug into phone and data lines and copy and review untold millions of calls and e-mails, all without serious adult supervision. Effective checks and balances in government this is not.
>
> Bush and Attorney General Michael Mukasey want the new law—

The editorial goes on to say—

> and they want it now. House Members—

Talking about the House-passed bill—

> should not give it to them. Government wiretapping is now operating under a series of interim laws set to expire in early August.
>
> There is no evidence that these interim rules are too anemic to protect the Nation for a while longer. Congress should extend them. If the wiretapping law needs major revisions, these can be done under a new President.
>
> One who, unlike Bush, didn't begin a secret, illegal wiretapping months before September 11, 2001.

This is from the Denver Post. I wonder why I chose that one to read to the Presiding Officer, my good friend and colleague from Denver, CO. I suspect he may have seen this one himself, so I apologize if I am reading an editorial he has already probably read himself. This is dated June 5. "Another Dose of Courage Needed on FISA" is the title.

> Congress once again is discussing a compromise on a long-stalled rewrite of the Foreign Intelligence Surveillance Act with the idea of getting something passed before its August recess.
>
> The White House assuredly will play the national security card again as it seeks retroactive immunity for telecoms that give in to demands for information under the President's warrantless wiretapping program.
>
> We hope Congress stands firm as it did in February. Frame it any way you want, but the issue is accountability.
>
> Proponents are making a last-ditch effort—

The Denver Post says—

> to squelch some 40 lawsuits that could bear witness to the breadth of Bush administration spying that took place outside the auspices of FISA.
>
> Congress must not capitulate on this key point.
>
> It's important to keep in mind how this country came to have FISA. Enacted in 1978, FISA was a response to widespread government abuse of wiretaps in the name of national security. The act set rules for government spying on foreign powers on their agents.
>
> A secret FISA Court hears government eavesdropping requests and almost without exception approves them. The administration can even wiretap without a FISA warrant and get one later.
>
> After the 9/11 attacks, President Bush decided to do an end run around the FISA Court, shifting approval for wiretaps from the judiciary to the executive branch. That program was secret until 2005 when the New York Times exposed its existence.

As I pointed out earlier, conceivably it would still be operating today but for that revealing by the whistleblower.

> Last year, the administration employed fear mongering and convinced Congress—

The Denver Post says—

> to legitimize the program through the Protect America Act, a temporary provision that expired this year.
>
> The battle now is over a permanent extension, the centerpiece of which would be lawsuit immunity for the telecommunication companies that cooperated with the warrantless spying program.
>
> Administration officials say they are very concerned about getting cooperation from the communications companies unless the companies have immunity.
>
> We find it hard to believe that these telecoms would refuse to comply with the FISA Court order. FISA has been in operation for 30 years and that seems to have not been a problem in the past.

Let me just cut in here and point out that over the past 25 years, as I noted earlier, the FISA Courts have compelled companies to provide information and simultaneously granted them immunity when doing so. So this idea that we hope they will willingly cooperate—the courts have the power to compel cooperation when we want surveillance of individuals that could be doing us harm. So the argument that if we don't grant immunity they might not show up again when we ask them to provide surveillance that we need in order to guarantee our security—we hope they will cooperate, but if they don't, we have the ability to compel cooperation.

Back to the editorial. It concludes by saying:

> It's also important to keep in mind that the Federal courts where these telecom lawsuits are being heard can—and have—dismissed some actions on the grounds that they could endanger national security. So it's not as if there is no protection at work.
>
> The last time immunity was debated in Congress, House Democrats held firm, saying that they thought the administration's modifications would amount to a suspension of the Constitution. We hope they have the same courage of their convictions this time around.

I applaud the Denver Post for its brilliant and thoughtful editorial in that regard.

This is an editorial from the Register-Guard in Eugene, OR, so we get the breadth of this across the country. This one is entitled "Sinking the Boat: House Approves Flawed Electronic Surveillance Bill," June 24, 2008.

> Congressional leaders have crafted a deeply flawed bill on electronic eavesdropping, caving once again to White House warnings that failure to give the executive branch broad license to spy on U.S. citizens without a warrant would make it harder to protect Americans from terrorists.
>
> In one of the most disappointing votes of the 110th Congress, the House on Friday approved a compromise over a contentious intelligence surveillance bill. The House measure would allow the Federal Government to intercept international telephone calls or e-mails without prior court approval if the executive branch claims it is necessary in an emergency. It would also grant de facto immunity to telecommunications companies that cooperated in the administration's secret and blatantly unconstitutional surveillance program after the September 11 attacks.
>
> Congressman Peter DeFazio deserves credit for voting, along with 127 other Democrats, against the House bill. "We do not trample over the U.S. Constitution in order to protect Americans from terrorism—that is akin to sinking the boat so the enemy can't sink it," the Oregon Democrat said.
>
> After September 11, President Bush authorized the National Security Agency to monitor, without the prior court approval required by the Constitution, e-mails and phone conversations between suspected terrorists of United States residents. Called the Terrorist Surveillance Program, the initiative ignored the 1978 Foreign Intelligence Surveillance Act which required a special Federal court to authorize electronic spying on Americans.

The editorial goes on to say:

> The Bush administration grudgingly accepted judicial oversight of the program only after its existence was leaked to the media and Congress howled in outrage. That outrage has since been muffled by a White House campaign intended to scare Americans and to allow the administration to further expand the chief executive's powers and erode civil liberties. And, oh, yes, to ensure that no one is held accountable for the illegal wiretapping that Bush ordered after September 11.
>
> The House bill is a modest improvement over the earlier versions. While it unwisely allows the administration to authorize monitoring of international calls or e-mails, it requires the secret Foreign Intelligence Surveillance Court to review and enforce protections for U.S. residents, and it bars surveillance until those procedures are approved except in "exigent circumstances."
>
> The Senate should improve the House bill by requiring court supervision of any surveillance that can involve American citizens or others in the United States. That's a constitutional red line the Bush administration—or any other—should not be allowed to cross.
>
> The Senate should also make certain that the courts are allowed to decide whether telecommunication companies violated the law by handing over data to the government over the past five years without a court order. The Senate should also demand a full accounting to Congress of all surveillance conducted since September 11—accounting the White House has refused to provide, telling lawmakers and the American public to instead "trust us" with their freedoms.
>
> Congress still has a chance to make certain that the Federal Government Surveillance Program complies with the rule of law. History would suggest the failure to do so could leave the door open to lawless behavior as long as the current President remains in office—

And, I would argue, set a precedent for future administrations where that could occur as well.

Again, let me suggest here that what we are talking about is not the choice between security and liberty. This is not an issue that ought to divide people based on our party affiliation or how one is characterized and where they sit in the political spectrum. This is an issue that goes to the heart of who we are. It is talking about the rule of law and the Constitution. Everyone here takes an oath of office to protect and defend our country and to protect the Constitution. Certainly that is what this ought to involve.

Are the courts going to make a determination about the legality of this effort? Again, I don't know of another instance in our Nation's history where for 5 long years, 17 companies were allowed to virtually sweep up every phone call, every e-mail, every fax, every text message that was sent by every citizen of this country, and that is exactly what happened and would still be ongoing if it hadn't been revealed.

Do we require that there be some justification as to whether this was legally occurring? That ought not to be a matter of political choice. That ought to be a matter for the courts. That is why we established the third branch of government—the judiciary—to determine the constitutionality and legality of actions taken by the executive or legislative branches. We are shortcutting in the legislative branch, at the request of the executive, the ability of that branch to make that determination. We are sanctioning, in effect. We are closing the door, never to know why this happened, who ordered it, why did they avoid FISA, what was behind their thinking. That is a dangerous step for us to take.

That is the only case I am making. I have my doubts, as I said, about the legality of it, but that is just one Senator. I have the right to certainly have my doubts about certain actions. I don't have the right to determine the legality of it. I am a Senator, I am not a Federal judge. I don't sit in that third branch, I sit in the second branch. I sit in the Congress of the United States. It is my job here to stand up and see to it that we don't take actions that would deprive that branch—the legal branch, the judicial branch—from asserting its rights under our Constitution—exactly what the Founders intended.

So while I know there are those who are going to argue and make the case that those of us who stand up here to defend the rule of law, somehow we are weak-kneed when it comes to terrorism, that is hardly the case. I don't want to give terrorists a greater victory. As profoundly sad, as tragic, and as violent as the attack was on 9/11 that destroyed so much and showed us how dangerous the world is today, to grant them the power—those terrorists—to allow them to deprive us of our liberties is to grant them a victory even greater than they achieved that day. It must be our common determination to see to it that we stand up and not allow these rights and these liberties we enjoy as citizens to be eroded at our own hand.

Let's say to terrorists around the world: We will fight you and defeat you as you try to do us and others great harm, but you will not bring down the pillars of our constitutional form of government and the rule of law. That is what this is all about, while it is argued and we are told that we have to do this and if we don't do it, that somehow we are succumbing to those terrorists who wish to do us great physical harm.

Let me, if I can, sort of wrap up because I know I am taking a little bit of time. I want to leave some time to argue my housing bill. I am consuming the time on my housing bill to do this, but I want people to understand, at least from my perspective, why this is a dangerous conclusion, why we ought to vote against cloture, and why I am going to use my power as a Senator to object to going to that cloture vote, at least as long as a cloture vote exists on dealing with the housing legislation.

I think retroactive immunity is a disgrace. In the last months, I believe we proved that beyond any doubt whatsoever. As I said, I believe it is more disgraceful in all that it represents. It is the mindset that the Church Committee summed up so eloquently three decades ago. As I read these words—they are no longer with us. A lot of these Members have long since left us, not only from this Chamber but who have since passed away. But it is worthwhile for us to read their words, these Democrats and Republicans. There were those who suggested somehow they were weak-kneed when it came to giving the President the power to protect our national security. But listen to their words of three decades ago:

> The view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom, that view created the Nixonian secrecy of the 1970s.

The Church committee wrote those words in part as a rebuke to our predecessors in this Chamber who for years allowed secrecy and executive abuses to slide. But today those words take on new meaning. Today, they rebuke us, in a way. Today they shame us for a lack of faith that we can, at the same time, keep our country safe and our Constitution whole.

As I said before, when the 21st century version of the Church committee convenes to investigate the abuses of the past years, how will we be judged? When it reads through the records of our debates—not if, Mr. President, but when—what will they find? When the President asked us to repudiate the Geneva Conventions and strip away the rights of habeas corpus, how did we respond? What was our Congress? What did we say about that? When stories of secret prisons and outsourced torture became impossible to deny, what did that Congress do in 2008 and 2007? In June of 2008 when we were asked to put corporations explicitly outside the law and accept at face value the argument that some are literally too rich to be sued, how did that Congress, how did that Senate vote on that matter?

All of these questions are coming to us, Mr. President. All of them and more. And in the quiet of his or her own conscience, each Senator knows what the answers are.

Remember, this is about more than a few telephone calls, a few companies, or a few lawsuits. If the supporters of retroactive immunity keep this argument a technical one, they will win. A technical argument obscures the defining question: the rule of law or the rule of men? That question never goes away. As long as there are free societies, generations of leaders will struggle mightily to answer it. Each generation must ascertain an answer for itself. Just because our Founders answered it correctly doesn't mean we are bound by their choice. In that, as in all decisions, we are entirely free.

The burden falls not on history but on each one of us—the 100 of us who serve in this remarkable Chamber. But we can take counsel, listen to those who came before us, who made the right choice even when our Nation's survival was at risk. They knew the rule of law was far more rooted in our character than any one man's lawlessness. From the beginning, they advised us to fight that lawlessness whenever we found it. At the Constitutional Convention, James Madison said:

> The means of defense against foreign danger historically have become the instruments of tyranny at home.

He also said:

> I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden assertion.

As long as we are temporary custodians of the Constitution, as we are, we have a duty to guard against those gradual and silent encroachments. That is exactly what this is. It is a gradual and silent encroachment. It doesn't come in a burst, it comes slowly. Our Founders knew these threats were coming. They could predict, persuade, and warn, but when it comes time to stand up against those threats in our own time, they cannot act for us. They can only teach us, they can warn us, they can remind us that they would come. And they have. They are here. They are before us. They cannot act for us. The choice is ours and ours alone.

Tomorrow or the following day, when we are asked to vote on this, the choice will be ours. We have been warned and cautioned by history. The decision now rests with each and every one of us to decide whether we have listened to them and not only answer them but provide the answer for generations to come, as generations before us have answered that question. May we rise to that moment, Mr. President, and defeat this legislation. May we reject this retroactive immunity for a handful of companies so that we may determine whether their actions were legal or whether they were above the law or whether they were the rule of law or the rule of men. That is the important choice we will have to make.

I yield the floor.

COMMEMORATING THE 44TH ANNIVERSARY OF THE DEATHS OF CIVIL RIGHTS WORKERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 600, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 600) commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, our Nation owes a tremendous debt of gratitude to all of those who risked their lives in the pursuit of making America a more perfect union. This week, we commemorate the 44th anniversary of the day three brave civil rights workers—James Chaney, Michael Schwerner, and Andrew Goodman—paid the ultimate price in the struggle to secure civil rights and expand our democracy for all Americans.

On June 21, 1964, these three young men were abducted, brutally beaten, and shot to death by Ku Klux Klansmen for simply attempting to register African-Americans voters. Their deaths touched the conscience of our country and inspired events that changed the course of our history. The public outcry over the initial disappearance of these workers drew national and international attention to the violence associated with efforts to register African-American voters. It spurred efforts to desegregate the voting delegates at political party conventions. And it served as a catalyst for Congress to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965, key legislation that would eliminate segregation and usher in a new era of equal opportunity and access to our democracy for all Americans.

Unfortunately, our march toward equal justice under law is not yet complete. Three years ago, Edgar Ray Killen was convicted for the deaths of the three civil rights workers we honor today. Almost two dozen other men were involved in this crime; some are still alive, yet, none have ever been held charged with this murder. Even more troubling, the families of hundreds of other Americans who lost their lives in the fight for equal rights still await justice.

As we pass this resolution, we must recognize that it is long past time to pass the Emmett Till Unsolved Civil Rights Crime Act, which would strengthen our ability to track down those whose violent acts during a period of national turmoil remain unpunished. Last year, the House overwhelmingly passed this bill. Yet, one lone Republican Senator has prevented this important bill from passing. As we commemorate the deaths of three of the most celebrated civil rights activists of the past, let us remember this does not obviate our need to solve the hundreds of less recognized civil rights crimes of that era.

Today's resolution is an important gesture for us to remember the civil rights misdeeds of the past. But it is also an opportunity for Congress to show the country that we will not tolerate similar offenses. As we pass this resolution, it is fitting to carry this principle to the present and act in kind to prevent hate crimes and civil rights abuses occurring now in this country and around the world.

The powerful inscription on the grave of James Chaney reads: "There are those who are alive, yet will never live; there are those who are dead, yet will live forever; great deeds inspire and encourage the living." By remembering Mr. Chaney, Mr. Schwerner, and Mr. Goodman today, I hope we all can be inspired to renewed action in this Congress. Let us pass the Till bill to ensure that those who sacrificed their lives in pursuit of justice are not forgotten and the perpetrators of these crimes are held accountable.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 600) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 600

Whereas 44 years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer";

Whereas Andrew Goodman was a 20-year-old White anthropology major at New York's Queens College, who volunteered for the "Freedom Summer" project;

Whereas James Chaney, from Meridian, Mississippi, was a 21-year-old African-American civil rights activist who joined the Congress of Racial Equality (CORE) in 1963 to work on voter education and registration;

Whereas Michael "Mickey" Schwerner, from Brooklyn, New York, was a 24-year-old White CORE field secretary in Mississippi and a veteran of the civil rights movement;

Whereas in 1964, Mississippi had a Black voting-age population of 450,000, but only 16,000 Blacks were registered to vote;

Whereas most Black voters were disenfranchised by law or practice in Mississippi;

Whereas in 1964, Andrew Goodman, James Chaney, and Michael Schwerner volunteered to work as part of the "Freedom Summer" project that involved several civil rights organizations, including the Mississippi State chapter of the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and CORE, with the purpose of registering Black voters in Mississippi;

Whereas on the morning of June 21, 1964, the 3 men left the CORE office in Meridian and set out for Longdale, Mississippi, where they were to investigate the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas on their way back to Meridian, James Chaney, Andrew Goodman, and Michael Schwerner were detained and later arrested and taken to the Philadelphia, Mississippi, jail;

Whereas later that same evening, on June 21, 1964, they were taken from the jail, turned over to the Ku Klux Klan, and beaten, shot, and killed;

Whereas 2 days later, their burnt, charred, and gutted blue Ford station wagon was pulled from the Bogue Chitto Creek, just outside Philadelphia, Mississippi;

Whereas the national uproar caused by the disappearance of the civil rights workers led President Lyndon B. Johnson to order Secretary of Defense Robert McNamara to send 200 active duty Navy sailors to search the swamps and fields in the area for the bodies of the 3 civil rights workers, and Attorney General Robert F. Kennedy to order his Federal Bureau of Investigation (FBI) director, J. Edgar Hoover, to send 150 agents to Mississippi to work on the case;

Whereas the FBI investigation led to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the previous several years had not attracted attention outside their local communities;

Whereas the bodies of Andrew Goodman, James Chaney, and Michael Schwerner, beaten and shot, were found on August 4, 1964, buried under a mound of dirt;

Whereas on December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested, and the Department of Justice charged them with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, since murder was not a Federal crime;

Whereas on December 10, 1964, the same day Dr. Martin Luther King, Jr. received the Nobel Peace Prize, a United States District judge dismissed charges against the 21 men accused of depriving the 3 civil right workers of their civil rights by murder;

Whereas in 1967, after an appeal to the Supreme Court and new testimony, 7 individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been strongly implicated in the murders by witnesses, were acquitted because the jury came to a deadlock on their charges;

Whereas on January 6, 2005, a Neshoba County, Mississippi, grand jury indicted Edgar Ray Killen on 3 counts of murder;

Whereas on June 21, 2005, a jury convicted Edgar Ray Killen on 3 counts of manslaughter;

Whereas June 21, 2008, was the 44th anniversary of Andrew Goodman, James Chaney, and Michael Schwerner's ultimate sacrifice;

Whereas by the end of "Freedom Summer", volunteers, including Andrew Goodman, James Chaney, and Michael Schwerner, helped register 17,000 African-Americans to vote;

Whereas the national uproar in response to the deaths of these brave men helped create the necessary climate to bring about passage of the Voting Rights Act of 1965;

Whereas Andrew Goodman, James Chaney, and Michael Schwerner worked for freedom, democracy, and equal justice under the law for all; and

Whereas the Federal Government should find an appropriate way to honor these courageous young men and their contributions to civil rights and voting rights: Now, therefore, be it

Resolved, That the Senate—

(1) encourages all Americans to pause and remember Andrew Goodman, James Chaney, and Michael Schwerner and the 44th anniversary of their deaths;

(2) commemorates the life and work of Andrew Goodman, James Chaney, Michael Schwerner, and all of the other brave Americans who made the ultimate sacrifice in the name of civil rights and voting rights for all Americans; and

(3) commemorates and acknowledges the legacy of the brave Americans who participated in the civil rights movement and the role that they played in changing the hearts and minds of Americans and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans.

Mr. DODD. Mr. President, a few weeks ago, our colleague in the other Chamber, JOHN LEWIS, joined us for lunch and brought along several Freedom Riders who knew very well the wonderful young people we are recognizing by this resolution who lost their lives in the quest for freedom and democracy during the civil rights movement in the 1960s. It was a moving opportunity to listen to these remarkable individuals who, today, are gray in hair and getting older, but in their youth they stood up for democracy and freedom. It is worthy that this institution is recognizing them. I wanted to mention that this evening, as we agreed to this resolution.

ORDERS FOR WEDNESDAY, JUNE 25, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow, Wednesday, June 25; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message to accompany H.R. 3221, the housing legislation, and that the time during the adjournment count against cloture. I further ask that the mandatory quorum rule XXII with respect to H.R. 6304 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:20 p.m., adjourned until Wednesday, June 25, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DAVID D. PEARCE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2011. (REAPPOINTMENT)

DEPARTMENT OF EDUCATION

HOLLY A. KUZMICH, OF INDIANA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE TERRELL HALASKA, RESIGNED.

CHRISTOPHER M. MARSTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION, VICE MICHELL C. CLARK, RESIGNED.

DISCHARGED NOMINATION

The Senate Committee on Rules and Administration was discharged from further consideration of the following nomination and the nomination was confirmed:

MATTHEW S. PETERSEN, OF UTAH, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, June 24, 2008:

FEDERAL ELECTION COMMISSION

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

CYNTHIA L. BAUERLY, OF MINNESOTA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013.

DONALD F. MCGAHN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

MATTHEW S. PETERSEN, OF UTAH, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

THE JUDICIARY

HELENE N. WHITE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

RAYMOND M. KETHLEDGE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 24, 2008 withdrawing from further Senate consideration the following nomination:

J. GREGORY COPELAND, OF TEXAS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE DAVID R. HILL, WHICH WAS SENT TO THE SENATE ON JANUARY 22, 2008.

EXTENSIONS OF REMARKS

IN RECOGNITION OF BOISE RESCUE MISSION

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. SALI. Madam Speaker, I rise today in recognition of Boise Rescue Mission, BRM, in my great home state of Idaho. This year, under the guidance of Executive Director Rev. Bill Roscoe, the BRM celebrates 50 years of service to the Treasure Valley community by providing food, shelter, clothing, counseling, education and spiritual guidance for the homeless and others in need.

BRM began as a small facility, but has grown over the past five decades to include three facilities in Boise and Nampa. Today they serve between 600 and 800 meals a day to the hungry at three dining rooms, and provide almost 300 beds to the Treasure Valley's homeless.

In addition, BRM is committed to drug and alcohol counseling through the New Life Drug and Alcohol Addiction Recovery Program. The dedicated volunteers at BRM help participants stay sober and discover a new spiritual life. It is noteworthy that while BRM is a faith-based ministry, its spiritual outreach is non-coercive. It provides its services and programs to whoever needs them, whether or not the client has spiritual interest.

I commend the impact BRM is having on those in need in the Treasure Valley community. The sincere efforts and dedication of its volunteers is inspirational. Thank you, Rev. Roscoe, for your leadership and spiritual guidance. All Idahoans are in your debt.

IN HONOR OF ALVIN L. GRAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Alvin L. Gray, distinguished Case Western Reserve University alumnus, in recognition of his dedication, advocacy, and promotion of leadership in the Jewish Community and in the Greater Cleveland Area.

Alvin L. Gray was born in Cleveland, Ohio in 1928, and carries with him a rich history of public service in the Greater Cleveland Area. He received his Bachelors of Arts in Political Science in 1949 and a Bachelors of Legal Letters in 1951 from Case Western Reserve University and was admitted to the Ohio Bar Association the same year. Mr. Gray works tirelessly to promote leadership skills in the Greater Cleveland community and holds several leadership positions in the numerous organizations he dedicates his time to. He currently serves as Director of the American Jewish Joint Distribution Committee and Chairman of the Citizens for the Heights School Levy, is a member of the Cleveland Metropolitan Bar Association, serves as Life Director of the Jewish Family Service Association, and is on the Board of Trustees of both the Hillel House and Jewish Community Center of Cleveland. Mr. Gray co-founded the Cleveland Heights Area Project and served as Vice President of the American Jewish Congress from 1974 to 1986. He also was Honorary President, Vice President and President of the American ORT Foundation, and past President of Jewish Vocational Service.

Alvin Gray has been recognized on numerous occasions for his innovative and important work in the Greater Cleveland Area. In 2001, he was inducted into the Cleveland Heights High School Distinguished Alumni Hall of Fame and was awarded the Horace M. Kallen Distinguished Community Service Award from the Jewish American Congress. Mr. Gray was twice awarded the "Man of the Year" award, once in 1976 from the American ORT and again in 1986 from the Cleveland ORT.

Madam Speaker and colleagues, please join me in honor of Alvin. L. Gray, and in recognition of his outstanding and tireless efforts as a promoter and advocate of leadership in the Jewish Community, as well as for his extensive and diverse service to the Greater Cleveland Community.

TRIBUTE TO MACLAIN BERHAUPT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor Maclain Berhaupt for her years of service to Dunkirk, NY and her new opportunity in her hometown of Jamestown, NY. Maclain's career is a wonderful example of what public service should be.

I would like to touch briefly on the many projects with which Maclain has been involved. Maclain has been employed as the Director of Development for the City of Dunkirk for the past three years. During that time she saw the Boardwalk Market, the Crocker-Sprague building redevelopment, and the soon-to-be-built SUNY Technology Incubator projects come to fruition. Mayor Richard Frey of Dunkirk has said that when Maclain was hired, she was not just an employee, she was an investment. This investment in the city's future certainly paid off, and Dunkirk is a better place today because of the dedication shown by Maclain.

Friday June 27, 2008 will be Maclain's last official day as the Director of Development in Dunkirk. She will then take her new post as the Urban Design Planning Coordinator for the Jamestown Renaissance Corporation.

As she returns to her hometown one thing is for sure. Maclain's future is bright and full of opportunity. I applaud her for her service and dedication to the Western New York community.

Madam Speaker, I ask you to join me in congratulating Maclain on her job well done as the Dunkirk Director of Development and sending best wishes on her new career as the Urban Design Planning Coordinator for the Jamestown Renaissance Corporation.

Madam Speaker, I am proud to congratulate Maclain on her new opportunity in her hometown of Jamestown, NY and wish her and her family the best. Maclain's work should inspire us all to serve our communities and fellow man with dedicated hearts and committed lives.

PERSONAL EXPLANATION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. PEARCE. Madam Speaker, on rollcall No. 439 H. Con. Res. 372—Supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States. Had I been present, I would have voted "yea."

HONORING GARRISON COLONEL MARK NEEDHAM

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to Colonel Mark Needham, garrison commander at Fort Knox, Kentucky, retiring next month after 26 years of military service.

Colonel Needham was commissioned in the U.S. Army upon graduation from the United States Military Academy in 1982. During his tenure, he has completed assignments in Germany, the Balkans, and the United States.

Prior to his current assignment, Colonel Needham attended the prestigious Army War College in Carlisle Barracks, PA. He went to Carlisle Barracks after having served as an instructor at the Joint Forces Staff College in Norfolk, VA where he was responsible for developing the Campaign Planning and Operational Art Course for the Joint Advanced Warfighting School. He also taught Joint and Combined Operational Planning to mid-grade officers.

Earlier in his career, Colonel Needham commanded a tank battalion at Fort Knox, training

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Soldiers and Marines as Armor Crewman and Combat Vehicle Mechanics. When he served as a Battalion Operations Officer in Europe, he deployed with U.S. Forces into Bosnia as part of the 1st Armored Division's Implementation Force mission. He was thereafter assigned as a Special Assistant to the Commander of all NATO forces in Bosnia.

He has held numerous other positions during his military career including service as a War Planner and Assistant Secretary to the General Staff for the U.S. Army Europe, and an Assistant Professor of Chemistry at the U.S. Military Academy.

As Garrison Commander, Colonel Needham has been a tireless advocate for soldiers, their families, and the communities surrounding Fort Knox. Taking command shortly after BRAC changes were announced, he has overseen the transformation of Fort Knox into its new mission as a vital multi-functional home to operational Army forces and various administrative commands.

Colonel Needham has demonstrated an exceptional determination to ease transition-related concerns by communicating with incoming personnel, citizens, and community leaders at every opportunity. As part of this effort, he developed "BRAC Roadshows," informational seminars conducted at locations with units that are scheduled to move to Fort Knox. He has also worked to transform the Garrison Staff, finalizing the organizational structure to ensure that soldiers, their families, and the community all receive the support that they need.

Colonel Needham's awards and decorations include three Defense Meritorious Service Medals, five Meritorious Service Medals, two Army Commendation Medals, an Armed Forces Expeditionary Medal, and a NATO Medal.

It is my great privilege to recognize Colonel Mark Needham today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. I would like to thank him personally for his exemplary stewardship at Fort Knox during a time of war and administrative transition. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

OP-EDS SHOW SUPPORT FOR OBAMA IN THE CARIBBEAN COMMUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RANGEL. Madam Speaker, I rise today to introduce three Opinion Editorials from the New York CaribNews that reflect the unprecedented special excitement that the nomination of BARACK OBAMA for President has caused in our Caribbean community in New York. CaribNews is a New York based publication that serves as the voice of the Caribbean community.

The editorials, all published in the June 17, 2008 publication, are entitled: "Propelled by the Wind of Change Democrats Choose Obama: What an Excellent Choice to Lead the Party Into Race for the White House," "Obama and the Deepening of American Democracy," and "Caribbean Hearts are Swelling with Pride as Obama's Victory Sinks In."

The editorials all reflect a great exhilaration for Obama's candidacy within the New York Caribbean community. Each piece points out how extraordinary the results are of this historical primary and the reactions of Caribbean Americans. One of the pieces quotes a Caribbean-American who said, "[Obama] comes across as a people person with whom we can relate." Another Jamaican-American woman said, "What a pity the late Dr. Martin Luther King Jr. isn't around to see this."

One editorial summarizes the consensus among the Caribbean community the best; "BARACK OBAMA has beckoned a new generation to the noble task of remaking America and remaking the world. He has brought millions of new voters into the electoral process." But, the Caribbean community has not forgotten about HILLARY CLINTON and the socio-political significance of her campaign. There is a general belief that she is an important part of the new era of the Democratic Party and also represents the new direction this country is taking on race and gender equality.

TRIBUTE TO E. JAMES BARRETT, CCE PRESIDENT & CEO MICHIGAN CHAMBER OF COMMERCE

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor E. James (Jim) Barrett who is retiring after 32 years as President and Chief Executive Officer of the Michigan Chamber of Commerce. Mr. Barrett holds the distinction of being the longest-serving President and CEO of any state chamber nationwide. It is with great admiration and pride that I congratulate Mr. Barrett on behalf of all of those who have benefited from his proven ability to cultivate economic growth in the state of Michigan.

In 1971, a young Jim Barrett joined the Michigan Chamber of Commerce staff after receiving a Bachelor of Arts Degree in Financial Administration from Michigan State University. Five short years later, at age 32, he was selected to be President and CEO of the Michigan Chamber, making him one of the youngest individuals ever to head a state chamber. Under Jim Barrett's leadership, membership in the Michigan Chamber of Commerce increased from 3,900 member firms to over 7,100 statewide.

The Michigan Chamber of Commerce, established in 1959, is comprised of over 7,000 business employers, local chambers of commerce, and trade and professional associations. The chamber advocates for pro-business policies to secure economic growth and promote job creation in Michigan. As head of Michigan's Chamber, Mr. Barrett has worked tirelessly to lower the cost of doing business and make Michigan a more attractive place for commerce. Through highly effective communication, Mr. Barrett has been able to mobilize businesses from each of the state's 83 counties, creating a force to promote pro-growth policies statewide.

Jim Barrett, a valued community leader, has received many appointments and has served on countless boards of directors. As Treasurer of Taxpayers United for Tax Limitation, he implemented successful petition drives in 1976 and 1978 to place a constitutional amendment to limit taxes on a statewide ballot, which passed in 1978. The Governor appointed Mr. Barrett to serve on the Civil Service Task Force in 1979 and the Michigan Economic Development Authority from 1984 to 1985. Among many others, he currently serves as Chairman of the Ingham Regional Medical Center Board of Trustees, Treasurer of the Michigan Chamber Political Action Committee, and is a member of the Steering Committee for the Michigan Prayer Breakfast.

Jim Barrett, known as a man of integrity, candor and goodwill, has been the deserving recipient of many awards throughout his long, respected career. He was inducted into the Michigan Society of Association Executives Hall of Fame in 2002. A year later, the Michigan Political History Society selected Mr. Barrett as the top Association Leader in Michigan over the last 50 years. Under his solid leadership, the Michigan Chamber was rated the number one lobbyist organization in Michigan.

Madam Speaker, today I ask my colleagues to join me in recognizing E. James Barrett for his esteemed service to the State of Michigan as long-time President and CEO of the Michigan Chamber of Commerce. May others know of my high regard for his outstanding leadership and career of excellence, as well as my best wishes for Mr. Barrett in the future.

IN TRIBUTE TO LEE STEVENS-GLOVER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Ms. Lee Stevens-Glover, who is retiring on June 18, 2008 after 36 years of service in music education in the city of Fremont, California. Ms. Stevens-Glover has inspired young voices at Irvington High School from 1972 through 2004 and at Mission San Jose High School from 1982 through 2008.

Ms. Stevens-Glover's exemplary career as a vocal specialist started in 1968 as a graduating senior from Mission San Jose High School, when she was presented with the Bank of America Achievement Award Plaque for Fine Arts. Her excellence in education has earned her many awards and honors. The recognition she has received includes the Distinguished Teacher in Presidential Scholars Program from former President Bill Clinton, the Outstanding Teacher of the Year Award from the Fremont School Management Association, the Outstanding Alumni Teacher of the Year Award from California State University in Hayward, the Excellence in Education Award from the Fremont Education Foundation, and the Don Gercich Award for Outstanding Service to Mission San Jose High School.

On June 15, 2008, a concert and reception will be held to honor Ms. Stevens-Glover's distinguished career in music education. She has provided a wealth of music education to students through the years, which has enriched their lives immeasurably. I join the community in thanking Ms. Stevens-Glover for her dedicated efforts, her inspiration and commitment to all those who were fortunate to be the beneficiary of her extraordinary teaching skills.

INTRODUCTION OF RESOLUTION CALLING ON EGYPT TO RESPECT AND UPHOLD RELIGIOUS FREEDOM FOR ALL ITS CITIZENS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. WOLF. Madam Speaker, today I am introducing a resolution calling on the Government of Egypt to respect and uphold religious freedom for all of its citizens. In the U.S. Commission on International Religious Freedom's 2008 report, Egypt remains on the watch list of countries that seriously violate freedom of thought, conscience, and religion or belief.

Members of the Coptic Orthodox Church, the largest non-Muslim minority in Egypt, have a very difficult time. In the last several years there has been an upsurge of attacks targeting Copts. Such attacks include arson of churches, destruction of Coptic-owned property and businesses and physical assaults. While authorities often arrest suspects in these cases, formal charges are rarely pursued.

The Baha'i religion has been banned since 1960 due to a presidential decree. Members of the Baha'i faith have difficulties obtaining civil documents such as official ID cards, birth certificates, passports, and marriage licenses.

Material vilifying Jews regularly appears in state-controlled and semi-official media, including anti-Semitic cartoons aimed at influencing the opinions of Egyptian youth. The Jehovah's Witnesses cannot congregate in numbers greater than five without facing harassment by government security services.

This resolution is modeled after a similar measure recently passed by the European Union Parliament. The United States was founded upon the principle that all men are endowed with certain unalienable rights, including religious freedom. Ronald Reagan once said that the Constitution is "a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind."

The United States Congress has a responsibility to speak out for these religious minorities. I encourage all my colleagues, who care about persecuted believers of all faiths, to cosponsor this resolution and add the House's voice to that of the EU Parliament in calling on the Government of Egypt to fully implement and protect the rights of religious minorities as full citizens.

RECOGNIZING THE IMPORTANCE OF EARLY CHILDHOOD PROGRAMS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. DAVIS of Illinois. Madam Speaker, I rise today to speak on the importance of early childhood education and development programs. The 110th Congress has shown strong commitment to improving education for students of all ages. Notably, we reauthorized Head Start, the premier early childhood program that prepares low income children for school. Now, we must start earlier to prepare our youngest citizens for school. To this end, the Committee on Education and Labor recently passed H.R. 2343, the Education Begins at Home Act, which will improve child well-being, school readiness, and parent involvement in their children's lives.

The Education Begins at Home Act provides the first dedicated funding stream for home visiting programs. Home visiting involves voluntary meetings between specialists in child development and parents and children in their home. The home visitors help develop parenting skills, foster positive child development, and offer support. These programs reduce the stress associated with parenting, assist parents in understanding the educational and developmental needs of their children, and promote healthy parent-child relationships. At least 37 States have these types of programs in place; however, they lack a stable funding stream to ensure effective, long-term services. This bill also targets English language learners and military families. These groups often lack natural support systems that the programs help develop.

Education can never begin too early; the earliest years of brain development are most important, as shown through studies such as those by the National Research Council. High quality early education programs have helped improve school performance and lower high school drop-out rates. They also have helped reduce the rates of child abuse and identify developmental delays early in life. These programs share common components that contribute to their success—teachers who are knowledgeable about the development of young children, strong staff development and training, and activities that stimulate cognitive as well as social skills. It is these aspects that have brought success time and time again.

Investment in early childhood is sound policy and cost effective as well. A study done by economist Robert G. Lynch in 2007 showed that high-quality programs would save both state and the federal government billions of dollars over decades. According to the study, the total annual benefits of a universal program would begin to pay for itself within nine years by growing a margin each year. According to Lynch, a universal early education program would generate $191 billion in benefits for the federal government by the year 2050. This result is achieved by creating many more productive members of society and decreasing the number of and associated costs related to incarcerated citizens.

These particular benefits are only a few of the multitude that result from early childhood education programs. Learning is a lifelong activity and children especially deserve the best, beginning with the first day of their life. I urge my colleagues and Congress to continue this investment in early childhood during the remainder of the 110th Congress and in subsequent sessions.

IN TRIBUTE TO COUNCIL MEMBER BILL WARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Hayward, California City Council Member Bill Ward, who will be retiring from office at the end of his term on July 8, 2008. Bill was elected to the Hayward City Council in 1984 and has dedicated 24 years of exemplary service to the city of Hayward during his tenure.

Bill has been a Hayward resident since 1975. He and his wife, Gail, have two adult children. He received his Bachelor of Architecture degree from Howard University in Washington, DC and a Master's degree in City Planning from the University of California, Berkeley.

During his tenure as a member of the Hayward City Council, Bill served on many of the Council's Committees, including the Downtown Committee, Commercial Center Improvement Committee, Technology Application Committee and was the Council Liaison to the Economic Development Committee. He has been instrumental in the initiation and development of many significant projects in Hayward.

He has served on the city of Hayward's Planning Commission, the Board of Zoning Adjustments, and the Citizens Advisory Commission. He is also a former member of the St. Rose Hospital Foundation.

Bill's professional organizations include the American Institute of Certified Planners, the American Planning Association, and the Association of Environmental Professionals.

His intergovernmental agency assignments included service on the Alameda County Housing Authority, the Association of Bay Area Governments, the East Bay Dischargers Authority, and the Regional Airport Planning Committee.

Bill Ward has left an indelible mark on the city of Hayward and beyond. On July 10, 2008, there will be a farewell celebration to thank Council Member Bill Ward for his dedicated public service. I join in applauding him for a job well done and wish him well in his retirement.

CONGRATULATIONS TO DR. PETER H. KEHOE

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. HARE. Madam Speaker, today I rise to congratulate Dr. Peter H. Kehoe, who this Saturday will become the 87th president of the American Optometric Association (AOA).

For many years, Dr. Kehoe has been a leader in his profession at the State, regional and national levels. He is a past president of the Illinois Optometric Association and the West Central Illinois Optometric Society. In 2001, the State association named him Illinois' "Optometrist of the Year."

Dr. Kehoe is a graduate of the Illinois College of Optometry and served on its Alumni Council Board of Directors. A Fellow of the American Academy of Optometry, he is in private practice in my hometown of Galesburg, IL, and is a past president of the Galesburg Lions Club.

Doctors of optometry are the Nation's largest eye care providers, serving patients in nearly 6,500 communities across the country. The American Optometric Association is the professional society for optometrists nationwide and has more than 34,000 members. Dr. Kehoe will lead the association along its mission to improve eye and vision care in the United States.

Dr. Peter H. Kehoe has built a renowned record of service and leadership in his profession and in his community. I am confident that he will have a very successful term as president of the AOA. The 17th District of Illinois is proud to have Dr. Kehoe as a constituent and I join his family, friends and colleagues in congratulating him on this achievement and wishing him good luck.

PERSONAL EXPLANATION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. PEARCE. Madam Speaker, on rollcall No. 440, H. Res. 1051—Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, had I been present, I would have voted "yea."

CONGRATULATING THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. BURGESS. Madam Speaker, I rise today to pay tribute to the Leadership Training Institute of America, the leading training program for students seeking instruction in the personal development of leadership and character. Their training program gives students the necessary tools to lead the next generation of young Americans in the traditions, principles, and wisdom imparted to us by our Founding Fathers. The quality of this training assures me of America's bright future as the leader of the world.

The Leadership Training Institute of America is a cultural think tank providing training and opportunity in leadership development and cultural dynamics. This organization encourages youth to apply and excel in leadership and critical thinking skills, study world view conflicts and strategies, network with outstanding leaders, and pursue careers in influential sectors of society.

The Leadership Training Institute of America trains and equips young men and women to be leaders with high standards of personal morality and integrity. The participants are exposed to the major philosophies, views, and issues of our world today and are encouraged to become leaders with convictions built on scientific knowledge, historical record, and Biblical wisdom.

Our Nation is in great need of young men and women of character to lead in every arena of our society.

So, it is with great appreciation that I rise today to commend the vision and accomplishments of the Leadership Training Institute of America. I salute the dedicated staff of this outstanding organization and encourage its increased influence among our Nation's youth.

HONORING MONSIGNOR JOSEPH MURPHY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. FOSSELLA. Madam Speaker, I rise today to honor a great man who has faithfully served the people of Staten Island for many years, Monsignor Joseph Murphy.

Ordained a priest in 1954, Monsignor Murphy then completed three years of graduate work at the Catholic University of America in Washington, DC. After his completion of studies, he served as a Parochial Vicar at Saint Joseph's Parish in Croton Falls, New York from 1957–1959. Following that, he was assigned to the Chancery Office of the Archdiocese of New York from 1959 to 1985, and was the Chancellor of the Archdiocese of New York from 1968 to 1985. Finally, in 1985 he was assigned to be the pastor of the Church of Saint Clare on Staten Island, a position he has held to the present day.

Monsignor Murphy has always been inspired to help and to serve. From a young age, he was struck by the compassion and caring of the clergy that he met, and he felt drawn to serve his community in the same way. Even after his upcoming retirement, he still plans on working, continuing to help and to serve his community. He has always felt it important to meet people where they are at, going into the community and serving, not waiting for others to come to him. Monsignor Murphy is of the opinion that true service to others demands an active role, not passively waiting around. It is in respect to his life-long desire to aid his fellow person that he be honored today.

HONORING OLD HICKORY POST 77 AMERICAN LEGION AUXILIARY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating the Old Hickory Post 77 American Legion Auxiliary in Lexington, Tennessee on its outstanding work and accomplishments. Across the country, the women of the American Legion Auxiliary strive to promote American patriotism and responsible citizenship. This particular auxiliary in Lexington has fully lived up to the American Legion Auxiliary's mission to serve veterans, their families and their communities.

Chartered in 1933, the Lexington auxiliary was recently reactivated on January 26, 2008. Led by their current president, Julia McBee, the members of this auxiliary have accomplished a great deal in a short period of time. Only days after reactivation, the members of the Lexington Auxiliary organized a Valentine Project for the local National Guard Unit deployed to Iraq. A resounding success, the event raised enough money to send care packages to every member of the unit. These ladies have instituted various projects not only to promote the well-being of veterans and troops, but also to support the community as a whole, with special attention to local Lexington schools.

Please join me in honoring the members of the Lexington American Legion for their hard work, dedication, and unwavering patriotism. I wish to thank all the members of Old Hickory Post 77, including their officers and chairmen: Julia Annice McBee, Jo Ann Cody, Kathy Brown, Oneida Dangler, Mary Appell, Marcia Gilbert, Ruth Hurtt, Marene Snow, Jane Galey, Lutie Houston, Patricia Holmes, Venita Russell, Linda Lindsey, Denise Joyner, Hester Stitch, Diane Jowers, Lynn Lewis, Marcia Gilbert, and Janice Barker.

HONORING MUTUAL BENEFIT INSURANCE COMPANY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the 100th Anniversary of Mutual Benefit Insurance Company, a successful business located in Huntingdon, Pennsylvania. Incorporated in 1908, Mutual Benefit is an irreplaceable attribute to the business community in both Pennsylvania and Maryland.

At its founding, Mutual Benefit served the residents of Corry, Pennsylvania and was originally known as the Corry Mutual Fire Insurance Company. The company's strong foundation foreshadowed its future successes. In 1934, Corry Mutual's charter was offered to W. Emmert Swigart, founder of Swigart Associates, one of the largest insurance agencies in the state of Pennsylvania. This financially beneficial relationship lasted almost 50 years, until 1983 when the two companies split into separate entities once more. At this time Mutual Benefit found themselves competing once again against one of the largest insurance companies within the state of Pennsylvania. Led by a driven team of leaders, Mutual Benefit rose to this challenge and exemplified many attributes which have worked to set them apart from their competition. Through active leadership, unparalleled trustworthiness, and service to the community Mutual Benefit has become one of the most respected regional carriers in Pennsylvania.

One hundred years after its humble beginning, Mutual Benefit Group now guarantees nearly $100 million through 250 independent agents located in both Pennsylvania and Maryland. Not only do they serve 78,000 policyholders, but they also serve as an important part of the community by employing 204 people. Known for its customer service, stability and experience, Mutual Benefit Group was recognized as the number one insurance carrier in Pennsylvania and Maryland in 2006.

Mutual Benefit Insurance Company has endeavored throughout its history to improve its policies and atmosphere to fit the needs of the surrounding community. I look forward to celebrating the 100th anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community. I congratulate Mutual Benefit on reaching this significant milestone and wish the company all the best in its future endeavors.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. COHEN. Madam Speaker, I rise to note that I was unable to arrive on the House floor in time to vote because my flight from Memphis was significantly delayed due to bad weather. Had I been able to vote, I would have voted in favor of the three measures voted on by the House this evening: (1) H. Res. 1242, honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th Anniversary of his birth; (2) H. Con. Res. 372, supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; and (3) H. Res. 1051, congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

IN HONOR OF ROBERT STOLDAL'S CAREER

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Ms. BERKLEY. Madam Speaker, I rise to speak in honor of one of America's finest broadcast journalists and most effective community leaders, on the occasion of his retirement this month.

Robert Stoldal has achieved well-deserved legendary stature over his 41-year career at Las Vegas' CBS affiliate, KLAS-TV, Channel 8. Bob's insistence on the highest journalistic standards of accuracy, thoroughness, fairness, and aggressiveness established a clear benchmark of professional values which has been followed by hundreds of journalists, videographers, producers, and editors. Uniformly, those who have worked for Bob credit him with improving their professionalism through his guidance and the example he sets.

Bob is a good friend of mine, and he has my highest respect as a newsman and as a preeminent leader of the city we both love so much, Las Vegas. Bob has led the charge for community causes too numerous to mention, even as he has led one of America's top local newscasts for decades.

Bob and his corps of news professionals at Channel 8 and sister station, Las Vegas NEWS ONE, consistently earn the highest honors awarded by the national broadcast news industry. At the same time, Bob Stoldal worked successfully for television cameras to gain access to courtrooms; battled over the years to preserve Nevada's historical legacy; gained recognition across the Silver State as an authority on Nevada history; and, devoted himself to the growth of his alma mater, UNLV.

Bob Stoldal has the trait common to all great journalists—courage—courage to stand up to organized crime and political corruption, courage to accept the risk of going into a highly dangerous jailhouse stand-off and negotiate a peaceful solution, and, the courage to take on the federal government over its use and abuse of Nevada as a nuclear proving ground, as just some examples of his fortitude.

Southern Nevada is indeed most fortunate that a person of Bob's unflagging energy, enthusiasm, creativity, and tenacity has set the pace for the area's newsgathering during the four decades that metro Las Vegas has led the nation in population growth.

Bob, I congratulate you on a tremendous career, of which I, and our fellow Las Vegans, are so proud. I know you will keep giving your all for our community in your purported retirement!

Best wishes to you, Kay, and your family as we look to the future.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. ALLEN. Madam Speaker, on June 23, 2008, I was unavoidably absent from the House.

If I had been present, I would have votes Yes on rollcall Vote No. 438, a motion by Mr. SARBANES of Maryland to suspend the rules and pass H. Res. 1242, a resolution honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth.

I would have voted Yes on rollcall Vote No. #439, a motion by Mr. SARBANES of Maryland to suspend the rules and pass H. Con. Res. 372, a resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States.

Finally, I would have voted Yes on rollcall Vote No. 440, a motion by Mr. SARBANES of Maryland to suspend the rules and pass H. Res. 1051, a resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. NUNES. Madam Speaker, on the legislative day of Monday, June 23, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 438—"aye"; rollcall 439—"aye"; and rollcall 440—"aye".

TRIBUTE TO SAINT GERARD PARISH

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. WALBERG. Madam Speaker, I rise today to recognize Saint Gerard Parish in Lansing, Michigan on the celebration of its fiftieth anniversary. It is with great admiration and pride that I congratulate St. Gerard on behalf of all of those in south-central Michigan who have benefited from its steadfast commitment to faith, education, outreach and prayer.

St. Gerard Parish, named after St. Gerard Majella, Patron of Mothers, was established in June of 1958. Lacking a permanent meeting place, its first Sunday services were held in the gymnasium of Bretton Woods School. Each parishioner was asked to give an hour's salary a week to build a temporary church and less than a year later, in April of 1959, ground was broken. The first liturgy in the packed 800-seat church occurred during Christmas Midnight Mass in 1959, and in the fall of 1960, Saint Gerard School opened its doors for its first class.

In October of 1974, a fund drive was announced for a permanent church building. Within three short months, the $350,000 goal was surpassed by $180,000. Bishop James S. Sullivan dedicated the present church on June 15, 1975. St. Gerard Parish continues to grow, requiring an expansion of its facilities beginning in 2000. Mirroring the impressive growth-rate of the church, St. Gerard School is now filled to capacity with 350 students enrolled.

St. Gerard Parish stands out for its deep involvement in the Lansing community, and it constantly seeks out ways to serve those in need. The church sponsors countless outreach programs, including Senior Citizen potlucks and Bingo nights, Couple to Couple League and the Lansing Regional Council of Catholic Women. St. Gerard has also been extremely instrumental in reaching out to the sick and homebound through its Befriender Ministry and Respite Care. It is impossible to measure the enormous impact these ministries have had on lives throughout Lansing. They merely reflect the loving hearts of the St. Gerard community and testify to the unwavering faith that has flourished at St. Gerard for the past fifty years.

Madam Speaker, today I ask my colleagues to join me in honoring Saint Gerard Parish on the celebration of its fiftieth anniversary since first coming together to follow the Lord Jesus. May others know of my high regard for the St. Gerard community's inspiring faith and eagerness to serve, as well as my best wishes for Saint Gerard Parish in the future.

POSITIVE CONTRIBUTIONS OF IMMIGRANTS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. BACA. Madam Speaker, the positive contributions of the immigrant labor force to our society are too often unnoticed.

Hardworking families contribute daily and pay their share into the American system.

Hardworking mothers sometimes work three jobs, give up weekends, and take overtime and night shifts to feed and clothe their children.

Hardworking fathers wake up at 4 a.m. to go to work, earn below minimum wages, and manage to provide for their families.

Immigrants contribute in taxes from their paychecks, just like the next person.

In fact, the IRS reported that between 1996–2003, immigrants contributed $50 billion in Federal taxes.

Social Security reported that "other than legal immigrants," will contribute 15 percent of the system's projected long term deficit.

We cannot afford to ignore the figures and more importantly, we cannot afford to ignore the positive contributions of immigrants in America.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, June 23, 2008, and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted "yea" on H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; "yea" on H. Con. Res. 372, Supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; and "yea" on H. Res. 1051, Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. SIRES. Madam Speaker, had I been present, I would have voted "yes" on rollcall 438 on H. Res. 1242; "yes" on rollcall 439 on H. Con. Res. 372; and "yes" on rollcall 440 on H. Res. 1051.

COMMEMORATING THE ANNIVERSARY OF THE DEATH OF MISSISSIPPI CIVIL RIGHTS WORKERS: GOODMAN, SCHWERNER AND CHANEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RANGEL. Madam Speaker, I rise today to commemorate the 44th anniversary of the tragic death of Mississippi civil rights activists: Andrew Goodman, James Chaney and Michael Schwerner.

The murder of Goodman, Schwerner and Chaney occurred in Philadelphia, Mississippi, on June 21, 1964. These three young, courageous and bright men came to Philadelphia to fight for freedom and justice, promote equality in voting and bring peace and a better life for all people of Neshoba County. The American Civil Rights Movement carried out the mission of "Freedom Summer" determined to encourage equal voter registration regardless of race. The "Freedom Summer" participants included many, Jewish-American and African-Americans, dedicated to such a noble cause. Unfortunately, three of the best, idealistic, and brightest of the volunteers who responded to the call to come to Mississippi and work for justice, were cowardly kidnapped and brutally murdered by the coldblooded activists of the Ku Klux Klan. Public outrage and demands for justice led to the FBI's thorough investigation of this shocking murder case. For several weeks the American people followed the unfolding of this horrible event in the televised newscasts. The bodies of Goodman, Chaney and Schwerner were found 44 days later, buried in the dam with bullets in their hearts. Three years after the murders, FBI arrested 21 active members of the Ku Klux Klan and indicted 19 of them.

The realization of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 came in part as a result of public reaction to the brutal murders of Goodman, Chaney and Schwerner as well as through demonstrations, marches and public demand for passing these critical laws. Andrew Goodman, James Chaney and Michael Schwerner were committed to fight for justice and democracy in their beloved country. They believed in constitutional rights for all, regardless of race, gender or religion. Even today this struggle is not yet over. We should continue the noble fight for justice.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, June 23, 2008, I was unable to cast my votes on H. Res. 1242, H. Con. Res. 372, and H. Res. 1051, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 438 on suspending the rules and passing H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth, I would have voted "aye."

Had I been present for rollcall No. 439 on suspending the rules and passing H. Con. Res. 372, Supporting the goals and ideals of Black Music Month, I would have voted "aye."

Had I been present for rollcall No. 440 on suspending the rules and passing H. Res. 1051, Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, I would have voted "aye."

HONORING RONNIE HEEP

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to a remarkable citizen from my congressional district. Ronnie Heep, Chief of the Owensboro Fire Department, is retiring next month after 30 years of service.

Chief Heep first joined the Owensboro Fire Department in 1978, following in the footsteps of his father, Stewart, who himself served for 32 years. Ronnie steadily rose through the ranks, becoming a serious firefighter and public servant, culminating with his appointment as Chief in 2004.

As Chief, he has been responsible for training and managing a diverse crew of firefighters, purchasing and maintaining fire apparatus, and developing policies designed to help the department run as efficiently and safely as possible. He has been personally responsible for countless acts of heroism throughout his three decades as a firefighter and a medical first responder. His collective efforts have saved lives, protected property, and contributed to the overall safety and comfort enjoyed by those who live and work in Owensboro, KY.

It is my great privilege to honor Ronnie Heep today before the entire United States

House of Representatives. His distinguished career, along with his unwavering dedication to his family and fellow firefighters, is a portrait of outstanding citizenship worthy of our collective respect and appreciation.

THE ACHIEVEMENTS OF HIGHER DIMENSION MATERIALS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize the achievements of an amazing company from Oakdale, Minnesota. Higher Dimension Materials has perfected a groundbreaking new material—called Super-Fabric—which may literally revolutionize the world of material science and which has life-saving applications for our service men and women.

Under the bold and pioneering leadership of Dr. Young-Hwa-Kim, HDM has developed a line of SuperFabric materials, which possess an astonishing strength, flexibility and resistance and are open to an equally astonishing array of uses. After 10 years of painstaking research, HDM has successfully overcome the challenge of developing a polymer that possesses both great density and great flexibility. SuperFabrics incorporate hard solids with flexible fabrics to create new composite fabrics that maintain their original flexibility and yet are resistant to fire, abrasions, cuts and punctures.

In fact, NASA, law enforcement agencies and the United States military have all expressed great interest in taking advantage of Higher Dimensions' breakthroughs. For instance, the military is applying Super Fabrics technology in the making of boots for the special-ops community and also potentially life-saving vests for Coast Guard divers. NASA is even testing SuperFabrics for new space gloves.

So revolutionary are these technologies that the University of Minnesota is putting them on display in their new Museum of Design. And the U.S. Department of Commerce's Office of Textiles and Apparel has selected HDM to participate in their European Outdoor Show—one of the world's major international trade shows, focusing on performance textiles.

These are but a few of the honors HDM as received for its ingenious technological advances. Thanks to the devotion and brilliance of people like Dr. Kim and the scientists at HDM, America continues to lead the world in the development of new technologies.

Higher Dimension Materials is a true credit to the state of Minnesota and I am honored to recognize their achievements today.

PERSONAL EXPLANATION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. PEARCE. Madam Speaker, on rollcall No. 438 H. Res. 1242—Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth. Had I been present, I would have voted "yea."

TRIBUTE TO CHARLES GIPP

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. LATHAM. Madam Speaker, I rise today to pay tribute to a dedicated servant to the people of Iowa—Charles "Chuck" Gipp. Chuck, who has served the people of Iowa in the state legislature for the past 18 years, is retiring from that body this year.

Chuck was born and raised in Winneshiek County in Iowa—the same county that he and his wife Ranae raised their two children, Alison and Barrett, and where they still reside today.

Chuck has spent his legislative career as a true leader throughout. After serving 12 years in the Iowa Legislature, Chuck was unanimously chosen to serve as the Majority Leader of the Iowa House in 2002. From 1992–1993, he served as a House Assistant Majority Leader. In 1994, the position of House Majority Whip was created, where Chuck served until 1999. Chuck was then selected by House leadership in 2000 to Chair the Transportation, Capitals and Infrastructure Committee. In 2001, Chuck was selected once again to serve as a House Assistant Majority Leader while continuing to serve as Chair of the Transportation, Capitals and Infrastructure Committee.

Long before I was elected to serve in Iowa's Fourth Congressional District in 2002, I knew Chuck and of his reputation as a leader who was highly respected by the people he was elected to serve as well as his colleagues in Des Moines. Chuck has been a valuable advisor and resource to me on the many issues and concerns important to our shared constituents in Iowa's 16th District.

Chuck has often said that he never thought about pursuing a career in the politics when he was growing up on the family farm or even during his days at Luther College in Decorah. Chuck got involved in the political process for the same reasons any true dedicated servant of the people does—because of the circumstances that directly impacted his family and neighbors. Chuck Gipp wanted to make a difference in the lives of Iowans, and he has accomplished that goal and made a positive difference in the lives of countless people throughout the years.

President Abraham Lincoln said it best when I think about what Chuck Gipp has done for Iowa. He said, "Whatever you are, be a good one." And, while during his younger days Chuck may not have envisioned one day becoming a legislator, he did. And he was more than a good one—he was a great servant of the people.

I know that my colleagues in the United States Congress join me in congratulating Chuck Gipp on a remarkable career in the Iowa Legislature and wishing him and Ranae all the best throughout their future endeavors.

THE DAILY 45: JASMINE THURMAN'S LOST DREAMS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. No community is exempt from the carnage. Last weekend, in the Detroit suburb of Royal Oak Township, 18-year-old Jasmine Thurman, a recent graduate of Ferndale High School, was shot to death in what police describe as a feud between teenage girls from a nearby public housing complex.

Jasmine Thurman had a family. Jasmine Thurman had dreams. Jasmine Thurman had a bright future that was snuffed out in an instant by a gun. Jasmine, the grand-niece of township Trustee Francine Thurman, was dead on arrival at an area hospital and leaves behind a grieving family and friends.

Her cousin, 16-year-old Chanique Stone, said this to investigators on the scene, "If that happened to her, what's going to happen to me?"

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing."

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Monday, June 23, 2008, having remained in my district to assist my constituents with the severe flooding that recently struck Wisconsin. Had I been present, I would have voted in favor of H. Res. 1242 (roll No. 438), H. Con. Res. 372 (roll No. 439), and H. Res. 1051 (roll No. 440).

HONORING JIMMY SCURLOCK FOR A DISTINGUISHED CAREER IN PUBLIC SERVICE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. TANNER. Madam Speaker, I rise today to acknowledge my friend Jimmy Scurlock, who is retiring from 25 years of public service to the town of Dover, Tennessee, which I am proud to represent in this chamber.

Jimmy has served as City Administrator in Dover since 1983 and also currently serves on the board of Local Government Data Processing. He was elected to two terms on the Tennessee Municipal League Board of Directors and served as President of the Tennessee City Management Association in 2001 and 2002. He was honored statewide last year when he was elected city manager of the year by the Tennessee City Management Association.

Over the years, Jimmy has been instrumental in enacting the infrastructure improvements that we know are so important for our families' quality of life and to support economic growth. Jimmy has worked closely with others to upgrade Dover's water and sewage facilities and revitalize the downtown business district. I am proud of the progress made in Stewart County over the years, and I know our families there will continue to see the benefits of Jimmy's hard work.

Before Jimmy became City Administrator, he was associated with his mother Mary Ann in the family's florist business. Many of us who have known the family for years know that Jimmy inherited his flair for public service from his father, the late J.T. Scurlock, who represented a portion of northern middle Tennessee in the Tenessee General Assembly with distinction for a number of years. Betty Ann and I have had the opportunity to spend a great deal of time with Jimmy and his wife Nan as Jimmy and our friend Don Cherry have been among my closest advisers in northern middle Tennessee. We have frequently turned to Jimmy and Don for leadership and guidance in working with the people of Stewart County.

Madam Speaker, I hope you and our colleagues will join me in thanking Jimmy Scurlock for his long service to our community and State and wish him and his family all the best as he begins his retirement.

TRIBUTE TO TRINITY EVANGELICAL LUTHERAN CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize a milestone that will be celebrated this weekend by the people of Trinity Evangelical Lutheran Church in Webster City, Iowa. This Sunday, June 29th the people of Trinity Evangelical Lutheran will celebrate the 50th anniversary of the dedication of its current location at 1229 Kathy Lane.

The congregation will recreate the May 25, 1958, processional walk from the original location on Des Moines Street just as it was done a half century ago. Trinity's oldest confirmed member, Dimple Raven, who was part of the original procession, will join fellow members as they duplicate the walk. Ashlyn Sue Hill, Trinity's youngest member, will also play an important role in the 50th anniversary celebration with her baptism during Sunday's special worship service.

Also joining in the celebration will be former Trinity pastors Raymond Roden and Doug Tiffany.

I know that my colleagues in the United States Congress join me in congratulating the Reverend Dr. Mike Kroona, the staff and the congregation of Trinity Evangelical Lutheran Church on this milestone and wishing them grace and peace throughout the following years.

HONORING THE LIFE AND WORK OF MS. MING CHIEN HSU

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. MICA. Madam Speaker, I rise today to recognize the career and contributions of Ming Chien Hsu upon her retirement following a long career in the maritime industry. During the course of her professional life, Ms. Hsu repeatedly distinguished herself in the fields of transportation and international commerce; as well as in government service and community leadership.

Born in Beijing, China, Ms. Hsu came to the United States in the days following World War II. Settling in Washington, she enrolled in, and graduated Summa Cum Laude from, the School of Government Affairs at George Washington University. Degree in hand, Ms. Hsu moved to New Jersey where she began a career that has been interesting and impressive by any measure.

Coming to the workplace in an era before it was common to see women in executive positions, Ms. Hsu joined the RCA Corporation, where she worked in positions related to marketing and planning before being promoted to Vice President for International Trade. Among her many successes at RCA, Ms. Hsu played a vital role in opening the China market for her company, a success enjoyed years before most companies were even contemplating the possibility of doing business in that country.

The leadership and accomplishments of Ming Hsu in the arena of global commerce not only caught the attention of her superiors at RCA, but also that of New Jersey Governor Timothy Kean, who in 1982 appointed her Director of the New Jersey Department of Commerce Division of International Trade and Special Trade Representative, positions she held for 8 years. In those capacities, she led more than 20 trade missions all over the world, including to destinations such as Moscow, Saudi Arabia, and Singapore.

In 1990, Ms. Hsu was appointed by President George H.W. Bush as a Commissioner on the Federal Maritime Commission where she served for almost 10 years under four different Chairmen. During her tenure, the Federal Maritime Commission tackled some of the most challenging issues related to shipping in recent years including the Ocean Shipping Reform Act; discriminatory port practices in Japan; and, market access issues in the People's Republic of China. Her ability to work closely with her fellow Commissioners, irrespective of their political affiliation, earned her the respect of her colleagues and she played a key role in assuring that matters before or affecting the Commission were considered carefully and completely and that the final results were equitable to all parties concerned. Ms. Hsu made many valuable contributions to the Federal Maritime Commission and shipping during what was a critical era for that agency and the industry it oversees.

Though she left the Federal Maritime Commission in 1999, Ms. Hsu has remained actively involved in the shipping world working for the NOL Group the past 10 years. The NOL Group is the Singapore-based parent of one of the most historic shipping lines in the United States, American President Lines, which is celebrating the 160th anniversary of its founding this year. In her capacity as a senior advisor, Ms. Hsu has played a leading role for her company in addressing market access issues, providing guidance on regulatory matters, and serving as a sounding board on a variety of concerns related to trade and ocean transportation.

Beyond her many impressive contributions to the transportation and trade communities, Ms. Hsu is a civic-minded individual who always has been, and continues to be, involved in many philanthropic and service related activities. Earlier in her career, Ms. Hsu served as a member of the Defense Advisory Committee on Women in the Services, DACOWITS; a member of the New Jersey Advisory Committee of the U.S. Commission on Civil Rights; the Advisory Committee of the U.S. Holocaust Museum; as a trustee of the Newark Museum; and as an advisor to WNET, Channel 13, in New York.

Her more recent volunteer and service efforts include: being a founding member and serving as a director of the Committee of 100, an organization of leading Chinese-American Citizens; serving as director on the J.T. Tai Foundation; being a sponsor of the Eisenhower Foundation; serving as a trustee of the Angel Island Project; serving as a trustee of the 1990 Institute; serving as a member of the Executive Committee of the Asian/Pacific American Legal Center; being a sponsor of the Hopkins-Nanjing Center; and serving as a member of the Advisory Board of the United States Merchant Marine Academy where she is a perennial presence at graduation, and in fact, she will be at the Academy in June to see the Class of 2008 receive their diplomas and commissions.

I am told by those who know Ms. Hsu best that one of her greatest passions is mentoring others and toward that goal, she has taught college classes; worked to cultivate promising young professionals inside and outside of government; and simply made herself available in general to provide advice and guidance to those who seek the benefit of her many years of experience. During her tenure at the Federal Maritime Commission, one of her administrative accomplishments was preparing a whole generation of Senior Executive Service employees, many of whom continue to serve at that agency today.

Madam Speaker, throughout her career, Ming Hsu has been a pioneer, someone unafraid of a challenge and an individual who has repeatedly distinguished herself, yet doing so with graciousness and good will. She is an impressive and amazing woman who we thank for her selfless service in so many capacities and who we wish good health and good fortune in the years to come.

SLOAN MUSEUM AND LONGWAY PLANETARIUM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. KILDEE. Madam Speaker, I rise today to honor Sloan Museum and Longway Planetarium for receiving accreditation from the American Association of Museums. Sloan Museum and Longway Planetarium join an elite group of 775 accredited institutions out of 17,500 museums in the United States.

Located in my hometown of Flint, Michigan, Sloan Museum and Longway Planetarium are icons of the Flint Cultural Center. The greater Flint community began planning the Flint College and Cultural Center in 1952. The Sloan Museum, named after Alfred P. Sloan, was designated as the transportation and local history museum and now includes the Buick Galley and Research Center opened in 1999. The Robert T. Longway Planetarium was conceived as a place to teach students and the greater public about the universe and general science. The two institutions merged in 2004.

Accreditation by the American Association of Museums is the culmination of a 2-year-long application process. To receive accreditation a museum has to demonstrate a commitment to outstanding programming for the public and at the same time meet high standards for the care of the scientific and cultural artifacts in its custody. The Sloan Museum and Longway Planetarium meet the exacting standards of each criterion. Currently the Sloan Museum Annual Auto Fair will take place this coming weekend and on display is the Nicola Bulgari collection of vintage General Motors automobiles. The Longway Planetarium is currently displaying a moon rock, on loan from NASA, which was brought back to Earth by *Apollo 16*.

Madam Speaker, I ask the House of Representatives to join me in congratulating Sloan Museum and Longway Planetarium for receiving this prestigious accreditation. For over 50 years the staff, volunteers and community have worked diligently to maintain these jewels of the Flint area and this is a well-deserved honor for both Sloan Museum and Longway Planetarium.

A POEM IN HONOR OF KING GEORGE PITTMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. MEEK of Florida. Madam Speaker, I rise in tribute of my beloved uncle, King George Pittman. He was an American patriot and hero who bravely fought during World War Two and the Korean War in defense of our nation. It is my privilege to submit this poem written by Albert Caswell of the Capitol Guide Service who has honored my uncle with these words.

SOMEONE, TO LOOK UP TO

There are people in our world . . .
All in how they've lived their lives, that all our little boys and girls . . . should look up to!
Who, are but The Greatest Examples of Shining Faith . . . who are but Our Very Best, all in so many ways . . .

Who stand tall and proud . . .
Who no matter what the cost, the price . . . their fine hearts were heard beating loud!
Who in their moments upon this earth, have so shown but their fine true worth . . . all in our lives endowed!

As Someone To Look Up To . . .
As Sarge, as he was called . . . unto this our world, such a great life so brought into view . . .
As a Proud American, who once so dared . . . a real and fine American who so cared, all in what he would do!

As when a world stood at its edge . . .
As all around him so, such an evil darkness bled . . . when a young hero, his life so pledged!
Coming Home, after helping To Save The World . . . as into a new war, his heroic life was again so led!
Sarge! A Good Life! An Officer and A Gentleman first . . .
Even though he had but so lived through but the very . . . very worst . . .
As still, another great war had lie ahead . . . as he had come home to discrimination's curse!

But, he never gave up or in . . .
Because, in his Country Tis A Thee . . . as he so believed in, to be counted on this man . . .
All in his life conceived, all in the way his family had brought him up so indeed . . . as he stood tall time and again!
Showing his Nation, as in his life so lies The Truth . . .
That Black Is Beautiful, and all in his courage and character so dutiful . . . as lies the proof
A shining example of faith and how, showing us all the way so now . . . as King George's life, makes hearts race . . . it's a beaut!

For In Our Darkest Hours!
Only with Our Faith . . . Courage . . . Kindness . . . and Our Character . . . can we so overpower, the darkness which around us towers!
And To Rise Above, All In Our Courage and in Our Love . . . We Will All Reach Our
Finest Hour!
But, our moments herein time . . . are but the shortest of all to find . . .
For when it's all said and done, will we be the ones . . . as Sarge, who now up in Heaven have Someone To Look Up To?
So mount up now . . . For you King George, are but an Angel In The Army of Our Lord so fine!
As Someone Above To Watch Over Us, And To Look Up To in our lives!

TRIBUTE TO ALLAN S. COHEN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize Mr. Allan S. Cohen on his thirty-seven years of outstanding service to our nation.

Mr. Cohen, who is retiring on June 30, 2008, has served as a senior Human Resources Specialist with the Department of Defense. His dedication and contributions have left a legacy for all federal civil servants.

Madam Speaker, I am pleased to congratulate Mr. Cohen and to extend our country's gratitude to him for his honorable and productive service.

150 YEARS OF SPIRITUAL LEADERSHIP IN THE COMMUNITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. FRANK of Massachusetts. Madam Speaker, this year marks the 150th Anniversary of an extraordinarily important religious congregation in the City of Newton, which I am proud to represent in this body, and where I have lived for 28 years. Congregation Mishkan Tefila has been an important part of the City of Newton since 1957. Temple Mishkan Tefila has of course been primarily a place of worship for large numbers of Jewish men, women and young people, and through a series of outstanding rabbis and other leaders, it has performed that essential function superbly. It has also been a forum for community leadership in a number of other ways. Its doors have always been open to the community, both its own members and the community at large, and I have personally benefited from that openness on a number of occasions by being able to participate in forums that the temple has run, which have helped me and others fulfill our duties to relate to our constituents.

Madam Speaker, I am very pleased to be able to salute the members of the Mishkan Tefila Congregation on this 150th Anniversary, and congratulate them on their opportunity both to look back on a very proud history, and to look forward to the promise of continued great service in the years ahead.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 63RD ANNIVERSARY OF THE UNITED NATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mrs. MALONEY of New York. Madam Speaker, today, along with Chairman DELAHUNT of the Subcommittee on International Organizations, Human Rights and Oversight, I am introducing legislation to commemorate the 63rd anniversary of the founding of the United Nations.

Since its founding, the United Nations has made many contributions to the global community in the fields of health, education, peace-keeping and humanitarian aid.

For 63 years the United Nations has provided a forum for the achievement of international cooperation in solving the world's most pressing economic, social and humanitarian problems including climate change, trafficking in humans, combating global terrorism, and responding quickly to disasters such as the tsunami in South East Asia in 2004.

The United Nations has visionary new leadership that should also be commended. Under Secretary General Ban Ki-moon, the United Nations launched a multi-year campaign to improve awareness amongst global policy-makers at the highest levels regarding issues relating to violence against women.

Joining us are Representatives JIM MCDERMOTT, MAURICE HINCHEY, SAM FARR, MADELEINE BORDALLO, DONNA CHRISTENSEN, JOSÉ SERRANO, JIM MCGOVERN, DENNIS KUCINICH, CHAKA FATTAH, ROBERT BRADY, BETTY MCCOLLUM, JAMES P. MORAN, EDDIE BERNICE JOHNSON, RAÚL GRIJALVA, and BARBARA LEE.

I look forward to working with Chairman DELAHUNT and my other colleagues to pledge the support of Congress to the United Nations as the organization moves forward and to commend the United Nations for sixty-three years of good work.

HONORING THE 80TH BIRTHDAY OF JEANETTE IRENE HUTCHISON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. GINGREY. Madam Speaker, I rise today to honor Jeanette Irene Lalime-Sellner-Hutchison, who is celebrating her 80th birthday today. As an indispensable member of my staff, Jeanette has served as my Constituent Service Director for almost six years, assisting 11th District residents with problems ranging from Social Security and veterans' benefits to passports and immigration issues.

But Madam Speaker, Jeanette has always had a passion for helping others. Born in Appleton, Wisconsin, Jeanette moved to Minneapolis, Minnesota as a young girl, where she grew up and eventually met her first husband, Mr. Thomas Sellner. Married for 28 years, Jeanette and Tom had six wonderful children.

Along with raising her four sons and two daughters, Jeanette served as a foster mother for many years, taking in and caring for children in need of a loving family. After the passing of her first husband, Jeanette eventually met and wed Mr. Marion Hutchison, and together they moved to Iowa, where she began her Congressional career as a staff member for Congressman Cooper Evans, and then for Senator CHARLES GRASSLEY.

Now a resident of Marietta, Georgia, Jeanette has served various Congressional offices for 25 years, acting as the constituent service director for the legendary Georgia Senator Paul Coverdell and Congressman Bob Barr before joining my staff in 2003.

Madam Speaker, Jeanette Hutchison has led a very inspiring and rewarding life. Over the years she has made and kept many friends, and I ask that you join with them, with me, and with her family in honoring Mrs. Jeanette Irene Hutchison, as she celebrates her 80th birthday. I thank her for a quarter century of service to our country.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. LANGEVIN. Madam Speaker, on the morning of June 20, 2008, I was unavoidably detained and unable to be in the chamber for three rollcall votes. Had I been present, I would have voted "yea" on rollcall No. 434, on approving the journal; "yea" on rollcall No. 435, on ordering the previous question on H. Res. 1276; and "yea" on rollcall No. 436, on agreeing to H. Res. 436.

Additionally, because of inclement weather on the evening of June 23, 2008, my flight was delayed, and I consequently missed two votes. Had I been present, I would have voted "yea" on rollcall 438, passage of H. Res. 1242; and "yea" on rollcall 439, passage of H. Con. Res. 372.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. BARTLETT of Maryland. Madam Speaker, I submit the following for the RECORD:

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RTD&E, Army, Combat Vehicle and Automotive Advanced Technology.

Legal Name of Requesting Facility: Mack Trucks, Inc., Volvo Powertrain North America.

Address of Requesting Facility: 13302 Pennsylvania Avenue, Hagerstown, MD 21742.

Description of Request: The requested fund will be used to build, test, and evaluate up to five heavy tactical trucks with hybrid electric power trains. The program's goal is to provide the military with a more fuel efficient, cleaner, and easily maintained heavy truck power train. A secondary goal is to provide a truck engine that can provide the same electricity source as a traditional diesel generator.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RTD&E, Air Force, Multiple UAS cooperative concentrated observation and engagement systems against a common ground objective.

Legal Name of Requesting Facility: Proxy Aviation Systems.

Address of Requesting Facility: 12850 Middlebrook Road, Germantown, MD 20874.

Description of Request: The proposed program will provide the U.S. military with an advanced ISR capability to find and identify terrorist activity more rapidly and with a greater level of accuracy. The system will result in a lower cost of procurement and life cycle cost due to reduced manpower.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: O & M, Navy, Operating Forces, Weapons Support, Weapons Maintenance.

Legal Name of Requesting Facility: Otomelara North America, Inc.

Address of Requesting Facility: 1625 I Street North West, Washington, DC 20006.

Description of Request: Increasing O&M funding for the Mk75 weapon will boost performance of the post-groomed guns, reducing out-of-service down time, and raising overall reliability for the Navy. The FFG–7's Mk75 76mm gun possesses adequate range for effective engagement, but critical funding shortfalls in maintenance assessment/grooming and parts support have kept the guns from operating with the requisite readiness to be as effective as possible against the surface.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Warfighter Technology.

Legal Name of Requesting Facility: Engineering Systems Solutions.

Address of Requesting Facility: 5726 Industry Lane, Frederick, MD 21704.

Description of Request: This project expedites the repair of urgently needed battlefield equipment, thereby increasing the mission capable level of aircraft and vehicle units. This leads to improved warfighter readiness and safety. Repair of battle damaged aircraft skin responds to the vulnerability reduction request for new technologies that improves affordability and increases capabilities. This technology will be commercialized to reduce the repair cost and duration of certain currently deployed aircraft and vehicles.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RTD&E, Army, Environmental Quality Technology.

Legal Name of Requesting Facility: Fairchild Controls Corporation.

Address of Requesting Facility: 540 Highland Street, Frederick, MD 21701.

Description of Request: This program will provide increased protection to troops through filtration of toxic industrial chemicals. It will also provide reduced operation and support cost over traditional filtration systems. This program will provide reduced logistical burden associated with replacement of filters, and reduced dependence on global warming refrigerants.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RTD&E, Army, Nuclear and Conventional Physical Security Equipment.

Legal Name of Requesting Facility: General Dynamics Robotic Systems.

Address of Requesting Facility: 1234 Tech Court, Westminster, MD 21157.

Description of Request: The MDARS robot autonomously performs random patrols, detects intruders, and determines the status of inventory, barriers, gates, and locks using Radio Frequency Identification, RFID, technology. The requested funds would develop additional capabilities and procure four vehicles for force protection demonstrations. The enhanced MDARS could be used for high-risk patrol operations in Iraq and Afghanistan or forward operating bases, airfields, ports, and high value supply depots, improving force protection by limiting military personnel from high risk mission exposure.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: O&M, Army, Servicewide Communications.

Legal Name of Requesting Facility: CherryRoad GT, Inc.

Address of Requesting Facility: 8150 Leesburg Pike, Vienna, VA 22182.

Description of Request: Army Knowledge Online must expand help desk capacity to meet increased call volume currently limited by lack of space at the primary site. Establishing a secondary site provides all critical expansion capability and functions as a backup site in case of attack or natural disaster. This expansion will benefit all DOD entities, service members, their families, DOD civilian employees, and select contractors who use the portal. Additionally, the portal allows the 52 state Adjutants General to coordinate with the Guard and Army Reserve to react to natural disaster or to counterterrorist threats and enhance force protection.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Joint Service Small Arms Program.

Legal Name of Requesting Facility: ACAGI, Inc.

Address of Requesting Facility: 4539 Metropolitan Court, Suite 202, Frederick, MD 21704.

Description of Request: The purpose of this project is to develop a weapon integrated, fire control system that includes real time Tagging and Marking, immediately and inconspicuously recognizing friend from foe, especially with noncooperative targets at ranges where physical contact is not possible, other than line of sight. This capability greatly enhances the warfighter's real time cognition and decision-making ability, especially in urban, counter-insurgent, complex, no frontlines situations, with the blending and rapidly changing definition of friend or foe, improving the warfighter's lethality and survivability.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: O&M, Army, Operating Forces, Land Forces System Readiness.

Legal Name of Requesting Facility: Skedco.

Address of Requesting Facility: 10505 South West Manhasset Drive, Tualatin, Oregon 97062.

Description of Request: The CASEVAC Conversion Kit, Aircraft, contains all the necessary supplies and equipment to safely secure one approved military litter to the floor of any cargo or utility aircraft, safely secure the casualty to the litter IAW doctrine, provide environmental protection to the casualty and identify and mark the casualty and pick-up zone. The recommended basis of issue for the CASEVAC conversional kit is two per cargo helicopter and one per utility helicopter.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RDT&E, Navy, Warfighter Sustainment Applied Research.

Legal Name of Requesting Facility: Zeltex, Inc.

Address of Requesting Facility: 130 Western Maryland Parkway, Hagerstown MD 21740.

Description of Request: Zeltex, Inc., proposes to develop and demonstrate a Remote Fuel Assessment System for rapid fuel quality assessment. It will assess representative fuel content and contamination properties such as particulate, moisture, density, total oxygen content, benzene, olefins, aromatics, octane, and cetane index to identify the class of fuel.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: RDT&E, Navy, Surface Combatant Combat System Engineering.

Legal Name of Requesting Facility: DRS Power Technology Inc.

Address of Requesting Facility: 166 Boulder Drive, Suite 201E, Fitchburg, MA 01420.

Description of Request: The requested funding will design and build a hybrid electric drive prototype system for insertion and testing at the Navy Land Bases Test Site. Development and demonstration of a prototype DDG51 hybrid electric drive system will enable the fuel savings estimated at 13,000 barrels of fuel operation per year, per ship. The return on investment, installation and nonrecurring cost to payback in 3 to 5 years with a projected savings of between $2M and $4M per ship, per year. Total opportunity of up to $5B in savings if all 62 ships in the class are converted. The warfighting advantages are that longer on-station time for the same fuel load, reduced gas turbine engine operating hours and maintenance, reduce logistics tail, added generator redundancy and potential for increased total ship service power.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: O&M, Navy, Training and Recruiting, Recruiting and Advertising.

Legal Name of Requesting Facility: U.S. Naval Sea Cadet Corps.

Address of Requesting Facility: 2300 Wilson Boulevard, Suite 200, Arlington, VA 22201.

Description of Request: The program promotes interest and skill in seamanship and aviation; but, more importantly, instills in every cadet qualities that mold strong moral character in an anti-drug and anti-gang environment. The NSCC Youth Program teaches cadets that they must contribute to their community and country; as well as accept responsibility for their own actions.

Requesting Member: Congressman ROSCOE G. BARTLETT.

Bill Number: H.R. 5658.

Account: ANG/USAF, PJMS95554 Replace Fire Station, ANG, Martin State Airport, Baltimore, MD.

Legal Name of Requesting Facility: MILCON/USAF–ANG.

Address of Requesting Facility: 2300 Wilson Boulevard, Suite 200, Arlington, VA 22201.

Description of Request: Concrete foundation and floor slab, steel frame masonry walls with standing seam insulated metal roof or "green" roof. Cavity wall constructions with split-face CMU block, interior mechanical, electrical and fire protection systems. All necessary utilities, site improvements, back-up generator and support. Pavement access to the runways, aircraft apron, and base arterial roads. Demolish three obsolete facilities and landscape the site for sediment and erosion control. Air conditioning: 50 Tons.

HOUSE OF REPRESENTATIVES—*Wednesday, June 25, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAVIS of Alabama).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2008.

I hereby appoint the Honorable ARTUR DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Archie E. Barringer, Veterans Medical Clinic, Fayetteville, North Carolina, offered the following prayer:

Our Father, we thank You for this grand and glorious occasion which has brought us together. We thank You for the privilege of living in a free country, for the right to assemble to represent the will of our people, and to invoke the laws of this great land.

We ask now for Your divine direction, wisdom, and guidance in all the issues that will come before this body of legislators today.

We know, O God, these are perilous times in which we live. We are confronted and bombarded with opposition and evil that threaten our very way of life, from within and from without.

Grant us the courage combined with commitment, pride, tempered by humility and dedication driven by determination to be the best, to stand in the gap, and to be all You would have us be in order to protect, preserve, and defend those freedoms God has intended for all mankind. And may we persevere until that day when we shall beat our spears into pruning hooks, our swords into plowshares, and study war no more.

For we ask this prayer, O Lord, in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND ARCHIE E. BARRINGER

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. HAYES) is recognized for 1 minute.

There was no objection.

Mr. HAYES. Mr. Speaker, today, I rise to honor Reverend Archie Barringer and to thank him for being here today to deliver this morning's prayer.

Reverend Barringer has dedicated his life to serving his country as a soldier, his fellow soldiers and veterans, his community, and most importantly the Lord.

I would like to thank all of our military chaplains for the exceptional service and spiritual guidance to our soldiers, veterans, and their families.

Mr. Speaker, many of our veterans of Christian faith are complaining that they are being religiously disenfranchised by the VA's effort to neutralize chapels, services, and memorials. Reverend Barringer has spoken out against what he feels are overly aggressive practices and guidelines, in fact. He resigned rather than implement what he felt were discriminatory policies.

Mr. Speaker, it is my hope that his presence here today will help raise awareness of these issues so that we may preserve the tenets and principles that have served as the religious foundation for so many of our veterans for so many years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

JUSTICE REVIUS O. ORTIQUE

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, the death of Justice Revius O. Ortique this past Sunday marked the passing of a true public servant and a selfless leader. A man of historic firsts, most notably the first African American member of the Civil District Court of Louisiana and the first African American member of Louisiana's Supreme Court, he blazed a trail for others to follow. He was an outstanding lawyer, winning landmark civil rights cases, and serving as president of the National Bar Association. He served our community as a leader of our Urban League and as chair of the New Orleans Aviation Board. He served our Nation, as an army officer and as an appointee to significant Federal posts by five different Presidents.

Justice Ortique was a man of community, faith, and family. He was a man who loved justice, and he pursued it for himself and for others his entire life. Our Nation is better for his service, his leadership, and his commitment to his country. We pray God's comfort for his wife of over 60 years, Miriam, his daughter, Rhesa, and her husband, Alden, and his grandchildren Chip, Heidi, and Todd.

SUCCESS WE CAN BUILD UPON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as we approach Independence Day, I am grateful for the success of our troops in Iraq and in Afghanistan to protect American families by defeating terrorists overseas. With two sons who have served in Iraq and my former National Guard 218th Brigade in Afghanistan, I know firsthand our military's accomplishments.

The Department of Defense reports violence in Iraq has declined significantly. Security incidents have fallen to their lowest level in 4 years. Civilian deaths are down 75 percent from a year ago, with the Iraqi military taking greater control over military operations against al Qaeda and Iranian-backed militias.

Increased security has led to increased political and economic progress where Iraqis are sharing oil revenues, are developing and implementing a budget, and are taking greater financial responsibility for building their infrastructure. We should recognize these achievements to eliminate terrorist safe havens so our decisions here in Washington do not reverse this progress, which would threaten our allies and American families.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In conclusion, God bless our troops, and we will never forget September the 11th.

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, with gas prices reaching $4 a gallon and rising, the American people are searching for real relief at the pump. While Washington Republicans continue to advocate for the same failed energy policies that got us where we are today, Democrats are providing American consumers with real solutions.

We must increase drilling. I support a new piece of legislation that says to oil companies: Use it or lose it. Use the leases you have on land where we know there is oil or lose those leases to an oil company that is willing to drill.

Oil companies that are raking in record profits are currently sitting on 68 million acres of leased oil-rich Federal land that they are not drilling. The amount of oil which could be produced from these reserves would nearly double the total U.S. production. If oil companies drilled those 68 million acres, the U.S. could produce an additional 4.8 million barrels a day.

Mr. Speaker, this week, we will have the opportunity to tell Big Oil to either use the leases they have or to lose them.

ENERGY INDEPENDENCE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today, calling for expanded domestic energy exploration and for a truly comprehensive energy policy, including renewables.

Access to oil and natural gas resources from Federal lands and waters is critical to the energy supply of West Virginia consumers, businesses, and homeowners. Specifically, the Outer Continental Shelf will be increasingly important to our Nation's energy future. Approximately 25 percent of U.S. oil and natural gas production comes from offshore areas. Technology has allowed the industry to explore deeper in the Gulf of Mexico and to make many new discoveries.

However, current policy unnecessarily keeps many promising prospects off limits, restraining additional growth and supplies. Congress and past Presidents have put a stop to offshore drilling and development. This must end. With gas prices at more than $4 a gallon and filling up the minivan at $70, we simply cannot afford to deliberately ignore our abundant resources. It is time to use our resources and to use our common sense.

IS DIPLOMACY MORE DANGEROUS?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Yesterday, the value of shares on the Lisbon stock market dropped amid rumors of a military attack on Iran's nuclear research facilities.

The Bush administration has been mindlessly threatening the use of nuclear bunker busters on Iranian nuclear facilities. The Physicians for Social Responsibility have analyzed the effect of such an attack: "Within 48 hours, fallout would cover much of Iran, most of Afghanistan, and spread into Pakistan and India. Fallout from the use of a burrowing weapon such as the B61–11 would be worse than from a surface or air-burst weapon due to the extra radioactive dust and debris ejected from the blast site. In the immediate area of the two attacks, our calculations show that, within 48 hours, an estimated 2.6 million people would die; over 10.5 million people would be exposed to significant radiation from fallout."

Do we really believe the best way to deal with Iran's nuclear facilities is to blow them up? Where are our spiritual values? our moral sensibilities? Is diplomacy more dangerous?

BROADCASTER FREEDOM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. One year ago, over 300 Democrats and Republicans stood together to oppose efforts to restore the so-called Fairness Doctrine to the airwaves of this country for a single year. It was an encouraging vote. But, following that vote, I introduced the Broadcaster Freedom Act, which would permanently ban the Fairness Doctrine from ever coming back, and so far, not one single House Democrat has signed our position for an up-or-down vote on broadcast freedom. Now we know why.

Asked yesterday if she supported reviving the Fairness Doctrine, Speaker NANCY PELOSI replied, "Yes." At a meeting at the Christian Science Monitor, she said that the Broadcaster Freedom Act would not receive a vote because "the interest of my caucus is the reverse."

I say to Speaker PELOSI, with respect, defending freedom is the paramount interest of every Member of the American Congress.

I urge my Democrat colleagues to take a stand for freedom. Oppose the Democrat leadership's plan to censure the airwaves of American talk radio and American Christian radio. Sign the discharge petition for broadcast freedom, and help us send the Fairness Doctrine to the ash heap of broadcast history where it belongs.

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, every day, American consumers are being squeezed at the pump. They can no longer afford for Congress to be divided on this issue.

I urge every Member of Congress to support legislation on the floor that would compel the oil industry to drill on the public lands it already controls. Big Oil would either have to produce from these lands, would have to show they are being diligent in their development or would have to give up the right to control even more Federal energy resources.

Simply put, we are telling Big Oil to either use it or lose it.

Experts estimate that 68 million acres of leased land could produce 4.8 million barrels of oil, which would nearly double the Nation's total oil production.

Congressional Republicans and President Bush are calling for domestic drilling, saying it is the only solution to control high prices. Republicans should then be demanding that Big Oil drill on the 68 million acres where they already have leases.

Mr. Speaker, Americans have been deeply hurt by the prices at the pump. Republicans should join with the Democrats and should tell Big Oil companies to get to work now.

WHO DO WE FIGHT?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, who do we fight against? We have been at war in Iraq and Afghanistan for years. We heard that we are fighting a war on terror. But what does that mean? Who are the people at war with America?

Now, after all this time, our government has decided we must have a politically correct name for our enemy. No longer can we use the term "Jihadist," the primary meaning being a holy war to subject the world to Islam. After all, using that term might hurt our enemies' feelings.

And certainly the most accurate term, "Islamo-Fascists," is strictly taboo because it might further anger our enemies by insinuating they are a bit radical when they murder in the name of religion.

So the government insists that we call the bad guys "extremists" or "terrorists."

That vague term won't indicate the war against us is waged in the name of radical Muslim religious doctrine. But isn't that the reason for this war?

The term "Jihadist" is not a reflection on all Muslims. After all, many Muslims are literally fighting these radical ideas.

In a war, we must specifically define our enemy. Otherwise, we don't know who they are or why we fight.

And that's just the way it is.

SUPPORTING THE DESIGNATION OF A NATIONAL TOURETTE SYNDROME DAY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today, I rise to help raise awareness of Tourette syndrome. This is a misunderstood disorder that affects an unknown number of Americans. The experts think that maybe 200,000 of us suffer from this neurological disorder; although no one really knows because it is often misdiagnosed. That is why we need to increase awareness and applaud those who work on a daily basis to make this one of the issues that we must be aware of.

In my home State, the New Jersey Center for Tourette Syndrome and Associated Disorders provides an innovative, multidisciplinary, multi-institutional approach to the treatment for those in New Jersey who have the Tourette syndrome and for their families. It is the first and only program of its kind in the Nation, and it serves as a model for other centers.

In concert with the State legislature, they declared every Wednesday in New Jersey as Tourette Syndrome Day to call attention to this disorder. In order to continue to bring awareness to this disorder, today, I will introduce a resolution supporting the designation of a National Tourette Syndrome Day.

□ 1015

LIFT BAN ON OFFSHORE DRILLING

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, last week, Senator JOHN MCCAIN stated that we need to lift the Federal moratorium on offshore drilling for oil and gas. President Bush also agreed that the U.S. needs to lift its long-standing ban on offshore oil and gas drilling so we can increase our energy production here.

I agree. We need to increase U.S. oil production to lower gas prices for American families. Mr. Speaker, the U.S. has access to 112 billion barrels of onshore and offshore oil and access to 1 to 2 trillion barrels of recoverable oil shale. To ban exploration of these energy sources is simply outdated.

The rise in gas prices has brought a daily increase in the cost of consumer goods due to higher transportation costs, groceries and airfare. American families are looking for relief, Mr. Speaker, and the President is correct when he said Americans are turning to Washington for solutions. The only way we can help these families is to lift the ban on energy resources that we have here at home.

BIG OIL: USE IT OR LOSE IT

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, the two men most responsible for our record prices at the pump today are President Bush and Vice President CHENEY. They came to the White House from the executive suites of Big Oil, and their energy policies continue to mirror Big Oil's agenda.

President Bush has, once again, called for drilling in ANWR even though his own Energy Department has said that opening up the Arctic would only save pennies per gallon 10 years from now. Now the President has suggested opening up the Outer Continental Shelf to drilling even though 80 percent of the oil available there is already open to leasing.

Why would we give Big Oil access to more of our land and waters if they refuse to drill on the 68 million acres they have now? If President Bush believes that drilling is the answer, why isn't he demanding that Big Oil use the land they already have?

Mr. Speaker, Republicans have repeated the same domestic drilling rhetoric for years. Tomorrow they have the chance to act on that rhetoric and to tell Big Oil to either use it or lose it by joining us in passing the Responsible Federal Oil and Gas Lease Act of 2008.

CRITICAL ENERGY NEEDS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the U.S. faces a critical need to encourage domestic petroleum production. It seems as if the United States has unilaterally disarmed itself in the competition for energy supplies by imposing a host of unnecessary restrictions on domestic oil and energy production. Indeed, in the past three decades, we've thwarted construction of refineries and nuclear power plants that could have helped to ease the competition for energy supply and that could have secured greater energy independence for all of us.

Further, taxes on the major domestic oil producers lower incentives for new investments, and they add more costs to finished products at the pump. Furthermore, there is growing doubt that the recent rush to develop corn-based ethanol and other alternative and renewable energy sources will bring genuine relief or true energy security. By creating a bonanza for corn growers and agribusiness giants, we have succeeded in driving up food prices both in the United States and abroad.

American families deserve better from the Democrat-controlled Congress.

PRESERVING HEALTH CARE ACCESS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, yesterday, with my enthusiastic support, the House passed the Medicare Improvements for Patients and Providers Act, H.R. 6331.

In Cochise County, which is a rural part of my southern Arizona district, access to primary health care is a real challenge, but it is a challenge that particularly impacts our seniors.

This legislation protects payments for community physicians, for critical hospitals and for ambulances in rural areas. In southern Arizona, these doctors and hospitals provide vital services to our seniors throughout a very rural part of America, including areas like Naco, Sierra Vista, Douglas, and Bisbee, Arizona.

I would like to take a moment to thank members of my senior advisory council and my health care advisory council. They have worked diligently to highlight the need for improving access to health care for our seniors, especially in underserved and remote areas.

Yesterday was a good day in the House of Representatives. I urge my colleagues in the Senate to take swift action this week to also pass this legislation and to send it to the President.

CNN HOST SAYS MEDIA BIASED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, Howard Kurtz, host of CNN's program "Reliable Sources," has strongly criticized the media's coverage of Senator BARACK OBAMA's breaking his promise that he would accept public campaign funds.

Last Sunday, Kurtz argued: "All of these liberal commentators who have always supported campaign finance reform, getting big money out of politics, many of them are defending OBAMA. And I have to think the press is cutting him a break here."

Kurtz concluded the segment by saying, "If George W. Bush had done this, blown off public financing as he considered doing during the 2004 campaign, there would be howls in the media about one candidate trying to buy an election."

A recent poll found that, by more than a 3-to-1 margin, voters believe the media favors Senator BARACK OBAMA over Senator JOHN MCCAIN. The media should report the facts, not slant the news.

EXPLORING, ELIMINATING AND ENCOURAGING

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, there have been a lot of complaints by the Republican side of the aisle as to the increase in gas prices, but I would have to say: Is it any wonder that gas prices have increased with two oil men in the White House? The question is what is being done. I would say it is the three E's.

First, explore the 68 million acres that are under lease to the oil companies today. Let's extract the oil that we have under lease and not go explore ANWR or the Outer Continental Shelf.

Two, eliminate the gouging and the hoarding and the speculating that is going on that is increasing the price of oil per barrel by $60 or $70 per barrel.

The third E, encourage alternatives. We can no longer be hooked on just one commodity. We have to have other approaches and other ways to power this Nation or we will have to learn this lesson over and over and over again. That is what the Democratic Congress is doing—exploring what we have, eliminating the gouging and encouraging alternatives.

BOY SCOUT TRAGEDY AT LITTLE SIOUX RANCH

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. Mr. Speaker, I would like to commend my colleague Congressman LEE TERRY for introducing the resolution expressing heartfelt sympathy for the victims and families following the tornado that hit Little Sioux, Iowa.

On June 11, we were given a stark reminder of just how fragile life is. In 1 minute, the Boy Scouts at the Little Sioux Scout Ranch were attending a leadership camp, Boy Scouts undoubtedly filled with joy, laughter and achievement, all of those wonderful things that make scouting a core ideal of America. In the next minute, a tornado tore through the camp, taking the lives of 4 Boy Scouts and injuring 40 others.

The four scouts who lost their lives—Aaron Eilerts from West Point, Nebraska, and Josh Fennen, Sam Thomsen and Ben Petrzilka from Omaha—were exemplary young men.

After the tornado struck, many other young men applied first aid to the injured and worked to free those trapped in the rubble. Clearly, the scouts lived up to their motto, "Be prepared."

Mr. Speaker, may God bring comfort to the families and friends of those who lost loved ones that day.

HONORING OFFICER JOSE RIVERA

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Jose Rivera, a correctional officer at the Federal penitentiary in Atwater, California.

Officer Rivera's life was taken by two inmates on Friday, June 20, 2008. He was 22 years old. He is survived by his mother, Terry, by his sisters Teresa, Martha and Angelica and by his brother, Daniel.

After graduating from Le Grand High School, he served for 4 years in the Navy, completing two tours of duty in Iraq, and he began his career as a correctional officer on August 5, 2007. His life of service was cut tragically short.

Mr. Speaker, I have long voiced my concerns, most recently in a letter I sent in April to the director of the Bureau of Prisons, about the lack of sufficient resources and staff to safely operate our Federal prisons.

The fact is that staffing levels are decreasing while inmate populations are increasing. The Atwater Penitentiary is operating at 85 percent of the staffing level and is at 25 percent overcapacity for inmate levels.

As we honor Officer Rivera's legacy of commitment and service to our country, his senseless death is a reminder that we must provide adequate funds to keep our prisons and our communities safe.

REDUCE PRICE AT THE PUMP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, in middle Tennessee today, you are going to pay about $3.93 for a gallon of gas. My constituent families know that this price is outrageous, and they know that now they are being faced with choices: How much are they going to put in the tank or how much are they going to put in that grocery cart when they go to the grocery store? This is unacceptable, and my constituents know that.

They also know that there are some things that we could and should be doing. May I offer a suggestion to that, Mr. Speaker. Here is a simple way to start:

To the Democrat leadership, admit you made a mistake, and repeal the so-called Energy Independence and Security Act that you passed last December that didn't produce one bit of oil or gas or move anything to the marketplace. It put in place roadblocks, and we have far too many roadblocks to putting gas into the pumps and into our cars.

Specifically, let's repeal section 526 of this so-called Energy Policy Act, and let's get rid of a roadblock that makes it more difficult for the U.S. Government to address the needs that we have and, certainly, for our Air Force.

There are many things that we could and should be doing before we leave for July 4. There are things that we could and should be doing to make certain that our constituents have a safer July 4th celebration.

Let's reduce the price at the pump.

DEMOCRATS HELP REBUILD ECONOMY

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, with the price of groceries, gasoline and health care rising every day, Americans everywhere are feeling the economic squeeze. They worry about losing their jobs and their homes, and they fear losing their standard of living.

The Democratic Congress has led the way in working to jump start the American economic recovery by approving $107 billion in stimulus checks that have already reached 76 million homes.

With job losses exceeding 324,000 this year, with 48,000 having been lost in the month of May alone, we acted quickly last week to extend unemployment benefits for millions of workers who are having a hard time finding a job. These benefits will help struggling families put food on the table and gas in their cars.

Congress has passed the most comprehensive legislation responding to the devastating housing crisis. The package will help millions of families avoid foreclosure, and it will rehabilitate properties in areas hit hard by the housing crisis.

Mr. Speaker, this is a good beginning, but we must do more to alleviate the economic hurt Americans are enduring, and we must work together to turn the failed Bush-McCain economy around.

☐ 1030

DRILL HERE, DRILL NOW, PAY LESS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have been informed that the rules of the House do not allow me to wear a lapel pin or a lapel sign, so I had to take this off. I was going to use this chart, but I thought, maybe, since the rules allow it, I would take this pin off and put it here so people can see what it says. It says, simply, "Drill here. Drill now. Pay less."

It is also symbolic of the smallness of the area that would be affected if we went offshore or if we went to ANWR. It would have to be about a pin dot here of this size to display what it would actually represent in ANWR versus all of Alaska.

Drill here in the United States. American resources. Drill now, not 20 years from now, not 30 years from now. Now. Pay less. As the futures market would look at the change in policy and would recognize that we're no longer going to hamstring ourselves, they would begin to understand that prices would not go up as fast as they have been going, and we would begin to pay less.

Drill here. Drill now. Pay less for the American people.

HONORING SUPERINTENDENT DAN NERAD

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, for those, like me, who believe in the invaluable resource that is our public schools, it is a bittersweet time in the Green Bay School District. Dan Nerad, the superintendent of the largest public school system in my district for the past 7 years, is leaving to assume a similar position in Madison, Wisconsin.

Dan began his career in Green Bay 33 years ago. He is known for his intelligence, for his integrity and for his candor. He tackled the toughest problems of our time in Wisconsin—school security and the achievement gap between minority and Caucasian students—while at the same time dealing with a shrinking financial resource.

While his leadership will be missed, he is to be congratulated for taking the next step in an already distinguished career. Green Bay's loss will almost certainly be Madison's gain. He leaves an indelible mark on our children, on our educators and on our community. And I wish him well.

Thank you, Superintendent Dan Nerad.

KOREAN WAR ANNIVERSARY

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. On this day, on this very day 58 years ago, North Korea invaded South Korea. Over the course of the next 3 years after that invasion until July 27 of 1953, until that armistice brought a halt to the fighting, more than 36,000 Americans died, and more than 1.5 million South Korean soldiers and civilians became casualties of that act of aggression.

In the aftermath of this conflict, the Republic of Korea has flourished, becoming the world's 11th largest economy and becoming the United States' 7th largest trading partner. Seoul is a vibrant city which has hosted the Olympic Games and the World Cup.

As cochairman of the U.S.-Republic of Korea Interparliamentary Exchange, I have had the chance to see this miraculous growth up close in South Korea.

Mr. Speaker, as is inscribed in the Korean War Memorial here in Washington, D.C., it is important that we never forget those who nobly sacrificed their lives for the cause of freedom and liberty.

UNEMPLOYMENT INSURANCE NECESSARY FOR 3.8 MILLION JOBLESS AMERICANS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, with the Bush economy losing 325 jobs so far this year, it is important for the House to extend a financial lifeline to millions of unemployed workers, many in my home State of New Jersey and across the Nation, who are having trouble finding jobs. Today, 1.6 million Americans have exhausted all of their unemployment benefits. The numbers are expected to grow to more than 3 million Americans by the end of this year.

Last week, with strong support from both Democrats and Republicans, this House passed legislation giving workers and their families an extended 13 weeks of benefits so that they don't have to worry about losing their homes and their cars while they're looking for work.

For weeks, despite continued bad economic news and huge job losses in the airline and auto industries, the White House actually threatened to veto the legislation. Fortunately, they have reconsidered, and they are now supporting that the unemployment insurance will continue.

E-PRESCRIBING AND ITS POTENTIAL TO IMPROVE QUALITY AND HEALTH OUTCOMES IN OUR HEALTH CARE SYSTEM

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, under the Democratic-controlled Congress, the country is moving in a new direction. Improvements in our health care delivery system are key parts of this new direction.

I applaud my colleagues for an overwhelming bipartisan victory yesterday in support of our Nation's seniors, disabled and health care providers.

The Medicare bill we passed yesterday will not only prevent the impending physician fee cut, but it will also strengthen Medicare and will provide more accessible access to service and will promote improved patient safety and health outcomes.

I'm proud to be a leader in Congress in promoting health technology. The legislation I introduced last year, which was included in the Medicare bill yesterday, promotes the use of E-prescribing by Medicare providers. Electronic prescribing will eliminate injuries, hospitalizations and mortalities that occur each year as a result of 1.5 million prescription errors annually.

The use of E-prescribing is smart; it is timely, and it is a major step forward in expanding the use of electronic medical records. It has the potential to improve quality, to improve health outcomes and to reduce costs in our health care system.

I urge the Senate to pass and accept our legislation.

DEMOCRATS OFFER A NEW ENERGY POLICY THAT REJECTS THE FAILED POLICIES OF THE PAST

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, with two former oil executives in the White House, is it any wonder why gas prices are at a record high? President Bush's energy policy, created in secret by Vice President CHENEY and by Big Oil, leaves us dangerously dependent on foreign oil, and it hurts our economy and American families.

Washington Republicans only offer more drilling, even though 68 million acres of Federal oil reserves are already open and leased for development. New drilling won't lower prices for years to come. In fact, drilling in the pristine Alaskan Wildlife Refuge wouldn't yield oil for 10 years, and in 22 years, it would only save consumers about 2 cents a gallon.

Mr. Speaker, if congressional Republicans really are interested in helping consumers at the pump today, they will join us this week in passing legislation that forces Big Oil to either drill where they already have leases or to lose those leases. It's time Big Oil uses it or loses it.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the " Rafael Martínez Nadal United States Customhouse Building".

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway".

PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1298 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1298

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2176 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Washington, Representative HASTINGS.

All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1298.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1298 provides for consideration of H.R. 2176, a bill which provides for, and approves, the settlement of certain land claims of the Bay Mills Indian Community.

In lieu of the substitute reported by the Committee on Natural Resources, the rule makes in order the substitute printed in the Rules Committee report. The Rules substitute consists of the text of H.R. 2176 with that same language and the text of H.R. 4115 as reported by the Committee on Natural Resources. That bill provides for, and approves, the settlement of certain land claims of the Sault Sainte Marie Tribe of Chippewa Indians.

This is a fair rule, and it gives the proponents and opponents of the two Michigan Indian land claims bills a straight up-or-down vote on the bills.

Mr. Speaker, the underlying legislation seeks to settle a land claim agreement which was reached in 2002 by the then-Republican Governor of Michigan John Engler and the two tribes. The current Democratic Governor of Michigan, Jennifer Granholm, has also approved the deal.

Under these bills, both tribes have agreed to relinquish their claims to land in Charlotte Beach, located in Michigan's Upper Peninsula, in exchange for a parcel of land outside of Port Huron, Michigan. The agreement reached between the tribes and the State allows the tribes to conduct gaming on their new land.

If approved by Congress and the President, this agreement secures the private ownership rights of the Charlotte Beach land in question and will help to restore the fair market value of the land. It will also provide the two tribes with an opportunity to help create jobs and economic opportunities in Port Huron while further providing for their membership.

The underlying bill conforms with the Indian Gaming Regulatory Act, and the land being given to the two tribes was selected by the State of Michigan as appropriate places for economic development.

Mr. Speaker, the underlying legislation is nothing new. Under the Constitution, only Congress—not the Department of the Interior or a Federal court—holds the power to settle Indian land title and claims. As such, Congress has taken similar action in at least 14 different instances in recent years when there have been disputed land claim settlements. Not once in those instances did Congress prohibit a tribe from conducting gaming on the tribal lands. We also never forced a tribe to jump through hoops to exercise its right to do what it wishes on its own land. I see no reason why we should start now.

Mr. Speaker, I have little doubt that today's debate on this issue will be both spirited and intense. Nevertheless, I am hopeful that the House will do the right thing and pass this rule and the underlying legislation.

☐ 1045

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida, the other Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, this bill deals specifically with Indian land claims settlements in Michigan and designating new tribal trust lands that will be used to open any new Indian casinos in two Michigan towns.

The Michigan delegation is split in their support and opposition to this legislation, with the two Representatives whose districts will become home to the new casinos being strongly in favor of this proposal.

Generally, Mr. Speaker, it has been my long-held view that when it comes to matters that affect individual congressional districts that the House should give great consideration and deference to the views of the Representatives elected by the voters in those districts.

However, I know many of my colleagues join me in having various serious concerns about our Nation's broken Indian gaming law, as well as the troubling issue of Indian tribes seeking to acquire new, prime locations to open casinos where no business or interest would be allowed to do so otherwise, and doing this without the ability of the local community to have a say in the expansion of gambling in their community.

These aren't just matters affecting Michigan. They affect States across the Nation. Yet, this House is not being permitted to debate needed improvements to Federal Indian gaming law.

This totally closed rule blocks every single Member of this House from coming to the floor and offering an amendment to this bill. The House is being severely restricted and is spending its time refereeing a parochial Michigan dispute instead of addressing the larger, more serious matters confronting other States.

This violates the promises made by the liberal leaders of this House to the American people to operate in an open manner. This is not an open process, Mr. Speaker. It's a closed process. It's not open when debate is restricted only to Michigan when, in fact, there are very serious issues affecting many States all across this country.

Congress created the ability of Indian tribes to get special treatment in opening casinos, and we've got a duty to police this process.

The Federal Indian Gaming Regulatory Act is broken and needs improvement. The simple fact the House is spending several hours today debating this Michigan matter is evidence that the law is broken.

If the House is going to spend time debating this subject, we should be fixing the larger problem. And if Congress is going to spend its precious time resolving a Michigan dispute, then we could use some real help in the State of Washington, my home State, where the citizens are seeing a dramatic expansion of Indian gaming, more casinos, bigger casinos, higher betting limits, with big profits being collected, and yet our State doesn't get one dime in revenue sharing.

One of the reasons the proponents of this Michigan legislation, including the State's Governor, argue in favor of creating this new tribal land and two new casinos is because it will bring in millions of dollars in more revenue to the government of Michigan.

Yet, in my home State of Washington, our State government gets nothing from Indian casinos that generate over $1.3 billion a year in revenue. In fact, there was a proposed revenue sharing of $140 million a year that the Governor of Washington State rejected without input from the citizens of the State or a vote of the State legislature. Some would say, well, your Governor made a terrible deal, and I would, of course, wholeheartedly agree. But there is something seriously wrong if a law allows giveaways of this magnitude to Indian casinos.

But instead of allowing the House to discuss and consider amendment on the larger issues of revenue sharing, compact negotiations, and off-reservation gaming, today's debate is restricted just to Michigan.

Meanwhile, the liberal leaders of this House continue to refuse to let Representatives consider and vote on solutions to lower the price of gas in our country.

Prices are skyrocketing. In Florida, the average price for a gallon of unleaded regular gasoline is $4.03. In Michigan, it's $4.07. In my State of Washington, it's $4.33. That's 31 cents higher than just a month ago and $1.20 higher than a year ago.

Mr. Speaker, our Nation needs to produce more American-made energy. We have the resources and technology to do it now. Now we just need to get the will of Congress here to allow it. For far too long, our Nation's reserves have been off limits. We can't afford these policies anymore, Mr. Speaker.

America has abundant reserves in Alaska, in the West and offshore. Let's produce more oil and natural gas here in our country.

But of course, this isn't the only answer. We need to invest in more nuclear power, hydropower, wind, solar, and other new energy sources. But all of this needs to happen in addition to tapping our own oil and gas reserves.

Gas prices just keep going up and the liberal leaders of this Congress just can't say "no" to American-made energy anymore.

Let the House debate proposals to generate more energy here in America. Stop blocking a House vote on tapping into America's oil and gas reserves while the price of gasoline climbs higher and higher.

So, Mr. Speaker, I will urge my colleagues to vote "no" on the previous question so that the House can right away debate solutions to our higher gasoline prices.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my friend from Washington—I understand his passion and the need to stay on message about gas prices, but we're here talking about House Resolution 1298, which is the Bay Hills Indian Community, the land settlement matter with the State of Michigan, and a bill that came out of Natural Resources.

My friend is insistent that we do something about oil. Well, when the Democrats on yesterday tried to pass price gouging, it was the Republicans that categorically rejected it. It's kind of hard to do something when people won't let you do nothing, particularly in the other body.

I am very pleased, Mr. Speaker, to yield 2 minutes to my very good friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to H.R. 2176.

I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

And let me show you, Mr. Speaker, what I'm talking about. We are looking at the two Indian reservations that have requested this special interest legislation. The land they are talking about is hardly an ancestral part of their reservation. It is 350 miles away from their ancestral lands where they already have a casino,

As a Las Vegas Representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do.

But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act, using a bogus land claim, a bogus land claim that has already been tossed out of State court and Federal court, and the result if this bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes.

Now, why are they coming to Congress? Because they have lost in State court. They have lost in Federal court. They do not comply with the Indian Gaming Regulatory Act. So what do you do if you want a casino 350 miles away from your reservation? You find a friendly Congressman to introduce special interest legislation in Congress.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

Ms. BERKLEY. How do we know this land claim is bogus? In his testimony before Congress in 2002, the chairman of the Sault Saint Marie Tribe called this land deal "shady," "suspicious" and "a scam," until his tribe partnered up with the shady, suspicious land deal, and all of a sudden switched his position.

But more than 60 tribes across this country have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has gaming, based on a suspect land claim that has already been thrown out of court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities.

Mr. Speaker, I am honored to be here today with Chairman CONYERS and Congresswoman KILPATRICK to share my opposition to H.R. 2176. I believe this bill will result in an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

As Las Vegas's representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act using a bogus land claim that has already been tossed out of both Federal and State court, and the result if the bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming somewhere else.

How do we know the land claim is bogus? In his testimony before Congress in 2002, the chairman of the Soo Saint Marie tribe called it "shady," "suspicious," and "a scam." Soon thereafter, his tribe became a party to the deal and switched its position. But more than 60 tribes across the Nation have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is also opposed by the Department of the Interior; the NAACP; UNITE HERE; and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has gaming, based on a suspect land claim that has already been thrown out of State and Federal court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities that have helped revitalize a major American city.

If this bill is brought to the floor, I will strongly urge my colleagues to oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding time to me.

This rule allows us to proceed, and I wish to speak in strong support of the underlying bill, and I rise in very strong support of H.R. 2176, which is sponsored by Mr. BART STUPAK of Michigan and cosponsored by myself and also the companion bill, H.R. 4115, sponsored by Mr. DINGELL, because these bills impact only three congressional districts in this House, only three, period. And those districts are Mr. STUPAK's and my district and Mr. DINGELL's.

These bills are offered in the spirit of bipartisanship, and they are offered to settle a land claim that has existed in our State of Michigan, actually, for well over 100 years, about 150 years, when the State literally stole land from the Indians.

And after the Indians spent decades seeking justice, the land claim settlement was negotiated by former Governor John Engler, and here is what he had to say about it, Mr. Speaker.

He said: "As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . In December of 2002, I signed the agreement with the Sault Tribe. I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the Tribes promoting cooperation rather than conflict."

I think it is important to note that these bills are supported by every elected official who represents the City of Port Huron, including the current Governor, Jennifer Granholm, both United States Senators, myself, the State senator there, the State representatives, all of the county commissioners, the entire city council, and most importantly, the citizens themselves who voted "yes" on a city-wide referendum.

It is supported by civic groups. It is supported by educational leaders, by labor leaders like the UAW, by every law enforcement officer in the county, including the county sheriff, the county prosecutor, and the police chiefs.

It is about fairness and opportunity for one of the most economically distressed areas in the Nation, where the current unemployment rate, by best estimates, is somewhere between 14 to 16 percent.

And it has been very unfortunate, in my opinion, that the opponents have been so untruthful about their opposition to these bills.

For instance, they say that it is precedent setting, and yet the truth is in this bill. In section 3(b), the bill states the following: "The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State."

The opponents also say that it allows for off-reservation gaming. Yet the truth is in section 2(a)(2) of the bill. It states: "The alternative lands shall become part of the Community's reservation immediately upon attaining trust status."

And they also say it violates a 2004 Michigan referendum.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. I yield the gentlelady 1 additional minute.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

The truth is that it actually, the referendum—and as a former Secretary of State, I understand what ballot language actually says—it says, "Specify that voter approval requirement does not apply to Indian Tribal gaming."

So clearly, most of the opposition, Mr. Speaker, to these bills comes from those who already have theirs, and they don't want anybody else to have it.

□ 1100

They don't want competition. And I think that is un-American. This bill is about fairness and opportunity for an area that desperately needs it. It is about justice.

The city of Port Huron is home to the Blue Water Bridge, which is the second busiest commercial artery on the Northern Tier. It is the only international crossing where there is a gaming facility on the Canadian side and there is not one on the U.S. side. And if you were a very good golfer—maybe not me, but a good golfer—you could hit a golf ball and hit that Canadian casino facility right now where 80 percent of the revenues comes from America. Those are U.S. dollars and U.S. jobs that are being sent right across the river.

I urge my colleagues to be fair.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. ALCEE HASTINGS, I salute you for bringing this bill to the floor from the Rules Committee. I support the rule, without qualification.

Ladies and gentlemen, why do so many people approve this bill if it has so many problems? Well, because it's a bit like a wolf in sheep's clothing; you don't know what's underneath it. And so reciting all of these folks—starting with the Governor of my State—don't know what's underneath this bill. When H.L. Mencken says it's not about the money, you can bet it's about the money. And when I hear my colleagues say—and I'm going to count the times that it will happen today—"It's not about casinos. This is not about casinos, folks."

Oh, no, that's what it's about. Okay?

Let's start off with something that we should try to get clear. The assertion that this is about getting justice for two tribes who have waited for all these many years to get justice and we finally were able to get it to the Congress. How charming. How disingenuous.

This so-called land claim—and we spent a good amount of time on it—to the extent there really was ever a land claim, arose in the 19th century. It didn't have anything whatsoever to do with the tribe's historical lands or any treaty with the U.S. Government. The Charlotte Beach land in question apparently was a private gift to the tribe—and in those days it was one tribe—by individual members of the tribe who had brought it. And rather than deed the land directly over to the tribe, the members evidently deeded it over to the Governor of Michigan—neither of the two that have been mentioned—to hold in trust for the tribe. That was back in the 1850s. It's not clear if the previous owner tribal members or anyone else ever told the tribe or the Governor about the gift. In any event, the lands were totally neglected by the tribe. About 30 years later, they were sold off by the State for a longstanding property tax delinquency.

The so-called land claim lay moribund and forgotten for 100 years, as best we can tell. And in 1982 one of these tribes, the Sault, asked the Interior Department to review and pursue a claim for the loss of the Charlotte Beach land. The Interior Department declined, saying the case had no merit. They renewed the request in 1983 and in 1992, getting the same answer each time. The Interior closed the files on the matter, and that was the end of it.

Then one day an enterprising lawyer, a member of the bar doing land research, looking for an Indian land claim he could help engineer and do the authorization to build a new casino outside the established legal process, came across a record of the delinquency sale.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HASTINGS of Florida. I yield my colleague an additional 1 minute.

Mr. CONYERS. I thank my colleague.

By that time, the tribe had divided.

There were two possible candidates for reasserting the claim. The first tribe he contacted, the Sioux, was not interested. But the other one, Bay Mills, was very interested. And so this wonderful lawyer began preparing a case to file based on the delinquency sale he had uncovered and its connection to the tribe he had interest in.

A bare week before the lawsuit was filed, another enterprising gentleman purchased some land within the Charlotte Beach claim area. Coincidental. And within a few months, he had entered into a so-called settlement with the tribe regarding the so-called land claim in which he agreed to give the tribe a parcel of land he already owned near Detroit.

Now, all the other off-reservation casinos are 10 miles away, 20 miles away, not 350 miles away.

He also agreed to sell the tribe some additional land adjacent to the parcel. Enough land for a new casino—and not too far from Detroit.

But the settlement was conditioned on the Interior Department taking the land into trust, a necessary step to its being eligible for an Indian casino.

That part didn't work out like they'd planned, so that settlement was eventually scrapped in favor of Plan B, back to the courts in an attempt to get a favorable court ruling to take to Interior.

As we know, Plan B also failed. So then came Plan C, which brings us here today.

But the three plans are not that different. They all share the same objective. The difference is just means to an end. Apparently, any means.

And who was backing Mr. Golden? The details are still somewhat shrouded in mystery.

But we do know that the principal stakeholders in this off-reservation Indian casino venture are Michael Malik and Marian Illich, wealthy casino developers from the State of Michigan, who have opened casinos from coast to coast and in Hawaii, bankrolling legislation and referenda as needed to open the way.

And they have also been quite active politically in Washington in recent years as well. I won't go into the details of that now, but I think you get the idea.

Many of the facts I have just recited are in the public record. The essence of the rest were laid out in testimony by one of the two tribes, the Sioux Tribe, the tribe that initially wouldn't take the bait, back before they were persuaded to go after their own short-cut to getting an off-reservation casino.

That statement can be found in the printed hearing of the Senate Committee on Indian Affairs, held on October 10, 2002, on the bill S. 2986, a precursor bill to the one we are considering today.

That was 5 long years ago, of course. And the chairman, or chief, of that tribe at the time, Bernard Bouschor, who gave that testimony, who had held that elected position for 17 years at the time he testified, no longer holds that position.

And his tribe, who now stands to gain an off-reservation casino that could take in hundreds of millions of dollars a year, is now busy doing what they can to disown his testimony.

But if my colleagues find Chief Bouschor's testimony credible, as I do, it certainly lays out the course of events in a way that some were quite likely not aware of before. And any assertion that this is a legitimate Indian land claim just won't stand up to those facts.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague and friend from Washington for yielding.

You know, Mr. Speaker, the original intent of why we allow gambling on Indian reservations was so that we could give some economic opportunity to full-blooded Indians on their native tribal lands in very remote areas in which hardly any economic opportunity existed.

So what do we have now? Now we see various Indian tribes that have already achieved tremendous economic benefits that are now wanting to put casinos in urban and suburban areas that are long distances from their native tribal lands and where there is a lot of economic opportunity, and to fill those, not even helping any of the people in their tribe who are back on the reservation.

With a bill like this, we have strayed a long ways from the original intent of Indian gambling. Now, this bill is about two tribes specifically in Michigan. I am from California, but yet this trend, this movement, is not limited to just Michigan. Throughout the country, you see groups either trying to create new tribes in urban areas in order to locate gambling operations or, like these in Michigan, to extend from a remote area and set up new gambling in a new metropolitan area. All of this has nothing to do with the original intent of the Indian gambling laws.

If communities like Detroit, or anywhere, wish to have gambling, they don't need this House; they don't need this Congress; they don't need the Indian gambling laws to do it. Through their State and local communities, they can allow people to gamble. They can set up various gambling operations, if they want, within their community and within their State. That's up to them. But let us not all here in this House, in this Congress, set a trend. Let's not set a precedent. Let's not use Indian tribes in order to dot the urban and suburban areas of this country with monopoly gambling operations.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, I am very pleased to yield 2 minutes to the dean of the House, my good friend, JOHN DINGELL, the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, before us is a very simple responsibility. It is a power that has been exercised exclusively by Congress since the very first Congress in 1789, when in the Indian Nonintercourse Act of that year, only Congress may extinguish Indian land claims. That has been the law ever since.

So before us is simply the question of whether we're going to accept or deny a settlement agreed upon by the tribes and by the State of Michigan to resolve a serious problem in the Upper Peninsula, in the district of our good friend and colleague, Mr. STUPAK.

Having said that, what is going to happen is this legislation will permit us to resolve those questions, to enable Indians to resolve the land claims concerns that they have, and to allow the

State of Michigan to resolve its concerns and to allow its citizens to remove clouds over the title on the lands which they own up there, and which will enable the Indians to begin to live a more orderly and proper life.

This legislation was opposed by my friend, Mr. Jack Abramoff, who left a rather spectacular and smelly legacy. And it is a chance for us now to undo some of the nastiness that he sought to do by preventing the resolution of these questions.

I urge my colleagues to support the rule. I urge my colleagues to support the settlement of these rights which were agreed upon between two Governors of the State of Michigan—Governor Engler, a Republican, and Governor Granholm, a Democrat.

And this legislation is not only supported by the affected tribes and citizens of the Upper Peninsula but also by the AFL–CIO and the UAW and a wide roster of other unions that are strongly supportive of this.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I appreciate this opportunity—and to my colleagues, in a bipartisan effort—to make sure we can maintain restrictions on off-reservation casinos and gambling.

I want to point out five key areas, Mr. Speaker, that, I think, are part of the argument.

First and foremost, I do support tribal gaming. I think it's been very successful. As a matter of fact, a number of our properties from Nevada are partners across the country with tribal gaming establishments. So, when the rules are followed, I think it's a very appropriate approach to revenues for the communities.

But first of all, Mr. Speaker, the bill authorizes an unprecedented expansion of off-reservation gaming. Never before has the U.S. Congress been in the business of deciding whether a community should and can have a casino. I don't think it's the job of the U.S. Congress to make decisions for local and State governments. Does that mean someone from Iowa or from Illinois or from Arizona could come in and request to have a casino in their back yard? I don't think that was the intent of the Tribal Gaming Act. And this is a dangerous precedent. It permits unlimited expansion across this country.

Number two, it overrides a careful review process. Currently, Mr. Speaker, if a tribe wants to build a casino, there is a process in place. All the rules must be followed; all inspections must be done. I think that's an appropriate use of the process that's available currently under U.S. law.

Number three, it also violates the 1993 Tribal Compact by the Michigan tribes. I know there are arguments on both sides of that, but there was an agreement made in 1993.

Number four, as a Member of Congress from the great State of Nevada, one of my jobs is to make sure we can uphold the wishes of a particular State. This legislation overrides the wishes of Michigan people. In 2004, there was a referendum that limited gaming to specific areas that were approved by local and State governments. This has not happened in this case.

Number five, I know my colleague from Nevada, Congresswoman SHELLEY BERKLEY, talked about the validity of the land claims. There is a question.

But the bottom line, Mr. Speaker, is, should Members of Congress be making a decision for local communities and for State governments on whether there should be tribal gaming or whether there should be expansion? I stand here today in a bipartisan effort with my colleagues from across the aisle, asking for the balance of this Congress to vote "no." It establishes a dangerous precedent expanding casinos across our country without following the proper rules and regulations.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I appreciate the opportunity to be here, and I appreciate the bipartisan spirit in which this debate is conducted and why this is just a bad idea.

Many of us come to this microphone, to this well, through our conclusions from a whole variety of backgrounds and interests. I think back, not all that long ago, when I had a good friend in town, and we had a great philosophical debate about organized gambling coming to his town. And he was all for it. He had been, I think, the third generation of a great restaurant in that town. It was very well known, well known all over the State, and he said it would boost his business. Well, about 2 years after that casino landed in that town, he closed his doors. I think it was in his family for decades. It broke his heart. There was trembling in his voice when we had a conversation over the phone. Because, when organized gambling comes to your town, there are very few who will make a whole bunch, and there are a whole bunch who will lose a lot.

And it is not the economic tool that people profess. Study after study after study clearly shows there is more net loss, that there is more cannibalization of small businesses around these organized gambling casinos than there is success and benefit that happens inside.

Certainly, the local governments that house them love it; it means cash to them. That's great. But at what price? And we really need to stop ourselves and ask, at what price?

□ 1115

We already have more casinos in Michigan than we have public universities. And this isn't about fairness for this tribe. This tribe has seven casinos already, $400 million in revenue. And what they are asking to do is something unprecedented. The Federal court ruled against them. The State court ruled against them. But they said let's go around all of those things, including a 2004 referendum by the State of Michigan that said enough is enough, we're going to cap it right here at what we have. They went around all of those things, and it's like putting a casino from a tribe in Washington, DC in Cleveland and saying, "This is part of our heritage, you need to help us." That's not what this is. This is about organized gambling and putting it in a place where they think they can make more than the $400 million in revenue they are already making.

I just plead with this House and this Congress don't set this precedent. And I don't care if they say it in the bill or not, it is a precedent. And every community in America will wake up one day and say we can do this too. We can come to Congress. We can show up and go around our States and our legislatures and our people and the courts, and we'll go to Congress too and get special treatment to have an organized gambling casino in a neighborhood near you.

A lot of people speak for both sides of this issue, but very few will speak for the folks who will lose everything when these casinos come to town.

I plead with this House not to do this. It's not the right thing to do. We know it's not the right thing to do. I encourage all of us to vote "no" on the rule and vote "no" on the subsequent legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, after I made my opening remarks, my friend from Florida stood up and said that I was on message, and I thank him very, very much for the compliment because I was talking about something that the American people clearly, clearly are concerned about, and that is the high energy costs and particularly the high prices of gasoline. So I think, Mr. Speaker, it's time for the House to debate ideas for lowering prices at the pump and for addressing the skyrocketing price of gasoline.

By defeating the previous question, the House will have that opportunity. If the previous question is defeated, I will move to amend the rule, not rewrite the rule, just amend the rule, to make in order and allow the House to consider H.R. 5656, introduced by Representative HENSARLING of Texas.

If this House has time to spend several hours debating Indian land claims and new casinos in Michigan, then it certainly has time to debate the high price of gasoline. It's time we start producing more American-made energy. Our country can't afford the knee-jerk, no-to-any-drilling-in-America approach that the liberal leaders of this House still cling to. The citizens of our country can't afford a Congress that does nothing. It's time for this House to act, and defeating the previous question will allow us to do so.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues, then, to defeat the previous question so this House can get serious about rising gas prices and so we can start producing American-made gasoline and energy.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I am forever amazed, Mr. Speaker, at my colleagues' way of going about trying to assert something into measures that we are dealing with, that, when all is said and done, don't have anything to do with the measure that we're dealing with.

I agree with my colleague that we have a serious crisis in this country having to do with energy policy. But I also would urge him to understand that the President's energy policies have failed this country and that when he and his party were in the majority and had an opportunity to do all the things they are talking about, that many of them were not done.

The fact is there are 68 million acres offshore and in the United States that are leased by oil companies. They are open to drilling and are actually under lease but are not developed. The fact is that if oil companies tapped the 68 million Federal acres of leased land, it could generate additional oil, six times what ANWR would produce at its peak. The fact is 80 percent of the oil available in the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies haven't decided it's worth their time to drill there. And, when they are saying it's not worth their time, they are saying they don't have the equipment to do it. The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for a considerable period of time in the future, probably as many as 8 to 10 years, and then would only save the consumer less than 2 cents per gallon in 2025.

All of us know all the things to say here. We know to say "switchgrass" and "shale" and "geothermal" and "solar," and we could go on and on and on with the number of potentials for alternative energy. But yesterday, when we tried to do something about price gouging, it was the minority party that defeated the measure, that was on the floor of the House, under suspension.

Now, Mr. Speaker, back to the bill. I support gaming in this country. I support the MGMs and the Harrah'ses of the world and their right to run a casino wherever legally they may be permitted to do so. I support the Seminole Indians and the Miccosukee Tribes in Florida that I am proud to represent. And I support and have supported continuously their right to run a casino. I also support Jai Lai in my community and their right to run a casino. I also support casinos in my community and their right to run a casino, just like I support these two tribes in Michigan as well. I also support competition and economic development and the job creation it can spur. And I take full exception to my colleague from Lansing, who is a dear friend of mine on the other side who spoke earlier. I can attest to job creation in the Seminole and Miccosukee Indian Tribe areas that were told that there would be no jobs created, and literally thousands of people, mostly not Native Americans, are working in those establishments.

Finally, I support all of us in this body coming to terms with what happened to Native Americans, Africans, and people of Caribbean descent and others after Columbus discovered America in 1492. I'm always reminded of Flip Wilson's comedy routine that he did that, if Columbus discovered America, then the Native Americans must have been running down the shoreline, saying, "Discover me."

So, before Members of this body start talking about Indian tribes unfairly swapping pieces of land, they should remember that the land wasn't ours in the first place. We took it from the tribes and then often relocated them to some far-off, remote, and undesirable place that we could find for them to be placed.

Mr. Speaker, this is not an ideal situation for any of us in this body. We all wish that a unanimous agreement would have materialized in Michigan. Yet, despite a land claims compact being reached by the State and the tribes, a Republican and Democratic governor, some just don't want this agreement to go through, and that is their prerogative. Thus, as it has done at least 14 times in the recent past, Congress must do what is right and settle this dispute. When an injustice has been done and there are efforts to perpetuate that injustice, something must be done. Someone must step in and stop it from happening again.

I urge my colleagues to do just that and to support the previous question, the rule, and the underlying legislation.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1298 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from

Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution [illegible] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. [illegible]

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6275 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1297 provides for consideration of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, under a closed rule. The rule provides for 1 hour of debate, controlled by the Committee on Ways and Means.

As Americans know, the alternative minimum tax was enacted in 1969 with a very legitimate intent: to ensure fairness in our tax system by avoiding the situation where very wealthy individuals don't pay taxes and to close loopholes. It is in the same spirit of fairness that we consider legislation today that will keep the middle class out of being hit by the alternative minimum tax when it was never intended that they would be caught up in the web and who have been because of inflation and because of no adjustments to the Tax Code.

The Alternative Minimum Tax Relief Act of 2008 will provide, one [illegible] million Americans with over $61 billion in tax relief. Two, it offers property tax relief to homeowners and expands the child and adoption credits to parents. Nearly 50,000 families in my own State of Vermont, Mr. Speaker, will see tax relief from this legislation.

However, in order for this tax relief to be fair, we have to ensure that the cost of the tax relief is not simply passed on, the credit card debt, to our children, and we have already saddled the next generation with $9 trillion in debt, costing us $1 billion a day in interest payments, money that could be spent on other, much more productive things. Enacting an AMT patch today when we don't pay for it would simply shift that $[illegible] billion burden from the middle class on to their children and their grandchildren. What we fail to pay today they will be forced to pay tomorrow with interest.

Furthermore, we do pay for this tax relief by improving the Tax Code. With the bill's offsets, we are closing two very large tax loopholes, one that has benefited very wealthy hedge fund managers at the expense of middle class taxpayers, and let me talk about that first.

The "carried-interest" loophole. It is a preferential rate of capital gains tax, a 15 percent rate that gets applied to income earned by many people who do financial work.

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Right now, under current law, the income earned by many investment fund managers at a private equity firm, and hedge funds, are taxed at the lower capital gains tax rate. So you have this very unjustified situation where some of these folks who are making, in some cases, billions of dollars, pay a tax rate lower than the secretaries who work in their firms, and they do this when they don't actually put their capital at risk but manage the capital of others.

A second loophole that is closed in this bill stops major oil companies from receiving what is called a special domestic production subsidy through the Tax Code. As we all know, record gas prices, the record cost of a barrel of oil is resulting in oil company profits that are unparalleled in the history of this country, in some cases, as high as $11 billion in a single 3-month period. So it's clear that those companies are doing very well and that they do not need continued taxpayer assistance.

I commend Chairman RANGEL and Chairman NEAL and the Committee on Ways and Means for their excellent work on this legislation, and I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentleman from Vermont, for not only yielding me this time to discuss the proposed rule for consideration of the alternative minimum tax, but I want to thank him for his friendship in the committee and the professional nature of the way he conducts himself.

Mr. Speaker, today we are going to debate a tax increase on America. No surprise. The American public has gotten used to this. The tax-and-spend Democrat Congress, the new Congress, the new way to run Washington, D.C., has resulted in not only economic failures here in this country the last [illegible] months but also higher gas prices, an inability that we have to control the flow in energy that comes into this country and has made us now more than ever to where we have to go get our energy overseas, send our money overseas, and not be able to be energy sufficient here in this country.

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

But now I find out that the excuse for raising taxes on Americans today is that there's a loophole in the tax law—a loophole—and unintended consequences. The bottom line is that it's the tax law, it was therefore reasoned, and the opportunity for us to grow our economy and build jobs and have job creation and to protect the American consumer is why these were parts of the tax law. It is not unintended consequences, it is not a loophole, it is the law, the tax law of the United States that I am very proud of, and I am disappointed to see that the Congress today will be debating new tax increases on the American people.

So I rise in strong opposition to this closed rule, yet another closed rule by this new majority that we have here, and to the underlying legislation, which takes the baffling approach, once again, of raising taxes on Americans and on the American economy during a downturn of our economy, rather than taking a way to prevent a tax increase on hardworking and unsuspecting middle class taxpayers, which sets the stage for even more job-killing tax increases in the very near future just to prevent the current low-tax policies that Republicans in Congress worked so hard to pass and to support on behalf of American taxpayers.

I think it's interesting, Mr. Speaker, that when Republicans bring tax bills to the floor of the House of Representatives, we are able to tout how many jobs our tax bill will create, how many jobs the economy will create. I have never, ever heard of a Democrat tax-and-spend bill that then touts how many jobs will be created, because they don't. They kill jobs. They kill jobs in America every time we do what we are doing today with the new Democrat majority to raise taxes on America.

Under the Democrats' flawed policy of pay-as-you-go logic used to defend this legislation, in just 2 short years—when a number of critically important tax policies like the $1,000 Republican tax credit and the Republican lower tax rate on income and capital gains and dividends are set to expire, that created job growth—the new Democrat majority pay-as-you-go rules will require more than $3.5 trillion in tax increases, and that is what they stand for today, increasing taxes on the American people, killing jobs all across the country, and yet they want to blame President Bush. Just incredible.

It makes no sense to me why we are hamstringing our economy and saddling working families with higher taxes when revenues aren't the problem. Washington is already collecting more taxes as a percentage of GDP than the historical average over the last 40 years.

We don't have a revenue problem. We have a spending problem. What Washington really has is a spending problem that this new Democrat majority can't fix and can't solve because they are all about taxing and spending. Federal spending is higher by nearly $530 billion more than the Congressional Budget Office's 2000 projection for the year 2007. So going back to 2000, and they projected how much money we would need to spend, we are $530 billion more this year, thanks to a new Democrat majority, making increased spending the main reason why 99 percent of our Nation's worsened budget picture over the last 7 years is occurring. We have got a downturn in the economy because we are raising taxes and spending to support a bloated government.

Mr. Speaker, the American people have known for a long time that Republican Members of Congress support an economically responsible solution to solving the alternative minimum tax problem. Just contrast this year's Republican budget proposal, which prevented expansion of the AMT for the next 3 years and achieved full repeal in 2013, with the Democrat budget. If you compare them, the Democrat budget, which jammed a $70 billion tax increase into our economy to pay for simply a temporary 1-year fix, and did nothing about AMT for the next 5 years after that. A 1-year fix, raising taxes $70 billion, rather than fixing the problem.

Mr. Speaker, taxpayers are already aware that last month, House Republicans unanimously supported a clean AMT patch without tax increases to prevent more than 25 million families—including 21 million families who didn't owe AMT in 2007—from paying an additional $61.5 billion that's going to come due this next April, just like we did in December of last year and just like we will continue to do if Republicans once again become the majority party in Congress.

What taxpayers may not realize is that House Democrats used to be for the same thing—at least that was until they won the majority. And with it came the opportunity to salivate, to get all this money, and to couple what used to be a bipartisan, commonsense tax prevention policy with massive, unnecessary tax hikes that burden this country, and for 18 months we have seen the promise of higher taxes, and it's killing our economy. As recently as last December, the House passed a "clean" AMT patch, without crippling the economy with tax increases, by an overwhelming majority of 352–64.

The only thing worse than House Democrats' tax-and-spend flip-flops on this issue is the fact that their comrades in the other body—including Finance Chairman MAX BAUCUS—have already recognized the reality that at the end of this day, the AMT patch will not be paid for, and that this cynical exercise meant to provide political cover is in fact dead-on-arrival the moment it passes this House. But let it be said: It's another opportunity for the new Democrat majority to show how much they want tax increases to ruin our economy.

The cost of this political gamesmanship is really quite simple: the exposure of millions of middle class taxpayers to an average tax increase of $2,400, and the increased likelihood of a repeat of last year's mismanaged process in which the late enactment of the patch prevented the IRS from processing AMT-affected returns until about 4 weeks into the filing season. It was a disaster this year as a result of the new majority.

What is worse, Mr. Speaker, is how the Democrat Congress proposed to raise the additional $61 billion of additional taxes just to prevent this tax increase. That's right. We are going to have a tax increase on the tax increase on middle class families who were never intended to pay this.

First, and rather unsurprisingly, this Democrat "Drill-Nothing" Congress helps repeal a tax deduction that helps American companies to produce energy for American consumers, but they are going to take that advantage away from consumers. It will only hurt energy exploration in this country, and now what we are going to see is that the American consumer will pay more at the pump.

While this proposal is laughable at best for everyone tuning in on C-SPAN across America today, it is about par for the course for the Democrat Party that also thinks that suing OPEC, not increasing the supply of American energy, will help bring down prices for consumers.

Second, this bill increases taxes on entrepreneurs that create jobs and improve failing companies, and raises the long-term capital gains rate on them from 15 to 35 percent, or even higher. So the people that are the "goose that are laying the golden egg" are once again slaughtered by this new Democrat proposal.

Once again, I know that most people around this country watching this debate understand that raising taxes on job creators reduces jobs and hurts our economy. But don't worry. You can blame President Bush for that, for the actions of this Congress.

Unfortunately, this proposal is not a surprise, coming from a Democrat Congress that believes when real estate and credit markets are at their weakest, that is the optimal time to raise taxes and send our economy over the edge.

Finally, the bill goes back on America's word by increasing taxes on transactions with treaty countries by mandating a new reporting requirement on private companies so that the IRS can know directly how much is being paid to merchants every year, including the Social Security or tax identification numbers associated with those transactions.

Mr. Speaker, I have got to hand it to the new Democrat majority. Every single week, they find out a new way to assault the taxpayer, every single week they find a way to raise taxes, to increase spending, and more rules and regulations. They did it again this week. Congratulations to the new Democrat majority.

Mr. Speaker, I strongly oppose this tax increase, and I will tell you that I will continue to stand up on the side of taxpayers and middle class Americans who say enough is enough.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I am the last speaker on our side. I will reserve the balance of my time until the gentleman from Texas has an opportunity to close.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, I will tell you—you've already heard me say it—this massive tax increase, once again, not only on the economy, but on Americans, could be done a different way. It could be solved. It could be solved by following through on promises that were made by both parties to do something about the AMT.

We've got to do something. We continue to see middle class Americans caught in the crossfire. Today, we see it's not just a crossfire with inability to solve the problem, it's partially solved for 1 year by raising $61 billion worth of new tax increases on Americans that they will have to pay this next April.

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Mr. Speaker, since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibility to do anything constructive to address the domestic supply issues that have created skyrocketing gas, diesel and energy costs that American families are facing today. As a matter of fact, gas rose 10 cents a gallon across America just in the last few days.

So, today, I urge my colleagues once again to vote with me to defeat the previous question so this House can finally consider real solutions to the energy problems and the high costs that we are facing. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, which would repeal the ban on acquiring advanced alternative fuels, introduced by my good friend JEB HENSARLING of Texas back in March, almost 3 full months ago.

This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands and coal-to-liquid technology—in other words, marketplace answers—just by allowing the government to do that.

Section 526 of the Energy Independence and Security Act of 2007, which this Democrat Congress passed, places artificial and unnecessary restraints on the Department of Defense in getting its fuel from friendly sources, like coal-to-liquid, oil shale and tar sands resources that are all abundant in the United States and Canada. Needless to say, it raises grave national and economic security concerns.

Mr. Speaker, this new Democrat Congress wants us to spend hundreds of billions of dollars to go build another Dubai. They want consumers in this country to pay higher costs. By doing so, it is a national security issue. We must do something. Adding alternatives to the supply chain is what is important.

Mr. Speaker, Canada currently is the largest U.S. oil supplier. It sent 1.8 million barrels per day of crude oil and 500,000 barrels per day of refined products to the United States in 2006. According to the Canadian Government, about half of the Canadian crude is derived from oil sands, with the oil sands production forecast to reach about 3 million barrels a day in 2015. Section 526, passed by this Democrat House, choked this flow of fuel from one of our Nation's most reliable allies and economic partners, and it increased our military's reliance on fuels from unfriendly and unstable governments around the world.

Mr. Speaker, I ask unanimous consent to have the text of that amendment and the extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I urge my colleagues to vote for our military, for energy independence for Americans, and to help American consumers in this time of need and to support our economy by increasing the amount of oil we import and produce from friendly and reliable sources like Canada and from our own American, buy-American proven resources, these advanced alternative fuels, by voting to defeat the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend from Texas characterizes a bill that will provide tax relief to 25 million Americans as a tax increase, and it is just flat out wrong. There are 25 million Americans. These are folks who earn between $40,000, $50,000, $60,000 a year, who, if we do not pass this legislation, will find themselves essentially being the target of legislation that was intended in 1969 to have millionaires pay their fair share.

We are talking about soldiers returning from Iraq and Afghanistan who get a job as a police officer or as a carpenter. We are talking about some our school teachers all across the country. We are talking about sanitation workers who are struggling hard on $40,000 or $50,000 a year, oftentimes with two people in that family who are working, raising three or four kids. We are saying in this legislation that we are going to protect you, because we know you need to have that money to pay your bills.

We also have to level with the American people. This is going to be $61 billion in tax relief for those incredibly hard-working Americans who are getting clobbered by these $4-plus gas prices. They can't fill up their tank. They have got cars or SUVs or trucks that they have to drive, and they don't have the money to get something that is a little bit more fuel efficient. A lot of them have long commutes. This legislation is going to give them the opportunity to keep a little bit more money in their pocket so they can make it from one end of the week to the other and can pay their bills.

Now, the question is for this Congress, do we pay for it, or do we put it on the credit card? As to what my friend from Texas is characterizing as a tax increase, let me go through it, because I think Americans have a commitment to fairness, and I think Americans know a very commonsense proposition, and that is we have all got to bear the burden. We all have to pay our share of the load.

There are two very glaring situations in the Tax Code, and attention should be paid to them, and it is overdue. One is this hedge fund exemption, where folks who make an awful lot of money pay at a capital gains rate. What is unfair about it? If you are a financial advisor, if you or I ask someone to help us figure how to invest our money, we pay them a fee, and of whatever earnings they get, they pay a regular tax rate just like any other American. Whatever that rate is—15, 20, 35 percent—that is what they pay.

If you are a hedge fund executive and you make billions, because of this provision in the Tax Code, which I am calling a loophole, they get to pay at a 15 percent rate. That is costing the treasury billions of dollars, and it is also a glaring unfairness, because you literally have a situation where the hedge fund manager who is doing the same work as another financial advisor down the street pays one rate, 15 percent, while the other person doing the same work, working just as hard but who is perhaps making less money, pays 35 percent.

You also have this bizarre situation where the person making this immense amount of money pays a much lower tax rate than the secretary, than the back office help in that very same firm. I think most Americans see a basic fairness, and let's have the income tax rate apply to earned income. That is what this provision does.

The second question is on the oil company exemption, and I am using the word "loophole." What is a "loophole"? I think, commonly, you know it when you see it. What a "loophole" is in this case is giving taxpayer benefit to very successful companies that do very well in what they do—explore for oil, sell it. We are taking money from the taxpayers of America to give it to major American and foreign oil companies. These are mature industries that are making hundreds of billions of dollars, and they don't need taxpayer help.

So this legislation provides 25 million Americans with tax relief, and it is the folks who need it. It asks other Americans, the hedge fund executives, to pay at the income tax rate, and it has oil companies foregoing what has been an incredibly good deal—tax credits that they get at the expense of the American taxpayer.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1297 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1299

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3195 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1299.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1299 provides for consideration of H.R. 3195, the ADA Amendments Act of 2008. The rule makes in order as base text the bill as reported by the Committee on Education and Labor that was identical to the bill as reported by the Committee on the Judiciary. The bill provides for 1 hour of debate, with 40 minutes controlled by the Committee on Education and Labor and 20 minutes by the Committee on the Judiciary. The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. Lastly, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of House Resolution 1299 and the underlying bill, H.R. 3195, the ADA Amendments Act. It was nearly 18 years ago that the Americans with Disabilities Act was signed into law. It sent a resounding message that discrimination against individuals with disabilities would not be tolerated, not in employment, not in transportation, not in housing, not in services, or in any other area of our daily lives. It was a law intended to tear down the barriers, preventing individuals with disabilities from reaching their full potential. It was a commitment from Congress that discrimination in any form would not be tolerated.

The Americans with Disabilities Act was an historic civil rights law, the most sweeping since the Civil Rights Act of 1964. Yet, despite the broad application of other civil rights statutes, a series of court decisions has dramatically narrowed the scope of the ADA. Unfortunately, this has denied millions of disabled Americans the protections Congress had originally intended for them.

Mr. Speaker, the intent of Congress was to allow individuals with disabilities to fully participate in society, free from the fear of discrimination. Yet Supreme Court interpretations have shifted the focus from whether an individual has experienced discrimination to whether an individual could even be considered "disabled enough" to qualify for the protections of the law.

In making this determination, the Court has implemented a standard that excludes many individuals originally intended to be covered by the ADA. They have held that the definition of "disability" must be applied "strictly to create a demanding standard for qualifying as disabled." In addition, the Court has found that mitigating measures that help address an impairment, such as medication, hearing aids or other treatments, must be considered in determining whether an impairment is disabling enough to qualify under the ADA.

□ 1200

And so millions of Americans with disabilities have found themselves in a Catch-22. They face employment discrimination because of their disabilities, yet they may be denied relief under the ADA because they are considered "too functional" to qualify for its protections. Mr. Speaker, this is completely at odds with the original intent of Congress and the original focus of the ADA.

Due to these narrow interpretations, individuals with serious conditions such as epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis, and developmental disabilities have found themselves excluded from the protections afforded by the ADA.

Basic equality under the law has been denied to millions of disabled Americans for too long. But today, after months of hard work on all sides of this issue, we seek to fulfill the promise we made to Americans with disabilities nearly two decades ago.

And let me be clear. The ADA Amendments Act does not expand the original scope of the ADA. Rather, it restores the promise that Congress made to every single American, a promise that everyone will have an equal opportunity to succeed; that we will tear down the barriers that prevent individuals from reaching their full potential; and that we will be judged on our abilities rather than on our disabilities.

The ADA Amendments Act clarifies that the ADA's protections are intended to be broad. It also restores the focus to wrongful discrimination. Our bill clarifies that anyone who is discriminated against because of an impairment, whether or not this impairment limits the performance of any major life activities, is entitled to the ADA protection.

And, finally, it states that mitigating measures will not disqualify people with disabilities from the protections afforded by the ADA.

I am proud to join with over half of the Members of this body as a cosponsor of this important bill. Today we are demonstrating our commitment to every American that discrimination will not be tolerated. This should be the case whether based on race, national origin, gender, age, religion, sexual orientation or disability. By upholding this most important of principles, our country will be richer for it.

I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman, my friend from Ohio, for yielding me the time to discuss this proposed rule for consideration of the Americans with Disabilities Restoration Act of 2007. And a hearty congratulations to the new Democrat majority for their openness as we celebrate the 58th closed rule, a new record for the United States Congress.

Mr. Speaker, I rise in support of the underlying legislation, which would amend and improve the Americans with Disabilities Act, or ADA as it is called, that was enacted into law in 1990 by President George Herbert Walker Bush with the strong bipartisan support of Congress.

The ADA—which was passed to, and I quote, provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities—protects individuals from discrimination in hiring, firing, pay, and other terms and conditions of employment on the basis of a person's disability.

Often referred to as the world's first comprehensive disability anti-discrimination law, the ADA specifies what employers, government agencies, and the managers of public facilities must do to ensure that persons with disabilities have the opportunity to fully participate in our society.

The ADA consists of three major titles protecting Americans with disabilities:

Title I prohibits discrimination in public or private employment;

Title II prohibits discrimination at public entities, like public universities or hospitals;

And title III prohibits discrimination at places of public accommodations like hotels and restaurants.

Mr. Speaker, this law has made a world of difference for millions of Americans with disabilities. But, for all of the great results that have come from this law, I believe it can still be improved. For far too long, our Federal courts, including the Supreme Court, have wrestled with some of the contents of Congress' intent in defining the ADA key concepts.

For example, the ADA requires employers to make reasonable accommodations to facilitate employees with disabilities but not if this causes undue hardship, leaving the courts to decide what is reasonable and what is undue. Most of all, Federal courts have spent years being puzzled over exactly who is considered disabled under the law. But, today, we have the opportunity to pass this legislation and to clarify Congress' intent, finally settling these outstanding questions of law once and for all, or so we hope.

I want to be clear that these shortcomings do not in any way minimize the great things that this legislation has achieved for disabled people in America. Today, many public accommodations like hotels, restaurants, and recreation facilities have opted for voluntary compliance. We have cut curbs, the areas where sidewalks slope down, to be at a level of the street to allow easy passage for wheelchairs and for other mechanisms that aid the disabled, which were virtually unheard of before ADA was passed and that now are in compliance in most major cities.

Unfortunately, since 1999, several U.S. Supreme Court decisions have narrowly provided the definition of disabilities so much so that persons with serious conditions, such as epilepsy, muscular dystrophy, cancer, diabetes, and cerebral palsy have been determined to not have impairments that meet the definition of "disability" under the ADA.

H.R. 3195 builds upon the ADA's original intent by clarifying what disabilities qualify an individual for coverage, and they address a number of the statute's further limitations that have been raised by disability advocates.

Because of this ambiguity, today, I join with more than 250 of my colleagues in supporting this legislation, which passed out of the Judiciary Committee by unanimous consent and out of the Education and Labor Committee by a vote of 43-1. Like my colleagues, I support expanding the definition of "disabled," which was the main goal of this legislation, as well supporting to ensure that people with disabilities do not lose their coverage under the ADA because their condition is manageable and treatable with medication.

These policies have been endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, the Human Resources Policy Association, and many other pro-business organizations.

From the disability community, this legislation was also supported by the National Epilepsy Foundation, the American Diabetes Association, the American Association of People with Disabilities, and other leading advocacy groups.

Mr. Speaker, the ADA has transformed the American society since its enactment, helping millions of Americans with disabilities to succeed in the workplace and making transportation, housing, buildings, services, and other elements of daily life more accessible to individuals with disabilities.

I applaud my colleagues for bringing this legislation, an important action, to the floor today, and I look forward to its passage.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I am the last speaker on this side, so I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibilities to do anything constructive to address the domestic supply issues that have created skyrocketing gas, diesel, and energy costs that American families are facing today, including costs that are unacceptable for many disabled Americans who are struggling to be able to get to work or to live their life.

So, today, I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to the energy crisis. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, yet another time this Republican party is on the floor to say we support consumers and that we support American independence and security. This bill, H.R. 5656, would repeal the ban on acquiring advanced alternative fuels, and this bill was introduced by my dear friend JEB HENSARLING of Texas way back in March, 3 months ago.

This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands, and coal-to-liquid technology, commonsense marketplace answers to make sure that the American consumer and America is competitive with the world, rather than sending billions of dollars overseas, funding American enemies and providing the world with jobs and opportunities outside of what the consumer intended in this country.

Section 526 of the Energy Independence and Security Act of 2007, which this Democrat Congress passed, places artificial and unnecessary restraints on the Department of Defense. Perhaps it is no surprise that this Democrat Congress places artificial and unnecessary restraints on the Department of Defense in getting its own fuel from friendly sources, like the coal-to-liquid, oil shale, and tar sands resources that are abundant in the United States and in Canada, our friend to the north. Needlessly raising grave national and economic security concerns is what this Democrat Congress has done to our military.

Mr. Speaker, Canada is currently the largest U.S. oil supplier. It sent 1.8 million barrels every day of crude oil and 500,000 barrels per day of refined products to the United States in 2006. That is according to the Canadian government. About half of the Canadian crude is derived from oil sands, with the sands production forecast to reach almost 3 million barrels per day in 2015.

Section 526 is choking this flow of fuel from one of our Nation's most reliable allies and economic partners, and is increasing the military's reliance on fuels from unfriendly and unstable countries. On top of that, it is causing the American consumer to pay more at the pump. We saw a 10-cent rise in the price of each gallon of gasoline just in the last week.

Mr. Speaker, now is the time for action. Now is not the time to be suing OPEC and to be saying "no" to a balanced energy proposal.

I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge my colleagues to vote for our military and for our economy, including many disabled people who are having a tough time paying for the high energy costs as a result of this Democrat Congress' insensitive position to not allow Americans to have their own energy independence. It is time that we produce more from America and from friendly places, like reliable sources like Canada.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, my good friend from Texas is trying to shift the discussion away from this fantastic, fantastic bill, the Americans With Disabilities Act Amendments, onto an issue of energy. But the American people know that for the past 7 years this country under this administration has been following an energy policy from the White House written by the Vice President with the oil executives.

Truth be told, there are 68 million acres of leased land available for drilling. And we believe that, of course, that drilling should be taking place on that 68 million acres of leased land, but we also believe that we should be looking diligently for alternative forms of energy.

The reality of it is that this is a deflective tactic. This House has passed under this new Congress landmark energy legislation that will provide relief in years to come.

☐ 1215

We have also passed measure after measure after measure that would provide relief to American consumers but only to have them blocked by those on the other side of the aisle and by the administration.

But, today, we don't rise to dwell on that. We rise to support and to celebrate this bill. The Americans with Disabilities Act was passed in 1999 with such a broad coalition of support that it was regarded as a mandate, Mr. Speaker, and we have made progress in a number of areas to ensure individuals with disabilities are fully able to participate in society. But, in many ways, the ADA is a promise that remains unfulfilled.

Today, through the ADA Amendments Act, we are unequivocally demonstrating our commitment to the principle of equal opportunity for all Americans. We will be removing the hurdles individuals with disabilities have faced when trying to enjoy the freedoms that are the right of every American.

The ADA Amendments Act has the full support of one of the most diverse coalitions of groups I have ever seen, from the disability community, the civil rights community, groups representing pro-business interests, and from Members on both sides of the aisle from this, the people's House.

It represents a balance between the interests of employers and individuals with disabilities, and it demonstrates our resolve to ensure that all Americans can work to reach their full potential.

I strongly urge my colleagues to support this rule and the underlying legislation. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1299 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

Sec. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: Ordering the previous question on House Resolution 1298; adopting House Resolution 1298, if ordered; ordering the previous question on House Resolution 1297; adopting House Resolution 1297, if ordered; ordering the previous question on House Resolution 1299; and adopting House Resolution 1299, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1298, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 14, as follows:

[Roll No. 449]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner

Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Baca
Cannon
Cubin
Gillibrand
Kuhl (NY)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

☐ 1243

Messrs. WHITFIELD of Kentucky, REICHERT, DONNELLY, and ENGLISH of Pennsylvania changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 207, nays 204, not voting 23, as follows:

[Roll No. 450]

YEAS—207

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Conaway
Courtney
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Eshoo
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Baca
Bilbray
Cannon
Cubin
Gillibrand
Honda
Kuhl (NY)
Lampson
Mahoney (FL)
Neal (MA)
Pryce (OH)
Putnam
Rogers (AL)
Ros-Lehtinen
Rush
Saxton
Snyder
Speier
Udall (NM)
Walsh (NY)
Watson
Wexler
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1251

Mr. HILL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1297, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 194, not voting 15, as follows:

[Roll No. 451]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Baca
Barton (TX)
Cannon
Cubin
Gillibrand
Lampson
Mahoney (FL)
Manzullo
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1258

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 193, not voting 17, as follows:

[Roll No. 452]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom

Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston

Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula

Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Bilbray
Bishop (GA)
Blunt
Cannon
Cubin

Dingell
King (NY)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam

Rush
Snyder
Speier
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

☐ 1304

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1299, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 19, as follows:

[Roll No. 453]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords

Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis

Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)

Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter

Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter

Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts

Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Baca
Blunt
Burton (IN)
Cannon
Cubin
Lampson

Mahoney (FL)
McNerney
Miller, George
Pryce (OH)
Putnam
Ruppersberger
Rush

Snyder
Speier
Walberg
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1312

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. RANGEL. Mr. Speaker, I call up the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax Relief Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of increased alternative minimum tax exemption amount.

Sec. 102. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE II—REVENUE PROVISIONS

Sec. 201. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 202. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 203. Limitation on treaty benefits for certain deductible payments.

Sec. 204. Returns relating to payments made in settlement of payment card and third party network transactions.

Sec. 205. Application of continuous levy to property sold or leased to the Federal Government.

Sec. 206. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

"SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

"(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

"(1) IN GENERAL.—Notwithstanding section 702(b)—

"(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and

"(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

"(2) TREATMENT OF LOSSES.—

"(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

"(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

"(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

"(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

"(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

"(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—

"(i) the basis of such interest immediately after such purchase, over

"(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.

Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph shall not be taken into account under subparagraph (A).

"(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

"(3) NET INCOME AND LOSS.—For purposes of this section—

"(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—

"(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

"(ii) all items of deduction and loss so taken into account.

"(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

"(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

"(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.

"(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

"(A) the aggregate net income with respect to such interest for all partnership taxable years, over

"(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.

"(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

"(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

"(A) the excess (if any) of—

"(i) the fair market value of such property at the time of such distribution, over

"(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

"(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

"(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence.

"(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.

"(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

"(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:

"(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

"(B) Managing, acquiring, or disposing of any specified asset.

"(C) Arranging financing with respect to acquiring specified assets.

"(D) Any activity in support of any service described in subparagraphs (A) through (C).

For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2))), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).

"(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

"(A) IN GENERAL.—If—

"(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and

"(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,

then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.

"(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.

"(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.

"(D) TREATMENT OF CERTAIN LOANS.—

"(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.

"(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.

"(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

"(1) IN GENERAL.—If—

"(A) a person performs (directly or indirectly) investment management services for any entity,

"(B) such person holds a disqualified interest with respect to such entity, and

"(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—

"(i) any interest in such entity other than indebtedness,

"(ii) convertible or contingent debt of such entity,

"(iii) any option or other right to acquire property described in clause (i) or (ii), and

"(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

Such term shall not include a partnership interest and shall not include stock in a taxable corporation.

"(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

"(i) a domestic C corporation, or

"(ii) a foreign corporation subject to a comprehensive foreign income tax.

"(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.

"(D) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign corporation, the income tax of a foreign country if—

"(i) such corporation is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(ii) such corporation demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—

"(1) prevent the avoidance of the purposes of this section, and

"(2) coordinate this section with the other provisions of this subchapter.

"(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.".

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(9) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

"(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).

"(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:

"(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

"(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

"(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 7704(d) is amended by inserting "(determined without regard to section 856(c)(8))" after "856(c)(2)".

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

"(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.".

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.".

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—

(i) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and

(ii) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".

(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting "section 710(b)(4) (relating to distributions of partnership property)," before "section 736".

(2) Section 741 is amended by inserting "or section 710 (relating to special rules for partners providing investment management services to partnership)" before the period at the end.

(3) Paragraph (13) of section 1402(a) is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));".

(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);".

(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

"Sec. 710. Special rules for partners providing investment management services to partnership.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after June 18, 2008.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes June 18, 2008, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after June 18, 2008.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on June 18, 2008.

(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 202. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

"(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

"(i) the oil related qualified production activities income of the taxpayer for the taxable year,

"(ii) the qualified production activities income of the taxpayer for the taxable year, or

"(iii) taxable income (determined without regard to this section).

"(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.".

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking "subsection (a)(1)(B)" and inserting "subsections (a)(1)(B) and (d)(9)(A)(iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 203. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

"(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

"(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

"(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

"(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

"(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

"(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

"(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 204. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

"(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

"(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable payment transactions are made, and

"(2) the gross amount of the reportable payment transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

"(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'payment settlement entity' means—

"(A) in the case of a payment card transaction, the merchant acquiring bank, and

"(B) in the case of a third party network transaction, the third party settlement organization.

"(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

"(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

"(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

"(A) AGGREGATED PAYEES.—In any case where reportable payment transactions of more than one participating payee are settled through an intermediary—

"(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

"(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

"(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable payment transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

"(c) REPORTABLE PAYMENT TRANSACTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'reportable payment transaction' means any payment card transaction and any third party network transaction.

"(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

"(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) PARTICIPATING PAYEE.—

"(A) IN GENERAL.—The term 'participating payee' " means—

"(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

"(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

"(B) EXCLUSION OF FOREIGN PERSONS.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

"(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

"(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

"(A) one or more issuers of such cards,

"(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

"(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

"(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

"(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

"(B) which provides for standards and mechanisms for settling such transactions,

"(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

"(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

"(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

"(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $10,000, and

"(2) the aggregate number of such transactions exceeds 200.

"(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return, and

"(2) the gross amount of the reportable payment transactions with respect to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. Such statement may be furnished electronically.

"(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.".

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "and" at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking "and" at the end of clause (xxi), as redesignated by subparagraph (B) and inserting "or", and

(D) by adding at the end the following:

"(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and".

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by inserting a comma at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting ", or", and by inserting after subparagraph (CC) the following:

"(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).".

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding at the end the following new subparagraph:

"(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

"Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

SEC. 205. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking "goods" and inserting "property".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 206. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 59.5 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1297, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax Relief Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of increased alternative minimum tax exemption amount.

Sec. 102. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE II—REVENUE PROVISIONS

Sec. 201. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 202. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 203. Limitation on treaty benefits for certain deductible payments.

Sec. 204. Returns relating to payments made in settlement of payment card and third party network transactions.

Sec. 205. Application of continuous levy to property sold or leased to the Federal Government.

Sec. 206. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

"SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

"(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

"(1) IN GENERAL.—Notwithstanding section 702(b)—

"(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and

"(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

"(2) TREATMENT OF LOSSES.—

"(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

"(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

"(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

"(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

"(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

"(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—

"(i) the basis of such interest immediately after such purchase, over

"(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.

Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph shall not be taken into account under subparagraph (A).

"(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

"(3) NET INCOME AND LOSS.—For purposes of this section—

"(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—

"(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

"(ii) all items of deduction and loss so taken into account.

"(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

"(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

"(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.

"(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

"(A) the aggregate net income with respect to such interest for all partnership taxable years, over

"(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.

"(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

"(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

"(A) the excess (if any) of—

"(i) the fair market value of such property at the time of such distribution, over

"(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

"(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

"(C) the basis of such property in the hands of such partner shall be such fair market value. Subsection (b) of section 734 shall be applied without regard to the preceding sentence.

"(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.

"(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

"(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:

"(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

"(B) Managing, acquiring, or disposing of any specified asset.

"(C) Arranging financing with respect to acquiring specified assets.

"(D) Any activity in support of any service described in subparagraphs (A) through (C).

For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2))), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).

"(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

"(A) IN GENERAL.—If—

"(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and

"(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,

then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.

"(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.

"(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.

"(D) TREATMENT OF CERTAIN LOANS.—

"(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.

"(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.

"(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

"(1) IN GENERAL.—If—

"(A) a person performs (directly or indirectly) investment management services for any entity,

"(B) such person holds a disqualified interest with respect to such entity, and

"(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—

"(i) any interest in such entity other than indebtedness,

"(ii) convertible or contingent debt of such entity,

"(iii) any option or other right to acquire property described in clause (i) or (ii), and

"(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

Such term shall not include a partnership interest and shall not include stock in a taxable corporation.

"(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

"(i) a domestic C corporation, or

"(ii) a foreign corporation subject to a comprehensive foreign income tax.

"(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.

"(D) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign corporation, the income tax of a foreign country if—

"(i) such corporation is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(ii) such corporation demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—

"(1) prevent the avoidance of the purposes of this section, and

"(2) coordinate this section with the other provisions of this subchapter.

"(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.".

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(9) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

"(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).

"(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:

"(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

"(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

"(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 7704(d) is amended by inserting "(determined without regard to section 856(c)(8))" after "856(c)(2)".

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

"(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.".

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.".

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—

(i) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and

(ii) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".

(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting "section 710(b)(4) (relating to distributions of partnership property)," before "section 736".

(2) Section 741 is amended by inserting "or section 710 (relating to special rules for partners providing investment management services to partnership)" before the period at the end.

(3) Paragraph (13) of section 1402(a) is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));".

(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);".

(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

"Sec. 710. Special rules for partners providing investment management services to partnership.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after June 18, 2008.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes June 18, 2008, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after June 18, 2008.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on June 18, 2008.

(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 202. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

"(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

"(i) the oil related qualified production activities income of the taxpayer for the taxable year,

"(ii) the qualified production activities income of the taxpayer for the taxable year, or

"(iii) taxable income (determined without regard to this section).

"(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.".

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking "subsection (a)(1)(B)" and inserting "subsections (a)(1)(B) and (d)(9)(A)(iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 203. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

"(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

"(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

"(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

"(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

"(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

"(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

"(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 204. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

"(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

"(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable payment transactions are made, and

"(2) the gross amount of the reportable payment transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

"(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'payment settlement entity' means—

"(A) in the case of a payment card transaction, the merchant acquiring bank, and

"(B) in the case of a third party network transaction, the third party settlement organization.

"(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

"(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

"(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

"(A) AGGREGATED PAYEES.—In any case where reportable payment transactions of more than one participating payee are settled through an intermediary—

"(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

"(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

"(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable payment transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

"(c) REPORTABLE PAYMENT TRANSACTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'reportable payment transaction' means any payment card transaction and any third party network transaction.

"(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

"(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) PARTICIPATING PAYEE.—

"(A) IN GENERAL.—The term 'participating payee' " means—

"(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

"(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

"(B) EXCLUSION OF FOREIGN PERSONS.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

"(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

"(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

"(A) one or more issuers of such cards,

"(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

"(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

"(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

"(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

"(B) which provides for standards and mechanisms for settling such transactions,

"(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

"(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

"(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

"(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $10,000, and

"(2) the aggregate number of such transactions exceeds 200.

"(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return, and

"(2) the gross amount of the reportable payment transactions with respect to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. Such statement may be furnished electronically.

"(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.".

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "and" at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking "and" at the end of clause (xxi), as redesignated by subparagraph (B) and inserting "or", and

(D) by adding at the end the following:

"(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and".

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by inserting a comma at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting ", or", and by inserting after subparagraph (CC) the following:

"(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).".

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding at the end the following new subparagraph:

"(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

"Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

SEC. 205. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking "goods" and inserting "property".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 206. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 59.5 percentage points.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

□ 1315

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some time ago, in an effort to make certain that 159 taxpayers who are very wealthy had some tax liability, the Congress at that time passed the alternative minimum tax. What they neglected to do was to index the tax structure for inflation, and as a result we find people making 30, 40, $50,000 caught up as though they were wealthy taxpayers trying to avoid or evade their tax liability.

Now, the President should know, as other Presidents, that this is a very, very unfair tax. The truth of the matter is it should not even be in this structure. But in the close to 7 years that the President has been in office, he has not seen fit to give us a tax reform bill so that we can do what everyone in this House would want done, and that is to eliminate this fiscal threat from now some 25 million taxpayers.

So what do we have to do? Every year we have to come down and so-called "patch it" because, politically speaking, no one is going to go home and say that they did nothing about it.

So what is the difference between what we want to do in the majority and the other side? Well, if you listen carefully, you would see that the President has put this AMT in every budget except the one we have this year, which means that in the budget he never intends to remove it or have it removed. What does putting it in the budget mean? It means that you expect the money that would be coming from the alternative minimum tax to be there to spend. I can understand that, except that Congress says that we're not going to collect that money. So what we would believe is that if we're taking $61 billion out of the economy that we shouldn't go to China and Japan and ask them once again to bail us out but we should take a look at the Tax Code and to find out just what things in the Tax Code, what preferential treatment, what loopholes are there so that when we repair the AMT, at least for this year, we will be able to say we didn't borrow the money and we didn't put this burden on our children and our grandchildren.

So the four areas that we concentrated on to raise the money to get this bill passed is the carried interest. What is that? All it says is that if two groups of people, one a corporation and the other a partnership, are managing someone else's money and if, indeed, they don't put their own money in it, that the tax rate should be 35 percent. Somehow a group has manipulated the system, made themselves a partnership, said they didn't put in their own money, but they still consider it a capital investment, and they are now taxed at the rate of 15 percent. We think it's unequal, it's wrong, and we correct it.

The other area that we have a concern about is people who use tax havens for money earned in the United States to avoid taxes. They put it overseas. In the area of credit cards, we have the major credit card holders that reimburse vendors, and all we ask the vendors to do is to report the money they've had for reimbursement. And then, of course, we have our oil industry that received tax credits that they were not entitled to, and certainly at the obscene profits they're making, I hate to believe that someone believes that the government should further subsidize the moneys that they're making.

So, Mr. Speaker, it's going to be interesting to see how the other side explains as to why they don't have to pay for this. Certainly, if indeed we do nothing, $61 billion of tax burden is going to fall on 25 million good American taxpayers, and we want to fill that gap of the $61 billion. The other side says it doesn't exist, and so I can't wait to sit down so I can listen to their very interesting argument.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Today's bill, Mr. Speaker, represents a clear difference between the two parties in the House when it comes to tax policy. Republicans believe that Congress should not raise taxes on one group of taxpayers in order to prevent a tax increase on another set of taxpayers. To say that another way, we don't believe we ought to have to raise taxes to preserve something that's already in the Tax Code.

Now, we are certainly for continuing to patch the alternative minimum tax. That's been the practice for the last several years. The President, in his budget for the last several years, has had an AMT patch in his budget without increasing taxes on somebody else. So we are certainly for that. But we are not for imposing a tax increase in a like amount on another set of taxpayers. That just doesn't make sense to us.

Without this patch, another 21 million families would come under the AMT, and their average tax increase would be about $2,400 per taxpayer. So we certainly want to prevent that. But in 2007, we had the patch in place; so we did not collect the AMT revenue from those 21 million taxpayers. And yet we collected, last year, in revenues to the Federal Government, about 18.7, 18.8 percent of gross domestic product. The historic average of revenues coming into the Federal Government for the last 40 years has been about 18.3 percent of GDP. So last year with the AMT patch in place, those 21 million taxpayers protected from the AMT, we brought in substantially more in revenues to the Federal Government than we have historically.

So why, then, should we be so intent on increasing taxes to prevent those 21 million taxpayers from paying $2,400 apiece more in taxes in 2008? The only explanation is somebody just wants to get more revenue into the Federal Government. Now, they may say, well, we want to do that because the deficit is really high and we want to get the deficit down. Well, I wonder, if we took a poll across America, how many Americans would say, "Yes, I want to get the deficit down and I want to do it by raising taxes" and how many Americans would say, "Yes, I want to get the deficit down, but I want to do it by controlling spending"? My guess is more Americans would say, "I want to get the deficit down by controlling spending." But the PAYGO rules that are in effect, while they give us the opportunity to reduce spending to "pay for" all of these things, not once have we seen a cut in spending being offered by the majority to pay for any of these items. It's always a tax increase.

So, yes, if you want to get the deficit down to zero, you can do it by increasing taxes, and under the PAYGO baseline, if we were to follow it, we would continue to increase the take of the Federal Government from American taxpayers until at the end of a 10-year window we'd be taking in 20.5 percent of GDP, an historic high, or pretty close to an historic high, and certainly only a couple times in our Nation's history have we even approached that level of revenues coming into the Federal Government.

Now, I think it's a legitimate question as to what is the appropriate level of GDP that we should bring in to the Federal Government, and Chairman RANGEL alluded to that in his statement by saying that, I believe he said, the President hasn't offered a tax reform plan. That's true, I guess, he hasn't. But you know what? Under the Constitution, the President can't even introduce a bill, much less pass one. That's the job of the Congress.

So if we want to do tax reform, which I think is appropriate, we ought to have this discussion about what is the appropriate level of revenue that we should bring in? What is the appropriate take of the Federal Government of everything that Americans make? Is it 18.3 percent, the historic average? Is it 18.7 percent, what we took in last year? Or is it 20.5 percent? I don't know what the magic number is, but that's a legitimate debate, and we ought to have that debate in the context of writing a new tax system for the United States that is more modern, more efficient, and more competitive. So I hope that the chairman will, in his constitutional prerogative as the chairman of the Ways and Means Committee, undertake that task, have that debate, so that we can solve this problem once and for all of the AMT, the complexity of the code, and the continuing diminution of competitiveness that we enjoy with our tax system, vis-a-vis our competitors around the world.

This bill employs some pay-fors, some tax increases, that I believe would be onerous and would add to the lack of competitiveness in our Tax Code. For example, there is a provision that would, for the first time, ignore tax treaties that we have entered into in good faith with other countries around the world and would impose upon companies doing business, foreign companies doing business, through a United States subsidiary in this country, creating jobs in this country, a 30 percent tax, despite the fact that we have a tax treaty that says that company would get a deduction for that income and would not have to pay that 30 percent tax because they'd be paying taxes in the country where we have a tax treaty.

Now, yes, they say, well, but the ultimate parent is somewhere where there's not a tax treaty, but that still violates the spirit of the tax treaty that we have with the country where the immediate parent of the United States subsidiary resides. That change in our Tax Code would discourage at the margin that capital from coming to this country, being invested in this country, and creating jobs in this country.

Those companies that I'm talking about employ a substantial number of Americans; 5.3 million Americans are employed by those kinds of companies. Do we want to jeopardize those jobs? And 19 percent of all United States exports, helping us a little bit to get the balance of trade going our way, 19 percent of all exports come from companies like that. And just last year they reinvested nearly $71 billion back into their United States operations. That's capital, that's investment that we should want here and not discourage through tax changes like the one in this bill.

So, Mr. Speaker, I would say to the Members of this body that we ought to reject the majority's offering that they put forward today to save 21 million taxpayers from coming under the AMT because they would impose a like amount of tax increase on another set of taxpayers. Let's not increase taxes on any set of taxpayers, certainly not in this fragile economy.

We will later offer a motion to recommit that corrects the error, that strips the bill of the pay-fors, and it would allow this body to vote on a clean AMT patch to save those 21 million taxpayers from the increased tax burden but not increase taxes on somebody else.

☐ 1330

With that, Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. I have no further speakers, Mr. Speaker.

GENERAL LEAVE

Mr. RANGEL. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6275, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEK of Florida. Mr. Speaker, I am pleased to be a cosponsor to this bill that will give Alternative Minimum Tax Relief to those families in my district and the entire State of Florida who will be unfairly hit with this tax in 2008.

While the AMT was not intended to burden our working families, now in 2008 it does. Initially, the AMT applied to fewer than 20,000 taxpayers. In 2007, it applied to 4.2 million taxpayers. By 2008, up to 26 million taxpayers are projected to be subject to the AMT. Moreover, it is the middle- to upper-middle-income taxpayers who are the targets of this tax. It is our married taxpayers and larger families that are especially going to fall under this tax.

An astounding increase in the number of working families in Florida will be hurt by the AMT in 2008 if something is not done. It is projected that over six times the number of working families will be hurt by the AMT in my State of Florida in 2008 than were hurt by this tax in 2005. In 2005, there were 161,000 AMT returns filed in the State of Florida. However, in 2008, it is estimated that 956,000 AMT returns will be filed in Florida—a more than six times increase between 2005 and 2008.

In 2007, Florida ranked seventh in the number of returns that were caught. with the Alternative Minimum Tax burden. However, in 2008, Florida is projected to rank fifth in the number of returns caught with the AMT. So even in the one year, 2007 to 2008, the number of working families in Florida caught with the AMT has increased tremendously.

Originally, the AMT was intended to cover only America's high-income taxpayers to ensure that they pay at least a minimum amount of federal taxes. But now, it is not this group that will be the most adversely affected by the AMT. It is our hard-working families—over 950,000 hard-working families in Florida alone that will be hit unintentionally and unfairly with this tax. This is not what the AMT was intended to do, and it is time for those families in Florida and elsewhere to get badly needed relief from this tax.

Mr. CONYERS. Mr. Speaker, the middle class is hurting. They are facing tough decisions over rising gas, food, and health care prices. Adding to their economic dilemma, the Alternative Minimum Tax, AMT, may reach many of them this coming year. Today, we will vote on H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, which would provide relief to middle class taxpayers by avoiding the AMT.

The original intent behind the AMT was to guarantee that the wealthiest Americans paid their fair share of taxes. However, the AMT was not adjusted for inflation and hard-working Americans were lumped into this tax. Today, the Congress must act to prevent 25.6 million middle income Americans being liable for paying thousands of dollars in additional taxes.

Restructuring the tax code will more fairly distribute the tax burden. H.R. 6275 will tax private equity managers, who actually pay lower taxes on carried interest and repeal unnecessary Government subsidies for the big five oil companies reaping record profits and on multinational corporations who offshore their businesses for the express purpose of tax avoidance. It is unconscionable that our tax code allows these corporations to avoid taxes while hard-working Americans get hit with a stern tax and pay extremely high gas prices at the pump. This legislation closes these major tax loopholes.

H.R. 6275 restores America's tradition of giving a helping hand to those in need. We need to stop the giveaways to Big Oil and Wall Street brokers and begin to focus on the needs of average working Americans. This is a commonsense piece of legislation and I urge my colleagues to support the bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the AMT Relief Act. Once again, we are considering a one-year "patch" for the AMT. This bill will protect over 25 million families who would otherwise be forced to pay higher taxes under the AMT through no fault of their own.

We all know that the AMT was never meant to apply to middle-class families, and I think we all agree that we need to find a permanent fix to this problem.

But once again, the minority wants to insist that we provide this tax relief in a fiscally irresponsible manner. Patching the AMT for 2008 without offsets would increase the deficit by $61 billion. Our colleagues in the minority will argue that because Congress never meant for this to happen, or that because it maintains the status quo for taxpayers, we don't have to pay for it.

The reality is that we pay for it one way or another. The minority would have us borrow the money and make our children pay for it.

Let me say a word about the offsets we've used here, because this bill is paid for with provisions that end basic inequities in our tax code.

The Joint Committee on Taxation's revenue estimate for the carried interest provision indicates that over $150 billion in income will be taxed at capital gains rates rather than ordinary income rates if we do not make this change. This is a lot of income, and according to the Joint Committee, this is not going to "mom and pop" operations, a common reference by those arguing against this provision.

For anyone who thinks there are "mom and pop" private equity funds, or that this is essentially about "mom and pop" real estate developers, let me quote the Joint Committee on Taxation. In a memo to the Ways and Means Committee staff, the Joint Committee writes: "We assumed that nearly all recipients [of carried interest] would be at the highest marginal tax rate." The top tax bracket for married couples starts at $357,000 in taxable income. Claims made that the carried interest issue is about "mom and pop" business owners just are not credible.

More generally though, treating carried interest as ordinary income is not about raising taxes, it's about fairness. Investment fund managers should not pay a lower tax rate on their compensation for services than other Americans. The only thing this does is say to the fund managers, if you're providing a service, in this case managing assets for your investors, you ought to be taxed on that compensation at the same rates as everyone else.

If they have their own money in the funds they manage, they will still get capital gains treatment on that portion of the profits. This is no different in concept than options for corporate executives. They are both incentive compensation to encourage performance, and carried interest should be taxed at ordinary rates like stock options.

The argument that this proposal will hurt economic growth or even pension plans is just disingenuous. If it will hurt growth, why have senior economic advisers to the last three Republican Presidents publicly supported this proposal? Real estate partnerships, including those that don't use carried interest at all, earn less than 10 percent of all income from real estate development and construction.

Regarding the oil and gas provisions, I think it's important to look at the history of how these companies got these subsidies in the first place. In 2004 we had to replace the FSC provisions of our tax code because of a WTO ruling. We replaced them with a deduction to encourage domestic manufacturing.

The minority, then in the majority, added the oil and gas industries to what was supposd to be a deduction for manufacturers, even though the FSC provisions we were replacing had nothing to do with oil and gas. This was an unjustified giveaway then, and it is only fair that we correct the situation, especially now that oil companies are earning record profits. ExxonMobil alone earned $40.6 billion in 2007, a U.S. corporate record.

So, Mr. Speaker, this bill protects middle-class families from the AMT, it's fiscally responsible and it makes our tax code fairer. I urge all my colleagues to support it.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 6275, Alternative Minimum Tax Relief Act of 2008.

H.R. 6275 is critical to easing the burden on middle-class taxpayers. The Alternative Minimum Tax, AMT, was originally intended to make sure that the Nation's wealthiest citizens did not avoid paying taxes altogether. However, it was not indexed for inflation and the AMT now affects millions of middle income tax payers across the country. H.R. 6275 would extend for 1 year AMT relief for nonrefundable personal credits and increases the AMT exemption amount to $69,950 for joint filers and $46,200 for individuals. At a time of economic uncertainty and rising gas and food prices, H.R. 6275 would provide over 25 million families with tax relief. In my district alone, over 33,000 families would be affected by the AMT this year.

As a member of the Budget Committee, I am also pleased that this bill includes offsets and is budget-neutral. Instead of adding to our national debt, H.R. 6275 responsibly pays for itself by closing a loophole that allows hedge fund managers to pay less taxes, encouraging tax compliance, repealing subsidies for the five biggest oil companies, and tightening tax laws on foreign-owned companies. I support H.R. 6275, Alternative Minimum Tax Relief Act of 2008, and I urge my colleagues to join me in voting for its passage.

Mr. PASCRELL. Mr. Speaker, one of the hallmarks of the Ways and Means Committee is that fairness is always the order of the day. Fairness in priorities. Fairness in legislation. H.R. 6275 exemplifies this fact.

Our bill will provide $62 billion in AMT relief to more than 25 million families nationwide.

In my district alone, almost 80,000 people are on track to endure the significant tax increase of the AMT this year if we do not act now. That's up from 20,000 people in 2005.

Many of the people affected would be firefighters, cops and teachers—a far cry from the original intent of the AMT. Indeed, the middle class is being more and more affected—your constituents and mine. And it's only getting worse.

Unfortunately there are those on the other side of the aisle who will not vote today for the best interests of their constituents.

Instead, they will choose to cast their vote for the Kings of Wall Street who are already the richest people in the history of our Nation.

We pay for this bill, in part, by simply requiring that investment fund managers are taxed at the same income rates as every other American. After all, why should the very richest among us be taxed at 15 percent when a doctor or lawyer pays 35 percent? Or when a teacher or plumber, et cetera, is taxed at 25?

Yet because of this provision, many Republicans will be unable to vote for real tax relief for their constituents. I find this as inexplicable as I do sad.

This legislation is wise and it is fair. It will give tax relief to 25 million hard-working Americans while ensuring fairness in the tax code. So try to explain to the firefighters and cops in your district that you wanted to take care of investment fund managers instead.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008. I am pleased to see that once again you have presented a responsible solution to the alternative minimum tax from a broad, policy-oriented perspective.

The alternative minimum tax is a critical issue for the American middle class taxpayer who does not get to take advantage of sophisticated tax planning and legal loopholes in the tax code. It is time that we addressed this issue once and for all to relieve the American taxpayer from the agony of dealing with the AMT. A permanent patch is what we really need, but today we have to plug the dike once again.

If you'll recall, in 1969 the public outcry was so loud about the original 155 families who owed no Federal income taxes that Congress received more letters from constituents about that than about the Vietnam war.

It is particularly ironic that a tax that was meant for 155 wealthy individuals has become the bane of existence for millions of American taxpayers. Indeed the AMT has become a menace. Over 31,000 hardworking, middle-class Ohioans in my district had the grim task of filing a return with AMT implications in the 2005 tax year.

Without this legislation that number would surely grow. Those are families with children, healthcare costs, unemployment issues, housing costs and the other money matters with which American taxpayers must cope, not to mention higher gas prices. Tax relief is due.

As I mentioned after the introduction of H.R. 2834, the carried interest legislation sponsored by my colleague, SANDER LEVIN, we must continue to laud the efforts of American capitalists and the strides that they make in enhancing and creating liquidity in our capital markets, and helping our economy grow into the dynamic force that it is today. I am also aware of the critical role that private equity firms play in our economy. We must be aware that this change in taxation can have a deleterious effect on some small venture capital and minority-owned firms. The color of money is green, but if you are smaller than Blackstone or Carlyle, your firm might be seeing red. But we must also have responsible budget offsets.

The tenets of sound tax policy begin with the notions of equity, efficiency and simplicity. Relying on that traditional framework I am sure that we have come to a rational consensus that will ensure 25 million more Americans will not be hit with the AMT.

"Taxes are what we pay to live in civilized society," but dealing with the AMT has become a bit uncivil.

Ms. SCHWARTZ. Mr. Speaker, I thank Chairman RANGEL for his leadership and I am proud of our work to protect 25 million American taxpayers—including half a million people in Southeastern Pennsylvania—from the pain of the Alternative Minimum Tax. True to their record of increasing debt, the Republicans continue to say, "there's no need to offset AMT relief because this tax was never intended to hit these people."

But in 2001 they knew that the Bush tax cuts would increase—by 127%—the number of AMT taxpayers this year. And they consistently used these taxpayers to mask the true cost of their failed fiscal policies.

We cannot ignore the consequences of these bad decisions. We are committed to reversing the Bush Administration's policy and fiscal failures. We are committed to enacting permanent—fiscally responsible—AMT relief for middle income taxpayers. And we are committed to act today to protect millions of Americans from the AMT this year without adding to the Nation's exploding debt.

Mr. Speaker—given the economic downturn and financial challenges facing our families and our Nation, our constituents have the right to expect fair and responsible tax policy. Today's proposal to provide tax relief to 25 million American families by closing loopholes that benefit only the wealthiest individuals is fair, it is responsible, and it deserves passage.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008. As a member of the Ways and Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of "relief" for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hardworking middle class families.

Specifically, H.R. 6275 provides for a 1-year patch for the Alternative Minimum Tax (AMT). The AMT was developed in the 1970s to ensure that America's wealthiest could not take advantage of the tax code in a way that would allow them to avoid paying taxes altogether. The AMT was not indexed for inflation, however, and without this legislation it will reach into the pocketbooks of middle-class families it was never intended to hit. In my district alone, the AMT could affect 50,000 additional western Wisconsin families this year, many of whom have no idea they face a tax increase. Without this legislation, it is estimated that the AMT will hit an additional 538,970 taxpayers in Wisconsin and 25 million nationally. It is hard for me to think of something more important than protecting 25 million Americans from a tax that was never intended for them.

Most importantly, this bill is fully offset and complies with pay-go rules that the Democratic majority restored at the beginning of this Congress. The legislation provides 1-year relief from the AMT without adding to the deficit by closing loopholes in the tax code, encouraging tax compliance, and repealing excessive government subsidies given to oil companies. These changes establish fairness in the tax code and show that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Finally, I would like to thank Chairman RANGEL for putting together this common sense bill that is not only fair but does the right thing by paying for the bill and fixing some inequities in the tax code. I look forward to working with him to reform the tax code and for once and for all put an end to the AMT and Congress having to do a yearly patch.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Protecting millions of taxpayers from being caught by the AMT is of the utmost importance. I urge my colleagues to support H.R. 6275.

Mr. MANZULLO. Mr. Speaker, temporary tax relief should not be offset with permanent tax increases that will stifle foreign direct investment into this country.

The Alternative Minimum Tax is a mistaken tax policy. Originally designed to tax the super-rich, it now covers many in the middle class, particularly those with large families, because of inflation. Without relief, 19 million Americans will see a tax increase of $2,000 next year.

However, to temporarily correct this error by permanently raising nearly $7 billion from foreigners who invest in the United States simply makes a bad situation worse. We are finally attracting more foreign investment into the United States. In 2007, foreign direct investment rose to its highest levels in seven years, reaching over $204 billion.

U.S. subsidiaries of companies headquartered abroad now employ 5.3 million Americans, of which 30 percent work in the manufacturing sector. Nineteen percent of all U.S. exports came from these firms and they reinvested nearly $71 billion back into their U.S. operations.

In Illinois, U.S. subsidiaries of companies headquartered abroad employed over 226,000 workers, of which over 61,000 were in the manufacturing sector. In fact, there are over 30 U.S. subsidiaries of companies headquartered abroad that employ over 6,000 workers in the northern Illinois district that I am proud to represent.

The offset used to "pay for" part of this AMT bill will strongly discourage future foreign investment in the United States and will halt any future progress on negotiating tax treaties with other countries.

For example, Nissan USA, which is owned by Nissan headquartered in Japan, borrows money from their finance unit based in the Netherlands. Under our current tax treaty with the Netherlands, no tax is applied. However, under this bill a new 10 percent tax would be applied to this transaction. The Netherlands will then most likely view this as an abrogation of our tax treaty and will either seek renegotiation or outright annulment, thus hurting our overall trade with the Netherlands.

This is all a silly exercise. We all know how this will turn out because the Senate will not agree to these offsets. However, this bill sends a chilling message to our friends overseas that they will be subject to a higher tax next year because this is the second time that the Democratic Party has proposed this offset. Vote no on H.R. 6275 to preserve jobs in your district and to send a signal that the U.S. remains open to foreign direct investment.

Mr. HERGER. Mr. Speaker, we all know this bill is purely a political exercise. Congress will eventually pass an AMT patch that does not contain permanent tax increases. All we are doing today is postponing final action and risking a repeat of last year's delay that created major headaches for taxpayers.

I believe we shouldn't be expanding the federal government's share of the economy by pairing temporary extensions of tax relief with permanent tax increases. I've heard a number of concerns from small businesses about one of these offsets, a new reporting requirement for credit card transactions. Last week, when the Ways and Means Committee considered this bill, we were told by the Treasury Department that they have not done a cost-benefit analysis on this proposal. I fear we are going down the same road as we did two years ago with the 3 percent withholding requirement, which we've now learned will cost the government far more than it will raise in revenue.

On top of that, this bill raises taxes on American energy producers. This does nothing to reduce gas prices—in fact, it will only make them higher. And there's simply no justification for a provision that penalizes U.S. producers but doesn't affect subsidiaries of foreign-owned firms. This legislation just doesn't make sense. I urge my colleagues to vote "no."

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008.

Forty years ago the Alternative Minimum Tax (AMT) was originally enacted to ensure that wealthiest Americans—like everyone else—paid their fair share of taxes. Prior to the enactment of the AMT, the wealthiest Americans were exploiting loopholes in the tax code to circumvent their societal obligations. However this tax, which was intended for a few hundred of the wealthiest Americans has never been adjusted to account for inflation. Through inflation and tax-rate creep the AMT has become a middle class tax hike.

We have been unable to pass a permanent fix to the AMT to prevent middle class Americans from fearing that they will get hit by the AMT every year. More families in Central New Jersey are affected by the AMT than anywhere else in the country. Over 33,000 of my constituents already pay the AMT, under the current law, and an additional 88,000 of my constituents would be subject to the AMT if we do not act to prevent the patch from expiring. American families are already suffering from skyrocketing gas and food prices that they did not build into their family budgets. Compounding this financial burden with an unexpected and undeserved tax hike would hit New Jersey families hard. Yet, that is what will happen if we do not take action today.

Mr. Speaker, I have long been concerned with the growing debt that we are passing on to the next generation and have often called for a revision of the AMT that will not increase our national debt. The Alternative Minimum Tax Relief Act of 2008 makes good on our promise to the American people that we will not spend money that Congress does not have. This legislation will offer more than 25 million families relief from the AMT without adding to the deficit. This will be achieved by promoting tax compliance, removing inequities in the tax code, and decreasing government subsidies to oil companies.

While I support this legislation, we need a permanent fix to ensure that this tax intended for the wealthiest Americans is not passed down to middle income Americans and do so in a fiscally responsible way.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this bill because of the need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

In technical terms, the bill would extend for one year AMT relief for nonrefundable personal credits and increases the AMT exemption amount to $69,950 for joint filers and $46,200 for individuals. In real-world terms, that means it will prevent a tax increase for more than 28,000 Colorado households that otherwise would be required to pay more in Federal income tax when returns are due next year. And so, Mr. Speaker, the bill overall is properly focused on tax relief for middle class families—a goal I strongly support.

Some of our colleagues say they will oppose the bill because it includes provisions that would close loopholes and make other changes in the tax laws in order to offset this tax relief. They evidently are not concerned about the fact that the federal budget is deeply into deficit spending.

I do have some reservations about how the bill seeks to provide AMT tax relief without making our Federal deficit worse. But I do not take a relaxed attitude to our fiscal problems, and think it is better to avoid adding to them—and that is the purpose of the offset provisions of the bill

One such provision would revise current law so investment fund managers would no longer pay capital gains rates on the income they receive for investment management services income that does not reflect a reasonable return on their own invested capital. This change was approved by the House last year in H.R. 3996, which I supported. In addition, the bill would exclude from the domestic production deduction the gross receipts derived from the sale, exchange or other disposition of oil, natural gas, or any primary product thereof for large integrated oil companies. And it would freeze at 6 percent—the rate under current law—the domestic production deduction for income of other taxpayers with respect to oil, natural gas or any primary product thereof. This is also not new—it is a scaledback version of an outright repeal of this deduction for all oil, natural gas or any primary product thereof that passed the House last year.

And the bill would prevent foreign multinational corporations incorporated in tax haven countries from avoiding tax on income earned in the United States by routing their income through structures in which a United States subsidiary corporation makes a deductible payment to a country with which the United States has a tax treaty before ultimately repatriating these earning in the tax haven country. This is a scaled-back version of a previously approved by the House of Representatives as part of H.R. 2419. Further, the bill includes a proposal that was in the president's latest budget request that will require institutions that make payments to merchants in settlement of payment card transactions to file an information return with the IRS.

These provisions are not the only or perhaps even the best way to offset the revenue costs of providing a temporary fix to the AMT—but the bill's opponents have suggested no alternative except to cut unspecified amounts of spending in unspecified parts of the budget or to further add to the "debt tax" that has already been imposed on our children (and their children) by the irresponsible policies of the last seven years.

The Senate will have to consider the legislation further, and it is possible that these provisions will be revised. But, in the meantime, the bottom line is that today we have the opportunity to provide tax relief to hundreds of thousands of middle-class families in Colorado. I think that is something I think the House should do without delay, and that is why I am voting for this bill.

Mr. RANGEL. I yield back the balance of my time, and ask for a vote in favor of the amendment.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1297, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. McCRERY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCRERY. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery of Louisiana moves to recommit the bill H.R. 6275 to the Committee on Ways and Means with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendments:

Page 4, after line 5, add the following new section:

SEC. 103. CHARITABLE MILEAGE RATE TREATED THE SAME AS MEDICAL AND MOVING RATE.

(a) IN GENERAL.—Subsection (i) of section 170 (relating to standard mileage rate for use of passenger automobile) is amended by striking "14 cents per mile" and inserting "the rate determined for purposes of sections 213 and 217".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to miles driven on or after July 1, 2008.

Page 4, strike line 6 and all that follows through line 2 on page 37 (all of title II).

Mr. McCRERY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. McCRERY. Thank you, Mr. Speaker.

The majority's use of PAYGO has really twisted the logic of this bumper-sticker-turned-budget-tool into a pretzel. In the last 2 weeks, when PAYGO stood in the way of more government spending, it was ignored or openly waived. But, today, the majority insists on new permanent tax increases in exchange for a 1-year extension of needed tax relief. That is not a good deal for anybody—a permanent tax increase to pay for a temporary tax relief.

The motion that we have before us would save us from that fate. It would remove the tax increases in the bill, including the particularly misguided higher taxes on energy production that would discourage production here at home, that would further increase our energy insecurity, that would reduce our energy supplies, and that would increase prices.

Is that what we want to do? Do we want to increase the price of gasoline? That is what the effect of this would be. This is a tax increase on oil and gas companies—the companies that produce the oil, the gasoline that we buy. Do we think that, if we increase taxes on them, they are just going to absorb that? Of course not. They will pass it through to the consumer, which will mean higher gasoline prices.

This is a terribly misguided part of this bill. The motion to recommit would get rid of that ill-advised tax increase. So we get rid of all the pay-fors in the bill. That's the first thing that the motion to recommit does.

The second thing we do is we do provide some relief in this bill from high gasoline prices to volunteers who use their vehicles to help charities carry out their work. A lot of charities are telling us that they are losing volunteers because of the high price of gasoline.

Now, the IRS has some authority to modify the tax deduction that people can get from using gasoline in certain situations. So the IRS did, this week in fact, implement a midyear increase in the standard mileage deduction rates, increasing to 58½ cents the allowable deduction for expenses incurred in operating a vehicle while carrying on a trade or business, and raising to 27 cents per mile the deduction for gasoline costs associated with transportation primarily for and essential to receiving medical care and for travel while moving.

But the IRS could not raise the deduction that can be claimed by individuals who use their car for charitable purposes, such as for delivering Meals on Wheels. That has to be done legislatively. So our motion to recommit would do just that. We would set the allowable deduction for gasoline expenses for charitable purposes at the same rate for medical care and for travel while moving, 27 cents per mile.

Meals on Wheels is one of those charities that has told us that they are losing volunteers because of gas prices. Nearly half indicated that increases in gas prices had forced them to eliminate meal delivery routes or to consolidate their meal services.

Mr. Speaker, these high gasoline prices are, in fact, having a very deleterious effect on charities and on Meals on Wheels in particular. I won't go into some of the details that we have been given by Meals on Wheels about the state of some of our seniors, but needless to say, it's not a pretty picture.

So this would give those charities some relief, Mr. Speaker, and it would allow them, we think, to get some of those volunteers back in active service to relieve some of these problems that we have.

So, Mr. Speaker, our motion to recommit does two things. It takes out the tax increases in this bill, leaving in place the AMT patch to give tax relief to those taxpayers who would otherwise be subjected to a $2,400-apiece increase in taxes, and number two, it increases the deduction, the mileage deduction, for vehicle use for charitable purposes.

Mr. Speaker, I urge its adoption.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Certainly, the gentleman from Louisiana knows that we would be willing to work on the charitable deduction as it relates to the changes that were made by the administration, but basically, what he is saying is that, as to the $61 billion in tax loopholes that we have raised, they would rather borrow the money than fill the gap that relieving the people of this tax burden would have.

So we both agree that 25 million people shouldn't suffer with this $61 billion tax increase, but he would have you believe that, if you take this out, you wouldn't have to put anything in. Well, what you're putting in is the future of our children and of our grandchildren.

I ask that this motion to recommit be rejected.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCRERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6275, and the motion to suspend the rules on H.R. 3546.

The vote was taken by electronic device, and there were—yeas 199, nays 222, not voting 13, as follows:

[Roll No. 454]

YEAS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
  E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
  Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Cannon
Cubin
Cummings
Lampson
Mahoney (FL)
Moore (WI)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Tsongas
Watson

☐ 1402

Messrs. JACKSON of Illinois, THOMPSON of Mississippi, MELANCON, Ms. SUTTON, Messrs. TIERNEY, COHEN, Ms. JACKSON-LEE of Texas, Messrs. BAIRD, BERRY, Ms. CLARKE, Mr. LINCOLN DAVIS of Tennessee, and Ms. ROS-LEHTINEN changed their vote from "yea" to "nay."

Mr. MILLER of Florida, Mrs. MUSGRAVE, and Messrs. ENGLISH of Pennsylvania and BROUN of Georgia changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CAMP of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 189, not voting 12, as follows:

[Roll No. 455]

AYES—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Cubin
King (IA)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Radanovich
Rush
Snyder
Speier
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1409

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3546, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3546, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 11, not voting 17, as follows:

[Roll No. 456]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Broun (GA)
Campbell (CA)
Flake
Franks (AZ)
Hensarling
Inglis (SC)
Marchant
Neugebauer
Paul
Poe
Tancredo

NOT VOTING—17

Boyda (KS)
Cannon
Cubin
Hall (TX)
Holt
Jefferson
Kind
Klein (FL)
Lampson
Mahoney (FL)
McCotter
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1417

Messrs. TANCREDO and INGLIS of South Carolina changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1298, I call up the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term "alternative lands" means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term "Charlotte Beach lands" means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term "Community" means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term "Settlement of Land Claim" means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—Upon the date of enactment of this Act—

(1) the Secretary shall take the alternative lands into trust for the benefit of the Community within 30 days of receiving a title insurance policy for the alternative lands which shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests; and

(2) the alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Upon the date of enactment of this Act, any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 3. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore (Mr. ROSS). Pursuant to House Resolution 1298, in lieu of the amendment recommended by the Committee on Natural Resources, printed in the bill, the amendment in the nature of a substitute printed in House Report 110–732 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

TITLE I—BAY MILLS INDIAN COMMUNITY

SEC. 101. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term "alternative lands" means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term "Charlotte Beach lands" means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term "Community" means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term "Settlement of Land Claim" means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled "Addendum to Settlement of Land Claim", executed by the parties on November 13, 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Community not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Concurrent with the Secretary taking the alternative lands into trust under subsection (a), any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 103. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

TITLE II—SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term "alternative lands" means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term "Charlotte Beach lands" means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) SETTLEMENT OF LAND CLAIM.—The term "Settlement of Land Claim" means the agreement between the Tribe and the Governor of the State of Michigan executed on December 30, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled "Addendum to Settlement of Land Claim", executed by the parties on November 14, 2007.

(5) TRIBE.—The term "Tribe" means the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribe.

(b) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Tribe not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Tribe's reservation immediately upon attaining trust status.

(c) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Tribe's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(i)).

(d) EXTINGUISHMENT OF CLAIMS.—In consideration for the benefits to the Tribe under this Act, any and all claims by the Tribe to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Tribe based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are extinguished upon completion of the following:

(1) The Secretary having taken the alternative lands into trust for the benefit of the Tribe under subsection (b).

(2) Congressional acceptance of the extinguishment of any and all such claims to the Charlotte Beach lands by the Bay Mills Indian Community.

(e) EFFECTUATION AND RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim.

(2) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any Indian tribe and State.

(3) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Tribe or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on the Judiciary.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes, and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2176.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Today, the Committee on Natural Resources is continuing our effort to bring justice to Indian country. Last year, the committee brought to the full House legislation to finally provide Federal recognition to the long suffering Lumbee Tribe in the State of North Carolina.

We also brought to the floor legislation to grant Federal recognition to six Virginia tribes 400 years after the founding of the Jamestown settlement. These were the very tribes that greeted the English settlers when they landed on our shores.

Today, we are considering legislation to end a 153-year odyssey involving two federally recognized tribes in the State of Michigan—the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

This bill seeks to settle legitimate land claims of these two Indian tribes. I would note that the resolution of Indian land claims is something that is vested with the Congress, and Congress has taken this type of action on numerous occasions. No precedent is being set by these bills.

The genesis of the pending legislation dates back to 1807 when the Chippewa ceded much of what is now the State of Michigan in a treaty with the Governor of the Michigan Territory. Subsequent treaties ensued in 1817, 1820, 1836, and in 1855.

In the case of both the Bay Mills and the Sault Ste. Marie, the 1855 Treaty of Detroit set aside land, in what is now known as Charlotte Beach, for their exclusive use. However, shortly after the treaty was concluded, that very land was sold to non-Indian speculators.

This is hardly the first time something like this was done to Native Americans, but it is another indictment in the long and sad chapter of their past treatment by those with wealth and power.

At present, some 100 non-Indian landowners reside on the Charlotte Beach land, under a clouded title, due to the legitimate land claims filed by the Bay Mills and the Sault Ste. Marie. This makes it impossible for the residents of Charlotte Beach to receive title insurance—depressing land values and making it difficult to obtain mortgages, among other issues.

The Interior Department has testified to the legitimacy of the land claims in question. Their legitimacy has also been recognized by two Governors of the State of Michigan—Republican John Engler and current Democratic Governor Jennifer Granholm.

Indeed, Jennifer Granholm stated in a letter addressed to me: "The Federal courts have held that both the Bay Mills Tribe and the Sault Ste. Marie Tribe trace their ancestry to the two Chippewa bands named in the deed to the disputed Charlotte Beach lands and that both tribes, accordingly, share in any potential claim based on those lands."

To be clear then, that is what is at issue with the pending legislation—the settlement of these land claims. There is no administrative process available to accomplish this. It is something that is solely vested with the Congress.

The pending measure would implement a settlement agreement entered into by the Governor of Michigan, the Bay Mills and the Sault, and in doing so, it would clear the land title cloud that has hung over the residents of the Charlotte Beach area.

Under an agreement reached with the Bay Mills and with the Sault Ste. Marie Tribe, initially with Governor Engler and subsequently with Governor Granholm, the tribes would relinquish their land claims at Charlotte Beach, and instead, would be able to take into trust land at, in the case of the Bay Mills, Port Huron, Michigan, and in the case of the Sault Ste. Marie, either Flint, Monroe or Romulus, Michigan.

Under this settlement agreement, gaming is authorized on the new reservation lands at Port Huron and at either Flint, Monroe or Romulus.

However, in my view, the primary concern of Congress is the settlement of the land claims. What then occurs is a matter that is up to the State of Michigan, its political subdivisions, and the affected tribes.

Finally, Mr. Speaker, I would note that all Representatives of the House of Representatives whose congressional districts contain either the lands where the existing land claims rest or the areas where the new reservation lands would be created support these two bills—the dean of our House, Chairman JOHN DINGELL; Representative BART STUPAK; Representative DALE KILDEE, and Representative CANDICE MILLER. I would also note that the municipalities involved support this settlement.

I have set out the facts, Mr. Speaker, the historical record regarding these two tribes and their Charlotte Beach land claims. I do believe that the deliverance of justice is on the side of these two tribes and of the legislation we are considering today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman RAHALL has summarized the settlement history of the Bay Mills land claim as well as the related and commingled claim of the Sault Ste. Marie Tribe. Therefore, I will limit my remarks to why I believe this amended bill, which is championed by my good friends from Michigan, Chairman JOHN DINGELL, Chairman BART STUPAK, and CANDICE MILLER, deserves the support of the Members of this House.

Before the House today are two bills combined to resolve a problem affecting two tribes in the Upper Peninsula of Michigan and a number of non-Indian landowners in an area of Michigan known as Charlotte Beach.

Let me point out the support for this bill in the districts that are affected by them. The Members representing Bay Mills and the Sault Ste. Marie Tribes support the bill. The two Members representing districts where lands will be placed in trust support the bill.

Finally—and this is very important—this settlement deal was negotiated by former Governor John Engler and is supported by Governor Granholm.

It has been my practice—and I hope most of you understand—to defer to the Members whose districts are affected by legislation because that Member best represents the views of his constituents and knows his district best. Of course, I can only wish that others would respect this practice when it comes to Alaska. If so, we would be enjoying 42 million gallons of oil a day from ANWR. Instead, we have Members whose districts are thousands of miles away and who are encasing this key to American oil independence and lower gas prices in crystal by declaring it a wilderness. That is something that even President Jimmy Carter, in his cardigan sweaters, refused to do during the height of our gas crisis.

Getting back to H.R. 2176, this bill settles two Indian land claims without costing any Federal or State dollars and without imposing taxes or fees on anyone. In fact, under the settlement deals, the tribes are going to share revenues with the State of Michigan and with local communities.

The bills are consistent with the compact agreed to by the tribes and by the Governors pursuant to the Indian Gaming Regulatory Act.

In this Congress, we have passed bills that recognize some tribes on the condition that such tribes forego gaming. We made this condition a part of their recognition of the bills. This breaks with long-standing precedent and with treating Indian tribes on an equal footing with one another. But we did it out of deference to the Members who represent the tribes, out of deference to the Governors of the States affected, and out of deference to the wishes of local communities.

If we want to remain consistent in this policy, then we should agree to the request of the Members and of the Governors and of the local communities of Port Huron and Romulus.

I understand there is opposition to this bill. By the way, Mr. Speaker, I probably shouldn't say, but this bill should never have gone to Judiciary. Mr. Speaker, it should never have gone to Judiciary. This is not your jurisdiction. This is the jurisdiction of Natural Resources only, and for some reason, somebody tried to placate somebody and send it over to Judiciary. Judiciary has no jurisdiction over this bill. IGRA is under the jurisdiction of the Resources Committee.

I understand the opposition. On the one hand, we must defer to Governors and to Members who don't want gaming, but on the other hand, we are hearing we must not defer to Governors and to Members when they want to permit and to regulate gaming. This is confusing.

Most of the opponents of these bills don't live in the area affected by the legislation. I note that none of the amendments filed to this bill were from the Michigan delegation.

So why are they opposed? I believe it is fear of competition. The tribes whose lands are settled by H.R. 2176, as amended, have every right under the law to provide economically to their members. That they choose to do so by operating casinos is their choice, as well as that of the Governor of Michigan. These enterprises will supply jobs to the area, will provide funds for health care, and will provide better education for Native Americans, and they will do so by engaging the oldest American economic policies—good old-fashioned, competitive capitalism.

☐ 1430

This is not the first time that Congress has taken lands into trust for tribes outside traditional reservation boundaries and has allowed the tribes the full economic benefit of these lands. As one example, I point to the Omnibus Indian Advancement Act from the 106th Congress. That law directed the Secretary of the Interior to take land into trust for two tribes—the Lytton Rancheria and the Graton Rancheria—which may not have been part of the tribes' historical ranges. In each case, just like the bill being considered today, gaming was not barred. Certainly, this is a common result whenever Congress or the administration recognizes a landless tribe or restores land to a tribe.

In the meantime, the property owners in Charlotte Beach have watched the value of their property plummet, something like 90 percent in some cases. The cloud on the title to their land, resulting from the land claims, has made it nearly impossible for them to sell or to secure a mortgage. This isn't right, and it isn't right to leave them hanging when the Governors of Michigan, the legislature, the affected communities, and their Representatives want to move these settlements forward.

This bill will end this ordeal that they're all facing.

Once again, I do urge support of H.R. 2176, as amended, and urge passage.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, could I bring the temperature down somewhat from the speakers by pointing out to my good friend from Alaska that this matter is within the Judiciary Committee because the Parliamentarian said so? So for the gentleman to make this assertion that we have no claim of jurisdiction here is one of the errors that he has made in his presentation.

Now, ladies and gentlemen, I'm so proud that nobody has mentioned casinos yet, because that means the casinos are not an issue, of course, in this matter. Or you mentioned gaming. Okay. Chairman RAHALL concedes that he did mention gaming.

Well, let me tell you something. This is just like H.L. Mencken. When they say this is not about money, Mencken says that means it's about money.

Now, it just so happens that, on three occasions, these tribes have tried to get the Department of Interior, which is where this goes—and as for this business about its being in the exclusive jurisdiction of the Congress, we don't sit around here, ruling on this business. We can override the established procedures if we want to, and here, we want to because the Department of Interior has turned down these claims three different times—in 1982, 1983, and 1992. They said "no." The reason was they weren't meritorious.

And then an enterprising member of the bar—and I hate to tell you that that was his profession—said, Ah, I've got an idea. Wait until you see the charts that show how far Sault Ste. Marie and Bay Mills are from where they want to locate the casinos.

I said it was 350 miles away. It's 348 miles away. I'm sorry. So let's come clean, okay?

Now, the lady I supported for Governor, Governor Granholm, overrode the State legislature to send you that letter, and it's not going by the Indian Gaming Regulatory Commission rules or her own State's rules. The people in Michigan have voted down casinos already. And, the former Governor Engler, wow. He tried to stick it in bills coming over here. He never would have done what we are doing here today but for the same reasons of concern that those proponents of the bill have reason to be concerned right now.

So that's the story, folks. If you want to start a run on forum shopping for casinos, this is going to be the first bill that does it.

It is no joy for me to be before you opposing legislation reported by the Natural Resources Committee and my friend NICK RAHALL, and supported so strongly by my friends JOHN DINGELL and BART STUPAK.

But this is bad legislation. I regret that the House is having to consider it. And I must strongly oppose it.

Those pushing this legislation on the House do not always like to emphasize the fact that it is about legalizing casino gambling where it would not otherwise be legal—pure and simple.

And not just in two corners of Michigan. This is not a local Michigan issue—leaving aside that the Michigan delegation is sharply divided itself.

This would create a national blueprint for casino forum shopping, where no corner of the country would be safe from the designs of any developer or casino operator, working in league with any far-off Indian tribe.

They say it does not set a precedent—says so right in the bill: "don't look for a precedent here." Who are they trying to kid?

This legislation is highly controversial, and with good reason. Earlier today I discussed the dubious origins of this supposed Indian land claim. Let me now turn to other major flaws in this proposal.

To begin with, it spurns every single procedure Congress established under the Indian Gaming Regulatory Act to balance the sovereign rights of Indian tribes to conduct their own affairs, on their own lands, with the legitimate concerns many of our citizens have with the potential spread of casino gaming into their communities.

It simply declares the process to be completed, and the two tribes to have succeeded.

The bill's proponents will tell you that the bill complies fully with the process set out in IGRA. But it does not; it simply jumps to the finish line and arbitrarily deems the process to be satisfied.

Section 102(a)(1) orders the Interior Department to take the lands into trust.

Section 102(a)(2) directs that the lands become part of the tribe's reservation.

Section 102(b) declares that the process complies fully with all the requirements of the Indian Gaming Regulatory Act for purposes of legalizing a casino on the new lands.

What could be simpler? Or more manipulative?

Let's not kid ourselves. That's not complying with process; that's doing a preemptive end run around it.

This bill shows absolutely no regard for the established process.

No regard for the usual review in the Interior Department, who opposes this bill.

Don't be fooled by rumors of some high-level private go-ahead. The Interior Department has testified against this legislation—publicly—twice in the last 5 months—before the Resources Committee, and before the Judiciary Committee.

No regard for Michigan voters, who passed a referendum in 2004 restricting the expansion of casino gambling in their State. The bill does an end run around that process as well.

The proponents claim that there is an exemption in the referendum for casinos on Tribal lands.

Well, of course there is. That's required by tribal sovereignty under Federal law. That would be the case whether the referendum said so or not.

But no one in their wildest dreams ever imagined that someone would try to twist the common-sense concept of "Tribal lands" to sweep in lands 350 miles from the Tribe's ancestral homelands.

This bill does not honor the referendum. It blows a gaping hole through it, and utterly violates the spirit of the voters' decision to limit the spread of casinos in their State.

No regard for the other Indian tribes in Michigan, all of whom signed compacts in 1994 solemnly pledging, as a means of curtailing the impulse to build new casinos far and wide, that revenues from any off-reservation casino any of them built would be shared among them all.

This bill simply blesses a superseding compact for these two tribes that lets them off the hook, without going through any of the established process for negotiating and approving a new compact.

The Indian Gaming Regulatory Act rightly disfavors off-reservation casino gaming.

And as set forth in greater detail in the Interior Department guidelines, the greater the distance involved, the greater the risk of harm to tribal welfare, and the more tenuous the benefits.

The distance involved here—350 miles from the reservation—is a whole new order of magnitude. And the tribes involved have no known historical connection whatsoever to the lands they would acquire.

The proponents say there is a precedent. But what they are referring to is no precedent at all.

The Torres-Martinez case was brought by the Interior Department on behalf of the tribe, for reservation land that an irrigation district had placed under water.

Under the settlement, the tribe was allowed to acquire land in trust within 10 miles of its existing reservation—that land also had to be within its historical territory.

The tribe has not built a casino on that land, and has no plans to.

Furthermore, the land claims here being enlisted in the service of obtaining these off-reservation casinos have already been rejected by the courts.

And they are not even claims involving the United States. They are strictly private claims, against the State of Michigan, bearing no relation whatsoever to the kind of claims that could legally be settled under the Indian Gaming Regulatory Act.

This legislation is supported by exactly two tribes in Michigan—the two who expect to get off-reservation casinos they could not hope to obtain under established legal process.

It is opposed by other Michigan tribes, who are joined by over 60 tribes across the country.

Not because they oppose Indian gaming. They all have their own interest in preserving their rights to build casinos on their own lands.

What they are opposed to is the free-for-all that would predictably ensue if this unprecedented effort to circumvent the law—a law they have all lived under for 20 years—were to pass.

This legislation is also opposed by the NAACP because of its lack of basic procedural fairness, due process, or any respect for voters in communities across the country who may understandably have concerns about casinos being built in their neighborhoods.

Let me also say a word about the view of organized labor. And I say this as someone who has a labor voting record in Congress, over almost 44 years, that is second to no one's.

This bill is supported by some in labor; it is opposed by others.

Labor is not united. And why would they be? If this legislation has any direct effect on jobs, it will be only to move them from one casino in Michigan to another.

For these and other reasons, the House Judiciary Committee, which received a sequential referral of this legislation, voted unanimously to oppose it.

By passing legislation favoring the narrow interests of the Bay Mills and Sault Ste. Marie tribes and their private-sector allies, Congress would set a dangerous precedent for sidestepping the established review process for land claims, and create a shortcut for spreading casino gambling into every corner of the country.

We should not start down that path. The tribes should pursue whatever claims they may have through the normal procedures—and succeed or fail on the merits.

And so I strongly oppose this bill, and urge everyone else in this body to do likewise.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself so much time as I may consume.

Mr. Speaker, I rise in opposition to this bill, H.R. 2176. In unanimity and purpose and philosophical intent with the chairman of the full Judiciary Committee and, by the way, in consistency with all of the folks who voted on this bill out of the Judiciary Committee, regardless of the assertions of who had actual jurisdiction, that's where it was directed.

I'm interested in this bill for a number of reasons. First of all, when you have a reservation where they comply with regulations and go through the Indian Gaming Act and get the authority to establish a gaming facility, that's on the reservation. But I would submit, Mr. Speaker, that 350 miles away is off the reservation. And I think the motive of this thing is way off the reservation.

In fact, the precedent that would be set by this bill would be a precedent, and I understand there's language in the bill that says it doesn't set a precedent. My comment is, Yeah, right. Everything we do around here sets a precedent. In fact, it sets a pattern for the rest of the reservations in the country.

We've got to say "no" at this point. If not, we will be back here. The chairman of the Judiciary Committee's comment is well taken. It sets a pattern that all of the reservations and the tribes in the country will look at, and they will say how can we also go off the reservation and establish a gaming facility.

For those reasons, I oppose this bill, H.R. 2176.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve.

Mr. CONYERS. Mr. Speaker, I would yield 3 minutes to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise once again in strong opposition to H.R. 2176. I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

This debate is not about the right of American communities and Indian tribes to participate in gaming. I have no problem with other communities trying to replicate Las Vegas' experience, which has been so very successful, and I support the rights of tribes to participate in gaming on their reservations as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act by using a bogus land claim, a bogus land claim that has already been tossed out of both Federal and State courts.

Now, our proponents say that we are here because we want to improve a legitimate land claim and want to have justice for our Indian friends. Well, justice has already been served. This bogus claim has been thrown out of Federal court and State court.

The result, if this bill passes, will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And 350 miles is a very substantial amount. It is from Washington, D.C. to Cleveland, Ohio. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming off their reservations. Let's circumvent the Indian gaming laws, come directly to Congress, and Congress can end up spending all of our time approving Indian gaming casinos on every street corner in every American city.

How do we know this land claim is bogus? Because the chairman of the Sault Ste. Marie Tribe called it shady, suspicious, and a scam until he joined with the other tribe and switched his position.

More than 660 tribes are opposed to this legislation in which Congress, for the first time, will allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming. This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, more than 60 tribes across the United States, and by a unanimous vote of the Judiciary Committee.

To sum up this issue, Congress is being asked to pass special interest legislation benefiting only two tribes, each of which already has gaming.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. CONYERS. I yield the gentlelady 15 more seconds.

Ms. BERKLEY. This, remember, is based on a suspect land claim that has already been thrown out of the State and Federal courts so that they can open up a casino hundreds of miles from their ancestral lands and in direct competition with existing facilities.

I urge a "no" vote on this very bad piece of legislation.

Mr. KING of Iowa. Mr. Speaker, I reserve.

Mr. RAHALL. Mr. Speaker, would you tell us how much time is left for all Members.

The SPEAKER pro tempore. The gentleman from West Virginia has 15 minutes remaining; the gentleman from Alaska, 14½; the gentleman from Michigan, 3 minutes; and the gentleman from Iowa, 8½.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 3 minutes to the distinguished member of our Committee on Natural Resources, a member of my class as well, and from the State of Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the land claim settlement legislation relating to the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Michigan. I have considered several factors that, when taken together, would move me to speak strongly in favor of final passage.

First, the legislation before us has bipartisan gubernatorial support. In 2002, then-Republican Michigan Governor John Engler signed two separate agreements between the Sault Ste. Marie Tribe and the Bay Mills Indian Community in order to settle the disputed, and still disputed, land claims in the Charlotte Beach area of Michigan. And, in November of 2007, the present Democratic Governor, Jennifer Granholm, amended and reaffirmed these agreements, and she strongly supports those bills.

Second, my own hometown of Flint, Michigan, supports bringing an Indian casino to the city. Flint Mayor Don Williamson gave testimony through the Natural Resources Committee this year, expressing his strong support for these proposals. And the City Council of Flint passed a resolution supporting similar legislation that was followed by the people of Flint voting in a citywide referendum in support of bringing an Indian casino to Flint.

Mr. Speaker, faced with Flint's economic difficulties and the need to settle these Indian land claims, I strongly support this bill.

Under the settlement agreement, the Bay Mills Indian Community would acquire one parcel of land in Port Huron, Michigan, while the Sault Ste. Marie Tribe would acquire one parcel of land, the location to be determined by the tribe with the approval of the local governing body. That site would be limited to the County of Monroe or to the City of Romulus or to the City of Flint.

Finally, as has been spoken before, only Congress has the legal authority to extinguish the land claims of Indian tribes, and it has done so on several occasions, and that is why this bill is before us today. And that law dates back to the first Congress of the United States.

To summarize, two Governors of Michigan have signed compacts with these two tribes to accomplish this. The three cities that would be affected have voted to welcome these tribes, and the three Members of Congress representing those cities are strongly in support of this bill. This bill will bring justice to these Indian tribes, and it will help the economy of the cities involved.

I strongly urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have listened very intently to this debate. The thing that bothers me the most is that this is about competition. That's all it is. Let's face it. It's competition.

☐ 1445

I'm a little disturbed that the casinos in Detroit that are owned by Indian tribes now are objecting to their brethren, because it's about competition.

We have been over this time and time again. This is not a new bill. This is an attempt to settle a land claim by those who own land and who no longer have title of it because of a court ruling. This is not just about casinos.

And by the way, to the chairman of the Judiciary, I did mention "casinos" in my statement. It's there, I want you people to understand, and I did mention "gaming," but I did say "casinos," too. I'm not trying to hide anything. This is their prerogative under IGRA to have the title to this land.

This land was not voluntarily given away. This land was taken. The State of Michigan said it was taken. The courts have said it was taken. These tribes have a legal title to this land. And, until they get that land, the people who now have homes, who have stores that have been inherited from their parents, that title is not theirs.

But we have those in Detroit and those interests from outside of Michigan that don't want any more competition. Competition, apparently, is bad for the American way. I think it's good.

Again, let's go back to those people who represent the area. And the Governor and the community all support this bill.

I reserve my time.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, point of order.

Can you ask that gentleman to sit down and to shut up up there? I don't care who he is.

The SPEAKER pro tempore. Occupants of the galleries will be in order.

Mr. CONYERS. I'm pleased now, Mr. Speaker, to recognize the chairperson of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK from Michigan, and I would yield her 1½ minutes and would ask the ranking member of the Judiciary to do the same.

Mr. KING of Iowa. I'm happy to yield 1 minute to the gentlelady from Michigan.

Ms. KILPATRICK. Mr. Speaker, I thank the chairman for yielding, as well as the gentleman from Iowa for yielding me my time.

This is about the law. This is about the law. This is about Michigan's law. In 1993, after 20 years of trying, the Michigan legislature—I, a member at that time, and others—passed a law that, after many referendums in the City of Detroit, a referenda would be held throughout the State of Michigan that said who could have casinos. We were allowed that after 20 years of working on that.

In 1994, back to the people of the State of Michigan, there was a referenda that said if you are to have a casino you must come back to the people. This law circumvents that. There are 18 Native American tribes in Michigan. All but two who are getting this casino deal do not support this legislation, mainly because, in the Michigan compact, Native Americans share in the net profits. This bill would not allow the other 16 tribes to share in the profits, thereby putting their own reservation casinos in jeopardy, while at the same time rewarding 2 and not the other 16 sharing the profits.

There's a way to fix this. Go back to the ballot box, which is what the Michigan law says. Let the people of Michigan speak on this. Casinos are regulated by States, as IGRA gives them that authority, not by the Federal Government.

Much has already been said, and I will tell you who opposes this: The Bureau of Indian Affairs, the U.S. Department of Interior, the National Indian Gaming Association, UNITE HERE, AFSCME, NAACP. We can fix this, but go through what everybody else went through to get gaming and casinos in their community.

The Native Americans asked for it. Over 60 tribes across this country oppose this legislation. Why must we circumvent them and come here? It's not about competition, as Americans love competition, and we support that. Go through the process. Respect the law.

Native American tribes deserve better, and we want to see that happen.

Mr. Speaker, thank you for your kind consideration and care when, in December of 2007, you agreed with me that both of these bills should not be brought to the floor without being considered under regular order. The House Natural Resources Committee and the House Judiciary Committee both had hearings on these bills, and while the Natural Resources Committee reported the bill favorably by a 21 to 5 vote, the House Judiciary Committee reported the bill unfavorably by a zero to 29 vote. Since that vote, both of these bills are opposed by 16 of the 18 tribes that are in the State of Michigan; and opposed by over 60 Native American tribes across the country; by both Michigan's AFSCME and the NAACP; and finally, the U.S. Department of Interior not only opposes the bills but questions the validity of the land claim that they purport to forward.

In essence, both of these bills will allow two Native American tribes located in Michigan's

Upper Peninsula to build casinos 350 miles from their reservations and near the city of Detroit and in Port Huron, Michigan. I vehemently oppose both of these bills.

My reasons for opposing these bills, which will allow land to be taken into trust for gambling purposes for the settlement of proposed land claims, are actually very simple. These bills set a dangerous precedent for Congress; they contravene Michigan State law; they are very controversial among the tribes in Michigan and throughout Indian Country; it is not clear that these land swaps are valid; and finally, Congress has not had a comprehensive review of the Indian Gaming Regulatory Act, IGRA, in nearly two decades. Furthermore, it is important to note that these land claims have never been validated by the U.S. Government or any court of law. In fact, the courts have ruled against the Bay Mills Tribe on their claim on two separate occasions.

The people of Michigan have spoken at the ballot box about gaming expansion in our State. In 1994, they voted to allow three casinos in the city of Detroit. In 2004, the people voted to limit any more expansion of gaming unless there was a statewide referendum. In addition, the Michigan Gaming Compact specifically prohibits off-reservation gaming unless all of the tribes in Michigan agree to a revenue-sharing plan. These two bills are simply an attempt to circumvent both the will of the people of Michigan and the compact the Michigan State Legislature has made with the tribes in Michigan.

Instead, these bills would have Congress mandate not one, but two off-site reservation casinos located over 350 miles away from the reservations of these tribes. Moreover, the disputed land is located near the two tribes reservations in the Upper Peninsula but yet the land they want for a "settlement" is located 350 miles away near the city of Detroit. If these bills were to become law, what would prevent other tribes from seeking a land claim anywhere in the United States for off-site reservation gaming? Is this the real intent of the Indian Gaming Regulatory Act?

It is indeed ironic that in the 109th Congress, the House Resources Committee, on a bipartisan basis, passed legislation by an overwhelming margin to restrict off-site reservation gaming. Yet today, it now seeks to expand Native American gaming in an unprecedented manner.

Congress passed the Indian Gaming Regulatory Act in 1988 that allows tribes to conduct gaming on lands acquired before October 17, 1988. In 1993, former Governor John Engler negotiated a gaming compact with the seven federally-recognized tribes in Michigan, including the Bay Mills and Sault Ste. Marie Tribes.

In order to prevent a proliferation of Indian gaming across the State, a provision was added to the compact that required any revenue generated by off-reservation gaining be shared among the tribes who signed the compact. This provision has worked well for over 15 years. The two bills before Congress today would simply nullify this critically important provision of the Michigan Gaming Compact. Both of these bills would allow the tribes to; (1) settle a land claim that has never been validated and is located near their reservations in the Upper Peninsula of Michigan and (2) acquire lands 350 miles from their reservation to build casinos. Furthermore, these bills actually include gaming compacts in them that were never approved by the Michigan State Legislature who has approved every other gaming compact. It is important to note that Congress has never passed a gaming compact in the history of Indian gaming. IGRA specifically grants that authority to the States.

In 2004, the voters of Michigan spoke again in a statewide referendum and overwhelmingly approved a ballot initiative that would restrict the expansion of gaming in the State of Michigan. This referendum would require local and statewide approvals for any private expansion of gaming in Michigan.

The people and the elected officials of Michigan already have a solution to this matter—the ballot box. There is nothing in the referendum that would prevent the two tribes and their non-Indian developers from initiating a statewide referendum to get casinos in Port Huron and in Romulus. In fact, both of those cities have already passed local referendums. But the tribes and their developers decided to short-circuit the vote of the Michigan people and come to Congress to get a casino on a proposed land claim that is located near the tribes' reservation lands in the upper peninsula of Michigan.

I am aware that the Governor of Michigan has sent the House Natural Resources Committee a letter supporting these bills. You should know that there is no legal basis for the State to support these agreements because, in fact, the State has already won this case in the Michigan Court of Claims and the Bay Mills Tribe appealed it all the way to the U.S. Supreme Court. The Supreme Court subsequently declined to hear the case.

The Governor ignored the fact that the city of Detroit will be the main victim of the State's largess in these casino deals. The city of Detroit will lose hundreds of millions of dollars as a result of the competition of these new casinos and that will cause irreparable harm. Harm to whom? Harm to the current investors of the casinos in the city of Detroit, who have invested more than $1.5 billion in the construction of the three casinos in the city of Detroit. Harm to the thousands of jobs that have been created and the tax revenue that those jobs generate for the city of Detroit and the State of Michigan. Ultimately, this will harm the State. When compared to their private counterparts, Native American gaming sites, because they are sovereign nations and must share their revenue with other Native American tribes, do not bring in the tax revenue of private investors.

In the end, these two tribes are seeking to do an end-run around two statewide referendums and the Michigan Gaming Compact of 1993. Rarely have voters in any State in this country spoken so clearly on gaming issues. In light of all of this, it would be a travesty for Congress to mandate two off-site reservation gaming casinos that would have such a negative impact on the people in Michigan.

But, for the moment, let us ignore the impact that these bills will have on the city of Detroit. Let us ignore the precedent that these bills will set, allowing any Native American tribe to claim any piece of land hundreds of miles away, as their native tribal land. Let us ignore the fact that IGRA has not been reauthorized in more than two decades, and clearly needs to be revisited and revised by Congress. What I cannot ignore is the strong possibility that the very integrity of Congress is in jeopardy.

On October 10, 2002, in testimony before the Senate Committee on Indian Affairs, the chairman of the Sault Ste. Marie Tribe, Bernard Boushor, said "the Bay Mills case was a scam from the start." In testimony and information provided to the House Natural Resources Committee in February of this year, Saginaw Chippewa Chief Fred Cantu cited Chairman Boushor's testimony, stating that the original lawsuit on the land claim was a collusive lawsuit.

The proponents of this legislation have repeatedly stated that these bills are simply to address the aggrieved landowners in Charlotte Beach. But according to the Sault Ste. Marie Tribe "the Charlotte Beach claim did not originate with Bay Mills. It was a product of a Detroit area attorney who developed it specifically as a vehicle to obtain an IGRA casino . . . the goal was never to recover the Charlotte Beach lands."

How was this originally a collusive lawsuit? The Bay Mills Tribe sued Mr. James Hadley on October 18, 1996 who entered into a settlement in which he gave land to the Bay Mills Tribe 300 miles from their reservation to build a casino in Auburn Hills, Michigan. That plan was rejected by the Department of the Interior. The point is that Mr. Hadley was not an aggrieved landowner, he was an active participant in what the Sault Tribe described as "a collusive lawsuit" and "a scam."

I strongly encourage all of you to read the testimony of the former Sault Ste. Marie chairman before the Senate Committee on Indian Affairs, the testimony of the Saginaw Chippewa Chief Fred Cantu, and review the documents Chief Cantu provided to the Committee, which was provided to the House Natural Resources Committee at its hearing in February and to the House Judiciary Committee at its subsequent hearing.

There is a way to save the integrity of Congress. The Saginaw Chippewa Tribe has requested that the U.S. Department of the Interior investigate the land claims made by these tribes, and determine whether they are valid claims, worthy of Federal resolution. It is my understanding that the Department of the Interior is reviewing the validity of these land claims. I would urge the Committee to wait until this investigation is complete until it rushes into passing legislation that mandates off-reservation gaming.

Congress should not be in the business of handing out off-site reservation gaming casinos. It is my hope that the wisdom of Congress is the rejection of both of these bills for the following reasons:

These bills set a dangerous precedent for Congress by approving a compact which is a State, not a Federal, responsibility;

They contravene Michigan State law;

They are controversial among the Native American tribes in Michigan; indeed, nine out of Michigan's 12 tribes oppose these bills;

The city of Detroit would lose thousands of jobs and hundreds of millions of dollars in the investments made by the three casinos currently operating in Detroit;

The Bureau of Indian Affairs has already rejected a similar application for gaming in Romulus, Michigan;

These bills would involve the removal of valuable land from the tax rolls of the State of Michigan, resulting in the potential loss of even more revenue;

It is uncertain that these land swaps are legitimate, possibly jeopardizing the integrity of the U.S, Congress;

The Committee should allow the Department of the Interior the time to do their due diligence to determine if these are valid land claims; and

Congress needs to revisit, revise and reauthorize the IGRA, which has not had a comprehensive review in nearly two decades.

Let me state for the record, once again, that I am not opposed to more gaming in the State of Michigan. I am also not opposed to off-site reservation gaming. I have been opposed, am currently opposed, and will always be opposed to any measure, any bill, any regulation that says that the will of the people does not matter. The will of the people is tantamount. It is my hope that the wisdom of Congress prevails and that the voice of the people matters in rejecting these bills on the floor today.

Mr. RAHALL. I reserve the balance of my time, Mr. Speaker.

Mr. YOUNG of Alaska. I reserve.

Mr. CONYERS. I've got to reserve. I've only got 1 minute left, Chairman RAHALL.

Mr. RAHALL. Mr. Speaker, I'll be glad to yield to the distinguished dean of the House of Representatives—the gentleman from Michigan, a dear friend to all of us regardless of our position on this issue—Chairman JOHN DINGELL, 5 minutes.

Mr. DINGELL. I want to commend and thank my good friend from West Virginia and my good friend from Alaska for their gracious kindness in this matter.

This is a cry for justice from Indians who have had their land unjustly and improperly taken from them. It is not a violation of Indian gambling law, and this is the only place in which those Indians can get justice. They asked for justice.

Now, you've just heard a lot of things, and there are a lot of people on this floor who are entitled to their own view, but they are not entitled to their own facts.

What are the facts? Under Michigan law, this is legal. Here's a copy of the vote and the ballot that was put before the people of Michigan. It specifically excludes this kind of transaction, and it says that it will "not apply to Indian tribal gaming" and then goes on to say "or gambling in up to three casinos located in the City of Detroit." It doesn't apply. That's hooey.

Now, let's take a look. The claim is legitimate. The land was stolen from the Indians in an improper tax sale, and until this matter is resolved, there will be no peace in the area. The Indians will be denied justice, and land titles and land settlements in the northern part of Michigan will be clouded for years to come.

This came out of the committee 22–5. It has been heard many times.

Now, the legislation follows—it does not set—congressional precedent in dealing with Indian land claim settlements. In fact, the Congress, as mentioned by the gentleman from Michigan, has the sole power to extinguish land claims, since the very first of the Congress, and it follows precedents set by Torres Martinez, the Timbisha Shoshone, the Mohegan Tribe, the Seneca Nation of New York, and the Mashantucket Pequot Tribe in 1983.

This is drastically different than off-reservation gambling. In that scenario, the tribe purchases land and then the Secretary lets them go down there and gamble. This is not so. As mentioned, it fully complies with the requirements of the Indian gambling law.

The land was not selected by the Indians. It was selected by the Governor of the State of Michigan, John Engler, and it was ratified by the Michigan legislature and by our current Governor, with a change in the law.

The votes of the people of the communities have supported the fact that if gambling is to occur in these communities it will occur. The people of the State of Michigan, the people of the cities involved have come out and have said they want this to take place.

Let us give justice to the Indians. The bill does not, I repeat, violate the will of the people of the State of Michigan.

And the legislation is going to bring desperately needed jobs to southeast Michigan, some 4,000 in my district, some 1,000 in that of the distinguished gentlewoman from Michigan (Mrs. MILLER). It is supported by unions that believe that this will bring good union jobs to Michigan and that it will help the Indians.

As repeated, there are two groups here who oppose this legislation. One group is of those who legitimately oppose gambling. That's a matter of concern to them, and I respect their judgment. The rest are those good-hearted folk who seek an unfair advantage. They want to protect and preserve their outrageous monopoly on gambling. That's what's at stake. That's all that's involved here; a bunch of good-hearted people are seeking special preference for themselves.

A Member came over to me, and he talked about Abramoff. I remember Abramoff, a very unsavory individual, and the interesting thing is that Abramoff was hired at a high price to oppose the legislation we are discussing today. So, if you're concerned about voting with Jack Abramoff, don't vote against the bill; vote for the bill. The Abramoff vote is a "no" vote. The right vote is an "aye" vote.

Vote to give justice to the Native American people. The citizens of the communities in which these facilities will be located legally, legitimately and properly are, in my district, in one city, 100 percent African American and, in the other, 50 percent African American. There is no racial question here. If you are looking to do racial justice, support the legislation. Take care of the Native Americans, and take care of the African Americans who will benefit from these jobs.

I urge my colleagues to support the legislation.

Mr. KING of Iowa. Mr. Speaker, I'd be happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today in opposition to this legislation, H.R. 2176, which consolidates two bills that promote off-reservation tribal gambling.

Why is a guy from Pennsylvania talking about this issue today? Well, this bill sends a signal that reservation shopping, under the Indian Gaming Regulatory Act, IGRA, is okay. Well, it's not okay, and it is out of control.

The bill before us today would create Indian governmental' entities, tribal casinos, on lands that are more than 300 miles from the homelands of these tribes. Creating a far-flung string of casinos on lands with no connection to the tribe's heritage was not the intent of IGRA.

Establishing these off-reservation casinos has absolutely nothing to do with the preservation of Indian culture. It is about money, pure and simple. Twenty years ago, before IGRA, there were no tribal casinos in this country. Now there are more than 400, and tribal gambling is currently a $19 billion a year business.

That is precisely the reason why I introduced H.R. 2562, the Limitation of Tribal Gambling to Existing Tribal Lands Act of 2007, which would preclude new casino development on lands that are taken into trust as part of a settlement of a land claim. That bill was inspired by efforts of a tribe, located more than 900 miles from Pennsylvania, to force homeowners and business owners in my district off their properties, just so yet another tribal casino could be built, all based on a 1737 land conveyance, all designed to displace 25 homeowners, a crayon factory—Crayola crayon, we all know the product—and many other businesses.

And, with respect to the Abramoff comments that I have heard, I'll be the first to acknowledge that, as to Mr. Abramoff's actions, he did take advantage of the tribes, but it was the tribal gambling issue that was the source of the corruption.

And I think the proper vote is a "no" vote on this legislation.

Again, for those of us who have had to deal with these off-reservation shopping issues, it's very painful for the homeowners, as much as when the Supreme Court went along. Defeat the bill.

Mr. RAHALL. May I have the time that is left?

The SPEAKER pro tempore. The gentleman from West Virginia has 7 minutes remaining. The gentleman from Alaska has 13. The gentleman from Michigan has 1½ minutes, and the gentleman from Iowa has 5½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to a dear colleague of ours from Michigan as well, to a gentleman who has been very tenacious for many, many years in seeing this bill to its fruition, the gentleman from Michigan (Mr. STUPAK).

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Mr. STUPAK. I thank the gentleman for yielding.

Much has been said about this legislation, my legislation. I want to thank Chairman RAHALL and Mr. YOUNG for their leadership in helping me correct a grave injustice, not just for the Native Americans, but also for the non-Native Americans, my constituents.

I encourage my colleagues to support this bill, H.R. 2176, which is a commonsense fix of a very serious matter. The bill would provide for the settlement of certain land claims of the Bay Mills Indian Community and of the Sault Ste. Marie Tribe in Michigan.

I have been working on this problem for over 10 years, and I first introduced legislation in 1999 in an effort to resolve this issue. I became involved in this land claim dispute at the request of the property owners at Charlotte Beach, not of the Native American tribes. Tribal claims to the land have created a cloud on their title, owned by my constituents in Charlotte Beach.

As a result, local assessors have reduced the property values of the Charlotte Beach land owners by 90 percent because of the valid clouded title created by the Indian land claim dispute.

The tribes' claim to the land in question dates back to 1855, when the U.S. Government signed the Treaty of Detroit, deeding the land to the tribes. However, the land was later sold to non-native land speculators without the Native Americans' consent, eventually resulting in an eviction of the tribal members.

In order to finally resolve this land claim dispute, a settlement agreement was reached in 2002 between former Governor John Engler and the tribes. The settlement agreement has been reaffirmed by Michigan's current Governor, Governor Jennifer Granholm.

After years of extensive negotiations between the parties, this bill represents a straightforward solution to this localized problem in my district.

In order to implement this agreement, Congress must approve the negotiated land settlement. Unfortunately, incumbent casino gaming interests are opposed to this commonsense solution, and they have circulated misleading information in an attempt to derail this legislation. So let me take the opportunity to set the record straight on my legislation.

First, this bill has nothing to do with "off-reservation gaming acquisitions." It is a land claim settlement. Off-reservation gaming occurs when a tribe purchases private land and petitions the Secretary of Interior to place the land into trust for gaming purposes. This legislation ratifies a land claim settlement negotiated by the State of Michigan. This was done under the authority granted in IGRA's land claim exception clause.

Second. In regards to the argument against the location of these lands, the selected lands were chosen by Governor John Engler in consultation with local communities, not with the tribes. The sites were selected for economic development. Local support had been expressed through a local referendum and through unanimous resolutions by the cities and counties, and it has an existing gaming market on the Canadian side of the border where U.S. dollars are being spent.

Our legislation follows, rather than sets, congressional precedent for settling land claim disputes. Congress has passed over a dozen settlement acts on which replacement lands are eligible for gaming, including two that specifically state that the land is eligible for gaming, most recently that of the Torres Martinez Tribe of California and that of the Timbisha Shoshone Tribe, in 2000.

Our legislation does not violate the wishes of Michigan voters. Opponents have attempted to confuse Members about the wishes of Michigan voters on this issue by citing passage of the 2004 referendum, which seeks to limit the expansion of private gaming in our State. The actual wording of the referendum states, "A voter approval requirement does not apply to Indian tribal gaming."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. Mr. Speaker, I yield the gentleman 15 seconds.

Mr. YOUNG of Alaska. Mr. Speaker, I will yield the gentleman 15 seconds, too.

The SPEAKER pro tempore. The gentleman from Alaska also recognizes the gentleman from Michigan for 15 seconds, so the gentleman from Michigan is now recognized for a total of 30 seconds, of which none have been yet exhausted.

Mr. STUPAK. So the actual wording of the referendum states, "A voter approval requirement does not apply to Indiana tribal gaming."

By passing H.R. 2176, Congress will bring about a final resolution to this land claim dispute that has been going on for more than 100 years. Without congressional approval, the land exchange cannot be completed, and the residents of Charlotte Beach, my constituents, will continue to face clouded land titles and economic hardships.

I urge my colleagues on both sides of the aisle to ignore the rhetoric from those attempting to protect casinos.

Support this land claim settlement. Support H.R. 2176.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I'm listening with great interest to this debate that we have here on this floor, and it's interesting the unique way that the Michigan delegation doesn't agree on this.

As I've listened to the presentation made by the gentleman, Mr. DINGELL, and to the intensity with which he speaks, certainly, I've listened to the argument, but I'll say this: The situation with this legislation is that the land in question becomes part of the reservation, and when it becomes part of the reservation, we all know it's going to be turned into a gaming casino. So to argue that this only settles a land claim—the courts had their opportunity to settle the land claim, both the State court of Michigan and the U.S. Federal court, and that's why we're here.

The people who are pressing this claim on the floor of this Congress didn't get the resolution that they had asked for. They weren't able to prevail in court, so now they come to Congress and say, set a precedent so that we can, essentially, confer this land title on the Native Americans. When they take that title, it comes in trust. The Governor then takes the land in trust, but as soon as it goes in trust, it says that any and all claims are hereby extinguished to that land. So we're abrogating decisions made by the Federal court here and by the State court.

Mr. STUPAK. Would the gentleman yield on that point?

Mr. KING of Iowa. I would yield briefly.

Mr. STUPAK. On the Federal claim brought forth by Bay Mills, the Sault tribe was not part of that action, and the Federal court said, your cousins—the Chippewas of the Sault Ste. Marie Tribe—must be joined. Go back and get joined and come back later. In the meantime, they started negotiations in the State court. The State court said, you have a valid land claim, but we cannot give you economic damages because the 6-year statute of limitations has run. This claim should have been brought 100 years ago.

So that's the injustice we're trying to correct; they could not be given money damages because more than 6 years had lapsed. The statute of limitations had run.

Mr. KING of Iowa. Reclaiming my time, though, did not the two tribes then join together and go back to Federal court?

Mr. STUPAK. No.

Mr. KING of Iowa. I would yield to the gentleman if he could tell me why not.

Mr. STUPAK. Because they began the negotiation under IGRA, as required under section 20, to begin a negotiation with the Governor, and they had to make a settlement with the Governor, who can do it. So, instead of going back to court, they used the legislature and the Governor's office to work out a settlement to avoid further litigation.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman. I think that does add clarity to this debate. The option to go to the Governor and to the legislature and the option of the other things we've heard about was better than going back to court under those circumstances.

Mr. STUPAK. I thank the gentleman for his courtesy.

Mr. KING of Iowa. In any case, this legislation simply says that any claims now would be resolved if this legislation passes, "any and all claims, whether based on aboriginal or recognized title, are hereby extinguished." That's what this legislation does.

Then it says also "these are unique claims and shall not be considered precedent." We know, again, that everything that happens in this Congress sets a precedent and creates an idea and an avenue.

I'm faced with a situation that, I think, could be multiplied in its difficulty because of the actions this Congress may take today, Mr. Speaker. Perhaps I'll take that up in my closing remarks.

Mr. Speaker, at this point, I'll reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia has the right to close.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield 8 minutes to the good lady of the district that's represented, not from California, not from any other area such as Nevada and California, again, that oppose this legislation. She represents this area, and we ought to listen to her as to why she is for this bill.

Mrs. MILLER of Michigan. I thank the gentleman, my distinguished colleague from Alaska, for yielding and for his complimentary remarks.

Mr. Speaker, this issue has been waiting for a congressional vote for many, many years but not for as long as our Nation's history of sometimes mistreating Native Americans.

This case settles a land claim from over 100 years ago, at a time when our country treated Native Americans terribly and at a time when the State of Michigan, as has been said, literally stole this land from the Indians.

Throughout the decades that followed, Native Americans sought justice. Finally, former Michigan Governor John Engler negotiated a settlement that was agreed to by everyone involved. Let me just read briefly a section from his letter.

"As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the tribes promoting cooperation rather than conflict."

This land claim settlement is unique to Michigan, and it does not impact any other congressional district other than the three congressional districts of the people who are supporting it here who have spoken today, as have been mentioned. That is myself, Mr. STUPAK, and Mr. DINGELL. I would point out that, in a time of hyper partisanship, this is a wonderful example, I believe, of bipartisanship.

I would note that much of the opposition to this bill comes from Members of Congress who already have gaming in their districts, districts like Las Vegas or like the city of Detroit, and that their opposition is not based on ideology but on, rather, their not wanting any honest competition. I reject this on its face because I believe in the free market, and I believe in free market principles.

Some have said that this is stuffing a tribal land claim down the throat of a community that doesn't welcome it. Actually, the opposite is true. This legislation is supported by every elected official who represents the city of Port Huron in any capacity and at any level of government. As has been mentioned, there is the former Governor, John Engler; the current Governor, Jennifer Granholm; both United States Senators; myself, as a Member in the U.S. House here; the State senator; the State representatives; the county commissioners, and the entire city council.

Additionally, it has the support of civic groups, of business groups like the Chamber of Commerce, of educational leaders, and of labor unions like the UAW.

For those who might be concerned about what law enforcement thinks, we have letters here of support from the county sheriff, from the county prosecutor and from all of the police chiefs. Most importantly, it has the support of the citizens of the city, as evidenced by a citywide referendum vote in support.

The opponents of this legislation have said, first of all, that they don't want any competition. Therefore, they hope this bill will die. They have said, even though their communities and their districts have economic development, they need to protect that and that the citizens—the good Americans of a community like mine—cannot have fairness or economic opportunity.

Mr. Speaker, this is un-American, and I would hope that my fair-minded colleagues would reject that out of hand.

The opponents of this have also stated several outright untruths about this bill. They say that this bill will set a precedent, and that is false. In fact, in section 3(b) of this bill, it states the following: "The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State."

The opponents also say that this bill will allow for off-reservation gaming. This is also false. In fact, section 2(a)(2) of the bill states the following: "The alternative lands shall become part of the community's reservation immediately upon attaining trust status."

In fact, this site was not reservation shopping, as Mr. STUPAK has pointed out. It was specifically chosen because it is the only community with an international border crossing where there is already casino gaming on one side and not on the U.S. side.

They have also said that this legislation violates the process under the National Environmental Policy Act, also known as NEPA. Yet the legislation makes it very, very clear that the land cannot be taken into trust until it is determined that the land complies with NEPA.

They also say that this bill would violate the will of the people of Michigan because of a referendum that was passed in 2004, which required statewide voter approval for any expansion of gaming. This is completely false. As a former Secretary of State, I know a little bit about ballot language, and this is what the ballot language actually says: "Specify that voter approval requirement does not apply to Indian tribal gaming," which is exactly what this bill does.

I would offer as proof of this that, since the referendum passed in Michigan, several tribal casinos that are operated by some of the richest tribal opponents of this bill have actually opened facilities. Now, apparently, they didn't violate the will of the voters as long as they could make money. Yet they want to stop our communities, again, from fair competition. I would say please spare me the righteous indignation.

Mr. Speaker, it is no secret that my beautiful State of Michigan, that our beautiful State of Michigan, is suffering terrible, terrible economic challenges. We have the highest unemployment in the Nation. We have the lowest personal income growth in the Nation. We have the highest foreclosure rate in the Nation. We have the largest exodus of our young people. Our population is moving to other States to seek economic opportunity.

The city of Port Huron, that I represent, actually has one of the highest unemployment rates, not only in the State but in the entire Nation.

□ 1515

By the best estimates right now, it's anywhere from 14 to 16 percent. Some have said it could be even higher. And yet we try to pay our taxes. We educate our children. We always legitimately think of ourselves as patriotic Americans. We are proud, and we have never asked for a handout, and today we are only asking for Congress to ratify the compacts of our Governors so that we can help ourselves.

For those who think that a vote today against this bill will stop gaming in this community, let me just point out this photo here behind me, which is of a Canadian casino, which is about 282 yards away. Now, a good golfer, not me, but a good golfer could hit this Canadian casino. It's right across the St. Clair River, a short trip over the Blue Water Bridge, and about 80 percent of all of their revenues comes from American citizens. Mr. Speaker, I would say that those dollars should be spent in an American facility to help Americans get jobs.

This bill is all about fairness and opportunity, and I would urge my colleagues to vote "yes"; "yes" for private property rights, "yes" for the rights of States to negotiate in good faith and for the good of their State, and "yes" for Americans to have fairness and opportunity to compete with our wonderful Canadian neighbors for jobs in a community where the jobs are desperately needed.

And I would just close on a note: I have heard that there is a number of family values-type groups who are opposed to this. Let me just show you an example of a recent mailing ostensibly from a group called Michigan Family Alert.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. YOUNG of Alaska. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman.

Mrs. MILLER of Michigan. This is a so-called Michigan Family Alert, and, of course, it's saying that they are opposed to these casinos, and, if you're a family values person, you had better to be opposed too. And yet from Business Week what they have said is: "As it turns out, Gambling Watch is a tiny operation financed by MGM Mirage, one of the world's largest gaming companies, locked in a bitter dispute with two Native American Indian tribes that hope to open casinos in Michigan. The Las Vegas company inaugurated a new $800 million casino in downtown Detroit in October and is not in the mood for any competition."

And I close on that note.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I would be pleased to yield 45 seconds to the gentleman from California (Mr. ISSA).

Mr. CONYERS. Mr. Speaker, I yield the gentleman 15 additional seconds.

Mr. ISSA. Mr. Speaker, I thank you all for this moment and this minute.

I represent a great many tribes in California, none of whom will be adversely affected if this casino goes in or doesn't go in. I come to the floor as a supporter of tribal and historic rights and their gaming rights. I have absolute support for Native Americans having gaming on their tribal lands. I also have absolute support for private property. As the gentlewoman from Michigan would like to have private property respected, then the State of Michigan can license a casino on that site to anyone they want, including those Indians on lands that are not in trust.

We, as Federal officers, are being asked to put land in trust for purposes of a casino which has no historic link to the tribes receiving it. We should insist that tribal land be given appropriately in Michigan as close to as possible their historic land or in areas that are for some purpose other than manipulating and distorting the intent of our laws to create a casino.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairman from West Virginia for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2176, legislation that would ratify a longstanding tribal land claim in the State of Michigan.

The Bay Mills Indian community and the Sault Ste. Marie Tribe have worked for over a decade to achieve an agreement with the State of Michigan that would reinstate land rights that these tribes lost shortly after signing a treaty with the Federal Government in the 1850s.

In an effort to achieve justice for these tribes, who have sought to reclaim their lands for over 100 years and to protect the homes of over 100 families who currently reside on the disputed land in Charlotte Beach, the State of Michigan negotiated a land-swap settlement. That agreement would give the Bay Mills Indian community 20 acres of land in Port Huron and give the Sault Tribe up to 40 acres in Romulus or Flint. Under Federal law, the new lands provided to the tribes would be eligible for gambling casinos, just as the Charlotte Beach land would be eligible. The purpose of the land claim agreement is to give alternative land that has the same property rights as the land that was stolen from these tribes.

Mr. Speaker, two Governors from the State of Michigan and those Members of Congress whose districts are most affected have all endorsed the land-swap agreement that would give these tribes new lands in exchange for the 110 acres of land they lost in the 19th century.

There is no authentic argument against this bill. The legislation before us does not expand gaming, as some opponents have erroneously charged. This legislation simply restores justice to Native Americans in the State of Michigan and provides these Indians there an opportunity to raise badly needed revenues.

I urge adoption of the bill.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. How much time is left totally, Mr. Speaker? How much time does the Judiciary have, the majority and minority?

The SPEAKER pro tempore. The gentleman from West Virginia has ¾ of 1 minute remaining; the gentleman from Alaska has 4¼ minutes remaining; the gentleman from Michigan has 1¼ minutes remaining; and the gentleman from Iowa has 1¼ minutes remaining.

Mr. YOUNG of Alaska. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia.

Mr. YOUNG of Alaska. Mr. Speaker, I yield the gentleman, not for closing, but I will yield him 2 minutes of my time.

The SPEAKER pro tempore. The gentleman from West Virginia now has 2¾ minutes.

Mr. RAHALL. Mr. Speaker, I plan to close with that time; so I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control 2¾ minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, with my remaining time, I hope everybody recognizes again that what this is about is competition. That's all it is. In the meantime, there are two Native tribes, American Indians, that have a right under IGRA to, in fact, have these lands that they negotiated with the Governors, the State legislature, the communities, and reached a deal; yet this is the last body that has the ability and the responsibility of settling disputes on lands owned by or not owned by American Natives. Not the courts, no one else. And that's why we are here today.

It does disturb me, when I see other tribes that actually have the backing of other institutions outside the State of Michigan, the city of Detroit, that oppose their brethren from achieving the same goals they did. I'm also disturbed because we have those that are non-Native that have their title in question that will never, in fact, unless we act, have that title cleared up. And that's our responsibility in this body.

There is justice, there should be justice, for American Indians. And, by the way, I believe I am the last one on that committee that voted for the original gaming legislation for American Natives. Chairman UDALL and I passed that legislation. I believe Mr. DINGELL probably voted for it, and maybe Mr. CONYERS voted for it at that time because we thought there was an opportunity there to improve the economic base of the American Indian, and we approved correctly.

Now, those that oppose gaming, I understand that. I don't gamble. That's not my thing. But I also will tell you I don't disrespect those who do gamble. And as the gentlewoman from Michigan (Mrs. MILLER) said, I could even hit a golf ball across that river to that gaming place in Canada, and I want some of that Canadian money to come down to America instead of its going from America to Canada.

In the fairness of this bill, we should vote "yes." In fairness to the American Indians, we should vote "yes." This legislation should become a reality. The State of Michigan Senators support it. The Governors support it. The legislature supports it. The communities support it. The police officers support it. And only those that oppose it have another interest.

I urge a "yes" vote.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an interesting debate, and some things come to mind that I don't believe have been adequately answered. I'm going to ask the question and hope that someone answers it with the time they have left rather than asking me to yield them time.

What is the claim the two tribes have on this land and the distinction between it and all the rest of the State of Michigan? I think that's a good question.

When I look at this situation, I apply it to the district that I represent. And I have represented two reservations, two tribes, and two gaming casinos for the last 11½ years. Now I have an outside tribe that has just been created within the last generation that has come in and bought land within my district in order to set up a health care clinic, and now the bait and switch takes place and it's going to be a casino instead. They get some of their problems cleared by this bill, 2176, if it passes today because, regardless of whether the bill says it's a precedent, it's a precedent. If it's not about money, it's about money, as we heard the chairman say. Where could a tribe not establish a casino if they determine to do so? Any land that they could buy for whatever purpose, whether it was a bait and switch or whatever, this opens up the door. As the gentlewoman from Las Vegas said, we could end up with casinos everywhere.

But we need to stand on some principle, and I don't see that the land is a consistent principle that can be defended in this case, Mr. Speaker. I oppose 2176. I urge that it be defeated.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Las Vegas 25 seconds.

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I just want to end this myth about competition.

How can anybody claim that the gaming casinos are afraid of competition and the free market when the tribes are playing by a different set of rules? Talk about unfair competition, the Indians don't pay taxes on their casinos, and that's why they are so successful. So I don't want to hear any nonsense about competition and fear of competition. That's a lie.

Mr. CONYERS. Mr. Speaker and members of the committee, the only reason we are here today, and I admire all of the devoted people to the cause of our Native Americans, is that these two casinos are located not 5 miles or 10 miles away but 345 miles and 348 miles away. That's why we are here. And by rationalizing that, guess what's going to happen? We are going to have the biggest casino forum shopping this country has ever known because we will have done it here listening to people explain to me about Abramoff's role and how important this is, so compelling.

So, please, vote "no."

☐ 1530

Mr. RAHALL. Mr. Speaker, as we conclude this debate, I would like to take this opportunity to implore the other body to act upon the Lumbee and the Virginia Tribe bills that this body had sent over for its consideration last year. The magnitude of injustice that has befallen these Indian people is almost beyond comprehension.

To the matter at hand. One hundred fifty-three years ago, ladies and gentlemen, that is when these tribes were robbed of their land. The historic record shows they were swindled out of their promised land. This has been their version, their own version of the Trail of Tears. We must not continue to condone that.

We have a higher calling in this body. This is a matter about rising above the petty differences, it's about making restitution and making the tribes involved whole, making the tribes involved whole, and as well clearing title to land where the good people of Charlotte Beach reside.

So I would say to those of my colleagues with concerns over this measure, look into your souls. There, it is my hope, that you will find justice to this cause, to this land claim settlement. The pending legislation, I might add, is supported by the United Auto Workers, the International Union of Operating Engineers, and the International Union of Machinists.

As I conclude, let me say again that it is time we move on so that we can address other issues of importance to Indian country, such as the Indian Health Care Improvement Act, reported out of the Committee on Natural Resources; self-governance issues; other land and economic development issues, such as with the Catawba in South Carolina.

There are many other Indian tribes in Indian country around our country that have many injustices yet to be addressed by the Congress of the United States. We have to look into our souls and decide that it is time to move above these petty differences, to realize that it is incumbent upon us in the Congress to address these issues when others will not.

So I implore my colleagues to support the pending legislation as well as ending many other injustices to our first Americans, our native Indians.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1298, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HENSARLING. Yes, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hensarling of Texas moves to recommit the bill H.R. 2176 to the Committee on Natural Resources, with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, insert the following:

TITLE III—REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES

SEC. 301. REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is repealed.

Mr. RAHALL. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from West Virginia reserves a point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Thank you, Mr. Speaker.

As I listened very carefully to this debate, it is clear that the majority of the speakers feel very passionately that this is a debate about economic development for the region, a distressed region of Michigan. It's about economic development for a Native American tribe. Someone would have to be totally out of touch with their constituency not to realize that the number-one challenge to the economic well-being of our citizens is the high cost of energy.

So, Mr. Speaker, this motion to recommit is very simple. It removes a provision in last year's "non-energy" energy bill that would prevent the government from using its purchasing power to spur the growth of American energy resources, such as coal-to-liquids technology, oil shale, and tar sands.

This is especially important since we know that right north of the border, right north of Michigan, that our neighbor to the north, Canada, is rich in these resources. Particularly, so much of their energy and many of their exports come from tar sands.

The real estate that we are talking about in question could be greatly impacted should the section 526 not be repealed. Because as most people know who have studied the issue, Mr. Speaker, the United States Air Force wishes to enter into long-term contracts in order to help develop these promising new alternative energy alternatives. Yet in the Democrat "non-energy" energy bill, they would be effectively prevented from doing so. That will clearly have an adverse impact upon the economic growth, the economic well-being of the Native American tribe in question, not to mention the real estate in question as well.

So, again, Mr. Speaker, when we look at energy, energy now has become a health care issue. It has become an education issue. It is certainly a Native American issue. It is an economic growth issue as well. What has happened is we have seen that the Democrat majority simply wants to bring us bills that somehow believe that if we beg OPEC, we can bring down the price of energy at the pump. Maybe if we sue OPEC, we can bring down the price of energy at the pump. Maybe if we somehow berate oil companies, that will cause prices to go down at the pump. Maybe we should tax them. Well, they will take those taxes and put it right back in their price.

But what the Democrat majority hasn't decided to do is to produce American energy in America and bring down the cost of energy that way. Not only have they decided not to do it, Mr. Speaker, they are moving in the complete opposite direction with this section 526, which prevents the Federal Government from contracting in order to spur the growth of these promising alternative fuel sources, like coal-to-liquid technology, like oil shale, like tar sands. They are moving in the complete opposite direction.

Mr. Speaker, not unlike probably yourself and many of my other colleagues on the floor on both sides of the aisle, we hear from our constituents. I have heard from a constituent that says the high cost of energy now is preventing them from having three meals a day. The high cost of energy has caused them to have their adult children to have to move back in with them. Yet our Democrat majority will not bring a bill to the floor that actually produces American energy.

What Republicans want to do on this side of the aisle is, number one, continue to develop our renewable energy resources. Mr. Speaker, before coming to Congress I was an officer in a green energy company. Those technologies are promising. But, Mr. Speaker, until they are technologically and economically viable will be years to come. In the meantime, people have to take their children to school every day. People have to go to work every day. Many have to go and see their physicians.

And so we need to bring down the cost of this energy now. We know that we haven't built a refinery in America in almost 30 years. Our capacity is down. We are having to import not just crude but we are having to import refined gasoline as well. Yet, the Democrat majority does nothing, does nothing to help build more refineries.

We need diversification. We need nuclear energy. We sit here and talk to the American people about the threat of global warming, yet we know nuclear energy has no greenhouse emissions whatsoever.

It's imperative that we pass this motion to recommit and get more American energy today.

POINT OF ORDER

Mr. RAHALL. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RAHALL. Mr. Speaker, certainly after listening to the gentleman's diatribe, or whatever it was he was talking about, it's certainly not related to the pending legislation. Never once did I hear the word "Indian." It's a further example of the petty politics the minority is trying to play with the serious problems confronting the American people.

I insist on my point of order, and I raise a point of order that the motion to recommit contains nongermane instructions, in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter to the pending legislation.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HENSARLING. Mr. Speaker, I wish to be heard.

Again, Mr. Speaker, I don't know how, when you can have speaker after speaker come to the floor and say essentially this is a bill having to do with the economic well-being of a distressed area of Michigan, the economic well-being of a Native American tribe, and not believe that somehow the cost of energy factors into the economic well-being.

We are talking also about a piece of real estate. We are talking about the value of underlying minerals in this piece of real estate that will be greatly impacted on whether or not this section 526 is repealed or not.

I would just simply ask the Speaker, when is it germane to bring a motion to produce American energy in America and bring down the high cost of energy for the American people? If not now, when, Mr. Speaker? When will the Democrat majority allow these motions to be voted on?

The SPEAKER pro tempore. The Chair is prepared to rule.

The bill, as amended, addresses settling certain land claims of two tribal communities in the State of Michigan. The instructions in the motion to recommit address an entirely different subject matter; namely, alternative fuel procurement. Accordingly, the instructions are not germane. The point of order is sustained. The motion is not in order.

Mr. HENSARLING. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the passage of the bill if no further proceedings in recommittal intervene.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 19, as follows:

[Roll No. 457]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Cantor
Cubin
Cummings
Delahunt
Fossella
Gohmert
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Rush
Salazar
Snyder
Speier
Sullivan
Sutton
Yarmuth

☐ 1605

Mrs. CAPITO and Mr. BURTON of Indiana changed their vote from "yea" to "nay."

Messrs. CROWLEY, UDALL of New Mexico, ABERCROMBIE, LYNCH, and ROTHMAN changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RAHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 121, nays 298, not voting 15, as follows:

[Roll No. 458]

YEAS—121

Abercrombie
Allen
Andrews
Arcuri
Baldwin
Barrow
Barton (TX)
Bean
Berman
Berry
Bilbray
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carney
Castor
Clay
Clyburn
Cole (OK)
Cramer
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Ellsworth
Engel
English (PA)
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Hall (TX)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Inslee
Jackson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kind
King (NY)
Kuhl (NY)
LaTourette
Levin
Lipinski
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Matsui
McCrery
McHugh
McKeon
McNulty
Melancon
Michaud
Miller (MI)
Miller, George
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Olver
Ortiz
Pallone
Pastor
Paul
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Schakowsky
Serrano
Sires
Smith (WA)
Solis
Space
Stupak
Tanner
Tierney
Towns
Udall (CO)
Velázquez
Walsh (NY)
Wasserman Schultz
Watson
Welch (VT)
Wilson (OH)
Wu
Young (AK)

NAYS—298

Ackerman
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Becerra
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kaptur
Keller
Kilpatrick
King (IA)
Kingston

Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Yarmuth
Young (FL)

NOT VOTING—15

Cannon
Cubin
Cummings
Delahunt
Fossella
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Ros-Lehtinen
Rush
Snyder
Speier
Sutton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1614

Ms. GINNY BROWN-WAITE of Florida and Mr. PAYNE changed their vote from "yea" to "nay."

Mr. BUTTERFIELD changed his vote from "nay" to "yea."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1615

ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to H. Res. 1299, I call up the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Restoration Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act "establish a clear and comprehensive prohibition of discrimination on the basis of disability," and provide broad coverage and vigorous and effective remedies without unnecessary and obstructive defenses;

(2) decisions and opinions of the Supreme Court have unduly narrowed the broad scope of protection afforded in the ADA, eliminating protection for a broad range of individuals who Congress intended to protect;

(3) in enacting the ADA, Congress recognized that physical and mental impairments are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, but Congress also recognized that people with physical or mental impairments having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(4) Congress modeled the ADA definition of disability on that of section 504 of the Rehabilitation Act of 1973, which, through the time of the ADA's enactment, had been construed broadly to encompass both actual and perceived limitations, and limitations imposed by society;

(5) the broad conception of the definition had been underscored by the Supreme Court's statement in its decision in School Board of Nassau County v. Arline, 480 U.S. 273, 284 (1987), that the section 504 definition "acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment";

(6) in adopting the section 504 concept of disability in the ADA, Congress understood that adverse action based on a person's physical or mental impairment is often unrelated to the limitations caused by the impairment itself;

(7) instead of following congressional expectations that disability would be interpreted broadly in the ADA, the Supreme Court has ruled, in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184, 197 (2002), that the elements of the definition "need to be interpreted strictly to create a demanding standard for qualifying as disabled," and, consistent with that view, has narrowed the application of the definition in various ways; and

(8) contrary to explicit congressional intent expressed in the ADA committee reports, the Supreme Court has eliminated from the Act's coverage individuals who have mitigated the effects of their impairments through the use of such measures as medication and assistive devices.

(b) PURPOSE.—The purposes of this Act are—

(1) to effect the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by restoring the broad scope of protection available under the ADA;

(2) to respond to certain decisions of the Supreme Court, including Sutton v. United Airlines, Inc., 527 U.S. 471 (1999), Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999), Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that have narrowed the class of people who can invoke the protection from discrimination the ADA provides; and

(3) to reinstate original congressional intent regarding the definition of disability by clarifying that ADA protection is available for all individuals who are subjected to adverse treatment based on actual or perceived impairment, or record of impairment, or are adversely affected by prejudiced attitudes, such as myths, fears, ignorance, or stereotypes concerning disability or particular disabilities, or by the failure to remove societal and institutional barriers, including communication, transportation, and architectural barriers, and the failure to provide reasonable modifications to policies, practices, and procedures, reasonable accommodations, and auxiliary aids and services.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) physical or mental disabilities are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, yet people with physical or mental disabilities having the talent, skills, abilities, and desires to participate in society frequently are precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;".

(2) by amending paragraph (7) to read as follows:

"(7) individuals with disabilities have been subject to a history of purposeful unequal treatment, have had restrictions and limitations imposed upon them because of their disabilities, and have been relegated to positions of political powerlessness in society; classifications and selection criteria that exclude persons with disabilities should be strongly disfavored, subjected to skeptical and meticulous examination, and permitted only for highly compelling reasons, and never on the basis of prejudice, ignorance, myths, irrational fears, or stereotypes about disability;".

SEC. 4. DISABILITY DEFINED.

Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) DISABILITY.—

"(A) IN GENERAL.—The term 'disability' means, with respect to an individual—

"(i) a physical or mental impairment;

"(ii) a record of a physical or mental impairment; or

"(iii) being regarded as having a physical or mental impairment.

"(B) RULE OF CONSTRUCTION.—

"(i) The determination of whether an individual has a physical or mental impairment shall be made without considering the impact of any mitigating measures the individual may or may not be using or whether or not any manifestations of an impairment are episodic, in remission, or latent.

"(ii) The term 'mitigating measures' means any treatment, medication, device, or other measure used to eliminate, mitigate, or compensate for the effect of an impairment, and includes prescription and other medications, personal aids and devices (including assistive technology devices and services), reasonable accommodations, or auxiliary aids and services.

"(iii) Actions taken by a covered entity with respect to an individual because of that individual's use of a mitigating measure or because of a side effect or other consequence of the use of such a measure shall be considered actions taken on the basis of a disability under this Act.".

(2) by redesignating paragraph (3) as paragraph (7) and inserting after paragraph (2) the following:

"(3) PHYSICAL IMPAIRMENT.—The term 'physical impairment' means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.

"(4) MENTAL IMPAIRMENT.—The term 'mental impairment' means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

"(5) RECORD OF PHYSICAL OR MENTAL IMPAIRMENT.—The term 'record of physical or mental impairment' means having a history of, or having been misclassified as having, a physical or mental impairment.

"(6) REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'regarded as having a physical or mental impairment' means being perceived or treated as having a physical or mental impairment whether or not the individual has an impairment.".

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking "against a qualified individual with a disability because of the disability of such individual" and inserting "against an individual on the basis of disability"; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "discriminate" and inserting "discriminate against an individual on the basis of disability".

SEC. 6. QUALIFIED INDIVIDUAL.

Section 103(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(a)) is amended by striking "that an alleged application" and inserting "that—

"(1) the individual alleging discrimination under this title is not a qualified individual with a disability; or

"(2) an alleged application".

SEC. 7. RULE OF CONSTRUCTION.

Section 501 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended by adding at the end the following:

"(e) BROAD CONSTRUCTION.—In order to ensure that this Act achieves its purpose of providing a comprehensive prohibition of discrimination on the basis of disability, the provisions of this Act shall be broadly construed to advance their remedial purpose.

"(f) REGULATIONS.—In order to provide for consistent and effective standards among the agencies responsible for enforcing this Act, the Attorney General shall promulgate regulations and guidance in alternate accessible formats implementing the provisions herein. The Equal Employment Opportunity Commission and Secretary of Transportation shall then issue appropriate implementing directives, whether in the nature of regulations or policy guidance, consistent with the requirements prescribed by the Attorney General.

"(g) DEFERENCE TO REGULATIONS AND GUIDANCE.—Duly issued Federal regulations and guidance for the implementation of this Act, including provisions implementing and interpreting the definition of disability, shall be entitled to deference by administrative bodies or officers and courts hearing any action brought under this Act.".

The SPEAKER pro tempore. Pursuant to House Resolution 1299, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Amendments Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of handicap under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases, and in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect; and

(5) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms "substantially" and "major" in the definition of disability under the ADA "need to be interpreted strictly to create a demanding standard for qualifying as disabled," and that to be substantially limited in performing a major life activity under the ADA "an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives"; and

(5) to provide a new definition of "substantially limits" to indicate that Congress intends to depart from the strict and demanding standard applied by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams and by numerous lower courts.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;"; and

(2) by striking paragraph (7).

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

"SEC. 3. DEFINITION OF DISABILITY.

"As used in this Act:

"(1) DISABILITY.—The term 'disability' means, with respect to an individual—

"(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

"(B) a record of such an impairment; or

"(C) being regarded as having such an impairment (as described in paragraph (4)).

"(2) SUBSTANTIALLY LIMITS.—The term 'substantially limits' means materially restricts.

"(3) MAJOR LIFE ACTIVITIES.—

"(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

"(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

"(4) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

"(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

"(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A

transitory impairment is an impairment with an actual or expected duration of 6 months or less.

"(5) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

"(A) To achieve the remedial purposes of this Act, the definition of 'disability' in paragraph (1) shall be construed broadly.

"(B) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

"(C) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"(D)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

"(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses). prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

"(II) use of assistive technology;

"(III) reasonable accommodations or auxiliary aids or services; or

"(IV) learned behavioral or adaptive neurological modifications.

"(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

"(iii) As used in this subparagraph—

"(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

"(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.".

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

"SEC. 4. ADDITIONAL DEFINITIONS.

"As used in this Act:

"(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

"(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

"(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

"(C) acquisition or modification of equipment or devices; and

"(D) other similar services and actions.

"(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

"Sec. 3. Definition of disability.
"Sec. 4. Additional definitions.".

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking "with a disability because of the disability of such individual" and inserting "on the basis of disability"; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking "discriminate" and inserting "discriminate against a qualified individual on the basis of disability".

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

"(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(5)(D)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.".

(c) CONFORMING AMENDMENT.—Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(1) in the paragraph heading, by striking "WITH A DISABILITY"; and

(2) by striking "with a disability" after "individual" both places it appears.

SEC. 6. RULES OF CONSTRUCTION.

Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended—

(1) by adding at the end of section 501 the following:

"(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

"(f) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by a person without a disability that he or she was subject to discrimination because of his or her lack of disability.

"(g) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C).";

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

"SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

"The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions contained in sections 3 and 4."; and

(3) in the table of contents contained in section 1(b), by redesignating the items relating to sections 506 through 514 as sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

"Sec. 506. Rule of construction regarding regulatory authority.".

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking "a physical" and all that follows through "major life activities", and inserting "the meaning given it in section 3 of the Americans with Disabilities Act of 1990"; and

(2) in paragraph (20)(B), by striking "any person who" and all that follows through the period at the end, and inserting "any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990.".

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes, and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent for all Members to have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3195.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3195, the Americans with Disabilities Act Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has made it possible for millions of productive, hardworking Americans to participate in our Nation's economy. Among other rights, the law guaranteed that workers with disabilities would be judged on their merits, not on their employer's prejudices.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of workers with disabilities who are protected from discrimination under the law. Workers with diabetes, cancer, epilepsy, the very workers for whom the Americans with Disabilities Act was intended to protect, can be legally fired or passed over for promotion just because of their disability.

In January, the Education and Labor Committee heard testimony from Carey McClure. Although he was diagnosed with muscular dystrophy at age 15, Carey had been working as an electrician for more than 20 years. Like so many other Americans with disabilities, Carey was able to find his way to successfully perform his job and all of life's daily tasks despite his disability.

Carey received an initial job offer from General Motors pending a physical. During the physical, the doctor asked Carey to hold his arms above his head. Carey could not. The doctor asked how he would perform his job if it required reaching over his head. Carey gave a commonsense answer: he would use a ladder. When General Motors learned that Carey had a disability, it rescinded the job offer. Carey challenged General Motors' decision because he thought the Americans with Disabilities Act would protect him. He was wrong. The court ruled that, since Carey had adapted to his condition by modifying the way he performed everyday tasks, like washing his hair, he was not disabled; and, therefore, was not protected by the Americans with Disabilities Act.

Because of Supreme Court rulings, Carey and many others are now caught in a legal Catch-22. The court has determined that, for individuals whose disabilities do not "prevent or severely restrict" major life activities and for those who mitigate their impairments through means such as hearings aids or with medications, they should not be considered disabled.

In other words, an employer could fire or refuse to hire a fully qualified worker simply on the basis of his or her disability, while maintaining in court that the worker was not "disabled enough" to qualify for protection under the law.

H.R. 3195, the legislation before us today, a bipartisan legislation, was introduced by Majority Leader HOYER and Congressman JIM SENSENBRENNER, and it remedies this problem. The bill reverses the flawed court decision and restores the original congressional intent of the Americans with Disabilities Act.

H.R. 3195 clarifies the definition of a "disability," ensuring that anyone with a physical or with a mental impairment that materially restricts a major life activity is covered under ADA.

In 2004, workers with disabilities lost 97 percent of the employment cases that went to trial. There has been no balance in the courts, putting workers at a distinct disadvantage. Too often, these cases have turned solely on the question of whether someone is an individual with a disability; too rarely have courts considered the merits of the discrimination claim itself.

H.R. 3195 stops the erosion of civil rights protections for people with disabilities while maintaining a reasonable solution supported by the business community.

The U.S. Chamber of Commerce states that H.R. 3195 "represents a balanced approach to ensure appropriate coverage under ADA."

The Human Resource Policy Association, whose members employ 12 percent of the U.S. private-sector workforce, also supports the bill. The organization says that the ADA amendment "would maintain the functionality of the workplace while providing important protections to individuals with disabilities."

H.R. 3195 makes it clear that the Americans with Disabilities Act protects anyone who faces discrimination on the basis of disability and that Congress intended the law to be constructed broadly.

Many of our Nation's injured veterans returning from the battlefield will also need the protections guaranteed by the ADA. When injured soldiers return to civilian life, whether they go back to a job or to school, they should not be subject to discrimination. This legislation will ensure that they will not have to fight another battle, this time for their economic livelihood.

The Supreme Court rulings have also reduced protections for students with disabilities. The ADA Amendments Act ensures that students with physical and mental impairments will be free from discrimination and that they will have access to the accommodations and to the modifications they need to successfully pursue an education.

This legislation has broad support: Democrats and Republicans, businesses and advocates for individuals with disabilities. I am pleased we were able to work together to get to this point.

It is time to restore the original intent of the ADA and to ensure that the tens of millions of Americans with disabilities who want to work and to attend school and to participate in our communities will have the chance to do so. I urge my colleagues to support this legislation.

Again, I would like to give a special thanks to Majority Leader HOYER of Maryland and to Representative JIM SENSENBRENNER of Wisconsin for their outstanding efforts on behalf of the Members of this House during these negotiations, to bring those negotiations between the civil rights community, the disabilities community, and the employer community to a successful conclusion, which is embodied in this legislation today.

I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I want to associate myself with the remarks that Chairman MILLER just made of thanking Leader HOYER and Mr. SENSENBRENNER for the work that they began in the last Congress and persevered to bring us to this point today.

The Americans with Disabilities Act was enacted in 1990 with broad bipartisan support. Among the bill's most important purposes was the protecting of individuals with disabilities from discrimination in the workplace.

By many measures, the law has been a success. I firmly believe that the employer community has taken the ADA to heart with businesses adopting policies specifically aimed at providing meaningful opportunities to individuals with disabilities.

However, despite the law's many success stories, it is clear today that, for some, the ADA is failing to live up to its promise. For example, the Education and Labor Committee heard testimony earlier this year from individuals who, I would stipulate, were intended to be covered under the original ADA. But in a perverse fashion, someone who was able to treat the effects of his or her disability through medication or technology was left without protection because they weren't "disabled" enough.

I don't think that is what the authors of the original ADA intended. I don't believe it is what we intend today, and I am glad that the bill before us addresses and corrects this issue.

Madam Speaker, we are here today because some individuals have been left outside the scope of the act's protections by court cases and by narrow interpretations of the law. Still, others have sought to massively expand the law's protections, an equally dangerous proposition.

Our task with this legislation is to focus relief where it is needed, while still maintaining the delicate balance embodied in the original ADA.

In the months since this bill was first introduced, I am pleased to say we were able to do so. Because the ADA extends its protections to so many facets of American life, there were four separate committees with the responsibility for moving the process forward. Equally important, this compromise was forged with representatives of many of the stakeholders who will be affected by this bill. It was truly a process of give-and-take.

For instance, even as we work to ensure the law's protections are extended to some who are currently excluded, such as those I mentioned earlier who were wrongly considered to be not "disabled enough," we define that expansion cautiously. Through the carefully crafted language of the bill, we will ensure, for example, that someone is not "disabled" under the ADA simply because he or she wears eyeglasses or contact lenses. That's an important limitation, and it is necessary to maintaining the intent and integrity of the ADA.

Also importantly, this version of the legislation maintains a requirement of the ADA, which is that, to be considered a disability, a physical or a mental impairment must "substantially limit" an individual.

As introduced, H.R. 3195 threatened to gut any meaningful limitation on the ADA by simply calling any impairment, no matter how trivial or minor, a disability. That was not the intent of

Congress in 1990, nor should it be today.

Madam Speaker, I support this bill, not because I think it is perfect but because I think it represents our best efforts to ensure that meaningful relief will be extended to those most in need, while the ADA's careful balance is maintained as fully as possible.

In recognition of that achievement, let me simply thank my colleagues on both sides of the aisle for honoring our shared commitment to work together on this issue that has the potential to touch the lives of millions of Americans. And I also want to thank all of the people who worked so hard—the members of the community most affected by this—and thank them for their efforts and patience in working with us.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the ADA Amendments Act, and I thank the gentleman for yielding. I want to recognize the fact that this act is championed by my good friend and colleague from Maryland, Majority Leader STENY HOYER.

☐ 1630

This crucial legislation would not have been possible without his leadership and that of Mr. SENSENBRENNER and so many of my other colleagues, and I thank all of them for their tireless efforts to ensure the continued inclusion and protection of people with disabilities in our society.

I would also like to extend my gratitude to all of the advocates of disability and business communities who have united behind this important cause and worked diligently with Members of Congress to ensure a fair and strong compromise.

The American Disabilities Act, or ADA, was truly one of the most significant pieces of civil rights legislation of the 20th century. As someone who has lived with the challenges of a disability both before and after the ADA's enactment in 1990, I have experienced firsthand the profound transformation this law has created in our society.

I remember well what it was like before the passage of the ADA and where accommodations were seen as personal courtesies or privileges as opposed to a civil right. I can remember what it was like coming down to Washington as a young intern for Senator Pell from Rhode Island and how challenging it was to find good, reasonable public accommodations. And I remember what it was like in Rhode Island before the ADA was passed in terms of voting, and I was not able to vote independently on my own. I had to have help in the voting machine. And it wasn't until after the ADA was passed and I became Secretary of State and changed our election system that it was truly possible to vote independently on my own.

The ADA has broken down countless barriers and helped millions of Americans to flourish in their personal and professional lives. It has also served as a vital tool against discrimination in the workplace and in public life. Unfortunately, a number of court decisions over the years have diluted the definition of what constitutes a disability, effectively limiting the ADA's coverage and excluding from its protections people with diabetes, epilepsy, muscular dystrophy, and various developmental disabilities.

The bill before us today reaffirms the protections of the ADA and renews our promise of equality for every American. The ADA has as its fundamental goal the inclusion of people in all aspects of society, and I am very pleased to say that the ADA Amendments Act brings us one step closer to that goal.

I urge my colleagues to support this bill and send a strong message that discrimination in any form will never be tolerated in this great Nation.

Mr. MCKEON. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I would like to thank the chairman for the time and for this legislation that is bipartisan.

When Congress passed the Americans with Disabilities Act nearly two decades ago, we did so to ensure that persons with disabilities can learn, work, and live their lives just like everyone else. People with disabilities just want the same opportunities as everyone else. And if their disabilities can be reasonably accommodated, we must make it possible and make sure that they are given the chance to do so.

By saying that people with disabilities who use medication or prosthetics to manage their disabilities are no longer considered disabled under the ADA Act, the courts have prevented many with disabilities from receiving the protections Congress intended for them.

H.R. 3195, the ADA Amendments Act, would ensure that the ADA protects all people with disabilities from workplace discrimination by clarifying the definition of discrimination. This bill further clarifies that individuals who are able to manage their disabilities enough to participate in major life activities, like holding a job, should still be entitled to protections from discrimination.

The ADA was passed to ensure that all people with disabilities have equal access and opportunities, and it's time that we bring back its original intent. Today we can do that. It's a matter of doing what is right.

I urge my colleagues to support H.R. 3195, the ADA Amendments Act of 2008.

Mr. MCKEON. Madam Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. I thank my chairman for yielding.

I would like to thank and congratulate him and Mr. MCKEON and Mr. SENSENBRENNER and others for their hard work on this. Mr. HOYER in particular.

Words have meaning. And when the original Americans with Disabilities Act was enacted, the word "disability" had a commonsense meaning. It meant if someone had a substantial impairment, mentally or physically, that would interfere with their ability to do something important, that was a disability. I think a hundred of Americans, if you stopped them on the street and asked them if they agreed with that, they would say "yes." Unfortunately, not enough of those Americans served on the United States Supreme Court, and we wound up with a tortured rendition of the definition of "disability" where people that we clearly would think were disabled were excluded from the protections of this law.

The authors of this bill worked long and hard to clear up that confusion and strike the right balance between the opportunities of Americans with disabilities and a fair set of ground rules for employers and other institutions in our society. I believe this legislation clearly strikes the right balance.

Something else is very important, too. It liberates the talents of people who have been heretofore kept out of the workplace and out of other institutions: the person in a wheelchair who might be the best computer programmer, the blind person who might be the best financial analyst, the person with tuberculosis who might be the best financial planner or health care technician. The talents of these individuals have too often been kept out of the fray.

This bill will put them back in the fray, put them back on the playing field and help not only Americans with a disability but all of us who will benefit from the liberation of their talent.

I congratulate the authors and urge a "yes" vote on this necessary and important piece of legislation.

Mr. MCKEON. Madam Speaker, I am happy to yield at this time to the Republican whip, who was so important in getting this bill here to the floor, such time as he may consume, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I am grateful to the gentleman for yielding me the time and the hard work he and Mr. SENSENBRENNER have done to bring this bill to this point.

Certainly, this bill does a lot to restore the original intention of the Congress as to what the Congress had hoped at the time that the Americans with Disabilities Act would be. I am pleased to be a cosponsor of the bill that's on the floor today. I think it strikes the right balance between protection for individuals with disabilities and the obligations of the requirements of employers themselves.

Ultimately, that partnership is the partnership that makes the most of people in the workplace and the skills they bring to the workplace. This ensures that people with disabilities, whom the Congress intended to cover by the original Americans with Disabilities Act long before I came to Congress, are now covered, as I understand it, by these changes, and that's important. It is better when there is a conflict between the courts and the Congress for the Congress to come back and say, "No, that's not what we meant. This is what we meant, and this is what we hope to happen in the country."

This prohibits consideration of mitigating circumstances in the determination of whether an individual has a disability. Of course, it continues to allow the normal eyeglasses and contacts and things like that as an exception in those circumstances.

Most of all, Madam Speaker, this bill puts people to work. This bill creates opportunity. This bill creates a workplace where the skills people can bring to the workplace are maximized, not minimized, where what they add to the total product of America makes America a more productive country and for them establishes a totally different set of goals, a set of aspirations, a set of ways that they look at the world every day and brings their skills in new ways to the workplace.

Madam Speaker, I am pleased to support this bill. I urge my colleagues to do the same and think that the approach we've taken here of the Congress itself going back and trying to clarify what the Congress meant is certainly better than letting the court determine perpetually what the Congress intended to do.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, does the gentleman from California have any further speakers?

Mr. McKEON. We have one more. They're not here yet. I reserve my time.

Mr. GEORGE MILLER of California. If we can reserve our time and let Judiciary go ahead and start using their time.

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) continues to reserve, and the gentleman from California (Mr. GEORGE MILLER) continues to reserve.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Thank you, Madam Speaker.

It is a pleasure to join the Education and Labor Committee. I would like to begin by recognizing the chairman of the Constitution Committee on Judiciary which held the hearings on the bill in the Judiciary Committee. I yield, therefore, to the gentleman from New York, JERRY NADLER, for 3 minutes.

Mr. NADLER. I thank the gentleman.

Madam Speaker, I want to commend the distinguished majority leader and the gentleman from Wisconsin (Mr. SENSENBRENNER) as well as the chairman of the Judiciary Committee and the chairman of the Education and Labor Committee for their leadership on this important legislation.

This bill would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

This bill fixes the absurd Catch-22 created by the Supreme Court in which an individual can face discrimination on the basis of an actual past or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress' intent, and this bill cures this problem.

Some of my colleagues from across the aisle have raised concerns that this bill might cover minor or trivial conditions. They worry about covering stomachaches, the common cold, mild seasonal allergies, or even a hangnail. I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mischaracterized by the courts as temporary or its impact considered too short-lived and not permanent enough.

That's what happened to Mary Ann Pimental, a nurse with breast cancer who challenged her employer's failure to rehire her into her position when she returned from treatment. Ms. Pimental was told by the court that her cancer was not a disability and that she was not covered by the ADA. The court recognized that "there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family." Yet the court still denied her coverage because it characterized the impact of her cancer "short-lived"—meaning that it "did not have a substantial lasting effect" on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagreed with the court that her cancer was short-lived and not sufficiently permanent.

This bill ensures that individuals like Mary Ann Pimental are covered by the law when they need it. The bill requires the courts—and the Federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with the passage of this bill, we will finally be able to focus on the important questions: Is an individual qualified? Might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy?

I therefore urge my colleagues to join me in voting for passage of H.R. 3195 as reported unanimously by the Judiciary Committee. I thank everyone associated with its passage.

Madam Speaker, I want to commend the distinguished majority leader and gentleman from Wisconsin, Mr. SENSENBRENNER, for their leadership on this important legislation.

H.R. 3195 would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is necessary to correct Supreme Court decisions that have created an absurd Catch-22 in which an individual can face discrimination on the basis of an actual, past, or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress's intent, and H.R. 3195 cures this problem.

H.R. 3195 lowers the burden of proving that one is disabled enough to qualify for coverage. It does this by directing courts to read the definition broadly, as is appropriate for remedial civil rights legislation. It also redefines the term "substantially limits," which was restrictively interpreted by the courts to set a demanding standard for qualifying as disabled. An individual now must show that his or her impairment "materially restricts" performance of major life activities. While the impact of the impairment must still be important, it need not severely or significantly restrict one's ability to engage in those activities central to most people's daily lives, including working.

Under this new standard, for example, it should be considered a material restriction if an individual is disqualified from his or her job of choice because of an impairment. An individual should not need to prove that he or she is unable to perform a broad class or range of jobs. We fully expect that the courts, and the Federal agencies providing expert guidance, will revisit prior rulings and guidance and adjust the burden of proving the requisite "material" limitation to qualify for coverage.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Some of my colleagues from across the aisle have raised concerns that this bill would cover "minor" or "trivial" conditions. They worry about covering "stomach aches, the common cold, mild seasonal allergies, or even a hangnail."

I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mis-characterized by the courts as temporary, or its impact considered too short-lived and not permanent enough—although it was serious enough to cost them the job.

That's what happened to Mary Ann Pimental, a nurse who was diagnosed with breast cancer after being promoted at her job. Mrs. Pimental had a mastectomy and underwent chemotherapy and radiation therapy. She suffered radiation burns and premature menopause. She had difficulty concentrating, and experienced extreme fatigue and shortness of breath. And when she felt well enough to return to work, she discovered that her job was gone and the only position available for her was part-time, with reduced benefits.

When Ms. Pimental challenged her employer's failure to rehire her into a better position, the court told her that her breast cancer was not a disability and that she was not covered by the ADA. The court recognized the "terrible effect the cancer had upon" her and even said that "there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family."

Yet the court still denied her coverage under the ADA because it characterized the impact of her cancer as "short-lived"—meaning that it "did not have a substantial and lasting effect" on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagree with the court's characterization of her cancer as "short-lived," and not sufficiently permanent.

This House should also disagree—and does—as is shown by the broad bipartisan support for H.R. 3195.

H.R. 3195 ensures that individuals like Mary Ann Pimental are covered by the law when they need it. It directs the courts to interpret the definition of disability broadly, as is appropriate for remedial civil rights legislation. H.R. 3195 requires the courts—and the Federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous, and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy.

I urge my colleagues to join me in voting for passage of H.R. 3195, as reported unanimously by the House Judiciary Committee.

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Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 18 years have passed since President George H.W. Bush signed the Americans with Disabilities Act into law. While that bill struck down many barriers affecting disabled Americans, its potential has yet to be realized. This is due to a number of Supreme Court decisions that have restricted ADA coverage for people suffering from illnesses such as diabetes, epilepsy, and cancer, to name a few. Today, this House takes the first step to finally secure the full promise of the original bill.

The bill that the House is voting on this afternoon has undergone a number of changes since I first introduced it in the 109th Congress. Today's ADA Amendments Act of 2008 is a compromise that has the support of a broad and balanced coalition. Business groups such as the U.S. Chamber of Commerce, the HR Policy Association, and the National Association of Manufacturers all back this bill. In addition, advocates for the disability community, including the American Association of People with Disabilities, the Epilepsy Foundation, and the National Disability Rights Network, join in support.

Majority Leader HOYER and I introduced the ADA Restoration Act last summer. We did so to enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA's protection. Today's bill makes it clear that Congress intended the ADA's coverage to be broad and to cover anyone who faces unfair discrimination because of a disability. To that end, we are submitting for the RECORD a statement outlining our legal intent and analysis of the new definition, as changed by the ADA Amendments Act of 2008.

The ADA Amendments Act makes changes to the original ADA, the primary one being that it will be easier for people with disabilities to qualify for protection under the ADA. This is done by establishing that the definition of disability is to be interpreted broadly. Another important change clarifies that the ameliorative efforts of mitigating measures are not to be considered in determining whether a person has a disability. This provision eliminates the Catch-22 that currently exists, as described by the gentleman from New York (Mr. NADLER), where individuals subjected to discrimination on the basis of their disabilities are unable to invoke the ADA's protections because they are not considered people with disabilities when the effects of their medication or other interventions are considered.

It is important to note that this bill is not one-sided. It is a fair product that is workable for employers and businesses. The bill contains the requirement that an impairment be defined as one that substantially limits a major life activity in order to be considered a disability. There is also an exception in the mitigating measures provision for ordinary eyeglasses and contact lenses. Further, the bill excludes from coverage impairments that are transitory and minor.

The ADA has been one of the most effective civil rights laws passed by Congress. Its continued effectiveness is paramount to ensuring that the transformation that our Nation has undergone and continues in the future and that the guarantees and promises on which this country was established continue to be recognized on behalf of all of its citizens.

I appreciate Majority Leader HOYER's efforts to bring the ADA Amendments Act to the floor, and I encourage my colleagues to vote in favor of it.

Finally, I'd like to pay tribute to my wife, Cheryl, who is the national chairman of the board of the American Association for People with Disabilities. Her tireless efforts have really spread the word amongst many Members of this House and a few of the other body that this legislation is necessary so that people like her do not have barriers in terms of seeking employment. And I appreciate, also, my colleagues on both sides of the aisle listening to her, even when they didn't have a choice.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to recognize the distinguished majority leader, who was an original sponsor of the bill some 18 years ago, for 1 minute.

Mr. HOYER. I thank the distinguished chairman of the Judiciary Committee for yielding, and I thank him for his efforts.

I want to thank his staff, as well, who have been extraordinary. Heather, in particular, has had her virtues regaled by Dr. Abouchar of my staff, and I thank her.

I want to thank JIM SENSENBRENNER. I want to thank Cheryl, as well, who has been an extraordinary help on the Americans with Disabilities Act and with this Restoration Act. She has been a giant in her leadership. And I want to thank JIM SENSENBRENNER, with whom I've worked now for many years on this issue, and he has been, of course, a giant, as chairman of the Judiciary Committee in years past and one of the senior Members of this House, extraordinarily helpful and a partner in this effort.

I also want to thank BUCK MCKEON, the ranking member. At the time we testified, he said, you know, we want to see this pass but we want to work together and make sure we can all be for it. And I assured him that we would do that, and I was pleased today that he said, in fact, we had done that. And I think the result that we will see in the vote will show that clearly. And I thank him for his work and effort and good faith in working towards a bill that we could all support.

I want to thank GEORGE MILLER, the chairman of the Education and Labor Committee, whose committee had primary jurisdiction over this bill, for his efforts in assuring that this bill moves forward.

Madam Speaker, I would like to submit for the RECORD a list of people, particularly in the disabilities community and also in the business community, who spent countless hours, days, weeks and, yes, even months trying to come to an agreement on a bill that both the business community and the disability community would feel comfortable with. We have accomplished that, but it was the work of these people as well who did that, and I would submit this at this time in the RECORD to thank them for their efforts and their success which they are so responsible for today.

PEOPLE TO RECOGNIZE

Chai Feldblum, Georgetown University; Former U.S. Rep. Tony Coelho; Former U.S. Rep. Steve Bartlett; Sandy Finucane, Epilepsy Foundation; Andy Imparato, American Association of People with Disabilities; Randy Johnson, Mike Eastman, U.S. Chamber of Commerce; John Lancaster, National Council on Independent Living; Mike Peterson, HR Policy Association; Curt Decker, National Disability Rights Network;

Jeri Gillespie, Ryan Modlin, National Association of Manufacturers; Nancy Zirkin, Lisa Borenstein, Leadership Conference on Civil Rights; Mike Aitken, Mike Layman, Society for Human Resource Management; Abby Bownas, American Diabetes Association; Jennifer Mathis, Bazelon Center for Mental Health Law; Kevin Barry, Georgetown University; Jim Flug, Georgetown University; Claudia Center, Employment Law Center; Shereen Arent, American Diabetes Association; Brian East, Advocacy Inc.

Madam Speaker, 18 years ago next month, the first President Bush signed into law one of the most consequential pieces of civil rights legislation in recent memory, in over a quarter of a century in fact. In the ceremony on the south lawn of the White House President Bush said this:

"With today's signing of the landmark Americans with Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom."

In large measure, President Bush was right. Those doors have, in fact, come open. Tens of millions of Americans with disabilities now enjoy rights the rest of us have long taken for granted: The right to use the same streets, theaters, restrooms, or offices; the right to prove themselves in the workplace, to succeed on their talent and drive alone.

We all understand why there are cuts in the sidewalk at every street corner, kneeling buses on our city streets, elevators on the Metro, ramps at movie theaters, and accessible restrooms and handicapped parking almost everywhere. By now, they have become part of our lives' fabric. And we wouldn't have it, I think, any other way, because each one is the sign of a pledge, the promise of an America that excludes none of its people from our shared life and opportunities.

That was the promise of the ADA. That was the promise of the ADA that President George Bush signed on July 26, 1990. But looking back 18 years, the hard truth is that we were, in some ways, perhaps too optimistic.

The door President Bush spoke of is still not entirely open, and every year, millions of us are caught on the wrong side. In interpreting the law over these 18 years, the courts have consistently chipped away at Congress' very clear intent, and I know what the intent was because I was there as so many of you were.

I know that many of my colleagues were as well, and I know that they share my disappointment in a series of narrow rulings that have had the effect of excluding millions of Americans from the law's protection for no good reason. We said we wanted broad coverage for people with disabilities and people regarded as disabled, but the courts narrowed that coverage with a "strict and demanding standard," a severely restrictive measure that virtually excluded entire classes of people, even though we had specifically mentioned their impairments as objects of the law's protections.

Civil rights acts have historically been urged to be interpreted liberally to accomplish their objective of protecting the rights of individuals. Unfortunately, in this instance, the courts did not follow that premise.

We never expected that people with disabilities who worked to mitigate their conditions would have their efforts held against them. Imagine, somebody with epilepsy who takes medication to preclude seizures would be told that we're not going to hire you because you have epilepsy, but then be told by the court that that was not discrimination because prescription drugs mitigated the ability or the disability that you had. No one on this floor would have thought in their wildest assertions that that would be an interpretation.

The courts did exactly that, however, throwing their cases out on the grounds that they were no longer disabled enough to suffer discrimination. The discrimination, of course, was determining that somebody had epilepsy, and notwithstanding their ability to perform the job in question, that they would not be hired. That is the essence of discrimination.

That is what we sought to preclude, and I want to again congratulate the business community and the disabilities community for coming together on legislation that will right that misinterpretation because none of what has been held was our intent.

We are here today because a truly wide coalition—members of the disability community ready to claim their equal share, Members of both parties who were tired of seeing constituents shut out, and business groups eager to unlock new pools of talent—an alliance as broad as the one that joined forces to pass the original ADA, has come together to help the courts get this right. I know some of them are watching, and I want to thank them, through my colleagues and through the Speaker, for their efforts.

With the ADA Amendments Act, we make it clear today that a cramped reading of disability rights will be replaced with a definition that is broad and fair—fair to the disability community and fair to the business community—that those who manage to mitigate their disabilities are still subject to discrimination and still entitled to redress, and that those regarded as having disability are equally at risk and deserve to be equally protected.

I am proud, Madam Speaker, to have worked for so long with my colleague JIM SENSENBRENNER, as I said earlier. He has been a leader in advancing this legislation, and we've joined together to submit for the RECORD a legal analysis of the bill that we've worked so hard to bring to fruition.

And I want to thank my good friend, former Congressman Tony Coelho for originally enlisting me in this effort. Very frankly, Tony is one of my very close friends, and when he left the Congress, the ADA had not yet been accomplished. But it was his leadership that got it to the point where, in fact, we could proceed, and he gave me the responsibility of ensuring its passage. Working with GEORGE MILLER and JOHN CONYERS and JIM OBERSTAR and so many others, we were able to accomplish that objective. But Tony Coelho was our leader on this effort, and very frankly, Madam Speaker, our former whip remains our leader today.

Finally, it is my honor to dedicate this bill to the late Justin Dart, the pioneering disability advocate and inspiration behind the ADA, as well as to his wife, Yoshiko Dart.

Madam Speaker, few kinds of discrimination, in all of our history, have been more widespread than the exclusion of those with disabilities. But it was America, America that passed a pioneering law to help end that exclusion. We were the first in the world to do so.

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We were the world's model on this central challenge to human rights. Eighteen years later, we cannot afford to fall behind.

Let us pass this bill and bring us one step closer to the days when the fruits of life in America are at last available to all.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. HOYER. I will yield to my friend.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and certainly thank him for all his leadership on this bill. But I want to thank him on behalf of the Chairs and the ranking members of the two committees, you and Mr. SENSENBRENNER, for the leadership that you both provided throughout these difficult and visionary negotiations to restore this act to the place that it should be. I just want to publicly, on behalf, I think, of everybody in the Congress, thank you and Mr. SENSENBRENNER for your leadership on this.

Mr. HOYER. I thank the chairman on behalf of Mr. SENSENBRENNER and myself, and for all those who have been involved in this effort.

JOINT STATEMENT OF REPRESENTATIVES HOYER AND SENSENBRENNER ON THE ORIGINS OF THE ADA RESTORATION ACT OF 2008, H.R. 3195

On September 29, 2006, we introduced H.R. 6258, entitled the Americans with Disabilities Act Restoration Act of 2006. This bill was a response to decisions of the Supreme Court and lower courts narrowing the group of people whom Congress had intended to protect under the Americans with Disabilities Act (ADA). The Supreme Court had interpreted the ADA to impose a "demanding" standard for coverage. It had also held that the ameliorative effects of "mitigating measures" that people use to control the effects of their disabilities must be considered in determining whether a person has an impairment that substantially limits a major life activity and is protected by the ADA. This holding was contrary to Congress's stated intent in several committee reports.

We introduced H.R. 6258, which was designed to reverse these holdings, at the end of the 2006 legislative session. We intended this bill to serve as a marker of our intent to introduce future legislation to address this issue. On July 26, 2007, we introduced similar legislation, H.R. 3195, the ADA Restoration Act of 2007, which ultimately garnered over 240 cosponsors. A nearly identical bill, S. 1881, was introduced in the Senate on the same day by Senators Harkin and Specter.

H.R. 3195 as introduced would have amended the ADA to provide protection for any individual who had a physical or mental impairment or a record of such an impairment, or who was treated as having such an impairment. The purpose of this legislation was to restore the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals were covered by the law rather than on whether discrimination occurred. The bill as introduced, however, was seen by many as extending the protections of the ADA beyond those that Congress originally intended to provide.

In order to craft a more balanced bill with broad support, we urged that representatives of the disability and business communities enter into negotiations to try to reach an acceptable compromise. We maintained contact with these communities over the course of their negotiations and supported them in their efforts to understand the needs and concerns of each community. After several months of intensive discussions, negotiators for the two communities reached consensus on a set of protections for people with disabilities that garnered broad support from both communities. These protections would significantly expand the group of individuals protected by the ADA beyond what the courts have held, while at the same time ensuring that the expansion does not extend beyond the original intent of the ADA.

This compromise formed the basis of the amendment in the nature of a substitute for H.R. 3195 that was voted out of the House Education and Labor and Judiciary Committees with overwhelming support on June 18, 2008. The substitute bill was reported out of the Education and Labor Committee by a vote of 43–1, and out of the Judiciary Committee by a vote of 27–0.

THE PROVISIONS OF THE COMMITTEE SUBSTITUTE TO H.R. 3195

The primary purpose of H.R. 3195, as amended by the committee substitute, is to make it easier for people with disabilities to qualify for protection under the ADA. The bill does this in several ways. First, it establishes that the definition of disability must be interpreted broadly to achieve the remedial purposes of the ADA. The bill rejects the Supreme Court's holdings that the ADA's definition of disability must be read "strictly to create a demanding standard for qualifying as disabled," and that an individual must have an impairment that "prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives" in order to qualify for protection. The bill also provides a new definition of "substantially limits" to make clear Congress's intent to depart from the standard applied by the Supreme Court in *Toyota Motor Mfg. of Kentucky, Inc.* v. *Williams*, 534 U.S. 184, 197 (2002), and to apply a lower standard.

Second, the bill provides that the ameliorative effects of mitigating measures are not to be considered in determining whether a person has a disability. This provision is intended to eliminate the catch-22 that exists under current law, where individuals who are subjected to discrimination on the basis of their disabilities are frequently unable to invoke the ADA's protections because they are not considered people with disabilities when the effects of their medication, medical supplies, behavioral adaptations, or other interventions are considered. The one exception to the rule about mitigating measures is that ordinary eyeglasses and contact lenses are to be considered in determining whether a person has a disability. The rationale behind this exclusion is that the use of ordinary eyeglasses or contact lenses, without more, is not significant enough to warrant protection under the ADA.

Third, the bill provides that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. This provision is intended to reject the reasoning of court decisions concluding that certain individuals with certain conditions—such as epilepsy or post traumatic stress disorder—were not protected by the ADA because their conditions were episodic or intermittent.

Fourth, the bill provides for broad coverage under the "regarded as" prong of the definition of disability. It clarifies that an individual can establish coverage under the "regarded as" prong by establishing that he or she was subjected to an action prohibited by the ADA because of an actual or perceived impairment, whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are both transitory (lasting six months or less) and minor.

The purpose of the broad "regarded as" provision is to reject court decisions that had required an individual to establish that a covered entity perceived him or her to have an impairment that substantially limited a major life activity. This provision is designed to restore Congress's intent to allow individuals to establish coverage under the "regarded as" prong by showing that they were treated adversely because of an impairment, without having to establish the covered entity's beliefs concerning the severity of the impairment.

Impairments that are transitory and minor are excluded from coverage in order to provide some limit on the reach of the "regarded as" prong. The intent of this exception is to prevent litigation over minor illnesses and injuries, such as the common cold, that were never meant to be covered by the ADA.

A similar exception is not necessary for the first two prongs of the definition of disability as the functional limitation requirement adequately prevents claims by individuals with ailments that do not materially restrict a major life activity. In other words, there is no need for the transitory and minor exception under the first two prongs because it is clear from the statute and the legislative history that a person can only bring a claim if the impairment substantially limits one or more major life activities or the individual has a record of an impairment that substantially limits one or more major life activities.

The bill also provides that a covered entity has no obligation to provide reasonable accommodations, or reasonable modifications to policies, practices or procedures, for an individual who qualifies as a person with a disability solely under the "regarded as" prong. Under current law, a number of courts have required employers to provide reasonable accommodations for individuals who are covered solely under the "regarded as" prong.

Fifth, the bill modifies the ADA to conform to the structure of Title VII and other civil rights laws by requiring an individual to demonstrate discrimination "on the basis of disability" rather than discrimination "against an individual with a disability" because of the individual's disability. We hope this will be an important signal to both lawyers and courts to spend less time and energy on the minutia of an individual's impairment, and more time and energy on the merits of the case—including whether discrimination occurred because of the disability, whether an individual was qualified for a job or eligible for a service, and whether a reasonable accommodation or modification was called for under the law.

In exchange for the enhanced coverage afforded by these provisions, the bill contains important limitations that will make the bill workable from the perspective of businesses that are governed by the law. We have already noted some of these limitations: there is an exception in the mitigating measures provision for ordinary eyeglasses and contact lenses, and the "regarded as" provision includes two important limitations, as described above.

Of key importance, the bill retains the requirement that a person's impairment must substantially limit a major life activity in order to be considered a disability. "Substantially limits" has been defined as "materially restricts" in order to communicate to the courts that we believe that their interpretation of "significantly limits" was stricter than we had intended. On the severity spectrum, "materially restricts" is meant to be less than "severely restricts," and less than "significantly restricts," but more serious than a moderate impairment which would be in the middle of the spectrum.

The key point in establishing this standard is that we expect this prong of the definition to be used only by people who are affirmatively seeking reasonable accommodations or modifications. Any individual who has been discriminated against because of an impairment—short of being granted a reasonable accommodation or modification—should be bringing a claim under the third prong of the definition which will require no showing with regard to the severity of his or her impairment. However, for an individual who is asking an employer or a business to make a reasonable accommodation or modification, the bill appropriately requires that the individual demonstrate a level of seriousness of the impairment—that is, that it materially restricts a major life activity.

The bill also retains the requirement in Title I of the ADA that an individual must be "qualified" for the position in question. The original version of H.R. 3195 contained language which could have been interpreted to alter the burden-shifting analysis concerning whether an individual is "qualified" under the ADA. The substitute bill makes clear that there was no intent to place a greater burden on the employer and that the burdens remain the same as under current law.

ADDITIONAL LEGAL ISSUES

We would like to clarify the intent of the bill with respect to particular legal issues. First, some higher education trade associations have raised questions about whether the bill will eviscerate academic standards. This bill will have absolutely no effect on the ability of higher education institutions to set academic standards. It addresses only the standards for determining who qualifies as an individual with disability, and not the standards for determining whether an accommodation or modification is required in a particular setting or context. It has always been, and it remains the law today under this bill, that an academic institution need not make modifications that would fundamentally alter the essential requirements of a program of study. The particular concerns of educational institutions in ensuring that students meet appropriate academic standards are, of course, relevant in determining whether a requested modification is reasonable in an educational setting.

There have been particular concerns with the way that specific learning disabilities have been treated in the academic context, and that individuals are not receiving appropriate accommodations. The Education and Labor Committee Report's discussion of specific learning disabilities is specifically targeted toward the academic setting and not the employment sector.

Second, a concern has been raised about whether the bill changes current law with respect to the duration that is required for an impairment to substantially limit a major life activity. The bill makes no change to current law with respect to this issue. The duration of an impairment is one factor that is relevant in determining whether the impairment substantially limits a major life activity. Impairments that last only for a short period of time are typically not covered, although they may be covered if sufficiently severe.

Third, some have raised questions about whether the bill's provisions relating to mitigating measures would require employers to provide certain mitigating measures as accommodations. This bill's provisions are intended to clarify the definition of disability, not to alter current rules on provision of reasonable accommodations.

Fourth, the bill's language requiring that qualification standards, employment tests, or other selection criteria based on uncorrected vision must be job related for the position in question and consistent with business necessity is not intended to change current interpretations of whether a qualification standard based on a government requirement or regulation is job related for the position in question and consistent with business necessity.

Passage of the ADA Amendments Act is a great moment in this country's history. We would like to thank all the individuals who worked so hard on these negotiations, and to thank the thousands of individuals and businesses who care about making this country a fair and equitable place for people with disabilities.

Mr. SENSENBRENNER. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. McKEON. Madam Speaker, might I inquire of the time that we each have remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) has 13 minutes. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes. The gentleman from Michigan (Mr. CONYERS) has 6 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 5½ minutes.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This measure raises some very interesting questions from the point of view of the Judiciary Committee. I begin by noting that the chairman emeritus of the Judiciary Committee, JIM SENSENBRENNER, had always had a very abiding interest in this matter. But we have a curious problem. Somebody is going to ask, how could a United States Supreme Court—a bill passed overwhelmingly bipartisan in 1990—and then in 1999 simultaneously give not one or two, but three decisions slamming some very fundamental interests that we had when the bill was passed? There wasn't anything complicated or ambiguous about the bill that was passed in this Congress in 1990. And we are now here fixing the three problems that these decisions brought forward.

"We prohibit the consideration of measures that might lessen the impact of an impairment—medication, insulin, a hearing aid."

What kind of persons are on the Supreme Court of the United States that have some difficulty understanding that if you have to use a hearing aid, that does not lessen the nature of the disability? That's earlier than first year law school. I mean, what was going on in the majority of the members' minds?

Second, "substantially limits" they've transferred to mean "materially restricts" and instructs the court that these words must be interpreted broadly and not restrictively.

Now the history of civil rights and voter rights law in this Congress in the 20th and 21st century deals with the understood directive that the law in these cases is to be interpreted generally and liberally, and here they did just the opposite. This disability law is essentially a civil rights matter, and they chose to ignore that. And so we had to correct it. We had to say, Supreme Court, your attention, please. This is civil rights law, and so it's not to be interpreted as narrowly as you can, but as liberally as you can.

And then the third thing we chose to correct was the entire notion that the disability law covers anyone who either experiences discrimination because someone believes them to be disabled, whether they are not or whether they actually are. It doesn't make any difference. In other words, it is to be liberally interpreted.

And so we go into a very challenging period of American history with an election coming up, and we've got a Supreme Court that we have to constantly remind how to interpret civil rights laws. This is not a comforting circumstance for your chairman of Judiciary—I don't think for the ranking member of Judiciary either, if I might add.

There are those writing about the Supreme Court these days, and one such commentator, Professor Rosen of Georgetown—"Today, however, there are no economic populists on the Court, even on the liberal wing. Ever since John Roberts was appointed Chief Justice in 2005, the Court has seemed only more receptive to business concerns. Forty percent of the cases the Court heard last term involved business interests, up from around 30 percent in recent years."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. CONYERS. I thank the chairman of Education and Labor.

The closing example:

"While the Rehnquist Court heard less than one antitrust decision a year on average, the Roberts Court has heard seven antitrust cases in the first two terms, and all of them were decided in favor of the corporate defendants."

Now, look. They must know that some people over here read and review their decisions. It means that we have to be even more alert on the questions that have brought this measure before the House today for its disposal.

I'm very proud of the bipartisan aspect. I don't want to give too much praise to the chairman emeritus of the committee, but he did a very good job in this regard.

Mr. McKEON. Madam Speaker, I am happy to yield now to the gentleman from Delaware, ranking member of the K-12 Education Subcommittee, such time as he may consume, Mr. CASTLE.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding. I do rise today in support of the ADA Amendments Act entitled H.R. 3195.

Since 1990, the landmark civil rights legislation, the Americans With Disabilities Act—ADA as we know it—has provided numerous benefits. Over the last decade, however, people with serious health conditions, including diabetes, have faced serious difficulties meeting the definition of "disability" following the Supreme Court's decision that disability must be determined in light of the mitigating measures, like insulin, that a person uses.

These decisions have created a situation where people with serious health conditions who use medications and other devices in order to work are not considered "disabled enough" to be protected by the ADA even when they are explicitly denied employment opportunities because of that health condition.

Just briefly, I would like to mention Stephen Orr, a pharmacist from Rapid City, South Dakota, who was fired by his employer for taking lunch breaks to eat and manage his diabetes. After Stephen lost his job, he decided to file a claim under the ADA. The employer responded that Stephen did not have a disability because he was able to manage his diabetes with insulin and diet. The courts agreed. And this, I'm afraid, is only one example.

H.R. 3195 will remedy this problem. Passage will secure the promise of the original ADA and make clear that Congress intended the ADA's coverage to be broad, to cover anyone who faces unfair discrimination because of a disability. At the same time, it strikes an appropriate balance between the needs of individuals with disabilities and those of employers.

I am pleased that H.R. 3195 enjoys the backing of a broad coalition of supporters from both the employer and the disability communities. I am also proud it has bipartisan support here, and I thank and congratulate all those that had anything to do with putting this together.

I urge my colleagues on both sides of the aisle to support the measure.

Mr. McKEON. Mr. Speaker, I recognize now the gentleman from Kansas (Mr. MORAN) for such time as he may consume.

Mr. MORAN of Kansas. Madam Speaker, I thank the gentleman from California (Mr. McKEON) for yielding me time today, and I rise in support of H.R. 3195.

In my world, in the way I look at life, all human beings, because we're created by the same God, are entitled to respect and dignity. In our framework in our country, our Constitution provides that we are entitled to certain rights. One of those, as I see it, is the right to an opportunity to succeed.

So I'm pleased that our country, in 1990, this Congress and the Senate came together with the passage of the Americans With Disabilities Act. And I'm pleased today that we are here to restore certain of those rights that were believed to be there under the ADA passed in 1990. What this law will do is to require the courts to interpret this law in a fair manner.

We know that all of us are entitled to an opportunity to succeed. And I think all of us, as we look at our lives, look just for the chance to be judged based upon our own performance. We don't want special rights. We all just want to be gauged by people who judge us by what we do and how we do it and how well we do it. And so the original law and the Restoration Act today, as I see it, establishes that premise that we're all entitled to be judged based upon how we perform our tasks.

I support this legislation and am pleased by what I've heard on the floor this afternoon by the way it came about. And I appreciate being here to hear the gentleman from Maryland, the distinguished majority leader, speak about his sponsorship and authorship of the Americans with Disabilities Act.

One of my predecessors, Bob Dole, served in that similar capacity. I'd like to quote my predecessor when he spoke about the ADA and indicate that I believe that what he said then should be the words of today as well:

"This historic civil rights legislation seeks to end the unjustified segregation and exclusion of persons with disabilities from the mainstream of American life. The ADA is fair and balanced legislation that carefully blends the rights of people with disabilities with the legitimate needs of the American business community."

Madam Speaker, I believe that's what the legislation before us does today, and again confirms the right that we all have to be judged based upon our ability to perform.

Mr. McKEON. Madam Speaker, I yield myself the balance of my time.

There are so many individuals who deserve credit for bringing us to this point today. I want to recognize Chairman MILLER, the leaders of the Judiciary, Transportation and Infrastructure, Energy and Commerce Committees, and all of our staffs on all of those committees on both sides of the aisle and the membership of the leadership on both sides of the aisle, and again especially Leader HOYER and Mr. SENSENBRENNER for this open, inclusive process.

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The bill is better for it.

I also want to recognize the stakeholders who came to the negotiating table and helped us to reach consensus. It's often said that true compromise leaves no one with exactly what they wanted. I expect that is the case today. There are those who fear we have expanded the reach of the ADA too far, and there are others who would have preferred us to go further. But on the whole, we have found common ground that will allow us to extend strong, meaningful protection to individuals with disabilities without dramatically expanding the law, increasing its burdens, or diluting its effectiveness.

I urge passage of the ADA Amendments Act.

Madam Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I want to certainly thank the staffs of our committees on both sides of the aisle for all of their work. They put in a tremendous amount of time and intellectual power behind the amendments to the ADA and to put it back in the place that it should have after the court decisions damaged the intent and the purposes of this act. I certainly want to thank Sharon Lewis of the Committee on Education and Labor and Brian Kennedy and Thomas Webb, who is with us as an intern, for all of their work.

I am very proud to be a Member of Congress today and certainly of the House of Representatives as we pass this legislation. I was brought to the issues around the disability community when I first came to Congress, or perhaps a little before that when I was working in the State legislature in California by a hardy crew from California who were deeply involved in pursuing the civil rights of those with disabilities and the constitutional rights of those with disabilities and their place in the legislative process, and I want to thank them. And that is Judy Heuman from California and known to many; and Ed Roberts, a great champion of disability rights, a magnificent person; and Hale Zukor, who still resides in Berkeley and continues the battle; and Jim Donald, who is a wonderful attorney on behalf of many in the disability community; and so many others.

In my time in Congress, I have watched the Rehabilitation Act of 1973 and the battle over the 504 regulations;

IDEA, at that time Education for All Handicapped Children, now IDEA; and the ADA; and today the restoration of the ADA to its proper position and power within the law. And I think it's a tribute to this Congress. While in many instances we have had very controversial fights and there have been eruptions over the implementation of these laws, we have continued to march forward and ensure the rights of the disabled, for their participation in American society. I think so many Members now and so many people in our society recognize all that the members of the disability community have accomplished, all that they are accomplishing, and all that they will accomplish.

So today when we look at a young child seeking to be enrolled in school and to have an opportunity at the content and the curriculum that others have and to have the chance to participate in that school in a meaningful way and not be put off and sidestepped or in segregated classes; when we look at individuals who want to pursue a career, an activity, in our society and not be discriminated against; and when we now see employers recognizing the talents and the abilities and the contributions to be made by individuals with disabilities, we as a Nation are far better off, far richer, and far more understanding than we were prior to the struggles over these laws. And I hope that all Members will share the pride that I do when later on we will be able to vote to restore the ADA after the damage done by the court decisions.

And with that I thank all of my colleagues for their participation in this debate.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think that we have seen in the last hour how the framers of the Constitution intended this Congress to work.

There was a problem. There was a problem that was created by court decisions misinterpreting the original intent of Congress when it passed the ADA almost 18 years ago. And people who came from diverse viewpoints, whether they were in the private sector, citizens with disabilities and their advocacy groups, Members of Congress on both sides of the aisle have proven in this legislation that they can work together and come up with something that is acceptable and beneficial to all of the stakeholders. I wish we could do more of that here, and maybe this will set a good example to show that the system does work.

I am going to ask for a rollcall on this legislation, and I hope that if this is not a unanimous vote in favor of the bill, it will be so overwhelming that people not only on the other side of this Capitol building but around the country and around the world will see that American democracy and the American legislative process worked for the benefit of people.

Mr. HOLT. Madam Speaker, I want to thank Majority Leader HOYER and Representative SENSENBRENNER for introducing the ADA Restoration Act last summer. “I am a cosponsor of this bill and I am pleased that the House is considering this important legislation.

This July will mark the 18th anniversary of the Americans with Disabilities Act, ADA. Unfortunately, as testimony before the House Committee on Education and Labor made clear in recent years, the Supreme Court has narrowed the scope of this law and created a new set of barriers for Americans with disabilities. Under this narrow interpretation, individuals with diabetes, heart conditions, epilepsy, mental retardation, cancer, and many other conditions have been denied their rights under the ADA because they are labeled as “too functional” to be considered “disabled.”

This legislation would restore protections for disabled Americans under the ADA and I am pleased that the bill we are considering today is supported by the disability community as well as the business community. This bill will reaffirm the ADA's mandate for the elimination of discrimination on the basis of disability and allow the ADA to reclaim its place among our Nation most important civil rights laws.

I am proud that my home State of New Jersey has enacted our own strong protections against employment discrimination or individuals with disabilities. My State's experience belies the claims made by some of the bill's opponents that this legislation is overprotective of individuals with disabilities.

In March, I hosted a roundtable discussion in New Jersey with representatives of disability organizations and individuals with disabilities and with representatives from corporate human resources departments. From that discussion, I drew information indicating that the Federal legislation is needed and that it could be implemented effectively.

At that discussion I heard from Jack, an employer in my district who was hesitant when approached by the ARC of New Jersey about hiring individuals with disabilities. Yet, today he now says they are some of his best employees.

Our Nation has come a long way since the passage of the ADA, from when the halls of Congress were not even accessible to disabled members. But, we have much progress yet to make to ensure that the American dream is truly accessible and available to all Americans.

Mr. EMANUEL. Madam Speaker, I rise today in honor of the passage of the Americans with Disabilities Act of 1990 and to express my support for the ADA Amendments Act of 2008.

As a member of the 110th Congress, I am proud to be a cosponsor of H.R. 3195, the ADA Amendments Act and to continue the fight to ensure equal rights for all disabled citizens. This vital legislation amends the Americans with Disabilities Act of 1990 to restore the original intent of the ADA by clarifying that anyone with impairment, regardless of his or her successful use of treatments to manage the impairment, has the right to seek reasonable accommodation in their place of work.

The ADA Amendments Act of 2008 amends the definition of disability so that those who were originally intended to be protected from discrimination are covered under the Americans with Disabilities Act. This prevents courts from considering the use of treatment, or other accommodations, when deciding whether an individual qualifies for protection under the ADA and focuses on whether individuals can demonstrate that they were treated less favorably on the basis of disability.

I am proud of the continuing work that is being done for Americans with Disabilities and of the strong support that Chicagoans have shown for this issue. On July 26, the eighteenth anniversary of its passage, the Americans with Disabilities Act is being commemorated by Chicago's fifth annual Disability Pride Parade. This display of support demonstrates that Chicagoans recognize that passage of the ADA Amendments Act of 2008, will allow Americans with disabilities to enjoy the freedom and equality that they are guaranteed by the Constitution.

Madam Speaker, I am honored to commemorate the passage of the Americans with Disabilities Act of 1990 and urge my colleagues to vote in favor of the ADA Amendments Act of 2008.

Mr. SCOTT. Madam Speaker, I rise in support of H.R. 3195, the Americans with Disabilities Amendments Act.

In the early 1980's, 64 disability organizations formed a coalition known as INVEST, Insure Virginians Equal Status Today, to pass a State statute in Virginia to protect individuals with disabilities from discrimination. The landmark “Virginians with Disabilities Act” was the Commonwealth's commitment to encourage persons with disabilities to participate fully in the social and economic life of the Commonwealth. It preceded the Federal Americans with Disabilities Act, ADA, by 5 years, and many of the key concepts in the Virginia statute formed the basis of the ADA.

Signed in 1985 by former Governor Charles S. Robb, the Virginians with Disabilities Act today protects nearly one million State residents. This Act acknowledged that “it is the policy of the Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life . . .” and it protects Virginians with disabilities from discrimination in employment, education, housing, voting, and places of public accommodation.

Five years later, the Americans with Disabilities Act of 1990 was enacted to protect all Americans against discrimination on the basis of disability. When Congress passed the ADA, Congress adopted the definition of disability from section 504 of the Rehabilitation Act of 1973, a statute that was well litigated and understood.

Congress expected that under the ADA—just as under the Rehabilitation Act—individuals with health conditions that were commonly understood to be disabilities would be entitled to protection from discrimination. But a series of U.S. Supreme Court decisions interpreted the ADA in ways that Congress never intended, and over the years these decisions have eroded the protections of the statute.

First, the Court held in 1999 that mitigating measures—including prosthetics, medication, and other assistive devices—must be taken into account when determining if a person is disabled. Then, in 2002, the Court held that a "demanding standard" should be applied to determining whether a person has a disability. As a result, millions of people Congress intended to protect under the ADA—such as those with diabetes, epilepsy, intellectual disabilities, multiple sclerosis, muscular dystrophy, amputation, cancer and many other impairments—are not protected as intended.

The ADA Amendments Act will restore the ADA to Congress' original intent by clarifying that coverage under the ADA is broad and covers anyone who faces unfair discrimination because of a disability. The ADA Amendments Act:

Retains the requirement that an individual's impairment substantially limits a major life activity in order to be considered a disability, and further that an individual must demonstrate that he or she is qualified for the job.

Would overturn several court decisions to provide that people with disabilities not lose their coverage under the ADA simply because their condition is treatable with medication or can be addressed with the help of assistive technology.

Includes a "regarded as" prong as part of the definition of disability which covers situations where an employee is discriminated against based on either an actual or perceived impairment. Moreover, the proposal makes it clear that accommodations do not need to be made to someone who is disabled solely because he or she is "regarded as" disabled.

Madam Speaker, the bill before us today is the direct result of agreements between the business and disability communities to rectify the problem created by the courts, and I applaud the determination and hard work, that went into this compromise. The ADA Amendments Act will enable individuals with disabilities to secure and maintain employment without fear of being discriminated against because of their disability. Congress clearly intended to prohibit discrimination against all people with disabilities and we will do that by passing H.R. 3195.

Madam Speaker, I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of H.R. 3195, the ADA Amendments Act of 2008, which would restore the original intent of the Americans with Disabilities Act, ADA.

The ADA has transformed this country since its enactment in 1990, helping millions of Americans with disabilities succeed in the workplace, and making essential services such as transportation, housing, buildings, and other daily needs more accessible to individuals with disabilities. It has been one of the most defining and effective civil rights laws passed by Congress.

Unfortunately, the Federal courts in recent years have slowly chipped away at the broad protections of the ADA which has created a new set of barriers for many Americans with disabilities. The court rulings have narrowed the interpretation of disability by excluding people with serious conditions such as epilepsy, diabetes, muscular dystrophy, cancer, and cerebral palsy from the protections of the ADA. The ADA Amendments Act of 2008 will reestablish these protections and make it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability.

Madam Speaker, this bill is an important step towards restoring the original intent of the ADA and helps ensure that all Americans with disabilities live as independent, self-sufficient members of our society. I urge my colleagues to support this much-needed legislation.

Mr. ISSA. Madam Speaker, today I rise in support of H.R. 3195, ADA Amendments Act of 2008.

The ADA Amendments Act is a needed step in addressing improper judicial interpretation of the original Americans with Disabilities Act. Courts interpreted the Act more narrowly than Congress had intended resulting in decreased protection under the Act. It is especially gratifying that in crafting the legislation before us today the disability community was able to come to an agreement with private industry on appropriate legislative language.

More specifically than the legislation at hand, I bring attention to the lack of Americans with Disability Act, ADA, compliance in the historic Capitol complex, specifically the use of door handles within personal House offices.

The purpose the ADA is to ensure nondiscrimination for persons with disabilities including but not limited to public accommodations. The ADA specifically states the use of lever operated mechanisms, push-type mechanisms, or U-shaped handles are acceptable designs for all to operate.

Enacted in 1990, I believe it is the responsibility of Congress to every extent reasonable, to install appropriate usable hardware by all those that wish to access the halls of Congress.

Beginning with my first term in office in 2000, I have made requests to have my personal House office located in the Cannon building outfitted with ADA appropriate door handles. It is unfortunate that 8 years after my initial request and 18 years following the enactment of the ADA, Congress has chosen to remain out of compliance with the ADA.

Congress must lead by example by making these buildings accessible to all Americans, regardless of disability. I urge you to read my attached most recent correspondence requesting this appropriate and necessary change.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I wanted to make you aware of a request that I submitted to the Committee on House Administration for the installation of Americans with Disabilities Act, ADA, compliant lever-style door handles in my office, room 211 in the Cannon House Office Building, and throughout the House campus.

I am concerned that nearly 18 years after the passage of the Act, Congress remains significantly out of compliance. I have attached a copy of my letter to Chairman Robert Brady and Ranking Member Vern Ehlers for your review.

Thank you for your attention to this important request.

Sincerely,

DARRELL ISSA,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

Hon. VERNON J. EHLERS,
Ranking Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER EHLERS: I am writing to request the installation of Americans with Disabilities Act, ADA-compliant lever-style door handles throughout my office, which is 211 Cannon House Office Building. Furthermore, I respectfully request that the committee direct that ADA compliant lever-style door handles be made available to any Member or committee that requests their installation, and that the committee develops a plan to complete the installation of ADA compliant lever-style door handles campus-wide as soon as practicable.

Enacted by Congress in 1990, and signed into law by President George H.W. Bush, the ADA is historic legislation whose purpose is to ensure nondiscrimination for persons with disabilities in access to employment, public services, public accommodations and telecommunications. According to the Department of Justice publication, ADA Standards for Accessible Design, CFR 28, Part 36, Appendix A, Section 4.13.2, "Handles, pulls, latches, locks and other operable devices on doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs."

It is a travesty that nearly 18 years after its enactment, the Congress remains significantly out of compliance with the ADA. Door handles throughout the House campus remain predominantly twisting; knob-style handles which clearly do not meet the standards outlined by the Act. We set a terrible example by exempting ourselves just because compliance is inconvenient or expensive, when we have compelled the American people by force of law to bear these same expenses and comply with the Act.

The Capitol is the nation's most prominent public space, with tens of thousands of Americans visiting, and many more thousands working here each day. Making it accessible to all Americans, regardless of disability, should be a priority. I urge the committee to grant my request for the installation of ADA compliant lever-style door handles in my congressional office, to make them available to all Members and committees upon request, and to act with all practicable speed to install lever-style compliant door handles campus-wide.

Thank you for your consideration of this request.

Sincerely,

DARRELL ISSA,
Member of Congress.

Mr. RAMSTAD. Madam Speaker, as cochair of the Bipartisan Disabilities Caucus, I rise in strong support of the bill before us, the ADA Amendments Act.

It is a matter of basic justice for every American to have access to public accommodations and businesses. And every American deserves the opportunity to hold a job, contribute their talents and live with dignity and independence.

That's what the Americans with Disabilities Act, ADA, of 1990 was all about—creating access and equal opportunity for millions of Americans with disabilities.

And that's why the recent court cases that have chipped away at the protections of the ADA have been so alarming. This important bill will stop the erosion and clarify that people who use adaptive technology to cope with their disability still deserve the protection of the ADA.

People with disabilities have to overcome obstacles every day. It's time to remove the legal obstacles to their basic civil rights.

It's time to tear down the barriers that keep people with disabilities from fully participating and sharing their gifts. It's time to restore basic justice.

I urge my colleagues to support this important bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 3195, the "ADA Restoration Act of 2007." I wholeheartedly support this bill and urge my colleagues to support it also. The changes embodied by this Act, that restore the with Disabilities Act of 1990, "ADA", to its original purpose, are long overdue. This is a civil rights bill and the rights of the disabled must be restored.

H.R. 3195, the "ADA Restoration Act of 2007," amends the definition of "disability" in the ADA in response to the Supreme Court's narrow interpretation of the definition, which has made it extremely difficult for individuals with serious health conditions—epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis and severe intellectual impairments—to prove that they qualify for protection under the ADA. The Supreme Court has narrowed the definition in two ways: (1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment must be considered in determining whether an impairment is disabling enough to qualify as a disability; and (2) by ruling that the elements of the definition must be interpreted "strictly to create a demanding standard for qualifying as disabled." The Court's treatment of the ADA is at odds with judicial treatment of other civil rights statutes, which usually are interpreted broadly to achieve their remedial purposes. It is also inconsistent with Congress's intent.

The committee will consider a substitute that represents the consensus view of disability rights groups and the business community. That substitute restores congressional intent by, among other things: disallowing consideration of mitigating measures other than corrective lenses, ordinary eyeglasses or contacts, when determining whether an impairment is sufficiently limiting to qualify as a disability; maintaining the requirement that an individual qualifying as disabled under the first of the three-prong definition of "disability" show that an impairment "substantially limits" a major life activity but defining "substantially limits" as a less burdensome "materially restricts; clarifying that anyone who is discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities, has been "regarded as" disabled and is entitled to the ADA's protection.

BACKGROUND ON LEGISLATION

Eighteen years ago, President George H.W. Bush, with overwhelming bipartisan support from the Congress, signed into law the ADA. The act was intended to provide a "clear and comprehensive mandate," with "strong, consistent, enforceable standards," for eliminating disability-based discrimination. Through this broad mandate, Congress sought to protect anyone who is treated less favorably because of a current, past, or perceived disability. Congress did not intend for the courts to seize on the definition of disability as a means of excluding individuals with serious health conditions from protection; yet this is exactly what has happened. A legislative action is now needed to restore congressional intent, and ensure broad protection against disability-based discrimination.

COURT RULINGS HAVE NARROWED ADA PROTECTION, RESULTING IN THE EXCLUSION OF INDIVIDUALS THAT CONGRESS CLEARLY INTENDED TO PROTECT

Through a series of decisions interpreting the ADA's definition of "disability," however, the Supreme Court has narrowed the ADA in ways never intended by Congress. First, in three cases decided on the same day, the Supreme Court ruled that the determination of "disability" under the first prong of the definition—i.e., whether an individual has a substantially limiting impairment—should be made after considering whether mitigating measures had reduced the impact of the impairment. In all three cases, the undisputed reason for the adverse action was the employee's medical condition, yet all three employers argued—and the Supreme Court agreed—that the plaintiffs were not protected by the ADA because their impairments, when considered in a mitigated state, were not limiting enough to qualify as disabilities under the ADA.

Three years later, the Supreme Court revisited the definition of "disability" in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams. In that case, the plaintiff alleged that her employer discriminated against her by failing to accommodate her disabilities, which included carpal tunnel syndrome, myotendonitis, and thoracic outlet compression. While her employer previously had adjusted her job duties, making it possible for her to perform well despite these conditions, Williams was not able to resume certain job duties when requested by Toyota and ultimately lost her job. She challenged the termination, also alleging that Toyota's refusal to continue accommodating her violated the ADA. Looking to the definition of "disability," the Court noted that an individual "must initially prove that he or she has a physical or mental impairment," and then demonstrate that the impairment "substantially limits" a "major life activity." Identifying the critical questions to be whether a limitation is "substantial" and whether a life activity is "major," the court stated that "these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled." The Court then concluded that "substantial" requires a showing that an individual has an impairment "that prevents or, " severely restricts the individual; and "major" life activities, requires a showing that the individual is restricted from performing tasks that are "of central importance to most people's daily lives."

In the wake of these rulings, disabilities that had been covered under the Rehabilitation Act and that Congress intended to include under the ADA—serious health conditions like epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis—have been excluded. Either, the courts say, the person is not impaired enough to substantially limit a major life activity, or the impairment substantially limits something—like liver function—that the courts do not consider a major life activity. Courts even deny protection when the employer admits that it took adverse action based on the individual's impairment, allowing employers to take the position that an employee is too disabled to do a job but not disabled enough to be protected by the law.

On October 4, 2007, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a legislative hearing on H.R. 3195, the "ADA Restoration Act of 2007." Witnesses at the hearing included Majority Leader STENY H. HOYER; Cheryl Sensenbrenner, chair, American Association of People with Disabilities; Stephen C. Orr, pharmacist and plaintiff in Orr v. Wal-Mart Stores, Inc.; Michael C. Collins, executive director, National Council on Disability; Lawrence Z. Lorber, U.S. Chamber of Commerce; and Chai R. Feldblum, professor, Georgetown University Law Center.

The hearing provided an opportunity for the Constitution Subcommittee to examine how the Supreme Court's decisions regarding the definition of "disability" have affected ADA protection for individuals with disabilities and to consider the need for legislative action. Representative HOYER, one of the lead sponsors of the original act and, along with Representative SENSENBRENNER, lead House cosponsor of the ADA Restoration Act, explained the need to respond to court decisions "that have sharply restricted the class of people who can invoke protection under the law and [reinstate] the original congressional intent when the ADA passed." Explaining Congress's choice to adopt the definition of "disability" from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly:

> [W]e could not have fathomed that people with diabetes, epilepsy, heart conditions, cancer, mental illnesses and other disabilities would have their ADA claims denied because they would be considered too functional to meet the definition of disabled. Nor could we have fathomed a situation where the individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the ADA from discrimination. What a contradictory position that would have been for Congress to take.

Representative HOYER, joined by all of the witnesses except Mr. Lorber, urged Congress to respond by passing H.R. 3195 to amend the definition of "disability." Mr. Lorber, appearing on behalf of the Chamber of Commerce, opposed H.R. 3195 as an overly broad response to court decisions that accurately reflected statutory language and congressional intent.

Since the subcommittee's hearing, several changes have been made to the bill, which are reflected in the substitute that will likely be considered by the committee. The substitute, described section-by-section below, represents the consensus of the disability rights and business groups and is supported by, among others, the Chamber of Commerce.

Importantly, section 4 of the bill, amends the definition of "disability" and provides standards for applying the amended definition. While retaining the requirement that a disability "substantially limits" a "major" life activity under prongs 1 and 2 of the definition of disability, section 4 redefines "substantially limits" as "materially restricts" to indicate a less stringent standard. Thus, while the limitation imposed by an impairment must be important, it need not rise to the level of preventing or severely restricting the performance of major life activities in order to qualify as a disability. Section 4 provides an illustrative list of life activities that should be considered "major," and clarifies that an individual has been "regarded as" disabled, and is entitled to protection under the ADA, if discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities. Section 4 requires broad construction of the definition and prohibits consideration of mitigating measures, with the exception of ordinary glasses or contact lenses, in determining whether an impairment substantially limits a major life activity.

I support this bill and I urge my colleagues to support it also.

Ms. HIRONO. Madam Speaker, I rise today in strong support of H.R. 3195, the ADA Restoration Act of 2007. I would like to thank the chief sponsor of the bill, Majority Leader STENY HOYER, and the chairman of the Education and Labor Committee, GEORGE MILLER, for their leadership and work on disability rights.

Congress passed the Americans with Disabilities Act, ADA, 18 years ago with overwhelming support from both parties and President George H.W. Bush. The intent of Congress was clear: to make this great Nation's promise of equality and freedom a reality for Americans with disabilities.

Standing together, leaders from both parties described the law as "historic," "landmark," an "emancipation proclamation for people with disabilities." These were not timid or hollow words. The congressional mandate was ambitious: prohibit unfair discrimination and require changes in workplaces, public transportation systems, businesses, and other programs or services.

Through this broad mandate, Congress intended to protect anyone who is treated less favorably because of a current, past, or perceived disability. As with other civil rights laws, Congress wanted to focus on whether an individual could prove that he or she had been treated less favorably because of a physical or mental impairment. Congress never intended for the courts to seize on the definition of "disability" as a means of excluding individuals with serious health conditions like epilepsy, diabetes, cancer, HIV, muscular dystrophy, and multiple sclerosis from protection under the law.

Yet this is exactly what has happened. Through a series of decisions interpreting the definition of "disability" narrowly, the U.S. Supreme Court has inappropriately shifted the focus away from an employer's alleged misconduct onto whether an individual can first meet a "demanding standard for qualifying as disabled."

Millions of Americans who experience disability-based discrimination have been or will be denied protection under ADA and barred from challenging discriminatory conduct. By passing H.R. 3195, the Congress will be able to correct these decisions made by the courts.

H.R. 3195 would do this by: amending the definition of "disability" so that individuals who Congress originally intended to protect from discrimination are covered under the ADA; preventing the courts from considering "mitigating measures" when deciding whether an individual qualifies for protection under the law; and keeping the focus in employment cases on the reason for the adverse action. The appropriate question is whether someone can show that he or she was treated less favorably "on the basis of disability" and not whether an individual has revealed enough private and highly personal facts about how he or she is limited by an impairment. The bill reminds the courts that—as with any other civil rights law—the ADA must be interpreted fairly, and as Congress intended.

As an original cosponsor of H.R. 3195, I believe that it rightfully will restore protections for disabled Americans under the landmark ADA, one of our Nation's most important civil rights laws.

I would like to share with you just a few examples of how ADA has made a positive impact for individuals with disabilities in my home State of Hawaii:

An 85 year old Honolulu woman, who is both deaf and blind, is able to access the public transportation system to visit her husband who resides in a long-term care facility far from her home.

The first "chirping" traffic light on the island of Kauai was installed at a busy intersection thanks to the work of an advocate for the blind.

The annual Maui County Fair has a special day set aside for people with disabilities to participate in the rides and games.

A Kauai bakery installed a blinking light system on their ovens so that a hearing-impaired employee would be notified when her baking was complete, thus allowing her to work independently.

Each year, the Hawaii State Vocational Rehabilitation and Services for the Blind Division of the Department of Human Services recognizes outstanding clients from the districts they serve. I would like to recognize the following 2007 Rehabilitants of the Year: Deanna DeLeon of the Big Island, Rogie Yasay Pagatpatan of Maui, Serafin Palomares of Kauai, and Tauloa "Mona" Pouso'o of Oahu. I would like to include in the CONGRESSIONAL RECORD their stories of success, as each of these individuals leads a life of inspiration.

I urge my colleagues to join me in voting for H.R. 3195 so we can continue to build on the successes of the Americans with Disabilities Act. Mahalo (thank you).

HAWAII BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY ELLEN OKIMOTO, VOCATIONAL REHABILITATION SPECIALIST

Deanna DeLeon came to VR in March 2006 looking for a way to change her life. Deanna faced many challenges in her life. Her past history of abuse led her to the Big Island Drug Court Program. Through this program and with the support of the Division of Vocational Rehabilitation, Deanna set a goal of becoming successfully employed.

The combination of her past work experience in the hotel industry and as an administrative assistant qualified her for a position as a tour receptionist with Wyndham Vacation Resorts in June 2006. Deanna's supervisor, Patsy Mecca, stated that Deanna brings positive energy and a bright smile to the team. Deanna has since been promoted to a Gifting Supervisor and continues to work in a job that she so loves.

Go Forward To Work. Congratulations, Deanna for a job well done.

MAUI BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY LYDIA SHEETS, VOCATIONAL REHABILITATION SPECIALIST

Having a disability never stopped Rogie Yasay Pagatpatan from working for long periods of time. Rogie requires assistance in completing applications and interviewing. Each time he needs to look for a new job, he has enlisted the help of his Vocational Rehabilitation Specialist, Lydia Sheets in the Maui Branch Office. Rogie and Lydia have been a successful team for many years. Lydia knows Rogie so well that she has collaborated with employers to help Rogie find and keep jobs.

Most recently, Lydia helped Rogie obtain a position with the Maui Disposal Company, Inc. He was hired as a sorter at the company's material Recover Facility—a processing plant for recyclable products including plastic, glass, aluminum, and mixed paper. Rogie works with other processors and several supervisors. He has a job that requires teamwork, cooperation, conscientiousness, and tolerance of waste products, outdoor work, environmental factors, and working around moving machinery. Rogie has proven that he can handle the job. With the help of supervisors West Paul and Wendell Parker, Rogie has become a valued employee.

Rogie's persistence is admirable, and his commitment has impressed his supervisors. He was honored as the "Employee of the Month" in June 2007. Rogie's success is due in part to his supportive and patient supervisors, who look at his abilities rather than his limitations.

KAUAI BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY DEBRA MATSUMOTO, EMPLOYMENT SERVICE SPECIALIST

"Everyone is telling me what I cannot do", stated Serafin Palomares when we first met in 2001. This made him even more determined to prove "everyone" wrong, and together, we proceeded to do just that. After recovering from a stroke, Serafin's goal was to return to his previous employment in the Food & Beverage field. We realized that due to his limitations, he would not be able to perform some of the duties required in a restaurant setting. He could be successful however, if the work environment was modified.

Serafin enrolled at Kauai Community College and worked toward a degree in culinary arts. School became a lengthy process, involving a lot of creative collaboration between the Instructors, college counselor, and VR. The biggest hurdle was finding an appropriate practicum site. It soon became clear that Serafin would do best working independently at his own pace, building a workstation, and creating a system that would meet his specific needs. When the Piikoi Building Vending Stand in the County Civic Center became available as a practicum site, Serafin leapt at the chance to give it a try . . . and Serafin has never left.

Upon earning an AS degree in 2005, he decided to make the leap to self-employment. Serafin has managed to create a popular, thriving Vending Stand in the heart of Lihue town. He is renowned for his specialty sandwiches and salads, and the sky's the limit as far as how big he could build his business. Yet, Serafin prefers to keep things small and simple, because for him, it's not about the money as much as it is having a joyful purpose for waking up each day. You can see that he truly enjoys what he does by the bright smile he wears when he greets his customers . . . and that's really what keeps the regulars coming back day after day. Congratulations to Serafin Palomares, Kauai's Outstanding Rehabilitant of the Year.

Oahu Branch Deaf Services Section 2007 Rehabilitant of the Year, Nominated by Amanda Christian, Vocational Rehabilitation Specialist

Deaf Services Section is proud to nominate known to his friends and family as "Mona", as this year's Outstanding Rehabilitant of the Year. Mona is a deaf person with significant developmental delays and minimal language skills. He is extremely shy; however, he has a heart of gold and a terrific work ethic.

After graduating from the Hawaii Center for the Deaf and Blind, Mona received kitchen training from Lanakila Rehabilitation Center (LRC) from 2002 until 2006 where he learned food preparation and dishwashing skills. At that time, it was a common belief that Mona would need extended support services in order to maintain competitive employment. With the assistance of LRC, Mona was placed at Red Lobster in November 2006. He received on-the-job training from November 2006 until February 2007 with specialized job coaches.

Mona eventually became comfortable with his work environment and began to make friends with co-workers. He is now confident with his tasks and will help others with their work at any time he sees that they need help. Mona's job duties initially were limited to cleaning the restrooms, bagging linguini and rice, and washing dishes. Mona later proved he was capable of much more and now helps staff with tasks such as mopping the bar area, food prep work, and helping in the storage room. He often arrives at work early and at times, has to be persuaded to leave work at the end of his shift. Upon leaving work, he makes sure to say "goodbye" to each one of his co-workers at least once; sometimes twice. Mona's supervisors and coworkers report how cherished Mona is and how well he is doing.

Deaf Services Section is honored and humbled to be able to recognize Mona Pouso'o's hard work and outstanding achievements. He has been an inspiration to us all and will continue to stand out in our minds as the definition of a successfully rehabilitated individual.

Mr. NADLER. Madam Speaker, I want to commend the distinguished majority leader and gentleman from Wisconsin, Mr. SENSENBRENNER, for their leadership on this important legislation.

H.R. 3195 would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is necessary to correct Supreme Court decisions that have created an absurd catch-22 in which an individual can face discrimination on the basis of an actual, past, or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress's intent, and H.R. 3195 cures this problem.

H.R. 3195 lowers the burden of proving that one is disabled enough to qualify for coverage. It does this by directing courts to read the definition broadly, as is appropriate for remedial civil rights legislation. It also redefines the term "substantially limits," which was restrictively interpreted by the courts to set a demanding standard for qualifying as disabled. An individual now must show that his or her impairment "materially restricts" performance of major life activities. While the impact of the impairment must still be important, it need not severely or significantly restrict one's ability to engage in those activities central to most people's daily lives, including working.

Under this new standard, for example, it should be considered a material restriction if an individual is disqualified from his or her job of choice because of an impairment. An individual should not need to prove that he or she is unable to perform a broad class or range of jobs. We fully expect that the courts, and the federal agencies providing expert guidance, will revisit prior rulings and guidance and adjust the burden of proving the requisite "material" limitation to qualify for coverage.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Some of my colleagues from across the aisle have raised concerns that this bill would cover "minor" or "trivial" conditions. They worry about covering "stomach aches, the common cold, mild seasonal allergies, or even a hangnail."

I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mis-characterized by the courts as temporary, or its impact considered too short-lived and not permanent enough—although it was serious enough to cost them the job.

That's what happened to Mary Ann Pimental, a nurse who was diagnosed with breast cancer after being promoted at her job. Mrs. Pimental had a mastectomy and underwent chemotherapy and radiation therapy. She suffered radiation burns and premature menopause. She had difficulty concentrating, and experienced extreme fatigue and shortness of breath. And when she felt well enough to return to work, she discovered that her job was gone and the only position available for her was part-time, with reduced benefits.

When Ms. Pimental challenged her employer's failure to rehire her into a better position, the court told her that her breast cancer was not a disability and that she was not covered by the ADA. The court recognized the "terrible effect the cancer had upon" her and even said that "there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family."

Yet the court still denied her coverage under the ADA because it characterized the impact of her cancer as "short-lived"—meaning that it "did not have a substantial and lasting effect" on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagree with the court's characterization of her cancer as "short-lived," and not sufficiently permanent.

This House should also disagree—and does—as is shown by the broad bipartisan support for H.R. 3195.

H.R. 3195 ensures that individuals like Mary Ann Pimental are covered by the law when they need it. It directs the courts to interpret the definition of disability broadly, as is appropriate for remedial civil rights to legislation. H.R. 3195 requires the courts—and the federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous, and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy.

I urge my colleagues to join me in voting for passage of H.R. 3195, as reported unanimously by the House Judiciary Committee.

Mr. SMITH of Texas. Madam Speaker, the Americans with Disabilities Act, enacted almost 18 years ago, removed many physical barriers disabled people faced in their daily lives. It also helped remove the mental barriers that often prevented non-disabled Americans from looking beyond wheel chairs and walking canes and seeing disabled Americans as the friends and coworkers they are.

When the ADA was originally enacted in 1990, it was the result of bipartisan efforts in Congress. So I am pleased that various interested parties have been able to reach agreement on statutory language amending the ADA.

I support the compromise and believe it was reached in good faith. However, I do have some concerns regarding how the courts will interpret the legislative language we will consider today.

So let me express what I believe to be the nature and import of this legislation.

First, the common understanding in Congress is that this legislation would simply restore the original intent of the ADA by bringing the statutory text in line with the legislative history of the original ADA.

That legislative history from both the House Education and Labor and the Senate committee reports provided that "[p]ersons with minor, trivial impairments such as a simple infected finger are not impaired in a major life activity," and consequently those who had such minor and trivial impairments would not be covered by the ADA.

I believe that understanding is entirely appropriate, and I would expect the courts to agree with and apply that interpretation. If that interpretation were not to hold but were to be broadened improperly the judiciary, an employer would be under a Federal obligation to accommodate people with stomach aches, a common cold, mild seasonal allergies, or even a hangnail.

So, I want to make clear that I believe that the drafters and supporters of this legislation, including me, intend to exclude minor and trivial impairments from coverage under the ADA, as they have always been excluded.

Second, the Supreme Court in Toyota Motor Manufacturing v. Williams held that under the original ADA, "[t]he impairment's impact must also be permanent or long term."

The findings in the language before us today state that the purpose of the legislation is "to provide a new definition of 'substantially limits' to indicate that Congress intends to depart from the strict and demanding standard applied by the Supreme Court in Toyota Motor Manufacturing."

I understand that this finding is not meant to express disagreement with or to overturn the Court's determination that the ADA apply only to individuals with impairments that are permanent or long term in impact.

If these understandings of the language before us today do not prevail, the courts may be flooded with frivolous cases brought by those who were not intended to be protected under the original ADA.

If that happens, those who would have been clearly covered under the original ADA, such as paralyzed veterans or the blind, will be forced to wait in line behind thousands of others filing cases regarding minor or trivial impairments. I don't believe anyone supporting this new language wants that to happen, and I want to make that clear for the record.

With the understandings I have expressed, I support the Americans with Disabilities Act Restoration Act.

Mr. HARE. Madam Speaker, I rise today in strong support of H.R. 3195, the ADA Amendments Act of 2008. I am very pleased that the House is considering this important legislation, and I urge our friends in the Senate to swiftly take action on it as well.

As it stands now, the Americans with Disabilities Act (ADA) leaves too many Americans at an unfair disadvantage. Many workers who suffer from debilitating diseases such as epilepsy or cancer are being discriminated against in the workplace but are denied redress by the courts. No one should be denied employment or be fired from his or her job because of a disability, but the Supreme Court has on multiple occasions interpreted the law in a way that opens the door to this possibility. In fact, plaintiffs lost 97 percent of ADA employment discrimination claims in 2004 alone, often due to the interpretation of the definition of "disability."

The starkest demonstration of this problem is found in Toyota Motor Manufacturing v. Williams, which the Supreme Court considered in 2002. The majority decision in this case held that the ADA's language regarding the extent of disability must be strictly interpreted so that legal protections from discrimination would apply only to those whose disabilities are long-term or permanent, and substantially limit their ability to perform routine tasks.

This was not the intent of the ADA. Congress passed the Americans with Disabilities Act in 1990 to clearly and comprehensively eliminate discrimination against all individuals with disabilities. Since that time, the ADA has transformed our Nation, helping millions of Americans with disabilities succeed in the workplace, and making transportation, housing, buildings, and services more accessible to individuals with disabilities.

The bill we are considering today restores the original intent of Congress by rejecting the Supreme Court decisions that have reduced protections for people with disabilities. Additionally, the legislation clarifies the definition of "disability" to include what it means to be "substantially limited in a major life activity." The legislation also prohibits the consideration of mitigating measures such as medication, prosthetics, and assistive technology in determining whether an individual has a disability, and provides coverage to people who experience discrimination based on a perception of impairment regardless of whether the individual does in fact have a disability.

The most important factor for a court to weigh in on a discrimination case should be the allegation itself—not the extent or nature of a worker's disability. This is not what every day Americans stand for, and this is not what Congress meant when the law was originally enacted.

By more clearly defining the term "disabled," we will be able to free up the courts in the future to focus on alleged acts of discrimination and better protect the American workers for whom this law was enacted.

I urge my colleagues to join the broad coalition of civil rights groups, disability advocates, and employer trade organizations who support this bill and vote with me to stop discrimination against individuals with disabilities by restoring the original intent of the Americans with Disabilities Act.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1299, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXTENSION OF PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2008" and inserting "July 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law. 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I rise in support of S. 3180, a bill to temporarily extend programs under the Higher Education Act of 1965.

At the beginning of February, the House took steps to reauthorize the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act. We now find ourselves in the near final phase of completing the reauthorization of the Higher Education Act as we work toward a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students.

It is our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including skyrocketing college prices, a needlessly complicated student aid application process, and predatory tactics by student lenders.

The bill under consideration today, S. 3180, will extend the programs under the Higher Education Act until July 31, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective Chambers.

It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe the Members on both sides of the aisle and in both Chambers are anxious to complete the work on this bill in this Congress. We believe it can happen.

I look forward to joining my colleagues on the committees in both the House and the Senate in completing our work on behalf of this Nation's hardworking families and students.

Madam Speaker, I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 3180, a bill to temporarily extend the Higher Education Act of 1965. This bill will provide a clean extension of the Higher Education Act for 1 more month as we continue to work with our Senate colleagues to hammer out a conference agreement.

The underlying reauthorization of the Higher Education Act is long overdue. Since 2003 Congress has passed twelve extensions, two reconciliation bills, an emergency student loan bill, and the House has passed two reauthorization bills. In the reauthorization bill passed by this Congress, we strengthened Pell Grants, improved the Perkins Loan program, and expanded access to college for millions of American students. The reauthorization bills also included important reforms that will provide more transparency to American families on the cost of college. A recent report found that since 1983, the cost of keeping colleges running has outpaced the consumer price index by 48 percent. The average total for tuition fees, room and board, for an in-State student at a public 4-year college is $13,589. It jumps to $32,307 for a student attending a private 4-year college. Tuition and fees have increased by an average of 4.4 percent per year over the past decade, and that's after adjusting for inflation. Students and families need to be able to plan for these increases, and that's exactly what we are proposing, through greater sunshine and transparency. We need to complete the reauthorization process to make those proposals a reality.

Madam Speaker, this is a clean extension bill that will allow the current programs of the Higher Education Act to continue past their current June 30, 2008, expiration date until July 31, 2008. Programs like Pell Grants and Perkins Loans are the passports out of poverty for millions of American students. We must complete our work on the conference agreement prior to the August recess.

I urge my colleagues to vote "yes" on S. 3180.

Madam Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 3180.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6358) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Child Abuse in Residential Programs for Teens Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term "child" means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term "child abuse and neglect" has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term "covered program" means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term "covered program" does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term "protection and advocacy system" means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term "State" has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each location of a covered program that individually or together with other locations has an effect on interstate commerce, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with

State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, *sua sponte*, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services $15,000,000 for each of fiscal years 2009 through 2013 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

"(2) COVERED PROGRAM.—

"(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

"(i) provides a residential environment, such as—

"(I) a program with a wilderness or outdoor experience, expedition, or intervention;

"(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

"(III) a therapeutic boarding school; or

"(IV) a behavioral modification program; and

"(ii) operates with a focus on serving children with—

"(I) emotional, behavioral, or mental health problems or disorders; or

"(II) problems with alcohol or substance abuse.

"(B) EXCLUSION.—The term 'covered program' does not include—

"(i) a hospital licensed by the State; or

"(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

"(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

"(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

"(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2008;

"(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

"(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

"(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

"(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

"(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

"(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

"(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

"(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

"(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

"(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

"(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

"(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

"(B) there is a child fatality at a covered program operating in the State;

"(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

"(6) annually submit to the Secretary a report that includes—

"(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

"(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

"(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

"(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of this subsection (b) unless—

"(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

"(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

"(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

"(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

"(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

"(6) after a review of assessments conducted under section 3(b)(2)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

"(d) OVERSIGHT.—

"(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

"(A) preventing child abuse and neglect at covered programs operating in each such State; and

"(B) enforcing the licensing standards described in subsection (b)(1).

"(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

"(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

"(i) a child fatality at such program; or

"(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

"(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

"(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2008.

"(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

"(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

"(B) the Secretary and the appropriate local agency shall jointly investigate such report.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by inserting before the period at the end the following: ", and $235,000,000 for each of fiscal years 2009 through 2013".

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after "specific" the following: "(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)".

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).".

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: "(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)"; and

(B) in paragraph (6), by inserting before the period at the end the following: "or who were in the care of a covered program, as such term is defined in section 114".

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

"Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.".

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act of 2008.

This legislation incorporates the bipartisan compromise amendment to H.R. 5876 that this House debated yesterday and supported by a vote of 422 in a recorded vote that was taken on the substitute amendments.

The ranking member, Mr. MCKEON, and I worked together to develop this compromise legislation because we both agree that children's health and safety should never be a partisan issue.

The Government Accountability Office has found thousands of cases and allegations of child abuse and neglect, stretching back decades, to teen residential programs, including boot camps, wilderness camps, and therapeutic boarding schools.

The Education and Labor Committee has closely reviewed dozens of serious neglect and abuse cases, including cases that resulted in the death of a child. We have heard from parents of children who died of preventable causes at the hands of untrained, uncaring staff members. We have heard from adults who attended these programs as teens. They too were the victims of physical and emotional abuse and witnessed other children being abused. These abuses have been allowed to go on because of the weak State and Federal rules governing teen residential programs.

An 18-month study by the Government Accountability Office showed that State licensing may exclude certain types of teen residential programs and thus place children at higher risk of abuse and neglect. In some States inconsistent licensing enables programs to define themselves out of the licensing altogether. According to GAO, in Texas a program that calls itself a residential treatment center would be required to obtain a license, but if that same program simply called itself a boarding school, it would not be required to have that license, and that's why this legislation is terribly important.

□ 1730

Parents send their children to these programs because they feel they have exhausted their alternatives. Their children may be abusing drugs or alcohol, attempting to run away or physically harm themselves, or otherwise acting out. They turn to these programs because the promise of staff members that will help their children straighten out their lives. And surely there are many cases in which programs do provide families the help they need. These parents are desperate and their children are in deep trouble.

But in far too many cases, when parents turn to those programs, they find they are getting conflicted information by people who have conflicts of interest in recommending the care for their children, financial conflicts of interest, ownership issues, and relationship issues that conflict that kind of advice.

We also know that we see programs that violate the trust that must be established between the parent and these programs and the programs and the children. It's very difficult for these parents to find good programs and to find accurate information, since the reporting requirements are so thin or nonexistent in so many States.

This legislation requires the Department of Health and Human Services to establish minimum standards for residential programs, and to enforce them. Ultimately, however, the States will have primary responsibility for carrying out the work of this bill.

The legislation calls upon the States within 3 years to take up the role of setting standards and enforcing them at all programs, public and private. The Health and Human Services and the State standards would include prohibitions on physical, sexual, and mental abuse of children. The standards would require the programs to provide children with adequate food, water, and medical care.

They would require that programs have plans in place to handle medical emergencies. They would also include new training requirements for program staff, including the training on how to identify and report child abuse.

The legislation requires Health and Human Services to set up a toll-free hotline for people to call to report abuse in these programs. It also requires Health and Human Services to create a Web site for information about each program so that parents can look and see if substantiated cases of child abuse or a child fatality has occurred at the program that they are considering for their children.

Finally, the legislation requires programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members, and requires programs to notify parents of substantiated child abuse or violations of health and safety laws.

Madam Speaker, we have the responsibility to keep children safe, no matter what setting they are in. Today, we are taking an important step to finally ending the horrific abuses that have gone on in these residential programs for teens.

I want to thank again Congresswoman McCARTHY of New York for all of her help and work on this legislation, and Congressman McKEON for all of his work on this legislation. His suggestions as the bill left the committee made this a better piece of legislation, and I encourage my colleagues to support the bipartisan legislation.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act. H.R. 6358 puts protections in place to guard against abuse, neglect, and death at residential treatment programs. These residential treatment programs help seriously troubled teens with drug addiction or behavioral or emotional problems. For many parents, they are a last resort when no other treatments or interventions have worked.

Members on both sides of the aisle share a commitment to protect young people enrolled in residential treatment programs. Even one instance of abuse, neglect, or death is one too many.

The bill we are considering today has been developed in an effort to reach a bipartisan consensus. It's important to note that the provisions in the version of this bill that the Education and Labor Committee reported in May have been revised or edited, including the requirement for the Department of Health and Human Services to establish a new bureaucracy to inspect every private residential treatment program in every State, and the requirement creating a new private right of action for lawsuits.

This legislation ensures that the standards required in the bill apply to both public and private residential treatment programs. The language also contains strong background check requirements that ensure that before coming into contact with children, potential employees are thoroughly scrutinized with tools, including the National Sex Offender Registry and an FBI fingerprint check.

Stopping child abuse is a necessary and essential function of State and local government. It is clear to me that the most effective and appropriate way to protect those enrolled in these programs is to require States to establish a system of standards, licensure, and regulation to ensure that States are working to stop instances of abuse and neglect at residential treatment programs. The Federal role is to ensure that States live up to their vital responsibilities in stopping abuse in these facilities.

In this bill, the responsibility for licensing and inspecting these programs rests with the States and is tied to their receipt of funds under the Child Abuse Prevention and Treatment Act. The role of the Federal Government relates to establishing minimum standards and investigating instances of abuse and neglect upon a referral from a State.

I think Members on both sides of the aisle can agree that there's still more work to be done. Just yesterday, Congresswoman BACHMANN offered a proposal to strengthen parental notification and consent requirements regarding prescription medications given to teens at residential treatment facilities. Hopefully, this important issue will be further addressed as this legislation moves through the legislative process.

In closing, it's important to acknowledge the great progress that has already been made to strike a bipartisan consensus. I especially want to commend Chairman MILLER, Subcommittee Chairwoman McCARTHY and Ranking Member McKEON, along with their staffs, for working together to strengthen this important effort to protect our nation's teens against abuse and neglect in residential treatment facilities. I stand in strong support of this important legislation and encourage my colleagues to also support it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I want to thank Congressman PLATTS for his support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6358, "Stop the Child Abuse in Residential Programs for Teens". I would like to thank my colleagues on the Committee on Education and Labor for bringing this very important legislation to the floor.

On Capitol Hill we often debate matters that can address varying viewpoints. I believe that this legislation can only be looked at from two angles—right and wrong. I do believe that this bill must restore the spot check visits by HHS which have been deleted—the agencies in Texas are guilty of many abuses and these visits can save children's lives.

They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care and residential care system. Black, White, Hispanic, and Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents or in treatment centers with experienced and caring providers. And some do not.

This legislation allows us to keep our children safe with:

New national standards for private and public residential programs:

Prohibit programs from physically, mentally, or sexually abusing children in their care;

Prohibit programs from denying children essential water, food, clothing, shelter, or medical care—whether as a form of punishment or for any other reason;

Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing Federal law on the use of restraints;

Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;

Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and

Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens:

Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;

Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and

Require programs to include a link or Web address for the Web site of the U.S. Department of Health and Human Services, which will carry information on residential programs.

Hold teen residential programs accountable for violating the law:

Require States to inform the U.S. Department of Health and Human Services of reports of child abuse and neglect at covered programs and require HHS to conduct investigations of such programs to determine if a violation of the national standards has occurred; and

Give HHS the authority to assess civil penalties of up to $50,000 against programs for every violation of the law.

Ask States to step in to protect teens in residential programs: Three years after enactment, the legislation would provide certain Federal grant money to States only if they develop their own licensing standards (that are at least as strong as national standards) for public and private residential programs for teens and implement a monitoring and enforcement system, including conducting unannounced site inspections of all programs at least once every 2 years. The Department of Health and Human Services would continue to inspect programs where a child fatality has occurred or where a pattern of violations has emerged.

This legislation seeks to protect the unprotected—our children—from abuse, neglect and exploitation. Many of these children are not safe, and their futures are uncertain. The groups serving children and adolescents with mental health or substance use conditions need better regulation. The youth boot camps and other "alternative placement facilities" should be forced to provide greater transparency as to the policies and practices of their programs.

This legislation is a welcomed and needed response to numerous studies documenting the ineffectiveness of these programs and, in several instances, the tragic deaths as a result of child abuse and neglect as reported by the GAO in October 2007. Too many families struggle mightily in nearly every State to find placements, when appropriate, for their children that will address their complex mental health needs.

These facilities flourish, in part, because parents lack the necessary information about the operation and practices of these programs. The promise of help cannot be allowed to obscure the fact that these kinds of programs are not science-based and have not been forthcoming about the incidence of neglect or abuse.

This addresses the challenges facing many families. It seeks relief from these risks by (1) establishing standards for these programs that are consistent with current child protection laws; (2) ensuring that personnel are qualified; (3) shifting these programs to be family-centered, as well as culturally and developmentally appropriate; (4) creating mechanisms for the monitoring and enforcement of these goals; (5) calling for greater transparency and accessibility to the compliance of these standards; and (6) providing grants to States for the prevention of child abuse and neglect and for the treatment of children's mental health or substance use conditions.

Additionally, the annual report to Congress is an effective tool in ensuring that these critical issues emerge from the shadows and see the light of day. I share the vision and commitment of Chairman MILLER and the Education and Labor Committee in protecting our youth from such predators.

I urge my colleagues to vote for our children, vote for our families, and vote for H.R. 6358.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PLATTS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–734) on the resolution (H. Res. 1304) providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend with respect to H.R. 6358; passage of H.R. 3195; and motion to instruct on H.R. 4040.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6358, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

The vote was taken by electronic device, and there were—yeas 318, nays 103, not voting 13, as follows:

[Roll No. 459]

YEAS—318

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri

Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—103

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Turner
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

NOT VOTING—13

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Snyder
Speier
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that less than 2 minutes remain on this vote.

□ 1803

Messrs. EVERETT, WITTMAN of Virginia, BOOZMAN, Mrs. SCHMIDT, Messrs. MICA and SMITH of Texas, and Mrs. MUSGRAVE changed their vote from "yea" to "nay."

Messrs. KUCINICH, BOUSTANY, GALLEGLY, CULBERSON, WALBERG, Ms. FALLIN, Messrs. LEWIS of California, MORAN of Kansas, and Mr. ISSA changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADA AMENDMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the passage of the bill, H.R. 3195, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 17, not voting 15, as follows:

[Roll No. 460]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Broun (GA)
Campbell (CA)
Doolittle
Duncan
Flake
Garrett (NJ)
Gohmert
Hensarling
Kingston
Linder
Marchant
Paul
Poe
Price (GA)
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—15

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Slaughter
Snyder
Souder
Speier
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are less than 2 minutes remaining in this vote.

☐ 1811

Mr. RYAN of Wisconsin changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WELLER of Illinois. Madam Speaker, on rollcall Nos. 459 and 460, I was detained in traffic. Had I been present, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 4040, CONSUMER PRODUCT SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4040 offered by the gentleman from Illinois (Mr. KIRK) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 461]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Cubin
Fossella
Gilchrest
Jefferson
Johnson (GA)
Kaptur
Lampson
Loebsack
Mahoney (FL)
Marchant
McCotter
Putnam
Rush
Simpson
Snyder
Speier
Walsh (NY)
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YARMUTH) (during the vote). There are 2 minutes left in this vote.

☐ 1818

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO COMMEMORATE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 377) authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 377

Whereas African American men and women have served with distinction, courage, and honor in the United States Armed Forces throughout the history of the nation, even when they were denied the basic constitutional freedoms promised to all citizens;

Whereas the practice of racial segregation and discrimination in the military prevented African Americans from receiving the full recognition to which they were entitled as a result of their service;

Whereas African Americans, in leading the effort to protest discriminatory treatment in the armed forces, paved the way for successful integration of women, Asians, Hispanics, and other ethnic minorities;

Whereas the dedicated and heroic service of African American men and women during World War II led to President Truman's historic executive order 60 years ago that marked the beginning of racial integration in the United States Armed Forces;

Whereas as a result of President Truman's action, the United States Armed Forces has become one of the nation's best examples of an institution committed to equality, opportunity, and advancement based on merit rather than race, religion, or ethnicity; and

Whereas the heroic contributions of each member of the United States Armed Forces should be honored and celebrated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR CEREMONY COMMEMORATING 60TH ANNIVERSARY OF INTEGRATION OF THE ARMED FORCES.

(a) USE OF ROTUNDA.—The rotunda of the Capitol is authorized to be used on July 23, 2008, for a ceremony commemorating the 60th anniversary of President Truman's Executive Order No. 9981, which states, "It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.".

(b) PREPARATIONS.—Physical preparations for the ceremony referred to in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 377.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution provides for the use of the Capitol rotunda to mark the 60th anniversary of the integration of the United States Armed Forces. I support the resolution.

Mr. Speaker, 60 years ago, President Harry Truman issued Executive Order 9981, which established the President's Committee on Equality of Treatment and Opportunity in the Armed Forces. Determined to end segregation in the Armed Forces, President Truman issued this historic directive to end discrimination experienced by African American soldiers.

Executive Order 9981 was successful in ending racial segregation in the military and its effect is long-standing. As a result of the directive, segregation based on creed, gender, and national origin was also abolished. It is important we recognize such an historic victory for civil rights and for our Armed Forces.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while we wait to find out what we are going to do tomorrow and whether there will be a real energy bill presented to this floor, or some more energy fluff, I do rise today in support of H. Con. Res. 377 which would authorize use of the rotunda of the Capitol to commemorate the 60th anniversary of the beginning of the integration of the United States Armed Forces.

On July 26, 1948, President Harry Truman signed Executive Order 9981, which provided for the equal treatment of blacks serving in the military. We should remember that previous attempts had been made to integrate the Armed Forces. In fact, during our Revolutionary War, approximately 5,000 African Americans served in integrated units. They served in many different capacities, including as artillerymen infantrymen, laborers, and even entertainers. Each served our Nation proudly, protecting the freedoms that they themselves had not yet come to know.

With a new century, though, came political realities that would once again segregated the military. Nearly 50 years passed until once again blacks and whites were able to stand shoulder to shoulder, as a unit defined not by color, but by a commitment to freedom and love of country. President Truman's executive order to integrate the military also laid the groundwork for other minorities to gain those same rights, paving the way for the diverse group of men and women of all backgrounds who today serve in our military.

I urge my colleagues to join me in supporting H. Con. Res. 377, so we may mark the historic occasion of the integration of our Nation's Armed Forces with a ceremony here in our Nation's capital at the Capitol rotunda in a manner that would truly honor the sacrifice that men and women of all backgrounds have made to our Nation throughout history.

As I understand the gentlelady has no further speakers, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, and I just urge that Members support H. Con. Res. 377 which provides for use of the Capitol rotunda marking the 60th anniversary of the integration of the United States Armed Forces.

Mr. SKELTON. Mr. Speaker, I rise in strong support of H. Con. Res. 377 to authorize the use of the rotunda of the Capitol for a ceremony commemorating the 60th anniversary of the beginning of the integration of the United States Armed Forces. The historic document that began the process of integration was Executive Order 9981 issued by President Harry S. Truman, my fellow Missourian.

History has well documented that President Truman was a man of great principle and courage. He was by all accounts a man that did not shrink from responsibility even when the decisions were very difficult. The employment of atomic weapons at the end of World War II, the Berlin airlift at the beginning of the cold war, and the Korean war are but few examples of his leadership during crisis.

However, I believe it is his decision to declare that each person in the military is deserving of equal treatment and opportunity, regardless of race, color, religion, and national origin that most reflects his personal commitment to his core beliefs.

His July 26, 1948 Executive order was no weak-kneed statement designed to fit the political expediency of the era. Executive Order 9981 was a bold statement that reflected his heartfelt commitment to the civil rights of all Americans and the American style of freedom that became a beacon of hope for so many people throughout the world during World War II. This powerful statement of equality in treatment and opportunity reflects the highest standards of democracy and lived up to the American spirit that we all cherish.

President Truman saw much in the professional and heroic performance of African Americans during World War II that demanded he issue his Executive order. The exploits of African Americans that carried out the Red Ball Express, flew with the 99th fighter squadron, and served as Tuskegee Airmen are legendary. There were also stories of the many individual heroes during World War II like the seven African Americans who were finally awarded the Medal of Honor for their long-overlooked World War II heroism in 1997. Like all the other wars that preceded World War II, African Americans had played an important role during war and Harry Truman was determined to set the record straight.

The 60th anniversary of President Truman's Executive order to begin the integration of the Armed Forces is a pivotal event in United States history that is deserving of a ceremony in the rotunda of the Capitol. I thank Chairman BRADY and the staff of the House Administration Committee for helping to move this resolution so expeditiously and I strongly encourage my colleagues to support H. Con. Res. 377.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of this resolution authorizing the use of the Capitol Rotunda for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

And I thank the distinguish Chairman of the Armed Services Committee, Mr. SKELTON; for bringing this resolution to the floor.

Throughout the course of our Nation's history, the men and women of our Armed Services have defended our liberties with bravery, honor, and sacrifice. But because our Nation racially segregated its military prior to 1948, generations of African Americans served our Nation with the knowledge that they were fighting abroad for the very freedoms that were frequently denied to them at home. Despite this injustice, not only did African Americans serve honorably to fight for all our freedoms, they did so with the dignity and bravery that earned many of them our Nation's top military honors.

Of the many units to serve with distinction, I particularly want to recognize the Tuskegee Airmen that organized at Moton Field in Tuskegee, Alabama, many of whom I would hope could be a part of this ceremony in the Rotunda. Over the course of World War II, the Tuskegee Airmen became one of the most highly decorated units in the Armed Forces. These brave pilots destroyed more than 1,000 German aircraft while accumulating an unprecedented record of flying more than 200 bomber escort missions over central and southern Europe without the loss of a single bomber to enemy aircraft. The Tuskegee Airmen returned home with some of our Nation's highest military honors including 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. But they also returned home to a racially segregated America.

One of the many important milestones toward achieving an integrated America occurred on July 26, 1948 when President Harry Truman signed Executive Order 9981. This important order, which will be recognized under this resolution, ordered there be equality of treatment with all persons in the Armed Services without regard to race, color, religion, or national origin. Even though it took many years to accomplish the complete integration of the Armed Services, it was Executive Order 9981 that began the process and it is that event, among others, that I hope we will honor in the Capitol Rotunda next month.

Mr. Speaker, I would also like to bring the attention of this House to House Concurrent Resolution 297, a resolution I introduced with my friend and colleague Mr. MEEK of Florida on February 14 of this year. This resolution also recognizes the 60th anniversary of the beginning of the integration of the United States Armed Forces. I look forward to the consideration of this or any other similar resolution honoring this important event in our history.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 377, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CIVIL RIGHTS FOR THE DISABLED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to enthusiastically support the legislation that we just debated on the floor of the House. Having been detained in my Committee on Transportation Security and Critical Infrastructure during the debate, I wanted to come and support H.R. 3195, the ADA Restoration Act of 2007. This is truly a civil rights initiative, and it is important to restore the basic support and rights of those who are disabled in America.

Unfortunately, through the Supreme Court's narrow decision and definition of the word "disability," it made it very difficult for individuals with serious health conditions such as epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis, and severe intellectual impairments to prove that they qualify for protection under the ADA.

The Supreme Court narrowed that definition in two ways: one by ruling that mitigation measures that help control an impairment, like medicine or hearing aids or other devices, must be considered a deserving disability; and, two, ruling that the elements of the definition must be interpreted strictly to create a demanding standard for qualifying as disabled.

Mr. Speaker, enough is enough. The civil rights of all Americans are an important constitutional element. We hold these truths to be self-evident that we are all created equal. This legislation, H.R. 3195, restores those rights. And I would like to affirm that my vote in the Judiciary Committee was a resounding "yes." The fact that I was detained, I want that to be reflected in the report.

This is an important bill. This bill is heavily supported, and I throw my support to a new civil rights law in America.

GET WITH THE PROGRAM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of this country are pretty smart. They watch television and they listen to all of the political rhetoric and the hot air that comes out of this place, and they listen to all the press conferences, but they know, they know gas prices are too high and they know we ought to be energy independent and they know that we ought to drill in the United States so we can be energy independent. They know that it is affecting their prices at the grocery store and everything that they buy. They want us to be energy independent. They want us to drill in the ANWR and they want us to drill offshore in the Outer Continental Shelf. They want us to do what is right in this body. And we are not doing it.

I want to say to my colleagues who are giving all of this hot air out about we shouldn't be doing it and about permits and everything else, the American people know they want us drilling in America. They want energy independence, and you guys had better get with the program.

STEER DRIVE ACT TO FLOOR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, you know one thing that this Congress is not doing is sitting down and really trying to figure out where the Democrats and the Republicans agree on this energy challenge. ELIOT ENGEL and I 2 years ago sat down and wrote a bill called the DRIVE Act. We left off drilling and we left off cafe standards; and we asked, what is it that builds the most consensus?

That bill takes us off of Mid East oil by the year 2025. It is something that should come to the floor. It makes sense. It has a lot of commonsense things, like ending the tariff on imported Brazilian surplus ethanol.

Think about that for a minute. Brazil has surplus ethanol that they are ready to sell to us right now, and we have a tariff on it. It is absurd. That is just one component of the DRIVE Act that makes sense. And I request that we bring this bill to the floor of the House for a good bipartisan debate and hopefully a good bipartisan passage.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WAR POWERS COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, forget about the days of judicial restraint. Those are the days when the Supreme Court thought their job was to interpret the law and follow the Constitution. The Supreme Court now has ushered in a new era power grab called judicial imperialism.

Recently, the deeply divided Supreme Court, or the war powers court, as we shall call it, issued a ruling by Justice Kennedy that gave terrorists the right to argue their cases in Federal courts. In this 5-4 decision, the court held that terrorism detainees captured on the battlefield engaged in war against America now held at Guantanamo Bay prison and other prison facilities under U.S. control have the same rights as American citizens.

When I was at Gitmo prison, which I doubt Justice Kennedy has ever seen, I saw several detainees that had been captured, released, and captured again on the battlefield trying to kill Americans. I'm sure these enemy combatants are partying in Guantanamo prison tonight.

Under the current law, individuals captured as enemy combatants have their cases reviewed by military commissions. It has always been the law under our Constitution that the President is the Commander in Chief of the military, and the President and Congress control war, not the nine justices on the Supreme Court. But the imperialistic war powers court ruled that these military commissions aren't fair enough for enemy combatants trying to kill American troops. It's interesting. These terrorists hate America, hate freedom, hate our way of life but quickly run to American courts to seek redress against Americans.

The five war power judges on the Supreme Court say these poor little misfits should have access to American courts, even though it is the first time in history we have given constitutional rights to combatants against the United States. Even in the War between the States, captured Confederate soldiers who were actually born in the United States were not allowed access to U.S. courts. They were tried by military tribunals. The same occurred in World War II when Nazis were tried by military tribunals. During the Revolutionary War, British spy John Andre was caught on U.S. soil spying with traitor Benedict Arnold. Andre was hung by the Commander in Chief, George Washington, and a military court without any judicial intervention.

So what is next? Are we going to make our boys read terrorists their Miranda rights in the battlefield before they capture them? Justice Scalia was right, Mr. Speaker. In his dissent he argued that this ruling will make the war on terror harder on us and will "almost certainly cause more Americans to be killed."

The Supreme Court is running roughshod over the Constitution of the United States and changing 200 years of judicial precedent. In fact, at the end of World War II, the Supreme Court explicitly determined in a series of cases that the writ of habeas corpus—that's an action that allows a person to seek relief from detention—does not apply to foreign combatants held outside the United States.

It gets down to this question, Mr. Speaker: Who should be running our wars? Should Congress and the executive branch be in charge of war, or should the Supreme Court, in all of its supreme knowledge, be running the war?

Well, according to the war powers court, they are the commanders in chief of the war. Now what does the imperialist war court want us to do with captured terrorists? Not capture them at all, or let them go so they can kill again?

While terrorists continue to use innocent women and children as shields, continue to bomb our troops, shoot our sons and daughters in the battlefield and behead American civilians and our troops without granting them any rights, the Supreme Court tells us these terrorists ought to be treated like American citizens. The five imperialist judges on the Supreme Court have asserted the power of the Constitution that is reserved specifically to the executive branch and to the legislative branch.

Mr. Speaker, this ought not to be, but that's just the way it is.

CIGARETTE SMUGGLING BETWEEN STATES SHOULD BE A FELONY, NOT A MISDEMEANOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, I rise today to bring to the attention of the House a problem that exists, frankly, in all 50 States and is having a dramatic impact not only on individual States but having an impact tragically on our national security—the problem that tobacco excise taxes, which are levied State by State, have had the unwitting result of having a great incentive for people to smuggle tobacco over State lines. This is happening because of a weakness in the Federal law that makes it a misdemeanor to do so.

Let me explain to you exactly what happens. In a State like New York, for example, the New York State excise tax for each pack of cigarettes is $2.75. New York City adds another $1.50 to that tax. So the base tax on cigarettes in New York is the combination of $2.75 in the State, $1.50 in the city.

If you go to, say, North Carolina or another State that has a lower tax, there's an enormous amount of incentive for someone to buy the tobacco in a State like North Carolina, sell it in New York on the black market, or sell it on the Internet and wind up saving a great deal of money on that float between the two tax rates.

Now this is illegal under the Jenkins Act. However, it's hardly ever enforced, and when you ask folks at the ATF why it's not enforced, they say quite simply, because the Jenkins Act is too weak. It only makes it a misdemeanor to do these things.

What has become clear in recent months, though, and in recent years, according to the Government Accountability Office, according to the FBI, is that not only are people trying to make a couple of bucks doing this, but terrorist organizations have been funded.

According to a GAO investigation, what has happened is that tobacco is being bought in North Carolina where the tax is only five cents a pack and being resold in Michigan where the tax is 75 cents a pack. They're taking that extra 50 cents which, when you consider cases and cases, truckloads and truckloads, and where do the profits go? $1.5 million was shipped overseas to Lebanon to fund Hezbollah. This is just one example.

FBI Director Robert Mueller, when he testified about this problem before the Senate, said the following:

"Terrorists now increasingly have to rely on criminal organizations to travel from country to country for false identifications, for smuggling, being smuggled in or out of a country. They have to rely on other criminal organizations for money laundering. We have had a number of cases where Hezbollah, for instance, has utilized cigarette smuggling to generate revenues to support Hezbollah."

In this GAO report that revealed this information, both DOJ—Department of Justice—and ATF suggested that if violations of the Jenkins Act were felonies instead of misdemeanors, U.S. Attorneys' Offices might be less reluctant to prosecute.

Well, I'm standing here to recommend that we do just that. We in the Crime Subcommittee of the Judiciary Committee recently had a hearing on my legislation which would do just that. It would raise the stakes on the Jenkins Act, and it would do something else. It would say that no longer can you transfer tobacco through the mail. In order for this selling to be done in a truly efficient way, you don't pack up a truck and drive it across lines; you get an Internet Web site and you offer to transport it over State lines using the mail service.

Now you can't use FedEx, you can't use UPS, and you can't use DHL. Why? Well, because they have all signed a compact, essentially a consent order saying they refuse to carry it. The only way to mail tobacco is through the United States Postal Service. So an additional thing the legislation would do would make that illegal.

This is a serious problem. As the tax goes up, as the difference between the State taxes goes up, it's no longer nickels and dimes, it's millions of dollars, millions of dollars that's going to black market tobacco that's funding nefarious activities and funding terrorism, and we should stop it.

* * *

IN DEFENSE OF LUNCHTIME PRAYER AT THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, America was built on Judeo-Christian values. No one who knows the history of our nation can deny that freedom of religion played a critical part in its development. Yet there are those in our society who wish to threaten America's long history of religious freedom by limiting public expressions of religion by people of faith.

In 2001, the Virginia Chapter of the American Civil Liberties Union sued the Virginia Military Institute on behalf of two former cadets who opposed the school's nondenominational presupper prayer. In 2003, a three-judge panel of the Fourth Circuit Court of Appeals decided in favor of the ACLU and stripped VMI of its right to prayer, a tradition dating back to the school's founding in 1839. After the ACLU eliminated prayer at this State-supported school, the group expressed interest in locating Naval Academy graduates to file a suit similar against lunchtime prayer at Annapolis.

In response to this threat, I introduced the Military Academy First Amendment Protection Act, legislation to protect the ability of our military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities.

With the support of other Members of Congress, this legislation was included as a provision of the fiscal year 2006 National Defense Authorization Act which was signed by the President and became law on January 6, 2006. I am so grateful to my colleagues in both parties who stood with me and acted to protect prayer at the United States Military, Naval, and Air Force Academies.

Since their founding, America's military academies have instilled in our military leaders the principles of our Founding Fathers and the traditions of our great military services. However, today, the American Civil Liberties Union has threatened to sue Annapolis over its tradition of lunchtime prayer.

Mr. Speaker, this is an example of why America is in trouble. Prayer or devotional thought has taken place at meals for midshipmen since the Naval Academy was founded in 1845. These prayers are nondenominational and have been rotated among chaplains of different faiths, from the Catholic to the Protestant to the Rabbi. Those who choose to attend the United States Naval Academy know what the rules are from day one.

Legal threats by the ACLU are not made in the spirit of religious tolerance but in a spirit of intolerance of any expression of faith at all.

Congress has a legitimate role to play in ensuring that the first amendment rights of American citizens are protected. By passing legislation to ensure our service academies' right to offer a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, Congress codifies its belief that decisions respecting prayer should remain in the hands of each service academy's superintendent.

□ 1845

I am pleased that the law protects the right of the superintendent of the Naval Academy to continue the long tradition of lunchtime prayer at Annapolis.

As mission-crucial institutions, it should be the military authorities, and not civilian courts, that decide what practices are essential to fostering leadership and accomplishing the unique military mission.

I am hopeful that my colleagues in Congress will continue to stand with me to ensure the protection of our future military heroes and their first amendment rights.

And I must say, Mr. Speaker, in closing, to those nine members of the Naval Academy who joined the ACLU to sue Annapolis, all I can say is shame on you because America will not survive unless it protects the Judeo-Christian values of this great Nation.

A REVISION TO THE BUDGET ALLOCATIONS, AGGREGATES, OR OTHER APPROPRIATE LEVELS FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 207 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations, aggregates, or other appropriate levels for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations, aggregates, and other appropriate levels for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6275, Alternative Minimum Tax Relief Act of 2008. Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2008[1]	2009[1,2]	2009–2013
Current Aggregates:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,029,644	11,780,107
Change in Alternative Minimum Tax Relief Act (H.R. 6275):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	−2,924	158
Revised Aggregates:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,026,720	11,780,265

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DUTY, HONOR AND COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. I rise, Mr. Speaker, to talk about duty, honor, and country.

Many times, Members of this great body rise to talk about those who wear the uniform of the United States who have fallen in the Iraq or the Afghanistan theater and to recount their actions and to recount their mission and to praise their motive and their patriotism and their love of this great country.

I rise tonight, Mr. Speaker, to talk about an American who was killed on the 24th of this month, not wearing the uniform of the United States in the military service, even though he had served in the military for some 31 years, but who was killed in a deadly area in Iraq as an American contractor, an American who had worked as a contractor for the Department of Defense and then the Department of State, Steven Farley.

Steven Farley represented the very best of this country, and I have a picture here, Mr. Speaker, that I'd like to show the Members. This is him in his Navy uniform. Before he donned this Navy uniform and finished a career of 31 years in the U.S. military, he served in the U.S. Army in Vietnam.

He was a man of service, and when he left his wonderful wife, Donna, and his family to go to Iraq, he told them that he understood that this was a difficult and dangerous mission. He worked on a provincial reconstruction team, and I think he represented a forgotten segment of this great effort, this effort to bring the sunlight of freedom to Iraq.

He represented those people that don't wear the uniform in this operation but who wear contractor uniforms, who go out into very dangerous places in Iraq. And in this case, Steven Farley was with three colleagues, working the provincial reconstruction teams in Iraq. He was in Sadr City, that adjunct to Baghdad that has over 1 million people in an area of great fighting and great turmoil and great danger. And yet when he came home to see his loved ones, he told them he knew that he was in danger. He knew that it might, at some point, cost him his life, but he told them that he thought the cause was a worthwhile cause.

His service to America represented all those wonderful aspects of duty and honor and country and patriotism, even though he wasn't wearing the uniform of the Army or the Marine Corps or the Air Force or the Navy, because he was serving that same goal, that same ideal, that same flag, and all of us.

Mr. Speaker, he came home a few weeks before, bringing some of the members of the city council of Sadr City to the United States to let them see what freedom was like, what this great experiment in freedom called the United States of America was like, to inspire them, to give them a model they could go back and use in this fledgling representative government that is now taking place in Iraq.

He wanted to show them the American example, and Mr. Speaker, his example and the example of his family and the example of his great community, a guy from Guthrie, Oklahoma, it was the finest example that anybody can watch if they indeed want to model their country, their community, their town after a winning democracy, the United States of America.

So here was a gentleman who served in a very, very crucial area for the United States, and most of the work that we do here in the House of Representatives, most of our work is air-conditioned. I'm so proud of the members of the Armed Services Committee, most of whom have taken multiple trips to see the troops and the operations in Iraq and Afghanistan. And we now and again go out and put our boots on the ground in some tough places, but most of the time, we're in Washington, D.C., or with our constituent cities and our wonderful communities. These Americans, Americans like Steven Farley, are out there for years on end in very difficult conditions, carrying the American flag.

So, Mr. Speaker, a number of us on the Armed Services Committee are going to be visiting Iraq and Afghanistan in the coming months, especially the summer months, when we take the district work period break. I will tell you one thing I'm going to do. When I go to Baghdad this time, I'm going to spend more time with those contractors, people who haven't necessarily been given all of the credit that they should be given by this body, by the House of Representatives. People talk about the contractors as if they were somehow mercenaries.

Well, Steven Farley represented the very best of this very wonderful force of Americans who help to establish freedom around the world. May he rest in peace. God bless his family, and thank you, Steven Farley, for your service to the United States.

AMERICAN ENERGY SOLUTIONS FOR LOWER GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, it's good to be here tonight, and I wanted to come and talk about something that's concerning Americans all over this country, and that's the price of gas and what we're doing about it here in this body, this decisive body that's supposed to be decisive, that takes action when we find our country in need.

I wanted to talk a little bit about something that happened to me shortly a couple of weeks ago I guess, and I started having people, Mr. Speaker, e-mail me and ask me questions about signing different types of petitions on the Internet, drill here, drill now, lower prices, several other ones on the Internet, so Americans could let their Members of Congress, Mr. Speaker, know how they felt about these skyrocketing gas prices that they had been promised by the new majority that they would get control of.

So I was in a service station down home, and there was another petition laying on the counter. I'm assuming that the proprietor of that service station put that down to give people something to do rather than beat him over the head, but it was a petition: Please sign here if you want to see Congress lower gas prices.

So I came up with an idea, Mr. Speaker. I said, you know, the American people are letting us know, as their representatives, how they feel. We need to let them know how we feel. And so I came up with this petition that's pretty simple. What it says is: American energy solutions for lower gas prices; bring onshore oil on-line; bring deepwater oil on-line; and bring new refineries on-line.

We have not produced in this country, Mr. Speaker, a refinery since the late 1970s. We now import about 7 billion gallons of gas a year. We also import about the same amount of diesel. So we don't even have the refining capacity to refine what we import.

So I did this, and I made a little petition. You can see it over here. It's got spots for 435 people plus the non-voting Delegates to sign. So far I'm pleased to say, Mr. Speaker, we've got 188 people who have signed this. We've got three Democrats, three brave Democrats that have signed it: NEIL ABERCROMBIE, PATRICK MURPHY, and Mr. Speaker, I believe HENRY CUELLAR was the last one from Texas. And so these are brave people that understand that we have got to do something.

The majority says, well, it will be 10 years before we ever get oil. We've got to start today. If President Clinton in 1995 had not vetoed the drilling in ANWR, we would be producing 1 million gallons of crude oil for this country every day.

So, Mr. Speaker, what this is about—and by the way, this is very simple, because what it says is, I will vote to increase U.S. oil production to lower the price of gas for Americans. And Mr. Speaker, if anybody wanted to know if their Member was on the petition, they could go to house.gov/westmoreland to see if their Member is on there. We've had two Members that did not sign originally, and Mr. Speaker, they were put on the would-not-sign list. They have heard from their constituents and have come back and are now signed onto the petition.

So, Mr. Speaker, it is very important for people to understand where their Members of Congress are at on the energy issue. You're going to hear all kinds of excuses. You're going to hear all kinds of different regulations they want to put in place, all kinds of different taxes they want to put in place. This petition is too simple for most Members of this body to understand because it only says, I will vote to increase oil production in the United States, our own natural resources, to lower gas prices for Americans. That's all it says.

And if somebody wanted to know, Mr. Speaker, they could go to house.gov/westmoreland, and see exactly where their Member of Congress was at because, listen, Mr. Speaker, we hear about change from just about every candidate running, but we are going to have to be forced to change by our constituents. Because as you've seen since the new majority came in in January of 2007, there's been nothing done.

So, Mr. Speaker, I would ask the American people if I could to help us bring about change by notifying your Congressman and say get out of the fetal position and let's be called to action.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAHONEY of Florida (at the request of Mr. HOYER) for today.

Mr. PUTNAM (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOYD of Florida) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. DONNELLY, for 5 minutes, today.
Mr. WEINER, for 5 minutes, today.
Mr. PAYNE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 26 and 27.
Mr. HUNTER, for 5 minutes, today.
Mr. WESTMORELAND, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse"; to the Committee on Transportation and Infrastructure.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building"; to the Committee on Transportation and Infrastructure.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, June 26, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7314. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7315. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7316. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7317. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7318. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7319. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7776] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7320. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment Regarding Financial Institutions Exempt from Establishing Anti-Money Laundering Programs (RIN: 1506-AA88) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7321. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7322. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7323. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7324. A letter from the Executive Director, Philadelphia Housing Authority, transmitting the Authority's Annual Report for 2007 entitled, "A Dynamic Decade"; to the Committee on Financial Services.

7325. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Definitions and Implementation Under the CAN-SPAM Act [Project No. R411008] (RIN: 3084-AA96) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7326. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips to Closed Area II Yellowtail Flounder Special Access Program [Docket No. 080428607-8689-02] (RIN: 0648-AW69) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7327. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the budgeting of the Chicagoland Underflow Plan (CUP), Thornton Reservoir, Illinois; to the Committee on Transportation and Infrastructure.

7328. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AM86) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7329. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL AMENDMENTS TO LIST OF USER FEE AIRPORTS: ADDITIONS OF CAPITAL CITY AIRPORT, LANSING, MICHIGAN AND KELLY FIELD ANNEX, SAN ANTONIO, TEXAS [CBP Dec. 08-23] received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7330. A letter from the Chairman, International Trade Commission, transmitting the Commission's report entitled, "Textiles and Apparel: Effects of Special Rules for Haiti on Trade Markets and Industries," pursuant to Public Law 109-432, section 5003; to the Committee on Ways and Means.

7331. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report entitled, "Plan to Eliminate the Hearing Backlog and Prevent Its Recurrence: Semiannual Report for Fiscal Year 2008"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1304. Resolution providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110–734). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 6362. A bill to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 6363. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. DICKS (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. BAIRD, Mr. MCDERMOTT, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 6364. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself and Mr. RAMSTAD):

H.R. 6365. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. MILLER of Florida, and Mr. BROWN of South Carolina):

H.R. 6366. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish not more than seven consolidated patient accounting centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. BILBRAY, Mr. SULLIVAN, Mr. SHADEGG, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. POE, and Mr. CULBERSON):

H.R. 6367. A bill to provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. SAM JOHNSON of Texas, Mr. PORTER, Mr. HERGER, Mr. PUTNAM, Mr. BOEHNER, and Mr. DAVID DAVIS of Tennessee):

H.R. 6368. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in the standard mileage rates to reflect the increase in the cost of highway fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia:

H.R. 6369. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to make grants to recognized science and technology secondary schools to support research and development projects at such schools in science, mathematics, engineering, and technology to supplement the national security functions of the Department of Defense; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 6370. A bill to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself, Mr. CROWLEY, Mr. KIND, Ms. SCHWARTZ, Mr. LEVIN, Ms. SUTTON, Mr. FILNER, and Mr. BISHOP of New York):

H.R. 6371. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 6372. A bill to reestablish standards from the Commodity Exchange Act to provide for the regulation of United States markets in energy commodity futures, and for other purposes; to the Committee on Agriculture.

By Mr. MCCOTTER:

H.R. 6373. A bill to amend the Internal Revenue Code of 1986 to allow individuals to establish Home Ownership Mortgage Expense Accounts (HOME Accounts) which may be used to purchase, remodel, or make mortgage payments on the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. ENGLISH of Pennsylvania, and Ms. SCHWARTZ):

H.R. 6374. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. GEORGE MILLER of California):

H.R. 6375. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. SIRES, Mr. HOLT, Ms. LEE, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. KAPTUR, Ms. SUTTON, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. PALLONE, Mr. ROTHMAN, and Mr. SCOTT of Virginia):

H. Con. Res. 382. Concurrent resolution recognizing the important social and labor contributions and accomplishments of Congresswoman Mary T. Norton of New Jersey on the 70th anniversary of the Fair Labor Standards Act; to the Committee on Education and Labor.

By Mr. SIRES:

H. Res. 1305. A resolution supporting the designation of National Tourette Syndrome Day; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII,

326. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 51 memorializing the Congress of the United States to establish a grant program to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. GARRETT of New Jersey.

H.R. 96: Mr. RANGEL.

H.R. 154: Mr. TOWNS, Mr. FRELINGHUYSEN, Mr. DOYLE, Mr. SPACE, and Mr. LARSON of Connecticut.

H.R. 158: Mr. MILLER of Florida.

H.R. 688: Mr. HAYES.

H.R. 856: Mr. ARCURI.

H.R. 901: Mrs. LOWEY.

H.R. 1063: Mr. COLE of Oklahoma.

H.R. 1078: Ms. KAPTUR.

H.R. 1223: Mr. MCNERNEY.

H.R. 1228: Ms. SUTTON.

H.R. 1295: Mr. GARRETT of New Jersey.

H.R. 1665: Mr. FEENEY.

H.R. 1671: Ms. SUTTON.

H.R. 1738: Mr. HALL of New York, Mr. DICKS, and Mr. STARK.

H.R. 1767: Mr. KANJORSKI.

H.R. 1940: Mr. SALI.

H.R. 1992: Mr. SOUDER.

H.R. 2611: Mr. GRIJALVA.

H.R. 2712: Mr. GARRETT of New Jersey and Mr. SAM JOHNSON of Texas.

H.R. 3132: Mr. REYES.

H.R. 3174: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.

H.R. 3232: Mr. WEXLER, Mr. REYES, Ms. GINNY BROWN-WAITE of Florida, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. FERGUSON, Mr. KAGEN, Mr. ORTIZ, and Mr. CUELLAR.

H.R. 3329: Mr. BISHOP of New York and Mr. KANJORSKI.

H.R. 3334: Mrs. CAPPS and Mrs. LOWEY.

H.R. 3366: Ms. HIRONO.

H.R. 3396: Mr. MORAN of Virginia.

H.R. 3406: Mr. LEWIS of Georgia and Mr. MICHAUD.

H.R. 3438: Mr. GRIJALVA and Mr. REYES.

H.R. 3439: Mr. PAYNE.

H.R. 3457: Mr. BROUN of Georgia.

H.R. 3544: Mrs. LOWEY.

H.R. 3622: Mr. MACK.

H.R. 3646: Mr. GARRETT of New Jersey.

H.R. 3650: Mr. GARRETT of New Jersey.

H.R. 3829: Mr. SHAYS.

H.R. 3834: Mr. UDALL of Colorado.

H.R. 3934: Mr. PENCE.

H.R. 4089: Mr. HARE.

H.R. 4093: Mr. SESTAK.

H.R. 4138: Mr. MOORE of Kansas.

H.R. 4498: Mr. GARRETT of New Jersey.

H.R. 4544: Mr. BILBRAY and Mr. SPACE.

H.R. 4775: Mr. CARSON and Ms. WOOLSEY.

H.R. 4789: Ms. JACKSON-LEE of Texas.

H.R. 4935: Mr. EDWARDS of Texas.

H.R. 4990: Mr. DAVIS of Illinois.

H.R. 5236: Mrs. MYRICK.

H.R. 5244: Mrs. JONES of Ohio and Mr. FALEOMAVAEGA.

H.R. 5267: Mr. JORDAN and Mr. GOODE.

H.R. 5467: Mr. LANGEVIN.

H.R. 5496: Mrs. CAPPS.

H.R. 5534: Mr. SAXTON and Mr. GILCHREST.

H.R. 5552: Mr. SPACE.

H.R. 5575: Mr. RANGEL.

H.R. 5673: Mr. GARRETT of New Jersey.

H.R. 5709: Mr. BISHOP of New York.

H.R. 5748: Mr. HALL of Texas.

H.R. 5752: Mr. SMITH of New Jersey.

H.R. 5760: Mr. ROGERS of Alabama.

H.R. 5774: Ms. SCHAKOWSKY and Mrs. LOWEY.

H.R. 5793: Mr. SPACE.

H.R. 5842: Ms. LEE.

H.R. 5843: Ms. LEE.

H.R. 5846: Ms. CORRINE BROWN of Florida.

H.R. 5874: Mr. REICHERT.

H.R. 5892: Mr. KILDEE and Mr. CLAY.

H.R. 5913: Mr. FRANK of Massachusetts and Mr. DEFAZIO.

H.R. 5925: Mr. SMITH of Washington.

H.R. 5935: Mr. CARNEY.

H.R. 5950: Mr. FRANK of Massachusetts.

H.R. 5984: Mrs. CAPITO.

H.R. 6045: Mr. LYNCH, Mr. SOUDER, Mr. SPACE, Mrs. MALONEY of New York, Mr. WATT, Mr. KIND, Mr. FRANKS of Arizona, and Mr. POE.

H.R. 6063: Mr. BLUMENAUER.

H.R. 6107: Mr. CARTER, Mr. THORNBERRY, and Mr. GARRETT of New Jersey.

H.R. 6123: Mr. KIRK.

H.R. 6126: Ms. JACKSON-LEE of Texas.

H.R. 6143: Mr. FRANK of Massachusetts.

H.R. 6168: Mr. BLUNT.

H.R. 6169: Mr. BLUNT.

H.R. 6172: Mr. POE.

H.R. 6180: Ms. MCCOLLUM of Minnesota.

H.R. 6198: Mr. CLAY, Mr. AKIN, Mr. CARNAHAN, Mr. SKELTON, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, Mr. HULSHOF, Mr. BUTTERFIELD, and Mr. TOWNS.

H.R. 6199: Mr. MCHUGH.

H.R. 6203: Mr. PAYNE and Mr. CONYERS.

H.R. 6208: Mr. BLUNT.

H.R. 6209: Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, Mr. INSLEE, Mr. LARSEN of Washington, Mr. SIRES, Mr. KANJORSKI, Mr. TIERNEY, Ms. SUTTON, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Ms. DELAURO, Mr. CROWLEY, and Mr. DICKS.

H.R. 6210: Mr. KAGEN.

H.R. 6214: Mr. ARCURI and Mr. MANZULLO.

H.R. 6233: Mr. ABERCROMBIE.

H.R. 6234: Mr. SESTAK.

H.R. 6252: Mr. DAVIS of Kentucky, Mr. LATOURETTE, Mr. CAMPBELL of California, Mr. LATHAM, and Mr. CARTER.

H.R. 6264: Mr. LATOURETTE, Mr. PLATTS, Mr. KILDEE, Mr. MCNULTY, Mr. JONES of North Carolina, and Mr. GILCHREST.

H.R. 6287: Mr. HALL of New York and Mrs. GILLIBRAND.

H.R. 6321: Mrs. GILLIBRAND.

H.R. 6328: Ms. WATERS, Mr. HASTINGS of Florida, and Mr. BLUMENAUER.

H.R. 6330: Mr. ISRAEL, Mrs. GILLIBRAND, Mr. HARE, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, Mr. SIRES, and Mr. LANGEVIN.

H.R. 6355: Mr. LIPINSKI, Ms. HIRONO, and Mr. COHEN.

H.J. Res. 22: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Ms. FOXX, Mr. LATTA, Mr. FORTUÑO, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Ms. FALLIN, Mr. JORDAN, Mr. GINGREY, and Mr. WAMP.

H.J. Res. 89: Mr. CHILDERS.

H. Con. Res. 72: Mr. MCNULTY.

H. Con. Res. 214: Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. KUCINICH, Ms. LEE, Mr. JEFFERSON, Ms. NORTON, and Ms. CLARKE.

H. Con. Res. 223: Mr. MORAN of Kansas, Mr. OLVER, and Mr. WILSON of South Carolina.

H. Con. Res. 338: Mr. HINCHEY.

H. Con. Res. 341: Mr. UDALL of Colorado.

H. Con. Res. 342: Mr. FRANKS of Arizona.

H. Con. Res. 356: Mr. PASCRELL, Mrs. TAUSCHER, Mr. WOLF, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. CARSON, and Mr. BRADY of Pennsylvania.

H. Con. Res. 364: Mr. MCGOVERN.

H. Con. Res. 378: Ms. BORDALLO and Mr. COHEN.

H. Con. Res. 380: Mr. MURPHY of Connecticut.

H. Con. Res. 381: Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. COHEN, Mr. MCDERMOTT, Mr. SNYDER, Mr. BLUMENAUER, Mr. NADLER, Mr. SMITH of Texas, Mr. DELAHUNT, Mr. CLAY, and Ms. WATERS.

H. Res. 282: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 373: Mr. GARRETT of New Jersey.

H. Res. 672: Mr. YOUNG of Florida, Mr. MILLER of Florida, and Mr. BERMAN.

H. Res. 758: Mr. ROTHMAN.

H. Res. 883: Mr. BRADY of Pennsylvania.

H. Res. 1006: Mr. HOLDEN, Ms. BORDALLO, Mr. COHEN, Mr. TIM MURPHY of Pennsylvania, Mr. BOUCHER, and Mr. MURTHA.

H. Res. 1045: Mr. MARKEY, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. FORTENBERRY, Ms. WOOLSEY, Mr. FERGUSON, Mr. DELAHUNT, Mr. DREIER, Mr. MEEKS of New York, Mrs. BONO MACK, Ms. LEE, Mr. KUHL of New York, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. SHAYS, Mr. SERRANO, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. TIBERI.

H. Res. 1191: Mr. WOLF.

H. Res. 1202: Mr. CASTLE.

H. Res. 1217: Mrs. CAPPS and Ms. SCHAKOWSKY.

H. Res. 1245: Mr. CONYERS, Mr. CROWLEY, Mr. GARRETT of New Jersey, Mr. GONZALEZ, Mr. HONDA, Mr. INGLIS of South Carolina, Mr. MICHAUD, and Mr. SHERMAN.

H. Res. 1248: Mr. CONAWAY, Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. LOEBSACK, and Ms. GIFFORDS.

H. Res. 1254: Mr. HASTINGS of Florida.

H. Res. 1286: Ms. CLARKE, Mr. MCDERMOTT, and Ms. SLAUGHTER.

H. Res. 1290: Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. DELAHUNT.

H. Res. 1302: Mr. BOYD of Florida, Mr. MATHESON, Mr. COHEN, Mr. PETERSON of Minnesota, Mr. MELANCON, Mr. WALBERG, Mr. BRADY of Texas, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. REYNOLDS, Mr. BURTON of Indiana, Mr. FEENEY, Mr. CAMPBELL of California, Mr. FLAKE, Mr. AKIN, and Mr. BROUN of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

283. The SPEAKER presented a petition of the City Council of Compton, CA, relative to Resolution No. 22,564 supporting the Homeowners and Bank Protection Act of 2007; to the Committee on Financial Services.

284. Also, a petition of the California State Lands Commission, relative to a Resolution regarding the taking of marine mammals and sea turtles incidental to power plant operations of once-through cooling power plants in California; to the Committee on Natural Resources.

SENATE—*Wednesday, June 25, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, who has been our dwelling place in all generations, keep us under the canopy of Your care. Guide our Senators by the power of Your wisdom and love. Lord, don't separate them from life's stresses and strains or keep them from problems and pain but sustain them by Your grace as each of life's seasons unfolds. Shelter them in their coming in and their going out, using them as Your instruments to advance Your kingdom. May all they say and do today be under Your control and for Your glory. As You have guided people in the past, so lead our lawmakers today.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will resume consideration of the House message to accompany H.R. 3221, which is the housing legislation. Yesterday, cloture was invoked on the motion to concur in the House amendment with the Dodd-Shelby substitute. We hope to dispose of the remaining amendments to the bill at an early time so we can complete this legislation.

MEASURES PLACED ON THE CALENDAR—S. 3186 AND H.R. 6331

Mr. REID. Mr. President, it is my understanding there are two bills now at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3186) to provide funding for the Low-Income Home Energy Assistance Program.

A bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The assistant clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983, of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

OVERSIGHT

Mr. GRASSLEY. I am here today to discuss a very serious matter that goes right to the heart of one of Congress's most important responsibilities, the responsibility of constitutional oversight to see that the laws are faithfully executed by the executive branch of Government.

American taxpayers expect Congress to exercise oversight in order to ensure that their hard-earned dollars are not wasted. To conduct more effective oversight, Congress adopted the Inspector General Act in 1978, creating a system of inspectors general. I will probably refer to them as everyone else does, as IGs.

We did this throughout many departments of Government. The IGs are supposed to be watchdogs or, as I like to say, a junkyard dog. They are our first line of defense against fraud, waste, and abuse. When it happens, the IGs are supposed to report it to the agency head and to Congress and to recommend appropriate corrective action.

IGs are the top cops inside of each agency in the executive branch of Government. They police the Federal workforce. If rules are broken, then they have to investigate allegations of misconduct and refer their findings to proper authorities.

To be credible, IGs must be beyond reproach. Above all, they must live by the rules they themselves enforce. They must set an example of excellence in their personal conduct and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

they must always do so; otherwise, they lack credibility. So I tend to, as a Member of the Senate, watch the watchdogs. Over the years in doing oversight work, I have found inspectors general who do not seem to meet these standards. I am disappointed to have to report to the Senate today about a new IG trouble spot.

There are allegations of misconduct in the upper echelons of the Treasury's IG office. A tip from a whistleblower earlier this year first alerted me to this problem. On February 12, 2008, I wrote a letter to Acting Treasury IG Schindel asking for a copy of the investigative report and all pertinent material bearing on the matter that was reported to me.

I also asked Mr. Schindel to tell me how and when he intended to address and resolve the issues raised in that report. Mr. Schindel responded promptly, providing a redacted copy of the report on February 15. On February 29, he assured me that senior level officials involved had been placed on paid administrative leave. They would remain on that status, he told me, "until all investigative matters have been adjudicated," and "one of them" was reassigned to what appeared to be a questionable post.

The report of investigation on this matter was prepared by the Department of Labor IG. It is dated January 14, 2008. Since the Treasury IG lacks an internal affairs unit, IG Schindel referred the case to the Department of Labor IG for investigation. This was to ensure maximum independence.

Acting IG Schindel made the referral on June 18, 2007. He was briefed on the findings in the final report on September 26 of last year. The Department of Labor report of investigations substantiated wrongdoing on the part of senior Treasury IG officials. The allegations are very serious. My staff has carefully reviewed all of the materials provided by IG Schindel and interviewed a number of witnesses with knowledge on the issue.

Based on the oversight investigation conducted by my staff, I wrote to Treasury Secretary Paulson on February 28 this year. In that letter, I expressed grave concern to Secretary Paulson about the way the Acting IG Schindel appeared to be responding to the allegations that were substantiated by the more independent review by the Labor Department IG, as was reported in his writings.

This is what I said to my friend, Secretary Paulson:

Mr. Schindel stated that the report showed no corruption, criminal activity, or serious wrongdoing on the part of the senior officials. I am stunned that anyone with management responsibilities could make this statement after reading the Labor IG report.

The Labor IG presented a compelling case of high-level IG misconduct backed up with rock solid evidence. Mr. Schindel seemed unable to see what the Labor inspector general sees. Is he turning a blind eye to an obvious problem?

Secretary Paulson responded to my letter on March 10. He informed me that he has been briefed on the Labor IG's report and "communicated to Acting IG Schindel" his "views" on the matter.

The Labor IG report seems to leave little or no wiggle room. Based on a continuous stream of information being provided to my staff, there is growing concern about Acting IG Schindel's commitment to solving these problems. I think of these as obvious problems.

Acting IG Schindel has known about the findings in this report for 9 months until now. To bring the issue into sharper focus, take a moment to review the Labor IG's findings. This is what the Labor IG report found:

> Our investigation corroborated the allegation that senior IG officials violated the Public Transit Subsidy program.

This program provides money in the form of fare cards to Government employees to help cover the high cost of using public transportation to get to work.

There is an added benefit to the public transit subsidy program. The value of fare cards received in this program is not taxable. Subjects of the Labor IG investigation signed applications to participate in the public transit subsidy. In signing that document, they certified that they would abide by the terms of the program. The public transit subsidy program application forms, which these individuals sign, state:

> Making a false, fictitious or fraudulent certification may render the maker subject to criminal investigation under title 18, United States Code, section 1001.

They allegedly took transit subsidies while accepting free rides to work from fellow agents, sometimes in Government vehicles.

The findings of the Labor IG's report are of particular concern to me for another reason, and this seems to be the most troubling part for me. The senior Treasury IG officials involved in fare card abuse were responsible for investigating and referring for criminal prosecution a number of other Treasury Department employees who had allegedly violated this same program called the Transit Subsidy Program.

As I said up front, the IGs must live by the rules they are sworn to enforce. When they do not, then inspectors general lose credibility. The Labor report also finds that the officials involved "inappropriately intervened in closing [another] investigation" of alleged PTSP abuse. This one concerned an employee at another agency who also allegedly violated the transit subsidy program. According to the Labor IG's report, the senior Treasury IG officials "escorted" the agent in charge of this investigation to their office "where they discussed closing the case." They apparently "instructed him to cancel" a key interview and "told him the case would be closed."

Since the investigation was essentially complete and there was credible evidence to support the allegations, this meeting gave the appearance of impropriety. The Labor IG's investigators interviewed the Treasury IG officials about this meeting. The Treasury IG officials reportedly cited high agent caseloads as an excuse for their attempt to close it down. They also claimed the police at that agency "were capable of working the investigation" and that "there was no fraud or loss."

The Labor investigators make one point crystal clear: The claims put forward by Treasury IG officials did not stand up to scrutiny. The Labor IG's investigators determined that the Treasury IG's office had worked similar cases involving this agency's employees in the past. They found that special agents in the Treasury IG's office had a typical caseload of 15 to 16 cases and not the usual 30 caseload claimed by one of the subjects of this investigation.

I understand the employee involved in these allegations of public transit subsidy program violations was given a proposed notice of removal on June 18, 2008. This agency is trying hard to crack down on such violations. This should be a wake-up call for Mr. Schindel. The abuse of the public transit subsidy program alleged in the Labor IG's report constitutes, at best, misuse or abuse of public moneys and, at worst, outright theft.

There is one more very disturbing finding in the Labor IG's report I should highlight. The Labor report "questions the judgment" of the senior Treasury IG officials for their alleged involvement in the reinvestigation of another employee misconduct case. This particular investigation was originally conducted by the Treasury IG for Tax Administration or TIGTA. Once again, this investigation was referred to an outside agency to ensure greater independence.

According to the Labor report, the TIGTA investigation determined that the Treasury IG agent "misused his position, his issued vehicle, and made false and misleading statements" during the course of the investigation. For a Federal law enforcement officer, making false statements during an investigation, as alleged, could be a career-ending mistake. As chronicled in the Labor IG's report, the senior Treasury IG didn't like the TIGTA's findings and wanted them changed. The Labor IG's report is very clear in stating that the only reason for the reinvestigation was to change the findings of the original Treasury IG for Tax Administration investigation. The Labor IG report concluded:

> The appearance is that the sole purpose of intervening in the aftermath of [the Treasury Inspector General for Tax Administration's] investigation was to mitigate [the] findings, particularly by undermining [the inspector general's] apparently well supported finding that . . . [the agent involved] . . . had made false statements.

The report goes on to say:

> The evidence suggests that TIGTA's findings were correct. It is clear that the only purpose of the reinvestigation . . . was to change the findings of the investigation so [the agent involved] would not have a Giglio issue.

The person involved in this case was suspended for 10 days 2 years ago. The Labor IG also questioned the leniency of the agent's punishment, noting that misuse of a Government vehicle alone normally carries a 30-day suspension. The Treasury Inspector General for Tax Administration also alleges that the legal counsel to the Treasury IG may have been involved in an attempt to quash or alter TIGTA's final report of investigation. TIGTA provided a document which indicates that the Treasury IG's legal counsel "disagreed with the results of the investigation." He "expected a draft ROI" and "asked if the Final Report of Investigation could be changed."

Fiddling with these kinds of reports ought to raise a lot of questions among people in authority about whether things are being done right.

He was informed by the agent in charge that TIGTA "did not submit draft ROIs and would not make any changes to the final ROI." The legal counsel denies these allegations.

The Labor IG also found the legal counsel's "advice to the DOT-OIG questionable regarding the investigation." The Labor IG reached this conclusion because the legal counsel had listened to the tape-recorded interview, during which the subject allegedly "made a false statement under oath to the TIGTA agent."

The three substantiated allegations I have laid out, which are presented clearly in the Labor IG's report, are each disturbing in their own right. But if you take them all together, they paint a truly awful picture of what is going on in that office. This report is the result of an independent investigation conducted by professional law enforcement officers. The results of this investigation demand serious, thorough, fair, and prompt action. I met with Acting Treasury IG Schindel on March 13 to review this matter. He assured me he would take decisive action to clean up this mess. More recently, I was told the Acting Treasury IG is wrestling with new allegations. Addressing the Department of Labor IG report must be a first priority to show us in Congress that he is carrying out his responsibilities. He needs to sink his teeth into that material and close it out once and for all. In a letter on May 30, I asked the acting inspector general again to proceed with his review of this matter "as quickly as possible." I also insisted it be done by the book, "consistent with all applicable rules and regulations."

I call on Acting Treasury Inspector General Schindel to keep his word. That is all I ask, just keep his word, do what he told me he was going to do. I want him to stick to his repeated assurances—in his letters of February 15 and February 29, at our March 13 meeting, and again in a letter of June 2. I expect no more and no less.

Indecision is costing the taxpayers money. To date, these officials have collected 3 months' worth of paid administrative leave. They are senior executives earning top dollar. Their administrative leave has already cost the taxpayers about $90,000, and the number is climbing. Continuing mismanagement and indecision in the Treasury IG's office is wasting precious taxpayer dollars. Acting IG Schindel has a responsibility to show he runs a first-class inspector general's office, one that is beyond reproach. He cannot operate effectively as an IG until he gets his own house in order. His job is to deter, to detect, and report waste but not to do it himself.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLY AND DEMAND

Mr. ALEXANDER. Mr. President, I have received 600 e-mails and letters from Tennesseans in response to a request I put out asking them to share their personal stories about high gas prices. It has been my practice each week to put a few of those into the CONGRESSIONAL RECORD to remind my colleagues and to remind our country that we understand that people are hurting. Tennesseans are hurting in their jobs, in their families, and in their homes. Mr. President, $4-plus gasoline is a big problem for Tennesseans.

Today, I wish to submit for the CONGRESSIONAL RECORD five more letters from among the nearly 600 that I have received, and I ask unanimous consent that following my remarks these letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. The first comes from Christy Long in Maynardville, TN. She works at the East Tennessee Children's Hospital in Knoxville, but she is worried about the cost of her commute. She is a diabetic. She is having trouble paying for her insulin shots due to the rising gas prices. She says:

> Gas for work or insulin to live. That is the decision I have had to make several times daily.

James Edwards from Charlotte, TN: James drives a rural route for the Postal Service, and he uses his own car, but the $26-a-day allowance doesn't cover the gas he uses anymore. He says that since the 10-percent ethanol mandate, he gets less mileage and has to use more gas. His wife's 40-mile commute to and from work every day is also cutting into their budget.

Kaye Nolen in Dyer, TN: Kay used to drive across the country once a year to see her family in Illinois, Utah, and New Mexico, but can't afford to do that this year. She says she is afraid that she will not be able to spend Thanksgiving with her family this year and that she will not be able to afford gas to make it to work if the prices keep going up.

Ruthann Booher of Crossville, TN: Ruthann and her husband have had to make significant cuts in their driving and grocery buying because of escalating costs. Her husband, who is 62, is now considering quitting his job at Wal-Mart and drawing Social Security since driving to work is so expensive. They can't afford the payment on a new car with better mileage.

Brenda Northern in Walland, TN, which is in the same county in which I live: Brenda is 60. She can barely afford to drive to visit her mother, who is 79 now, and it is getting harder and harder to make all of her payments. Her husband has to use diesel for his truck because he moves mobile homes for a living and diesel prices keep going up too.

She says: I just do not know how we are going to make it.

I want Christy and James and Kaye and Ruthann and Brenda to know that I believe Senators on both sides of the aisle care about this matter, understand what is happening, and are ready to deal with it. I know on the Republican side, here is what we believe: We believe the answer to $4 gas prices is to find more and use less; that is, find more oil and use less oil.

Economics 101 taught us the law of supply and demand. The problem today fundamentally—and most Americans understand this; Americans know this—our problem is our supplies worldwide are not growing as fast as our demand worldwide for oil, and so the price of gasoline is going up. So if we had more supplies, and if we used less oil, the price of gasoline would go down. So we say on the Republican side: Find more, use less.

There seems to be a lot of agreement on both sides of the aisle about the using less part. For example, last year, the Senate did the most important thing it could do to reduce our dependence on foreign oil by passing higher fuel efficiency standards that said that cars and trucks had to be up to 35 miles a gallon by 2020. We did that together, Republicans and Democrats.

We on the Republican side are ready to try to make plug-in electric cars commonplace. I had a TVA Congressional Caucus hearing on that the other day in Nashville. Major car companies such as General Motors, Toyota, Nissan, and Ford are making plug-ins that are going to be available next year. TVA and other utilities have plenty of extra electricity at night to plug in, so literally you can plug your car in at night for 60 cents and fill it up with fuel instead of $70 worth of gasoline. I believe tens of thousands of Tennesseans and millions of Americans are going to be doing that.

If we set as our goal and take all the steps we need to take in the Senate to make plug-in electric cars and trucks commonplace, we could use less. Many estimates from General Motors and others is that just the plug-in electric vehicles would cut our imported oil by one-third, which is now about 12 million barrels a day. That is a significant reduction.

We can use less oil if we have a crash program in advanced biofuels. There is a lot of concern about ethanol and its effect on food prices. Well, we can grow a lot of crops that we don't eat such as switchgrass, for example, and with more research on cellulosic ethanol we can use less oil.

The other half our strategy to lower gas prices is finding more. That is where we have a difference of opinion. It seems that the other side of the aisle wants to repeal half the law of supply and demand. It is a new form of economics. Maybe we could call it "Obama-nomics" or some other name. But we say: All right, we agree on using less; now let's talk about finding more. What about, for example, allowing other States, such as Virginia, whose legislature says it wants to, to do what Texas, Louisiana, Mississippi, and Alabama do, which is to explore for oil offshore. We have a lot of it. We permitted an enlargement of that in the Gulf of Mexico a couple of years ago. Already the money is beginning to come in from the bids, and 37½ percent of the money goes to the States for their use for education or to nourish their beaches or whatever, and one-eighth goes to the Land and Water Conservation Fund.

The Presiding Officer and I both were Governors of our States. Neither one of us was fortunate enough to have an ocean on our State, so we don't have any potential for offshore drilling. I can't speak for the former Governor of Nebraska, but I can for Tennessee. If we had the opportunity in Tennessee to put oil and gas rigs 50 miles offshore where we couldn't see them and explore for oil and gas, and keep 37½ percent of the revenue and put it in a fund for our universities to make them among the best in the world, and to keep taxes low, and to use the money for greenways or to nourish the beaches or for other purposes, we would do it in a minute. I would think sooner or later Virginia will say they would like to do that. Maybe North Carolina will. Maybe Florida will.

Our proposal is simply, if the State wants to do it, the State can do it. No one is saying Virginia must do it or North Carolina must do it. It simply gives them the option, and it gives us more American oil and more supply to help stabilize and bring down the price of $4 gasoline.

But Senator OBAMA and most of the Democrats on the other side of the aisle say: No, we can't. No, we can't to offshore drilling. No, we can't to oil shale, which is in four Western States. There is, conservatively speaking, according to the Department of the Interior, 1 million barrels a day that we could get from offshore exploration and 2 million barrels a day that we could get from oil shale. If we added 3 million barrels a day to our production in the United States, we would increase by one-third the production that we have in the United States. We would be making more of our contribution to the world supply of oil.

We are the third largest producer of oil in the world. Why should we go begging the Saudis to drill more when we can produce more ourselves. That is part of it: Find more, use less.

So we need to come to some conclusion. We want a bipartisan result. We know in the Senate we have to get 60 votes to make anything happen. But I would be hopeful that the Democratic leadership, which is in charge of the agenda, would allow us in July to bring up these matters and act like a Senate. Let's vote. Let's debate. Let's talk about ways to use less. We could find substantial agreement, whether it is on plug-in vehicles, research for advanced biofuels, or conservation.

Senator WARNER has suggested that the Federal Government ought to use less as a good example for the rest of the country. That is a good idea. Senator McCAIN and others have lots of good ideas as well.

Let's talk about finding more, too, for gasoline in terms of offshore drilling or in terms of oil shale. We can leave drilling in Alaska out of the discussion if that keeps us from having a bipartisan agreement, although it is the fastest way to get 1 million new barrels of oil a day. Let's put it aside for just a moment and say we want to work across the aisle to get a bipartisan agreement. We know we can't reach that agreement with ANWR included, so we will put that aside for the moment. But can we not as a Senate, in a bipartisan way, agree that we should be finding more and using less and not be saying when it comes to offshore exploration, no, we can't, and not be saying when it comes to oil shale: No, we can't. When Senator McCAIN says we need to double our number of nuclear plants, we can't say that we have enough clean, carbon-free electricity to deal with clean air, global warming, and plug-in cars, but from the other side comes: No, we can't. We cannot say "no, we can't" to finding more if we want to bring down $4 gasoline prices.

So I say to Christy, James, Kaye, Ruthann, Brenda, and the 600 Tennesseans who have written me about $4 gasoline, over this Fourth of July recess, a good thing to say to your Members of the Senate and Members of Congress is: Find more and use less. Yes, we can find more. Yes, we can use less. Yes, we can bring down the $4 price of gasoline.

Some have said it will take 10 years. Well, President Kennedy didn't shy away from asking us to take 10 years to go to the Moon. President Roosevelt didn't shy away from putting in the Manhattan Project to split the atom and build a bomb to win the war even though he knew it would take several years. What is wrong with it taking several years? Are we supposed to sit here and let our 2-year-old grandchildren have the same energy crisis to deal with 10 years from now that we have today? Leadership is about looking ahead. It might take 1, 2, 5, or 10 years, but the time to start is today. The way to do it is working across the aisle. The formula for it is economics 101: More supply, less demand, find more, use less. Today, the Republicans are ready to do that. We are ready to do both, find more and use less. But the Democrats are not.

Mr. President, I yield the floor.

EXHIBIT 1

1. Christy Long, Maynardville, TN—Christy works at the East TN Children's Hospital in Knoxville but is worried about the cost of the commute. She is a diabetic and is having trouble paying for her insulin shots due to the rising gas prices: "Gas for work or insulin to live . . . that is the decision that I have had to make several times daily."

2. James Edwards, Charlotte, TN—James drives a rural route for the Postal Service and uses his own car, but the $26-a-day allowance doesn't cover the gas he uses anymore. He says that since the 10% ethanol mandate, he gets less mileage and has to use more gas. His wife's 40-mile commute to and from work everyday is also cutting into their budget.

3. Kaye Nolen, Dyer, TN—Kaye used to drive across country once a year to see her family in Illinois, Utah and New Mexico, but can't afford to do that this year. She says

she is afraid that she won't get to spend Thanksgiving with her family this year and that she won't be able to afford gas to make it to work if prices keep going up.

4. Ruthann Booher, Crossville, TN—Ruthann and her husband have had to make significant cuts in their driving and grocery buying because of escalating costs. Her husband, who is 62, is now considering quitting his job at Wal-Mart and drawing Social Security since driving to work is so expensive. They can't afford the payment on a new car with better mileage.

5. Brenda Northern, Walland, TN—Brenda is 60 and can barely afford to drive to visit her mother (who is 79) anymore, and its getting harder and harder to make all her payments. Her husband has to use diesel for his truck because he moves mobile homes for a living and diesel prices keep going up too. She says, "I just do not know how we are going to make it!"

Hi my name is Christy Long, the gas prices are very hard to deal with. I work 40 hrs a week at East TN Childrens Hospital in Knoxville TN and make decent money. However, between my health insurance, daycare, school fees, groceries, my medicine because I am a diabetic on insulin, plus my house payment, electric, water etc . . . Then buy gas for me to get back in forth to work on . . . Humm lets just say that I wished I could have government benefits for the other stuff so that I could afford my gas. My husband and I whom he works 60 hrs a week at his job have considered me quitting work and staying home due to the fact that we can not afford the gas for me to get back and forth to work, plus eat, my medicine, his medicine and just to live. It is really sad when you have to pick do I want to buy my insulin prescription for $60 this month or do I want to buy $60 worth of gas so that I can get back and forth to work for a week. That has happened a couple of times in the last 6 months to my family. Luckily I have had a good doctor that has given me samples several times to get me thru. Because as anybody would know without my insulin I can not live.

You see my story is not my family can not go on vacation this year or anything, my story is that I do not make enough money to live and work. It is one or the other. . . Gas for work or insulin to live . . . That is the decision that I have had to make several times lately.

Sincerely,

CHRISTY LONG,
Maynardville, TN.

The high gas price is having a great impact on me and my family. I work for the U.S. Postal Service. I have a rural route, which means I use my own vehicle.

I am responsible for the maintenance, insurance and fuel for my vehicle. Even though I receive a vehicle allowance to operate my vehicle for the U. S. Postal Service, it is not adequate.

My allowance is $26.60 per day. Since I am continuously running, starting, stopping my vehicle, I go through about 5-6 gallons of gas a day. At $3.87 a gallon (this what I paid yesterday) and having to fill up my vehicle every other day, it is costing me about $25.00 per day (that's $125.00 per week or $500.00 per month.

That is only for the fuel. I also have to replace brakes, tires and other items for frequently because of the nature of the job I perform.

My wife works at Fort Campbell, Ky and we live about 40 miles from her work. The cost for gas for her runs about $120.00 per week.

Since it was mandated to add 10% ethanol to gasoline, we get less miles per gallon so this means we use more gas.

Since there is a greater price we pay for gas, everyday life (food, utilities, etc.) is more expensive. I served over 21 years in the military and I am proud of this service. America is noted for its compassion for helping other nations, however, we are doing our own country a disservice by not taking care of our own.

This my story and I hope with enough stories like this we can convince the powers that be we need to take care of business soon. By this, I mean do more drilling and build more refineries in America and stop depending on other countries for our own survival.

Thanks for your concern and taking your time to address this issue.

Sincerely,

JAMES R. EDWARDS, SR.,
Charlotte, TN.

Dear Sir, You asked how the high gasoline prices are hurting me?

I can't afford to drive to Moline, Illinois to see my three daughters nor to see two granddaughters graduate from high school. I can't drive to Utah to see my Dad and sister. I can't drive to New Mexico to see my mother. I can't even make the trip to Branson, MO to help my elderly Aunt and Uncle every other month. I used to make the round trip drive from TN to MO to NM to UT to MO to TN once a year. Not now! Can't afford the gasoline!! I used to go to IL to spend Thanksgiving with my daughters. I don't think I can afford that trip this year.

I am barely affording the gasoline to go to work four days a week, shopping once a week and to Church on Sunday. That all costs me around $48 a week. Soon I will have to quit my job because I can't afford the gasoline to drive the 28 miles a day. If I quit my job, what do I have left?

Goodness sakes! When will this all end? I can't afford to go to work and eat one meal a day!! I am willing to work, if I have a way to get there!

Thanks for asking my opinion on this horrible state of affairs.

Sincerely,

KAYE NOLEN,
Dyer, TN.

DEAR SENATOR ALEXANDER: My husband and I have lived in Crossville, TN for 19 years. Never before have we had the problems making ends meet as we are having now. My husband works full time at WalMart. He doesn't make a whole lot of money, but we were getting by. With the gas prices skyrocketing day by day and the trickle down effect on everything else, we have had to really tighten our belts. I used to be able to go to the store a few times a week for groceries that we would run out of. Now I only go once a week. If I have forgotten something, or we run out, we have to do without until I can go the next week. The price of groceries is another factor and I realize it is mostly because of the cost of transporting the goods to the stores. It is also the cost of harvesting the crops due to the gasoline used for farm equipment. It's hurting all of us.

My husband is 62 and is now seriously considering drawing his Social Security and working 3 days a week. We would have more money, but he would have to take a reduced amount instead of waiting until he's 66 and being able to draw the full amount. We have also considered getting a more fuel efficient vehicle, but can't afford to make the payments. We're actually caught between a rock and a hard place. And there will be no vacation for us this year, or any year the fuel prices are this ridiculous. We will just have to stay home.

Thank you for the opportunity to vent my frustration. I think you are doing a great job for the people of Tennessee and I think you would make a great president.

Sincerely,

RUTHANN BOOHER,
Crossville, TN.

From: Northern, Brenda
Sent: Mon 6/16/2008 12:54 PM
To: Alexander, Senator (Alexander)
Subject: My family's Crisis!

Sen. Alexander, I appreciate the opportunity to address the issue of increasing Gas & Diesel prices on my family in particular, even though everyone is experiencing the same problem.

I fill my car up each week and the price just keeps going up, 2 weeks ago it was $53.00, the next week $61.00, and this week $64.00 and my tank was not all the way empty either time.

I drive to work the supermarket and stop by to check on my Mother who is 79 now, and go to Church. I am 60 years old and would love to have the opportunity to spend more time with my Mother, my Husband, Children & Grandchildren, but Gasoline keeps rising, which makes everything else more expensive, so we have trouble meeting our payments, and no recreation at all.

My Husband uses Diesel in his vehicle and also his Work Trucks, and now that cuts down on his profit! He is just a small business man who moves mobile homes, this is what he has done for 44+ years, and makes less and less.

We are just simple Christian people with families trying to make a living on two paychecks, we're a prime example of those who are rapidly approaching retirement age and yet will not be able to retire and have a few enjoyable years together here on earth. I just do not know how we are going to make it! I would love to spend time with my family, enjoy the few years I figure I have left without having to struggle just to buy gasoline to be able to get to work to get a payday that buys less and less of the necessities of life.

One thing that would help save on gasoline would be, make the work week 4 (10 hour shifts) instead of 5 (8 hour shifts).

Since we are already there 2 more hours would not matter if it would save us a day's supply of gasoline getting there and back, also would save the companies in electricity etc.

Sincerely,

BRENDA NORTHERN,
Walland, TN.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, if I may, I will inform Senators as to where we are on the housing bill. Most of my colleagues know that we voted for cloture yesterday with a substantial vote of 83 to 9—not something that occurs with great frequency, getting that kind of strong, bipartisan support for the housing bill, which Senator SHELBY and I have spent weeks crafting, with the support of our members on the Banking Committee. The most recent vote was 19 to 2, on a committee with 21 members, where we ended up with strong, bipartisan support to deal with the foreclosure crisis in this country, to reform government-sponsored enterprises, and to provide for an affordable housing program. That is not to mention other provisions that came out of the Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, to deal with mortgage revenue bonds, tax incentives, first-time home buyers, and counseling services. As well, we have expanded the numbers to assist individuals who are seeking to stay in their homes and are trying to achieve workouts with lenders at a cost that is affordable for them.

There are many aspects of this important bill. There is no more important issue before us today than dealing with our economy. One need only look at the headlines of the major newspapers in the Nation this morning saying that consumer confidence is the lowest it has been, according to some, in 40 years. The prospects people see for themselves and their families are very low. That in itself is a source of great concern, and it ought to be to every Member of this body—that our fellow citizens don't see a very bright future for themselves and that we need to take some steps on energy and health care costs and housing. We have 8,400 people every day filing for foreclosure. That ought to alarm everybody. We need to take some steps to allow people to work this out and stabilize this cascading housing problem.

When you have home values falling by the hour and you have problems with the lack of new starts, unemployment rates occurring, with it spreading to student loans and commercial lending, this problem has at its center the housing crisis and foreclosure crisis all across our country, and it is not localized in one or two areas.

The fact we have been able to put together a major proposal that addresses this issue, and yet as we stand here, I am stymied because one Senator has decided this bill is not going to go forward—one—because it takes unanimous consent for us to move to the bill.

We already worked out a number of amendments on this bill. People have ideas they want to bring to it, and I welcome those. We wish to get to those ideas, even take the agreements we have reached with Republican and Democratic Senators. One Senator is saying: You can't do that. Again 8,000 more people are about to lose their homes today, but one Senator has said: No, I am sorry, but my bill is more important than the 8,000 of you yesterday or the 8,000 tomorrow who will come up.

We are trying to get this bill done. There are several other Senators, Democrats and Republicans, who have ideas they wish to bring to this debate. Some we can agree to, some we cannot. But they deserve a debate and a vote on their idea. I welcome the opportunity to have that conversation with them. In many cases, we will try to work them out if we can. Where that is impossible, then this body has a right or obligation to vote them up or down, whether or not to accept those ideas.

We had very constructive conversations with the House of Representatives. I am very grateful to Speaker NANCY PELOSI who has welcomed our work here as we try to work out the differences between the House-passed bill and our bill, which are not substantial, in my view. We ought to come to some agreement on those differences. Congressman BARNEY FRANK from Massachusetts, chairman of the Financial Services Committee in the House, has been working with us so we can resolve these differences. I had hoped before we left for the Independence Day recess we would have been able to send a bill to the President for his signature. What greater signal could we send, as I said yesterday, to the American people than this Congress—highly divided, partisan beyond belief in too many cases—was able to come together on an issue that affects so many of our fellow citizens. We are this close to doing it. But I cannot offer an amendment today or invite Members to resolve their differences because one Senator has decided we should not do anything except his bill.

Unfortunately, that is how this institution works too often. As people know, I have been sitting here patiently for the last day and a half, along with Senator SHELBY, trying to resolve these matters. We have to wait until the end of this day. We will go another 5 or 6 hours doing nothing, sitting around in quorum calls and listening to speeches until we run out the clock and then have an opportunity to get to these issues.

I know there are people who care about Medicare. They care about the supplemental appropriations bill. People care about the Foreign Intelligence Surveillance Act. The majority leader has laid this out in clear, concise terms that we need to deal with these matters before we leave, and we are going to do it the hard way or the easy way. But it requires cooperation. It requires people being able to put aside their differences and let us get to the matters before us.

No other issue is more important. I apologize for getting emotional about this issue, but it is awfully difficult to go back home when people are facing gasoline prices that have gone through the ceiling, they are watching their fellow citizens lose their homes, the values of theirs, if not losing them, are declining, joblessness rising in the country, and they are wondering why we cannot manage to get anything done on their behalf.

While we cannot solve every problem, here we have a collection of bills worked out in one package, crafted by Democrats and Republicans coming together, and we cannot even get to debate the issue or bring up ideas other Members have on how we might improve this legislation.

I wanted to inform my colleagues as to why we have not been able to get much done here. It is not for the lack of leadership by HARRY REID. He has been leading and asking the other side to work with us to get this job done. As he said last evening, there are moments, we all understand, when partisan politics take over. There are other moments when you have to set that aside, and this is one of those moments.

So my urging at this moment at 11:15 this morning is, would this one Senator reconsider what he is objecting to and allow us to get to this matter. That Senator has had four different opportunities to vote on his bill. I happen to support his bill, by the way. I think I am a cosponsor of it. If not a cosponsor, I certainly have been supportive of it. I also understand there are other issues with which we have to grapple, and the housing issue is a major one for us.

We are right on the brink. In a couple of hours, we can resolve this matter, vote on it, send it to the House, and hopefully they will agree, and send that bill to the President. We can do that literally in the next 2 or 3 hours if I can only get an opportunity to raise these matters on the floor of the Senate.

I am deeply grateful to the majority leader who has done everything conceivable to make this happen. What we are lacking is the kind of cooperation required to get this bill done. This is not a bill I would have written on my money, nor would Senator SHELBY. There are 100 of us here. We all have our ideas on how we would frame these matters. But we are elected to a body that includes 99 other Members, and you have to sit down with each other and work to achieve anything. When you refuse to do that, you make it impossible to step forward.

My urging at this hour of the morning is let us get to this bill, allow these Members—Democrats and Republicans—to have their ideas brought up, resolved, or voted on so we can conclude this work, send it to the House, and hopefully to the President of the United States for his signature.

Mr. President, I ask unanimous consent that the time the Senate spends in quorum calls during today's session count toward the time postcloture.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. CRAIG. Mr. President, I am filing at the desk today an amendment to the emergency supplemental that will be coming over, or is already here, from the House to reinsert a provision that the Senate put in our version of the emergency supplemental before it went to the House for their consideration. This amendment includes a 1-year funding for the Secure Rural Schools and Community Self-Determination Act. What that simply means is timber-dependent communities and school districts across the country would receive their level of funding for one more year until such time as we can fully reauthorize the act.

The Senate Finance Committee, in the extender legislation, has a reauthorization in it. But we don't know whether that will come immediately following the Fourth of July recess or some time into the summer. Here is the reality of the emergency funding about which we are talking.

There are 775 counties and 4,400 school districts in 42 States that is now making critical hiring decisions for the coming school year that will start at the end of August. These school districts need this money. It is quite simple. They have no other way of raising the resource that is now terminated as a result of our inability to move in the appropriate fashion.

What we are talking about is 9 million schoolchildren who will be affected. In my State, numerous school districts and potentially several hundred teachers are getting their termination notices because there simply is no money to hire or to continue to hire them. What are we talking about? A timber-dependent county, a county where 90 percent of its landscape is owned by the Federal Government and 10 percent is owned in fee simple and pays taxes into the school district, and they have no possible way of raising enough revenue when a third or a half of the revenue came from those public lands originally through timber sales.

Senator WYDEN and I some years ago created this legislation. It is known as Craig-Wyden or Wyden-Craig. We have helped these school districts, and we are fumbling here trying to accomplish that. We put it in our version of the supplemental. Now the supplemental comes back. It is not a pure document. It is not exclusively a military funding document. It has veterans money in it. It has emergency money in it for FEMA to handle the disastrous flooding going on in the State of Iowa.

In my State of Idaho, in Clearwater County, we have a disaster. It isn't flooding. It isn't the Clearwater River over its banks. It is a school district that is dramatically having to diminish the quality of education because this Congress has not acted in a timely fashion, and we simply roll over and say: Oh, well, we will probably get it done in July, but then again it might be August.

It is now we must act because in August, that school will be back in operation and that schoolteacher who was teaching some level of academics in that high school or grade school will be gone because the money has not been replenished. I call that an emergency. I call that a need to address the supplemental.

I have talked with the chairman of the Appropriations Committee, I have talked with the ranking member. They, too, view this as a crisis. I know we all have our priorities, but in this case Senator CRAPO, Senator SMITH, Senator DOMENICI, Senator STEVENS, Senator MURKOWSKI, Senator BENNETT, and others agree with me. And there are numerous Senators on the Democratic side of the aisle. I have spoken a few moments ago with Senator WYDEN. The State of Oregon will be in crisis if we don't resolve this in a reasonable fashion.

This is simply a 1-year extension of funding at current levels. It is not a new reauthorization. It represents about $400 million in the chairman's mark that moved out of here before. So this amendment, as I speak, will be filed at the desk, and I would hope, in our effort to move legislation and finish the supplemental, the emergency supplemental, that we also recognize there are some domestic emergencies here at home, such as the flooding on the Mississippi, such as tornado-ravaged areas, such as school districts having to fire needed and necessary educators to provide for the quality of education of their children because Congress did not responsibly fund public land, Federal public land-dependent counties, and created the crisis by our inaction.

With those comments, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that following my presentation, if there is a Republican speaker on the floor, they be recognized next, as has been the course, and that Senator BROWN of Ohio be recognized as the next Democratic speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE CONTRACTING

Mr. DORGAN. Mr. President, yesterday, there was a hearing in the Congress, on the House side, dealing with someone I have spoken about on the floor at some length, and I wish to talk about that hearing and what it means. Then, following that, I wish to speak about the bill I introduced yesterday dealing with the price of gas and oil and oil speculation.

First, let me talk about the hearing yesterday and what we learned about the Defense Department and the State Department and others dealing with this man. This man's name is Efraim Diveroli. He is 22 years old and the president and chief executive officer of a firm that was awarded $300 million in contracts by our Federal Government. So this is a guy who took over a shell corporation that his dad had, and he was awarded $300 million in Defense Department contracts. He was the president of the company at age 22. He had a vice president, though. It is not as if the company was understaffed. This is a photograph of his 25-year-old vice president, who is a massage therapist—David Packouz. He was called a masseur, or massage therapist. So these two guys ran a company in Florida that had an unmarked office door. At one point, Mr. Diveroli, the CEO, says he was the only employee and at another point it was he and his vice president, the massage therapist.

They got $300 million from the Federal Government, from the Defense Department, and they were to provide weapons and ammunition to the Afghan fighters because our Defense Department wanted to help the Afghan fighters take on the Taliban in Afghanistan. Well, here is what these folks provided to the fighters in Afghanistan—40-year-old Chinese cartridges which came in boxes that were all taped and falling apart—this is an example. They were made in China in the mid-1960s. It is pretty unbelievable. The fighters in Afghanistan said this was junk coming from this company that got $300 million in contracts from the Defense Department.

Now, I had the three-star general come to my office. I am on the Appropriations Subcommittee on Defense, and we shovel a lot of money out the door for a lot of these Defense needs, some legitimate, some not, and I had a lengthy meeting with the three-star general who was in charge of this. I said: How on Earth could you have given a contract to a company run by a 22-year-old, who had very little experience, running a shell company his dad owned, a company where his vice president was a massage therapist? This is a joke, except it is not a joke when the American taxpayers are fleeced. He gave me a hundred excuses, this three-star general did.

But all he would have had to do is go to MySpace. Pull this man up on MySpace, the president of this company, and here is what he says on MySpace.

> I like to go clubbing, go to a movie. I have taken a really liking towards fine Scotch whiskey. I have had problems in high school, so I was forced to work most of my teen years.

He probably grew up a little fast.

> Got a decent apartment. Am content for the moment.

Go to MySpace. Is this the CEO of a company you want to give $300 million in contracts to?

This is an outrage. So a hearing was held yesterday, and here is what the hearing disclosed. There was a watch list at the State Department. This company—these guys—had small contracts with the State Department, and the State Department had compiled a watch list of 80,000 individuals and companies suspected of illegal arms transgressions and other things, including this company. Well, the fact is, the Defense Department never checked the State Department. Contracts have been pulled from this little company, but the Defense Department never checked, so they give them a $300 million contract, or a series of contracts, worth $300 million.

The reason they say it didn't show up is because they don't check on contractors that maybe are bad contractors if the contract is less than $5 million. That is, apparently, an asterisk.

I mean, I don't understand this at all. Government officials failed to review several of these contracts from this little company that had been canceled or delayed. They never raised red flags because they fell under the $5 million contract value that was the warning threshold. The contracting officer with the Army Sustainment Command had overruled a contracting team that raised concerns about this company. They said there was substantial doubt, but nonetheless the company got the contracts. Listen, this is shameful. We ought to do—and, yes, we in the Senate as well—ought to do a detailed investigation. We should bring people here under subpoena, if necessary, to find out who made these judgments and why they are still working for the Federal Government. Why aren't they long ago gone from the Federal payroll? This is not the end of it or all of it. I have spoken about dozens and dozens of contracts that are similar to this.

At any rate, yesterday, this hearing occurred in the House. I commend Congressman WAXMAN, who has been doing some of the most significant work in the Congress in investigating this. We need to investigate this on the defense spending side as well, those who appropriate this funding. This is shameful, and I think everybody involved in it ought to be embarrassed. We are shoveling money out the door to support the war in Iraq and Afghanistan.

I have shown pictures on the floor of the Senate of one-hundred dollar bills wrapped in Saran Wrap the size of bricks, and the guy distributing that cash in Iraq said he told contractors our motto was: We pay in cash, you bring a bag. It was like the Wild West, he said.

You think money isn't wasted? You think there isn't stolen money over there, when you are distributing money out of the back of a pickup truck and we are airlifting one-hundred dollar bills on C-130s, flight after flight, full of cash?

This is unbelievable what is happening with this contracting abuse, and this is one, small example.

I think all those involved in it ought to be brought before congressional committees and that we demand answers from them. Who is responsible, who is accountable on behalf of the American taxpayer? If they can't answer, they ought not be on the public payroll.

That takes care of my need for therapy to talk about this issue. It is almost unbelievable that the American taxpayer, en masse, is not gathering outside this Capitol saying, when we hear this kind of thing, we are outraged. So let me be outraged on behalf of them and say this cannot be allowed to continue.

SPECULATING ON OIL AND GAS

Mr. President, I came to the floor to talk about the issue of the price of gasoline. I had a guy in my office the other day that was the president of one of the larger corporations and this company was engaged in trading and all these issues. He was a fast talker. I mean, it was unbelievable to me. When he finished talking, I was out of breath. He was one of these guys who talked and talked and talked. His point was: Look, everything is working fine. The price of oil, the price of gas, that is what the market says it is. I said: Well, it appears to me there are substantial amounts of speculation. Over a period of time in this world we have seen some dramatic growth in speculation in certain areas. When it happens, the markets break and you have to come back and herd the speculators out and have markets available for the legitimate transactions.

This person said: Speculation, are you kidding me? These are normal transactions on the commodities market, the futures market for oil, as an example. There is supply, demand, and people are involved. I said: Well, tell me this, if you would: What has happened in the last 15 months? Tell me what has happened with respect to supply and demand that justifies doubling the price of oil in the futures market? Can you tell me? Then he spoke for 45 minutes, almost uninterrupted, and had not answered the question.

I said: That makes my point. At the end of this meeting, you can't answer the question because nothing has happened in the last 15 months that demonstrably alters the supply-and-demand relationship or that justifies what has happened with the price of oil. Nothing justifies doubling the price of oil in the last 15 months. The only conclusion you can come to—and many have and I certainly have—is that we have a carnival of speculation in the futures market by a lot of big-time speculators interested in making money. They do not want to own oil or take possession of oil. They do not want to use oil. They wouldn't be able to recognize oil at first blush. They wouldn't even be able to lift a 30-gallon drum of oil. They just want to make money speculating on oil.

So if we have a bunch of speculators in this carnival of greed who rush into these markets and drive up prices well beyond what the fundamentals would justify, it breaks the market. If the market is broken, we have a responsibility to set it right. When the commodities market for oil was established in 1936 by legislation, Franklin Delano Roosevelt said we have to be careful to have the tools to stop the speculators from taking over these markets. There is a specific piece in the 1936 act that talks about excessive speculation.

There is excessive speculation in the marketplace now, and it is running up the price of oil and gas. It is hurting every single American family, it is damaging this economy, it is dramatically injuring industries—such as airlines, truckers, farming, and others. The question is, What should we do about it?

Should we sit here somewhere in a crevasse between daydreaming and thumbsucking and decide to do nothing? Or should we finally decide we have to take some action when a market is broken?

Let me go through a couple charts. I have used them before so it is repetitious, but it seems to me it is useful repetition in describing a very serious problem.

Here is what has happened to the price of oil. There is no event in here that suggests this should be the price of oil. You double the price. There is nothing in here that justifies doubling the price. The fact is, people are driving less in this period. There were 4.5 or 5 billion fewer miles driven in this country in a 6-month period; 4.5 to 5 billion fewer miles driven, less gasoline used. That means lower demand. At the same time, in the first 4 or 5 months of this year, we saw crude inventory stocks rise, not fall. If inventory is going up and demand is going down, what is happening to the price of oil and gasoline? It is going up? That doesn't make any sense. That is not logical. That is a market that is broken.

Let me analyze what all that means. This is what a commodity exchange looks like. This is the New York Mercantile Exchange, called NYMEX. There are a bunch of folks who trade. They come to work and do a legitimate job. They are trained to do this job, and they are trading on behalf of others. But what has changed is, instead of it being just a legitimate market for hedging between those who produce and those who consume, wanting to hedge a physical commodity, we have now people in this market who have no relationship to this commodity.

Will Rogers described it a decade ago. He described people who buy things they will never get from people who never had it, making money on both sides. That is speculation.

Here is what some folks have said about these issues. Let me describe, first, before I describe what some other folks have said about it, the 1935 act. It says, this is the commodities act that establishes this—

> This bill authorizes the Commission . . . to fix limitations upon purely speculative trades and commitments. Hedging transactions are expressly exempted.

The point is the underlying bill authorizes the regulator, the Commodity Futures Trading Commission, to fix limitations on purely speculative trades. That is exactly what the Commission is supposed to do. But the Commission has largely taken a vacation from reality. It seems to have no interest in regulating. I am talking especially about the chairman and those who control the Commission.

Here is Fadel Gheit, 30 years as the top energy analyst for Oppenheimer & Co. He testified before our committee. I have spoken to him a couple times by phone. Here is what he says:

> There is absolutely no shortage of oil. I'm convinced that oil prices should not be a dime above $55 a barrel. I call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops on the beat and no speed limit and everybody's going 120 miles an hour.

I encourage my colleagues, if you want to understand what is happening in this market, call Mr. Gheit. He has been involved as an energy trader with the large companies. He will give you an earful. I have had the opportunity to hear him not only in committee, but I called him as well and had a conversation about speculation.

The president of Marathon Oil Company: "$100 oil isn't justified by the physical demand of the market."

I am going to have a hearing this afternoon with the head of the Energy Information Administration, EIA. I fund this agency in my appropriations subcommittee—Mr. Caruso heads it. I wish to show what the EIA has projected on all these occasions for the price of oil and gasoline.

In May of last year, they projected this yellow line. That is where the price would go. In July of last year, they projected this yellow line. In September, they projected this. Do you see what the momentum is? In terms of what they are projecting, in every case they are demonstrably wrong—not just wrong by a little, wrong by a lot.

We spend over $100 million for this agency to get the best and brightest, to determine as best they can what is going to happen to the price of oil. They have always believed the price is essentially going to remain about the same or go down. The price, however, has gone way up. Why? Because unbridled speculation exists in this market with speculators driving up these prices.

Despite that, the EIA testifies and has testified repeatedly: They see some speculation but not very much.

If they believe this represents the fundamentals in the marketplace, how on Earth could the best estimators in an agency we spend $100 million a year on—how could they be this wrong? There is something fundamentally wrong with that piece.

Finally, 2 days ago, the House released a report that was done by a House subcommittee that talked about the explosion of speculation on the futures market. It went from 37 percent speculative trades in 2000 to 71 percent of the trades now that are "speculation."

I describe all that to say I have introduced legislation. I am talking to Republicans and Democrats in the Senate, hopeful of garnering cosponsors to move this legislation that addresses this issue by saying to the Commodity Futures Trading Commission: You have the authority to do the following, and you should do the following, just going back and reading the underlying law that created you. No. 1, identify those trades that represent legitimate hedging trades between a producer and a consumer with a physical product in which they wish to hedge risk. That is precisely what the market was established for. Distinguish that kind of trading from all other trading which represents nonlegitimate hedging, or speculation.

Once you have determined what body of trading represents speculative trading—and it has been a carnival of greed, in my judgment, rushing and pushing up the amount of speculative trading, as I have shown—once you have done that, I suggest we impose a 25-percent margin on the speculative trading that is going on, in order to try to wring some of that excess speculation out of this market.

No. 2, I suggest the regulator have the opportunity to use their authority to either revoke or modify all their previous actions, including their "no action" letters, in order to shine the light on and see and regulate all the transactions that have to do with American products or trading in this country.

Strangely enough, the Commodity Futures Trading Commission itself said, for example, the Intercontinental Exchange, largely owned by American interests, that trades in London—that you can come here, you can set up an office in Atlanta, you can trade on computers in Atlanta, and we will decide of our own volition that we will not regulate you and you will be outside the purview of our sight. That is an unbelievably bad decision, and it needs to be revoked—not just that decision but so many others similar to it.

It would be nice if we would have a regulatory body that says our job is to regulate. We pay for regulatory bodies for the purpose of wearing the striped shirts; they are the referees, they call the fouls.

I think, having taught some economics in college, that the best allocator of goods and services in this country that I know of is the marketplace. Markets are wonderful. I am a big supporter of markets. But when markets are broken, the Government has a responsibility to act. We have a regulator that has been oblivious to open markets, in fact has accelerated and actually helped break them. I believe our responsibility at this point is to set this regulator straight and decide here are the conditions by which we own up to the responsibilities of the original act—allowing for legitimate trading and hedging but trying to shut down the speculation that has driven up the price of gasoline and that injures every family and every business in this country and damages the American economy.

My hope is, in the coming couple days and weeks, that Congress, and the Senate especially, will be able to consider the bill I have authored. There are other good ideas as well. I welcome all of them. But I think this is not a circumstance in which one of the options for the Congress is to do nothing. The American people expect more and deserve more and I think should get more from this Congress.

I have spoken to Senator REID and many others, who are also very interested in moving on these issues. I hope it will be bipartisan. I am very interested in having Republicans and Democrats work on perfecting these issues so we can take action very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business to be followed by the Senator from Ohio, Mr. BROWN, and he would be followed by the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, I ask I be added after Senator GREGG.

Mr. INHOFE. And the Senator from Wisconsin be after Senator GREGG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. First of all, it is my intention—which I will not do right now because I know what would happen—to introduce an amendment to the housing bill that makes eminent sense. But I know and I have been told it would be objected to, so I will not do it, but I will explain it in hopes that at a later time we will be able to get this in.

The amendment I have is simply a one-page amendment. What it does, it would prohibit individuals who annually make more than $75,000 and couples making more than $150,000 from receiving taxpayer-backed bailouts of troubled mortgages. The main provision of the housing bailout bill is a program to allow troubled mortgage holders to refinance their mortgage into a Government-insured loan through the FHA. The bill allows the FHA to take on up to $300 billion in troubled mortgages, into the taxpayer-backed program.

In this bill, as currently written, the value of an eligible loan under the FHA is $550,000. The nationwide average value of a home is roughly $200,000. The average value of a home in Oklahoma is just under $150,000.

I believe it is bad policy to put taxpayers on the hook for borrowers who took on more than they could afford and lenders who made bad loans to begin with. It is entirely unacceptable to have the Government put taxpayers on the hook for someone who qualified for a loan more than two or three times what the average American can afford.

When Congress passed the economic stimulus package, Democrats vehemently argued certain people make too much money to benefit from a handout from the U.S. Government; specifically, eligibility for the full-time stimulus was capped at $75,000 for an individual and $150,000 for couples. So this amendment says that if you are too rich to get a full stimulus check, you are too rich to get a bailout.

Another provision of the housing bill provides an interest-free loan of $8,000 for first-time home buyers and applies income limits of $75,000—there it is again—for individuals and $150,000 for couples. It is perfectly reasonable to apply those same income standards for individuals who are getting a taxpayer-backed bailout on their mortgages.

Someone with a $550,000 mortgage pays approximately $3,300 a month on housing alone—that is assuming a 30-year fixed-rate mortgage at a 6.3-percent interest rate. That comes to $39,600 a year in mortgage payments alone. According to the Bureau of Economic Analysis, average per capita income in the United States, in 2007, was $38,600; therefore, someone with a $550,000 mortgage will be spending around $1,000 more on their home alone than the average American makes in an entire year.

The Congressional Budget Office came out and warned that 35 percent of the loans refinanced through the program will eventually default anyway. CBO also highlighted the perverse incentives in this bill, noting that banks will use the program to offload their highest risk loans to taxpayers. CBO said:

> . . . the cumulative [default rate] for the program would be about 35 percent and that recoveries on defaulted mortgages would be about 60 percent of the outstanding loan amount. Those rates reflect CBO's view that mortgage holders would have an incentive to direct their highest risk loans to the program.

Washington should not be holding folks who have been responsible for their mortgage liability responsible for the irresponsible decisions of others. We should not be putting taxpayers on the hook for bad loans made by irresponsible lenders and borrowers. We most certainly should not be putting taxpayers on the hook for individuals who can afford two or three times what the average taxpayer can afford.

This is especially true when there is no guarantee the program would not have to be bailed out after the additional taxpayer dollars. There is a very good chance, in fact, that this program will require additional tax dollars; that this is just the beginning.

On June 10, the New York Times reported that the FHA—the agency we are mandating in this bill to take on the worst loans made during the subprime housing crisis—currently faces $4.6 billion in losses, four times the amount of losses than the previous year and over 20 percent of its capital reserves.

The day before the New York Times story, Reuters reported that the head of FHA, Brian Montgomery, has serious concerns about the housing legislation we are now considering:

> Some in Congress are advancing legislation . . . that could be problematic for the economy and the country.

He further said:

> FHA is designed to help stabilize the economy . . . it is not designed to be a lender of last resort, a mega-agency to subsidize bad loans.

Yesterday the Wall Street Journal reported the FHA is having serious trouble with the bad mortgages that are already on the books and will likely require an appropriation of over 1 billion in Federal tax dollars as soon as next year.

This would be the first instance of a government subsidy for the FHA since it was created in 1934.

The Journal reported:

> The FHA, which essentially is filling the void left by the collapse of the subprime market, will request a Government subsidy for the first time in its 74-year history. The agency says it will need $1.4 billion next year.

The American taxpayer, the taxpayers in my State of Oklahoma, should not be put in a position where they are ultimately responsible for the irresponsible decisions of others, and they certainly should not be on the hook for relatively well-off individuals, not to mention large lending companies that made poor financial decisions.

Lastly, let me say we are using the same standard, this $75,000 per individual or $150,000 for a joint return, that would be the same level we are using in the rest of this bill and other programs, including the economic stimulus program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

MINIMUM WAGE

Mr. BROWN. Mr. President, 70 years ago today President Roosevelt signed the Fair Labor Standards Act into law. After two decades of devastating Supreme Court opposition, a Supreme Court in those days with a similar bias against workers that our Supreme Court has today—think of Ledbetter and so many other cases they have made. But after two decades of devastating Supreme Court opposition, and 3 years after that Supreme Court declared the National Industrial Recovery Act unconstitutional, Americans finally were assured of a minimum wage, reasonable work hours, and an end to child exploitation.

Senator Hugo Black, who sat at this desk in the Senate in the 1920s and 1930s, was fundamental in this historic achievement. Black, in the early 1930s, prior to Roosevelt becoming President, had introduced legislation calling for a 6-hour workday. It was considered so radical and so controversial that the 8-hour workday signed into law by President Roosevelt was considered more reasonable and more palatable, and the Congress went along.

Black, by this time, by the time the minimum wage actually went into effect, was a member of the Supreme Court appointed by President Roosevelt. Black, in those years leading up, joined with President Roosevelt, Labor Secretary Frances Perkins, and labor leader Sidney Hillman to craft legislation that would withstand judicial challenge. It was not an easy fight, but progressives stood firm for social justice and for economic justice. They said "no" to worker exploitation and they created a path to the American dream for millions. As the minimum wage floor was established, other wages went up also, and more and more workers joined the middle class and as a result came out of poverty and joined the middle class. For the first time in our Nation's history, people who worked hard were assured of a reasonable standard of living and decent labor conditions.

Where is that commitment today? Today's low- and middle-income men and women have been hit hard by the failed economic policies of the last 7 years, bad trade policy, bad tax policy, all up and down. We see what has happened to our economy in the Presiding Officer's home State of Pennsylvania, my State of Ohio, from Lima to Zanesville, and everywhere in between.

With gas at $4 a gallon, rising health care costs, skyrocketing food prices, it is more and more difficult for hard-working Americans to keep pace. Now 70 years of progress is eroding. Income inequality is the worst it has been in this country since before Roosevelt, since the Depression and the New Deal gave birth to the minimum wage.

Tim, from Cleveland Heights, OH, a suburb southeast of Cleveland, used to donate to food banks, soup kitchens, and charities before his family fell on hard times. He never thought he would need that help from others. But as the cost of living went up, Tim, who has a full-time job—his wages did not keep pace. It took 3 months of financial strain before Tim and his family realized they needed to use the food bank he had been contributing to in the past.

Tim used to consider himself middle class. He does not picture himself that way anymore. But there is reason for hope. In 2007, this Congress, the House and the Senate, passed the first minimum wage increase in 10 years. Workers now earn $5.85 an hour, and will get a raise of 70 cents next month. This is a positive step but just the first. We must continue to push for a living wage for all of Ohio and America's hard-working men and women.

Today someone earning a minimum wage and working full time makes only $10,700 a year. That is $6,000 below the poverty line for a family of three. That, put mildly, is unacceptable. Congress must work to index the minimum wage to inflation to give workers relief in these hard times.

Under current policy, wages stay low as prices go up. Wages in real dollars are far below the minimum wage, and in real dollars are far below what it was 40 years ago. Hard-working Americans are at the mercy of politics and business lobbies for an increase in pay, while CEOs of corporations such as Exxon are reporting record paydays. This is unconscionable.

Franklin Roosevelt said:

> A self-supporting and self-respecting democracy can plead no justification for the existence of child labor, no economic reason for chiseling workers' wages or stretching workers' hours.

Like Roosevelt, we must stand for social and economic justice. If social justice and economic justice works for hard-working Ohio families, hard-working American families, and social and economic justice builds a better society, we must do our part to ensure that those who want to work can make a living wage.

We must fight in this Chamber for families who are struggling to stay above the poverty line, families who work full time and play by the rules, pay their taxes, are involved in their communities, raising their kids. We must ask ourselves what kind of country we want this great country to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I want to speak on the bill, not in morning business.

I am concerned we are not getting to a lot of the issues in this bill we should get to. Although I am supportive of the underlying bill, one of the issues we are not getting to, and I do not understand it, is the need to extend the renewable tax credits.

Senator ENSIGN and Senator CANTWELL have brought forward an amendment to accomplish this. The renewable tax credits are those tax credits which create an incentive for using things that are more energy efficient: making your home more energy efficient, using solar, using wind, using wood pellet stoves, things which are basically alternative sources of energy, or doing additions to people's homes which make their homes more energy efficient.

At a time when gas prices are extraordinarily high, and oil prices are going through the roof, especially home heating oil—in fact, it is estimated home heating oil will be about $4.77 this week—it is essential that we do whatever we can as a government to encourage the use of alternative sources and renewables and to encourage people to be more energy efficient as they either build a new home or they refurbish and renovate their old homes.

That seems to be common sense to me. It has such common sense that this proposal, the extension of the renewable tax credits, passed this body with 88 votes. However, for some reason it is not being allowed to be brought up on this bill.

It is very appropriate for this bill, it is even germane to this bill, as I understand it, which is a pretty heavy test to pass. But it is not being allowed to be brought up for a vote. I cannot understand that. This is such an important action from the standpoint of giving consumers and people who are struggling with high energy cost options. It is something we should rush to do. It is not something that should be delayed by the leadership of the other side of the aisle. But that is what is happening.

I join with Senator ENSIGN and Senator CANTWELL and strongly encourage the leadership of the Senate Democrats to allow a vote on this amendment and let it pass. If the House does not want to take it, that is their choice. But I suspect the House will, because, again, it is common sense, and commonsense ideas usually lead to common ground, which leads to something happening around here.

When you have got 88 votes for something, it should be done. In the larger context of the energy crisis which we face, this type of step is critical. It is not going to solve the whole problem, we know that, but it is certainly part of the matrix of moving to a more positive result and getting our energy costs under control.

People in New Hampshire—this is true across the country, but people in New Hampshire are thinking about next winter and the cost of home heating oil is going to be extraordinary. It looks as if this will add tremendous stress, especially on people who live on a fixed income but even those who were able to adjust their income through working are going to find it difficult. They are going to find it difficult, because at $4 a gallon, if they have to commute to work—and most people in New Hampshire have to commute; it is a rural State from the standpoint of moving around—they are going to find it much more expensive to commute. Most people use oil to heat their homes, and with home heating oil at over $4.50 a gallon, you are talking about a doubling of the oil costs from last year. That is going to overwhelm the pocketbooks and the economic situation for a lot of people in New Hampshire. It is going to be a real hardship. We need to do something which will relieve that.

This is one element of extending the renewable energy tax credits. But another major element of it is for us to have an energy policy at the national level which essentially promotes American production of energy. We should produce more American energy and obviously we should consume less. There is no question that conservation is a critical element, as are renewables. But on the production side, there is no reason that we as a nation have locked up our capacity to use our resources in order to relieve the pressure on America's people who are now having to pay these outrageous prices for energy, and with the revenues from those purchases going overseas, in many instances to nations which do not like us all that much.

In addition, obviously every time we send a dollar overseas, it is a dollar that can't be invested here in more jobs, in more economic activity, and the fact that we have now tripled what we are exporting in the way of resources, in the way of dollars, again to countries in some instances that do not have a great deal of admiration for us, in many ways are antagonistic to us—the exportation of those huge amounts of dollars, over $300 billion a year, is money which we need here in America to make ourselves stronger.We are heading down a very dangerous road here when we do not recognize that we need to produce American energy and keep those dollars in the United States, rather than shipping them overseas.

Now, from the other side of the aisle we heard these proposals, we heard it from the Senator from North Dakota, that the way to address this is to litigate; the way to address this is to regulate; the way to address this is to tax.

Well, none of those initiatives add more resources to the mix. And this is, in large part, an issue of supply and demand. The world is expanding. India and China have a population base of almost 2.5 billion people between them. We have 300 million people. They are growing economically, and they are using a lot of energy to do that.

We have to recognize that if we are going to remain competitive and productive and strong, we have got to produce energy here, we have got to conserve it—we have to produce more of it, and we have to use less.

As part of that initiative, we need to look at ways and places that we can produce more, areas such as oil shale, for example. We have more reserves in oil shale, three times as much reserves in oil as Saudi Arabia. The estimate is between 2 and 3 trillion barrels of reserves in oil shale alone. We have huge reserves in Outer Continental Shelf oil and gas. But both of those types of resources are being locked down by opposition, again regrettably by the other side of the aisle, which says we cannot drill in the Outer Continental Shelf except in the Gulf of Mexico, and we cannot use the oil shale reserves which are available.

In fact, 100 percent of the oil shale reserves have been put off limits by policies of the other side of the aisle, supported by their national Presidential candidate, Mr. OBAMA, and 85 percent of the oil in the lower 49 that is potentially out there on the Outer Continental Shelf has been put off limits, again, by the other side of the aisle and, again, supported by Senator OBAMA. That is a huge amount of reserves which we are leaving in the ground while we buy oil at exorbitant prices from Venezuela, a country led by an individual who hates America; oil from Iran, a country where the entire government hates America and anything western.

Why do we do that? That makes no sense at all. Clearly, we have these reserves here, and they can be recovered in an environmentally safe and sound way. The example on the Outer Continental Shelf was shown when we saw Katrina, a horrific disaster, a force 5 hurricane that came up the Gulf of Mexico and wiped out one of our great cities, New Orleans. Virtually no oil or gas was spilled as a result of Hurricane Katrina. Yet it went right across the Gulf of Mexico where all the major oil and gas rigs are. That proved beyond any question that gas and oil can be produced on the Outer Continental Shelf with environmental safety.

There is a lot of it out there that has been locked down. Eighty-five percent of the potential leaseholds are no longer available because of the position taken by the other side. In the area of oil shale, these huge reserves which may be available to us are recoverable by drilling underground and by doing almost all the effort to recover that oil underground so that what actually comes out of the ground is virtually the product that is used. We could essentially get all the oil we need in order to operate the armed services of the United States, the biggest consumer of oil in this country, simply from oil shale because it is a heavy oil which is diesel-like fuel. Yet that is locked down; 100 percent of that is locked down by the policies of the other side of the aisle.

We can move on, of course, to another source that we need to use, which is nuclear power. Nuclear power is essential if we are going to produce the electricity necessary to make this country productive and prosperous and to meet the need to reduce greenhouse gases which are creating problems for us as a culture and for the world. The other side of the aisle has resisted and stopped construction of new nuclear powerplants. We are uniquely familiar with this in New Hampshire. We had the last nuclear powerplant that went on line, Seabrook. It took us an extra 10 to 15 years to build that plant beyond what it should have required. It cost us almost $1 billion more than it should have cost, and almost all of those costs and delays were a function of protests undertaken by very activist elements led primarily by the Democratic Party within the State of New Hampshire.

There has never been an apology for what they did to the people of New Hampshire—over a billion dollars of extra energy costs put on the people of New Hampshire, a direct tax, and yet Seabrook, once it was turned on, has delivered power for almost 18 years and has delivered it safely and at a fair price, to the point where New Hampshire actually exports energy to surrounding States as a result.

We know nuclear power can be safe. Nobody has ever died from nuclear power as compared with other types of power sources. We should not bar its development; we should encourage its development. We need new nuclear powerplants. We need new sources. We need to find and explore for new sources of energy such as are available on the Outer Continental Shelf and in oil shale.

Yet, regrettably, what we run into here is that everybody can agree on the need for conservation, but it doesn't appear we are going to agree on the need for renewables because that amendment is being stopped. But the idea that we should go out and produce more American energy so we are not buying energy from Venezuela and from Iran, that is rejected, regrettably, by the other side of the aisle.

The policy presented in their energy plan was taxation, litigation, and regulation. We heard it again today. We just regulate our way into a surplus of supply. That is not going to happen. You can't take a trial lawyer and stick him in your oil tank, in your house, and get energy. The simple fact is, giving the trial lawyers the ability to sue Venezuela isn't going to produce any more energy for the United States.

What it is probably going to do is create an atmosphere where countries that dislike us within the OPEC group are going to say: The heck with you. You want to create a lawsuit against us, we don't have to sell you the energy or, when you send us your money, we don't have to reinvest in the United States. It is cutting off our nose to spite our face. It is a policy that is virtually absurd on its face because it will have so little productive effect on the price of energy.

The same could be said for taxation. We are going to create a confiscatory tax on companies that produce energy, American companies. Those companies only control about 6 percent of the world's reserves. The rest of the world's reserves are controlled by nations such as Saudi Arabia, Venezuela, and Iran. They are not going to be subject to that tax, their companies. So that puts our companies immediately at a competitive disadvantage.

What do these companies which have been so vilified around here and such easy targets for the online press release really do with those profits? They do two things: They reinvest them in trying to find more energy, which will hopefully be American-produced energy, which is good because more supply reduces cost, or they distribute those profits to shareholders. Who are the shareholders? Most Americans are shareholders, and most American shareholdings are in these companies.

If you have a 401(k), if you are a member of a pension fund, if you are a union employee and you have a pension fund, the odds are good that pension fund is invested in one of these companies that are going to be subject to this brand new taxation coming from the other side of the aisle. There will be less money to explore and less money to distribute back to working Americans through their pension funds and dividends. That is not going to produce any more energy; in fact, it will produce less. That, again, accomplishes nothing except putting out a press release which has nice cosmetics, but when you look behind it, it has no substance as to addressing the fundamental issue.

The fundamental issue is this: We, as a country, need more American energy production, and we need to consume a lot less. There are two sides to the coin. We also need a renewable policy that works. That is why this amendment offered by Senators ENSIGN and CANTWELL, and which has such broad support here, should be voted on. It is a no-brainer. Let's at least move this part of the package of responsible energy policy. I cannot understand why it is not being voted on, especially since it is relevant to the housing bill. We should pass this in a nanosecond because it will at least help in a small way toward moving our energy policy in the right way, which is toward more renewables as we address the issue of production and conservation along with it.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Wisconsin.

FISA AMENDMENTS ACT OF 2008

Mr. FEINGOLD. Mr. President, I strongly oppose H.R. 6304, the FISA Amendments Act of 2008. I will vote against cloture on the motion to proceed. This legislation has been billed as a compromise between Republicans and Democrats. We are asked to support it because it is supposedly a reasonable accommodation of opposing views.

Let me respond to that as clearly as possible. This bill is not a compromise; it is a capitulation. This bill will effectively and unjustifiably grant immunity to companies that allegedly participated in an illegal wiretapping program, a program that more than 70 Members of this body still know virtually nothing about. This bill will grant the Bush administration, the same administration that developed and operated this illegal program for more than 5 years, expansive new authorities to spy on Americans' international communications.

If you don't believe me, here is what Senator BOND had to say about the bill:

> I think the White House got a better deal than even they had hoped to get.

House minority whip ROY BLUNT said:

> The lawsuits will be dismissed.

There is simply no question that Democrats who had previously stood strong against immunity and in support of civil liberties were on the losing end of this backroom deal.

The railroading of Congress began last summer when the administration rammed through the so-called Protect America Act, or PAA, vastly expanding the Government's ability to eavesdrop without a court-approved warrant. That legislation was rushed through this Chamber in a climate of fear—fear of terrorist attacks and fear of not appearing sufficiently strong on national security. There was very little understanding of what the legislation actually did. But the silver lining was that the law did have a 6-month sunset. So Congress quickly started working to fix the legislation. The House passed a bill last fall. The Senate passed its bill, one that I believed was deeply flawed, in February.

As the PAA 6-month sunset approached in late February, the House faced enormous political pressure simply to pass the Senate bill before the sunset date, but the reality was that no orders under the PAA were actually going to expire in February. Fortunately, to their great credit, the House stood firm in its resolve not to pass the Senate bill with its unjustified immunity provisions. The House deserves enormous credit for not buckling in the face of the President's attempts to intimidate them. Ultimately, the House passed new legislation in March, setting up the negotiations that have led us here today.

I think it is safe to say that even many who voted for the Protect America Act last year came to believe it was a mistake to pass that legislation. While the House deserves credit for refusing to pass the Senate bill in February and for securing the changes in this new bill, the bill is still a very serious mistake.

The immunity provision is a key reason for that. It is a key reason for my opposition to the legislation and for that of so many of my colleagues and, frankly, so many Americans. No one should be fooled about the effect of this bill. Under its terms the companies that allegedly participated in the illegal wiretapping program will walk away from these lawsuits with immunity. They will get immunity. There is simply no question about it. Anyone who says this bill preserves a meaningful role for the courts to play in deciding these cases is just wrong.

I am a little concerned that the focus on immunity has diverted attention away from the other very important issues at stake in this legislation. In the long run, I don't believe this bill will be actually remembered as the immunity bill. I think this bill is going to be remembered as the legislation in which Congress granted the executive branch the power to sweep up all of our international communications with very few controls or oversight.

Here I am talking about title I of the bill, the title that makes substantive changes to the FISA statute. I would like to explain why I am so concerned about the new surveillance powers granted in this part of the bill, and why the modest improvements made to this part of the bill don't even come close to being sufficient.

This bill has been sold to us as necessary to ensure that the Government can collect communications between persons overseas without a warrant and to ensure that the Government can collect the communications of terrorists, including their communications with people in the United States. No one disagrees that the Government should have this authority. But the bill goes much further, authorizing widespread surveillance involving innocent Americans at home and abroad.

First, the FISA Amendments Act, like the Protect America Act, will authorize the Government to collect all communications between the United States and the rest of the world.

That could mean millions upon millions of communications between innocent Americans and their friends, families, or business associates overseas could legally be collected. Parents calling their kids studying abroad, e-mails to friends " serving in Iraq—all of these communications could be collected, with absolutely no suspicion of any wrongdoing, under this legislation. In fact, the DNI even testified that this type of "bulk collection" would be "desirable."

The bill's supporters like to say that the Government needs additional powers to target terrorists overseas. But under this bill, the Government is not limited to targeting foreigners outside the United States who are terrorists, or who are suspected of some wrongdoing, or who are members or agents of some foreign government or organization. In fact, the Government does not even need a specific purpose for wiretapping anyone overseas. All it needs to have is a general "foreign intelligence" purpose, which is a standard so broad that it basically covers all international communications.

That is not just my opinion. The DNI has testified that, under the PAA, and presumably this bill, the Government could legally collect all communications between the United States and overseas. Let me repeat that. Under this bill, the Government can legally collect all communications—every last one—between Americans here at home at home and the rest of the world.

I should note that one of the few bright spots in this bill is the inclusion of a provision from the Senate bill to prohibit the intentional targeting of an American overseas without a warrant. That is an important new protection. But that amendment does not prevent the indiscriminate vacuuming up of all international communications, which would allow the Government to collect the communications of Americans overseas, including with friends and family back home, without a warrant.

I tried to address this issue of "bulk collection" several times, working in the Intelligence Committee, the Judiciary Committee, and ultimately on the Senate floor in February, when I offered an amendment that would have required that there be some foreign intelligence purpose for the collection of communications to or from particular targets. The vast majority of Democrats supported this effort, but, unfortunately, it was defeated. So the bill today we are considering does not address this serious problem.

Second, like the earlier Senate version, this bill fails to effectively prohibit the practice of reverse targeting and this is; namely, wiretapping a person overseas when what the Government is really interested in is listening to an American here at home with whom the foreigner is communicating. The bill does have a provision that purports to address this issue. The bill prohibits intentionally targeting a person outside the United States without an individualized court order if "the purpose" is to target someone reasonably believed to be in the United States. But this language would permit intentional and possibly unconstitutional warrantless surveillance of an American so long as the Government has any interest in the person overseas with whom the American is communicating. And, if there was any doubt, the DNI has publicly said that the Senate bill—which contained identical language as the current bill—merely "codifies" the administration's position, which is that the Government can wiretap a person overseas indefinitely without a warrant, no matter how interested it may really be in the American with whom that person overseas is communicating.

Supporters of this bill also will argue that it requires the executive branch to establish guidelines for implementing this new reverse targeting requirement. But the guidelines are not subject to any judicial review. And requiring guidelines to implement an ineffective limitation is not a particularly comforting safeguard.

When the Senate considered the FISA bill earlier this year, I offered an amendment—one that had actually been approved by the Senate Judiciary Committee—to make this prohibition on reverse targeting meaningful. My amendment, which again had the support of the vast majority of the Democratic caucus and was included in the bill passed by the House in March, would have required the Government to obtain a court order whenever a significant purpose of the surveillance is actually to acquire the communications of an American in the United States. This would have done a far better job of protecting the privacy of the international communications of innocent Americans. Unfortunately, it is not in this bill.

Third, the bill before us imposes no meaningful consequences if the Government initiates surveillance using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, that the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners rather than Americans. Under the bill, all of that illegally obtained information on Americans can be retained and used anyway. Once again, there are no consequences for illegal behavior.

Now, unlike the Senate bill, this new bill does generally provide for FISA Court review of surveillance procedures before surveillance begins. But it also says that if the Attorney General and the DNI certify that they don't have time to get a court order and that intelligence important to national security may be lost or not timely acquired, then they can go forward without this judicial approval. This is a far cry from allowing an exception to FISA Court review in a true emergency because arguably all intelligence is important to national security and any delay at all might cause some intelligence to be lost. So I am really concerned that this so-called exigency exception could very well swallow the rule and undermine any presumption of prior judicial approval.

But whether the exception is applied broadly or narrowly, if the Government invokes it and ultimately engages in illegal surveillance, the court should be given at least some flexibility after the fact to determine whether the government should be allowed to keep the results of illegal surveillance if it involves Americans. That is what another one of my amendments on the Senate floor would have done, an amendment that actually garnered 40 votes. Yet this issue goes completely unaddressed in the so-called compromise.

Fourth, this bill doesn't protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: Don't worry, we have minimization procedures. Minimization procedures are nothing more than unchecked executive branch decisions about what information on Americans constitutes "foreign intelligence." As recently declassified documents have again confirmed, the ability of Government officials to find out the identity of Americans and use that information is extremely broad. Moreover, even if the administration were correct that minimization procedures have worked in the past, they are certainly inadequate as a check against the vast amounts of Americans' private information that could be collected under this bill. That is why on the Senate floor joined with my colleagues, Senator WEBB and Senator TESTER, to offer an amendment to provide real protections for the privacy of Americans, j while also giving the Government the flexibility it needs to wiretap terrorists overseas. But this bill, like the Senate bill, relies solely on these inadequate minimization procedures.

The broad surveillance powers involving international communications that are contained in this legislation are particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago it was very expensive, and not very common, for most Americans to make an overseas call. Now, particularly with e-mail, such communications happen all the time. Millions of ordinary, and innocent, Americans communicate with people overseas for entirely legitimate personal and business reasons. Parents or children call family members overseas. Students e-mail friends they have met while studying abroad. Business people communicate with colleagues or clients overseas. Technological advancements combined with the ever more interconnected world economy have led to an explosion of international contacts.

Supporters of the bill like to say that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to take a close look at the need for greater protections of the privacy of our citizens. If we are going to give the Government broad new powers that will lead to the collection of much more information on innocent Americans, we have a duty to protect their privacy as much as we possibly can. And we can do that without sacrificing our ability to collect information that will help us protect our national security. This supposed compromise, unfortunately, fails that test.

I don't mean to suggest that this bill does not contain some improvements over the bill that the Senate passed early this year. Clearly it does, and I appreciate that. Certainly, it is a good thing that this bill includes language making clear, once and for all, that Congress considers FISA and the criminal wiretap laws to be the exclusive means by which electronic surveillance can be conducted in this country—a provision that Senator FEINSTEIN fought so hard for. And it is a good thing that Congress is directing the relevant inspectors general to do a comprehensive report on the President's illegal wiretapping program—a report whose contents I hope will be made public to the greatest degree possible. And it is a good thing that the bill no longer redefines the critical FISA term "electronic surveillance," which could have led to a lot of confusion and unintended consequences.

All of those provisions are positive developments, and I am glad that the ultimate product seemingly destined to become law contains these improvements.

But I just can't pretend somehow that these improvements are enough. They are nowhere close. When I offered my amendments on the Senate floor in February, the vast majority of the Democratic caucus supported me. While I did not have the votes to pass those amendments, I am confident that more and more Members of Congress will agree that changes to this legislation need to be made. If we can't make them this year, then Congress must return to this issue—and it must do so as soon as the new President takes office. These issues are far too important to wait until the sunset date, especially now that it is set in this bill for 2012, another presidential election year.

But let me now turn to the grant of retroactive immunity that is contained in this bill because on that issue there is no question that any differences between this bill and the Senate bill are only cosmetic. Make no mistake: This bill will result in immunity.

Under the terms of this bill, a Federal district court would evaluate whether there is substantial evidence that a company received "a written request or directive . . . from the Attorney General or the head of an element of the intelligence community . . . indicating that the activity was authorized by the President and determined to be lawful."

But we already know from Senate Select Committee on Intelligence's committee report last fall that the companies received exactly these materials. That is already public information. So under the exact terms of this proposal, the court's evaluation would essentially be predetermined.

Regardless of how much information the court is permitted to review, what standard of review is employed, how open the proceedings are, and what role the plaintiffs are permitted to play, the court will essentially be required to grant immunity under this bill.

Now, proponents will argue that the plaintiffs in the lawsuits against the companies can participate in briefing to the court. This is true. But they are allowed to participate only to the extent it does not necessitate the disclosure of classified information. The administration has restricted information about this illegal program so much that, again, more than 70 Members of this Chamber alone don't even have access to the basic facts about what happened. So let's not pretend that the plaintiffs will be able to participate in any meaningful way. And even if they could participate fully, as I said before, immunity is a foregone conclusion under the bill.

This result is extremely disappointing on many levels, perhaps most of all because granting retroactive immunity is unnecessary and unjustified. Doing this will profoundly undermine the rule of law in this country.

For starters, current law already provides immunity from lawsuits for companies that cooperate with the Government's request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. But if requests are not properly documented, FISA instructs the telephone companies to refuse the Government's request, and subjects them to liability if they instead still decide to cooperate. Now, there is a reason for this. This framework, which has been in place for 30 years, protects companies that act at the request of the Government while also protecting the privacy of Americans' communications.

Some supporters of retroactively expanding this already existing immunity provision argue that the telephone companies should not be penalized if they relied on a high-level Government assurance that the requested assistance was lawful. But as superficially appealing as that argument may sound, it completely ignores the history of the FISA law.

Telephone companies have a long history of receiving requests for assistance from the Government. That is because telephone companies have access to a wealth of private information about Americans—information that can be a very useful tool for law enforcement. But that very same access to private communications means that telephone companies are in a unique position of responsibility and public trust.

And yet, before FISA, there were basically no rules at all to help these phone companies resolve the tension between the Government's requests for assistance in foreign intelligence investigations and the companies' responsibilities to their customers.

So this legal vacuum resulted in serious governmental abuse and overreaching. The abuses that took place are well documented and quite shocking. With the willing cooperation of the telephone companies, the FBI conducted surveillance of peaceful antiwar protesters, journalists, steel company executives, and even Martin Luther King, Jr.

So Congress decided to take action. Based on the history of, and potential for, Government abuses, Congress decided that it was not appropriate—not appropriate—for telephone companies to simply assume that any Government request for assistance to conduct electronic surveillance was legal. Let me repeat that: A primary purpose of FISA was to make clear, once and for all, that the telephone companies should not blindly cooperate with Government requests for assistance.

At the same time, however, Congress did not want to saddle telephone companies with the responsibility of determining whether the Government's request for assistance was a lawful one. That approach would leave the companies in a permanent state of legal uncertainty about their obligations.

So Congress devised a system that would take the guesswork out of it completely. Under that system, which was in place in 2001, and is still in place today, the companies' legal obligations and liability depend entirely on whether the Government has presented the company with a court order or a certification stating that certain basic requirements have been met. If the proper documentation is submitted, the company must cooperate with the request and will be immune from liability. If the proper documentation has not been submitted, the company must refuse the Government's request, or be subject to possible liability in the courts.

The telephone companies and the Government have been operating under this simple framework for 30 years. The companies have experienced, highly trained, and highly compensated lawyers who know this law inside and out.

In view of this history, it is inconceivable that any telephone companies that allegedly cooperated with the administration's warrantless wiretapping program did not know what their obligations were. It is just as implausible that those companies believed they were entitled to simply assume the lawfulness of a Government request for assistance. This whole effort to obtain retroactive immunity is based on an assumption that doesn't hold water.

That brings me to another issue. I have been discussing why retroactive immunity is unnecessary and unjustified, but it goes beyond that. Granting companies that allegedly cooperated with an illegal program this new form of automatic, retroactive immunity undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of actions that allegedly occurred here.

Remember, telephone companies already have absolute immunity if they complied with the applicable law. They have an affirmative defense if they believed in good faith that they were complying with that law. So the retroactive immunity provision we are debating here is necessary only if we want to extend immunity to companies that did *not* comply with the applicable law and did not even have a good faith belief that they were complying with it. So much for the rule of law.

Even worse, granting retroactive immunity under these circumstances will undermine any new laws that we pass regarding Government surveillance. If we want companies to follow the law in the future, it sends a terrible message, and sets a terrible precedent, to give them a "get out of jail free" card for allegedly ignoring the law in the past.

I find it particularly troubling when some of my colleagues argue that we should grant immunity in order to encourage the telephone companies to cooperate with Government in the future. They want Americans to think that not granting immunity will damage our national security. But if you take a close look at the argument, it does not hold up. The telephone companies are already legally obligated to cooperate with a court order, and as I have mentioned, they already have absolute immunity for cooperating with requests that are properly certified. So the only thing we would be encouraging by granting immunity here is cooperation with requests that violate the law. That is exactly the kind of cooperation that FISA was supposed to prevent.

Let's remember why. These companies have access to our most private conversations, and Americans depend on them to respect and defend the privacy of these communications unless there is clear legal authority for sharing them. They depend on us to make sure the companies are held accountable for betrayals of that public trust. Instead, this immunity provision would invite the telephone companies to betray that trust by encouraging cooperation with illegal Government programs.

But this immunity provision does not just allow telephone companies off the hook for breaking the law. It also will make it that much harder to get to the core issue that I have been raising since December 2005, which is that the President ran an illegal program and should be held accountable. When these lawsuits are dismissed, we will be that much further away from an independent judicial review of this program.

Since 9/11, I have heard it said many times that what separates us from our enemies is respect for the rule of law. Unfortunately, the rule of law has taken it on the chin from this administration. Over and over, the President and his advisers have claimed the right to ignore the will of Congress and the laws on the books if and when they see fit. Now they are claiming the same right for any entity that assists them in that effort, no matter how unreasonable that assistance might have been.

On top of all this, we are considering granting immunity when more than 70 members of the Senate still—still—have not been briefed on the President's wiretapping program. The majority of this body still does not even know what we are being asked to grant immunity for.

In sum, I cannot support this legislation. I appreciate that changes were made to the Senate bill, but they are not enough. Nowhere near enough.

We have other alternatives. We have options. We do not have to pass this law in the midst of a presidential election year, while George Bush remains President, in the worst possible political climate for constructive legislating in this area. If the concern is that orders issued under the PAA could expire as early as August, we could extend the PAA for another 6 months, 9 months, even a year. We could put a 1-year sunset on this bill, rather than having it sunset in the next Presidential election year when partisan politics will once again be at their worst. Or we could extend the effect of any current PAA orders for 6 months or a year. All of these options would address any immediate national security concerns.

What we do not have to do and what we should not do is pass a law that will immunize illegal behavior and fundamentally alter our surveillance laws for years to come.

I have spent a great deal of time over the past year—in the Senate Intelligence Committee, in the Senate Judiciary Committee, and on the Senate floor—discussing my concerns, offering amendments, and debating the possible effects of the fine print of various bills. But this is not simply about fine print. In the end, my opposition to this bill comes down to this: This bill is a tragic retreat from the principles that have governed Government conduct in this sensitive area for 30 years. It needlessly sacrifices the protection of the privacy of innocent Americans, and it is an abdication of this body's duty to stand up for the rule of law. I will vote no.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, we are at a critical moment. According to the Mortgage Bankers, the rate of foreclosures and the percentage of loans in the process of foreclosure are at the highest recorded level since 1979.

The delinquency rate for all mortgage loans on one- to four-unit residential properties stood at 6.35 percent of all loans outstanding at the end of the first quarter of 2008. This is an increase of 151 basis points from 1 year ago—a 1.5-percent increase—which is very significant because it translates into thousands and thousands of Americans who are facing foreclosure.

The percentage of loans in the foreclosure process was 2.47 percent at the end of the first quarter, more than double what it was a year prior.

In my own State of Rhode Island, 5.65 percent of all loans are past due, and 2.75 percent are in foreclosure.

That is a staggering statistic. Rhode Island has the unfortunate distinction of having the highest foreclosure rate in New England and is fourth in the Nation for subprime foreclosures.

For many Rhode Islanders—in fact, the majority—their home is their wealth, their nest egg. Unfortunately, with such a high foreclosure rate, many Rhode Islanders are seeing their wealth erode as home prices fall. Thousands more are in default because they are no longer able to refinance or sell their homes since their mortgages are now worth more than the appraised value of their homes.

This week, the latest Case-Schiller home price index was released. Home prices in 20 U.S. metropolitan areas in April fell by 15.3 percent from a year earlier, signaling that the housing recession is not over. In fact, it continues unabated.

More foreclosures will further exacerbate the overall decline in property values and have a dramatic and drastic effect on entire communities. It is clear that this vicious cycle in the mortgage and housing markets is negatively impacting the entire economy.

In addition, as a result of the credit crunch in the mortgage markets, Fannie Mae and Freddie Mac are now the largest player in the secondary housing market. Combined, they are purchasing and securitizing almost 70 percent of the mortgage market right now and almost single-handedly are keeping mortgage credit flowing throughout the country.

Fannie Mae and Freddie Mac are at a critical juncture, and we need to make sure they are well capitalized and overseen by a strong and independent regulator with more bank-like regulatory authorities.

Finally, we do not just have a credit crunch and a mortgage meltdown, we also have a continuing and persistent affordable housing crisis in this country. The irony is, we had an affordable housing crisis when prices were going up because people were being squeezed out of rental properties. Rents were going up. People were being squeezed because there was a real demand for upscale housing and not the same kind of demand in the private market for affordable housing.

As the housing market declines, people are also squeezed. People lost their homes and are moving into apartments. The activity to build and develop affordable housing has not picked up at all. So we have the situation where we also have to deal with affordable rental housing in particular. In the wake of the foreclosure crisis, all of these factors are compounding the plight of Americans across the board.

Homeowners are losing their homes, low-income Americans are struggling to find properties to rent, and homeowners have seen the value of their housing investment—which represented their plans for the future and the future of their children—all being radically rewritten as we speak because of a decline in the price of houses. We have seen for the first time a reversal in what had been a positive trend in home ownership. That is now declining.

So I think we are working hard to try to respond to all these issues. How do we inhibit, prevent, as much as we can, this drumbeat of foreclosures? How do we provide support for families who are looking for affordable housing? How do we do it in a conscientious way and also strengthen the regulatory structure that governs Fannie Mae and Freddie Mac? I think we have achieved that in this legislation, and now the time is to move forward. That is why I am encouraging all of my colleagues to support the Housing and Economic Recovery Act of 2008.

This bill includes the Federal Housing Finance Regulatory Reform Act, which will allow us to create a world-class regulator for Fannie Mae and Freddie Mac and the Federal Home Loan Banks, the housing government-sponsored enterprises. This regulator will have broad, new authorities to ensure the safe and sound operations of all these institutions. These powers will include establishing capital standards, setting prudential management standards, enforcing orders through cease-and-desist authority, civil monetary penalties and also the authority to remove officers and directors, restricting asset growth and capital distribution for those institutions which are undercapitalized. It can place a regulated entity into receivership, and it can review and approve new product offers. All of these are the powers which we have extended historically to bank regulators, and now these powers are being extended to the regulator of three of the most prominent financial institutions in the country, although their focus is on housing exclusively, or generally.

This legislation expands the number of families Freddie Mac and Fannie Mae can serve by raising the loan limits in high-cost areas to 150 percent of the conforming loan limit. It also significantly enhances the housing component of the GSEs' mission.

It includes provisions I authored that will dramatically expand Fannie Mae's and Freddie Mac's affordable housing mission by creating a new housing trust fund and capital magnet fund, financed by annual contributions from the enterprises, which will be used for the construction and rehabilitation of affordable rental housing. We expect these programs to eventually provide between $500 million to $1 billion per year for the development of housing for low-income families. These affordable housing contributions are obtained by requiring Fannie Mae and Freddie Mac to set aside less than half a cent on each dollar of unpaid principal balance of the enterprises' total new business purchases. Eventually, 75 percent of the funds collected will be used for the affordable housing trust fund and 25 percent will be allocated for the payment of Government bonds to keep the bill deficit neutral.

I was very pleased to have worked out a compromise with all my colleagues, particularly Senators DODD and SHELBY, that would allow the HOPE for Homeowners Program—the program Senator DODD has taken the lead in crafting which will resolve or attempt to resolve some of these foreclosure difficulties—to be a mandatory program that is deficit neutral and would not require any payments from the Federal taxpayers because it would use the proceeds from the Federal housing fund in the first 3 years to pay for this foreclosure program. I think this program is a great way to accomplish many of the objectives we have. First, we do want to help people facing foreclosure, but we also do not want to necessarily engage taxpayer funds in that process. This arrangement accomplishes those two objectives.

As many of my colleagues know, I introduced a bill in November to improve the mission of the GSEs that would, in fact, allocate all the money to affordable housing. The bill before us would help this affordable housing mission, but it would also allow, as I have said, for the first 3 years, to allocate some of the resources to Senator DODD's proposal to prevent and assist in the foreclosure process.

Once we have the foreclosure program up and running, then, after 3 years, all the resources will be devoted to affordable housing, with 65 percent being used to create a permanent housing trust fund. The housing trust fund will be managed by the Secretary of Housing and Urban Development, and it would distribute these funds to States via a formula. At least 75 percent of the funds distributed to the States must be targeted to extremely low-income families.

Thirty-five percent of the affordable housing funds will be allocated to a capital magnet fund and will be used by the Secretary of the Treasury to run a competitive grant program to attract private capital for and increase investment in affordable housing. Applicants for funding will need to show they can leverage the funding by at least 10 to 1. We believe this will result in the creation of many more units of affordable housing than could be done otherwise. What we are requiring these applicants to do is to enlist private capital in a ratio of at least 10 to 1 to match the public capital and increase significantly the scope of these programs and to house many more Americans. I think this is a great way to incentivize and challenge private capital to come into the field of affordable housing and to put more Americans in decent, affordable rental housing.

The mission improvement section of the bill also strengthens Fannie Mae's and Freddie Mac's affordable housing goals. In particular, it would align their goals regarding the purchase of affordable mortgages with current Community Reinvestment Act income targeting definitions and ensure that these enterprises provide liquidity to both ownership and rental housing markets for low- and very low-income families. We want to make sure we target these resources to those Americans particularly struggling in a very difficult economy—low- and very low-income Americans.

The legislation requires the enterprises to serve a variety of underserved markets, such as rural areas, manufactured housing, and affordable housing preservation. It improves reporting requirements for affordable housing activities, including expansion of a public-use database, and strengthens the new regulator's ability to enforce compliance with these housing goals.

All of these affordable housing provisions are premised on the fact that with Fannie and Freddie's Government benefits come many important responsibilities to the public.

As I mentioned earlier, this legislation also contains a bill authorized by Senator DODD called the HOPE for Homeowners Act. I wish to commend him for his hard work in crafting these provisions and also commend him for the judicious way he has managed this legislation.

In the last several weeks, this legislation has called for very critical judgments about procedures and timing and substance. On every one of those occasions, Senator DODD, working closely with Senator SHELBY, has made some remarkable, wise, and judicious judgments, and I commend him for that—both of them, and for their stewardship of this legislation.

Now, this legislation Senator DODD is proposing, the HOPE for Homeowners Act, would create a new temporary, voluntary program within the Federal Housing Administration to back FHA-insured mortgages to distressed borrowers. The program is vitally important and could not come at a more important time.

Two weeks ago, the OCC—the Office of the Comptroller of the Currency—put out a report documenting the scope of the failure of the Bush administration's efforts to stem the mortgage crisis. The administration has been relying on a voluntary industry effort called HOPE Now. HOPE Now has been reporting that it has produced in excess of 1 million loan modifications through this program. They have had events to tout it in the public and the press. They always mention this number.

The credibility of the HOPE Now numbers has been under attack for a while, primarily because they are self-reported numbers and because HOPE Now includes in its numbers "payment plans," which are not loan modifications but only delay troubled home borrowers. Apparently, the regulators themselves have begun to feel a little uncomfortable, and the OCC decided to do its own report with its own numbers. They reported that voluntary mortgage industry efforts have resulted in only 52,000 loan modifications out of 3 million seriously delinquent loans.

In addition to the 3 million seriously delinquent loans—loans over 60 days or in bankruptcy or foreclosure—there are also 1.5 million foreclosures in process, and new foreclosures initiated during the same period total almost 300,000. In effect, foreclosures are running six times ahead of loan-modification efforts. Looking at it another way, loan modifications are less than 2 percent of seriously delinquent loans and only about 3 percent of foreclosures.

It is clear that the administration's argument that no new action is needed has been proven wrong. The OCC data also clearly demonstrates that helping mitigate the effects of this mortgage mess cannot be left completely up to the mortgage industry and voluntary efforts. "Fuzzy math" and a lack of transparency are what got us into this mess. It should not be used to try to cover up the fact that there is still a major problem.

That is why Senator DODD's HOPE for Homeowners Program is so important. It is going to enable approximately 400,000 homeowners to refinance into 30-year fixed mortgage products with FHA mortgage insurance. Many of these homeowners have no other financing option since their homes are now worth less than their mortgage. They are "underwater."

Any lender who participates in the HOPE Program Senator DODD is advancing will have to write down the value of the mortgage to 90 percent of the current appraised value of the home. They will write off the loss, and then the new loan for the homeowner will have to be for 30 years at a fixed rate and with FHA mortgage insurance. In exchange for getting a new loan with built-in equity, homeowners will have to share future appreciation equally with the FHA.

The intent of the legislation is to set a floor on lender losses while at the same time putting families into 30-year fixed rate mortgages that will allow them to keep their homes. This legislation, we hope, will help stabilize the housing markets in parts of the country that need the help the most.

In addition, most of the provisions from the Foreclosure Prevention Act of 2008 that passed the Senate by a vote of 88 to 8 on April 10 are included in this legislation. This section of the bill contains the Banking Committee's legislation to modernize, streamline, and expand the reach of the FHA mortgage insurance program.

The FHA modernization section includes provisions I authored that would expand access to home ownership counseling, provide for technology and staffing improvements at FHA, and update the FHA Home Equity Conversion Mortgage—HECM—Program, allowing seniors to safely tap into the equity of their home for other necessary expenses.

The FHA loan limit is increased from 95 percent to 110 percent of area median home price, with a cap at 150 percent of the GSE limit in high-cost areas, which currently will be $625,000. This should allow families in older areas of the country to access home ownership through FHA. It also requires a downpayment of at least 3.5 percent for any FHA loan.

In addition, the Foreclosure Prevention Act section of the bill provides $3.92 billion in funding to communities hardest hit by foreclosure and delinquencies to purchase foreclosed homes at a discount and rehabilitate or redevelop the homes to stabilize neighborhoods and stem the significant losses in house values of neighboring homes. It also contains $150 million in additional funding for housing counseling.

It contains some important provisions to help our returning soldiers avoid foreclosure by lengthening the time a lender must wait before starting the foreclosure process and providing the veterans—soldiers, sailors, marines, airmen of the current conflict—with 1 year of relief from increases in mortgage interest rates. In addition, the Department of Defense is required to establish a counseling program to ensure these veterans can access assistance if facing financial difficulties. The legislation also increases the VA loan guarantee amount, so that veterans have additional home ownership opportunity.

I am also pleased that the bill contains a provision I authored in my bill, S. 2153, to amend the Truth in Lending Act to improve home loan disclosures. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchases but also for loans that refinance a home or provide a home equity line of credit. The bill requires that mortgage disclosures be provided within 3 days of application and no later than 7 days prior to closing. This should allow borrowers to shop for another mortgage if they are not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable rate payment loans, there will now be an explicit warning on the 1-page Truth in Lending Act form that the payments will change depending on the interest rate and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also provides a new disclosure that informs borrowers of the maximum monthly payments possible under their loan. The bill provides the right to waive the early disclosure requirements if the consumer has a bona fide financial emergency that requires they close the loan quickly and increases the range of statutory damages for TILA violations from the current $200 to $2,000 to a range of $400 to $4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated on the mortgage loan just because they received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product and decide not to sign on the dotted line if they do not like the basic terms of the loan.

I believe that giving consumers the information they need regarding the maximum payment is absolutely critical. Borrowers need to better understand the full financial impact of entering into a particular loan early in the process and before they actually consummate the loan.

There are many borrowers today who signed up for a loan with teaser rates with a monthly payment they could well afford and then were shocked 18 months later to get the adjusted rates that were staggering to them and were, for many, unaffordable. Many in good faith relied on what they thought would be the initial introductory loan. I do not think they should be in that position. I think all the details, the maximum loan amount under the current rate should be available upfront, not hidden in a pile, literally a foot high, of closing documents.

They also have to have a chance to back out of the loan, if the terms are not acceptable to them, before closing the loan at the conference room table.

I am pleased my Republican colleagues have agreed with the need to improve mortgage disclosures also.

Finally, this legislation includes some important tax provisions that should enhance and strengthen the low-income housing tax credit program and the mortgage revenue bond program. It also has a refundable first-time home buyer credit of up to $8,000 to help reduce the stock of existing unoccupied housing and a nonitemizer tax deduction for State and local property taxes from Federal income tax.

It is my hope this legislation will help more families to refinance out of bad loans, help stabilize the housing market, and improve the laws and regulations so this type of foreclosure crisis never happens again.

As a member of the Banking Committee, I wish to particularly thank Chairman DODD and Senator SHELBY for including a number of bills and initiatives that I have been working on in the Housing and Economic Recovery Act that is before us today, and I hope we are going to be able to pass this important legislation in very short order.

The American people need a lot more than the current HOPE Now program, they need help now. I encourage all my colleagues, we should move forward deliberately—today, I hope—on this important legislation and send it to our colleagues in the House.

I know Chairman FRANK and his colleagues have done a remarkable job on their side to pass legislation that is very close to ours. Together, we should be able to send something to the President that he will, I hope, sign and will send a message to the American people that hope is not just a fiction of rhetoric, but it is a reality—and not just hope, but help is on the way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That was going to be my first unanimous consent request. My second one would be I ask consent that I be recognized following the remarks of the distinguished Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTY PAYMENTS ACT

Mr. CRAPO. Mr. President, I rise to discuss the increasingly dire need to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. It is commonly called the County Payments Act. We also need to fully fund the payment in lieu of taxes provisions, otherwise commonly called PILT funding.

One hundred years ago, legislation was enacted to provide for the return of a percentage of the U.S. Forest Service gross receipts to the States to assist counties that are home to our national forests with school and road services. The reason for this legislation was that these States, where there are very high percentages of Federal ownership of property, have a much smaller property tax base for their communities. Particularly, many of these rural communities exist in counties where most of the county—in some counties in Idaho over 90 percent of the county—is owned by the Federal Government. They have virtually no property base. Yet they have all the other issues that come with the land base to deal with in their counties—schools, roads, law enforcement, and the like. It was recognized that since the Federal Government was immune from paying property taxes, the Federal Government—which was the beneficiary from these counties and which had such significant land holdings in these counties—should provide some kind of compensation to the counties as an alternative to property taxes, which they would pay if they were not the Federal Government and exempt from paying those taxes. That is where you get the payment in lieu of taxes, or PILT payment. The Secure Rural Schools and County Self-Determination Act was something that followed up on the PILT legislation. Without these funds, many rural communities that neighbor national forests would be unable to fully meet school and road needs of local communities. In recent years, however, timber receipts have eroded to the point where the Federal obligation to local rural communities is not met through these receipts alone.

To compensate for the shortfall and to prevent the loss of essential county schools and roads infrastructure, Congress enacted the Secure Rural Schools and Community Self-Determination Act. This law has provided assistance to communities whose regular Forest Service and Bureau of Land Management receipt-sharing payments have declined significantly. Unfortunately, it expired at the end of 2006. While funding to continue the program for 2007 was thankfully included in last year's emergency supplemental, this funding has run out.

I stood on the floor of this Senate almost 5 months ago asking my colleagues to make this overdue extension and funding a top priority or Congress. However, this extension has still not been achieved, and counties and school districts that were facing job losses 5 months ago are in an increasingly more difficult situation. People are losing their jobs and families across the Nation are being impacted. The education of children across this Nation is being affected. This is unacceptable.

In April, I joined a bipartisan group of Senators who sent a letter to the Senate Appropriations Committee seeking the inclusion of an extension and funding for the Secure Rural Schools and Self-Determination Act of 2000 in the Fiscal Year 2008 Emergency Supplemental Appropriations Act. The Emergency Supplemental that was passed by the Senate last month contained $400 million to continue county payments for another year. This funding would ensure the continued assistance for rural communities struggling to provide necessary services in areas with large amounts Federal land. This bridge funding is essential to ensure the continuation of needed school services in rural communities throughout the country while work continues on a longer term extension. I understand that unfortunately this funding was stripped out of the supplemental in negotiations between the House and the administration.

I remind this body that a multiple year extension and funding for county payments and PILT has the overwhelming support of a bipartisan majority of the Senate. In fact, 74 Senators voted in favor of an amendment to provide a multi-year extension and funding in last year's emergency supplemental appropriations bill. However, as previously mentioned, this extension was pared back to one-year funding in the version that came out of conference and was enacted into law. Now, there is no funding and far less time.

What does a failure to extend the Secure Rural Schools and Community Self-Determination Act mean? It means the loss of more than 20,000 county and school employee jobs across the Nation. It means nearly 7,000 teachers and educational staff are estimated to lose their jobs. More than 100 teaching positions in Idaho alone will likely be affected. It means that 600 counties and more than 4,000 school districts in 42 States will not have the funds to fully provide needed services. It means incredible uncertainty to rural communities, counties, and families across the Nation during these difficult economic times. It means more than 8,000 road miles will not be maintained in Idaho alone. It means children in rural communities will have decreased access to quality education.

To help visualize the impact on rural communities of a failure to extend the program, I want to share some Idaho examples that were shared with me from my constituents: Shoshone County, ID, with a population of 15,000, expects 15 school instructional staff and as much as 55 percent of the county's road department employees to be affected. In Boise County, with a population of close to 7,000, the Road and Bridge Department will have to lay off the majority of its employees—one half to three-fourths of the employees—within 1 year and only perform those activities that are necessary to public safety. Clearwater County, with a population of approximately 8,000, faces the loss of more than $500,000, which will greatly impact public safety because of lost services for road maintenance and law enforcement. I am told that Boundary County, with a population of 11,000, will not be able to blacktop roads and will have to let them deteriorate to gravel-based roads. We simply cannot allow this to occur in any State in this Nation.

Congress needs to demonstrate it is serious about getting this done. Families in rural communities across this Nation deserve no less. It is shameful that Congress may be recessing once again and Members will be heading home to their home States without passing an extension. The word disappointing is an understatement. This puts services in rural communities across this Nation in jeopardy, and it is simply wrong. We all need to work together to make this more of a priority. Over the years, this has been a bipartisan effort, and that simply must continue. This takes the commitment of all of us, including administration, House and Senate leadership to get this done.

I understand that other domestic spending has been included in the supplemental. I won't for a second diminish the need for those funds, but I must point out that county payments are vitally important and deserve to be included in the supplemental as well. I will continue to work with my colleagues to press for the inclusion of county payment funds. In December, Senators CRAIG, SMITH, MURKOWSKI, MCCASKILL, DOLE, STEVENS and BENNETT joined me in urging the Senate leadership to attach a reauthorization of county payments and PILT funding to any legislative vehicles expected to be enacted before Congress concluded work for the year.

I continue to believe, as I did then, that we must pursue every opportunity to achieve enactment and attach an extension to every moving legislative vehicle. The counties of the United States which host our Federal properties are not allowed by Federal law to impose property tax on them for the services that those properties require.

This legislation honorably and fairly has met these responsibilities over the years until the last few years when Congress has struggled so hard to find its way through to extension and funding of these important needs.

I encourage my colleagues to act quickly, to act now, and to assure that we give the necessary priority to this county funding to get us past this crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have received a request that the distinguished senior Senator from Missouri, Mr. BOND, wishes to be recognized upon the conclusion of my remarks.

I ask unanimous consent that Senator BOND be recognized upon the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA

Mr. LEAHY. Mr. President, we have an ongoing debate on the whole question of FISA, the Foreign Intelligence Surveillance Act. Since the beginning of this debate, I have opposed legislation that does not provide some kind of accountability for the 6 years of illegal warrantless wiretapping that was started and, in fact, approved by this administration.

The bill that has been presented to the Senate, as it stands now, absent any amendments, seems intended to result in the dismissal of ongoing cases against the telecommunication carriers that participated in the warrantless wiretapping program. It would lead to the dismissal of the cases without allowing a court ever to review whether the program itself was legal.

So the bill would have the effect of ensuring that this administration, the administration that decided to carry out the illegal wiretapping, is never called to answer for its actions, and never held accountable in a court of law. I cannot support that result.

It is now almost 7 years since the President began an effort to circumvent the law in violation of the provisions of the governing statute, the Foreign Intelligence Surveillance Act.

I have said I believe that the conduct was illegal. In running its program of warrantless surveillance, the administration relied on result-oriented legal opinions. These opinions were prepared in secret. They were shown only to a tiny group of like-minded officials. This ensured, of course, that the administration received not independent legal advice, but the legal advice that it had predetermined it wanted.

A former head of the Justice Department's Office of Legal Counsel described this program as a "legal mess." And this administration wants to make sure no court ever reviews this legal mess.

The bill presented to the Senate seems designed to ensure that they are going to get their wish. The administration worked very hard to ensure that Congress could not effectively review the program or the basis for its arguments for immunity.

Since the existence of the program became known through the press, the Judiciary Committee has repeatedly tried to obtain access to information its members needed so we could evaluate the administration's legal arguments, which are squarely under the jurisdiction of our committee.

Indeed, Senator SPECTER, when he was the chairman of the Judiciary Committee, prepared subpoenas to telecommunication carriers to obtain this information. He wanted information from the telecommunications carriers because the administration would not tell us directly what it had done. But those subpoenas sought by a Republican chairman were never issued.

As Senator SPECTER himself has explained publicly, Vice President CHENEY intervened with other Republican members of the Judiciary Committee to undercut Senator SPECTER, and, of course, the Vice President then succeeded in blocking the subpoenas.

It was only just before the Intelligence and Judiciary Committees' consideration of this bill that the Judiciary Committee members finally obtained access to some of the documents we had sought. I remind you, though, that most Members of this Chamber, most Senators called upon to vote, have not seen those documents. I have seen them, and I would hope that they would be made available to every Senator.

The Senators who have seen them have drawn very different conclusions. But no matter what conclusion you reach, you ought to get access to the documents so that you can make an informed judgment.

I will not discuss the documents that are still held in secret, but I will talk about the public reports. There are public reports that at least one telecommunications carrier refused to comply with the administration's request to cooperate with the warrantless wiretapping. All Senators should have had the opportunity to know those facts so they can make informed judgments whether there were legal claims that other carriers should have raised.

It is also clear that the Bush-Cheney administration did not want the Senate to evaluate the evidence and be able to draw its own conclusions. They wanted to avoid accountability.

Indeed, the Senate Select Committee on Intelligence, with all of the work it has done on this issue, has not conducted a review of the legality of the warrantless wiretapping program.

Now, I am not here to try to get the telephone companies. According to public reports, at least one company said no, presumably because it feared that by complying it would break the law. Other phone companies, according to the public statements, apparently believed they were doing what was best for their country. I am not out to get them.

In fact, I would have supported legislation to have the Government indemnify the telecommunications carriers for any liability incurred at the behest of the Government. As I said, it is not a case of going after the phone companies; I want accountability.

I supported alternative efforts by Senator SPECTER and Senator WHITEHOUSE to substitute the Government for the defendants in these cases. In other words, take the phone companies out and substitute the Government so the cases can proceed to a determination on the merits.

These alternatives would have allowed judicial review of the legality of the administration's acts—I think it is clear that the administration's actions were illegal—then let a court determine who was responsible for those actions.

This bill does not provide that accountability. As I read the language of the bill, it is designed to have the courts dismiss the pending cases if the Attorney General simply certifies to the court that the alleged activity was the subject of a written request from the Attorney General, and that request indicated the activity was authorized by the President and determined to be lawful.

In other words, if the Attorney General said: Well, I do not care what the law says, I have determined that the President does not have to follow the law. If the Attorney General says, in effect, notwithstanding the rule of law in this country, this President is above the law, so, therefore, nothing he does is illegal. These kinds of baseless legal conclusions could form the basis for immunity under this scheme.

That is really what this bill provides. That concerns me, as it should concern everybody. We should not be dismissing Americans' claims that their fundamental rights were violated based on the mere assertion of a party in interest that what it did was lawful.

Think about it: this would be like a police officer catching someone committing a burglary and saying: I am going to arrest you for burglary. And the burglar sitting there with a bag of burglary tools, having broken in the door, saying: You cannot do that because I thought about this breaking and entering. I decided that in my case it is not illegal. And then the police officer has to say: Gee, I am sorry for the inconvenience, sir, go on your merry way.

That is what we are saying. Or actually, it is even worse than that. It is as if they actually arrested that burglar, they brought him into court, and the burglar stands up and says: Your Honor, I determined all by myself—disregarding you, Your Honor; disregarding the evidence, I determined all by myself—that even though I was involved in a burglary, I should not even be subject to the court's jurisdiction because I say that what I did was legal. Goodbye, Your Honor. Have a nice day. I am leaving.

That is what we are doing with this bill. In fact, there is not even a determination by the current Attorney General that the wireless wiretapping program was lawful, perhaps because he could not make such a determination. But all he has to do to ensure immunity is to certify that the phone company acted at the behest of the administration and that the administration indicated that the activity was determined to be lawful.

Regardless of whether or not it actually was lawful, all the Attorney General has to say is that it was determined to be lawful. We are not going to tell you when that determination was made. We are not even going to tell you whether the people who made that determination went to law school. It is lawful because the President is above the law; therefore, we are off the hook.

I believe the rule of law is important. I do not believe any one of us, the 100 of us in this body, is above the law. I have been here with six Presidents. I do not believe any one of them, Republican or Democratic Presidents, is above the law. I do not believe Congress should try to put a President above the law and seek to take away the only viable avenue for Americans to seek redress for harm to their privacy and liberty, and the only viable avenue of accountability for the administration's lawlessness.

Why should we, the United States Senate, the conscience of the Nation, why should we sit here and say: We are going to condone lawlessness, and even more importantly, we 100 people, acting on behalf of 300 million other Americans, are saying: We are never even going to let you know who committed the unlawful acts and why.

Now, I recognize this legislation also contains important surveillance authority. I support this new authority. I worked for years to craft legislation that provides that important authority along with appropriate protections for privacy and civil liberties. I have voted for dozens of changes in the FISA legislation to be able to help our intelligence agencies.

In fact, the Senate Judiciary Committee, under my leadership, reported such a bill last fall. So I commend House Majority Leader HOYER and Senator ROCKEFELLER, who negotiated this legislation, for incorporating several additional protections to bring it closer to the bill we voted out of the Judiciary Committee.

I note, in particular, the requirement of an inspector general review of this administration's warrantless wiretapping program. It is a provision I have advocated at every single meeting we have had, open or closed, through the course of the consideration of these matters. This review will provide for a comprehensive examination of the relevant facts about this program.

Actually, it should prove useful to the next President. I believe we should have still more protections for privacy and civil liberties. If this bill becomes law I will work with the next administration on additional protections. Despite some improvements to the surveillance authorities the bill authorizes, improvements I support, I will not support this legislation. The administration broke the law. They violated FISA by conducting warrantless surveillance for more than 5 years, and they got caught. Now they want us to cover their actions. They want us to say: That's OK. Even though we don't know which one of you decided to break the law, we are going to let you all off the hook. The apparent purpose of title II of this bill is to ensure that they will not be held to account. That is wrong. I will, therefore, oppose cloture on the motion to proceed to the measure. If the Senate proceeds to the bill, I will then support amendments to its unaccountability provisions, including an amendment to strike the immunity provisions. But if those are not successful, I will have to vote against it.

The bottom line is this: In America, nobody should be above the law. One thing unites every single Senator. We want to keep our great and good country safe. We all want to stop terrorists. We have spent hundreds of billions of dollars to do that. We have procedures to do that. But one of the principles of this country and something we have always preached to other countries is, that in good times and bad times, we follow the law. We did this during two world wars, in the Revolutionary War and in the Civil War.

I am imploring the Senate not to turn its back on over 200 years of history of following the law and saying, in this situation, we are going to condone an administration that broke the law. I cannot vote for that. I cannot in good conscience vote for that. I cannot be true to my own oath of office and vote for that. Certainly, I would not want to tell the people of Vermont I voted for that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that after my remarks, the Senator from California, Mrs. FEINSTEIN, be recognized, and that she be followed by the Senator from Georgia, Mr. CHAMBLISS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, while my good friend from Vermont was on the floor, I thought he raised some good questions. I believe we have good answers for those questions. I know of his dedication and commitment to the rule of law and accountability, his very distinguished service as head of the Judiciary Committee. But there are several things I would point out.

No. 1, we have been working on this entire issue of the President's terrorist surveillance program for better than a year now. We have reviewed all of the documents. We have had all of the people who administered the program, who have given opinions on it, come in. I dispute his statement that there were 6 years of unlawful activity of the President. He said no court will be able to review the illegality; no independent officials have reviewed it.

First, it is my understanding, although I was not one of them, that the big eight at the time—that is, the Republican and Democratic leaders of the House and the Senate and the leaders of their Intelligence Committees—were briefed on this program before it started. I don't know the substance of the briefing. I would imagine that they told them the problems in the existing old FISA law would make it difficult to implement that law, given the new technology which, in fact, was the case. In any event, it went forward.

When the program was finally disclosed and briefed to the Intelligence Committee, I spent a good bit of time reviewing that. I have studied constitutional law and made constitutional law arguments before. I believe if my friends who have questions about it will check the Constitution and the appellate court's interpretation of article II, they will find that they assume the President does have power to collect foreign intelligence information as an adjunct to his responsibility to conduct foreign affairs.

There is no question that Congress cannot pass a law abrogating that constitutional right. As a matter of fact, in one of the released cases, one of the cases made public by the Foreign Intelligence Surveillance Court, or FISC, they noted that Congress could not abrogate that constitutional right. It would be unconstitutional. For those who raise the test of the steel cases, I don't necessarily accept that test, that the enactments of Congress can affect the measure of credibility and extent of the President's power. The Congress did pass the authorization for the use of military force prior to the imposition of the terrorist surveillance program. We had access to the documents. Based on review of the documents, the Senate Intelligence Committee, by a vote of 13 to 2, passed out the bill which is the essential framework that is before us.

The courts can review to see that there are certifications by the Attorney General, directives by the President, and only if they find no substantial evidence to support that, then the suits will be dismissed.

My friend from Vermont said we ought to substitute the Government for the phone company for judicial review. There is another provision in the bill he should understand. If you want to sue the Government, there is no ban in this bill on suing the Government or suing Government officials. That can go forward. That is not affected by this bill. There has been extensive discussion over the legality of it. For those who wish to have a trial on the legality of the program, there are other means still available. To penalize a phone company or other carrier which, in good faith reliance on a representation of the Attorney General and the President of the United States, carried out a program that I believe is lawful to protect American citizens, I think is totally unwarranted.

Let me describe today for my colleagues and for those who may be interested this long and difficult process which I believe has finally accomplished its goal. This week we have a chance to tell the American people that the intelligence community on which our citizens, our troops, and our allies rely to keep us safe from terrorists and other forms of evil in the world can continue to do its job. We can tell those companies that answered their Government's call for help in the aftermath of the September 11 terrorist attacks that a grateful nation stands behind them and that they will be given the civil liability protection they rightly deserve.

I strongly support voting for cloture on the motion to proceed to H.R. 6304, the FISA Amendments Act, this afternoon. I strongly encourage my colleagues not only to do the same but also to oppose any amendments offered to it. We have finally struck a deal with the House, and the House honored the deal last Friday by allowing no amendments on the House floor. I ask my colleagues to hold up our end of the bargain. While it is in every Senator's right to offer an amendment, I urge my colleagues to vote down all amendments no matter what they may be so that we may send the bill immediately to the President for signature and make sure we don't have further gaps in our intelligence system which could appear once again if we do not pass this in a timely fashion. If we send it back to the House, there is no telling when a final bill could be back here for passage.

Let me describe briefly how we got here. Approximately a year ago, Director of National Intelligence ADM Mike McConnell came to Congress and asked that we update the Foreign Intelligence Surveillance Act. Changes in technology resulted in court rulings or interpretations that made it very difficult to use electronic surveillance effectively against terrorist enemies overseas. The problem came to a head in May 2007, with a ruling that caused significant gaps in collection. Although the DNI at the time pleaded to Congress to help, the leadership of Congress did not move.

In the looming pressure of the August recess, the Republican leader, Senator MCCONNELL, and I cosponsored the Protect America Act which Congress passed the first week of August last year. The act did exactly what it was intended to. It closed the intelligence gaps that threatened the security of our Nation and of our troops. But it was lacking in one important aspect, as we were not able to include in it the retroactive civil liability protection from ongoing frivolous lawsuits against those partners who had assisted the intelligence community in the President's program.

Following the passage of the Protect America Act, I am proud to say that Senator ROCKEFELLER and I worked on a bipartisan basis to come up with a permanent solution to modernize FISA and give those private partners the needed retroactive liability protection. We worked closely for months with the DNI, Department of Justice, and their experts from the intelligence community to ensure there would be no unintended operational consequences from any of the provisions included in our bipartisan product. In February of this year, after many hearings, briefings, and a lot of debate on the Senate floor, the Senate passed the FISA amendments by a strong bipartisan vote of 68 to 29.

The bill coming out of the Senate reflected the Intelligence Committee's conclusion that the electronic communication service providers who assisted the President's TSP acted in good faith and deserved civil liability protection from frivolous lawsuits. The Senate bill also went farther than any legislation in history in protecting the privacy interests of American citizens or U.S. persons whose communications might be acquired through targeting overseas. It also required the FISA approval to target U.S. persons overseas, if they are going to have collection initiated against them.

At the end of the day, there were many difficult compromises. Both sides gave, and we came up with a bill that was not only bipartisan but the best piece of effort we could get out of this legislative process.

Although the Senate passed the bill before the Protect America Act expired, in the House there was a clear majority. But the leadership didn't let it come up. They went on recess. In the days following the expiration, private partners refused to provide intelligence information, frankly, in light of the ongoing litigation, the tremendous threat to their business franchise, the fact that they and, particularly their shareholders, who may be retired persons depending on pensions and others, could be losing billions of dollars in the marketplace because of the size of these outrageous lawsuits seeking billions of dollars, when, in my view, there was no damage and no grounds for recovery. Fortunately, after several days' negotiation, the intelligence community was able to get the providers to resume cooperation, but the intelligence lost in that time was gone, and we will never know what we missed because the House leadership refused to bring up the Senate bill.

Some have accused me and my colleagues of saying at the time, falsely, that the sky was falling. For a few days the sky was falling until a tenuous agreement was worked out between the executive branch and the providers.

But the agreement was all predicated upon ongoing work to pass a FISA modernization law in the near term. That is another reason why it is vital the Senate move immediately to consider the FISA Amendments Act. Once the House returned from the Easter recess, my good friend and fellow Missourian, majority whip ROY BLUNT, and I met with the House majority leader, STENY HOYER, asking him what he thought the House needed in order to allow the Senate bill a vote on the House floor. We and our staffs began discussions and sent proposals back and forth attempting to come together. During that time, ROY BLUNT and I conferred repeatedly with Congressmen HOEKSTRA and SMITH and, of course, vetted our proposals with the intelligence community.

Finally, after four personal meetings over 2 months—and a tremendous amount of staff work—between Majority Leader HOYER, Minority Whip BLUNT, and me—Whip BLUNT and I delivered a proposal to Mr. HOYER before Memorial Day, a deadline he had set.

This agreement was one that had been signed off on and fully discussed with Mr. HOEKSTRA, the vice chairman of the House Intelligence Committee, and LAMAR SMITH, the ranking member of the Judiciary Committee. We felt this was the best offer we could make on behalf of the Republicans in the House and Senate, and it was agreed to by the intelligence community.

The Memorial Day deadline, however, came and went, and again the House went on recess. Finally, after more interaction among our staffs, I received word 2 weeks ago that the House Democrats were ready to work out final language. So Leader HOYER and Whip BLUNT and I met for a fifth time, this time inviting my colleague, JAY ROCKEFELLER, to join us in the final negotiations. On June 12, the Democratic House leaders gave up their idea of having a commission take a look at the surveillance program, which we believe would have been political, further interfering with the work of the Intelligence Committee and perhaps community, and perhaps lead to increased leaks about the program.

They agreed on a longer sunset than in previous bills. We abandoned the idea that the FISA Court should be the one to assess compliance with the minimization procedures used in foreign targeting. With the concessions Republicans and the administration had already made, along with some minor technical fixes, I am proud to say the intelligence community was given the flexibility and tools it needs to keep us safe. We had a compromise.

Now, I offer all that as background so the record is clear. That brings us where we are today. Once we get on the bill, I will explain what is before us, and I will explain how statements from some about this legislation is nothing short of fear mongering, such as from those who are saying all Americans who talk to anyone overseas will be listened to by the Government. That is flat wrong.

Americans cannot be targeted without a court order, period. If someone overseas is targeted and talks to an American, then the American's end of the communication is what we call minimized, which means it is hidden, protected, suppressed. I will elaborate further on this. But at this time, I simply ask my colleagues to vote for cloture so we may move immediately to the bill.

I note some of my colleagues from the Senate Intelligence Committee are seeking recognition, and I appreciate the work all members of the committee have done. I see my colleague from Georgia, who has been an outstanding help, and the Senator from California, who has offered many useful ideas. This has been truly a year's long work, and we are happy to bring the final process before the Senate today.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, it is my understanding I am next in the order. I ask unanimous consent that following my presentation the Senator from Vermont be recognized on our side. I know Senator CHAMBLISS is here on the Republican side and wishes to speak.

Mr. CHAMBLISS. Mr. President, reserving the right to object, can we propose a unanimous consent request that following Senator FEINSTEIN, I be recognized to speak, and then Senator SANDERS will be next?

The ACTING PRESIDENT pro tempore. I believe that was the Senator's request.

Mrs. FEINSTEIN. That was the intent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I begin my remarks by thanking the chairman of the Intelligence Committee, Senator ROCKEFELLER, and the vice chairman of the Intelligence Committee, Senator BOND, the House Speaker, and the House leadership for their distinguished work on this piece of legislation. This has not been easy. It is certainly not without controversy. There are some major challenges to work through.

I want to begin by putting my remarks, at least, in context.

There is no more important requirement for national security than obtaining accurate, actionable intelligence. At the same time, there have to be strong safeguards in place to ensure that the Government does not infringe on Americans' constitutional rights.

Yet if Congress does not act and pass this bill, as it was passed overwhelmingly in the House, both of these goals, I believe, are in jeopardy. Here is why. If this bill does not pass, our Nation would likely be forced to either extend the Protect America Act or leave the Nation bare until a new bill can be written. Neither of these are good options.

As I will describe, the Protect America Act does not adequately protect Americans' constitutional rights. It was written to be a temporary measure for 6 months, and it expired on February 5.

What many people do not understand is that surveillance conducted under the Protect America Act will cease by the middle of August. It will be impossible to write a new bill, to get it past both Houses, to have it signed by the President in time to meet this deadline.

If that bill expires without this Congress passing new legislation, we will be unable to conduct electronic surveillance on a large number of foreign targets. In other words, our intelligence apparatus will be laid bare and the Nation will go into greater jeopardy. I truly believe that.

The FISA legislation of 1978 cannot accommodate this number of targets. It is simply inadequate for this new task due to changes in technology and the communications industry. That is precisely why FISA needs to be modernized.

So taking no action means we will be opening ourselves, in my view, to the possibility of major attack. This is unacceptable.

So as I see it, our choice is a clear one: We either pass this legislation or we extend the Protect America Act. For me, this legislation is much the better option.

This bill, in some respects, improves even on the base bill, the 1978 Foreign Intelligence Surveillance Act. It provides clear protections for U.S. persons both at home and abroad. It ensures that the Government cannot conduct electronic surveillance on an American anywhere in the world without a warrant. No legislation has done that up to this point.

I think the improvements in this bill over the Protect America Act and the 1978 legislation are important to understand, and I wish to list a few.

First, prior court review. This bill ensures that there will be no more warrantless surveillance. Now, why do I say this? Under the Protect America Act—which is expiring, but we are still collecting surveillance under it for now—the intelligence community was authorized to conduct electronic surveillance for a period of 4 months before submitting an application for a warrant to the FISA Court. Surveillance could actually proceed for 6 months before there was a warrant.

Under this bill, the Government must submit an application and receive a warrant from the FISA Court before surveillance begins. No more warrantless surveillance. This is, in fact, a major point.

In emergency cases, there can be a short period of collection—up to 7 days—as the application is prepared. There has been a provision for emergency cases under FISA for some 30 years now. So that is prior court review for a U.S. person anywhere in the world if content is collected.

Meaningful court review. This bill strengthens court review. Under the Protect America Act, the Government submitted to the FISA Court its determination that procedures were in place to ensure that only people outside the United States would be targeted. The court could only reject an application for a warrant if it found that determination to be "clearly erroneous." This bill returns to the traditional FISA standard, empowering the court to decide whether the Government's determination is "reasonable." This is a higher standard of review, so the court review under this bill is meaningful.

Next, minimization. These first two improvements ensure that the Government will only be targeting people outside the country. That is good, but it is not enough. There is always the possibility of someone outside the country talking to a U.S. person inside the country. The bill addresses this with a process known as minimization.

In 1978, Congress said that the Government could do surveillance on U.S. persons under a court warrant, but required the Government to minimize the amount of information on those Americans who get included in the intelligence reporting. In practice, this actually means that the National Security Agency only includes information about a U.S. person that is strictly necessary to convey the intelligence. Most of the time, the person's name is not included in the report. That is the minimization process.

If an American's communication is incidentally caught up in electronic surveillance while the Government is targeting someone else, minimization protects that person's private information.

Now, the Protect America Act did not provide for court review over this minimization process at all. But this bill requires the court in advance to approve the Government's minimization procedures prior to commencing with any minimization program. That is good. That is the third improvement.

Fourth, reverse targeting. There is an explicit ban on reverse targeting. Now, what is reverse targeting? That is the concern that the National Security Agency could get around the warrant requirement. If the NSA wanted to get my communications but did not want to go to the FISA Court, they might try to figure out who I am talking with and collect the content of their calls to get to me. This bill says you cannot do that. You cannot reverse target. It is prohibited. This was a concern with the Protect America Act, and it is fixed in this bill.

Those are four reasons—good reasons. Here is a fifth: U.S. person privacy outside the United States. This bill does more than Congress has ever done before to protect Americans' privacy regardless of where they are, anywhere in the world. Under this bill, the executive branch will be required to obtain a warrant any time it seeks to direct surveillance at a U.S. person anywhere in the world. So any U.S. person anywhere in the world is protected by the requirement that a warrant must be received from the Foreign Intelligence Surveillance Court before electronic surveillance can begin.

Previously, FISA only covered people inside the United States. The Protect America Act did the same thing.

Now, also under this bill, there will be reviews of surveillance authorities by the Director of National Intelligence, the Attorney General, the heads of all relevant agencies, and the inspectors general of all relevant agencies on a regular basis, and the FISA Court and the Congress will receive the results of those reviews.

So there will be regular reporting from the professionals in the arena on how this bill is being followed through on—how electronic surveillance is being carried out worldwide. The Intelligence and Judiciary Committees will receive those reports. That, too, is important.

Also, under this bill, there will be a retrospective review of the President's Terrorist Surveillance Program. That is the program that has stirred the furor. The bill requires an unclassified report on the facts of the program, including its limits, the legal justifications, and the role played by the FISA Court and any private actors involved. This will provide needed accountability.

In summary, all intelligence collection under the Terrorist Surveillance Program will be brought under court review and court orders.

Everything I have described brings this administration back under the law. There is no more Terrorist Surveillance Program. There is only court-approved, Congressionally reviewed collection.

But what is to keep this administration or any other administration from going around the law again? The answer is one word, and it is called exclusivity.

It means that the Foreign Intelligence Surveillance Act is the only, the exclusive, means for conducting electronic surveillance inside the United States for foreign intelligence purposes.

The exclusivity language in this bill is identical in substance to the amendment I offered in February, which received 57 votes in this Senate. It is section 102 of this bill.

This language reiterates what FISA said in 1978, and it goes further. Here is what this bill says:

Never again will a President be able to say that his authority—or her authority, one day, I hope—as Commander in Chief can be used to violate a law duly enacted by Congress.

Never again can an Executive say that a law passed to do one thing—such as use military force against our enemies—also overrides a ban on warrantless surveillance. The administration has said that the resolution to authorize the use of military force gave this President the right to go around FISA.

Never again can the Government go to private companies for their assistance in conducting surveillance that violates the law.

Now, this administration has a very broad view of Executive authority. Quite simply, it believes that when it comes to these matters, the President is above the law. I reject that notion in the strongest terms.

I think it is important to review the recent history with this administration to demonstrate why FISA exclusivity is so important.

At the very beginning of the Terrorist Surveillance Program, John Yoo, at the Office of Legal Counsel, wrote in a legal opinion that:

> . . . [u]nless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct warrantless searches in the national security area—which it has not—then the statute must be construed to avoid [such] a reading.

That was the argument. I believe it is wrong. Congress wrote FISA in 1978 precisely in the field of national security; there are other, separate laws that govern wiretapping in the criminal context. In fact, the Department of Justice has repudiated Yoo's notion.

But if the Department admitted that FISA did apply, it found another excuse not to take the Terrorist Surveillance Program to the FISA Court.

The Department of Justice developed a new, convoluted argument that Congress had authorized the President to go around FISA by passing the authorization to use military force against al-Qaida and the Taliban.

This is as flimsy as the last argument.

There is nothing in the AUMF that talks about electronic surveillance or FISA, and I know of not one Member who believed we were suspending FISA when we authorized the President to go to war.

But that is another argument we lay to rest with this bill. Here is how we do it. We say in the language in this bill that FISA is exclusive. Now, here is the major part: Only a specific statutory grant of authority in future legislation can provide authority to the Chief Executive to conduct surveillance without a FISA warrant.

So we go a step further in exclusivity. We cover what Yoo was trying to argue and what others might argue on behalf of a Chief Executive in the future, by closing the loophole and saying: You need specific statutory authority by the Congress of the United States to go outside the law and the Constitution.

The final argument the President has made is that even if FISA was intended to apply, and even if the AUMF didn't override FISA's procedures, he still had the authority as Commander in Chief to disregard the law.

Now, I have spoken on the floor before about how the President believes he is above the law and the Youngstown Sheet and Tube Company v. Sawyer case. In that case, Justice Jackson described how the President's power is at the "lowest ebb" when he is acting in contravention to the will of the Congress.

This bill, again, makes it clear that the will of Congress is that there will be no electronic surveillance inside the United States without a warrant, and it makes clear that any electronic surveillance that is conducted outside of FISA or outside of another express statutory authorization for surveillance is a criminal act. It is criminalized. This is the strongest statement of exclusivity in history.

The reason I am describing all this is to build a case of legislative intent in case this is ever litigated, and I suspect it may well be.

So, finally, I wish to read into the RECORD the comments on exclusivity from a June 19, 2008, letter that Attorney General Mukasey and Director of National Intelligence McConnell wrote to the Congress. The letter recognizes that the exclusivity provision in this bill "goes beyond the exclusive means provision that was passed as part of FISA [in 1978]."

So they essentially admit we are taking exclusivity to a new high. Nevertheless, they acknowledge that the provision in this bill "would not restrict the authority of the government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security."

I said in February I could not support a bill without exclusivity. This is what keeps history from repeating itself and another President from going outside the law. I believe that with this language we will prevent it from ever happening again.

Now, a comment on title II of the bill, which is the telecom immunity section. This bill also creates a legal process that may—and, in fact, is likely to—result in immunity for telecommunications companies that are alleged to have provided assistance to the Government.

I have spent a great deal of time reviewing this matter. I have read the legal opinions written by the Office of Legal Counsel at the Department of Justice. I have read the written requests to telecommunications companies. I have spoken to officials inside and outside the Government, including several meetings with the companies alleged to have participated in the program.

The companies were told after 9/11 that their assistance was needed to protect against further terrorist acts. This actually happened within weeks of 9/11. I think we can all understand and remember what the situation was in the 3 weeks following 9/11.

The companies were told the surveillance program was authorized and that it was legal, and they were prevented from doing their due diligence in reviewing the Government's request. In fact, very few people in these companies—these big telecoms—are actually cleared to receive this information and discuss it. So that creates a very limited universe of people who can do their due diligence within the confines of a given telecommunications company.

For the record, let me also address what I have heard some of my colleagues say. At the beginning of the Terrorist Surveillance Program, only four Senators were briefed. The Intelligence Committee was not, other than the Chairman and Vice Chairman.

I am one who believes it is right for the public and the private sector to support the Government at a time of need. When it is a matter of national security, it is all the more important.

I think the lion's share of the fault rests with the administration, not with the companies.

It was the administration who refused to go to the FISA Court to seek warrants. They could have gone to the FISA Court to seek these warrants on a program basis, and they have done so subsequently.

It was the administration who withheld this surveillance program from the vast majority of Members of Congress, and it was the administration who developed the legal theories to explain why it could, in fact, go around the law.

So I am pleased this bill includes independent reviews of the administration's actions to be conducted by the inspectors general of the relevant departments.

All of that said, when the legislation was before the Senate in February, I stated my belief that immunity should only be provided if the defendant companies acted legally, or if they acted in good faith with a reasonable belief that their actions were legal. That is what the law calls for.

I moved an amendment to require the court to review the written requests to companies to see whether they met the terms of the law. That law requires that a specific person send a certification in writing to a telecommunications company. That certification is required to state that no court order is required for the surveillance, that all statutory requirements have been met, and that the assistance is required by the Government.

Unfortunately, my amendment was not adopted, but I continue to believe it is the appropriate standard.

Now, the pending legislation does not assess whether the request made by the Government was, in fact, legal, nor whether the companies had a good-faith and objective belief that the requests were legal. What this bill does provide is a limited measure of court review. It is not as robust as my amendment would have provided, but it does provide an opportunity for the plaintiffs to be heard in court, and it provides an opportunity for the court to review these request documents.

I believe the court should not grant immunity without looking into the legality of the companies' actions. So if there is an amendment that does support this, I would intend to vote for it.

But I believe the RECORD should be clear in noting that if this bill does become law, in my view, it does not mean the Congress has passed judgment on whether any companies' actions were or were not legal. Rather, it should be interpreted as Congress recognizing the circumstances under which the companies were acting and the reality that we desperately need the voluntary assistance of the private sector to keep the Nation secure in the future.

I believe this bill balances security and privacy without sacrificing either. It is certainly better than the Protect America Act in that regard, and makes improvements over the 1978 FISA law.

As I said, if a new bill is not in place by mid-August, the Nation will be laid bare and unable to collect intelligence.

This bill provides for meaningful and repeated court review of surveillance done for intelligence purposes. It ends, once and for all, the practice of warrantless surveillance, and it protects Americans' constitutional rights both at home and abroad. It provides the Government with the flexibility it needs under the law to protect our Nation. It makes it crystal clear that this is the law of the land and that this law must be obeyed.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the unanimous consent agreement be amended, and that following my comments, Senator SANDERS be recognized, and that following Senator SANDERS, Senator HATCH be recognized.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I wish to speak about H.R. 6304, the Foreign Intelligence Surveillance Act Amendments Act.

Before I do that, I wish to make a couple comments relative to the comments made by my colleague from California regarding the TSP or terrorist surveillance program implemented by the President within days after September 11, and make sure Americans are very clear about two points: First of all, Congress did know about this program. Members of Congress were briefed throughout the duration of this program. Members of Congress were briefed on a regular basis. That doesn't mean every Member of Congress but the leadership knew exactly what was going on, exactly what the President was doing. They were kept very informed.

Secondly, the targets of the terrorist surveillance program were not Americans; the program targeted the communications of al-Qaida, that we knew—not guessed but that the intelligence community knew were used by al-Qaida. Today, al-Qaida gets up every morning, just as they did before and after September 11, and they think of ways to kill and harm Americans. Our intelligence community, without getting into the details of it, suffice it to say, has done a magnanimous job since then in protecting Americans.

The fact that we have not suffered another attack on domestic soil since then indicates the terrific job that members of the intelligence community have done. The terrorist surveillance program that was implemented by the administration immediately after September 11 is a major factor in why we have not suffered another act of terrorism on domestic soil. Information gathered from the terrorist surveillance program was used rightly to disrupt terrorist activity, both domestically as well as abroad. Some of the instances where the terrorist surveillance program has stopped attacks and saved lives are very public right now.

Again, I rise to comment on H.R. 6304. This critical legislation has been the subject of many negotiations and, although the legislation is not perfect, I am pleased with the bipartisan nature of this compromise bill. I commend Vice Chairman BOND, Congressman HOYER, and Congressman BLUNT on their work.

I am satisfied that this legislation will provide our intelligence agencies with the legal tools necessary to perform their jobs, the flexibility they require, and the capability to protect Americans' civil liberties. However, I am perplexed it has taken Congress this long to adopt meaningful legislation necessary to protect our country; legislation which Congress knew, at least since last August, needed to be enacted expeditiously. Normally, Congress is accused of being guided by expediency rather than principle but not usually in national security matters. Intelligence is bipartisan. Securing our Nation is bipartisan. It is in every American's interest that Congress act quickly to protect our Nation from terrorist attack, espionage, or any other harm. Yet the bill before us now is substantially the same as S. 2248, which was drafted in a bipartisan nature by Senators ROCKEFELLER and BOND and passed the Senate over 4 months ago, on February 12, 2008, with a supermajority vote of 68 in favor and only 29 in opposition.

Last summer, our intelligence community officials informed us that, as a result of a decision by the FISA Court and changes in technology, they had lost the ability to collect intelligence on terrorists around the world who wish to harm the United States. Congress responded to these pleas from our intelligence community and passed the Protect America Act, which temporarily fixed this problem, but we knew then we had to have a more permanent solution. Despite this knowledge and despite the hard work of the Senate Intelligence Committee for the previous 10 months, Congress failed to fix FISA in February. The House leadership refused to consider the Senate-passed bill, despite stated support from a majority of that body's members. I can only surmise that there were political, rather than substantive, reasons that prevented this legislation from passing months ago. Some may say this is the nature of one of the political branches of Government. What no one talks about is the harm this has caused.

But, as a result of the Protect America Act's expiration, our collection efforts have been degraded. The public likely is not aware, nor may be many Members of this Chamber, but the members on the Senate Select Committee on Intelligence have heard regularly about the disruptions and legal obstacles that have occurred as a result of our inaction. The week after the Protect America Act expired, the Director of National Intelligence told us that "we have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act." Gaps in our intelligence collection began to resurface, and it has had a real and negative impact on our national security.

Our intelligence collection relies on the assistance of U.S. telecommunications carriers. These communication providers are facing multimillion dollar lawsuits for their alleged assistance to the Government after September 11, 2001. After the expiration of the Protect America Act, many providers began to delay or refuse further assistance. Losing the cooperation of just one provider could mean losing thousands of pieces of intelligence on a daily basis. According to the Director of National Intelligence, uncertainty about potential liability caused many carriers to question whether they could continue to provide assistance after the expiration of the Protect America Act.

In just 1 week after its expiration, we lost significant amounts of intelligence forever. We will never be able to recover those lost communications, nor will we ever know what we missed.

For this reason, it is crucial that any FISA legislation include retrospective, as well as prospective, immunity for telecommunications providers who assist the Government in securing our national security. Title II of this bill, just as title II of S. 2248, provides the minimum protections needed for our electronic service providers. In a civil suit against a communications provider, the Government may submit a certification that any assistance provided was pursuant to a Presidential authorization and at the time determined to be lawful. The district courts may review this certification, and if it finds that it is supported by substantial evidence, the court must dismiss the case. This is not a commentary on, or a court sanction of, the President's alleged terrorist surveillance program. It is the right thing to do.

Unlike many countries which regularly suppress an individual's speech or violate an individual's right to privacy, a cornerstone of our democratic and free society is a limited Government—one that doesn't sanction Government intrusion on an individual's private life. The Government cannot infringe upon an individual's rights without due process. But, in order to preserve those rights, Americans rely upon the Government to provide that freedom and security to protect them from harm, whether it be from a criminal on the streets or from an international terrorist.

Under U.S. criminal law, the U.S. frequently requests the assistance of private citizens and companies in order to combat crime. These companies provide assistance, usually pursuant to a court order—but not always—to help keep Americans safe. When assistance is needed to combat terrorism overseas, patriotic U.S. companies step up to the plate and help their country. At a minimum, these companies rely upon Government assurances that their assistance is lawful. When sued in a court, they are sometimes unable to supply a defense for their actions without exposing Government secrets or jeopardizing Government investigations. Instead, they rely on the Government to come to their defense and assert Government sanction. In the case of the President's terrorist surveillance program—which despite leaks in the press, remains highly classified and secret—these companies are defenseless.

If the Government can show a court its assurances—still classified—that the assistance was lawful, and the court determines upon substantial evidence that the company acted pursuant to a Presidential authorization or other lawful means, then our American companies should not be liable.

If any constitutional or privacy violation occurred, an aggrieved individual may still sue the Government. This bill, however, assures America's corporations that their good-faith assistance will not subject them to frivolous lawsuits from individuals who really are alleging a claim against the Government, not those who assist it. Ordinarily, Americans should be protected against Government intrusion, but it should not be at the cost of higher phone and Internet access bills for customers just so these corporations can defend themselves against frivolous lawsuits.

This legislation preserves liability protection for Americans, and I am pleased to see that our bipartisan, bicameral negotiators sustained this provision. Title II of this legislation is largely the same as what was in the Senate-passed bill. I commend the House for passing legislation including this provision and the Senate for now taking much-needed action.

One thing that came out of the debate on this particular aspect of the bill within the Intelligence Committee was the fact that in this situation it is pretty obvious that the Government was in a crisis situation just following September 11. We had just been attacked by terrorists. We needed the assistance of private corporations in America. When we asked for their assistance, they stepped up to the plate. We know it is going to happen again. It may not be a terrorist attack next time; it may be some other crisis that is inflicted upon America. At that point in time, we are going to need the assistance of the private sector in America again. If we don't tell the private sector, in this particular case, that we are going to protect them and make sure they suffer no loss as a result of stepping up to help protect Americans following September 11, then should we expect the private sector to step up next time, whatever the crisis may be? The answer to that is obvious, and, in a very bipartisan way within the Intelligence Committee, there was general agreement that is the way we should proceed.

The only real and meaningful differences between this bill and the Senate-passed bill are more judicial involvement in the President's constitutional duty to conduct foreign affairs and protect our Nation. Our intelligence agencies will be allowed to collect intelligence against individuals located outside the United States, without having to first seek individual court orders in each instance.

Rather than having to seek numerous court orders and losing time and valuable collection opportunities, this legislation will require a reasonable belief that the target is outside the United States, so our intelligence analysts have the ability to assess and task new collection in real time; that is, before the bad guys get away, switch phones, and continue their planning. Unlike the Senate-passed bill, this legislation requires prior court review and approval of the targeting and minimization procedures submitted by the Attorney General, our chief law enforcement and legal advisor, and the Director of National Intelligence, our primary national security adviser.

I wish to state in the record that the exigent circumstances provision included in this legislation is not meant to be limited. Rather, it is a provision necessary to allow the retention of intelligence gathered in those situations where prior court approval was not practical.

Under no circumstance is it acceptable for intelligence gathered under an exigent circumstance, and later found to be acceptable by the court, to be discharged. Intelligence does not wait for court orders, and it must be collected timely. The intelligence community should not have to wait for a court order to continue collection against those who seek to harm America. If the court later determines that the targeting and certifications were lawful, then our intelligence officials should be allowed to review that which was collected.

It is now time for us to make more permanent changes to FISA to ensure we have the ability to obtain intelligence on terrorists and our adversaries. Although not a perfect bill, the FISA Amendments Act will fill the gaps identified by our intelligence officials and provide them with the tools and flexibility they need to collect intelligence from targets overseas, while at the same time providing significant safeguards for the civil liberties of Americans. This bill will ensure that we do not miss opportunities to target and collect foreign terrorist communications just because our operators had to get permission from a U.S. court first.

Let me be clear, these amendments to FISA would only apply to surveillance directed at individuals who are located outside of the United States. This is not meant to intercept conversations between Americans or even between two terrorists who are located within the United States. The Government still would be required to seek the permission of the FISA Court for any surveillance done against people physically located within the United States, whether a citizen or not.

In fact, this legislation will provide new protections for U.S. citizens under our law. Under this bill, for the first time, a court order must be obtained to conduct electronic surveillance for foreign intelligence purposes against an American who is located outside the United States. It also includes a prohibition on reverse targeting; that is, our intelligence agencies will not be allowed to target an individual overseas with the intent and purpose of obtaining a U.S. person's communications.

I am satisfied that the FISA Amendments Act will close gaps in our intelligence collection as well as provide some legal certainty to those patriotic companies that assist us. I urge my colleagues to support this bill and give our professional intelligence officials the confidence they need to secure our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I come to the floor today to express my strong opposition to H.R. 6304, the FISA Amendments Act, and my opposition to invoking cloture on the motion to proceed to this legislation.

Let me tell you what I think this debate is about and what it is not about. What it is not about is whether anyone in the Senate or the Congress is not going to do everything he or she can to protect the American people from another terrorist attack. It is not about whether we are going to be as vigorous as we can in hunting down terrorists. It is not about whether we are going to be vigilant in the war against terrorism. That is what it is not about. What it is about essentially is whether we can be forceful and successful in fighting terrorism while we protect the constitutional rights that make us a free country. That is what this debate is about.

I happen to believe that with strong law enforcement, with a strong and effective judiciary, with a Congress working diligently, we can be vigorous and successful in protecting the American people against terrorism and we can do it in a way that does not undermine the constitutional rights which people have fought for hundreds of years to protect—the Constitution, which today remains one of the greatest documents ever written in the history of humanity.

We hear a whole lot about the word "freedom." Everybody in the Senate and the House is for freedom. But what do we mean by freedom? What we mean by freedom is that we want our kids to be able to read any book they want to read without worrying that the FBI is going to come into a library or a bookstore to check on what they are reading. We want people to be able to write letters to the editor critical of the President, critical of their Congressmen or their Senator without worrying that somebody is going to knock on their door. We want people to have the freedom to assemble, to demonstrate without worrying that someone has a camera on them and is taking notes and later on there will be retribution because they exercised their freedom of assembly and their right to dissent.

That is really what the debate is about. It is not whether you are for protecting the American people against a terrorist attack. That is not what the debate is. The debate is whether we, as a great country, will be capable of doing that within the context of our laws, within the context of our Constitution, and understanding that we are a nation of laws and not of men, regardless of who the President is.

Before I go into deeper concerns, I begin by recognizing the very hard work done by members of both the Intelligence Committee and the Judiciary Committee in the Senate and in the House. We all know these are not issues resolved, and while I have strong disagreements with the final product, I know that the intentions of all the Members on both sides of the aisle were honorable.

Although there have been some improvements made to this bill that the Senate passed earlier this year, including having the inspector general review the so-called terrorist surveillance program and making it clear that FISA and criminal law are the exclusive process by which the electronic surveillance can take place rather than some broad power of the President, this final legislation is something I simply cannot support.

This legislation does not strike the right and appropriate balance between ensuring that our intelligence community has the tools it needs to protect our country against international terrorism and protecting the civil liberties of law-abiding Americans. Instead, it gives a get-out-of-jail-free card to companies that may well have violated the privacy and constitutional rights of millions of innocent Americans.

I am proud to be a cosponsor of the amendment that will be offered, as I understand it, by Senators DODD, FEINGOLD, and LEAHY to strike title II of the Intelligence bill which deals with retroactive immunity. This is a very important amendment, and I hope a majority of the Members of the Senate will support it.

It is important in this debate to put the discussion of this FISA legislation in a broader context. The context, sadly, in which we must view this legislation has everything to do with the history of what this administration currently in power has done since 9/11. Sadly, what they have done is shown the people of our country and people all over the world that they really do not understand what the Constitution of the United States is about and, in fact, they do not understand, in many instances, what international human rights agreements, such as the Geneva Convention, are all about.

So when we enter this debate, we should not look at it that this is the first time we are addressing the issue of fundamental attacks on American civil liberties. This has been going on year after year. This is more of the same from an administration which believes, to a significant degree, that they are an imperial Presidency, that in the guise of fighting terrorism, a President has the right to do anything against anybody for any reason without understanding what our Constitution is about or what our laws are about.

Let me give a few examples to remind my colleagues what kind of credibility, or lack thereof, this administration has in the whole area of civil liberties.

Among other things, this administration has pushed for, successfully, the passage of the original PATRIOT Act and the PATRIOT Act reauthorization. Under that bill, among many things, an area I was involved in when I was in the House was a provision that says, without probable cause, the FBI can go into a library or bookstore and find out the books you are reading, and if the librarian or bookstore owner were to tell anybody, that person would be in violation of the law. Do we want the kids of this country to be frightened about taking out a book on Osama bin Laden because somebody may think they are sympathetic to terrorism? I don't think so. What freedom is about is encouraging our young people and all Americans to investigate any area they want. I don't want the people of this country to be intimidated. That is not what free people are about.

Further, under this administration, we have seen an illegal and expanded use of national security letters by the FBI.

We have seen the NSA's warrantless wiretap program, which, in fact, is what we are discussing today.

We have seen the President using signing statements to ignore the intent of Congress's law in an unprecedented way. The President says: Oh, yes, I am going to sign this bill, but, by the way, I am not going to enforce section 387; I don't like that section. Mr. President, that is not the way the law works. If you don't like it, you have the power to veto. You cannot pick and choose what provisions you want. But that is, to a large degree, what this President has done.

What we have seen in recent years is a profiling of citizens engaged in constitutionally protected free speech and peaceful assembly. As I mentioned earlier, the right to dissent, the right to protest is at the heart of what this country is about. I do not want Americans to be worried that there is a video camera filming them and they will be punished somewhere down the line because they exercised their freedom of speech.

We have seen data mining of personal records.

We have seen the Abu Ghraib prison scandal, which has embarrassed us before the entire world.

We have seen a broad interpretation of congressional resolutions regarding use of military force as justification for unauthorized surveillance and other actions.

We have seen extraordinary renditions of detainees to countries that allow torture. All over the world, people are looking at the United States of America and saying: What is going on in that great Nation? We tell them to be like us, to support democracy, to support human rights, and then we engage in torture and we pick people up and we take them to countries where they are treated in horrendous ways. This is certainly one of the reasons respect for the United States has gone down all over this world, which is a tragedy unto itself but obviously makes it harder for us to bring countries together in the important fight against international terrorism.

We have seen an administration that has gotten rid of the rights of detainees to file habeas corpus petitions—simply put people away, deny them access to a lawyer, deny them the right to defend themselves.

We have seen political firings in the Office of the U.S. Attorney.

We have seen destruction of CIA tapes.

The list goes on and on.

So the issue we are debating today has to be seen in the broader context that for the last 7 years, there has been a systematic attack on our Constitution by an administration which believes that, in the guise of fighting terrorism, they can do anything they want against anybody they want without getting court approval or without respecting our Constitution and the rule of law.

I wish to touch on one point. I know Senator FEINGOLD, Senator LEAHY, and Senator DODD have touched on this bill at great length. I just want to focus on one issue, and that is the retroactive immunity granted to the telecommunications companies.

Why is it important that we support the amendment which does away with that retroactive immunity? It is very simple. The argument is that the President of the United States went to these companies and said: Look, I need your help in doing something, and the companies obliged.

Then the issue is, well, why are we punishing them, even if they broke the law? And the answer is pretty simple: It is precisely that we are a nation of laws and not of men. If we grant them retroactive immunity, what it says to future Presidents is, I am the law because I am the President, and I will tell you what you can do. And because I tell you what to do or ask you to do something, that is, by definition, legal. Go and break into my political opponent's office. Don't worry about it; I am the President. I am saying it is for national security. Those guys are bad guys, just do it. I am the President, and that is all that matters.

That is the precedent that we are setting today, and I think it is a very bad precedent. Trust me, Verizon and these other large telecommunications companies, multi, multibillion-dollar companies, have a lot of lawyers. They have a lot of good lawyers. And what we know, in fact, is that some of the telecommunications companies—at least one that comes to mind—said: No, Mr. President, sorry, that is unconstitutional. That is illegal, I "ain't" gonna do it. I applaud them for that. But others said: Hey, the President is asking us, we are going to do it.

The point is, the President is not the law. The law is the law. The Constitution is the law. And I don't want to set a precedent today by which any President can tell any company or any individual: You go out and do it; don't worry about it; no problem at all. That is not what this country is about.

So let me conclude, Mr. President, by saying this is a very important issue which concerns millions and millions of Americans. Bottom line, every American, every Member of the Senate understands we have to do every single thing we can to protect the American people from terrorist attacks. There is no debate about that. Some of us believe, however, that we can be successful in doing that while we uphold the rule of law, while we uphold the Constitution of this country, which has made us the envy of the world and for which we owe the Founders of our country and those who came after, fighting to protect those civil liberties, so much.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Utah.

Mr. HATCH. Madam President, Congress has been working on FISA modernization since April of 2007. That is over 425 days ago. It is simply amazing to me that it would take this long. As I have often said, the Constitution of the United States was written in about 115 days, and that included travel time on horseback for the Founding Fathers. We have spent plenty of time on this issue.

So why is it taking so long? Should this issue be controversial? I can only surmise that the delay is due to the ominous sounding terrorist surveillance program. That is the program where the President had the audacity to allow the intelligence community to listen to international communications where at least one person was suspected to be a member of al-Qaida—the same al-Qaida who killed nearly 3,000 innocent American civilians on September 11; the same al-Qaida who since that day has committed attacks in Istanbul, Algiers, Karachi, Islamabad, Casablanca, London, Madrid, Mombasa, the Gulf of Aden, Riyadh, Tunisia, Amman, and Bali; the same al-Qaida whose mission statement can be summed up in three words: "Death to America."

This is the group the President targeted. He wanted an early warning system to help prevent future attacks—a terrorist smoke detector, if you will. We often are reminded that we are fighting against an unconventional enemy, one that has asymmetrical advantages against us. Al-Qaida is not a nation state and adheres to no treaties or principles on the conduct of war. They wear no uniforms. They hide in peace-loving societies and deliberately conduct mass attacks against unarmed civilians. But we also have asymmetrical advantages.

As the most technologically sophisticated Nation in history, we have huge advantages that derive from this expertise. We are also—and I certainly see this as an asymmetrical advantage over the barbarism that is al-Qaida—a nation of laws. Finally, our surveillance laws are going to be modernized so we can continue to use our own technological superiority to help prevent future attacks against our public and the public of nations that have joined us in our fight to liquidate al-Qaida.

This is what the President was always intent on doing. So he initiated the terrorist surveillance program, and the administration provided appropriate briefings to the chairs and ranking members of the Senate and House Intelligence Committees and to the leaders of both parties in both Chambers. When a new Member of Congress assumed one of those positions, they were given a similar briefing.

Last year, the Senate Intelligence Committee and numerous staff conducted a full review of the terrorist surveillance program and found no wrongdoing.

So why has it taken us so long to get here, and what is the concern that has caused the delay; that the President listened to the international communications of al-Qaida after 9/11? No President would ever engage in this type of activity, except of course President Woodrow Wilson, who authorized interceptions of communications between Europe and the United States, and President Franklin Roosevelt, who in 1940 authorized interception of all communications into and out of the United States.

I guess the fourth amendment and the media's outrage were more flexible under Democratic Presidents. But let's leave these situations aside and continue to focus on the program one of my Democratic colleagues previously called "one of the worst abuses of executive power in our history."

With all due respect to my colleague, if listening to the international communications of al-Qaida is one of the biggest power grabs in the country's history, then our Nation has lived a charmed existence, worthy of envy throughout the world.

We should never forget the reasons for the creation of this program. It is no accident that America has not been attacked since September 11. Is it more than luck? Did al-Qaida take a hiatus from terrorist attacks? Given al-Qaida's numerous foreign attacks during this same timeframe, I think the answer is clearly no. So something must be working. Perhaps the terrorist surveillance program has played a role.

But what about warrantless wiretapping? That phrase certainly means something illegal, right? Not really. As often as that phrase is repeated, what does it really mean? Does warrantless wiretapping automatically mean unconstitutional? That is certainly what we are led to believe by the hand-wringing blatteroons of the day. But this is simply not true.

The fourth amendment does not proscribe warrantless searches or surveillance. It proscribes unreasonable searches or surveillance. For example, let's look at a few of the numerous warrantless searches that are performed every day: Waiting for warrantless searches at the U.S. Border Inspection Station. Look at that mess.

Look at this: Waiting for warrantless searches at the U.S. Supreme Court. It is done every day that the court is in session, and even when it isn't sometimes. Waiting for warrantless searches at the National Archives. In other words, waiting to be searched before viewing the fourth amendment. This happens every day. I see that there are members of the public in the gallery above. Every last one of them went through a warrantless search just to get into this building.

So the question becomes whether a warrantless search or surveillance of international communications involving al-Qaida is reasonable or, to put it another way, whether signals intelligence against a declared enemy of the United States is reasonable. In my opinion, and I think in the opinion of the vast majority of our body, it certainly is.

Let's also look at what the Foreign Intelligence Surveillance Court of Review, the highest court that has considered this issue, has said:

> The Truong court, as did all the other courts to have decided the issue, held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power.

That is out of in re: Sealed, case 310 F3d, 717, the FISA Court of Review, 2002.

While the phrase "warrantless wiretapping" has been cited incessantly, there is another phrase mentioned nearly as often, and that is "domestic spying." In order to better evaluate this phrase, let's look at what the President said in a December 17, 2005, radio address that described the TSP.

> In the weeks following the terrorist attacks on our Nation, I authorized the National Security Agency, consistent with U.S. law and the Constitution, to intercept the international communications of people with known links to al-Qaida and related terrorist organizations. Before we intercept these communications, the government must have information that establishes a clear link to these terrorist networks.

I don't see anything in that statement about domestic spying. I thought the definition of the word "domestic" was pretty clear. If the program intercepted communications in which at least one party was overseas, not to mention a member of al-Qaida, then it seems fairly obvious that those calls were—and I will emphasize this—not domestic.

Is this a domestic call? A foreign terrorist calling a terrorist within the United States? I hardly think so. Is this really such a hard concept? The last time I flew overseas, I didn't fly on a domestic flight. I flew on an international flight. My last phone bill showed there is a big difference between domestic calls and international calls.

Domestic spying may sound catchy and mysterious, but it is a completely inaccurate, even misleading, way to describe the TSP terrorist surveillance program—or FISA modernization. Why don't we describe them as international spying, which is what they really are? Isn't that a more accurate description? But I imagine international spying wouldn't raise the same level of fear and distrust in our Government that some on the left try to foster.

So while I regret the political machination that has turned this seemingly straightforward issue on its head, I am hopeful the time for debate is finally over. Yet some have suggested Congress should not pass a bill modernizing FISA. Even after such a prolonged period and extensive debate on the issue, they would prefer that we do nothing.

We are now hearing about efforts to strike or amend the immunity provisions in the compromise bill so that Members may express their views.

Is this really necessary? Did the multiple times the Senate has considered and rejected similar efforts mean nothing?

Look at this: The Senate has affirmed telecom civil liability protection in six separate votes. On October 18, 2007, the Senate Intelligence Committee rejects the amendment to strike the immunity provisions 12 to 3. That was bipartisan, by the way. On November 15, 2007, the Senate Judiciary Committee rejects amendment to strike immunity provisions 12 to 7. Again, bipartisan. On 12/13/07, the Senate Judiciary Committee rejects standalone Government substitution bill 13 to 5. On January 24, 2008, the full Senate tables the Judiciary's substitute, which does not include immunity, 60 to 36. On February 12, 2008, the full Senate rejects the amendment to substitute the Government for telecoms 68 to 30. On February 12, 2008, the full Senate rejects amendment to strike immunity provisions 67 to 31.

The last time I saw that and looked at those numbers, those were all bipartisan votes. The civil liability provision in the Senate bill, which has been tweaked in this compromise, is supported by a bipartisan majority of the House and Senate, after all this hullabaloo.

In addition, let us not forget the opinions of the State attorneys general who previously wrote to Congress to express their support for civil liability protection.

Look at all the State attorneys general who endorse immunity. State attorney general of Wisconsin, the attorney general of Rhode Island, the attorney general of Oklahoma, the attorney general of Colorado, the attorney general of Florida, the attorney general of Alabama, the attorney general of Arkansas, the attorney general of Georgia, the attorney general of Kansas, the attorney general of my beloved home State of Utah, the attorney general of Texas, the attorney general of New Hampshire, the attorney general of Virginia, the attorney general of North Dakota, the attorney general of North Carolina, the attorney general of South Carolina, the attorney general of Pennsylvania, attorney general of South Dakota, attorney general of Nebraska, the attorney general of West Virginia, the attorney general of Washington.

These are all legal officers, by the way, attorneys general of those very States.

Another complaint that has been mentioned is that this bill does not have adequate oversight. We have heard allegations that:

> . . . the government can still sweep up and keep the international communications of innocent Americans in the U.S. with no connection to suspected terrorists, with very few safeguards to protect against abuse of this power.

We have heard other allegations that this bill does not provide adequate protections for innocent Americans. Make no mistake. The role of the Federal judiciary into the realm of foreign intelligence gathering is greatly expanded by this legislation.

So when we hear the incessant claims that this legislation lacks meaningful review, I want people to be absolutely crystal clear on the staggering amount of oversight in this bill.

The Foreign Intelligence Surveillance Court was created by the 1978 FISA law for solely one purpose: This is Title 50 of the U.S. Code 1803(a): "a court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance."

Let's think about this. It is America in 1978. The Church Committee has published information about known abuses by the Government involving surveillance against American citizens. The public wanted action. So what did the 95th Congress do?

Did it create a Court with the authority to review and approve the intelligence community's foreign targeting techniques? No.

Did it create a Court with the ability to review and approve the techniques used to minimize incidental interceptions involving Americans? No.

Did it mandate the intelligence community to get a warrant when targeting United States persons overseas? No.

But the 110th Congress will mandate each and every one of those things by passing this bill.

For the first time, the FISC will review and approve targeting procedures to ensure that authorized acquisitions are limited to persons outside of the United States.

For the first time, the FISC will review and approve minimization techniques.

For the first time, the FISC will ensure that the foreign targeting procedures are consistent with the fourth amendment.

So given the staggering amount of oversight, there must be some sweeping new surveillance authority that would necessitate these changes, right? Wrong.

The "broad new surveillance authority" that we hear so much about is directed at one thing: the Government can target foreign citizens overseas after the FISC reviews and approves the targeting and minimization procedures. In layman's terms: the Government can listen to foreign citizens overseas to collect foreign intelligence information. That doesn't sound like broad sweeping authority to me. In fact, it is less authority than the Government had before.

Let me enumerate some of the many restrictions on this authority:

No. 1, the Government can't intentionally target any person known to be in the U.S.

No. 2, the Government can't intentionally target a person outside the U.S. if the purpose is to target a known person in the U.S.—reverse targeting.

No. 3, the Government can't acquire domestic communications in the U.S.

No. 4, the targeting has to be consistent with the fourth amendment to the Constitution.

And there is more: the Attorney General and the Director of National Intelligence have to develop and adopt guidelines to ensure compliance with these limitations. These guidelines must be submitted to Congressional Intelligence and Judiciary Committees as well as the FISC.

The Attorney General and the Director of National Intelligence shall assess compliance with the targeting and minimization procedures at least every 6 months. This assessment must be submitted to the FISC, and the Intelligence and Judiciary committees of both chambers of Congress.

The Inspectors General of the Department of Justice and each element of the intelligence community may review compliance with the targeting and minimization procedures.

Finally, this bill authorizes a horde of inspectors general to conduct a full review of certain communications surveillance activities—a review that the Senate Intelligence Committee has already conducted on a bipartisan basis and found nothing wrong. Vice Chairman BOND and the other negotiators agreed to narrow the scope of this review so that there would be minimal or no operational impact on our intelligence analysts. It should come as no surprise that we want intelligence analysts to focus on analysis, not spend limited time and resources digging up documents for redundant IG reviews.

So for those who criticize this bill as lacking oversight, I wonder if any level would be enough? I have no doubt that some would only be satisfied by specific individual warrants for each and every foreign terrorist overseas. This would complete the twisted logic that somehow giving complete constitutional protections to foreign terrorists leads to more protections for Americans. Do we really need to remind people that foreign citizens outside of our country, particularly members of terrorist organizations, enjoy no—none—no protections from our Constitution?

Make no mistake about the power the FISA Court will possess in foreign intelligence gathering following passage of this bill. If the Court finds any deficiency in the certification submitted by the Attorney General or Director of National Intelligence, then the FISC can direct the Government to cease or not initiate the foreign targeting. In other words—our collection would go dark. Fortunately, the Government will be able to rightly begin acquisitions pending an appeal to the Foreign Intelligence Surveillance Court of Review.

This is surely an intimidating environment for our intelligence analysts. Essentially, any accident or mistake will be highlighted to Congress. Unforgiving is not the word. I wonder how many private citizens would enjoy having policies at their jobs where any inadvertent error would result in notification to and review by Congress?

I will suggest that the amount of oversight in this bill should be revisited in the future; not to increase it, but rather to mandate more realistic and appropriate levels of review.

The multiple oversight initiatives in this legislation are not fulfilled by magic. It takes a tremendous amount of time and resources by the very analysts whose primary job is to track terrorists. As great as our analysts are, they can't be two places at once. There are only so many of them, and they don't have unlimited resources. It is worth noting what Director of National Intelligence McConnell said to Congress last September:

> Prior to the Protect America Act, we were devoting substantial expert resources towards preparing applications that needed FISA Court approval. This was an intolerable situation, as substantive experts, particularly IC subject matter and language experts, were diverted from the job of analyzing collection results and finding new leads.

The leaders of our intelligence community have to make wise choices when allocating the time and expertise of analysts, and their hands should not be unnecessarily tied by Congress. Analytic expertise on target is a finite resource; a finite resource which the public must understand is rendered against an enemy whose resources and capabilities remain obscured to us, while its intent remains deadly.

But I guess I shouldn't be surprised by the inclusion of these onerous oversight provisions, which no previous Congress felt the need to add. How many times have we heard claims that the Protect America Act would permit the Government to spy on innocent American families overseas on their vacations? Or innocent American soldiers overseas serving our country? Or innocent students who are simply studying abroad?

Painting this type of picture only feeds the delusions of those who wear tin foil hats around their house and think that 9/11 was an inside job.

Do we think so little of the fine men and women of our intelligence community that we assume they would rather target college kids in Europe than foreign terrorists bent on nihilistic violence?

The absurdity of these accusations cannot be understated and we should not tolerate them. We should never forget that our intelligence analysts are not political appointees. They serve regardless of which President is in office, or which political party is represented. They take an oath to defend the Constitution. And rather than respect and trust their judgment and integrity, we layer oversight mechanisms that treat them like 16-year-olds who just got their first job and have to be birdwatched for fear they are stealing money from the cash register.

Now I agree there are some instances in which we may want to target individuals studying abroad. I am not necessarily talking about institutions of higher learning like the Sorbonne, but rather terrorist training camps spread through some hostile regions of foreign countries. These are the type of schools that our intelligence community is interested in. When it comes to these students, I want to know what they are up to.

Here is a good illustration: Supposed "Graduation" of Taliban Members on June 9, 2007. I want to know what they are about.

After addressing some of the critiques of this bill by others, let me offer one of my own. This bill calls for prior court review and approval of certifications presented to the FISC before foreign intelligence collection can begin. As I have consistently stated throughout these FISA modernization discussions, I believe this principle is unjustified and unwise.

The idea that the executive branch of the Government needs the explicit approval of the judiciary branch before collecting foreign intelligence information from foreign citizens in foreign countries is simply wrongheaded and is contrary to our Constitutional principles. I don't care if the President represents the Democratic party, Republican party, Green party, Independent party, or Whig party; he shouldn't need permission to track foreign terrorists.

With that said, I am encouraged that the bill includes a provision which would allow collection before court review of procedures if "exigent circumstances" exist. Even with this provision, I am troubled that one of my Democratic colleagues in the House made the following statement last week about this provision:

> This is intended to be used rarely, if at all, and was included upon assurances from the administration that agrees that it shall not be used routinely.

This begs the question, is tracking terrorists not an "exigent circumstance"? I urge the executive branch to utilize this provision appropriately and as often as necessary following the informed judgment of those with the appropriate acumen to make such decisions. The phrase "intelligence . . . may be lost" means what it says: if the executive branch determines that we may lose intelligence while waiting for the Court to issue an order, then the Intelligence Community should do what our Nation expects: it should act and act quickly. The executive branch should not hesitate to utilize this authority because of fear of reprisal from those who may seek to advance political agendas—which we have seen plenty of, and some on this floor today.

Finally, I want to highlight the extensive efforts of the negotiators of this bill in both chambers. I especially want to express my appreciation and gratitude to my friend and colleague KIT BOND, the dedicated vice chairman of the Intelligence Committee, who adeptly navigated and managed the tense and tedious negotiations to bring about the opportunity for passage of this historic legislation, the most extensive rewrite of foreign intelligence surveillance laws in 30 years.

As you can tell from the tone of my remarks, I am less than pleased at some of the compromises made in these negotiations. I don't like the expansion of the judiciary branch into what I believe are activities rightly under the executive's prerogative. But I came to the Senate to achieve improvements for the American people, not to be an ideologue. My entire career as a legislator has been in recognition that compromise gets more done for the public than obstruction. The people of Utah didn't send me to the Senate to obstruct business, but to get business done. Nowhere is this more important than on matters where the Congress is enjoined by our citizens to improve the national security. I am a pragmatist, and I am a realist. Part of being a realist, these days, is to recognize that there is a disturbing backlash against the national security policies of this administration. Fueled by dissatisfaction over mistakes in Iraq, over frustration that the fight there and in Afghanistan continues into its seventh year, and that Al Qaeda remains a credible and deadly threat, many people in the majority party have gone beyond criticism to denunciation, to condemnation and obstruction. I am hoping that the general election before us will provide the opportunity for a truly grand debate on what we consider are threats, and how we believe we must continue to address them. But so far the debate has not been joined, and the rhetoric is becoming more poisonous. I have come to this floor and expressed my own criticisms of this administration, but I have never had reason to condemn them as operating in bad faith when it came to defending this Nation.

I know this President. The President is a wonderfully good man. He has done everything in his power to try to protect us. He is an honest man. He has had untoward criticism from the media day in and day out. He has been deliberately maligned by people who should know better.

Yes, this administration has made mistakes, but they have not been made intentionally. It is pathetic the way the media and many have treated this President. I think we have got to go back to where we respect our President and we show some degree of tolerance for the tough job that being President is.

It is regrettable for me that the rhetoric around the terrorism surveillance program has devolved too often into fire but no light. So while I am concerned about some of the compromises made in this bill, I am grateful for all of the work done to bring it to a vote this week. We have to have this bill to protect the American people.

I urge my colleagues to support this monumental and historic legislation. Our country continues to be both the envy of the world and the target of those who seek to advance their warped, violent ideology. We know the threats are out there. We do not have to live our lives in fear, but we should acknowledge that the world changed on September 11 and we must remain vigilant.

Let's ensure that all of the dedicated and noble professionals who play a part in ensuring our liberty and safety are not hampered by partisan problems that we have the ability and responsibility to correct.

The legislation before us makes an important and admirable attempt to do just that. I hope my colleagues will support this legislation and support final passage. It is overdue. It has been delayed too long. We have been playing around with this far too long. There have been so many unjust criticisms, I am sick of them, to be honest with you. It is almost as though politics has to rear its ugly head every time we turn around here. A lot of it is driven by the fact that people resent the President of the United States. They do so unjustly, without proper sense, in ways that are detrimental to our country and future presidencies that will come into office. This President has had very difficult problems to handle.

I believe I am the longest serving person on the Senate Select Committee on Intelligence. I have been around a long time. I have seen a lot of things. I have tried to help prior Presidents as I have played a role on the Intelligence Committee. I have done so, I believe, without resorting to partisan attacks. We have had too many partisan attacks around here, and I think too many vicious attacks against the President and, I might add, against these unnamed, highly classified unknown, except by those in the intelligence community, telecom companies that patriotically helped our country to protect us, that have gone through untold expense, the deprivation and harm caused by the zealousness of those who believe that only they can protect the civil liberties of this country, when, in fact, that is what the telecom companies were cooperating to do.

I thank all of the Intelligence Committee staffers who have played such a big role in helping this bill to come to the floor. We have a very dedicated staff on the Intelligence Committee. I have to say that in this current Intelligence Committee I have seen more partisanship than I have seen in the past. But, by and large, when we passed the original bill out of the committee, it was passed 13 to 2, and we worked together in a very good way on that committee.

So I thank those staffers who worked so hard to try and help us all resolve this set of difficulties. I hope everybody in the Senate will vote for this bill and send it out with resounding victory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, soon the Senate will take up the Foreign Intelligence Surveillance Act. It, of course, is known as FISA. FISA may not be a household word to most Americans, but a properly written FISA reauthorization is exceptionally important to the well-being of our country and it needs to meet a simple test: It must allow our country to fight terrorism ferociously and still protect our individual liberty.

I do not know how many Senators have traveled to the other end of Pennsylvania Avenue to personally read the legal opinions from the Department of Justice on the warrantless wiretapping program that is at the center of this debate. Someday these opinions are going to become public. Someday the American people will see how flimsy the legal reasoning is behind warrantless wiretapping. Someday the American people will see the damage that is done to our Nation when the executive branch tries to rewrite important national security law in secret.

The warrantless wiretapping program is not the first of this administration's counterterrorism programs that is built on legal quicksand. We have seen the coercive interrogation program, and the detention program at Guantanamo. Again and again on these vital counterterrorism programs, the administration has overreached, it has fallen short, and then it has come to the Congress and asked that the Congress clean up these legal messes. I am especially troubled by the provisions in this reauthorization of the FISA bill that grant blanket retroactive immunity to any telecommunications company that participated in the warrantless wiretapping program. I want to spend a few minutes to unpack this issue and discuss why I think it is such a significant mistake to reauthorize the program in this fashion and to have what amounts to a blanket amnesty provision for those who may have been involved in illegal activity.

Many have argued that companies that were asked to participate in the warrantless wiretapping program should be treated leniently since they acted during a state of national panic and confusion. I have given this argument a lot of thought and, frankly, I think there is a valid rationale behind that thinking if you are talking about a short period of time. But that is not what is being discussed here. The warrantless wiretapping program did not last for a few weeks or a few months as America worried about the prospect of another attack. It went on for nearly 6 years. At some point during that nearly 6-year period, any company participating in the program had an obligation to stop and to consider whether what they were doing was legal.

Others have suggested that if you do not give amnesty to the companies now, it is going to be impossible to get cooperation from other companies in the future in the fight against terrorism. I do not buy that argument. Our country is full of patriotic citizens and businesses that are eager to do their part and to serve their Nation. I will say, I think it is insulting to suggest that American businessmen and women will be less patriotic if the Congress does not grant amnesty to the phone companies. People of this country love our Nation, and I believe they step up, they come forward whenever they can.

I hope, however, that they are not going to say: Well, okay, when the Government breaks the law we will automatically step forward in those instances. When American businesses are asked to participate in a program that looks as if it could be illegal, we all say, that is the time to hold on. I think it is important, particularly for our major businesses, to follow the law and not just the words of the President. I am disappointed that this legislation includes this amnesty provision. I hope as colleagues continue to examine the bill, they understand what is at issue.

If the legislation passes, the Attorney General will be able to stop any of the lawsuits against the companies dead in their tracks. All the Attorney General will have to do is tell the judges considering these cases that any corporation that participated in the program was told by the Government that what they were doing was legal. They will not have to actually prove it was legal, they will not have to provide any evidence, they will not have to cite any statutes, they will not have to make any legal arguments whatsoever.

In my view, this amounts to self-certification. Self-certification runs counter to the whole idea of the Foreign Intelligence Surveillance Act in the first place. The Foreign Intelligence Surveillance Act is based on the notion that the way to keep classified intelligence activities from intruding on Americans' privacy is to make sure there is a significant measure of independent judicial oversight. The judges in this situation will be allowed to examine as many documents as they like. But, in this instance, they will not actually be allowed to exercise independent judgment at all. As long as they see a piece of paper, a piece of paper that gets held up from a few years ago, a Presidential permission slip, if you will, that claims the program is legal, they will be required to grant immunity to the phone companies. Even the distinguished leader in the House, the minority whip, has acknowledged that this would be a mere "formality."

The concept of independent oversight that is so central to the Foreign Intelligence Surveillance Act and that has worked so well in practice simply, in my view, should not be transformed into an approach that effectively permits the administration to self-certify with respect to these particular cases.

I want to be clear that I cannot begin to divine how various matters in litigation will come out. In addition to the constitutional issues that are at stake, there is a number of contentious matters regarding standing, injury, a host of very difficult legal problems involved. I think the judges in these cases will need to consider all of the issues if the cases go forward. That is what makes the judicial process in the original statute so important. It is independent. They look at all of the factors that are relevant. But I will say that I did not think the Congress or I should substitute our judgment for the judgment of the courts, and that is, in effect, what happens if the legislation goes forward as written and blanket immunity is granted to every company that participated in the program.

It saddens me to have to oppose the legislation as written. I do so knowing that the bill contains a number of very important provisions and, with respect to individual liberty and the rights of our people, contains some significant steps forward. I am especially grateful to Senators ROCKEFELLER and BOND for working very closely with me to ensure that Americans who travel overseas don't lose their rights when they leave America's shores. That is the status today, regrettably. In this area, Senators ROCKEFELLER, BOND, myself, WHITEHOUSE, FEINGOLD, a number of us who serve on the Senate Select Committee on Intelligence worked in a constructive, good-faith way with the Bush administration. In this legislation, we have put into law that in the digital age, your rights are going to travel with you. You don't lose your rights. If you are a serviceman from the State of Missouri or a businessperson from another part of the country, you won't lose your rights when you leave American soil. That is as it should be. It is a significant expansion of the individual liberties of our citizens. They should not give up their rights when they travel. They ought to have rights that do travel in a world with modern communications and modern transportation. That provision is part of this reauthorization.

However, I feel so strongly about the ill-advised nature of the provisions that provide for blanket amnesty that I must oppose this bill as written. I think when history looks back at what happened, the warrantless wiretapping program, they are going to say that this program, along with several other flawed counterterrorism programs that have come from this administration, was a mistake. We should not compound those mistakes by reauthorizing this legislation that contains a blanket grant of immunity at a time when Americans understand that it is possible to fight terrorism relentlessly, fight terrorism ferociously without trashing our rights and liberties simultaneously.

We can do better. The Senate will have an opportunity to do better. A number of colleagues are going to be advocating proposals to strip the legislation of the amnesty provision. I hope those provisions will be successful.

I would like to pass this bill when we have an opportunity to strike a better balance between fighting terrorism aggressively and protecting the liberties of our citizens.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before our colleague leaves the Chamber, I commend him for his statement. I had a chance to listen to part of it before coming to the floor of the Senate. This is a long-held view of my colleague when it comes to civil liberties and the rule of law. I commend him for remaining consistent in that insistence. He is absolutely correct that this is not a choice between security or liberty. In fact, I argue, as he has, that when we begin to retreat on the rule of law, we become less secure as a people. We have learned that lesson painfully throughout history. This is the time for us to be vigilant, both in terms of our security and also when it comes to our rights. This is an issue that ought not divide people based on our determination to deal with terrorism or those who wish to do great harm to our country but to recognize that historically, when we have been motivated by fear and have failed to stand up for basic rights, we have made horrendous mistakes. When we have stood up for our rights as well as insisting on our security, we have done our job as a generation, as previous ones have as well.

This is one of those moments history will look back upon. Why did we say that 17 phone companies that relied on a letter and not much more than that decided for over 5 years to invade the privacy of millions of Americans and would still be doing it today but for a whistleblower who revealed the program? Why did they not seek the FISA Court, as 18,748 other cases that been submitted and only 5 examples when they were turned down seeking a warrant since 1978? Why in this case did the Bush administration decide to avoid that normal process and go with a simple letter, without any legal justification I can determine, and get that kind of reaction? Why should we not know that? Why should not the American people know that? What happened here?

That is what the Senator is insisting upon. We will not know the answers to those questions if we, as a legislative body, by a simple vote here, declare that the courts have no business examining the legality of this action. We will avoid that responsibility by casting a vote to keep this immunity process in place. I will be joining him. In fact, I will be offering the amendment to strike the immunity provisions, to do our job when it comes to dealing with FISA, to modernizing it, but not to grant immunity to 17 phone companies.

Quest, to their great credit, when they were given that letter, said: We need more legal justification. They did not engage in this program. Not all phone companies did. But the ones that did bear the responsibility to determine whether what they did was legal. We will never know the answer to that if the Senator from Oregon and I do not prevail on our amendment.

I commend him immensely for his statement.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

Madam President, the Senate today—hopefully, tomorrow—returns to debating the matter of modernizing FISA and, more specifically, the Foreign Intelligence Surveillance Amendments Act of 2008. After many months of careful and often very difficult negotiations, we bring to the Senate an agreement that many believed could actually never be achieved, that is bipartisan legislation aimed at protecting the Nation's security and civil liberties, supported by the House, by the Senate, as well as both the Attorney General and the Director of National Intelligence.

The bill before us reflects the fact that FISA, as it was created in 1978, has increasingly become outdated and hindered our Nation's ability to collect intelligence on foreign targets in a timely manner. It is the direct result of changing technologies, advances in technology, in telecommunications, and the need to evolve and meet today's threat facing our Nation; namely, global terrorism and the proliferation of weapons of mass destruction.

The fact is, as telecommunications technology has changed, intelligence agencies have been presented with collection opportunities inside the United States against targets overseas. Yet, because of the way FISA was written in 1978, they could not take full advantage of these new opportunities.

Finding a solution to this problem has not been easy. It was made more complicated by the President's decision, in the aftermath of the September 11, 2001, disaster, to go completely outside of the FISA rather than work with Congress to fix the situation. That decision was complicated even further by the fact that the President put telecommunication companies in a precarious position by not giving them the legal security of the FISA Court, even when they were told their efforts were legal and necessary to prevent another terrorist attack.

Early last year, at the start of our tenure as the new chairman and vice chairman of the Senate Intelligence Committee, Senator BOND and I agreed that our top priority was going to be to modernize FISA. It had to be our top priority for the year. Even then, I don't think we understood how complex and difficult this endeavor would be or even just how important it would be to our intelligence efforts and to the war against terrorism. It is a monumental bill, and it redoes, for the first time in 30 years, proper handling of collection, which is why I am so pleased to stand before you today and say that we have succeeded.

The laborious process of consultation with Members of both bodies and both parties and legal and intelligence officials in the executive branch has worked. We have produced a strong, smart policy that will meet the needs of our intelligence community and protect America's cherished civil liberties.

For procedural reasons, the bill now before the Senate is a new bill which passed the House on Friday by a vote of 293 to 129. You can run that out to a 70-percent vote. While formally a new bill, it is the product of compromise between the FISA bills developed, debated, and amended in both Houses in the course of the past year.

In the absence of a formal conference, there is no conference report that describes this final bill. To help fill that void, I have prepared, as manager of the bill, a section-by-section analysis which builds on the analysis in our earlier Senate report and includes the changes that have followed. I hope it will be of assistance to the Senate in consideration of this final legislation as well as to the public and all those who will have responsibility to implement the bill.

Accordingly, I ask unanimous consent to have printed in the RECORD the summary of the bill's legislative history and a description of its four titles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6304, FISA AMENDMENTS ACT OF 2008

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

Senator John D. Rockefeller IV, Chairman of the Select Committee on Intelligence

The consideration of legislation to amend the Foreign Intelligence Surveillance Act of 1978 ("FISA") in the 110th Congress began with submission by the Director of National Intelligence ("DNI") on April 12, 2007 of a proposed Foreign Intelligence Surveillance Modernization Act of 2007, as Title IV of the Administration's proposed Intelligence Authorization Act for Fiscal Year 2008. The DNI's proposal was the subject of an open hearing on May 1, 2007 and subsequent closed hearings by the Senate Select Committee on Intelligence, but was not formally introduced. It is available on the Committee's website: http://intelligence.senate.gov/070501/bill.pdf. In the Senate, the original legislative vehicle for the consideration of FISA amendments in the 110th Congress was S. 2248. It was reported by the Select Committee on Intelligence on October 26, 2007 (S. Rep. No. 110–209 (2007)), and then sequentially reported by the Committee on the Judiciary on November 16, 2007 (S. Rep. No. 110–258 (2008)). In the House, the original legislative vehicle was H.R. 3773. It was reported by the Committee on the Judiciary and the Permanent Select Committee on Intelligence on October 12, 2007 (H. Rep. No. 110–373 (Parts 1 and 2)(2007)). H.R. 3773 passed the House on November 15, 2007. S. 2248 passed the Senate on February 12, 2008, and was sent to the House as an amendment to H.R. 3773. On March 14, 2008, the House returned H.R. 3773 to the Senate with an amendment.

No formal conference was convened to resolve the differences between the two Houses on H.R. 3773. Instead, following an agreement reached without a formal conference, the House passed a new bill, H.R. 6304, which contains a complete compromise of the differences on H.R. 3773.

H.R. 6304 is a direct descendant of H.R. 3773, as well as of the original Senate bill, S. 2248, and the legislative history of those measures constitutes the legislative history of H.R. 6304. The section-by-section analysis and explanation set forth below is based on the analysis and explanation in the report of the Select Committee on Intelligence on S. 2248, at S. Rep. No. 110–209, pp. 12–25, as expanded and edited to reflect the floor amendments to S. 2248 and the negotiations that produced H.R. 6304.

OVERALL ORGANIZATION OF ACT

The FISA Amendments Act of 2008 ("FISA Amendments Act") contains four titles.

Title I includes, in section 101, a new Title VII of FISA entitled "Additional Procedures Regarding Certain Persons Outside the United States." This new title of FISA (which will sunset in four and a half years) is a successor to the Protect America Act of 2007, Pub. L. 110–55 (August 5, 2007) ("Protect America Act"), with amendments. Sections 102 through 110 of the Act contain a number of amendments to FISA apart from the collection issues addressed in the new Title VII of FISA. These include a provision reaffirming and strengthening the requirement that FISA is the exclusive means for electronic surveillance, important streamlining provisions, and a change in the definitions section of FISA (in section 110 of the bill) to facilitate foreign intelligence collection against proliferators of weapons of mass destruction.

Title II establishes a new Title VIII of FISA which is entitled "Protection of Persons Assisting the Government." This new title establishes a long-term procedure, in new FISA section 802, for the Government to implement statutory defenses and obtain the dismissal of civil cases against persons, principally electronic communication service providers, who assist elements of the intelligence community in accordance with defined legal documents, namely, orders of the FISA Court or certifications or directives provided for and defined by statute. Section 802 also incorporates a procedure with precise boundaries for liability relief for electronic communication service providers who are defendants in civil cases involving an intelligence activity authorized by the President between September 11, 2001, and January 17, 2007. In addition, Title II provides for the protection, by way of preemption, of the federal government's ability to conduct intelligence activities without interference by state investigations.

Title III directs the Inspectors General of the Department of Justice, the Department of Defense, the Office of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program authorized by the President between September 11, 2001, and January 17, 2007, to conduct a comprehensive review of the program. The Inspectors General are required to submit a report to the appropriate committees of Congress, within one year, that addresses, among other things, all of the facts necessary to describe the establishment, implementation, product, and use of the product of the President's Surveillance Program, including the participation of individuals and entities in the private sector related to the program.

Title IV contains important procedures for the transition from the Protect America Act to the new Title VII of FISA. Section 404(a)(7) directs the Attorney General and the DNI, if they seek to replace an authorization under the Protect America Act, to submit the certification and procedures required in accordance with the new section 702 to the FISA Court at least 30 days before the expiration of such authorizations, to the extent practicable. Title IV explicitly provides for the continued effect of orders, authorizations, and directives issued under the Protect America Act, and of the provisions pertaining to protection from liability, FISA court jurisdiction, the use of information acquired and Executive Branch reporting requirements, past the statutory sunset of that act. Title IV also contains provisions on the continuation of authorizations, directives, and orders under Title VII that are in effect at the time of the December 31, 2012 sunset, until their expiration within the year following the sunset.

TITLE I. FOREIGN INTELLIGENCE SURVEILLANCE

Section 101. Targeting the Communications of Persons Outside the United States

Section 101(a) of the FISA Amendments Act establishes a new Title VII of FISA. Entitled "Additional Procedures Regarding Certain Persons Outside the United States," the new title includes, with important modifications, an authority similar to that granted by the Protect America Act as temporary sections 105A, 105B, and 105C of FISA. Those Protect America Act provisions had been placed within FISA's Title I on electronic surveillance. Moving the amended authority to a title of its own is appropriate because the authority involves not only the acquisition of communications as they are being carried but also while they are stored by electronic communication service providers.

Section 701. Definitions

Section 701 incorporates into Title VII the definition of nine terms that are defined in Title I of FISA and used in Title VII: "agent of a foreign power," "Attorney General," "contents," "electronic surveillance," "foreign intelligence information," "foreign power," "person," "United States," and "United States person." It defines the congressional intelligence committees for the purposes of Title VII. Section 701 defines the two courts established in Title I that are assigned responsibilities under Title VII: the Foreign Intelligence Surveillance Court ("FISA Court") and the Foreign Intelligence Surveillance Court of Review. Section 701 also defines "intelligence community" as found in the National Security Act of 1947. Finally, section 701 defines a term, not previously defined in FISA, which has an important role in setting the parameters of Title VII: "electronic communication service provider." This definition is connected to the objective that the acquisition of foreign intelligence pursuant to this title is meant to encompass the acquisition of stored electronic communications and related data.

Section 702. Procedures for Targeting Certain Persons Outside the United States Other than United States Persons

Section 702(a) sets forth the basic authorization in Title VII, replacing section 105B of FISA, as added by the Protect America Act. Unlike the Protect America Act, the collection authority in section 702(a) is to be conducted pursuant to the issuance of an order of the FISA Court, or pursuant to a determination of the Attorney General and the DNI, acting jointly, that exigent circumstances exist, as defined in section 702(c)(2), subject to subsequent and expeditious action by the FISA Court. Authorizations must contain an effective date, and may be valid for a period of up to one year from that date.

Subsequent provisions of the Act implement the prior order and effective date provisions of section 702(a): in addition to section 702(c)(2) which defines exigent circumstances, section 702(i)(1)(B) provides that the court shall complete its review of certifications and procedures within 30 days (unless extended under section 702(j)(2)); section 702(i)(5)(A) provides for the submission of certifications and procedures to the FISA Court at least 30 days before the expiration of authorizations that are being replaced, to the extent practicable; and section 702(i)(5)(B) provides for the continued effectiveness of expiring certifications and procedures until the court issues an order concerning their replacements.

Section 105B and section 702(a) differ in other important respects. Section 105B authorized the acquisition of foreign intelligence information "concerning" persons reasonably believed to be outside the United States. To make clear that all collection under Title VII must be targeted at persons who are reasonably believed to be outside the United States, section 702(a) eliminates the word "concerning" and instead authorizes "the targeting of persons reasonably believed to be located outside the United States to collect foreign intelligence information."

Section 702(b) establishes five related limitations on the authorization in section 702(a). Overall, the limitations ensure that the new authority is not used for surveillance directed at persons within the United States or at United States persons. The first is a specific prohibition on using the new authority to target intentionally any person within the United States. The second provides that the authority may not be used to conduct "reverse targeting," the intentional targeting of a person reasonably believed to be outside the United States if the purpose of the acquisition is to target a person reasonably believed to be in the United States. If the purpose of the acquisition is to target a person reasonably believed to be in the United States, the acquisition must be conducted in accordance with other titles of FISA. The third bars the intentional targeting of a United States person reasonably believed to be outside the United States. In order to target such United States person, acquisition must be conducted under three subsequent sections of Title VII, which require individual FISA court orders for United States persons: sections 703, 704, and 705. The fourth limitation goes beyond targeting (the object of the first three limitations) and prohibits the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. The fifth is an overarching mandate that an acquisition authorized in section 702(a) shall be conducted in a manner consistent with the Fourth Amendment to the U.S. Constitution, which provides for "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Section 702(c) governs the conduct of acquisitions. Pursuant to section 702(c)(1), acquisitions authorized under section 702(a) may be conducted only in accordance with targeting and minimization procedures approved at least annually by the FISA Court and a certification of the Attorney General and the DNI, upon its submission in accordance with section 702(g). Section 702(c)(2) describes the "exigent circumstances" in which the Attorney General and Director of National Intelligence may authorize targeting for a limited time without a prior court order for purposes of subsection (a). Section 702(c)(2) provides that the Attorney General and the DNI may make a determination that exigent circumstances exist because, without immediate implementation of an authorization under section 702(a), intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance of an order pursuant to section 702(i)(3) prior to the implementation of such authorization. Section 702(c)(3) provides that the Attorney General and the DNI may make such a determination before the submission of a certification or by amending a certification at any time during which judicial review of such certification is pending before the FISA Court.

Section 702(c)(4) addresses the concern, reflected in section 105A of FISA as added by the Protect America Act, that the definition of electronic surveillance in Title I might prevent use of the new procedures. To address this concern, section 105A redefined the term "electronic surveillance" to exclude "surveillance directed at a person reasonably believed to be located outside of the United States." This redefinition, however, broadly exempted activities from the limitations of FISA's individual order requirements. In contrast, section 702(c)(4) does not change the definition of electronic surveillance, but clarifies the intent of Congress to allow the targeting of foreign targets outside the United States in accordance with section 702 without an application for a court order under Title I of FISA. The addition of this construction paragraph, as well as the language in section 702(a) that an authorization may occur "notwithstanding any other law," makes clear that nothing in Title I of FISA shall be construed to require a court order under that title for an acquisition that is targeted in accordance with section 702 at a foreign person outside the United States.

Section 702(d) provides, in a manner essentially identical to the Protect America Act, for the adoption by the Attorney General, in consultation with the DNI, of targeting procedures that are reasonably designed to ensure that collection is limited to targeting persons reasonably believed to be outside the United States. As provided in the Protect America Act, the targeting procedures are subject to judicial review and approval. In addition to the requirements of the Protect America Act, however, section 702(d) provides that the targeting procedures also must be reasonably designed to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. Section 702(d)(2) subjects these targeting procedures to judicial review and approval.

Section 702(e) provides that the Attorney General, in consultation with the DNI, shall adopt, for acquisitions authorized by section 702(a), minimization procedures that are consistent with section 101(h) or 301(4) of FISA, which establish FISA's minimization requirements for electronic surveillance and physical searches. Section 702(e)(2) provides that the minimization procedures, which are essential to the protection of United States citizens and permanent residents, shall be subject to judicial review and approval. This corrects an omission in the Protect America Act which had not provided for judicial review of the adherence of minimization procedures to statutory requirements.

Section 702(f) provides that the Attorney General, in consultation with the DNI, shall adopt guidelines to ensure compliance with the limitations in section 702(b), including the prohibitions on the acquisition of purely domestic communications, on targeting persons within the United States, on targeting United States persons located outside the United States, and on reverse targeting. Such guidelines shall also ensure that an application for a court order is filed as required by FISA. It is intended that these guidelines will be used for training intelligence community personnel so that there are clear requirements and procedures governing the appropriate implementation of the authority under this title of FISA. The Attorney General is to provide these guidelines to the congressional intelligence committees, the judiciary committees of the House of Representatives and the Senate, and the FISA Court. Subsequent provisions implement the guidelines requirement. See section 702(g)(2)(A)(iii)(certification requirements); section 702(l)(1) and 702(l)(2) (assessment of compliance with guidelines); and section 707(b)(1)(G)(ii) (reporting on noncompliance with guidelines).

Section 702(g) requires that the Attorney General and the DNI provide to the FISA Court, prior to implementation of an authorization under subsection (a), a written certification, with any supporting affidavits. In exigent circumstances, the Attorney General and DNI may make a determination that, without immediate implementation, intelligence important to the national security will be lost or not timely acquired prior to the implementation of an authorization. In exigent circumstances, if time does not permit the submission of a certification prior to the implementation of an authorization, the certification must be submitted to the FISA Court no later than seven days after the determination is made. This seven-day time period for submission of a certification in the case of exigent circumstances is identical to the time period by which the Attorney General must apply for a court order after authorizing an emergency surveillance under other provisions of FISA, as amended by this Act.

Section 702(g)(2) sets forth the requirements that must be contained in the written certification. These elements include: that the targeting and minimization procedures have been approved by the FISA Court or will be submitted to the court with the certification; that guidelines have been adopted to ensure compliance with the limitations of subsection (b) have been adopted; that those procedures and guidelines are consistent with the Fourth Amendment; that the acquisition is targeted at persons reasonably believed to be outside the United States; that a significant purpose of the acquisition is to obtain foreign intelligence information; and an effective date for the authorization that in most cases is at least 30 days after the submission of the written certification. Additionally, as an overall limitation on the method of acquisition. permitted under section 702, the certification must attest that the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider.

Requiring an effective date in the certification serves to identify the beginning of the period of authorization (which is likely to be a year) for collection and to alert the FISA Court of when the Attorney General and DNI are seeking to begin collection. Section 702(g)(3) permits the Attorney General and DNI to change the effective date in the certification by amending the certification.

As with the Protect America Act, the certification under section 702(g)(4) is not required to identify the specific facilities, places, premises, or property at which the acquisition under section 702(a) will be directed or conducted. The certification shall be subject to review by the FISA Court.

Section 702(h) authorizes the Attorney General and the DNI to direct, in writing, an electronic communication service provider to furnish the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized under subsection 702(a). It requires compensation for this assistance and provides that no cause of action shall lie in any court against an electronic communication service provider for its assistance in accordance with a directive. Section 702(h) also establishes expedited procedures in the FISA Court for a provider to challenge the legality of a directive or the Government to enforce it. In either case, the question for the court is whether the directive meets the requirements of section 702 and is otherwise lawful. Whether the proceeding begins as a provider challenge or a Government enforcement petition, if the court upholds the directive as issued or modified, the court shall order the provider to comply. Failure to comply may be punished as a contempt of court. The proceedings shall be expedited and decided within 30 days, unless that time is extended under section 702(j)(2).

Section 702(i) provides for judicial review of any certification required by section 702(g) and the targeting and minimization procedures adopted pursuant to sections 702(d) and 702(e). In accordance with section 702(i)(5), if the Attorney General and the DNI seek to reauthorize or replace an authorization in effect under the Act, they shall submit, to the extent practicable, the certification and procedures at least 30 days prior to the expiration of such authorization.

The court shall review certifications to determine whether they contain all the required elements. It shall review targeting procedures to assess whether they are reasonably designed to ensure that the acquisition activity is limited to the targeting of persons reasonably believed to be located outside the United States and prevent the intentional acquisition of any communication whose sender and intended recipients are known to be located in the United States. The Protect America Act had limited the review of targeting procedures to a "clearly erroneous" standard; section 702(i) omits that limitation. For minimization procedures, section 702(i) provides that the court shall review them to assess whether they meet the statutory requirements. The court is to review the certifications and procedures and issue its order within 30 days after they were submitted unless that time is extended under section 702(j)(2). The Attorney General and the DNI may also amend the certification or procedures at any time under section 702(i)(1)(C), but those amended certifications or procedures must be submitted to the court in no more than 7 days after amendment. The amended procedures may be used pending the court's review.

If the FISA Court finds that the certification contains all the required elements and that the targeting and minimization procedures are consistent with the requirements of subsections (d) and (e) and with the Fourth Amendment, the court shall enter an order approving their use or continued use for the acquisition authorized by section 702(a). If it does not so find, the court shall order the Government, at its election, to correct any deficiencies or cease, or not begin, the acquisition. If acquisitions have begun, they may continue during any rehearing en banc of an order requiring the correction of deficiencies. If the Government appeals to the Foreign Intelligence Surveillance Court of Review, any collection that has begun may continue at least until that court enters an order, not later than 60 days after filing of the petition for review, which determines whether all or any part of the correction order shall be implemented during the appeal

Section 702(j)(1) provides that judicial proceedings are to be conducted as expeditiously as possible. Section 702(j)(2) provides that the time limits for judicial review in section 702 (for judicial review of certifications and procedures or in challenges or enforcement proceedings concerning directives) shall apply unless extended, by written order, as necessary for good cause in a manner consistent with national security.

Section 702(k) requires that records of proceedings under section 702 shall be maintained by the FISA Court under security measures adopted by the Chief Justice in consultation with the Attorney General and the DNI. In addition, all petitions are to be filed under seal and the FISA Court, upon the request of the Government, shall consider ex parte and in camera any Government submission or portions of a submission that may include classified information. The Attorney General and the DNI are to retain directives made or orders granted for not less than 10 years.

Section 702(l) provides for oversight of the implementation of Title VII. It has three parts. First, the Attorney General and the DNI shall assess semiannually under subsection (l)(1) compliance with the targeting and minimization procedures, and the Attorney General guidelines for compliance with limitations under section 702(b), and submit the assessment to the FISA Court and to the congressional intelligence and judiciary committees, consistent with congressional rules.

Second, under subsection (l)(2)(A), the Inspector General of the Department of Justice and the inspector general ("IG") of any intelligence community element authorized to acquire foreign intelligence under section 702(a) are authorized to review compliance of their agency or element with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f). Subsections (l)(2)(B) and (l)(2)(C) mandate several statistics that the IGs shall review with respect to United States persons, including the number of disseminated intelligence reports that contain references to particular U.S. persons, the number of U.S. persons whose identities were disseminated in response to particular requests, and the number of targets later determined to be located in the United States. Their reports shall be submitted to the Attorney General, the DNI, and the appropriate congressional committees. Section 702(l)(2) provides no statutory schedule for the completion of these IG reviews; the IGs should coordinate with the heads of their agencies about the timing for completion of the IG reviews so that they are done at a time that would be useful for the agency heads to complete their semiannual reviews.

Third, under subsection (l)(3), the head of an intelligence community element that conducts an acquisition under section 702 shall review annually whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition and provide an accounting of information pertaining to United States persons similar to that included in the IG report. Subsection (l)(3) also encourages the head of the element to develop procedures to assess the extent to which the new authority acquires the communications of U.S. persons, and to report the results of such assessment. The review is to be used by the head of the element to evaluate the adequacy of minimization procedures. The annual review is to be submitted to the FISA Court, the Attorney General and the DNI, and to the appropriate congressional committees.

Section 703. Certain Acquisition Inside the United States Targeting United States Persons Outside the United States

Section 703 governs the targeting of United States persons who are reasonably believed to be outside the United States when the acquisition of foreign intelligence is conducted inside the United States. The authority and procedures of section 703 apply when the acquisition either constitutes electronic surveillance, as defined in Title I of FISA, or is of stored electronic communications or stored electronic data. If the United States person returns to the United States, acquisition under section 703 must cease. The Government may always, however, obtain an order or authorization under another title of FISA.

The application procedures and provisions for a FISA Court order in sections 703(b) and 703(c) are drawn from Titles I and III of FISA. Key among them is the requirement that the FISA Court determine that there is probable cause to believe that, for the United States person who is the target of the surveillance, the person is reasonably believed to be located outside the United States and is a foreign power or an agent, officer or employee of a foreign power. The inclusion of United States persons who are officers or employees of a foreign power, as well as those who are agents of a foreign power as that term is used in FISA, is intended to permit the type of collection against United States persons outside the United States that has been allowed under existing Executive Branch guidelines. The FISA Court shall also review and approve minimization procedures that will be applicable to the acquisition, and shall order compliance with such procedures.

As with FISA orders against persons in the United States, FISA orders against United States persons outside of the United States under section 703 may not exceed 90 days and may be renewed for additional 90-day periods upon the submission of renewal applications. Emergency authorizations under section 703 are consistent with the requirements for emergency authorizations in FISA against persons in the United States, as amended by this Act; the Attorney General may authorize an emergency acquisition if an application is submitted to the FISA Court in not more than seven days.

Section 703(g) is a construction provision that clarifies that, if the Government obtains an order and target a particular United States person in accordance with section 703, FISA does not require the Government to seek a court order under any other provision of FISA to target that United States person while that person is reasonably believed to be located outside the United States.

Section 704. Other Acquisitions Targeting United States Persons Outside the United States

Section 704 governs other acquisitions that target United States persons who are outside the United States. Sections 702 and 703 address acquisitions that constitute electronic surveillance or the acquisition of stored electronic communications. In contrast, as provided in section 704(a)(2), section 704 addresses any targeting of a United States person outside of the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required if the acquisition occurred within the United States. It thus covers not only communications intelligence, but, if it were to occur, the physical search of a home, office, or business of a United States person by an element of the United States intelligence community, outside of the United States.

Pursuant to section 704(a)(3), if the targeted United States person is reasonably believed to be in the United States while an order under section 704 is in effect, the acquisition against that person shall cease unless authority is obtained under another applicable provision of FISA. Likewise, the Government may not use section 704 to authorize an acquisition of foreign intelligence inside the United States.

Section 704(b) describes the application to the FISA Court that is required. For an order under section 704(c), the FISA Court must determine that there is probable cause to believe that the United States person who is the target of the acquisition is reasonably believed to be located outside the United States and is a foreign power, or an agent, officer or employee of a foreign power. An order is valid for a period not to exceed 90 days, and may be renewed for additional 90-day periods upon submission of renewal applications meeting application requirements.

Because an acquisition under section 704 is conducted outside the United States, or is otherwise not covered by FISA, the FISA Court is expressly not given jurisdiction to review the means by which an acquisition under this section may be conducted. Although the FISA Court's review is limited to determinations of probable cause, section 704 anticipates that any acquisition conducted pursuant to a section 704 order will in all other respects be conducted in compliance with relevant regulations and Executive Orders governing the acquisition of foreign intelligence outside the United States, including Executive Order 12333 or any successor order.

Section 705. Joint Applications and Concurrent Authorizations

Section 705 provides that if an acquisition targeting a United States person under section 703 or 704 is proposed to be conducted both inside and outside the United States, a judge of the FISA Court may issue simultaneously, upon the request of the Government in a joint application meeting the requirements of sections 703 and 704, orders under both sections as appropriate. If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304, and that order is still in effect, the Attorney General may authorize, without an order under section 703 or 704, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

Section 706. Use of Information Acquired Under Title VII

Section 706 fills a void that has existed under the Protect America Act which had contained no provision governing the use of acquired intelligence. Section 706(a) provides that information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of section 106 of FISA, which is the provision of Title I of FISA that governs public disclosure or use in criminal proceedings. The one exception is for subsection (j) of section 106, as the notice provision in that subsection, while manageable in individual Title I proceedings, would present a difficult national security question when applied to a Title VII acquisition. Section 706(b) also provides that information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of section 106 of FISA; however, the notice provision of subsection (j) applies. Section 706 ensures that a uniform standard for the types of information is acquired under the new title.

Section 707. Congressional Oversight

Section 707 provides for additional congressional oversight of the implementation of Title VII. The Attorney General is to fully inform "in a manner consistent with national security" the congressional intelligence and judiciary committees about implementation of the Act at least semiannually. Each report is to include any certifications made under section 702, the reasons for any determinations made under section 702(c)(2), any directives issued during the reporting period, a description of the judicial review during the reporting period to include a copy of any order or pleading that contains a significant legal interpretation of section 702, incidents of noncompliance and procedures to implement the section. With respect to sections 703 and 704, the report must contain the number of applications made for orders under each section and the number of such orders granted, modified and denied, as well as the number of emergency authorizations made pursuant to each section and the subsequent orders approving or denying the relevant application. In keeping the congressional intelligence committees fully informed, the Attorney General should provide no less information than has been provided in the past in keeping the committees fully and currently informed.

Section 708. Savings Provision

Section 708 provides that nothing in Title VII shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of FISA. This language is designed to ensure that Title VII cannot be interpreted to prevent the Government from submitting applications and seeking orders under other titles of FISA.

Section 101(b). Table of Contents

Section 101(b) of the bill amends the table of contents in the first section of FISA.

Subsection 101(c). Technical and Conforming Amendments

Section 101(c) of the bill provides for technical and conforming amendments in Title 18 of the United States Code and in FISA.

Section 102. Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted

Section 102(a) amends Title I of FISA by adding a new Section 112 of FISA. Under the heading of "Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted," the new section 112(a) states: "Except as provided in subsection (b), the procedures of chapters 119, 121 and 126 of Title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communication may be conducted." New section 112(b) of FISA provides that only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to FISA or chapters 119, 121, or 206 of Title 18 shall constitute an additional exclusive means for the purpose of subsection (a). The new section 112 is based on a provision which Congress enacted in 1978 as part of the original FISA that is codified in section 2511(2)(f) of Title 18, United States Code, and which will remain in the U.S. Code.

Section 102(a) strengthens the statutory provisions pertaining to electronic surveillance and interception of certain communications to clarify the express intent of Congress that these statutory provisions are the exclusive means for conducting electronic surveillance and interception of certain communications. With the absence of reference to the Authorization for Use of Military Force, Pub. L. 107–40, (September 18, 2001) ("AUMF"), Congress makes clear that this AUMF or any other existing statute cannot be used in the future as the statutory basis for circumventing FISA. Section 102(a) is intended to ensure that additional exclusive means for surveillance or interceptions shall be express statutory authorizations.

In accord with section 102(b) of the bill, section 109 of FISA that provides for criminal penalties for violations of FISA, is amended to implement the exclusivity requirement added in section 112 by making clear that the safe harbor to FISA's criminal offense provision is limited to statutory authorizations for electronic surveillance or the interception of domestic wire, oral, or electronic communications which are pursuant to a provision of FISA, one of the enumerated chapters of the criminal code, or a statutory authorization that expressly provides an additional exclusive means for conducting the electronic surveillance. By virtue of the cross-reference in section 110 of FISA to section 109, that limitation on the safe harbor in section 109 applies equally to section 110 on civil liability for conducting unlawful electronic surveillance.

Section 102(c) requires that when a certification for assistance to obtain foreign intelligence is based on statutory authority, the certification provided to an electronic communication service provider is to include the specific statutory authorization for the request for assistance and certify that the statutory requirements have been met. This provision is designed to assist electronic communication service providers in understanding the legal basis for any government requests for assistance.

In the section-by-section analysis of S. 2248, the report of the Select Committee on Intelligence (S. Rep. No. 110–209, at 18) described and incorporated the discussion of exclusivity in the 1978 conference report on the original Foreign Intelligence Surveillance Act, in particular the conferees' description of the Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 637 (1952) and the application of the principles described there to the current legislation. That full discussion should be deemed incorporated in this section-by-section analysis.

Section 103. Submittal to Congress of Certain Court Orders under the Foreign Intelligence Surveillance Act of 1978

Section 6002 of the Intelligence Reform Act and Terrorism Prevention Act of 2004 (Pub. L. 108–458), added a Title VI to FISA that augments the semiannual reporting obligations of the Attorney General to the intelligence and judiciary committees of the Senate and House of Representatives. Under section 6002, the Attorney General shall report a summary of significant legal interpretations of FISA in matters before the FISA Court or Foreign Intelligence Surveillance Court of Review. The requirement extends to interpretations presented in applications or pleadings filed with either court by the Department of Justice. In addition to the semiannual summary, the Department of Justice is required to provide copies of court decisions, but not orders, which include significant interpretations of FISA. The importance of the reporting requirement is that, because the two courts conduct their business in secret, Congress needs the reports to know how the law it has enacted is being interpreted.

Section 103 improves the Title VI reporting requirements in three ways. First, as significant legal interpretations may be included in orders as well as opinions, section 103 requires that orders also be provided to the committees. Second, as the semiannual report often takes many months after the end of the semiannual period to prepare, section 103 accelerates provision of information about significant legal interpretations by requiring the submission of such decisions, orders, or opinions within 45 days. Finally, section 103 requires that the Attorney General shall submit a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, from the period five years preceding enactment of the bill that has not previously been submitted to the congressional intelligence and judiciary committees.

OVERVIEW OF SECTIONS 104 THROUGH SECTION 109. FISA STREAMLINING

Sections 104 through 109 amend various sections of FISA for such purposes as reducing a paperwork requirement, modifying time requirements, or providing additional flexibility in terms of the range of Government officials who may authorize FISA actions. Collectively, these amendments are described as streamlining amendments. In general, they are intended to increase the efficiency of the FISA process without depriving the FISA Court of the information it needs to make findings required under FISA.

Section 104. Applications for Court Orders

Section 104 of the bill strikes two of the eleven paragraphs on standard information in an application for a surveillance order under section 104 of FISA, either because the information is provided elsewhere in the application process or is not needed.

In various places, FISA has required the submission of "detailed" information, as in section 104 of FISA, "a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance." The DNI requested legislation that asked that "summary" be substituted for "detailed" for this and other application requirements, in order to reduce the length of FISA applications. In general, the bill approaches this by eliminating the mandate for "detailed" descriptions, leaving it to the FISA Court and the Government to work out the level of specificity needed by the FISA Court to perform its statutory responsibilities. With respect to one item of information, "a statement of the means by which the surveillance will be effected," the bill modifies the requirement by allowing for "a summary statement."

In aid of flexibility, section 104 increases the number of individuals who may make FISA applications by allowing the President to designate the Deputy Director of the Federal Bureau of Investigation ("FBI") as one of those individuals. This should enable the Government to move more expeditiously to obtain certifications when the Director of the FBI is away from Washington or otherwise unavailable.

Subsection (b) of section 104 of FISA is eliminated as obsolete in light of current applications. The Director of the Central Intelligence Agency is added to the list of officials who may make a written request to the Attorney General to personally review a FISA application as the head of the CIA had this authority prior to the establishment of the Office of the Director of National Intelligence.

Section 105. Issuance of an Order

Section 105 strikes from Section 105 of FISA several unnecessary or obsolete provisions. Section 105 strikes subsection (c)(1)(F) of Section 105 of FISA which requires minimization procedures applicable to each surveillance device employed because Section 105(c)(2)(A) requires each order approving electronic surveillance to direct the minimization procedures to be followed.

Subsection (a)(6) reorganizes, in more readable form, the emergency surveillance provision of section 105(f), now redesignated section 105(e), with a substantive change of extending from 3 to 7 days the time by which the Attorney General must apply for and obtain a court order after authorizing an emergency surveillance. The purpose of the change is to help make emergency authority a more practical tool while keeping it within the parameters of FISA.

Subsection (a)(7) adds a new paragraph to section 105 of FISA to require the FISA Court, on the Government's request, when granting an application for electronic surveillance, to authorize at the same time the installation and use of pen registers and trap and trace devices. This will save the paperwork that had been involved in making two applications.

Section 106. Use of Information

Section 106 amends section 106(i) of FISA with regard to the limitations on the use of unintentionally acquired information. Currently, section 106(i) of FISA provides that unintentionally acquired radio communication between persons located in the United States must be destroyed unless the Attorney General determines that the contents of the communications indicates a threat of death or serious bodily harm to any person. Section 106 of the bill amends subsection 106(i) of FISA by making it technology neutral on the principle that the same rule for the use of information indicating threats of death or serious harm should apply no matter how the communication is transmitted.

Section 107. Amendments for Physical Searches

Section 107 makes changes to Title III of FISA: changing applications and orders for physical searches to correspond to changes in sections 104 and 105 on reduction of some application paperwork; providing the FBI with administrative flexibility in enabling its Deputy Director to be a certifying officer; and extending the time, from 3 days to 7 days, for applying for and obtaining a court order after authorization of an emergency search.

Section 303(a)(4)(C), which will be redesignated section 303(a)(3)(C), requires that each application for physical search authority state the applicant's belief that the property is "owned, used, possessed by, or is in transmit to or from" a foreign power or an agent of a foreign power. In order to provide needed flexibility and to make the provision consistent with electronic surveillance provisions, section 107(a)(1)(D) of the bill allows the FBI to apply for authority to search property that also is "about to be" owned, used, or possessed by a foreign power or agent of a foreign power, or in transit to or from one.

Section 108. Amendments for Emergency Pen Registers and Trap and Trace Devices

Section 108 amends section 403 of FISA to extend from 2 days to 7 days the time for applying for and obtaining a court order after an emergency installation of a pen register or trap and trace device. This change harmonizes among FISA's provisions for electronic surveillance, search, and pen register/trap and trace authority the time requirements that follow the Attorney General's decision to take emergency action.

Section 109. Foreign Intelligence Surveillance Court

Section 109 contains four amendments to section 103 of FISA, which establishes the FISA Court and the Foreign Intelligence Surveillance Court of Review.

Section 109(a) amends section 103 to provide that judges on the FISA Court shall be drawn from "at least seven" of the United States judicial circuits. The current requirement—that the eleven judges be drawn from seven judicial circuits (with the number appearing to be a ceiling rather than a floor) has proven unnecessarily restrictive or complicated for the designation of the judges to the FISA Court.

Section 109(b) amends section 103 to allow the FISA Court to hold a hearing or rehearing of a matter en banc, which is by all the judges who constitute the FISA Court sitting together. The Court may determine to do this on its own initiative, at the request of the Government in any proceeding under FISA, or at the request of a party in the few proceedings in which a private entity or person may be a party, i.e., challenges to document production orders under Title V, or proceedings on the legality or enforcement of directives to electronic communication service providers under Title VII.

Under section 109(b), en banc review may be ordered by a majority of the judges who constitute the FISA Court upon a determination that it is necessary to secure or maintain uniformity of the court's decisions or that a particular proceeding involves a question of exceptional importance. En banc proceedings should be rare and in the interest of the general objective of fostering expeditious consideration of matters before the FISA Court.

Section 109(c) provides authority for the entry of stays, or the entry of orders modifying orders entered by the FISA Court or the Foreign Intelligence Surveillance Court of Review, pending appeal or review in the Supreme Court. This authority is supplemental to, and does not supersede, the specific provision in section 702(i)(4)(B) that acquisitions under Title VII may continue during the pendency of any rehearing en banc and appeal to the Court of Review subject to the requirement for a determination within 60 days under section 702(i)(4)(C).

Section 109(d) provides that nothing in FISA shall be construed to reduce or contravene the inherent authority of the FISA Court to determine or enforce compliance with any order of that court or with a procedure approved by it.

Section 110. Weapons of Mass Destruction

Section 110 amends the definitions in FISA of foreign power and agent of a foreign power to include individuals who are not United States persons and entities not substantially composed of United States persons that are engaged in the international proliferation of weapons of mass destruction. Section 110 also adds a definition of weapon of mass destruction to the Act that defines weapons of mass destruction to cover explosive, incendiary, or poison gas devices that are designed, intended to, or have the capability to cause a mass casualty incident or death, and biological, chemical and nuclear weapons that are designed, intended to, or have the capability to cause illness or serious bodily injury to a significant number of persons. Section 110 also makes corresponding, technical and conforming changes to FISA.

TITLE II. PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

This title establishes a new Title VIII of FISA. The title addresses liability relief for electronic communication service providers who have been alleged in various civil actions to have assisted the U.S. Government between September 11, 2001, and January 17, 2007, when the Attorney General announced the termination of the Terrorist Surveillance Program. In addition, Title VIII contains provisions of law intended to implement statutory defenses for electronic communication service providers and others who assist the Government in accordance with precise, existing legal requirements, and for providing for federal preemption of state investigations. The liability protection provisions of Title VIII are not subject to sunset.

Section 801. Definitions

Section 801 establishes definitions for Title VIII. Several are of particular importance.

The term "assistance" is defined to mean the provision of, or the provision of access to, information, facilities, or another form of assistance. The word "information" is itself described in a parenthetical to include communication contents, communication records, or other information relating to a customer or communications. "Contents" is defined by reference to its meaning in Title I of FISA. By that reference, it includes any information concerning the identity of the parties to a communication or the existence, substance, purport, or meaning of it.

The term "civil action" is defined to include a "covered civil action." Thus, "covered civil actions" are a subset of civil actions, and everything in new Title VIII that is applicable generally to civil actions is also applicable to "covered civil actions." A "covered civil action" has two key elements. It is defined as a civil action filed in a federal or state court which (1) alleges that an electronic communication service provider (a defined term) furnished assistance to an element of the intelligence community and (2) seeks monetary or other relief from the electronic communication service provider related to the provision of the assistance. Both elements must be present for the lawsuit to be a covered civil action.

The term "person" (the full universe of those protected by section 802) is necessarily broader than the definition of electronic communication service provider. The aspects of Title VIII that apply to those who assist the Government in accordance with precise, existing legal requirements apply to all who may be ordered to provide assistance under FISA, such as custodians of records who may be directed to produce records by the FISA Court under Title V of FISA or landlords who may be required to provide access under Title I or III of FISA, not just to electronic communication service providers.

Section 802. Procedures for Implementing Statutory Defenses

Section 802 establishes procedures for implementing statutory defenses. Notwithstanding any other provision of law, no civil action may lie or be maintained in a federal or state court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General makes a certification to the district court in which the action is pending. (If an action had been commenced in state court, it would have to be removed, pursuant to section 802(g) to a district court, where a certification under section 802 could be filed.) The certification must state either that the assistance was not provided (section 802(a)(5)) or, if furnished, that it was provided pursuant to specific statutory requirements (sections 802(a)(1-4)). Three of these underlying requirements, which are specifically described in section 802 (sections 802(a)(1-3)), come from existing law. They include: an order of the FISA Court directing assistance, a certification in writing under sections 2511(2)(a)(ii)(B) or 2709(b) of Title 18, or directives to electronic communication service providers under particular sections of FISA or the Protect America Act.

The Attorney General may only make a certification under the fourth statutory requirement, section 802(a)(4), if the civil action is a covered civil action (as defined in section 801(5)). To satisfy the requirements of section 802(a)(4), the Attorney General must certify first that the assistance alleged to have been provided by the electronic communication service provider was in connection with an intelligence activity involving communications that was (1) authorized by the President between September 11, 2001 and January 17, 2007 and (2) designed to detect or prevent a terrorist attack or preparations for one against the United States. In addition, the Attorney General must also certify that the assistance was the subject of a written request or directive, or a series of written requests or directives, from the Attorney

General or the head (or deputy to the head) of an element of the intelligence community to the electronic communication service provider indicating that the activity was (1) authorized by the President and (2) determined to be lawful. The report of the Select Committee on Intelligence contained a description of the relevant correspondence provided to electronic communication service providers (S. Rep. No. 110–209, at 9).

The district court must give effect to the Attorney General's certification unless the court finds it is not supported by substantial evidence provided to the court pursuant to this section. In its review, the court may examine any relevant court order, certification, written request or directive submitted by the Attorney General pursuant to subsection (b)(2) or by the parties pursuant to subsection (d). Section 802 is silent on the nature of any additional materials that the Attorney General may submit beyond those listed in subsection (b)(2) if the Attorney General determines they are necessary to provide substantial evidence to support the certification, such as if the Attorney General certifies that a person did not provide the alleged assistance.

If the Attorney General files a declaration that disclosure of a certification or supplemental materials would harm national security, the court shall review the certification and supplemental materials in camera and ex parte, which means with only the Government present. A public order following that review shall be limited to a statement as to whether the case is dismissed and a description of the legal standards that govern the order, without disclosing the basis for the certification of the Attorney General. The purpose of this requirement is to protect the classified national security information involved in the identification of providers who assist the Government. A public order shall not disclose whether the certification was based on an order, certification, or directive, or on the ground that the electronic communication service provider furnished no assistance. Because the district court must find that the certification—including a certification that states that a party did not provide the alleged assistance—is supported by substantial evidence in order to dismiss a case, an order failing to dismiss a case is only a conclusion that the substantial evidence test has not been met. It does not indicate whether a particular provider assisted the government.

Subsection (d) makes clear that any plaintiff or defendant in a civil action may submit any relevant court order, certification, written request, or directive to the district court for review and be permitted to participate in the briefing or argument of any legal issue in a judicial proceeding conducted pursuant to this section, to the extent that such participation does not require the disclosure of classified information to such party. The authorities of the Attorney General under section 802 are to be performed only by the Attorney General, the Acting Attorney General, or the Deputy Attorney General.

In adopting the portions of section 802 that allow for liability protection for those electronic communication service providers who may have participated in the program of intelligence activity involving communications authorized by the President between September 11, 2001, and January 17, 2007, the Congress makes no statement on the legality of the program. This is in accord with the statement in the report of the Senate Intelligence Committee that "Section 202 [as the immunity provision was then numbered] makes no assessment about the legality of the President's program." S. Rep. No. 110–209, at 9.

Section 803. Preemption of State Investigations

Section 803 addresses actions taken by a number of state regulatory commissions to force disclosure of information concerning cooperation by state regulated electronic communication service providers with U.S. intelligence agencies. Section 803 preempts these state actions and authorizes the United States to bring suit to enforce the prohibition.

Section 804. Reporting

Section 804 provides for oversight of the implementation of Title VIII. On a semi-annual basis, the Attorney General is to provide to the appropriate congressional committees a report on any certifications made under section 802, a description of the judicial review of the certifications made under section 802, and any actions taken to enforce the provisions of section 803.

Section 202. Technical Amendments

Section 202 amends the table of contents of the first section of FISA.

TITLE III. REVIEW OF PREVIOUS ACTIONS

Title III directs the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the Department of Defense, the National Security Agency, and any other element of the intelligence community that participated in the President's surveillance program, defined in the title to mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, to complete a comprehensive review of the program with respect to the oversight authority and responsibility of each such inspector general.

The review is to include: all of the facts necessary to describe the establishment, implementation, product, and use of the product of the program; access to legal reviews of the program and information about the program; communications with, and participation of, individuals and entities in the private sector related to the program; interaction with the FISA Court and transition to court orders related to the program; and any other matters identified by any such inspector general that would enable that inspector general complete a review of the program with respect to the inspector general's department or element.

The inspectors general are directed to work in conjunction, to the extent practicable, with other inspectors general required to conduct a review, and not unnecessarily duplicate or delay any reviews or audits that have already been completed or are being undertaken with respect to the program. In addition, the Counsel of the Office of Professional Responsibility of the Department of Justice is directed to provide the report of any investigation of that office relating to the program, including any investigation of the process through which the legal reviews of the program were conducted and the substance of such reviews, to the Inspector General of the Department of Justice, who shall integrate the factual findings and conclusions of such investigation into its review.

The inspectors general shall designate one of the Senate confirmed inspectors general required to conduct a review to coordinate the conduct of the reviews and the preparation of the reports. The inspectors general are to submit an interim report within sixty days to the appropriate congressional committees on their planned scope of review. The final report is to be completed no later than one year after enactment and shall be submitted in unclassified form, but may include a classified annex.

The Congress is aware that the Inspector General of the Department of Justice has undertaken a review of the program. This review should serve as a significant part of the basis for meeting the requirements of this title. In no event is this title intended to delay or duplicate the investigation completed to date or the issuance of any report by the Inspector General of the Department of Justice.

TITLE IV. OTHER PROVISIONS

Section 401. Severability

Section 401 provides that if any provision of this bill or its application is held invalid, the validity of the remainder of the Act and its application to other persons or circumstances is unaffected.

Section 402. Effective Date

Section 402 provides that except as provided in the transition procedures (section 404 of the title), the amendments made by the bill shall take effect immediately.

Section 403. Repeals

Section 403(a) provides for the repeal of those sections of FISA enacted as amendments to FISA by the Protect America Act, except as provided otherwise in the transition procedures of section 404, and makes technical and conforming amendments.

Section 403(b) provides for the sunset of the FISA Amendments Act on December 31, 2012, except as provided in section 404 of the bill. This date ensures that the amendments by the Act will be reviewed during the next presidential administration. The subsection also makes technical and conforming amendments.

Section 404. Transition Procedures

Section 404 establishes transition procedures for the Protect America Act and the Foreign Intelligence Surveillance Act Amendments of 2008.

Subsection (a)(1) continues in effect orders, authorizations, and directives issued under FISA, as amended by section 2 of the Protect America Act, until the expiration of such order, authorization or directive.

Subsection (a)(2) sets forth the provisions of FISA and the Protect America Act that continue to apply to any acquisition conducted under such Protect America Act order, authorization or directive. In addition, subsection (a) clarifies the following provisions of the Protect America Act: the protection from liability provision of subsection (l) of Section 105B of FISA as added by section 2 of the Protect America Act; jurisdiction of the FISA Court with respect to a directive issued pursuant to the Protect America Act, and the Protect America Act reporting requirements of the Attorney General and the DNI. Subsection (a) is made effective as of the date of enactment of the Protect America Act (August 5, 2007). The purpose of these clarifications and the effective date for them is to ensure that there are no gaps in the legal protections contained in that act, including for authorized collection following the sunset of the Protect America Act, notwithstanding that its sunset provision was only extended once until February 16, 2008. Additionally, subsection (a)(3) fills a void in the Protect America Act and applies the use provisions of section 106 of FISA to collection under the Protect America Act, in the same manner that section 706 does for collection under Title VII.

In addition, subsection (a)(7) makes clear that if the Attorney General and the DNI seek to replace an authorization made pursuant to the Protect America Act with an authorization made under section 702, as added by this bill, they are, to the extent practicable, to submit a certification to the FISA Court at least 30 days in advance of the expiration of such authorization. The authorizations, and any directives issued pursuant to the authorization, are to remain in effect until the FISA Court issues an order with respect to that certification.

Subsection (b) provides similar treatment for any order of the FISA Court issued under Title VII of this bill in effect on December 31, 2012.

Subsection (c) provides transition procedures for the authorizations in effect under section 2.5 of Executive Order 12333. Those authorizations shall continue in effect until the earlier of the date that authorization expires or the date that is 90 days after the enactment of this Act. This transition provision is particularly applicable to the transition to FISA Court orders that will occur as a result of sections 703 and 704 of FISA, as added by this bill.

Mr. ROCKEFELLER. Before laying out where this bill improves upon the Senate-passed bill—and it does—let me first restate how proud I am of our efforts in February that laid the foundation for the final action we will soon take. Our Senate bill established the framework for a judicial review of the targeting and minimization procedures which are at the heart of the present compromise. It also established clear authority and procedures for individual judicial orders where there is probable cause for targeting Americans overseas. This may long be regarded as the single most important innovation of the act we will soon pass.

Additionally, during debate on our Senate bill, we identified other needed improvements that have been addressed in this compromise, including strengthening exclusivity, something Senator FEINSTEIN was a great advocate of, and also a shorter sunset, something Senator CARDIN wanted to see happen; that is, when the bill sunsets, and it will end before the end of the next administration.

The bottom line is, we started with a good product in February and, through hard work and compromise with all parties in both Houses, we have made it even stronger. And we have. We have. We are all slightly aghast at what we were able to do. So let me mention a few of the key features in this new compromise.

First, the agreement makes changes in the provisions related to targeting foreigners overseas to increase protections for Americans. It requires the FISA Court to approve targeting and minimization procedures before collections begin in virtually all instances. The Attorney General and the Director of National Intelligence can move forward without a court order only in what will be extremely rare instances, if emergency circumstances exist. And there is a way that is done which is time minimized, a total of 37 days, but it doesn't happen.

It preserves the definition of "electronic surveillance." That is important. It doesn't sound very interesting, but it is important. It preserves that definition found in title I of FISA to ensure that there are no unintended consequences—that sounds like gobbledygook, but it isn't—relating to when a warrant must be obtained under FISA or how information obtained using FISA can be used. In other words, we leave the definition of "telecommunications" exactly as it is. We do not change it. If there is to be a change, then there must be legislative action to expand or make that change.

But unintended consequences is when something you do in one bill affects something that happened in another bill, and you just do not know it at the time you are doing it. You have to be very careful about that. So that is why we did that.

Second, the agreement contains additional measures compared to the Senate bill to improve oversight and accountability—the two greatest needs we have in the Congress and for the administration.

It shortens the sunset of the legislation to December 31, 2012, to ensure the FISA modernization law we are going to pass is reviewed in the next administration.

It requires a comprehensive review by multiple inspectors general of the President's warrantless surveillance program to ensure Congress has a complete set of facts about the program. We will have them. We will be informed. The public will be informed about that.

Third, the agreement assures that no past or future congressional authorization for the use of military force may be used to justify the conduct of warrantless surveillance electronically, unless Congress explicitly provides that can happen. That means the President cannot ever do what he did again. No other President can ever do that. FISA rules, and only the Congress can make the change.

With enactment of this agreement, there will be no question that Congress intends that only an express statutory authorization for electronic surveillance or interception may constitute an additional exclusive means for that surveillance or interception. It is logical, and it is necessary.

This is reinforced by the clarification that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or specifically listed provisions of title XVIII. We are prepared to do criminal, civil fines. It is in the bill. It will happen if somebody tries to do something.

Finally, with respect to the liability protection provisions of title II, the new language is improved in a number of ways. The agreement makes clear that the district court has the authority to review the documents provided to the companies to determine whether the Attorney General has met the statutory requirements for the certification under the statute.

In addition, the plaintiffs are given their fair day in court in our bill, as the parties to the litigation are explicitly provided the opportunity to brief the legal and constitutional issues before the court, to the court. And the district court, in deciding the question, must go beyond whether the Attorney General abused his discretion in preparing his certification to seek the dismissal of a lawsuit. Under the agreement, the district court must decide whether the Attorney General's certification is supported by "substantial evidence." It is a good bar.

These are important additions and clarifications, and I hope many of my colleagues will recognize how far we have come. Remember, this is a bill that the House would not even vote on a couple of months ago. They would not even vote on it. So we just went over to them, to STENY HOYER, who deserves all praise for being an unbelievable moderator, bringer-together of opinions and people and a lot of people who are reluctant over there about doing anything, and gradually, through compromise, through extensive consultation, worked it out so they could agree on the bill. Indeed, Speaker PELOSI went to the floor of the House and spoke as to why she was going to vote for the bill—which she did.

Now, before I conclude, I must say a few words about all the people—and spare me on this, I say to the Presiding Officer—who worked together to make this happen.

House majority leader STENY HOYER is—I have down here in my text "a near saint." I have decided that is in extremis. I think he is extraordinary—extraordinary. He deserves tremendous credit for his ability to bring people together with strongly divergent views and not give up until a compromise is achieved. He has everything on his plate, but he always seemed to have time for—he kept saying he was not really schooled in this, but he knew everything that was going on.

Vice Chairman BOND and House Minority Whip BLUNT also deserve our thanks and our praise for their hard work and unending commitment. The other leaders of the House and Senate Intelligence and Judiciary Committees—SILVESTRE REYES, PETER HOEKSTRA, JOHN CONYERS, LAMAR SMITH, and on our side PAT LEAHY and ARLEN SPECTER—not all of whom have or will support the final bill—also deserve thanks for their valuable contributions for making the legislation a much better product.

My own leader, HARRY REID, deserves special credit for insisting that we persevere on protecting national security and civil liberties, even though at times he believed he himself could not support our ultimate compromise. I do not know what that result will be, but he has been terrific in pushing us.

In addition, we would not have reached this critical juncture without the unlimited support of the Director of National Intelligence, Mike McConnell, Attorney General Michael Mukasey, and the dedicated staff of the DNI, DOJ, and NSA counsel, in particular Ben Powell, Brett Gerry, John Demers, Vito Potenza, and Chris Thuma. I did not think I would be saying those words, but I am saying them, and I do believe them deeply. All of those individuals worked with us for months on this issue, putting in long hours, even at times when there was not light at the end of the tunnel.

As we know all too well, the legislative efforts of the House and the Senate would come to a screeching halt if we were forced to operate without the seamless efforts of our staffs.

I would like to thank my exceptionally talented staff: Andy Johnson, Mike Davidson, Alissa Starzak, Chris Healey, and Melvin Dubee—all of whom brought an enormous amount of expertise, creativity, and perseverance to the table.

I want to single out Mike Davidson. Mike Davidson is a very smart lawyer. He has this way of when everything is collapsing all about him—it is kind of a let's come and reason together. Let's be practical. He is such a good person and so smart and so respected for what he knows that people follow his lead. It was in many ways because of him that a lot of our problems got solved. He would not quit on them, and he would keep saying: Now, let's deal with this practically. And he uses his hands just in that manner. It worked because we have a bill.

I would also like to thank Mariah Sixkiller, Brian Diffel, Joe Onek, Mike Sheehy, Jeremy Bash, Wyndee Parker, Eric Greenwald, Chris Donesa, Lou DeBaca, Perry Apelbaum, Ted Kalo, and Caroline Lynch in the House of Representatives; and in the Senate, Louis Tucker, Jack Livingston, Kathleen Rice, Mary DeRosa, Zulima Espinel, Matt Solomon, Nick Rossi, Ron Weich, Serena Hoy, and Marcel Lettre for their efforts.

I may have left somebody out. But I think the Presiding Officer thinks I have probably done enough. It is heartfelt, and if you have been through the process you really feel what people put into it and what they give up.

Madam President, this is a very proud day for the Senate, for national security and civil liberties, and for the Congress in general. I would venture to say this may be the most important bill we will pass this year. We have proven that compromise is not a lost virtue and that good, sound policy is not only possible, it is achievable.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I see my good friend from West Virginia on the floor. While I have some disagreement with him on the effort he has made on the FISA bill, I commend my friend from West Virginia. He has the thankless task of heading up the Intelligence Committee, which is a difficult job. I wish to acknowledge that and recognize that. My respect for him and the work he is doing and trying to do on this issue is something I respect immensely. Unfortunately, we don't agree on one aspect—at least one aspect—of this bill, but that in no way diminishes my respect for the effort he has made to try to produce as good a bill as he can under the circumstances. You only have to try and manage a bill around here to understand how difficult that can be, as someone who is engaged right now in this housing proposal.

Senator SHELBY and I have spent weeks putting together a bill that has enjoyed almost unanimous support in our committee—19 to 2—coming out of the Banking Committee. We had the vote of 83 to 9 the other day on a cloture motion to deal with a proposal we put together covering everything from mortgage revenue bonds and tax incentives for people to buy foreclosed properties, not to mention the GSE—the government sponsored enterprises—reform, an affordable housing program in perpetuity to assist rental housing opportunities in the Nation, as well as the HOPE for Homeowners Act to deal with the foreclosure crisis. Here we are now approaching the late afternoon of Wednesday. We had the cloture vote yesterday morning, about 30 hours ago. We have yet to have one amendment I can deal with because one Senator is insisting that his bill be paramount, that we disregard the efforts we have made to listen to ideas, to take additional suggestions that have come from other Members to incorporate as part of this bill.

Senator KOHL of Wisconsin has a very good proposal which we have worked out. Senator SUNUNU has made a proposal as well and we have been able to modify it and work with him to be a part of it. Senator ISAKSON has made a proposal we are working on to deal with a date in this bill that could make a difference. Senator BOND has a proposal we are working on dealing with disclosures. Senator KOHL and Senator NELSON are working on a proposal dealing with 401(k)s. All of these ideas have to be held in abeyance because one Senator won't even let us consider these matters on the floor, to bring them up and to deal with them.

It is awfully difficult to understand, when you consider that between 8,000 and 9,000 people every day are filing for foreclosure in this country. This is the center of our economic problems in the Nation.

The Wall Street Journal reported today in a banner headline that consumer confidence in this Nation is at the lowest point it has been since the late 1980s, early 1990s. A report yesterday actually takes it back to 1967. We are also told that home values are declining by the hour in this country. The Case-Schiller Index indicates that home values may decline by as much as 30 percent over the next 2 or 3 years. This is affecting student loans, it is affecting municipal finance, and it is affecting commercial borrowing. We are literally in a stall with the economy growing worse and the level of optimism and confidence of the American people declining at a rapid rate.

There is nothing more important we could do before adjourning for the next week to go home for Independence Day than to deal with this bill. We could literally complete this housing bill in about an hour. That is about all it would take to consider the amendments we can agree to, to adopt the ones we have, and then move this bill off this floor, out of this Chamber to the point that I think the House may accept what we have done, and send the bill to the President for his signature.

What better message to send to those who are facing potential foreclosure, of losing their most important and valuable asset that the overwhelming majority of Americans will ever have, not just in financial terms, but in the context of having a home for their families. This is something most Americans wish for their children, wish for their grandchildren, wish to have themselves, that idea of a home where you grow up and live. The fact that between 8,000 and 9,000 people—not on a weekly basis, not on a monthly basis, but every single day—every day we are home next week, every day we are gone from here, remind yourselves that another 9,000 people are beginning to file foreclosure and losing their homes. Neighborhoods collapse, values in these neighborhoods go down, and we see the continued suffering that goes on in our country, all because I can't even bring up and allow consideration of some amendments on this bill.

We have been at this now since January, trying to put this together and here we are in late June and still unable to get even consideration of amendments or to vote on some we may disagree with. There are many others of our colleagues here who have some ideas. I failed to mention Senator VOINOVICH. We have proposals from

Senator LEVIN and Senator STABENOW involving important projects in their State, not to mention Massachusetts as well. There are a number of other things included in this legislation providing the kind of support for those who are out there, including counseling to people going through foreclosure or who could go through foreclosure. All of these elements could make a difference; the community development block grants to mayors, county supervisors, and Governors that could provide some targeted help in neighborhoods that have foreclosed properties.

We learn from screaming headlines on a daily basis—you need not hear my voice; just listen to what is going on in almost every State in the country. Now the States of California and Nevada are particularly hard-pressed, as well as Arizona, Florida, Michigan, and Ohio are seeing these numbers at record levels. The State of Nevada, in fact, I think, on a per capita basis has the worst foreclosure rate in the country, what that State is going through and the people are suffering from in that jurisdiction, with 10, I am told, centers around the State trying to help people hang on to their homes if they can.

Here we have a proposal that would provide that kind of relief, a system that would allow for workouts where people could have a new mortgage they could afford to pay, as well as paying into the program at some cost, and the lenders taking, of course, a significant cut in what they would otherwise be getting. But it would allow us to keep people in their homes.

So in those States that are feeling this particularly, I want them to know there are those of us here—and they ought to know the majority leader of this body, Senator HARRY REID, has been on the forefront of trying to get this bill up, trying to allow us to vote on it to get the job done. I wish to thank him for that, as the chairman of the Banking Committee, to have a majority leader who understands this priority is at the top of our list. I am deeply grateful to him for making it possible for us to get as far as we have.

But to know we are down here with a few remaining hours before we will be leaving for a week or 10 days; knowing that in that period of time, unnecessarily, in my view, more Americans may end up paying that awful price, watching their home value decline, watching them possibly lose their homes; that idea of being able to build that equity and provide for your children's education, to contribute to your retirement, to deal with an unexpected illness in the family where that equity could make a difference, all of that is eroding because we can't get off the dime because we have a colleague who wants to insist that his proposal be paramount, that we drop everything else and deal with that bill. I say that respectfully. I have been here 27 years and this happens periodically. But at this moment, at this time, facing the worst crisis in housing since the Great Depression, this is not the kind of reaction we ought to be getting.

I am going to come here periodically as long as we are here to talk about this. I will make unanimous consent requests, or the leader will, to try and let us move on this. When objection is heard, then that Senator ought to have the courage, in my view, to stand up and express that objection on why we can't deal with this housing bill. Even if you disagree with the bill, allow us to vote. Allow your colleagues to offer their amendments. They need to explain to the American people why it is that after all of this effort, with an 83-to-9 vote yesterday, that Democrats and Republicans want to do something about housing, but we can't get a bill up and can't consider these outstanding amendments.

I apologize to my colleagues for this, but they ought to know what is going on and why it is. Members have asked me: Why aren't we voting? Why can't we bring up these matters? The reason is because I need unanimous consent to do so and one Senator can object, and because they object, none of these other amendments, Republican or Democratic amendments, can be considered or modified, even, in this context. So that is why we are here and where we are. If people are wondering why, after this long time, despite the efforts of bringing people together, we are not managing to get this bill done, that is the reason. My hope is that common sense and reasonableness may prevail in the coming hour or so that will allow us to get to this. But if we are unable to do so, then that is the reason.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. BOND. Madam President, I am hoping very shortly we will vote on or act on or somehow pass an amendment that I have offered, offered on the previous housing bill which, incidentally, I thought was a much better bill than this one.

I ask unanimous consent to speak for—well, Madam President, I am going to continue to tell you that.

The teaser rate problem is one which has afflicted many borrowers in Missouri. They get these offers for loan rates. They are told, verbally, that they can get a good rate when the time expires. The problem is, it is not in writing. So we would require full disclosure in advance, written down. If the people are going to make a representation, it has to be a binding representation. My amendment is designed to advise consumers, before they purchase a home, what they are going to have to pay.

I understand there is a modification that will make this amendment acceptable to all sides. I think it is terribly important to avoid putting so many people, in the future, in the trap that they now find themselves, that we require they disclose what the rates will be, and if they want to offer good terms, they put them in writing.

I urge my colleagues to support this amendment as modified.

I yield the floor.

The PRESIDING OFFICER. All time postcloture has expired.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the pending amendments be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion to concur, with an amendment.

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. REID. Madam President, are we in a quorum call?

The PRESIDING OFFICER. We are not.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the previous order which was entered regarding the withdrawing of the amendments we vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4987, AS MODIFIED, AMENDMENT NO. 4999, AS MODIFIED, AND AMENDMENT NO. 4988, AS MODIFIED

Mr. REID. I ask unanimous consent that the pending amendments No. 4987, Bond; No. 4999, Sununu; and No. 4988, Kohl, be agreed to, as modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 4987, AS MODIFIED

On page 522, line 2, before the period insert the following: ",including the fact that the initial regular payments are for a specific time period that will end on a certain date, that payments will adjust afterwards potentially to a higher amount, and that there is no guarantee that the borrower will be able to refinance to a lower amount".

AMENDMENT NO. 4999, AS MODIFIED

On page 538, between lines 6 and 7, insert the following:

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Small Public Housing Authorities Paperwork Reduction Act".

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(b)) is amended by adding at the end the following:

"(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

"(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

"(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

"(i) to discuss any changes to the goals, objectives, and policies of the agency; and

"(ii) to invite public comment regarding such changes.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that—

"(I) the information is available as required under clause (i); and

"(II) a public hearing under subparagraph (A) will be conducted.".

AMENDMENT NO. 4988, AS MODIFIED

On page 538, between lines 6 and 7, insert the following:

TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2801. SHORT TITLE.

This title may be cited as the "Foreclosure Rescue Fraud Act of 2008".

SEC. 2802. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term "foreclosure consultant"—

(A) means a person who makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, for gain, or who performs, for gain, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term "homeowner", with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term "residential real property" has the meaning given the term "dwelling" in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 2803. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed, in a clear and conspicuous manner, to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: "You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.".

(B) The contract is written in the principal language used to solicit or market the services to the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading "Notice of Cancellation" in boldface type; and

(B) contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

"I hereby cancel this transaction on [insert date] [insert homeowner signature].".

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2804. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [________], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance." (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2805. CIVIL LIABILITY.

(a) IN GENERAL.—Any foreclosure consultant who fails to comply with any provision of section 2803 or 2804 with respect to any other person shall be liable to such person in an amount equal to the greater of—

(1) the amount of any actual damage sustained by such person as a result of such failure; or

(2) any amount paid by the person to the foreclosure consultant.

(b) CLASS ACTIONS PROHIBITED.—No Federal court may certify a civil action under subsection (a) as a class action under rule 23 of the Federal Rules of Civil Procedure.

SEC. 2806. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2803 and 2804 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2803 or 2804, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2805 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2803 or 2804, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2803 or 2804 that is alleged in that complaint.

SEC. 2807. LIMITATION.

No violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall provide grounds for the halt, delay, or modification of a foreclosure process or proceeding.

SEC. 2808. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

APPRAISAL STANDARDS

Mr. SHELBY. Madam President, I rise to engage Senator DODD in a colloquy discussing the amendment offered by Senator DOLE concerning appraisal standards. I would like to acknowledge the distinguished Senator from North Carolina for her efforts in crafting this amendment.

In December of last year, Attorney General Cuomo of New York, along with Fannie Mae, Freddie Mac and OFHEO entered into an agreement to create a mortgage appraiser code of conduct. I applaud the work of the attorney general of New York for being proactive in trying to come up with a code of conduct in order to deal with some of the problems in the mortgage appraisal process.

While the "code of conduct" moves things in a positive direction, Fannie Mae and Freddie Mac are secondary market players, and the attorney general of New York has authority to deal with the conduct that touches upon the State of New York. In order to fully address the issue and create a unified standard affecting all mortgage originators, there must be a process involving all of the appropriate regulatory authorities including the Federal banking regulators who participate in the congressionally authorized Federal Financial Institutions Examination Counsel, FFIEC, subcommittee on appraisals. This would also provide regulated institutions with adequate opportunity to participate in the process.

The National Bank Act authorizes national banks to engage in mortgage lending, subject to OCC regulation. Since the early 1990s, each of the Federal banking regulators has had standards in place that deal with the conduct of mortgage appraisers. These standards were put in place to address many of the safety and soundness concerns that we are grappling with today. While I recognize the need to update and strengthen these standards, I believe that we need to be mindful of that structure, and rely upon it as part of the effort to reform the appraisal process.

The appraisal is a key component in ensuring sound underwriting both for banks and the consumer. I believe that the key concept of appraisal independence is laudable and although incorporated into Federal banking regulation, perhaps this construct needs to be strengthened.

Our goal should be to ensure that a standard exists that avoids inconsistencies, provides stronger consumer protection, and protects the safety and soundness of lending institutions. I believe that as a wake-up call to the regulators that their standards must be revamped and their enforcement stepped up.

Mr. DODD. I thank my colleague and agree with him on several fronts. The first is that I commend Attorney General Cuomo for his aggressive pursuit in ferreting out fraudulent appraisal practices. Law enforcement has said repeatedly that unscrupulous appraisers are the "enablers" of mortgage fraud.

Appraisers, seeking new business, are eager to "hit the number" needed to make sure a mortgage is approved. If they fail to give the lenders and brokers the appraisal needed to close the loan, they simply don't get any more referrals from those lenders. As a result, appraisers were inflating their estimates of house value, adding to the frenzy that created the housing bubble.

The guidelines negotiated by Attorney General Cuomo with Fannie and Freddie, and approved by OFHEO, seek to ensure that this kind of pressure cannot be brought to bear on appraisers. They are designed to ensure independence and address the significant evidence of collusion between lenders and appraisers that Mr. Cuomo uncovered.

I understand there is great concern about the process for the reforms the attorney general is demanding. I also understand that some people don't like the new standards which will affect the practices of the lenders that sell their mortgages to Fannie and Freddie.

As a result, I agree with my colleague that the Federal banking agencies have a role in this process. These agencies already have regulations in place that set forth appraisal standards for their lenders. However, the appraisal fraud over the past couple of years, and the attorney general's action, should serve as a wake-up call to the regulators that their standards must be revamped and their enforcement stepped up.

AMENDMENT NO. 4984 WITHDRAWN

Mr. REID. I ask unanimous consent that the Dole amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO CONCUR

Mr. REID. Madam President, is the matter now the concurrence in the substitute amendment?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the motion to concur in the House amendment, with amendment No. 4983, as amended.

The yeas and nays have been previously ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—79

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—16

Barrasso
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
Crapo
DeMint
Ensign
Enzi
Inhofe
Kyl
Thune
Vitter

NOT VOTING—5

Byrd
Clinton
Kennedy
McCain
Obama

The motion was agreed to.

FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 827, H.R. 6304, the FISA Amendments Act of 2008.

Sheldon Whitehouse, Patty Murray, Max Baucus, Tim Johnson, Ken Salazar, Barbara A. Mikulski, John D. Rockefeller, IV, Herb Kohl, Robert P. Casey, Jr., Daniel K. Inouye, Mary Landrieu, Blanche L. Lincoln, Mark L. Pryor, Dianne Feinstein, Thomas R. Carper, Joseph Lieberman, Claire McCaskill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6304, the FISA Amendments Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 15, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—80

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker

NAYS—15

Biden
Boxer
Brown
Cantwell
Dodd
Durbin
Feingold
Harkin
Kerry
Lautenberg
Leahy
Menendez
Sanders
Schumer
Wyden

NOT VOTING—5

Byrd
Clinton
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 3221

Mr. REID. Madam President, I ask unanimous consent that the Senate concur in the amendments of the House—this is on the housing bill—striking titles VI through XI to the amendment of the Senate; and finally that the Senate then disagree to the amendments of the House adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221, notwithstanding rule XXII; further that a managers' amendment which has been cleared by the managers and the leaders also be in order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, I will object. I have been attempting, with the Senator in the chair right now, to attach the Clean Energy Tax Stimulus amendment to the housing bill and get a vote on it. This is an amendment that passed on the housing bill a couple months ago by a vote of 88 to 8 in a bipartisan fashion in the Senate.

People say: What does this have to do with housing? Well, it has several things to do with housing. There is energy efficiency built in for new home construction. If somebody wants to upgrade their home with renewable energy products, they can do that with the help of tax credits in this amendment. It is a good amendment because this country is facing an energy crisis and gasoline prices are too high; home heating oil is too high; and natural gas has gone up by 70 percent. We need to have more renewable energy in the United States. All we have to do is have a vote on this amendment, and we could proceed with the housing bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENSIGN. In a moment. I would say in closing that people have said—we can't do this. The House of Representatives would object because it isn't "paid for." Well, there is $2.4 billion in unoffset tax provisions included in the Dodd/Shelby amendment and a large amount of this does not even relate to housing. Why should the House of Representatives accept $2.4 billion worth in tax incentives not paid for and object to our clean energy tax provisions at the same time? That is an example of why there is inconsistency in objecting to our amendment being voted on.

I yield for a question.

Mr. DURBIN. Madam President, I would like to ask, through the Chair, the Senator from Nevada if he could tell me the name of the State that has had 17 consecutive months leading the Nation in foreclosures.

Mr. ENSIGN. Madam President, there is no question that the whole country is facing a housing crisis and it is not just housing; it actually is leading to a liquidity problem, and my State like others has experienced difficulties. I wish to solve this problem, and improve this bill with the Clean Energy Tax Stimulus amendment——

Mr. REID. Madam President, regular order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I have been very patient while my dear friend, the junior Senator from Nevada, has talked about this. Here is the situation in which we find ourselves. Everyone knows we have an extenders package. I have a letter on my desk that has been spread on the RECORD previously—218 House Members have signed it—saying the House will not accept anything that is not paid for on the extenders. We have a letter that is now also a part of the RECORD, more than 400 companies, most of them Fortune 400 companies, say it is very important to pass the extenders legislation paid for. We also had a statement in The Hill newspaper yesterday, where the National Association of Manufacturers said: Why can't they pass this bill? It is very important to pass the extenders. It is the most important thing the manufacturers need in the country.

We have a situation where there was an agreement made on this bill, the housing bill. The agreement was that they would be related to housing. With all due respect, everyone knows the matter relating to the extenders that my dear friend from Nevada talks about has—you have to stretch a lot to have it related to housing. Why would we want to send something to the House and have them send it back to us? We have a situation on the housing bill that Senator GRASSLEY and Senator BAUCUS are going to take care of—the pay-fors. That is all part of the deal, and everyone knows that.

This is a situation where Senator SHELBY and Senator DODD have worked very hard, and not only have they been working with the House, but they have been working with the White House on this housing bill.

Let's look at where we are. The Senate has turned this week to a number of issues. We have had four main bills: Housing, FISA—the Foreign Intelligence Surveillance Act—Medicare fix, which is important to do; and the supplemental appropriations bill. As of this minute, we haven't passed any of those because there have been continued objections from the minority.

Now, there is no need to whip out a Velcro chart about the number of filibusters we have had, but that is the reason we are in the position we are in today, because we have this great big funnel of legislation that needs to get done and now we have the little spout and that spout is the Fourth of July and it is hard to stuff everything into that. So we have a situation now where there is no reason why housing, the Medicare fix, the supplemental appropriations bill can't be passed in the next couple days.

We have all talked about FISA. I voted on the motion to proceed, not because I like the bill, but I think it is very important that there be an opportunity to offer amendments on it. Senator BOND and Senator ROCKEFELLER recognize that and know they would also feel it appropriate to have amendments on this legislation, but right now it appears we are not going to have that opportunity. FISA enjoys support from both sides of the aisle. It, too, could be easily dealt with before the Fourth of July recess. All these bills are critical to the health, safety, and well-being of the American people.

With thousands of American families losing their homes every day—8,500 new foreclosures every day—and millions more facing the shockwaves of abandoned properties and falling equity—and sometimes rapidly falling equity—it is important we act quickly. This housing legislation raises limits on Federal home loans; it creates a privately funded program to help distressed homeowners; it modernizes the

Federal Housing Authority to keep pace with the current housing conditions; and it provides foreclosure counseling moneys to families in need.

This housing legislation enjoys overwhelming bipartisan support. There is no reason we shouldn't pass this legislation.

On FISA, I recognize that Members of the House and Senate have worked hard for 3 months to come up with these improvements. Some of my Democratic colleagues will support a FISA compromise. I respect their decision. Even though I may disagree with the majority of the Senate, I have an obligation, as I said last night, to do everything I can to move this forward. We should be able to do that this week.

The Medicare bill, also known as the doctors' fix, passed by a stunning 355-to-59 vote in the House of Representatives—355 to 59. Republican leaders in the House openly supported this legislation or they wouldn't have gotten a vote such as that. This legislation will both help Medicare beneficiaries and head off the looming cuts facing doctors in many different ways. This bill was very similar to a bill drafted by Senator BAUCUS and supported by every Senate Democrat and nine Republicans in the Senate earlier this month. It represents the only chance this body has to head off cuts to doctors before they take effect at the end of the month. There is no reason we can't pass the Medicare doctors' fix this week.

Who supports this legislation? AARP, the American Medical Association, the American Cancer Society, the American Hospital Association, the National Committee to Preserve Social Security, the National Council on Aging, and dozens more—dozens more.

I ask unanimous consent that a full list of the scores of other organizations be printed in the RECORD that support this Medicare fix—fixing it now. It has to be done before the end of the month.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alliance for Retired Americans, Alzheimer's Association, American Academy of Audiology, American Academy of Dermatology, American Academy of Otolaryngology, American Academy of Ophthalmology, American Association for Geriatric Psychiatry, American Association for Homecare, American Association of Nurse Anesthetists, American College of Cardiology, American College of Physicians, American College of Radiology, American College of Osteopathic Internists, American College of Surgeons, American Counseling Association, American Clinical Laboratory Association, American Federation of State, County and Municipal Employees, American Heart Association/American Stroke Association, American Hospital Association, American Medical Association.

American Mental Health Counselors Association, American Optometric Association, American Psychological Association, American Society of Anesthesiologists, American Society of Plastic Surgeons, Association for Community Affiliated Plans, American Osteopathic Association, California Medical Association, Center for Medicare Advocacy, Clinical Social Work Association, Federation of American Hospitals, Food Marketing Institute, Kidney Care Partners, Leadership Council of Aging Organizations, Medical Group Management Association, Medicare Rights Center, Mental Health America, National Association of Anorexia Nervosa and Associated Disorders, National Association of Chain Drug Stores, and National Association of State Mental Health Program Directors.

National Committee to Preserve Social Security and Medicare, National Community Pharmacists Association, National Council on Aging, National Rural Health Association, Society of Gynecologic Oncologists, Society of Hospital Medicine and Suicide Prevention Action Network USA (SPAN USA).

Mr. REID. Madam President, it is legislation that every State in the Union is calling us about, their Governors and other representatives, to please take care of this. That is what we need to do. Are we doing this to take care of the doctors? Partially, yes, but the other reason we are doing it is we are doing it to preserve Medicare. If we do not do this, there will be more doctors who drop out of taking care of Medicare patients.

What does that mean? It also means there will be other people who are reimbursed by insurance companies and other health care providers who base their reimbursement on what Medicare pays. So we have to do this fix. It is not only to take care of the doctors, it is to take care of patients and Americans from one end of this country to the other.

Finally, we have a supplemental appropriations bill. I would hope we could pass that before the Fourth of July recess. It is an emergency supplemental. We know it funds the war fighting. No matter how people feel about the money that has gone to pay for this war, costing us in Iraq alone $5,000 every second, I would hope everyone understands we are not going to vote on the war funding in this measure that is before us now. But we have other things we have to vote on or the war funding would not come forward, and that is important issues such as the GI bill of rights and unemployment compensation extension which States are drastically in need of.

It does other good things. There is money in here as a result of the floods that have taken place. That is important. There are Medicaid fixes. Out of the seven regulations that are causing a problem with every Governor in America, six of them will be repealed by this legislation. So there is no reason that we can't do this legislation.

I have said repeatedly we can pass all four of these bills this week. We can do them tomorrow, as a matter of fact. But as with everything else we try to accomplish around here in a closely divided Senate, passing them will require the cooperation of Members from both sides of the aisle.

The filibuster chart is now up to 78. Of course, this is an alltime record for obstructionism. I have said our Republican colleagues, on occasion, have acted Orwellian this year; they say one thing and do another. I guess today is an appropriate day to say this because it is George Orwell's birthday today. He would be 105 today.

So I would hope everyone understands there will be no going home tomorrow unless we complete the things we are obligated to the American people to complete. Now, some say, well, that may mean we are going to have to be here Saturday. Yes, it may mean we have to be here Saturday because that is the way it is, and if we can't complete our work by Saturday, then we can continue our work. It wouldn't be the first time in the history of this country that important legislation was worked on during a holiday. Now, the Fourth of July doesn't come until next Friday or Saturday, a week from the day after tomorrow. So we may have to work here. Everyone should understand that. Everyone has obligations. I do. I don't get to go home as much as a lot of people. I would love to be able to go home on Friday, but we may not be able to. We have to, in my opinion, complete the supplemental appropriations. That is extremely important. We have to complete the Medicare legislation before we go. If we can complete FISA, I am not going to stand in the way of that. I think we should do that too. It appears now, realistically, with this objection to the housing bill, it appears very clear to me that is going to take more time, and we will not be able to do it by the day after tomorrow, but we are going to complete it. We have gone too far to do that. I tell all those people who are objecting to our completing this housing legislation: We will complete it. It may not be tomorrow, it may not be Friday, it may have to wait until the first week we get back. I understand the procedural aspects of that. It could require two more cloture votes, but two more cloture votes would only bring us to 80. We have worked through more difficult things than that. We have a relatively short work period in July, and it is guaranteed that we will do—we will complete the work on the housing bill the first week we get back.

So that is the best I can do. I am not upset with anyone. It has been an interesting day, but it is a day that focuses attention on the work we need to do. I haven't even mentioned the FAA extension. We have to do that some way. We tried to do that, and that was objected to. We have this global AIDS bill the President wants to do. I had a good conversation with Senator ENZI a few minutes ago, and he said he had three people who were objecting to that. He has taken care of two of them today. He is going to deal with the other one tomorrow. I hope, in fact, that is the case. So there is a lot of work we need to do, and I hope we can do it. But everyone should understand we are not walking out of here at 2 o'clock tomorrow. If this means we have to stay until after midnight to file cloture on various things, we will do that. We have work we have to do for the American people.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, let me brighten our day and lift the mood of my good friend, the majority leader. I think by any standard this is going to be a week of considerable bipartisan accomplishment for the American people. We have a great likelihood of completing the supplemental. As everyone knows, the war portion of the supplemental, we don't even have to vote on again. The only thing we will be voting on, again, on the supplemental are the domestic parts of it that are widely supported on both sides of the aisle.

We all agree we need to do the so-called docs' fix. There is some difference of opinion about exactly how to craft that. Senator BAUCUS and Senator GRASSLEY have a history of being able to come together and work these things out in a way that makes sense for both sides.

The FISA bill enjoys almost, I assume, unanimous support on this side of the aisle and more than half the votes on the other side of the aisle. There is no reason we would not get there on that.

As the majority leader has pointed out, at some point along the way, the cobwebs and trip wires and other problems the housing bill has run into will be circumvented by the majority and we will get to final passage on a piece of legislation that the vast majority of people on both sides of the aisle think is important.

So I finish today with optimism about the chances of considerable accomplishment for the American people before the week is out.

I yield the floor.

Mr. REID. Mr. President, it is my understanding that the business before the Senate is the postcloture time on the FISA legislation; is that correct?

The PRESIDING OFFICER (Mr. CASEY). Yes, we are on the motion to proceed to H.R. 6304.

Mr. REID. Yes, that is the FISA legislation.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, briefly, I want to thank our colleagues. I thank the majority leader for his tremendous help in getting us this far on the housing bill. We have worked together, and we would not have been this far without the cooperation of the minority leader as well. So I thank Senator McCONNELL for that. I am grateful for my colleagues to let us get cloture. Before we leave here—and the Presiding Officer knows how important this legislation is to our States—if we can get this done, I cannot think of a better message to send to the country than having Democrats and Republicans come together to make a difference to thousands of constituents who, over the next week and a half, will be in foreclosure and in danger of losing their homes.

I am grateful for the vote we just had on the Dodd-Shelby substitute. There are other hurdles to go because of the way this matter was sent to us. Any individual Senator can drag this out further. Given the overwhelming vote we have had, it seems to me it would be in our interest to try to get to the other amendments that remain and make this bill as supportive as we can in recognition of what the other body has done, with the hopes that the President might even have this on his desk for signature while we are back in our States during the Independence Day holiday. I think we can do it if we really want to. It is not that much of a difference that remains. As long as one or two individuals insist that we go through all of the remaining procedural hoops, they can delay the outcome. The outcome will happen. Unfortunately, their delays will cause others who might otherwise have been helped by this bill to possibly lose their homes. I think that is tragic indeed.

I hope the leadership will prevail upon those Senators to allow us to continue the amendment process, get through the hurdles, and complete work on this bill before we leave.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATE RESPONSIBILITY IN IOWA

Mr. GRASSLEY. Mr. President, I want to address an issue of corporate responsibility, particularly as it relates to my hometown of New Hartford, IA, and the flood that recently took place there, and whether a large chain of convenient stores that is headquartered across Wisconsin is going to take the corporate responsibility of continuing to serve a small town that has been devastated by a flood.

It has been a tough and challenging time for Iowans over the past few weeks. I have come to the floor on a few occasions already to update my colleagues on the natural disasters that have hit Iowa so hard.

Tornadoes and floods have caused economic and emotional toil and pain and have, sadly, taken 24 lives across the Midwest.

Just a mile from my farm is the town of New Hartford, where I have lived my entire 74 years. It is a modest town of about 650 people. On May 25, the north edge of the town suffered extensive damage from a tornado.

That same tornado destroyed half the town of Parkersburg, IA, just 10 miles west of my hometown of New Hartford, and continued damaging towns over a 43-mile range, including Dunkerton and Hazleton, as that tornado traveled east.

Then came the floods. The town and residents of New Hartford were devastated by the flood waters of what we call Beaver Creek. Much of the town's homes and businesses suffered damages from the floods.

But Iowans are resilient people. The residents and the entire community are pulling together to help their neighbors get back on their feet.

But one resident is abandoning the people of New Hartford. Kwik Star has announced that the only convenience gas store in town will not be rebuilt. The decision by Kwik Star to not reopen their store is a serious setback for the town of New Hartford.

These folks have endured a tornado and a damaging flood, but they are working to rebuild, pull themselves together, and somehow get their lives back to normal.

But the one gas station and convenience store will not be around to help with that rebuilding. They view the damage to their facility as too great, too daunting to overcome. This news has added another devastation to the residents of the community. We get the story: Well, we will not rebuild in New Hartford. We will put one double the size of that one in Parkersburg, so then all the people in New Hartford can drive 10 miles to get whatever they would get in their local community.

This is a large chain of convenience stores. I am begging for corporate responsibility, to continue to serve the community. And, particularly, don't ditch people when they are most in need.

Well, their decision doesn't sit well with the residents of New Hartford. As you can tell, it doesn't sit well with me.

As the residents are cleaning up their homes, parks, and businesses, Kwik Star has decided to abandon them. Kwik Star is hurting my neighbors and friends emotionally and economically.

If they don't see the value in rebuilding in New Hartford, why should the residents have any hope? These folks are doing everything they can to bring their properties back from this disaster, to rebuild our hometown, and Kwik Star is leaving them high and dry during this time of devastation.

It is not just the emotional pain of their decision that hurts the people of New Hartford, IA; it is also economic because Kwik Star employed 15 people before the flood. Three full-time employees—Deana Ackerson, Brenda Smith, and Barb Harper—have each worked for Kwik Star for many years. Twelve other employees—Cindy Huberg, John Mulder, John Anderson, Matt Winkelman, Rich Moore, Teresa Peverill, Carol Grooms, Lauri and Roger Palmersheim, Mitch Konken, Pam Hargema, and Heather Hugelucht—depended on Kwik Star for employment as well.

The bottom line is that the residents of New Hartford are clinging to their hope that the town will come back even stronger than before these disasters. They are using that hope to get through this.

But Kwik Star is dashing that hope. Kwik Star is telling them that their town no longer deserves a gas station and convenience store. One flood is all that this big corporation can seem to handle. If you want gas, milk, or bread, you will have to drive 10 miles to get it in a new, refurbished store that is twice as large.

I can tell them that in another town, just 15 miles away, they had a flood, and they had two stores in that town. One of the two stores in Waverly was flooded, but they are going to rebuild that store. I don't understand this. I am working for tax changes, which is the very same thing we did for Katrina in New Orleans, and with the help of Senator BAUCUS and Congressman RANGEL, chairman of the House Ways and Means Committee, we are working to enact tax relief for victims of natural disasters similar to what was done to the victims of the hurricane. I hope this will encourage Kwik Star to stay in New Hartford.

This includes expensing for demolition and cleanup of debris. Another major provision would allow additional depreciation to greatly reduce or eliminate the business tax liability for the current year, including an operating loss carryback, as an example, for 5 years, which ought to be plenty of incentive for these businesses to continue in the communities where they work.

In the case of the floods, we are talking about 250 different communities in eastern Iowa, just as an example; and, in addition, Wisconsin, Illinois, and Indiana—and now it looks as though it is going to cover Missouri as well.

I am pushing these provisions to help businesses such as Kwik Star cope with the cost of damage and rebuilding.

Mr. President, I am here to appeal to this major convenience store and corporation serving the Midwest, the Kwik Star Corporation, and tell them that New Hartford is worthy of a convenience store. Our residents deserve Kwik Star's commitment to the community. They need to know that a company they have depended on and they have done business with for over 20 years will reverse this decision and join them in bringing New Hartford back from disaster.

IOWA FLOODING

Mr. President, I want to take a moment to provide another update on the flooding in Iowa. As you are aware, Iowa is in the middle of a crisis. Across the State, floods have devastated homes, businesses, farms, and communities, and that continues.

I have been traveling back and forth to Iowa to see the catastrophic damage, and I have been anguished to see my fellow Iowans suffering. People are hurting, and it will take a long time and a lot of hard work just to get back to normal.

However, in the midst of this devastation, I have also witnessed incredible examples of the spirit of Iowa. I have seen Iowans come together in communities across the State sandbagging, consoling, sharing, and providing a helping hand to neighbors and strangers alike. This spirit of dedication, a natural inclination to put others before self, is what makes me most proud to call myself an Iowan.

I cannot talk about the spirit of Iowa without talking about the dedication and efforts of our police, fire, emergency medical services, National Guard forces, and the Civil Air Patrol. These first responders are the frontline of defense for all Iowans. These selfless individuals come to the aid of all Iowans, putting duty first to help others defend their homes, livelihoods, and lives. They do this without thinking twice and put others' lives before their own. They have worked tirelessly to build levees, to sandbag, to secure dangerous areas, and to make water rescues. They have suffered loss, just as all Iowans have; but they never waiver and they always continue to come to the aid of others.

For instance, police and fire stations across the flood zone have been damaged or destroyed. News reports have documented how the fire station in Columbus Junction, IA, was under 10 feet of water. Other reports point to devastation of police, fire, and EMS facilities across the State, including the second largest city in our State, Cedar Rapids. Despite this, first responders still continue to provide security and to help communities in distress. Their efforts are nothing short of heroic.

It is not just local police, fire, EMS personnel who are helping out. Law enforcement officers with the Iowa State Patrol and from other agencies across the State have come to the flood zone to lend a helping hand.

Some have come from out of State. For instance, Coast Guard rescue teams based out of St. Louis came to provide search and rescue. State troopers and police officers from Nebraska and Minnesota have helped the Cedar Rapids Police Department keep the city secure as the floodwaters recede and cleanup begins.

I appreciate the sacrifice and dedication these folks have made to help Iowa in its time of need.

But it does not stop there. The Iowa National Guard has deployed over 4,000 of their members across the State, providing vital manpower to assist local communities. They have used their skills and training to help meet numerous local needs. They have helped with sandbagging, shoring up levees, saving homes and businesses, and they have secured bridges and patrolled levees. They have been assisting local law enforcement with security. They have distributed clean drinking water to communities that have no running water and provided generators to those without power.

The National Guard has also provided air support via helicopters to support the assessment of damage and transportation of vital equipment. The list of needs met by our Iowa Guardsmen goes on and on, and their dedication knows no bounds.

In fact, one Iowa Guardsman, National Guard SPC Curtis L. White, had to change his wedding plans when he was deployed in support of the flood effort. He married his wife Daniele on Thursday, June 19, on the viaduct on the corner of Highway 92 and 2nd Street in Columbus Junction where he had been assisting with the flood operations. I thank him, his new wife, and his fellow Iowa National Guard soldiers and airmen for their sacrifices and compassion for their fellow Iowans.

I also thank those in the Iowa wing of the Civil Air Patrol who flew Senator HARKIN and this Senator around the State to view the impacted areas. The Civil Air Patrol also flew photo missions to examine the extent of flooding. I commend the Civil Air Patrol for their dedication.

Finally, I thank the men and women across the State who are serving in hospitals, emergency rooms, long-term care facilities, community health centers, home health agencies, and hospices. Many of these people lost their homes to flooding, and yet they still showed up at work to do the right thing. They are to be commended for those efforts.

I know these folks were on the frontline working to evacuate patients from places such as Mercy Medical Center in Cedar Rapids as floodwaters rose. When this happened, facilities such as Saint Luke's Hospital in the same city and others nearby jumped up without hesitation to take in these displaced hospital patients.

We cannot forget the hard work and dedication of our health care professionals during this crisis, and as they are on the road to recovery. With people such as these, I have no doubt that facilities such as Mercy Medical Center will be fully operational in no time.

As the floodwaters start to recede and Iowa moves toward rebuilding, the responsibility of public safety will still be on the shoulders of our first responders. These capable men and women who serve in law enforcement, fire departments, EMS, the National Guard, and in hospitals across the State need all the resources we can provide them in this time of need. We have a responsibility to make sure they are equipped for the job and any future natural disasters we have.

That is why I led the Iowa congressional delegation in writing to Federal agencies, such as the Department of Homeland Security and the Department of Justice, asking that deadlines for law enforcement and first responder grant programs be extended for communities impacted by the flooding.

Communities in Iowa should not be penalized from receiving grants because they have not had the time to hurry up and beat a deadline that does not take into consideration such natural disasters. These communities should be given special consideration for applying for grant moneys because of the extensive damage.

Programs such as the Assistance to Firefighters and the Staffing for Adequate Fire and Emergency Response Firefighters can provide vital assistance to fire departments that were impacted by the flooding. These departments may need new equipment, radios, computers, and repairs to their fire stations. These grants can provide that assistance.

Further, programs such as the Edward Byrne Memorial Justice Assistance Program, called Byrne/JAG, as we all know it around here, and the Community Oriented Policing Services, and we refer to that as the COPS Program, can also provide these same types of resources to police departments in need.

Iowans will soon be facing a long process toward rebuilding. It will not be easy. However, I am proud to say that I know Iowans will be helping others to rebuild in the Iowa spirit of hard work and generosity. We in Congress are doing all we can on our end to ensure that first responders in the field have the resources they need.

So I applaud, maybe now a third or fourth time but you cannot do it too many times, these brave men and women who serve their communities and carry on the spirit of Iowa.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the time counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE RETIREMENT OF GLORIA HUGHES

Mr. REID. Mr. President, I rise today to recognize and honor Ms. Gloria Hughes for her committed service to Nevada. Ms. Hughes will be retiring on June 30, 2008, after over three decades of service in the Mineral County Assessor's office.

Ms. Hughes began her service in 1973 as a deputy clerk. She then served as deputy assessor, senior deputy assessor, and chief deputy assessor. In 1994, she was elected to her first of four terms as assessor.

As sssessor of Mineral County, Gloria has worked tirelessly to improve the quality and efficiency of her office, never losing heart when she encountered obstacles. For example, Gloria won a 12 year battle to obtain an office vehicle, which helps the staff fulfill their appraisal duties throughout rural Mineral County. Ms. Hughes' realization of this goal and others like it ensured that her office was consistently the best it could be. Indeed, the State department of taxation repeatedly gave the Mineral County Assessor's office perfect marks in every category of methods and procedures of tax assessment.

True to her nature, Ms. Hughes expresses regret that she will not be able to see all of her goals for Mineral County realized, but is optimistic that the dedicated employees she leaves behind will fulfill them when the time is right.

Gloria will be missed by her employees—whose best interests she worked for ceaselessly—and the citizens of Mineral County who were the fortunate beneficiaries of her fervent commitment to her job, her county, and her state.

I am grateful to Ms. Hughes for her service and proud to honor her and her achievements.

RECOGNIZING THE RETIREMENT OF BOB STOLDAL

Mr. REID. Mr President, I rise today to recognize Bob Stoldal, a legend in Nevada news and the Las Vegas community for more than 40 years. Mr. Stoldal's first experience in a news office came in 1960, working for the Las Vegas Review Journal—first as a janitor, then as a typesetter. In the next year he was hired by KLAS radio as a graveyard-shift radio disk jockey, where he was known to his listeners as Bob Free.

Over the past five decades, Mr. Stoldal has worked as a reporter, anchor, news director, and vice president of news for KLAS. He was the first ever general manager of Las Vegas One and held that position for the past 10 years.

Bob's dedication to accuracy in media content and high ethical standards in broadcast journalism have defined his career. He demands journalistic excellence and integrity from himself and those who work for him. Bob's demand for excellence has earned KLAS countless national and regional awards and recognitions.

Besides upping the ante for Nevada journalism, Bob Stoldal has impacted the field on a national level. Mr. Stoldal has been a staunch advocate for cameras in courtrooms and pioneered the charge to allow cameras in southern Nevada's courtrooms, adding a degree of public scrutiny to our legal system.

Mr. Stoldal's dedication to Las Vegas and his community extends far beyond the realm of media. Bob Stoldal has donated countless hours to the public good, working on State and local boards, commissions, and museums. He currently serves as chairman of the Nevada State Museum and Historical Society and the Las Vegas Historic Preservation Commission.

As a member of the Nevada Broadcasting Hall of Fame and the longest serving employee of KLAS, Bob Stoldal is a legend in the field of journalism; his insight, dedication, and integrity will be missed by all. I wish him an enjoyable retirement and all the best in his future endeavors.

HONORING OUR ARMED FORCES

LANCE CORPORAL LAYTON BRADLY CRASS

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave lance corporal from Richmond, IN. Layton Crass, 22 years old, died on June 14, 2008, in Farah Province, Afghanistan, from injuries sustained while his unit was conducting combat operations. He was a member of the U.S. Marine Corps, Golf Company, 2nd Battalion, 7th Marines from Twentynine Palms, CA.

Layton graduated from Richmond High School in 2005. Outgoing and active in school, Layton also loved rollerblading, paintball, and computers. Public service was a family tradition for Layton; his father is a veteran and his brother, Donald, serves in the U.S. Marines, as well. In high school, Layton was part of the Richmond Police Youth Cadet Program and, according to his family, surprised no one when he enlisted in the Marines. It had been his ambition since he was 16 years old.

Before his deployment in Afghanistan, Layton served an 8-month tour in Iraq. Layton never wavered in his commitment to his country or to the Armed Services. His friend, Dustin Gibbs, told a local newspaper that he joined the Marines because of Layton's inspiration. Gibbs had this to say of his comrade: "He was a true friend and an extremely brave man. He had a huge heart and made quite an impact on my life and my future to come." These words illustrate the great influence Layton had on those lucky enough to know him. His memory will live on long past his years through the many lives he touched.

Today, I join Layton's family and friends in mourning his death. Layton will forever be remembered as a son, brother, and friend to many. He is survived by his parents Donald and Lynne Shingledecker Crass; his sister Dusty Nichole Throop and her husband Nicholas; his brother Devin James Crass and his wife Megan Elizabeth; his nephew, Brenton Isaiah Throop; and his grandparents, Mary Ann and Bob Coons, Zeb and Darlene Crass and Virginia Shingledecker.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Layton. Today and always, Layton will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Layton's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Layton's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Layton Bradly Crass in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the pain that comes with the loss of our heroes, I hope that Layton's family can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Layton.

SOMALIA

Mr. BROWNBACK. Mr. President, I rise in support of S. Res. 541, adopted on May 21, which is a resolution designed to support humanitarian assistance in Somalia. As you know, Somalia has seen one government after another fail to deliver for the Somali people for the better part of two decades. At the same time, the situation in Somalia and the broader Horn of Africa is of great strategic importance to the United States and of deep concern to me personally, having traveled to the region on several occasions.

I do not think that we can overestimate the scale of the humanitarian challenges facing Somalia. At least a million people were uprooted during fighting between the Transitional Federal Government and Islamic insurgents last year, and their plight has become graver because of record food prices, drought, and hyperinflation. The 250,000 Somalis in a small corridor outside Mogadishu is now considered the largest camp of internally displaced persons in the world.

The goal of the international community has been to support the formation of a viable government of national unity in Somalia to help stabilize the situation on the ground, and this resolution is designed to support this goal. Nevertheless, we should recall that the country recently faced the terrible prospect of rule by Islamic extremists and that without Ethiopia's intervention, the TFG would not have had this opportunity to bring some measure of stability to the country.

For its part, Ethiopia eliminated the threat of a Taliban-like state taking root on its eastern border and scored a major victory in the war on terrorism. And for our part, this accomplishment furthered U.S. interests by helping ensure that the Somali government did not threaten or seek to destabilize its neighbors or provide protection for terrorists that threaten the United States and its allies.

While I support the broad goal of stability for Somalia and a sustainable peace, let me be clear on an important point. No Somali government should include factions with ties to al-Qaida or al-Shabaab.

Both groups seek to undermine the stability of the TFG, which is the internationally recognized government of Somalia, through violence and intimidation. While al-Qaida's status and animosity towards the United States has been clear for a long time, we should also not underestimate the threat that al-Shabaab also poses to stability in Somalia and the entire region. Indeed, Secretary of State Condoleezza Rice designated the group as a foreign terrorist organization and as a specially designated global terrorist on February 29.

In its assessment of the group's activities, the State Department explains the organization scattered leaflets on the streets of Mogadishu warning participants in last year's reconciliation conference that they intended to bomb the conference venue. Al-Shabaab promised to shoot anyone planning to attend the conference and to blow up delegates' cars and hotels. The group has claimed responsibility for shooting deputy district administrators, as well as several bombings and shootings in Mogadishu targeting Ethiopian troops and Somali government officials. In short, terrorist organizations such as al-Qaida and al-Shabaab seek to undermine the hard-fought and tenuous peace that has been achieved and their influence in Somalia must be curbed.

In addition, while I support the resolution's call for Ethiopia to develop a timeline for the "responsible" withdrawal of its troops from Somalia, it is important to emphasize that this resolution does not call for either an immediate withdrawal or a rigid timeline irrespective of the availability of replacement peacekeeping forces. Any such inflexible approach would be counterproductive, undermine the TFG, and threaten the important gains that have already been achieved.

Just as the presence of Ethiopian troops in Somalia derives, in part, from the intra-party Somali conflict, their departure should not occur until African Union or other international troops have arrived to keep the peace secure. To date, unfortunately, only 2,500 of 8,000 pledged AU peacekeepers have arrived. While some have claimed the presence of Ethiopian troops itself is destabilizing, there is no doubt in my mind that the alternative would be far worse.

Lastly, I would be remiss if I did not comment on the impact that Eritrea has had in terms of making the withdrawal of Ethiopian troops more challenging. According to the United Nations, Eritrea is supporting insurgent groups to undermine the TFG. Under these circumstances, not only would it leave a vacuum for the Ethiopian troops to be withdrawn early, but such a withdrawal would be seized upon by Eritrean-backed insurgents to destabilize the situation in Somalia. This is why this resolution calls on Eritrea to play a productive—and not a destructive—role in Somalia.

The United States has a deep and profound interest in securing the peace in Somalia and the broader Horn of Africa. There is no doubt that serious challenges remain. Nevertheless, I look forward to our continuing to work with our friend and ally Ethiopia, as well as the African Union, United Nations, and other countries in the region to secure a brighter future for all those people in

Somalia who yearn to live their lives in peace and with the opportunity to provide for their families.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Mr. President, section 323(d) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to make appropriate adjustments in aggregates, allocations, and other levels assumed in the resolution to reflect the budgetary impact of certain legislation.

I am filing adjustments pursuant to section 323(d) for legislation that Congress cleared prior to the adoption of S. Con. Res. 70 but for which the necessary information to incorporate their budgetary effects was not available at the time the conference report was filed. The revisions are for public law 110-232, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008, and public law 110-245, the Heroes Earnings Assistance and Relief Tax Act of 2008.

For the information of my colleagues, the combined effect of the adjustments, including accompanying changes in debt service, is to reduce the on-budget deficit assumed in S. Con. Res. 70 by $965 million in 2008, while increasing it by $933 million in 2009 and by roughly $1 billion over the 2009 to 2013 period. On a unified basis, the legislation is expected to lower deficits by $322 million over the 2008 to 2013 period. Because the revisions are being made for legislation that has already cleared Congress, they will neither raise nor lower the amount of room available to Congress under the budgetary aggregates and committee allocations.

I ask unanimous consent to have printed in the RECORD a set of tables which show the revised allocations, aggregates, and other levels for S. Con. Res. 70, the 2009 budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 323(d)

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2008	1,875.400
FY 2009	2,029.644
FY 2010	2,204.668
FY 2011	2,413.246
FY 2012	2,506.023
FY 2013	2,626.530
(1)(B) Change in Federal Revenues:	
FY 2008	−4.000
FY 2009	−67.755
FY 2010	21.270
FY 2011	−14.824
FY 2012	−151.572
FY 2013	−123.689
(2) New Budget Authority:	
FY 2008	2,562.305
FY 2009	2,531.668
FY 2010	2,562.869
FY 2011	2,693.847
FY 2012	2,736.860
FY 2013	2,868.805
(3) Budget Outlays:	
FY 2008	2,464.754
FY 2009	2,566.868
FY 2010	2,621.952
FY 2011	2,712.799
FY 2012	2,722.051
FY 2013	2,860.217
(4) Deficits (On-Budget):	
FY 2008	589.354
FY 2009	537.224
FY 2010	417.284
FY 2011	299.553
FY 2012	216.028
FY 2013	233.687
(5) Debt Subject to Limit:	
FY 2008	9,574.025
FY 2009	10,206.896
FY 2010	10,731.823
FY 2011	11,136.758
FY 2012	11,483.707
FY 2013	11,831.678
(6) Debt Held by the Public:	
FY 2008	5,403.025
FY 2009	5,760.896
FY 2010	5,988.823
FY 2011	6,079.758
FY 2012	6,074.707
FY 2013	6,080.678
Section 102:	
(a) Social Security Revenues:	
FY 2008	666.716
FY 2009	695.932
FY 2010	733.631
FY 2011	772.531
FY 2012	809.862
FY 2013	845.108
(b) Social Security Outlays:	
FY 2008	463.746
FY 2009	493.602
FY 2010	520.149
FY 2011	540.478
FY 2012	566.241
FY 2013	595.535

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 323(d)

[In billions of dollars]

Section 104:	
(18) Net Interest (900):	
FY 2008	
New budget authority	349.344
Outlays	349.344
FY 2009	
New budget authority	334.396
Outlays	334.386
FY 2010	
New budget authority	370.799
Outlays	370.799
FY 2011	
New budget authority	407.967
Outlays	407.987
FY 2012	
New budget authority	433.102
Outlays	433.102
FY 2013	
New budget authority	448.797
Outlays	448.797
(19) Allowances (920):	
FY 2008	
New budget authority	3.476
Outlays	1.125
FY 2009	
New budget authority	−12.223
Outlays	−5.404
FY 2010	
New budget authority	−11.936
Outlays	−9.365
FY 2011	
New budget authority	−12.294
Outlays	−11.756
FY 2012	
New budget authority	−12.603
Outlays	−13.758
FY 2013	
New budget authority	−12.983
Outlays	−13.388

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2008

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	1,050,478	1,094,944		
Memo:				
Off-budget	5,260	5,181		
On-budget	1,045,218	1,089,763		
Mandatory	585,962	569,537		
Total	1,636,440	1,664,481		
Agriculture, Nutrition, and Forestry	14,910	15,413	74,287	58,027
Armed Services	119,050	118,842	105	104
Banking, Housing, and Urban Affairs	15,285	1,628	0	0
Commerce, Science, and Transportation	13,964	9,363	1,182	1,126
Energy and Natural Resources	3,850	4,264	62	61
Environment and Public Works	39,658	2,196	0	0
Finance	1,100,859	1,102,857	442,523	442,504
Foreign Relations	15,852	15,819	159	159
Homeland Security and Governmental Affairs	86,027	84,221	10,573	10,573
Judiciary	7,262	7,533	611	610
Health, Education, Labor, and Pensions	9,874	9,745	13,208	13,229
Rules and Administration	70	225	122	121
Intelligence	0	0	263	263
Veterans' Affairs	746	801	42,867	42,603
Indian Affairs	453	451	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2008—Continued

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Small Business	−333	−333	0	0
Unassigned to Committee	−604,458	−596,472	0	0
Total	2,459,509	2,441,034	585,962	569,537

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2009

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	1,011,718	1,106,112		
Memo:				
off-budget	5,491	5,418		
on-budget	1,006,227	1,100,694		
Mandatory	621,707	608,653		
Total	1,633,425	1,714,765		
Agriculture, Nutrition, and Forestry	15,688	14,530	76,307	63,526
Armed Services	126,030	125,863	105	100
Banking, Housing, and Urban Affairs	12,680	−1,239	0	0
Commerce, Science, and Transportation	14,432	10,250	1,149	1,145
Energy and Natural Resources	6,041	5,789	62	63
Environmental and Public Works	34,528	2,291	0	0
Finance	1,085,721	1,087,208	473,803	473,788
Foreign Relations	15,966	15,955	149	149
Homeland Security and Governmental Affairs	89,749	87,732	10,599	10,599
Judiciary	9,749	8,414	624	627
Health, Education, Labor and Pensions	9,349	8,088	14,129	14,116
Rules and Administration	69	19	127	127
Intelligence	0	0	279	279
Veterans' Affairs	1,166	1,247	44,374	44,134
Indian Affairs	529	542	0	0
Small Business	0	0	0	0
Unassigned to Committee	−594,692	−586,021	0	0
Total	2,460,430	2,495,433	621,707	608,653

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 2009–2013

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	76,466	69,479	387,350	329,869
Armed Services	668,567	667,908	456	458
Banking, Housing, and Urban Affairs	66,961	−10,748	0	0
Commerce, Science, and Transportation	75,918	49,960	6,322	6,294
Energy and Natural Resources	26,349	25,971	302	303
Environment and Public Works	173,099	11,833	0	0
Finance	6,165,556	6,172,365	2,703,905	2,703,728
Foreign Relations	73,053	73,024	660	660
Homeland Security and Governmental Affairs	484,637	472,579	51,467	51,467
Judiciary	40,735	41,031	3,207	3,241
Health, Education, Labor, and Pensions	62,263	60,084	79,175	78,944
Rules and Administration	341	343	685	685
Intelligence	0	0	1,481	1,481
Veterans' Affairs	5,595	6,208	236,997	235,550
Indian Affairs	2,158	2,216	0	0
Small Business	0	0	0	0

42ND ANNIVERSARY OF THE FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, our Nation will celebrate the 42nd anniversary of the signing of the Freedom of Information Act, FOIA. While we mark this important anniversary, the country also celebrates the enactment earlier this year of the first major reforms to FOIA in over a decade—the OPEN Government Act—which will reinvigorate and strengthen this vital open government law for many years to come.

Now in its fourth decade, the Freedom of Information Act remains an indispensable tool for shedding light on bad policies and Government abuses. The act has helped to guarantee the public's "right to know" for generations of Americans. Today, thanks to the reforms contained in the OPEN Government Act, which was signed into law on December 31, Americans who seek information under FIOA will experience a process that is much more transparent and less burdened by delays than it has been in the past. This is very good news. But there is still much more to be done to ensure that FOIA remains an effective tool for keeping our democracy open and free.

A key component of the OPEN Government Act is the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. The office would mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman. Establishing a fully funded OGIS is essential to reversing the troubling trend of the last 7 years towards lax FOIA compliance and excessive Government secrecy.

I am pleased that the Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies—a panel on which I serve—last week rejected the President's budget proposal to move the functions of OGIS to the Department of Justice. I will continue to work very hard to ensure that OGIS is fully funded within the National Archives—as Congress intended—so that this important office has the necessary resources to fully comply with the OPEN Government Act.

There is also more work to be done to further strengthen FOIA. Earlier this year, I was pleased to join with Senator JOHN CORNYN in introducing the OPEN FOIA Act, S. 2746, a bill that requires Congress to clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain Government information secret to ensure the public good and safety, excessive Government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act provides a safeguard against the growing trend towards FOIA exemptions, and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. The Senate Judiciary Committee will consider this bill at its business meeting this week, and I urge all members to support this legislation to further restore the public's trust in their Government.

As we reflect upon the celebration of another FOIA anniversary, we in Congress must also reaffirm our commitment to open and transparent government. As I have said many times, open government is not a Democratic issue or a Republican issue. It is an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 42nd anniversary of the birth of FOIA and all that this law has come to symbolize about our vibrant democracy.

HONORING THE RESCUERS OF KEITH KENNEDY

Ms. KLOBUCHAR. Mr. President, I wish to recognize the dedication of all those involved in the safe and miraculous return of Keith Kennedy, an autistic man from Shoreview, MN, who spent this past week alone, without food or shelter, lost in the woods of northwestern Wisconsin.

His safe return has been called a miracle, but this miracle would not have been possible without the commitment of the hundreds of volunteers, law enforcement officers, firefighters and medics who selflessly gave their time and continued to search for Keith, even when all hope seemed lost.

Special recognition must go to Gary Ruiz and Jim Cotroneo, two St. Paul firefighters who found Keith against all odds. Their efforts, and the efforts of their colleagues who joined them in this search, ensured a joyful ending to what could so easily have been another tragedy.

I cannot fail to mention Keith's parents, Bruce and Linda Kennedy, whose spirit of hope was by all accounts an inspiration to those who participated in bringing Keith home safely. Their bravery and the bravery of their son are an inspiration to us all.

I believe this story shows once again the willingness of Minnesotans, and of our friends in Wisconsin, to go beyond what is asked of them to come together as a community and support those in need. My hope is that the actions of all those who gave of themselves so that Keith could return home, will inspire others to do the same.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CRAPO, Thank you for the opportunity to tell my story. I am nearly 70 years old and for 40 to 50 years have dreamed of a vacation in Jasper National Park in Canada. This year was to be the year to go. I had a new vehicle, a competent driver to share the driving, and I had the money. Well, I had the money until the price of gas began to rise so sharply. I had to cancel this dream trip. I may never get to Jasper.

My sister and I made weekly trips to Boise for religious purposes. Because of the cost of gas, we had to cut that back to twice a month.

I have a little patch of strawberries that produces more than I can use. I have shared with friends, family and neighbors nearby. There are many who I would love to share with (and they would love to have them), but they live too far to make it worth the trip with the high cost of gas.

My sister and I are on a limited budget (Social Security), and the cost of gas has caused the prices of food and other things we have to buy to skyrocket. We live at least 20 miles from town, one way. It costs over three times for gas to go to town than it used to. There are no buses in our area.

My personal opinion is that the environmentalists should either donate their money to pay for foreign fuel or let us produce that which we have in our own country. I think they are being very selfish, and I wish a bunch of those characters had to live on less than $1,000 per month.

Sincerely,

DELORES, *Melba*.

With the gas prices the way they are, my family has to stay home instead of camping, fishing and other family activities we have done in the past. The grocery stores have had to raise the prices because of the price of fuel. My wife travels 55 miles a day for work in a car that is on its last leg. I cannot replace it because of the money that we are spending in fuel. I never worried about "filling my tank" before, but now I cannot fill my tank because of the price of fuel. I feel like my government wants the fuel to keep going up and up. Everybody says that the oil companies are making a fortune, but they make 4 cents a gallon and taxes are 50 cents a gallon. So who is making the money, the oil companies or the government? Please help us by lowering the fuel prices even if we have to rely on the oil in the United States and not buy from the Middle East.

JASON, *Pocatello*.

DEAR SENATOR, I am concerned about your ignorance on why prices not only at the pump but on anything we buy are up. The Federal Reserve is most responsible for this inflation. It is taught in economics 101. The Federal Reserve has inflated our dollar 50 percent in the last 7 years, according to their statistics. That means 7 years ago, if you had $100,000 in the bank, it would only buy half as much today "say $50,000". This means if you made $10.00 an hour seven years ago and your wages stayed the same, you only have the buying power of $5.00/hour.

The Federal Reserve inflates our money supply. They will not give the M3 numbers out because there's a conscious effort not to let the public know what they are doing. You must kick the can, do your research on how inflation really works before you even talk about making changes. If you are to fix the problem, go to the Congress and ask them to fire the Federal Reserve.

Sure, energy prices are up, and these big companies are making big profits. The big oil companies are only in the right place at the right time. The Federal Reserve was voted in wrongly Dec 24, 1913. This was when no one could vote against the creation of the Federal Reserve. The Federal Reserve is responsible for the Great Depression. They are responsible now for our inflation. Please takes steps and ask Congress to remove this private agency and go to gold standard.

KEVIN, *Rathdrum*.

Fortunately, I can live, work, and shop within a 2-mile radius of home. However, we're reluctant to pull our RV down the road, which causes a loss of business for those tourist areas we would have visited.

I believe the best way to reduce gas prices is to increase production—drill off the coasts (like China and Cuba are doing now), and in Alaska; extract oil from coal and shale; and exploit other known resources. A massive effort to build nuclear plants would also be wise. It is time to tell the environmentalists where to "get off". The planet is not getting warmer, and certainly not at the hands of man.

SCOTT.

SENATOR CRAPO, Thank you for your time and ears. I am married with three children at home (two girls, ages 15 and 16; and one boy, 10 years old). Ten years ago, my wife and I were receiving government assistance; now we are both college graduates and working in professional positions, yet we still feel the pain at the pump. I can only imagine how hard it is affecting those who are still on government assistance, or those less fortunate without a higher education. I have personally bought relatives gas in the last month, not because they asked but because I knew they needed it.

Our family has felt the crunch with rising fuel prices. Fuel costs have taken away money from other pertinent bills in our household, especially our energy/power bill. Our family has scaled back traveling and fun family activities such as going to Mariners baseball games. After all, baseball is as American as apple pie. I know these aren't priorities in most households, but activities like these are ones which my family enjoys our time together. When you are raising teenagers you really appreciate these times because teens are hard to convince that family time is truly important. My wife and I bought two small import vehicles (4-cylinders) because we saw this fuel crisis coming. Maybe there could be incentives for using energy-efficient vehicles, not specifically imports but fuel-efficient vehicles. We have a large SUV, but we only drive it when we travel or have to transport the entire family.

Please help contain the ever-rising fuel crisis. Families are affected in more ways than we can imagine, especially the poor.

Sincerely,

RICHARD, *Lenore.*

You asked for my story here it is.

As a retired person and gas prices so high, I do not go anywhere. What bothers me more is the profit taking by oil companies, record profit earning 300 percent and over. Now is the time to own stock in oil. Is this not just greed, ripping off of the American public? We have back-up supplies; we have other sources of energy. We have a government that is not doing its job of protecting the people from being taken advantage of. Why are our government officials allowing this to happen? OPEC does control a lot but are they not beholden to us for some of our products? Can we not hold them over the barrel—for some of the product we send them? OK, a head of lettuce $4.00 each? What is happening with this country? All I am seeing is greed.

We have oil in Alaska; we have oil in Texas. Drill more here; supply ourselves. Why are we shipping oil out? Why not keep our oil here so that OPEC can't hold us up at the bank?

Sincerely,

CLAUDIA, *Nampa.*

DEAR SENATOR CRAPO, I am very pleased for the opportunity to say something that will be heard. I bought a nice little 3-bedroom house in Caldwell, thinking the drive would be long, but something I could handle because I have a car that gets decent gas mileage. Well, with the high gas prices, I have left my home in Caldwell and moved to Boise to be able to keep my job and have something left to live on. Of course with the housing market, it is not selling. I know a lot of people like me who are sharing homes with others due to the increase in gas, electricity, and food prices. Right now living in Boise, it is still costing me 150.00 a month for gas, and I live about 15 minutes from work. Living in Caldwell it was three times the amount. That is one whole paycheck for me. I learned to eat noodles and potatoes instead of other things that would be better for me to eat. Can you imagine the people who are living on that who do not have a good job? I go to work, home and church. Now you may think that is not much of a life. I used to go for drives and visit friends, but that is not possible at this time due to the high cost of everything. We in this country know how to cut back and buckle down to do what needs to be done to help, but our government has let things get way out of hand. We as the voting public are supposed to have a say in things and too many have sat back and said nothing. Something must be done. We have far too long been dependent on others for our fuel, when we have the resources right here in this great country. I do not mean to sound negative, but there is nothing left for us to give. It is time those who have been elected begin giving back to those who support them!

I pray someone is listening.

JEANNIE, *Boise.*

The amount of fuel that I use is as minimal as I can get. I do not do anything except drive back and forth to work and to the grocery store on weekends. I do very little, if any, extra driving. I would love to go camping or up in our wonderful mountains to go fishing, but I cannot afford the gas that it would take to do this. I have been trying to find a way to purchase a different automobile that would get better mileage, but if you do not have extra money, it is real hard to try to save. I use one tank of gas a month to do what I do and, at today's price, that costs me $120.00; soon it will be $150.00; then who knows. I understand price increases, but this is ridiculous. We need to have relief now. I do not understand how one group of people can put all of our own oil in such problems by not allowing us to drill for our own gas and oil. This problem stems from green people who have no idea how anyone else lives. We do not now nor will we ever have mass transit that will remove our cars from the highway.

I feel that we need to drill and produce our own oil and gas as much as we can; then we can tell all of these countries that do not like us goodbye, and we can keep our money here to help people in the U.S. that need help.

Thank you very much for the space to vent. I am not sure it will come of anything, but we can hope.

God bless the USA.

RICK.

With fuel prices increasing so rapidly, we aren't travelling as much or planning a vacation. We are making cutbacks in many areas. However, I was recently visiting my parents in Idaho Falls. They are retired and on a limited income, so I have worried a bit about their finances with the rising fuel prices that not only affect transportation but everything. We stopped at a grocery store known to have the lowest prices consistently. As I approached the check out I saw a family and the mom's voice was starting to rise in intensity and volume. She was under a lot of stress. Her children were near and her husband was, too. She was adding up the cost of the meager amount of groceries in their cart and starting to put back basic items. The children and husband looked at her. She said, "I only have a half tank of gas left. I only have a half tank of gas left," she repeated. "I just filled it up and I only have ½ tank left." She turned to her husband and asked him if he had driven her car yesterday. He replied, "No." Tears came to my eyes as I realized what this young, small, responsible family was going through. Tension was mounting, money was very tight, without fuel, how would they get to work? With fuel costing at least double what it recently was, how would they have enough to stretch? I hadn't realized that people were already having to make choices between fuel and food. Many, many Idahoans are independent and hard-working. They do not look for government hand-outs. They are resourceful. They grow gardens, glean fields nearby, cook from scratch and stretch their dollars in many ways. They make things work. But there comes a point when dollars do not stretch farther, salaries aren't increasing as rapidly as expenses, second jobs are scarcer to find. I live in Boise, a city with more transportation options. We are biking more; my husband has the privilege of biking to work. This family did not! Rural areas have few transportation options besides personal vehicles, and the distance to almost anywhere is great.

I believe as we use and develop our own resources in our great country that people will rise to the occasion and find solutions before we run out of fuel. When we encourage personal initiative and do not take a dependency attitude we, the people, can accomplish amazing things.

KARLA, *Boise.*

We must start drilling for domestic oil, start making nuclear power plants and oil refineries. I will not support anyone who does not and will be willing to help support those leaders who do.

JOHN.

My story is not special, but I think it is too common. I am a 55-year-old woman. I am my sole support. I live in Emmett, but there are no jobs there. I work in Boise, a 30-mile drive one way. I do not make a lot of money and, with the mortgage industry the way it is, I cannot afford to move. Homes are not selling in Emmett. I wonder how much higher things are going to go. Soon it will be a choice of food or gas. Which would you choose?

I am disgusted with our government. They do nothing, and I know they do not have to suffer the way we do. I feel our government has forgotten they work for us, not that we are supporting them.

CANDACE, *Emmett.*

DEAR SENATOR CRAPO, I am lucky enough to live within three miles of where I work, so transporting myself has not impacted me as much as most in my community. Where I am hit hard, though, is the cost of the organic and healthy food I buy. Since spending a lot of time trying to get myself healthy and researching about pesticides and about environmental toxins, I had to make the decision to vote with my dollars. I have spent a much higher percentage on the important organics such as tomatoes, berries, greens, and some other staples that are most chemical-laden in the conventional counterpart. And I am happy to do so to help a growing sector of sustainable farmers. I always felt that, in the long run, this would come back to benefit all as our country turned to more sustainable and nutritious agriculture.

After studying some of the recent documentaries about our food supply, and the big corporate welfare, and how the farm bill works, I realized that, for some reason, our system prefers us eating the 2,000 mile irradiated, grown for shelf life, nutrient void produce. Organic and sustainable farming hasn't really been given the chance in the past, but I do have hope that because of rising fuel costs that maybe our officials will wake up and support locally grown and sold agriculture (at the expense of big agri and big oil). It will be cheaper with less transportation costs, but to get off the ground we need some government intervention that gives incentives for farmers to take the risk. We subsidize all the corn out there to make us obese with its crack of sweeteners and processed puffed foods and to feed more farm animals than we really have business eating, ($79 hamburgers???); why do we not give nutrition a fair shake. Why do we not try to learn some of Europe's successes and shape a healthy community-based food system? So what I can do is look at my plate as half full on this issue; that is how high fuel costs can benefit me most.

Thank you,

RYAN.

The high energy prices are affecting our family negatively. Higher grocery prices. Gas prices were 1.46 when Bush took office. Unfortunately, Senator Crapo's vote to support the war in Iraq is one reason that gas prices are so high.

BRIAN.

I live in Jerome, Idaho, a rural community. We live between Twin Falls and Jerome, my wife works in Twin Falls and I work in Jerome. Since our area is rural and there is not any form of mass transit like in larger cities the high gas prices are killing us. My wife works for Twin Falls school district and they got a 2 percent raise this year and I got a 3 percent raise. The gas prices have taken all of our raises plus much more. We do not take any long drives other than to work. Life has changed in a big way and not to the positive side. The following is an email I received and I did check it out on the internet. Why are we not tapping into this oil field?

1. Ever heard of the Bakken Formation? Google it. I did, and again, blew my mind. The U.S. Geological Service issued a report in April ('08) that only scientists and oilmen/women knew was coming, but man was it big. It was a revised report (hadn't been updated since '95) on how much oil was in this area of the western 2/3 of North Dakota; western South Dakota; and extreme eastern Montana . . . check this out:

"The Bakken is the largest domestic oil discovery since Alaska's Prudhoe Bay, and has the potential to eliminate all American dependence on foreign oil. The Energy Information Administration (EIA) estimates it at 503 billion barrels. Even if just 10% of the oil is recoverable . . . at $107 a barrel, we're looking at a resource base worth more than $5.3 trillion.

"'When I first briefed legislators on this, you could practically see their jaws hit the floor. They had no idea,'" says Terry Johnson, the Montana Legislature's financial analyst.

"'This sizable find is now the highest-producing onshore oil field found in the past 56 years,' reports The Pittsburgh Post Gazette. It is a formation known as the Williston Basin, but is more commonly referred to as the 'Bakken.' And it stretches from Northern Montana, through North Dakota and into Canada. For years, U.S. oil exploration has been considered a dead end. Even the 'Big Oil' companies gave up searching for major oil wells decades ago. However, a recent technological breakthrough has opened up the Bakken's massive reserves . . . and we now have access of up to 500 billion barrels. And because this is light, sweet oil, those billions of barrels will cost Americans just $16 per barrel!

"That is enough crude to fully fuel the American economy for 41 years straight."

2. [And if that didn't throw you on the floor, then this next one should—because it is from two years ago, people!]

"U.S. Oil Discovery—Largest Reserve in the World! Stansberry Report Online—4/20/2006 Hidden 1,000 feet beneath the surface of the Rocky Mountains lies the largest untapped oil reserve in the world is more than 2 trillion barrels. On August 8, 2005 President Bush mandated its extraction.

"They reported this stunning news: We have more oil inside our borders, than all the other proven reserves on earth. Here are the official estimates: 8 times as much oil as Saudi Arabia; 18 times as much oil as Iraq; 21 times as much oil as Kuwait; 22 times as much oil as Iran; 500 times as much oil as Yemen—and it is all right here in the Western United States."

[How can this be!? How can we not be extracting this!? Because we've not demanded legislation to come out of Washington allowing its extraction; that is why!]

"James Bartis, lead researcher with the study says we've got more oil in this very compact area than the entire Middle East—more than 2 trillion barrels. Untapped. That is more than all the proven oil reserves of crude oil in the world today, reports The Denver Post.

"Do not think 'Big Oil' will drop its price—even with this find? Think again! It is all about the competitive marketplace, and if they can extract it (here) for less, they can afford to sell it for less—and if they do not, others will. It will come down—it has to." [Got your attention/ire up yet? Hope so! Now, while you're thinking about it . . . and hopefully P.O'd, do this:

PAT.

SENATOR CRAPO, New drilling of oil reserves will not even reduce the price of gas. All drilling more wells will do is put more money into the hands of the big oil companies. Nuclear costs far too much when accounting for the storage of the waste it generates. It is time for a new approach!

We need incentives for mass transit and electric vehicles. Idaho, in particular has an abundance of renewable energy potential, just waiting to be exploited. Solar and wind development needs to be a priority. It is time to fill our gas tanks from the sun!

Why not take this opportunity to address carbon dioxide generation from vehicles and gas prices at the same time?

My family has been affected by high energy prices just like everyone else, but the solution is not poking our heads in the sand.

Sincerely,

CHRIS, *Boise*.

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1. Get all your fellow Senators to emphasize conservation and to practice what they preach. The 'historic' comment by Vice President Dick Cheney that conservation is a 'personal virtue' came across as an inference that conservation is a wimpy attitude and real cowboys do not do that.

2. Show me that the federal bureaucracy really can reduce the waste of our energy and natural resources. Start with your office and your staff. Hypocrisy is so yesterday!

3. Quit the whining that we must drill in the ANWR. The so-called Naval Reserves established in the 1920s are now being "developed" for oil and gas exploitation; an area the size of the State of Indiana.

4. Show us that oil and gas drilling can be done properly. The massive operations in Wyoming are creating a gawd-awful mess.

5. Encourage our nation's truck carriers to pay their drivers by the hour and not by the mile. Then, the drivers will have a decent incentive to drive at the speed limit and conserve fuel.

6. Then, if you dare, encourage the USPS to eliminate Saturday deliveries, and keep those 200,000 residential-delivery jitneys off the road. (Besides, all they do is save up the junk mail for Saturday delivery. When is the last time you received anything important via US mail on a Saturday?)

Thanks for listening,

D.

SENATOR CRAPO, Rather than solicit stories for the purpose of political grandstanding, how about you take a moment to understand the real reason why energy prices are where they are.

High energy (and food) costs can be laid squarely at the feet of the U.S. Congress and President, including you. This is because of what has been done to the U.S. dollar during the Bush/Republican years. Deficit spending and a disastrous war in Iraq have frittered away a budget surplus and progress toward reducing our national debt. Rather than act as the party of fiscal responsibility, the Republican Party has frittered our national financial health away.

Over the last few years, it was plainly obvious what was being done to the dollar from a spendthrift Congress and markets acted accordingly. And, if you believe that your currency is going to become worthless, the only way to preserve your net worth is to own tangible things, particularly commodities. This is what has spurred this massive commodity boom—lack of faith in the dollar. I have been invested in a basket of commodities for over four years now, one of the best investments I have ever made. My decision was based heavily on the irresponsible Congress.

If you have any doubts about this relationship, look no further than those bad unemployment numbers from June 6th. Intuitively, you'd think that lots of unemployed people would cause oil prices to drop on weaker demand. Yet oil had its biggest one day rise in history, starting the minute those unemployment numbers came out. Why? Because bad unemployment numbers puts pressure on the Federal Reserve to hold rates steady or lower them at a time when the Fed wants to raise them before inflation gets any further out of control. This is bad for the dollar; the dollar dropped as well that day.

Let me give you a quick example of the effect the weak dollar has had on gas prices. Let's say the dollar magically went back to par with the Euro, where it used to be not so very long ago. Gasoline would be around $2.70 per gallon! A strong dollar would also pop this balloon of commodity speculation we are seeing and drive down prices even further.

So if you truly want to fix high gasoline prices, it is time to face up to the giant elephant in the room that is the irresponsible fiscal policy of the U.S. Congress and stop this huffing and puffing about drilling on the continental shelf and ANWR. Even a hint of real fiscal responsibility would go a long way toward strengthening the dollar. We cannot drill our way out of this problem, as much as the oil companies would like to have you believe that. Because of the very same weak dollar, U.S. oil reserves are extremely profitable at this time, so it is no surprise they are pushing hard for expanded drilling. I can't imagine a better scenario for them—an outraged public and production costs that keep dropping as the dollar weakens.

Of course we need to conserve and develop alternative forms of energy, but to ignore the role of the dollar in all this will just mean we continue down this road to disaster we've been on the last few years.

This might not be the story of suffering you're looking for (actually just the opposite in my case). But I think it might be more constructive than an inbox full of moaning and groaning about how much it costs to commute to work from Nampa.

Regards,

STAN, *Boise*.

HMONG DETAINEES IN LAOS

Mr. COLEMAN. Mr. President, I would like to submit for the RECORD a statement given by Mrs. Sheng Xiong, a spokeswoman for her husband Hakit Yang and other families of Hmong-American citizens from St. Paul, MN, that are being detained by the the Lao Peoples Democratic Republic, LPDR, regime. This statement was given by Mrs. Xiong at a congressional forum on Laos on January 31, 2008, organized by the Center for Public Policy Analysis.

I ask unanimous consent that the Statement to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

STATEMENT BY MRS. SHENG XIONG

I want to thank Congressman Dana Rohrabacher, Congressman Frank Wolf, Congressman Patrick Kennedy, Congresswoman Tammy Baldwin and other Members of the U.S. House of Representatives for co-hosting today's U.S. Congressional Forum on Laos in cooperation with Mr. Philip Smith, Executive Director of the Center for Public Policy Analysis, Dr. Jane Hamilton-Merritt, Lao Hmong scholar; Vaughn Vang of the Lao Human Rights Council of Wisconsin and Minnesota; Khamphet Moukdarath of the United League for Democracy in Laos and T. Kumar, Advocacy Director of Amnesty International. I appreciate their leadership on the current human rights crisis in Laos, especially facing the Hmong people, and the serious situation regarding the arrest and imprisonment in Laos of my husband, Hakit Yang, and his two Hmong-American colleagues from St. Paul, Minnesota last year.

The U.S. Government granted Normalized Trade Relations (NTR) to Laos in 2005. Today, it encourages citizens to consider foreign investments in the communist state despite the country's atrocious human rights records and the unjustified arrest, jailing and continued detention of three Hmong-American citizens from St. Paul, Minnesota including my husband Mr. Hakit Yang.

On July 10, 2007, Hakit Yang, Congshineng Yang and Trillion Yuhaison departed the United States for Laos to pursue business investment opportunities. The men were staying at the #5 Guest House in Phousavan, Laos when they were arrested by secret police forces. They were detained in Phonthong Prison and later transferred to an unknown destination. Several unofficial reports suggest they are being detained in the North of Laos near the Vietnam border.

The last phone call and communication was received from Yuhaison on August 26, 2007 at approximately 9:00 am (CST). Yuhaison called Hakit's older brother Xai Yang, and stated that he was calling from a security guard's cell phone and confirmed that all three men had been arrested without warrant. Yuhaison sounded very worried and wanted Xai to contact the U.S. Embassy in Vientiane right away.

A U.S. Embassy staff confirmed with local Lao authorities that three U.S. Citizens were arrested, however, the authorities refused to release any names. According to the U.S. Embassy, the Ministry of Foreign Affairs could not confirm the situation over the phone, but it appeared they knew about the cases.

The U.S. Embassy contacted the Lao government who denied having any record of the men entering their country and any U.S. Citizens being detained or arrested. Later, the Lao government changed their previous denials and admitted that the men did indeed enter Laos, but allegedly claimed that they had allegedly departed Laos via the Lao-Thai Friendship Bridge on August 29, 2007. Despite repeated requests from the U.S. Embassy no departure cards have ever been produced as evidence for their departure. Other documents produced are clearly bogus and fabricated allegedly claiming to support the Lao government's false claims that my husband and the other two departed from Laos to Thailand, which is not factual.

It has been many months since the arrest and disappearance of Hakit Yang, Congshineng Yang and Trillion Yuhaison. To this day, our family has not received any concrete answers from the U.S. Embassy in Laos nor the State Department. I have been in contact with the other men's families and they also have not received any answers.

The U.S. Government and U.S. Embassy have a responsibility to inform U.S. Citizens that there are no real protections in place to safeguard their civil and legal rights. The U.S. Government has failed to properly hold the Laos Government accountable for the disappearance of these U.S. investors.

Hakit, Congshineng, and Trillion represent the first of many U.S. investors and tourists to travel to Laos under the new Normalised Trade Relations agreement but their disappearance clearly proves that no U.S. Citizen is safe in Laos and no U.S. citizen should invest in the current Lao regime until proper protections can be put in place, to safeguard the civil, legal and human rights of all U.S. Citizens traveling to Laos.

I respectfully ask that the U.S. Government and U.S. Embassy in Laos continue to investigate the arrest and disappearance of Hakit, Congshineng, and Trillion and to press the Lao government for humanitarian access to the three U.S. citizens and their unconditional and immediate release.

The Lao government continues to jail my husband and the two other Americans from St. Paul that he was traveling with in clear violation and contempt of international law. Lao and Hmong Americans should not invest in the current regime in Laos, the Lao Peoples Democratic Republic. NTR Trade Status to Laos should be revoked by the U.S. Congress; and, U.S. foreign aid and assistance to the Lao regime should also be cut by the U.S. Congress and U.S. Government completely, including all de-mining funding, until at least such time as my husband Hakit Yang, Congshineng and Trillion, as Hmong-American citizens, are released from prison in Laos and brought home safely to America and their homes and families in St. Paul, Minnesota.

We will not forget and not give up fighting until we have truthful answers and the Lao regime releases Hakit Yang, Congshineng and Trillion. We appeal to the U.S. Congress, the U.S. Government and international community for assistance in pressing the Lao regime to release our family members and restore human rights and freedom to them so that we can be reunited and these American citizens can return home once again from this terrible darkness.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JEANNA HENRY

• Mr. CARPER. Mr. President, today I recognize the outstanding contributions of Jeanna Henry, whose dedication to the Environmental Protection Agency earned her the Glen Witmer Award. Jeanna, noted for her dedication, resourcefulness, and sheer joy in her work, is an excellent example of the quality employees who serve us at the EPA.

The Glen Witmer Award is presented each year to the employee whose service is distinguished by concern for our environment, enthusiasm for environmental programs, a logical approach to problem solving, attention to detail, resourcefulness and initiative, and an ability to interact with people in a manner that fosters cooperation, understanding, and resolution of environmental problems. It is the highest award that may be presented to an employee by the U.S. Environmental Protection Agency.

Jeanna grew up in Delmar, MD—the town too big for one State—and graduated from Salisbury State University in 1996 with a degree in environmental health and minors in biology and chemistry. Following through on a goal she set her freshman year of college, Jeanna went on to work as an environmental scientist at the EPA upon winning a National Network for Environmental Management Studies Fellowship. Currently an enforcement officer at EPA's Waste and Chemical Management Division in Wilmington, DE, she has managed a multitude of hazardous waste and underground storage tank enforcement cases, all with motivation, professionalism, and extraordinary attention to detail.

Beyond her achievements in her field, Jeanna is most noted for her work ethic, exceptional communication skills, and for the passion that she brings to all of her undertakings. New employees often gravitate towards her because despite her heavy workload, she is never too busy to take time out to help others. She has become a mentor for new employees, a role model for her peers, and an absolute joy to her supervisors.

Jeanna is not only an outstanding employee, but a remarkable person, as well. Her lifelong passion for the environment has enabled her to help shape and enrich the lives of many in her field and the lives of those lucky enough to call her their friend. I rise today to extend my sincere congratulations to Jeanna on her award. She is a remarkable woman as well as a credit and testament to the community that she represents so well.●

REMEMBERING JUSTICE REVIUS ORTIQUE

● Mrs. CLINTON. Mr. President, on June 22, our Nation lost a great judge and lawyer, civil rights champion, and public servant. Justice Revius Ortique, the first African-American justice elected to the Louisiana Supreme Court, has died at 84.

I met Justice Ortique when we served together in the 1970s on the board of the Legal Services Corporation, and much later in his career, Justice Ortique was appointed by my husband to serve as alternate delegate to the United Nations.

Justice Ortique had an illustrious career. In World War II, he served as an officer in the Pacific Theater and after earning his law degree in 1956, set up a legal practice at the vanguard of the civil rights movement. He helped to successfully win equal pay for Black employees in several cases, to integrate State labor unions, and served five terms as president of the Urban League of Greater New Orleans. Justice Ortique not only worked to achieve racial equality but also to achieve racial harmony and served three terms as president of the New Orleans Community Relations Council. He negotiated for the Black community with White civic leaders helping to bring about the peaceful desegregation of lunch counters, bathrooms, and other public facilities in New Orleans before the passage of the landmark Civil Rights Act of 1964 would guarantee these rights.

Justice Ortique was a courtly figure with a mild manner that belied his courage, convictions, and ability to effect change. I am proud to have known him, and my thoughts and prayers are with his wife Miriam, his daughter Rhesa, and all those whose lives were made better because of his leadership.●

125TH ANNIVERSARY OF NEW SALEM, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On July 18 through 20, the residents of New Salem, ND, will celebrate their community's history and founding.

New Salem began on an April day in 1882 when young John Christiansen hopped off a westbound freight train. The only sign of civilization he saw were the train tracks behind him and the belongings he brought. Soon after his arrival a Colonization Bureau out of Chicago sent settlers to the area and gave the colony its independence for $600. A church, land office, lumber yard, drugstore, and general store were soon built, and by the end of 1883, the town was ready for great plains living.

Known nationally as the home of the world's largest Holstein cow, New Salem is a community filled with pride and energy. "Salem Sue" stands 38 feet high, weighs over 6 tons, and was erected by the New Salem Lions Club in 1974 to honor the dairymen of North Dakota. New Salem also has a nine-hole golf course, public swimming pool, and numerous parks to entertain residents and tourists.

To celebrate its 125th anniversary, the community of New Salem is organizing a celebration that will include a parade, demolition derby, mixed golf scramble, pitchfork fondue, and numerous outdoor activities. A street dance down New Salem's Main Street will also be held. It promises to be a wonderful event.

Mr. President, I ask the U.S. Senate to join me in congratulating New Salem, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring New Salem and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as New Salem that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New Salem has a proud past and a bright future.●

125TH ANNIVERSARY OF RICHARDTON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 11 through 13, the residents of Richardton will gather to celebrate their community's history and founding.

Richardton is located in Stark County in the southwest part of the State. Oscar L. Richard named the town in 1882 after his relative, C.B. Richard, who was an agent for the Hamburg-American Steamship Co., which promoted German-Russian settlement in this area. The post office was established a year later by Adolph Norberg. In 1906, the village was incorporated, and Richardton was officially recognized as a city in 1935.

Richardton has a prominent Roman Catholic monastery, which was founded by Bishop Vincent DePaul Wehrle in 1899. Vincent was the first Abbot of the monastery, which was named St. Mary's Priory, from 1903–1910. Under his leadership, the great twin-tower cathedral was built in 1906.

St. Mary's faced significant challenges after its completion in 1910 which eventually led to its closure. Abbot Alcuin Deutsch of St. John's Abbey in Minnesota wanted to revive the Richardton community because it was still struggling financially. In 1926, Abbot Deutsch and other monks around North Dakota helped reopen the monastery with the name Assumption Abbey. Assumption Abbey remains in operation today.

Richardton's attractions also include a golf course, bed and breakfasts, restaurants, motels and much more. Residents of Richardton take great pride in their community. To celebrate their 125th centennial anniversary, the community will be holding a 5k walk/run, a parade, games, an antique car show, a Rough Rider Rodeo, a dance, and a fireworks show.

Mr. President, I ask the U.S. Senate to join me in congratulating Richardton, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Richardton and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Richardton that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Richardton has a proud past and a bright future.●

HONORING KENWAY CORPORATION

● Ms. SNOWE. Mr. President, I wish today to recognize the Kenway Corporation, an outstanding small business from my home State of Maine that recently earned the distinguished recognition of Manufacturer of the Year by the Maine Manufacturing Extension Partnership, or Maine MEP. A fiberglass manufacturer located in Maine's capital city of Augusta, the Kenway Corporation has for over 60 years been known for its high-quality products. The MEP's Manufacturer of the Year award is presented every year to a company that has achieved world-class status and has applied the best manufacturing practices necessary to succeed in the marketplace.

The Kenway Corporation formally began operations as Kenway Boats in 1947 in the rural community of Palermo, ME. Originally focused on building wooden crafts, the firm switched its concentration to composites in the 1960s and has since grown into a tremendously successful manufacturing company. Today, Kenway manufactures corrosion-resistant fiberglass for a variety of industries, including marine, pulp and paper, and power. Notably, in 1991, Kenway moved its venture to Augusta and increased its manufacturing facilities to more than 10,000 square feet. The firm is expanding again this year by doubling its current size while consolidating its operations. Additionally, since 2003, the company has increased its staff more than twofold, to nearly 80 employees, and

Kenway is seeking to provide even more jobs in the near future. Kenway has attracted a loyal customer base ranging from coast to coast and even to Puerto Rico.

The Kenway Corporation's products are highly advanced and heavily sought after by numerous companies. Kenway makes process piping that is used in petrochemical and wastewater treatment facilities, as well as in power plants and paper mills. In addition, the firm manufactures an assortment of custom designed dampers, tanks, scrubbers, shower pipes, and railcar drip pans to prevent corrosion and chemical leakage. Kenway's employees engage in an array of intensive manufacturing processes, including laminating, vacuum resin transfer molding, and pultrusion.

Since its inception 61 years ago, the Kenway Corporation has wisely taken advantage of tools available to small businesses. In 2007, the Maine Department of Economic and Community Development designated Kenway a Pine Tree Zone business, making it eligible for targeted tax benefits to better compete in today's global economy. The company had previously won a $100,000 grant from the Maine Technology Institute, which allowed Kenway to install sensor systems in its piping to transfer hazardous materials.

Early last year, Kenway returned to its historic roots of shipbuilding by purchasing Maritime Skiff from its retiring Massachusetts owners. Now operating under the name Maritime Marine, the company makes small, fuel-efficient skiffs and family fishing boats with fiberglass decks and hulls. Kenway received a $400,000 community development block grant to properly incorporate Maritime Skiff into its present operations, a transition that has thus far yielded positive results. To generate additional interest in Maritime's line of vessels, the company recently began offering a lifetime no-rot warranty on all of its models.

A powerhouse and leader in fiberglass manufacturing for nearly a half century, the Kenway Corporation's name is synonymous with quality craftsmanship and innovative production. Through intelligent growth and adjusting to economic conditions, Kenway has been successful at staying ahead of the curve and maintaining its preeminent position. I commend Ken Priest, company president, and everyone at the Kenway Corporation for their accomplishment in garnering the respected Manufacturer of the Year award from the Maine MEP and wish them well in their continuing endeavors.•

RECOGNIZING SHANE BRYAN

• Mr. THUNE. Mr. President, today I wish to recognize Shane Bryan, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Oacoma-Chamberlain, SD, Shane is currently a sophomore at the University of South Dakota and is majoring in political science and communication studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Shane for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING JORDAN FEIST

• Mr. THUNE. Mr. President, today I wish to recognize Jordan Feist, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Sioux Falls, SD, Jordan is currently a sophomore at the University of South Dakota and is majoring in political science and philosophy. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jordan for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING CAMDEN HELDER

• Mr. THUNE. Mr. President, today I wish to recognize Camden Helder, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from De Smet, SD, Camden is currently a senior at South Dakota State University and is majoring in economics and political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Camden for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING JONATHON REYNOLDS

• Mr. THUNE. Mr. President, today I wish to recognize Jonathon "Jonny" Reynolds, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Baltic, SD, Jonny recently graduated from the Air Force Academy where he majored in economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jonny for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING KAYLA WOLFF

• Mr. THUNE. Mr. President, today I wish to recognize Kayla Wolff, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Rapid City, SD, Kayla is currently a junior at the University of Central Arkansas and is majoring in economics and prepharmacy. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kayla for all of the fine work she has done and wish her continued success in the years to come.•

125TH ANNIVERSARY OF CANOVA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Canova, SD. The town of Canova will commemorate the 125th anniversary of its founding with celebrations July 4 to 5, 2008.

Located in Miner County, Canova was founded in 1883 and was named after Italian sculptor Antonio Canova. Since its beginning 125 years ago, the community of Canova has continued to serve as a strong example of South Dakota traditions, especially in its outstanding amateur baseball team, the Canova Gang.

I would like to offer my congratulations to the citizens of Canova on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF HOVEN, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Hoven, SD. The town of Hoven will commemorate the 125th anniversary of its founding with celebrations July 4 to 6, 2008.

Located in Potter County, Hoven was founded in 1883 and was named after a landowner with the last name of Hoven. Since its beginning 125 years ago, the community of Hoven has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hoven on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF WOONSOCKET, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Woonsocket, SD. The town of Woonsocket will commemorate its 125th anniversary of its founding with celebrations July 3 to 6, 2008.

Located in Sanborn County, Woonsocket was founded in 1883 and was named after Woonsocket, RI. Since its beginning 125 years ago, the community of Woonsocket has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Woonsocket on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2818. An act to amend title 38, United States Code, to provide for the establishment of epilepsy center of excellence in the Veterans Health Administration of the Department of Veterans Affairs.

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic".

H.R. 5687. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

H.R. 6307. An act to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes.

H.R. 6312. An act to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

At 6:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 5687. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6307. An act to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes; to the Committee on Finance.

H.R. 6312. An act to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3186. A bill to provide funding for the Low-Income Home Energy Assistance Program.

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2818. To amend title 38, United States Code, to provide for the establishment of epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–401. A resolution adopted by the Council of the City of Tehachapi, California, expressing its support for the original and historic view of the Second Amendment; to the Committee on the Judiciary.

POM–402. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to appropriate the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 127

Whereas, Louisiana, more than most other states, is keenly aware of the importance of maintaining waterway channels clear for navigation with several major rivers, including the Mississippi River, flowing through the state and is also keenly aware that dredging navigation channels and letting the dredge material merely flow out to the Gulf of Mexico is, in essence, letting Louisiana merely flow out to the Gulf of Mexico; and

Whereas, if the total amount of funds collected from the Harbor Maintenance Tax is appropriated to the Corps of Engineers, those funds could be used to help fund the dredging necessary to maintain the navigation channels open for commerce; and

Whereas, an ancillary use of dredging activity that has become essential to the preservation of Louisiana's coastline is beneficial use of dredge material whereby the material dredged from waterways is then taken and "planted" where it can be used to preserve and grow land in the coastal areas where Louisiana is losing land at an alarming rate; and

Whereas, coastal Louisiana was formed by the depositional processes of the Mississippi River over the past seven thousand five hundred years; and

Whereas, the thick fluvial deposits that comprise the Mississippi River Delta are naturally prone to compaction under their own weight, but if sediment supplies are sufficient, the delta can build and maintain its surfaces as sea level rises; and

Whereas, the land building processes of the Mississippi River have been halted in South Louisiana by a combination of levees which prevent seasonal overbank flooding and sediment deposition, dredged waterways which channel freshwater and sediment to the Gulf of Mexico, and upstream dam construction which prevent sediment from naturally reaching the Louisiana coast; and

Whereas, over fifteen hundred square miles of Louisiana's coastal wetlands and barrier islands have been lost to open water since the early 1930s, and scientists project that another five hundred square miles will be lost by 2050, if current resource management practices continue; and

Whereas, more than one hundred twenty million tons of river sediment that could be used to sustain the Mississippi Delta will be lost to the Gulf of Mexico each year if nothing is done to restore the natural hydrology of the Mississippi River; and

Whereas, prevention of wetland loss in the Mississippi River Deltaic Plain, which comprises most of the southeastern Louisiana coastal zone, is dependent upon restoring flows of fresh water and sediment to the delta; and

Whereas, an international team of scientists convened for the express purpose of advising the state of Louisiana about its coastal land loss problem in 2006 concluded that, "The most fundamental and essential action needed to achieve a sustainable coast is to reduce, to the greatest extent possible, the amount of Mississippi River sediment and freshwater flowing directly into the deep waters of the Gulf. These valuable resources, which originally built coastal Louisiana, can only benefit the coast if they are redirected to inshore and nearshore waters. This would occur naturally if the river were not artificially maintained for navigation along its present course into deep water"; and

Whereas, fully appropriating to the Corps of Engineers the revenue received from the Harbor Maintenance Tax could provide the funds essential to both dredge rivers for navigation purposes as intended by the imposition of the tax and, to go a step further, as authorized by the tax, to use that dredge material for beneficial uses in restoring and preserving coastal Louisiana. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to appropriate to the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax so that those funds can be used for dredging navigation channels and, where possible, the beneficial use of dredged material to protect, restore, and conserve wetlands along the coast of Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-403. A resolution adopted by the House of Representatives of the State of South Carolina urging Congress to appoint an independent counsel to investigate unresolved matters pertaining to U.S. personnel unaccounted for from this Nation's wars and conflicts beginning with World War II; to the Committee on Armed Services.

HOUSE RESOLUTION

Whereas, the Prisoner of War—Missing in Action (POW/MIA) issue has been a national dilemma since the end of World War II; and

Whereas, there is a strong need for an independent investigation into all unresolved matters relating to any United States personnel unaccounted for from the Vietnam War, the Korean War, World War II, the Cold War, the Gulf Wars, and other conflicts including MIAs and POWs; and

Whereas, it is the responsibility and the duty of the United States government to bring home Americans missing in action from these conflicts; and

Whereas, as of July 2005, the Government Accountability Office listed over eighty-eight thousand service men and women unaccounted for from World War II, the Korean War, the Cold War, the Vietnam War, the Gulf Wars, and other conflicts; and

Whereas, American POWs and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten; and

Whereas, the families of these inspiring Americans deserve to know what truly happened to their loved ones; and

Whereas, Americans from every generation have answered the call to duty with dedication and valor. These brave Americans deserve the respect and gratitude of our nation and all efforts should be made to resolve the Prisoner of War-Missing in Action issue in their honor. Now, therefore, be it

Resolved by the House of Representatives, That the members of the South Carolina House of Representatives, by this resolution, urge the United States Congress to appoint an independent counsel to investigate the Prisoner of War-Missing in Action issue regarding unresolved matters pertaining to United States personnel unaccounted for from this nation's wars and conflicts beginning with World War II. Be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the United States Senate and House of Representatives, and the members of the South Carolina Congressional Delegation.

POM-404. A joint resolution adopted by the Senate of the State of Tennessee urging the adoption of a Veterans Remembered Flag; to the Committee on Armed Services.

SENATE JOINT RESOLUTION, NO. 901

Whereas, there are flags for all branches of the armed services, as well as flags for POWs and MIAs, but there is no flag to honor the millions of former military personnel who have served our nation; and

Whereas, a flag is the symbol of recognition for a group or an ideal; veterans compose a group and certainly represent an ideal, and surely deserve their own symbol; and

Whereas, it is estimated that 20,400,000 veterans have served in our nation's military, comprising a significant portion of our country's population; and

Whereas, a Veterans Remembered Flag would memorialize and honor all past, present, and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

Whereas, displaying and flying this flag would honor the lives of millions of men and women who have served our country in times of war, peace, and national crisis; and

Whereas, the symbolism of this unique flag's design would be all-inclusive and would pay respect to the history of our nation, to all branches of the military, and would serve to honor those who have served or died in the service of our nation; and

Whereas, in memorializing America's veterans, the Veterans Remembered Flag includes specific symbolism and should be designed in substantially the following form:

(a) It depicts the founding of our nation through the thirteen stars that emanate from the hoist of the flag and march to the large red star, representing our nation and the five branches of our country's military that defend her: the Army, Navy, Air Force, Marines, and Coast Guard.

(b) The white star indicates a veteran's dedication to service.

(c) The blue star honors all men and women who have ever served in our country's military.

(d) The gold star memorializes those who fell defending our nation.

(e) The blue stripe which bears the title of the flag honors the loyalty of veterans to our nation, flag, and government.

(f) The green field represents the hallowed ground where all rest eternally; and

Whereas, the Veterans Remembered Flag would serve to honor all veterans who have served in our country's Armed Forces; now, therefore, be it

Resolved by the senate of the One Hundred Fifth General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby urges the Congress of the United States to act expeditiously to adopt a Veterans Remembered Flag as described herein. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the President of the United States, the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and each member of the Tennessee Congressional Delegation.

POM-405. A resolution adopted by the California State Lands Commission addressing the incidental taking of marine animals by once-through cooling power plants; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, a cornerstone of the value and uniqueness of California's 1,100 mile coastline and adjacent coastal waters is the richness and diversity of marine life, including fish, marine mammals, birds and plants; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands from the shoreline out three nautical miles into the Pacific Ocean, as well as the lands underlying California's bays, and navigable lakes and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law precept that requires these lands be protected for public use and needs including commerce, navigation, fisheries, water related recreation and ecological preservation; and

Whereas, the Commission has aggressively sought correction of adverse impacts on the biological productivity of its lands including litigation over contamination off the Palos Verdes Peninsula and at Iron Mountain, the adoption of best management practices for marinas, and litigation to restore flows to the Owens River; and

Whereas, California has a significant number of power plants that use once-through cooling (OTC), the majority of which are located on bays and estuaries where sensitive fish nurseries for many important species are located; and

Whereas, the environmental costs of persistent entrainment and impingement from once-through cooling to marine and coastal life and ecosystems are high; and

Whereas, OTC harms the environment by killing large numbers of wildlife, including fish, marine mammals, and sea turtles, as well as larvae and eggs, as they are drawn through fish screens and other parts of the power plant cooling system; and

Whereas, regulations adopted under Section 316(b) of the federal Clean Water Act recognize the adverse impacts of OTC by effectively prohibiting new power plants from using such systems and requiring existing power plants to reduce OTC impacts; and

Whereas, the Second Circuit U.S. Court of Appeals ruled that restoration measures do not minimize the impacts of once-through cooling and cannot be used to comply with Clean Water section 316(b); and

Whereas, the California State Water Resources Control Board is currently developing a state policy to implement Clean Water Act Section 316(b), which, in the draft released for public comment, will require the phase out of OTC technology at coastal power plants; and

Whereas, the National Marine Fisheries Service (NMFS) is evaluating applications, necessitated by the pernicious impacts of OTC, from thirteen power generating stations located in California requesting authority for incidental take of marine mammals and seven applications from power generating stations in California requesting permits for incidental take of sea turtles; and

Whereas, the Commission has imposed conditions on its leases to reduce the impact of OTC and is seriously concerned about the environmental consequences of the proposed incidental take of marine animals as a result of OTC; and

Whereas, alternative cooling methods such as repowering older power plants are readily available and used nationwide, and can eliminate OTC and its attendant environmental impacts and reduce the greenhouse gas emissions currently associated with fossil fuel power generation: Now, therefore, be it

Resolved by the California State Lands Commission, That it urges the NMFS to: (1) make any incidental take permit consistent with phasing out OTC, and at the minimum, include a clause requiring expiration of the permit if OTC is no longer permitted at the requesting facility or generally within the state; (2) deny any incidental take permit for power plants that have discontinued use of OTC; (3) require that information regarding historical and anticipated take be substantiated and made available to the Commission and the public prior to the issuance of any incidental take permit, and referenced in any draft and/or final permit; and (4) require, if an incidental take permit is issued, that stringent controls be implemented to eliminate or prevent to the maximum extent possible the take or harassment of marine wildlife; and be it further

Resolved, That the State Lands Commission supports OTC alternatives, such as repowering projects, that eliminate OTC, reduce greenhouse gas emissions and other environmental impacts, and are part of an overall plan that moves the state towards increased use of renewables and energy conservation; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the National Marine Fisheries Service, to the National Oceanic and Atmospheric Administration, to the United States Environmental Protection Agency, to the United States Supreme Court, to the Chairs of the State Water Resources Control Board, to the California Energy Commission, to the Public Utilities Commission, to the California Coastal Commission, to the California Air Resources Board, to the California Independent Systems Operator, and to the California Ocean Protection Council, all grantees, and all current lessees of public trust lands that utilize OTC.

POM–406. A resolution adopted by the House of Representatives of the State of Hawaii approving the establishment of a state-province affiliation between the State of Hawaii and the Province of Negros Oriental of the Republic of the Philippines; to the Committee on Foreign Relations.

HOUSE OF RESOLUTION NO. 85

Whereas, the State of Hawaii is actively seeking to expand its international ties and has an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of Asian and Pacific countries; and

Whereas, as part of its effort to achieve this goal, Hawaii has established a number of sister-state agreements with provinces in the Pacific region; and

Whereas, because of the historical relationship between the United States of America and the Republic of the Philippines, there continue to exist valid reasons to promote international friendship and understanding for the mutual benefit of both countries to achieve lasting peace and prosperity as it serves the common interests of both countries; and

Whereas, there are historical precedents exemplifying the common desire to maintain a close cultural, commercial, and financial bridge between ethnic Filipinos living in Hawaii with their relatives, friends, and business counterparts in the Philippines, such as the previously established sister-city relationship between the City and County of Honolulu and the City of Cebu in the Province of Cebu; and

Whereas, similar state-province relationships exist between the State of Hawaii and the Provinces of Cebu, Ilocos Norte, Ilocos Sur, and Pangasinan, whereby cooperation and communication have served to establish exchanges in the areas of business, trade, agriculture and industry, tourism, sports, health care, social welfare, and other fields of human endeavor; and

Whereas, a similar state-province relationship would reinforce and cement this common bridge for understanding and mutual assistance between ethnic Filipinos of both the State of Hawaii and the Province of Negros Oriental; and

Whereas, with its vast fertile land resources, Negros Oriental's major industry is agriculture and lists its primary crops as sugarcane, corn, coconut, and rice, but the province is emerging as a technological center in the Central Philippines with its growing business process outsourcing and other technology-related industries, and is also becoming a notable tourist destination in the Visayas, making the province much like Hawaii; now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That Governor Linda Lingle of the State of Hawaii, or her designee, be authorized and is requested to take all necessary actions to establish a state-province affiliation with the Province of Negros Oriental in the Republic of the Philippines; and be it further

Resolved, That the Governor or her designee is requested to keep the Legislature of the State of Hawaii fully informed of the process in establishing the affiliation and involved in its formalization to the extent practicable; and be it further

Resolved, That the Province of Negros Oriental be afforded the privileges and honors that Hawaii extends to its sister states and provinces; and be it further

Resolved, That if by June 30, 2013, the state-province affiliation with the Province of Negros Oriental has not reached a sustainable basis by providing mutual economic benefits through local community support, the state-province affiliation shall be withdrawn; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's Congressional delegation, the Governor of the State of Hawaii, the President of the Republic of the Philippines through its Honolulu Consulate General, and the Governor and Provincial Board of the Province of Negros Oriental, Republic of the Philippines.

POM–407. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to enact legislation to waive single state agency requirements with regard to the administration of funds under the Homeland Security Grant Program; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 209

Whereas, on March 12, 1987, the President of the United States directed all affected agencies to issue a grants management common rule to adopt government-wide terms and conditions for grants to state and local governments; and

Whereas, consistent with their legal obligations, all federal agencies administering programs that involve grants and cooperative agreements with state governments must follow the policies outlined in the federal Office of Management and Budget Circular A–102, as revised and amended; and

Whereas, the Office of Management and Budget is authorized to grant deviations from the requirements when permissible under existing law, however deviations are permitted only in exceptional circumstances; and

Whereas, according to a guidance document from the Department of Homeland Security, the governor of each state must designate a State Administrative Agency to apply for and administer the funds under the Homeland Security Grant Program; and

Whereas, Hawaii State Civil Defense is the State Administrative Agency for these purposes in Hawaii; and

Whereas, according to the Office for Domestic Preparedness Information Bulletin No. 112 (May 26, 2004), the State Administrative Agency is obligated to pass through no less than eighty per cent of its total grant award to local units of government within the State; and

Whereas, according to the Office for Domestic Preparedness Information Bulletin No. 120 (June 16, 2004), the remaining twenty per cent can be retained at the state level; and

Whereas, qualifying state and local government agencies in Hawaii can apply to Hawaii State Civil Defense for State Homeland Security Grant Program funds, and Hawaii State Civil Defense allocates funds based on investments and how well the program capabilities of the various state agencies tie together; and

Whereas, a single state agency requirement in the application and allocation of funds under the Homeland Security Grant Program is misplaced because it grants considerable discretion to one state agency for the allocation of funds, with no oversight by the state legislature; and

Whereas, it is traditionally the role of the state legislature as the policy making branch of the government to determine how financial resources should be allocated; and

Whereas, state legislatures should have greater input and oversight regarding the allocation of funds under the Homeland Security Grant Program, now: Therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That the United States Congress is requested to enact legislation to waive the single state agency requirement with regard to the administration of funds under the Homeland Security Grant Program and to provide state legislatures with authority to approve the allocation of funds under the Homeland Security Grant Program; and it be it further

Resolved That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Hawaii congressional delegation, and the State Adjutant General.

POM–408. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take the actions necessary to expedite the reopening of the Arabi Branch of the United States Postal Service located in St. Bernard Parish; to the Committee on Homeland Security and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, it has been almost three years since hurricanes Katrina and Rita devastated this community, flooding the Arabi branch of the United States Postal Service; and

Whereas, the effects of hurricanes Katrina and Rita continue to effect the operations of government inclusive of operations of branches of the United States Postal Service in St. Bernard Parish; and

Whereas, one essential to the continued recovery of the citizens of Arabi, Louisiana, along with the full restoration of governmental services, is the reopening of the Arabi branch of the United States Postal Service; and

Whereas, this branch will be well used by the individuals in this community, particularly by the elderly, the disabled, and parents with young children who need a convenient location to conduct business with the postal service. Therefore, be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the reopening of the Arabi branch of the United States Postal Service in St. Bernard Parish. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement (Rept. No. 110–400).

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes (Rept. No. 110–401).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009" (Rept. No. 110–402).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3721. A bill to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 4185. A bill to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5168. A bill to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5479. A bill to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5517. A bill to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5528. A bill to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

S. 2622. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the "William 'Bill' Clay Post Office".

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building".

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Elisse Walter, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2012.

*Troy A. Paredes, of Missouri, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2013.

*Luis Aguilar, of Georgia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2010.

*Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2013.

*Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development.

*Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development.

*Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury.

*Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers.

*Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association.

*Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

***Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself and Mrs. FEINSTEIN):

S. 3187. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 3188. A bill for the liquidation or reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3189. A bill to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 3190. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. KERRY, Mr. VITTER, Mr. LEVIN, Mr. VOINOVICH, Mrs. BOXER, Mr. CARDIN, and Ms. MIKULSKI):

S. 3191. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3192. A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land; to the Committee on Indian Affairs.

By Mr. SCHUMER (for himself and Mr. ENSIGN):

S. 3193. A bill to restrict nuclear cooperation with the Kingdom of Saudi Arabia; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3194. A bill to transfer surplus Federal land administered by the Coast Guard in the State of Oregon; to the Committee on Indian Affairs.

By Mr. SMITH (for himself and Mr. DODD):

S. 3195. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3196. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 3197. A bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Ms. CANTWELL, and Ms. SNOWE):

S. 3198. A bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Mr. VITTER):

S. 3199. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. VITTER, Mr. CRAIG, Mr. ROBERTS, Mr. INHOFE, Mr. BROWNBACK, Mr. ALLARD, Mr. THUNE, and Mr. SHELBY):

S.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. Res. 601. A resolution designating October 19 through October 25, 2008, as "National Save for Retirement Week"; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. WHITEHOUSE, Mr. JOHNSON, and Mr. SMITH):

S. Res. 602. A bill supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 901

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 991

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1232

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1977

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2669

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2669, a bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes.

S. 2672

At the request of Mr. CONRAD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2902

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2902, a bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 2920

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2952

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2952, a bill to improve food safety through mandatory meat, meat product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes.

S. 2955

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3061

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3143

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3143, a bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice.

S. 3166

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3166, a bill to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

S. 3167

At the request of Mr. BURR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3170

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3170, a bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4995

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 4995 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5005

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 3190. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I am pleased to introduce today, along with my colleague from the House, Rep. RAHM EMANUEL, an important and noncontroversial bill designed to increase the percentage of eligible families that claim the Earned Income Tax Credit, or EITC, every year.

The bill is endorsed by the Service Employees International Union, SEIU, Wal-Mart, the Center on Budget and Policy Priorities, the Citizens for Tax Justice, the Leadership Conference on Civil Rights, Corporate Voices for Working Families, the College and University Professional Association for Human Resources, TJ Maxx, Kindred Healthcare, and Cintas.

Even in these tough economic times, Wal-Mart is still the nation's top private employer, and they place a huge emphasis on keeping their business costs low. If they are taking such a lead role on this bill, it should send a strong signal to the business community and to Republicans that it is a good idea and that the cost burden on business is next to nothing.

The EITC is a hugely important and popular program for working families. Started under President Ford after President Nixon advanced a similar program, and expanded under virtually every President since, the EITC sends a message that if you work hard and play by the rules, you shouldn't live in poverty.

I know the program isn't perfect, but it's the best tax tool we have for helping working families make ends meet. Combined with the recent increase in the minimum wage that Democrats pushed through the Congress, the EITC is improving the lives of million of families.

For tax year 2006, more than $44 billion in benefits were distributed to more than 22.4 million American families. That shows what a success the program is.

As one of the most populous states, with millions of working families of modest means, the numbers for New York State by itself are impressive. In 2006, nearly 1.5 million New York families took advantage of the EITC, claiming $2.8 billion in benefits. That's an average of $1,867 per family. But if the estimates from the Government Accountability Office are right and 25 percent of eligible families do not file for the credit, that's almost 500,000 families in my state who are missing out.

At an average EITC benefit of nearly $1,900, that means that more than $900 million could be going back into the pockets of New Yorkers—without a single change in the law—if we could find a way to reach these families. It could represent a second stimulus package for 500,000 working families as large as the one we passed earlier this year—and all eligible families have to do is ask for it.

With gasoline costing over $4 a gallon, and health care and tuition costs on the rise, if we can get an average of $1,900 into the pockets of 500,000 New York families, or 7.5 million people nationally—that's an opportunity we can't pass up.

Since these families are eligible for the credit under current law, it's not a policy that has to be scored or "paid for" under the PAYGO rules, because current law assumes these benefits will be paid. I can't imagine anyone objecting to this bill.

The Emanuel/Schumer legislation simply requires that employers notify their workers of their potential eligibility for the EITC when they send out the annual W–2 wage notice. To satisfy the notice requirement, employers would provide either a copy of IRS Notice 797, which explains how one qualifies for the EITC, or a separate written notice that is described in the language of the bill.

For those that might be concerned about the cost to business, our bill exempts firms with less than 25 employees.

This is a bill that is such commonsense, and represents such little cost to business, and offers such a large potential benefit to so many families, that it's something that we ought to be able to pass unanimously before the end of the year.

Rep. EMANUEL and I sent a letter to Treasury Secretary Henry Paulson today about the bill. Even though the Bush Administration is nearing its end, the goals of this legislation could be accomplished via regulation or executive order, and I urge the Administration to take such action and render the bill moot. Rep. EMANUEL and I would be happy not to have to pass this bill. Otherwise, we will push it and hope to pass it with broad bipartisan support by year's end. With unions and major employers both supporting the bill, there really should be no objection.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earned Income Credit Information Act of 2008".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds:

(1) President Gerald Ford and Congress created the earned income credit (EIC) in 1975 to offset the adverse effects of Social Security and Medicare payroll taxes on working poor families and to encourage low-income workers to seek employment rather than welfare.

(2) President Ronald Reagan described the earned income credit as "the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress."

(3) Over the last 30 years, the EIC program has grown into the largest Federal anti-poverty program in the United States. In 2005, 22.8 million tax filers received $42.4 billion in tax credits through the EIC program.

(4) In 2007, the EIC provided a maximum Federal benefit of $4,716 for families with 2 or more children, $2,853 for families with a single child, and $428 for a taxpayer with no qualifying children.

(5) Based on analysis conducted by the General Accountability Office, 25 percent of those eligible to receive the EIC do not take advantage of the tax benefit.

(6) Based on analysis conducted by the Joint Economic Committee, working Americans may have lost out on approximately $8 billion in unclaimed earned income credits in 2004.

(7) In response to a study by the California Franchise Tax Board that found that there were approximately 460,000 California families that qualified, but did not file, for the EIC, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act, on October 13, 2007. The law requires that California employers notify employees of their potential eligibility for the EIC.

(8) In order to ensure that tax benefits designed to assist working Americans reach the maximum number of people, the Federal Government should enact a similar law.

(b) PURPOSE.—The purpose of this Act is to inform the greatest possible number of Americans about their potential eligibility for the earned income credit in a way that is neither costly nor burdensome for employers or the Government.

SEC. 3. EMPLOYER NOTIFICATION OF AVAILABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7529. EMPLOYER NOTIFICATION OF AVAILABILITY OF EARNED INCOME CREDIT.

"(a) IN GENERAL.—Every employer required to provide a statement under section 6051 (relating to W–2 statements) to a potential EIC-eligible employee shall provide to such employee the notice described in subsection (c).

"(b) POTENTIAL EIC-ELIGIBLE EMPLOYEE.—For purposes of this section, the term 'potential EIC-eligible employee' means any individual whose annual wages from the employer are less than the amount of earned income (as defined in section 32(c)(2)) at which the credit under section 32(a) phases out for an individual described in section 32(c)(1)(A)(ii) (or such other amount as may be prescribed by the Secretary).

"(c) CONTENTS OF NOTICE.—

"(1) IN GENERAL.—The notice required by subsection (a) shall be—

"(A) a copy of Internal Revenue Service Notice 797 or any successor notice, or

"(B) a notice stating: 'Based on your annual earnings, you may be eligible to receive the earned income credit from the Federal Government. The earned income credit is a tax credit for certain working individuals and families. In 2008, earned income credit benefits are available for taxpayers with earnings up to $38,646 ($41,646 if married filing jointly). Eligibility and benefit amounts vary according to filing status (single or married), number of qualifying children, and other sources of income. For example, in 2008, earned income credit benefits are available for childless taxpayers earning less than $15,880, taxpayers with 1 child earning less than $36,995, and taxpayers with 2 or more children earning less than $41,646. In most cases, earned income credit payments will not be used to determine eligibility for Medicaid, supplemental security income, food stamps, low-income housing or most temporary assistance for needy families programs. Even if you do not owe Federal taxes, you may qualify, but must file a tax return to receive the earned income credit. For information regarding your eligibility to receive the earned income credit, contact the Internal Revenue Service by calling 1-800-829-1040 or through its web site at www.irs.gov. The Volunteer Income Tax Assistance (VITA) program provides free tax preparation assistance to individuals under the above income limits. Call the IRS at 1-800-906-9887 to find sites in your area.'.

"(2) YEARS AFTER 2008.—In the case of the notice in paragraph (1)(B) for taxable years beginning in a calendar year after 2008—

"(A) such calendar year shall be substituted for '2008',

"(B) the lowest amount of earned income for a taxpayer with no qualifying children at which the credit phases out under section 32(a)(2)(B) for taxable years beginning in such calendar year shall be substituted for '$15,880',

"(C) the lowest amount of earned income for a taxpayer with 1 qualifying child at which the credit phases out under section 32(a)(2)(B) for such taxable years shall be substituted for '$36,995', and

"(D) the lowest amount of earned income for a taxpayer with 2 or more qualifying children at which the credit phases out under section 32(a)(2)(B) for such taxable years shall be substituted for '$41,646'.

"(d) EXEMPTION FOR SMALL EMPLOYERS.—

"(1) IN GENERAL.—An employer shall not be required to provide notices under this section during any calendar year if the employer employed an average of 25 or fewer employees on business days during the preceding calendar year. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

"(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination under paragraph (1) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(3) SPECIAL RULES.—

"(A) CONTROLLED GROUPS.—For purposes of this subsection, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

"(B) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

"(e) TIMING OF NOTICE.—The notice required by subsection (a) shall be provided to each employee at the same time the employer statement is furnished to each such employee under section 6051.

"(f) MANNER OF PROVIDING NOTICE.—The notice required by subsection (a) shall be provided either by hand or by mail to the address used to provide the statement under section 6051 to the employee.".

(b) PENALTY FOR FAILURE TO PROVIDE NOTICE.—Section 6724(d)(2) of such Code is amended by striking "or" at the end of subparagraph (BB), by striking the period at the end of subparagraph (CC) and inserting ", or", and by inserting after subparagraph (CC) the following new subparagraph:

"(DD) section 7529 (relating to employer notification of availability of earned income credit).".

(c) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

"Sec. 7529. Employer notification of availability of earned income credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to statements required to be provided under section 6051 of the Internal Revenue Code of 1986 more than 180 days after the date of the enactment of this Act.

JUNE 25, 2008.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY PAULSON: Over the last 30 years, the Earned Income Tax Credit (EITC) has grown into the largest Federal anti-poverty program in the United States. In 2006, over 22 million taxpayers received almost $44 billion through the EITC. During its history, the program has been supported by both Democrats and Republicans. President Ronald Reagan described the earned income credit as "the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress."

As you know, millions of eligible Americans fail to take advantage of this critical program, costing themselves billions in tax benefits. Based on an analysis conducted by the General Accountability Office, 25 percent of those eligible to receive the EITC do not take advantage of it. The Internal Revenue Service (IRS) estimates that between 20 and 25 percent of taxpayers who are eligible don't claim the credit. While this issue has been a persistent source of concern, it is particularly troubling now when Americans are contending with record high gas prices and surging costs for other consumer goods.

On October 13, 2007, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act. The legislation seeks to reduce the number of eligible taxpayers who fail to take advantage of the EITC by requiring California employers to notify their employees of their potential eligibility for the EITC. We believe that the California law should serve as a model for federal action, and will shortly introduce legislation to accomplish this goal.

We bring this to your attention because we believe that the goal of increasing awareness of the EITC, and thus expanding the number of taxpayers who access it, can also be accomplished through administrative rulemaking.

Earlier in the year, you played a critical role in providing needed economic stimulus to working Americans that is now helping to soften the brunt of our current economic downturn. By increasing the number of eligible taxpayers who take advantage of the EITC program, you can build on this accomplishment and add further stimulus by providing, in some cases, thousands of dollars of assistance that can be used to buy gas or groceries, or pay the mortgage.

For this reason, we ask you to explore what the Administration can do to improve EITC outreach efforts, and specifically ask that you examine the possibility of requiring employers to provide information to their employees about the EITC at the same time that they provide W-2 statements. Earlier this year, at an EITC Awareness Day event, you noted: "Ensuring that more eligible families receive their EITC is important this year, as it is every year. I encourage people all across America to check to see if you are eligible for the Earned Income Credit." We couldn't agree more, but believe we should also look to employers to help taxpayers take advantage of critical federal tax programs like the EITC.

Finally, we are aware that the Administration instructed federal agencies on May 9, 2008 to not undertake any new rulemaking procedures after June 1, 2008. We sincerely hope that this policy will not prevent the Administration from helping hardworking Americans who need it the most.

We look forward to your response and thank you for your consideration.

Sincerely,

RAHM EMANUEL,
House Democratic Caucus Chair.
CHARLES SCHUMER,
Senate Democratic Caucus Vice-Chair.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. KERRY, Mr. VITTER, Mr. LEVIN, Mr. VOINOVICH, Mrs BOXER, Mr. CARDIN, and Ms. MIKULSKI):

S. 3191. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Bloom and Hypoxia Amendments Act of 2008. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. By funding additional research into mitigation and prevention of HABs and hypoxia, and by enabling communities to develop response strategies to more effectively reduce their effects on our coastal communities, this legislation would take the next critical steps to reducing the social and economic impacts of these potentially disastrous outbreaks.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. My partnership with Senator BREAUX on the first two harmful algal bloom bills proved extremely fruitful, and I am pleased that the Gulf of Mexico—whose coastal residents are severely impacted by both harmful algal blooms, also known as HABs, and hypoxia—will continue to be so well represented as this program moves into the future. I also want to thank the bill's additional co-sponsors, Senators CANTWELL, KERRY, VITTER, VOINOVICH, BOXER and LEVIN for their vital contributions. We all represent coastal States directly affected by harmful algal blooms and hypoxia, and we see first hand the ecological and economic damage caused by these events.

In New England blooms of Alexandrium algae, more commonly known as "red tide", can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning (PSP), a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2005, the most severe red tide since 1972 blanketed the New England coast from Martha's Vineyard to Downeast Maine, resulting in extensive commercial and recreational shellfish harvesting closures lasting several months at the peak of the seafood harvesting season. In a peer-reviewed study, economists found that the 2005 event caused over $2.4 million in lost landings of shellfish in the State of Maine alone, and more than $10 million throughout New England.

In May of this year, scientists once more predicted an abundance of Alexandrium off the New England coast, marking the onset of yet another severe harmful algal bloom in the area. Just yesterday, Maine's Department of Marine Resources announced the closure of additional shellfish beds covering many areas from Cutler east to the Canadian border, and today the Food and Drug Administration asked the National Marine Fisheries Service to issue a closure of a section of Federal waters near George's Bank to the harvest of ocean quahogs and surf clams.

Still, while this year's bloom has tracked the pattern of the 2005 event, thanks to previous investments in HAB programs, localized testing has led to fewer closures. Unlike 2005 when nearly the entire coast of Massachusetts and much of Maine was declared off-limits to shell fishermen, in this year's bloom, some unaffected areas remain open despite being directly adjacent to contaminated beds. These detailed forecasting and testing measures will greatly reduce the economic impact such outbreaks impose on our coastal communities, and is directly attributable to the efforts authorized in previous HAB legislation.

Mr. President, while we have made great strides in bloom prediction and monitoring, it is clear that these problems have not gone away, but rather increased in magnitude. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as "dead zones", are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. In 2007, researchers there predicted the biggest hypoxic zone ever recorded, covering more than 8,500 square miles. Dead zones are also occurring with increasing frequency in more areas than ever before, including off the coasts of Oregon and Texas.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among State and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would mandate creation of Regional Research and Action Plans that would identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events.

Mr. President, if enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard their health and the health of the marine environment. The existing Harmful Algal Bloom and Hypoxia Program has done a laudable job to date, and this authorization will allow them to expand their scope and provide greater benefits to the Nation as a whole. I thank my cosponsors again for their efforts in developing this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Harmful Algal Blooms and Hypoxia Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.
Sec. 3. Findings.
Sec. 4. Purpose.
Sec. 5. Interagency task force on harmful algal blooms and hypoxia.
Sec. 6. National harmful algal bloom and hypoxia program.
Sec. 7. Regional research and action plans.
Sec. 8. Reporting.
Sec. 9. Pilot program for freshwater harmful algal blooms and hypoxia.
Sec. 10. Interagency financing.
Sec. 11. Application with other laws.
Sec. 12. Definitions.
Sec. 13. Authorization of appropriations.

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. FINDINGS.

Section 602 is amended—

(1) by striking paragraph (8) and inserting the following:

"(8) harmful algal blooms and hypoxia can be triggered and exacerbated by increases in nutrient loading from point and non-point sources, much of which originates in upland areas and is delivered to marine and freshwater bodies via river discharge, thereby requiring integrated and landscape-level research and control strategies;";

(2) by striking "and" after the semicolon in paragraph (11);

(3) by striking "hypoxia." in paragraph (12) and inserting "hypoxia;"; and

(4) by adding at the end thereof the following:

"(13) harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries; and according to a recent report produced by NOAA, the United States seafood and tourism industries suffer annual losses of $82 million due to economic impacts of harmful algal blooms;

"(14) global climate change and its effect on oceans and the Great Lakes may ultimately play a role in the increase or decrease of harmful algal bloom and hypoxic events;

"(15) proliferations of harmful and nuisance algae can occur in all United States waters, including coastal areas and estuaries, the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts; and

"(16) following passage of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, Federally-funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that provide data for forecast models, improve the monitoring and prediction of these events, and provide essential decision making tools for managers and stakeholders.".

SEC. 4. PURPOSE.

The Act is amended by inserting after section 602 the following:

"SEC. 602A. PURPOSES.

"The purposes of this Act are—

"(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms, hypoxia, and nuisance algae through baseline research, monitoring, prevention, mitigation, and control;

"(2) to provide for the assessment and consideration of regional and national ecosystem, socio-economic, and human health impacts of harmful and nuisance algal blooms and hypoxia, and integration of that assessment into marine and freshwater resource decisions; and

"(3) to facilitate regional, State, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia event response plans, strategies, and tools including outreach programs and information dissemination mechanisms.".

SEC. 5. INTERAGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

(a) FEDERAL REPRESENTATIVES.—Section 603(a) is amended—

(1) by striking "The Task Force shall consist of the following representatives from—" and inserting "The Task Force shall consist of representatives of the Office of the Secretary from each of the following departments and of the office of the head of each of the following Federal agencies:";

(2) by striking "the" in paragraphs (1) through (11) and inserting "The";

(3) by striking the semicolon in paragraphs (1) through (10) and inserting a period.

(4) by striking "Quality; and" in paragraph (11) and inserting "Quality."; and

(5) by striking "such other" in paragraph (12) and inserting "Other".

(b) STATE REPRESENTATIVES.—Section 603 is amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively;

(2) by inserting after subsection (a) the following:

"(b) STATE REPRESENTATIVES.—The Secretary shall establish criteria for determining appropriate States to serve on the Task Force and establish and implement a nominations process to select representatives from 2 appropriate States in different regions, on a rotating basis, to serve 2-year terms on the Task Force.";

(3) in subsection (h), as redesignated—

(A) by striking "Not less than once every 5 years the" in paragraph (1) and inserting "The";

(B) by striking "The first such" in paragraph (1) and inserting "The";

(C) by striking "assessments" in paragraph (2) and inserting "assessment"; and

(4) in subsection (i), as redesignated—

(A) by striking "Not less than once every 5 years the" in paragraph (1) and inserting "The";

(B) by striking "The first such" in paragraph (1) and inserting "The";

(C) by striking "All subsequent assessments" in paragraph (1) and inserting "The assessment"; and

(D) by striking "assessments" in paragraph (2) and inserting "assessment".

SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

"SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

"(a) ESTABLISHMENT.—The President, acting through NOAA, shall establish and maintain a national program for integrating efforts to address harmful algal bloom and hypoxia research, monitoring, prediction, control, mitigation, prevention, and outreach.

"(b) TASK FORCE FUNCTIONS.—The Task Force shall be the oversight body for the development and implementation of the national harmful algal bloom and hypoxia program and shall—

"(1) coordinate interagency review of plans and policies of the Program;

"(2) assess interagency work and spending plans for implementing the activities of the Program;

"(3) assess the Program's distribution of Federal grants and funding to address research priorities;

"(4) support implementation of the actions and strategies identified in the regional research and action plans under subsection (d);

"(5) support the development of institutional mechanisms and financial instruments to further the goals of the program;

"(6) expedite the interagency review process and ensure timely review and dispersal of required reports and assessments under this Act; and

"(7) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions.

"(c) LEAD FEDERAL AGENCY.—NOAA shall be the lead Federal agency for implementing and administering the National Harmful Algal Bloom and Hypoxia Program.

"(d) RESPONSIBILITIES.—The Program shall—

"(1) promote a national strategy to help communities understand, detect, predict, control, and mitigate freshwater and marine harmful algal bloom and hypoxia events;

"(2) plan, coordinate, and implement the National Harmful Algal Bloom and Hypoxia Program; and

"(3) report to the Task Force via the Administrator.

"(e) DUTIES.—

"(1) ADMINISTRATIVE DUTIES.—The Program shall—

"(A) prepare work and spending plans for implementing the activities of the Program and developing and implementing the Regional Research and Action Plans and coordinate the preparation of related work and spending plans for the activities of other participating Federal agencies;

"(B) administer merit-based, competitive grant funding to support the projects maintained and established by the Program, and to address the research and management needs and priorities identified in the Regional Research and Action Plans;

"(C) coordinate NOAA programs that address harmful algal blooms and hypoxia and other ocean and Great Lakes science and management programs and centers that address the chemical, biological, and physical components of harmful algal blooms and hypoxia;

"(D) coordinate and work cooperatively with other Federal, State, and local government agencies and programs that address harmful algal blooms and hypoxia;

"(E) coordinate with the State Department to support international efforts on harmful algal bloom and hypoxia information sharing, research, mitigation, and control.".

"(F) coordinate an outreach, education, and training program that integrates and augments existing programs to improve public education about and awareness of the causes, impacts, and mitigation efforts for harmful algal blooms and hypoxia;

"(G) facilitate and provide resources for training of State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating harmful algal blooms and hypoxia;

"(H) support regional efforts to control and mitigate outbreaks through—

"(i) communication of the contents of the Regional Research and Action Plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

"(ii) overseeing the development, review, and periodic updating of Regional Research and Action Plans established under section 603B;

"(I) convene an annual meeting of the Task Force; and

"(J) perform such other tasks as may be delegated by the Task Force.

"(2) PROGRAM DUTIES.—The Program shall—

"(A) maintain and enhance—

"(i) the Ecology and Oceanography of Harmful Algal Blooms Program;

"(ii) the Monitoring and Event Response for Harmful Algal Blooms Program;

"(iii) the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program; and

"(iv) the Coastal Hypoxia Research Program;

"(B) establish—

"(i) a Mitigation and Control of Harmful Algal Blooms Program—

"(I) to develop and promote strategies for the prevention, mitigation, and control of harmful algal blooms; and

"(II) to fund research that may facilitate the prevention, mitigation, and control of harmful algal blooms; and

"(III) to develop and demonstrate technology that may mitigate and control harmful algal blooms; and

"(ii) other programs as necessary; and

"(C) work cooperatively with other offices, centers, and programs within NOAA and other agencies represented on the Task Force, States, and nongovernmental organizations concerned with marine and aquatic issues to manage data, products, and infractructure, including—

"(i) compiling, managing, and archiving data from relevant programs in Task Force member agencies;

"(ii) creating data portals for general education and data dissemination on centralized, publicly available databases; and

"(iii) establishing communication routes for data, predictions, and management tools both to and from the regions, states, and local communities.".

SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6, is amended by inserting after section 603A the following:

"SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.

"(a) IN GENERAL.—The Program shall—

"(1) oversee the development and implementation of Regional Research and Action Plans; and

"(2) identify appropriate regions and subregions to be addressed by each Regional Research and Action Plan.

"(b) REGIONAL PANELS OF EXPERTS.—As soon as practicable after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008, and every 5 years thereafter, the Program shall convene a panel of experts for each region identified under subsection (a)(2) from among—

"(1) State coastal management and planning officials;

"(2) water management and watershed officials from both coastal states and noncoastal states with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

"(3) public health officials;

"(4) emergency management officials;

"(5) nongovernmental organizations concerned with marine and aquatic issues;

"(6) science and technology development institutions;

"(7) economists;

"(8) industries and businesses affected by coastal and freshwater harmful algal blooms and hypoxia;

"(9) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

"(10) other stakeholders as appropriate.

"(c) PLAN DEVELOPMENT.—Each regional panel of experts shall develop a Regional Research and Action Plan for its respective region and submit it to the Program for approval and to the Task Force. The Plan shall identify appropriate elements for the region, including—

"(1) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

"(2) regional priorities for ecological and socio-economic research on issues related to, and impacts of, harmful algal blooms and hypoxia;

"(3) research needed to develop and advance technologies for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

“(4) State and local government actions that may be implemented—

“(A) to support long-term monitoring efforts and emergency monitoring as needed;

“(B) to minimize the occurrence of harmful algal blooms and hypoxia;

“(C) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

“(D) to address human health dimensions of harmful algal blooms and hypoxia; and

“(E) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

“(5) mechanisms by which data and products are transferred between the Program and State and local governments and research entities;

“(6) communication, outreach and information dissemination efforts that State and local governments and nongovernmental organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

“(7) pilot projects, if appropriate, that may be implemented on local, State, and regional scales to address the research priorities and response actions identified in the Plan.

“(d) PLAN TIMELINES; UPDATES.—The Program shall ensure that—

“(1) not less than 50 percent of the Regional Research and Action Plans developed under this section are completed and approved by the Program within 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008;

“(2) the remaining Regional Research and Action Plans are completed and approved by the Program within 24 months after such date of enactment; and

“(3) each Regional Research and Action Plan is updated no less frequently than once every 5 years.

“(e) FUNDING.—

“(1) IN GENERAL.—Subject to available appropriations, the Program shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved Regional Research and Action Plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant Regional Research and Action Plan.

“(2) APPLICATION; ASSURANCES.—Any organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require any organization receiving funds under this subsection to utilize the mechanisms described in subsection (c)(5) to ensure the transfer of data and products developed under the Plan.

“(3) ELIGIBLE ORGANIZATION.—In this subsection, the term ‘eligible organization’ means—

“(A) a nongovernmental researcher or organization; or

“(B) any other entity that applies for funding to implement the State, local, and nongovernmental control, mitigation, and prevention strategies identified in the relevant Regional Research and Action Plan.

“(f) EMERGENCY REVIEWS.—If the Program determines that an intermediate review is necessary to address emergent needs in harmful algal blooms and hypoxia under a Regional Research and Action Plan, it shall notify the Task Force and reconvene the relevant regional panel of experts for the purpose of revising the Regional Research and Action Plan so as to address the emergent threat or need.”.

SEC. 8. REPORTING.

Section 603, as amended by section 5, is amended by adding at the end thereof the following:

“(k) BIANNUAL REPORTS.—The Program shall prepare biannual reports for the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources that describe—

“(1) activities, budgets, and progress on implementing the national harmful algal bloom and hypoxia program;

“(2) the proceedings of the annual Task Force meeting; and

“(3) the status, activities, and funding for implementation of the Regional Research and Action Plans, including a description of research funded under the program and actions and outcomes of Plan response strategies carried out by States.

“(l) QUINQUENNIAL REPORTS.—

“(1) HARMFUL ALGAL BLOOM AND HYPOXIA ASSESSMENTS.—Not less than once every 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008, the Task Force shall prepare a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources that—

“(A) describes the state of knowledge on harmful algal blooms and hypoxia in marine and freshwater systems, including the causes and ecological consequences;

“(B) describes the social and economic impacts of harmful algal blooms and hypoxia and strategies for their minimization and mitigation;

“(C) describes the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

“(D) describes progress on developing technologies and advancing capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia and implementation of strategies for achieving these goals;

“(E) describes progress on, and techniques for, integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies, including projects at the Federal and regional levels;

“(F) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

“(G) includes recommendations for integrating and improving future national, regional, State, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia; and

“(H) describes impacts of harmful algal blooms and hypoxia on coastal communities and a review of those communities’ efforts and associated economic costs related to event forecasting, planning, mitigation, response, and public outreach and education.

“(2) PUBLIC COMMENT.—At least 90 days before submitting the report to Congress, the Secretary shall publish the draft report in the Federal Register for a comment period of not less than 60 days.”.

SEC. 9. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

The Act, as amended by section 7, is amended by inserting after section 603B the following:

“SEC. 603C. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

“(a) PILOT PROGRAM.—The Secretary shall establish a collaborative pilot program with the Environmental Protection Agency and other appropriate Federal agencies to examine harmful algal blooms and hypoxia occurring in freshwater systems. The pilot program shall—

“(1) be established in the Mississippi River Basin watershed;

“(2) assess the issues associated with, and impacts of, harful algal blooms and hypoxia in freshwater ecosystems;

“(3) research the efficacy of mitigation measures, including measures to reduce nutrient loading; and

“(4) recommend potential management solutions.

“(b) REPORT.—The Secretary of Commerce, in consultation with other participating Federal agencies, shall conduct an assessment of the effectiveness of the pilot program in improving freshwater habitat quality and publish a report, available to the public, of the results of the assessment.”.

SEC. 10. INTERAGENCY FINANCING.

The Act is amended by inserting after section 604 the following:

“SEC. 604A. INTERAGENCY FINANCING.

“The departments and agencies represented on the Task Force are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this Act, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the same.”.

SEC. 11. APPLICATION WITH OTHER LAWS.

The Act is amended by inserting after section 606 the following:

“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.”.

SEC. 12. DEFINITIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

“SEC. 605A. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the NOAA.

“(2) HARMFUL ALGAL BLOOM.—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(3) HYPOXIA.—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(4) NOAA.—The term ‘NOAA’ means the National Oceanic and Atmospheric Administration.

“(5) PROGRAM.—The term ‘Program’ means the integrated harmful algal bloom and hypoxia program established under section 603B.

“(6) REGIONAL RESEARCH AND ACTION PLAN.—The term ‘Regional Research and Action Plan’ means a plan established under section 603B.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce, acting through NOAA.”.

“(8) TASK FORCE.—The term ‘Task Force’ means the Interagency Task Force established by section 603(a).

“(9) UNITED STATES COASTAL WATERS.—The term ‘United States coastal waters’ includes the Great Lakes.”.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking “Hypoxia (hereinafter referred to as the ‘Task force’).” and inserting “Hypoxia.”.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:—

“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to NOAA to implement the Program under this title—

“(1) $30,000,000 for each of fiscal years 2009 and 2010; and

“(2) $70,000,000 for each of fiscal years 2011, 2012, and 2013.The Secretary shall ensure that a substantial portion of funds appropriated pursuant to this subsection that are used for research purposes are allocated to extramural research activities.

“(b) REGIONAL RESEARCH AND ACTION PLANS.—In addition to any amounts appropriated pursuant to subsection (a), there are authorized to be appropriated to NOAA to develop and revise the Regional Research and Action Plans, $40,000,000 for each of fiscal years 2009 and 2010, such sums to remain available until expended.

“(c) PILOT PROGRAM.—In addition to any amounts appropriated pursuant to subsection (a), there are authorized to be appropriated to NOAA such sums as may be necessary to carry out the pilot program established under section 603C.”.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that will address an ongoing problem that adversely affects local communities and coastal areas around my home State of Florida and across coastal States nationwide.

Today, Senator SNOWE and I, along with Senators CANTWELL, KERRY, VITTER, LEVIN, VOINOVICH, BOXER, CARDIN, and MIKULSKI, are introducing a bill that would reauthorize and enhance the Harmful Algal Bloom and Hypoxia Research and Control Act, HABHRCA, which was enacted in 1998 and reauthorized 4 years ago. This act has enabled critical monitoring, forecasting, and research activities that have greatly improved our understanding and prediction of harmful algal blooms, nuisance blooms like red drift, and low-oxygen or hypoxia events that plague our estuaries and coastal waters.

While the accomplishments made to date through HABHRCA are certainly valuable and to be commended, more work lies ahead. In Florida, harmful algal blooms, including red tides, and frequent red drift events continue to occur along our coasts.

According to experts from Mote Marine Laboratory in Sarasota, most of Florida's red tides are caused by a microscopic algae called *Karenia brevis*, which creates blooms that can last for months and cover hundreds of square miles. What makes this organism so harmful are the toxins it produces. These toxins can kill fish, birds, and other marine animals. For humans, the toxins trigger respiratory problems, eye and skin irritation, and shellfish poisoning when the toxins accumulate in oysters and clams. When these blooms die, the decomposing algae strip oxygen from the water column. These hypoxic conditions deprive fish, manatees, and other animal species of the oxygen they need to survive.

A particularly devastating and intense red tide struck the Florida gulf coast in the summer of 2005, causing widespread animal deaths and public health and economic problems. The St. Petersburg/Clearwater Area Convention and Visitors Bureau estimated upwards of $240 million in losses for the Tampa region as a result of this bloom.

Scientists have told us that red tides are a lot like hurricanes complex but natural phenomena that can have profound impacts on our environment and society. Although we may not be able to stop this natural process, we can do more to predict it and take actions to minimize its impacts on our citizens and natural resources.

While red drift algae lack the toxins associated with red tide, they can nonetheless cause enormous problems along Florida's beaches. We have had numerous red drift events in Florida over the last few years. In March 2007, some witnesses described clumps of red drift algae the size of hay bales floating on the surface of the Gulf of Mexico, and washing onshore from Fort Myers to Anna Maria Island. Scientists have also been looking into whether nutrients from the decomposing algae may feed subsequent blooms, keeping local waters in a terrible cycle.

Other algal blooms are impairing waterways and causing social and economic problems in my state. Earlier this month, a water treatment plant on the Caloosahatchee River in Lee County had to be closed temporarily due to a bloom of blue-green algae.

It is clear that harmful algal blooms and hypoxia events can have devastating impacts on water and air quality, aquatic species, wildlife, and beach conditions, which in turn affect public health, commercial and recreational fishing, tourism, and related businesses in our coastal communities. The question becomes, what can we do to stop this? If we can't stop these events, how can we better plan for them and take steps to minimize the impacts?

We have learned from scientists and researchers, many of whom were funded by HABHRCA-authorized programs, that some harmful algal blooms and red drift events can be triggered by excess nutrients from upland areas that wash into rivers and are delivered to the coast. Because this problem often crosses political and geographic boundaries, we must pursue solutions that are regional in nature and bring together expertise from all levels of government, from academia, and from other outside groups who have a stake in keeping our coastal waters healthy, clean, and productive.

Senator SNOWE and I have worked together to craft a bill that will not only continue critical research on harmful algal blooms and hypoxia, but help address some of these pressing needs that exist on every coast—from the Atlantic and Gulf of Mexico, to the Pacific and the Great Lakes. Our bill will help integrate and improve coordination among the government's programs that study and monitor these events. The bill would also improve how regional, state, and local needs are considered when prioritizing research grants and developing related products. Most importantly, this bill would focus new resources on translating research results into tools and products that state and local governments can use to help prevent, respond to, and mitigate the impacts of these events.

Although we have made significant progress in identifying some of the causes and consequences of harmful algal blooms and hypoxia since 1998, much work remains to find solutions that minimize the occurrence of these events and that enable our coastal communities to become resilient to the impacts. This legislation to amend and reauthorize the Harmful Algal Blooms and Hypoxia Act represents an important step toward realizing those goals.

In closing, I would like to recognize Senator SNOWE for her leadership on this issue. As the sponsor of both the original legislation in 1998 and the 2004 amendments, her expertise on harmful algal blooms and the impacts of these events on her constituents has proved invaluable as we developed the measure before us today. I look forward to working with Senator SNOWE, in her role as ranking member of the Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee of the Commerce, Science, and Transportation Committee, as well as with Chairman CANTWELL and the other members of our subcommittee, to debate this important legislation.

By Mr. DURBIN:

S. 3197. A bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed

Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, when our National Guard and Reserve members return from active duty, the last thing they should have to worry about is struggling to catch up on the bills. Sadly, acute financial challenges are often exactly what greet our bravest men and women when they come home.

For those families who are struggling to make ends meet after serving our country, today I am introducing a bill, the National Guard and Reservists Debt Relief Act, that would give these families a little breathing room. My bill would waive the means test for entering into Chapter 7 bankruptcy protection for National Guard and Reserve members who have served since September 11, 2001. The bill would give these families a little more time to reorganize their finances so that they can get their lives back in order after serving.

The 2005 Bankruptcy Abuse Prevention and Consumer Protection Act changed the U.S. bankruptcy code to make it significantly harder for individuals to receive protection from their creditors via bankruptcy, by requiring filers to pass a means test based on an individual's income and expenses for the 6 month period preceding a bankruptcy filing.

My bill would exempt returning Guard and Reserve members from this means test, both because our finest men and women deserve greater financial protection and because they are uniquely disadvantaged by the means test criteria. Despite receiving much-deserved active duty pay for their service, National Guard and Reserve members often take a pay cut when they leave their jobs for a deployment. But because the means test includes the past 6 months of income in its calculation, men and women with little current income may not qualify for bankruptcy protection.

This is an issue that will become increasingly important in my home state of Illinois. The Illinois National Guard is preparing for the largest deployment of soldiers since World War II, with more than 2,700 currently training for deployment to Afghanistan. For the men and women in this group who find themselves in unfortunate financial circumstances when they return home, particularly if our economy continues to slow, this bill would help by allowing these men and women to file for bankruptcy if they desperately need that help.

I am pleased that the House version of this legislation, championed by my good friend Representative JAN SCHAKOWSKY, passed the House by voice vote earlier this week. I urge my Senate colleagues to support this bill just as strongly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reservists Debt Relief Act of 2008".

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in each of clauses (i) and (ii)—

(A) by indenting the left margins of such clauses 2 ems to the right; and

(B) by redesignating such clauses as subclauses (I) and (II), respectively;

(2) by striking "if the debtor is a disabled veteran" and inserting the following:

"if—

"(i) the debtor is a disabled veteran";

(3) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(ii) while—

"(I) the debtor is—

"(aa) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

"(bb) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days; and

"(II) if, after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.".

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term "effects" means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trustees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—

(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title, and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

By Mr. SMITH (for himself and Mr. DODD):

S. 3195. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, I rise today with my colleague Senator DODD to introduce a bill that will have a tremendous impact on millions of young adults in America who will suffer from mental illness in their lifetime. The

Healthy Transition Act of 2008 is an important bill and I look forward to its passage.

Senator DODD has been an ardent champion for children, and as the Sponsor of the Garrett Lee Smith Memorial Act in 2004 and the bill to reauthorize the successful grant program again last year, it has been an honor to work with him to ensure our Nation's youth and their mental health needs are not forgotten.

I want to begin by thanking my colleague Representative PETE STARK for working with me on this important issue and for joining me in requesting a report by the Government Accountability Office,GAO last year on the barriers facing youth with serious mental health disorders as they age into adulthood. It has been a pleasure to work with him on drafting legislation that we will introduce today as I know he shares a passion for improving the lives of our children and young adults.

This time in a young person's life is so difficult with the pressures of being independent, finding a first job, going to college and really discovering who you are. For so many of our Nation's youth this time is made so much more difficult by their struggle with mental illness. My son Garrett struggled with his transition to adulthood and in his ability to access the help he needed during this critical time. These young adults deserve our attention, our support and our compassion.

Finally, I want to thank the many stakeholders and advocates that have put so much time and dedication into working with us to introduce this bill, the Healthy Transition Act of 2008. They include the National Alliance on Mental Illness, the Children's Defense Fund, the National Federation of Families for Children's Mental Health, the Bazelon Center for Mental Health Law, and the American Psychological Association, just to name a few.

The findings of the GAO report that Congressman STARK and I requested, tells us that at least 2.4 million young adults aged 18–26 had a mental illness in 2006. We know that this number could be greatly understated as it does not count young adults who are institutionalized, incarcerated or homeless—all of which are groups that are known to have higher rates of mental illness.

These young people have such tremendous challenges that cause them to demonstrate lower rates of high school graduation and college attendance than their peers who do not suffer from mental illness. They also have lower propensity to find employment and remain stable in their communities. In my home State of Oregon, this transition-age population was found to be 80 percent less likely than any other population in the State with mental health needs to receive services.

However, from this report, and the work innovative States are doing to support our young people, we know that we can do a better job of helping these youth. We can do better at ensuring they can remain stable in their communities, that they can live healthy lives, and that they can prosper as adults.

The bill that Senator DODD, Representative STARK and I are introducing today will support States that want to do better for our Nation's young adults with mental illness. As the GAO found, too often services are not directed at this population or young adults are shoved into a system that was designed for a different age group with different needs.

Our bill, the Healthy Transition Act of 2008, will provide grants to States to first develop statewide coordination plans to assist adolescents and young adults with a serious mental health disorder to acquire the skills and resources they need to make a healthy transition to adulthood. After this plan has been submitted and evaluated by SAMHSA, States may then compete for a second round of grants to help them implement the plan that they have made.

Lastly, this bill will develop a Committee of Federal Partners that will coordinate service programs that assist adolescents and young adults with mental illness at the federal level and provide technical assistance to States as they implement their plans. They also will report to Congress on their activities so that we can ensure they are doing their best to make sure these vulnerable young adults get the help and support they need.

This is such a critical time in a person's life and I look forward to continuing to work with my colleagues to make sure it is as healthy and positive an experience as it can be. I look forward to working with my colleagues to ensure its passage. I urge my colleagues on both sides of the aisle to support the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Transition Act of 2008".

SEC. 2. HEALTHY TRANSITIONING FOR YOUTH.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

"SEC. 520K. HEALTHY TRANSITIONING FOR YOUTH.

"(a) PLANNING GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the agencies described in subsection (c)(3), shall award grants or cooperative agreements to States to develop plans for the statewide coordination of services to assist adolescents and young adults with a serious mental health disorder in acquiring the skills, knowledge, and resources necessary to ensure their healthy transition to successful adult roles and responsibilities.

"(2) APPLICATION.—To be eligible for a grant or cooperative agreement under this subsection, a State shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

"(3) PLAN.—Not later than 18 months after the receipt of a grant or cooperative agreement under this subsection, a State shall submit to the Secretary a State plan that shall include—

"(A) reliable estimates on the number of adolescents and young adults with serious mental health disorders in the State;

"(B) information on the youth targeted under this Act, including—

"(i) the number of adolescents and young adults with serious mental health disorders in the State and the number of such individuals who are currently being served in the State;

"(ii) the number of such individuals who are receiving mental health services provided by State agencies other than the agency responsible for mental health services in the State;

"(iii) the number of youth with serious mental health disorders who are involved in the juvenile justice system in the State;

"(iv) the number of youth with serious mental health disorders who are involved in the child protection system in the State;

"(v) the number of youth with serious mental health disorders who have plans in effect under the Individuals with Disabilities Education Act in the State;

"(vi) the number of youth with serious mental health disorders who are involved in vocational rehabilitation in the State;

"(vii) the range of ages served by the programs described in clauses (i) through (vi);

"(viii) a description of the overall transition coordination that is currently provided by the State or local authorities and programs in the State;

"(C) an identification of the skills, knowledge, and resources that adolescents and young adults with serious mental health disorders in the State will need to ensure their successful and healthy transition into adult roles and responsibilities;

"(D) an identification of the obstacles that adolescents and young adults with serious mental health disorders in the State encounter while transitioning into adult roles and responsibilities, including breaks in service or programs caused by eligibility and program criteria differences between the child and adult mental health systems and the lack of local access to mental health and transition services;

"(E) an identification of the current level, type, quality, effectiveness, and availability of services, including evidence-based practices, available in the State that are uniquely designed for adolescents and young adults with a serious mental health disorder to ensure a healthy transition to successful adult roles and responsibilities;

"(F) an identification of adolescents and young adults with a serious emotional disorder who have a low likelihood of a healthy and successful transition due to the severity of their illness, and an identification of how the State will provide treatment and other support services to this population;

"(G) an analyses of the strengths, weaknesses, and gaps of the current system in the

State, including the availability of lack of mental health professionals trained to treat adolescents and young adults with a serious mental health disorder, as well as barriers, to address the needs of adolescents and young adults with a serious mental health disorder with an appropriate array of effective services and supports;

"(H) a description of how the State will improve the system of care to ensure successful and healthy transitions;

"(I) a description of how the State will coordinate the services of State and non-State agencies that serve adolescents and young adults with a serious mental health disorder;

"(J) a description of how the State will provide a system of coordinated service delivery under the grant or cooperative agreement that will address the effective services, supports, and unique needs of adolescents and young adults with a serious mental disorder, including those who have been placed in out of home settings such as the juvenile justice system or those who are or were involved in the child protection systems;

"(K) a description of how the State will coordinate efforts under the grant or cooperative agreement with existing services and systems in the State that focus on life skills necessary for a healthy transition including health, employment and pre-employment training, transportation, housing, recreation, mental health services, substance abuse, vocational rehabilitation services for persons with disabilities, and training for adolescents, young adults and adults, consumers and their families;

"(L) a description of how the State will work to build workforce capacity to serve the population described in subparagraph (J);

"(M) a description of how the State will reach out to the target population pre-transition, during transition, and post-transition;

"(N) a description of how the State is currently utilizing and leveraging (and how the State will use and leverage) Federal funding streams to care for the target population, including funding through Medicaid, the Department of Housing and Urban Development, the Department of Labor though supported employment, the Early and Periodic Screening, Diagnosis, and Treatment Program, and other programs, and including an outline of the barriers the State faces in making Federal funding flow to the targeted population in a coordinated manner;

"(O) a description of how the State will involve adolescents and young adults with serious mental health disorders and their families and guardians in the service design, planning, and implementation of the plan under the grant or cooperative agreement;

"(P) an implementation subplan that shall be designed to recognize the challenges of implementing a program between communities at a statewide level and how the State will overcome those challenges;

"(Q) a description of how the State plans to evaluate outcomes under the program funded under the grant or cooperative agreement;

"(R) a designation of the State office that will be the lead agency responsible for administering the program under the grant or cooperative agreement;

"(S) a description of how the State will ensure that the activities planned under the grant or cooperative agreement will remain sustainable at the end of the cycle of Federal funding under this section; and

"(T) any other information determined appropriate by the Secretary.

"(4) DURATION OF SUPPORT.—The duration of a grant or cooperative agreement under this subsection shall not exceed 2 fiscal years.

"(5) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and training in the development of the plan under paragraph (3), including convening a meeting of potential applicants for grants or cooperative agreement under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection, $6,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.

"(B) TECHNICAL ASSISTANCE.—The Secretary shall make available 15 percent of the amount appropriated under subparagraph (A) in each fiscal year for technical assistance under paragraph (5)

"(b) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants or cooperative agreement to eligible States for the coordination of services to assist adolescents and young adults with serious mental health disorders in acquiring the services, skills, and knowledge necessary to ensure their healthy transition to successful adult roles and responsibilities.

"(2) ELIGIBILITY.—To be eligible for a grant or cooperative agreement under paragraph (1), a State shall—

"(A) be a State that has received a grant or cooperative agreement under subsection (a) and submitted a plan that meets the requirements of paragraph (3) of such subsection; or

"(B) be a State that has not received such a grant or cooperative agreement but that has a plan that is equivalent to the plan required under subsection (a)(3).

"(3) APPLICATION.—To be eligible for a grant or cooperative agreement under this subsection, a State shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary requires, including—

"(A) a copy of the plan submitted under subsection (a)(3), or in the case of a State described in paragraph (2)(B), a plan that is equivalent to the plan required under subsection (a)(3);

"(B) a list of the State agencies that will participate in the program to be funded under the grant or cooperative agreement along with written verification as to the commitment of such agencies to the program;

"(C) an assurance that the State will develop a coordinating committee composed of representatives of the participating State agencies, as well as consumers and families of consumers;

"(D) a description of the role of such coordinating committee; and

"(E) the names of at least two local communities that will implement the program at the local level and how those communities will implement the State plan.

"(4) USE OF FUNDS.—Funds provided under a grant or cooperative agreement under this subsection shall be used to implement the State plan, including—

"(A) facilitating a youth ombudsman or other advocacy program;

"(B) facilitating peer support programs and networks within the State;

"(C) facilitating access to independent living and life skills supports;

"(D) developing infrastructure to support access to necessary health, mental health, employment, education, and housing supports; and

"(E) facilitating the training of support providers and workforce capacity to serve the target population.

"(5) DURATION OF SUPPORT.—The duration of a grant or cooperative agreement under this subsection shall not exceed 5 fiscal years.

"(6) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—To be eligible for a grant or cooperative agreement under this subsection, the State shall agree that, with respect to the costs to be incurred by the State in carrying out activities under the grant or cooperative agreement, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(i) for the first fiscal year for which the State receives payments under the grant or cooperative agreement, is not less than $1 for each $3 of Federal funds provided under the grant or cooperative agreement;

"(ii) for any second or third such fiscal year, is not less than $1 for each $2 of Federal funds provided under the grant or cooperative agreement;

"(iii) for any fourth such fiscal year, is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement; and

"(iv) for any fifth such fiscal year, is not less than $2 for each $1 of Federal funds provided under the grant or cooperative agreement.

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(i) IN GENERAL.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(ii) NON-FEDERAL CONTRIBUTIONS.—In making a determination of the amount of non-Federal contributions for purposes of clause (i), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose of the grant or cooperative agreement under this subsection for the 2-year period preceding the first fiscal year for which the State receives a grant or cooperative agreement under such subsection.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and training to recipients of grants or cooperative agreements under this subsection, including convening meetings each year to identify ways of improving State programs. Such meetings shall include the members of the Federal Partners Committee under subsection (c).

"(8) EVALUATION.—The Secretary shall carry out a cross-site evaluation that—

"(A) reports on current State efforts to transition the population involved prior to the implementation of the State plans under this section; and

"(B) evaluates the program carried out by the State under this section to determine the effectiveness of such program in meeting its goals and objectives as compared with current approaches.

"(9) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection, $6,000,000 for each of fiscal years 2009 and 2010, $15,000,000 for fiscal year 2011, $20,000,000 for fiscal year 2012, and $25,000,000 for fiscal year 2013.

"(B) TECHNICAL ASSISTANCE AND EVALUATION.—The Secretary shall make available 15 percent of the amount appropriated under subparagraph (A), or $2,000,000 whichever is greater, in each fiscal year for technical assistance under paragraph (7) and the evaluation under paragraph (8).

"(c) FEDERAL PARTNERS.—

"(1) IN GENERAL.—The Secretary shall designate an existing Federal entity, or establish a Committee of Federal Partners, to coordinate service programs to assist adolescents and young adults with serious mental health disorders in acquiring the knowledge and skills necessary for them to transition into adult roles and responsibilities.

"(2) EXISTING FEDERAL ENTITY.—If the Secretary elects to utilize an existing Federal entity under paragraph (1), the Secretary shall ensure that—

"(A) such entity is comprised of representatives of at least the agencies described in paragraph (3); and

"(B) such entity shall give special attention to the knowledge and skills needed by adolescents and young adults with mental health disorders in coordinating the programs funded under this section.

"(3) MEMBERSHIP.—A Federal entity utilized under this subsection, or a committee established under paragraph (1), shall include representatives of—

"(A) the Department of Education (or any subagency of the Department);

"(B) the Department of Health and Human Services (or any subagency of the Department);

"(C) the Department of Labor (or any subagency of the Department);

"(D) the Department of Transportation (or any subagency of the Department);

"(E) the Department of Housing and Urban Development (or any subagency of the Department);

"(F) the Department of Interior (or any subagency of the Department);

"(G) the Department of Justice (or any subagency of the Department);

"(H) the Social Security Administration;

"(I) an organization representing consumers and families of consumers as designated by the Secretary; and

"(J) an organization representing mental health and behavioral health professionals as designated by the Secretary.

"(4) ROLE OF ENTITY OR COMMITTEE.—The Federal entity or committee designated or established under paragraph (1) shall review how Federal programs and efforts that address issues related to the transition of adolescents and young adults with serious mental health disorders may be coordinated to ensure the maximum benefit for the individuals being served and to provide technical assistance to the States who are planning or implementing programs under this section..

"(5) REPORT.—Not later than 18 months after the date of enactment of this Act, the Federal entity or committee designated or established under paragraph (1) shall submit to the appropriate committees of Congress, and make available to the general public, a report concerning the participation of Federal agencies and stakeholders in the planning and operations of the entity or committee. Such report shall also contain a description of the status of the efforts of such entity or committee in coordinating Federal efforts on behalf of the target population.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.

"(d) DEFINITION.—In this section, the term 'serious mental health disorder' has the meaning given the term 'serious mental illness' by the Administrator for purposes of this title.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—DESIGNATING OCTOBER 19 THROUGH OCTOBER 25, 2008, AS "NATIONAL SAVE FOR RETIREMENT WEEK"

Mr. SMITH (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES 601

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of preferred savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19 through October 25, 2008, as "National Save for Retirement Week";

(2) supports the goals and ideals of National Save for Retirement Week;

(3) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the fiscal year 2007 budget;

(4) supports the need to raise public awareness of the importance of saving adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(5) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

SENATE RESOLUTION 602—A BILL SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. WHITEHOUSE, Mr. JOHNSON, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 602

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2008 as "National Life Insurance Awareness Month" to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5057. Mr. CRAIG (for himself, Mr. CRAPO, Mr. SMITH, Mr. DOMENICI, Mr. STEVENS, Ms. MURKOWSKI, Mr. BENNETT, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 5058. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

SA 5059. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 6304, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5057. Mr. CRAIG (for himself, Mr. CRAPO, Mr. SMITH, Mr. DOMENICI, Mr. STEVENS, Ms. MURKOWSKI, Mr. BENNETT, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year

ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REAUTHORIZATION OF THE SECURE RURAL SCHOOLS PROGRAM.

The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note) is amended—

(1) in section 208—

(A) in the first sentence, by striking "2007" and inserting "2008"; and

(B) in the second sentence, by striking "2008" and inserting "2009"; and

(2) in section 303—

(A) in the first sentence, by striking "2007" and inserting "2008"; and

(B) in the second sentence, by striking "2008" and inserting "2009".

SA 5058. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, strike lines 19 through 24, and insert the following:

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2011, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2011—

SA 5059. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, strike lines 17 through 21 and insert the following:

"(1) REVIEW OF CERTIFICATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

"(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

"(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

"(ii) determines that the assistance provided by the applicable electronic communication service provider was provided in connection with an intelligence activity that violated the Constitution of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, June 25, 2008, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 25, 2008 at 10 a.m., in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled "Future Federal Role for Surface Transportation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel" on Wednesday, June 25, 2008, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on the Housing and Economic Recovery Act of 2008: Bridget Mallon, Damian Kudelka, Jeremiah Langston, Mike Unden, Thea Murray, Matt Smith, Tom Louthan, and Mary Baker.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6040.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6040) was ordered to a third reading, was read the third time, and passed.

PROGRAM

Mr. REID. Mr. President, we are going to come in tomorrow and see what we can get accomplished. I believe we can get a few things done. I have already outlined what we need to do before we leave. With some cooperation we can get that done. If not—as I said here about a half hour ago, 45 minutes ago—if people want to play out this clock, people will have to be here Friday and Saturday. I hope that would be it, but we will have to wait and see. In that the Fourth of July doesn't occur until a week after we leave here anyway, people should keep in mind that there may be a need for us to work the next few days. I hope that is not necessary. We will have to see what happens. It is a shame.

I know we talked about the fact that we need to complete the housing bill, but we will complete that the first week we get back. By then Senators DODD and SHELBY maybe will have more things worked out with the House.

ORDERS FOR THURSDAY, JUNE 26, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, June 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 6304, the FISA legislation, and the time during the adjournment count postcloture. I further ask that Senator MURKOWSKI, or designee, control the time from 1:30 to 2:15 p.m. tomorrow, and that the time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:42 p.m., adjourned until Thursday, June 26, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

MICHAEL BRUCE DONLEY, OF VIRGINIA, TO BE SECRETARY OF THE AIR FORCE, VICE MICHAEL W. WYNNE, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JASON J. FICHTNER, OF VIRGINIA, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE ANDREW G. BIGGS, RESIGNED.

GENERAL SERVICES ADMINISTRATION

JAMES A. WILLIAMS, OF VIRGINIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE LURITA ALEXIS DOAN, RESIGNED.

SMALL BUSINESS ADMINISTRATION

SANTANU K. BARUAH, OF OREGON, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE STEVEN C. PRESTON, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MATTHEW L. KAMBIC

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN D. MUTHER

EXTENSIONS OF REMARKS

TRIBUTE TO PATRICIA FROUNFELKER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Patricia Frounfelker, recently nominated for the 2008 Service to America Call to Service Medal. Ms. Frounfelker is being nominated for her studies of potential hazards and risks associated with U.S. combat vehicles. Ms. Frounfelker's research on these hazards has led to safety improvements that are minimizing risks for our Nation's soldiers on the front line.

In her three years of government service with the Army Research Laboratory at Aberdeen Proving Grounds in Maryland, Patricia Frounfelker has become a leading expert in analyzing and characterizing the survivability of U.S. Army soldiers to a wide variety of potential risks. Most recently, she examined the potential for reactive armor to cause collateral injuries to troops who are near a tactical vehicle that is under attack. Ms. Frounfelker developed a detailed test plan to characterize reactive armor tiles being sent to Iraq for use on the Abrams tank. She collected and analyzed the data following each test and determined the collateral injuries likely to be suffered by dismounted U.S. troops within proximity to the tank. Ms. Frounfelker conducted her analysis using a novel methodology that she had previously developed to characterize the collateral damage to dismounted troops within proximity of the Stryker and Bradley vehicles. Her results identified areas of concern regarding hazards from each version of reactive armor and have led the Army to change how dismounted troops operate around these vehicles.

During the same period, Ms. Frounfelker served as the lead assessor of crew casualties for 25 U.S. Army developmental systems, including 11 that were fielded in Iraq or Afghanistan. These systems included three variants of the Guided Multiple Launch Rocket System (GMLRS) and several tactical wheeled vehicles. She collected and analyzed fragment data for every live-fire test of these systems, and her assessments provided the data needed to assess the lethality of U.S. munitions and the survivability of combat vehicles.

Madam Speaker, I ask that you join with me today to honor Patricia Frounfelker in her nomination for the 2008 Service to America Call to Service Medal. Patricia Frounfelker's efforts in this time of war have directly benefited soldiers and Marines by identifying and assessing potential injuries they might suffer in or near U.S. combat vehicles. This has allowed the Army to modify the vehicles or the tactics, techniques and procedures before the vehicles are fielded to better protect U.S. military personnel. Her efforts have resulted in better equipped, better protected warfighters, who are better able to protect and defend our Nation. It is with great pride that I congratulate Patricia Frounfelker on her exemplary efforts to increase safety for our armed forces overseas.

TRIBUTE TO TECHNICAL SERGEANT MICHAEL CMELIK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize a Nashua, Iowa native and TSgt Michael P. Cmelik as a recipient of a Bronze Star Medal for his heroic achievements during combat operations in support of Operation Iraqi Freedom. The Bronze Star, the Department of Defense's fourth highest award given, is awarded to individuals for bravery, heroism, and meritorious service.

Technical Sergeant Cmelik earned the Bronze Star as an elite member of the 15th Expeditionary Air Support Operations Squadron while operating in Kalsu, Iraq during his third tour of duty in Iraq. As stated by the military in a press release related to his award, "Sgt. Cmelik's leadership and professionalism ensured his Brigade Commander's intent for airpower was always met, and more often than not, exceeded. His actions are in keeping with the finest traditions of military service and reflect distinct credit upon himself, this command, the United States Army and the United States Air Force."

Technical Sergeant Cmelik's bravery goes above and beyond what we are asked of as citizens of this country, and his heroism and hard work illustrates the compassion and professionalism of America's troops. I commend TSgt Michael P. Cmelik's courageousness and service to our great Nation and consider it an honor to represent Sergeant Cmelik and his family in the United States Congress. I know my colleagues join me in wishing him the best in his future service to our country.

IN RECOGNITION OF THE NATIONAL ASSOCIATION OF CREDIT MANAGEMENT SOUTHWEST

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SESSIONS. Madam Speaker, I rise today to congratulate the National Association of Credit Management Southwest (NACMSW) who will celebrate its 100th birthday on July 18, 2008.

Since its founding in 1908, NACMSW has served as a primary learning, knowledge, and information source for its members. They provide valuable education and research programs to address the ever changing and growing needs of its members. NACMSW remains a vocal advocate for business credit and financial management professionals and pushes for the highest ethical and professional standards. I know NACMSW will continue to be a valuable resource for the local community and remain on the forefront of the credit industry.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartiest birthday wishes to the National Association of Credit Management Southwest.

JULY 4, 2008, NATURALIZATION CEREMONY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2008. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Paul R. Cherry, will be held at Harrison Park in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America, that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize the great things America has to offer. They realize that nowhere else in the world is the opportunity for success and a better life available to them than here in America.

On July 4, 2008, the following people will take their oath of citizenship in Hammond, Indiana: Mindi Thi Bul, Lidia Quinonez, Claudia Rodriguez, Maria de la Luz Godinez, Venkat Santhosh Reddy Poddutur, Juanita Martinez, Chu-Mei Peng, Pantelis George Baramantas, Teresa Fernandez, Jose Cruz Alvarez Martinez, Iris Xiomara Sierra, Nada Jerkovic, Juan Tellez Rangel, Sarp Kocak, Juana Ramirez de Pantoja, Aurelio Jimenez, Michal Armatys, Rosy Oliva Arreaga, Stevanda Vukicevic, Tanuja Reddy Poddutur, Genoveva Atilano, Lelis Estella Lizama, Arel Cherry, Dejan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lukich, Silvia Vazquez, Monica Leticia Dominguez, Rodolfo Macias, Snezana Krkobabic, Mario Gonzalez Salgado, Victor Manuel Garcia Garcia, Maria Carmen Avina, Cristina Varzoaba, Filiberto Corona, Ma Melorie Villagracia Rodriguez, Hilda Gonzalez, Gregorio Martinez Sanchez, Maria de Jesus Alvarez, Orlando Jiminez Serna, Diana Lewis, Jose Antonio Saldana, Ivanja Corak, Farida Begum, Elva Miriam Reyna, Fidelina Rodriguez, Beatriz Anaya Vargas, Efren Carranza, Arturo Cantero Paredes, Carlos Nicolas Perez Aranda, Maria Stoneburner, and Alma Della Rangel.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for educational or occupational opportunities or for the opportunity to offer their families a better life, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country ". . . of the people, by the people, and for the people." They realize that the United States is truly a free nation, and by seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice whatever religion they choose to practice, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

On July 4, 2008, we will welcome these newly naturalized citizens to enjoy the same freedoms and liberties that all Americans take pride in and cherish. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights of Life, Liberty, and the pursuit of Happiness. These individuals, representing many nations throughout the world, will be called upon to declare their allegiance to the United States of America.

Madam Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2008, the day of our Nation's independence. We, as a free and democratic nation, congratulate them and welcome them.

HONORING MR. BLACKSTONE DILWORTH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Blackstone Dilworth in recognition of his being named the 2008 Laredo Business Person of the Year by the Laredo Chamber of Commerce on June 26, 2008. This award recognizes his remarkable dedication to the city of Laredo as a business entrepreneur.

McMullen County is where it all began for Mr. Dilworth, where he was called upon to oversee his family's ranching, oil, and gas operations in the mid 1970s. He managed over 50,000 acres spread over four south Texas counties, and his land was often used for commercial hunting operations. In 1983, Mr. Dilworth went on to found Towers of Texas, a communication tower leasing company. He focused his communication business on the digital cell phone tower market in the late 1990s, enabling the construction of over 500 tower sites across Oklahoma, Texas, Kansas, Mississippi, Louisiana, and Arkansas.

Along with the expansion of his tower business, Mr. Dilworth planned and executed the development of a family ranch in north Laredo. The relatively new addition to Laredo has already created a solid reputation for itself, boasting of industrial, commercial, and residential development. From the beginning of Mr. Dilworth's ownership of the San Isidro ranch, he has tried to develop a quality place to live and work for Laredoans. Toward that end, he donated over 120 acres of land for Loop 20 as well as for the extension of McPherson Road to connect to the Loop. In the years following, the land for the United Day School was donated by the Dilworth family. The land for the fire station north of the Loop on McPherson was also donated to the city. Mr. Dilworth's newest venture in the business world is in the hospitality industry, with addition of the new Best Western Motel on the corner of Sandia Drive and Loop 20.

Madam Speaker, I am honored to have had this time to recognize the hard work and dedication of Mr. Blackstone Dilworth to the city of Laredo, to his wife, Frances, and to his family. He is a truly deserving recipient of the 2008 Laredo Business Person of the Year by the Laredo Chamber of Commerce.

HONORING DR. ALVIN R. LEONARD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Dr. Alvin R. Leonard. We lost this kind spirit and community leader on April 20, 2008. A remarkable trailblazer and humanitarian, Dr. Leonard lived a full and vibrant 90 years, during which he transformed our community immeasurably. Although his presence will be sorely missed, there is no doubt that his legacy will continue far into the future.

Dr. Alvin R. Leonard was a respected physician and community activist who used his talents and intelligence to serve those most in need in our community. Nearly 40 years ago, he helped found the Berkeley Free Clinic in my congressional district. Dr. Leonard then dedicated the remainder of his life to making sure people were given the opportunity to achieve and maintain good health. For Dr. Leonard, this was especially important for those who faced economic hardships or strenuous life circumstances.

During the 1950s and 1960s, Dr. Leonard served as the director of public health for the City of Berkeley, California. Dr. Leonard truly fulfilled his role as a public servant, introducing initiatives which championed those most in need regardless of the opposition or skepticism he faced from contemporaries. An example of his foresight is the seat-belt campaign he launched to encourage people to buy the safety devices and install them in their cars—long before national legislation mandated that auto manufacturers build cars equipped with them.

One of his greatest characteristics, noted by his family and friends, was his sense of humor. Dr. Leonard clearly knew the importance of love, camaraderie, community building, and maintaining a youthful spirit in the pursuit of both health and social justice. During his tenure as public health director, Dr. Leonard succeeded in persuading department employees to run up and down the stairs for exercise, convinced many to quit smoking, and always urged people to take their health both seriously and personally by giving up bad habits and encouraging lifestyle changes.

Dr. Alvin Leonard was an exceptionally vibrant and creative person whose accomplishments spanned decades where he personally impacted the lives of those around him. He documented pesticide poisoning among farm workers in the 1940s, created statewide programs to control high-blood pressure among specific ethnic groups and examined the health effects of electromagnetic fields. Perhaps most notably, in 1969 Dr. Leonard helped to establish the Berkeley Free Clinic.

Dr. Leonard was a pioneer and champion of our most vulnerable community members. Although the Greater Bay Area is one of the most diverse and innovative regions in the Nation, it also faces many challenges including homelessness, poverty, and health inequities. Dr. Leonard's compassion for those less fortunate motivated him to create a "street medicine" clinic.

The Berkeley Free Clinic found a permanent home in the Berkeley community, one of the Nation's epicenters for social justice advocacy. The clinic services our neighbors who are in the most dire economic need by providing them with a right that should be universal—the right to health care. Essential to Dr. Leonard's personal convictions and vision are the compassion and personal care shown to residents of my district who seek assistance from the clinic.

In its 40-year tenure, the clinic has served thousands of people, and today it is a strong pillar of hope for many in my district.

Although Dr. Leonard formally retired in 1984, he continued public health consulting until his own health no longer permitted it during this past year.

Dr. Leonard's legacy will certainly live on through the lives of all who were fortunate enough to know him. His contributions to our society were so great that his positive influence will continue on even through those who were never able to meet him.

Today, California's Ninth Congressional District salutes and honors Dr. Alvin R. Leonard. We extend our deepest condolences to his family, especially his wife of 65 years, Pearl, and his daughters Barbara and Cathy. May his soul rest in peace.

A TRIBUTE TO THE LIFE OF RICHARD DARMANIAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Richard Darmanian of

Fresno, California, who recently passed away at 81 years of age. He leaves behind his best friend and loving wife of 59 years, Armon, six children, and several grandchildren.

Mr. Darmanian was born on November 21, 1926, in Sacramento, California, but was raised in the Central Valley. As a youngster, he lived on a farm where his passion for farming came to life.

Upon graduation from Caruthers High School he attended Fresno State College and earned his B.A. degree in history and a master's degree in guidance and counseling.

Upon graduating from Fresno State in 1952, Mr. Darmanian began his teaching career at Roosevelt High School, where he taught mathematics, history and government. Mr. Darmanian was also counselor and dean of the boys at Roosevelt High School. In 1959 he purchased a small farm in the Sunnyside area, where he built a home and raised a family for many years.

In 1969 he became the assistant principal at Edison High School and then moved on to become the principal in 1972. He was also the principal at Hoover High School, and he served as district administrator in the Instruction Division from 1984 until 1988, where he was responsible for all the Fresno Unified School District's high schools.

Mr. Darmanian not only had a passion for education but also for his Armenian community where he was both very active and an influential member. In 1950, he became a member of the Armenian Revolutionary Federation, ARF, in which he served several terms as a member of the Regional Executive Committee and the Central Executive Committee. From 1952 to 1970 he served as regional secretary of the American Committee for the Independence of Armenia, Armenian National Committee. Also, as one of the founding members of the Armenian Community School that opened its doors in 1976, he served as chairman of the board of education for 6 years.

His strong values and community ties led him to serve as a long-time member of the Holy Trinity Armenian Apostolic Church Board of Trustees, as well as a member of the Executive Council of the Western Prelacy of the Armenian Apostolic Church of North America, where he was appointed to the Education Council of the Armenian Schools under the jurisdiction of Western Prelacy during the period of 1990 and 1994. He was also a member of the California State University Fresno Armenian Studies Advisory Board.

Richard enjoyed the simple things in life and loved to be surrounded by his family, friends and colleagues from the Armenian community. He was especially proud to see the younger Armenian generation alongside with him engaged in activities that were dear to his heart. Those who were close to him are better people today thanks to his influence on their lives.

It goes without saying that Mr. Richard Darmanian was an honorable man with a commitment to family, friends and the Armenian community that will forever live in the lives of the people he so graciously touched. His passion for family, education, and the Armenian culture will be remembered by all who knew him. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor and missed rollcall vote No. 441. Had I been present, I would have voted "nay."

STATEMENT HONORING THE 100TH ANNIVERSARY OF THE MINDORO "CUT"

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. KIND. Madam Speaker, I rise today in celebration of the centennial anniversary of the completion of the Mindoro "Cut" and its addition to the National Register of Historic Places.

The Mindoro Cut is a perfect example of the ingenuity of rural Wisconsin residents. When the need arose to market perishable dairy products from the countryside to the local creamery, neighbors and families came together and surveyed a route through the region's rugged terrain.

From 1907 and into 1908, workers dug and hacked through hard rock with little technology outside of wheelbarrows and hand tools and a good strong back. Digging 74 feet deep, 25 feet wide and 86 feet long, the Mindoro Cut is the deepest of its kind still remaining in America.

Eventually, about 14,000 cubic feet of rock would be removed. Although they initially assumed that the hilltop ridge was made of sandstone and dirt, cutters found hard rock just under the surface.

The Mindoro Cut is still in use today. From its creation in 1908, the "Cut" has more than served its original purpose. Today, tourists and visitors travel from across the country to marvel at the scenic views while they drive the winding highway through this man-made historical landmark.

Today I pay tribute to the workers who undertook this great endeavor and to the community of Mindoro for honoring their efforts. With its natural beauty and continued usefulness, the Mindoro Cut is a link to our region's history and people.

EXPRESSING THE SUPPORT OF THE TITLE IX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support of the Title IX of the Education Amendments of 1972, introduced by Congresswoman Patsy T. Mink.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any programs or activity receiving federal financial assistance," states the Title IX Law of 1972. Passed by Congress, the act prohibits discrimination against girls and women in federally funded education, including athletic programs. Many controversies arose trom the bill. It was protested that boy's sports would suffer if women's sports became equally funded. Despite all the difficulties, the newly enacted law created numerous opportunities for girls and women in many fields, such as science or math, health care, school bands, cheerleaders, clubs and athletics. Because of Title IX, many young women gained a chance to receive scholarships and opportunity for higher education.

The Title IX Law greatly improved the lives of females and will continue to affect women for years to come. Title IX has influenced many areas of education, giving the possibility for women to become lawyers, scientists, economists, politicians, doctors. Even at the present time gender equity is still an issue. By protecting and supporting Title IX, we can ensure full and equal educational opportunities for all people pursuing their education.

CONGRATULATING MEGHAN VITTRUP FOR HER APPOINTMENT AS UNIVERSITY OF NORTH TEXAS SYSTEM STUDENT REGENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Meghan Vittrup, who will be sworn in today as the Student Regent for the University of North Texas System. Appointed by the governor of Texas, the student regent serves as a member of the University's Board of Regents, which governs the University of North Texas, the UNT Health Science Center at Fort Worth, and the UNT Dallas Campus. Meghan will hold a one-year term, and she is charged with representing the interests of students as well as the interests of the State of Texas and the university system. The student regent is a very important position within the UNT system, and I am honored to recognize such an outstanding individual.

At UNT, Meghan is pursuing a degree in journalism, with a double minor in political science and Spanish. Additionally, she has been director of internal operations for the Student Government Association, and vice president of Eagle Angels, an on-campus organization. This summer, Meghan is working at the Pentagon as an intern writer for American Foreign Press Services, (AFPS), in the Office of the Assistant Secretary of Defense. AFPS provides the news content for the official Department of Defense website.

As an alumnus of UNT, it makes me especially proud to see a leader from within the student body involved in such an important role as a Member of the Board of Regents. It is encouraging to see current students taking such an active role in governing the school. It is because of dedicated individuals like

Meghan that the University of North Texas continues to shine as one of the leading universities of Texas.

Again, I commend Meghan for her outstanding accomplishment. Her appointment is well deserved, and I am confident that the UNT system will benefit from her involvement. I am proud to represent Meghan in the 26th District of Texas.

HONORING THE INCORPORATION OF THE CITY OF WILDOMAR, CA ON JULY 1, 2008

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ISSA. Madam Speaker, I rise today to congratulate the citizens of the City of Wildomar on their official incorporation as a city on July 1, 2008. Located in southwest Riverside County within the 49th Congressional District, Wildomar stands to be the 456th city in the great state of California. I commend the citizens of Wildomar for their decision to take the responsibility of self governance by utilizing the fundamental principles of democracy, a tradition that goes back to the founding days of our nation.

Established as a community in 1891, Wildomar has a long and rich history in California. The three founders constructed the name "Wildomar" from their first names, "Wil" from William Collier, "Do" from Donald Graham and "Mar" from Margaret Collier. Once a common stop for the Pony Express on the Butterfield Stage route, Wildomar provided a much needed break for the express riders. Thanks to the establishment of a rail line and stop at Wildomar, the village has continued to grow throughout the last century.

Today, the area of Wildomar consists of many custom built homes set on large ranches and communities along the hillsides with sweeping views of the valley. Wildomar remains a relaxing and naturally beautiful area of California. Wildomar is home to 27,000 people, many of them first time home buyers and long time residents.

On February 2, 2008, the citizens of Wildomar voted to incorporate the city, while at the same time electing the leaders that will set the standards for future growth and stability in a rich area of California. It is my honor to recognize the first city council of Wildomar: Council Members Ms. Sheryl Ade, Mr. Bob Cashman, Mr. Scott Farnam, Ms. Bridgette Moore, and Ms. Marsha Swanson. I look forward to working with the new council on issues important to their new and growing community.

As the Representative of the 49th Congressional District of California in the United States House of Representatives, I wish the new city of Wildomar great success as it begins the next chapter of Wildomar's storied history.

COMMENDING THE UNITED STATE'S LONGSTANDING RELATIONSHIP WITH SWAZILAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BURTON of Indiana. Madam Speaker, as a proud co-chair of the Congressional Caucus on Swaziland, I rise today to educate my colleagues about the history of Swaziland and strong but unfortunately too often overlooked relationship between the United States and the Kingdom of Swaziland.

The Swazi nation has a long and rich history going back to the 16th century when, according to tradition, the Swazi people migrated south from what is now Mozambique. Following a series of conflicts with people living in the area around modern day Maputo, Mozambique, the Swazi people settled in northern Zululand—part of present day South Africa—in about 1750. Unable to resist the growing power of the Zulu nation in the region, the Swazis moved gradually northward in the 1800s and established themselves in the area of modern Swaziland. From 1894 to 1902 South Africa administered Swazi interests with the British assuming control of the country in 1902. On September 6, 1968, the Kingdom of Swaziland became officially independent from the British crown.

Today, Swaziland is a full fledged member of the United Nations, the African Union, Common Market for Eastern and Southern Africa (COMESA), and Southern African Development Community (SADC). Ten accredited ambassadors or honorary consuls are resident in the country and Swaziland maintains diplomatic missions in Brussels, Copenhagen, Kuala Lumpur, London, Maputo, Nairobi, Pretoria, Taipei, the United Nations, and Washington, D.C.

The United States has maintained good bilateral relations since the kingdom became independent in 1968 and these good ties have developed substantially over the years through talks of trade and assistance to fight the HIV/AIDS epidemic that plagues the Kingdom.

Approximately five years ago, the United States began negotiations to launch a Free Trade Agreement with the Southern African Customs Union (SACU) made up of Botswana, Lesotho, Namibia, South Africa and Swaziland. While the negotiations are currently on hold, the United States is still engaged in cooperative efforts to launch a program to intensify the trade and investment relationship in preparation for a Free Trade Agreement that would eventually eliminate tariffs, reduce non-tariff barriers, liberalize service trade, protect intellectual property rights, and provide technical assistance to help the five African nations, including Swaziland. To compound these future goals, the U.S. supports small enterprise development, education, military training, and development of institutions and human resources, and agricultural.

In addition to promoting economic reform and improved industrial relations, the United States has worked closely with many organizations within Swaziland, and through U.S. agencies, to develop HIV/AIDS initiatives and programs. The U.S. is also the largest bilateral donor to the Global Fund, Swaziland's principal HIV/AIDS funding source. Through this source, many Swaziland groups such as the Hope House, Anglican United Against HIV/AIDS, World Teach, Salvation Army etc, have received funds to help in the scourge against AIDS. As exhibited in this year's large reauthorization amount for Presidential Emergency Plan for AIDS Relief (PEPFAR), the United States is committed in the fight against AIDS, and will stand alongside any country willing to join us in this serious fight.

The Peace Corps has made substantial contributions to this common fight as well. In 2003, Peace Corps volunteers returned to Swaziland after a nine-year absence. The current Peace Corps program in Swaziland focuses on HIV/AIDS and provides assistance in the execution of two components of the HIV/AIDS national strategy—risk reduction and mitigation of the impact of the disease. Volunteers encourage youth to engage in appropriate behaviors that will reduce the spread of HIV; they work with children orphaned by the HIV/AIDS pandemic; and they assist in capacity building for nongovernmental organizations and community-based organizations.

I was also pleased to learn that the U.S. Government sends, on average, four Swazi professionals to the United States each year, from both the public and private sectors, primarily for master's degrees, and about five others for three- to four-week International Visitor programs. Such programs are vital to continuing substantial progress between our two countries' common goals. Given the great potential for progress and development between the United States and Swaziland as outlined above, I am excited to co-chair the Congressional Swaziland Caucus with my friend and colleague Representative EDOLPHUS TOWNS of New York. I urge my colleagues to learn more about the Kingdom of Swaziland and to consider joining the Congressional Swaziland Caucus to help us bolster the long standing ties of friendship between our two great countries.

IN REMEMBRANCE OF JUSTICE REVIUS ORTIQUE, JR.

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. JEFFERSON. Madam Speaker, the death of Justice Revius O. Ortique, Jr. this past Sunday marked the passing of a true public servant and a selfless leader. A man of historic firsts, most notably the first African-American member of the Civil District Court in Louisiana, and the first African-American member of Louisiana's Supreme Court, he blazed a trail for others to follow.

He was an outstanding lawyer, winning landmark civil rights cases, and serving as President of the National Bar Association. He served our community as a leader of our Urban League and chair of the New Orleans Aviation Board. He served our Nation, as an army officer and as an appointee to significant federal posts by five different Presidents.

Justice Ortique was a man of community, of faith and of family. He was a man who loved justice and pursued it for himself and others his entire life. Our Nation is better for his service, his leadership and his commitment to his country. We pray God's comfort for his wife of over 60 years, Miriam; his daughter, Rhesa; and her husband, Alden; and his grandchildren, Chip, Heidi, and Todd.

TRIBUTE TO NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the National Institutes of Health, NIH, and call attention to one example of important NIH-supported research being conducted through the National Institute on Deafness and Other Communication Disorders, NIDCD.

Of the five standard senses—sight, hearing, taste, smell, and touch—hearing is the one that people are most likely to lose. Approximately 32 million American adults have some form of hearing loss, ranging from mild to profound. Loss of hearing can occur at any age. Between two to three out of every 1,000 infants in this country are born deaf or hard of hearing. This impairment can make it difficult for a child to learn and adversely affect his or her social and emotional development. Older adults can experience social isolation and depression. Needed supportive care and services can be very costly. The Centers for Disease Control and Prevention estimates that the average lifetime costs for one individual with hearing loss is $417,000. These costs include direct medical costs such as doctor visits, direct nonmedical expenses such as special education, and indirect costs such as lost wages when a person cannot work due to hearing loss.

With NIH funding, scientists have made tremendous strides during the past decade in understanding the basic biology that underlies hearing loss. Research has already led to the development of the cochlear implant which helps people with certain types of hearing loss understand speech and other sounds. Researchers are also exploring the possibility of regenerating cochlear hair cells in humans; the destruction of these hair cells is the primary factor in most cases of hearing loss. Before, it was assumed that damaged cochlear hair cells could not regenerate in people and other mammals. However, in 2005, NIH-funded research has enabled scientists to identify a gene that may one day enable hair cells to regenerate in mammals.

These findings indicate exciting new possibilities for hearing loss treatments by regenerating the hair cells that transform and send sound waves as electrical signals to the brain, thus making it possible to hear better. In addition, there are new technologies on the horizon for diagnosing hearing loss in infants, thus enabling hearing-impaired children to receive early intervention that can help them develop language skills similar to that of their peers. For example, scientists and clinicians working collaboratively at the Boys Town National Research Hospital with the support of NIDCD developed an approach for testing the hearing mechanism of infants in a matter of minutes in the first days of life. This technology is now in widespread use in many birthing hospitals in the U.S. as part of their universal newborn hearing screening programs.

This is but a few examples of how the research funded with taxpayer dollars at the NIH is improving the health and well-being of all Americans.

CONGRATULATING JAKE MILLER, RECIPIENT OF THE 2008 HOUSE FELLOWS PROGRAM FROM THE 11TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to congratulate Jake Miller, on his acceptance of the 2008 House Fellows Program from the 11th Congressional District of Pennsylvania.

The House Fellows Program, an initiative created three years ago by the Office of the Historian, extends the opportunity for high school Social Studies teachers to visit Washington, D.C. in order to learn, first hand, the intricate structure and proceedings of the U.S. House of Representatives. The program brings together twelve teachers during this week-long workshop, from June 23–27, 2008, selected from Congressional Districts throughout the country.

The purpose of this program is to advance the knowledge of the history and practices of "The People's Branch" so that the selected teachers can bring back an enriched understanding of the legislative process. While the focus of the program is Congress, the Fellows will also participate in conferences at the National Archives, the Smithsonian Institution, and the Library of Congress. These teachers will then be able to take these details they learn back to their students.

Jake Miller is recipient of this honor from our 11th Congressional District of Pennsylvania. He is a resident of Summit Hill and is a teacher at Panther Valley High School located in Lansford. As a teacher at the high school, Jake instructs freshman in U.S government and seniors in economics. To help aid his professional development as a teacher, Jake tutored students in biology, algebra, and literature and co-founded an organization that assisted in registering and counseling individuals on the voting process. When he is not supporting students in the classroom, he is the faculty advisor for numerous student activities including student council and yearbook.

Additionally, Jake worked for Pennsylvania State Senator John Gordner where Jake coordinated various activities in Senator Gordner's office including issues pertaining to schools within the state. The knowledge gained by this professional experience undoubtedly has a positively impacted on the lessons he passes on to his students in the classroom.

Madam Speaker, please join me in congratulating Jake Miller on his acceptance to the competitive House Fellows Program. His commitment to education, the government and his community greatly benefits his own students and those throughout the Pennsylvania educational system.

A TRIBUTE TO MAURICE CALDERON, A TRUE CIVIC LEADER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to a beloved community leader in San Bernardino and Riverside counties, and one of the most caring individuals I have ever known, Maurice Calderon of Banning, California.

The son of a laborer, Maurice Calderon is a shining example of living the American dream to the fullest. He began with night classes at the local community college and an entry-level job as a teller at Redlands Savings and Loan. His long career led him to become the senior vice president for governmental affairs and community development with Arrowhead Credit Union, which he helped to become a community institution.

Even as he was beginning his career, Maurice became the first Hispanic elected official in the city when he won a seat on the Banning Unified School District board in 1967. He served for nine years, becoming a champion of educational opportunities for the large Hispanic community. He later was elected as a trustee of the Mt. San Jacinto Community College District, serving for another nine years.

His community involvement has been legendary. He has served on the foundation boards for the University of California, Riverside and California State University, San Bernardino. He was a leading member of the Inland Empire Hispanic Chamber of Commerce, the Inland Empire African American Chamber of Commerce and the Inland Empire Economic Partnership. He served as president of Sinfonia Mexicana and Chairman of the Inland Empire Hispanic Leadership Council.

The list of his commitments to his community is impressive, but it does not do justice to the depth of Maurice's involvement. When he takes an interest in an organization, he brings a warmth and dedication that quickly make Maurice one of the most valued members. He has been a civic-minded connection tying all these groups together and making them all more effective.

He has also helped Arrowhead Credit Union become a force for bringing the American dream to minority and working class neighborhoods throughout the Inland Empire. He led the drive to open the first banking office in the African-American and Hispanic neighborhoods in west San Bernardino. The credit union has been honored for its minority outreach programs.

For his efforts, Maurice has received accolades from numerous cities and the two counties. He has had Banning street named in honor of his family. In 2004, he received the Ohtli Award, the highest recognition granted by the Mexican Ministry of Foreign Affairs to members of the Mexican American Community. He is in the Southern California Native American and Latino Hall of Fame.

His devotion to his children and grandchildren has earned him honors as the Father of the Year. He and wife Dorothy—a community spirit in her own right—have spent 47 years together and in service to the Inland Empire.

Madam Speaker, Maurice Calderon is retiring from his position with the credit union, but will most certamly remam active in his many other roles. I ask you and my colleagues to please join me in thanking him for his decades as a community leader, and wish him and Dorothy well in all their future endeavors.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, June 24, 2008, I was unable to cast my votes on the Motion to Adjourn, the Motion to Adjourn, and H.R. 6331. Had I been present for rollcall No. 441 on the Motion to Adjourn, I would have voted "aye." Had I been present for rollcall No. 442 on the Motion to Adjourn, I would have voted "aye." Had I been present for rollcall No. 443 on suspending the rules and passing H.R. 6331, the Medicare Improvements for Patients and Providers Act, I would have voted "aye."

IN MEMORY OF LANCE CORPORAL ANDREW FRANCIS WHITACRE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. PENCE. Madam Speaker, I rise today to honor a fallen hero who served his country bravely in Iraq and Afghanistan. I was deeply saddened to learn of the loss of Lance Corporal Andrew Whitacre of Bryant, Indiana, one of two Marines who perished while conducting combat operations in southwestern Afghanistan's Farah Province on Thursday, June 19, 2008.

Lance Cpl. Whitacre was assigned to 2nd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, based in Twentynine Palms, California. He was serving in support of Operation Enduring Freedom in Afghanistan, where his unit was helping to train the Afghan national police.

The three Marine Corps values are honor, courage and commitment. They make up the bedrock of the character of each individual Marine. These values, handed down from generation to generation, have made the U.S. Marine Corps the most respected and revered fighting force on earth. Lance Cpl. Whitacre personified these values and continued that proud tradition as a Marine who served his country bravely in combat.

An Infantry Assaultman, part of a gun team attached to his infantry unit, Lance Cpl. Whitacre's stock and trade was demolitions, breaching, and firing shoulder-launched assault weapons. As I'm sure his fellow 2/7 Marines who trusted their lives to his special explosives training would tell you, Lance Cpl. Whitacre was an asset to the Marine Corps, the United States and the American way of life. He will be sorely missed by all.

In addition to any posthumous commendations that he might receive because he died in the line of duty, Lance Cpl. Whitacre was the recipient of six awards since he left for Marine Corps boot camp in July 2005. He earned ribbons for combat action and overseas service, including campaign medals for Iraq and Afghanistan.

Madam Speaker, I extend my deepest condolences to the family and friends of Lance Cpl. Whitacre. And I wish to express my profound sadness to the community of Bryant, especially his father and stepmother, Ernie and Norma Whitacre; his mother and her fiancée, Susan Nunly and Michael Perry of Dunkirk; his fiancée, Casey McGuire of Parker, Arizona; two brothers, Ryan Murphy of Lancaster, Indiana and Justin Miller of Huntington; one sister, Ashley Williams of Lancaster, Indiana; four grandmothers, Mildred Whitacre of Berne, Caroline Huffman of Kendallville, Beulah Murphy of Bluffton and Mary Scott of Portland; and, many nieces and nephews.

We are all struggling to cope with the tragic loss of this young man, no less because his death follows hard on the heels of another fallen Marine from the Sixth District who was lost less than a week before. Just as Lance Cpl. Whitacre embodied the Marine motto—Semper Fidelis, "Always Faithful"—let us also be faithful to extend a helping hand to his family, friends and community, and remember them in our thoughts and prayers.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mrs. McCARTHY of New York. Madam Speaker, yesterday I missed one vote, and on Rollcall No. 447 on suspending the rules and passing H.R. 6327, the Federal Aviation Administration Extension Act of 2008, I would have voted "yea."

TRIBUTE TO SANDI WHITE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Sandi White, Secretary of the Greene County, Iowa Sheriff's Office, and to express my appreciation for her nearly 25 years of public service to her community.

In 1984, Sandi took a part time dispatcher position before taking over the full time graveyard shift in 1987. When the secretary's position opened, she jumped at the opportunity and has served in that position until her retirement in February. During her years at the Greene County Sheriff's office, Sandi's hard work has earned her the respect and appreciation of her community.

I commend Sandi White for her many years of loyalty and service to her fellow Iowans. It is an honor to represent Sandi in Congress, and I know my colleagues join me in wishing her a happy and healthy retirement.

EXPRESSING APPRECIATION FOR THE SERVICE OF MR. EUGENE BROWN AND THE NAVY ARMED GUARD DURING WORLD WAR II

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LAMBORN. Madam Speaker, I rise to pay tribute to more than 144,000 members of the Navy Armed Guard who served during World War II. Their service protecting merchant ships from enemy attack and ensuring needed supplies, ammunition, and troops made it across the world's oceans was an effort that helped lead America and her allies to victory. In 1998, Congress enacted Public Law 105–261, Section 534, stating Congress' "appreciation for service during World War I and World War II by members of the Navy assigned onboard merchant ships as the Naval Armed Guard Service." Today, I would also like to specifically mention one of my constituents, Mr. Eugene George Brown, and thank him for his service in the Navy Armed Guard. Following his entry into the Navy from Queens, New York, Mr. Brown served more than 3 years in the Navy Armed Guard, protecting the *SS ROBIN LOCKSLEY, SS FLOMAR,* and *SS MILL SPRING* in the American, Pacific, Asiatic, European, African, and Middle East theaters of World War II. But most importantly, then Seaman First Class George earned the Victory Medal, with its inscription on the obverse—Freedom From Fear and Want; Freedom of Religion and Speech. Mister Speaker, on behalf of the Congress, I wish to thank Mr. Brown and his more than 144,000 shipmates of the Navy Armed Guard during World War II, and pay tribute to the 1,810 who were killed in action. Their service and sacrifice is recognized and appreciated by a grateful Nation.

HONORING THE VETERANS OF HONOR FLIGHT CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. EMANUEL. Madam Speaker, I rise to pay tribute to the Chicago-area veterans of World War II who have arrived today on Honor Flight Chicago to visit the memorial that is dedicated to them, and to celebrate the country that they helped define.

These are the men who proudly wore the uniform of this country, endured the rigors of the war, and fought for our liberty and the freedom of future generations of Americans. While their wartime experiences are as varied as the paths they took following the war, they all remain united in defense of the values that shape our identity as a Nation: love of freedom and respect for human dignity.

Few members of the "greatest generation" spoke about their wartime experiences without evoking painful and emotional recollections of their experiences in World War II, and fewer still asked for recognition. I urge my colleagues to join me in welcoming these veterans to our Nation's Capital on this day. It is my privilege to honor each one.

Charles S. Affolter, Fredric S. Appelman, Francis Bailey, Edward Bednarczyk, Larry Black, Delmar Bond, Kenneth J. Chelmowski, John J., Sr. Cooney, Gilbert R. Dumdie, Bernard Edelman, Stanley Ewasiuk, Tom Flanagan, Henry W. Flora, Alfred Galvan, Robert E. Georgen, Melvin R. Gerberding, Lloyd Getz, Joseph Virgil Gray, Donald Harner.

Mark Hashimoto, Loyde A. Henry, Jesse Hidalgo, John Howard, Richard P. Hyland, Raymond Janus, Alvin S. Johnson, Phillip J. Joseph, Harold E. Kalbas, Merritt A. King, Kyrl (Carl) Kirk, Norman F. Kosman, Robert P. Krautstrunk, Joseph K. Kulinski, Keith F. Lawler, Sr., John S. Manasse, Dominic Martinucci, Elroy E. Meyer, Robert W. Mitchler, Samuel Mizra.

Nicholas Moorad, Amos Nicholson, Joseph A. Oruzco, Robert L. Palis, James W. Reilly, Melvin Rosenfeld, Gordon R. Schnulle, John I. Shumaker, James R. Taff, Lincoln S. Tamraz, Donald L. Thompson, Peter C. Urbane, Merrill S. Urbane, Sr., Raymond C. Wagner, Edward G. Wagner, John A. Weber, Ernest Westman, Stanley R. Williams, Jr., Armand E. Wormley, John H. Zeilstra.

SESQUICENTENNIAL OF THE CITY OF RIPON, WISCONSIN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. PETRI. Madam Speaker, on March 20, 2008, the City of Ripon, Wisconsin, celebrated the 150th anniversary of its being granted a city charter by the State of Wisconsin in 1858. The sesquicentennial of Ripon's chartering will be officially observed this summer at an annual community celebration called "Riponfest," which attracts thousands of visitors to the city to participate in a weekend of events recognizing everything that is best about this outstanding community in the heart of Wisconsin's 6th Congressional District.

Ripon, of course, is best known as "the Birthplace of the Republican Party." According to the Wisconsin State Historical Society, "the first mass meeting in this country that definitely and positively cut loose from old parties and advocated a new party under the name Republican" took place on March 20, 1854, in the "Little White School House" in Ripon.

I am pleased that a number of my colleagues have had the opportunity over the years to visit the Little White School House in Ripon. This site, which is listed on the National Registry of Historic Places, was recently restored thanks to the generosity of the Jeffris Family Foundation of Janesville, Wisconsin, which provided a challenge grant matched by funds raised by the dedicated and hardworking citizens of Ripon. They recognize the historical significance of this important site and the value of maintaining it so that it may be visited and enjoyed by future generations.

Ripon always has maintained a heritage of active citizenship and has been the home of a number of nationally recognized leaders, including George Peck, nationally beloved author of the Peck's Bad Boy books and Governor of Wisconsin; Harry Selfridge, founder of Selfridge's Department Store in London and the man who revolutionized retail commerce through the creation of the modern department store; Carrie Chapman Catt, a leader of the women's suffrage movement who organized the passage of the 19th Amendment to the Constitution and founded the League of Women Voters; Winifred Edgerton, the first woman in the country to earn a PhD in mathematics; Ben Marcus, whose nationwide empire of cinema complexes, hotels, and restaurants began with the Campus Cinema in Ripon; and Mark Conrad who, when elected mayor of Ripon in 1972 while still attending college, became the youngest mayor in the Nation.

For one hundred and fifty-seven years, Ripon has been the home of Ripon College, a nationally recognized quality liberal arts institution. For over one hundred and fifty years, Ripon has also valued its citizens with entrepreneurial spirit and vision who have given rise to the many businesses that continue to thrive there.

Given its rich history and regional significance, Ripon has been a leader among Wisconsin communities in the preservation of the historic architecture, artifacts, and documentary records related to the city's character and development.

I hope you will all join me in congratulating Ripon, Wisconsin, on the 150th anniversary of its chartering as a city by the State of Wisconsin.

TRIBUTE TO JILL PRUETZ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Iowa State University primatologist Jill Pruetz on winning a National Geographic Society Emerging Explorer Award for her research on primates in Senegal, Africa.

Jill, who is also an associate professor of anthropology at Iowa State University, received international recognition for performing a study which recorded habitual hunting by Savannah chimpanzees in Senegal, Africa. She found that apes made spears from twigs and caught prey with them. Jill is currently focused on the chimps' reactions to fire, use of water and general movements and behaviors. During her 7 years of researching in Senegal, Jill has suffered from malaria and avoided hazards such as poisonous snakes.

Jill's work and research is important to widening the scope of knowledge of different areas and species around the world. Without Jill's individual efforts, science would be left behind in understanding the environment's role in the adaptations of Earth's species.

I commend Jill Pruetz for all her hard work and contributions to scientific exploration. I consider it an honor to represent Jill in Congress, and I know my colleagues join me in wishing her future success and happiness as she continues her work in primatology.

COMMENDING THE WOOLUM FAMILY OF KNOX COUNTY, KENTUCKY, FOR ITS TRADITION OF SERVICE TO THE UNITED STATES OF AMERICA

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ROGERS of Kentucky. Madam Speaker, during this time of conflict overseas, the United States has called on her brave men and women in uniform to serve and to sacrifice. And they have answered this call—with honor, with immeasurable courage and with distinction. I rise today to recognize the Woolum Family, hailing from my region of southern and eastern Kentucky, for their dedication and decorated service to our great Nation.

David and Ruby Woolum, of Artemus, Kentucky, devoted their lives to imparting in their 12 children love of God, love of family, and love of country. Today, I am incredibly honored to share with you that seven of their nine sons, and four of their grandchildren, have taken these valuable lessons to heart and in turn dedicated their lives to military service. Their representation of both Kentucky and the United States is exemplary.

David and Ruby's sons David and Robert served valiantly in the Marine Corps; in fact, David returned from his second tour in Vietnam a decorated veteran and a recipient of a Purple Heart. Their brothers—Charles, Richard and Keith—spent their military careers in the Air Force, while Joseph and Terry Woolum served bravely in the Army. Terry is currently in his 33rd year of military service, as a member of the National Guard. The support of their siblings Priscilla, Ellen, Eric, and James never wavered.

Even more impressive is that their collective spirit of patriotism has trickled down to a younger generation of Woolums, who continue to represent southeast Kentucky with pride: David and Ruby's grandchildren Joseph, Robert, Jason and Jolene are currently serving in the Marine Corps, Army, National Guard and Air Force, respectively.

Thankfully these 11 closely knit men and young woman have returned safely from their many overseas tours of duty, including multiple deployments to such destinations as Vietnam, Germany, France, and recently, Iraq. I believe we have a special duty to honor these brave soldiers, airmen, marines and guardsmen for their outstanding service to our country and, in particular, to recognize the important role of David and Ruby Woolum in raising their children with a desire to serve our country and support one another in this noble endeavor.

When David Woolum passed away in November 2002, he and Ruby had been married for 64 years. I ask my colleagues to join me in celebrating and honoring the patriotism of this couple, which should serve as an example to American families for centuries to come.

TRIBUTE TO NEW HAMPTON TRINITY LUTHERAN CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Trinity Lutheran Church of New Hampton, Iowa, on celebrating their 50th anniversary as a congregation.

On July 31, 1958, the German parishioners of St. Paul's Lutheran Church and the Norwegian parishioners of St. Olaf's Lutheran Church joined together as Trinity Lutheran Church. St. John Lutheran Church of Lawler, Iowa became the third church to join Trinity Lutheran in 1964. The St. John Lutheran Churches in Ionia and Boyd are also now a part of the Trinity family.

The original St. Paul church cost $19,000 to build. While growing as a congregation, the Trinity family has also faced adversity in dealing with damaging fires at the church in 1973 and 2001. Both times the congregation came together and built their faith community even stronger. Through new contemporary services, Trinity's methods of conducting their services have changed with society, but its message has remained steadfast.

Trinity Lutheran Church of New Hampton is dedicated to benefiting the lives of those in New Hampton and the surrounding rural areas, and for this I offer Trinity my utmost congratulations and thanks on a prosperous history. It is an honor to represent all the parishioners of Trinity Lutheran and the current pastor Reverend Kevin Frey in the United States Congress, and I wish them continued success, grace, peace and celebration as a community.

TRIBUTE TO IOWA CENTRAL COMMUNITY COLLEGE TRITONS WRESTLING TEAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by the Iowa Central Community College Tritons wrestling team. This year Iowa Central won their third straight National Junior College Athletic Association, NJCAA, national championship.

Iowa Central is only the third junior college to ever win three straight national titles. At 125 pounds, Terrance Young earned an individual national title. David Greenwald and Brad Lower were runner-ups in their respective weight classes. Matt Burns, Joe Johnson, Carrington Banks and Kevin Kelly placed third, fourth, eighth and eighth in their respective weight classes. Carrington Banks, Brian Drake, David Greenwald, Kevin Kelly, Joe Johnson and Terrance Young were all named academic All-Americans as well.

The example set by these young men and their coach, Luke Moffitt, demonstrates the rewards of hard work, dedication and determination. They scored victories on the mat as well as in the classroom. Their triumph in both arenas is an honor that we all can admire and be proud of.

I am honored to represent Iowa Central Community College and their students, staff, faculty, wrestling team and their coaches in the United States Congress. I know that all of my colleagues join me in congratulating the Tritons on their third straight national championship and wishing all the young men continued success in their future endeavors.

TRIBUTE TO CAPTAIN LEE VANDEWATER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize CPT Lee J. Vandewater of Winterset, Iowa who was honored by the Central Iowa Chapter of the American Red Cross for his heroic efforts serving in the Iowa National Guard overseas, earning him a Bronze Star.

Captain Vandewater served as the 1st Platoon Leader, Company B, 168th Infantry of the Iowa National Guard. While serving overseas, he commanded a nine-vehicle convoy carrying 30 soldiers along the Afghanistan and Pakistan borders. Insurgents ambushed the battalion and Captain Vandewater commanded his team to safety and returned with three other men to successfully rescue four stranded soldiers. For his efforts, Captain Vandewater was awarded the Bronze Star Medal with Valor and the Combat Infantryman's Badge. The Bronze Star is the fourth highest award that the Department of Defense gives for bravery, heroism, and meritorious service. For his service he earned a promotion to Captain and was assigned as Commander, Company A 1st Battalion, 168th Infantry of the Iowa National Guard.

The bravery and sacrifice displayed by Captain Vandewater goes above and beyond what we are asked of as citizens of this country. I commend CPT Lee J. Vandewater's courageousness and service to our great Nation. It is an honor to represent him in the United States Congress, and I know my colleagues join me in wishing Captain Vandewater safety and success in his future service.

INTRODUCTION OF THE PUGET SOUND RECOVERY ACT OF 2008

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. DICKS. Madam Speaker, today I am introducing the Puget Sound Recovery Act of 2008.

With 2,500 miles of shoreline and 2,800 square miles of inland marine waters, Puget Sound is the Nation's second largest estuary. The Sound is a cornerstone of the Pacific Northwest's identity and at the heart of the region's prosperity, supporting a thriving marine and natural resource industry. And it is truly one of America's most spectacular bodies of water, home to more than 200 species of fish, 25 kinds of marine mammals, 100 species of sea birds as well as clams, oysters and shrimp.

But beneath the water's surface and despite its breathtaking natural beauty, Puget Sound is sick. Scientists have detected low levels of oxygen and increasing concentrations of toxic substances in aquatic animals that live in the Sound. Some of its most iconic resident species—including salmon and orcas—are on the brink of extinction. Up to 70 percent of all its original estuaries and wetlands have disappeared and about 8,700 acres at the bottom of the Sound are dangerously contaminated.

The declining health of Puget Sound threatens the economic and environmental vitality of the Pacific Northwest. Washington State's Governor Chris Gregoire has taken steps at the State Government level to combat this decline by setting up a Puget Sound Partnership. Now it is time for the U.S. Government to match these efforts, with the Environmental Protection Agency taking the lead to create, with the State of Washington, a comprehensive recovery package for Puget Sound.

Already, we have launched a cooperative effort involving all of the local government entities, as well as the State and Federal Governments, to curtail any harmful substances from being introduced into its waters, to change unwise industrial and agricultural practices and to continue our aggressive research into the causes of pollution in the Sound. The Fiscal Year 2008 Interior Appropriations bill included $20 million for the EPA geographic program to ramp up the Puget Sound work, and earlier this month the Interior Subcommittee which I chair passed a spending bill for fiscal year 2009 that includes an additional $20 million to implement the program.

The Puget Sound Recovery Act that I am joined by all of my colleagues from around the Puget Sound area in introducing today furthers these efforts by establishing an EPA Puget Sound Office in Washington State that will coordinate action among the many Federal agencies involved in the cleanup, including the Fish and Wildlife Service, the Park Service, the Forest Service and the Natural Resources Conservation Service within the Department of Agriculture, the United States Geological Survey, the Army Corps of Engineers, and the Departments of Commerce, Defense, Homeland Security and Transportation. In addition, this bill authorizes grants to study the causes of the Sound's declining water quality and ways to counter these threats, as well as grants for sewer and stormwater discharge projects.

Madam Speaker, the Federal Government must continue to play a leading role in restoring the health of Puget Sound, and I believe the Puget Sound Recovery Act is fundamental to this effort.

PUGET SOUND RECOVERY ACT OF 2008

SECTION-BY-SECTION

Sec. 1. Short Title.

Sec. 2. Findings. Congress finds that Puget Sound is important to the Pacific Northwest's regional identity and industry. Puget Sound's water quality is in decline, which threatens the region's economy. Washington State has taken steps to address the problem. The Environmental Protection Agency (EPA) should create a comprehensive recovery package for Puget Sound and should establish a "Puget Sound Office" in Washington State. Other federal agencies should be involved, including the Fish and Wildlife Service, the Park Service, the Forest Service and the Natural Resources Conservation Service within the Department of Agriculture, the United States Geological Survey, the Corps of Engineers, the Departments of Commerce, Homeland Security, Defense, and Transportation. The Puget Sound recovery efforts should be included in the President's annual budget. Canada should join in this enhanced effort.

Sec. 3. Puget Sound. This section amends Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) by adding at the end a new section ("Sec. 123. Puget Sound."). The Puget Sound Recovery Act creates the following provisions within the new Sec. 123 of the Federal Water Pollution Control Act:

(a) Program Office.

(1) Establishes an EPA Puget Sound Program Office ("Office").

(2) States that the Office is to be headed by a Director and located in the State of Washington.

(3) Provides the Office with additional staff as needed.

(b) Duties of Director.

(1) Directs the Director to assist the Puget Sound Partnership in carrying out its goals.

(2) Specifically, the Director should:

(A) Assist and support the implementation of the Comprehensive Conservation and Management Plan ("Comprehensive Plan");

(B) Coordinate the major functions of the Federal government related to the implementation of the Comprehensive Plan;

(C) Conduct or commission studies and research necessary for implementation of the Puget Sound Water Quality Management Plan;

(D) Coordinate and manage environmental data;

(E) Coordinate Puget Sound grant, research, and planning programs;

(F) Coordinate efforts in Puget Sound and the Georgia Straits with Canada;

(G) Coordinate efforts, including activities under species recovery plans, with other Federal agencies with jurisdiction in the Puget Sound watershed;

(H) Collect and make available to the public information relating to the environmental quality of Puget Sound; and

(I) Biennially issue a report to Congress that—

(i) Summarizes the progress made;

(ii) Summarizes any modifications to the Puget Sound Water Quality Management Plan; and

(iii) Incorporates specific recommendations concerning the implementation of the Puget Sound Water Quality Management Plan.

(3) Specifies that the studies and research mandated under (2) (C) should include:

(A) Population growth and the adequacy of wastewater treatment facilities and on-site septic systems;

(B) The use of physical, chemical and biological methods for nutrient removal in sewage treatment plants;

(C) Contaminated sediments and dredging activities;

(D) Nonpoint source pollutant abatement;

(E) Wetland, riparian, and near shore protection and restoration;

(F) Flood abatement and floodplain restoration techniques;

(G) Impacts of forest and agricultural practices;

(H) Atmospheric deposition of pollutants;

(I) Water quality requirements to sustain fish, shellfish, and wildlife populations;

(J) State water quality programs;

(K) Options for long-term financing of wastewater treatment projects and water pollutant control programs;

(L) Water usage and efficiency;

(M) Toxic pollutants; and

(N) Such other areas as the Director considers appropriate.

(4) Grants the Director authority to enter into interagency agreements, make intergovernmental personnel appointments (IPAs), and utilize other methods to carry out the Director's duties.

(c) Grants to Implement Management Plan.

(1) Authorizes the EPA Administrator to award grants to eligible recipients for projects and studies to implement the Comprehensive Plan.

(2) Specifies that projects and studies eligible for grants include planning, research, modeling, construction, monitoring, implementation, citizen involvement and education.

(3) Specifies that the Federal share of the cost of the grant projects or studies should not exceed 50 percent.

(4) Defines "eligible recipient" for grants as a State, interstate, Tribal, regional, or local water pollution control agency or other public or nonprofit private agency, institution, or organization.

(d) Grants for Projects to Address Sewage and Stormwater Discharges.

(1) Authorizes the EPA Administrator to award grants to eligible recipients for projects to address sewage and storm water discharges.

(2) Specifies that projects eligible for grants include demonstration and research projects that provide treatment for, or that minimize, sewage or stormwater discharges.

(3) Regarding the awarding of sewage and storm water grants—

(A) Grants should be awarded on a competitive basis; and

(B) The EPA Administrator may give priority to a project located in a distressed community.

(4) Regarding the Federal share of the cost of a project receiving assistance—

(A) Specifies that the Federal share of the cost of the grant projects should not exceed 75 percent; and

(B) Specifies that, in distressed communities, the Federal share should not exceed 100 percent.

(5) Defines the following terms—

(A) Eligible Recipient: a State, interstate, Tribal, regional, or local water pollution control agency.

(B) Distressed Community: a community that meets affordability criteria established by the community's State.

(e) Annual Budget Plan.

(1) The President should include the Puget Sound Program in the annual budget of the U.S. Government, and related information, including:

(A) An interagency crosscut budget that displays for each Federal agency involved in Puget Sound activities—

(i) Amounts obligated in the preceding fiscal year;

(ii) The estimated budget for the current fiscal year;

(iii) The proposed budget; and

(B) A description of the Federal role in the Puget Sound Program and the specific role of each agency.

(2) The President should coordinate reporting, data collection, and planning activities with the Puget Sound Partnership.

(f) Authorizations.

Authorizes such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out the Puget Sound Program.

RECOGNIZING THE ACHIEVEMENT OF THE CAPITAL CAMPAIGN FOR HOWARD UNIVERSITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support and pride in the outstanding achievements of the historical $275 million Capital Campaign for Howard University.

The president of the Howard University Pat Swygert and his Howard University Trustee Team achieved remarkable results by raising $275 million in a 5 year fund-raising campaign. The plan broke several records, including the most amount of money raised by an African-American institution and a record for Howard. These results were unthinkable without strong support of the alumnae, trustees and the involvement of the Congress. This year Congress contributed $204.3 million to Howard University and $28.9 million to Howard University Hospital.

The money raised through the Capital Campaign greatly improved Howard University by establishing modern equipped computer labs, glass walled conference rooms, exhibition galleries and other necessary facilities for successful student education. Hundreds of scholarships helped many students to complete their education reducing the burden of student loans. Growing number of alumni donate to Howard, seeing the success and achievements of the University. President Pat Swygert and his campaign did the terrific work not only raising the impressive amount of money, but also improving Howard as well as raising the reputation and the respect of the school.

(By Kathryn Masterson)

WASHINGTON.—As a dental student 35 years ago, Leo E. Rouse and his Howard University classmates learned to fill cavities and cap teeth by crowding around one faculty member and angling for a clear view of the day's demonstration.

Today students at Howard's College of Dentistry, where Dr. Rouse is now the dean, get an unobstructed view of dental procedures from computer monitors mounted on 45 workstations in the school's new simulation laboratory. If they miss something, they can go back and review by watching DVDs in the lab or on their laptops.

The $1.3-million lab, which was built with money from the university's recently completed capital campaign, does more than enhance the students' experience, Dr. Rouse says. It has helped bring in donations from alumni and almost doubled the number of applications for the school's 85 seat class, from about 1,400 before the lab was built to 2,710 last year.

"Word gets around," Dr. Rouse said. "A school that has new stuff is attractive. "

After raising $275 million in its 5 year fund-raising campaign, the 11,000-student university has plenty of new stuff to show off. There's a simulated trading room in the School of Business, a van that travels around Washington to screen men for prostate cancer, an exhibition gallery in the architecture school, computer labs and glass-walled conference rooms in the health-science library, and almost 300 named scholarships.

The campaign broke a record for Howard, whose trustees and officers first considered a more modest $100 million goal that the university president, H. Patrick Swygert, thought was too small. The effort also broke a record for the amount of money raised by an African-American institution.

Thanks in part to those gifts, the university's endowment, which was $144 million when Mr. Swygert came in 1995, has swelled to $510 million, an amount that put Howard among the 136 wealthy institutions asked to tell the U.S. Senate Finance Committee how they spend their endowments.

William F.L. Moses, a senior program director at the Kresge Foundation, says the "path-breaking, benchmark-setting" Howard campaign sets new expectations for how much money historically black institutions can raise. Kresge has supported programs to strengthen fund raising at historically black colleges and universities, giving $18 million in grants over 5 years to five institutions (Howard was not among them) and $8 million to the institutional-advancement program at the United Negro College Fund.

"It sets the bar, that this kind of success is possible and HBCU's can compete with mainstream institutions," Mr. Moses said. "HBCU's can compete with the best."

ALUMNI MAKE A DIFFERENCE

Howard's success was especially notable for how the university involved its alumni.

Alumni giving has been a challenge for historically black colleges, said Elfred Anthony Pinkard, executive director for UNCF's Institute for Capacity Building, which helps member colleges with fund raising, enrollment, and other management challenges. (Howard is not a member of the UNCF.) The Institute for Capacity Building has given grants to historically black colleges to hire consultants and buy software programs to help advancement efforts.

Alumni-affairs offices at the smaller institutions often have just one or two employees and giving rates for the colleges who work with the institute range from 7 percent to as high as 38 percent, Mr. Pinkard said. The national average is 12 percent, according to the Council for Advancement and Support of Education's 2007 Voluntary Support of Education survey.

Ann E. Kaplan, director of the Council for Aid to Education's survey on giving, said historically black colleges tend to have less mature fund-raising operations that rely more on money from foundations and corporations than from alumni. When she spoke at a UNCF conference, Ms. Kaplan said, she heard from college leaders who were more focused on raising money for current operations than on long-term planning and faced challenges such as poorly kept alumni records or understaffed advancement offices.

Though tithing to churches and giving to religious organizations are strong traditions among many African-Americans, the 19 historically black colleges that responded to the council's survey (a number Ms. Kaplan said was too small to be representative) had an average alumni-giving rate of 6 percent, half the overall national average.

"There's no reason to think HBCU's can't be as successful in raising money from their alumni, but they need to ask," Ms. Kaplan said. "Asking is the No. 1 reason why people give."

Mr. Swygert knew Howard wouldn't make its $250 million goal without significant alumni participation, but he also knew that the university needed to do some work before it approached them for money. A previous capital campaign had been started in the 1960s with a goal of $100 million but was never completed. At tho start of Mr. Swygert's presidency, annual giving by alumni was at about 4 percent.

As one of only two federally chartered universities, Howard receives direct appropriations from the federal government each year. Congress had noted the low alumni giving rate, and one of the first things lawmakers asked Mr. Swygert to do as university president was to increase it. A higher giving rate would provide evidence that Howard graduates valued the education they received and that Congress should continue to maintain its level of financial support for the institution. This year Congress gave Howard University $204.3 million and its hospital $28.9 million, according to the Department of Education.

During the campaign, Howard's annual alumni-giving rate went as high as 20 percent, and it is now at 17 percent.

The key to getting more alumni to give, Mr. Swygert said, was to re-engage them with Howard by showing them the university's key asset: its students. Howard ran ads in local and national newspapers featuring students and sent postcards to alumni introducing them to Howard's Rhodes, Marshall, and Fulbright scholars, as well as distinguished alumni.

"People give to students, they give to ideas, they give to memory," Mr. Swygert said. "The idea of enabling a young person to go forth and do well is a very powerful notion."

Howard hired Virgil E. Ecton, who raised more than $1.6 billion for UNCF in his 31-year career there, to run the campaign. As vice president for university advancement, Mr. Ecton oversaw upgrades to Howard's Web site, alumni magazine, and advancement office. Alumni records were improved, and the database of Howard graduates grew from 30,000 entries to more than 60,000.

BACKING A WINNER

Early on, trustees helped create momentum for the campaign with several large gifts. Frank Savage, an alumnus, chairman emeritus of the board, and chief executive of Savage Holdings LLC, an international financial-services company, announced he was giving $5 million to the campaign. Richard D. Parsons, a trustee who led the campaign and is chairman of Time Warner, gave more than $1 million. James E. Silcott, a Los Angeles architect, alumnus, and trustee, gave $3 million. Mr. Swygert, an alumnus, donated more than $2 million.

"That sent a clear signal to trustees, the giving community, and the community [at large] that we were serious about this campaign," Mr. Ecton said.

Mr. Ecton, Mr. Swygert, and trustees went on the road, appearing at a series of alumni events around the country. At the events, which drew up to 1,000 people in New York, Philadelphia, Chicago, Miami, Houston, and other cities, alumni would get up and pledge their support to the university, and the events began to take on a competitive spirit, Mr. Ecton said. One alumnus in Philadelphia pledged $1 million, the Miami event raised $8 million, and the New York event, held at the new headquarters of Time Warner, resulted in between $25 million and $30 million in pledges, he said.

"People like to be associated with a winner," Mr. Ecton said. "It was clear we were winning."

At the end of the campaign, 33 percent of the money raised was from Howard alumni. Nationally, in 2007, alumni giving was 27.8 percent of total private giving, according to the Voluntary Support of Education survey.

One student who benefited directly from the money raised was Raquel SK Thompson, who graduated from Howard in May with a degree in architecture and received a trustees' scholarship during her last two years. The scholarship, which was backed by money raised during the campaign, covered half her tuition.

The money was a great help, said Ms. Thompson, who is from Barbados and wanted to attend a historically black college. The financial pressures of tuition, an unfavorable exchange rate, the cost of materials for her architecture classes, and restrictions on working off the campus were difficult for her and her parents, Ms. Thompson said, and without assistance she may have had to cut back on classes and work more on the campus in order to save money.

"It helped me finish school," said Ms. Thompson, who is now looking for a job in Washington or New York. Without the money, "I definitely think I would have been there another year," she said.

Both Mr. Swygert and Mr. Ecton say Howard should tap more alumni for larger donations in its next campaign. Fifty-one alumni gave more than $1 million, and both officials think there is potential there to raise more. Mr. Swygert, who is retiring at the end of June, believes Howard's next campaign should have a goal of at least $1 billion. The top institutions have campaigns that size, and Mr. Swygert says Howard should be in that group.

"I think it's a necessity," Mr. Swygert said. "It's a stretch, but $250 million was a stretch."

TRIBUTE TO DR. RENATE REIMSCHUESSEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Dr. Renate Reimschuessel, recently nominated for the 2008 Service to America Homeland Security Medal. By honoring excellence in the Federal workforce, the Service to America Medal sends a compelling message to the American people about the importance of a strong civil service and inspires a new generation of Americans to public service.

The Homeland Security Medal recognizes a federal employee for a significant contribution to the nation in activities related to homeland security. Dr. Reimschuessel has been nominated for her scientific breakthrough that identified the cause of the largest pet food recall in history and is currently conducting critical research to guarantee the safety of imported foods.

In 2007, the FDA issued the largest pet food recall in history due to the significant number of pet fatalities. As a research biologist for the Food and Drug Administration's Center for Veterinary Medicine in Maryland, Dr. Reimschuessel was asked by the FDA to help investigate the cause of the hundreds of pet deaths and illnesses. Just weeks after she began her investigation, Dr. Reimschuessel discovered exactly why so many animals were getting sick, a discovery that is improving the safety of imported foods for both animals and humans.

Due to Dr. Reimschuessel's discovery, the United States has increased surveillance for melamine and related compounds in food ingredients. In an effort to identify potential risks to humans, she is continuing to test the effects of melamine in chickens, pigs, and fish. Dr. Reimschuessel's research helped improve the way our government preserves scientific specimens and identified the ability of nontoxic compounds to become toxic when combined. These discoveries helped resolve an immediate crisis, and her continued efforts are helping protect the U.S. food supply from tainted imports and toxic chemical combinations.

Madam Speaker, I ask that you join with me today to honor Dr. Renate Reimschuessel in her nomination for the 2008 Service to America Homeland Security Medal. Her tireless investigation into the cause of the mass illness of pets in 2007 not only resolved a nationwide crisis, but initiated a series of scientific improvements, both in the veterinary world and the in safety of our imported food supply. It is with great pride that I congratulate Dr. Reimschuessel on her exemplary efforts to help guard against ongoing threats to the safety of the U.S. food supply.

TRIBUTE TO FRED ZELLER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate West Marshall Iowa's girls' basketball head coach, Fred Zeller, for reaching the milestone of 500 career victories during this past 2008 season.

On January 22nd, the West Marshall Trojans defeated Woodward-Granger to give Coach Zeller his 500th career win during his 744th consecutive game coached. The road to this milestone began 37 years ago in Vinton, Iowa, where Coach Zeller began coaching junior high and freshman girls' basketball. He then moved on to coach LaPorte City for 14 years, Southeast Polk for two years, and in 1990 became head coach at West Marshall where he remains today.

Coach Zeller led four teams to the girls' state basketball tournament; LaPorte City in 1986 and West Marshall in 1998, 1999 and 2000. He was inducted into the Iowa Girls Coaches Association Hall of Fame in 2003. He also served as the West Marshall baseball coach until a couple of years ago.

I know that my colleagues in the United States Congress join me in congratulating Coach Fred Zeller on his coaching success and this milestone achievement. It is an honor to represent Coach Zeller in Congress, and I wish him the best as he continues to provide a positive impact as a role model and educator.

JELLYSTONE PARK 30TH ANNIVERSARY–

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize the 30th Anniversary of Yogi Bear's Jellystone Park Camp-Resort in Portage, Indiana. To commemorate this special occasion, Yogi Bear's Jellystone Park will be holding an anniversary celebration on Saturday, July 5, 2008, at Jellystone Park in Portage, Indiana.

Jellystone Park was established in 1978 in order to provide camping and entertainment to vacationing families from across America. The Portage, Indiana, Jellystone Park is one of over 70 parks in the Yogi Bear's Jellystone Park Camp-Resort Franchise System. The Jellystone Park Board of Directors are: President Rochelle Carmichael, Vice President Don Butler, Secretary Connie Williams, Treasurer George Hill, Park Director Carolyn Julovich, and members: Marlene Jacobs, Tina Green, and Charles Taylor.

Every year, thousands of families vacation at the Portage Jellystone Park to share time together and enjoy its amenities. The Park offers a fulltime recreation program, a private lake, beaches, fishing, rentals, arcade room, and several pools.

In addition to the weekly activities, the 30th Anniversary will feature a special commemorative ceremony, followed by live music at the Yogi Bear Stage and a fireworks display over the lake at dusk.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating Yogi Bear's Jellystone Camp-Resort on their 30th Anniversary. Their many great accomplishments and hard work throughout the years are worthy of commendation.

A PROCLAMATION HONORING BELMONT, OHIO FOR THE CELEBRATION OF THEIR BICENTENNIAL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, Belmont, Ohio was founded in August of 1808 by Joseph Wright; and

Whereas, the residents of Belmont, Ohio are active, dedicated members of their Ohio community; and

Whereas, all citizens of Belmont, both past and present, will be honored with a multiple day bicentennial celebration that will include a pig roast, barn dance, antique car show, and old-fashioned games for children; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Belmont, Ohio and its residents for their contributions to our community and country.

THE DAILY 45: ERIC KEITH WALTON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. My heart goes out to the family in Grand Rapids, Michigan who lost a dear loved one.

Thirty-eight-year-old Eric Keith Walton, slain in his home Monday, couldn't have put up much of a fight because he had been receiving dialysis treatments for kidney failure and was weakened, his family said.

Eric was apparently the victim of a home invasion. According to newspaper reports, Walton was shot twice, in the stomach and chest.

I was terribly impacted as I read this statement from a family member: "They really hurt us on this one. Everybody comes up and says, 'We love him to death.' He raised kids that weren't even his. I can't believe this."

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

IN HONOR OF JERRY PRIETO, RETIRING FRESNO COUNTY AGRICULTURAL COMMISSIONER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man who has been a tireless voice for agriculture in my home district of Fresno County, California. On June 29, 2008, Jerry Prieto will be retiring as the Fresno County Agricultural Commissioner after over 35 years of dedicated service to Fresno County.

Agriculture continues to be California's number one industry with Fresno County ranking as the number one agricultural producing county in California and the nation. The fertile soils of Fresno County support over 300 different crops, valued at near $5 billion annually to the economy of California. Many things contribute to California's bountiful crops, but one significant underlying factor in Fresno County's agricultural success has been the presence of Jerry Prieto as its lead advocate.

Jerry has never been a stranger to agriculture. The son of a migrant farm worker, Jerry was raised on a small family farm near Corcoran, California. Jerry attended California State University, Fresno, where he earned a Bachelor of Science degree in Plant Science. In 1974, Jerry began working for the Fresno County Department of Agriculture advancing to the position of Deputy Agricultural Commissioner in 1980. In 1999, he was appointed to the position of Agricultural Commissioner/Sealer of Weights and Measures. In this position, Jerry has been responsible for promoting and regulating the Nation's number one agricultural producing county, and protecting the county's environment and the public's health, safety, and welfare.

Among Jerry's varied accomplishments is serving on then Governor Davis' State Committee on Terrorism. Jerry has also been active on many boards and for 4 years served as chairman of the Fresno County Department Heads Council. Mr. Prieto is a member of the Fresno County Farm Bureau, the Fresno County Council of Governments Farmland Conservation Steering Committee, chairman of the Fresno County Council of Governments Farmland Preservation Advisory Committee, and the Fresno County Land Conservation Committee. He is the immediate president of the California Agricultural Commissioners and Sealers Association and was the first Agricultural Commissioner to serve two terms as President.

Jerry Prieto recently was quoted as saying, "All I ever wanted to do was to be a farmer." Part of what Jerry will now be able to focus on more is the acreage he owns. He plans to spend time with wife Cindy, his two children and two grandchildren. He also hopes to catch up on a little fishing. Though only days away from retirement, Jerry is still found diligently carrying out his responsibilities. His prompt and earnest action concerning the drought now facing California, mobilized Fresno County resources to quickly produce valuable data necessary for the Governor's office to declare an official drought emergency. I know that Jerry will continue to energetically advocate for Fresno County's Agriculture needs, not only up to, but well beyond his retirement date. It is only fitting that I recognize Jerry Prieto today before this Chamber and the country for unflinching service to his community, State and Nation.

RECOGNIZING THE CONTRIBUTIONS OF GRIFOLS USA TO LOS ANGELES AND THE UNITED STATES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the contributions of Grifols USA to my community and other communities across the country.

This Friday will mark 5 years since Grifols USA began operating its facility in East Los Angeles. That is 5 years of over 600 jobs for residents of East Los Angeles and the surrounding area. Furthermore, Grifols' steady growth and expansion will continue to present additional opportunities to my constituents for years to come, and well into the future.

Grifols' prosperity has positively impacted many communities, not just my district. Currently, Grifols operates 78 plasma donor facilities, in 27 States across the country, which provide skilled and entry-level employment opportunities to over 3,000 Americans.

Perhaps more praiseworthy than Grifols' economic contributions though, is the company's mission. I would like to honor Grifols for its commitment to producing unique, lifesaving medicines to treat small, chronically ill patient populations. The company's unwavering dedication to the development of safer, more effective plasma therapies, and progressing methods, has been a benefit to countless patients around the world who suffer from a number of disorders.

Madam Speaker, I ask my colleagues to join me in recognizing Grifols for the company's positive presence in many of our Nation's communities and tireless commitment to improve the lives of patients with chronic illnesses.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. WOOLSEY. Madam Speaker, on June 24, 2008, I was unavoidably detained and was not able to record my vote for rollcall No. 442. Had I been present I would have voted: rollcall No. 442—"no"—On Motion to Adjourn.

HONORING CONGRESSWOMAN MARY T. NORTON ON THE 70TH ANNIVERSARY OF THE FAIR LABOR STANDARDS ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to honor Congresswoman Mary T. Norton of New Jersey on the 70th anniversary of the Fair Labor Standards Act. Congresswoman Norton was instrumental in passing the Fair Labor Standards Act in 1938, legislation which has greatly impacted our labor history and our history as a Nation.

Growing up, I attended an all-girls Catholic school called Lauralton Hall in Connecticut. Last year, I spoke with Lauralton's current president Barbara Griffin and discussed her research for a master's dissertation she wrote 25 years ago about Mary Norton—the first Democratic woman to serve in Congress and the first woman to chair a major committee in the House. A few weeks later, the dissertation showed up in my mailbox and I sat down with it over the holidays. After reading Barbara's dissertation, I was thoroughly impressed by Mary Norton. Her work laid the foundation that we are building on here today. And she did it all with a skillful blend of strength and compassion.

Mary T. Norton led an extraordinary life. She began her social activism in Jersey City and quickly became the first woman member of the New Jersey Democratic State Committee. She was elected to the House of Representatives for the 12th Congressional District of New Jersey in 1924, where she was the only woman in the House at that time who was not filling her husband's unexpired term and one of the first women to be elected to and serve in Congress. Norton served in the House until 1951, for a total of 13 terms. During her time in Congress, Norton became the first woman to chair a major committee. In fact, she was head of three committees during her time in the House: Veterans' Affairs, District of Columbia, and Labor.

One of the Congresswoman's most accomplished moments came while she was chair of the Labor Committee in 1938 when the House passed the Fair Labor Standards Act. Despite much opposition to what was at the time a controversial bill and despite the first version of the legislation being rejected, the House passed the final version of the legislation by a vote of 314 to 97. The Fair Labor Standards Act was later signed into law by President Roosevelt on June 25, 1938.

The Fair Labor Standards Act plays a significant role in our labor history and our history as a Nation. It is the formative legislation for the labor rights that we today take for granted—minimum wage, overtime pay, and child labor laws—and greatly improved the quality of life for so many workers in our country. Congresswoman Norton was a champion for the American worker and played in integral role in passing this critical legislation that would shape our Nation for years to come.

I urge my colleagues to stand with me to celebrate and honor the life and work of Congresswoman Mary T. Norton on the 70th anniversary of the Fair Labor Standards Act.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. WALZ of Minnesota. Madam Speaker, on rollcall No. 439, H. Con. Res. 372, Supporting the goals and ideals of Black Music

Month and to honor the contributions to our Nation made by African American singers and musicians, I was unavoidably detained. Had I been present, I would have voted "yea."

INTRODUCTION OF EARNED INCOME TAX CREDIT INFORMATION ACT OF 2008

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. EMANUEL. Madam Speaker, today I am introducing the Earned Income Tax Credit Information Act of 2008, legislation that will make it easier for millions of Americans to receive the Earned Income Tax Credit, (EITC).

Every year I host tax clinics in my district in order to help my constituents get a fair deal when they file their taxes. Hundreds of my constituents come to these clinics and with the help of volunteers receive thousands of dollars in tax refunds.

But millions of Americans and thousands in my district still don't get the tax credits they deserve, like the EITC. The EITC is the single most important tool we have to encourage work and reduce poverty in our country.

Nationally, over 22 million working Americans benefit from this program and receive $43 billion in Federal assistance. That's an average amount of over $1900 per taxpayer. At $4 a gallon, an average EITC check can now pay for 32 trips to the gas station to fill your tank.

In my district, over 38,000 taxpayers received $64 million through the EITC. But because one-quarter of those eligible to receive EITC don't claim it, there are also nearly 13,000 of my constituents who should receive EITC but don't and they're losing out on $25 million in benefits.

Nationally, there are 7 million Americans who are eligible to receive this benefit but don't. This amounts to a loss of $14 billion to eligible working Americans.

American families are struggling to get by. The cost of gas, food, education, and health care are skyrocketing. How can we stand by and let the American people leave $14 billion on the table?

A Republican Governor working with a Democratic legislature has given us a model for addressing this problem. Last year, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act. The bill was simple and straightforward. The law requires that California employers notify employees of their potential eligibility for the EITC when they send employees their W–2 forms.

Employers are uniquely positioned to help because they are already providing their employees with their W–2 forms that tell them their earnings for this year. This law simply piggy-backs on that requirement to help employees understand that they may be eligible to receive the EITC.

Our legislation takes the California law and expands it to the rest of the country. Under our bill, employees throughout the country who earn enough to be eligible for the EITC will receive a notice from their employer with their W–2 form telling them about the program and how to learn more about it. Small businesses will not be affected by the bill and the proposal won't cost American taxpayers one single dime. It's a common sense way to ensure families who need it most get the benefits they deserve.

I am hopeful that this legislation will be unnecessary. Today, Sen. SCHUMER and I will send a letter asking the Administration to accomplish this goal by executive order. Secretary Paulson is a supporter of EITC and I'm hopeful that he will build on his role during the economic stimulus debate and embrace this common-sense, fiscally responsible approach to providing hardworking Americans with additional fiscal relief.

Finally, Wal-Mart, the Nation's largest employer, and the SEIU, one of the Nation's leading labor unions, are supporting the bill. They understand the importance of the EITC to their workers and members. In addition, the bill is supported by the Center on Budget and Policy Priorities, Citizens for Tax Justice, the Leadership Conference on Civil Rights, Corporate Voices for Working Families, the College and University Professional Association of Human Resources, TJ Maxx, Kindred Healthcare, and Cintas.

INTRODUCTION OF THE VETERANS REVENUE ENHANCEMENT ACT OF 2008, H.R. 6366

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BUYER. Madam Speaker, I am introducing the Veterans Revenue Enhancement Act of 2008, which would direct the Secretary of Veterans Affairs to establish today not more than seven consolidated patient accounting centers.

The concept of the Consolidated Patient Accounting Center, also known as CPAC, was included as a demonstration project in the Conference Report, House Report 109–95 and Conference Report 109–305, in 2005 accompanying H.R. 2528, requiring the Department of Veterans Affairs, VA, to initiate a revenue improvement demonstration project within 60 days after enactment of the bill, Public Law 109–114. The VA followed the recommendations in the report, and created the Mid-Atlantic Consolidated Patient Accounting Center demonstration project located in Asheville, North Carolina.

A recent GAO report reiterates previous findings that third party billing and collection processes at the Department continue to be ineffective and limit the revenue received by VA from third party insurance companies. Hundreds of millions of dollars continue to go uncollected, dollars that could be used to further improve the quality and quantity of veterans' health care.

With the establishment by VA of the Mid-Atlantic Consolidated Patient Accounting Center in Asheville, North Carolina, the collection of third party revenues has improved significantly at the medical centers in VISN 6. By implementing best practices, a standardized revenue cycle for business processes and training of personnel, the majority of the GAO report recommendations on maximizing third party revenue collections have been met.

The demonstration project has proven to be very successful in enhancing the revenue of the department by more than $12.5 million in increased collections in FY 2007 and $6.5 million so far in FY 2008 to an overall $19 million total. Building on this success, my legislation would permit the VA to continue this successful venture at the Mid-Atlantic project in Asheville, North Carolina, and direct the Secretary to establish an additional six centers throughout the country in the next five years.

I urge my colleagues to support the Veterans Revenue Enhancement Act of 2008.

INTRODUCING THE HEALTHY TRANSITION ACT OF 2008

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. STARK. Madam Speaker, I rise to introduce legislation aimed at addressing the unique needs of young people with serious mental illness as they transition from adolescence into adulthood. Senator GORDON SMITH and Senator CHRIS DODD are introducing identical legislation in the Senate. We have an obligation to provide appropriate and effective mental health treatment and supports to young adults so that they can transition to healthy and successful adults.

Young adults suffering from mental illness fall through the cracks far too often. Senator SMITH and I requested that the Government Accountability Office, GAO, examine this issue. The GAO recently issued their report and the findings should disturb us all. At least 2.4 million young adults age 18–26 suffer from serious mental illness. Another 9.3 million have mild or moderate mental illness. Currently, there is no specific federal program aimed at these youth. Instead, we are left with a fragmented and ad hoc system that does not meet their unique needs. Not surprisingly, many of these youth are adrift without services, support, or guidance. They have lower education and employment rates than their peers and they are more likely to end up in jail or homeless. For youth who are aging out of foster care with no family supports the situation is particularly dire. One recent study found that these youth suffer from post traumatic stress disorder at rates similar to Iraq War veterans.

The GAO has clearly laid out the problem. But it is not enough to simply describe the current situation and become angry. Our outrage must lead to action. This legislation aims to change the tragic and unnecessary status quo and bring real support to millions of young people.

Some States are making strides to connect young adults with mental illness to systems that can assist them. The GAO documented 4 states—Maryland, Connecticut, Massachusetts, and Mississippi—that are doing good work in this area. My home State of California is using dedicated mental health funding to specifically target adolescents and young adults with mental illness. I am pleased that states are undertaking this important work, but the Federal Government should and must play a role. There needs to be improved coordination among the many Federal agencies that provide services to these youth. Most critically, there needs to be Federal support and assistance to states committed to doing the right thing and creating innovative approaches to serve these youth. The Healthy Transition Act will to do just that.

This bill builds on the successful Partnership for Youth in Transition Demonstration Program. It will provide grant funding to states to develop statewide coordination plans to assist adolescents and young adults with serious mental health disorders to acquire the skills and resources they need to make a healthy transition into adulthood. The state must specifically plan for youth who are in the juvenile justice system, the child welfare system, and those who have an education plan under the Individuals with Disabilities Education Act. The bill will also provide grant funding for states to successfully implement their plans and create sustainability and comprehensive systems of care. Finally, the legislation will create a Committee of Federal Partners. The Committee will include representatives from all agencies that serve young adults as well as representatives from consumer and family advocacy organizations. The Federal Partners will evaluate the programs, provide technical assistance, and report to Congress on the progress being made.

As a Nation, our children are our greatest and most precious resource. We should measure ourselves by how well we equip them to succeed and lead healthy and fulfilling lives. For young people with mental health disorders, we have an obligation to provide the supports and resources they need to make a healthy transition. This bill is a crucial step toward fulfilling that obligation.

A PROCLAMATION HONORING 190TH ANNIVERSARY OF THE SCROGGSFIELD UNITED PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of Scroggsfield United Presbyterian Church celebrate their 190th anniversary; and

Whereas, Scroggsfield United Presbyterian Church was founded in 1818 under the leadership of Rev. Elijah Newton Scroggs; and

Whereas, Scroggsfield United Presbyterian Church still opens its doors for weekly services today; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the congregation of Scroggsfield United Presbyterian Church for their unwavering commitment, dedication and contributions to their community.

A TRIBUTE TO JAMES ARTHUR JOHNSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a man who exemplified the ideal husband, father, and human being to all whose lives he touched. James Arthur Johnson was born and raised in Philadelphia, where he lived his entire life. He graduated from Bok Vocational High School and went on to the Marine Corps, where he honorably served our country.

After serving in the Marine Corps, Officer Johnson continued his life's work in public service with the United States Post Office, followed by an appointment to the All Philadelphia Police Department in September 1957. As a police officer, his detail included the Highway Patrol, 19th Police District, and Narcotics Unit. During his career in the Philadelphia Police Department, Officer Johnson earned the respect of all who knew him. His strong moral fiber, wise counsel, fatherly ways made him a pleasure to encounter.

In 1971, Officer Johnson suffered an injury in the line of duty. Yet, he continued to serve our city from within the Mayor's Office of Information and Complaints. With 23 years of service on the Police Force under his belt, Officer Johnson retired in 1980. He then went on to become the housing site manager for the Philadelphia Housing Authority until he retired in 1990. Even though Officer Johnson entered his second round of retirement, he never gave up his cherished role as a public servant. He was a well-known member of the Cobbs Creek community, where he was a baseball coach for the Cobbs Creek Cubs, as well as a mentor, Scout leader and surrogate father to many of the community's youth.

Madam Speaker, Officer Johnson's light was extinguished on June 13th, but the light he has shared with others bums ever so brightly. His loving family, friends, and community will miss him very much. I ask my colleagues to join me in expressing the condolences of the House to his family. I hope that they find comfort in the knowledge that his time on Earth was well spent and that he left the world a better place than the one he found.

HONORING THE LIFE OF GENE OCHSENREITER

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the life of Gene Ochsenreiter, a friend, athlete, and community leader. Mr. Ochsenreiter passed away in February of this year, and was honored at the 50th anniversary of the Western North Carolina Sports Hall of Fame Banquet recently.

Western North Carolina lost a sports giant in February. Mr. Ochsenreiter was the captain of the University of Maryland men's basketball team in 1941, and also ran with the University's track team. He was also the ½ mile champion in the Southern Conference and Junior National AAU Championships. In Asheville, he won numerous golf championships at the Country Club of Asheville. In 1988, he was inducted into the Western North Carolina Sports Hall of Fame.

Mr. Ochsenreiter was a leader on and off the court. In 1958, Mr. Ochsenreiter founded the Mountain Amateur Athletic Club in Western North Carolina. Twenty years later in 1978 Mr. Ochsenreiter helped to found the Western North Carolina Sports Hall of Fame to honor western North Carolina high school and college athletes and teams. During his tenure with the WNC Hall, Mr. Ochsenreiter expanded the scope of the Hall to include all sports, as well as the Special Olympics and academics. He was a firm believer that students should put their academics before their sports career, and this was reflected during his time with the WNC Hall of Fame.

Serving on the Asheville City Council and as a one-time mayor of Asheville, Mr. Ochsenreiter's contributions to Western North Carolina are endless.

As a member of the WNC Hall of Fame, I thank Mr. Ochsenreiter for his dedication and commitment to the Hall during his fifty years of service. He will be missed. I ask my colleagues to join me in honoring the life of Gene Ochsenreiter.

REMEMBERING THE KOREAN WAR AND THE U.S.-KOREA FREE TRADE AGREEMENT

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. FOSSELLA. Madam Speaker. Today marked the 58th anniversary of the outbreak of the Korean War. Five years after the Second World War ended in the Pacific, a new conflict erupted, the first major engagement of the forces of communism and the forces of freedom in the Cold War period.

By the time the armistice was signed almost 3 years later, millions of Koreans had been killed, wounded or displaced from their homes, whole towns and villages had been destroyed, and the entire peninsula was plunged into poverty. More than 36,000 American soldiers, sailors, Marines, and airmen who served in the Korean War lost their lives.

It has been my privilege to represent hundreds of Korean War veterans who live in my district in Brooklyn and Staten Island. I have come to know personally many of these brave and heroic constituents.

Although many of these Korean War veterans are reaching old age, they live vibrant lives, contributing to our community in countless ways. The sacrifices they made across an ocean helped form their characters, which guided them through college and careers, as they raised their families and built their businesses, indeed, as many of them became political and community leaders themselves.

In the years since the Korean War came to a close, South Korean soldiers have fought alongside Americans not only in Korea but in Vietnam, Afghanistan, and Iraq. In fact, South Korea sent the third-largest contingent of armed forces to Iraq among all the countries that have participated in that conflict.

Korea has often been described as an "economic miracle." Fifty years ago, South Korea was an impoverished, Third World country perceived as having few prospects for survival, much less potential for affluence. Today it has the world's 11th-largest economy, known for its high-technology industries. It is the 7th-largest trading partner of the United States.

It is no wonder, therefore, that almost exactly a year ago, on June 30, 2007, negotiators for the United States and the Republic of Korea concluded a Free Trade Agreement that now awaits approval by Congress and the South Korean National Assembly before it is fully implemented.

In a recent report, the U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea Free Trade Agreement would increase the Gross Domestic Product (GDP) of the United States by over $10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

In the past week, the United States and South Korea signed a protocol regarding the importation of U.S.-originating beef to Korean markets. As anyone who reads the newspaper knows, this issue has been politically volatile in South Korea. U.S. and South Korean trade negotiators deserve a great deal of credit for their delicate handling of this situation. It is my understanding that American beef exports to Korea will recommence within the next few days.

While the beef import issue seemed to be an obstacle to approval of the Free Trade Agreement, the overall advantages to both our countries that will ensue from the agreement have prevailed. And this is a good thing, a healthy thing for American workers and American consumers, and for Koreans, too.

With growing uncertainty about the health of our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The proposed U.S.-Korea Free Trade Agreement stands to further increase U.S. exports to Korea and will generate new jobs for Americans.

Madam Speaker, it has been nearly six decades since the outbreak of the Korean War and we must "never forget" the sacrifices of our Korean War veterans. As we commemorate this somber occasion, let us look forward to the opportunities the future will bring as the U.S.-Korean friendship and economic partnership is broadened, deepened, and strengthened. The U.S.-Korea relationship deserves to be celebrated, and I ask my colleagues to join in offering their own expressions of support.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 25, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,937 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,937 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 25, 2008—12,937 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

A PROCLAMATION HONORING JEFFERY A. SPENCER FOR HIS 14 YEARS SERVING AS EXECUTIVE DIRECTOR OF THE OHIO VALLEY REGIONAL DEVELOPMENT COMMISSION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jeffery A. Spencer has served as Executive Director of Ohio Valley Regional Development Commission for over 14 years; and

Whereas, Mr. Spencer has tirelessly assisted scores of communities in acquiring over $50 million in critically needed development projects; and

Whereas, he continues to support many regional initiatives that bring more development funds and assistance to Southern Ohio; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Jeffery A. Spencer for his contributions to his community and country.

HONORING THE VILLAGE OF MANITO, ILLINOIS ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LAHOOD. Madam Speaker, I rise today to honor the Village of Manito, Illinois on the occasion of its 150th Anniversary.

The Village of Manito, located in Mason County, Illinois, was first inhabited by William Herron and his sister in 1838. In 1858, with the news that the Illinois River Railroad was to develop through their land, James Cox, his son Robert Cox, and William Langston divided 110 acres of their land into streets, lots and alleys, establishing a new village, named Manito.

Manito is located in the heart of Illinois in an area known for its hardworking people, outstanding farmers and respected traditions. Manito always has been, and primarily remains, an agricultural community. The diverse soil in the area promotes the growth of a broad range of crops and farming methods. This area has been shown to effectively produce corn, soybeans, vegetables and other harvest. The citizens of Manito continue to add to the world agricultural community by being stewards of their land and setting the precedent for how a farming community should operate.

Today, Manito is a progressive village with a population of over 1,700, and while Manito remains proud of its past, it looks willingly toward the future. The original "Main Street" continues to serve as the commercial center of Manito; however, the surrounding marketing areas continue to thrive and develop.

Madam Speaker, I am proud to represent the Village of Manito in the United States House of Representatives and I extend my best wishes to the village and its citizens for another 150 years of prosperity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 26, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 9

10 a.m.

Rules and Administration

To hold hearings to examine administrative and management operations of the United States Capitol Police.

SR–301

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2898 and H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, June 26, 2008*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, by Your power and graceful ways that touch us humanly, create a future of promise for this country. In Congress, create new settings of hope where Your kingdom of realized truth and promised justice may become more apparent in all its saving power.

May the Members of the House of Representatives face the challenges of the present and the future with confidence in You and in the people. Help them, Lord, never to lose heart in the face of resistance, adversity, and scandal. Enable them to overcome every separation between faith and life and reject every false dichotomy of faith and expediency. Thus may they extend Your reign of peace and love and give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

NO NEED TO OPEN NEW AREAS AND NEW LEASES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. We are going to hear a lot today about the need for new leases. There is no need to open new areas and new leases. Here is Alaska. The former Naval Petroleum Reserve leased by Bill Clinton, authorized by the Republican Congress, has more than 10 billion barrels of oil under it. It is known to exist. The oil industry has the leases; they have drilled 25 wells; they have capped them. They have no plans to connect it to the existing pipeline and bring that oil here to consumers.

But they are saying, no, we want to go over here, we want more leases over here in ANWR. We don't even know if there is any oil under ANWR. How about they deal with the known 10 billion barrels here and provide us some relief at the pump? Then we can talk about other places they might want to go in the future.

NO MORE EXCUSES ENERGY ACT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, as we approach the Fourth of July holiday, many Americans who would use this long weekend to vacation or to perhaps spend time with their family will have to weigh their options as they struggle with gas prices that have risen to over $4 a gallon. As the worldwide demand for oil has contributed to the rise in prices that affects families all across America, we have actually restricted our supply here at home. America, unfortunately, has become more dependent than ever on more expensive foreign sources of energy, and not taking advantage of our own energy sources is economic suicide.

That is why I am cosponsoring the No More Excuses Energy Act. It would lift the moratorium on exploring for oil on the Outer Continental Shelf, open up the ANWR in Alaska for natural gas exploration and oil exploration, and it would also provide incentives to build more refineries right here at home.

This legislation would provide incentives and tax credits to assist in researching and in using alternative forms of energy like wind power and nuclear energies. This commonsense approach to energy can help our Nation meet the challenges that we face in the future and can hold down the costs to consumers.

It is time to get to work.

BUSH-CHENEY ADMINISTRATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, as American families struggle with the rising cost of energy, as it makes their commute to work even more expensive, as they think about buying home heating oil for this winter, think how it could have been.

Think how their lives would have been different if, for the last 7 years, instead of defending the subsidies for big oil companies, the tax breaks for big oil companies and the royalty holidays for big oil companies, the Bush administration and the Cheney administration had put their heads together and had thought about the future as opposed to the past. But when you have two oil men together in the Oval Office in the White House, they think about the past, and that is protecting the oil companies; it is not about the future.

Think if President Bush had come out for any increase in the mileage standards 7 years ago where we would have been, instead of defending for 32 years the right of the automobile companies to keep us away from more efficient automobiles.

But that would have been the future. The Bush-Cheney administration has never thought about the future; they have only thought about the past, and that has turned out to be terribly, terribly costly to the American consumer.

HEALTHY HOSPITALS ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I know much of our concern is on energy and gas prices, but I want to remind Members of some grim statistics on other issues.

If an airplane crashed today and 250 people died, we would send the FAA and every other Federal agency to investigate. If the same thing happened tomorrow, our concerns would escalate, too. If it happened a third day, we would shut down the airline industry. We don't seem to do that same thing,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and we have that many deaths each day from infections in hospitals.

In April of 2005, when I first started talking about infections in hospitals, we have had since that time over 6 million cases, over 320,000 deaths, and have wasted $162 billion. Just in 2008 alone, 969,000 cases, 47,000 deaths, and $24 billion.

When I introduced my Healthy Hospitals Act, H.R. 1174, the aim was to have hospitals declare their infection rates so people could compare hospitals so we could do something about it.

Hospitals can clean up their act. They can reduce their infections, and Congress needs to make sure there is a law of the land requiring them. People have a right to know if they are going to leave a hospital at all.

IRAQI OIL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. In March of 2001, when the Bush administration began to have secret meetings with the oil company executives from Exxon, Shell, and BP, spreading maps of Iraqi oil fields on the desk, the price of oil was $23.96 per barrel, and then there were 63 companies in 30 countries, the U.S. not included, competing for oil contracts with Iraq. Today, the price of oil is $135.59 per barrel; the U.S. Army is occupying Iraq, and the first Iraq oil contracts will go without competitive bidding—surprise—to Exxon, Shell, and BP.

Iraq has between 200 billion and 300 billion barrels of oil with a market value in the tens of trillions, and our government is trying to force Iraq not only to privatize its oil but to accept a long-term U.S. military presence to guard the oil and to protect the profits of the oil companies while they charge Americans $4 and $5 a gallon and while our troops continue dying.

We found the weapons of mass destruction in Iraq. We found the weapons of mass destruction in Iraq, and it is oil. As long as oil companies control our government, Americans will continue to pay, and they will pay with our lives, our fortune, our sacred honor.

MEDICARE ADVANTAGE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the House voted this week on Medicare.

First, let me make one thing clear: We need to pay our doctors. We cannot continue to make it more difficult for doctors to make the decisions to see Medicare patients. A permanent fix is absolutely necessary.

Having said that, the bill we voted on this week took a very short-sighted approach. By cutting the successful and innovative Medicare Advantage program in order to pay for the doctors' payment fix, there will be cuts to Medicare Advantage plans that will reduce access, benefits, and choices for millions of our senior citizens, especially low income seniors and those in rural areas.

We can take care of our doctors without cutting benefits for our seniors, our Nation's senior citizens. The cuts to Medicare Advantage were $47.5 billion. This would do great damage to an effective aspect of Medicare that serves our senior citizens. We can do better than that.

OPPOSITION TO NEW OFFSHORE DRILLING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise in response to recent calls for new offshore drilling. These arguments for new drilling hit a dry hole for several reasons.

First, we are already drilling offshore. Eighty percent of the known offshore reserves are in areas where leasing and drilling is allowed. Today, the oil companies have nearly 6,000 untapped leases in the Gulf of Mexico alone.

Second, with 3 percent of the world's resources and 25 percent of the world's demand, there is no way we are going to just drill our way out of this problem.

Third, even the Bush administration admits consumers would see little savings at the pump from new drilling.

Yesterday, Guy Caruso, head of the Energy Information Agency, said this about the impact of new drilling: "It would be a relatively small effect, because it would take such a long time to bring those supplies on. It doesn't affect prices that much."

Democrats have a better plan. Let's pass legislation that moves America in a new direction on energy by closing the Enron loophole on Wall Street speculators who are driving up prices. Let's reduce mass transit fares and build the infrastructure there, and let's force Big Oil to use it or lose it on drilling permits.

I urge my colleagues to join with me in bringing America to a new, more affordable energy future.

INCREASING AMERICAN JOBS AND ENERGY PRODUCTION RESPONSIBLY

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. My constituents in southwest Louisiana want solutions to the energy crisis.

On Monday, the Lake Charles American Press summed up what is needed in their editorial, something I have advocated for a long time.

They said, "The energy campaign should include more exploration, more refining capacity, more alternative energy sources, more renewable energy, retirement of society's dependency on the internal combustion engine, and an increase in conservation.

"It should not be demagogued, for this is not a Republican or Democrat issue. It is a national issue that will require solutions, not insults hurled across the aisles of Congress and back and forth from Capitol Hill to the White House.

Those that feel the pain of higher energy prices and accompanying higher prices throughout the marketplace—the poor, those on fixed income, even the middle class—are being squeezed."

Increasing responsible energy production is one part of the solution. We must accompany that with conservation, with greater refining capacity and, most importantly, with unleashing individual American genius.

A magic bullet will not lower the price at the pump for American families, but increasing American energy production responsibly will help, and it will create jobs here at home.

RECOGNIZING THE ARMY'S 4TH BRIGADE—2ND INFANTRY DIVISION, THE "DRAGOON RAIDERS"

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Madam Speaker, I rise today to pay tribute to the 4th Brigade, 2nd Infantry Division from Fort Lewis.

By June 30 of this month, the last of the, roughly, 4,000 men and women of the 4th Brigade, 2nd Infantry Division will have returned home to Fort Lewis after completing a 15-month deployment in Iraq. The Dragoon Raiders, as the Brigade is known, deployed in Iraq in April 2007, a month earlier than expected.

During their deployment, the 4–2 supported operations in Baghdad, Baghdad's Northern Security Belt, and the Diyala Province. The Brigade cleared 2,216 IEDs from more than 87,000 kilometers of routes, ensuring safe travel for civilians and security forces. Soldiers from the 4–2 also captured more than 1,700 detainees and 220 high-value targets during combat operations.

In tribute to their brave service, three members of the Brigade were awarded the Silver Star, the United States' third highest award for combat valor. Their valorous service was not without cost, however. In the course of their deployment, the Dragoon Raiders lost 54 of their comrades, with another 424 wounded.

I want to express my deep condolences to the 4-2 Brigade and to the families of those fallen soldiers. Their contributions and sacrifices will not be forgotten.

The men and women of the 4-2 have done everything their country has asked of them and more. We all should have the utmost respect and admiration for their service and sacrifice.

FAIR OR FREE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the speech police are at it again. This time they want to police and control the radio airwaves. I'm not talking about the former Soviet Union that controlled what Russians listened to on the radio, I'm talking about the American speech police.

Radio shows that air conservative ideas in the free enterprise market seem to be listened to by more Americans than those that listen to liberal ideas. I don't know why that is, but it happens. So some don't like that. They say it's just not fair. So they want to force the private radio stations, with the use of the government speech police, to air ideas that are liberal as well as conservative. They call this nonsense the "fairness doctrine."

It is actually totalitarian state control of speech. And what does "fair" mean? Fair means different things to different folks. In some places in the country like Texas, fair is where you take your chickens to. That's why the word "fair" is not in the Constitution. The Constitution protects free speech, not fair speech. It says Congress—that's us, folks—shall make no law abridging the freedom of speech. And the Constitution applies to the thieves of free speech and the government's speech police whether they like it or not.

And that's just the way it is.

USE IT OR LOSE IT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, Americans continue to suffer the pain at the pump due to 7 years of missed opportunities and outdated policies. President Bush's energy plan was literally written by the oil companies, giving more public resources and billions in subsidies to the same companies that are raking in record billions in profits while Americans are reeling. That was the plan then; that's the plan now.

Every day, we hear our friends on the other side of the aisle demanding that we need to drill more holes. What we don't hear is anyone demanding that they drill on the 68 million acres they have. Legislation on the floor today will force those companies to produce oil and gas diligently on the 68 million acres of the public land, your land, that they already have. Experts say there are 4.8 million barrels of oil which would nearly double total U.S. production.

Madam Speaker, drilling has been the Republican slogan for years, and it will be so today. Today is finally their chance to put that slogan to the test, to tell Big Oil to drill now and to use it, or lose it.

JOURNEY FOR 9/11

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, I rise to say "thank you" to the retired New York Giants' co-captain and Super Bowl champion, George Martin, for finishing his 3,200-mile trek across America to raise money and awareness for the sick men and women, heroes and heroines of 9/11 who are still suffering.

His cross-country journey started in New York just after the sixth anniversary of 9/11. It continued through Washington, DC, in early October where he met with Members of Congress about legislation that is pending here. We met, and he continued on his journey.

He finished in California last Saturday, and is now having a well-deserved rest. George is an inspiration to those of us in Congress who are working hard to pass H.R. 3543. We have over 115 cosponsors. It is the 9/11 Health and Compensation Act, and it is for the heroes and heroines of 9/11. It would treat and monitor all of those who were exposed to the deadly toxins, and it would treat those who are sick. It is the least we can do for these heroes and heroines. We should pass it before the seventh anniversary of 9/11.

DOMESTIC EXPLORATION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, I got a call yesterday from a constituent in my district who said he saw me speaking on the floor about domestic energy, and he was relieved. He was relieved because someone in Congress understood the effects that high gas prices are having on real families all over this country, because he didn't think anybody was paying attention. Well, guess what? Some people are paying attention.

We need to be looking at resources here at home to solve our energy problems. The United States Minerals Management Service found out that, out of our 1.76-billion-acre Outer Continental Shelf, only 3 percent is leased to oil and gas exploration, and nearly 85 percent of the lower 48 OCS remains untapped.

Madam Speaker, we can explore our domestic resources safely and effectively so we will not harm our environment.

I and my Republican colleagues will continue to talk about domestic exploration because we do have solutions, and somebody is listening.

HUMAN RIGHTS IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to discuss human rights in Vietnam and the Vietnamese Prime Minister Nguyen Tan Dung's visit to the United States.

I understand that, when President Bush and Prime Minister Dung met, they discussed the importance of promoting human rights in Vietnam and that Prime Minister Dung told President Bush that the Vietnamese Government has made efforts and is committed to further promoting and improving human rights in Vietnam.

Now, as a long-time advocate of human rights in Vietnam and as a representative of one of the largest Vietnamese-American communities, we know that human rights in Vietnam have only been getting worse. The Government of Vietnam has continued to harass, arrest and to sentence peaceful democracy advocates to prison—oh, and by the way, also United States citizens of Vietnamese descent.

If there is any evidence of Prime Minister Dung's claim that human rights in Vietnam are improving, I urge him to show it to this Congress, but I doubt that he is telling the truth.

EXPANDING ENERGY HORIZON

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Madam Speaker, recently, I took part in a House Natural Resources subcommittee hearing concerning hydropower and exploring its role as a continued source of clean, renewable energy for the future.

In Nebraska, we have benefited from clean, inexpensive and renewable hydropower. These projects in Nebraska's third district serve irrigation, flood control, and recreation activities. Demand for fuel and power continues to grow, giving all sources of domestic resources, including offshore oil fields and ANWR, solar, nuclear, wind, and hydropower, an increasingly important role for the future.

Unfortunately, so many special interest groups have said "no" to virtually every solution, including clean, renewable hydropower, non-emitting nuclear power, clean coal technology, wind power, and certainly responsible domestic exploration.

Madam Speaker, we can do better. We must do better.

NEW ENERGY SOLUTIONS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, the Democratic-led Congress is working for consumers to lower gas prices and to launch a cleaner and more cost-effective energy future that creates new green jobs and that reduces global warming.

For 7 years, Washington Republicans allowed Big Oil to run our Nation's energy policy. The result, high gas prices and continued dependence on oil.

Democrats believe we must diversify our energy sources with bold investments in renewable energy and more efficient technology. Last year, for the first time in three decades, this Congress passed a landmark law that increases fuel efficiency to 35 miles per gallon and that will save American families at least $700 a year when it takes effect.

We have also passed legislation that repeals billions of dollars in corporate welfare to big oil companies that are currently seeing record profits. Instead, we invest these funds in the renewable energy solutions of the future.

Madam Speaker, the energy policies of the past are not working. It is time that we look for new solutions.

DEVELOP AMERICAN ENERGY

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Madam Speaker, America has a problem because we have not been developing our American energy. The tip of the iceberg is particularly obvious now at $4 a gallon, but there were warning signs—nuclear reactors, 1960s vintage technology, no new refineries sited in 30 years. That's going back to the Vietnam era. We have not been developing American energy. Why? It is not because we don't have American energy. We have plenty of varieties of American energy that we could be developing, and it is not because we don't have the technology or the innovation to be able to develop American energy.

No. Unfortunately, this is strictly a matter of will. It is a decision, and it is strictly a party-line decision.

Over the last 8 years, Democrats on all kinds of votes on energy have voted 90 percent of the time not to develop American energy. Republicans have voted 90 percent too. Whether it is recycling nuclear fuel, drilling in ANWR or in the Outer Continental Shelf, we need to agree that the time has come to develop American energy.

END OIL'S MONOPOLY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, if I had a monopoly on apple pies because the law said that my backyard was the only place in town where you could grow apple trees, I would charge whatever I wanted for those apple pies. I would be even more excited when I would start jacking the price way, way up for those apple pies and would make huge, record apple pie profits.

If the government decided that the way to fix that problem would be to give me, and only me, permission to grow one more apple tree in my backyard 10 years from now, well, it would sound pretty ridiculous, right?

Unfortunately, even though the analogy is a little bit simple, that is basically the Republican's plan for high gas prices. Instead of actually creating competition for the oil industry by concentrating on growing renewable energy sources, they just call for a little bit more drilling, giving their friends in the oil industry even more profit.

Well, we shouldn't fall for it. With 2 percent of the world's oil reserves here in the United States, the only way to bring gas prices down is to end oil's monopoly and to start growing apple trees in other people's backyards.

CONGRATULATING FRESNO BULLDOGS

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Madam Speaker, today, I rise to congratulate Fresno State University men's baseball team as the national champions of the College World Series.

This is the first college baseball national championship win for Fresno State University, and it is, indeed, a Cinderella story for the Bulldogs. Their record was 47 wins and 31 losses. No other college baseball team in the Nation has had 31 losses in the season and has still been able to overcome the odds and win the college baseball national championship.

The outstanding leadership of coach Mike Batesole and the hard work and determination of all of the players, including the College World Series' Most Outstanding Player, Tommy Mendonca, led to this unlikely but well-deserved victory.

I urge my colleagues to join me in congratulating the Fresno State Bulldogs who went from underdogs to wonder dogs. Go Dogs.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1304 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1304

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6052 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. It shall be in order at any time on the legislative day of Thursday, June 26, 2008, for the Speaker to entertain motions that the House suspend the rules relating to:

(a) a measure concerning the Commodity Exchange Act and energy markets; and

(b) a measure concerning the issuance of oil and gas leases on Federal lands or waters.

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The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to my friend and colleague from the Rules Committee, Mr. Diaz-Balart of Florida. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1304 provides a structured rule for consideration of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008. The resolution provides for 1 hour of general debate controlled by the Committee on Transportation and Infrastructure and makes in order five amendments submitted for consideration.

The rule also permits the Speaker to entertain motions to suspend the rules relating to two important measures: one, a measure concerning the Commodity Exchange Act and energy markets; and two, a measure concerning the issuance of oil and gas leases on Federal lands or waters. This authority is needed because House rules allow for bills to be considered under suspension only on Mondays, Tuesdays, and Wednesdays. In order for the House to consider the bill today on Thursday or on any other day, the House must adopt a rule granting specific permission.

Madam Speaker, hardworking Americans all across this great country are being squeezed by this painful Bush economy that has brought on increased costs for housing and for health care. My colleague from Florida can attest to the rising costs of property insurance for Floridians and other Americans, and of course, gas prices are socking it to our neighbors back home.

Now, many of the reformers here in Congress have been standing up to the White House and have been urging them for years to change direction and to focus on long-term solutions to our energy challenges. But the oil men at the other end of Pennsylvania Avenue and their Big Oil allies have had a stranglehold over our country's energy policy, and unfortunately, families and businesses across America are paying the price.

Now, some bipartisan progress has been made here in our new-direction Congress over the past year and a half. One of Speaker Nancy Pelosi's first initiatives was to establish a new bipartisan Select Committee on Energy Independence and Climate Change, which has been extremely productive. Democratic reformers also pushed through a historic increase in the required gas mileage of 35 miles per gallon for our cars. Now, better gas mileage for our cars alone should save families from $700 to $1,000 per year at the pump and should slash consumption in America by 4 million gallons per day, but it cannot happen soon enough. The sad thing is this technology has existed for years. Cars in Japan travel almost twice as far on a gallon of gas.

What has been missing here in our country is the political leadership to make these necessary changes. So many of the changes we have been fighting for have been blocked by the White House and by their Big Oil allies.

Remember, just 7 years ago, the administration's Energy Task Force met behind closed doors, and it consisted of former oil company executives and of other oil executives, like Ken Lay of Enron. The administration also fought to keep the other identities secret. Saving American families money through innovation was not a priority. Conservation was not a priority—the Vice President made that clear—and public transit and public transportation were not priorities. They were stuck in the past then, and they still are today because what has been their answer to high gas prices? Their recommendations today are the same as they were 7 years ago: More drilling; more of the same.

Now, as the reformers in this Congress continue to fight for a new direction in energy policy, inexplicably, the White House announced yesterday that it opposes today's public transit bill, the Saving Energy Through Public Transportation Act. What a shame on the White House, because expanding public transportation use is one of the most promising ways to reduce energy consumption and reliance on foreign oil.

Now, with the White House's $4-per-gallon premium, even more commuters are choosing to ride the train and to bus to work rather than to ride alone in their cars. According to two recent studies, America already saves up to 1½ to 4 billion gallons of gasoline annually. That's more than 11 million gallons of gasoline per day due to public transit.

Ridership across America is way up. 2007 was the highest ridership in public transportation in 50 years. Light rail riders are way up in Denver, Seattle, Portland, Dallas, Fort Worth, San Francisco, Charlotte, and in many other communities. And my colleague from Miami will be pleased to hear that South Florida posted a 20 percent increase over last year in ridership in March and April. Transit agencies are also using more alternative fuels and clean energy technologies that improve the air we breathe and that aid America's energy independence.

Our transit bill on the floor today and under this rule will lower fares and will expand routes and frequency so public transit is an even more attractive alternative during this time of high gas prices.

So I urge my colleagues to continue to stand up to the White House, to support this rule and our first bill today, the Saving Energy Through Public Transportation Act.

Madam Speaker, our second bill today under this rule is entitled "Use It or Lose It." In the bill, we are calling the bluff of the White House, of Big Oil, and of other prominent Republicans who claim that oil companies are being blocked from drilling for oil and gas and that that is somehow related to gas prices. Well, after the White House announced that policy last week, one commentator called it a massive fraudulent and pathetic excuse for an energy policy.

You see, 68 million acres are already leased and have the potential to produce an additional 4.8 million barrels of oil and 4.7 billion cubic feet of natural gas each day. Now, if 68 million acres are already open to drilling, please do not insult the intelligence of the American people by claiming that the oil companies need more.

The truth about America's energy policy and the White House policy is that Big Oil has stockpiled supplies and has pocketed profits. A report has been generated by the Committee on Natural Resources, entitled "The Truth About America's Energy: Big Oil Stockpiles Supplies and Pockets Profits" of June 2008. If American families and businesses are interested, they can obtain this report on the Internet at resourcescommittee.house.gov.

The chairman of the Natural Resources Committee is Nick Rahall of West Virginia. It's his bill. The bill forces oil and gas companies to either produce, to use it or to release the leases, to lose them, the leases they've been stockpiling. These companies can't obtain new ones unless they can demonstrate that they are diligently using the ones that they already have.

Now, what was particularly interesting, Madam Speaker, is that, last year, the administration's own energy department, the Energy Information Administration, issued a report that determined that opening more areas would not have a significant impact on gas prices. The 2007 report of the administration's Energy Information Administration, titled "Annual Energy Outlook 2007, with Projections to 2030" can be found at www.eia.doe.gov/oaif/aeo/.

In fact, Madam Speaker, just yesterday, the director of the EIA reconfirmed the 2007 report and noted that expanded offshore drilling in the U.S. will not affect oil and natural gas prices very much at all.

I would like to submit yesterday's reconfirmation by the EIA director of the 2007 report.

[From Bloomberg.com, June 25, 2008]

OFFSHORE DRILLING WON'T AFFECT PRICES MUCH, EIA SAYS

(By Tina Seeley)

Expanded offshore drilling in the U.S. won't affect oil and natural-gas prices much, the head of the Energy Information Administration said.

Guy Caruso, speaking today at a press conference in Washington, said his agency had considered the effect of more drilling in a 2007 report. Higher energy prices this year might change the results, although the time needed for resource development would damp any outcome, he said.

"It does take a long time to develop those resources," Caruso said. "Therefore the price impact is muted by that."

President George W. Bush last week proposed expanded drilling in the Outer Continental Shelf and development of energy sources in Alaska's Arctic National Wildlife Refuge as a response to record prices. Crude-oil futures hit a record $139.89 a barrel on the New York Mercantile Exchange on June 16.

Senator John McCain of Arizona, the presumptive Republican presidential nominee, has expressed support for more drilling. His potential Democratic opponent, Senator Barack Obama of Illinois, opposes more drilling.

"The projections in the OCS access case indicate that access to the Pacific, Atlantic, and eastern Gulf regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030," the agency said in its 2007 report.

The Energy Information Administration is the statistical arm of the U.S. Energy Department.

Madam Speaker, this sounds all too familiar: the Bush administration ignoring information generated by its own agencies. They've been downplaying, ignoring climate change, possibly intelligence, and now it comes as no surprise that they're playing games on energy policy as well. Thanks to the administration's years of inaction and incompetence, America is left with record prices for consumers and with record profits for oil companies with disastrous national security consequences.

Now, the third bill we will consider today as part of our energy package is a direction to the administration, encouragement, as we continue to stand up to the misguided policies of this White House.

Our third bill today encourages the White House to take more aggressive action in regulating the energy futures market. This is our first step in tackling the outrageous speculation that is occurring that many experts have noted could help reduce the price of gas at the pump.

This is our package today. We look forward to the debate.

At this time, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

With gas prices averaging over $4 a gallon, more and more Americans are using public transportation for their commuting needs. Reports from Metropolitan transit systems throughout the country are showing a significant increase in ridership, in some cases as much as 15 percent—and perhaps even higher—over last year's figures. At the same time, highway vehicle miles traveled declined by 2 percent.

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Meeting this increased demand for public transportation is causing a burden on local transit agencies which, just like commuters, must pay record fuel prices to pay for buses and subway trains and light rail.

To help meet this increased demand for public transportation, the underlying legislation, the Saving Energy Through Public Transportation Act, would provide $1.7 billion in funding to increase public transportation use across the United States. Transit agencies would be able to use those funds to reduce transit fares or expand transit services.

I think this funding is important for communities throughout the country, certainly the community I'm honored to represent. Recently, Miami-Dade County, the 12th largest public transit agency in the country, announced that bus routes would be cut and others adjusted due to the rising cost of fuel. So this at a time when more and more commuters are looking to use public transportation, but public transportation systems are definitely being affected by the rise in energy costs. So it is my hope that the $36 million this legislation would provide South Florida would help reestablish some of the routes that were cut and would expand others so that commuters would have a more reliable public transportation system.

To further promote the use of public transportation, the legislation establishes a nationwide Federal transit pass benefits program and requires all Federal agencies to offer transit passes to Federal employees working in urbanized areas with fixed route transit systems.

To help alleviate the reliance on gasoline to power our transit systems, the bill will increase the Federal share for clean and alternative fuel transit projects. This will also have the beneficial effect of reducing transportation-related emissions.

I would like to congratulate Chairman OBERSTAR and Ranking Member MICA for working together to draft a bipartisan bill that both sides of the aisle can support. This legislation, the underlying legislation, will be a great benefit to transit systems throughout the country at a time when they are needing additional funding.

Madam Speaker, once again, the bipartisan spirit of the bill, the underlying legislation, never made it past the doors of the Rules Committee. Yesterday, the majority in the Rules Committee only allowed one minority amendment to be debated today, while allowing three amendments from the majority.

Before the new majority took control of the House in January of 2007, they published a document called "A New Direction for America," which set out their promises to the American people. Page 24 of that document says, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute."

Yet here we are today with a process that, contrary to their promise to the American people, blocks a full and fair debate and allows only one minority amendment. Actually, this one minority amendment is the only one the majority has allowed the minority to offer all week. Four bills, one amendment.

Actually, it is more like six bills, one amendment, because this rule will allow the House to debate two additional bills under suspension of the rules, one against speculation in the oil market, and we have to speculate on what it says because we haven't seen it. And the majority's bringing those bills to floor without allowing the minority to offer any amendments or a motion to recommit.

So, at a time when gas prices are hitting almost daily records, the majority should be offering a "full and fair debate" on this critical issue, a debate that considers ideas from both sides of the aisle, of all Members of this House, to help reduce gasoline prices.

Polls across the country are consistent with a recent poll that I saw that said 71 percent want their elected leaders in Washington to focus on "increasing the energy supplies of the United States and lowering the cost of gasoline and electricity." But instead, the majority is offering no-new-energy legislation, obstructing debate, and impeding solutions to the energy crisis, contrary to what the American people wish.

I urge all of my colleagues to vote against this unfair rule, which continues to block the minority from offering more than one amendment and blocks a thorough debate on the critical energy situation facing the Nation.

At this time, I reserve.

Ms. CASTOR. Madam Speaker, at this time, I'm very happy to yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this rule as I rise in support of this integral part of a comprehensive approach that has been offered by the majority party to deal with the energy challenges we face today.

It is important that we think of this in a comprehensive fashion because there isn't one silver bullet that's going to solve America's energy challenges, especially when it has taken years to paint us into this corner.

It should be made clear that, first and foremost, this is not just more about increasing supply, not just more drilling. Some of my Republican friends are talking about draining America dry and turning the rest of our energy future over to large oil companies who already, as the gentlewoman from Florida points out, control 68 million acres of land that is available for exploitation. Just ExxonMobil alone had $40 billion of profit. Were they spending it on existing leases to increase supply? They spent $36 billion buying back their stock and found, what was it, $10 million to invest in alternative energy. Significant irony here, I think.

One of the items that we've been involved with in the last 18 months is to work to give Americans more choices for their energy, to beef up opportunities for wind, solar, and tidal, in addition to those 68 million acres already available.

We're working on new technology. Three times the House has passed legislation, I'm pleased to say, that has included my provision to close the Hummer loophole that actually subsidizes the purchase of the largest, most energy inefficient, expensive vehicles like the Hummer and, instead, would spend that money to encourage alternatives like hybrid technology.

We need to be serious about not wasting more oil than any country in the world. You know, it's ironic, after the Democrats seized control of Congress we had to fight with this administration and our friends on the other side of the aisle to just increase fuel efficiency standards to 35 miles a gallon, that basically remained unchanged for 35 years. Our Republican friends, when they were in control, actually made it illegal to even study increasing fuel efficiency standards. It is stunning when we think today of the price Americans are paying at $4 a gallon that they refused to allow us to even study making cars more gasoline efficient.

Well, we broke through that. The irony is now George Bush is claiming credit for something that he resisted, but even if we give George Bush credit for what we forced him to do, it took George Bush longer to get to 35 miles to a gallon than it took Jack Kennedy to get Americans to the moon.

We hear about now, all of the sudden, they're flip-flopping and interested in more offshore drilling. This is interesting. George Bush, the first, put in place an executive order that prohibited it. George Bush, the second, reaffirmed it at the insistence of his brother, Jeb Bush, as my friend from Florida well knows. The President could now overturn that executive order if he wished. The Governor of Florida, since Florida controls the first three miles of State land, could start drilling 3 miles off the Florida coast if they were really excited about doing it.

Well, it's important that we've got this legislation today about using or losing oil leases. I strongly support the part of the puzzle that deals with conservation, because with less than 3 percent of the world's oil reserves we'll never be able to drill our way out of this. The irony is that even if we started drilling more today, every expert, every expert agrees that it will take 7 to 10 years for any of this oil to trickle into the system.

In this legislation, we are putting more resources to help mass transit, putting more resources to give consumers choices.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. CASTOR. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. This is part of a comprehensive approach. Democrats have been working since we returned to power to increase fuel efficiency and with other alternatives for energy.

I welcome a broad, far-ranging debate about what Republicans did when they were in control for a dozen years in the House, especially the 6 years of the Bush administration, they were in complete control, their energy bill of 2005 when they were running the show, in contrast with what we've already been able to accomplish with just the last 18 months and what we propose to do in the future.

Support the rule. Support the underlying bill. I look forward to that debate.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my good friend from California (Mr. NUNES).

Mr. NUNES. I thank the gentleman from Florida.

CONGRATULATING THE FRESNO STATE BULLDOGS

I'd like to rise in opposition to this rule, but before I do that, I'd like to take just a moment to recognize the accomplishments of the Diamond Dogs of Fresno State. The Central Valley's own Fresno State Bulldogs entered the College World Series and left as world champions.

The Bulldogs, who barreled into the College World Series with nothing more than the burden of proof on their side, showed not only that they belonged in the series but that they were nothing less than the best team in the Nation.

The Fresno State Bulldogs have triumphed in the face of adversity and have achieved the greatest victory in College World Series history. Their achievement has spoken louder than words and will become a testament to all those who seek to be better, to reach further, and to soar higher than ever before.

I share this, not only because of the great sense of pride I feel from the Fresno State Bulldogs' outstanding accomplishment, but because I believe their story is truly an inspiration for all. Our Fresno State Bulldogs' story is not one of miracles. It is a testimony of the strength of the human spirit. It is a force that can overcome any obstacle, even when faced with seemingly insurmountable odds.

Congratulations to the Fresno State Bulldogs.

Now, Madam Speaker, I was sitting here, waiting to congratulate the Fresno State Bulldogs, and unfortunately, we ran out of time on that. But I had the opportunity to be able to listen to the other side of the aisle's arguments, and I can't help but think back to 2006, because there's a lot of hot air here in Washington, as we know, but in 2006 the Democrats said, if you put us in power, we're going to get our troops out of Iraq, we're going to surrender in Iraq, and we're going to just turn it over to the terrorists in Iraq.

Two years later, we're still in Iraq, Madam Speaker, because the Republicans stood up to the Democrat majority and said we're going to try to win and achieve victory in Iraq. We're still trying to do that, and it's very difficult.

The other thing that the Democrats also promised in 2006 is that they had a real plan to lower gas prices. Well, in 2 years, we have managed to double the price of gasoline, and in California, we're getting close to paying $5 a gallon. So I'm assuming that today's rule is the unveiling of this plan to lower gas prices.

However, the plan that you have before us and all that we continue to hear is that we blame the Texas oil men in the White House. Give me a break. You must have better legislation than that today. If this is your plan, to blame the White House, to blame oil speculators, to blame oil companies, American oil companies don't control the world's oil supply. The world's oil supply is controlled by foreign governments that, for the most part, are hostile towards us.

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So if you have a plan to deal with these foreign governments, hopefully, we can see it today. If you have a plan that's going to somehow miraculously lower oil prices, maybe we're going to see that today because, right now, your plan is not working real well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

The time of the gentleman from California has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 2 additional minutes.

Mr. NUNES. Madam Speaker, today, the price of gas is $5 a gallon, and we would like to see the plan today, Madam Speaker. I hope that this rule will unveil this plan, but unfortunately, the legislation that's before us today is a scam. It's a complete and total scam.

The longer that we continue to blame the White House, the longer that we continue to blame the oil companies, the longer that we continue to blame everyone else but ourselves—we ourselves are to blame; we should look in the mirror. This Congress should take dramatic steps to open up supply that would bridge ourselves to the next generation of energy, Madam Speaker. That's what we should be doing here today.

The American people aren't going to buy these arguments, but they are going to continue to be buying $5 gas until we decide, as a Congress, to do something about it.

With that, I would like to thank the gentleman from Florida for yielding me the time.

Ms. CASTOR. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland, a leader on the Transportation and Infrastructure Committee, Mr. CUMMINGS.

Mr. CUMMINGS. I thank the gentlelady for yielding.

I just want to take a moment to make it clear that I support H. Res. 1304. It provides for a structured rule, and I fully support the rule.

As I was sitting here, I had to change my remarks in my head because, as I was listening to Mr. NUNES, I could not help but think about the people in my district of Baltimore, only 40 miles away from here, who aren't worried about whose fault it is. What they are concerned about are solutions to their problems so they can get back and forth to work, so that they can go shopping, so that they can do the things that they would normally do. I think that this rule and then this bill are a major step in the right direction in trying to help them.

In a sense, I kind of agree with Mr. NUNES. I'm not anxious to do a lot of blaming because the people I represent get tired of watching C–SPAN; they get tired of the back and forth, and they simply want the Congress to come together to find solutions to their problems.

Yes, it is true that gas prices have risen to more than $4 per gallon. The Joint Economic Committee, on which I also serve, has reported that households can expect to spend as much as 25 percent more on gasoline this year than last year. This is a tremendous burden for the many households that I represent, and they simply cannot bear it. If, as I fear, these prices represent a new paradigm, we, as a nation, must urgently assess how we can adjust to ensure our economy can continue to grow while we conserve energy.

I believe that one of the best adjustments we can make is to support the increased use of public transit, which already saves the United States the equivalent of 4.2 billion gallons of gasoline per year. Unfortunately, in many areas, such as my hometown of Baltimore where public transportation already provides more than 93 million annual trips, transit agencies face budget constraints that are limiting their ability to grow to meet the new demand.

According to the Congressional Research Service, the Federal contribution to public transit services totals less than 20 percent of all revenue accruing to these services. Local governments contribute nearly half of the revenue needed to provide public transit, but these governments are facing funding constraints.

H.R. 6052 would provide an additional $1.7 billion in Federal funding for public transportation in fiscal years 2008 and 2009, funding that is essential to ensure that we can keep our Nation moving while conserving fuel.

I urge my colleagues to support the rule and the underlying bill that increases Federal investments in public transit.

Mr. LINCOLN DIAZ-BALART of Florida. It is my privilege to yield 2 minutes to the distinguished lady from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Madam Speaker, today, the national average for a gallon of gas has reached $4.07. With your average vehicle tank holding 18 gallons, that translates to $75 to fill your tank. This is on top of skyrocketing food costs and, now, increases in both our natural gas and electricity bills at home.

Many American families simply cannot afford these prices. Yet we stand on this floor without allowing debate on a comprehensive solution for the American people. This country is tired of partisan maneuvering and is tired of Congress just saying "no."

Madam Speaker, Americans are downright mad. Some may argue that high gas prices are an incentive to make Americans drive less or that high energy costs are an incentive for businesses and homeowners to utilize more green practices. High energy and gas prices also cause businesses and jobs to move offshore where natural gas is cheaper.

I firmly believe in investing in technology that will move us away from our Nation's dependence on petroleum, but during this transitional period, we must also increase our domestic supply and fuel our economy. No one can deny that energy is something that we all use and need. Americans expect this Congress to do everything within our power to address these high gas and energy prices.

Madam Speaker, we should not leave here for the Fourth of July recess without increasing our own natural resources. Bring relief to the American people. Keep our Nation competitive and open for business.

Ms. CASTOR. Madam Speaker, I yield 5 minutes to my good friend, the gentleman from Vermont, a member of the powerful Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank my colleague from Florida, and I admire her leadership on energy issues, among many other issues.

Madam Speaker, I would like to speak about two things. One is an amendment that I offered to this bill that's been incorporated into the manager's amendment.

This bill recognizes that one of the steps that we have to take, long overdue, is to build up our public transportation system. It's going to provide relief to commuters; it's going to help our environment; it's going to create jobs.

The amendment that I offered and that Mr. OBERSTAR incorporated into the manager's amendment would allow funds to be used by local transportation authorities, like the Chittenden County Transportation Authority, to retrofit their equipment and facilities in order to improve energy efficiency and to reduce carbon dioxide emissions. Those would be specific purposes for which authorized funds may be used.

Specifically, it means that an organization like the Chittenden County Transit Authority in the Burlington area could retrofit their buses and be more fuel efficient. They've been trying to do that. A shortage of funds has kept them from achieving all of their goals. It would also allow the transportation authority in that State and in other States to build a natural gas pump station locally. This, we believe, is a very important part of the legislation presented to you.

Second, we're having, in the process of this debate, an ongoing discussion about energy. The fact is—and I think we all know this—in the past when we've had crises around energy, it has never produced a lasting and durable response. There has been an immediate response but nothing lasting, whether it was after the OPEC organization in the early '70s, after the Gulf war or after Katrina. Usually, a crisis does produce a response. It hasn't. We know the time has passed as to when we can look the other way.

What accounts for the high cost of energy? The reality is there are a number of factors. The weak dollar is one, because of our current account deficit. Speculation is another. There has been a massive increase in speculation in the commodities markets in general, in oil in particular, where it's gone from folks who are delivering the product or who are receiving the product, to financial speculators who see that there is money in playing that game.

There has also been an increased demand with globalization. China and India are building their economies. They're using more energy. But there has also been a significant failure of leadership to move us away from an oil-dependent economy. The reality is, what we need to be doing here in Congress is addressing both the short-term steps that we can take as well as the long-term need for a new energy policy.

So what are the specific things that we can do in the short term? One, we can stop filling up the Strategic Petroleum Reserve and diminish demand. We've done that. That will have a positive impact in reducing demand. Second, we can limit speculation. We should be putting limits on how much the speculative players can influence price, not only because there is significant expert testimony that that is adding a premium to the cost of a gallon of gas or to a gallon of home heating fuel, but that it also is creating a potential bubble where innocent participants and pension funds may see the value of their assets suddenly diminish when the market goes south. So we will be considering later anti-speculation legislation that will be helpful as well.

Third, the "Use It or Lose It" legislation. Our friends on the other side have been making a big argument about the need to increase production. You know, there is not any disagreement here that part of our transition from an oil-based economy to a carbon-free economy has to include the continued production and use of carbon-based fuels, including oil. No question about it. The issue here is whether or not we need to increase lands that are available when we have 68 million acres already under lease, permitted, where all the oil companies need to do in order to produce more oil is to put metal to the Earth. This is 68 million acres, Madam Speaker, as you know, that is both onshore and offshore.

So the argument is that we need to be opening up a national park and starting to drill there or into other coastal areas when we have 68 million acres already available, but for reasons that only the oil companies—the leaseholders—are aware, those are not producing needed oil and natural gas for our citizens. It's estimated that the amount of oil that's available under those 68 million acres is 4.8 million barrels.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CASTOR. I yield the gentleman 1 additional minute.

Mr. WELCH of Vermont. So what we need to do that also is a long-term energy policy is to increase mileage standards and take away the tax breaks that are going to the oil companies and steer them to alternative agency. Incidentally, ExxonMobil, which made $40 billion this year, spent $32 billion buying its stock back rather than producing oil on these leaseholds.

We also have to have a new energy policy so we can keep our money at home. We're sending $1 trillion to the oil-producing states like Russia, Saudi Arabia and Venezuela, not particularly our friends. If we keep that money at home, we're going to strengthen our economy.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to my friend from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Madam Speaker, due to higher fuel costs, the two largest utility companies in Oklahoma recently announced a monthly rate increase of $16 on average, with more increases expected this fall. This is just the latest example of how the pain at the pump is spreading to the other necessities of life. This added expense for fuel in business is being passed along to consumers, who are now being hit with a double dose of soaring prices.

However, when given the opportunity to pass meaningful energy legislation, this majority has chosen to introduce the "Bus Fares for Bureaucrats" bill, which will spend $1.7 billion in tax revenues to reduce fares in public transportation systems. While I'm sure this will benefit the bureaucrats in D.C. who write these laws, I'm more concerned about the farmers in western Oklahoma, where there is no public transportation system to speak of.

As of today, my constituents are paying upwards of $4 a gallon for gasoline to fill their cars and $4.66 a gallon for diesel to fill their tractors and trucks. Are we to tell them that they not only have to pay higher prices for gas and electricity but that now they have to subsidize people in big cities with the luxury of access to public transportation?

As long as demand continues to rise, the price for oil will continue to climb without increasing supply. The answer to this problem is clear: We must increase our domestic supply of oil by allowing the exploration of new oil reserves and by increasing the capacity of our refineries.

A recent Los Angeles Times Bloomberg poll stated that 68 percent of registered voters support opening up more land for oil and gas drilling, including off the Nation's coast. It's time for this majority to start listening to the demands of the American people and to open up more land for oil exploration.

It's also necessary to encourage the development of alternative energy, such as wind or nuclear power. Oklahoma is currently the number nine generator of wind power in this country, producing 689 megawatts per year. There are other States that have the potential to produce more wind power than that but that choose not to install wind turbines because they consider them unsightly.

However, I guarantee you that any Oklahoma wheat farmer who earns money from both his crops and the wind turbines on his land will tell you his wind turbines are beautiful.

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Right now, America produces 20 percent of its energy needs from nuclear power while France produces 78 percent, 78 percent. That's 78 percent less energy they need to import from other countries. So, not only are they able to produce more than three-quarters of their electricity needs in France, they are able to do so in a clean, efficient manner with minimal harmful emissions.

This leads me to my most important point. If electricity that lights your house or the gas that powers your car is produced in America, new jobs are created, and we are becoming less dependent on foreign oil. It's time for America to get back in the business of energy production. I urge my colleagues to sign the discharge petition on H.R. 5656, "To Repeal the Ban on Acquiring Alternative Fuels Act," so we can bring this essential piece of legislation to the House floor for a vote. The rising cost of gasoline is the single biggest challenge we face in this country, as every American who has been to the pump in the last few months knows, and it's time for Congress to rise to the challenge to come up with real solutions.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my friend from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Thank you for yielding time.

It's interesting that we stand here and talk about public transportation. I represent northeast Tennessee, a rural area, and I tell you the people who live in northeast Tennessee don't have access to public transportation.

People in rural America are hurting. Young families are hurting. Senior adults are hurting. Small businesses are hurting. Sheriffs' departments and police departments are hurting.

Let me tell you about two groups. The first is Vern Long. Vern lives in Jefferson County, Tennessee. I met with him last Saturday when I was back home in the district. Vern is an Iraqi war veteran. He has a wife and a child. He lives in Jefferson County and drives to Knoxville, Tennessee to work every day. He makes $8 an hour. He's an apprentice electrician. He wants to go on to be an electrician. He has to drive into Knoxville, and it costs him $90 a week, $90 a week to fill up his tank. He told me, "Congressman, if the Congress doesn't pass an energy bill to bring these gas prices down, I may have to go on welfare and quit my job. And I want to protect my family. I want to be there to protect my future."

Let me tell you about Sheriff Steve Burns. Sheriff Burns is from Greene County, Tennessee. I met with him last Saturday. He told me he put his budget together for Greene County this past February and March. He said, if it passes in the county commission as he presented it, he will be $50,000 in the hole because of high gas prices.

Public transportation bills to send bureaucrats to work in Washington will not help rural America. America is hurting. We need an energy policy. We don't need more excuses, and we don't need more bills that make it sound good and look like we're trying to do something here. We need an energy that actually uses American oil, natural gas, coal-to-liquid technology, clean coal technology. We need to use nuclear power. Yes, we need green energy. We need all of the above. The American people are demanding action, real action, not excuses from Washington.

Please, I beg the majority. Let's take this burden of high gas prices off of people like Vern Long and off of sheriffs' departments like Sheriff Steve Burns'. Let's pass some real energy legislation. No more excuses.

Ms. CASTOR. Madam Speaker, I would like to point out that, under the underlying bill, we provide extensive assistance to rural America. It is clear that folks in rural America oftentimes bear the brunt of high gas prices brought on by this unfortunate Bush economy and by the failure of leadership over the past 6 to 8 years. The underlying bill provides over $100 million for rural America to expand the alternative use through public transportation.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself the balance of my time.

I thank again my distinguished friend for having yielded me the time this morning, and I thank all of those who have come to debate on this important legislation.

Madam Speaker, the problem is, when the process by which legislation is brought to the floor is unfair, especially when the issue being dealt with by the legislation is as important as is the issue today, many Members' ideas are shut out, oftentimes ideas on which they have worked for months or years, and in this instance, they are ideas and proposals to bring down the cost of energy and the cost of gasoline. That's why process, something that may sound often theoretical, can have a significant impact on policy. In this instance, an unfair process is denying Members the opportunity to bring concrete ideas to the floor, for debate, to lower the price of energy. That's one of the reasons we are so disturbed, why we think it's so unfortunate that the process on an issue as important as this that the majority has chosen to utilize to bring this legislation to the floor is so unfair.

On almost a daily basis, Madam Speaker, the cost of gasoline is breaking new records. Americans are now paying over $4 a gallon for gasoline. Yet the majority fails to bring legislation to the floor that will actually lower gas prices or decrease our dependence on foreign sources of energy.

We believe it's time for the House to debate ideas for lowering prices at the pump and for addressing the skyrocketing cost of gasoline. So, today, I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, which would repeal the ban on acquiring advanced alternatives fuels, introduced by Mr. HENSARLING of Texas. This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands, and coal-to-liquid technology.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by voting "no" on the previous question, Members can take a stand against high fuel prices and in favor of debating legislation to actually deal with that crisis. I encourage a "no" vote on this previous question.

Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

The reformers in this Congress are working for solutions and are casting aside the politics of the past, and for the first time in a decade, they are setting the right priorities for American families. See, American families are caught in this very unfortunate Bush economy that is squeezing them, whether it's health care, the rising cost of housing, and, of course, gas prices.

This New Direction Congress, led by Democrats, is on the side of middle class families, and we are responding to their call for change in the direction of this country. But, Madam Speaker, it has not been easy. It has not been easy in these final years of the Bush administration. A number of times we have stood up to the administration to repeal the massive subsidies to the big oil companies and instead take that money and invest it in new renewable energies and biofuel technologies because one of the most promising ways to end our dependence on foreign oil is in the creation of renewable energy sources. But we were blocked by the White House and Big Oil.

But we are not going to give up. If we had given up, the reformers in this Congress would not have been able to push through the first increase in fuel economy standards in over 30 years. The increase of 35 miles per gallon for each automobile will save American families $700 to $1,000 at the pump when fully implemented.

American families are clamoring for a bold, new direction in energy policy. It is vital to their family budgets, and we know now, as, unfortunately, the leaders of the country have had to traipse over to Saudi Arabia and ask for more oil, that this is vital to our national security. So the contrast between the policies of the past and our forward-looking efforts could not be more clear.

But, Madam Speaker, it is so easy to be frustrated by the misguided policies of this administration over the past 8 years and by their political gimmicks where they pretend that drilling for oil in new areas is the answer to high gas prices when their very own Energy Department dismisses the idea as untrue. After all, there are 68 million acres already open and currently leased to oil and gas companies. So why here at the end of this administration would we give Big Oil even more?

Madam Speaker, American families are counting on us. So I ask my colleagues on both sides of the aisle to back up your rhetoric with support for our bipartisan bills today, to provide American families with greater opportunities to use public transit by lowering fares and by increasing the frequency of buses and trains in their neighborhoods. Reject the oil drilling gimmick for what it is, and urge this President to address the oil speculators that are causing a run-up in high gas prices. My colleagues, stand up to the powerful interests, and end the practice of using energy policy as a way to support Big Oil. Instead, help our families; help our communities; enable researchers and innovators to lead us to a cleaner, safer, and more affordable future.

I urge my colleagues to vote in favor of the rule and of the underlying legislation. Chart a new direction for America on energy. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1304 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative WAXMAN, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules with regard to H. Res. 1291.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 8, as follows:

[Roll No. 462]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Burgess
Cannon
Davis, Lincoln
Forbes
McDermott
Rush
Space
Stupak

☐ 1152

Messrs. ADERHOLT, BONNER and DONNELLY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 196, not voting 8, as follows:

[Roll No. 463]

YEAS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cannon
Forbes
McDermott
Price (GA)
Rangel
Rush
Space
Taylor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1202

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McDERMOTT. Madam Speaker, on rollcall Nos. 462 and 463, I was unavoidably detained on legislative business away from the Capitol. Had I been present, I would have voted "yea" on both.

EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS OF THE AMERICAN GI FORUM ON ITS 60TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1291, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1291.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 464]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter

Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK).
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boucher
Cannon
Cramer
Forbes
Frelinghuysen
Gutierrez
Murtha
Price (GA)
Rush
Solis
Space
Taylor
Velázquez

☐ 1208

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

CONTINUING CERTAIN RESTRICTIONS WITH RESPECT TO NORTH KOREA AND NORTH KOREAN NATIONALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–128)

The SPEAKER pro tempore (Mr. ROSS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 FR 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007-32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2008.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6264

Mrs. BOYDA of Kansas. Mr. Speaker, I rise to respectfully request unanimous consent to be removed as a cosponsor from H.R. 6264.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ENERGY MARKETS EMERGENCY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Markets Emergency Act of 2008".

SEC. 2. ENERGY MARKETS.

(a) FINDINGS.—The Congress finds as follows:

(1) The Commodity Futures Trading Commission was created as an independent agency, in 1974, with the mandate to enforce and administer the Commodity Exchange Act, to ensure market integrity, to protect market users from fraud and abusive trading practices, and to prevent and prosecute manipulation of the price of any commodity in interstate commerce.

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act to take necessary actions to address market emergencies.

(3) The Commodity Futures Trading Commission may use its emergency authority with respect to any major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for a commodity.

(4) Congress has declared, in section 4a of the Commodity Exchange Act, that excessive speculation imposes an undue and unnecessary burden on interstate commerce.

(5) On June 6, 2008, the price of crude oil traded on the New York Mercantile Exchange hit an all-time record of $139.12 per barrel.

(6) The average price of a barrel of crude oil in 2007 was $72, and the average price of a barrel of crude oil to date in 2008 is $109.

(7) Heating oil futures contracts have risen in price from $2.97 to $3.81 during the March through May contract months.

(8) United States airlines are forecast to spend $61,200,000,000 on jet fuel in 2008, which is $20,000,000,000 more than they spent for jet fuel in 2007.

(9) According to the American Automobile Association—

(A) families and businesses are paying an average of $4.07 per gallon for regular gasoline, which is near the all-time high and is more than double the price in 2001; and

(B) truckers and farmers are paying an average of $4.77 per gallon for diesel fuel, which is near the all-time high and triple the price in 2001.

(10) During this decade, energy demand has been steadily on the rise in nations such as China and other Asian exporting nations.

(11) In a May 2008 report, the International Monetary Fund raised the possibility that speculation has played a significant role in the run-up of oil prices, and stated "It is hard to explain current oil prices in terms of fundamentals alone. The recent surge in the oil price seems to go well beyond what would be indicated by the growth of the world economy.".

(b) DIRECTION FROM CONGRESS.—The Commodity Futures Trading Commission shall utilize all its authority, including its emergency powers, to—

(1) curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded; and

(2) eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6377 directs the CFTC to utilize all of its authority, including its emergency powers, to immediately curb the role of excessive speculation, if any, in the energy and swaps futures market within its jurisdiction, and to eliminate any unlawful activity causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand of energy commodities.

Mr. Speaker, I don't think I would be covering any new ground in this Chamber if I were to speak about high prices of gasoline. Everybody in this chamber understands that problem. But, Mr. Speaker, a growing number of people believe a flood of speculative money into the energies futures is driving the increase in prices. The weak dollar and increased worldwide demand has led to a greater number of well capitalized investors into the commodities futures market, including the crude oil market, as these investors seek greater returns than they traditionally found in cash and securities.

□ 1215

It is undeniable that this group of institutional investors has a greater presence in futures markets than ever before.

So what we are doing here is asking the CFTC to look into this and use the powers that they have to look at this situation and determine and give us a report which they have done in the past. We are asking them to take one more look and make sure that these additional moneys that are coming into the futures market are not having any undo effect on prices that people are concerned about.

The CFTC is the chief regulator of the commodities futures and options market. It is their responsibility to identify, pursue and prosecute fraud in this area. I believe they are doing a good job in that regard. Chairman Lukken and his staff have testified repeatedly before our committee and others that at this point they can see no evidence of speculation causing problems in these markets. But there are a lot of folks who are concerned this is going on, and so we are asking them to take one more look.

Under current law, U.S. traders can execute transactions in West Texas Intermediate crude oil, which is the benchmark oil contract on NYMEX, a CFTC-regulated exchange, and on London's ICE exchange that is regulated by the United Kingdom's FSA. The CFTC, however, has information on the positions of traders on the NYMEX that they don't have on the traders on ICE, and this is part of the issue that has caused us to be concerned because we don't have complete information on exactly what is going on in all of these markets.

Mr. Speaker, CFTC right now is taking steps to gain more information. They have gone into an agreement with the FSA to expand trader data, and that is all good and we welcome these steps, but we believe more should be done. CFTC should immediately take these steps to utilize their authority to make sure that, as I said before, there is not excessive speculation in these markets.

We on the Agriculture Committee are going to work with the CFTC to try to acquire more information, and we will thoroughly examine all of the bills in July that have been introduced in this area in a methodical way, we will listen to all sides, and we are going to try to move ahead with a consensus bill if we can come to a consensus about what, if anything, should be done to move on this situation.

Mr. Speaker, I am here today to, we hope, provide a reasonable and useful voice to come to the right conclusion and get the right answers about what is going on in the futures market and what is going on with oil prices in this country.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman of the committee, Mr. PETERSON, for his work in this area. We held a hearing on this issue on Tuesday of this week. In the farm bill which the Congress just passed overwhelmingly several times, we overrode the President's veto, it includes legislative language that takes further steps to complete the closure of the Enron loophole. In that testimony we received on Tuesday, we received assurance that between the language that was in the Commodity Futures Modernization Act passed in the aftermath of the Enron scandal, and in the language that was included in the farm bill, the Enron loophole is now closed.

I have no reason to oppose this legislation and I therefore will support it. It simply tells the Commodity Futures Trading Commission to do what it already has the authority to do, and based upon the testimony that we received on Tuesday is already doing to ensure that there is not excessive speculation in the energy futures markets. I have every confidence that they will do so, that they will heed this additional voice of support for their doing their jobs. But, quite frankly, this legislation does not do what needs to be done by this Congress.

The Democratic leadership in this Congress is continuing a pattern that the American people are increasingly concerned about, and that is to do everything they can to try to blame everyone but themselves for the problem that we face in this country of having years of neglect of not having a domestic energy policy dedicated toward increasing the supply, increasing the supply of oil, increasing the supply of natural gas, increasing the supply of clean-burning coal, increasing the supply of nuclear power, increasing the supply of alternative fuels, increasing efforts to bring about new technologies. This is the all-of-the-above approach that this Congress should be taking that our conference has taken. In fact, we have worked very hard to see that this policy be brought to the floor of the House.

Yes, I will support this bill telling the CFTC to use its authority to curb excessive speculation, but I think it appalling that we aren't doing the job that needs to be done. It is being blocked by the party that controls the access to the floor of this House.

H.R. 2279, to expedite the construction of new refining capacity on closed military installations in the United States, and for other purposes, sponsored by Representative PITTS of Pennsylvania with 55 cosponsors. From the House Energy and Commerce and Armed Services Committees, last major action taken, a motion to discharge petition filed by Mr. ENGLISH, petition 110-9. Why haven't we seen this bill brought to the floor of the House?

H.R. 3089, the No More Excuses Energy Act of 2007 sponsored by Representative THORNBERRY of Texas, 77 cosponsors, referred to the Committees on Natural Resources, House Ways and Means, and Energy and Commerce. Last major action, June 10, motion to discharge petition filed by Mr. WALBERG. A motion was filed to discharge the Natural Resources, Ways and Means, and Energy and Commerce Committees of this action. No action taken. Why hasn't that bill been brought to the floor of the House?

We have this week another discharge petition on H.R. 5656 which repeals the requirement with respect to the procurement and acquisition of alternative fuels, a discharge petition filed this week by Representative HENSARLING. Why hasn't this legislation been brought to the floor of this House?

There are scores of other bills sponsored by both Republicans and Democrats dedicated to relieving this energy crisis that have been bottled up by the Democratic majority.

When, Mr. Speaker, will we get the chance to vote on these very worthy bills? When will we get the chance to actually start offering relief from the outrageously high gas prices that American consumers are facing?

That's the problem we are confronting. That's the problem that the leadership in this Congress is not allowing us to address. That's what needs to be done, not telling the CFTC to do the job that they are already doing and already have the authority to do, but acting to make sure that we are increasing supply of all sources of energy, new sources of energy, traditional sources of energy, acting to make sure that the incentives are in place for Americans to conserve. My goodness, they are already doing that. We are seeing that reflected in their activities. This Congress could be helping them out. It is failing to do so. And that, Mr. Speaker, is why we are failing the American people when the leadership of this Congress does not allow us to have these votes.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. I am pleased now to yield to the chairman of the subcommittee that has jurisdiction over this issue and has done outstanding work in leading his subcommittee to make sure we are on top of this issue, the gentleman from North Carolina (Mr. ETHERIDGE), for 2 minutes.

Mr. ETHERIDGE. I thank the gentleman for yielding.

I rise in support of the Energy Market Emergency Act of 2008.

I don't have to tell anyone that gas prices have skyrocketed over the last several months. We can all remember when we thought $2 a gallon gas was high. Now we would like to return to that. Now it is on average over $4.

On June 6, the price of crude oil hit an all-time record of $139 per barrel. American families are paying an average of $4.07 for gasoline, double the price from 2001 when President Bush took over. Truckers and farmers are paying an average of $4.77 per gallon for diesel, triple the price from 2001 when the President took office.

There is clearly not just one factor leading to these outrageous prices. However, there is a growing concern that excessive speculation by investors could be a significant cause of the prices we are experiencing. North Carolina families are struggling to make ends meet, as are families all across the country. Congress must act to ensure speculators are not artificially raising energy prices for their own gain while hardworking Americans are suffering.

This legislation tells the CFTC, which is responsible for overseeing our energy markets, to use all other authority to ensure that excessive speculation is not occurring.

I can't blame them. When the price of crude oil spikes $10, folks really believe something is wrong. The House Ag Committee will conduct hearings in July to examine all of the various pieces of legislation to address this issue, including legislation that I have introduced called the Increasing Transparency and Accountability Act of 2008.

I believe after a careful review we can craft responsible legislation that can improve the price discovery function of these commodity markets. But no amount of CFTC authority will make a difference if the agency doesn't have the resources to do their job.

Since 2002, trading on the commodity markets has increased six times.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. PETERSON of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. ETHERIDGE. While trading has increased six times, under the Bush administration, staff levels have fallen to the lowest level in the 33-year history of the exchange.

My legislation and others will increase it by 100 people. These are investigators. Let me just say for those who are listening, that means if you have a speed limit of 55 or 60 miles an hour, we are going to put more cops on the beat. That's what we need.

Mr. Speaker, I rise today in support the Energy Market Emergency Act of 2008.

I don't have to tell anyone here that gas prices have sky rocketed over the last several months. I remember a few years ago when two-dollar-a-gallon gas seemed outrageous. Now the national average is four dollars.

On June 6th, the price of crude oil hit an all time record of $139.12 per barrel.

American families are paying an average of $4.07 per gallon for regular gasoline, double the price from 2001 when President Bush took office.

Truckers and farmers are paying an average of $4.77 per gallon for diesel fuel; triple the price from 2001, again when the President took office.

There is clearly not just one factor leading to these outrageous prices. However, there is a growing concern that excessive speculation by investors could be a significant cause of the prices we are experiencing.

North Carolina's families are struggling to make ends meet while the cost of energy soars. Congress must ensure that investors are not artificially raising energy costs for their own gain while hard-working Americans are suffering.

This legislation tells the Commodity Futures Trading Commission, which is responsible for overseeing our energy markets, to use all of its authority to ensure that excessive speculation is not occurring.

I serve as chairman of the Subcommittee on General Farm Commodities and Risk Management, which has jurisdiction over the CFTC, and I'm here to tell you that people think something is not right.

And I cannot blame them. When the price of crude oil spikes $10.00 in one day, people think somebody is making some money, and it isn't them.

The House Agriculture Committee will conduct hearings in July to examine all of the various legislative proposals to address this issue, including legislation I have introduced, H.R. 6334, the Increasing Transparency and Accountability in Oil Prices Act of 2008.

I believe after a careful review, we can craft responsible legislation that can improve the price discovery function of these commodity markets.

No amount of additional CFTC authority will make a difference if the agency doesn't have the resources to do their job. Since 2000, trading on commodity markets has increased sixfold.

However, during that time, the Bush administration let staffing levels at the CFTC fall to their lowest level in the agency's 33-year history.

My legislation calls for 100 additional full-time positions at the CFTC, mostly for enforcement because they need the talent to keep an eye on these markets.

And I want to applaud Representative ROSA DELAURO for knowing this simple truth and providing more funding for the CFTC than the President requested in the Agriculture Appropriations bill.

Commodity markets are like highways in that both have limits. If drivers don't think there are any cops watching on the road, they are going to push past the speed limits. If the CFTC doesn't have enough staff to monitor an ever growing and changing marketplace, investors will push the limits there as well.

Today's directive to the CFTC will send a message to the administration that they must get serious about these sky rocketing costs and will pave the way for more comprehensive legislation in the future. I urge my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the ranking member on the subcommittee with jurisdiction over the CFTC, the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank Mr. GOODLATTE for yielding me time to speak in support of a bill that has been developed in part by the House Agriculture Committee. I am glad to see that this issue, the issue of speculation in the futures industry, is being handled by the committee of jurisdiction, the Committee on Agriculture. I think it is important for us to continue our long-standing effort at oversight at CFTC and the futures industry that the Agriculture Committee has had now for many years.

This is an important issue. In fact, I don't think there is a more important issue that this Congress will face except for energy prices. It is a significant conversation, as we all know, and with dramatic consequences upon our constituents.

An e-mail from one of my constituents in Olpe, Kansas, "What will it take to get beyond partisan politics and the blame game? Society expects children to get along, work together, but they have lousy role models when it comes to government. Many of us are losing hope of Congress ever getting beyond bickering—and in the meantime, our country's problems get worse and worse. It seems that most of our government officials are insulated from the reality that face middle and lower-income families day after day," talking about the cost of energy, the prices that Americans are encountering at the pump.

What concerns me, despite my support for this and a belief that CFTC ought to have every tool to discover manipulation, ought to have every tool to discover whatever "excessive speculation" means, and we ought to make certain that their enforcement capabilities are strong and beneficial on behalf of the consumer in this country, what concerns me most is that this issue has become the opportunity to do nothing on the underlying cause of why oil and gas prices are so high. And that is increasing demands at a time when we are doing little to increase supply.

And this Congress, we pass legislation dealing with the Strategic Petroleum Reserve, requiring that our government no longer fill the Strategic Petroleum Reserve.

□ 1230

Whether or not that's a good idea or bad idea, I think all of us would admit it's not going to solve our energy problem. We debated and passed legislation dealing with antitrust and OPEC, and whether that's a good idea or a bad idea, all of us would agree it's not going to solve the problem with the price of energy and the cost at the pump.

And today we're on the House floor talking about speculation. I agree with the gentleman from Virginia. It is time for this Congress to get to this underlying issue that we face in this country: increasing demand for energy and a lack of increase in the supply. The laws of supply and demand work. As much as we Members of Congress might want to pass a law to overcome supply and demand, it cannot be done. And so this Congress needs to adequately express the laws of supply and demand that this country needs.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield to the gentleman from Maryland who has sponsored legislation in this area and has a passionate interest in this issue and has been very much involved, the gentleman from Maryland (Mr. VAN HOLLEN), for 3 minutes.

Mr. VAN HOLLEN. I thank my colleague and the chairman of the Agriculture Committee, Mr. PETERSON, for his leadership on this, along with our colleagues Ms. DELAURO, Mr. STUPAK, Mr. ETHERIDGE, Mr. LARSON, and many others who have moved quickly to address the problems of rampant speculation in the energy futures market.

The title of this legislation is the Energy Markets Emergency Act, and what it does is direct the Commodities Futures Trading Commission, the CFTC, to invoke its emergency powers to crack down on extreme speculation in the futures market. We all know that families across this country are facing emergencies in their family budgets, and it's time that the CFTC stepped forward and treated this like the emergency that it is.

Part of the rise in prices is of course due to supply and demand and the fact that China and India are boosting a demand. That's part of it. But the other part of it is in fact an increase in speculation, extreme speculation. There's been testimony before this Congress in front of the committee, subcommittee of Mr. STUPAK, and on the Senate side and the House side by Professor Greenberger from the University of Maryland School of Law and many others that make it absolutely clear that a component of the increase in price does not have to do solely with supply and demand.

And the CFTC has the authority under the statute to invoke its emergency powers if market prices do not adequately reflect the forces of supply and demand. And I must say, Mr. GOODLATTE, that it has not done that. This legislation does not say to the CFTC, Just keep doing what you're doing. The fact of the matter is, they haven't made that finding, they have not invoked their emergency powers, and there's some permanent issues we have to come back and fix. We have to finally close the Enron loophole. We need to deal with what's called the London loophole. We need to do some things on an emergency basis.

But if they invoke their emergency powers, they will have the authority to deal with those issues and close those loopholes on an emergency basis, and they have not done that. If they access and invoke these powers, they can put new position limits on, they can require greater margin requirements, they can even suspend tradings in certain funds.

So what this does is say to them, use the powers that you have; do not sit on your hands and do not stand by and refuse to enact your emergency powers because while they have taken certain steps, they have not made the finding that this bill essentially says which is that speculation is part of the problem. No one says it's all of the problem. But it is a part of the problem, and they therefore have the authority under existing law to invoke the emergency powers, and it opens up a whole set of new tools that they are not using.

So on this immediate basis, they can do everything necessary to address the problems of the Enron loophole, and they can do everything necessary to deal with the London loophole. They are not doing it today. We are directing them to treat this as the emergency it is.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond.

I support this resolution because it gives nothing new to the CFTC but it gives it encouragement to do its work. It does not make any finding that there is excessive speculation in the market, and if there is excessive speculation in the market, then I certainly expect and support action by the CFTC to exercise its emergency powers to do so.

But the gentleman is exactly right when he notes that India and China are increasing their consumption of all different types of sources of energy, and they're not the only ones. They're just the largest ones.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds to say further to the gentleman that when demand around the world, and not just in China and India, is increasing as steadily as it has in recent years and the United States sits back and waits for other countries to increase that supply and increases our dependence upon foreign oil from such unreliable sources as Venezuela and Nigeria and the Middle East, and we then think that simply asking the CFTC to do its job will solve this problem, that is a very serious problem.

At this time, it is my pleasure to yield 2 minutes to a member of the Agriculture Committee and the ranking member of our Department Operations and Oversight Subcommittee, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague for yielding time.

Mr. Speaker, I rise in support of this bill, but I want to restate that it's a redundancy. It's a restatement of CFTC's authority, and it does urge them to move forward with haste, which I believe that they are doing. We heard testimony just yesterday, and the chairman of the CFTC pointed out a couple things: One, they're taking the lead in creating this interagency process working with all of the other agencies, the Department of Treasury, the SEC and others to really take a hard look at this issue of speculation.

Secondly, they've moved forward with haste to come up with a mutual recognition agreement with London and other jurisdictions to broaden their reach so that they can find out and get more transparency and more information as to what is really happening in these markets. The energy markets are a very complicated issue. And the danger is that Congress will take steps before we have adequate information that could truly be detrimental.

I fear that this debate today is taking valuable floor time away from bills that would really make a difference in working on our energy issues. We need a long-term strategy, a mid-term, and a short-term strategy clearly. And dealing with the issue of speculation is part of a short-term strategy.

But we cannot get away from the fact that we have very tight supply and demand. It is about evenly matched. And when you have a million barrels a day offline because of terrorist activity in Nigeria, when you have Venezuela's production declining because of aged technology and mismanagement, when you have Mexican production declining because of mismanagement and contract problems, these are all issues that are further putting stress on supply.

Finally, I would point out on the supply side that we have a shortage of rig materials around the world, actually. China is dealing with pulling in all kinds of commodities and it is adding costs to this. We have a workforce shortage in this oil and gas industry. There are major factors all coming into the supply side of this that are a problem.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GOODLATTE. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. BOUSTANY. I think it's important to recognize these factors. What is driving uncertainty is clearly the lack of a confidence of energy policy, and this House can take action. There are bills ready. This House could clearly take action. We've got a number of bills, as my colleague, the ranking member of this committee, outlined earlier.

Furthermore, the London loophole. CFTC has taken steps with their mutual recognition agreement. The farm bill provisions take substantive steps to close the Enron loophole.

And finally, if we move prematurely to impose artificial standards and limits to trading, we could definitely hurt our transportation companies, our truckers, our farmers who hedge on these high energy prices.

Furthermore, we may drive transactions into less transparent markets such as Dubai and other markets. This also denies a threat that the low value of the dollar, and there is a threat globally that we could be seeing a move in energy transaction, too. A different currency, the euro. And this is a further issue.

So we need to move forward and not delay any further.

Mr. PETERSON of Minnesota. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Minnesota has 10 minutes remaining. The gentleman from Virginia, 7½.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 3 minutes to the Chair of the House Agriculture appropriations committee who has been also very passionate in leading on this issue and also working in her committee to make sure that the CFTC has the resources they need to complete their task, the gentlelady from Connecticut (Ms. DELAURO) for 3 minutes.

Ms. DELAURO. Mr. Speaker, I rise in support of the legislation that we bring to the floor today along with my colleagues, Mr. PETERSON, I thank him for his leadership, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. STUPAK, Mr. LARSON.

What is it about? It's about stopping the excessive energy commodity speculation that has driven up the price of gasoline by as much as 30 percent, according to independent economists.

Last October, the Government Accountability Office issued a report indicating that the Commodity Futures Trading Commission did not have the resources and the authority that it needed to protect the American people. When the report was issued, a gallon of gas cost on average $2.90. Today in my State of Connecticut, gas costs $4.37 a gallon. Commodity prices have skyrocketed in the past 5 years, but those unprecedented price spikes cannot be explained entirely by increased demand from China and India or the dollar's valuation.

So what is the cause? Independent economists point to one significant culprit: unregulated speculation in our futures markets. A May 2008 International Monetary Fund report agrees. Professional investors have purchased contracts for more than a billion barrels of petroleum essentially adding eight times as much demand for oil as the U.S. has added to its Strategic Petroleum Reserve over the last 5 years. The CFTC should be the cop on the beat protecting American consumers by putting a halt to out-of-control speculation. Unfortunately, the CFTC may be partly to blame for allowing loopholes and opening up exemptions.

The resolution before us today is simple. It directs the Commodity Futures Trading Commission to use its emergency powers granted by Congress under section 4a of the Commodity Exchange Act to investigate excessive speculation in any contract market within the CFTC's jurisdiction and take the necessary action to eliminate excessive speculation that is artificially inflating gas prices.

What the CFTC needs to do is to use its powers to close the Enron loophole, to end the London-Dubai foreign border trade loophole. I urge my colleagues to support this effort. What it essentially does is restore sanity to the markets, and it provides consumers with the relief that they need in order to be able to continue to lead their lives and not be forced to make choices of whether to not buy gasoline for their cars and put food on the table or other things to take care of their families.

Mr. GOODLATTE. Mr. Speaker, I would like to include in the RECORD a joint analysis prepared by the majority and minority staff of the Senate Permanent Subcommittee on Investigations of the testimony of Michael Greenberger before the Senate Committee on Commerce, Science, and Transportation on June 3, 2008. It responds to a number of assertions made about what might happen to the market. And while I certainly would hope that something could be found to lower gas prices by as much as Mr. Greenberger suggested in his testimony, here are several pages of reasons why that may indeed not be the case.

SELECT EXCERPTS OF THE UNITED STATES SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

8. STATEMENT: "Overnight, [prohibiting the trading of energy commodities in Exempt Commercial Markets) will bring down the price of crude oil, I believe, by 25 percent."

RESPONSE: According to recent market data, there is little to no trading of crude oil contracts on exempt commercial markets in the United States. Prohibiting the trading of energy commodities in a market in which no trading is currently taking place is, thus, unlikely to have an effect on the price of crude oil. Moreover, although there have never been any Exempt Commercial Markets for agricultural commodities, many agricultural commodities have recently experienced substantial price spikes. There is no credible evidence that simply amending the CEA to regulate energy commodities as if they were agricultural commodities will lead to lower energy prices.

19. STATEMENT (p. 8): "The Senate Permanent Investigating Subcommittee has now issued two reports, one in June 2006 and one in June 2007, that make a very strong (if not irrefutable) case that trading on ICE has been used to manipulate or excessively speculate in U.S. delivered crude oil and natural gas contracts. The June 2006 report cited economists who then concluded that when a barrel of crude was @ $77 in June 2006, $20 to $30 of that cost was due to excessive speculation and/or manipulation on unregulated exchanges."

RESPONSE: The 2006 and 2007 PSI reports focused on the role of excessive speculation in U.S. commodity markets; neither report contained any findings on whether traders manipulated crude oil or natural gas prices.

Mr. GOODLATTE. At this time, Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank the gentleman for yielding.

I support this bill, and if there is a problem with speculators, yes, we need to get to the bottom of it, but we also need to look at our supply and start using our own resources. Yes, it may be a stopgap to take us on to alternatives, which I totally support because there are a lot of things out there that will work and will stop our dependence on foreign oil. This is a national security issue, and that's what bothers me so much because right now, we are totally dependent on people who don't like us for our oil. And what that does is put money in their pocket that they are using against us to finance terrorism. It makes no sense. We have to look at supply, and we have to look at our own supply.

□ 1245

I have a bill that is the Deep Ocean Energy Resources Act, and very simply, it allows us to drill off the Outer Continental Shelf because it's estimated there is a lot of supply out there. And it lets the States decide if they want to do it, and they share in the revenue.

We have got to get serious about this, and we need to get moving now, not wait. There are a lot of bills out there that could be on the floor, but we need to ensure our energy and national security with serious bills. Supply, we need to look at nuclear, and expand that.

We need all the alternatives on the table because that's the only thing that's going to solve the problem. We can't just put band-aids on it. We have to address it in a serious manner.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield to my good friend and Blue Dog colleague from Utah (Mr. MATHESON) for 2 minutes.

Mr. MATHESON. Mr. Speaker, this is an important first step. This bill asks the CFTC to exercise its ability to determine if undue speculation is having an impact on oil prices in this country. We've heard witnesses before the House of Representatives testify before different committees that suggest this could be upwards of $50 of the price per barrel right now may be due to this type of activity. So I think it's important we take this first step.

But I call it a first step. I would encourage our colleagues to continue to work together in a consensus way to have a productive effort in closing what's called the London loophole.

I, along with many other Members in this body, have put forth legislation to stop unwarranted speculation in foreign financial markets. Such legislation may be the best available option we have got here in Congress to address oil prices in the short-term.

When we do address this issue more fully, however, though, I also want to offer a word of caution. We should be careful not to be too overzealous. While we need to address the London loophole, we must make sure we do not take action that would damage our market-based economy.

And finally, I will say this. While we do work on market manipulation, we also need to recognize Congress has other issues to deal with when it comes to the oil price issue. There is no one single factor. As much as folks come down on the floor of the House at times to talk about just one issue, this is a very complex issue that has many dynamics affecting the global price of oil.

I think market manipulation is an important one for us to consider, but we also need to look at a more comprehensive package of issues to try to fully address this issue.

Mr. GOODLATTE. Mr. Speaker, at this time, it's my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. There is a reason why there's so much speculation in the oil commodities market, and it is because supply is less than demand. This happens in any commodities market. Where demand is exceeding supply, the speculators dive in. And you can try to encourage the CFTC and you can pass new regulations on speculation, but as long as supply is less than demand, the speculators are going to move in.

And I will say further, that if you try to regulate this market so much that it becomes dysfunctional, it will just go overseas. And the reason the speculators are getting in is because they know that this Congress does not want to open up American sources of energy.

I sit on the Appropriations Committee, and outrageously, today, we had the Interior bill before us, and we had three amendments: one to open up ANWR, a huge source of oil; one to open up our offshore assets of natural gas and oil, which can be done safely with today's technology; and the third is to open up shale. We have more hydrocarbons in shale than the Saudis have oil, but amazingly, the Democratic leadership didn't want to vote on those things. They don't want to open up those sources.

That is the political position of the majority, the Democratic majority in this Congress, no increased domestic oil production, and that's why the speculators are pouring in. And there's going to be no relief for price at the pump, no matter what we do in this body, if we do not address the issue of supply.

We have domestic energy. We can access that domestic energy safely and cleanly, but people are standing in the way in this body and the Congress of the United States.

I predict that this bill is going to have absolutely no impact. We're going to do two more bills that probably will have no impact, and prices will probably continue to go up.

I thank the gentleman for yielding.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield 1 minute to my good friend from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, as has been said, there's a number of causes for the high price in gasoline: a weak dollar, increasing demand from around the world, the failure of leadership to move into alternative energy policies. We have to focus on all of them.

But one of the reasons is rampant speculation, and the question is, will we try to squeeze the speculator or will we allow speculation to continue to squeeze the consumer?

This is a first step, where we're telling the Commodities Futures Trading Commission to do its job, determine the facts, make specific recommendations and actions on how to protect us, and incidentally, many innocent Americans have pension fund investments that are pouring into the speculative market.

Mr. GOODLATTE. Mr. Speaker, at this time, it's my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I'd just like to say to my colleagues who oppose drilling for oil and natural gas in the United States, go home this weekend, this next week during the recess and talk to your constituents. Go to the gas stations and ask them if they would rather have the price of gasoline be as high as it is or start drilling for oil in the United States.

We have the supply. We have the ability. And we're not doing a darn thing about it, and the American people and our economy is suffering. It is not just gas prices. Food prices and everything else is going to go up because it has to be transported across the roads.

We need to move toward energy independence. We talked about it back in the seventies during the Carter years. We haven't done a darn thing in 30 years. It's time we started drilling here in the United States. The minute we start doing that the price will drop. Mark my words.

I'd just like to say to my colleagues, use a little analogy. Nero started fiddling while Rome burned. We're fiddling right now with the energy of the United States and the economy of the United States. This body and the other body has the ability to do something about the prices of gas and other commodities in this country, and we're not doing anything about it.

Another week has gone by. We're going to go back home. We haven't done a darn thing, and the American people are suffering.

So, my colleagues on the other side of the aisle who have reservations about drilling here in the United States and give me all this environmental stuff, this is the time to do it. We want to move toward other forms of energy. We want to be concerned about the ecology of this country and other forms of transportation, but at the same time, it's going to take time for that to happen.

We have to start drilling now. We can't wait. The American people want us to do it, and if you don't believe me, ask them when you go home this week. They're signing petitions by the thousands. The people of this country want to move toward energy independence. They want their gas prices to come down. They want other prices to come down, and they won't until this Congress and the other body starts moving toward energy independence by drilling here in the United States.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield to a leader on the Energy and Commerce Committee and energy issues in general, Mr. MARKEY from Massachusetts, 1½ minutes.

Mr. MARKEY. I thank the chairman so much, and I congratulate him on his superior work on this legislation.

In the year 2000, a new thing happened in regulation because of a Republican-controlled Congress. It passed a massive deregulatory bill into law. This bill included the so-called "Enron loophole," named after the now-notorious energy trading firm that had lobbied for its creation. This loophole is being exploited. It has not been fixed. As a result, the bill that we are debating today directs the Commodities Futures Trading Commission to examine excessive oil speculation and use their emergency powers to take corrective action.

The CFTC simply has not been as aggressive as it should be in policing these markets. Part of the problem stems from the limited resources which the Bush administration have given them, but another part of the problem is that the CFTC has historically been a reluctant regulator. Instead of a commodities markets watchdog, it has been an industry lapdog, unwilling to use the full authorities that it does have to crack down on excessive speculation.

This bill tells them to use their authorities to more aggressively police the energy futures market from manipulation for fraud, for excessive speculation. This is a good step.

An "aye" vote on the Collin Peterson bill is essential to protecting the public from being tipped upside down and having money shaken out of their pocket.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 2 minutes remaining. The gentleman from Minnesota has 3 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Speaker, I appreciate and thank the ranking member for recognizing me.

It's interesting that, if you look at this bill, which I intend to vote for, what it basically does is it points a finger in the face of the commodities future trading corporation and very sternly and mean-eyed says: Do your job. Great.

They're doing their job. As a matter of fact, I'm sure it's already been mentioned on the floor this afternoon that we had the acting chairman of the CFTC in front of the Ag Committee this week, and he reported that he is, in fact, doing his job, that he looks for every day manipulation in the oil market. He looks every day for undue impact by speculators on swaps in the market.

And to the best of their ability and their economists' estimation, the price of crude oil is currently fundamentally set by laws of supply and demand, and that while they are not able to find any evidence of it, they look for that evidence or look for manipulation and undue influence of speculators in the market every single day.

I want to thank the chairman for doing his good work on that committee. I know that he will take this stern advice to continue to do his job to heart.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, when the Saudi Arabians tell you you have a problem in your oil speculation market, you've got a problem in your oil speculation market.

Now, some people have argued that a 100 percent increase in the amount of financial speculation in these markets is necessary to liquidity of the markets. Hogwash. We need more liquidity in these markets the way Iowans need more liquidity in the rivers right now. We are drowning in liquidity.

There has been over 100 percent increase of this speculation going into these markets, and we have now had clear, cogent and convincing testimony this is one of the reasons for 100 percent increase in prices of oil in the last year.

We have seen this movie before. It was called Enron. And my constituents saw their electrical bills go up 1,000 percent. Now, they're seeing their oil go up double per barrel in one year in this bad movie.

Pass this bill.

Mr. GOODLATTE. Mr. Speaker, I'd ask the chairman if he has additional speakers. I have only myself to close.

Mr. PETERSON of Minnesota. At this moment we have no additional speakers, so I probably can move to close.

Mr. GOODLATTE. That being the case, I will yield myself the balance of my time to say to the chairman again, I thank him for his work on this issue.

I support this measure. Certainly, I expect the Commodities Futures Trading Commission to address any problems with excessive speculation in the energies markets and to use their emergency powers to do so, if appropriate.

But I will tell you that this is a problem that's been going on a lot longer than recent speculation in this market. It's been going on for years because of a lack of increase of supplies of oil and natural gas and other basic sources of energy in this country.

All we ask of the Democratic leadership is to put the bills on the floor that get what the American people want, and that is a vote to open up America to increase domestic supply of energy. The Speaker of the House doesn't have to support the legislation. The majority leader doesn't have to support the legislation. All they have to do is let this happen on a bipartisan basis, and we will have a bipartisan vote to do what the American people want. Let us have that vote. Let us have that debate on the floor of this House, and we will do what the American people want.

□ 1300

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say to my good friend, Mr. GOODLATTE, that I appreciate his support for this measure. And what we're trying to do in our committee is to develop a consensus as we move through this issue. And there are a lot of ideas, a lot of different opinions out there, a lot of bills that have been introduced.

This is a step that we can make today I think on a basis where we can come together and make sure that the CFTC is using the powers that they have to examine this market and make sure that the speculation, the extra money that's coming in is being done properly and is not affecting these markets in a way that is not appropriate. And I trust that they will do that job.

But moving forward, what we intend to do, as I said earlier, as soon as we come back here from the July recess, our committee will convene on Wednesday after we come back and we will examine all of the bills that have been introduced or are introduced in the meantime. And we will have a debate on all the different aspects and all the different positions. And what we will try to do on that committee is to sort through all of this and hopefully come to a consensus about what is the appropriate way for us to move ahead.

These are very complicated markets and issues, and I want to make sure that whatever we do is the appropriate response, and as somebody said earlier, we don't have unintended consequences because of the actions that we take here.

So I look forward to working with my colleagues on the other side of the aisle with my colleagues on this side of the aisle to find a consensus that can have bipartisan support like we achieved on the farm bill to move something ahead that makes sense for the American people and gets the right answer.

With that, I urge adoption of the bill.

Mr. SHAYS. Mr. Speaker, I rise today to support to H.R. 6377, the Energy Markets Emergency Act, because I believe the Commodity Futures Trading Commission, CFTC, must investigate speculation in the energy futures market and account for any manipulation and price distortion.

It is clear the increased positions of institutional investors, such as pension funds, endowments and sovereign funds, in the energy futures market are contributing to the escalating price of oil at an alarming rate. The CFTC should level the playing field and apply the 20 million barrel position limit to the institutional investors, the same limit that everyone else adheres to.

I also believe the CFTC must work with the British Financial Services Authority, FSA, to establish position limits on oil futures traded on the London Intercontinental Exchange, ICE, similar to those established by the CFTC for traders on the New York Mercantile Exchange, NYMEX.

In overseas markets, such as ICE, U.S. investors can buy as much oil as they want, driving up demand with little to no regulation.

It is essential the CFTC work with the FSA in London to limit positions and gather accurate information on the impact that speculation has on oil prices.

Rising gas prices are indicative of the United States need to affirm its commitment to renewable energy research and development, and focus on reducing our demand for oil by emphasizing conservation. In addition, however, transparency in the oil futures market is needed and appropriate.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 6377, the Energy Markets Emergency Act of 2008.

This bill is an important first step in reaffirming the authority of the Commodity Futures Trading Commission to regulate excessive speculation in the energy futures market. There are many reasons that the cost of a barrel of oil has risen so dramatically in the last few years, including increased demand from developing nations, instability in oil-producing nations, the weakening of the dollar, and price gouging on the part of the oil companies. The recent surge in gasoline prices should serve as an urgent reminder that we immediately need to change the way that we produce and use energy.

Nonetheless, consumers should not suffer unnecessary increases in gasoline prices that don't reflect actual changes in supply and demand. I have heard from economists that excessive speculation has added anywhere between $20 and $60 to the price of a barrel of oil. The Bush administration has an appalling record on oversight, and they have allowed the CFTC to become powerless to regulate the commodities market. The CFTC has emergency powers at its disposal, and this bill mandates the use of this authority. In addition to curbing speculation, the CFTC must prohibit the outright fraud and abuse currently being perpetrated on the market.

Closing the loopholes that have allowed dark energy markets to flourish is just one step toward addressing our current energy crisis. I encourage my colleagues to join me in supporting this important bill.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6377.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESPONSIBLE FEDERAL OIL AND GAS LEASE ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6251) to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsible Federal Oil and Gas Lease Act".

SEC. 2. ISSUANCE OF NEW LEASES.

(a) IN GENERAL.—After the date of the issuance of regulations under subsection (b), the Secretary of the Interior shall not issue any new lease that authorizes the exploration for or production of oil or natural gas, under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands Act (30 U.S.C. 351 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or any other law authorizing the issuance of oil and gas leases on Federal lands or submerged lands to a person, unless the person—

(1) certifies for each existing lease under such Acts for the production of oil or gas with respect to which the person is a lessee, that the person is diligently developing the Federal lands that are subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from such lands; or

(2) has relinquished all ownership interest in all Federal oil and gas leases under which oil and gas is not being diligently developed.

(b) DILIGENT DEVELOPMENT.—The Secretary shall issue regulations within 180 days after the date of enactment of this Act that establish what constitutes "diligently developing" for purposes of this Act.

(c) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

(d) LESSEE DEFINED.—In this section the term "lessee"—

(1) includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee; and

(2) does not include any person who does not hold more than a minority ownership interest in a lease under an Act referred to in subsection (a) authorizing the exploration for or production of oil or natural gas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, today this body is considering responsible legislation aimed at compelling the oil industry to do what it should do best, drill for oil and bring relief to Americans at the pumps.

That may seem like an odd notion, and certainly we will hear criticism from our Republican colleagues who continue to coddle Big Oil and pander to the industry's political agenda. And there are many in the industry who will not want to hear this side of the aisle say we are for drilling for oil. My approach is slightly different. Big Oil does not need to be coddled, it needs a swift kick in the backside.

While Democrats in Congress know that we cannot drill our way to energy independence and continue to advocate for the development of alternative fuels and increased energy conservation, we also know that we must increase our supply of oil in the interim. I repeat; in this legislation we are not against drilling for oil. That is why today, with this legislation, we are saying "Drill it or lose it."

The Federal Government makes vast swaths of public lands, both onshore and underlying the Gulf of Mexico, available for oil and gas development. What we are finding, however, is that the industry is stockpiling these oil and gas leases. At present, 68 million acres of Federal lands are being held by oil and gas companies with no production occurring on these leases. That acreage is equal to the size of Colorado.

Considering today's oil prices, you would think that they would either diligently develop that acreage, bring any oil found into production, or relinquish the leases. The pending legislation would require this diligent development during the term of an oil and gas lease, and if it does not occur, the leaseholder would not be allowed to lease even more Federal lands. It's simple, "use it or lose it," and allow another company to make a go at that leased land.

Obviously, we have a much better chance to bring relief at the pump by producing oil on Federal lands already held by the oil companies much quicker than having to go through the environmental lawsuits of leasing and permitting required if we were to take the President's method and just open up OCS and ANWR immediately. We have a much better chance, Mr. Speaker, to help Americans grapple with the high cost of fuel by drilling in those Federal lands and waters already open to development.

Over 80 percent of estimated oil and gas resources on Federal lands, both onshore and offshore, are available for development or will be shortly, pending the completion of planning documents. The amount of oil which could be produced from these areas represents 14 years of current domestic oil consumption. Think about that, 14 years; yet President Bush and his Republican allies continue to rally behind the oil industry's political agenda, advocating opening more of America's Federal land, including coastal areas and pristine environmental areas, to drilling.

In response to this scheme I say to Big Oil and its allies, "You've got 'em. Use 'em."

Mr. Speaker, I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in unhesitant opposition to this misguided and uninformed legislation. I hope today's debate will allow the American people to see this legislation for what it is, and that is, a sham, a shallow attempt of the majority to hide that they lack any solutions for the American energy crisis facing our Nation.

Let me start by just stating one simple fact: 97 percent of our Federal offshore areas and 94 percent of our Federal onshore areas are not leased. Now, let me just say that, one more time. Ninety-seven percent of our Federal offshore areas and 94 percent of our Federal onshore areas are not even leased.

The Democrat leadership has done everything it could for the last several decades to stop the leasing in 97 percent of offshore areas and 94 percent of onshore areas since they think America's energy needs can be supplied by just 3 percent of offshore areas and 6 percent of the onshore areas. It is no wonder that America is facing an energy crisis.

Let's talk about the legislative process, too, that brings this issue to the floor today. We are debating legislation that hasn't had a hearing, it hasn't had a mark-up, no committee report, it hasn't even been opened up for an amendment, and no Member of this House but for its author has had more than 5 hours to consider this bill. The Rules Committee even had to pass a special rule to allow this bill to come to the floor today, a rule that effectively waives all points of order against the bill, including PAYGO and earmark bans.

The bill will also cost the American people not only additional energy domestic production, but reduces revenues to the Federal Government. Yes, America, in one fell swoop, Congress will increase energy costs for American consumers and steal from the pocketbooks of American taxpayers. Is this a way to go into Independence Day and to celebrate the birth of our country?

The legislation before us is based on the premise that American oil companies are sitting on resources that they should be developing. The majority will make claims that millions of acres are not being produced. However, the reality is that every leased acre is undergoing some form of exploration, is in the process of getting permits, facing a legal challenge, or in development. They are all going through those processes for every acre.

The supporters of this misguided legislation are not offering any solutions to these challenges. There is no proposal to speed up development by reducing the waiting times for permits, limiting public challenges of leases and applications for the permits to drill, or reducing the frivolous lawsuits. In fact, last year, the Natural Resources Committee was fighting against, and I quote the chairman, "rapid oil and gas development that has taken place on our Nation's public lands in recent years," and focused on an agenda to slow, again quoting the chairman, "the rampant, nearly unfettered energy development on Federal lands."

Last year, oil companies were developing too fast. Today, Congress is attempting to punish any company that can't squeeze a 10-year exploration and permitting process into a time frame that suits the majority. We simply can't have it both ways.

One additional fact: Most of the majority leadership, including the chairman of the Natural Resources Committee, voted in 1992 to give oil companies more time to drill on onshore leases. That was done at a time when the industry actually had a higher percentage of leases in non-producing status. The majority didn't seem to mind and didn't seem to be interested in complaining about stockpiling then.

To the contrary, there was a bipartisan recognition that companies needed longer terms on their onshore leases to get more production. But these days, as production rates are higher, these same Members think that companies are stockpiling.

We have had a number of experts in this area come forward and present expertise on this issue. I would reference a letter from the Department of Interior which highlights the lengthy, complicated, and often unsuccessful process a company must undergo to develop oil and gas on Federal lands and waters.

In addition, I would like to submit for the RECORD a letter from the American Association of Petroleum Geologists, America's scientific experts on exploring for oil and gas. And their letter states, "Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to Federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies." That policy to restrict development and reduce exploration is exactly what this legislation before us will do.

What America must realize is that the true source of most non-producing acres in America is the U.S. Congress, which restricts access to almost 600 million acres of the Outer Continental Shelf. We could produce more oil from opening up 2,000 acres in ANWR than would likely be produced from all the onshore acres currently leased but not producing today, especially when you understand that much of the onshore resources are natural gas and not crude oil. If we were to open but a fraction of these acres held up by the congressional majority, we could reduce our dependence on foreign oil and create jobs right here in America. However, the majority has decided time and time again that we should limit our access to our onshore and offshore domestic resources.

The American public is up in arms against the frivolous restrictions which Congress has placed on domestic energy production. People recognize the simple fact that opening up more Federal lands and waters could lead to lower gasoline prices and they're calling on us to lead America in this direction. Congress should open up this debate and this process today and allow each side to present their very best proposals. And that's what this debate is about today.

JUNE 23, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on Federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists, AAPG, on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members. The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development, and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region. Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right; you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, "Where oil is first found is in the minds of men." When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use this data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether it conforms to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of this data improves the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience and Energy Office in Washington, DC.

Sincerely,

WILLARD R. (WILL) GREEN
President,
American Association of Petroleum Geologists.

Mr. Speaker, because we have so many other Members who would like to speak on this bill, I would like to ask unanimous consent that we extend the debate on H.R. 6251 to an additional 10 minutes, equally divided.

I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oklahoma?

Mr. RAHALL. Mr. Speaker, reserving the right to object, did she say 10 minutes on each side?

Ms. FALLIN. Equally divided.

Mr. RAHALL. I have no objection.

The SPEAKER pro tempore. Without objection, each side will control 5 additional minutes.

There was no objection.

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Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from West Virginia, and I thank him for his extraordinary leadership on this issue and for the legislation he's bringing out here on the House floor, especially with the gentleman from Illinois (Mr. EMANUEL) for his work on this legislation.

Mr. Speaker, right now we are facing an energy crisis. The Bush administration and Republicans in Congress are perpetuating a myth that the oil companies don't have access to enough places to drill for oil. This story is nothing more than a drilling decoy. We might as well put an aquarium out here in the well, there are so many red herrings that the Republicans are throwing into this debate about our energy independence.

Roughly 80 percent of all of the oil and gas are located in areas where drilling is already allowed, 68 million acres, 80 percent of the resources in America. So ExxonMobil, everybody in America pulling into the ExxonMobil station. They made $40 billion last year. Do you know what they did with their $40 billion? They put $32 billion of it back into buying their own stock. They were drilling for profits in their own stock, not on the lands where America wants them to go to find the oil and gas, where they are already permitted.

Now, what did they do on renewables, ExxonMobil? They took $10 million, million dollars, just millions of dollars, 10 million, and put it into renewables. Do you know what else the oil industry is doing and the Bush administration and the Republican Congress? They're blocking the tax breaks still today for renewables, for solar, for wind, for geothermal, blocking them.

So there is their agenda: Tip the consumer upside down at the pump, keep the supply of oil down because they're not drilling on the 80 percent of the land where we say they could go, even offshore, and go and drill; pocket the profits for themselves; nickle and dime renewables; and then block the tax breaks for a renewable energy revolution in America. It's a recipe for disaster. But there is no mistake why we are here. You cannot have an oil and gas President and Vice President for 8 years and not have an oil and gas strategy for America. And the price that we are paying at the pump is the price we are paying for allowing that policy to be implemented for these 8 long years.

So, ladies and gentlemen, we have 2 percent of the world's oil reserves, 2 percent. We consume 25 percent of the oil, which we consume on a daily basis. Republicans are saying let's drill off the beaches, let's drill where the polar bear is, although they are not willing today to put a penalty for the oil industry for not drilling where the 80 percent of oil is. Ladies and gentlemen, this is a big mistake.

OPEC has two-thirds of the oil in the world. That's their strength. Rather than sending a message to OPEC, we are going to innovate our way out of this with wind and solar and renewable energy sources. The Republicans are blocking the tax breaks for that and saying give bigger profits to oil and gas, don't penalize them for not drilling for the oil and gas here in America where we have access to it, and then go home on the 4th of July and pretend as though this 8 years of Republican rule where we have gone from $30 a barrel to $130 a barrel is not on their watch. It is, ladies and gentlemen. We have gone from 46 percent dependence on imported oil on the day the Republicans took over Congress to 61 percent dependence upon imported oil on the day they left office 1 year ago. That's why we are in the mess that we're in right now.

The American public needs help. We need to send a message to Big Oil, to Big Gas: Start drilling. Start drilling right now or lose the leases that the American people have given you. Do not warehouse these leases. Do not warehouse the oil and gas here in America. Let's put the penalty on them. Let us no longer have the policies set by Big Oil, by Big Gas, and OPEC. Let us today declare independence from them. Let us say we are taking those leases back from you. We are taking back the American land where oil and gas is. If you don't drill on it, you lose it, and we are going to penalize you for allowing this crisis to build to the point that it has today.

Ladies and gentlemen, support the Rahall bill. This is the day where we begin to break and create our own independence from Big Oil in our country.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), our chairman.

Mr. YOUNG of Alaska. Mr. Speaker, I just witnessed one of the greatest displays of inaccuracies I have ever heard in my life.

It's too bad that the public doesn't understand that this whole bill is a charade, and I am disappointed in my chairman because there were no hearings on this. In fact, the testimony that I have heard from the majority is the reality is not real. The report is not real. And where he gets the figures about 68 million acres set aside and not utilized, I don't know. And where do they get the idea of getting 4 billion barrels?

I've just listened to the gentleman from Massachusetts' tirade. I have heard that same tirade for as long as he's been in Congress. He has never supported any energy at all, any development of energy, including nuclear. Now his people in Massachusetts are paying that price.

When I first came to Congress, we were in the minority, and the price of oil for a barrel was $8 a barrel, 39 cents at the pump. Yes, it's high today because the Trans-Alaska Pipeline was the last big development we ever had because this Congress would not allow us to develop any other oil fields. Now, we have a big oil field in Alaska called ANWR, which is 74 miles away from the existing pipeline that delivers 17 billion barrels to the American people, and we're not allowed to drill it because this Congress won't act.

And we have a tirade on this floor about blaming Big Oil. There's only one group that's to blame, and it's this Congress, both sides of the aisle, because it's easier to buy it from OPEC countries. And we stopped trying to figure out how we can get off the dependency. We have not done that.

Now, if we don't drill, we are going to be in trouble. I predict the price of oil, if we don't drill and start supply to this demand in the United States, the price of oil will probably go to $150 a barrel. And that's going to be under your watch.

Are you proud of what you've done? I say no. This bill is a charade. It should be voted down, and we should vote "no, no, no, drill, drill, drill."

Mr. RAHALL. Mr. Speaker, just to remind all of my colleagues, if this administration were not playing politics with oil, why does the President not just by one stroke of the pen sign an executive order lifting these lands that the other side claims should be open? That's all it takes, a stroke of the pen to lift the moratorium on these lands for drilling. Instead, he puts a political pointer at this body.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to avoid remarks in the second person.

Mr. DEFAZIO. Mr. Speaker, this is a little lesson about one of the largest finds of oil in the United States. We have known about it since 1923.

In 1923 this large area of Alaska was designated as Naval Petroleum Reserve Number 4. Why? Because we knew there was a huge pool of oil under it. Estimates are the current figure is up to 15, "b," billion barrels of oil. That's a lot of oil. So the President, I believe it was President Harding at the time, designated that as a Naval Petroleum Reserve.

This little area over here, the one they don't want to talk about, was designated as a wildlife refuge. Why was that? Well, because we didn't know there was any oil under it. So the oil's here, make it an oil preserve. There's wildlife here, make it a wildlife preserve. Now they say they want to drill in the wildlife preserve, but they're kind of neglecting this one over here.

Now, it was a Naval Petroleum Reserve until 1996. In 1996 the Republican Congress voted to open it up to drilling by the oil industry. Bill Clinton signed the bill, and, in fact, the Clinton administration let the first 3 million acres of leases in the year 2000. Eight years ago the industry got 3 million acres of land leased over a pool of 15 billion barrels of oil. They have drilled 25 wells and capped them. That's it. The Bush administration is going to lease another 4 million this next year.

If we don't have this bill, maybe they'll drill some more wells and cap them. They have no plans. Now, they say they want to drill over here. You will notice actually this area is closer to the existing pipeline than this area over here, but they want to debate this area over here with no known oil reserves and no pipeline and neglect this area over here with massive reserves and no pipeline and apparently no plans to build a pipeline.

If we pass this bill today, that will all change. They won't be able to sit on the largest single pool of oil in the United States territory anymore. They will have to begin in good faith to develop it. But guess what. The industry really doesn't want to do that because they're making a bucket of money the way it is now by pretending there's a shortage and not drilling.

Now, that's just the Alaska issue. If we go offshore and look elsewhere, as Mr. MARKEY said earlier, 80 percent, according to the United States Minerals Management Service, 80 percent of the oil and gas that's known to exist off of the Continental United States is accessible from existing leases. Unfortunately, 6,491 of those leases are sitting idle. On different days you get different excuses: "Oh, it takes a really long time." Well, if it takes a really long time, why do we want to let new leases when it's taken a really long time to develop the old leases that they're sitting on, that have known pools of oil under them? They're taking a bucket of money now. They don't want things to change; we do.

Produce American oil for America.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, I would like to include in the RECORD the letter from Assistant Secretary Allred relating to this bill that my colleague from Oklahoma referenced in her remarks.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 25, 2008.

Hon. DON YOUNG,
Ranking Republican Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. YOUNG: Thank you for your letter of June 19, 2008, to Secretary Kempthorne regarding a recent report on oil and gas by the House Committee on Natural Resources. Secretary Kempthorne has asked me to reply.

In your letter you asked that the Department of the Interior (Department) address the report's claim that oil companies hold non-producing leases on 68 million acres which could produce 4.8 million barrels of oil and 44.7 of natural gas each day.

The report does not reference specific locations for much of the data and therefore we cannot ascertain where each of the numbers was derived. It appears the report took raw data, some of which can be found on the Department websites, and then used various formulas to reach certain conclusions. The report does not disclose the assumptions or formulas used.

The views contained in the report are based on a misunderstanding of the very lengthy regulatory process. The existence of a lease does not guarantee the discovery of, or any particular quantity of oil and gas. To truly determine this, lessees must develop data and eventually explore their leases which requires numerous permits involving compliance with various environmental laws and regulations. This process often takes months or years. In addition, lessees undertake a vast array of business steps prior to making a decision to move a lease into production, and must obtain another set of Federal and State permits to do so. I would like to provide some background on both points.

Obtaining a lease is just the first step. The lessee must first obtain the myriad of permits and approvals for exploration activities and development plans that are required before production can occur. Exploration, which occurs after the issuance of the lease, is critical. For example, after an operator acquires an onshore lease they must obtain Geophysical Permits, Permits to Drill, Sundry Notices, and permits that may be required by State government. In addition to all necessary permits being obtained, an operator must also file a plan of development.

Development offshore is equally complex. An operator must obtain Geological and Geophysical Exploration Permits, Environmental Protection Agency National Pollutant Discharge Elimination System Permits, an Army Corps of Engineers Permit, Permits to Drill, and Marine Mammals/Endangered Species Permits. If a lessee makes the decision to move to development, in addition to the myriad of required permits, an operator must file numerous plans, including Deepwater Operations Plans, Oil Spill Response Plans, Hydrogen Sulfide Plans, Development Plans or Development Operations Coordination Documents.

While these lists are not exhaustive, they illustrate the efforts that must be undertaken before a lease can be explored and developed and production comes online. A more comprehensive list of the various permits, approvals, and other legal and regulatory prerequisites that may be required based on site specifics for both onshore and offshore production is attached for your information.

In addition to the processes mentioned above, other factors affect potential development and subsequent production. These factors include capital investments and equipment such as drilling rigs and platforms.

In shallow water, approximately one in three wells results in a discovery of a quantity of oil and/or natural gas sufficient to produce economically In deeper water, one well in five is economical. Shallow wells cost approximately $200,000 for just the drilling. In deepwater, the drilling of one well may cost $100 million to $200 million. A full development project, including a platform or floater, involves multiple blocks and has cost as much as $3.5 billion. Onshore development is less expensive. A well cost 10,000 feet or deeper well will $2 million to $3 million. A shallow well runs about $200,000.

To illustrate further that a lease does not mean the discovery of oil and gas, it is important to look at the well success rates. For onshore leases, the well success rate is about 10 percent for new areas. For areas already developed, it is much higher—about 95%. For offshore, in shallow water, the success rate is about 33 percent. In deepwater it is about 20 percent.

In the Gulf of Mexico, 1132 new deep water exploration wells have been drilled since 1995, with over 170 new discoveries. While the government does conduct activities to determine resource availability, it is the private sector that funds exploration activities for more refined data and analysis on a site specific basis that can lead to production. The lengthy processes we have in place can lead to more production but it takes time to find the exact location of those resources.

In today's market, it does not make business sense for lease holders to defer or forgo pursuing production and continue to pay rental fees. In addition to the bonus bid paid at the time of a lease being issued, lessees are required to pay rentals for leases. In Fiscal Year 2007, $267.2 million in rental fees was collected as rent for oil and gas, coal, and other mineral leases.

If a lessee determines that leased acreage does not contain sufficient resources to produce economically, it will typically relinquish the lease, and the Federal Government is free to offer the tract at a subsequent lease sale. However, only after numerous steps are taken, and leased acreage is determined to contain economically and technologically producible oil and gas, can a lessee justify the significant investment required to bring leased acreage into producing status.

While increasing the productivity of already leased land is important, to ensure our country's future security and economic well being we need to open new areas for development. The lengthy processes we have in place, which can lead to more production, means that we need to look to new areas. We cannot ignore that the world's demand for oil has grown dramatically. Meanwhile, the supply of oil has grown much more slowly. As a result, oil prices have risen sharply, and that increase has been reflected at American gasoline pumps.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

Attachments.

Plans and Permits Required on OCS

The number of required plan and permit approvals is on the order of 25 to 30. The reason for a range is that the specific lease holder may not file for certain permits on their own. For example, they may not file for a G&G (geological/geophysical) permit but it is certain that no lease holder will move forward without geophysical data to guide them. They may obtain sufficient data from a third party that acquired under their own speculative permit with the intention to sell the information to successful lease bidders. Additionally, there may be supplemental plans filed to cover changes in assumptions based on newer information and other steps that not all lessees will need to file. The overview of MMS regulations is at http://www.gomr.mms.gov/homepg/regulate/regs/reg_sum.html with a discussion of the plans and permits at http://www.gomr.mms.gov/homepg/regulate/regs/laws/env safe.html_#perapp. Following is a fairly complete list of the plans and permits that a lessee may have to file to bring a lease to production:

List of Typical Plans and Permits Required to Bring a Lease to Production

Oil and Gas Lease.

Geological and Geophysical Exploration permit.

Exploration Plan.

Coast Guard Compliance review for mobile drilling units.

Oil Spill Response Plan.

Oil Spill Financial Responsibility.

Hydrogen Sulfide Plan (some locations).

Coastal Zone Management Consistency Determination (Exploration).

Army Corps of Engineers Permit (Navigation and National Security).

EPA National Pollutant Discharge Elimination System Permit.

EPA Air Emissions Permit (some locations).

Marine Mammals/Endangered Species permits from NOAA or FWS (some locations).

Application for Permit to Drill (exploratory wells).

Application. for Permit to Modify (any changes in drilling program).

Application for Permit to Modify (to plug and abandon exploration wells).

Deepwater Operations Plan (for some locations).

Conservation Information Document (for some locations).

Coast Guard Structural Review (for floating production systems).

Certified Verification Agent Review (for some locations).

Development Plan or Development Operations Coordination Document (depending on location).

Pipeline Right-of-Way. Coastal Zone Management Consistency Determination (Development).

Application for Permit to Drill (development wells).

Application for Permit to Modify (any changes in development drilling program).

Application for Permit to Modify (to plug and abandon development wells).

Platform Removal Application.

Pipeline Decommissioning Application.

Permits, Plans, and Surveys for Development of an Oil and Gas Lease On-Shore

BLM PERMITS, PLANS, AND SURVEYS

Geophysical Exploration Permit—Notice of Intent; Notice of Completion—(Required if the operator chooses to conduct this optional activity) Purpose: Allows exploration for oil and gas resources on Federal lands.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision).

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

Surveys—(Completed by the BLM or the Operator.)

Cultural Survey—Almost always required. Almost always completed through an operator-funded contract with a cultural survey contractor that has been approved by the BLM. May involve consultation with the State Historic Preservation Officer.

Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

Oil and Gas Lease—(Required) Conveys a basic right to develop oil and gas from Federal Mineral estate pending approval of additional site-specific permits.

Land Use Plan Conformance—The proposed lease is evaluated to ensure it is in conformance with the BLM's land use plan.

Tribal Consultation—May occur at the leasing stage if not current in the land use plan.

Endangered Species Act Consultation—May occur at the leasing stage if not current in the land use plan and there are endangered species present.

Communitization/Unitization Approval—(Some Locations) Creates management units to improve development efficiency.

Plan of Developent—(If operations are located within a unit agreement) Creates a development management plan for the Unit.

Application for Permit to Drill (APD)—(Required) Contains the operator's proposed drilling and surface use plans and any additional permit requirements added by the BLM. The BLM may also require Cultural and Wildlife surveys.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision.)

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

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Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

Sundry Notice—(Required) Notifies the BLM of the operator's proposed changes to the APD.

Approval and/or Review—In limited cases may involve NEPA, Cultural, Wildlife, ESA reviews and consultation

Hydrogen Sulfide Plan—(Required if the poison gas may be encountered) Plans for protection of public health land safety in the event of a hydrogen sulfide leak.

Right-of-Way Grant—(Required for any development that occurs off the lease area.) Provides legal access for roads, pipelines, and powerlines.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision.) Usually completed in conjunction with the APD NEPA analysis.

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

Surveys—(Completed by the BLM or the Operator.)

Cultural Survey—Almost always required. Almost always completed through an operator-funded contract with a cultural survey contractor that has been approved by the BLM. May involve consultation with the State Historic Preservation Officer.

Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

OTHER FEDERAL. STATE. OR LOCAL PERMITS AND PLANS

Air Emission Permit—(May be required by State).

National Pollutant Discharge Elimination System Permit—(May be required by the State or EPA).

Section 404 Permit—(May be required by the Army Corp of Engineers if the project would potentially dredge or fill waters of the U.S.).

Storm Water Prevention Plan—(Required in some States).

UIC Permit—(Required for Class II wells—water disposal or reinjection).

Spill Prevention Countermeasure Control Plan—This is a permit required by EPA when oil and gas activities have the potential to impact waters of the United States.

Mr. Speaker, the justification for this legislation is a report from Democrats on the Natural Resources Committee, and in that report the conclusion is reached: "We can estimate that the 68 million acres of leased but currently inactive Federal land and waters could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day."

Mr. Speaker, may I ask that the gentleman controlling the time on the other side be yielded time to respond to a question?

Mr. RAHALL. Sure. If the gentleman will yield, I will be happy to answer the question.

Mr. SALI. I understand that the Department of the Interior has issued a letter saying that they don't agree with the assumptions of your report.

Can you name a single professional organization or government agency that has told you that they agree with the assumptions or calculations used to reach the conclusion that I have just read from the report?

Mr. RAHALL. Our Committee on Natural Resources has extrapolated out the figures from current production on Federal lands, those figures coming from the Energy Administration, the same department that the administration uses.

Mr. SALI. Reclaiming my time, Mr. Speaker, the answer to that question is "no." There is no professional group or government agency that agrees with those assumptions.

In his opening remarks, the good chairman said we must "increase our supply" of crude oil and that the answer to our energy needs in the short term is to increase American production.

Then why aren't we voting on that today? The fact is that the assumptions that this bill is premised on are false and that there will be no increased production from this bill.

Congress is to blame for the shortage of American production today, and this is having a real impact on people. There's a gal who is a certified nursing assistant in Boise, Idaho, who's taking care of my mother and my younger sister in a nursing home.

The SPEAKER pro tempore. The gentleman's time has expired.

□ 1330

Ms. FALLIN. I yield the gentleman 30 seconds.

Mr. SALI. Mr. Speaker, this young lady, who's a CNA, last week took her husband's bicycle and a few other items to a pawn shop to get $37 so she could put gas in her car to go to work at this nursing home to take care of my mother and my sister. This is having a horrendous impact on real life people.

Mr. Speaker, it's time for partisanship to be put aside. It's time for Congress to get to the real answer, which is increasing American production.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

I rise in strong support of this legislation. The oil and gas companies, awash in profits, would have us believe they have nowhere to drill. That's just plain wrong. It is the Bush administration which acknowledges that 80 percent of our oil and gas reserves are in areas where drilling is already allowed. The industry is sitting on nearly 70 million acres of public lands where it could be drilling, but isn't. The oil and gas industry already owns drilling rights to more than 6,000 untapped leases in the Gulf of Mexico.

If the industry is so eager to produce more oil and gas, it should get to it. We don't need to open more lands to drilling, when industry is dragging its feet on producing where it already could.

Mr. Speaker, this recent push by President Bush and Senator MCCAIN to open up the rest of our coast to offshore drilling is a ruse. It's not about lowering gas prices today, or even in the future.

In response to the previous statement, yesterday Guy Caruso, head of the Bush administration's Energy Information Agency, said the following about the impact of new drilling, and I quote, "It would be a relatively small effect because it would take such a long time to bring those supplies on. It doesn't affect prices that much."

This push for new coastal drilling is really just a last-ditch effort to get rid of barriers to drilling everywhere before the Bush administration leaves office. It's an attempt for favored special interest to oil companies to get one more favor from its friends. And the high gas prices Americans are now paying offers the perfect cover.

I urge my colleagues to call this industry's bluff. If Big Oil wants to drill on public lands, it can do so now. Please vote for this legislation that tells the industry to use it or lose it.

Ms. FALLIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. My first reaction to reading this bill was how could 236 Members of Congress on the Democratic side, their legions of staff, and their hired guns, know so little about a fundamental industry like we've got that they would think that these exploration companies would invest millions and, in some instances, billions of dollars of shareholder equity and debt and lease bonus payments, regulatory compliance and bureaucratic compliance costs, geological and geophysical costs, drilling and exploration expenditures, production facilities, to then sit on these generally unsalvageable investments and not produce oil and natural gas, which is the only way to recover these investments and make a profit.

This chart, Mr. Speaker, shows a 14-year timeline of the typical exploration in the Gulf of Mexico. It is a difficult process to get through. There are some 27 bureaucratic steps that we go through. This legislation today will add another ongoing step that these companies will have to comply with.

My colleagues here on the other side of the aisle know this discourages exploration. It fits in with their overall attempt to continue to keep gasoline prices high. It is one more dagger in the heart of the American lifestyle that has been developed since World War II that has centered on reasonable gasoline.

Defeat this bill.

Mr. RAHALL. Mr. Speaker, the gentleman has not even read the bill. If everything he says on that chart is true, that is due diligence. The companies get to hold their lease, under this legislation.

I am very glad to yield 2 minutes to a member of our Appropriations Committee, the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Anyone who thinks back just a few years would remember how this administration and the Members of the Congress who were so complicit with them has been able to falsify information and get this country into such deep trouble. The situation in Iraq has got to come to mind. All of the deep problems we have there, based upon the falsification of information. That is what we are seeing here again, falsification of information.

The Republicans are alleging that no one wants the oil companies to be able to drill for oil offshore when the fact of the matter is that the oil companies already have leases on 68 million acres, half offshore, half on the dry land of this country, and they are not using those 68 million acres.

So what the Republicans want to do, at the request of this White House, is to continue to do what this administration has been doing since the meeting of Dick Cheney with the heads of the big oil companies in this country to continue to have an energy policy that is not in the interest of America but in the interest of the big oil companies.

What they want them to do is to be able to get more land, more land, more public land, and hang on to that public land and not produce anything on it.

What we are saying in this bill is use it or lose it. You already have the leases on 68 million acres of public land. Start using it. You want to drill, start drilling. We want you to drill. Drill on the leases that you already have. Don't pretend that you have nothing on which you can drill. You have 68 million acres.

What the Republicans want to do is just put more public land in the hands of the oil companies so that they can more completely and over a longer period of time control all of the energy resources, oil and natural gas, that the people of our country own and possess. They want the oil companies to possess them for long periods of time, not to use them. They are not drilling on what they have.

So pay attention to this bill, and vote for it. Use it or lose it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. FALLIN. Mr. Speaker, I'd like to yield 1 minute to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Today, we are considering a bill to make something the law that is already the law. The majority claims it is necessary to force energy exploration companies to either use or lose leases they hold. However, use it or lose it is already the law. The Secretary of the Interior can already cancel a lease if the lessee fails to comply with the terms. Federal leaseholders are already required to produce oil and/or natural gas within 5 to 10 years of beginning the lease.

By blocking some firms from competing for new leases, this legislation could further increase gas prices that are already exceeding $4 per gallon. This is frustrating because I believe West Virginians would rather see us take up legislation that will actually lead to a new and more forward-thinking energy policy rather than waste time passing legislation that is already on the books. That means new exploration, coal-to-liquids, and renewables.

If this is the best the majority can do, is to restate current law, that's fine. But I think most Americans and West Virginians understand that the time has come for a more serious and comprehensive debate on this issue. That's what they deserve.

Mr. RAHALL. I'm glad my colleague from West Virginia answered the previous speaker on the Republican side and explained the bill. But let me further clarify what the bill does and does not do, and current law.

Currently, the law allows leaseholders 10 years to develop oil or gas. Our bill used to cut it down to 5 years. We have now upped it back up to the 10 years to try to satisfy some of the critics concerned with this legislation. Yet, they are still not pleased, of course.

Existing leases can be cancelled if leaseholders fail to comply with lease provisions, such as public safety and environmental requirements. Yet, there's no law or regulation that requires diligent development on Federal oil and gas leases. That is what we are doing here, is requiring this due diligence. As long as the leaseholders paid the required annual rental fee, the government cannot compel diligent development of the leased lands.

Our bill requires oil and gas operators to diligently develop oil and gas leases, as is currently required of coal leaseholders, I might remind my colleague from West Virginia. We had this same regime in place for Federal coal leasing. It was put in place when coal was in its boom days.

What we are doing for oil and gas now is what we have done with coal and other commodities that are produced on the land that the people of the United States own.

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague.

Mr. Speaker, I rise today in favor of legislation that would pressure the oil companies to drill, and drill now. In my hometown of Louisville, people are struggling to pay more than $4.20 for a gallon of gas. While they search for a way to make ends meet, a few multinational corporations hold the answers: Permits to drill over 60 million acres of oil and gas reserves today.

These existing leases could double U.S. oil production. But the oil companies don't want more land to drill, they want more land to control, which keeps oil off the market and gas prices high. After all, high gas prices have made them the richest companies in the history of the world.

Instead, they demand the Arctic National Wildlife Refuge, presumably so they cannot drill there too. Even this oil-friendly White House admits that drilling the wildlife refuge won't affect the price of gas for more than 20 years, and then, only by a couple of pennies.

Mr. Speaker, the American people's problems are measured in dollars, not pennies, and they can't wait until 2030. I urge my colleagues to pass this legislation and get American oil into the market as soon as possible.

Ms. FALLIN. Mr. Speaker, what time remains for each side?

The SPEAKER pro tempore. The gentlewoman from Oklahoma has 11½ minutes remaining. The gentleman from West Virginia, 6½.

Ms. FALLIN. Mr. Speaker, I'd like to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. The Democrats claim there's 68 million acres of energy-rich lands that companies are refusing to explore. Sixty-eight million acres. Really. So name one. Name an acre of land where vast reserves of oil are underground and a company refuses to explore.

I will open the mike. One acre. Any takers?

Mr. RAHALL. If the gentleman will yield.

Mr. BRADY of Texas. Absolutely.

Mr. RAHALL. We have these maps that are identified, that we have shown.

Mr. BRADY of Texas. Well, bring down the map and identify an acre and tell us how much oil is underground and who has refused to drill.

Mr. RAHALL. Would the gentleman tell us the same about the OCS, where the President is proposing to lift this moratorium?

Mr. BRADY of Texas. Do you have an acre you can point to?

Mr. RAHALL. Yes, we do. We will bring it in. Right here.

Mr. BRADY of Texas. That's what I thought. This bill is a shame and an insult to families who are trying to pay their gas bills.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from West Virginia.

Mr. Speaker, if I were a football coach and I had been calling a play for 7 years and I actually lost yardage, I'd change the play.

Our friends on the other side, Mr. Speaker, they don't want to change the play. They want to keep the same plays that have been losing yards and money for the American people for the past 7 years.

In the spring of 2001, Vice President CHENEY had this meeting with the oil and gas industry to create a new energy policy for America. Then, the cost of a barrel of oil was $23. Now the cost of a barrel of oil is $139. The policy did not work.

Then, the average price of gasoline was $1.46 a gallon. Today, the average price of a gallon of gasoline on Long Island is $4.31 a gallon. It tripled.

The policy didn't work. In all that time, oil and gas companies could have drilled on the properties which they have leases to. They didn't do it.

Mr. BOUSTANY. Will the gentleman yield?

Mr. ISRAEL. I will not yield. I only have a little bit of time.

They did not do it. Now what we're saying is we have got to try something new because what was tried before, didn't work. We need a change in policy. So what we are saying to the oil companies is use it or lose it. Drill what you have the right to drill, explore where you have the right to explore, and if you're not willing to do that, we will find somebody who can.

It's time to put the sound bites aside and give real relief to the American people. The fact of the matter is that the policies that have been tried, have failed. I am not saying that anybody has committed wrongdoing, I am just saying that they have pursued the wrong policies.

The right policy is to put the American people's pocketbooks ahead of the oil company profits. Use it or lose it. That's what we are doing today.

Ms. FALLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, nobody likes these high prices, and I think most folks understand the law of supply and demand. Worldwide, this last year, we pumped 126,000 fewer barrels of oil and we used a million barrels more each day.

We have said no to ANWR, we have said no to tar sands, we've said no to oil shale, we've said no to nuclear. Sierra Club, I'm told, has opposed solar in California. This Congress has not extended R&D for renewables. Yet, 85 percent of our offshore sites are off-limits.

☐ 1345

I would like to put a letter that I received a copy of from the American Association of Petroleum Geologists into the RECORD that was sent to the Speaker. They conclude that policies that increase exploration costs, decrease the available time to properly evaluate leases and restrict access to Federal lands in the OCS do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term surpluses.

We can't waive a magic wand and say here it is. If you say 5 years, but you still require some 27 different environmentally-mandated permits that are required, with no shortening of the time that it takes to get those permits approved, you are not succeeding. In effect, what you are doing is telling the companies to go look someplace else. They are not going to look in America. They are going to look someplace else, because they may not have to comply with these same 25 different regulations that you have to comply with in this country. You can't just say 5 years, without shortening that process.

Now, I am sorry that I didn't talk to Mr. DEFAZIO before I used that chart, but he cited I think a Shell development in Alaska that doesn't have access yet to the pipeline that takes that oil down through to the bottom of Alaska. Without the pipeline permits, they have to cap the wells.

AMERICAN ASSOCIATION OF
PETROLEUM GEOLOGISTS,
June 23, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists (AAPG), on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members. The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development, and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region. Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right, you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, "Where oil is first found is in the minds of men." When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use this data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether it conforms to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of this data improves the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience & Energy Office in Washington, D.C. at 202-684-8225 or 202-355-3415.

Sincerely,
WILLARD R. (WILL) GREEN,
President.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO) to reply.

Mr. DEFAZIO. The former Naval Petroleum Reserve has 15 billion barrels of oil under it. It was leased by President Bill Clinton in 1998. There is no pending lengthy application process for the pipeline. They have no plans to connect to the pipeline.

Mr. UPTON. Mr. Speaker, would the gentleman yield?

Mr. DEFAZIO. Certainly, whatever time I have left.

Mr. UPTON. If the gentleman would yield, it is my understanding that they haven't been able to conclude the permits that would link those oil discoveries.

Ms. FALLIN. Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Texas (Mr. GENE GREEN) in bipartisan opposition to the bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise not necessarily in opposition to H.R. 6251. It is difficult to support or oppose something that is already current law. We already have use-it-or-lose-it. We have 10-year leases in this bill. That is what the law is.

Americans need Congress to look at real solutions in addressing energy needs, especially when we have $4 a gallon gas. We need answers, and not just slogans. We cannot drill our way to energy independence, we can't conserve our way, and we surely can't use alternatives to have energy independence. We need to do it all.

The legislation before us today was introduced a week ago with no committee hearings, no markups. And they raise a valid question: Are people really sitting on oil leases and not producing?

Now, there may be reasons for it, like there are not permits allowed to get it from the Navy Petroleum Reserve. I know in the Outer Continental Shelf, which I am real familiar with because it is off of Texas, a lot of those leases can't produce because there are no resources on it, but they still have that lease for 10 years.

Let me tell you, with $140 a barrel oil, everybody wants to drill everywhere that you can. But we already have 10-year leases. In fact, I would like to include for the RECORD a copy of a current lease that is from Minerals Management on section 4, diligence and rate of development. We already have a diligence requirement in the 10 year leases that are there.

What we need to do is actually do everything we can. We need to drill the leases we have, but we do need to get additional leases available in some of the most productive areas of the Outer Continental Shelf and make it available, because we need to make sure that our country is going to be energy independent and not dependent on Venezuela or Saudi Arabia or any other country. And we can do it. We have Senators going to Saudi Arabia begging for them to increase their production, but we won't increase ours in some of the most potential productive areas.

That is why we need solutions instead of slogans. That is why I have a hesitation to support the bill or oppose it, because it is already current law.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. GENE GREEN of Texas. I will be glad to yield.

Mr. RAHALL. I appreciate my friend from Texas yielding.

The due diligence requirements or timeline that you asked for submission into the RECORD, that is perfectly allowed under my bill. We would not grab a lease. If a company is showing due diligence, if a company is moving toward production of oil or gas on Federal leases, we don't touch them.

Mr. GENE GREEN of Texas. I would be glad to read part of the lease for you, the fact that they can already take that lease back now under current law, if they want to.

Mr. Speaker, I include the lease section referred to earlier for the RECORD.

Sec. 4. Diligence, rate of development, unitization, and drainage—Lessee must exercise reasonable diligence in developing and producing, and must prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves right to specify rates of development and production in the public interest and to require lessee to subscribe to a cooperative or unit plan, within 30 days of notice, if deemed necessary for proper development and operation of area, field, or pool embracing these leased lands. Lessee must drill and produce wells necessary to protect leased lands from drainage or compensatory royalty for drainage in amount determined by lessor.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), our minority leader.

Mr. BOEHNER. Let me thank my colleague for yielding and tell my colleagues that in 1992 I voted for this bill. In 1992, the chairman of the committee voted for the bill. In 1992, Mr. HOYER, the majority leader, and Ms. PELOSI, the Speaker of the House, voted for the same bill. This is already the current law.

All this is is another excuse put up by the majority to not go after more American energy. That is all this is. And we have had more excuses. We going to blame it on speculators, we are going to blame it on the oil companies, we are going to blame it on OPEC, when there is only one group, only one group in this Chamber we ought to blame, and that is all the liberals in this House who have voted on for no energy each and every time over the last 18 years that I have been here.

Forty-six votes. Forty-six votes have been brought to this floor over the last 18 years that I have been here to produce more American-made energy. I voted yes 46 times out of 46. Ms. PELOSI, as an example, voted yes twice. Just twice. And how many times did the gentleman from West Virginia vote to bring more American-made energy to the market?

We are giving $600 billion a year to people in the Middle East, money that could be spent here in America if we were willing to bring more oil out of our ground in an environmentally safe way.

Republicans have put forward an all-of-the-above strategy. We need to conserve more of our energy, we need to develop biofuels, we need to develop alternative fuels, we need to have nuclear energy, and, yes, we need to produce more oil and gas here in America in an environmentally safe way. But all we get from the other side each and every time are excuses. "Let's blame somebody else."

We are about to go home for our Independence Day district work period. We should not leave here until we take steps that will help us move our country toward more energy independence. Not more excuses, not more posing for "holy pictures," as the chairman of the Appropriations Committee would say. We need to bring bills to the floor that will actually put Members on record whether they are for more American-made energy or not.

I am willing to show my constituents how I will vote. Let's let all of America see how our colleagues will vote, for more American made energy, which is what we need to do to bring gas prices down in America.

Mr. RAHALL. Mr. Speaker, I would simply remind the distinguished minority leader, if my memory serves me correctly, the minority party was in control of both ends of Pennsylvania Avenue for some 6 years, both Houses of Congress. I don't recall this legislation or any serious energy policy being adopted during that time period.

Mr. Speaker, I fully agree with the minority leader about developing all of our domestic reserves. Coming from a coal area, certainly I agree with that scenario, that we need to develop all of our domestic resources, and in a nonpartisan fashion as well.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, July 28, 2005. The House of Representatives, one month from now will be the 3-year anniversary of the House Republican Congress passing their energy bill. The minority leader, who was just here, said at that time when gas was $2.29 a gallon, "It will ultimately lead to lower energy prices for the consumer and will spur our economy."

President Bush when it was signed: "I am confident that one day Americans will look back on this bill as a vital step toward a more secure and more prosperous Nation that is less dependent on foreign sources of energy."

We have had 3 years of your energy policy, 3 years where you promised lower prices and a spur to the economy. By any standard of the imagination, it is a failure. Not because you want it to be. You thought it was the right policy. But it was a failure.

We have today a policy, because we do not believe this is an either-or choice, between more drilling or more conservation. We think it takes both. That is why we passed the standards, which you did not after 12 years in control, to increase the fuel efficiency standards for our cars. The first time in 30 years that was done. You all voted against that in your leadership.

Second, when it comes to drilling, we do believe as it relates to the oil and gas companies who are having record profits, use it or lose it. We gave you 68 million acres of public land. I have 3 children, 11, 9 and 8. My middle one, she loves chocolate, really loves chocolate. But we have a rule in the house: You don't get your desert until you finish everything on your plate. And to the oil and gas companies that want those leases in other areas, you don't get those leases until you finish what is on your plate.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. RAHALL. I yield the gentleman 30 additional seconds

Mr. EMANUEL. So see what we have done here. Not only have we given them 68 million acres with record supplies of oil and gas, you, the taxpayers, because they refused to agree to this, give them $14 billion, that is the oil companies, to drill, out of your money. $14 billion. They all vote against rescinding that and putting it towards alternatives. You give them $14 billion. You give them 68 million of acres of public land. And what is the policy? $4.08 a gallon for gas.

I say it is time for a new direction: More conservation, more drilling, use it or lose it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. FALLIN. I would like to ask how much time remains.

The SPEAKER pro tempore. The gentlewoman from Oklahoma has 5 minutes remaining. The gentleman from West Virginia has 1 minute remaining.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the minority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for recognizing me.

I would point out to my good friend the conference chairman on the now majority side that we often passed pieces of legislation from this House that are already available to pass again today. Certainly there is no question that on the other side of this building, that legislation was often blocked. But we would like to see a comprehensive solution.

My littlest boy and my grandchildren all love Band-aids. In fact, sometimes my little boy, Charlie, will fall and bump his head, and he feels better if we put a band-aid on his arm.

I think that is kind of what we are doing here this week. We are bringing band-aids to the floor, rather than dealing with the real problem. We have got bills on the floor that say it is the people who run the service stations, and maybe there is price gouging; or it is the people who participate in the market; or it is the people who look for oil and gas.

I would suggest it may very well be the people that don't bring the legislation to the floor that would do the things that my friend from Illinois just said he was for: Production. Those bills are there. We would like to see them discharged.

We have got the No More Excuses Energy Act that the gentleman from Texas, Mr. THORNBERRY, has proposed, that would allow the kinds of production that the majority has just said they are for.

We have got a refinery siting bill that Mr. PITTS from Pennsylvania has that would allow more refinery capacity.

We have a repeal on a ban that won't let the government buy any of these alternative fuels that we are hearing are such a good idea. The very best way you can get a loan and go to the bank is if you had a government contract for coal-to-liquid jet fuel or oil shale or the tar sands. We have a Coal-to-Liquid Fuel Act that we will be trying to discharge in the future. We would like to see the real solutions come to the floor.

And on-use-it-or-lose-it, absolutely you do lose it when the lease is up. Less than 10 percent of the available land is being used now.

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Mr. RAHALL. I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentlewoman from Oklahoma.

Mr. Speaker, I rise in strong opposition to this misguided bill. Rather than allowing us to bring forth legislation that will allow us to increase the supply of oil and gas, allow us to lower the price of gas at the pump, the Democratic leadership brings us this bill that could now halt leases for up to 3 years.

Section 2(b) of this Act would require that the Department of Interior publish within 180 days major regulations dealing with development on Federal lands. If you go look, regulations associated with the EPA Act of 2005 are still not in place, and that has been 3 years.

Furthermore, with at least two agencies, both the Minerals Management Service and the Bureau of Land Management, having to conduct separate rulemaking, I find it hard to believe that with all the public comment and lawsuits that would be associated with this, it would be impossible to meet that timetable; and that would mean a delay of 2 years or 3 years in leases.

In Louisiana, the heart of our coast relies heavily on revenues we receive from offshore activities. We have dedicated in Louisiana that revenue to restore our vanishing coast. We have lost thousands of miles of land and acres of our coast to coastal restoration, and we have dedicated our revenues from leases to coastal restoration. Those funds are desperately needed.

We cannot afford to wait to lose 3 years to have more leases. Our Nation cannot afford to lose 3 years of offshore leasing just because the Democratic leadership is trying to push legislation based on false assumptions.

We need to defeat this legislation. We need to bring forth a real plan to increase supply and lower gas prices.

Mr. RAHALL. I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield the remainder of our time to the gentleman from Utah (Mr. BISHOP).

The SPEAKER pro tempore. The gentleman from Utah is recognized for 90 seconds.

Mr. BISHOP of Utah. Mr. Speaker, we have heard before that Big Oil is trying to gouge the consumer, and now Big Oil is down there trying to hide this stuff, in an effort to find another scapegoat or say there is a big conspiracy that is causing our problems, rather than 30 years of failed policies on behalf of this Congress. And now we are doing this on a suspension where we have half the time to debate, no amendments are possible in an effort to stop discussion.

The fact of the matter is 68 percent of all oil leases and 87 percent of all natural gas leases are done by small companies, small companies who need to produce to put food on the table. Is it logical that they are actually part of a conspiracy to hide the oil beneath the ground? This bill is nothing more than another law with a layer of bureaucracy put on it than we already have.

But maybe, for the gentlelady of Oklahoma, maybe the Democrats have something here. Maybe we should be looking at this tactic for other areas. Like we all know 18-year-olds and women have the right to vote. Maybe we can pass another law to let them vote; this time, they can use it or lose it.

Or I know free speech is in the Constitution. Maybe we can say we all have free speech, unless we use it or lose it. I think there are some Members of this body who would never lose it. Or faith, use it or lose it. Or maybe a brain. You can use it, or you can become a Member of Congress.

What we need to do right now is to stop finding scapegoats and find solutions. This bill is not a solution.

Mr. RAHALL. Madam Speaker, I have said this in my opening comments and I will say it again. We on the Democratic side are not opposed to drilling. We are for drilling on leases that oil companies currently already have in hand. We are for a comprehensive energy policy, including using all of our domestic resources and our domestic willpower as an American people.

A comprehensive energy policy is something that this Congress will address using in a bipartisan fashion the talents of this body and the talents of American ingenuity and willpower.

This pending legislation is a responsible bill that seeks to say to the oil companies: Use what you already have or show where you are moving toward producing that oil; otherwise, give somebody else a chance that may want to competitively bid on that same lease.

This is a use it or lose it. And I urge a "yes" vote for this responsible piece of legislation.

Mr. YOUNG of Alaska. Madam Speaker, I think it would be instructive for Members to see this letter from the national organizations representing the oil producers, oil and gas supply industries and the off shore oil and gas infrastructure supply industry; the organizations that supply domestic energy for the American consumer.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: We write today in opposition of HR 6251, the so-called "use it or lose it" legislation under consideration in the House today. As Americans cope with $4 a gallon gasoline, it is regrettable that some in Congress choose to propose diversionary legislation, not based on facts, instead of focusing on the real issue—the need for additional energy supplies to meet growing world energy demand.

Over the past few weeks, rhetoric surrounding our nation's lack of a coherent energy policy has reached an apex. Unfortunately, policy proposals like the "use it or lose it" legislation ignore fundamental facts about the oil and gas industry and jeopardize the long-term energy security of our nation.

Every energy forecast has predicted that oil and natural gas will be a critical component of America's growing energy demands. The federal Energy Information Administration (EIA) estimates 88% of our nation's energy needs will be met by oil, natural gas, coal, and nuclear power in the year 2030. This fact is being lost in the proposals of some members of Congress. While political candidates talk of energy independence, some in Congress are offering proposals that will lead our nation in the opposite direction. These members ignore the challenges of domestic production, and make unfounded accusations such as the latest charge that non-producing leases are the same as inactive leases. This couldn't be further from the truth.

The U.S. oil and natural gas industry is in the business of supplying energy, not sitting on it. The industry has reliably supplied our nation with the necessary energy to move our cars and fuel our homes and will continue to do so for decades to come. The industry buys leases with the intent to produce all commercially viable reserves of oil and natural gas. Unfortunately, not every acre of land under lease contains oil or natural gas. In fact, many leases do not contain any commercially recoverable oil or natural gas resources.

But these non-commercial leases continue to provide rental payments for the federal government, on top of bonus bids paid for the right to explore this land. In fact, the federal government received more than $9 billion in bonus bids from the last four offshore lease sales alone.

For the acreage that does include promising reserve prospects, it can take years and millions, or even billions, of dollars to develop this resource. The exploration process, which precedes production, necessarily takes time. Seismic surveys must be undertaken, delineation wells must be drilled, government permits must be obtained, environmental regulations must be adhered to, and complex production facilities must be engineered and installed.

Oil and gas development is an extensive, expensive and time-consuming process, even with advances in technology. As an example, in the U.S. ultra deepwater (greater than 5000 ft) in the Gulf of Mexico—where some of our nation's most promising new discoveries have been made—only 21% of wells drilled have resulted in a discovery of oil or natural gas. However, as a result of this industry's willingness to invest billions of dollars despite these odds—and because of what has historically been a stable domestic oil and natural gas regulatory regime—the U.S. oil and gas industry has continued to explore the Gulf of Mexico. This exploration has resulted in an 820% increase in deepwater oil production and a roughly 1,155% increase in deepwater natural gas production from 1992 to 2006, while adding billions of dollars in revenue to the federal treasury.

In fact, royalty payments provide the second-largest revenue stream to the federal government, behind only federal taxes administered by the IRS.

The ability to explore in Gulf Coast waters has resulted in not only a steady stream of major discoveries since the mid 1990s, but also a tripling of estimated undiscovered potential from 1995 to 2003. Similarly, Prudhoe Bay, Alaska was initially thought to contain 9 billion barrels of oil, but the industry has already produced about 12 billion barrels and it still is estimated to contain reserves of another 6 billion barrels. Imagine what American industrial ingenuity could find through environmentally responsible exploration and development of 85% of Lower 48 Outer Continental Shelf and 83% of onshore federal lands that are currently off-limits or facing significant restrictions to development.

The Outer Continental Shelf Lands Act, the Mineral Leasing Act, and the Mineral Leasing Act for Acquired Lands already establish a regulatory system that sets time limits on lease terms, establishes annual rental payments for leases that are not yet in production, and requires diligent development of all available resources. The current debate does not acknowledge these facts. The American public deserves a policy discussion grounded in market fundamentals.

Sincerely,

AMERICAN PETROLEUM INSTITUTE.
AMERICAN EXPLORATION AND PRODUCTION COUNCIL.
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS.
INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA.
INDEPENDENT PETROLEUM ASSOCIATION OF MOUNTAIN STATES.
NATIONAL OCEAN INDUSTRIES ASSOCIATION.
U.S. OIL AND GAS ASSOCIATION.

Mrs. MALONEY of New York. Madam Speaker, the administration's answer to record gas prices today is to allow drilling in Alaska's pristine wilderness and off our shorelines for little payoff a decade from now.

What they don't tell you is that big oil companies already lease 68 million acres of public lands that they are not developing. Big oil companies are sitting on 81 percent of America's Federal oil and gas reserves, but all they are producing are complaints that it's not enough.

I urge my colleagues to support H.R. 6251—the "use it or lose it" bill. This legislation would compel the oil industry to start drilling on the acreage they already lease before obtaining any new leases.

Madam Speaker, if domestic drilling can bring relief to American families, what are the oil companies waiting for?

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H.R. 6251, the Democrat "use it or lose it" plan.

Leases and drilling permits are not awarded with any certainty that oil or gas will be found. Just because my Democrat colleagues say oil and gas is there, does not necessarily make it so. The Democrats in the majority need to stop playing geologist and start representing the American people.

Seventy-six percent of the American people believe Congress should expand domestic production. Gas prices are high because demand is greater than supply. In fact, U.S. oil production has steadily decreased since 1970.

Reports by the Bureau of Land Management and the Minerals Management Service place potential federally managed areas for oil and gas exploration at 1.3 billion acres. Currently, only 68 million acres of Federal land are being explored for oil and gas.

This Congress should be more concerned with opening up Federal land to energy production than wasting time arguing over the 5 percent of land that is currently available.

Democrats have pushed for higher gas prices for decades. Now that they have finally succeeded, Democrats seem determined to keep them that way.

Madam Speaker, we know increasing supply will lower the price of gasoline and we have the means to do so. Drill here, drill now, pay less.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 6251, the Responsible Federal Oil and Gas Lease Act.

Over the last few months we have frequently heard claims from our colleagues on the other side of the aisle that we need to open up more Federal lands to oil and gas drilling, the magic bullet that will solve our energy crisis. They have told the American people that Democrats and environmentalists are protecting our Nation's most sensitive and special environments at the expense of the American people. They have claimed that opening up land in the Arctic National Wildlife Refuge (ANWR) and on the Outer Continental Shelf (OCS) would quickly help bring down the price of gas. Not only are these claims misleading American families desperately seeking help with skyrocketing gas prices, they are completely false.

Currently 81 percent of our Nation's Federal lands are available to be leased for the purpose of oil and gas drilling. Sixty-eight million acres of the lands open for drilling both onshore and offshore currently are leased by oil companies who are not using them for production. It is estimated that these leased but unused lands could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day, nearly doubling U.S. oil production and cutting oil imports by a third. Existing leases can also come online much faster than any newly leased lands, which would save only pennies per gallon, more than a decade down the road.

I would like to commend my colleague from West Virginia, Representative NICK RAHALL, for introducing H.R. 6251, the Responsible Federal Oil and Gas Lease Act. This legislation would require oil companies to certify to the Department of the Interior that they are actively developing on the lands that they have already leased. If these oil companies are not producing on these lands, they either would have to relinquish these leases or start producing on them before they could apply to lease additional lands. Also my colleagues who say "drill, drill, drill" should support this legislation and they should stop talking about drilling on our environmentally sensitive coastlines and wildlife refuges until oil companies have gone as far as they can towards on these currently leased lands.

This legislation is common sense and I urge my colleagues to support it. There is no logic to opening up more land to oil and gas drilling when we are not utilizing the leases we already have. Of course this legislation is not a long term solution to America's energy needs. Currently we produce 3 percent of the world's oil and consume 25 percent. Unless we find a way to dramatically reduce our consumption we will never be able to drill our way to energy independence. I look forward to working with my colleagues on both sides of the aisle to develop a long term solution to this crisis.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill.

In recent days, discussion of the bill has included statements—by some supporters and some opponents alike—that I found exaggerated in their descriptions of the likely effect of its enactment. I regret that, and think it would be better to avoid the "use it or lose it" rhetoric that oversimplifies the issue and fails to reflect the reality that oil and gas exploration is a complicated commercial and scientific enterprise involving efforts not easily fitting within strict regulatory timelines.

But while the bill may not be as far-reaching as some have claimed, I think it is a reasonable response to current conditions and should be passed.

In essence, the bill would bar the current holders of Federal mineral leases—whether for onshore or offshore areas—from obtaining additional leases unless they are able to show that they are "diligently developing" the leases they already hold. The Secretary of the Interior would be responsible for spelling out in regulations exactly what would be needed to show such "due diligence."

Current Interior Department regulations include provisions addressing due diligence requirements, so this is not a new concept. But I think giving it greater emphasis is appropriate in view of the continuing importance of oil even as we work to increase the availability and use of alternative energy sources.

More useful in terms of energy policy, this bill will reinforce the provisions of current law that aim to prevent hoarding of leases, and by providing an incentive for relinquishment of some leases may increase the opportunity for others to seek and obtain the right to explore for and perhaps produce oil or gas from those lands.

This approach is similar to that taken when Congress amended the coal-leasing laws by passing the Coal Leasing Act Amendments of 1976 over President Ford's veto. That 1976 legislation provided for a due-diligence requirement as part of a comprehensive overhaul of the laws governing leasing and development of federally owned coal resources—a provision that some analysts have said had the most immediate practical effect of any of the legislation's various provisions.

As a result, for several decades the holders of Federal coal leases have been required by law to diligently develop their leases, which has aided in the orderly and efficient development of the Nation's coal. I think a similar reinforcement of existing law for leasing of other Federal energy resources makes sense.

This bill alone is certainly not all that needs to be done to improve our energy policies. But I think it can make at least a modest contribution to achieving that, and so I will support it.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 6251, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FALLIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday June 24, 2008:

House Resolution 1294, House Concurrent Resolution 163, House Resolution 353, House Resolution 1231, H.R. 2245, H.R. 4264, H.R. 4918, House Resolution 1271, House Concurrent Resolution 370, House Concurrent Resolution 195, House Resolution 970, House Concurrent Resolution 365.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table and titles are amended as applicable.

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, JUNE 30, 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 10 a.m. on Monday, June 30, 2008, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that, during proceedings today in the House and in the Committee of the Whole, the Chair may be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 6052.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1304 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6052.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I rise in support of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008.

The purpose of the bill, very simply stated, is to promote energy savings for all Americans by increasing use of public transportation throughout this country, a fact that has been a need, let us say, that has been driven home dramatically by $4 a gallon oil and gasoline prices since Memorial Day, and I thank the Speaker and majority leader for making time for us to bring this bill to the House Floor.

Basic law of economics is that the price of gas is a two-part equation: Supply and demand. Demand is a critical factor in the cost of oil, and decreasing demand is one of the most immediate ways we can attack the high cost of gasoline prices. And our fellow citizens understand this. They are making choices. They have been making choices for several years.

Over the last 3 years, in particular, there has been growth of 1 million new riders a day on public transportation systems across America, for 375 million new transit trips nationwide last year, a total of 10.3 billion transit trips throughout the country.

There was a time when New York City accounted for 60 percent of all transit trips in the United States, but no longer. In the last 3 years, New York's share of transit ridership nationwide has slipped to 38 percent, not because New Yorkers are riding transit less; they are riding more. But more Americans have found their way to public transportation, and increasingly in droves since the skyrocketing price of gasoline.

Transit systems throughout the United States have found every new transit project, every new light rail project has more than tripled its original projections of ridership nationwide.

Innovative cities like Denver under then-Mayor Wellington Webb, said: Ride our transit system free in the center city. Keep your pollution out of the center city. Ride the transit system free. And it has been an enormous boost and benefit to the city of Denver.

I can and I will cite some very specific ridership improvements in my own State. In Minneapolis, the Hiawatha light rail, 20 years in the waiting, finally was constructed; ridership opened, and 9 months later, 10 months ahead of schedule, they achieved their 10 millionth rider. Dramatic improvements.

Seattle, Dallas-Fort Worth, San Francisco all have similar increases in transit ridership. The Charlotte Area Transit System recently opened a new light rail line. They have increased ridership 34 percent from February of last year to February of this year.

CalTran, the commuter rail line that serves the San Francisco Peninsula and Santa Clara Valley, set a record for average weekday ridership in February of this year with a 9.3 percent increase over last year.

The South Florida Regional Transportation Authority, my good friend, the ranking member, the gentleman from Florida (Mr. MICA) knows well, posted a rise of more than 20 percent ridership from Miami, Fort Lauderdale, West Palm Beach in March and April of this year as compared to last year.

Americans are making the choice. They have decided. We need to help them with that choice. And the bill before us will make a huge step in that direction.

This legislation provides substantial support for States and public transportation agencies increasing incentives for computers to make their choice to ride transit: 1.7 billion, 2 years for transit agencies that are reducing transit fares or expanding the services to meet the needs of growing transit commuters. We increase the Federal share for clean fuel and alternative fuel transit bus, ferry, and locomotive related equipment or facilities, helping transit agencies become more fuel efficient.

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In fiscal years 2008 and 2009, the increased Federal share for these activities will go from 90 percent to 100 percent of the net capital cost of the project.

We also provide authority to extend the Federal transit pass benefit program which has operated over the past few years on a pilot basis in the National Capital Region and in a few selected areas throughout the country. After evaluating the transit pass program, the U.S. Department of Transportation recommended that it be expanded nationwide. We do that in this legislation. There was an executive order signed by President Clinton in 2000 that launched this initiative. It was supported in the SAFETEA legislation. The 3-year pilot program under our legislation would be substantially expanded nationwide.

The Department of Transportation says that expanding this program will implement their own department recommendation by giving more Federal employees incentives to choose transit options. And we also create a pilot program to allow the funding expended by private providers of public transportation for van pools to acquire the vans to be used as their non-Federal share for matching Federal transit funds in five community pilot projects. Under current law, only public funds can be used as the local match. This pilot program will induce private funds to participate in the van pooling initiative.

I would observe we had a very successful van pooling program in the Minneapolis-St. Paul area in the mid-1980s when companies like 3M, Control Data, and Minneapolis Honeywell bought the vans for their employees and provided a fuel subsidy and encouraged their employees to join together. The vans were full. The program was successful. It cut down on congestion in the greater metropolitan Twin City area, and reduced cost for all of the riders. We should do that nationally, and we provide further authority to make that change and to take that initiative.

There are other provisions in this bill that are important, and I will submit those for the RECORD, but I want to close this part of my remarks with an observation by Paul Weyrich in a very thoughtful publication, Free Congress Foundation. "Does Transit Work: A Conservative Reappraisal." It begins, "The first recorded example of mass transportation was the movement of Adam and Eve from the Garden of Eden. At that time, 100 percent of the population was moved at once in a single trip; a record never equaled since." Then he says, "According to most studies of mass transit, it has gone straight downhill from there."

Well, we are on the way up and we are going to lift mass transit and speed its acceptance and its use by the public with the legislation that we bring before you today.

Toward that purpose, I express my great appreciation to the gentleman from Florida, the ranking member, Mr. MICA, for the partnership he has engaged in with us and for the thoughtful, constructive suggestions he has made every step of the way. I appreciate very much the gentleman's participation.

Madam Chairman, I rise today in strong support of H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008". This bill promotes energy savings for all Americans by increasing public transportation use in the United States.

As gas prices have skyrocketed past $4 per gallon since Memorial Day, everyone is talking about how we need more oil. I thank the Speaker and the Majority Leader for scheduling today's bill, H.R. 6052, so that we can also talk about using less.

Let us all remember the basic law of economics that the price of gas is a two-part equation: supply and demand. Demand is a critical factor in the cost of oil, and decreasing demand is one of the most immediate ways that we can tackle the high cost of gas.

Americans understand this. They are making choices today that are decreasing our global demand for oil. We're seeing record ridership on public transportation all across the country, as well as decreases in the number of miles traveled in cars, SUVs, and pickup trucks. Without doubt, many Americans are making these choices based on the economic hardship caused by the high price of gas. However, in my discussions with constituents in my district and people across the country, Americans are also considering transit alternatives because they're sick and tired of knowing that our great nation imports 60 percent of its oil, much of it from the Persian Gulf.

As a result, across America, public transportation has experienced a renaissance in big cities, suburban communities, and small towns. In 2007, Americans took more than 10.3 billion trips on public transportation, the highest level in 50 years. In the first quarter of 2008, commuters took more than 2.6 billion transit trips nationwide, an increase of 3.3 percent over the first quarter of 2007.

Now that the price of gas has surpassed $4 a gallon, even more commuters are choosing to ride the train or the bus to work rather than drive alone in their cars. Public transit systems in metropolitan areas are reporting increases in ridership of five, ten, and even 15 percent over last year's figures. Light rails saw the largest jump in ridership with a 10 percent increase to 110 million trips in the first quarter. Some of the biggest increases in ridership are occurring in many areas in the South and West where new bus and light rail lines have been built in the last few years.

In Denver, for example, ridership was up eight percent in the first three months of 2008 compared with last year, and Minneapolis, Seattle, Dallas-Fort Worth, and San Francisco all reported similar increases. The Charlotte Area Transit System, which recently opened a new light rail line, has increased ridership more than 34 percent from February 2007 to February 2008. Caltrain, the commuter rail line that serves the San Francisco Peninsula and the Santa Clara Valley, set a record for average weekday ridership in February with a 9.3 percent increase over 2007. The South Florida Regional Transportation Authority, which operates a commuter rail system from Miami to Fort Lauderdale and West Palm Beach, posted a rise of more than 20 percent in ridership in March and April as compared to the same time last year.

Madam Chairman, Americans are proving that riding transit is an easy, immediate, and important part of the solution to decreasing our demand for foreign oil. However, meeting this impressive new demand for public transportation services is no small task for our transit agencies. With these record-breaking numbers of commuters riding transit, many of our nation's transit systems are busting at the seams. In addition, the cost of fuel and power for public transportation providers has sharply increased, compounding costs of serving all of these new transit riders.

Currently, public transportation reduces gas consumption by 1.4 billion gallons a year (3.9 million gallons per day), which equates to more than 33 million barrels of oil. It's equal to 108 million fewer cars filling up year.

Although those fuel savings are incredible, we can do better, and we must.

H.R. 6052 provides much needed support to states and public transportation agencies and also increases incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and our nation's reliance on foreign oil.

To increase public transportation use across the United States, H.R. 6052 authorizes $1.7 billion in funding over two years for transit agencies nationwide that are temporarily reducing transit fares or expanding transit services to meet the needs of the growing number of transit commuters. It is important to note that the funds authorized by this bill will be distributed to States and local communities in the same manner as they currently receive Federal transit urban and rural formula funds. However, in an effort to provide transit choices to smaller urban and rural areas, which may not currently have any transit service, this bill specifically increases the relative share of the transit funds that will be going to the rural areas.

H.R. 6052 also increases the Federal share for clean fuel and alternative fuel transit bus, ferry, or locomotive-related equipment or facilities, thereby assisting transit agencies in becoming more fuel efficient. In fiscal years 2008 and 2009, the increased Federal share for these activities is 100 percent of the net capital cost of the project.

H.R. 6052 also extends the Federal transit pass benefits program to require that all Federal agencies offer transit passes to Federal employees throughout the United States. Current law requires that all Federal agencies within the National Capital Region implement a transit pass fringe benefits program and offer employees transit passes.

Data from the Washington Metropolitan Area Transportation Authority covering the first three years of the National Capital Region transit pass program show that more than 15,500 automobiles were eliminated from roads in the Washington, DC area as a result of Federal employees shifting their travel mode away from single occupancy vehicle ("SOV") use to public transportation use for commuting to work. DOT estimated the energy savings from this mode shift included the reduction of more than eight million gallons of gasoline for each of the three years that they studied. DOT also studied the results of a nationwide pilot program and found that, within the three agencies, 11 percent of the participants shifted their travel mode away from SOV use to public transportation use for commuting to work, again producing marked energy savings.

The Department of Transportation has determined that both the National Capital Region transit benefits program and the nationwide pilot program produce marked energy and emissions savings, congestion reductions, and cleaner air, and recommends that the transit pass benefits program be extended to Federal employees nationwide. This provision will implement the Department's recommendation by providing more Federal employees the incentives to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

H.R. 6052 also creates a pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. Under current law, only local public funds may be used as local match; this pilot program would allow private funds to be used in limited circumstances. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool projects.

Finally, H.R. 6052 increases the Federal share for additional parking facilities at end-of-line fixed guideway stations. This provision increases the total number of transit commuters who will have access to those facilities.

Public transportation use in all of its forms—bus, rail, vanpool, ferry, streetcar, and subways to name a few—saves fuel and reduces our dependence on foreign oil. As such, increasing public transportation use by providing incentives for commuters to choose transit options is a priority of this Congress.

Given the price of gas, Americans are more focused on the costs of commuting than at any time in recent history. And they want choices. We need to provide them. With passage of this bill, we have an opportunity to provide transit choices that will change the way that Americans travel.

The impact of such changes on our nation's dependence on foreign oil would be extraordinary. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

That's the difference this bill can help make.

I strongly support H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008", and urge my colleagues to do the same.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 3, 2008.
Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportaiton and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008, which was referred to the Committee on Oversight and Government Reform on May 14, 2008.

In the interest of expediting consideration of H.R. 6052, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 6052 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee on Transportation and Infrastructure Report on H.R. 6052 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 3, 2008.
Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 6052, the "Saving Energy through Public Transportation Act of 2008".

I appreciate your willingness to waive rights to further consideration of H.R. 6052, notwithstanding the jurisdictional interest of the Committee on Oversight and Government Reform. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Oversight and Government Reform if a conference is held on this matter.

This exchange of letters will be placed in the Committee report and inserted in the Congressional Record as part of the consideration of H.R. 6052 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairman.

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to thank our chair of the Transportation and Infrastructure Committee, my Democrat counterpart, Mr. OBERSTAR, for his work on this piece of legislation that does deal with some of the issues that we are facing right now and follows some of the discussions that we have had on the floor relating to energy and energy conservation.

The Transportation and Infrastructure Committee has a very small piece of the puzzle, but it is nonetheless an important piece and we have tried to exercise our jurisdictional responsibility in coming forth with this, again, small piece of the puzzle.

This bill does provide for expansion of some of the transit grants around the country, and I think that there are some beneficial provisions for those in rural areas, suburban areas, and for much of the public that relies on public transportation.

This bill further does allow sort of an unprecedented ability to use some of the money traditionally used for projects to assist some of the local transit authorities that are suffering now with high fuel costs. Just like the average family is suffering with high fuel costs, transit agencies have also experienced the same problem. They are cutting back on services, sometimes when people really need to have an option and don't have that option, by cutting out routes, and that has been announced even in my area. So I think we are doing a responsible thing.

This is a 2-year authorization. It is an expansion of the authorization of $1.7 billion that does give some of the folks on my side some hiccups, but it is authorization, it is not appropriation and each Member is going to have to judge their support or opposition based on the final product. But I have joined Chairman OBERSTAR in support of this authorizing bill. I think again it fills our small piece of the puzzle.

I did want to take just a minute or two, I didn't get a chance to speak on the rule or on the energy legislation that was before the House earlier, and there was quite a bit of banter. And some people were bashing the President and this administration for not having a plan. In fact, someone said he didn't recall a plan, which is kind of funny.

I am very fortunate to have outstanding staff, but this summer I also have some outstanding interns. They come from all over the country to Congress, and I have gotten some from my district and elsewhere. So you have a little more staff to do research rather than just keep on the track that we are on here every day. I said wasn't there a Bush plan? And all be darned, there was a Bush energy plan. So I had a little research done on that.

Lo and behold, very shortly into his term, it was May 17, 2001, the President of the United States, George Bush, just a few months into office, he set two major priorities, one being education. You remember on 9/11 he was in a Florida classroom talking about his plan to improve education. But even before that, in May as one of his first priorities, he announced his plan. He announced his plan actually in the home State of the chairman, in St. Paul, Minnesota. On that day when he announced it he said, "If we fail to act, our country will become more reliant on foreign crude oil, putting our national energy security into the hands of foreign nations, some of whom do not share our interests."

On that same day when he announced his plan, he said regarding part of his plan, "We will underwrite research and development into energy-saving technology. It'll require manufacturers to build more energy-efficient appliances. We will review and remove obstacles that prevent business from investing in energy-efficient technologies."

Furthermore, President Bush said, "The second part of our energy plan will be to expand and diversify our Nation's energy supplies. America today imports," and now this is May of 2001, "America today imports 52 percent of all of our oil. If we don't take action, those imports will only grow. As long as cars and trucks run on gasoline, we will need oil, and we should produce more of it at home."

The President called for burning coal more cleanly, expanding nuclear power, and drilling for new oil in new places, that included the Arctic area in Alaska. The President said that is banned now, but the President said it can be done safely.

Listen to this one. This is the President in St. Paul. "ANWR can produce 600,000 barrels of oil a day for the next 40 years. What difference does 600,000 barrels a day make? Well, that happens to be exactly the amount we import from Saddam Hussein's Iraq. We're not just short of oil; we're short of the refineries that turn oil into fuel. So while the rest of our economy is functioning at 82 percent of capacity, our refineries are gasping at 96 percent of capacity."

That was part of the President's plan, and how prophetic could you be. This was before 9/11. This was in May of 2001, announcing his plan.

I can't take up all of the time, but I have Mr. Gephardt's response: Congress will take action to stop them. Mr. KERRY vowed to filibuster, and the Sierra Club is already running ads against it. Those were some of the responses.

It is interesting how quickly we forget that there have been plans, and those plans could have made a big difference.

Here today we are trying in a bipartisan fashion to make a small difference to give some of our Federal employees outside the Capital Beltway the opportunity to have the same transit advantages and payments that we give within the Beltway to Federal employees outside, expand some of the grants for transit, and also help some of those transit operations that are suffering like the American family is with cutbacks because of high fuel costs.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself 15 seconds to just remind my good friend that the bill before us is not ANWR or the other subjects. It is about moving people more efficiently with lower costs and lower energy consumption. I think we do ourselves service by sticking to the subject matter at hand.

I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO) who as chair of the Surface Subcommittee has held 22 hearings on the future of transportation in America and has done a superb service for the Nation.

Mr. DEFAZIO. I thank the gentleman of the full committee for his outstanding work over the many years for transit. How prophetic many of his positions have been. I remember during the last reauthorization fighting to just get a tiny bit more for transit. We didn't get what we wanted and said we would need, but we did get a little more, despite a particular opposition from a number of Republican Senators.

We are loving our transit systems to death today. Americans of necessity, or with changes in life-style, are flocking onto mass transit at record rates, rates not seen in half a century in the United States of America. That's the good news.

The bad news is so many Americans are flooding onto our transit systems, the most in 50 years, that our transit systems are having to curtail service and cut routes. There is something very wrong with this picture.

At the very time that the American people are demanding an alternative because they can't afford the $4.50 a gallon for their car or they are tired of the congestion and commute, which have not yet been effectively dealt with because of our lack of investment in other infrastructure, they are turning to transit as an alternative.

But transit is confronted with, if it is a bus, a doubling of the cost of diesel. And other modes that are electrically driven have seen their energy costs go up. But beyond that, the rate of utilization, the people crushing on, are wearing the equipment out even faster and we haven't been keeping up with the replacement cycle because of the under-investment in the system.

I was talking to someone who came in from Rockville today. They said you wouldn't believe how packed it was. I said I think we are going to have to adopt the Japanese system where we hire little guys with white gloves to start pushing people onto our Metro cars, or our MAX cars in Oregon, because there are so many people who want to get on, we have to utilize what isn't enough capacity.

So this bill is the first, little, baby, incremental step to giving some assistance to those transit agencies who want to give assistance to an American public that is hurting because of failed energy policies.

I am not going to re-debate the energy policies with the gentleman from Florida, but that was an incredibly creative recapitulation of the failed energy policies of the Bush-Cheney administration over the last 6 years.

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So we need now to deal with some of the results of those failures.

And we've debated other bills to help provide relief to the American consumers there. But here we have to provide relief and help to our transit agencies who are going to extend a hand to our American commuters and families. Unfortunately, this is, as yet, only a promise. It's an authorization. And the budget is a little tight around here unless you're one to fund a war with emergency funding. The President won't declare a transit emergency, I don't think. Maybe we can get him to do that. But we need to get some funding and flesh out the bones of this bill.

Mr. MICA. Madam Speaker, I would like to yield to the distinguished gentleman from Indiana (Mr. BURTON) 2½ minutes.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I have been sitting down here and listening for about a couple of hours to the debate on the whole question of energy, and I would like to, from my perspective, tell you what I have gleaned from this debate.

First of all, Americans are suffering. That is a fact. The price of gasoline is too high. Another fact is that everything that is associated or has anything to do with transportation is being affected, and the prices are going up for groceries, for everything. And the American people are suffering.

I'm very concerned about the future of our economy if we don't get more oil and gas to market.

Now, a while ago, the chairman of the previous committee said that we're importing 61 percent of our oil, up from about 48 percent some time ago. This was the chairman on the Democrat side. I would agree with that. We are importing 61 percent, up about 13 percent from what we did a couple of years ago. The reason is we're not drilling enough here in America. We're not producing enough in America, and we're buying it from Saudi Arabia, from Venezuela and other parts of the world.

We need to move towards energy independence, and if we don't, I predict we're going to have severe, severe economic problems over the next few years. We could have a major economic recession or depression if we don't get control of our energy prices because it's going to spread into every other area of our lives. And the American people, I think, sense that. And that's why I said to my colleagues, Go home and talk to your friends and neighbors at the gas station and ask them, Do you want to get the gas prices down, or do you want to make sure that we don't drill in America, that we're more concerned about environmental concerns than we are of taking care of our economy?

Obviously we want a better economy or better environmental situation. We want to go to alternative fuels. We want to do all of those things. Clean air, clean water. But at the same time, we don't want the entire economy of the United States to go down the tubes. And unless we get that energy independence by drilling here at home, that's a very real risk. We could have a real severe economic downturn.

Fact: Prices are too high. Fact: It's hurting our entire economy. Fact: We have enough oil and gas in oil shale to make us energy independent if we get it out of the ground and out of the ocean into the market. Fact: 68 percent of oil well explorers are small companies. That's been brought out here today. And 87 percent of gas producers are small businesses. We talk about these permits. Why would they not want us to drill? It's their livelihood.

The CHAIRMAN. The gentleman's time has expired.

Mr. MICA. Madam Chairman, I yield 1 additional minute.

Mr. BURTON of Indiana. Why would these oil producers and gas producers not want to drill?

So I think it's a bogus argument to say, Hey, they're holding these permits and not drilling. They want to make money, and if they don't drill, they're not going to make money.

In fact, 97 percent of the Continental Shelf and 94 percent of onshore areas are exempt from drilling, and the oil's there, the gas is there, and the coal shale is there; and we're not doing a darn thing about it, and we are arguing about it. There has to be a bipartisan move to solve this problem. It ain't gonna solve itself, and the American people continue to suffer.

So I would like to say to my colleagues on the other side of the aisle, let's sit down and work this out because if we don't, everybody is going to suffer, and this blame game ain't solving anything.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished Chair of the Subcommittee on FEMA and Economic Development and other related subjects, the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I owe the chairman and the ranking member many thanks for today's bill. I appreciate that you have worked together on it, and I appreciate that you have brought forward the only available remedy for driving down $4-a-gallon gas.

Sometimes, Madam Speaker, the remedy is so obvious that we can't see it. But who has made us see it are the American people because they have found that remedy, and they are leading the way. That's why this bill is on the floor today, notwithstanding the leadership of a chairman, who for a long time has wanted to pass this bill.

I have great respect for our ranking member. But the fact is that wherever you stand on offshore or in Alaska, this is the only way to have an effect tomorrow. And that is what the American people are saying: Don't tell me about digging. Don't tell me about drilling. Tell me that I can get to work tomorrow. There is only one "tomorrow" remedy, and that is this public transportation remedy.

Moreover, we know what to do. What makes me want to cry is the Federal Government has done it to a fare-thee-well with incentives right here in the national Capital area where more than half of the Federal presence is located for decades because we've been giving financial incentives to Federal employees to hop on the metro and to hop on buses to get to work instead of taking to the roads. And boy, they've done it.

That's why I thank this House for last year authorizing a bill that will help us take care of the capital costs because Federal employees have hopped the metro and bus so that they've broken down our own metro.

But Madam Chair, small communities and a lot of others don't have their metro, their subway. Guess what they are doing? They are hopping on buses. They are crowding on buses. They understand there is only one way to defeat gas prices tomorrow, and that is public transportation.

I am very pleased that this bill leads by example because what we have done for a long time in the national Capital region in offering incentives to Federal employees will now be available to Federal employees countrywide. Everywhere in the United States Federal employees will get this incentive. When you consider that we're talking about more than a million employees, we're going to have an effect there.

If you need any further proof, look at what the American people have done in leading us to this point. This is 2008. In less than a year, they have already dropped 100 million miles that they were driving before that. Where have those miles gone? The same people have taken more than 85 million more trips on public transportation. There's the proof. The proof is that people have voted in the best way to do it, crowd the trains, make it happen. Now we're going to make it possible so that they don't have to crowd, so that we're partnering with local jurisdictions, in fact, to help them to do it.

We say to the American people today, we hear you, we're following you with this bill.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, as the gas prices continue to rise, the most effective and immediate way to offer relief is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association, public transportation use saves an annual 1.4 billion gallons of gasoline, almost 4 million gallons per day. Factoring in the national average of gas at $4 a gallon, it saves consumers nearly $16 million a day in gas costs.

Now, I support our public transportation system, and I'm pleased to support an extensive grant program to help expand transit use across the country. But I am disappointed in this bill because it only requires that Federal employees be offered transit benefits. While I support expanding the current transit benefit program, all Americans should have this benefit.

Now, more than a month ago, Congressmen LIPINSKI and BIGGERT and I introduced bipartisan legislation, the Creating Opportunities to Motivate Mass-transit Utilization to Encourage Ridership Act, the Commuter Act of 2008. Our legislation offers employers a 50 percent tax credit for all transit benefits provided to employees. And under its provisions, employees would receive up to $1,380 in free mass-transit funds this year, with the employer receiving a $690 tax credit.

According to Forbes, the average gasoline costs in the ten worst commuter cities is $6.35 per day. Should businesses take advantage of this incentive, they would save their employees $1,600 per year. As family budgets tighten, an extra $1,600, or if there's two commuters, $3,200 would really ease burdens of health care and education. Such a benefit should also include Americans who are not lucky enough to have a Federal job.

I support H.R. 6052, but I'm surprised that this bill stands for the principle that if the taxpayer already pays your salary, we will help you more. But what if you're not lucky enough to have a government-paid position? Under this bill, you're out of luck. But under our bipartisan Commuter Act, you would have this benefit, too.

To help commuters, we should pass the bipartisan Commute Act to help all communities to really lower the gas bill of the United States and not just offer assistance to people already paid by the Feds.

Mr. OBERSTAR. Madam Chairman, I yield myself 1 minute.

The gentleman made a thoughtful observation, and I'm sure the gentleman is aware that there already is a tax exemption in Federal code for private sector employers and employees. But that doesn't apply to the Federal government or to other governmental agencies because they don't have a tax. So the transit benefit for Federal employees is a matter that we could do within the context of the current bill.

In the longer term, next year, when we consider the longer-term authorization, the gentleman's suggestion would be an appropriate matter for consideration. We will have better figures which we're requesting now from public agencies for those matters.

Mr. KIRK. If the gentleman will yield.

Mr. OBERSTAR. I yield to the gentleman.

Mr. KIRK. The gentleman is a very good chairman of the Transportation Committee. I know he wants to go in the right direction. I just wish we had gotten exactly where he wants to go a little faster today, and I thank the gentleman.

Mr. OBERSTAR. I wish we could have, too, but we didn't have good numbers to see what those costs might be.

Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a representative of the beautiful Sonoma Valley.

Ms. WOOLSEY. I want to thank Mr. OBERSTAR and Mr. MICA for this piece of legislation because, Madam Chairman, it's going to take a big change in how we do business if our country is going to meet our energy demands for the future.

While the Republicans in Congress and President Bush chant "drill, drill, drill" to appease, it appears, their big oil buddies, the truth is we can't drill our way out of this problem. What we need is a commonsense solution, solutions like the bill before us today. H.R. 6052 won't solve all of our problems, but it does start the process of getting people to change their habits and get out of their cars by providing them options of transportation that allow them to get to where they're going without driving solo in their cars.

It's steps like this that can make a big difference because public transportation is going to play a huge role in solving our energy problems. It will also make a difference in what is going on in our environment. It will help communities not have to build more and more roads, and it will get people where they're going in a very efficient way.

Madam Chairman, I urge my colleagues to support this bill, to support the expansion of public transportation.

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Mr. MICA. I am pleased to yield 2 minutes to a distinguished member of the T&I Committee, the gentleman from beautiful southwest Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend, the ranking member, and I thank the committee.

I think this is a good bill. I rise in support of it, but I want to emphasize that this is really just a short-term relief in what we need to do. We have to do a whole lot more, and we could do a whole lot more.

This will provide short-term relief in public transit for those who use it, but short of a comprehensive policy that involves short-term solutions, midterm and long-term, this isn't going to get us anywhere near to what we need to do to solve our energy problems.

I want to focus on one issue. I mean, clearly, we have to increase supply, and it can be done in an environmentally responsible way. We've shown that in my State of Louisiana.

We should lift this moratorium on the Outer Continental Shelf, and that's one way that we can really move things forward quickly.

I would emphasize that, in the cumulative debate that's gone on today, there's been some misinformation because Louisiana delegations, in a bipartisan way over the years, over the last decade-and-a-half, have fought to open the Outer Continental Shelf and provide Outer Continental Shelf revenue-sharing so that the States could also get some of this revenue to rebuild their infrastructure. This is a sensible way. We have fought for this, and we've been blocked by the other side consistently in this.

I also want to point out with regard to the use-it-or-lose-it issue, it's very expensive, and companies cannot even get the permitting to assess with seismic what we know to be these reserves or what we think are reserves. We don't have definite information. A lot of that information is 10, 20, 30 years old, if we even have information.

I would say that it costs somewhere between $1 and $5 million just to get the permit to do seismic. Then you have to get the lease. That's another anywhere from $11 to over $200 million to secure these leases. Then you go into seismic, and that can be very expensive. And those cumulative costs continue to add. By the time you actually get to a point where you can drill a well where you have known reserves, you're talking years down the line, and typically, it is not unusual for the costs to be up in billions, $1.5 billion.

That's why it's important to lift this moratorium. Let's move forward. Let's have a comprehensive energy policy that's not only focused on supply and increasing exploration and production in an environmentally sensitive way, but also focuses on renewables and alternatives, nuclear and the others.

Mr. OBERSTAR. How much time remains on both sides, Madam Chairman?

The CHAIRMAN. The gentleman from Minnesota has 11¾ minutes remaining. The gentleman from Florida has 15 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentleman from Oregon, a long-time proponent of and advocate for and practitioner of public transportation, a man who saves 8 barrels of oil a year by consuming 86,000 calories on his bike.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

It's interesting for us to hear from some of our friends on the other side of the aisle, my good friend from Florida, recounting sort of the history of the Bush administration leadership on energy. I have a slightly different recollection of that.

One of the first things this administration did when they came to power was to create 7 years ago a secret task force. They never really fully released what was going on or why, but we know that it was dominated by representatives of the industry. And the Secretary of Energy in March of 2005 indicated that 95 percent of the objectives of the task force were completed. And then 35 months ago, on the floor of the House, we passed their big picture energy bill when they controlled everything, House, Senate, White House, and it was going to envision great changes for all American families.

Well, all American families have had some significant changes since the Republican energy bill was passed. Most significant is that gasoline prices have gone from $2.49 a gallon to over $4 a gallon. The changes about altered conservation, for instance, have come over the objections of our friends in the Republican party. Remember, for years, they made it illegal even to study increasing CAFE standards, and lo and behold, now George Bush is claiming credit for what we forced him to do for the first time in 30 years, increasing those fuel standards. But even if we give him credit for going to 35 miles to the gallon standard, it took George Bush longer to get to that 35 miles to a gallon than it took Jack Kennedy to get Americans to the moon.

This legislation is part of a comprehensive approach. You've seen it come to pass from our first days in Democratic control in this Congress, where we provided more incentives for new sources of energy, where we've worked to shift incentives from massive oil companies who didn't need our tax dollars. Remember, George Bush said they didn't need subsidies at $50 a barrel. Well, Big Oil didn't need it at $100 per barrel or $140, but that shift to alternative energy support was resisted by the administration and by my Republican colleagues.

We have systematically moved forward in areas to give more choices to Americans. I heard my friend from Louisiana talk about how it costs money to explore the 68 million acres already available to them. Gee, ExxonMobil spent $36 billion last year, not in alternative energy, that was $10 million, but to buy back their own stock.

Let's get a grip. It's time for us to move forward with choices that will make a difference. This legislation will make a difference for every community, rural and urban, around the country. I urge its adoption.

Mr. MICA. Madam Chairman, I reserve the balance of my time at this time.

Mr. OBERSTAR. We have several speakers, Madam Chairman, who have not arrived yet, and does the gentleman from Florida have other speakers?

Mr. MICA. Madam Chairman, I'm in the same situation that the gentleman from Minnesota is.

Mr. OBERSTAR. If the gentleman will yield back the balance of his time, we will yield the balance of our time.

Mr. MICA. I yield myself such time as I may consume.

Well, again, I have to compliment Mr. OBERSTAR, and folks have to look at what we're doing here this afternoon. This is the Transportation and Infrastructure Committee. We can't solve all the energy issues. We have a very small piece, and we're trying to take care of that small piece here today.

We don't get into some of the other issues that have been raised, but I must say that I'm going to be going back to Florida tomorrow, and I'll be talking to folks. And you know, it doesn't take you long to talk to folks at home and have them get your attention. And they are getting our attention by saying, what are you doing about $4 a gallon gasoline, what are you doing about energy costs that are soaring, what are you doing about the price of food and other things that are being affected by energy costs.

The people who are on a limited income, God bless them. I don't know how they're making it, or a fixed income, with the prices that they see both at the pump, at the store, in their lives. They want answers.

I'm sorry that some of the other committees are not acting and the Congress is not acting like the Transportation and Infrastructure Committee, because when I go home I have to tell them that how things are left in their Congress was that we took care of a small piece. We provided transit grants for those Federal employees working outside of the Beltway. We provided additional grants through eight transit companies who are hurting because of increased fuel costs and trying to expand transit service that people are becoming reliant on now because of the high cost of fuel. But I can't tell them that I've done anything about supply, that, again, the supply has been cut off.

I even agree with the child that's crying in the gallery. People are not happy about this. They want a response from this Congress, and this Congress has the ability to act to increase the supplies so we're not reliant on reliable friends like Venezuela, the sheiks and leaders in the Middle East, and that dependable source of energy, Nigeria.

Folks, that isn't going to cut it for an answer when we get home, and this isn't complicated. It's a question of Economics 101. This is a question of supply and demand. Right now, in the short-term, we need to increase supply. If we had worked together over the past 7 years from that introduction by President Bush some 7 years ago, one of his first plans—and I cited his rollout statements, and let me just read also what he said on May 17.

President Bush said: "Too often, Americans are asked to take sides between energy production and environmental protection—as if people who revere the Alaska wilderness do not also care about America's energy future; as if the people who produce America's energy do not care about the planet their children will inherit. The truth is energy production and environmental protection are not competing priorities. They're dual aspects of a single purpose—to live well and wisely upon the earth. Just as we need a new tone in Washington, we also need a new tone in discussing energy in the environment, one that is less suspicious, less punitive, less rancorous. We've yelled at each other enough. Now it's time to listen to each other and act."

Again, these are the words of our President before 9/11 on the energy issue.

You know, again, if you want to look at the RECORD, and I will be glad to submit for the RECORD how many Republicans and how many Democrats opposed each of the proposals, all that's history, folks. What the American people want is now us to act as the President said 7 years ago.

So, today, Mr. OBERSTAR and I don't bring an answer to the whole energy problem. We bring our little piece. We ask the rest of the Congress, I ask the rest of the Congress, to come forth and to act, and that needs to be done because when we get home, those people are going to ask you, what did you do about the high cost of energy, the high cost of food, the businesses that are closing, the lives that are being impacted by high energy costs, and we need to be able to give them an answer.

I reserve the balance of my time.

Mr. OBERSTAR. We do have a speaker on the transit subject, and I'm very pleased to yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I'd like to thank the chairman for yielding and thank him for his leadership on this subject.

In urban States such as mine in Rhode Island, we have more and more of our consumers getting caught in traffic jams. The air quality is increasingly poor, and still, people are having trouble affording to fill their gas tanks with gas. And this is a tsunami of problems, both with their paying for their gas, trying to get to work, and the traffic jams, and breathing in the poor air quality.

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It seems to me adding this $1.5 billion for mass transit solves all three of these problems: One, it gets cars off the road; two, it allows us to get our air cleaned up; and three, it helps these consumers be able to save money that they would otherwise put into their gas tank. And in doing so, it reduces our demand on foreign oil.

So, really, to reference what some of my colleagues have said, this is part of the approach to this problem, and I think it's well worth our taking into account. That is why I support this legislation.

Mr. MICA. Madam Chairman, I continue to reserve.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished majority leader, Mr. HOYER, with great appreciation, and thank him for making it possible for us to bring this bill to the floor today.

Mr. HOYER. I thank the distinguished chairman for yielding.

JIM OBERSTAR is one of the most knowledgeable people in America on energy issues and on transportation issues. And the two, of course, are closely related. I want to thank him for his leadership and for his service. We are fortunate, as an American people, to have him chairing this critically important committee.

There is no stronger proponent of rail service and mass transit than JIM OBERSTAR. That service has never been more important than it is today. His vision and his service have put this country in a place where we now have the opportunity to make additional investment which is critically needed so that the demand for mass transit resulting from the cost of gasoline and energy products can be met by our mass transit system. And I thank him for his leadership.

This bill, as well as the other two bills considered on this floor today on drilling and market speculation, is a clear recognition by this House majority that America's energy policy cannot be one dimensional.

We've heard a lot of finger pointing on the floor today, and finger pointing is relatively easy, The fact of the matter is we all need to come together. I don't just mean Republicans and Democrats and the Congress of the United States, but all 300 million of us in this country need to come together and understand that we have 3 percent of the world's oil supply and 25 percent of the demand. It does not take a great mathematician to understand, therefore, that simply drilling for new product will not solve our problem. That is not to say by any stretch of the imagination that that should not be done.

These bills, taken together, and when combined with other actions taken by the majority on energy, are a clear reflection of the alternative to the Republicans' sole focus on drilling, to the exclusion of alternative and renewable sources of energy.

Let no one be mistaken: Democrats do not oppose further drilling, discovery and production of product, period. All we are saying, as I will explain in more detail shortly, is that the oil and gas companies should utilize the 68 million acres—that's 68 million acres—currently available to drill on which contain, according to experts, over 100 billion barrels of oil. And we use about 7.5 billion a year in this country, so that is approximately 14 years of oil. That's what the experts tell us, not Democrats and Republicans, the experts tell us are available on these untapped resources currently available, currently leased. I would tell my friends that, not only that, but they contain hundreds of millions of cubic feet of natural gas.

Now, as to Chairman OBERSTAR's bill: It promises Americans relief from our $4 per gallon gas prices. Tomorrow? No. Next week? No. Next month? No. Very frankly, we have been too long delaying our investment in alternative energy sources and alternative transportation modes. But it does promise that in the future we will have the capability both to provide mass transit for our people, and to provide for the alternative to lower demand which, therefore, should lower prices as well.

It authorizes $1.7 billion over the next 2 years to provide grants to mass transit authorities to reduce public transit fares and will help transit agencies deal with escalating costs. That is a rational response to increased demand.

In just the first 3 months of this year, Americans took almost 85 million more trips on public transit than in the same period the year before. Surely all of us in this body, faced with 85 million additional trips, will want to respond in a way that provides capacity to accommodate that growth.

Public transit reduces America's oil consumption as well as carbon dioxide emissions. Thankfully, the administration has, very late, come to the conclusion that, yes, global warming is a problem. Unfortunately, for 7-plus years of this administration they denied it was a problem, but coming to the right conclusion late is always timely.

In addition, the legislation on market speculation that was introduced by Chairman PETERSON and Congressman VAN HOLLEN is an effort which I hope every Member of this body will support to address this issue, record high gas prices, from another angle.

Oil producers are telling us they believe that a large portion of the price is related to speculation. Can I guarantee they're right? No, I cannot. Am I an expert on this issue? I am not. But I do know that they have said that is the case. If it is the case, it's incumbent upon us to find out, because if it is, and we can reduce prices for the consumer at the pump, they expect us to do so and we want to do so.

The Bush administration, of course, insists that the spike in gas prices is not attributable to market speculation. That may be why the commission that is supposed to oversee this has not acted as vigorously as they otherwise might. George Soros, a very successful investor, has said this: "The crude oil market has been significantly affected by speculation."

The legislation that we will vote on shortly simply directs the Commodity Futures Trading Commission to use its full authority and emergency tools to curtail excessive speculation and other practices distorting the energy market. Why would any Member of this body vote against asking this commission to look at that issue to determine whether or not there is validity? If there is not, presumably the commission will so find.

Finally, about Chairman RAHALL's bill, let me simply say this: What could make more common sense than saying to the oil and gas companies that they should drill or pursue drilling on the 68 million acres of Federal land currently under lease or simply lose those leases? After all, they are leased for the purposes of us producing more product. If they lie fallow and are not being worked, not being investigated, not being explored, not being tapped, then the American consumer finds a dwindling or short supply. And what happens in that context? Prices go up. And yes, oil companies make record profits, but consumers lose. This bill simply says to the oil companies, be diligent in the development of what you have or lose the lease to someone who will pursue the discovery and production of oil.

Democrats believe that we need to find product. I mentioned the 68 million acres that you've heard a lot about, that's a lot of acres. But there is an additional 23 million acres in Alaska, 22 million of which is under congressional set-aside for oil production and discovery. Nine hundred thousand acres have already been leased for that purpose. And experts tell us there is more oil there than there is in the Alaskan Wildlife Refuge, but our Republican friends continue to focus on the Alaskan Refuge.

Let no one be mistaken: The oil companies have many acres to look at onshore and offshore. According to the Minerals Management Service and the Bureau of Land Management, these 68 million acres on land and waters, 74 percent of which we have already leased, are not producing oil and gas.

Our Republican friends have also charged that we're keeping the best lands out of the hands of oil and gas companies. That is not the case. They can say it again and again and again and again, but it's not the case. In fact, 81 percent—I hope all of my colleagues hear this, and I hope the American public will read the RECORD—81 percent of estimated oil and gas resources on Federal lands and the Outer Continental Shelf are presently available for development. And here, perhaps, is the most important fact: These resources are equal, as I said, to 107 billion barrels of oil and 658 trillion cubic feet of natural gas. That is 10 times the amount of economically recoverable oil that could be produced from opening up the Arctic Wildlife Refuge and more than 14 years of current U.S. oil consumption.

Finally, Madam Chairman, let me say that there is no silver bullet, we all understand that; to pretend otherwise would be dishonest. We need to be honest with the American public. Unfortunately, for over a quarter of a century we have had mostly administrations or Republican control of the House and the Senate which essentially said that drilling more oil and not looking for alternatives was the policy they wanted to pursue.

When we got here, we passed an energy bill that focuses on alternatives. If we only have 3 percent, we have 25 percent of the demand, you can bet your sweet life that those who have the oil all over this world are going to say to us, you pay us what we tell you to pay us. And not until we pursue policies—which this administration has failed to do, which this Republican leadership failed to do—not until that time will we be able to say to our friends and, indeed, some not so friendly, we're not going to pay your price because we have alternatives. We have mass transit provided by JIM OBERSTAR. We have alternative energies provided by the bill that we passed. We are expecting electricity—which the Republicans oppose—to be produced by alternatives. We have renewable fuel standards passed in this House, sent to the Senate.

Ladies and gentlemen of this House, we have taken significant steps last year, we're taking significant steps today, and we will continue to take significant steps so that America will be energy independent. That's in the best interest of our national security, our economic security and, indeed, it is critically important for our global health.

The bills we are considering on this House floor today are key components of a comprehensive energy strategy that seeks to provide Americans with relief at the gas pump while we wean our Nation from its dangerous addiction to foreign oil. The President said we're addicted to foreign oil. And yet there was a meeting on energy in 2001, just after the President became the Chief Executive, and they convened oil company executives to tell us, what should our policies be? One of my colleagues said, well, whatever they said—because the meetings were secret—their policies failed. Perhaps. Perhaps they failed. One cannot inevitably draw that conclusion, however, because those same companies, 7 years later, are making the greatest profits they have made in the history of their companies. Perhaps their policies failed, or perhaps their policies led to success.

Ladies and gentlemen, we need to pursue mass transit and invest in expanding it so we can meet the demand of our consumers and of our citizens and of our energy independence.

I thank the gentleman for his leadership. And I urge my colleagues to vote for all three of these critically important bills. Are they the sole solution? They are not. Are they the only solution? They are not. Are they the solutions that we will take and then stop? They are not. But they are a step, each and every one of them, in the right direction. Let's take those steps today.

I urge my colleagues to support these three bills.

Mr. MICA. Madam Chairman, may I inquire as to the remaining time?

The CHAIRMAN. The gentleman from Florida has 9½ minutes remaining. The gentleman from Minnesota has 6¾ minutes remaining.

Mr. MICA. Madam Chairman, I continue to reserve.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the chairman for yielding me time.

I just want to say that we have a very severe problem in this country on our energy supplies. In the short term, there are a series of ways that we might save ourselves some money on the gas prices, and those ways include driving less, driving slower, carpooling, and using public transportation where it is available.

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And I have to commend the chairman for bringing so quickly to the floor this important legislation, which provides a substantial increase in moneys, authorization, at least, for public transportation, which is already in place in our smaller metropolitan areas and even in our rural areas, so that we can enhance the public transportation available for people—what is already available—and take care of people who are making that move toward using a bit more public transportation.

In the longer term, which is speaking about the 10-year kind of time frame, whereas the short term is in the first year or so, in the longer term, living closer to where we work so you don't have to commute so far, doing the research and development on renewable energy sources, drilling wherever it's open for leases, and I say that's in the longer term because everybody agrees that it will take, even in the best of circumstances, 5 years to bring new leased areas to production and more likely 10 years to bring those new leased areas to production, that and changing over our whole vehicle fleet, our whole vehicle fleet, which will take a considerable period of time, to using much more fuel-efficient vehicles, those are the longer-term ways that we can get out of this problem.

And by far the fastest way to immediately have an effect is the elimination of speculation. There has been much testimony before our committees that speculation is a very significant portion of what is going on right now. The speculative activity in the oil market has quadrupled in just the last few months, 3 or 4 months, and that would be the fastest and most effective way.

My friend the ranking member from Florida has pointed out that we need to increase supply. Well, yes, it would be possible to increase supply. But remember, as the majority leader said here a few minutes ago, we in America have 5 percent, somewhat less than 5 percent, of the planet's population. We are now consuming 25 percent of the oil produced on this planet today, and we in America have only 3 percent of the reserves. You can't drill your way out of this problem because we do not have the reserves.

Mr. MICA. Madam Chairman, I continue to reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2 minutes.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Minnesota and as well his ranking member, who I hope is recognizing the importance of the work that we are doing here today, and, of course, the Members that have spoken.

Madam Chairman, I rise today to support the Saving Energy Through Public Transportation Act of 2008 and also to speak to the manager's amendment that incorporates my language that speaks specifically to encouraging, I hope insisting, that stakeholders, whether they be cities and counties or various transit agencies, engage the public in the question of promoting public transportation.

The Transportation and Infrastructure Committee has shared a recent study that states that if Americans use public transit at the same rate as Europeans for roughly 10 percent of their daily travel needs, the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia.

Right as we speak, Houston, Texas, the fourth largest city in the Nation, is beginning to grow its mass transit system. It started by the advocation of many of us, including our former mayor Lee P. Brown, which required, because of the restraints here in Washington and the difficulties of our being able to get consensus, it was started by our own tax dollars. The 7½ mile transit system that was started at least 3 or 4 years ago has now become one of the fastest new starts in America and is located in my congressional district shared with my fellow colleague in the Ninth Congressional District. What it says is that new starts should be increased in months to come. And as we look to expanding opportunities for transit systems and reducing our use of oil, it is important as well that we look to collaborative efforts on efficient transportation systems.

The CHAIRMAN. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me ask my colleagues to support this legislation, and I hope to get time on the manager's amendment.

Madam Chairman, thank you, and thank you Chairman OBERSTAR for your efforts on energy conservation with H.R. 6052—"Saving Energy through Public Transportation Act of 2008." The Transportation and Infrastructure has once again produced legislation that will help Americans save money and develop new modes of transportation.

The primary objective of this legislation is to reduce the United States dependence on foreign oil by encouraging more people to use public transportation. The Transportation and Infrastructure has shared a recent study that states if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

Rising gas prices have only added to this country's economic downturn. When we add this cost into our troubled housing markets, soaring food prices, and a war without a clear end—the importance of this legislation becomes even more apparent.

I urge transportation systems such as Houston METRO to work in greater coordination with their local community to ensure that routing lines make not only economic sense, but practical sense as well.

Community involvement is essential, which is why I offered an amendment that would state that "public transportation stakeholders should engage local communities in the education and promotion of the importance of using public transportation in cities and counties; and in the planning, development, and design of transportation routing lines."

I am pleased that my amendment was incorporated into the manager's amendment. However, I am disappointed that all the language was not incorporated—leaving out the key portion of community involvement in planning, development, and design of transportation routing lines.

I still support this measure and I sincerely hope that our local public transportation agencies take the communities' use into account as well as their thoughts on what routes would add value and which routes may actually do more harm than good. It is our residents who utilize the mass transit systems not the planning boards.

In my district of Houston, Texas, many residents utilize the public transit system to alleviate congestion as well as to control cost. I believe it is imperative that we have full community involvement in the discussions surrounding outreach, planning, design of mass transit.

Our parents who are trying to hold one child, guide another, balance their bags and get to work; it is our elderly who need extra time to get onto trains and buses; and our youth who are trying to get back and forth to school and activities—these are the people who can and will utilize public transportation. The incentives are there for commuters but they should be examined with community involvement so the right message is sent.

This act will add value to our public transportation by:

Authorizing $1.7 Billion of Capital and Operating Funds for Transit Agencies to Reduce Fares and Expand Transit Services. This section authorizes $850 million' (General Fund) for each of fiscal years 2008 and 2009 to allow public transit agencies to reduce transit fares and expand transit services. These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing our nation's transportation-related energy consumption and reliance on foreign oil, as well as decreasing its greenhouse gas emissions. These funds will be distributed under current law urban and rural transit formulas. The Federal share for these grants is 100 percent and funds will only be available for a two-year period.

Increasing the Federal Share for Clean Fuel and Alternative Fuel Transit Bus, Ferry, or Locomotive-related Equipment and Facilities from 90 percent to 100 percent. The bill increases the Federal share for the alternative fuel vehicle-related equipment from 90 percent to 100 percent of the net project cost for fiscal years 2008 and 2009.

Extending Transit Benefits to All Federal Employees. The bill establishes a nationwide Federal transit pass benefits program and requires all Federal agencies in the United States to offer transit passes to Federal employees.

Requiring the Department of Transportation (DOT) to Establish Specific Guidance for Implementing the Nationwide Transit Pass Benefits Program. The guidance will ensure that Federal agencies have the necessary administrative procedures to ensure that Federal employees properly use the program. It also requires the Department of Transportation (DOT), the Environmental Protection Agency, and the Department of Energy to implement a nationwide three-year pilot transit pass benefit program for all qualified Federal employees of those agencies.

Establishing a Vanpool Pilot Program. The bill establishes a two-year pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. The provision requires the private providers of vanpool services to use revenues they receive in providing public transportation, in excess of its operating costs, for the purpose of acquiring vans, excluding any amounts the providers may have received in Federal, State, or local government assistance for such acquisition. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool demonstration projects.

Increasing the Federal Share for Additional Parking Facilities at End-of-Line Fixed Guideway Stations. The bill increases the Federal share for additional parking facilities at end-of-line fixed guideway stations to increase the total number of transit commuters who have access to those stations.

Therefore Madam Chairman, I urge my colleagues to vote for H.R. 6052, which seeks to address energy conservations through public transportation.

AMENDMENT TO H.R. 6052, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 3, after line 25, insert the following:

(10) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation in cities and counties and in the planning, development, and design of transportation routing lines.

Mr. MICA. Madam Chairman, I yield myself the balance of my time.

Again, this is an important debate. It's a little piece of the big national debate that's going on now. Mr. OBERSTAR and I lead the Transportation and Infrastructure Committee. We came forward with this measure. This measure is within our jurisdiction, as I said earlier, and it is just a small piece of the puzzle.

Many Members come to me on my side of the aisle and ask me how I am going to vote, and I am going to support this legislation. It does increase the authorization. That's a fairly substantial piece of change by any estimate, $1.7 billion over 2 years, and it does make some significant changes in policy, in opening up authorization to spend money to help transit companies and agencies that are suffering like the American public is suffering with high fuel costs, and I think that's a good thing. It expands some services for mass transit, which is also a good thing. And it also expands from just within the beltway to other Federal employees the benefits of using public transportation, and that's a good thing too.

This is general debate, and we have gotten into general debate, and I have heard the distinguished majority leader speak and he quoted George Soros. I don't use him as a quote too much or rely on him for my opinion seeking, but I did just happen to have some sources that quote the American public and their opinion.

The Los Angeles Times Bloomberg Poll said when all registered voters are asked whether they support increased exploration for oil and natural gas, 68 percent respond in the affirmative, and that was just within the last 2 days. Rasmussen reports, according to them, 67 percent of the American people support oil drilling off the Nation's coasts and 64 percent think it will lower gas prices. Now, they seem to get it. The other committees with jurisdiction and the rest of Congress don't seem to get it.

Now, don't tell me you can't do it. I mean this is an incredible institution and can do anything. We represent the greatest ingenuity, the greatest people that ever walked the face of the Earth. God blessed this Nation so much, and we are the custodians of coming here and doing things.

Now, Mr. OBERSTAR and I on a Monday introduced a piece of legislation. We worked together on it, and within the same week on a Thursday night, we had the President of the United States at 7 o'clock at night sign the legislation as is. So we can do these things that the American people want.

Now, 1 week from tomorrow, people are going to try to celebrate Independence Day in this great country, this great country for which so many people made so many sacrifices, and I have to go back home and tell them I increased transit grants for Federal employees outside the beltway and I also helped transit agencies who are suffering like they are to pay their fuel bill, but I don't have an answer for them. That's not what they want to hear, folks. This is the Congress of the United States, and we can and we must do better.

I have been here going on my 16th year, not as long as Mr. OBERSTAR. He knows transportation inside and out and he's an expert renowned on a whole host of issues, but the good thing about being here just half as long as he is that you hear some of these things.

First, we're going to solve this problem; we'll tax it. So what do they do? They say, windfall taxes for the oil companies that are taking advantage. Windfall taxes, that's it. So first we'll tax it.

Well, that didn't work. People come up to me, did you ever hear of a time when you tax something and the price goes down for consumers? Duh. Well, that didn't work.

So now there's speculation; so we'll get 'em. We'll regulate. We're going to regulate those speculators. That'll take care of it.

Madam Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Florida has 4½ minutes remaining.

Mr. MICA. Oh, good. So I can tell this story, Madam Chairman.

This reminds me of sitting on a committee coming here, and this took over some time. We always hear about high drug prices, and I sat on the committee, and everyone was railing about the price of vaccination drugs. So we dragged in the drug companies to sit them down, and I remember this guy who represented a drug company, and this was an investigative hearing. And he showed a little vial, and he said, this vial of vaccine, this medicine, only costs about $2 to produce. So we hammered him. It only cost $2 to produce, but he said that the liability on it was reaching $30, so $30 and increasing.

So then we dragged in the insurance company. "You're charging them $30 for this vaccine?" We hammered them. So they left.

And then the next thing we knew was we weren't producing any vaccine in the United States because no one would insure it. So the next hearing we held—remember this, now, folks—the next hearing we held was on its now being produced in Great Britain and we had some bad batches. Well, we hadn't sent enough FDA inspectors over to inspects the batches there.

Folks, these aren't the answers: additional taxation, additional regulation, chasing business off our shores. And the same thing isn't going to happen with energy. The American people get it. I just read the poll. It doesn't take a lot, folks. They know if you increase the supply, the price will go down. And we have the capability of doing that. We built the Alaska pipeline in 3 years.

Next Friday is Independence Day. It's going to be a sad Independence Day because instead of America's being independent, we will be dependent on energy. That's affecting all of us, and it's not right.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself the balance of my time.

I listened with great interest to the gentleman's ruminations on a wide range of subjects. I won't comment on those that reach beyond the subject matter at hand, our transit bill. I do reaffirm my appreciation for his partnership in bringing this bill to the floor.

This is an important piece of legislation. In the larger scheme of the billions of dollars, $125 billion a year, that we need to be investing in all levels of government in our surface transportation system, this $1.7 billion is a relatively small step, but it moves us in the direction of a mode shift in transportation to 10 percent of all trips by transit. If we made just that little step in America, we would save the equivalent of all the oil we import from Saudi Arabia. That is what we can do. It's within our grasp now. We don't need a research program. We don't need a man-on-the-moon program. We just need the funding to invest in what is already at hand: solid, responsible, reliable, effective transportation systems for the public to use instead of getting in their private vehicle.

☐ 1530

Had the administration in 2003 concurred in a $375 billion transportation program for the next 6 years, as its own Department of Transportation recommended, and as Mr. YOUNG, then-chairman of the committee, and I introduced, we would have been far better positioned today than we are now.

Instead, that administration proposed only a $5.5 billion funding flat out over the 6 years for transit. We wound up with $10 billion in the SAFETEA legislation over the 5 years of the legislation. But we have to do far better than that, and this bill moves us in the right direction.

Mr. HOLT. Madam Chairman, I rise today in support of H.R. 6052, the Savings Energy Through Public Transportation Act of 2008, H.R. 6052.

As gas prices continue to skyrocket to over $4 a gallon, commuters are increasingly abandoning their automobiles in favor of public transportation. New Jersey's public transit agency, NJ Transit, is breaking ridership records for the sixth consecutive year, with over 900,000 trips per weekday on its trains, buses, and light-rail vehicles. In the first 3 months of this year, public transit trips nationwide increased by 85 million over last year's numbers. Amtrak set record highs for its service with over 25 million users last year. This increase in use not only takes cars off our overburdened roadways, it conserves energy, decreases our greenhouse gas emissions, and helps our economy.

However, mass transit agencies are also suffering from soaring gas prices, increased demand for their services, and decreased operating budgets. Transit agencies are paying 44 percent more for diesel fuel than they were at the beginning of this year, and almost half of bus operators and more than two-thirds of rail operators have increased their fares.

The Saving Energy Through Public Transportation Act of 2008 would help State and local mass transit authorities meet the increase in demand and allow them to provide a cost-effective alternative to driving. This legislation would authorize $1.7 billion in grants for mass transit agencies to upgrade and expand their transit services without having to further increase their fares.

By taking public transportation the average American household could save $6,251 and help reduce carbon dioxide emissions by 4,800 pounds per year. However, commuters need affordable, reliable access to public transportation if they are to utilize these benefits. This bill would help make public transit more available to commuters, and I urge my colleagues to support it.

Mrs. TAUSCHER. Madam Chairman, I rise in strong support of the Saving Energy through Public Transportation Act.

My constituents are struggling to pay rising gas prices caused in part by wild speculation in oil markets. By providing greater access to public transportation we can reduce the demand for oil and help lower the price of gasoline. With increased use of public transit, we can reduce greenhouse gas emissions and strengthen the economy by removing congestion from our already crowded roads.

I would like to thank Chairman OBERSTAR for including the "Capital Cost of Contracting" pilot program in this bill. Congressman MIKE ROGERS and I have long supported this program.

The provision makes it easier for employers and communities to offer vanpool services by leveraging their investment with Federal transit funds. By doing this, we can lower the cost of joining a vanpool and increase services nationwide. It is estimated that full adoption of this program could triple vanpooling across the Nation. This would conserve over 500 million gallons of fuel per year and greatly reduce harmful emissions. I appreciate the inclusion of this provision in the bill and applaud Chairman OBERSTAR for his determined efforts to provide public transit to more Americans.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in strong support of H.R. 6052, the Saving Energy Through Public Transportation Act.

At the onset I want to commend the bipartisan leadership of the Transportation and Infrastructure Committee for their efforts in getting this measure to the floor. The legislation before us is a good bill; one that will provide a much needed hand up to our Nation's transit agencies as they work to meet record demands for public transportation services.

Dallas Area Rapid Transit Agency, or DART, headquartered in my congressional district and one of the best transit agencies in the country, fully supports this bill. Similar to other agencies around the country, DART ridership is setting records, as more north Texans recognize the immense value transit offers.

In May, DART had its busiest month ever, providing 10.3 million trips. North Texans are flocking to transport by rail in record numbers as ridership by light and commuter rail is up 5.4 percent and 7.1 percent respectively over 2007 numbers. During the first 7 months of 2008, DART has witnessed a dramatic 33.8 percent increase in its vanpool ridership.

The agency has acted aggressively to accommodate the increased demand. The agency is utilizing a new super light rail vehicle to increase passenger capacity.

The agency now has a record 145 vans in operation for vanpool commuters and has reached its budget maximum. My transit agency could benefit immediately from the tools provided under H.R. 6052.

H.R. 6052 will help transit agencies expand services and reach more people as it authorizes $1.7 billion dollars for capital and operating funds for transit agencies; increases the Federal cost share for alternative fuel transit buses; extends transit benefits to all Federal employees; establishes a vanpool pilot program; and increases the Federal cost share for commuter parking facilities so more people may have access to commuter stations.

Madam Chairman, without question, there is a need for an overall expansion of transit programs across this country. However, in order for this to happen, there must be a realignment of infrastructure investment priorities and increased support at the local, State, and Federal levels. H.R. 6052 is a step in the right direction as it highlights importance of transit expansion across the Nation.

Public transit takes drivers off the road; uses one-half the fuel of private automobiles; and saves working families billions annually in transportation costs. Studies show transportation costs are the second largest household expense behind housing costs.

Nationally, for every dollar a working family saves on housing, it spends 77 cents more on transportation costs.

While public transit remains an option for some—for poor and working families, public transit exists as a means for economic survival.

So with that said Madam Chairman, I would merely like to reiterate my strong support for H.R. 6052 and urge my colleagues to vote "yes" in giving transit agencies across the country, and the millions of people they service, a hand up today. This sound, bipartisan piece of legislation is deserving of passage.

Mrs. MALONEY of New York. Madam Chairman, the run-up in gas prices is squeezing families and sending them in search of cheaper alternatives to driving.

As a result, our public transit authorities are also feeling the pinch as rising fuel costs and record ridership strain their systems.

Almost half of bus operators and two-thirds of rail operators have been forced to raise their fares.

Today, we are considering H.R. 6052, the Saving Energy through Public Transportation Act, which provides grants to mass transit systems to reduce fares and expand services for commuters.

Using public transportation saves the average household more than $6,000 a year and reduces dangerous carbon dioxide emissions that contribute to global warming.

Madam Chairman, I urge my colleagues to get on the bus and support this bill.

Mr. SALAZAR. Madam Chairman, I would like to recognize Chairman OBERSTAR and Chairman DEFAZIO for their exceptional leadership on this critical transportation issue.

Madam Chairman, I rise today in support of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008, and urge swift passage of the measure.

This bipartisan bill goes a long way in improving public transportation.

By creating incentives for transit agencies to reduce fares and expand services, H.R. 6052 makes public transportation a more attractive option for commuters.

But this bill also provides relief to many of our transit agencies who are struggling with operational costs.

I've heard from agencies in my district, like Roaring Fork Transportation Authority, who have seen an increase in ridership, yet face the problem of record fuel prices.

They are begging for more resources just to stay afloat.

So I support the additional $200 million that this bill authorizes for formula grants to rural areas.

Additionally, I applaud Chairman OBERSTAR for including a fuel provision in the Manager's Amendment, which will help our transit agencies deal with their fuel costs.

With their increased ridership, they need help now more than ever.

I believe H.R. 6052 will reduce our dependence on foreign oil by encouraging more people to use public transportation.

Public transit is a critical piece of cutting greenhouse gases.

I urge my colleagues to support this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 6052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saving Energy Through Public Transportation Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2007, people in the United States took more than 10.3 billion trips using public transportation, the highest level in 50 years.

(2) Public transportation use in the United States is up 32 percent since 1995, a figure that is more than double the growth rate of the Nation's population and is substantially greater than the growth rate for vehicle miles traveled on the Nation's highways for that same period.

(3) Public transportation use saves fuel, reduces emissions, and saves money for the people of the United States.

(4) The direct petroleum savings attributable to public transportation use is 1.4 billion gallons per year, and when the secondary effects of transit availability on travel are also taken into account, public transportation use saves the United States the equivalent of 4.2 billion gallons of gasoline per year (more than 11 million gallons of gasoline per day).

(5) Public transportation use in the United States is estimated to reduce carbon dioxide emissions by 37 million metric tons annually.

(6) An individual who commutes to work using a single occupancy vehicle can reduce carbon dioxide emissions by 20 pounds per day (more than 4,800 pounds per year) by switching to public transportation.

(7) Public transportation use provides an affordable alternative to driving, as households that use public transportation save an average of $6,251 every year.

(8) Although under existing laws Federal employees in the National Capital Region receive transit benefits, transit benefits should be available to all Federal employees in the United States so that the Federal Government sets a leading example of greater public transportation use.

(9) Increasing public transportation use is a national priority.

SEC. 3. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5311. Such funds shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, those operating costs of equipment and facilities being used to provide the public transportation that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary that, during the term of the grant, the recipient will expand public transportation service, those operating and capital costs of equipment and facilities being used to provide the public transportation service that the recipient incurs as a result of the expansion of such service.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act unless the grant recipient requests a lower grant percentage.

SEC. 5. TRANSPORTATION FRINGE BENEFITS.

(a) REQUIREMENT THAT AGENCIES OFFER TRANSIT PASS TRANSPORTATION FRINGE BENEFITS TO THEIR EMPLOYEES NATIONWIDE.—

(1) IN GENERAL.—Section 3049(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) by striking "Effective" and all that follows through "each covered agency" and inserting "Each agency"; and

(B) by inserting "at a location in an urbanized area of the United States that is served by fixed route public transportation" before "shall be offered".

(2) CONFORMING AMENDMENTS.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (4) by striking "a covered agency" and inserting "an agency".

(b) GUIDANCE.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding at the end the following:

"(5) GUIDANCE.—

"(A) ISSUANCE.—Not later than 60 days after the date of enactment of this paragraph, the Secretary of Transportation shall issue guidance on nationwide implementation of the transit pass transportation fringe benefits program under this subsection.

"(B) UNIFORM APPLICATION.—

"(i) IN GENERAL.—The guidance to be issued under subparagraph (A) shall contain a uniform application for use by all Federal employees applying for benefits from an agency under the program.

"(ii) REQUIRED INFORMATION.—As part of such an application, an employee shall provide, at a minimum, the employee's home and work addresses, a breakdown of the employee's commuting costs, and a certification of the employee's eligibility for benefits under the program.

"(iii) WARNING AGAINST FALSE STATEMENTS.—Such an application shall contain a warning against making false statements in the application.

"(C) INDEPENDENT VERIFICATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain independent verification requirements to ensure that, with respect to an employee of an agency—

"(i) the eligibility of the employee for benefits under the program is verified by an official of the agency;

"(ii) employee commuting costs are verified by an official of the agency; and

"(iii) records of the agency are checked to ensure that the employee is not receiving parking benefits from the agency.

"(D) PROGRAM IMPLEMENTATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain program implementation requirements applicable to each agency to ensure that—

"(i) benefits provided by the agency under the program are adjusted in cases of employee travel, leave, or change of address;

"(ii) removal from the program is included in the procedures of the agency relating to an employee separating from employment with the agency; and

"(iii) benefits provided by the agency under the program are made available using an electronic format (rather than using paper fare media) where such a format is available for use.

"(E) ENFORCEMENT AND PENALTIES.—The guidance to be issued under subparagraph (A) shall contain a uniform administrative policy on enforcement and penalties. Such policy shall be implemented by each agency to ensure compliance with program requirements, to prevent fraud and abuse, and, as appropriate, to penalize employees who have abused or misused the benefits provided under the program.

"(F) PERIODIC REVIEWS.—The guidance to be issued under subparagraph (A) shall require each agency, not later than September 1 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, to develop and submit to the Secretary a review of the agency's implementation of the program. Each such review shall contain, at a minimum, the following:

"(i) An assessment of the agency's implementation of the guidance, including a summary of the audits and investigations, if any, of the program conducted by the Inspector General of the agency.

"(ii) Information on the total number of employees of the agency that are participating in the program.

"(iii) Information on the total number of single occupancy vehicles removed from the roadway network as a result of participation by employees of the agency in the program.

"(iv) Information on energy savings and emissions reductions, including reductions in greenhouse gas emissions, resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

"(v) Information on reduced congestion and improved air quality resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

"(vi) Recommendations to increase program participation and thereby reduce single occupancy vehicle use by Federal employees nationwide.

"(6) REPORTING REQUIREMENTS.—Not later than September 30 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on nationwide implementation of the transit pass transportation fringe benefits program under this subsection, including a summary of the information submitted by agencies pursuant to paragraph (5)(F).".

(c) EFFECTIVE DATE.—Except as otherwise specifically provided, the amendments made by this section shall become effective on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amounts referred to in paragraph (1) are any amounts expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE FIXED GUIDEWAY STATIONS.

Notwithstanding section 5309(h) of title 49, United States Code, a grant for a capital project to be assisted under section 5309 of such title during fiscal years 2008 and 2009 that involves the acquisition of real property for, or the design, engineering, or construction of, additional parking facilities at an end-of-line fixed guideway station shall be for 100 percent of the net capital cost of the project unless the grant recipient requests a lower grant percentage.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 110-734. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-734.

Mr. OBERSTAR. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 3, after line 23, insert the following:

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

Page 3, line 24, strike "(9)" and insert "(10)".

Page 4, line 10, after "apportioned" insert ", not later than 7 days after the date on which the funds are appropriated,".

Page 4, line 21, after "apportioned" insert ", not later than 7 days after the date on which the funds are appropriated,".

Page 5, line 5, after "Secretary" insert "within the time the Secretary prescribes".

Page 5, line 7, after "transportation," insert "or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 9, after "transportation" insert ", or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 14, after "Secretary" insert "within the time the Secretary prescribes".

Page 5, line 16, after "service," insert "or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 18, after "service" insert ", or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, after line 19, insert the following:

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

At the end of the bill, add the following:

SEC. 8. NATIONAL CONSUMER AWARENESS PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. I yield myself such time as I may consume.

The amendment clarifies that transit agencies may use these new grants to offset the increased cost of fuel to transit agencies. Every penny additional to the cost of diesel and gasoline fuel, public transportation faces a cost of $7.6 million.

The amendment clarifies that intercity bus service is an eligible activity under the bill. The intercity bus provision was included in the version of the bill that passed the House last year, but through a drafting error, was left out when we reintroduced it. We correct that mistake.

Many transit agencies, rural and small urban centers alike, contract with intercity bus providers for more mobility. So it's important that these services are eligible for the new grants created by this bill.

We clarify that transit agencies may use the new transit grants to offset the increased cost of maintenance as they struggle to cope with recordbreaking ridership increases. I have been to transit agency maintenance centers and found very skilled workmen welding new pieces of steel in the support structures of buses that have rusted out over years of use.

Transit buses are now, on average, 12 to 14 years. They should be replacing them every 7 to 8 years. We are seeing a million miles of ridership on a bus a year. They need to upgrade and improve and continue their maintenance.

Many transit agencies are reporting surges in ridership and, at the same time, difficulty maintaining existing services because of higher fuel prices. So we are providing funding to all those transit agencies to respond to their current needs.

I want to thank several of our colleagues for agreeing to have their amendments incorporated into the manager's amendment to expedite consideration of the bill: The gentleman from Vermont (Mr. WELCH) whose amendment helps transit fleets become more fuel efficient by providing more funding for clean fuel or alternative fuel vehicle-related equipment or facilities; the gentleman from Oregon (Mr. BLUMENAUER) whose amendment creates a national consumer awareness program to educate the public on environmental, energy, and economic benefits of public transportation; and the Jackson-Lee amendment that clarifies that public transportation stakeholders should engage and involve local communities in the education and promotion of public transportation.

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I claim the time in opposition, but I do rise in support of the manager's amendment. I particularly find most attractive in this measure the provision that would allow grant funding to subsidize increased full costs for some of our transit systems in the country.

My support is not based on some lobbyist from a transit agency in New York or Washington or Orlando. My support is based on probably a little lady whose face I have never seen, but she wrote me and said, Mr. MICA, she said, They are going to cut one of the routes and I have no other way to get to work, and I am a constituent in your district. They are going to cut off those routes because of the higher fuel cost.

So the reason I support this is because someone in my district is being dramatically affected. It may not be a big deal here in Congress, but I can assure you in that lady's life, if she can't get to work and make a living, it's a big deal to her. So that is why I support this manager's amendment and this bill.

I yield back the balance of my time.

Mr. OBERSTAR. I have no further speakers on this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–734.

Mr. MCGOVERN. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Virginia for purposes of offering the amendment?

Mr. MCGOVERN. Yes.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCGOVERN:

Page 7, after line 12, insert the following:

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: ", except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.".

Page 7, line 13, strike "(b)" and insert "(c)".

Page 12, line 6, strike "(c)" and insert "(d)".

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. I yield myself 2 minutes.

Madam Chairman, first of all, I would like to thank the gentleman from Minnesota and the gentleman from Florida for their hard work on this important legislation. I am offering an amendment, along with my colleague from Virginia (Mr. DAVIS). He has been a very important collaborator in this effort.

Madam Chairman, I rise today in strong support of the Davis-McGovern amendment. Like the underlying legislation, the purpose of this amendment is to reduce energy consumption by promoting public transportation. This amendment seeks to equalize the current transportation fringe benefit offered to Federal employees who commute to work via public transportation with the current benefit for those who drive to work by themselves.

Currently, $220 per month in pretax benefits can be offered to Federal employees who drive to work and pay for parking, while these who opt to take a train, bus, or other form of public transit are only eligible for $115 a month. This disparity has had the reverse effect of what the transportation fringe benefit was geared to do, and that is to take commuters out of their personal automobiles by incentivizing them to use public transportation.

Madam Chairman, this bipartisan amendment will do much more than get people to use public transportation. With fewer people driving to work, less gasoline is consumed, less wear and tear is done to our roads and bridges, and less emissions are released into the air. As Congress seeks ways to combat climate change and become energy independent, one of the best ways to make an immediate impact is by offering cleaner, greener commuting options for our workforce.

According to the current estimates, Americans save $340 million a year in fuel costs as a result of the transit benefit. Increasing the transit benefit will result in a corresponding increase in that savings. As we look for ways to provide relief from skyrocketing fuel prices, the transit benefit is a proven part of the solution.

I ask my colleagues to support the Davis-McGovern amendment, and I reserve the balance of my time.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I yield myself 1 minute.

I rise in support of the amendment offered by the gentleman from Virginia (Mr. DAVIS) and the gentleman from Massachusetts (Mr. MCGOVERN). As has been explained, this does provide the Federal employee transportation benefit program, which has been so successful, is expanded in its usage, and for that, I think that our side agrees, and this is a bipartisan amendment and has our full support.

On behalf of Mr. DAVIS, I urge adoption of that.

I reserve the balance of our time.

Mr. MCGOVERN. Madam Chairman, I would like to reserve the remaining time to the coauthor of this amendment, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. I rise today in strong support of the Davis-McGovern amendment to the Saving Energy Through Public Transportation Act of 2008. This amendment will increase the cap on the monthly amount available to Federal employees nationwide who ride mass transit. For calendar year 2008, this would increase the reimbursement for Federal employees who ride mass transit from $115 per month to $220 per month.

At a time when transportation costs are escalating, with no end in sight, this amendment will have a positive impact on the lives and well-being of the Federal workforce. In addition, it will help promote the use of mass transit by Federal employees nationwide.

For the National Capital Region, this benefit should have a significant impact on the commuting habit of Federal employees. An estimated 165,000 Federal employees currently participate in the Federal transit benefit program. We are hopeful that this amendment will encourage additional employees to leave their cars at home and commute using mass transit, resulting in less traffic on our region's already congested roadways.

As an added incentive, employees using Metro would also have the option of using this added benefit to pay for parking at mass transit stations because employees who ride Metro use the same SmarTrip card to pay for both rail service and mass transit parking.

As a Member of Congress representing the National Capital Region, I have spent a lot of my career trying to find ways to promote the use of mass transit in our workforce. I believe this amendment will be an important step forward in both areas.

I strongly urge my colleagues to support this amendment. It's a "two-fer," supporting the Federal workforce and promoting energy conservation through the increased use of public transportation.

Mr. OBERSTAR. Would the gentleman from Florida yield a minute of his time?

Mr. MICA. May I inquire as to how much time we have.

The CHAIRMAN. The gentleman from Florida has 4½ remaining. The gentleman from Massachusetts has 1½ minutes remaining.

Mr. MICA. I am pleased to yield 2 minutes to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

I do so simply to express my support for the amendment, on which Mr. MICA and I have agreed, but also to point out that in the body of the bill there are protections and safeguards for the proper use of the transit pass authority provided in the additional funding increase in the monthly limit for the transit benefit. There have been reports of abuse of transit passes in the past year. An investigation by the Office of Inspector General revealed that there are some abuses.

We have provided protection against such abuses in the base of the bill underlying this legislation. I wanted to point that out for those who may have been concerned to assure that the committee has taken appropriate steps to assure that transit passes are used by the person for whom intended and for the purpose for which intended.

Mr. MICA. I yield back the balance of my time.

Mr. McGOVERN. I yield our remaining time to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1545

Mr. BLUMENAUER. Madam Chairman, I thank Mr. MCGOVERN and my friend from Virginia. This is really important for us, to be able to start equalizing the playing field. I think there is nothing at this point in the game that is more critical than giving people transportation choices. I appreciate the long-term interest and advocacy that you have had in terms of doing this. I think it is an important step to make sure that commuters across the country are treated in a fair and equitable fashion.

I am hopeful that the body will embrace this, that we will be able to deal with it in an aggressive sense, both in terms of the Ways and Means Committee, that we can work with our colleagues to find ways in the Tax Code to make the adjustments that are necessary to cushion the commuter cost of transit users, as well as people who use their vehicles; that we deal with some people who have extraordinary costs because of the long distances commute, and I think there are ways that we can adjust this.

I would beg their indulgence for one modest potential adjustment, and that is while this moves forward to make a difference for people who are commuting, I would hope there would be some way we could work together to also include equity for people who burn calories instead of fossil fuel, because as yet, the Tax Code and the policies do not provide equity for Mr. OBERSTAR's friendly, favorite people, the cyclists, although we have passed that three times through the House this year previously. Being able to put cycling communities along with transit and auto communities will make a big difference in the long run.

I appreciate this leadership and look forward to working with them to make progress in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–734.

Mr. MAHONEY of Florida. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MAHONEY of Florida:

At the end of the bill, add the following new section:

SEC. 8. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking "No Federal agency" and inserting "(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency"; and

(2) by adding at the end the following:

"(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

"(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

"(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

"(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.".

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Florida (Mr. MAHONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MAHONEY of Florida. Madam Chairman, I yield myself such time as I may consume.

I want to thank Chairman OBERSTAR for bringing this bill, the Saving Energy Through Public Transportation Act of 2008, to the floor today.

Madam Chairman, 232 years ago, this country fought to gain its political independence. Today, as we approach Independence Day, it is time that we must fight for energy independence.

Madam Chairman, as we all know, Americans are suffering because of high gas prices. But some of the recent proposals we have seen in the past week are political opportunism at its worst. Take the proposal to end the moratorium on offshore drilling. Not only could drilling imperil Florida's $65 billion tourist industry, but there is insufficient oil to meaningfully address demand.

In 2007, the Energy Department found that drilling off the coast would not add to domestic production before 2030, and that the impact on gas prices would be insignificant. Further, the U.S. proven reserves are approximately 2 percent of the world's supply, yet we continue to be the number one consumer of oil in the world, consuming about 25 percent of the world's production. So anyone who stands here and says we are going to drill our way out of this problem is not being honest with the American public. It is time to get real, and it is time to take action now.

While there are no easy answers, there are significant steps that we can take to stabilize gas prices.

First, I am a proud cosponsor of the Responsible Federal Oil and Gas Lease Act of 2008, and I urge my colleagues to support this critical legislation. At a time when gas prices are skyrocketing, oil and gas companies should not be allowed to stockpile leases and they should be required to drill on the leases they own. They should use it or lose it.

Second, Congress needs to investigate the impact of speculation in the commodities market and the impact that has on the price of oil. It is time to know whether energy speculators are gaming the system to make money at the expense of hard-working Americans.

Third, we must continue to bring alternative energy to the country and to Florida. Recently, the farm and energy bills have set the stage for Florida to become the biofuels capital of America.

We must continue to invest in cellulosic ethanol so we can become energy independent.

Fourth, we must recognize that the reckless fiscal policies of this administration have racked up a $6 trillion debt and this debt is ravaging the value of the dollar. In the past 6 years, this has contributed to a 40 percent devaluation of the dollar, and the fact that oil is a dollar-indexed commodity, the American people now know that when the value of the dollar goes down, the price at the pump goes up. The American people can no longer afford these reckless policies and this reckless deficit spending, and this Congress must make it stop.

Lastly, we need to reduce the barriers to importing Canadian oil, which is why I am offering my amendment today which would clarify language in section 526 of the Energy Independence and Security Act of 2007 so that it does not apply to Canadian oil.

I appreciate the hard work that my colleagues Congressman BOREN and Congressman LAMPSON have already done on this issue. For those of you who don't know, section 526 prevents the U.S. Government from purchasing an unconventional fuel whose carbon footprint is higher than a conventional fuel. Canada has vast supplies of natural gas and has the world's second largest proven reserves of oil in the world, and Canada is the largest supplier of crude oil and refined products to the United States, supplying approximately 13 percent of total U.S. imports.

My amendment will clarify that section 526 does not preclude Federal agencies from purchasing generally available fuels, and that includes fuel from Canada's oil sands, refined using existing commercial processes. Through my amendment, we can address both a national energy supply issue and a national security issue. After all, who would you rather import oil from; our good friends up north in Canada, or from the Middle East?

The time has come for real solutions, not rhetoric. Today's actions take important steps to help us stop skyrocketing gas prices and put us on the road to energy independence. I urge my colleagues to support my amendment.

I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Let me say that the only problem that I have with this amendment as offered from my colleague from Florida is the amendment does not go far enough in correcting or addressing all of the problems caused by section 526 of the energy bill that prohibits the Federal Government from using coal derived, oil shale and other non-petroleum-based alternative fuels regardless of existing procurement rules or what is actually cost efficient or practical.

I am not going to vote against his amendment, but I do have some concerns I wanted to express against the amendment.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the proponent of the amendment has expired. The gentleman has the only time remaining. The gentleman will need to close and yield back the balance of his time.

Mr. MICA. Madam Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, the reference was made by my other friend from Florida that there was a related provision that passed last week on a 429–1 vote. I confess to being the one person who voted against that. I had some concerns about how that was framed.

I went back and did some research and concluded that my "no" vote was ill-advised, although it wasn't determinative, and I wanted to indicate that I personally support what is being proposed here. I think it is a reasonable compromise to deal with issues that need to be taken, and I appreciate my friend's courtesy in allowing me to do my mea culpa while you wait for your other speaker.

Mr. MICA. I yield myself such time as I may consume just to point out, again, I am not going to object. I have concerns. I would like to have gone further.

Madam Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Florida for giving me a moment to speak on this bill.

We have had examples here all day today of the fact we are not going to be able to pass any meaningful energy legislation in this week before we go home for the 4th of July holiday. It is not just Republicans who are saying this. I want to point out the fact that in today's Politico, the story is headlined: "Pelosi's Pump Pain. Aggressive Pre-Recess Plan Goes By the Wayside."

I would like to introduce this, without objection, into the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

Ms. FOXX. "Speaker Nancy Pelosi hoped to send House Democrats home for the Fourth of July recess with a series of votes that would show they're serious about easing the pain at the pump."

That obviously is not going to be done. We are passing bills here today that deserve the "Emperor's New Clothes Award." Somebody has to stand up and say the emperor has no new clothes, because the bills that we are being asked to vote on are shams. We are not doing anything to help average, hardworking Americans who are paying over $4 a gallon for gasoline as a result of the Democrats' control in the last 18 months of this Congress.

This is a sham. This is for show. They are going to go home and say they did something, but they did nothing to help the average working American, and it is time that people said so. We don't need to be allowing this sham to continue without being able to talk about it.

It says here "nothing has gone according to plan. The price-gouging bill failed to garner the two-thirds support necessary to pass." Even Democrats are speaking against the bill. They are talking about how it is going to hurt gas-producing States and the gas-producing people are opposed to it, the Democrats are.

So nothing that is going on here is really going to help those of you who are paying over $4 a gallon for gasoline in this country. All we are doing is letting the Democrats put on a show that says that they are reducing the price of gasoline, when they are not.

PELOSI'S PUMP PAIN—AGGRESSIVE PRE-RECESS PLAN GOES BY WAYSIDE

(By Patrick O'Connor)

Speaker Nancy Pelosi hoped to send House Democrats home for the Fourth of July recess with a series of votes that would show they're serious about easing the pain at the pump.

Their wish list included legislation giving the federal government more authority to crack down on price-gouging by oil companies and smaller vendors, a bill requiring energy producers to relinquish any land not currently being tapped for oil or gas production, and a measure creating new restrictions for commodity traders whose speculation has driven up the price of oil.

But nothing has gone according to plan.

The price-gouging bill failed to garner the two-thirds support necessary to pass. An accounting issue forced leaders to put off for a day the so-called "use it or lose it" measure. And the legislation to curb speculation is now caught up in a member fight over the proper path forward—a fight that exposes the misgivings some Democrats have about this activist agenda.

So instead of a barrage of legislation aimed at knocking back the Republicans' gas price assault, Democrats will settle for a measure giving local transit agencies $850 million in each of the next two years to reduce prices and add routes, as well as a symbolic vote calling on President Bush to crack down on "excessive" commodity speculation.

The Democrats' stumbles come as congressional Republicans continue to push aggressively for more domestic oil and gas production on the Outer Continental Shelf and in Alaska's Arctic National Wildlife Refuge as well as for an ambitious plan to turn coal shale beneath the High Plains into natural gas.

Republicans claim an amendment—offered by Pennsylvania Rep. John E. Peterson—to open offshore drilling sites 50 miles off the coast has enough support to survive a committee vote on the Appropriations panel.

The committee postponed consideration of the measure on which Peterson planned to offer his amendment, but Chairman Dave Obey (D-Wis.) told members Tuesday he plans to bring it up when lawmakers return from the weeklong Fourth of July recess.

As the Democrats struggle to hold together support for the existing offshore drilling ban, they find themselves coming apart on another energy issue: what to do about oil speculators.

Some Democrats, such as Agriculture Committee Chairman Collin Peterson of Minnesota and Rep. Bob Etheridge of North Carolina, would like party leaders to advance a modest measure that gives federal regulators more resources to crack down on "excessive" speculation in the United States and abroad.

"I'm not, at this point, sold that speculation is the reason these prices are going up," Peterson said.

Others, such as Connecticut Rep. Rosa DeLauro and Maryland Rep. Chris Van Hollen, the Democratic Party's campaign chief, have urged the speaker to go further by making substantive changes to the current laws, members and aides said.

Add to that a jurisdictional squabble between Peterson's Agriculture Committee and members of the House Energy and Commerce Committee—including Michigan Democratic Rep. Bart Stupak—who have been working on this issue for years, and Pelosi faces a major internal challenge in bringing this legislation to the floor.

The speaker met with these and other members for more than an hour Wednesday morning. They were joined by Michael Greenberger, a law school professor at the University of Maryland and a former director of trading and markets at the Commodity futures Trading Commission, who has testified before Congress that speculators are driving up the price of oil.

But the participants who emerged from that meeting suggested the various committees of jurisdiction will begin looking at this legislation before leaders craft a compromise.

"I think the consensus is that this needs to be done very carefully," said House Majority Leader Steny H. Hoyer (D-Md.).

"We're going to focus on the actual legislation and try to come to a consensus," Peterson said.

Pelosi told reporters Wednesday that she expects legislation on the floor sometime next month, before lawmakers leave for the summer and for their respective nominating conventions.

Some Democrats wanted to vote on a modest bill this week to give themselves cover before the recess, aides said.

A number of conservative Blue Dog Democrats were also grumbling that party leaders were planning to put them in a bad spot politically with these aggressive oversight measures, aides said. Pelosi met with a number of these members Wednesday, but the speculation issue was only one of the topics discussed.

In the meantime, both parties continued their finger-pointing over the gas prices and the policies that might have an effect on them.

On Wednesday, the Department of the Interior questioned Democratic claims that energy producers could pump oil or gas on 68 million acres of land that has already been leased. This talking point became a common refrain last week; Democrats argued that the lease-holding oil companies could produce 4.8 million barrels of oil and more than 44 million barrels of natural gas each day under the current contracts.

"The views contained in the report [issued by Democrats on the House Natural Resources Committee] are based on a misunderstanding of the very lengthy regulatory process," wrote C. Stephen Allred, the assistant secretary of the Interior for Land and Minerals Management, who favors increased oil and gas exploration. "The existence of a lease does not guarantee the discovery of, or any particular quantity of, oil and gas."

In his letter—which came at the request of Republican Rep. Don Young of Alaska—Allred further argued that a lengthy permitting process creates a lag for energy producers to extract fossil fuels from this land.

In a statement issued in response to the letter, House Natural Resources Committee Chairman Nick J. Rahall (D-W.Va.) called it "a diversion from the simple fact that there are 68 million acres of leased land not producing any oil and gas."

Rahall said that the administration's argument about the slow permitting process undercuts its arguments for lifting the offshore drilling ban; a long permitting process, he said, would slow any benefit to be gained from offshore drilling, too.

"Roughly 80 percent of the oil and gas under federal waters are in areas already open for leasing. They should focus on that before trying to grab any more of our public lands," Rahall said.

The fight over gas prices also has a personal component.

Pelosi has staked her speakership, in part, on aggressive environmentalism to limit human contributions to global warming. This puts her at odds with those in her caucus who are more sympathetic to the oil and gas industry. That dynamic forces her to tread lightly inside the party, but it does not prevent her from issuing lofty challenges in the name of the environment.

"We are in the battle of this generation," Pelosi told reporters Wednesday. "We're ready to make the fight. We are united behind it."

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MAHONEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MAHONEY of Florida. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. REICHERT

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–734.

Mr. REICHERT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. REICHERT:

Page 14, at the end of line 8, insert the following: "or at a park-and-ride lot that serves a fixed route commuter bus route that is more than 20 miles in length".

□ 1600

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Madam Chairman, as we all know, skyrocketing gas prices and the pain they cause is one of the most daunting issues facing this Congress and our Nation.

Today in the State of Washington, the price per gallon of regular gas was $4.34, while a month ago it was $4.02 and a year ago it was $3.11 in the State of Washington. It is hard to believe we are now in the position to yearn for the days of $3 gasoline.

My constituents are looking for some form of relief, an option to paying outrageous prices to fill up their cars only to sit in gridlock traffic. Mass transit offers relief; however, mass transit does not succeed if the public is not convinced that it is a convenient alternative to driving their cars.

The Transportation Research Board studied the accessibility of transit services to suburban commuters, and has identified strategies that improve customer acceptance and the use of transit services. The study found that acceptance and use of transit services are clearly influenced by the availability, convenience, and the cost of commuter parking at rail stations and at park-and-ride lots for commuter buses.

Increasing commuter bus park-and-ride availability directly increases transit ridership in these routes. According to Sound Transit, a local transit agency in my district, once parking lots are 80 percent full at commuter bus stations, the public perceives them to be completely full and they continue to drive by, bypassing an opportunity to ease the pain of high gas prices in an environmentally friendly way.

Expansion of these facilities incentivizes transit systems and the communities they serve by increasing their suburban park-and-ride lot capacity and increases the use of transit.

Like every community, people in the Puget Sound region of Washington State are parking their cars and taking transit more often. In my district alone, the number of people who rode Sound Transit's buses and trains in 2007 increased by nearly six times the nationwide increase.

A few bus ride examples. In the first quarter of 2008, the express bus service connecting two suburbs of Seattle, Lynnwood, Washington and Bellevue, Washington, grew by more than 31 percent over the first quarter of 2007. Ridership on Sound Transit service between Everett, Washington and Bellevue, Washington is up 24 percent. And between Federal Way, another suburb of Seattle, and the Microsoft campus in Redmond, it is up 12 percent. Those are some great examples of mass transit working in my district.

I urge you to support my amendment. My amendment will simply allow bus park-and-ride lots the same Federal funding as commuter rail park-and-ride lots receive in this bill.

Join me in giving Americans a choice on how they go to work, go to the grocery store, or move about town other than painfully paying at the pump to fill up their cars. This amendment will ease congestion, help the environment, and save commuters from high gas prices.

I reserve the balance of my time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, though I do not intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. First, a point of order, Madam Chairman.

I observed the gentlewoman from North Carolina (Ms. FOXX) ask unanimous consent to include an article in the RECORD. That request must be made in the House under the rules of procedure, not in the Committee of the Whole.

The CHAIRMAN. The gentleman is correct. The gentlelady's request will be covered by general leave.

Mr. OBERSTAR. I have no objection to it, but I just want the procedure to be proper.

The CHAIRMAN. That is correct.

Mr. OBERSTAR. The amendment offered by the gentleman from Washington was very thoughtfully expressed and explained, and I commend the gentleman on his statement, very thoughtfully done, to increase the Federal share for parking facilities that serve commuter bus routes.

The Transportation Research Board has addressed this issue and evaluated the accessibility of transit services to suburban commuters, and they have found that acceptance and use of transit services are clearly influenced by the availability, convenience, and cost of commuter parking at transit stations and park-and-ride lots, quoting from the report.

States that have successful long-distance suburban-to-central business district commuter bus operations found that increasing the use of commuter bus services and park-and-ride facilities is directly influenced by the availability of those park-and-ride services.

Increasing the Federal share to 100 percent would create additional incentives for transit systems to build more of these facilities to serve the communities, and I really appreciate the initiative of the gentleman.

In his reference to Microsoft, I know that Microsoft in past years has purchased in the range of 13,000 fares a year for its employees to ride the Sounder and other transit options in Seattle. It is very commendable of a company to engage in that kind of service to its workers, to encourage them to get to work in a better frame of mind, to help the environment, and to serve the public need.

I reserve the balance of my time.

Mr. REICHERT. Madam Chairman, I yield 30 seconds to my good friend from Florida, the ranking member of the Transportation and Infrastructure Committee, Mr. MICA.

Mr. MICA. I thank the gentleman so much, that we have a distinguished member of our Transportation and Infrastructure Committee offering this well thought out amendment. It is going to clearly provide availability, convenience, and assist the cost of making eligible again these bus end-of-the-line parking facilities. Well thought out. There was a gap here, and I am glad the gentleman from Washington filled that so adequately, and we support the amendment.

Mr. OBERSTAR. I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and look forward to moving forward on this amendment. I think it balances a potential inequity.

But I would hope that as we move forward to reauthorization, that the folks on both sides of the aisle, Mr. Chairman, that we might be able to look at more Federal flexibility for the land that is used with these park-and-ride items, because in many cases they are frozen in time. We have inflexible Federal rules about what can be used for that land, and they have a habit of not being at the end of the line. So if we can in the future be able to use them as an anchor for community development and redevelopment where people can live and work at that point, rather than having to drive vast distances to get there in the first place, these facilities can leverage significant redevelopment opportunity, reduce vehicle miles traveled, and be able to reduce the operating cost for the lines.

So I have no objection to this proposal as it goes forward, but I would hope that we would be creative as we move to reauthorization that we don't freeze in arbitrarily what local communities can do with transit agencies and the Federal Government to be able to leverage them to get more out of it in the long run so we don't have to unnecessarily force people to drive to use it in the first place.

Mr. OBERSTAR. If the gentleman would yield.

Mr. BLUMENAUER. I yield to the gentleman.

Mr. OBERSTAR. The gentleman is an alumnus of the Committee on Transportation and Infrastructure, a refugee who has been taken in by the Ways and Means Committee; and he will be most welcomed at further hearings of the Surface Transportation Subcommittee to elaborate on this very thoughtful proposal that he has set forth. We welcome that contribution as we shape the next transportation legislation.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate the leadership of the committee. One cannot get back to the committee often enough. And I would look forward to working with you and with the gentleman from Washington to make sure that we get the most out of these resources.

Mr. REICHERT. In conclusion, I would just like to thank the chairman and ranking member for their support, and the gentleman's kind suggestions and thoughtful suggestions. I would urge passage of this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HODES

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–734.

Mr. HODES. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. HODES:
>
> Page 5, after line 19, insert the following:
>
> (3) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support today of my carpool promotion amendment.

First, I thank the distinguished chairman of the Transportation Committee and the ranking member for introducing this important bill to encourage the use of public transportation in this country.

Public transportation obviously needs to be part of a forward thinking 21st century energy strategy. However, in my home State of New Hampshire, many of my constituents live in rural areas where they don't have access to public transit, and many in my district have to commute by car 20 or 30 miles or more just to get to work.

Today, in intraday trading, oil hit a record of $140 a barrel, and gas prices are over $4 a gallon for regular gas in New Hampshire. The people I represent are struggling. Many drive more than an hour to work. And we have seen carpooling begin to increase in New Hampshire.

With an extremely limited public transportation network, except for city bus service in the cities of Manchester and Concord, often the only option for alternative transportation is carpooling, and the opportunities are often limited for that.

Since the average local commuter is spending more than $2,000 a year in gas just to drive to work, if a driver shares his car with just one other occupant and those carpoolers share the cost of gas, obviously they cut their costs for gas in half.

Now, New Hampshire Department of Transportation has introduced a great program called Ride Share. They work with the New Hampshire Regional Planning Commissions and employers to encourage ride sharing, and they have implemented a Statewide ride sharing program. The program is dedicated to finding an alternative way for commuters to travel to and from work.

These days, our highways and byways are increasingly gridlocked; and many of those cars stuck in gridlock, and all you have to do is go outside this building to see the kind of gridlock that Washington is famous for, and many of the cars that are sitting there are single occupant vehicles. Driving alone is not only expensive, but it also contributes to increased traffic congestion and air pollution.

To help commuters cut costs and to reduce traffic congestion and air pollution, New Hampshire Ride Share uses geographical computer matching to provide commuters with information and assistance about ride sharing and alternatives to the single occupancy vehicle, which can include carpools, van pools, buses and trains. Right now, two other States, Missouri and Michigan, have introduced similar programs.

The amendment that I have propose will help provide additional funding for programs like Ride Share across the country. We have seen in one month a tripling of interest in participation in ride sharing in some parts of New Hampshire, and we need to see more.

With the record high gas prices, rising food prices, the mortgage crisis, and the credit crunch, families across our Nation are feeling the economic squeeze. Commuters across our Nation are suffering under the strain of record gas prices, and they have to sacrifice more of their paycheck just to earn one.

This amendment provides a real-time way to help commuters save money, reduce air pollution, and increase efficiency. It is a win-win all around. I urge my colleagues to adopt this important amendment to help commuters across our Nation.

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I would like to ask unanimous consent to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. Madam Chairman, we are pleased to support the gentleman from New Hampshire's amendment. And it will also, I think, encourage commuters to find other ways other than single occupancy vehicles to get to and from work. He has the support of the American Association of Commuter Transportation.

Again, it is a small piece in the larger puzzle. We only have jurisdiction, as I said earlier, over transportation issues; we can't resolve all the other problems we have with energy. But I commend the gentleman, and our side supports the amendment and urges its adoption.

☐ 1615

I reserve the balance of my time.

Mr. HODES. I thank the distinguished gentleman from Florida, and I yield the balance of my time to the chairman of the Transportation Committee.

Mr. OBERSTAR. I rise in support of the amendment which I am certain arises out of the experience of the New Hampshire Department of Transportation which has a program helping commuters find alternatives to riding alone. The State of North Carolina has created RIDE NC to do the same thing.

I just want to observe that this bill pending before the House now is the 110th bill reported from the Committee on Transportation and Infrastructure to the House, 110th bill in the 110th Congress. We have completed action on 63 bills and resolutions including 29 bills enacted into law; in addition to that, eight concurrent resolutions and 26 House resolutions. That's a remarkable record of bipartisan participation for which I express my appreciation to the gentleman from Florida. On all of these, we've had bipartisan support.

Mr. MICA. Madam Chairman, I yield myself the balance of my time.

I don't want to take the time, but we are concluding debate on this amendment, the Hodes amendment. I urge its adoption. I urge those who feel it is appropriate to support the measure, as I said it does have an increased authorization, not appropriation, of $1.7 billion. It does expand some of the transit grants to transit agencies that are hurting across the country. It does expand the transit benefits that are now restricted to those within the Beltway to Federal employees outside.

It does not solve the problem. It is a small piece of the solution, and I have been pleased to work with Mr. OBERSTAR in a bipartisan fashion to do our small part.

I must conclude, however, by saying that the House and the Congress can do a better job. My side of the aisle does not control the Congress this time. We have heard that there is a larger energy plan. We need to bring that energy plan forward.

I didn't have the time that the majority leader had in his remarks, and this isn't a blame game situation nor should it be. People are suffering in this country with $4-plus a gallon gas. I just saw this $5.25, which must be from California. That's not why our constituents sent us here. They sent us here to solve problems. In the same bipartisan spirit that Mr. OBERSTAR and I are bringing forward this little piece, we need a much larger piece.

A week from tomorrow is Independence Day, and that is a day we should be celebrating, not lamenting that we are not independent of foreign oil. We can work our way out of this. We can't tax our way out, we can't regulate our way out, but we have the means of moving forward and increasing the supply and lowering the price for the American people. We haven't done this, this Congress hasn't done this, and I am sorry that I have that to report at the end of my remarks, both in favor of the Hodes amendment and in favor of this legislation.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MAHONEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 18, as follows:

[Roll No. 465]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)

Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Calvert
Cannon
DeLauro
Doolittle
Ellison
Faleomavaega
Forbes
Fortuño
Jones (OH)
Keller
Lewis (KY)
Norton
Rush
Schakowsky
Smith (WA)
Tancredo
Weller
Wexler

□ 1645

Messrs. NUNES, ISSA and Ms. GRANGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NORTON, Madam Chairman, on rollcall No. 465, had I been present, I would have voted "aye."

Mr. ELLISON. Madam Chairman, on rollcall No. 465, I was stuck in traffic trying to get to the vote and I ran out of time. Had I been present, I would have voted "aye."

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Ms. DEGETTE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, pursuant to House Resolution 1304, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALDEN OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN of Oregon. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden of Oregon moves to recommit the bill H.R. 6052 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly, in the form to which perfected at the time of this motion, with the following amendments:

Page 5, after line 19, insert the following:

(c) USE OF FUNDS FOR MEETING FUEL-RELATED NEEDS OF SCHOOL BUS TRANSPORTATION.—

(1) IN GENERAL.—If school bus transportation services within the urbanized area or State to which funds are apportioned under subsection (a) have been adversely impacted by increased fuel costs, and if any school districts within the urbanized area or State are considering or have implemented service cuts in school bus transportation as a result of increased fuel costs, the recipient of the apportioned funds shall immediately make such funds available to the Governor of the State in lieu of using the funds for the purposes described in subsection (b).

(2) ALLOCATION OF FUNDS TO SCHOOL DISTRICTS.—Notwithstanding any other provision of law, the Governor of a State who receives funds under paragraph (1) shall—

(A) allocate the funds to school districts within the State that have been adversely impacted by increased fuel costs and are considering or have implemented service cuts in school bus transportation; and

(B) provide that such funds be used for operating and capital costs in providing school bus transportation service in order to reduce or eliminate cuts in such service as a result of increased fuel costs.

(3) PRIORITY.—The Governor of a State shall give priority in the allocation of funds under paragraph (2) to school districts in rural and suburban areas where school buses travel greater distances in transporting students.

Page 5, line 20, strike "(c)" and insert "(d)".

Page 5, line 23, strike "(d)" and insert "(e)".

Mr. WALDEN of Oregon (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. OBERSTAR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, at the outset, let me say I have a long history of supporting mass transit in the urban areas of my State, including light rail development and bus transportation systems. I've received State-wide recognition for this work.

Unfortunately, there are no light rail routes, and few successful bus routes, in rural Oregon and in most of my district. In fact, the most important public mass transit in most of rural Oregon and, indeed, across most of rural America is a bright yellow school bus, like this one, that safely transports American children to and from school each day.

No one in America is immune from the impact of record-high gas prices, but for those of us from rural areas, the impact has been particularly severe not only on farms, families and small businesses, but also on our local governments that are struggling to pay sky-high fuel prices to maintain basic services.

Before you know it, our public school doors will open, and millions of our children will return to school, many of them on that familiar yellow school bus.

Yet all across this country, school superintendents are struggling mightily to figure out exactly how they'll afford to operate those school buses and to get our children to school.

Newspapers are filling with accounts of school districts and how they're going to respond to the cost of fuel. Some districts, including one just a few miles from here in Maryland, are considering reducing bus services and forcing children to walk up to 2 miles to school. Some schools are even discussing going to 4-day school weeks in order to reduce fuel consumption.

As profound as this problem is in urban and suburban area, it is even worse for those of us from rural communities where school buses must travel long distances to pick up and drop off children.

This is what the Yakima Herald-Republic in Washington State had to say just 5 days ago: "Some of the surrounding districts in rural areas feel the pinch from increased costs a bit more because their buses have to travel farther to transport students. The Mt. Adams School District, which has about 1,000 students, is the third-largest district in the State with an area of 1,325 square miles. The district's 10 buses still travel more than 200,000 miles in a year."

All the way across the country in Franklin County, Virginia, the Roanoke Times reports that "a school official advised the board of supervisors Tuesday that the division could face an extra $690,000 in added fuel costs."

Yet, today we have before us a bill that does absolutely nothing, nothing to lower the price of gasoline or diesel and nothing to help our schools, our school districts, and to help them pay for the bus transportation costs they're incurring.

Instead, it proposes to increase subsidies for public transit systems that reduce their fares and expand taxpayer-funded travel perks for Federal employees.

What's even worse is that existing Federal law would actually prohibit the funds authorized under this bill from being used to provide assistance to struggling school districts. Let me repeat that. This law, and the law on the books, don't allow the use of these funds for our school systems.

As the school year approaches, it's time to get our priorities right and to take care of our kids first.

My motion to recommit would fix this problem by sending this bill back to committee with instructions that they revise it, to specifically provide that in an area where school bus services are being cut back because of high fuel prices, that the funds under this bill shall be used first and foremost to help restore those school bus services, and that preference shall be given to rural and suburban areas where school buses have to travel greater distances to transport our children.

If the Democratic leadership's going to refuse to even allow a vote on proposals to increase domestic energy supplies so that we can lower gas prices for all Americans, then the least we can do is try to soften the blow for our Nation's schools, our school bus system and our children.

As currently drafted, this bill does not do that. We have a chance to fix it. We have a chance to help our school districts, particularly those in rural areas.

Now, the majority will undoubtedly try to rally their Members against this motion, but I ask, given that Congress is recessing tomorrow, what's wrong with sending this bill back to committee where the staff can review the amendment over the break and the full committee can carefully consider the importance of helping local schools cope with their busing needs and report this bill back in 10 days?

Or you can reject this on some sort of procedural grounds, and leave local schools in the lurch, and literally put our school children on the shoulder of the roadways, dodging traffic on their way to and from school this fall.

When schools start closing a day a week early, when parents can't figure out how to get their children to and from school, Americans will look back on this moment and see who stood with our rural and suburban schools and with our children and who stood against them.

This is a reasonable motion to recommit. The committee clearly has the time to take this up. It is of no disservice to the committee or this process to say our first priority in this House, if we're not going to allow greater access to American fuel, is to at least take care of America's school children and their busing needs.

Every paper in your district is probably writing about this issue or will be as skyrocketing fuel costs cost them the ability to run their bus routes. You can smirk and you can laugh, but this reality is coming to us here and now.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the motion?

Mr. OBERSTAR. Yes, in its present form.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent, in the introductory paragraph of the motion, to strike the word "promptly" and substitute therefor the word "forthwith."

The SPEAKER pro tempore. Does the gentleman from Oregon yield for that request?

Mr. OBERSTAR. I ask unanimous consent.

□ 1700

Mr. WALDEN of Oregon. Reserving the right to object.

The SPEAKER pro tempore. Does the gentleman from Oregon yield for the making of that request?

Mr. WALDEN of Oregon. Yes.

The SPEAKER pro tempore. The gentleman from Oregon is recognized.

Mr. WALDEN of Oregon. To my friend and the Chair of the Transportation Committee, I would be happy to agree to the unanimous consent request provided that you and your side would also agree to allow us to add a proposal to reduce gas prices for struggling American families. Specifically, would the gentleman agree to add to the bill either the No More Excuses Energy Act, H.R. 3089, or at a minimum, the proposal to allow the deep ocean oil exploration, H.R. 6108, the Deep Ocean Energy Resources Act?

I yield to the gentleman.

Mr. OBERSTAR. I made a unanimous consent request dealing with the motion of the gentleman, not the extraneous items the gentleman has now proposed.

If the gentleman is serious about his motion to recommit, we're serious about accepting it where it's forthwith and bringing that language immediately back to the House.

Mr. WALDEN of Oregon. While I appreciate the gentleman's position, clearly there is an opportunity for the committee to consider this and other issues related to transportation, so I would object.

Mr. OBERSTAR. Did the gentleman object? I could not hear.

The SPEAKER pro tempore. The objection is heard.

Mr. OBERSTAR. Then the gentleman is not serious about this motion, and this is a sham motion.

Under the language "promptly," we would not be able to consider this legislation again until well after the 4th of July recess of the Congress, which the gentleman fully understands.

The substance of the motion is well-intentioned. However, under title 23 and title 49 of the U.S. Transportation Code, school buses are specifically not eligible for public funds out of the Highway Trust Fund, nor would they be under the provisions of the bill that is before us.

Since the gentleman from Oregon objects to accepting his language and making that change in Federal law to make school buses eligible, then I would suggest that he come back to the committee at an appropriate time, we're going to continue hearings—we've had 22 hearings already in the Surface Transportation Subcommittee last year and this year on the future of transportation—and make the case for such a provision to be included in the authorization that we will have next year. We would certainly be delighted to hear the gentleman's case for this provision and to perfect it. But as it stands, this "promptly" simply kills the transit expansion funding that we provide in the underlying bill.

Therefore, because the gentleman objected to my unanimous consent request, I say the motion is not offered in good faith, not offered with good intentions. It is a sham motion, and we should defeat it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

Mr. WALDEN of Oregon. Mr. Speaker, were the gentleman's words in order?

The SPEAKER pro tempore. The Chair cannot render an advisory opinion.

Mr. WALDEN of Oregon. Is it in order to call a Member's motives in question, Mr. Chairman?

The SPEAKER pro tempore. The Chair does not issue advisory opinions.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and motions to suspend the rules with respect to H.R. 6377, H.R. 6251, and House Resolution 1098.

The vote was taken by electronic device, and there were—ayes 199, noes 221, not voting 14, as follows:

[Roll No. 466]

AYES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOES—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—14

Calvert
Cannon
Doolittle
Forbes
Gilchrest
Gutierrez
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weldon (FL)
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1721

Messrs. KIRK and LINDER changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 322, noes 98, not voting 14, as follows:

[Roll No. 467]

AYES—322

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—98

Akin
Alexander
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Conaway
Cubin
Culberson
Davis, David
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Walberg
Walden (OR)
Wamp
Weldon (FL)
Wilson (SC)

NOT VOTING—14

Aderholt
Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weller
Wexler
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1728

Messrs. CONYERS and BILBRAY and Mrs. BACHMANN changed their vote from " no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WILSON of Ohio. Mr. Speaker, on rollcall No. 467, had I been present, I would have voted "yea."

ENERGY MARKETS EMERGENCY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6377, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6377.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 19, not voting 13, as follows:

[Roll No. 468]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)

Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
  Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
  T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
  Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—19

Blackburn
Cubin
Flake
Franks (AZ)
Hensarling
Johnson, Sam
Jordan
King (IA)
Lewis (CA)
Linder
Mack
Marchant
Paul
Pence
Rohrabacher
Sali
Sessions
Souder
Young (AK)

NOT VOTING—13

Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Smith (WA)
Tancredo
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1736

Mr. LAMBORN changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESPONSIBLE FEDERAL OIL AND GAS LEASE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6251, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 6251, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 16, as follows:

[Roll No. 469]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
  (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Richardson
Rogers (AL)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda
  T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
  Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel
  E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
  Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Akin
Calvert
Cannon
Doolittle
Everett
Forbes
Kaptur
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Shadegg
Smith (WA)
Tancredo
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1744

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHADEGG. Mr. Speaker, on rollcall No. 469, I was unavoidably detained. Had I been present, I would have voted "nay."

SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE AMERICAN VETERAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1098, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1098.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 470]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Bilbray
Calvert
Cannon
Capuano
Doolittle
Doyle
Everett
Forbes
Lewis (KY)
Miller (MI)
Miller, Gary
Murphy, Tim
Neal (MA)
Pascrell
Peterson (PA)
Rogers (AL)
Rush
Saxton
Shuster
Smith (WA)
Tancredo
Van Hollen
Weller
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1751

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SMITH of Washington. Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 465: Mahoney Amendment to H.R. 6052. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 466: Motion to Recommit H.R. 6052. Had I been present, I would have voted "no."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 467: Final Passage of H.R. 6052. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 468: Motion to Suspend the Rules and Agree on H.R. 6377. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 469: Motion to Suspend the Rules and Agree on H.R. 6251, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 470: Motion to Suspend the Rules and Agree on H. Res. 1098. Had I been present, I would have voted "yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 6052, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. ELLSWORTH). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 9, 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 9, 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 8, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 26, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 8, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5353

Mr. CARSON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5353.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LET REGULAR ORDER PREVAIL ON AIR FORCE TANKER SELECTION

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, today one of our colleagues introduced the KC-X Recompete Act, and its message is clear: If the warfighter wants a new tanker to replace its aging fleet anytime soon, it has but one choice, the Boeing KC–767. This act would tell the warfighter to take the 767; take it or leave it, or face years of delay if you have to have a new competition.

Boeing's 767, mind you, is judged second best to the more capable, more modern, Northrop aircraft, an aircraft that I am proud would be built in my home State of Alabama.

Yes, the GAO noted procedural errors in the source selection process, but it did not rule on the merits of these two aircraft. And there is no equivocation in terms of which plane the Air Force wants and desperately needs, the KC–45.

Some have tried to preempt regular order and take this decision away from the warfighter. Let's not preempt the voice of the men and women who will take this plane into harm's way. We owe them that much.

INVOLVE ALL IMPACTED BY MASS TRANSPORTATION DECISIONS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to rise again today to again commend the Transportation Committee, the full committee Chair Mr. OBERSTAR and Ranking Member MICA on H.R. 6052. I wanted to discuss very briefly an amendment that I offered, part of which was included in the manager's amendment, and it has to do with promoting education, but as well to address the question of involving all of those impacted.

It reads that "public transportation stakeholders should engage local communities in the education and promotion of the importance of using public transportation in cities and counties, and in the planning, development and design of transportation routing lines."

This is particularly of interest to constituents in Houston as we build a new metro system. Today they broke ground in the east end. I congratulate them. But as we look to make sure that we are involving all of the participants, the stakeholders need to address the question of routing.

The only way that you will provide mass transit as a system for all the people is they must buy into it. We have a situation in Houston where we are looking to reroute from Wheeler, and I hope that this bill will get this understanding. Promote education of mass transit and get the stakeholders and communities to buy into it.

EXPRESSING PLEASURE THAT THE USE-IT-OR-LOSE-IT BILL DID NOT PASS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I am so pleased that the Democrats' use-it-or-lose-it bill did not pass this House this afternoon. We have been saying for weeks that this is a sham. Use-it-or-lose-it is already the law of the land. Thankfully, enough people here, including 19 Democrats, voted with almost all the Republicans to turn back this sham against the people of the country.

What we need to be doing is we need to be producing more oil and gas for the American people, bringing down the price of gas. The Democrats are trying to pull the wool over the eyes of the American people, and, thankfully, they are not going to be able to do that since this bill did not pass. They wouldn't put it in committee to let it be debated. They put it on the suspension calendar, and it failed.

The American people during this 4th of July work period need to tell their Members, we want you to fulfill the promises you made 2 years ago. Bring down the price of gas.

CONGRATULATING PLANO WOLVES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the new high school baseball national championship team. It is from Plano West Senior High School. They are called the Wolves. Go Wolves.

Maxpreps.com ranked the Texas State champs, the Plano West Senior High School varsity baseball team, number one in the Nation on June 22.

Under head coach Kendall Clark, this year the Wolves played a perfect season, won the district title with 14 wins and won 28 straight in 2008. This is the first time since 1987 that Plano Independent School District has had a team crowned national champions, and this year marks the first time a baseball team in Plano has captured the prestigious national title.

Congratulations to the Wolves. We are proud of you. Your parents are proud of you, Plano is proud of you, and America is proud of you. I salute you. God bless you, God bless America.

I include the names of the players and coaches in the RECORD, and congratulate them one and all.

ALPHABETIZED ROSTER

Name	C	#	Position	Ht	Wt	Throws/bats
Chris Ard	Sr	17	P/C/IF/OF	5′8″	160	R/R
Barrett Beck	Jr	11	CF/P	5′8″	165	R/R
Andrew Blum	So	14	P/OF	6′1″	175	R/R
Garrett Brown	Jr	18	P/OF	5′11″	160	R/R
Tyler Bruce	Sr	4	C	5′11″	185	R/R
Jason Coats	Sr	15	OF	6′2″	190	R/R
Reed Dillard	Jr	1	C/IF/OF	5′10″	175	R/R
Ben Flora	Sr	5	P	5′11″	165	L/L
Ryan Ford	So	24	1B	6′3″	230	L/L
Harrison Holmes	Sr	10	SS	6′1″	185	R/R
Robert Huber	So	16	P/IF	5′10″	150	R/R
Ryan Hughes	Sr	13	OF	5′9″	175	R/R

ALPHABETIZED ROSTER—Continued

Name	C	#	Position	Ht	Wt	Throws/bats
Drew Johnson	Sr	9	P	5'10"	185	R/R
Jeffrey Kahn	Jr	12	OF/DH	6'4"	185	R/R
Kale Kiser	Sr	2	2B	5'11"	180	R/Switch
Will Moran	Sr	7	OF/IF	5'9"	170	R/R
Jason Palmatary	Sr	22	IF/OF	6'3"	175	R/R
Blake Parker	So	8	OF	5'8"	155	R/R
John Peloza	So	21	P	6'5"	215	R/R
Donald Piant	Jr	3	3B/P	6'2"	185	R/R
Eric Wald	Jr	23	P	6'2"	230	L/L
Kevin Weissenmann	Sr	19	SS/2B	5'9"	155	R/R
Jim Worth	Sr	6	P	5'9"	160	L/L

Coaches: Kendall Clark, Varsity Head Coach; Kevin Clark, Varsity Assistant Coach; Richard Zastoupil, Pitching Coach; Ralph Hinds, Junior Varsity Head Coach; Nathan Leraas, Junior Varsity Assistant Coach; and Gregory Pierce, Shepton Head Coach.

☐ 1800

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING FRESNO STATE'S WINNING THE COLLEGE WORLD SERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. NUNES) is recognized for 5 minutes.

Mr. NUNES. Mr. Speaker, I rise today with my good friend from California (Mr. COSTA) to recognize something very important that happened in the San Joaquin Valley, for all the people of the San Joaquin Valley, and that is that yesterday the Fresno State Bulldogs won the college series. This is very special for all of us.

At this time, I yield to my good friend, the distinguished gentleman from California, an alumnus of Fresno State, Mr. COSTA.

Mr. COSTA. I thank the gentleman from California, a colleague, a good friend and an avid supporter of the California State University of Fresno, as we all are in the Valley delegation.

Mr. Speaker, we are proud to recognize the Fresno State baseball team, the Bulldogs, the Bulldogs on the West Coast, on their victory of the University of Georgia last night, the other Bulldogs, to claim the 2008 National Collegiate Athletic Division Championship I-A Baseball National Champions. Obviously, as my good friend Congressman NUNES indicated, I am a proud alumnus today.

The Dogs came into the tournament as the fourth seeded team and along the way beat Rice University, had two big wins over the University of North Carolina, and they are the first number four seed to reach the finals of the NCAA championship in any sport. It is truly historic in collegiate athletics. They went from the underdogs to the wonder dogs, and they accomplished this after spending over 40 straight days away from home. Leaving Fresno on May 14, they finally came home today.

They won five elimination games, including a 19–10 win over Georgia during the championship series.

This team was a pure joy to watch on the field. We saw outstanding defensive plays, 15 home runs by the offense, and they had American riveted to their televisions and radios to hear them win last night's game. It was an exciting month for anyone who is attached to the University or our San Joaquin Valley, or those who just happens to love our Nation's pastime, baseball.

The character, camaraderie, preparation, and ultimately the performance and success of the team flows from their head coach Mike Batesole and his wonderful staff. This year he was chosen 2008 Collegiate Coach of the Year in baseball.

One unique thing about this team is that every player is from California. In fact, many of the players come from surrounding communities; in my colleagues' districts, NUNES, RADANOVICH, and CARDOZA, and the like, they came from Clovis, Hanford, Bakersfield, and Turlock. Fresno State athletics takes pride in recruiting local talent from high schools and junior colleges.

These young men are models for student athletes around the Nation. Seven seniors and one junior will graduate within nine semesters. Steve Susdorf was given the Western Athletic Conference All-Academic awards four times in his career with the Bulldogs. These classroom accomplishments should be commended. These are truly student athletes at their finest.

There were five Bulldogs who made this year's College World Series All-Tournament Team. They are Erik Wetzel, Steve Susdorf, Steve Detwiler, Justin Wilson, and Tommy Mendonca. Congratulations to them.

Tommy Mendonca from Turlock was also named the Collegiate World Series Most Outstanding Player, and was recently named to the 2008 National Collegiate Team. He comes from strong Portuguese Valley roots, and we enjoyed watching him play.

Finally, we again want to congratulate the Fresno State team on a season well played. We tip our hat to the University of Georgia for an outstanding series, and all the teams that played this season.

Mr. NUNES. As you can see, Mr. COSTA is a very proud alumni, Mr. Speaker. Also, I would be mistaken not to mention my chief of staff, Johnny Amaral, is also a proud alumni of Fresno State. I know that he was really rooting for the team. This is going to be a very important victory for the San Joaquin Valley tonight. I know they are going to be welcomed home by probably thousands of fans in Fresno; and I know that Mr. COSTA and I can't wait to hopefully greet the team here and invite them to our Nation's capital and possibly even get a White House visit.

Does my colleague have anything else?

Mr. COSTA. I just want to thank the gentleman for yielding. We want to congratulate all of those who are a part of the University and these fine students athletes for a job well done.

Mr. NUNES. Thank you.

FRESNO STATE WINS COLLEGE WORLD SERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COSTA) is recognized for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today to recognize the Fresno State baseball team, the Bulldogs, on their victory over the University of Georgia last night to claim the 2008 NCAA Division I Baseball National Championship. I am a very proud alum today.

The "Dogs" came into the tournament as a 4th seeded team . . . and along the way, beat Rice University and had two big wins over the University of North Carolina. They are the first number four seed to reach the finals of an NCAA championship in any sport. This is truly historic in collegiate athletics. They went from the underdogs, to the wonder "Dogs".

And they accomplish this on the road, away from home for forty straight days, and won five elimination games, including a 19–10 win over Georgia during the championship series.

This team was a pure joy to watch on the field . . . we saw outstanding defensive plays, 15 home runs by the offense, and they had

America riveted to their televisions and radios to hear them win last night's game. It has been an exciting month for anyone with an attachment to the University our San Joaquin Valley, are those who happen to love our Nations pastime, baseball.

The character, camaraderie, preparation, and ultimately the performance and success of the team flows from Head Coach Mike "Bait-Soul" Batsole and his wonderful staff. He was chosen this year 2008 Collegiate Coach of the Year.

One very unique thing about this team is that every player is from California. In fact, many of the players come from surrounding communities like Clovis, Hanford, Visalia, Bakersfield, and Turlock. Fresno State athletics prides themselves in recruiting local talent from Valley high schools and junior colleges.

And those young men are the models for student-athletes around the Nation. Seven seniors and one junior will graduate within 9 semesters, and Steve Susdorf was given Western Athletic Conference All-Academic awards four times in his career with the Bulldogs. These classroom accomplishments should be commended. Student athletics at their finest.

There were five Bulldogs who made this year's College World Series All-Tournament Team, and they are Erik Wetzel, Steve Susdorf, Steve Detwiler, Justin Wilson, and Tommy Mendonca. Congratulations.

Tommy Mendonca, from Turlock, CA, also was named the College World Series Most Outstanding Player and was recently named to the 2008 National Collegiate Team. He comes from strong Portuguese Valley roots, and I enjoyed watching him play this season.

Finally, we again want to congratulate the Fresno State baseball team on a season well played, and tip my hat to the University of Georgia and all the teams that participated for an outstanding series and season.

H. CON. RESOLUTION 362

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, I want to speak today on Resolution 362 that is circulating in the House and its impact on policy in the Middle East.

As a result of Resolution 362 and its tightening of sanctions on Iran in a more broader way, will that have a positive impact on America's policy in the Middle East? Will it have a positive impact on the politics in the Middle East? Will it have a positive impact on Iran as far as the conflict between our two nations is concerned?

I will say, in my judgment, Mr. Speaker, that Resolution 362 will exacerbate, make much more difficult, the problems in the Middle East, the relationship of Iran with its neighbors in the Middle East, and the relationship of Iran with the United States, and the relationship of Iran with the country of Israel. Let me try to explain why.

If we look at the Middle East right now in a very objective fashion, what is going on in the Middle East right now? The geopolitical balance of power in the Middle East right now is fractured. We are focusing on the conflict in Iraq. We need as a Nation to focus objectively on the Palestinian-Israeli question, to resolve that issue, to reduce the number of recruits for al Qaeda and the Taliban.

We need to understand that Saudi Arabia, a Sunni country, does not want Iraq, a Shia country, to become an Iranian satellite.

We need to understand that Iran, who lost more men dead in a conflict with Iraq just a few years ago than we lost in World War I, World War II, Korea, and Vietnam combined, wants to have some influence in the Middle East and certainly with what will go on in Iraq.

What will influence the direction the Middle East will take in the decades to come? There is violent conflict there. There is political conflict there. There is mistrust in the Middle East.

Let me use a quote from Sam Rayburn, former Speaker of the House. "Any mule can kick a barn door down, but it takes carpenters to rebuild that door and that barn."

We need carpenters. We need diplomats. More conflict, more restrictions, more sanctions is going to further exacerbate the problem in the Middle East and its relationship with the country of Iran.

One other quick comment. Iran is not an Arab country. Iran is a Persian nation that speaks Farsi, that does not speak Arabic. It is a nation of Shias with their own brand of Islam.

Knowledge and an informed policy in the Middle East, a surge of diplomacy, can make a key difference. Let me go back and express some precedence of the past about diplomacy and where it worked.

When Nikita Khrushchev said he was going to bury the United States, what was Eisenhower's response? He invited Nikita Khrushchev to the United States to tour the Nation, and it began to lessen the conflict between the two countries.

What did President Kennedy do when there were deployable nuclear weapons in Cuba aimed at the United States? He negotiated his way out of that conflict and saved a catastrophe.

What did Nixon do after Mao Zedong said it would be worth half the population of China being destroyed if we could destroy the capitalists in America? What did Nixon do? He had a dialogue. He went to China.

What happened when we did not have a dialogue, some understanding of Ho Chi Minh? A million people died.

Today in the Middle East we certainly need a strong military, we need a strong intelligence. But the aspect that is missing in the Middle East is what Eisenhower said was so critical in foreign policy; that is, consensus and dialogue.

Mr. Speaker, there are a number of Members in this house that have started a long time ago, a couple of years, beginning a dialogue with the Iranians. Just last fall, 58 Members of this House on both sides of the aisle signed a letter to the parliament in Iran asking for a parliamentary exchange; 58 Members of Republicans and Democrats. That letter was hand-delivered by some of us in Lisbon to Iranian parliamentarians. They took it to Iran. And what is their response to us? They want a dialogue. There are members of the Iranian parliament that want a dialogue. Consensus and dialogue.

We need more carpenters. Vote against Resolution 362.

H.R. 5925, RECONCILIATION FOR IRAQ

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, there is an old saying: Everybody complains about the weather, but no one ever does anything about it. That is pretty much what we are doing in Iraq.

In testimony before Congress and from press conference to press conference, administration officials have said that the most important item on our agenda for Iraq, right after security, is reconciliation. In fact, U.S. Ambassador Ryan Crocker said before the Foreign Affairs Committee and the Armed Services Committee that reconciliation is perhaps the most critical challenge that Iraq faces right now. Even the Iraq Study Group, a bipartisan panel of recognized leaders in foreign policy and governing, wrote that: National reconciliation is essential to reduce further violence and maintain the unity of Iraq. And its report recommended that diplomats work to energize countries to support national political reconciliation in Iraq.

But this is not just the goal of the United States, Madam Speaker. The Iraqis themselves are calling for reconciliation. Before a meeting of the United Nations, Iraqi Prime Minister Nouri al-Maliki said, and I quote him, he said, "Reconciliation lays the foundation for political, social, economic progress, and the security that we strive for."

This is not a Democratic or a Republican issue, Madam Speaker. It isn't a Sunni or a Shia or Kurd issue. It isn't an American or Iraqi issue. Reconciliation is an issue that has something to do with all of us. It is the pathway for stability and peace in Iraq, and it is the pathway throughout the region.

One news agency has dedicated itself to providing real resources, training, and assistance for reconciliation in Iraq. Since the year 2004, the United States Institute of Peace, the USIP, has been working in Iraq at the national and local level building peace community by community and neighborhood by neighborhood. USIP has focused on preventing sectarian violence at the local level, developing leaders in schools, universities, government, and civil society, promoting the rule of law, engaging women in public life, and increasing regional stability. All this with a tiny staff, only three USIP staff members and eight Iraqi staffers.

Despite the scarcity of resources, 120 Iraqis have been trained to be reconciliation facilitators. They will go into communities to help to work towards real solutions, making neighborhoods safer, promoting transparency and accountability, and so much more. The work they do is amazing and it is awe inspiring.

Sadly, the resources available are meager in comparison to what we are spending to wage war. That is why it is time to bring our troops and private contractors home, to give Iraq back to the Iraqi people. And that is why I, along with my colleague from Connecticut, CHRISTOPHER SHAYS, introduced H.R. 5925, International Partnership for Reconciliation in Iraq Act of 2008. This legislation will ensure that USIP will have the funding and support it needs to continue and to expand.

I urge all of my colleagues to do something: Cosponsor the bill, H.R. 5925, so that we can work with the Iraqi people, so we can work within the international community, and we can reconcile that area. I urge you to cosponsor H.R. 5925. Enough talking about the problem. It is time to do something.

□ 1815

RAPE OF A LITTLE GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, she was 8 years old. She was asleep in her own room, in her bed dreaming about whatever little girls dream about. She thought she was safe in her home. Suddenly she was awakened by the demon from the night. Patrick Kennedy of Louisiana was on top of her, having his way with her, this petite little angel. Kennedy was someone the little girl supposedly could trust; after all, he was her stepfather.

This little girl was raped. So violent was the rape she fainted and the next thing she remembered she woke up in an ambulance speeding to Children's Hospital.

Official court records state, "When police arrived, they found the victim on her bed wearing a T-shirt and wrapped in a bloody blanket. She was bleeding profusely from the vaginal area. The victim was transported to Children's Hospital. An expert in pediatric forensic medicine testified that the victim's injuries were the most severe he had ever seen from a sexual assault in his years of practice. A laceration to the left wall of the vagina separated her cervix from the back of her vagina, causing her rectum to protrude into the vaginal structure. The injuries required her to have emergency surgery."

The little girl survived this attack by the barbarian and lives, even though she has been sentenced to a life of mental torture, physical pain and emotional trauma that she may not ever recover from. Her physical scars will never disappear.

The child rapist was tried under Louisiana's law that specifically allows for the death penalty for criminals that choose to rape the most innocent among us, children. The law was passed by the legislature, signed by the Governor and is the wish of the people of Louisiana. A jury of 12 citizens heard the facts and they all agreed that Kennedy should die for his decision to rape his daughter. Several other states, including Texas, have the death penalty as a possible punishment for child rapists.

This case has been reviewed by numerous courts, and has taken 5 years to reach our Supreme Court.

In a decision this week by Justice Anthony Kennedy—no relation—the Supreme Court said the Louisiana law is just too severe and overruled the will of the people of Louisiana and a unanimous jury when he imposed his own moral code saying no one can be executed under these circumstances unless the villain also kills the child, otherwise it is a violation of the cruel and unusual provision of the United States Constitution.

Although the jury was unanimous in ordering the death penalty, the Supreme Court split in its decision 5-4 with the majority siding with the evildoer.

Justice Kennedy focused on the fact that the victim survived the assault as the reason not to execute the rapist. In other words, the defendant got a break because the little girl had the will to survive.

When I was on the trial bench in Texas, I had a rape victim once tell me that rape was a fate worse than death. In the eyes of this little girl, she probably agrees.

When the "cruel and unusual" phrase was put in the Constitution, it was put there and based on constitutional history to outlaw torture and maiming of criminals. As history reflects, States decided what was appropriate punishment based upon these guidelines.

The five justices who sided with the rapist don't seem to have lived in the real world or have real life experiences. They don't seem to provide justice for victims, only leniency for criminal defendants.

I spent 22 years on the felony trial bench in Texas and heard over 20,000 cases. The Constitution was the basis for every decision I made. I saw those charged with the worst acts people can commit, and I saw the brutalized victims of crime. I only mention this experience because trial judges see the world as it really is, not how we wish and hope it to be. Trial judges see real people every day.

Unfortunately, eight of our nine Supreme Court justices do not have the benefit of this experience and have never been a trial judge and seen the effects of crime on people. They have spent much of their time in elite ivory palaces as law school professors and appellate judges removed from the world, second-guessing legislatures, trial judges and juries.

I doubt if Justice Kennedy has ever been to Louisiana or talked to a rape victim or a rapist, or a jury, for that matter. Now Justice Kennedy says the verdict of death is just too cruel and unusual for us that live in a sophisticated society to allow. His ruling is a misinterpretation of the Constitution.

Justice Alito said in his dissent that the death penalty laws should be allowed for child rape "if they reflect society's evolving standards of decency." The State of Louisiana set the evolving standard for child rapists in Louisiana, and said leave our children alone or face the death penalty.

Society's standard was trumped by five black-robed justices who want it their way. They are wrong.

And that's just the way it is.

WHO WILL SAVE ZIMBABWE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, we are about to see the world sit by silently, not silently perhaps, but ineffectively, and allow one of the most outrageous abuses of human rights that we have seen in a long time to go forward.

The president of Zimbabwe, Robert Mugabe, is engaging in a pattern of oppression and tyranny and thuggery and despicable conduct towards his own people. He lost a preliminary election for the presidency despite every effort he could make to rig the election. Rather than allow the second round to go forward, he has ramped up the terror to the point where the man who got more votes than he in the first round understandably said he wouldn't participate in a run-off election which would not only be a fraud but which has already led to the murder and abuse of many innocent people.

Robert Rotberg, a very distinguished scholar of Africa, wrote an article that was published in yesterday's Boston Globe. The headline is, "Who will have the courage to save Zimbabwe?"

He starts with a little history. He writes, "After Idi Amin terrorized and killed his own Ugandans throughout the 1970s, President Julius Nyerere of neighboring Tanzania finally sent his army across the border to end the mayhem and restore stability. Who will now do the same for beleaguered Zimbabwe? Who will remove despotic Robert Mugabe from his besmirched and exposed presidency?''

He is not calling for an army to go in, although there is certainly far stronger justification for an army to go there than a lot of places armies have been sent recently, but he has a program which he believes could be helpful. But as he points out, it has to be African nations that do this.

This is a situation given the colonial history where the United States and Britain and France and others would not have the moral authority to act. But Africans should.

Madam Speaker, I led a congressional delegation to Africa in April, and I was honored to be in the presence of the current president of South Africa, Thabo Mbeki, a man who was one of the leaders in overturning one of the worst oppressions we have seen, apartheid in South Africa. I was honored to be in his presence. I was delighted when he presented a very high honor from South Africa to our colleague, the gentlewoman from California (Ms. WATERS).

But I have felt terrible disappointment at President Mbeki's passivity in the face of the terrible repudiation of democracy by President Mugabe. I wish that President Mbeki would have understood the right of the people of Zimbabwe to receive the same kind of sympathy and help that many of us tried to extend to the people of South Africa when they were victimized.

I will include for the RECORD the article by Mr. Rotberg making an argument for an African initiative to protect the people of Zimbabwe from the tyrant, the degenerating tyrant who so viciously oppresses them.

Mr. Rotberg closes with this: "Zimbabwe is in shambles. The United States and Britain would doubtless like to act unilaterally, but dare not. Only Africans and the U.N. have unquestioned moral authority.'' And he notes here that the former Secretary General Kofi Annan did a great job when Kenya had troubles and helped to pacify and restore democracy and stability to Kenya. So he says, "Only Africa and the United Nations have unquestioned moral authority. Which African leaders will now emulate Nyerere's profile of courage in Zimbabwe's dire time of need?''

As one who has strongly supported the rights of the people of Africa to be free from colonialism, one who has strongly supported the need to provide the appropriate economic support so we can seriously diminish poverty, as a great admirer of President Mbeki and his colleagues, I implore them to save the good name of African democracy. And I understand the difficulty, and they certainly aren't the ones perpetrating this. But if the world, if Africa allows Mugabe to continue this terrible reign of terror, it will be a source of shame to us all.

WHO WILL HAVE THE COURAGE TO SAVE ZIMBABWE?

(By Robert I. Rotberg)

After Idi Amin terrorized and killed his own Ugandans throughout the 1970s, President Julius Nyerere of neighboring Tanzania finally sent his army across the border to end the mayhem and restore stability. Who will now do the same for beleaguered Zimbabwe? Who will remove despotic Robert Mugabe from his besmirched and exposed presidency?

Presidential contender Morgan Tsvangirai's courageous decision to boycott Zimbabwe's runoff election on Friday—after Mugabe's thugs broke up yet another opposition rally by swinging iron bars and sticks at potential Tsvangirai voters—compels the African Union, the UN Security Council, and major powers finally to act. Tsvangirai said that he and his supporters were facing war, not an election, and they would "not be part of that war.'' Serious UN sanctions are a first step.

Second, since South Africa shows no appetite for an intervention and Tanzania, Botswana, Mozambique, and Zambia—Zimbabwe's neighbors—are unlikely to act militarily without South African agreement an African stained Zimbabwe's tyranny should: demand that Friday's poll be postponed until Africans can patrol the country and oversee a free and fair real election; demand compulsory mediation by former UN secretary general Kofi Annan, who pacified Kenya earlier this year; denounce despotism in Zimbabwe; and ban all Zimbabwean aircraft from flying over neighboring airspaces, thus effectively keeping Mugabe and his henchmen bottled up inside their decaying country. Neighboring countries could also squeeze land-locked Zimbabwe's electricity supplies and slow rail traffic.

Time is short. Mugabe is clearly still intent on ratifying his usurpation of power on Friday. Tsvangirai officially led Mugabe in the initial presidential poll in March. In recent weeks Mugabe's military have unleashed a relentless wave of intimidation against Tsvangirai's Movement for a Democratic Change and its supporters, killing 86, maiming at least 10,000, and assaulting thousands more. Tsvangirai was detained seven times before Sunday and his key deputy was imprisoned last week without trial on a bogus treason charge. Yesterday, the house of another key deputy was trashed and his elderly relatives assaulted.

Unless Africa and the UN act courageously, Mugabe will get away with his brazen attempt to cling brutally to power and impoverish his own people despite broad global contempt.

Mugabe has also refused to summon Parliament, which is dominated by the Movement for Democratic Change and was elected overwhelmingly in March. As a result, many of Mugabe's cabinet ministers and loyalist remain in office, drawing salaries, despite having lost their seats. Several times, Mugabe and close associates have publicly declared that the Movement and Tsvangirai would never be allowed to take office or govern. "Only God will remove me,'' Mugabe defiantly declared Monday.

Conditions in Zimbabwe, where more than 80 percent of adults are unemployed and nearly everyone is hungry; where there are startling shortages of staple corn, wheat and bread, sugar, oil, milk, and gasoline; and where brutality is always around the next corner are even more horrific today than they were in Uganda in 1979, when Nyerere invaded. Famously, Mugabe told a BBC interviewer in 1999 that he was "no Idi Amin.''

Mugabe's men have also continued to use food as a political weapon, first stopping the supply of grain by international relief agencies and last week physically stealing relief shipments to give to their own supporters. Mugabe's thugs have also harassed British and American diplomats at roadblocks, in one case threatening to burn them alive in their cars.

Zimbabwe's inflation now exceeds 160,000 percent a year. One U.S. dollar buys 4 million Zimbabwe dollars at the unofficial street rate. Mugabe and his close associates exploit differences between official and unofficial exchange rates to prosper while ordinary Zimbabweans go hungry or are attacked.

Zimbabwe is in shambles. The United States and Britain would doubtless like to act unilaterally, but dare not. Only Africans and the UN have unquestioned moral authority. Which African leaders will now emulate Nyerere's profile of courage in Zimbabwe's dire time of need?

PHARMACISTS FIRST LINE OF HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, pharmacies play a critical role in delivering health care in America. Local pharmacists are the first line of defense in recognizing health problems and providing medical advice. Unfortunately, it is becoming more and more difficult to find and retain pharmacists who will practice in rural areas. With the impending retirement of the baby boomer generation, this problem only becomes worse. It is estimated that over the next 20 years, there will be a shortage of 150,000 or more pharmacists nationwide.

We are already experiencing this problem in Kansas. Seven counties in our State do not even have one single pharmacist; and 30 other counties have only one pharmacist in the county.

During my time in Congress, I have advocated for community pharmacies, and I currently co-chair the Congressional Community Pharmacy Caucus.

I was pleased that this week the House chose to address several important issues related to the issue of pharmacists in H.R. 6331, the Medicare Improvement for Patients and Provider Act. This legislation includes provisions that community pharmacists from across my State have been tirelessly advocating for and that are important to keeping them in business.

The Congressional Community Pharmacy Caucus worked hard to get these necessary fixes included in this legislation, and I am gratified that they were included in H.R. 6331. These provisions are included in bills that I have sponsored, and they include prompt pay. The bill requires pharmacies to be reimbursed within 14 days if clean claims are submitted electronically and 30 days if submitted in other ways.

The AMP delay, this is the average manufacturer's price, the bill delays the implementation of the provisions creating the average manufactured price that was developed by CMS and which in my opinion is a terribly flawed system. The bill delays the implementation of the AMP system until after September 30, 2009.

Finally, the bill suspends the competitive bidding requirements in the durable medical equipment program for 1 year as well, as well as exempting diabetes test supplies from being subjected to the competitive bidding process.

It is important to the health of Americans and certainly to the health of rural Kansans that the Senate promptly adopt this legislation.

Also this week, it was my pleasure to participate in a ceremonial signing of the Kansas legislation that will allocate $20 million in funding to help the University of Kansas School of Pharmacy increase the school's ability to conduct more pharmaceutical research and expand the size of the entering class at the school. Under this proposal, nearly 200 students would be able to enter the program through a satellite campus in Wichita in a new building being built on the main campus in Lawrence.

The University of Kansas has a strong reputation for retaining graduates within our State. Sixty-three percent of KU pharmacy graduates live and work in Kansas. Increasing the educational capacity will give students an opportunity to learn, and will help address pharmaceutical shortages in our State.

I would like to commend the leadership of the university, especially the dean of the School of Pharmacy, Ken Andus; Executive Vice Chancellor Barbara Atkinson; Provost Richard Lavalare; and Chancellor Robert Hemenway. I would also like to thank the legislature of our State for seeing the importance of this expansion.

Madam Speaker, I appreciate the opportunity to commend the investment in this worthwhile project, and I ask that Congress continue to do its part to see that pharmacies remain an important component of delivering health care across America.

☐ 1830

RECOGNIZING THE CONTRIBUTIONS OF THE JOHNS HOPKINS UNIVERSITY TO THE STATE OF MARYLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, I rise today to recognize Johns Hopkins University located in the Seventh Congressional District in the great State of Maryland for its continued commitment to excellence and its monumental contributions to the advancement of our society and to the health and wellbeing of people throughout the world.

Johns Hopkins is a stalwart not only in my hometown of Baltimore City but the entire State of Maryland and this Nation. The university currently supports more than 85,000 Maryland jobs. More than 3 percent of the people receiving paychecks in Maryland either work for Johns Hopkins or have a job because of the money.

Additionally, the institution adds at least $7 billion a year of income to the Maryland economy. However, the University's groundbreaking research and contributions that can be felt throughout the entire world. The advancements that have been made in research and technology since the University's establishment in 1876 have been critical in keeping our Nation on the cutting edge.

The Johns Hopkins School of Medicine is one of the best in the world, receiving more research grants from the National Institutes of Health than any other medical school. The Bloomberg School of Public Health, renowned for contributions worldwide to preventative medicine and the health of large populations, ranks first among public health schools in Federal research support.

Madam Speaker, the medical breakthroughs made possible through Johns Hopkins research are saving lives every single day, and the University continues to make great strides in helping men, women, and children who suffer from illness. Just the other day in the Baltimore Sun, for instance, there was an article reporting new, unprecedented success by Johns Hopkins researchers in the treatment of multiple sclerosis.

MS is a chronic and often disabling, degenerative condition in which the body's immune system attacks the central nervous system. Symptoms of this disease range from numbness in the limbs to paralysis or blindness, and the programs and severity of this disease is unpredictable.

According to the National Multiple Sclerosis Society, approximately 40,000 Americans are currently suffering from MS and an additional 200 people are being diagnosed each week. Although there are apparently a variety of treatments approved by the Food and Drug Administration that can lessen the frequency and severity of MS attacks, there is not yet a cure for this debilitating disease.

However, this new research from Johns Hopkins offers a giant leap forward in the search for a cure. In a small college study, nine people were chosen to receive a single infusion of cyclophosphamide over 4 days and were followed for 4 years. Madam Speaker, these nine patients have experienced the most severe symptoms of MS, and most of them had failed to respond to other treatments.

At the completion of the 2-year period, researchers found that the treatment not only slowed the progression of MS, but it also restored neurological function that had previously been lost to the disease. Seven of the nine patients showed a decrease in the number of brain lesions in MRIs, and some even began walking, controlling bladder function, and returning to work for the first time in many years.

One of the patients in the treatment program, 30-year-old Richard Bauer, summed up succinctly what this research has the potential to offer those who are suffering from MS. And he said, "I was falling apart . . . trapped in my own body," and he continued, "I'm a regular person again. I've gotten my life back."

Madam Speaker, there are countless other patients who have benefited tremendously from Johns Hopkins research and who credit this great university for giving them back their lives. I am proud to applaud the work of this great institution and to recognize its contributions to the State of Maryland, to our Nation, and indeed the world.

DO NOT BELIEVE THE U.S. FEAR FACTOR PROPAGANDA AS IT RELATES TO OUR FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, today we saw some financial fireworks on the markets. The Dow Jones average was down 350-some points, gold was up $32, oil was up another $5, and there's a lot of chaos out there; and everyone is worried about $4-a-gallon gasoline. I don't think there is a clear understanding exactly why that has occurred.

We do know that there is a supply and demand, there's a lot of demand for oil. The supplies may be dwindling. But there are other reasons for high costs of energy. One is inflation. For instance, to pay for the war that has been going on and the domestic spending, we have been spending a lot more money than we have. So what do we do? We send the bills over to the Federal Reserve to create new money. In the last 3 years, our government, through the Federal Reserve and our banking system, created $4 trillion of new money. That is one of the main reasons why we have this high cost of energy in $4 gallon gasoline.

But there is another factor that I want to talk about tonight. And that is not only the fear of inflation and future inflation, but the fear factor dealing with our foreign policy.

And in the last several weeks, if not for months now, we have heard a lot of talk about the potentiality of Israel and/or the United States bombing Iran. And it is in the marketplace, and it's being bid up. The energy crisis is being bid up because of this fear. It's been predicted if bombs start dropping, that you're going to see energy prices double or triple. It's just the thought of it right now that helps to push these prices, the price of energy, up. And that is a very real thing going on right now. But to me, it's almost like déjà vu all over again, as has been said.

We listened to the rhetoric for years and years before we went into Iraq. We did not go in in the correct manner. We didn't declare war. We're there. It's an endless struggle. We're in Iraq. We're endlessly struggling there, and I cannot believe that we may well be on the verge of initiating bombing of Iran.

Leaders on both sides of the aisle and the administration have all said so often that no options can be taken off the table, including a nuclear first strike on Iran. The fear is, they say, maybe some day they're going to get a nuclear weapon, even though our own CIA and our NIE, National Intelligence Estimate, has said they have not been working.

The Iranians have not been working on a nuclear weapon since 2003. They say they're enriching uranium, but there's no evidence whatsoever that they're enriching uranium for weapons purposes. They may well be enriching uranium for peaceful purposes, and that is perfectly legal. They have been a member of the nonproliferation treaties, and they are under the investigation of the IAEA, and Alberidy last verified in the last year there have been nine unannounced investigations and examinations of the uranium nuclear structure, and they have never been found to be in violation. Yet this country and Israel are talking about a preventive war starting bombing for this reason without negotiation, without talks.

Now, the one issue that I do want to mention tonight is a resolution that is about to come to this floor, if our suspicions are correct, after the July 4th holiday. And this bill will probably be brought up under suspension, it will probably be expected to pass easily, and probably will be, and it's just more war propaganda, more preparation to go to war against Iran.

And this resolution, H.J. Res. 362, is a virtual war resolution. It is the declaration of tremendous sanctions and boycotts and embargoes on Iran. It's very, very severe.

Let me just read what is involved in this, if this bill passes, what we're telling the President he must do. This demands that the President impose stringent inspection requirements on all persons, vehicles, ships, planes, trains, and cargo entering or departing Iran and prohibiting the international movement of all Iranian officials. I mean, this is unbelievable. This is closing down Iran. Where do we have this authority? Where do we get the moral authority? Where do we get the international legality for this? Where do we get the constitutional authority for this?

This is what we did for 10 years before we went into Iraq. We starved children. 50,000 individuals that were admitted probably died because of the sanctions on the Iraqis. They were incapable at the time of attacking us, and all of the propaganda that was given for our need to go into Iraq wasn't true.

And it's not true today about the severity. And they say, Yeah, but Ahmadinejad, he's a bad guy. He's threatened violence. But you know, us threatening violence is very, very similar. We must look at this carefully. We just can't go to work again under these careless, frivolous conditions.

SOLUTIONS FOR HIGH ENERGY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, tonight I rise because my constituents in my district are sick and tired of paying record-high gas prices while Congress does nothing to increase domestic energy production. Imagine for a moment that you are a regular working mom struggling to make ends meet. You need to get the kids to and from school, you need to get to work, you need to buy groceries, you need to do all of the things that millions of working parents do every day. Then at the end of the week, you stop by the gas station only to find that prices are so high that you can't even afford to fill your tank. What do you think she would want from her representative in Congress?

I know what my constituents want us to do. Everything. We should allow exploration of America's own energy reserves in places like ANWR and the Outer Continental Shelf waters. We should bring new carbon friendly nuclear reactors online and begin the reprocessing of nuclear energy. We should invest in clean coal plants with carbon sequestration technologies. We should invest in research and development of alternative energy technologies, be that wind, hydro, geothermal, solar, and we should provide the tax incentives necessary to accelerate their deployment.

In short, we should do all of the above and more. America can neither drill nor conserve its way to cheaper energy. We must have a comprehensive approach that does have both short- and long-term solutions.

Madam Speaker, as a member of the House Science and Technology Committee, I have been a long-time advocate for research development for energy technologies like hydrogen, cellulosic fuels, solar, wind, and green buildings. In my own district, scientists at Argon National Laboratory are leading the way on the development of specialized batteries for special hybrid vehicles. They will allow motors to drive 40 miles before using a drop of gas. That's more than enough to cover Americans' commute to work and back. Then they can just plug the car into a regular electric socket and recharge it for another 40 miles.

I believe that the significant advances in these energy technologies are just around the corner, but in the meantime, we must provide relief to hardworking Americans being squeezed by soaring gas prices, and that means increasing the domestic supply of energy.

America is the only industrialized Nation in the world that prohibits oil and glass exploration in its Outer Continental Shelf waters. Foreign nations, like Cuba, are permitted to drill closer to our shores than the American companies; and yet instead of opening America's vast energy reserves, Congress forces us to rely on expensive oil from the Middle East.

I agree that examining futures markets for excessive speculation and exercising proper oversight is fine and good, but if we want to effectively curb speculation in the oil market, we should show that we are serious about developing our own energy reserves. When more supply is on the horizon developing our own energy reserves, speculators will have much less incentive to invest in oil commodities.

This debate isn't just about the price that Americans are paying at the pump. It's about the growing threat to our economy and our security. Last year alone, America increased its dependence on foreign members of OPEC by an additional 7 percent. How much more money and control are we willing to turn over to nations in these unstable regions of the world? And yet despite this growing threat, Congress is still debating legislation that holds zero potential to increase domestic energy production or help break our addiction to foreign oil.

Madam Speaker, I'm glad that the House leadership has finally realized that we need to bring bills to the floor to address America's energy needs. I just wish the legislation considered today was up to the task.

☐ 1845

SUPPLY AND DEMAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, you know, Americans are beginning to pressure the Democrats to face up to the basic law of economics: supply and demand. They understand that, despite all the rhetoric on the part of the Democrats, what we need is more supply to meet the demand for petroleum products.

The Democrats refuse to respond in the appropriate manner. What they continue to do is bring up sham bills, avoid the issue, and try to take away people's attention from the real issue.

So what they did today was bring up a bill under suspension of the rules, H.R. 6251, which they called use-it-or-lose-it. This has been their mantra for the past few days, trying to say again that the oil companies—and they love to beat up on the oil companies—have all the means at their disposal to meet the supply needs in this country.

However, the American people understand that's not true. Even 19 Democrats understood that that's not true, and thankfully, the bill did not pass because it required a two-thirds majority vote, and it didn't get that.

What H.R. 6251 would have done was threaten increased American energy production. It would do nothing to lower the price at the pump, and it would breach existing oil and gas contracts. But of course, what we've seen from this Democratically controlled Congress, they don't care much about the law. They don't care much about contracts, the basic part of our law in this country.

I want to share with you some editorials that have been written about this harebrain scheme on the part of the Democrats, but it's not just the Republicans who feel this way, and as I've said, 19 Democrats voted against the bill today. I'm very proud of them for standing up to their despotic leadership and voting "no" on this bill.

But here's some of the editorials that have come out about this legislation. The Charleston, West Virginia, Daily Mail, the hometown paper of Congressman NICK RAHALL, one of the main sponsors of the bill: "Now comes a new wrinkle, another attempt to dodge sensible policy—this one from West Virginia's Representative NICK RAHALL. He proposes to give big oil companies an ultimatum: Unless they drill on the 68 million acres of inactive land they now lease from the Federal Government—or give up those leases—they would be barred from getting new leases.

"Oh, for pity's sake. It may not be possible to produce from some reserves at the current price. Huffing and puffing around that American companies shouldn't have access to any new reserves until they have made full use of the reserves they have would unnecessarily delay the identification of new domestic sources, and production from those sources.

"Rahall's bill is yet another pitiful attempt to avoid doing what clearly needs to be done—make more U.S. reserves available to U.S. companies." That's in the Charleston Daily Mail editorial, 6/18/08.

The New Hampshire Union Leader: "Of all the dumb ideas to come out of Washington in recent memory, last week Representative CAROL SHEA-PORTER embraced what might be the dumbest of them all. SHEA-PORTER has cosponsored legislation to force oil companies that hold leases on Federal land to commence developing that land or lose the lease. Simply put, SHEA-PORTER hasn't the slightest idea what she's talking about."

Another one. "Furthermore, AAPG's Nation says, current leases already require oil companies to take certain steps to use the land. The premise behind the bill Representative CAROL SHEA-PORTER is cosponsoring—that oil companies have huge reserves of untapped oil wells sitting beneath already leased Federal land, which they can tap right away if only Congress orders it—is unsupported by the facts. Nation called it 'laughable.'"

It is a great day when the American people can prevail, when they will convince the Democratic leadership—and it's important that we say over and over and over and over again that it's the Democrats who are in charge of the Congress. They are the ones in charge of bringing bills to a vote. Republicans have common sense answers to this. We will increase American-produced energy sources, and it's time to bring those bills for a vote.

IRANIAN CONFERENCE IN PARIS: 2ND ANNUAL WORLD DEMOCRACY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my support for those who promote democracy in Iran and stability in Iraq. In Paris, thousands of Iranians have gathered to celebrate a big victory today. It is a great day for the Iranian people and their resistance.

On Monday, the government of the United Kingdom formally removed the Iranian opposition from the U.K.'s Terror list. This happened after many years of campaign by the organization. Legislators approved the decision of the Proscribed Organization Court of Appeal, which ruled in May that the People's Mujahedeen of Iran (MEK) should no longer be listed as a proscribed group.

It is a great day for the Iranian people, for all freedom loving people of Iran who have been forced to leave Iran, and for their just resistance. It was great to hear that the British government formally removed an Iranian opposition group from the U.K.'s Black list on Monday, after many years of campaign by the organization.

As a Representative of the 18th Congressional District of Texas, I have had the pleasure, of working with a strong and vibrant Iranian population in Houston. They have contributed immensely to the cultural diversity, economic and political dynamic of Houston. As a Member of Congress, I find Iran's support of terrorist organizations, pursuit of nuclear weapons, and dismal human rights record to be extremely worrisome. However, I am also concerned by what appears to be precipitous movement by this Administration toward yet another war in the Gulf region, without having first exhausted diplomatic means of addressing any conflicts.

I have long been an advocate of a free, independent, and democratic Iran. I believe in an Iran that holds free elections, follows the rule of law, and is home to a vibrant civil society; an Iran that is a responsible member of the region and the international community, particularly with respect to the proliferation of nuclear weapons. An Iran that, unfortunately, we do not see today.

Today, the Bush Administration announced a set of new sanctions against Iran. The Administration labeled the elite Quds division of the Revolutionary Guard Corps as supporters of terrorism, and stated that the entire Revolutionary Guard Corps was engaged in proliferating weapons of mass destruction. These designations trigger unilateral sanctions designed to impede the Revolutionary Guard, and any who might do business with it. These new sanctions mark the first time that the United States has taken such a step against the armed forces of any sovereign government.

The only effective way to achieve lasting peace and prosperity in the region, along with bringing about reforms in Iran's policy, is to assist the Iranian people in their quest to achieve political, social, and religious liberty. Every government can be judged by the way in which it treats its ethnic and religious minorities, and the current Iranian government gets a failing grade for its treatment of its many and diverse minorities.

Given the government's poor record for transparency and accountability, the International Atomic Energy Agency's (IAEA) inability, despite intensified inspections since 2002, to verify that Iran's nuclear program is not designed to develop a nuclear weapon is cause for great concern. While Iran states that the intention of its nuclear program is for electricity generation which it feels is vital to its energy security, U.S. officials challenge this justification by stating that "Iran's vast gas resources make nuclear energy programs unnecessary."

The controversy surrounding Iran's procurement of nuclear energy is cause for great concern, however, the Administration's avoidance of any and all diplomatic relations with Iran are cause for greater alarm. Moreover, the current rhetoric from the Bush Administration regarding war with Iran is both counter productive and highly inflammatory. While full diplomatic, political, and economic relations between the U.S. and Iran cannot be normalized unless and until enforceable safeguards are put in place to prevent the weaponization of Iran's nuclear program, these policy objectives should not constitute pre-conditions for any diplomatic dialogue.

Establishing a diplomatic dialogue with the Government of Iran and deepening relationships with the Iranian people would help foster greater understanding between the people of Iran and the people of the United States and would enhance the stability the security of the Persian Gulf region. Doing so would reduce the threat of the proliferation or use of nuclear weapons in the region while advancing other U.S. foreign policy objectives in the region. The significance of establishing and sustaining diplomatic relations with Iran cannot be overemphasized. Avoidance and military intervention cannot be the means through which we resolve this looming crisis.

I am planning to introduce important legislation that will call for human rights and religious freedom in Iran. The Iranian people have continued to ask for democracy to reign free in their country and I intend to support the Iranian people in that endeavor. As you know, over the past few months, the people of Iran have been standing up to Iranian government. I am aware that at least 5000 acts of protest took place last year. I applaud your efforts to encourage those who have raised their voices against the extremists in Iran.

The United Nations has condemned Iran 54 times for its atrocious human rights record. Inhumane treatment of youths, women and workers by the government of Iran is further evidence of the regime's intolerance. Iranian women have shown they play a pivotal role in establishing democracy and ensuring human rights in Iran.

We all must work together for a stable and democratic Iraq. Today, there is undisputable evidence that Iran is the main contributor to the violence in Iraq which causes American casualties. The extremist government in Iran has acted to ensure the failure of Iraqi reconciliation. Iran is part of the problem in Iraq and does not wish to be part of the solution. But Iraq's tribal leaders are standing up to the Islamic extremism coming from Iran. I know that over 3 million Iraqi Shiites have signed a declaration this month rejecting Iran's meddling. They have also shown support for the Iranian opposition MEK living in Ashraf. I support their invaluable efforts for peace and stability in Iraq.

Although many disagree with the current status of this war in Iraq, all agree that we must collectively work to stop Iranian-style fundamentalism from taking root in Iraq. Let me here recognize your actions in support of democracy in Iraq as well as in Iran. With many continuing to suggest that military action in Iran is the best way to deal with our political discrepancies, it is now time to renew our efforts in strengthening our diplomatic policies in the Middle East. The same people who called for attacking Iraq now are raising the drumbeat for military action against Iran.

Despite the November 2007 U.S. National Intelligence Estimate concluding that Iran had halted its nuclear weapons program, the Bush administration is bolstering its case for war by labeling Iran one of the greatest threats to American security. Bombing Iran would bring disastrous consequences. The entire Middle East likely would descend into further violence putting the well-being of innumerable civilians at risk. U.S. standing in the world would plummet and oil prices would soar. A U.S. attack would only strengthen hardliners in Iran.

Supporting the efforts of the Iranian people who want democracy is especially important now that the UK government confirmed on June 24, that the MEK was no longer "Concerned in terrorism", and officially took the name of the organization off their black list. This is a great victory for the cause of democracy in Iran. In light of the recent developments, the United States must seriously consider the court's findings and also remove the limitations it has placed on the MEK.

The world community must strengthen the sanctions on the clerical regime. It must also immediately recognize and support the Iranian resistance as the democratic alternative to the regime in Iran.

Today, the mullahs are increasingly using oppression inside and terrorism outside of Iran as a foreign policy tool. The solution to the current crisis is often perceived to only have two solutions—war or appeasement. I disagree. There is a third option. The Third Option introduced by Mrs. Maryam Rajavi relies on the strength of the Iranian people and their organized resistance. This is the best and least costly alternative. Let us not continue to make the mistake of appeasing Iran. As a viable alternative, we must move to support the Iranian people and their resistance. Only you can bring about democratic change in Iran.

I have come to know the people of Iran and appreciate their thirst for freedom. My message to them is this: rest assured that it is attainable. I wish you the best in your struggle for peace, freedom and democracy.

DISTRICT OF COLUMBIA v. HELLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, today the Supreme Court made a strong move in support of individual gun rights in their decision in District of Columbia v. Heller.

Since 1975, the residents of Washington, D.C., have had their second amendment rights to bear arms stolen from them by the D.C. government. The second amendment to the U.S. Constitution declares that: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Our Founding Fathers knew that without the second amendment, an oppressive government would eventually try to tear away our rights. They could not trust the government to always protect our rights, and so they wrote the second amendment. As James Madison later wrote: "Who are the best keepers of the people's liberties? The people themselves. The sacred trust can be nowhere so safe as in the hands most interested in preserving it."

The second amendment protects the fundamental, individual right of law-abiding citizens to own firearms for any lawful purpose. Further, any law infringing on this freedom, including a ban on self-defense and handgun ownership, is blatantly unconstitutional. Every study has shown that gun control is not effective in curbing crime. Rather, these types of restrictions only leave law-abiding citizens more susceptible to criminal attack. Other than law enforcement, only criminals have had handguns in the District of Columbia.

The Supreme Court took a strong step forward today to protect the individual gun rights of Americans, and I applaud them for doing so. As Justice Scalia stated, "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."

Though the Supreme Court's decision does champion the individual right to bear arms, it also allows restrictions based on type, manner of carrying, purpose, sensitive location, and commercial sale of handguns.

Most alarmingly, the Court irrationally envisioned that their holding may completely detach the second amendment right from its purpose. Regarding the purpose of the right, United States General George Washington Stated, "A free people ought not only be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."

Recognizing an evolving standard that limits the right to weapons to only those "in common use at the time" and accepting prohibitions of "dangerous and unusual" weapons, the Court gives short shrift to the fact that modern laws, of the very sort it strikes down today, have prevented the common use of "sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government," as George Washington envisioned.

The ruling outrageously claims that, "the fact that modern developments have limited the degree of fit between the purpose and the protected right cannot change our interpretation of the right." The truth is that our second amendment right must fit the purpose, and this Court has separated the two. This Court wrongly leaves loopholes for prohibition of weapons that would be necessary for today's militia duty. Militia, at the time of our findings, included every male 18 years of age or older.

I am an avid hunter and outdoorsman and proud owner of numerous firearms. The National Rifle Association, Safari Club International, and Gun Owners of America are just some of the numerous sporting associations that I am a life Member of. A full-body-mounted African lion and Kodiak grizzly bear are just a few of my prized trophies that visitors see when they come to my D.C. office.

I strongly support the Constitution's second amendment right to bear arms and will defend the rights of law-abiding citizens to purchase, use, carry, and keep firearms. I vigorously oppose all attempts to restrict the second amendment.

I believe that any law, whether at the local, State, or Federal level, which restricts or infringes upon law-abiding citizens' ability to own a firearm is unconstitutional and should be repealed.

The plain language of the Second Amendment clearly indicates that it was written to protect an individual's right to keep and bear arms. I believe, as George Washington, Thomas Jefferson, James Madison, John Adams, and other founding fathers believed, that the individual right to bear arms is a representation of freedom and independence and I will always defend that right from abusive regulations and licensing.

AMERICAN ENERGY SOLUTIONS FOR LOWER GAS PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Madam Speaker, I just wanted to start out by saying that I know that I can't talk directly to the American people, but I hope that if anyone is out there listening that they would listen to my comments that I make to you.

Madam Speaker, I guess about 2 weeks ago probably I started getting some phone calls about different petitions on the Internet and other places about the prospects of America becoming more energy independent, that we would not be dependent on foreign oil sources, and that we would be able to use our own natural resources to meet our energy needs.

And people began to ask if I had gone and signed them or had seen them. One was on americansolutions.com, which offered to increase domestic oil drilling. There was one about a gas holiday. There were several about developing alternative energy sources. But there were some interesting petitions against drilling by Democratic Senator Ms. BOXER, the Sierra Club and Greenpeace.

As I walked into a service station in my district, there was a petition on the counter, Madam Speaker, that said: Sign here if you want to let your representatives know that you're for lowering gas prices. And I'm assuming that the proprietor of that station had it there to keep people from talking bad to him about the price that was on his pump.

But what I decided after looking at all these different petitions is that I would come up with a petition so the American people could understand where their representative was at. We know where our constituents are. I think on the American Solutions petition they are at like 1.7 million people. So we can kind of understand where the American people are at. They want us to be independent. They want us to increase our U.S. oil production.

So what I decided to do was come up with a petition, and what this petition says is: American energy solutions for lower gas prices. Bring onshore oil online; bring deepwater oil online; and bring new refineries on online. Realize, we have not built a refinery in this country since the late 1970s.

☐ 1900

And you may not realize this, because we're always talking about crude oil, but you might not realize that the United States imports 6.2 billion gallons of gas and 4.6 billion gallons of diesel every year. We import these from the United Kingdom, U.S. Virgin Islands, France, Canada, Netherlands, Norway—which, by the way, Norway is now the third largest exporter of crude oil, and back in 1965 they were energy dependent on foreign oil and they decided that they would open up to drilling in the North Sea. They are now the third largest exporter of crude oil. But we import refined gas from them—Germany, Russia, Italy, and of course the OPEC countries, which don't even really have that much refining capacity, Madam Speaker, but yet we buy refined gas from them.

So I got a petition, I've had it over here on the wall, Madam Speaker, for probably about 2 weeks now. There are 435 spaces for the Members, and then there are seven spaces for the delegates from the U.S. territories. And I'm happy to say that we've had 191 signatures. Now, this may be too simple for some people because all it says is, "I will vote to increase U.S. oil production to lower gas prices for Americans." And so we need your help, Madam Speaker. We need you to sign. I don't think you're on it, Madam Speaker.

But we've got a Web site, and it's our Web site at house.gov/westmoreland. And on there we have everybody that has signed, and we have everybody that we've talked to that said they would not sign. So we've got two columns, we've got a signers and a non-signers. And then also, just to let you know, we have notified every office here at least once, we will do it again next week. And some people said have, well, Congressman, they ask me how long have you been working on this? And I say, well, about almost 2 weeks. Well, how come you only have 191 signatures? Well, Madam Speaker, I'd ask people that ask me that question, Sunday, when they're at church, try to talk to 450 people on a Sunday, it's almost hard to do, especially when you get in different conversations with folks. So if you want to understand, house.gov/westmoreland, Madam Speaker, that's where somebody would go if they wanted to see where their Congressman was at on this simple petition that basically just says, "I will vote to increase U.S. oil production to lower gas prices for Americans."

I would like to yield some time to my friend from Indiana.

Mr. BURTON of Indiana. Let me just say to my good friend, Congressman WESTMORELAND from Georgia, I am so happy that you are going to all this trouble to get all of our colleagues to sign this petition. And if you're at 191, you're not too far short of 218. And when you get 218, I will join with you to go to the Speaker and show her that we have 218 signatures—or you do—and that they ought to bring this to the floor for a vote because a majority of the House wants this done.

You know, we passed another week. A week has gone by since you and I, I think, last were on the floor. And everybody's going home for the 4th of July recess—they're going to be in parades, they're going to be on radio, they're going to have town meetings—and we haven't done anything about reducing the price of gasoline or moving toward energy independence. And so I, like you, if I were talking to the American people right now, I would say, when your Congressman or your Senator is in that parade, I want you to talk to them strongly and say, we want you to drill in America. We want you to move us toward energy independence. We've been talking about it since Jimmy Carter was President 30-something years ago, and we aren't doing anything. And that's why we're dependent on foreign oil and that's why gasoline prices are over $4 because we aren't producing the oil here, we're sending it overseas.

We're sending over $400 million a day to Saudi Arabia to pay for oil that we're using. We could use that money right here in America, and it would help create jobs and expand our economy. We're sending $125 million a day to President Chavez in Venezuela, who's trying to move every country in this hemisphere toward communism and who is a good friend of the Castro brothers, Fidel and his brother Raul.

We have big problems here because we aren't drilling in America. And we need to have everybody in this country contact their Congressman and Senator and say, hey, listen, get with the program, it's time for us to move toward energy independence. We can't have this economy of ours suffer anymore.

I would like to enter into the RECORD, Madam Speaker, if I might, a letter that was sent by the American Association of Petroleum Geologists. These are the experts that say there is oil here, we ought to drill here, and here's how we ought to do it and here's how we ought to explore. And when you read this letter—which is now going to be put in the record—it tells very clearly that drilling costs for one well onshore costs a half a million dollars, and offshore it can cost up to $25 million. And so these geologists, when they get these permits to drill in a certain area, they go out to make darn sure that there's oil there before they sink a well that's going to cost $25 million. And that's an exploratory well. And it's a half million dollars if you drill onshore. So we're talking about big money. And when you realize that 68 percent of the people who drill for oil are independent drillers, they're not the big oil companies, and 87 percent of the people who drill for gas are not the big oil and gas companies, they're individual people who have small companies, and if they find oil they're going to get it, and if they find gas they're going to get it. And so this idea that these permits are not being researched and looked at is just crazy.

And when you read what the American Association of Petroleum Geologists said, and the President is a Mr. Willard Green, you realize that these people want to get oil and gas out of the ground, they want to get it out of the offshore sites on the Continental Shelf, and they can't do it simply because they don't have the ability to pursue these permits.

Only 3 percent of the area offshore is available for permitting and for drilling for oil; 97 percent of the Continental Shelf isn't being touched. And we have about 80 percent onshore that's not being touched. We ought to explore every place we can to move this country toward energy independence. We ought to remove ourselves from being dependent on Saudi Arabia, who isn't really a friend of ours, and on Venezuela, which really isn't a friend of ours, and other countries that aren't friends of ours. We ought to really move towards energy independence. And the minute we announce we're going to do that, we're going to drill on these sites, I'm sure the American people realize the price of oil is going to go down. The competitive nature of the free enterprise system and supply and demand will force the price of oil down, and it means the price of gasoline will go down as well.

JUNE 3, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists (AAPG), on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members; The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development. and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region, Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right, you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, "Where oil is first found is in the minds of men." When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use these data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether they conform to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of these data improve the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience & Energy Office in Washington, D.C. at 202-684-8225 or 202-355-3415.

Sincerely,

WILLARD R. (WILL) GREEN,
President, American Assoication of Petroleum Geologists.

And when they talk about these speculators, there are people that speculate in gas futures and oil futures, there is no question about that. But the minute we say we're going to drill here in this country, you watch those prices drop; you watch those speculators start getting out of the market and selling what they have. And that will force the price down on oil, it will force down the price of gasoline, and it will help this country.

And let me just say to my colleague—and I really appreciate him yielding to me—if we don't get with the program, if my colleagues on the other side of the aisle and the Senate and the House don't work with us on this side of the aisle, we're going to end up with gasoline prices being $5 or more per gallon. And if we have a conflict in the Middle East, as we've heard talked about here tonight, it could go much higher than that. That will put extreme pressure on this economy.

And I hate to predict this, but I really believe that if we don't get control of this situation and start drilling onshore and offshore in our territory, I think we could have a severe economic recession in this country. And when I say severe, I mean severe. The price of food is going up rapidly, the price of gasoline is going up rapidly. The price of products that are shipped across this country, which is almost—everything is going up very rapidly, and we're not doing a darn thing about it because we're depending on the Saudis.

We had Senators go over to the Saudis just recently and ask them to open up more oil fields so we can buy more of their oil. Why are we doing that? Why aren't we drilling in America so we don't have to depend on foreign oil? It makes absolutely no sense to send billions and billions and billions of dollars overseas and to other countries that don't even like us when we won't even drill here in the United States.

And so I am so happy that my colleague has taken the time and the effort to get the message out to our colleagues that they ought to sign onto this petition. And I know he feels like I do—and we come down here night after night talking to each other—that we would like, if we could talk to the American people, to put pressure on their Congressmen and Senators to sign onto this policy of drilling in America, to sign this petition so we can move toward energy independence. If we do that, and I would say this to my American friends all across this country, if we do that, you watch the price of gasoline go down. It will go down like a rock. You will see gasoline below $3 before you know it. But we have to say that we're going to drill for oil in this country, onshore and offshore. The minute we do that, America, just watch these prices go down. But first of all, we have to get this body and the other body, the House and the Senate, to get together and say, okay, we're going to drill. And we can't do that unless the American people put pressure on their Congressmen and Senators to sign on.

You have done yeoman service to this country, Congressman WESTMORELAND, because you've got 191 Members that have already signed that. And I'm going to work with you to get 218. And as I said before, the minute you get 218, I will walk with you to the Speaker's office and say, hey, it's time to bring this to the floor.

You're doing good work. I'm proud of you.

Mr. WESTMORELAND. I want to thank my friend from Indiana. And I want to get 300 signatures because I would like for the American people to know that way more than just a simple majority is behind them for making sure that, not necessarily those of us that are our age, but our children and our grandchildren will not have to go through the things that we're going through today. Because in 1995, this Congress passed drilling in ANWR and President Clinton vetoed it. And by all estimates today, 13 years later, we would be getting one million barrels of oil a day.

And as Senator SCHUMER said over in the Senate about 2 weeks ago, if we could get OPEC to increase oil production by one million barrels a day, it would lower the price of gas 50 cents a gallon just like that.

We don't need to be sending our President over to foreign countries—and especially those that are not that friendly to us—with hat in hand on bended knee asking them to use more of their natural resources to provide us with oil when we won't use our own natural resources.

In talking about that, because this is the one thing that gets people fired up, Madam Speaker, and really gets those lines hot, that they want to find out if their Congressman has signed this very simple one sentence, is that it says, "In a recent interview on al Jazeera, Chavez"—now this is Hugo Chavez from Venezuela—"Chavez called for developing nations to unite against U.S. political and economic policies. What can we do regarding the imperialist power of the United States? We have no choice but to unite," he said. "Venezuela's energy alliances with nations such as Cuba, which receives cheap oil, are an example of how we use oil in our war against neoliberalism," he said. Then there was another date, on March 15, 2005, in the Washington Post, Mr. Chavez says, "We have invaded the United States, but with our oil."

Now, that would make your blood kind of boil, Madam Speaker, but this is what really gets people off is the fact that every day American families and businesses in this country write Hugo Chavez a check for $170 million. That $170 million could be going to our country. It could be going to provide energy independence. It could be going to provide jobs and build an industry, put into infrastructure; $170 million a day to Mr. Chavez.

Now, what we've been doing this week with the Democratic majority—and let me remind you, Madam Speaker, that it was back in April of 2006 that then Minority Leader NANCY PELOSI made a statement, and she said, "Democrats have a commonsense plan to bring down the skyrocketing price of gas." And at the time it was about $2.06 a gallon. We are waiting on that commonsense plan to be unveiled. We're waiting on it. And we heard that there were going to be about four energy bills this week. And Madam Speaker, the energy bills that were brought out this week was kind of like putting lipstick on a pig.

H.R. 6377, the speculation bill, this is what it says, "to direct the Commodity Futures Trading Commission to utilize all its authority." In other words, we passed something that's already existing law. That's what we did, we passed something that was already existing law.

I want to read to you what happened in some quotes from H.R. 6. H.R. 6, Madam Speaker, was a bill that the new majority passed in January—I believe it was January 18, 2007—shortly after taking over, after they had promised the American people that they were going to lower gas prices. And I do want to read this one quote before I start reading these others. This is from PAUL KANJORSKI, and this was about 2 weeks ago. It said, "A man was trying to question Mr. KANJORSKI about his remarks that Democrats had overpromised during the 2006 congressional elections by implying that they could end the war if they controlled Congress."

□ 1915

"Now, anybody who is a good student of government would know that that wasn't true," Mr. KANJORSKI said at an Ashley town hall meeting in August, "but you know the temptation to want to win Congress back. We sort of stretched the facts, and people ate it up."

Yep, they ate it up. And right now they're paying a price for it.

I want to read you some quotes. These are from January 18, 2007, when we were debating H.R. 6:

Mr. PETER DEFAZIO: "It is sad to see the Republicans come to this. Now they laughingly say that this will lead to higher gas prices."

Well, gas was $2.23 a gallon on the day Mr. DEFAZIO made his statement. It's about $4.08 today. So we were probably right. This was no way to lower gas pries.

The same day, January 18, 2007, Mr. JIM MCGOVERN said: "What we are doing today really is responding to the outcry of the American people who are outraged by the fact that in the midst of being gouged by Big Oil . . . "

Well, we have had seven investigations into price gouging, and it hasn't lowered the price of gas. In fact, it has gone up almost $2 a gallon since that statement was made.

The same day, JOHN HALL: "Today we are going to take back the tax giveaways to Big Oil so we can give the American people a break at the pump."

January 18, floor statement, KATHY CASTOR: "Instead of giving away billions of dollars to big oil companies which made multimillion dollar profits last year, the new Congress intends to chart a course in a new direction by investing in alternatives for the American people. This will help America become energy independent and ultimately lower the utility costs for average Americans."

I would like to tell the gentlewoman that the price of natural gas is twice what it was.

Mr. BURTON of Indiana. Will the gentleman yield for a moment?

Mr. WESTMORELAND. I yield.

Mr. BURTON of Indiana. I just want to follow up the train of thought that you have.

These taxes that they want to put on Big Oil, if there are excessive profits made and there is collusion or something like that, if there is criminal behavior, obviously everybody wants to make sure that doesn't take place. But whatever they're promising, everything that I have seen the opposition party promise, is that they are going to hit Big Oil with more taxes. That isn't going to get one more drop of oil to the——

Mr. WESTMORELAND. Reclaiming my time, evidently taking these tax breaks away is not lowering the price of oil either.

Mr. BURTON of Indiana. No. That's right. They want to take tax breaks away. They want to increase taxes. And when you pass a tax increase on to a business or industry, oil or automobiles or whatever it is, it's passed on to the consumer in the form of price increases. So if they raise taxes, it won't give us one more drop of oil, which we ought to be drilling for right now, but it will make more expenses for the companies, and unless they can prove wrongdoing, those expenses will passed on to the consumer in the form of another price increase. So raising the taxes on the oil companies is only going to exacerbate the problem and make the cost of oil go up more. And I don't understand why my colleagues don't understand basic economics and the law of supply and demand. It makes absolutely no sense whatsoever.

We need to pass legislation that will get more oil to the refineries, build more refineries, as you've said, and start getting the price of oil down because we are energy independent. And just talking about, okay, we're going to hit Big Oil, that may resonate with a lot of people. Some people say, oh, my gosh, they are not paying enough taxes. They ought to be taxed more. They are making too much in profits. That's not going to bring any oil to the market, not a drop.

So I just say to my colleagues, quit beating on a dead horse. We have got to become energy independent. We have to drill here in America. And I hope everybody in the country who may be looking at this, and we can't talk to them, but everyone in the country who is looking at this tonight ought to ask their Congressmen and Senators, Is what you're talking about in Washington going to bring one more drop of oil to the marketplace? Is it going to move us toward energy independence? And if it isn't, they ought to sign that petition. They ought to get on with the program in making us more energy independent.

I thank the gentleman for yielding.

Mr. WESTMORELAND. I thank you for saying that because that's exactly true, and the petition is actually so simple, one line: "I will vote to increase U.S. oil production to lower the price for Americans." And you can go to house.gov/westmoreland and see if the Congressman is there.

Madam Speaker, you would really have been intrigued at some of the things that I heard about why they couldn't sign it.

But I want to continue on. These are quotes from the H.R. 6 debate, which was on January 18 of 2007, after the new majority, the Democrats, had overpromised the American people, as admitted, and now they were coming up with something that was satisfying that radical environmentalist base of theirs, whom they felt like they owed their victory to, at least in part. So they were going to take away the tax breaks and other things.

I'm not a big fan of Big Oil. Don't get me wrong. But I had a high school economics teacher, and I didn't pay that much attention in school, but Colonel Wofford at Therrell High School there in Atlanta taught us that taxing manufacturers or producers does not lower the price to consumers. So for whatever that's worth, I will give that to the majority.

Mr. BURTON of Indiana. If the gentleman would yield, let me just elaborate on that really quickly.

I hope everybody who may be paying attention to this, our colleagues in their offices, realize that business and industry have a certain margin of profit that they have to make to keep the doors open, whatever it is. And as you have just said, if they are taxed and they have a margin of profit of 8 percent and you raise their taxes, they're going to pass that cost increase on to the consumer in the form of a price increase. And that's what my colleagues on the other side of the aisle, your colleagues, don't understand.

We really need to do what's necessary to move toward energy independence, and raising the price of gasoline by taxing these companies is not going to solve the problem.

I thank the gentleman for yielding.

Mr. WESTMORELAND. Thank you.

January 18, and these are quotes from H.R. 6, which was their mantelpiece legislation. This was their commonsense plan, I guess, for bringing down the skyrocketing gas that at the time was $2.23 a gallon:

Ms. SHEILA JACKSON-LEE said: "The price per barrel of oil is $50 plus." Today I think it's about $140.

She goes on to say: "And so what is this Congress and this leadership doing? It is doing the right thing."

January 18, floor statement by STEVE ISRAEL: "This dependence on foreign oil, Mr. Speaker, is a glaring threat to our national security."

I could not agree with you more. But we are more dependent today than we were when you made that statement.

Mr. JOHN LEWIS, my colleague from Georgia: "More than ever we need to get our priorities straight. We need to stop dancing while Rome burns and reverse the damage we have done to our environment. The American people need relief from energy costs."

And I couldn't agree with you more, Mr. LEWIS, but the problem is that gas has almost doubled since you made that statement.

RAHM EMANUEL: "Mr. Speaker, let's review the score: "Big Oil, one; taxpayers, zero. Now the score is tied, and we are just getting warmed up."

Well, I hope you're about as warm as you're going to get, Mr. EMANUEL, because I don't know if we can stand any more of this.

January 18, 2007, floor statement from ALLYSON SCHWARTZ: "The United States imports 65 percent of the oil we consume. We spend $800 million every day on foreign oil-producing countries. This threatens our economic stability, our environmental security, and our national security, and today we say 'enough.'"

Well, I say "enough" too, but if we had said "enough" then and started producing our own oil and started using our own natural resources, maybe oil wouldn't have almost doubled since then.

The chairman of the Democratic Congressional Committee, Mr. CHRIS VAN

HOLLEN, said this: "This is the time to change direction, to set a new course on energy policy, to say to the country we're not just talking rhetoric, we mean what we say."

Mr. JOHN YARMUTH: "Mr. Speaker, my constituent, like yours, paid over $3 a gallon for gas last year. Isn't that enough?"

Absolutely it's enough. But today we are paying over $4 a gallon, and the reason we are is because we refuse to use our own natural resources for the health of this country and, like so many of these other statements said, for the national security of this country.

STEPHANIE TUBBS JONES: "Critics of H.R. 6 argue this measure will place an undue burden on oil companies which will lead to higher gas prices."

Okay. We must have been right because what happened was after H.R. 6, with gas being $2.23 a gallon, today it is $4.08.

What we are trying to do, before I yield to some of my colleagues, we have that petition that my friend from Indiana and I have been talking about, and what it says is "I will vote to increase oil production to lower the price of gas." And what that means is bringing onshore drilling online, offshore drilling online, deepwater oil online, and bring in more refineries online.

If we bring onshore oil online, it will save anywhere from 70 cents to $1.60 a gallon. To bring deepwater oil online, the Outer Continental Shelf, 90 cents to $2.50 a gallon. To bring new refineries online, and not one has been built since 1976, would save anywhere from 15 to 45 cents. The gas tax holiday, 18 cents. To halt oil shipments to the Strategic Petroleum Reserve, a nickel.

Now, I have got some more quotes on that, and, of course, this was passed in the House probably back in May. We stopped those shipments in July, and so we should find out if it's going to bring it down a nickel a gallon. But if you look at what the Democrat plan was, and this is that commonsense plan, I'm assuming, but "sue OPEC," we have had a lot of success with that. "Launch the seventh investigation to price gougers." "Launch the fourth investigation to speculators." Now, we put that lipstick on that pig today with the speculation bill, that we just really passed something that's already on the books.

"Twenty billion dollars in new taxes on oil producers." I can hardly wait to see what that does to lower the price of gas. And we've seen that just not even putting the new taxes on them but just taking tax relief away from them has caused gas to almost double.

And then of course they've got "halt oil shipments," which is a nickel.

You can see that if we put our policies in place that gas today would be somewhere around $2.10, and that's using very conservative savings over there. And you can see that if this works, and we don't even know that this is going to work, it would be about $4.03.

So we hope that we will get 300 signatures on this petition to show the American people that we are not going to lie here in a fetal position or just keep doing repetitious things to make you think we are doing something. So if you could just go to the house.gov/westmoreland and look at it. We had 45,000 hits on it, Madam Speaker, last night. And we have had a couple of Members that have come to us and said, We have heard and we want to go from the "would not sign" to the "sign." So we can't do it, Madam Speaker, if people aren't going to be involved with us because we don't have that much influence over the majority.

I would like to yield to the gentlewoman from North Carolina, my classmate (Ms. FOXX).

Ms. FOXX. Thank you so much, Mr. WESTMORELAND. Thank you for leading this Special Order tonight and for the work that you have been doing for the last several weeks on this issue.

I think it's important that we say over and over and over again that the Republicans do have a plan to lower gas prices. We are doing everything that we can to create new sources of American-made oil because we are in touch with the American people. We go home every weekend. Most of us worked for a living before we came here; so we know what it's like to meet a payroll. We haven't been in government all our lives. We haven't served in the Congress for 53, 54 years.

□ 1930

We are out there every weekend talking to the folks that we represent, and we know how the high prices of gasoline are hurting them. I think the Democrats are in strong denial. They think, again, that they can continue to bash the oil companies and hide their heads in the sand about what is going on.

I want to thank you and our colleague from Indiana and our other colleagues that are going to be speaking tonight who are exposing the Democrats for who they are and what they are. Again, as I said earlier, it's important that we let the American people know it's the Democrats who are in control. The President cannot create new gas sources or new oil sources. Only the Congress has the power to do what needs to be done. So we need to set the record straight.

It seems like the Democrats want to do everything possible to avoid creating new oil and bringing down the price of gasoline. They purport to represent the little person, the common person, the average person in this country, but it's obvious that that's not who they care about. They care about the radical environmentalists and toeing their line.

Now I consider myself an environmentalist. My husband and I are in the nursery and landscaping business. I cherish the earth. I am a big recycler. I am very careful about how I spend things. When you grow up poor, you learn to be careful with money.

But we know that our Speaker is the wealthiest person in Congress. Many of the Democrats are among the wealthiest people in the Congress. This really isn't hurting them at all. Again, I think it's very important that we debunk what they are trying to say to the American people about why their "use it or lose it" is what needs to be done. Again, they are good at blaming everybody else in the world for the problems that they create or that they can't solve.

I want to talk a little bit about their comment that all we have to do is get the oil companies to use the leases that are available to them and put out some facts. We had the Truth Squad. The Truth Squad hasn't been active lately, but we need to bring it back. As our colleague says, You're entitled to your own opinion, but you're not entitled to create facts.

So let me say something about why we need to do something more than simply pass legislation that has already been passed. During President Reagan's administration, 160 million acres of onshore land was leased for exploration. Today, only 50 million acres are leased. Only 6 percent of Federal onshore land is available for leasing. ANWR contains 10.4 billion barrels of oil, but is 100 percent closed.

I want to say something about ANWR, and I want to say something—I saw these pictures on TV again tonight. When ANWR is portrayed, it is usually portrayed as this meadow with daisies growing in it, animals grazing. That isn't what ANWR is. ANWR is a frozen desert. The temperature gets to 60 degrees below zero there sometimes. Practically nothing grows there.

I was all over Alaska in 2005. I saw the oil fields. And, you know what? The oil fields don't look like the oil fields they show you on TV either. We have got to get those guys to get up-to-date pictures. You don't have these big cranes going up and down and back and forth like this. The oil wells don't even look like oil wells. They are little boxes with some gauges on them. If somebody didn't tell you that they were drilling oil there, you couldn't possibly know it. So we are not going to be spoiling our scenery, and we are certainly not going to hurt ANWR.

The OCS contains 86 billion barrels of oil, the Outer Continental Shelf, but 97 percent of it is closed. Onshore Federal land contains 31 billion barrels of oil, but only 6 percent of it is open to exploration. Oil shale on Federal land contains 2 trillion barrels of oil, but is 100 percent closed.

The Democrats' claims are wrong. They claim that there are 4.8 million barrels and 44.7 billion cubic feet of natural gas per day that may be extrapolated from unused Federal leased lands. Stephen Allred, Assistant Secretary of the Land and Minerals Management, wrote that anyone who makes these claims has a "misunderstanding of the very lengthy regulatory process. Lessees must comply with permit upon permit, often 27 total permits, without any drilling, and a lease does not equal oil. A lease is not a permission to drill, a lease is a permission to explore."

The Democrats assume that every acre of leased land can produce the exact same amount of oil and gas as the very best producing acres. This argument is not based on science, fact, or even common sense. A lease doesn't guarantee the discovery of oil and gas. A lessee may never actually find oil or gas. Between 2002 and 2007, 52 percent of all exploration wells were dry.

We have got to set the record straight. We can't let the Democrats get by with talking about things that aren't true and trying to fool the American people.

I see my colleague from Georgia has some wonderful maps here. Let me defer to you to talk about ANWR a little bit.

Mr. WESTMORELAND. Well, what I wanted to point out, this is what ANWR looks like. It's kind of a frozen tundra. I had some young people up here the other day from a school, and one of them asked me a question, said, Are you for drilling in ANWR? I said, Yes, I am. She kind of frowned. I said, Why? She said, I don't want you to ruin all the beautiful trees up there.

I tried to find a tree. I couldn't find a tree on the place. So there's a lot of misunderstanding out there about what it is. Then you can look at the size of the Arctic National Wildlife Refuge and then the ANWR part as compared to the whole State of Alaska. A lot of people don't understand that Alaska—we have got a map of it somewhere—it's bigger than Texas. I know Mr. CONAWAY is here from Texas. Three times the size of Texas.

In fact, I will let Mr. CONAWAY talk about Texas and ANWR and other things, if he would like.

Ms. FOXX. If I might, before Mr. CONAWAY speaks, I want to make one more comment. I have been getting a lot of letters in the last couple of weeks from boy scouts who are talking about their concerns with what is going on. I got one this week that was really heart-rending. He said, If the price of gas keeps going up, we are not going to be able to go on vacation, we are not going to be able to go to the grocery store. We are not even going to be able to go to church anymore.

I think it's a real shame that we have people out there who are being denied the opportunity even to go to church because they cannot afford the price of gasoline. That is a sad state that we have come to in this country, and it's a sad commentary on the Democrats when they want to allow that to continue, when they have the power to do something about it.

I yield back.

Mr. WESTMORELAND. Let me say this, that it is a shame that we are having to limit so much of the travel. We need to conserve, but we can't conserve our way out of this. The real shame of this is when winter comes and natural gas is twice what it was. Mr. PETERSON from Pennsylvania was down here the other night and really opened my eyes to it. Not only are people not going to be able to leave their home, they are not going to be able to stay warm in their home when the winter comes and the price of natural gas.

To another one of my classmates and colleagues, Mr. CONAWAY from Texas.

Mr. CONAWAY. Well, I thank my classmate from Georgia for hosting this hour tonight.

We spend an awful lot of time at these microphones, both sides, basically talking past each other. Usually, the rhetoric is heated, and we don't listen. My experience is this is the worst 435 listeners on the face of the Earth because we are clearly more interested in hearing what I have got to say than listening to what you have got to say.

It happens time and time and time again at these microphones, basically because we tend to polarize and take the absolute positions, knowing full well that the best path for America is somewhere in the middle.

The best path for America includes working all the other alternatives and trying to develop those and trying to see as far over the horizon as we can for a day in which crude oil and natural gas will no longer be available, not by choice but by the fact it has all been used up. It is a finite resource. We should be conserving everywhere we get, not on an individual basis but collective as well.

Yes, from our position, we should be exploring and developing and producing American resources; crude oil, natural gas, uranium, nuclear, oil shale, tar sands, the full gamut of these resources.

So if we can actually spend some time and sit together and try to work out our differences, I think there is a solution here that is really best for America.

When I first read the "use it or lose it" bill, my first reaction was how can 236 of my colleagues on the other side of the aisle and all of their staffs and all of their hired consultants know so little about a fundamental industry that is so vital to our national security, our economic security, and that is the oil business. Then I came to the cynical conclusion that I was wrong; they do know about it.

They do know exactly what they are doing by this bill that was up earlier today on a suspension calendar that we were able to defeat because over a third of us said that is wrong-headed.

Here's a quick basic. When an oil and gas oil company, generally a major oil company because it requires so much money, leases in the Gulf of Mexico, where we have been drilling for a long, long time, they pay a lease bonus, which is a sizable amount of money that is given to the Federal Government, that says for a time certain I get exclusive rights to explore and try to find crude oil and natural gas on this particular parcel of land. That bonus money is a sunk cost because if they find oil, they get to produce it. If they don't find oil, too bad.

This industry, much maligned from these microphones, is a group of dedicated, hardworking, patriotic, honest people who have an incredible tolerance for risk in this environment.

So they put up the lease bonus money, sometimes millions and millions of dollars, just for the right to wade into the bureaucratic morass that we have created around these circumstances, where you have got 27 permits and all kinds of stuff to get to just until you get to start the process. The process includes geological studies, geophysical studies, evaluation to try to find where on that parcel of land the best spot may be. You have got sunk costs, regulatory compliance costs.

Then, once you have decided where you are going to drill, that you decided that you think there are commercial reserves in place under that dirt, under that ocean, then you still don't know it until you drill it. Then you have got the cost of drilling, all the expense there. Then, if you find commercial quantities of crude oil, you have to build a production platform that has got to be uniquely built for the particular formation you have got, and that has got to be moved out into the gulf and anchored.

So what you have is many millions and millions, in some instances, billions of dollars of shareholder equity and debt that's been invested in trying to find crude oil and natural gas. Most of that is sunk cost. The only way they get a return on their investment, the only way they justify to their shareholders that they are making the right decision is to produce whatever crude oil and natural gas is in place.

So there are plenty of incentives already built in to produce. The idea that they would "sit" on production in the hopes that this price gets even higher, which they know the price is too high now, is just wrong-headed.

Mr. WESTMORELAND. Not only that, reclaiming my time for a minute, did not the Democrat majority in 1992 extend that lease period to 10 years? Was it prior not 5 years or 7 years what it was?

Mr. CONAWAY. The traditional offshore lease needs to be at least 10 years because from start to finish—we have got some graphs here that we can show you the logical, businesslike progression that companies have to walk down. What is not mentioned so far is all the litigation costs that are associated with these leases, particularly in the Rocky Mountains. If a company is able to win a lease, they are immediately sued by environmentalists to prevent their exploring for it. This current price of gasoline and crude oil is a product of supply and demand.

□ 1945

About 86 million barrels a day of production, about 85 million barrels a day of usage, and that varies from day-to-day. Inventories start dropping. That means demand has gone beyond the current production supply.

The most immediate area for quick relief in this regard would be Iraq. The Iraqi government has recently reached out to ExxonMobil, Shell, BP and Chevron to ask them, ask the experts, the folks who have the money to be able to do it, to come into Iraq and help them increase the amount of production that Iraq produces from oil and gas. They are about half of what they were under the Shah. And their fields are on land and the most quickly responsive to getting new oil and gas supplies to the market.

CHARLES SCHUMER, a colleague on the other side of the building, immediately weighed in, said that is wrongheaded and said he wants to find out some way to prevent Iraq from developing Iraq's resources.

It is not good enough that we prevent America from developing America's resources, but now we want to tell the Iraqis how they should be able to do it as well. We are about to run out of time. That is one of the things I wanted to say, and I appreciate getting to weigh in on this.

Here is the bottom line: Post-World War II, we have developed an American lifestyle that was incredibly dependent on inexpensive gasoline, suburbs, rural America, that requires being able to drive to and from work, to and from recreation. Maintaining these high prices, as our colleagues across the aisle are intent on doing, is, in my view, an attack on that way of life.

You can call it partisan or not, but if you look at where the bulk of the Democratic support is in the Congress, it is in big cities, where they have access to mass transit, trains and buses and those kinds of things. But in rural America, flyover America, where most Republican support is, we don't have access to that.

I can assure you, the folks who live at Lake LBJ, named after Lyndon Johnson, and work in Marble Falls and Llano and Burnet, there are no buses to get to and from work. They have got to drive their cars.

So as we continue to on purpose maintain these high gasoline prices, this is an attack on our suburban way of life, an attack on rural American and the rural way of life and a lifestyle that has served us well since post-World War II.

One final statement: When I go home, this is all my constituents talk about. And if I were to come up here and take the position that I am going to ignore what they are saying, the way our Democrats appear to be doing, I would get tossed out of office, because apparently they are not hearing the same thing that you and I are hearing when we go home. Apparently in Democratic districts the high gasoline prices are not particularly relevant, which begs the question that 71 percent of Americans want to drill.

So I appreciate my colleague letting me speak tonight. We can solve this. We can fix this. But it is going to require some modification on our part, some modification on our Democratic friends' part. But we really do need to start listening to each other and quit demagoging, and particularly with respect to the oil business, considering those folks less than human as we look at what they do for America every day.

I yield back.

Mr. WESTMORELAND. I thank my friend. Now I have got to go catch a plane, but I hope that everybody will go to House.gov/westmoreland, Madam Speaker, to find out who is for drilling and who is for not just drilling, but like the gentleman from Texas said, for producing more of our natural resources to lower the price of gas.

Now I want to yield to my good friend from Nebraska, from the heartland of this country, from one of the corn-producing States, another one of my classmates that came in, and that is Mr. FORTENBERRY.

Mr. FORTENBERRY. Well, I thank the gentleman from Georgia, my good friend. I am so sorry you have to leave quickly, but I understand. I hoped we could dialogue a little bit and perhaps broaden the discussion slightly. Mr. CONAWAY just gave a great segue by saying I think we can get this done, and I think that is what the American people are hungry for.

Mr. WESTMORELAND. Mr. BURTON will dialogue with you.

Mr. FORTENBERRY. You got to go.

Mr. BURTON of Indiana. So you have to settle for me.

Mr. FORTENBERRY. That is fine too, my good friend from Indiana. But I believe the American people are hungry for a bold new energy vision.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. FORTENBERRY. Madam Speaker, I think the American people are hungry for a bold new innovative vision for a sustainable energy future, and I think we have to have an honest conversation about the full range of options in our energy portfolio; looking at the opportunity to increase domestic resources, use of domestic resources in an environmentally responsible way, while also bridging to a sustainable energy future that looks at the full range of opportunities that are presented to us. And one of the things that I don't think is unpacked quite adequately, Mr. BURTON and Madam Speaker, is the issue of how small-scale entrepreneurs can play an increasing role in meeting a sustainable energy policy.

For many years now, by the way, I have powered my home by wind. Now, I don't have a wind turbine in my backyard. I live in the city. But, nonetheless, I used to be on the Lincoln City Council. Nebraska is a public power State. The Lincoln City Council basically has authority over the electric system.

We greatly encouraged them a number of years ago to move forward on wind energy and they integrated wind turbines into their portfolio. Of course, it is a small portion of their portfolio, but nonetheless, I thought it was important to support that. I paid a little bit more than $4 a month extra on my energy bill to help underwrite that new development a number of years ago. Now they have integrated that cost and are sharing it with everyone. But, nonetheless, we have been in front of this trend for some time.

There is a hog farmer in my district, for instance. A couple years ago, Danny Kulthe in Colfax County, he just decided he was going to do something different. He has 8,000 head of hog. He captures that manure in a methane digestion pit, takes that methane, puts into a generator and produces enough electricity to power 40 homes from 8,000 head of hog. And he did this a number of years ago by pulling together the capital through a variety of innovative sources, some grant sources as well.

But a small scale entrepreneur like that is helping lead the way in a whole new energy vision that does several things: He solves an environmental problem, he wedded agriculture and energy policy, and he created additional income for his farm. Small scale entrepreneurs like that I think are yearning to be engaged in this bold, new energy vision to help write the various chapters we are going to need to help solve this.

Mr. CONAWAY said it well. I think we can get this done, but it is going to take bold, new, creative thinking and public policies that I think underwrite this type of vision for a sustainable energy future.

Mr. BURTON of Indiana. If the gentleman will yield just for a minute, I would like to say I agree with my colleague. These new forms of energy, these new technologies, are extremely important. I am kind of awed by the fact that you have taken the lead in Nebraska in getting this done.

But while we are doing that, the one problem that I think we have is we have to realize the transition to the new technologies is going to take time, and while that is taking place, we are going to have to have energy. That is why we ought to be able to drill in the United States, and do it in an environmentally safe way, so we can produce natural gas and oil here at home. And while we are doing the transitioning to the new technologies like you are talking about, we won't have to depend so much on foreign oil and what might happen in another part of the world.

Mr. FORTENBERRY. One of the issues regarding our very heavy dependence on foreign oil as well is that it does entangle foreign affairs considerations. That is a very significant issue. It greatly increases trade deficits, it entangles foreign affairs considerations. It leaves us vulnerable, not only economic, but in many other ways.

So I think it is very important as you are saying to look at full range of options in this portfolio we have, potential portfolio, and have a "both-and" discussion about how we bridge to that sustainable energy future by looking at, first of all, the easiest and best thing we can do quickly obviously is to think through the issue of conservation, how we become and continue to be and expand our ability to be good stewards of the resources we have, integrate these new technologies, use the resources we have now to bridge to that sustainable future.

Here is another example for you. I was visiting with a small-scale car manufacturer. They have some proprietary battery technology. I am not an expert in these areas, but apparently this vehicle can go 120 miles on a single charge. It takes 10 minutes to refuel it, so-to-speak, if you have the special equipment. If you don't, you can plug it into your 220 volt outlet, like your dryer plugs into, and that takes about six to eight hours. It goes zero to 60 in about 10 seconds, and it has a 5-star safety rating, crash rating. It is like a regular vehicle, except the engine is different.

So let's be clear: This spike in gas prices is causing great duress for families and farmers and small business owners, particularly in an area like I represent that I think has some similarities to where you represent as well. And I think it compels all of us to begin to think boldly and innovatively about how we can get this done by looking at that full range of options that we have in our energy portfolio and bridge into that energy future.

Mr. BURTON of Indiana. I want to thank the gentleman for taking this time. I know you have to catch a plane tonight. I think it is important that the people who are watching in their offices and maybe Americans who might be paying attention, that they realize that we are not just talking about oil and gas, we are talking about all forms of energy, and we want to get to that.

But, as you said and as has been said many times, that is going to take a transitional period, and during that transition, while we are trying to encourage more innovation, that we don't sink the ship by not having enough energy to get the job done.

Mr. FORTENBERRY. I really thank you for the opportunity to dialogue on this question and to focus, yes, on the urgency of the moment, while also creatively thinking about where we go. I mean, this is America. This is the land of innovation. We can get that done.

Mr. BURTON of Indiana. Thank you, Mr. FORTENBERRY. Have a nice trip back, and tell the people of Nebraska we said hi.

Madam Speaker, we are about to wrap this up. I just want to say to my colleagues, I see my colleague from down south is waiting patiently for us to end our Special Hour, I just want to say that we all want to work together. We want to solve this problem for the American people. We want to get the price of gasoline down and we want to go to new forms of energy. But it is going to take time. And during that time for transition, it is extremely important that we start moving toward energy independence. And a main cog in that wheel is drilling here at home for oil and natural gas.

So I hope, if I were talking to the American people, that they would talk to their Congressmen and Senators over this July 4th break. They are going to be there for parades and everything else. And I would say to the American people, if I could talk to them, talk to your Congressmen and your Senators. Tell them you want to be energy independent, you want to move toward energy independence, and we ought to drill here in the United States wherever we can.

REAUTHORIZATION OF THE FLOOD INSURANCE PROGRAM NEEDED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 60 minutes as the designee of the majority leader.

Mr. TAYLOR. Madam Speaker, let me begin by thanking all the men and women who work for the House of Representatives. I know that they are anxious to get out of town and begin their 4th of July holiday. But when we come back in July, it will be what I have considered over the course of my life the beginning of hurricane season, and we still have some unfinished business from Hurricane Katrina that affected my district and could potentially affect over half of all Americans, and that is the reauthorization of the National Flood Insurance Program.

If Congress does not act by September, this program that is of vital importance to people in the Midwest from flooding, the people on the Gulf Coast because of hurricanes, the people in New England because of storms, this program is important to everyone, it may not get reauthorized, and I think it would put a lot of Americans in jeopardy. Therefore, I think it is important that we not only reauthorize it, but fix some of the problems that we have discovered in the wake of Hurricane Katrina.

I want to begin with some homes from my hometown. This is one that belonged to Mr. and Mrs. John Hadden in Bay Saint Louis, Mississippi. If you take a look at it, it started about 10 feet off the ground. It had hurricane shutters. It had a low profile roof. It was built to be a hurricane-proof house. It was insured for about $650,000. This is what it looked like the day before Hurricane Katrina. This is what the family came home to when they could get back to Bay Saint Louis.

I mentioned that they had $650,000 worth of insurance with their insurance company, State Farm. Almost 2 years to the day of that, they still had not been paid by State Farm Insurance Company. Corky is a financial planner. He thought he had done everything he should do. What he didn't realize is that he was dealing with a company that instead of saying "we are your good neighbor," went out of its way not to pay him.

This is another home, a much more traditional, older home. In fact, it was one of the oldest homes in my hometown of Bay Saint Louis. It belonged to Jody and Betty Benvenuti. They had it insured for $586,000.

☐ 2000

Jody is in the insurance business. He understood the importance of it. He paid his premiums on time. He insured his home for what he thought it would cost to rebuild it. This is what it looked like when he evacuated, as he was ordered to by his Nation, the day before the storm. This is what he came home to. Within a couple of weeks, his good neighbor, the State Farm agent, informed him that he saw no evidence of wind damage, and therefore, he was going to get paid nothing on his homeowner's policy.

Another home in South Mississippi, more of a typical South Mississippi home, belonged to Mr. and Mrs. Pat Street. $250,000 worth of insurance. Prior to the storm, prior to all of the inflation that has taken place since then, that probably would have been a very good amount to be insured for. It certainly should have covered the cost of replacing it should something bad have happened. Again, they were ordered to evacuate. So this is what their home looked like as they were leaving before the storm. That's what they came home to. Again, they were told by the insurance company we see no evidence of wind damage. Notice the tree is knocked over to different angles. So, therefore, we're not going to pay you the $250,000. We're going to pay you $9,000 on this policy.

Madam Speaker, in South Mississippi, we asked the United States Navy to model what happened that day on August the 29th of 2005. What the Navy told us, I found, as a life-long resident of the gulf coast, to be pretty interesting. It's that we've always thought of maximum wind and maximum water occurring at the same time, but in the case of Hurricane Katrina, as you can see, category 2 and 3 force winds, which is up to 140 miles an hour, actually occurred several hours before the water showed up. When I asked the Navy to explain that to me, they said it's pretty simple. You can push air a lot faster than you can push water. The storm was moving ahead of the water.

So, basically, what it translates to is that homes like I just showed you were subjected to anywhere from 2-to-4-hours' worth of hurricane-force winds before the water ever showed up. As a matter of fact, it's not just that area that we're talking about, but as to the entire State of Mississippi, the insurance companies actually paid claims on wind damage all the way from down here on the Mississippi gulf coast all the way up to Memphis, Tennessee. They paid claims in every county in the State of Mississippi.

What was particularly interesting and what should be particularly interesting to the 53 percent of all Americans who live in coastal America is that the claims they chose not to pay were right down here where the winds were the strongest. They somehow would tell people that no, no, no. Your damage was not the result of wind. It was the result of water.

This is in fairness to them. These are the areas in South Mississippi that were affected by both wind and water. This is where the flood went. For those of you familiar with that area, this is I-1 to I-10. It was designed to be a hurricane-proof road, and by and large, the designers did a very good job. They came close to doing that, but there were some areas north of I-10 that flooded.

Our Nation has a plan to help people protect themselves in the event of a hurricane. Most prudent people whom I know, based on the fact that we have had other hurricanes in my lifetime—Hurricane Betsy and Hurricane Camille—don't know whether it's going to be the wind. They don't know whether it's going to be the water. So a prudent homeowner buys a homeowner's policy. It's supposed to protect you in case of wind damage. If you buy a flood policy, it's supposed to protect you in case of flood.

So the way the claims process should have worked is our Nation should have hired the insurance industry to go out and adjust a claim. If the wind did it, it should have, therefore, been covered under the homeowner's policy. The company would then pay out of its pocket those people who suffered wind damage. If the water did it, then folks who would be covered by the National Flood Insurance Program would have the Nation that would back that program. The Nation would pay the insurance industry to sell the policy. The Nation would pay the insurance industry to go out and adjust the claim. That way, we wouldn't have to have a lot of Federal employees who would be doing all of these things.

Up until Hurricane Katrina, the program worked pretty well. With Hurricane Katrina, though, we saw a very different set of circumstances because what should have happened didn't happen. That insurance company that we were counting on to go out and adjust the claim and to make a fair, proper adjustment of the claim, in many instances, looked after its own best interest against the interest of the homeowner and, by the way, against the interest of the American taxpayer.

Now, why is that?

The law calls on the insurance companies to do a proper adjustment of the claim, and we give them total discretion as to who is going to adjust that claim. Think about it. I can't think of anyone else in America who can send a bill to the United States of America for $250,000 for the cost of that claim, another $100,000 for the cost of the contents, and no one second-guesses it, and no one looks over his shoulder and sees if it's a proper claim. In this instance, it was the case. So some insurers interpreted the law to allow them to blame everything on the water.

What does that mean?

It means that, for starters, a typical homeowner's policy says that, if your—the homeowner's—house gets hit by a meteor tonight or if your house catches on fire tonight or if a trucker loses control of his vehicle and, unfortunately, plows into your living room and your house is uninhabitable, a typical homeowner's policy will not only pay to get your house fixed; it will pay to put you up for up to 24 months until your house can be repaired. But when the insurance company walks onto your property and says, "We see no evidence of wind damage. We're not going to pay your homeowner's policy," then they escape those things. They don't fix your house, and they don't pay the cost of putting you up.

Again, the law calls on them to call for the proper adjustment of a claim, but what had happened in the case of Katrina and what I fear could happen to you if you live in coastal America is that the policy is that the companies do what they did in South Mississippi, which is, within days of the storm, they send their adjusters notices that say, when you see wind and water both occur, blame it all on the water.

What that means is, as I've told you, that there were 4 hours of hurricane-force winds at homes like the Benvenutis' and the Haddens' and at others. They had substantial damage because of the wind, but the insurance company took the policy that if there was one 2-by-4 left standing after 4 hours of hurricane-force winds and then a wave came along and knocked down that last 2-by-4 that they had escaped all liability for what the wind did and that the taxpayer would pay all of the cost of getting this fixed, that they would escape all liability of rebuilding that home, all liability of putting that family up until their house could be repaired. The taxpayer was going to foot the bill. Well, flood insurance doesn't cover cost of living expenses. So, right off the bat, that cost was borne by the taxpayer.

How do they get away with this?

Well, buried in a typical 25-page contract, that was the norm for State Farm Insurance Company. On Page 10 of a 25-page contract, buried in there despite a contract with America that calls for a fair adjustment of the claim, they told folks we do not insure any coverage for any loss which would not have occurred in the absence of one or more of the following excluded events:

We do not insure for such loss regardless of: A, cause of excluded event, B, other causes of the law, C, whether other causes acted concurrently or in any sequence with the excluded event to produce the loss or, D, whether the event occurs suddenly or gradually, involves isolated or widespread damage, arises from natural or external forces or occurs as a result of any combination of these.

If you are confused, don't feel alone. A Federal judge, Judge Lou Guirola in South Mississippi, ended up suing his insurance company because they told him he couldn't read his policy. The former president of the United States Senate, Trent Lott, also an attorney, was told "We're sorry, Senator. You can't read your policy," which leads to the question:

If a U.S. Senator and a Federal judge can't read their policies, what chance do you have? What chance does a high school football coach, a corrugated box salesman or a housewife have if those guys are told "you can't read your policy"?

That goes back to the conflict between the law that says you can do a fair adjustment of the claim and a company that says, if both things happen, we're not going to pay.

I'm quoting from the National Flood Insurance Program regulations, section

44 CFR. "The primary relationship between the 'write your own company'" that's your insurer—"and the Federal Government will be of a fiduciary nature; i.e., to ensure that any taxpayer funds are accounted for and are appropriately expended.

"The entire responsibility for providing a proper adjustment for both combined wind and water claims and flood-alone claims is the responsibility of the 'write your own.'"

In effect, our Nation said we're trusting you, State Farm. We're trusting you, Nationwide. We're trusting you, Allstate, to do a fair adjustment. If the water did it, Nation pays. If the wind did it, you pay.

So how did the insurance industry respond to being given this huge leeway? Within days of the storm, within about 13 days to be exact, State Farm was writing their adjusters and was saying, where wind acts concurrently with flooding to cause damage to insured property, coverage for the loss exists only under flood coverage. What does that translate to? The homeowner gets screwed out of his policy, and you, the taxpayers, get stuck with the bill.

This is an internal e-mail from an engineering firm, one of the ones that was hired by State Farm to go out and adjust these claims. It had been fired by State Farm for actually doing what the law said to do, which was to say this much wind damage, this much water damage, but now they have reached an agreement with State Farm, saying, "Okay. We'll go back and revise those things." Meaning, we'll scratch out all efforts to say that the wind did it, because we're going to now say the water did it, and the taxpayer pays. So this is from Randy Down to Bob Kochan. This is an internal memo that we've been given access to:

"I have serious concerns about the ethics of this whole matter. I really question the ethics of someone who wants to fire us simply because our conclusions don't match his or hers. In my opinion, we need to find a more rational and ethical client other than State Farm to be dealing with. They have already contradicted themselves regarding the reports, wanting percentages stated, and his counterpart calling a few days later and telling us to resubmit two reports that had shown percentages and saying that SF," State Farm, "absolutely does not want them shown because they would then have to settle for the portion that was reportedly caused by wind."

In the House of Representatives, we have passed language to try to correct this. The people who have objected to this have been, by and large, from the insurance industry. The insurance industry, in their claims, will tell you that they had settled 95 percent of the Katrina claims within the first year. What they will not tell you is that there were hundreds of thousands of wind-only claims in Louisiana, Mississippi, Alabama, Florida, Tennessee, and Georgia where there was no flooding. So in any place they couldn't blame flooding, in any place they could not put the bill on the government, they had no choice but to pay.

So, yes, they did pay thousands of claims. Disputes over wind and flood damage were confirmed to the portions of the coastal counties and parishes that experienced both flooding and the most severe wind damage.

Bob Hardwick of the Insurance Information Institute testified in Congress: "A claim was completely excluded, for example, because it was not covered under the policy to begin with, which wouldn't be in these statistics to begin with. We consider a claim when there is some damage that is compensable under the insurance policy. In other words, these statistics don't consider all of the claims filed, only those that the insurer decided to pay."

To put it simply, the claims of the three folks that I showed you when I first walked in would have been considered by the insurance company to have been settled because they were told "no." Maybe in State Farm's mind that case was closed. It certainly was not in the case of those three families, and it was not just three families. I could bring thousands of similar photos before you with thousands of similar sad stories.

So those families were screwed out of their policies, but the point I want to make to you, to the taxpayers of America, is that you got stuck with bills. The Nation got stuck with bills that the insurance companies should have paid.

I think there was fraud. The insurance companies tell you there was no fraud, but the Government Accountability Office, the GAO, finds "an inherent conflict of interest exists when the same insurance company is responsible for determining the extent of the flood damage that the National Flood Insurance must pay and the extent of the wind damage that is the responsibility of the company, itself. FEMA, a parent organization of National Flood Insurance, cannot determine the accuracy of flood insurance payments because it does not require companies to explain how they divided wind and flood.

☐ 2015

"Property owners with separate wind and flood policies cannot buy insurance and know in advance what hurricane damage will have been covered."

The Inspector General of the Department of Homeland Security went on to say because FEMA oversight on wind-water claims is minimal, the inspector general subpoenaed records from 15 insurance companies to investigate their proceedings. Adjusters working for the insurance companies, or for the companies, have a conflict of interest when handling flood claims.

Concurrent causation. Remember, that's what we talk about, page 10 of a 25-page document. Language in the insurance policies creates the potential to bill flood insurance for damage that is caused by both wind and flooding.

Let me make it perfectly simple. You are a claims adjuster, you're 25 years old, you have a mortgage. You have kids in school, Christmas is coming up, and you have the opportunity to walk on that property and do a fair adjustment which says my company has to pay some, the Nation has to pay some, or you have the opportunity, in fact you have been instructed by your boss to say when there is wind and water, stick it to the government.

What do you think they did? And as we saw from that internal company memo, the ones who did it right were threatened with being fired.

Not only does the insurer not pay for the house to be rebuilt, they don't pay the living expenses for the property owner who would be entitled to them if the claim was approved.

So who pays? You pay. In the case of south Mississippi, let me start by saying we are eternally grateful to the American people for the kindness and generosity that they have shown us because at one point there were 42,000 families just in south Mississippi living off the generosity of the people of America. They were living in what has now been called a FEMA trailer, a 28-foot travel trailer that our Nation was generous enough to buy and put on their property, hook up to water and sewer, but not without a cost. In fact, the cost of those 42,000 trailers turns out to be, that we paid on the average $15,000 per trailer to buy them, and $16,000, which I know is an outrageous cost, to put them on that property. That was a no-bid deal to one of the President's buddy's, Bechtel, Incorporated.

But the fact of the matter is it did happen and it will happen again next time. And the combined cost of this for those 42,000 families, our Nation, you and I, pitched in $31,000. The cost of that just in Mississippi alone was $1.3 billion that the Nation paid that in most instances an insurance company should have paid. But because they said there was no wind damage, we are not paying on your homeowner's policy, so somebody got stuck with the bill. Our Nation did.

You would like to think that maybe they did that because funds were tight or maybe it threatened the survivability of those companies. That certainly wasn't the case. In 2005, even after paying the Hurricane Katrina claims that they did, the insurance industry made $48.8 billion in profits.

In 2006, we were fortunate to have fewer hurricanes, they made $67 billion in profits.

Last year, $65 billion in profit.

We have before us a situation where it is the perfect storm of everything that can go wrong for the consumer.

Number one, you would think why isn't Congress doing something about this. For starters, you can open the Federal Code from the first page to the last code and you won't find one word of regulation of the insurance industry. It gets worse. The insurance industry, the same folks that are supposed to be our good neighbor, we're supposed to be in their good hands, they're supposed to be on our side, it turns out that they are exempt from the antitrust laws that regulate every other business in America. It is perfectly legal for State Farm to call Allstate to call Nationwide and say, You know what, let's raise everybody's rates. So be it your health insurance, your automobile insurance, or your homeowner's insurance.

It is also legal for them, as I am pretty well convinced they did after the storm, to call each other up and say: You know what, if you don't pay claims, State Farm, and I don't pay claims, Allstate, and Nationwide doesn't pay claims, there won't be anybody saying they are getting screwed, because they're all getting screwed; but it's just the way it is.

If any other business in America did that, they would go to jail. But the insurance industry is exempt from the antitrust laws. Congress has not addressed that, but I want you to be aware of it. They were given this exemption based on a Supreme Court ruling in 1944 that says, wait a second, you're doing interstate commerce, you have to be regulated by interstate commerce. Instead, Congress came back in 1945 and passed something called the McCarran-Ferguson Act which in effect is granting an immunity from the antitrust laws to the insurance industry. I had hoped we would address that. We didn't. But Congress did do something.

First, I would like to tell you I'm sure some of you are thinking, that is just a Mississippi problem. Why are you boring us? I will tell you it is definitely a Mississippi problem. State Farm won't sell property insurance policies in Mississippi. Farm Bureau will not renew wind coverage. Allstate, no new wind coverage sold in south Mississippi. Nationwide, no wind coverage sold in south Mississippi. But it is not just our problem, it is America's problem.

Massachusetts is a long way from south Mississippi. Since 2003, ten insurance companies have dropped homeowner coverage in Cape Cod, affecting 44,000 homeowners.

In New York, Allstate stopped writing new homeowners' policies for single-family homes in New York City, Long Island, and Winchester County. Allstate held 26 percent of the market share for homeowners in these counties in 2006.

In Maryland, the second largest homeowner insurance in the State, Allstate, Allstate will stop writing new policies in many coastal areas.

North Carolina, the North Carolina State Insurance Plan, the beach plan, saw liability increase by over 260 percent, so that is a State-run system picking up for the fact that the private sector has pulled out.

In Virginia in 2006, State Farm stopped writing insurance business. Travelers Insurance stopped selling and renewing residential insurance in Virginia Beach.

South Carolina insurance companies have dropped the last 16,000 homeowners' policies since 2006.

In Florida, State Farm has announced it will stop writing residential renters and commercial properties on March 1, 2008.

Texas, Allstate won't write new homeowners' policies in 14 coastal counties.

Louisiana, the State insurance plan that jumped in to take the place of the private sector is now the third largest homeowner's insurance.

In Alabama, State Farm won't write policies to cover the beach towns.

The point is that although the coastal counties of America constitute only 17 percent of the total land mass, it represents 53 percent of all Americans. That is why this is a problem that affects every one of us, at least half of us. Every one of us who lives in a coastal State, half of all Americans.

Unless we change the law, Congress will allow this system to continue and taxpayers to continue to foot the bill when the next hurricane strikes.

So what's the solution? The solution is what the House of Representatives has already passed that the Senate has not passed that we will go to conference in the next month on, and that I would hope as a result of this that the American people would encourage their Senators to help us find a risk-based, actuarially sound national pool to allow property owners to purchase coverage for both wind and water, a revocation of the insurance industry's antitrust exemption that allows them to fix prices.

The multi-peril bill that passed this House with the help of Speaker PELOSI and Chairman FRANK, Chairwoman WATERS, and a lot of other folks, including a number of my Republican colleagues, would allow property owners to buy both wind and flood coverage through the National Flood Insurance Program.

It would increase the coverage, and I am one of the many people who lost my home that night, and I for one was shocked at the incredible cost of replacing my house. And, quite frankly, the $250,000 that the National Flood Insurance covers, I would have told you 5 years ago was a lot of money. Based on my experience of building a 1,400 square foot house, I realize now it really doesn't cover enough. So we have increased the coverage up to $500,000 per structure, $150,000 for contents. For non-residential, it's a million for the structure and $750,000 for contents.

Property owners would be able to buy insurance and know in advance that hurricane damage will be covered without disputes. That you don't have to hire an engineer to say whether the wind did it or the water did it, you don't have to hire a lawyer, and you don't have to wait 2 years to get justice. If you leave your home, if you evacuate the way your Nation told you to get out of there, and you come home to a substantially damaged home, or if you come home to nothing, which is what thousands of my friends and neighbors did, you know that if you paid your policy, if you built your house the way you should have, that you are going to get paid.

The premiums for this new coverage would be risk-based and actuarially sound. Under the new rules of the House, under the Democratic majority, we can't start any new program that doesn't pay for itself. That's the way it should be. So the premiums would be more than enough to cover the liabilities and so there would be, unlike the present situation where $1.3 billion went to pay for FEMA trailers by folks who got screwed by the insurance companies, where billions of dollars went for homeowners' grants in Louisiana and Mississippi to pay people who didn't get paid by the insurance companies, in these instances those people who had the policy who paid the premiums who built the houses the way they should, they're going to be covered and you, the taxpayer, will not have to subsidize this by one dime.

Wind storm insurance would be available where the local governments adopt and enforce the international building code or equivalent.

The Federal multi-peril program will spread the risk geographically. If you think about it, Mississippi has a fairly small coastline so it is fairly safe to say that if a storm hits, the entire coastline is going to get hit. That is not spreading the risk. On the other hand, if 53 percent of all Americans live on the coast, the chance that every coastal community is going to get hit by a storm that year is minuscule. In fact, it would probably be called Armageddon, and we hope that doesn't happen.

Taxpayers would benefit where more damages are covered by the insurance industry instead of the inefficient governmental disaster assistance programs. Insurance companies could return to coastal communities to sell fire, theft, and liability coverage and excess coverage above the $500,000 that this policy would cover.

A multi-peril bill was introduced in the House in February. It had 33 cosponsors, 27 Democrats, 6 Republicans.

Ms. WATERS, the chairman of the subcommittee, included the text in the National Flood Insurance Program. It passed this House by a vote of 263–146. It did not get a lot of help in the United States Senate. It will go to conference this summer.

If you live in coastal America, I would give you a couple of words of advice.

Number one, if you have a homeowner's policy, break it out. See if it has the words "concurrent causation" in that policy because if it does, that becomes the same excuse that the insurance companies used to screw thousands of south Mississippians out of their money. Demand a clarification from your insurance agent as to what that means for you. Does that mean you are going to find an excuse not to pay me? Or does that mean that you're going to come through like a good neighbor, like I'm going to be in your good hands, like you're supposed to be on my side.

The second thing I would ask you to do, if you belong to the home builders or the realtors or the bankers, encourage those organizations to back this program because, again, for 53 percent of all Americans, they are in peril at the thought of not being able to cover their home for wind damage.

But I will take this a step further. It has come to my attention recently that there has been as much tornado damage around the country for the past 20 years as hurricane damage. Tornadoes happen to be very fierce in a smaller area, but the cumulative effect of all those tornadoes has caused as much damage dollar-wise as the hurricanes have.

In fairness, we ought to cover that, too. In fairness, those people who are waking up in Indiana and Ohio and Iowa from the devastation of those floods and from the devastation of those tornadoes, they need to know that they are protected, too.

I would hope that as this bill goes to conference that our Nation would step forward and assume the responsibility and provide every American the opportunity to purchase multi-peril insurance. Hopefully we can start out with hurricanes because we know the present system isn't working there. But I think every American ought to know that if they build their house right and pay their premiums and something terrible happens to them, that their Nation is going to be there for them. And yes, they have paid into a fund that will help cover that cost when it happens.

We will have that opportunity next month, and I would hope that every American, no matter where you live in America, would see the value of this and would ask their Senators to agree to this, and that we can do something that's good, not just good for my State, not just good for Alabama and Louisiana, not just good for Maine and Massachusetts and North Carolina, but good for every American.

The insurance industry let us down. The insurance industry makes huge money. The insurance industry is exempt from the antitrust laws. The insurance industry has the most favorable tax treatment of any industry in America; and the truth of the matter is, instead of having all of those benefits and turning around when the people were down and saying yes, we are going to help you, they screwed the people of south Mississippi.

□ 2030

What I don't want is them to do that to you.

This is not going to be an easy fight. This is truly a case of the citizens against the lobbyists. In 2004, the insurance industry donated $36 million in political contributions. In 2006, $31 million. Most of that money went to Republicans, but in fairness, now that the Democrats are in the majority, they're probably writing checks to Democrats, too.

They're doing this because they want to hang on to their greedy practices. They want to hang on to their antitrust exemption. They want to hang on to the fact that they can collude. They want to hang on to the fact that they can turn around and have the lowest taxes in America and that they have zero Federal regulation, that there is nothing that the Federal law can do to stop them from these practices.

But you know what? We have right on our side. We have the best interest of the homeowner, whether he's in Kansas, Massachusetts, Mississippi, California, when we think that there's better ways to offer an all-fairness insurance, backed by our Nation, that's going to be there when we need it.

So Madam Speaker, with that in mind, I'm going to yield back the remainder of my time. And for the very, very patient staff of the House of Representatives, I kept you here as late as I did, but I appreciate this opportunity to speak to the people.

PEAK OIL

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Today oil, I think, went to its highest price ever, about $140 a barrel. So all of America is now thinking about energy and oil, and I would like to start this evening's discussion by referring to some comments made in a speech 51 years ago, the 14th day of this past May, by Hyman Rickover, the father of our nuclear submarine, to a group of physicians in Saint Paul, Minnesota.

I would encourage everyone to pull this speech up, a Google search for "Rickover" and "energy speech" and it will pop up. Or you can go to our Web site, and you will find a link there to it.

Hyman Rickover was a very perceptive person, and every time I read this speech I am again amazed at how prophetic and insightful he was. He says in this speech 51 years ago, Remember now, there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created, he says, by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect—and this is 51 years ago—the longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift. This was counseled 51 years ago.

What he's saying is that it's obvious that oil cannot be forever. That it is finite; one day it will run out. He noted that at this time we were about 100 years into the age of oil, which he called "this golden age," and he noted that how long it lasted was important in only one regard: that the longer it lasted, the more time would we have to plan an orderly transition to other sources of energy which will, of necessity, be renewable sources of energy.

Then this last little paragraph here is one that I really like. It is so perceptive and so prophetic of what our attitude has been. Fossil fuels, he says, resemble capital in the bank. A prudent and responsible parent, that is the leaders of the world's countries, will use this capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and not care one wit how his offspring will fare.

The next chart is an additional quote from this same speech. He says, I suggest this is a good time to think soberly about our responsibilities to our descendents. We really haven't done that, have we? I have 10 kids and 16 grandkids and two great-grandkids, and I think a lot about our responsibility to our descendents, those who will ring out the fossil fuel age. Hyman Rickover noted that in 8,000 years of recorded history that the age of oil would be but a blip in the history of man.

We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

Our behavior has in no way indicated that we recognize the inevitability of reaching a maximum production of oil and then less and less and less oil until finally there is none of it left. Obviously, it is not infinite. Obviously, one day it will be gone. Where are we? Where are we in this long sequence of events from the discovery of oil, its massive use, and finally the waning use of oil until we finally transition to other fossil fuels?

The next chart shows what's happened in our country, and we need to go back 52 years ago to kind of put this in perspective because 52 years ago, the 8th day of March, in San Antonio, Texas, an oil geologist by the name of M. King Hubbert gave a speech to a group of executives and other oil people assembled there in San Antonio. And he told them that in just 14 years, the United States—which was then, I think, king of oil, producing more oil, consuming more oil, exporting more oil than any other country in the world—he said in just 14 years, our country is going to reach its maximum production of oil. And after that, no matter what we did, the production of oil was going to fall off, as you can see from the chart here which shows the production of oil in our country.

And he was predicting the lower 48, Texas and the rest of the U.S.A., and to him the rest of the U.S.A. was the rest of the 48 States. And in 1956 at this point he was predicting that in 1970, just 14 years later, that we would reach a maximum oil production. After that, it would fall off.

Now, we found a lot of oil in Alaska, and we found some oil in the Gulf of Mexico, and we learned to get more natural gas liquids; but in spite of this huge discovery in Alaska and through that 4-foot pipeline—and I've been to Dead Horse, to Prudhoe Bay and seen the beginning of that pipeline—through that for a number of years flowed 25 percent of our domestic production.

In spite of that, except for this little blip, it's been down, down, down. And now in the lower 48 we produce well less than half of the oil that we did in 1970.

We have tried very hard to make M. King Hubbert out a liar. We have drilled more oil wells than all the rest of the world put together. We are really, really good at finding oil. We're really, really good at pumping oil.

The next chart shows that another prediction M. King Hubbert made has, in fact, almost certainly come true. In 1979, that's just 9 years after we peaked in our country, using his same analysis technique, he predicted that the world would be peaking about now.

Just a word about his analysis and how he did it. It's no magic. He observed that in our country that an individual oil field increased its production until it reached a maximum production, at which time about half the oil had been pumped, and then the last half of the oil, as is reasonable, was harder to get and so less and less was pumped. So you had a little bell curve produced by that.

And he reasoned that if he knew how many little bell curves there were in our country and how many more fields we would find, that he could then predict when we would be reaching our maximum oil production. And using that technique, he predicted correctly that we would reach our maximum production in 1970, just 14 years after he made that prediction.

Using that same technique, he looked at the world and the world fields and all of the countries producing oil, and he calculated that we should be reaching the world maximum production, called "peak oil," about now.

On this chart are two curves. These are data collected by the two entities in the world that probably do the best job of keeping track of the production and consumption of oil, and of course they're the same. We use what we produce. This is the IEA, it's an international organization, and the EIA, the Energy Information Administration, a part of our Department of Energy. And both of these, as you can see, have oil production essentially flat for the last 36 months.

Now, what's happened with this flat oil production for the last 36 months is shown by this lower curve here, and obviously this is a bit old because this shows oil at only $95 a barrel. I didn't make it all that long ago, this chart. It now would be well off the top. I think it hit $140 a barrel today. Well, that's what happens when you have a static supply and an increasing demand. The price goes up and up.

The next chart, and this is a really information-filled chart, and if you had only one chart to use, this would be the chart because it has so much information in it. The bars here show the discoveries of oil and the year on the abscissa here on which they were discovered. And you see that we were finding a lot of oil back in the 1940s. By the way, I can remember when gasoline was kind of a little gas war, and it was kind of on sale. It was $6 per gallon. Another age, wasn't it?

□ 2045

Then we found a bunch in the 1950s, and boy, it really peaked out in about the 1970s, which is interestingly the time that M. King Hubbert said that we would reach our maximum oil production.

And then ever since then, it's been down, down, down, down, down, and that's with ever better techniques for discovering oil. We now have 3-D seismic. We have computer modeling. And still our discoveries of oil, year by year, on average have gone down, down, down.

The solid black line here represents the consumption of oil, and we're going to see this curve on several of the other charts that we're going to show. And this shows a very interesting exponential growth through the Carter years, with a stunning statistic.

Every decade up through the Carter years, we used as much oil as we had used in all of previous history. Now, think about that for a moment. Had we continued on that path, when you have used up half of your oil, you would have just 10 years of oil remaining. But fortunately, we didn't think it was so fortunate at the time. Fortunately, we had the Arab oil embargo price spike hikes in the 1970s, and a worldwide recession resulted from that, and there was actually a decrease in the use of oil. It actually fell off.

Following that, we really put some effort into efficiency. Your refrigerator is now two or three times more efficient than it was then, and most of the energy using things, your refrigerator, your air conditioner, are very much more efficient than they were then. So now the rate of growth is very much slower, as you can see. Notice what would have happened had we not had that shock and put some effort into efficiency. This curve would have gone off the top of the chart here.

Well, you know that if you integrate under a curve, the area under the curve represents, in this case, the volume used. You can understand that, if you note that, you could round off these discoveries by putting a line like so, and the area under that line would represent the totality of the discoveries. So the area under this line represents how much we have used.

From about 1980 on, we have found less and less on the average each year, and we've been using more, but we had a lot of reserves back here that we hadn't used. So now we are dipping into these reserves, and we're filling in this area here with reserves from back here.

Now, yes, here are some reserves, and we'll find some more. There's a lot of dispute about how much more we're going to find, but I will tell you that most of the world's experts believe that we have probably found about 95 percent of everything that we will find, and the new finds are really interesting. The big one in the Gulf of Mexico, for instance, was under 7,000 feet of water, 30,000 feet of rock, and they haven't yet started to exploit it with oil at $140 barrel because it's very hard to get here.

Now, what will the future look like? Well, you're going to have to make some guesses and educated guesses as to how much more we're going to find. Those who put this chart together think that on the average it will be like so, but obviously, it won't be as nice, smooth like that. It will be up and down, but on the average like that. I'd draw the line a little lower actually if I were averaging, a little lower than that.

Then we have all of these reserves back here we haven't used, and so we now, in addition to what we find in the future, we can use more because we can use them back here. And so we will be going down, down, down. If we go up, up, up, by the way, you're soon going to run out of these and fall off of a cliff, but fortunately, geology won't let us do that because we can only get it so fast, which is our problem today. We aren't able to produce oil any faster than we are now producing it. Within some limits, we can control what the future looks like with enhanced oil recovery and so forth, but one thing you cannot do is pump oil that is not there.

I'd like now to return to the next chart to another quote from Hyman Rickover. He says: Whether this golden age, this age of oil which he called the golden age, will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.

That is precisely what we have not done. You saw in one of the previous charts, the demand has grown and the supply is static, and when that happens, of course, you have an increase in price, and the price has gone up from $10 a barrel a relatively few years ago to $140 a barrel today.

The next chart is from one of four studies that our government has paid for. This was the first of those four studies and the biggest. This one was done by the big SAIC corporation, Science Applications International Corporation, a huge, very well-regarded company. And the study was headed by Robert Hirsch, and so this is called the Hirsch Report, and they present a chart there which is a very interesting one.

For reasons that are difficult to understand, some, including some in our Energy Department, are predicting that we will find as much more oil as all the reserves that are yet to be pumped. And it's a really interesting story how they got there to that conclusion. But they're predicting that we will find almost as much oil as we now know exists that we can pump.

Most of the world's experts—and this number will be up and down a little bit—but most of the world's experts believe that the recoverable oil at the end of the day will be about 2 trillion barrels. This table has it at 2.248 trillion barrels, roughly 2 trillion barrels. They're predicting that we'll find enough more to represent 3 trillion barrels. That's a lot more oil to find from that previous chart we showed. You would have to reverse the trends of the last 30 years, where it's been down, down, down, and now you're going to reverse that and it's going to go up? Laherrere says that what they're proposing is absolutely implausible. Laherrere is a French expert in this area.

But I show you this chart because even if we found that much more oil, the maximum production of oil would be pushed out only, according to this chart, to 2016. That curve that I told you you would see again and again, the rapid increase in use through the Carter years, the oil price spike shocks of the 1970s, the reduced demand worldwide, and then the slower rate of growth now, they're predicting a 2 percent growth. This is 2 percent.

By the way, exponential growth, Albert Einstein was asked what the next great force in the universe was going to be after nuclear energy, and he said the greatest force in the universe is the power of compound interest. You see, 2 percent growth, and that's so small that our stock market really doesn't like that, and it begins to go negative with 2 percent growth. But 2 percent growth doubles in 35 years. It's four times bigger in 70 years. It's eight times bigger in 105 years. And it's 16 times bigger in 140 years. So even very modest growth like 2 percent, gee, that's not much, but it's 16 times bigger in 140 years. And we still expect our children's children to be around in 140 years.

Now, this chart has another illustration on it. Suppose we're able to use some enhanced oil recovery and really suck it out fast, and you now continue up to 2037. You've now pushed the peak over to 2037, and then you fall off a cliff. Again, you cannot pump what is not there.

I will tell you that this is most unlikely to happen. I do not think the technologies are there to pump the oil that fast, but the point that I wanted to make in this chart was that even if we found as much more oil as all of the oil that's now known to be there that can be pumped, it would push the peak out—this chart says only to 2016. That's not very out. That's just around the corner.

As a matter of fact, that Hirsch Report said that unless you anticipated peak oil by two decades you would have some economic consequences. If you anticipated it by only a decade, you would have very serious economic consequences. So even if this is true, even if this is true that we find as much more oil as all the oil that we currently know is out there to be pumped, it would push it out only to 2016. So we should have started an aggressive program of renewables a couple of years ago if we're going to avoid serious economic consequences.

The next chart is just another chart showing this same phenomenon, how little additional time you get with enormously increased discoveries of oil, and you need to think about this when you're thinking about pumping the oil in ANWR and on the Outer Continental Shelf and under our public lands. If ANWR has 10 billion barrels of oil—and that's the 50 percent probability. The 95 percent probability is considerably less than that, and 95 percent is more probable obviously than 50 percent probability. But suppose it has the 50 percent probability, that oil would last the world only 120 days. Now, I say the world because under present circumstances it is impossible not to share your oil with the world, because if we use oil that we produce, then the oil we might have bought from Venezuela or Saudi Arabia or Iran, someone else can buy. So, in reality, you are sharing your oil with the world.

Well, the only way not to do that, by the way, is to own so much oil that you don't need to get any from the outside, and then to use it all for yourself, even though others may need the oil more than you. Obviously we're not going to be doing that because we have only 2 percent of the known reserves of oil, and we use 25 percent of the world's oil.

This chart shows that roughly 2 trillion again. They show it as 1.92 trillion, and they show the peak occurring about 2010 roughly now with that. But if we find, again, this huge amount of additional oil and it goes up to 2.93 trillion, roughly the 3 trillion that you saw in the previous one, that will move the peak out only to about this point. It's a little different in their calculation, how far it moves the peak out, but all of this is within the lifetime of our children. And then they think that we will find a lot of unconventional oil. In a little bit I think we'll have a chance to talk about some of that unconventional oil. We may get a lot of that. We may not get much of that.

There's another dimension in this whole discussion that I have a couple of charts on, and the next chart introduces this, and that is the geopolitical implications of where we are.

This was a statement by Condoleezza Rice, our Secretary of State in 2006: We have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word, "warping" diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.

And I'm sure that she had in her mind when she said that the next chart, which is a really interesting chart. And this shows the world according to oil, and this shows you what our world would look like if the size of each country was determined by the amount of oil that it had.

And you see here that Saudi Arabia really dominates the landscape, and it should because Saudi Arabia has, we believe, 22 percent of all the reserves in all the world. And notice the countries very near them: Iraq, tiny little Kuwait, Iran. These are one, two, three and four in terms of supply of oil in reserves in all the world. United Arab Emirates, you almost have to have a magnifying glass to find them on the map, and look how much oil they have. Here we are, United States, bunch up there in Canada and the Lower 48 here. We only have 2 percent of the oil in the world. This represents one-fiftieth of the land mass here.

□ 2100

And our biggest supplier of oil is Canada. Our third biggest supplier of oil—it was the second until a few months ago—is Mexico. And notice, they have less oil than we. As a matter of fact, together I don't know that they have any more oil than we have. They're exporters, because in Canada there aren't very many people, and in Mexico the people are too poor to buy the oil, and so they're able to export it. Now our second largest supplier is Saudi Arabia. Notice, Venezuela dwarfs everything else in this hemisphere.

Another really interesting thing to look at is the size of China and India in this "World According to Oil." Here they are, China and India; about 2.3 or 4 billion people total, having less oil than the United States, with a booming economy. The economy in China, the last data I saw, growing at 11.7 percent. Japan in its heyday never grew faster than that, and notice the tiny amount of oil that they have.

Notice Russia. Russia is one of the largest exporters in the world today. They don't have the most oil by any means, but they're very aggressively pumping their oil and exporting it. And they are considerably larger, many times larger than we, and they have a much smaller population than we have. Well, very interesting map. And this points out some of the geopolitical realities in the world.

The next chart shows China's response to this reality. China has seen this "World According to Oil," and this is their response to it. This shows our globe, and it shows the countries on it. And these little symbols represent who is buying the oil. Now, there are a few dollar signs, not very many, as you see. And there are a lot of these symbols that represent China. As a matter of fact, they almost bought Unocal in our country. Remember all of the hysteria over that possibility a couple of years ago?

Look what they're doing in the Middle East. Look what they're doing in northern Africa. Look what they're doing in Indonesia and in Russia. They're buying oil all over the world. At the same time, thinking about this geopolitical picture, at the same time that they are aggressively buying oil they are aggressively building a blue water navy. Why would they buy the oil when in today's world it doesn't make any difference who owns the oil? We own only 2 percent of the world's oil, but we use—and the next chart will show that. The next chart shows that we use 25 percent of the world's oil, owning only 2 percent of it. And we import almost two-thirds of what we use. And we're able to do that because he who comes to the auction block with the dollars buys the oil.

So why would China buy oil when in today's world it doesn't make any difference who owns the oil? The country that comes with the dollars buys the oil. Could it be that they're buying this oil and building this huge blue water navy because one day they may have to tell the rest of the world, gee, I'm sorry, we have 1,300,000,000 million people clamoring for the benefits of an industrialized society and we just can't share this oil. Something to think about, isn't it?

The next chart is another look at this geopolitical reality that we're in. And there are two bars here. The bar on the right shows the top 10 oil and gas companies on the basis of how much reserves they have. Well, pretty obvious from looking at that "World According to Oil" that most of those are going to be over in the Middle East. As a matter of fact, among the top 10, 98 percent of all the oil is owned not by companies, but by countries. And only 2 percent is owned by Luke Oil, which is kind of a company. One might argue that it had a lot of national control.

The bar on the left represents the top 10 oil and gas companies on the basis of how much they produce. Now, the really big guys that a lot of our people are concerned about because they're making big profits, they don't look big at all when you look at it from a world perspective. They own none of the oil of the top 10. They don't even count in the top 10 countries or companies that own oil. And they represent only 22 percent of the production of oil. They're pumping somebody else's oil is what that means, and not much of that relative to the oil that's produced by these countries.

The next chart is another quote from the Hirsch Report. And this came out in '05. Our country has paid for four reports, all saying essentially the same thing. And you may ask a really legitimate question, how come I haven't heard about these? All saying essentially the same thing: "The peaking of oil is either present or imminent, with potentially devastating consequences."

The first report was the Hirsch Report early in '07. Later in '07 was another report by the Army Corps of Engineers saying essentially the same thing. Then last year, in '07, there were two reports, one by the Government Accountability Office, and another requested by the Secretary of Energy and the President, the National Petroleum Council. They came out last year in '07. All four of these reports say about the same thing, the peaking of oil is either present or imminent, with potentially devastating consequences. Now, how come you haven't heard about this? Why hasn't your government told you about this? And why haven't you heard about a really aggressive program to address the challenge presented by this reality?

World oil peaking is going to happen. This was in the Hirsch Report, '05. "World production of conventional oil will reach a maximum and decline thereafter." It happened in our country in 1970. The same person who predicted that predicted the world would be peaking about now. I have a very simple question I've asked myself over and over again. If M. King Hubbert was right about the United States—and he was, incontrovertible evidence that he was right about the United States—and if he predicted in 1979 that the world would be peaking about now—and by the way, by 1980, we knew of a certainty that he was right about his prediction of the United States because, in looking back from 1980, we can see, gee, he was right. In 1970, we really did peak, and we're now over the peak and sliding down the other side. Shouldn't someone have said, gee, if M. King Hubbert was right about the United States, might he not be right about the world? And if, in fact, he is right about the world, shouldn't we really be doing something about this? It's an interesting question. I'm not sure I know the answer to it.

People tend to hear what they want to hear, they tend to see what they want to see. My wife tells me that I shouldn't be talking about this. She said, don't you know that in ancient Greece they killed the messenger that brought bad news. And I tell her this is really a good news story. The good news is that if we start today to fix this problem, the ride is going to be less bumpy than if we start tomorrow. And the second good news about this is that—I'm really exhilarated by this. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge, and this is a huge challenge. I believe that America is up to this. If America knew what the problem was, if America knew what needed to be done to solve the problem, I think that we would do now what we did in World War II. And I lived through World War II. I was born in 1926. Yeah, you've done the arithmetic right, I'm 82 now. And I lived through World War II, and I remember how everyone was involved in that war. And I think Americans would do that again.

This maximum is called the peak. A number of competent forecasters project peaking within a decade. That was in '05. Now, 3 years later, this is within a decade, and most of them were predicting it peaking about now. Some uncertainty, and a lot of things contribute to that uncertainty, and that's what he talks about here in the rest of this paragraph.

"Oil peaking presents a unique challenge." And then this statement, "The world has never faced a problem like this without massive mitigation more than a decade before the fact." Now, if peaking is upon us, it is impossible to do this mitigation a decade before the fact. "Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary."

The next chart is additional quotes from this Hirsch Report. "The peaking of oil production presents the United States and the world with an unprecedented risk management problem." As peaking is approached, liquid fuel prices and price volatility will increase dramatically." Wow, that's exactly what's happened in the last few months, isn't it? "And without timely mitigation"—which we have not done—"the economic, social and political costs will be unprecedented."

Now, these are the words of a very serious study done by one of the most prestigious organizations in our world today. "Without timely mitigation, the economic, social and political costs will be unprecedented."

The next chart. And if a picture is worth a thousand words, this may be worth a million, huh? Here is a guy with his huge SUV, and he's standing beside the dwarf of a pump there, "Demand and Supply." And he says, "Just why is gas so expensive?" That's what happens when the demand exceeds the supply.

The next chart looks at U.S. energy consumption by sector. I would like to spend a few moments now looking at the gross energy picture. Energy, by the way, is a very unique entity. You use it once. You can't recycle it. All energy eventually ends up in the lowest form of energy, which is heat. And then it gets radiated to space and it's gone. If you want more energy, you've got to either get it from the sun as it comes in, or the consequences of the sun, the wind blowing and so forth, or the waves. Or you've got to find energy that was produced by the sun a very long time ago. And of course it was the shining of the sun that made the little organisms grow in these ancient, subtropical seas that then settled to the bottom and sediment came in. And we believe the Earth opened up, the tectonic plates moved and they were submerged, so they were close enough to the molten core that, under the right temperature, the right pressure, with enough time, finally became gas and oil. And there is no gas there unless there is a rock dome over it to hold the gas, otherwise it escapes, and then you have some really gummy oil that's going to be extremely difficult to get. The Saudis are now trying to exploit a field like that, the Khurais field, I think they call it. And they may get 1,000,200 million barrels a day starting next year, but it's a very technical field. They've spent billions of dollars drilling wells. They're going to inject seawater under pressure to periphery the field to try to move the oil, which is very stiff and sticky, to the center of the field where they can then move it out to the well.

But this shows the U.S. energy consumption by sector. Electric power, 40 percent; transportation, 28 percent; residential and commercial, 11 percent; and industrial, 21 percent.

The next chart shows us what we use to produce the electricity. And I wanted to look at this because I want us to remember that we have two basic kinds of energy we use today; one is electric energy and the other is liquid fuels energy. And there is some ability to use one or the other, but there is a limit to what this transferability is. But some of the energy we use to produce electricity could be used in our cars and trucks and trains and so forth.

Coal, actually, we could use that; the Germans did it, the South Africans did it when they were producing oil from coal by the Fisher Tropes method. It's a 100-year-old method, we know how to do it. And we could convert our coal into a gas or a liquid. Here is natural gas, and you see city buses running on natural gas. Nuclear, that just produces electricity. Hydro, that just produces electricity. Petroleum liquids and coke, not very much there. About 3 percent of our electricity is produced by diesel, by liquid fuels.

I just wanted to show that, by conserving in electricity or by producing a lot more of our electricity with nuclear, which now produces only about 20 percent, we could free up some of the natural gas and some of the coal that could be converted to a gas or liquid because our really big challenge in the future is liquid fuels.

☐ 2115

I'm pretty sanguine about what we can do electricity-wise for the future, much less sanguine about what we can do for liquid fuels.

We use some renewables. The next chart shows us the renewables that we're using. And I want you to look at the scale of this. This is 1 percent. I think totally 2½ percent of all of our electricity is produced by renewables. And we have lots of wind machines. We have lots of solar panels on the roofs of houses. And the biggest one of these is wood and then wind.

By the way, this is wood waste used by the timber industry and by the paper industry. The opportunities to massively grow this are not all that much. Waste energy is a great idea, but we need to remember that a huge waste stream is largely the result of profligate use of fossil fuels. In a fossil fuel-deficient world, that waste stream will be nowhere near as big as it is now. But for the moment, it represents an opportunity to create more electricity, and I think we ought to be exploiting it.

This is true geothermal. That's tapping into the molten core of the Earth. You go to Iceland. I didn't see a single chimney in Iceland. They get all of their energy there, as far as I know, from geothermal. We have some places in our country where we are close enough to the molten core of Earth that we could do that.

Here is solar, and I'm a big fan of solar. I have a little getaway place in the mountains of West Virginia, and I'm off the grid. All I have is solar there. But notice the trifling amount. This is 1 percent here, 1 percent, this whole thing. Notice the trifling contribution that solar is making now.

The next chart, this is an interesting one because what it does is it shows us how much of our energy we are getting from fossil fuels.

We are very much like the young couple whose grandparents have died and left them a big inheritance, and they now have established a life-style where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent of the money comes from their income. And the inheritance, if they live a normal life span, the inheritance is going to run out before they die, before they retire even. So, obviously, they have got to do something. They have got to either spend less or make more. That's precisely the predicament that we are in. It's the predicament that Hyman Rickover was cautioning about 51 years ago. We get 85 percent of all of our energy from coal, petroleum, and natural gas, and we get only 15 percent of it from other sources. The major part of those other sources is nuclear power, which provides 8 percent of our total energy for the country, about 20 percent of our electrical energy.

And here are the renewables. These are the things that Hyman Rickover was talking about, which we inevitably will transition to. Now, we may for a long time be able to get a lot of energy, maybe much more than this, from nuclear. But except for nuclear energy, this list, and you could make it a little bigger and include a few more things in it, but this is the kind of the things that we are going to have to be living on in the future. We will inevitably transition to renewables. Oil is not forever. It will run out. The only question is when. So we need to be doing something about this.

The next chart shows some things that I have personally been involved with to help this transition. Renewable energy and energy tax credits, I introduced a bill in the House which is a companion bill to the Senate, Senate 2821, the Cantwell-Ensign bill. And this passed the Senate, by the way, 88–8. And the House bill is 5984. What it does is to continue the tax credits for developing renewables. Without those tax credits, they are not yet competitive with oil. If we wait until they are, the challenge will be even greater and the problem even bigger. So we must get these things going now. We should have had them going a long time ago. And we really need these tax credits. They are about to expire.

Renewable domestic sources, H.R. 6107. I set up, with my good friend TOM UDALL from New Mexico, the Peak Oil Caucus. And we have a resolution that we hope the Congress will vote on, recognizing the reality of peak oil and the necessity of doing something about it.

ARPA-E, I'm a very strong supporter of ARPA-E. DARPA, after which ARPA-E is patterned, is part of our defense organization, and it has been enormously successful in pioneering envelope-pushing things. The Internet is the result of early work by DARPA. All of our unmanned aircraft wouldn't be here if it weren't for DARPA, and we think that we need something like that in energy. The government needs to be involved in this. Some of the things we need to push are not near enough term that businesses can justify investing money in it. That's why we have DARPA. It has been enormously successful for the military. And I'm a big fan of ARPA-E. We need to prioritize what's probably going to work, where we should invest our money.

CAFE standards, I have been a big fan of increasing CAFE standards.

The other day driving to work, I noticed in front of me in one lane was an SUV with one person in it. In the lane next to it was a Prius, and I drive one. I bought the first one in Congress, the first one in Maryland, as a matter of fact. But I noted that the two people riding in that Prius were getting six times the miles per gallon per person as compared to the one person riding in the SUV. We have enormous opportunities for conservation.

Let me note at this point that there's only one thing that will bring down the price of oil. For the moment drilling won't do it because that oil will not flow for years. Investing in renewables will not do it because they will not be of any moment for a while. I'm a strong fan of renewables, and I now signed on to a bill to drill in ANWR if we use all of the Federal revenues to invest in alternatives because we desperately need to accelerate the development of these alternatives. Only one thing will reduce the price of oil, and that is to use less of it. Supply and demand. Now, there is a little bit of speculation in there, but the market will eventually punish them if they are artificially increasing the price of oil. If you buy oil for $140 a month from now if, in fact, it's $130, you've got to come up with $10 a barrel for every future barrel you bought. They cannot forever inflate the market. Ultimately they will pay for their sins if, in fact, this is going on.

Farms can't produce all of their own energy and some for the people living in the city. We're really in trouble for the future.

Tax credit for hybrids, we really need to extend that. People are buying hybrids. You know, $4 gas is a big incentive. We need to accelerate that. We need to incentivize people to park their SUV, to get in this hybrid, which will get more mileage.

Fuel flexibility, neutrality. This is an interesting one, the so-called DRIVE Act, and what this would do would mandate that all of America's cars in the future will be flex-fuel cars. It costs less than $100 per car, to build a car that would burn any fuel. The only cars produced in Brazil are flex-fuel cars. They can burn gasoline. They can burn ethanol. They can burn any percentage mixture of ethanol and gasoline. And we can have flex-fuel cars that can burn any fuel. We have no idea 10 years from now what fuels will be out there to use because the average car stays in the fleet for 16 to 18 years. So we need to be making these flex-fuel cars so we will be prepared to use whatever fuels are available in the future.

The next chart, and this is kind of an expansion of the previous chart we saw. What this looks at is the energy sources that are available to us as we transition from fossil fuels ultimately to renewables. We have some finite sources and we have nuclear. We have finite sources, and these are the tar sands and the oil shales and coal. Just a word about each of those, and I need to come to the floor and spend a lot of time talking about these because there is a lot of irrational exuberance, as Alan Greenspan would say, about the potential for production from some of these sources.

Just a word. The tar sands of Canada are getting a million barrels a day. They know what they are doing is not sustainable. By the way, the world uses about 85, 86 million barrels a day; so a million barrels a day is a bit more than 1 percent of what we use. But it's not sustainable. They're using gas that will run out. They're using water that will run out. They're thinking about putting a nuclear power plant there. I understand if you think of it as a vein which is now on the surface, when that's mined, it ducks under it and overlays; so they're going to have to develop it in situ. They don't know how to do that. There's a huge amount of potential oil there, more than all the reserves of oil in all the world. But how much we can develop it and how quickly we can develop it is really very uncertain at this time.

Oil shales, the same thing can be said about those. Those are in our country out in Colorado and Wyoming and so forth, Utah. We have probably 1½ trillion barrels of potential oil there. This isn't really oil, but with some heating and so forth, it can be converted into oil. Nobody yet is exploiting any of that. A lot of money has been spent there. Shell Oil Company did a big experiment a few years ago. We may get a lot from that; we may get little or nothing from it. It is very uncertain.

Our coal, it's said we have 250 years of coal. Let me hold that discussion for just a moment because we are going to have a little chart in a moment if we have time for it.

Nuclear, I'm a big fan of nuclear. There are three ways to get nuclear power: One is the light water reactor, the fissionable uranium. That is finite. It will run out. We cannot build power plants forever and fissionable uranium. But we can go to breeder reactors, which, as the name implies, produces more fuel than they use. You borrow some trouble when you go to those, transporting fuel for enrichment, weapons-grade fuel, and so forth, but it produces really clean energy.

Then there's nuclear fusion. If we get that, we're home free. That's what the sun does, and that's what we do in the hydrogen bomb. But to control that, we have been working on it for a long while, and it's always very elusive, always way out in front of us. If you think you're going to solve our energy problems with fusion, you probably think you're going to solve your personal economic problems by winning the lottery. I think the odds are probably about the same. By the way, that doesn't keep me from enthusiastically voting for the $250 million a year we spend on fusion because if we get there, we're home free. That's all the energy we could ever need forever. But the high probability is we are going to be using a combination of these renewable sources. The next time I come to the floor, I'm going to spend a lot of time talking about realistic expectations for these renewables.

Two bubbles have already broken: the hydrogen bubble and the corn ethanol bubble. The National Academy of Sciences said if we use all of our corn for ethanol, it would displace 2.4 percent of our gasoline. All of it. And the amount we have used has now driven up the price of food around the world, as you have noted. They made a similar observation for soybeans. If we use all of our soybeans for soy diesel, it would displace 2.9 percent.

By the way, they noted that for corn ethanol, all of the corn going to ethanol, if you tuned up your car and put air in the tires, they said, you would save as much gas as using all of our corn to produce corn ethanol. We get incredible amounts of energy from these fossil fuels. The quality and quantity of energy in these fossil fuels is just incredible.

I mentioned earlier that I was excited by this. This presents a huge challenge to us. We had a huge challenge in World War II. I lived through that. And what I think we need to address this problem is a program that involves everybody in the Nation. And the last time that happened was in World War II. Everybody needs to be involved. We had a victory garden. We had daylight savings time. We saved our household grease. No new cars were built for people in 1943, 1944, and 1945. And then we need the technology focus of putting a man on the moon, and we need the urgency of the Manhattan Project. We are the most creative, innovative society in the world. I'm convinced that, properly informed, the American people can perform miracles. I think we once again can become an energy-exporting country, energy exporting in the terms of exporting the technology it takes to exploit these renewables. I'm excited about this. I think we need challenges. Our young people's lives are just too easy in this country. As I tell audiences, young people, some of them, not a majority of them, spend far too much time watching dirty movies and smoking marijuana. They wouldn't be doing that if they had a real challenge. I can imagine Americans going to sleep at night saying, "Today I used less energy than I did yesterday and I'm okay."

□ 2130

Just one last chart and then I have got to close. The last one.

Using less energy doesn't mean you have a lesser quality of life. It doesn't mean you have a lesser quality of life. This chart shows a number of the countries of the world and the amount of energy they use and how good they feel about life on the ordinate. Here we are, using more energy than anybody else in the world, but notice, there are I think 24 countries, some of them using only half the energy we use, that don't feel as good about life as we do; they feel better about life than we do.

There are lots of opportunities for efficiency and conservation. We will come to the floor and talk about realistic expectations for what we can get out of these renewables and about all of the opportunities that we have for efficiency and conservation.

I'd just like to close, Mr. Speaker, by saying that America really can respond to this. We have performed miracles in the past, we can do it again. So I am excited about this. With my wife's counsel that I shouldn't be talking about this, I think that this is a good news story because America really, really, really responds well to a challenge. We did it in World War II, we did it in putting a man on the moon. We can do it here again.

Thank you, Madam Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

AFRICAN NATIONAL CONGRESS EXEMPTION

Ms. LEE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

On page 2, strike line 12 through the end of line 21 and insert the following:

(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. ROYCE. Madam Speaker, I reserve the right to object, although I do not intend to object. I do so here for the purpose of debate only. I thank the gentlewoman for her request, and I rise in support of this measure, H.R. 5690. I concur in my colleague's request for unanimous consent to pass this measure as amended by the Senate.

Madam Speaker, this bill corrects a longstanding error on U.S. policy towards South Africa. The House passed the bill on May 8 of this year, and the Senate passed the bill by unanimous consent just a few moments ago.

Madam Speaker, I am honored to participate in the process of updating U.S. immigration law as it applies to visits to the United States by South African officials, such as former President Nelson Mandela, to reflect the appropriate status of the African National Congress, and I look forward to personally sharing news of passage of this bill with Mr. Mandela and the South African government when I visit South Africa next week with Chairman BERMAN.

Ms. LEE. Will the gentleman yield?

Mr. ROYCE. I yield to the gentlelady from California.

Ms. LEE. First, let me thank the gentleman from California for yielding and for his leadership and for his commitment and his assistance in helping to bring this bill to the floor tonight, or back to the floor tonight.

Mr. ROYCE and I have traveled to Africa. We have actually been to Darfur in the Sudan and witnessed the horrific genocide taking place, and because of your leadership and because of the bipartisan way in which we have worked, we have put, again, the United States on the right side of history on leading the charge for divestment against the Sudanese government.

Here we are tonight, really a remarkable evening. It's 9:40 and we are here on the floor doing what we should do. We probably should have done it a long time. We are here. Thank you, Mr. ROYCE, very much.

Despite his legacy as a hero of the antiapartheid movement, Nelson Mandela's receipt of the Nobel Peace Prize in 1993, and his election as President of South Africa in 1994, Nelson Mandela continues to be included on the United States terrorist watch list due to his leadership and participation with the African National Congress. As a result, former President Mandela and countless men and women like him, who fought for decades, for decades, mind you, a war of liberation against the apartheid government of South Africa, are required to obtain a visa waiver under the Immigration and Nationality Act in order to enter the United States.

This continuing indignity should not be allowed to persist any longer. This year, President Mandela will turn 90 years old. I believe his birthday is July 17. And so as a fitting tribute to his legacy and to the many others who fought against apartheid, all of us tonight believe that we should promptly pass this bill so that the African National Congress and President Mandela can be removed from the terrorist watch list.

Like many, I was very involved in the antiapartheid movement. I remember having to travel to Switzerland and to Austria and to other countries in Europe just to meet with members of the ANC, African National Congress, to determine how the antiapartheid movement in the United States could support their courageous efforts to shatter the dehumanizing, racist system of apartheid.

We could not meet, unfortunately, in our own country here in the United States because they would have been put in jail. It's no telling what would have happened to me and to others who were committed to support the African National Congress and to end apartheid.

I tell you, this has been a remarkable 18 years. President Mandela was released from prison 18 years ago. And so it's amazing that to this day, despite his legacy as a hero of the antiapartheid movement, that he still needs a visa waiver to enter the United States. This is just plain wrong.

Last December, I traveled to South Africa for World AIDS Day with our colleague, Congresswoman DONNA CHRISTENSEN. We met with many, many people in South Africa, and were specifically asked that Congress take action and pass some legislation to remove President Mandela from this terrorist list, and the ANC. Many of us either had forgotten or really did not know that. And so we came back and started working on this bill.

I have to thank Congressman BERMAN, our Chair of our Foreign Relations Committee, and Congressman CONYERS and Congressman PAYNE and Congressman BENNIE THOMPSON and Senator REID and others for really helping to help move this bill forward.

Let me just say, I come from California and I do have to remind tonight the rest of the country that it was my predecessor, Congressman Ron Dellums, now Mayor Ron Dellums, who put our country on the right side of history. I had the privilege to work for Ron for 11 years. For 12 years, he introduced a sanctions bill, and finally, in the eighties, this Congress overturned President Reagan's veto and put America on the right side of history and began the divestment movement.

Our colleague, Congresswoman MAXINE WATERS, was in the State legislature and she work tirelessly on divestment legislation. Her leadership put the State of California on the right side of history. Actually, I believe that California was the first State to move forward with sanctions against the racist regime of South Africa.

Recently, Congresswoman WATERS and Mayor Dellums received one of the highest honors presented to them by the South African government. So we are very proud of them and thankful for their leadership.

In the Bay area and for those who may be listening, if you remember, we really started the antiapartheid movement with the labor unions, the ILWU. Many of us were actually arrested. We refused to unload the ships. The ILWU, great and courageous men and women. They refused to allow any items to come into the Bay area.

And so we were arrested. We fought. We did so much to try to raise the level of awareness and attention as to what was taking place in South Africa. I can remember us carrying little black passbooks, because coming in from the townships, black South Africans had to have IDs, passbooks. And we had a burning-our-passbook ceremony on the steps of city hall to let people understand that the black majority of South Africa could not live in major towns and had to live in squalor and could only come in to work and had to leave with their passbooks.

So I could go on and on. I am saying this tonight because I want those who are listening to say, This is a really significant moment. This has been, again, a long time coming. But I think this is one of those moments where we have seen the Secretary of State, Republicans, Democrats, all of us working together to end this terrible, terrible policy that we have with regard to the ANC and Nelson Mandela.

I have to salute our speaker, Speaker PELOSI; our minority leader, Mr. BOEHNER; Mr. HOYER. Also, Congresswoman CAROLYN CHEEKS KILPATRICK, Chair of the Congressional Black Caucus, and all the members of the Congressional Black Caucus, and those who, when we started talking about this, first of all, couldn't believe that this was still the case but said we have got to do something. We have got to fix it.

So, again, to our staffs. I have to say to Perl Alice Marsh of the Foreign Affairs staff, to Christos Tsentas on my staff, and to all of the staff on both sides of the aisle who have worked so diligently, tonight is long overdue. It's taken a heck of a lot to get here, but we hope that tonight we will be able to say to President Mandela: Happy Birthday, Mr. Mandela.

Mr. ROYCE, hopefully you will be able to take a signed copy of the bill by the President to Mr. Mandela and wish him God speed, happy birthday, and thank goodness we were finally, finally, finally able to take the ANC and President Mandela off of the terrorist watch list.

Mr. ROYCE. We will do that. I thank the gentlelady.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COSTA) to revise and extend their remarks and include extraneous material:)

Mr. COSTA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. NUNES) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. NUNES, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak border Patrol Station".

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W. L. Ashley United States Courthouse".

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

ADJOURNMENT

Ms. LEE. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, June

30, 2008, at 10 a.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7332. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans; Number of Days of Interest Paid on Loss Claims (RIN: 0560-AH55) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7333. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Affiliate Marketing Rule [Regulation No. 411006] (RIN: 3084-AA94) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7334. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Presidential Library Facilities [NARA-07-0005] (RIN: 3095-AA82) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7335. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act [Docket ID: MMS-2008-PMI-0024] (RIN: 1010-AD17) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7336. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No: [071106659-8716-02]] (RIN: 0693-AB59) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

7337. A letter from the Regional Solicitor, Department of the Interior, transmitting the Department's request for a rehearing of the Federal Energy Regulatory Commission's April 3, 2008, order on the Ten-Year Summary Report under Article 58 of the license for the Don Pedro Project; jointly to the Committees on Natural Resources and Energy and Commerce.

7338. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of a legislative proposal to implement an important new treaty for the protection of aquatic life and the marine environment; jointly to the Committees on Transportation and Infrastructure, Science and Technology, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6376. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. BOSWELL, Mr. CARDOZA, Ms. DELAURO, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. WELCH of Vermont, Mr. MATHESON, Mr. MAHONEY of Florida, Mr. BARROW, Mr. MCINTYRE, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Mr. KAGEN, Mr. HODES, Mrs. DAVIS of California, Mr. SHULER, Mr. POMEROY, Mr. FARR, and Mr. LAMPSON):

H.R. 6377. A bill to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities; to the Committee on Agriculture; considered and passed.

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6378. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H.R. 6379. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. EMANUEL, and Mrs. EMERSON):

H.R. 6380. A bill to amend title XVIII of the Social Security Act to provide payments under the Medicare Program for unscheduled physician telephone consultation services in the case that such payments are determined to be cost and quality effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. DOYLE, Mr. TOWNS, Mr. STUPAK, Ms. SOLIS, Mr. GENE GREEN of Texas, Ms. SLAUGHTER, Mr. WELCH of Vermont, Ms. CASTOR, Mr. JOHNSON of Georgia, Mr. SCHIFF, Mr. MARKEY, Mr. ALLEN, Ms. ZOE LOFGREN of California, Mr. ROSS, Ms. BALDWIN, Ms. DELAURO, Mr. WEXLER, Mr. BOSWELL, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. LIPINSKI, Mr. ROTHMAN, Mr. BACA, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. STARK, Mr. JOHNSON of Illinois, Mr. COBLE, Mr. LYNCH, Mr. TERRY, Ms. HIRONO, Mr. CONYERS, Mr. HIGGINS, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. WU, Mr. MELANCON, Ms. HOOLEY, Mr. GRIJALVA, Ms. NORTON, Mr. MCGOVERN, and Mr. DINGELL):

H.R. 6381. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. GEORGE MILLER of California):

H.R. 6382. A bill to make technical corrections related to the Pension Protection Act of 2006, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 6383. A bill to make available for research and development of alternative energy certain revenue received by the United States for all future oil and gas leases; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. BOEHNER, Mr. SALI, Mr. CANNON, Mr. HELLER, Mr. HERGER, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. DOOLITTLE, Mr. RENZI, Mrs. MUSGRAVE, Mr. YOUNG of Alaska, Mr. ALEXANDER, Mr. REHBERG, Mrs. CUBIN, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. PEARCE, Mr. TANCREDO, Mr. UPTON, Mrs. BLACKBURN, Mr. WALDEN of Oregon, Mr. SHADEGG, Mr. WALBERG, Mr. WITTMAN of Virginia, and Mrs. MYRICK):

H.R. 6384. A bill to provide a comprehensive plan for greater American energy independence; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science and Technology, Ways and Means, Agriculture, Education and Labor, Armed Services, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mrs. BIGGERT, and Mr. SHAYS):

H.R. 6385. A bill to provide a large-scale national effort to improve the state of our national security, economy and environment by providing market incentives to produce and deploy alternative energy solutions and reduce our dependence on foreign oil; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, Energy and Commerce, Education and Labor, Rules, Natural Resources, Agriculture, Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCARTHY of California:

H.R. 6386. A bill to amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. HOEKSTRA, Mr. LEVIN, Mr. KIRK, Mr. ACKERMAN, and Ms. JACKSON-LEE of Texas):

H.R. 6387. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. RAHALL, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SPRATT, Mr. GORDON, Ms. SLAUGHTER, Mr. FILNER, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BRADY of Pennsylvania):

H.R. 6388. A bill to provide additional authorities to the Comptroller General of the United States, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina:

H.R. 6389. A bill to modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina, and to revise the System map relating to the unit; to the Committee on Natural Resources.

By Ms. CORRINE BROWN of Florida:

H.R. 6390. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for certain caregivers, to expand the dependent care credit, and to increase the exclusion limitation for dependent care assistance programs; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. PUTNAM, Mr. PAUL, Mr. SMITH of New Jersey, Ms. WATSON, and Mr. BARTLETT of Maryland):

H.R. 6391. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself and Mr. DENT):

H.R. 6392. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to designate an agency within the Department of Homeland Security to modernize the integrated public alert and warning system of the United States to disseminate homeland security and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. PLATTS):

H.R. 6393. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco use cessation under the Medicare Program, the Medicaid Program, and the maternal and child health program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. REYES, Mr. ORTIZ, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mr. PASTOR, Mr. GRIJALVA, Mr. FILNER, and Mr. MITCHELL):

H.R. 6394. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend Federal reimbursement of emergency health services furnished to undocumented aliens, and for other purposes; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas:

H.R. 6395. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to carry out a program for fellowships and research to enhance domestic preparedness and the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 6396. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 6397. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Education and Labor, Oversight and Government Reform, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Mr. DEFAZIO, Ms. DELAURO, and Mr. HINCHEY):

H.R. 6398. A bill to impose a permanent prohibition on the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law and to require an investigation into possible violations of the annual Department of Defense Appropriations Act prohibition on such propaganda; to the Committee on Armed Services.

By Mr. HODES:

H.R. 6399. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. WALBERG, Mr. ROGERS of Michigan, Mr. UPTON, Mr. McCOTTER, Mr. CAMP of Michigan, Mrs. MILLER of Michigan, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. DOOLITTLE, Mr. HERGER, Mrs. SCHMIDT, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. PENCE, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. CAMPBELL of California):

H.R. 6400. A bill to authorize a State to transfer or consolidate funds made available to such State under certain transportation, education, and job training programs after the United States experiences economic growth at an annual rate of less than 1 percent for 2 calendar quarters; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. DELAHUNT, Mr. HONDA, Mr. McDERMOTT, and Mr. GRIJALVA):

H.R. 6401. A bill to spur rapid and sustainable growth in renewable electricity generation in the United States through priority interconnection, renewable energy payments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BLUMENAUER, Mr. SESTAK, Mrs. LOWEY, and Ms. JACKSON-LEE of Texas):

H.R. 6402. A bill to amend the Elementary and Secondary Education Act of 1965 to establish grants to increase student attendance; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6403. A bill to amend title II of the Workforce Investment Act of 1998 to establish financial literacy education programs for newly naturalized citizens of the United States; to the Committee on Education and Labor.

By Mr. KINGSTON (for himself, Mr. BARROW, Ms. GRANGER, Ms. WASSERMAN SCHULTZ, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. PICKERING, Mr. HAYES, Mr. KELLER, Mr. FEENEY, Mr. PENCE, Mr. DEAL of Georgia, Mr. GINGREY, Ms. FALLIN, Mr. ALTMIRE, Mr. WALDEN of Oregon, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. LATTA, Mr. JORDAN, Mr. CONAWAY, Mr. CARTER, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. SMITH of Nebraska, Mr. GARRETT of New Jersey, Mrs. SCHMIDT, Mrs. CUBIN, Mr. EVERETT, Mrs. MUSGRAVE, Mrs. BIGGERT, Mr. SESSIONS, Ms. DELAURO, Mr. HALL of Texas, Mr. McGOVERN, Mr. WOLF, Ms. KAPTUR, Mr. YOUNG of Alaska, Ms. CLARKE, and Mrs. EMERSON):

H.R. 6404. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Financial Services.

By Mr. LARSEN of Washington:

H.R. 6405. A bill to authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property of the Samish Indian Nation into trust, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H.R. 6406. A bill to elevate the Inspector General of the Commodity Futures Trading

Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. PORTER, Mr. MCDERMOTT, Mr. REYNOLDS, Ms. BERKLEY, Mr. RAMSTAD, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SHAYS, Ms. MATSUI, Mr. PLATTS, Mr. BLUMENAUER, Mr. KIND, Mr. MORAN of Virginia, and Mr. DOGGETT):

H.R. 6407. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Ms. MATSUI (for herself, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Mr. SHAYS, and Mr. DOGGETT):

H.R. 6408. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. LOEBSACK, Mr. LUCAS, Ms. SUTTON, and Mr. WALZ of Minnesota):

H.R. 6409. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 6410. A bill to provide for the elimination of agencies and programs which receive ineffective ratings or three consecutive adequate ratings under the Government Performance and Results Act of 1993 and to amend the Internal Revenue Code of 1986 to rebate the savings from such eliminations to the taxpayers; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut (for himself, Mr. SOUDER, Mr. CLAY, Mr. TOWNS, Ms. FOXX, Mr. SHADEGG, and Mr. WAXMAN):

H.R. 6411. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Oversight and Government Reform.

By Mrs. MUSGRAVE:

H.R. 6412. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, Oversight and Government Reform, Armed Services, Foreign Affairs, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 6413. A bill to prohibit the Administrator of the Federal Emergency Management Agency from updating flood maps until the Administrator submits to Congress a community outreach plan, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. ROTHMAN):

H.R. 6414. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces who receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 6415. A bill to provide that goods that are manufactured in a foreign trade zone and comply with the rules of origin under a trade agreement to which the United States is a party may enter the customs territory of the United States at the rate of duty applicable under that agreement; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, Mr. TANCREDO, Mr. RANGEL, Ms. LEE, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. FATTAH, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. HASTINGS of Florida):

H.R. 6416. A bill to codify existing sanctions against the Government of Sudan until the Government of Sudan meets certain conditions relating to a just and lasting peace in Sudan; to the Committee on Foreign Affairs.

By Mr. BARRETT of South Carolina:

H.R. 6417. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. BOUSTANY, Mr. BURTON of Indiana, and Mr. LAMBORN):

H.R. 6418. A bill to achieve greater national energy independence by terminating longstanding moratoriums on the domestic production of offshore oil and natural gas and to authorize States to petition for authorization to conduct offshore oil and natural gas exploration and extraction in the coastal zone of their State; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. GOODE, Mr. JONES of North Carolina, and Mr. ROSKAM):

H.R. 6419. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6420. A bill to toll the congressional notification period for removing North Korea from the state sponsors of terrorism list; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 6421. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, to provide for expanded leasing of the oil and gas resources of the outer Continental Shelf for exploration, to eliminate certain impediments to the development of nuclear energy sources, to promote coal-to-liquid fuel activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6422. A bill to amend the Internal Revenue Code of 1986 to allow small businesses a refundable income tax credit to offset the cost of providing health care coverage for employees; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6423. A bill to provide for the transportation of the remains of members of the Armed Forces who died in a theater of combat operations when those remains are subsequently recovered; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H.R. 6424. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 6425. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to maintain a Response and Recovery Corps to perform functions related to the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. MORAN of Kansas, Mr. SHIMKUS, Mr. REICHERT, and Mr. LAHOOD):

H.R. 6426. A bill to prohibit the use of funds by the Department of Defense on the KC-X tanker contract, and for other purposes related to that contract; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself and Mr. MARKEY):

H.R. 6427. A bill to provide funding for the Low-Income Home Energy Assistance Program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. KELLER, Mr. FEENEY, and Mr. SMITH of Texas):

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to permit the penalty of death for the rape of a child; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Ms. HERSETH SANDLIN (for herself and Mr. BLUNT):

H. Con. Res. 383. Concurrent resolution recognizing the importance of homeownership for Americans; to the Committee on Financial Services.

By Ms. LEE (for herself, Ms. WATERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. WAXMAN, Ms. NORTON, Ms. MATSUI, Ms. BORDALLO, Mr. BERMAN, Mr. HONDA, Mr. RUSH, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK, Mr. SIRES, Mrs. NAPOLITANO, and Ms. SOLIS):

H. Con. Res. 384. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BERMAN, Mr. WELLER, Mr. KLEIN of Florida, Mr. WEXLER, Mr. FORTUÑO, Mr. PENCE, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. MACK, Mr. ROHRABACHER, Ms. WATSON, Mr. MANZULLO, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. ROYCE, Mr. BILIRAKIS, Mr. CHABOT, Ms. WASSERMAN SCHULTZ, and Mr. CANTOR):

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H. Con. Res. 386. Concurrent resolution recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence; to the Committee on Oversight and Government Reform.

By Mr. TANCREDO (for himself and Mr. CHABOT):

H. Con. Res. 387. Concurrent resolution expressing the sense of Congress that the United States should sever diplomatic relations with Zimbabwe until such time as the President determines that Zimbabwe meets requirements relating to democratic, free and fair elections, basic civil liberties and human rights, and certain other requirements; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. ALEXANDER, Mrs. MYRICK, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. MCCAUL of Texas, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. SHULER, and Mr. BARTON of Texas):

H. Res. 1306. A resolution recognizing the dedication and honorable service of members of the National Guard who are serving or have served in Operation Jump Start; to the Committee on Armed Services.

By Mr. BAIRD (for himself and Mr. UPTON):

H. Res. 1307. A resolution commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mr. CARNAHAN, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. PENCE, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. POE, Mr. FORTUÑO, Mr. INGLIS of South Carolina, Mr. BOOZMAN, Mr. MCCOTTER, Mr. LINDER, Mr. KIRK, Mr. CALVERT, Mr. WELLER, Mr. SALI, Mr. RAMSTAD, Mr. PORTER, Mr. TERRY, and Mr. SHAYS):

H. Res. 1308. A resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. DRAKE:

H. Res. 1309. A resolution recognizing and honoring the 44th anniversary of the passage of the Civil Rights Act of 1964 and those who worked to achieve this goal; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. FILNER, and Mr. HINCHEY):

H. Res. 1310. A resolution expressing the sense of the House of Representatives that the Government of Iran's lack of protection for internationally recognized human rights creates poor conditions for religious freedom in the Islamic Republic of Iran; to the Committee on Foreign Affairs.

By Mr. FATTAH (for himself and Mr. SOUDER):

H. Res. 1311. A resolution expressing support for the designation of National GEAR UP Day; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. HARMAN, Mr. REYES, and Mr. UDALL of Colorado):

H. Res. 1312. A resolution commemorating the 25th anniversary of the Space Foundation; to the Committee on Science and Technology.

By Mr. LAMPSON (for himself, Mrs. DAVIS of California, Mr. FEENEY, and Mr. UDALL of Colorado):

H. Res. 1313. A resolution celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education; to the Committee on Science and Technology.

By Mr. LEVIN (for himself, Ms. KAPTUR, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. BERMAN, Mr. ANDREWS, Mr. BILIRAKIS, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. LANGEVIN, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. WALZ of Minnesota):

H. Res. 1314. A resolution remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCAUL of Texas (for himself, Mr. LAMPSON, Mr. BILBRAY, Mr. GINGREY, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HINOJOSA, Ms. KAPTUR, Mr. MCCARTHY of California, Mr. CRAMER, Ms. WATSON, Mr. SCHIFF, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS of Texas, Mr. UDALL of Colorado, Mr. ORTIZ, Mr. FEENEY, Mr. LUCAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. CARSON):

H. Res. 1315. A resolution commemorating the 50th Anniversary of the National Aeronautics and Space Administration; to the Committee on Science and Technology.

By Mr. MCGOVERN (for himself, Mr. ELLSWORTH, Ms. KAPTUR, Mr. DELAHUNT, Mr. HINCHEY, Mr. HALL of Texas, Mr. ORTIZ, Mr. SNYDER, and Mr. JONES of North Carolina):

H. Res. 1316. A resolution honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 76 memorializing the Congress of the United States to take such actions as are necessary to expedite the reopening of the Arabi branch of the United States Postal Service located in St. Bernard Parish; to the Committee on Oversight and Government Reform.

328. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 114 expressing opposition to S. 40 and H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

329. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 68 memorializing the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine; jointly to the Committees on Energy and Commerce and Education and Labor.

330. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 321 memorializing the President of the United States and the Congress of the United States to enact S. 70; jointly to the Committees on Oversight and Government Reform and the Judiciary.

331. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 36 expressing opposition to the authorization of offshore aquaculture in the Gulf of Mexico; jointly to the Committees on Natural Resources and Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Ms. ROS-LEHTINEN.

H.R. 410: Mr. OLVER.

H.R. 423: Mr. WOLF.

H.R. 552: Mr. CROWLEY.

H.R. 583: Ms. KAPTUR.

H.R. 688: Mr. SHERMAN.

H.R. 736: Mr. BOOZMAN, Mr. POE, Mr. CALVERT, Mr. SALI, Mrs. MYRICK, and Mr. SOUDER.

H.R. 1029: Ms. DELAURO.

H.R. 1032: Mr. KENNEDY.

H.R. 1113: Mrs. DRAKE, Mr. HALL of New York, and Mr. LOBIONDO.

H.R. 1117: Mr. TOWNS.

H.R. 1120: Mr. KING of New York.

H.R. 1228: Mr. ENGLISH of Pennsylvania.

H.R. 1279: Mr. MILLER of North Carolina.

H.R. 1283: Mr. ORTIZ.

H.R. 1293: Mr. SENSENBRENNER.

H.R. 1399: Mr. CHILDERS.

H.R. 1428: Mrs. GILLIBRAND.

H.R. 1552: Mr. KUHL of New York.

H.R. 1610: Mr. MORAN of Kansas and Mr. WITTMAN of Virginia.

H.R. 1655: Mr. SPACE.

H.R. 1671: Mr. MARKEY.

H.R. 1709: Mr. BROWN of South Carolina.

H.R. 1755: Mr. HOLT.

H.R. 1866: Mr. KAGEN.

H.R. 1881: Mr. BOREN and Mr. FERGUSON.

H.R. 2053: Mr. SPACE, Mr. DAVIS of Illinois, and Mr. CALVERT.

H.R. 2060: Mr. CANNON.

H.R. 2091: Mrs. MUSGRAVE.

H.R. 2104: Mr. CAMP of Michigan.

H.R. 2123: Mr. YOUNG of Alaska and Mr. SARBANES.

H.R. 2132: Mr. CARSON.

H.R. 2167: Mr. ALTMIRE and Mr. CROWLEY.

H.R. 2188: Mr. WALSH of New York.

H.R. 2279: Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. CULBERSON, Mr. WALBERG, and Mr. BROWN of South Carolina.

H.R. 2289: Mr. WHITFIELD of Kentucky, Mr. LEWIS of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICHAUD.

H.R. 2329: Mr. CARNAHAN, Mr. WALBERG, and Mr. KNOLLENBERG.

H.R. 2330: Mr. GARRETT of New Jersey.

H.R. 2370: Mr. LANGEVIN, Mr. CARTER, Mr. ENGLISH of Pennsylvania, Mr. HOLT, and Mr. TERRY.

H.R. 2384: Mr. LATHAM.

H.R. 2472: Mr. SESTAK.

H.R. 2493: Mr. FEENEY and Mr. GARRETT of New Jersey.

H.R. 2583: Mr. HOLDEN.

H.R. 2606: Mr. JOHNSON of Georgia, Mr. DOYLE, Mr. RYAN of Ohio, and Ms. HIRONO.

H.R. 2676: Mr. ALTMIRE.

H.R. 2686: Mr. WELCH of Vermont.

H.R. 2708: Mr. MARKEY.

H.R. 2712: Mr. LAMBORN.

H.R. 2721: Mr. COSTA.

H.R. 2762: Mr. JOHNSON of Illinois.

H.R. 2796: Mr. ENGLISH of Pennsylvania.

H.R. 2832: Mr. LANGEVIN and Mr. LATHAM.

H.R. 2842: Ms. BERKLEY.

H.R. 2880: Mr. COSTA.

H.R. 2990: Mr. PETERSON of Minnesota.

H.R. 2994: Mr. ALTMIRE.

H.R. 3047: Mr. SCALISE.

H.R. 3089: Mr. BROWN of South Carolina and Mr. CRENSHAW.

H.R. 3094: Ms. GIFFORDS and Mr. MOORE of Kansas.

H.R. 3119: Mr. WEXLER, Ms. NORTON, and Mr. HINCHEY.

H.R. 3186: Mr. LOEBSACK, Mr. SHADEGG, Mr. RUPPERSBERGER, and Ms. DEGETTE.

H.R. 3245: Mr. SHAYS.

H.R. 3289: Mr. LYNCH and Mr. PRICE of North Carolina.

H.R. 3329: Mr. MCNERNEY.

H.R. 3396: Mr. DAVIS of Illinois.

H.R. 3406: Mr. BISHOP of Georgia.

H.R. 3485: Ms. SCHAKOWSKY.

H.R. 3652: Mr. WELCH of Vermont and Mr. LOEBSACK.

H.R. 3669: Ms. SCHWARTZ.

H.R. 3679: Mr. WESTMORELAND.

H.R. 3689: Mrs. MALONEY of New York.

H.R. 3929: Ms. LEE.

H.R. 4048: Mr. ALEXANDER.

H.R. 4061: Mr. WAXMAN.

H.R. 4099: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4126: Mr. MOORE of Kansas, Mr. PITTS, Mr. DENT, Mr. KELLER, Mr. CUELLAR, and Ms. DEGETTE.

H.R. 4158: Ms. RICHARDSON, Mrs. DAVIS of California, Mr. FILNER, Mr. MITCHELL, and Mr. BILBRAY.

H.R. 4236: Mr. LOBIONDO.

H.R. 4245: Mr. LAMBORN.

H.R. 4269: Mr. KLEIN of Florida.

H.R. 4344: Mr. FEENEY.

H.R. 4833: Mr. MILLER of North Carolina, Mr. WESTMORELAND, Mr. TAYLOR, Mr. CLEAVER, and Mr. SHULER.

H.R. 4900: Mr. CAZAYOUX.

H.R. 5160: Mr. MCDERMOTT.

H.R. 5236: Mr. BISHOP of Georgia.

H.R. 5267: Mr. CANTOR.

H.R. 5315: Mr. MCGOVERN.

H.R. 5404: Mr. WAXMAN, Mr. MARKEY, Mr. INSLEE, Mr. WU, and Mr. LANGEVIN.

H.R. 5435: Mr. BECERRA and Mr. SALAZAR.

H.R. 5465: Mr. CARSON.

H.R. 5488: Mr. SESTAK.

H.R. 5515: Mr. SHAYS.

H.R. 5535: Ms. HIRONO, Mr. THOMPSON of California, Mr. MARKEY, Ms. BORDALLO, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Ms. MATSUI, and Mr. UDALL of Colorado.

H.R. 5575: Mr. GRIJALVA.

H.R. 5583: Ms. GIFFORDS.

H.R. 5604: Mr. PETERSON of Minnesota and Mr. LATHAM.

H.R. 5606: Mr. FEENEY and Mr. KAGEN.

H.R. 5629: Mr. PASCRELL.

H.R. 5632: Mr. FORTENBERRY, Mrs. CAPPS, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 5652: Mr. HUNTER.

H.R. 5656: Mr. MARIO DIAZ-BALART of Florida, Mr. GARY G. MILLER of California, and Mrs. SCHMIDT.

H.R. 5674: Mr. MILLER of North Carolina.

H.R. 5731: Mr. ROGERS of Kentucky and Mr. GOODLATTE.

H.R. 5737: Mr. SHIMKUS.

H.R. 5772: Mr. SIRES.

H.R. 5782: Mr. DENT.

H.R. 5793: Mr. KLEIN of Florida.

H.R. 5838: Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. MEEKS of New York.

H.R. 5874: Mrs. CUBIN, Mrs. LOWEY, and Mr. LATHAM.

H.R. 5878: Mr. LATHAM.

H.R. 5898: Mr. GRIJALVA and Ms. LEE.

H.R. 5910: Mr. MCCOTTER, Mr. HOEKSTRA, Mr. FRANKS of Arizona, and Mr. JONES of North Carolina.

H.R. 5925: Mr. CROWLEY, Mr. PAYNE, Ms. WATSON, and Mr. WEXLER.

H.R. 5954: Mr. HOLT.

H.R. 6045: Mr. KANJORSKI, Mr. WEXLER, and Mr. BISHOP of New York.

H.R. 6057: Mr. MCNULTY.

H.R. 6064: Mr. CUELLAR.

H.R. 6066: Ms. WATERS, Ms. LEE, Mr. CARSON, Mr. SHERMAN, and Mr. WAXMAN.

H.R. 6067: Mr. LARSEN of Washington.

H.R. 6076: Mr. DAVIS of Illinois.

H.R. 6079: Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. COSTELLO, Mr. PETERSON of Minnesota, and Mr. FRANK of Massachusetts.

H.R. 6089: Ms. SCHAKOWSKY.

H.R. 6091: Mr. MEEKS of New York, Mr. GALLEGLY, and Mr. SOUDER.

H.R. 6100: Mr. GEORGE MILLER of California.

H.R. 6108: Mr. FEENEY.

H.R. 6126: Ms. WASSERMAN SCHULTZ.

H.R. 6130: Mr. STEARNS.

H.R. 6157: Mr. CARNEY.

H.R. 6162: Mr. UDALL of Colorado.

H.R. 6168: Mr. CLEAVER.

H.R. 6169: Mr. CLEAVER.

H.R. 6172: Mr. BONNER and Mr. DAVIS of Alabama.

H.R. 6194: Mr. GARRETT of New Jersey.

H.R. 6199: Mr. NADLER.

H.R. 6207: Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. RYAN of Wisconsin, Mr. KINGSTON, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. BARTLETT of Maryland, and Mr. GINGREY.

H.R. 6208: Mr. CLEAVER.

H.R. 6209: Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. MARKEY.

H.R. 6210: Mr. LIPINSKI.

H.R. 6251: Mr. HASTINGS of Florida, Mr. SPACE, and Mr. CARNEY.

H.R. 6252: Ms. GRANGER, Mr. MOORE of Kansas, and Mr. MCHENRY.

H.R. 6256: Mr. TIERNEY.

H.R. 6264: Mr. BISHOP of Georgia.

H.R. 6285: Ms. SPEIER.

H.R. 6288: Ms. GINNY BROWN-WAITE of Florida.

H.R. 6292: Ms. GINNY BROWN-WAITE of Florida.

H.R. 6294: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Ms. CASTOR, Mr. MAHONEY of Florida, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 6297: Ms. MATSUI.

H.R. 6299: Mr. ROTHMAN and Ms. GRANGER.

H.R. 6316: Mr. ARCURI, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Mr. SIRES, Mr. CUMMINGS, Mr. ROTHMAN, Mr. ANDREWS, Mr. ABERCROMBIE, and Ms. CORRINE BROWN of Florida.

H.R. 6321: Mr. DAVIS of Illinois and Mr. KUHL of New York.

H.R. 6328: Mr. DINGELL.

H.R. 6330: Mr. LAMPSON.

H.R. 6347: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, and Mr. OBERSTAR.

H.R. 6348: Ms. GINNY BROWN-WAITE of Florida, Mr. KINGSTON, and Mr. WILSON of South Carolina.

H.R. 6353: Mr. DAVIS of Illinois.

H.R. 6368: Mr. CAMP of Michigan.

H.R. 6371: Mr. RAMSTAD, Mr. DOGGETT, and Mr. BECERRA.

H.J. Res. 39: Mr. ROGERS of Michigan.

H.J. Res. 50: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. SHAYS, and Mr. INGLIS of South Carolina.

H.J. Res. 79: Ms. NORTON.

H.J. Res. 89: Mr. SCALISE and Mrs. MUSGRAVE.

H.J. Res. 91: Mr. FRANK of Massachusetts and Mr. HOLT.

H. Con. Res. 81: Mr. PAUL.

H. Con. Res. 214: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. AL GREEN of Texas, and Mr. CUMMINGS.

H. Con. Res. 276: Mr. SHAYS.

H. Con. Res. 284: Mr. FORBES.

H. Con. Res. 296: Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. LAMBORN, Ms. WATERS, Mr. BOREN, and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 338: Mr. WATT.

H. Con. Res. 345: Mr. POE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, and Mr. MEEKS of New York.

H. Con. Res. 352: Mr. ANDREWS.

H. Con. Res. 356: Mr. SHERMAN.

H. Con. Res. 358: Mr. ELLSWORTH, Mr. BOREN, Mr. TAYLOR, Mr. UDALL of Colorado, Mr. LOEBSACK, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. REYES, Mr. CHABOT, Mr. ENGLISH of Pennsylvania, Mr. REHBERG, Mr. ISSA, and Ms. FALLIN.

H. Con. Res. 360: Ms. MCCOLLUM of Minnesota and Mr. CONYERS.

H. Con. Res. 362: Mr. REHBERG, Mr. SARBANES, Mr. SHIMKUS, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. CASTOR, Mr. ALTMIRE, Mr. FILNER, Mr. CARNAHAN, Mr. WELLER, Mr. BISHOP of Georgia, and Mr. LATHAM.

H. Con. Res. 364: Mr. SHAYS.

H. Con. Res. 365: Mr. KUHL of New York.

H. Con. Res. 380: Mr. TOWNS and Mrs. TAUSCHER.

H. Con. Res. 381: Ms. MCCOLLUM of Minnesota.

H. Res. 732: Mr. HILL, Ms. MATSUI, Mrs. SCHMIDT, Mr. CLAY, Mr. GILCHREST, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. BACA, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. BERRY, Mr. CHILDERS, Mr. ROSS, Ms. HARMAN, Ms. WOOLSEY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. LEWIS of Georgia, Mr. ELLISON, Ms. KILPATRICK, Mr. WAXMAN, Mr. RUPPERSBERGER, Ms. DEGETTE, Mr. MCNERNEY, Ms. CLARKE, Ms. HOOLEY, Mr. RODRIGUEZ, Mr. SIRES, Ms. ESHOO, Mr. CAZAYOUX, Mr. ETHERIDGE, Mr. COOPER, Mr. WELCH of Vermont, Mr. ISSA, Mr. ROTHMAN, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. PERLMUTTER, Mr. SALAZAR, Mr. GONZALEZ, Mr. CARSON, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, and Mr. CRAMER.

H. Res. 758: Mrs. DRAKE.

H. Res. 906: Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. REYES, and Mr. WOLF.

H. Res. 1006: Mr. KANJORSKI and Mr. WILSON of Ohio.

H. Res. 1008: Mr. KUHL of New York.

H. Res. 1012: Mr. JOHNSON of Illinois.

H. Res. 1017: Mr. HONDA, Ms. NORTON, Mr. MOORE of Kansas, and Mr. CLEAVER.

H. Res. 1045: Mr. HONDA and Mr. GRIJALVA.

H. Res. 1111: Mr. KANJORSKI.

H. Res. 1140: Mr. GARRETT of New Jersey.

H. Res. 1179: Mr. GORDON.

H. Res. 1227: Mrs. CAPPS.

H. Res. 1232: Mr. COSTELLO, Mrs. MALONEY of New York, and Mr. MCDERMOTT.

H. Res. 1246: Mr. SCHIFF, Mr. COHEN, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. DELAHUNT, and Mr. CARSON.

H. Res. 1248: Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. EVERETT.

H. Res. 1255: Mr. TAYLOR, Mr. LAMBORN, Mr. MCHUGH, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. SAXTON, Mr. EVERETT, Mr. BISHOP of Utah, Mr. THORNBERRY, Mr. SHUSTER, Mr. HAYES, Mr. WITTMAN of Virginia, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. LOBIONDO, Ms. FALLIN, Mr. SULLIVAN, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. NEUGEBAUER, Mr. CARTER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mr. WAMP, Mr. SNYDER, Mr. AKIN, and Mr. ABERCROMBIE.

H. Res. 1266: Mr. CLEAVER and Mr. DOYLE.

H. Res. 1273: Mr. LANGEVIN.

H. Res. 1278: Mrs. MYRICK.

H. Res. 1287: Mr. SESTAK, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MILLER of Michigan, Mr. BOUSTANY, and Mr. CAMP of Michigan.

H. Res. 1290: Ms. WATERS.

H. Res. 1296: Mr. ROHRABACHER, Mr. SESTAK, and Mr. ETHERIDGE.

H. Res. 1301: Mr. FATTAH, Mr. DREIER, Ms. TSONGAS, Mr. JACKSON of Illinois, Mr. DOOLITTLE, Mr. MCGOVERN, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Mr. OLVER, Mr. JONES of North Carolina, and Mr. CALVERT.

H. Res. 1302: Mr. BOEHNER, Mrs. BLACKBURN, Mr. COBLE, Mr. CHABOT, Mr. NEUGEBAUER, Mr. JONES of North Carolina, Mr. SPACE, Mr. ROSS, Mr. GORDON, Mr. CRAMER, Mr. MAHONEY of Florida, Mr. TERRY, Mr. LINDER, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMBORN.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5353: Mr. CARSON.

H.R. 6264: Mrs. BOYDA of Kansas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

285. The SPEAKER presented a petition of the Screen Actors Guild, relative to a Resolution requesting proclamation on behalf of the State of California on the celebration of the Screen Actors Guild's 75th Anniversary; to the Committee on Oversight and Government Reform.

286. Also, a petition of the Citrus County Board of County Commissioners, Florida, relative to Resolution No. 2008-069 requiring that American flags manufactured in the United States, be flown at all Citrus County government facilities; to the Committee on Oversight and Government Reform.

287. Also, a petition of the Council of the City of Tehachapi, California, relative to Resolution No. 07-08 urging the Supreme Court of the United States to uphold the original and historic view of the Second Amendment in its full and complete meaning; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 10, June 24, 2008, by Mr. JOHN R. "RANDY" KUHL, JR. on H.R. 5656, was signed by the following Members: John R. "Randy" Kuhl Jr., Doug Lamborn, David Davis, Robert E. Latta, Joseph R. Pitts, Charles W. Boustany, Jr., Ron Paul, Michael T. McCaul, John Kline, Randy Neugebauer, Lynn A. Westmoreland, Wally Herger, Patrick J. Tiberi, John Linder, Todd Tiahrt, Terry Everett, Phil English, Steve Chabot, Frank D. Lucas, Trent Franks, Patrick T. McHenry, Tom Cole, Lamar Smith, Kenny Marchant, Geoff Davis, Joe Wilson, Howard P. "Buck" McKeon, Ken Calvert, John B. Shadegg, Peter J. Roskam, Jim Jordan, Daniel E. Lungren, Jo Ann Emerson, Sam Johnson, Phil Gingrey, K. Michael Conaway, Cathy McMorris Rodgers, Tim Walberg, John J. Hall, Mario Diaz-Balart, Lincoln Diaz-Balart, Marsha Blackburn, Dennis R. Rehberg, Rodney Alexander, Paul C. Broun, Jean Schmidt, Pete Sessions, Jeff Miller, Jeff Flake, Todd Russell Platts, Mike Rogers, Jeb Hensarling, Darrell E. Issa, Judy Biggert, John L. Mica, Tom Price, John E. Peterson, John Abney Culberson, Tom Latham, Jack Kingston, Mary Fallin, Mike Ferguson, Candice S. Miller, Ginny Brown-Waite, Kay Granger, Michael C. Burgess, Thelma D. Drake, Joe Barton, Mike Pence, Thomas M. Reynolds, Ric Keller, Henry E. Brown, Jr., Nathan Deal, Dave Camp, Harold Rogers, Jim McCrery, Duncan Hunter, Roy Blunt, Jerry Weller, Eric Cantor, Thaddeus G. McCotter, Spencer Bachus, Greg Walden, Gus M. Bilirakis, Fred Upton, Vito Fossella, Donald A. Manzullo, F. James Sensenbrenner, Jr., Dean Heller, Dan Burton, Virgil H. Goode, Jr., John Shimkus, Tom Davis, Marilyn N. Musgrave, Roscoe G. Bartlett, Bill Shuster, Charles W. Dent, James T. Walsh, J. Gresham Barrett, Lee Terry, Scott Garrett, Howard Coble, Bill Sali, John M. McHugh, W. Todd Akin, Adrian Smith, Kevin McCarthy, Jo Bonner, John A. Boehner, Ander Crenshaw, Joe Knollenberg, John T. Doolittle, Tom Feeney, John Campbell, John R. Carter, John Boozman, Steve King, Jon C. Porter, Ted Poe, Sue Wilkins Myrick, Peter T. King, Virginia Foxx, Adam H. Putnam, and Deborah Pryce.

Petition 11, June 24, 2008, by Mr. THOMAS G. TANCREDO on House Resolution 1240, was signed by the following Members: Thomas G. Tancredo and Jean Schmidt.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. PENCE on House Resolution 694: Timothy V. Johnson.

Petition 4 by Mr. ADERHOLT on H.R. 3584: Trent Franks.

Petition 5 by Mrs. DRAKE on H.R. 4088: Timothy V. Johnson.

Petition 6 by Mr. BOUSTANY, JR. on House Resolution 1025: Pete Sessions.

Petition 8 by Mr. WALBERG on H.R. 3089: Don Young, Thomas G. Tancredo, Jeff Flake, and Mike Rogers.

Petition 9 by Mr. ENGLISH on H.R. 2279: Rob Bishop, Trent Franks, and Michael N. Castle.

SENATE—*Thursday, June 26, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our hopes and dreams, from whom all blessings flow, thank You for Your presence and sustaining power. Strengthen our lawmakers during the rigorous demands of their day. Lord, manifest Your presence and inspire them with Your unchanging love. Help them to remember that greater than the leverage of force is the power of love. Remind them that love can mold wills, penetrate lives, and overcome obstacles. Lord, make our Senators instruments of Your peace and love in a hurting nation and world. Enable them to say with the Psalmist: "Test me, O Lord, and try me, examine my heart and my mind, for Your love is ever before me, and I walk continually in Your truth."

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Foreign Intelligence Surveillance Act, FISA.

Earlier this week, we were able to work out an agreement to consider two district court judges today. The Judiciary Committee is going to meet today to consider other judges, but we now have two we are going to approve sometime today, and they are William T. Lawrence of Indiana and G. Murray Snow of Arizona. When the Senate considers the nominations, there will be an hour for debate, equally divided and controlled, prior to the votes on confirmation of the nominations. These votes will occur sometime during the day. The second vote will be 10 minutes in duration.

Mr. President, I guess we have to learn from our experiences in life, and I try to do that. I was thinking, coming to work here today, what have I had that is comparable to what we have been doing here this week? And the best I could come up with is, when I was a boy, I would go with my dad and my family to gather wood. We would go up these washes, desert washes, and in these washes grows what we call cat's claw mesquite. That is the only place it grows, in these washes, the reason being that the seeds only germinate when they are pulverized, pounded down these washes. So we would go down there in a pickup—four-wheel drives did not exist or rarely existed at the time—and invariably we would get stuck in the sand. Those back tires would spin—one of them especially—and sometimes it would take a long time. Those tires would spin. That vehicle was going a thousand miles an hour but moving nowhere. But as the day and time progressed, we would put brush under the tires and the rocks, and we would get out eventually.

Well, that is kind of where we are today in the Senate. All week long, we have been stuck in the sand, spinning our wheels. This is Thursday, and Thursday can be a magical day in the Senate, but it is not automatic. It is not automatically a magical day. We have many things to do to, in effect, stop spinning our wheels. We have four major pieces of legislation that need to be considered before we can leave for the Fourth of July recess.

FISA. I received a call this morning from the majority leader in the House, Leader HOYER, and he—a lot of people are responsible for getting this bill to this point, but I think all would acknowledge that his work on this was instrumental—and he, of course, would like us to finish this as quickly as possible. We are currently considering the motion to proceed to FISA. That is the legislative matter now before this body. I hope and I am convinced that we will be able to work out an agreement to move action on this bill.

Housing. Yesterday, the Senate overwhelmingly voted for the Dodd-Shelby bipartisan agreement. So it is not a matter of whether but when the housing legislation will pass the Senate. I hope we can reach an agreement before the end of the day as to how this bill is going to be finished. If we don't, I will just have to look for another opportunity to file cloture and this bill will be completed. As I have indicated to a number of Senators, both Democrats and Republicans, as we proved yesterday, when we have an opportunity, we can move legislation. There was agreement made on amendments, there was compromise on those amendments, and that is what will happen as we proceed down the road. I know there is an issue dealing with whether one Senator can offer an amendment to have the extenders not paid for. That won't happen on this bill. Those who want to do that can do it on some other vehicle, but that won't happen on the housing legislation.

The supplemental. I hope we can reach agreement today to complete action on this bill that was passed by the House overwhelmingly—the House got 355 on that piece of legislation, with just a handful of votes against it. It was truly a piece of legislation that was important to be done. I am sorry, that was not the number on that, Mr. President, but it was passed overwhelmingly, the supplemental, and we need to do it here.

This bill includes the GI Bill of Rights, and it includes an unemployment insurance extension, which people are waiting for us to do today and the President to sign the bill. There are, of course, other domestic priorities, not the least of which is on the Medicaid regulations. Every Senator has received calls from their Governor about the importance of these Medicaid regulations. Passage of this bill will be a victory for the American people, and it is one of those rare instances where we have, as I have said on the floor in recent days, worked with the President, and he has worked with us, and we have a bill he is going to sign without any question.

Medicare. That is the bill that passed by a vote of 355 to 59 in the House. It is an extremely important piece of legislation. We have to complete that before we leave here. If we don't do it before July 1, everyone knows—well,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

when I walked out of my office, the head of the American Medical Association was there saying: Pass the bill the House passed. She is over there. She is a physician from Buffalo, NY, and she said it is one of the most important things we could do to help the health care delivery system in this country. The AARP yesterday came out for this legislation.

It is an extremely important piece of legislation. The bill is similar to the one drafted by Senators BAUCUS and GRASSLEY earlier this month that every Senate Democrat and nine Senate Republicans voted for. It represents the only chance this body has to head off cuts to doctors before they take effect at the end of this month. So we either will get an agreement today to pass the Medicare doctors fix or, when I have an opportunity, which will probably be after midnight tonight, to file cloture on that. If that is the case—and I can't do that before midnight—then that will mean a weekend cloture vote. So we have to do that. We have no alternative. Everyone wants to go everyplace because the Fourth of July break is coming, but we can't do that until we complete that. I hope that can be worked out as soon as possible.

I am optimistic that this is going to be a productive day in the Senate, but I am also realistic that it may not be. Magic can happen, as I have indicated, when we work together here in the Senate. On Thursdays, a lot of that magic occurs, but it does not mean it is going to happen automatically. I hope it is not a continuation of being stuck in the sand and those wheels are spinning and spinning. I hope we can get something done for the American people today.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. McCONNELL. Mr. President, last April the Director of National Intelligence, ADM Mike McConnell, warned Congress about a serious flaw in the laws that govern our Nation's terror-fighting capabilities. New technologies had made our old electronic surveillance program dangerously out of date, he said, causing us to miss substantial amounts of vital intelligence on foreign terror suspects overseas.

In reaction to these concerns, the Senate passed and the President signed a temporary measure, the Protect America Act. The Protect America Act lived up to its name. We are told that from the time of its passage last August until its expiration in February, it allowed us to collect significant intelligence on terrorists and has been critical in protecting the United States from harm. But the Protect America Act had a signal failure: the telecom companies that may have helped prevent terrorist attacks were not protected from potentially crippling lawsuits. This was no small thing since without these companies, America wouldn't even have an effective surveillance program. Bankrupting the telecoms would be like outlawing fire hydrants—you could have the best firetrucks and the best firemen in the world, but you would still be incapable of putting out fires.

So after several months of new negotiations, the House finally devised and approved last week a revision of the original surveillance law that addresses the DNI's major concerns, including the important telecom protection. As the DNI put it in a recent letter endorsing the House-passed bill:

> This bill would provide the intelligence community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals, essential to any effort to modernize FISA, we strongly support passage and will recommend the President sign it.

That is the Director of National Intelligence.

Passage of this legislation is long overdue. When the Protect America Act expired in February, the DNI warned Democratic leaders in the House once again about the need for an updated law. Yet House Democrats were evidently more concerned about the pressure they were getting from left wing groups such as moveon.org. They brushed the DNI's warnings aside and refused to take up and pass a bipartisan Senate-passed compromise bill that would have easily cleared the House. As a result of Democratic intransigence, our intelligence community has been handicapped in its ability to acquire new terrorist targets overseas. This was grossly irresponsible, and many of us said so at the time.

Now more than a year after the DNI made his initial plea, House Democrats have finally done the right thing. They have acted on the DNI's warnings by passing an updated surveillance law that meets his original criteria and which meets the criteria Republicans laid out during last year's debate—namely, one that gives the intelligence community the tools it needs to protect us, which doesn't put the telecom companies that made this program possible out of business, and which would get a Presidential signature.

Now it is time for the Senate to take up this bill and pass it without any further delay. The bill isn't perfect. I would have preferred for the Speaker to allow a vote on the Senate-passed FISA bill. But it does meet the DNI's criteria, and therefore its passage will mark a serious achievement, though long overdue, in the interest of our national security.

This hard-fought bill represents the epitome of compromise. The senior Senator from Missouri should be singled out for his outstanding work on this most important piece of legislation. He has done a service to the Senate and to the Nation by patiently working all of this out over the course of more than a year.

He was assisted in that effort by very able staff. Louis Tucker, Jack Livingston, and Kathleen Rice were invaluable throughout the process, to every Senator who was involved in this extremely important debate. They also deserve our thanks.

I will support this bill for all the reasons I have mentioned and urge my colleagues to do the same. We must pass this before leaving town and not allow it to be held up by yet another Democratic filibuster.

HONORING OUR ARMED FORCES

SERGEANT TATJANA REED

Mr. McCONNELL. Mr. President, I rise to speak for a brave woman, mother and soldier who has fallen. On July 22, 2004, SGT Tatjana Reed was tragically killed when an improvised explosive device detonated near her vehicle during combat operations in Samarra, Iraq.

Born half a world away, Sergeant Reed came to call Fort Campbell, KY her home. She was 34 years old.

For her bravery in service, she received numerous medals, awards and decorations, including the Bronze Star Medal and the Purple Heart.

Born and raised in Germany, Sergeant Reed chose to make America her own, and she chose to enlist in the U.S. Army to protect it.

To hear Tatjana's younger sister, Rebecca Milliner, describe their time together as children, growing up in Germany sounds little different from growing up in America.

"She had to drag her little sister along to hang out with her friends," Rebecca recalls. But "she never complained about having to take me with her."

Tatjana graduated from high school in Germany, then later came to America as a young woman in 1991 and graduated from basic training in February of that year. The Army proved to be Tatjana's path to embracing both a new country and a new mission in life.

"She loved the Army," says Tatjana's mother, Brigitte Dykty, who also came to America from Germany around the same time as her daughter.

Brigitte remembers that before Tatjana left for Iraq, her daughter "told me not to worry for her," she says. Tatjana reassured her mother by saying, "It's my job."

Tatjana became an emergency medic and was stationed at Fort Knox, KY. The Bluegrass State became her new home. In 1993, she transferred to Fort

Campbell, and also spent time in Kosovo. In August of 1998, she became an American citizen.

But perhaps the greatest gift in Tatjana's life was her daughter, Genevieve, who tucked a framed photo of herself into Tatjana's bags as a gift to her mom when she went to Iraq.

By the time she was deployed to Iraq, Tatjana was assigned to the 66th Transportation Company, based out of Kaiserslautern, in her native Germany, and served as a heavy-wheeled vehicle operator. At a memorial service for Tatjana, her fellow soldiers described the joy of working with her.

"When I first came to the 66th, Sergeant Reed was the first person I met," says Private First Class Melissa Cramblett. "She took me under her wing. She was a good person, a good [non-commissioned officer,] and she cared a lot for us."

Other soldiers described a caring woman who was a mother figure to the younger troops under her care. She translated German for the soldiers communicating with the locals, and brewed a strong cup of coffee that became the soldiers' favorite.

"She was an exceptional woman," says SSG Agustin Sarmiento. "There were no other words to describe her. She was a real tender, loving, caring person. She cared for soldiers."

The compassion Tatjana showed for the people around her was not new. A story her sister, Rebecca, shared with me illustrates that.

When I was eight or nine I was rushed to the hospital to have my appendix removed," Rebecca says. "I was scared because I never had to stay in a hospital before. I remember waking up from the surgery and opening my eyes and looking at my sister. She said, 'How are you doing?' She started joking with me, so I would forget about my pain.

"She was at the hospital with me every day. That is when she became my hero."

Tatjana always called her daughter Genevieve "her little soldier," and so at Tatjana's funeral, Genevieve did not cry. To remain her mother's little soldier, she said she would cry when she was alone.

Tatjana's passing leaves a hole in the lives of those who knew her that cannot be filled. We are thinking of her mother Brigitte Dykty; her daughter Genevieve Reed; her sister Rebecca Milliner; her brother Torsten Wissmann; her stepfather Joseph Dykty; and many other beloved family members and friends.

Rebecca still remembers the shock of hearing the tragic news. "My sister was gone just like that," she says.

"The one good thing that came out of it [is] she now is a hero to millions of people and not just to me."

Rebecca and her family can rest assured that this Senate does indeed recognize SGT Tatjana Reed as a hero. And now, her adopted country will forever adopt her, as a brave patriot who made the greatest sacrifice for her Nation.

Mr. President, in Kentucky today a family mourns the loss of a hero and patriot. SGT William G. Bowling was tragically killed on April 1, 2007, when an improvised explosive device detonated near his vehicle as he was on patrol outside Baghdad. Sergeant Bowling hailed from Beattyville, KY, and he was 24 years old.

He received several awards, medals and decorations for his valor, including the Army Commendation Medal, the National Defense Service Medal, and the Purple Heart.

"This is the job he wanted to do," says his wife, Jennifer, about her husband's service. "He wanted to serve his country. . . . He really believed in what he was doing in Iraq."

In fact, this was Will's second tour of duty in Iraq. He was serving as a military police officer assigned to Headquarters and Headquarters Company, 2nd Brigade Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, based out of Fort Drum, NY. Will enlisted in the Army in 2003 and then reenlisted in 2005.

The year of his first enlistment, 2003, was an important one for another reason. That year, Will had a job at Affiliated Computer Services, where he got to meet a young woman named Jennifer.

Their first date was on Groundhog Day; they went to see a movie. As he and Jennifer grew closer, he described for her his desire to join the Army.

"He was at a point in his life where he just felt like he needed to enlist," Jennifer recalls. "He thought about joining right after 9/11, and he thought about it some more after that. It was just something he thought he needed to do.

"I knew something could happen," she adds. "But I supported him."

Will and Jennifer fell in love, and they were married on July 23, 2003, in Richmond, KY. On the very next day, Will reported for Army training.

Will served as an infantryman when he first enlisted, training at Fort Benning, GA, then reporting to Fort Drum. He was deployed on his first tour in Iraq in 2004 and reenlisted while on tour in 2005. Upon returning home, he trained at Fort Leonard Wood, MO, in 2005 and 2006 to become an MP.

Deployed on his second Iraqi tour in August 2006, Will patrolled the streets of Baghdad, and was part of a crew that found and detonated explosives before they could harm other soldiers or civilians.

Looking ahead, Will and Jennifer saw a happy life together. He thought of joining the Kentucky State Police and building a house for his family in Beattyville.

That family included Will and Jennifer's two beautiful daughters, Hannah Katheryn and Allyson Peyton. Sadly, Will never got to lay eyes on his younger daughter Allyson, who was born the day after his funeral.

"I sent him lots of pictures of the girls," Jennifer remembers. He "was very devoted to me and our daughters. [He] couldn't wait to return . . . and was extremely excited about the birth of the new baby."

Hannah and Allyson will not get to learn firsthand how their father loved the Indianapolis Colts and that his favorite player was Peyton Manning. In fact, that is where Allyson gets her middle name.

They'll miss hearing their father talk about his love of NASCAR and his favorite drivers, Dale Earnhardt and Dale Earnhardt, Jr., Will would even say half-jokingly that he wanted to be a driver someday.

"For our second anniversary, he got to go to the Kentucky Speedway to participate in the Richard Petty Driving Experience," says Jennifer. "He was so excited and had such a great time that day. I can still see the smile on his face. "

Will liked to have water gun fights with his nephews, build things out of Legos and play a few video games. He enjoyed the bands U2 and the Foo Fighters and the comedian Dane Cook. And together, he and Jennifer would walk their dogs—Oreo, a Siberian Husky, and Java, a German Shepherd.

"He was just an outstanding, respectable man," says Jennifer. He "could be quiet at times, [but] loved to smile and laugh."

Will was the kind of man who collected many friends. Hundreds of people filled the Booneville Funeral Home to say their goodbyes, and to recognize his bravery in fighting for such an important cause. I was honored to be able to write a eulogy for Will, which was read at the service.

Our prayers go out to Will's beloved friends and family members today. We are thinking of his wife Jennifer Evans Bowling; his daughters Hannah Katheryn and Allyson Peyton Bowling; his father, Adam Miller; his mother Kathleen Bowling; his parents-in-law James and Cathy Evans; his brother- and sister-in-law Jim and Roxanne Evans; his nephews Michael and Wesley Evans; his grandparents Chester Terry and Francis Bowling; his grandmother-in-law Katheryn Holloway, and many others. Will's grandfather-in-law, Frank Holloway, has also passed away.

Will also served alongside many brave soldiers in the Army, forging friendships that lasted a lifetime and beyond. We are thinking of SGT Billy Messer, SP Travis Tysinger, SGT Brian Marshall, SSG Billy Thompson, SGT Stephen Tucker, and SGT Arthur Briggs.

The town of Beattyville has honored Will by engraving his name on a memorial wall that is erected downtown.

That's an appropriate way to remember Will as a soldier and a hero.

His wife Jennifer plans her own way of remembering Will as a husband, a father, and a man.

"I've bought a farm and I'm going to build a house exactly as we had planned," she says. "I will display his die-cast cars . . . and will put his Army memorials on display."

This Senate will remember SGT William G. Bowling for his life of service, and his enormous sacrifice. We honor his heroism in defending his family and his country. And we will not forget the example he has set for all of us—not least, his two young daughters.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—H.R. 6327

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 6327—this matter was received from the House earlier further, that a Baucus substitute amendment at the desk which is a 3-month FAA extension and a highway trust fund fix be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid on the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. I am very supportive of the aviation bill. I do think it is inappropriate to add $8 billion of unrelated spending without debate or amendment, so I regretfully have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am wondering while my friend is on the floor, the highway trust fund, according to the States, is upside down. There is not enough money in it. With the construction season upon us for renovation and repair of streets, highways, and bridges, I say to my friend: Would any smaller amount of money be satisfactory, say, $6 billion?

Mr. DEMINT. Mr. President, I appreciate the question from the leader. I think again it is inappropriate to make a decision on whether it is $6 billion or whatever the figure is. Only a couple of months ago we were all here on a technical correction bill. We had the opportunity to take a lot of money that was saved from projects that were not needed. We talked at the time on this floor about the fact that the trust fund was short. But instead of taking that savings and putting it back in the trust fund, we used it to add additional earmarks and to put more money into projects that were there. So there has been no intent by this body to try to look at the problem with the trust fund. Certainly it is something we need to deal with but not as part of the aviation bill.

Mr. REID. Mr. President, I am disappointed but not nearly as disappointed as 50 Governors. This is a situation where the highways of this country are in desperate need of repair and construction.

With the economy faltering, as it is, and the housing market stumbling, this would be a tremendous help. For the $6 billion, it would create about 300,000 jobs—300 thousand. For every billion dollars we spend, it creates about 47,500 high-paying jobs. The spinoff from those jobs is significant.

This would be vitally important to give our economy a little shot in the arm. So I am disappointed my friend has objected.

We are going to have to continue to work to try to replenish that trust fund. The trust fund is not adequately funded because of the fact that people are not traveling as much. They are not buying enough fuel at least to fill the trust fund. The price of gasoline, when President Bush took office, was $1.46, $1.47. Now it is an average of about $4.12 a gallon.

We have real problems around the country. When gas was at $1.47, the same tax came into the coffers to fill this fund. So it is an issue, and I would say to my friend, the technical corrections bill was just that, it was to take care of other things that were essentially needed at that time.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6327.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows.

A bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6327) was ordered to a third reading, was read the third time, and passed.

UNANIMOUS-CONSENT REQUEST—H.R. 3661

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 836, H.R. 3661, an act to extend the expiring Medicare provisions; that the bill be read a third time and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, there is obviously a great need to correct the problem of what will occur if we do not fix the doctors' reimbursement schedule.

But there are also more ways to do this than one, and the one that is being proposed is the House-passed bill by the majority leader. We would suggest that since the Senate should be heard on this matter and have the opportunity to put its ideas on the table, Senator GRASSLEY and Senator BAUCUS should have a chance to work on the Senate proposal; that we would rather proceed with an extension of the present Medicare provisions so doctors are not subject to a reduction in reimbursement for 30 days and allow this to happen.

I will be required to object to this on behalf of the leadership over here and myself. Then I would like the courtesy of the majority leader to ask unanimous consent for a 30-day extension.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I say to my friend, this legislation passed the House by a huge bipartisan vote—359, as I recall, House Members voted for this.

Now, as far as putting the stamp of the Senate on this bill, we have already done that. We passed a bill. We had every Democrat and nine Republicans. That is basically what the House has sent back to us—that matter we took a look at earlier.

I say that the chairman of the committee, Senator BAUCUS, is 100 percent behind this request I have, as is the AARP, the AMA, and many support groups around the country. That is now in the RECORD. We put that in the RECORD yesterday.

So this is something we have to do. I would say to my friend, on the 30-day extension, I understand the seriousness of his proposal. I have said many times on this floor, I will not repeat it in detail, I have the greatest respect for the distinguished Senator from New Hampshire. But it is my understanding that there has been an objection to my proposal, and he will go ahead and offer the 30-day extension, to which I will object.

I will be happy to seriously consider it but not too seriously.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a 30-day

Medicare extension that is at the desk; that it be read a third time and passed; that the motion to reconsider be laid upon the table.

I think the point is, there are serious reservations on our side of the aisle, and I think legitimately other places, on the way the House has handled elements of the Medicare system in this bill and that is to undermine the ability of many seniors to participate in what is known as Medicare Advantage.

We think there is a better way to do it. We think the Senate can do a better job of this bill, and we think 30 days to work on it makes some sense.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 827, H.R. 6304, an Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our leaders for getting us on this very important bill.

As we have discussed before, the failure to modernize and authorize the Foreign Intelligence Surveillance Act last summer has caused serious gaps in our intelligence capability.

When the Protect America Act that was introduced by our Republican leader, Senator McCONNELL, and me last year finally passed, we put the intelligence community back in the business of intercepting critical intelligence communications from foreign terrorists talking to each other about possible activities in the United States, or against our troops and our allies elsewhere, and obviously any of those who were threatening the United States.

I can tell you, without going into detail, that the foreign intelligence collection from these has been about the most valuable piece of information we have with respect to terrorist intent. So I appreciate the fact that this body is ready to move forward.

I hope we will have a way forward to get it done by the time we leave for the Fourth of July recess. It is critical we get this done promptly. If we go into late July or even into August without getting it done, serious consequences will start to impact our ability to collect intelligence.

Again, I thank our minority leader, Senator McCONNELL, for his kind words, especially about my very capable staff who have worked very hard, not only to help put this bill together, but we have briefed Members of both sides of the aisle, their staffs. We have spent a lot of time doing that.

Of course, as I outlined yesterday, we spent a very long 2½ months working with the House. As I indicated, the bill this body passed, the FISA amendments, we passed 68 to 29 in February with the good, strong support of the chairman of the committee, Senator ROCKEFELLER. We worked on a bipartisan basis. We worked with and listened to the intelligence community to do several things that were critical.

No. 1, we wished to make sure there was protection for the privacy and constitutional rights of Americans and U.S. persons here and abroad. For the first time, we included that. We also needed to protect the telephone companies or carriers who have participated in the terrorist surveillance program under the lawful orders issued by the President, under his constitutional authority in article II, an act in good faith by those carriers.

We provided that immunity, or retroactive liability protection, more accurately, that was critical to ensuring that they can continue to participate. They are loyal American citizens, and they wanted to be able to help. But when frivolous lawsuits, seeking billions of dollars in damages, are filed against them, whether they participated or not, and there is no assurance that any telephone company so sued has participated. They cannot use a defense that they did not participate. They have to have protection.

We built in that protection in a way that was acceptable to both sides in this body in the FISA amendments and also satisfied the concerns of the majority party in the House, which, as Leader McCONNELL said, had the votes, if they had wished to pass our FISA amendments.

We believe this new bill we are considering, H.R. 6304, which passed the House with a strong majority vote of 293 to 129 last Friday, should be passed here.

As with the Senate's original FISA bill passed several months ago, the compromise that is before us required a little give-and-take from all sides. But, in essence, what we have before us today is basically the Senate bill all over again.

I am aware that some on the far left wish to paint this as some radical new legislation. But if you read the language, it is not different. The press picked up on this straight away last week and kept asking me to help them find the purported "big changes" in this bill that no one can find. I have not been much help to them because the answer is, there is not much that is significantly different, save some cosmetic fixes that were requested by the majority party in the House.

For example, I am pleased that the strong retroactive liability protections that the Senate bill offered are still in place, and our vital intelligence sources and methods will be safeguarded. I am pleased this compromise preserves the ability of the intelligence community to collect foreign intelligence quickly and in exigent circumstances without any prior court review.

I am also pleased the 2012 sunset, 3 years longer than the sunset previously offered in any House bill, will give our intelligence collectors and those parties we need to have cooperate with us the certainty they need in the tools they use to keep us safe.

I am confident the few changes we made to the Senate bill in H.R. 6304 will in no way diminish the intelligence community's ability to target terrorists overseas, and the Director of National Intelligence and the Attorney General agreed. That had to be the test. They worked with us. They made compromises. When we had a proposal for additional protections for Americans, they agreed. But we had to work out the language to make sure we provided protections without destroying the basic integrity of the bill.

I believe we did that. We did that with the Senate bill, and we did it again with the minor changes the House wanted to make.

Let me address, for the time being, the banner issue of the legislation, which is Congress's affirmation that the telecom providers that may have assisted the Government after 9/11 should have the frivolous lawsuits against them dismissed.

I am confident in the standard of review in title II of the bill on which we agreed with Congressman HOYER and Congressman BLUNT, his counterpart in the House, namely, a "substantial evidence" standard, which will ensure that those companies that assisted the Government following the September 11 terrorist attacks obtain the civil retroactive liability protection they deserve.

Unlike the amendment we defeated in the Senate that asked for the court to determine whether the providers acted in "good faith," we affirm in this legislation, as we did in the previous Senate bill, that the providers did act in good faith, and that the lawsuits shall be dismissed unless the judge finds that the Attorney General's actions were not "supported by substantial evidence."

The focus is on the Attorney General's certification to the court, not the actions of the providers. We know the providers operated in good faith, and they deserve liability protection. We are allowing, however, the court to review the Attorney General's role in that.

Another way to describe it is that we have essentially provided the district court with an appellate standard of review, just as we did in the Senate bill. Congress affirms in this legislation that the lawsuits will be dismissed, but then we give the district court an opportunity to change that outcome if the judge determines the Attorney General's certification was not supported by "substantial evidence" based on the information the Attorney General will provide to the court. So the intent of Congress is clear: the companies deserve liability protections. That principle has been approved overwhelmingly on a bipartisan basis in both the Senate when we adopted our bill in February and the House when it adopted its bill last Friday.

Also, there are clear limits on what documents the court may review and the extent to which parties may participate in legal arguments. Because of these important limitations, I am confident that neither the standard of review nor the court processes will jeopardize liability protections or our intelligence sources and methods. Thus, Congress is again positively reaffirming that these companies should have the lawsuits dismissed.

Mr. President, for the record, I thank publicly these providers—and they know who they are—who came to our Nation's defense in a time of national peril. Thank you for ensuring that our Government could keep Americans safe. Thank you for withstanding years of frivolous lawsuits that you did not deserve. But, unfortunately, that has been your penalty for your patriotism. You are a big factor in why America has not been hit with another terrorist attack since September 11, 2001. You helped keep us safe for nearly 7 years since that terrible day, and you did so without legal relief. I thank you, and those who stand with me today thank you. The least we can do in Congress is to provide you with the legal protections you so rightly deserve.

Now, some Senators would like to strip the providers' civil liability protections in the bill. Some believe the thanks these providers deserve should come in the form of billions of dollars of penalties through frivolous lawsuits that threaten their business reputation. Having reviewed the underlying authorities, the certifications, as one who has practiced a little bit of law in this area, I can tell you there is no way they could or should be held liable for any monetary damages, much less the billions of dollars irrationally requested in the lawsuits.

What these lawsuits do is seek to undermine our program by laying out who participates in it. By getting at the details of the program, we would provide those who seek to do us harm with information on how we collect the information on them that is needed to prevent their attacks. Just as important, bringing them, dragging them through the mud of trials in court would simply assure that their business reputation would be severely damaged in the United States and potentially obliterated abroad. In addition, there is a real likelihood that terrorist activities or other extremists would turn on and attack their property or even their personnel.

I believe seeking to strip liability protection is void of any mature understanding of the threats this Nation faces. That sort of shortsighted pandering to far-left political interest groups endangers our citizens and pays back patriotic service with politically motivated penalty.

I do not join with those who want to treat those who responded to our call for help with disregard and disrespect. I thank the providers for responding to the call, and I will join many others in passing this legislation who will be thanking them with their vote on this important national security legislation.

For those who want to challenge the program, note that we did not ban civil suits against the Government or against any officer of the Government. And criminal suits—if there are any criminal penalties—are not banned. They could be instituted by the appropriate jurisdictions with law enforcement responsibility.

So, Mr. President, there are lots of other points to consider, and when we get on the bill I will be happy to join in discussing any further questions that are raised.

Again, I thank my staff, I thank Senator ROCKEFELLER and his team for having passed the FISA bill. I am very grateful to Mr. HOYER, the majority leader in the House, whose efforts were essential to passing this bill and bringing it to us. We have thanks also for the ranking member of the House Intelligence Committee, PETER HOEKSTRA, who worked with us day in and day out on all of the changes that were requested. LAMAR SMITH, the ranking member of the House Judiciary Committee, he and his staff and his team worked with us throughout.

We have before us not a perfect piece of legislation—I do not think on this Earth we will ever see a perfect piece of legislation. But for the challenges we had to go through and the compromises we had to make, this is the best possible product we can produce that has already gained an overwhelming bipartisan majority in the House. I hope it will also get the same kind of response in the Senate.

Our intelligence community deserves it. The citizens of the United States deserve not only their rights protected, but they need and deserve the protection this act will give them from further attacks like 9/11.

Mr. President, I do not see anyone seeking the floor, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, if I could, I would like to be recognized for 15 minutes to speak on the FISA legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the Senate is taking up a matter that I think is very important to the American people and our national security, and that is to pass the compromise reached by the House and the administration regarding the FISA program.

I want to briefly lay out my view of how the law works in this area. The initial approach by the Bush administration that there was no requirement to comply with the FISA statute, the Foreign Intelligence Surveillance Act, because of inherent authority of the Executive in a time of war I didn't agree with, quite frankly. The idea that an American would be travailed by an agency of our Government if that American citizen was suspected of being involved with the enemy—a fifth column movement, for lack of a better term—and there would be no court review was unacceptable to me.

If an American citizen is suspected of collaborating with the enemy, I think there is a requirement for the Government to have its homework checked, have a judge authorize further surveillance in a kind of balanced approach. Once there is a reasonable belief that an American citizen may be involved with enemy forces, that becomes a crime of treason, potentially.

I do think it is appropriate for Congress to pass a statute that would say when an American citizen is suspected of being involved with an enemy force, taking up arms against the United States—uniformed or not—the FISA statute applies. The inherent authority of the Executive to conduct surveillance in a time of war is limited, or can be limited by the other branches of Government.

Having said that, this idea that at a time of war you need a warrant to surveil the enemy, when no American citizen is involved, is crazy. We have never in any other war gone to a judge and said: We are listening to enemy forces—for instance, two suspected members of al-Qaida, non-American citizens—and we need a warrant. You don't need that. That is inherent in the ability to conduct military operations, to monitor the enemy.

Those who want to basically criminalize the war, I disagree in equal measure. We are at war, and there is an effort by our intelligence agencies out there to monitor phone calls and other electronic communications of a very vicious enemy that is intent on attacking us again. That program has been shut down because of this dispute.

We have finally found a compromise which would allow the program to move forward, protecting American citizens who may be suspected of being involved with enemy forces, and also allowing the Commander in Chief and our military intelligence community to aggressively monitor networks out there that wish us harm. In this global world in which we live, the technology that is available to the enemy is different than it was in 1978. So we have modernized FISA and made it possible for our intelligence community to be able to keep up with the different technologies that enemy forces may be using to communicate.

I can assure the American people that this program has been of enormous benefit, the terrorist surveillance program. It has allowed us to stay ahead of enemy activity, and with terrorism you do not deter them by threatening them with death. That is something they welcome. Other enemies in the past have been deterred from attacking America because they know an overwhelming response will come their way. In the Cold War, it was called mutually assured destruction. With terrorist organizations that would gladly forfeit the lives of mentally handicapped young people, and others, you have no idea what they are up to, and you just try to isolate them the best you can. Finding out what they are up to and following their movements is essential because you have to preempt them before they are able to attack.

We have a compromise that has come from the House to the Senate that I can live with. The sticking point was the role our telecommunications companies played in the terrorist surveillance program. It is my understanding that the Attorney General—the chief law enforcement officer of the land—and the Department of Justice gave a letter to the telecom companies involved, saying: Your cooperation with our intelligence communities and military surveillance program is legal and appropriate, and we need your help because a phone call made in Afghanistan, because of the global economy in which we live, may be routed through an American system here, and the two people talking are not citizens, but there may be a telecommunications involvement in terms of routing of the phone call, and we need assistance from the telecom companies to be able to track the technology that exists today that is being used by the enemies of the country.

The idea that somebody would want to sue them because they broke the law, after they have been told by the Department of Justice and the Attorney General their help was needed and it was lawful for them to help, misses the point.

What are we trying to do as a country? Are we trying to avoid the fact that we are at war by talking about lawsuits that undermine the ability of our country to protect itself? I am very much for civil liberties. I don't want any American, as I said before, to be followed by an agency of our Government, suspecting they are cooperating with al-Qaida or another terrorist group, and not have the Government's work looked at by a judge. I would not want that to happen to anybody. If you think anybody who is an American citizen is helping the enemy, you ought to be able to go to a judge and get a warrant. But this idea of having the American telecommunications companies, which were cooperating with the Government in a fashion to help our forces and our intelligence community stay ahead of an enemy, be subject to a civil lawsuit is riduculous. That is not the appropriate remedy.

If we allow these companies who have been asked by their Government, through the chief law enforcement officer of the land, to participate in the program—if we ask them to participate and then sue them, who is going to help us in the future? This is pretty basic stuff for me. If we do not protect these companies from lawsuits that are existing out there, when they were willing to help the Government—if we don't give them protection, nobody in the future is going to come and help us. We need all the help we can get. We need help from banks, telecommunications companies, and we need help from all kinds of different corners of the private sector to beat this enemy. We are all in it together.

The terrorists use banks to funnel money. Well, the banks can help us if we suspect that an account exists that is being used by a terrorist organization. We should be able to track that down. We are all in this together.

The private sector plays a role in the war on terrorism. Every citizen can play a role in the war on terrorism by being vigilant. We finally reached a deal that would allow the program to be reauthorized, protecting civil liberty and telling the telecommunications companies that helped us: You are not going to get sued.

To my dear friend, Senator SPECTER—his solution is to let the lawsuits come forward but shield the companies by having the Government take legal responsibility and be subject to being sued. That is not the right answer either. Our Government wasn't doing a bad thing. Our Government was doing a good thing. Our Government was trying to find out what enemies of this Nation were up to before it was too late.

We have had a lot of warnings in the past that were ignored. How many times do we have to deal with this terrorist problem through the law enforcement model to only wake up and find out that we were wrong? The law enforcement model will not work. The law enforcement model punishes people after they commit the crime. We are at war. Our goal is to keep them from attacking us. The military model is the one we should pursue. In every other war, the private sector itself has helped the Government defeat the enemies of this country.

When Senator OBAMA says he would like this provision taken out of the bill—protection for telecommunications companies from lawsuits—that he would like that taken out of the bill, what he is telling the Senate, the House, and the country is that this deal will fall apart. If we took this provision out, there would be no deal. People like me would not allow this process to go forward—and we had to give some. There was a give on the part of the administration and people like myself. There are some programs that I think are inherent to fighting the war that now have to be reviewed by the court. But that was a compromise.

So for Senator OBAMA to come and say that he would take this provision out is saying that he does not believe in a bipartisan deal on the subject matter in question. The left has gone nuts over there—the hard left. They think this is totally unacceptable. So, apparently, he is going to tell them: I don't support this. I am sure that is what they want to hear. But I say to my colleague, deals require giving and taking. It requires sometimes telling your friends what they don't want to hear. This is an example, in my opinion, of trying to tell your friends what they want to hear and positioning yourself in a way to look good with the public in general.

That is not leadership. Leadership requires the common good to trump special interests. It requires political leaders to turn to their allies at times and say: No, your suggestion cannot win the day because if I give you what you are insisting on having, there will be no movement forward.

Senator OBAMA is willing to give the left what they want. The consequence of that would be that the deal would fall apart because many people like me believe if you allow these companies to be sued for helping their country, then nobody will come forward in the future to help their country from the private sector.

In this war, we are going to need support from the private sector, not only in telecommunications but in banking and other areas. So I hope the amendment to strike the retroactive immunity for telecommunications companies will be defeated because, if it is passed, the deal fails, the movement forward stops, and America is harmed. I am here to support the deal.

Understand that I didn't get all I wanted, but America will be safer if we can get this program reauthorized. Our civil liberties will be better protected, and the ability to understand what our enemies are up to will be greatly enhanced. Every day that we move forward as a nation with this program being compromised is a day that the enemy has an advantage over us. We know what happens if this enemy is not dealt with firmly and quickly. They are lethal, they are committed, and they will do anything to harm our way of life.

We have an opportunity to come together as Republicans and Democrats and move forward on a surveillance program that is vital to our national security, and those who want to undo this deal because of special interest pressure are not exercising the leadership the American people need in a time of war.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes and that the time be counted against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUELING TANKERS

Mrs. MURRAY. Mr. President, 4 months ago when the Air Force announced that Airbus, not Boeing, would supply the next generation of aerial refueling tankers, Air Force acquisition officials declared that the contest had been fair, open, and transparent. They said they made no mistakes, and they boasted that the decision could withstand any level of scrutiny.

The Government Accountability Office called all of that into question in a 67-page decision that shows the Air Force competition was unfairly skewed toward Airbus from the very beginning.

The decision, responding to Boeing's protest of the Air Force competition, was damning. The GAO described the contest as "unreasonable," "improper," and "misleading." It found that the Air Force significantly overestimated the cost of the Boeing tanker, that it misled Boeing while helping Airbus, and that the Air Force selected Airbus even though the company failed to meet key requirements of the contract. It concluded that:

> But for these errors, we believe that Boeing would have had a substantial chance of being selected for the award.

It is unclear at this point whether those errors were due to incompetence or to impropriety. But one thing is definite: This contest was anything but fair or transparent.

I want to know how the Air Force got this so wrong. I have already asked for a meeting with Defense Secretary Gates so he can tell me how the Pentagon plans to respond. I will make it clear that the Air Force cannot go forward with this contract and that I expect it to follow the GAO's recommendations. The Air Force must return to the original request for the proposal, rebid the contract, and get this right.

The difference between what the Air Force said about the acquisition process and the GAO's findings are startling.

On February 29, Sue Payton, who is the Air Force's Assistant Secretary for Acquisition, said at a DOD news briefing:

> We have been extremely open and transparent. We have had a very thorough review of what we're doing. We've got it nailed.

A week later, she told the House Appropriations Subcommittee on Defense:

> The Air Force followed a carefully structured source selection process, designed to provide transparency, maintain integrity, and ensure a fair competition.

And throughout the last 4 months, Air Force officials have insisted that they selected the cheapest plane that best met their criteria and that they made no mistakes.

The GAO's decision paints a very different picture of the contest and, as I said, it raises serious questions about how the Air Force conducted this competition. The GAO found the Air Force made a number of errors that unfairly helped Airbus and hurt Boeing. The GAO found that the Air Force changed direction midstream about which criteria were more important. It did not give Boeing credit for providing a more capable plane according to the Air Force description of what it wanted. Yet it gave Airbus extra credit for offering amenities for which it did not even ask.

The GAO found that the Air Force "treated the firms unequally" by helping Airbus at Boeing's expense. The GAO found that the Air Force misled Boeing about whether it had fully met the requirements in the RFP, all the while keeping up conversations with Airbus and giving it the correct information.

The GAO said the Air Force deliberately and unreasonably increased Boeing's estimated costs. When the mistake was corrected, it was discovered that the Airbus A330 actually cost tens of millions of dollars more than the Boeing 767. The GAO said the Air Force accepted Airbus's proposals, even though Airbus could not meet two key contract requirements. First, Airbus refused to provide long-term maintenance, as was specified in the RFP, even after the Air Force asked for it repeatedly. Second, the Air Force could not provide that Airbus could refuel all of the military's aircraft according to procedure.

Let me say that again. The Air Force selected the Airbus A330 even though Airbus refused to agree to a key term in the contract and even though the Air Force failed to show that the A330 was even capable of refueling our military's aircraft by the books.

These are serious findings. No matter how one looks at it, this competition was anything but transparent. Even though the Air Force declared its contest was fair, it appears it had its thumb on the scales for Airbus all along.

But the last findings could be the most damaging of all of them. If Airbus cannot actually prove its tanker can do the job or that it will fulfill its obligations, how can it possibly be awarded that contract?

Today the Air Force is contemplating what to do next. As I said, I think the answer is clear. This contract should be rebid. I agree with those who have said we need to get these planes into the hands of our air men and women as fast as possible. I represent Fairchild Air Force Base in Washington State. Those air men and women fly those refueling tankers. I know how important this decision is to them.

This was not an acceptable acquisition process, and it would be unconscionable to go forward with this selection without first addressing the questions that were raised by the GAO's decision. In order to do that, we must have a competition that is not overshadowed by questions of ethics or competence, and we have to get the right plane.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. They are the backbone of our global military strength. We need a competition where the criteria are clear, where the participants can earn credit that is spelled out in the contract and there is no extra credit that is awarded unfairly, and we need a fair evaluation of all the costs.

We need to go back and start with a clean slate, hold a truly transparent competition that does our air men and women justice. That is what our American taxpayers expect, and our American servicemembers deserve nothing less.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I am going to talk a little about the FISA amendment and the protection of civil liberties of Americans. Some people who are concerned about this bill don't recognize that there have been enormous changes made that specifically speak to civil liberties, and so I would like to talk about that. I wish to take the time to explain how the negotiators of the FISA bill have taken great care in protecting the constitutional right of privacy of American citizens in crafting this agreement, which was a heavily discussed and worked over matter.

The FISA Amendments Act of 2008 includes strong protections of civil liberties of Americans while still allowing the Government to collect the foreign intelligence it needs to protect the country, literally. Maintaining this balance between civil liberties for Americans and protecting our Nation against foreign attack was obviously my utmost priority, as well as Senator BOND's, during the lengthy negotiation process that produced what I think is historic legislation in modernizing FISA for the first time in 30 years.

The FISA bill protects Americans in a lot of ways by ensuring FISA Court involvement in any aspect of the new procedure for targeting foreigners outside the United States that could involve U.S. persons. It does so in four significant ways:

First, the bill requires the FISA Court to approve procedures used to determine whether the foreign target of the surveillance is outside of the United States. The court's assessment of the adequacy of these procedures will ensure that the new authorities cannot be used for domestic surveillance.

Second, the bill requires the court to approve the procedures used to address any incidental acquisition, retention, or dissemination of U.S. person information. These procedures protect the privacy of any Americans who might be in contact with a foreign target.

Third, by explicitly asking the court to assess whether the procedures comply with the fourth amendment, the bill requires the court to determine whether the privacy interests of U.S. persons are, in fact, adequately protected.

Finally, the bill requires the court to approve targeting and minimization before collection begins, in most instances. The court would be required to review and approve the procedures at least annually. This is called prior approval, and it was something that was not welcomed by some, but through the negotiation process, the prior approval process was incorporated in the bill, and it means that the court has to approve targeting and minimization before collection. The Director of National Intelligence and the Attorney General would only be able to proceed prior to a court order if emergency circumstances exist but for a period of time no greater than 7 days before being required to seek the approval of the court and no more than 30 days while the court is considering the request. Sometimes, but very rarely, emergencies do take place.

The FISA bill also provides unprecedented new privacy protections for Americans abroad. This may be the most important part. For the first time, Americans traveling or working abroad are entitled to the same protection from surveillance and search that they would have if they were in the United States. There are 4 million Americans at any given moment who are outside of the United States, which is equal to the total population of our Nation when it was founded. The requirement is that the Government obtain a court order prior to targeting them for any foreign intelligence collection. So they get the same type of protection as does anybody in the United States. That is a first. Before, the Attorney General could pretty much just say: We want to target these people overseas, and there was no court involved, there was no approval process involved legally. Now that cannot happen. So they are protected, indeed, the same as anybody in the United States.

The bill requires the court to make an individual determination of probable cause before a U.S. person overseas may be targeted for any electronic surveillance or other foreign intelligence collection. Each court order is valid for no longer than 90 days. This is an important new protection that has never before been in place.

Apart from the court review I have detailed, the FISA bill also protects the privacy interests of Americans through other provisions.

The bill prohibits the new procedure for targeting foreigners outside the United States from being used to target anyone inside the United States or from being used to acquire entirely domestic communication. The way it is now—and it is called reverse targeting—within the United States, you take out of the air some communication of somebody overseas who may be contacting somebody in the United States, and that potentially puts the U.S. person at risk. That is reverse targeting. So there is a prohibition now which explicitly includes reverse targeting, where the purpose of targeting somebody outside the United States is to target somebody in the United States. I know it is complicated, but it is important.

Because of the importance of the prohibitions in the bill, the bill requires the Attorney General to adopt guidelines that ensure that the Government obtains individual court orders when required and does not engage in any prohibited conduct, such as reverse targeting, which, in effect, disappears from the lexicon of telecommunication collection. The bill also requires the Attorney General and the Director of National Intelligence to certify to the FISA Court, under oath, that the acquisition complies with the prohibitions in the bill and that the procedures and guidelines are consistent with the requirements of the fourth amendment.

To ensure there are no unintended consequences relating to when a warrant must be obtained under FISA or how information obtained using FISA can be used, the bill does not change the definition of "electronic surveillance" in FISA. It is left exactly as it is. People say: Well, why is that? Everything has changed. Well, there can be legislative authorizations to make changes, but only if those legislative authorizations are made can there be changes in electronic surveillance. So the definition remains the same—a good, solid base.

The bill requires extensive reporting to Congress about the implementation of the new provisions, compliance with the prohibitions in the bill—that is important; we have not had that—and the impact of the new provisions on U.S. persons.

The bill sunsets on December 31, 2012, a date which ensures that the reauthorization of the FISA bill will be addressed, in fact, by the next administration.

In addition to protecting the civil liberties of Americans in the new procedures, the bill seeks to prevent any future circumvention of FISA and to ensure that Congress has a complete set of facts about the President's surveillance program.

Well, one might question: How does that happen? In title III of the FISA bill that is before us, we direct the inspectors general of relevant agencies—and that is a whole bunch of intelligence agencies—to complete a comprehensive review of the President's warrantless surveillance program. Then, within a year, the inspectors general must submit an unclassified report to Congress, with a classified annex, if necessary. This IG review provides an important vehicle for ensuring that a comprehensive set of facts about the President's program is available to Congress and, to the extent the classification permits, to the American public itself.

A comprehensive review of the President's program is particularly important given the possibility the courts will dismiss ongoing litigation due to title II. It also ensures that accountability for the program will be directed at the Government, where it belongs.

To ensure that the Government never again relies on an inapplicable statute to argue that warrantless wiretapping is permissible, the bill strengthens the requirements that FISA and specific chapters of title XVIII are the exclusive means by which electronic surveillance and criminal law interceptions may be conducted. The act provides that in addition to the specifically listed statutes, only an express statutory authorization passed by the Congress for surveillance or interception may constitute an additional exclusive means for that surveillance or for that interception. It is a very strong protection against abuse.

Finally, the bill clarifies that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or the specifically listed criminal intercept laws.

In summary, the FISA bill has a multitude of statutory provisions that provide the judicial and congressional oversight that is essential to protecting the civil liberties of all Americans, both here and abroad. They were not protected abroad. They are now. The House did not pass this bill because they believed there was an insufficiency of civil liberty protections—and they may have been right. So we hammered these out in long meetings in which the White House, all the intelligence agencies, and the leadership—Republican and Democratic—of the House and the Senate were there.

It is a much stronger bill. People will argue that people like me talk about a balance between being able to collect—which is the only way you are going to know if you are going to be attacked—or civil liberties. So people tend to go all the way this way or all the way that way, not recognizing or not being willing to accept that there can be a balance. We have created that balance in our bill. I am proud of that. It is one of the many reasons I am for the bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

HONORING ELLADEAN HAYS BITTNER

Mr. STEVENS. Mr. President, I never thought I would have this occasion, but I want to speak today to honor the life of a great woman, my mother-in-law, Elladean Hays Bittner.

Ellie was born February 1, 1919, in Phoenix during the great flu pandemic. She often remarked on why she had no birth certificate—the hospital did not expect her to survive.

Ellie grew up and worked on her family's ranch in Arizona. She studied home economics at the University of Arizona, graduating in 1939. During college, she rode with the U.S. Army cavalry and was chosen to be a member of the Mortar Board, a national honor society.

Ellie married William-Bill-Edward Bittner in 1944 in Arizona. They honeymooned to Alaska, traveling by Alaska steamship and train to Anchorage to meet her in-laws. In 1950, Ellie moved to Alaska with Bill and their children, Catherine—my wife, William, and Judith. Ellie worked for the Anchorage school district, teaching home ec. She started a boys' cooking class and an early childhood education program.

Governor Hickel appointed Ellie to a position with the Alaska Department of Education. She traveled extensively, interviewing women in remote villages and towns and published a study that was a pioneer effort to identify economic opportunities for women.

Ellie and Bill were very active in Alaska, entertaining frequently at their downtown log house in Anchorage and flying all over the territory in their Cessna 180 with their children.

The family began splitting their time between Alaska and Arizona in the 1970s and Ellie returned to ranching. She established the "Quien Sabe" outfit, which she was featured with in 2002 at the Cowgirl Museum and Hall of Fame, and is included in "Hard Twist", a book on western ranching women. Ellie remained active in ranching until her death.

She was a great lady. She passed away on June 10 in our hometown of Anchorage, AK, surrounded by her family. I had the honor to be with her for part of that time. I speak for all of us and many more when I say this. There is a hole in our lives that will never quite be filled. Ellie left us with wonderful memories. Through these, she will live on.

Every time I hear Willie Nelson I am going to remember Ellie. She loved Willie Nelson. I think the only difference she had with Willie is she hoped her children, her babies, would grow up to be cowboys.

LEAVE OF ABSENCE

Mr. President, I ask unanimous consent I be excused from attendance of the Senate following today's session, until the first vote in July.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING WILLIAM SHEFFIELD

Mr. STEVENS. Mr. President, I rise today to pay tribute, on his 80th birthday, to a great American and a great Alaskan, Governor Bill Sheffield. My friend Bill Sheffield was the Democratic Governor of Alaska from 1982–86, which was just a short episode in a lifetime of service to Alaska both in government and in the private sector.

Governor Sheffield came to Alaska in 1953, the same year I moved to our great State, to handle television sales for Sears and Roebuck. His exceptional intellect and work ethic were easily recognized. Quickly, he took leadership positions in the Chamber of Commerce and other business groups in Alaska, eventually becoming president of the Alaska State Chamber of Commerce and, in 2006, being awarded the Lifetime Achievement Award in Business by the Alaska Business Monthly. By 1960, he had entered the hotel industry by purchasing his first hotel in Anchorage. The day before the Good Friday Earthquake in 1964, Bill Sheffield had just opened a new hotel, but it would take more than that earthquake to stop Bill. His hotel business continued to grow until he owned 16 hotels throughout Alaska and the Yukon Territory.

As Governor, Bill Sheffield was focused on "Bringing the State Together," the theme of his campaign. His reputation as a problem-solver and his pledge to unite Alaskans resulted in a landslide victory. Governor Sheffield's experience as a businessman served him and Alaskans well during his time in the Governor's Office. His efforts reduced excessive spending in State government and helped save Alaska's natural resources for the use of all Alaskans for generations yet to come.

After leaving government, Governor Sheffield continued his service to Alaskans, taking seats on several private and nonprofit boards of directors. Currently, he is the director of the Port of Anchorage, where he has developed a master plan for expansion of the port through 2014. Governor Sheffield's vision for this expansion of the State of Alaska's largest port will not only serve Anchorage, but nearly the entire geographic area and population of our State. Mr. President, over 90 percent of the goods that come into my State come through the Port of Anchorage. Furthermore, this expansion will serve the national defense needs of the United States by providing vital transportation support and access to four major military installations in Alaska, including the Stryker Brigade at Fort Wainwright. I am proud to have supported the port expansion project and I am proud of Governor Sheffield and the work he is doing for Alaska and all of the United States.

Governor Sheffield's continuing service does not end with the Port of Anchorage. Additionally, he is a trustee of Alaska Pacific University, a member of the advisory board of ENSTAR Natural Gas, a charter member of Commonwealth North, past chairman of the Federal Salary Council and a member of the board of directors of the Alaska Railroad and formerly the railroad's president & CEO. As Governor, Bill Sheffield was instrumental in saving the Alaska Railroad, purchasing it from the Federal Government and then providing the necessary investment in Alaska's infrastructure to assist in our development. In recognition of his service to the railroad and to the State of Alaska, the Alaska Railroad Depot at the Anchorage International Airport was named after Governor Sheffield in 1999.

Most importantly to Alaskans, Bill is also a skilled fisherman and avid outdoorsman. A love of bush Alaska runs through every aspect of this man. I know firsthand of his love for the bush areas of our home State. He and I have enjoyed many days together out on the water whether fishing for salmon on the Kenai River or elsewhere in Alaska.

In this Chamber today, we see a lot of partisan fighting. One of the greatest qualities of my friend Bill Sheffield is the ability to get past the labels of Democrat and Republican. Bill Sheffield is a lifelong Democrat. While he was the Governor of Alaska and I was here in Washington as Senator, we always found a way to work together. As Governor, Bill Sheffield was able to identify what needed to be done for the greater good of Alaska. More importantly, he pushed aside the partisanship, went ahead and did what needed to be done for Alaskans. In both business and government, Governor Sheffield is a leader and a doer. He is a fine example for all of us. I am honored to count Bill Sheffield a friend and I hope the entire Senate will join me in wishing him a happy 80th birthday. Happy birthday, Billy.

Ms. MURKOWSKI. Mr. President, it is with great honor and respect that today I acknowledge the 80th birthday of a great friend and leader in Alaska. Governor William "Bill" Sheffield has been a leader in business and government for most of the 55 years he has lived in Alaska. He served as Governor from 1982 to 1986, following a business career in which he built a company that became one of the largest private employers in Alaska and the Yukon Territory.

Governor Sheffield came to Alaska in 1953 as a regional sales representative for Sears Roebuck in charge of television sales and service. He became one of the top salesmen in the nation during the 1950s and began his leadership in business groups such as the Jaycees and the Chamber of Commerce. In 1960, he purchased an Anchorage hotel, and founded Sheffield Enterprises. In 1964, literally the day before the great Alaska earthquake of March 27, 1964, he opened a new hotel in Anchorage. This began an expansion that eventually saw his company grow to 16 hotels with 750 employees. He sold the company in 1987 to Holland America Line-westours, one of the major players in Alaska's growing tourism market. While in business, Sheffield served as president of the Alaska State Chamber of Commerce and the Alaska Visitors Association.

As a candidate for Governor in 1982, Bill Sheffield's theme was "bringing the state together", a reference to a pair of divisive ballot initiatives that same year. His message of inclusion and cooperation helped him win the governorship in a landslide. Governor Sheffield then turned his attention to curbing the runaway growth in State government, promoting efficient business-style management of public works projects and saving more of Alaska's energy revenues for future generations.

Currently, Governor Sheffield serves as port director of the Port of Anchorage, where he oversees a critical and all-encompassing port expansion. The port is a military strategic port and serves 80 percent of Alaskans with 90 percent of their goods. He is also a trustee of Alaska Pacific University, a member of the advisory board of ENSTAR Natural Gas, and a charter member of Commonwealth North, one of Alaska's leading public affairs forum. He is the past chairman of the Federal Salary Council; recently he received the Lifetime Achievement Award in Business from the Alaska Business Monthly; the former president and CEO of the Alaska Railroad Corporation and now serves on its board of directors. In recognition of his service to the railroad and to the State of Alaska, the Alaska Railroad Depot at the Ted Stevens International Airport was named in his honor in 1999.

Governor Sheffield has always believed that wisdom comes with the experience of making your own payroll. He credits his success in business and government from having the experience of workers depending on him alone for their paycheck.

Lastly, Bill Sheffield, a lifelong Democrat, is one of the best examples of someone who puts partisanship aside, rolls up their sleeves and works with anyone who is also dedicated to achieving important goals for the greater good. Whether in business, politics, education or many other endeavors that have benefited so many people, he is a leader and example for all of us.

I would also be remiss if I didn't mention that Bill is an excellent duck hunter, fisherman and avid outdoorsman. Mr. President, I am proud to call Bill Sheffield a friend and I hope the entire Congress will join me in wishing him well on the 80th anniversary of his birth. Happy Birthday, Bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT AID

Mr. BROWN. Mr. President, as I travel my State, I have held close to 100 roundtables of 15, 20 people gathered together as a cross section of the community in some 65 or 70 Ohio counties. I hear more and more people talking about how difficult it is for middle-class kids, for kids from working families, especially for first-generation and potential first-generation students being able to go to college.

We have made some progress in the Senate in the 15, 16, 17 months since the Presiding Officer and I and others have been in this body. One was the College Cost Reduction Act, an investment in America's students. It was a promise that I and my other freshman colleagues campaigned on 2 years ago. We have delivered.

The increases in student aid that are beginning to go into effect next week are a downpayment of America's future prosperity, on its future competitiveness. This investment could not have come at a better time. With college costs at an alltime high, neither student aid nor family incomes have been able to keep up.

In my home State of Ohio, between 2001 and 2006, the cost of attending college increased 53 percent at 4-year public colleges and universities, and almost 30 percent at 4-year private colleges, 53 percent at public universities, close to 30 percent at 4-year private schools.

During this same period, the median household income in Ohio increased only 3 percent. In the 2004–2005 school year, 66 percent of students graduating from 4-year institutions in my State graduated with student loan debt. The average debt was $20,000.

This bill will help students manage the debt they are incurring and give them more options after they leave school. One of the most important provisions of the bill is a new income-based repayment program that will allow students to pay their debt as a percentage of their income. This initiative, along with the Public Service Loan Forgiveness Program, will help students manage their debt and allow them to pursue careers in public service without fear of student loan payments they simply cannot afford.

In April, I held a Health, Education, Labor, & Pensions Committee public hearing at Ohio State University to discuss student debt issues. One of the witnesses we heard from was a young woman from Cincinnati whose distraught mother wrote me about the crippling debt her daughter had accrued trying to pay for college.

She testified she never believed an education could cost so much and how she worried about how she was going to help her family and advance her career now that she was saddled with so much student loan debt.

As I said, as I travel the State, I hear stories such as these from students and parents who tell me it is becoming harder and harder to afford a college education for those Ohioans, for millions of others across this country. This bill will finally provide some much-needed relief. I would add that as Governor Strickland, the new Governor of the State who has been in office some 17 months or so, has frozen tuition at public universities, which has made a big difference, obviously, in the affordability of college. And coupled with what the State is trying to do now in Ohio, after the State did very little to rein in college costs, coupled with what we are doing here, it will make a big difference, particularly for first-generation students, but for all people who want to go to college whose parents do not make quite enough for them to be able to afford it. This is a major step, a positive step, in changing the direction of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE ADVANTAGE

Mr. DURBIN. Mr. President, pending before the Senate is an important measure about compensating medical providers who treat Medicare patients. Medicare patients, of course, are the elderly and the disabled. This program that was started over 40 years ago reaches 40 million Americans. It is an important lifesaver. It is a lifeline for many people who have reached a point where they can no longer afford to pay for their own major medical bills. Many of these people are on fixed incomes. Many of these folks have no health insurance, other than Medicare. They are desperate to find the kind of care they need.

Medicare, a program that was once criticized as being too much government and socialism, has turned out to be one of the most valuable programs the Federal Government offers. For 40 million Americans, it means they have the peace of mind that when they are sick, there is a place to go and someone to pay for it, that they will not sacrifice their savings and everything they have because of a medical catastrophe. There is a suggestion of cutting the compensation to Medicare providers by 10 percent. The fear is, if we cut that pay to these Medicare providers, fewer doctors will take Medicare patients; they will decide that the economic benefits are with other patients who might be paying more through private health insurance or even out of their own pockets.

We have a deadline. On July 1, this 10-percent cut goes into place. We have been trying, week after week, month after month, to pass in the Senate a provision that will protect these Medicare providers from this proposed cut of 10 percent. Imagine, if you will, that seniors who have doctors' appointments in the first or second week of July call to find that the appointments have been canceled because their doctor no longer takes Medicare patients. I don't want that to happen in Illinois. I don't think it should happen anywhere across this country.

A bill comes through the House of Representatives which proposes that we stop this 10-percent cut and make sure Medicare does not suffer this change and that the Medicare beneficiaries are not disadvantaged. The vote was called earlier this week in the House of Representatives. The final vote was 355 to 59. By a margin of 5, or 6 to 1, a bipartisan vote in the House of Representatives, they voted to take care of this problem and do it now before the July 1 deadline kicks in. The bill that passed in the House is supported by physicians, consumer groups, pharmacists, hospitals, and many others. Who opposes this bill? Two groups. I should say two entities—the health insurance industry and the White House. Why? Because the bill provides for savings from private fee-for-service Medicare plans. In other words, the additional 10 percent that is going to be paid to these Medicare providers, part of it at least is offset by saying that private health insurance companies are going to receive less in reimbursement for treating Medicare patients.

Why should they receive less, you ask? Because the so-called Medicare Advantage plans, private health insurance plans providing benefits that look a lot like Medicare, charge more than the Medicare plan, 12 to 13 percent more. Those aren't figures dreamed up by Congress. They come to us from the executive branch of Government. We suggested some savings in the amount of money paid to private health insurance companies and the resistance comes, obviously, from those companies, the White House, and this morning from the Republican side of the aisle. They refuse to let us cut any reimbursement to the private health insurance companies that charge more for the same services that Medicare is providing.

So we have reached an impasse. It is an impasse that has to be broken to the benefit of Medicare beneficiaries. I think we should be guided in breaking it by what happened in the House of Representatives by a vote of 355 to 59. Private fee-for-service plans are paid more than what it costs to treat the same Medicare patient in the traditional Medicare Program. We are paying these private insurance companies more than the ordinary Medicare reimbursement.

For some on the other side of the aisle, this is all well and good. They want to privatize Medicare. They want to end this so-called Government health insurance plan. I am not one of those. After more than 40 years of success in Medicare, I don't want to see this program go away. This program has been a lifeline when all else has failed. Medicare Advantage plans, those private health insurance company plans I talked about, cost taxpayers, on average, 13 percent more than Medicare for the same benefits. Private fee-for-service Medicare Advantage costs even more, 19 percent. This payment disparity gives private fee-for-service plans a competitive advantage over traditional Medicare. In other words, they can offer a little bit more, some bells and whistles, and they charge dramatically more when it comes to billing taxpayers and the Government for their services. We are trying to trim that back a bit.

The howls and screams from the other side of the aisle come because they want to protect these private health insurance companies. These unjustified higher payments are fueling large increases in enrollment in these types of plans that charge more because they offer a little bit more here and there. Even CMS has been concerned about the marketing practices of these private fee-for-service plans. Understand, these private health insurance companies, trying to enroll Medicare beneficiaries into their private health insurance alternative to Medicare, are going door to door, using telephone, mail, soliciting many seniors. Some of them are misled. Some of them are confused by the solicitations. There is outright fraud taking place. There have been numerous reports of sales agents using strong-arm tactics to enroll Medicare beneficiaries in these plans without the beneficiaries understanding how the plans differ from traditional Medicare.

Yesterday, the Government Accountability Office released a report that shows that private Medicare Advantage plans spent less on medical care than they report to the CMS which, in turn, earned them $1.14 billion in additional profits over what was expected. This is money going directly into the pockets of the insurance industry, not for the health benefits of Medicare patients. This report confirms the deal that was offered to Medicare beneficiaries and American taxpayers by these private plans is even worse than we thought. Yet today, on the Republican side of the aisle, they are objecting to this fix in Medicare to protect these private health insurance plans that have been found over and over again to charge too much, to be abusive in their marketing and, frankly, to provide less medical care than they promised.

In this report, for the first time in the history of the Medicare Advantage Program, GAO compared the private plans' projected spending on medical care and profit margins with their actual profit margins and spending on medical care. They found that in 2005, the Medicare Advantage plans projected spending 90.2 percent of total costs on medical services but actually spent 85.7 percent. By spending less on helping Medicare patients, these plans increased their profits. That is what it is all about—giving the Medicare patients as little as possible.

These private health insurance plans are big winners when it comes to making money but at the expense of medical care for the Medicare patients. These are the same companies Republicans are trying to protect by objecting to our fixing this Medicare reimbursement problem.

It is a shame we are putting the health of America's seniors on the line for the profit of a handful of private insurance companies. The Bush administration is disguising the truth. They claim the Medicare Advantage plans are helping, when they aren't doing a good job. This GAO report is more evidence of waste and abuse in this program, evidence which those who object to our moving forward refuse to even read or acknowledge. The changes in this bill are modest. They are nowhere close to payment cuts the House approved earlier this year. What Republicans and the White House are objecting to is taking away another special advantage that private fee-for-service plans have been given, the ability to deem a doctor or hospital as part of its necessary work. This bill merely requires private fee-for-service to enter into contracts with health care providers, as all other private Medicare plans already do. This reform is good for patients, good for health care providers, and good for taxpayers.

The overwhelming vote in the House for this bill shows Congress will no longer allow the Bush administration, as it is packing to leave town over the next 6 months, to protect the health insurance industry at the expense of Americans, our families, and Medicare beneficiaries.

I urge my colleagues, support the Medicare Program, make sure Medicare providers are adequately funded. Don't stand in defense of private health insurance at the expense of this valuable program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—H.R. 2264

Mr. KOHL. Mr. President, I rise today to ask unanimous consent that the Senate take up the No Oil Producing and Exporting Cartel Act, NOPEC. This legislation will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on the price of oil and hold OPEC accountable when it acts illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will allow the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. This legislation will not create any private right of action nor require any action by the Attorney General, it will simply give the administration the option to bring an antitrust action against OPEC member nations. Passage of this legislation will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct.

I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate by a vote of 70 to 23 last June as an amendment to the energy bill before being stripped from that bill in the conference committee. The identical House version of NOPEC passed the other body as stand alone legislation in May 2007 by an overwhelming 345 to 72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anticonsumer conspiracy.

As we consider the causes of rising gas prices—now exceeding the once unthinkable $4 per gallon level, up 74 percent since the beginning of last year—one fact has remained conistent—any move downwards in price ends as soon as OPEC decides to cut production. And while the OPEC nations enjoy their riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Mr. President, the suffering of consumers across the Nation in the last few years has made me more certain than ever that this legislation is necessary. When I first introduced this legislation in June 2000, the worldwide price of crude oil was $29 per barrel. It has now more than quadrupled. How much longer must consumers wait for us to take action? I believe we need to take action now.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 169, H.R. 2264, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the bill be considered under the following limitations: that no amendments be in order to the bill; that there be 2 hours of debate, with time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of the time, the Senate proceed to vote on passage of the bill without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

CLEAN ENERGY

Mr. ENSIGN. Mr. President, in the last few days, we have been talking about the housing bill. Last night I got to speak as I had the day before about an amendment I have been trying to get onto the housing bill. I would like to speak about the importance of that amendment, once again.

This country is facing high energy costs right now, with gasoline over $4 a gallon. Home heating oil is being affected by the price of energy. Natural gas prices have gone up by over 70 percent. It is affecting literally every single family and business in the United States. We need to have a broad-based approach to finding all the sources of American energy we can possibly find to help make us less dependent on Middle Eastern oil and other energy supplies coming from outside the United States. It is important for our national security, and it is also important for our economic security.

The amendment I wanted to offer to the housing bill deals with alternative renewable energies. These are energies such as solar, wind, geothermal, and many others. This amendment is identical to a bill Senator MARIA CANTWELL, a Democrat, and myself worked on together. In total, 45 Members have cosponsored this bill. We actually offered this legislation as an amendment to housing bill the last time that bill was on the Senate floor in April.

At that time, our amendment passed with 88 yea votes and only 8 nay votes. Rarely does something around this body pass 88 to 8 in such a bipartisan fashion in these partisan days. We should take advantage of that bipartisanship and do something right for the American people.

Not only do we want more American energy, but whenever we can, we should certainly try to incentivize bringing more green energy to the United States. That is the reason we introduced this bill, and it is the reason there was such a strong vote on it.

There have been a couple of objections as to why we should not include this amendment on the housing bill. It has been said that this amendment has nothing to do with housing. I would beg to differ. First of all, the stronger the economy, the more people will be able to afford to buy and retain homes. This renewable energy tax bill literally will produce probably 100,000 to 200,000 jobs in the United States and billions of dollars worth of investment in the United States. When people have jobs, there is a better chance they can afford homes.

Second, there are many provisions in our renewable energy tax bill that directly relate to housing. My amendment provides incentives to expand energy efficiency in new homes, existing homes, and appliances used in homes. For example, if you want to invest in solar energy in your home, if you want to help the country out by taking some of your electricity demand off of the power grid and actually produce your own electricity with solar energy in your home, we have tax credits to encourage this activity. If somebody is building a more energy-efficient home, we have tax credits in there to do that. In addition, we encourage the production of more energy-efficient appliances for your home. So this amendment is directly related to housing.

One of the other provisions the managers of this bill—and especially the Democratic leadership—do not want this amendment attached to the housing bill is that it is "not paid for." Well, there are already $2.4 billion in tax-related items that are not paid contained in this housing bill. I will not go into the details because they are fairly complicated, but know there is almost $2.4 billion in unpaid-for tax incentives in this bill.

The Democratic manager of this bill said the Democrats in the House of Representatives would not go for our particular renewable tax credit legislation because it was not paid for, that there were too many Democrats in the House of Representatives who would object to it. Well, how do they expect $2.4 billion in other tax incentives that are not paid for to be accepted over there and then argue that ours would not be accepted as well? So I think we should do absolutely everything we can at this time—with high energy prices on gasoline, home heating oil, and natural gas going up in the United States—we should do everything we can to get Senator CANTWELL's and my amendment on renewable energy tax credits put onto this housing bill.

Another reason it is important to have this amendment on this bill, instead of waiting for another bill in the future, is that a lot of the contracts and the financing of renewable energy projects—whether they are solar, geothermal, wind, or any of the other clean energy we have in the United States—it is critical for the financing of these projects that we have predictability and we get the Clean Energy Tax Stimulus amendment done as soon as possible. For each quarter that passes—and the Senator from Washington has spoken eloquently about this—that is more projects that do not get financed. Projects will not always be financed in the future if they have lost their financing now. Investors lose confidence.

So we need to have predictability, and we need to enact my amendment soon as possible. The housing bill, everybody around here knows, is going to be one of the few bills that will be signed into law this year. So we need to have the renewable energy tax credits on a bill that is going to be signed into law. If we actually care about advancing use of renewable energy in this country, if we care about jobs in the renewable energy sector of our economy, then we need to have this amendment passed into law.

The Democratic leader has already said he is going to pull the bill and we are going to come back to the housing legislation after the Fourth of July break. I encourage all Americans to contact their Senators and Representatives in the House, and let their voices be heard that this is an important issue to them. Write in, e-mail—do all the types of things that are necessary to participate in our democratic process, to say yes to renewable energy, to say yes to jobs in America.

Let's put this amendment on the housing bill when we get back after the Fourth of July recess. Let's do it as quickly as possible. Let's get the House of Representatives to cooperate with us on something that is good for America. I happen to be a Republican Senator but this is a bipartisan issue. In fact, this should be nonpartisan. This should be something that is done forgetting about whether you are a Republican or Democrat. Let's do something that is good for America. Let's do more of that around this place, and I think we will all be better off for it.

I conclude by imploring my colleagues: Think about this during the break. Think about what is at stake with the tens and tens of thousands of jobs, the billions of dollars in investment in renewables, and the chance that we can do something good for America and bring more green energy, more clean energy to the United States.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAUL LAURENCE DUNBAR

Mr. BROWN. Mr. President, I rise today to honor the birth of Paul Lawrence Dunbar.

It was the African-American poet Maya Angelou who made the verse "I know why the caged bird sings" widely famous, but it was Paul Laurence Dunbar from Dayton, OH, who penned that powerful poem more than a century ago. That seems to be the true story of Paul Lawrence Dunbar, as a trailblazer who paved the way for later generations of African-American poets and writers.

While academics continue to debate Dunbar's stature in the pantheon of American poets, there is wide agreement that he is a seminal figure in African-American literature, the first to achieve national—and some would argue international—recognition among African Americans.

Paul Lawrence Dunbar was born into meager circumstances in Dayton, OH. His birthday we honor tomorrow on June 27, 1872. He was the son of former slaves who escaped to freedom. He was raised by his mother Matilda, who had little to give him in terms of material wealth. Her job as a washer woman provided little more than food and clothing for Paul and his four brothers and sisters. Instead, she instilled in him something much greater. Paul's mother taught him the arts of song and storytelling and instilled in her son a lasting love of poetry and literature. Because of his mother, the poet fell in love with the power of words at a very early age, some accounts having him reciting and writing poetry as early as age 6. This love for literature grew over the years as his mother encouraged him to read and reinforced the importance of school.

By the time young Paul reached high school, he was the only African American in his class at Dayton Central High. While he faced so many difficulties because of his race, he achieved so much during this time in his life. In the face of prejudice, he became a member of the debating society, editor of the school paper, and president of the school's literary society. Working with his classmates and his friends in Dayton, Orville and Wilbur Wright, Paul Laurence Dunbar published an African-American newsletter. All the while, he helped support himself by working as an elevator operator in Dayton's Callahan Building.

Dunbar's birthday, June 27, came to be a very important day for the poet, as it was on that day when his abilities to write were first showcased in his hometown and then many years later again on his birthday when he received national recognition—it was June 27, 1892, when giving the opening welcome before the Western Writers Conference at the Dayton Opera House.

As the story goes, Paul was asked by his teacher Helen Truesdell only days before to give the opening remarks. He was nervous not only about writing the remarks but also about enough time away from his job as an elevator operator to give them.

As Jean Gould describes in her book, "That Dunbar Boy":

> Speaking to the Western Writers Conference afforded Paul his first opportunity to be heard by writers beyond the Dayton region, a special birthday gift that began the launching and the cementing of his writing career. His welcoming address received a burst of eager applause as he bowed and made a dash for the backstage exit of the Opera House—he was due back at the Callahan Building as the elevator operator in just 10 minutes!

This experience for Paul underscored his love of writing and his desire to make it his career. Soon after, he published his first book of poems, "Oak and Ivy."

It was on June 27, 1896, that William Dean Howells, a prominent literary critic of the times, published a column in Harper's Weekly enthusiastically praising Dunbar's second book, "Majors and Minors."

Howell stated:

> There has come to me from the hand of a friend, very unofficially, a little book of verses, dateless, placeless, without a publisher, which has greatly interested me.

So that established Dunbar as a national literary figure. From there, he went on to write four collected volumes of short stories, four novels, three published plays, lyrics for 12 songs, 15 books of poetry, 400 published poems, 200 unpublished poems, uncounted essays on social and racial topics in periodicals and newspapers in a career of less than 13 years.

Literary critics to this day continue to debate Paul Lawrence Dunbar. It has been argued that the author should be considered one of the earliest crusaders for equal rights and that his work belongs in the long tradition of protest writing. Other critics argue against this sort of designation—a controversy that speaks to the complexity and richness of his writing.

There is no debate that Paul Lawrence Dunbar and his works have enriched the history and character of his hometown, Dayton; his State—my State—Ohio; and our great country. Paul Lawrence Dunbar is known throughout the world for his literary genius. He is recognized as a man of humanity and integrity and determination, thus becoming the first African American to be accepted by the discipline of American literature.

Tomorrow, actually, is the date of his birth, but I stand today to honor this Ohioan and his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to the FISA bill.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ZIMBABWE ELECTIONS

Mr. KERRY. Mr. President, we are known happily as the world's greatest deliberative body and the world's greatest democracy. There are times when I have been here when we have indeed lived up to that reputation, and it has been exciting and rewarding. We also are blessed to serve in an institution where very frequently we extol the virtues of our commitment to spreading freedom around the globe. We take that seriously. I don't think there is a Senator here who doesn't believe in our responsibility to do that and who isn't proud of America's role in being able to do that in many parts of the world where we have made a difference.

However, in recent days here in Washington, the news earlier this week that Morgan Tsvangirai, the leader of Zimbabwe's main opposition party, was forced to withdraw from a runoff election that was scheduled for tomorrow, that news was regrettably met by an absence of the kind of outrage that it demands and, frankly, by an absence of action of any kind in the global community.

It is important for the Senate, in my judgment, to forcefully condemn a shockingly brutal campaign, an overt, visible for everybody to see, disdainful, arrogant campaign of violence and intimidation that has been launched by President Robert Mugabe and his henchmen which rendered free and fair elections in Zimbabwe impossible.

Morgan Tsvangirai's courageous decision not to put his supporters at further risk in an election that Mugabe explicitly said he would not respect if he did not win ought to be a wake-up call for the world and especially to the African leaders who have the most influence over Zimbabwe.

Action is long overdue. For months now, Mugabe's thugs have savaged opposition politicians, civil society activists, and anyone else who dared to dream of a peaceful end to his rein of terror. Villagers have literally been handed bullets by soldiers and told to choose between democracy or their lives.

Since the initial balloting in March, the MDC—the Movement for Democracy—believes that at least 86 of its supporters have been killed, over 10,000 have been injured, 2,000 unlawfully detained, and 200,000 have fled their homes. In fact, the details of this campaign of violence and intimidation are even more horrifying than the statistics convey. Women have been burned to death. Young men have been tortured and dismembered, and the elderly have been savagely beaten.

In fact, it is hard to imagine a campaign of political murder as brazen and visible to everybody as the one that has been unleashed on unarmed innocents, with a sense of complete inability to be touched by any civil forces outside. Mugabe very matter of factly stated last week:

> We are not going to give up our country because of a mere X on a ballot. How can a ballpoint pen fight with a gun?

I believe someone with that kind of attitude—willing to strip away democracy that all of the African nations, European nations, civilized nations of the world, and United Nations have agreed is the right of the people of Zimbabwe—that kind of attitude deserves the outrage and action that it asks for.

We know that even if Tsvangirai had not withdrawn, there was a unanimous consensus that Mugabe would have stolen the election by simply rigging the ballots. Once again, this unapologetic dictator telegraphed his intentions, saying that only God, not the voters of Zimbabwe, could remove him from office.

Democracy in Zimbabwe is not the only casualty of the news this week. Every bit as damaged, frankly, is the moral authority of the international community. Make no mistake, Mugabe is thumbing his nose at the international community. Daring them, with a sense of complete impunity, he is inviolable in whatever thuggery he wants to engage in. That is because he has heard the world say "never again" again and again. Then he has watched the world engage in collective handwringing as mass atrocities unfold and nothing happens, just like the last time.

Well, this can't be allowed to continue. Until recently, there was little hope of vigorous international response. But Tsvangirai's selfless act of courage hopefully now can act as a catalyst for change.

On Monday, the United Nations Security Council, including China and Russia, issued its first condemnation of violence, acknowledging it would be impossible for a free and fair election to take place. A day later, some of Africa's influential leaders called Mugabe out for the savagery of his intentions in this free election process. That has now made it, thankfully, more difficult for him to try to disguise the violence as a struggle against postcolonial bullying. Yesterday, that international community demanded that he postpone the runoff elections and negotiate with Tsvangirai.

Just yesterday, on his 90th birthday, Nelson Mandela lent his voice of moral authority to condemn what he called the "tragic failure of leadership in our neighboring Zimbabwe." Those are strong words, and I think obviously those words—coming from Nelson Mandela, the former President of South Africa and really founding President of their democracy today—those words diminish Mugabe's legitimacy.

Obviously, words aren't going to save Zimbabwe's people. The international community needs to take action, and it needs to take action that sends the regime in Zimbabwe a simple, unequivocal message: Mugabe must go. If he thinks only God can remove him and shows such extraordinary disrespect for the people of his country, clearly the international community has a responsibility to make it impossible for him to do anything else but go.

The Senate passed a resolution that I submitted in late April, but, frankly, resolutions don't get the job done. They indicate an intent, a desire by the Senate, perhaps; they indicate that we are taking notice of what is happening. But this is now a matter of life and death. It is also a matter of the credibility of the international community.

If words such as "never again" with respect to a holocaust mean something or if the lessons of Bosnia, Herzegovina, and the other disruptions that we have seen in other parts of the world mean anything, then we have to do whatever is necessary to be able to bring about a timely end to the violence and a peaceful transition to democracy.

The U.N. Security Council needs to impose, immediately, quickly, targeted sanctions on Mugabe. It needs to impose them on his cronies and his family. It needs to make it clear to them that they cannot do what they are doing with impunity. Freezing bank accounts and imposing further travel restrictions are punishments that may lead those around Mugabe to begin to reassess their own self-interests, without doing harm to the people who have already had harm done to them by this dictatorship.

The real leverage and legitimacy to motivate, mediate, and monitor a negotiated solution lies in the heart of Africa itself. The Southern Africa Development Community and the African Union have, frankly, too often been willing to sit on the sidelines. They need to play a sustained and active role in resolving this crisis in a way that respects the will of Zimbabwe's people. They need to do that now with the help of the European Community, ourselves, and the U.N. itself.

If Mugabe refuses to step down, both the Southern African Development Community and the African Union should suspend Zimbabwe's membership immediately and consider applying their own sanctions. I met the other day with the ambassadors from Botswana in South Africa and Zambia, and they agreed that if Mugabe stays now in a situation where he has nullified unilaterally the ability to have an election, he is, in fact, an unconstitutional leader of the country. Under the charter of the African Union, the Constitution, they would be completely within their rights—in fact, it would be imperative that they move to isolate him because he no longer would be a legal leader of that country.

The United States and the European Union need to stand squarely alongside African governments in withdrawing recognition from the illegitimate Mugabe regime and impose additional sanctions targeting his criminal cabal. Until recently, a few African leaders have proven to be an obstacle to the crisis. South Africa's President Thabo Mbeki is perhaps the most prominent example, sadly. I think many people had a much higher expectation of President Mbeki. I have known him and worked with him. I regret that in this situation Mr. Mbeki has chosen to ignore the warnings of his predecessor and icon and of others. It has been some time now that the world has been waiting for Thabo Mbeki in South Africa to weigh in squarely with respect to Zimbabwe's future.

I believe President Mbeki is going to be judged by history for his response to this crisis. As the leader of the region's powerhouse in the southern African community, the development community's mediator in this crisis, President Mbeki still has an opportunity to turn up the heat on Mugabe, while also helping facilitate a respectable way out.

The world cannot afford for President Mbeki to remain out of step with other countries in the region, not to mention his own political party, in condoning Mugabe's brutality. If he chooses to continue on this ineffectual path, then President Mbeki will remain, in fact, complicit in the tragic events in Zimbabwe and risk isolating himself internationally, as well as in his own country. If Mugabe surrenders and a genuinely democratic government, committed to implementing the needed economic and political reforms, is formed, Zimbabwe's new leader will be left to pick up the pieces of an economy that has been run into the ground by Mugabe.

Annual inflation is reportedly running at over 150,000 percent. Unemployment stands at over 80 percent. Hunger grips 4 million people. An estimated 3,500 people die each week from hunger, disease, and other causes related to grinding poverty. The United States and the international community must be prepared to provide a comprehensive, economic, and political recovery package that will help the people recover from so many years of abuse and neglect.

Right now, our most urgent challenge is to protect the innocent people in Zimbabwe who have been devastated by violence, starvation or inadequate access to essential care and services. We need to do that by pushing Africa's leaders to restore and expand humanitarian aid, deploying a civil protection force to prevent attacks, help victims, and pursue vicious criminals. Matching words with action is a great challenge of this body, the Senate, and particularly it is the responsibility of this administration. This is a test for our collective moral authority, our willingness to lead with our values, and a test of whether we are going to send the strong, necessary message to the people of Zimbabwe, and indeed the people in all of Africa, that we support their aspirations for a free and democratic country.

We are losing lives almost every single day in Iraq. We are spending $12 billion a month. We invaded that country, purportedly, to bring them democracy. We support other countries in the Middle East—Lebanon and others—that are struggling to have democracy. We can't be regionally selective about where the virtues of democracy make a difference. In Africa, where for too long people have been neglected, even abandoned—and too many times they believe the rest of the world doesn't care—this is an opportunity for us to send a different kind of message and make a different kind of difference. I hope they will know that the free world will stand with the aspirations of those who are willing to risk their lives to have a better future and to actually give meaning, through our support, for free elections and democracy everywhere in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

WINNING IN AFGHANISTAN

Mr. CASEY. Mr. President, today, I rise to convey my growing concern—and I think the American people share this concern—on an issue that the three major television networks' evening newscasts devoted just 46 minutes of coverage to so far this year: The war in Afghanistan.

The White House has become distracted and weighed down by the war in Iraq. It has knowingly ignored dealing with the real threats that endanger American interests. It is time now to refocus our efforts and concentrate on the real front in the war on terror, and it is time to get serious about winning in Afghanistan.

The United States has one overarching priority when it comes to this region: to ensure that al-Qaida or any other terrorist group does not gain the sanctuary it requires to plot, plan, or train for another terrorist attack on American soil or against our allies.

However, despite some 62,000 NATO troops in Afghanistan, including approximately 34,000 American forces, and more than 140,000 Afghan troops and police, Taliban and al-Qaida forces have regrouped and become stronger over the past 2 years. Finding sanctuary in the southern and eastern parts of the country and along the border with Pakistan, Taliban and pro-al-Qaida forces are threatening to undermine hard-fought international efforts to bring stability and peace to Afghanistan.

The assessment from our top experts in the field is bleak. Retired General James L. Jones, who until the summer of 2006 served as the supreme allied commander of NATO, found in one report that:

> NATO is not winning in Afghanistan. . . Afghanistan remains a failing state. It could become a failed state.

2007 was the deadliest year since the fall of the Taliban, with over 6,000 people killed. Violence continues in 2008. Secretary Gates reported in May that for the first time, more coalition troops were killed in a month's fighting in Afghanistan than in Iraq.

As of this week, at least 451 members of the U.S. military have died in Afghanistan, including at least 20 from my home State of Pennsylvania. Overall, violence has risen 27 percent in Afghanistan in the past year, with a 39-percent increase in attacks in the eastern region—where most U.S. troops operate—and a 60-percent surge in Helmand province, where the Taliban resurgence has been the greatest. Suicide bombings rose to 140 in 2007, compared with 5 between 2001 and 2005.

The news in recent days has also been especially troubling. Over the weekend, militants operating in sanctuaries in Pakistan launched rocket and artillery attacks into Afghanistan killing four Afghan civilians, including two children. NATO forces, whose patience has been repeatedly tested by escalating insurgent violence along the Afghan-Pakistani border, have since retaliated by shelling guerrillas along the Pakistani border.

Last week, hundreds of NATO and Afghan forces engaged in one of their biggest battles in years against approximately 400 Taliban fighters in Kandahar. These fighters had bombed the main city jail and freed hundreds of their comrades. One report says that those who have been freed are among the most dangerous.

These setbacks emerged as the Government Accountability Office, GAO, released its latest report concluding that despite spending $16.5 billion, the Pentagon and State Department still lack a "sustainable strategy" for developing the Afghan National Security Forces. Only two of the Afghan Army's 105 units are fully capable of fulfilling their mission. No police unit is fully capable. Today, I sent a letter to Secretary Gates and Secretary Rice asking for answers on why our progress in building Afghanistan's security forces is so stunted.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 26, 2008.

Hon. ROBERT M. GATES,
Secretary, Department of Defense,
Washington, DC.
Hon. CONDOLEEZZA RICE,
Secretary, Department of State,
Washington, DC.

SECRETARY RICE AND SECRETARY GATES: I read with great concern the U.S. Government Accountability Office's (GAO) June 2008 report on the Afghan National Security Forces (ANSF). Despite investing approximately $16.5 billion to train and equip the Afghan army and police forces over the past six years, I am alarmed to learn that the United States still lacks a comprehensive interagency plan to build the Afghan army and police. More troubling is the fact that only two of 105 army units and zero police units are considered fully capable of conducting their primary mission. I am writing you today to ask a simple question: why are we so behind in this fundamental task?

Building sustainable peace requires having a national army and local police that can provide and maintain security once international forces leave. In the case of Afghanistan, this is especially crucial as terrorists could easily reestablish a safe haven. I recognize and appreciate that building capable and effective security forces is a difficult and complex undertaking, especially given the well-documented challenges we face in Afghanistan. However, this task must remain an urgent priority at the highest levels of this Administration. The security services, especially the local uniformed police, are the face of the Afghan Government and will determine the fate of security in Afghanistan.

I have several specific concerns regarding our efforts to build and sustain the Afghan National Security Forces.

First, the costs for maintaining the security forces are estimated at approximately $2 billion per year. Given the Afghan government's limited financial capacity, are these costs sustainable or will the international community be supporting the Afghan army and police for the foreseeable future?

Why is the United States' timeline for completion of a fully capable Afghan police force (2012) different from the benchmark used by the Afghan government and the international community (2010)?

How are we effectively evaluating the capability of the army and the police? How are the Defense Department's "capability milestones" being evaluated? Too often, we are overly concerned with quantitative indices (i.e. number of troops, weapons, uniforms, etc.) rather than taking a qualitative approach. The United Nations Police (UNPOL) has begun developing a Rule of Law Index (ROLIX) to help qualitatively measure the progress of security sector institutions in their work to establish the rule of law that may be of great value here.

The importance of civilian mentors in building the Afghan security forces cannot be overstated. As the GAO has stated, international peacekeeping efforts in Bosnia, Kosovo, and East Timor have shown that field-based training of local police by international police mentors is critical to the success of establishing professional police forces. Why is there still such a shortage of police mentors? How will this be remedied?

Equipment shortages plague both the Afghan army and police. Combined Security Transition Command—Afghanistan (CSTC-A) officials have stated that equipment shortages are due to competing U.S. priorities in Iraq. Why are the Afghan security forces facing such massive equipment shortages? Why is this not a major priority for the U.S. government?

I look forward to reading your report to Congress on our efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including assessments of key criteria for measuring the capabilities and readiness of the Afghan Security Forces. I cannot overemphasize how important it is that we get this right and not squander any further opportunities to help build these basic institutions in Afghanistan. The security of the Afghan and American people depends on it.

Mr. CASEY. The problems plaguing Afghanistan are well documented: a resurgence of pro-Taliban forces, a burgeoning narcotics trade, rampant government corruption, insufficient resources for reconstruction, stalled development, fragile political and security institutions, and sheer, mind-numbing poverty. I spent a day in Kabul last month, where I had the good fortune of visiting with the chairman of the Armed Services Committee, Senator LEVIN, and even during this short amount of time, the magnitude of the challenges we face there was clear.

But what I also discovered is that despite these awesome challenges, there is a strong spirit amongst Afghans and coalition troops to persevere in the face of overwhelming odds. Afghans do not want the Taliban to come back. They may be disappointed by the results of President Karzai's government and broken promises by the international community. But they have been fighting for over 30 years for peace and stability. And they are not going to stop now. Not when they are this close to achieving those goals.

So it is now up to us to demonstrate true global leadership and finish what we started in 2001. This means, as the Afghanistan Study Group so aptly said, replacing the "light" footprint approach this administration has taken with respect to Afghanistan with the "right" footprint approach.

There is a common sentiment here in Washington that what is needed the most in Afghanistan is resources. If only we had more money, more troops, and more trainers on the ground, we would see more positive results.

It is true that we need to devote more resources to Afghanistan. That is why I was pleased to see that the recent international donors conference in Paris secured about $20 billion in commitments from more than 60 countries and international institutions, including a previous pledge of $10.2 billion from the United States. And that is why I applaud Secretary Gates' and Secretary Rice's repeated efforts in Brussels and other European capitals to secure additional Allied troops for the coalition in Afghanistan, troops that are free to wage combat where they are needed. We do need more to accomplish our mission.

But I do not want to engage in the transatlantic blame-game of which country could be doing more because it glosses over the underlying fault lines that have plagued our strategy in Afghanistan from day one. Ultimately, the real problem is not just one of troops or money or resources.

Rather, our mission in Afghanistan is in jeopardy because we still have not defined our long-term U.S. strategic objective in Afghanistan and, by implication, across South Asia.

We have not linked our relevant military security operations to a political strategy, and, most importantly, we have not made a long-term strategic commitment to Afghanistan in the eyes of the Afghan people. We have decoupled Pakistan from Afghanistan instead of formulating a strategy that would address the inherent and historic relationship between the two nations.

It is time to reformulate our basic fundamentals on how to approach this war. First and foremost, any strategy for turning the tide in Afghanistan must incorporate what is happening in Pakistan. To date, this administration has not fully appreciated Pakistan's security paranoia and the duplicity it has generated. Fueled by a credible fear that the U.S. will once again leave Pakistan in the lurch, as it did in the seventies and nineties, credible evidence exists that Pakistani security forces have renewed their ties to the Taliban to preserve their options.

We must redraw our map of this war to include the border region between Afghanistan and Pakistan. U.S. Army COL Thomas Lynch, a leading Afghan expert, has declared:

> The future of Afghanistan can be lost in Afghanistan, but it can only be won in Pakistan.

GEN Dan McNeill, who briefed both Senator LEVIN and me when we were in Afghanistan—he recently left after 16 months of service commanding NATO's international security force—warned that success in Afghanistan would be impossible without a more robust military campaign against insurgent havens in Pakistan.

Second, we must take advantage of the opportunity to work with Afghan security forces. They remain nascent and fragile at this moment, but they have significant potential with the proper investment of training, manpower, and equipment. As our military leaders in Afghanistan told me last month, the Afghan army is made up of proud soldiers who want to fight for their nation and who have a can-do spirit. But we must provide them the tools they need.

We cannot underestimate the importance of properly training the Afghan security forces. Last week, a GAO report said:

> Without capable and self-sustaining Afghan army and police forces, terrorists could again create a safe haven in Afghanistan and jeopardize efforts by the United States and international community to develop the country.

In particular, as Senator LEVIN and I recommended upon our return from Afghanistan, we need to assist the Afghan army to take over responsibility for border security functions in the territory adjoining Pakistan. Today, a lightly armed Afghan border police patrols this vital region, and this border police remains underequipped and underarmed. This is unacceptable. The United States and NATO allies should work together with the Afghan army to assume that critical national security function.

Finally, our strategy in both Afghanistan and Pakistan must focus on sustained development assistance. Former U.S. commander, GEN Karl Eikenberry, used to say, "The Taliban begins where the roads end."

Despite a massive influx of money into Afghanistan, we are not moving quickly enough to demonstrate to the Afghan people concrete results that improve their lives—building roads, schools, and hospitals.

We need to decouple our military activities from reconstruction assistance and bring our development experts from the U.S. Agency for International Development to the table where they belong. Our development approach thus far has overrelied on private contractors whose goals, missions, and timelines do not correspond with our own.

I have one more paragraph. We have to recognize that this battle against extremism is not going to be won in 2 or 4 or 10 years. It is not going to be won on the military battlefield. It is a generational challenge, a battle for the ages that will require significant resources in basic human development. Extremists exploit poverty, ignorance, and anger. The task before us is to defuse the igniters of that anger before they explode in the form of another failed state in Afghanistan or a terrorist attack in the United States.

We have a great history in this country of helping rebuild societies from ashes. It is time for a new Marshall Plan for Afghanistan, one that links the necessary resources with the right institutional expertise. It is time for us to do what we do best in the world.

In concluding, I go back to the work of the 9/11 Commission. In analyzing the many unexplored connections that led to that fateful day, September 11, 2001, the independent, bipartisan 9/11 Commission found:

> The most important failure was one of imagination. We do not believe leaders understood the gravity of the threat.

That is what was said after 9/11. The same can be said today. Our brave men and women, the troops and diplomats who serve every day in Afghanistan get the picture. They see what this administration chooses to ignore. Failure in Afghanistan is not an option. Our national security, the safety of our families here, depends on what we do in Afghanistan, and preventing another terrorist attack here depends on what happens in Afghanistan and all of South Asia. We cannot fail in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FOOD VS. FUEL

Mr. GRASSLEY. Mr. President, for the past few weeks, I have been leading an effort to dispel the myths surrounding the impact of biofuels policies on our food prices. You may remember that back on May 15, I came to the Senate floor to announce to my colleagues that the campaign to smear ethanol is a well-funded and seemingly well-coordinated campaign. It is being led by none other than the Grocery Manufacturers Association.

In the weeks since that floor statement, I have been using every opportunity I can to beat back this smear campaign and inject the facts into the debate.

Biofuels are being scapegoated for rising wheat prices, even though the 2007 crop was the largest planted in 4 years. Biofuels are being blamed for the increased price of products such as rice and bananas, which have no correlation to corn production or our biofuels policies.

According to economists across the administration, biofuels have caused a tiny fraction of the increase in global and domestic food prices. They are also responsible for only a small portion of even the increase in the price of corn.

The fact is, the increased cost of oil is the biggest driver behind the increased price of food. In other words, energy and how energy fits into the food chain and the dramatic increase in the price of oil to $130, $140 a barrel is the biggest driver in the increased price of food.

But we also have drought in wheat-producing countries, such as Australia last year, adding to this increase. We have also had increased demand by the middle class of China and India for meats in their diet to a greater extent than ever before. Yet the grocery manufacturers and their association have focused the entire effort on ethanol. They see ethanol and renewable fuels as the root cause and most vulnerable to their attack.

Even with oil at $135 a barrel, they see their victory in undermining biofuels policies. It is important to note that biofuels are actually working to lower the price of gasoline at the pump. In fact, in Iowa, you can buy gasoline with biofuels in it for about 13 cents a gallon cheaper than you can 100 percent gasoline.

So while high energy costs are driving increases in food prices, the grocery manufacturers would have you believe that the solution is less energy supply. That is counterintuitive.

The Grocery Manufacturers Association does not seem to care much about facts. Their criticism and talking points are not based on sound science, sound economics, or even common sense.

While biofuels are easy to blame, it is intellectually dishonest to make these claims. But maybe intellectual dishonesty does not make any difference to the Grocery Manufacturers Association.

They have indicated that they fully support advanced biofuels from biomass rather than food crops, and maybe with ethanol we think of that as cellulosic ethanol, and of course, we are all supportive of efforts to promote the next generation of biofuels. But undercutting the current industry is not the way to get fuels into that second generation coming from biomass instead of from grain.

Those who are determined to pull the rug out from under today's biofuels should know that the next generation will not exist if the current generation is undermined.

I hope the Grocery Manufacturers Association has taken notice that I am not going to sit quietly while they try to undermine 30 years of public policy. In other words, 30 years ago, we decided in this Congress we needed more emphasis on renewable fuels because God only made so much fossil fuel. So you have to get to what you are going to do postpetroleum, and it is renewables. Of course, conservation is the other part of that as well.

So 30 years ago, we started out with incentives for biofuels. It is still not a mature industry, but it is maturing very quickly. If you cut the legs out from under that industry right now and the agriculture that supports it and the jobs in rural America that do the work, you are not going to have the next generation.

I sometimes think, even though I blame the Grocery Manufacturers Association because they announced this campaign of scapegoating ethanol, that somehow it is not just the Grocery Manufacturers Association. I cannot help but think that big oil is back there applauding everything the grocery manufacturers are doing.

Until now, in fact, the only significant opposition to developing renewable fuels over the past 30 years has come from big oil. I was not afraid to stand up to big oil over the last 30 years, and I am not going to stand by while the Grocery Manufacturers Association, with their smear tactics, destroy what the American people have been calling for—an industry so we can produce renewable fuels. And because of our national defense, the stakes are too high.

The Grocery Manufacturers Association's efforts, if successful, will raise prices at the pump in Iowa. I said 13 cents higher if you have 100 percent gasoline instead of 10 percent ethanol and 90 percent gasoline. And in the process, we would be increasing our dependence on foreign oil. Why not keep the money in the United States instead of spending $130 a barrel and sending it over to the Arabs where they will allow terrorists to train against us? Is risking our national and economic security worth the bottom line of a few multimillion-dollar food companies? Don't be fooled. Their campaign is not altruistic. It came directly from their mouths that this campaign is about their "bottom line."

Where is the outrage? American consumers need to know that a few big food companies are jeopardizing our efforts toward energy independence so that they can raise the price of food and increase their profits. They want to do away with this industry and, in the process, as Iowa State University tells us, without ethanol, gasoline would be on average about 30 cents higher per gallon. If the increased price of energy goes up, and energy is the cause for about one-third of the increase in the cost of food, then obviously food is going to go yet higher.

We are on a path, from the standpoint of national security and economic security, to reduce our dependence on oil from the likes of Venezuela and Iran. The Grocery Manufacturers Association wants to put the brakes on our efforts toward energy independence. They apparently prefer putting our economic security in the hands of crazy people, such as the President of Venezuela and the President of Iran, rather than putting their economic security in the hands of American farmers growing renewable fuels.

The Grocery Manufacturers Association, through their president and CEO, Cal Dooley, requested to have a meeting with me to discuss the impact of food-to-fuel policies. Given the association's objectives to "obliterate whatever intellectual justification might still exist for their corn-based ethanol among policy elites"—and that is what their public relations firm said about ethanol—I was pleased to accept former Congressman Dooley's efforts to talk to me about it.

U.S. Secretary of Agriculture Ed Schafer was also kind enough to accept my offer to participate in that meeting. However, I thought to have a meaningful discussion on their campaign to smear ethanol and my justification for renewable fuels, and so I requested the attendance of chief executives of 15 of the GMA's member companies. I thought it would be important for the CEOs of these companies, who are members of the association, to speak for themselves about the impact biofuel policies are having on their businesses. The companies themselves are in a much better position to explain why they believe the anti-ethanol campaign they have underwritten would be warranted. So I invited the CEOs of Campbell's Soup, Del Monte Foods, Lakeside Foods, Sarah Lee, Dean Foods, Hormel Foods, Procter & Gamble, Kellogg's, Land O'Lakes, ConAgra Foods, General Mills, Kraft, Ralston Foods, Cargill, and Archer Daniels Midland to come to the meeting. I expected to have many of the CEOs jump at the opportunity to tell me I am wrong. I thought I would hear firsthand how the increase in corn prices was affecting the bottom line of General Mills or Kellogg's or Kraft.

Many of the CEOs I invited are members of that trade association's board of directors. Naturally, I expected the CEOs to want to defend their association's campaigns and its tactics. Unfortunately, that is not what I got. Only one CEO—Chris Policinski of Land O'Lakes—agreed to attend, and Cargill offered a senior executive in place of their CEO. But of 15 companies, only one CEO thought it was worth their time to come to Washington and visit with me and Secretary of Agriculture Schafer about their trade association's campaign to smear ethanol. So I had no choice but to cancel the meeting.

They have hired a high-priced public relations firm to coordinate their campaign. One would assume they believe in the policies they are promoting. So why wouldn't they take advantage of this opportunity to convince Secretary Schafer and me that we have it all wrong? This is clearly a high priority for them. They seem to have invested a great deal in it, and a lot of dollars in it. Why wouldn't they attend the meeting? Don't they believe in what they are doing?

It appears all they want to do is to give a thumbs-up to their trade association's hiring of expensive PR firms to do their dirty work, instead of entering into real dialog with those of us who feel strongly that this country needs a policy of renewable energy, and more renewable energy every day.

I don't know whether GMA encouraged these CEOs not to attend. My colleagues might find it amusing, however, that two companies declined my invitation with a form letter. The letter from Mr. Conant, CEO of Campbell's, and the letter from Mr. MACKAY, CEO of Kellogg's, used the same text declining my invitation. Now isn't that something? CEOs of two major companies coming up with exactly the same words in letters signed by them to decline. I don't know who wrote it first, but I might expect CEOs of such primary companies to be a little more original in their communication with me. It makes one wonder who wrote the letter.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks these two letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I am going to keep pounding home the facts behind the relationship between food prices and biofuels, because it is not supported by economics, it is not supported by common sense, and it is not supported by sound science. The fact is, biofuels are increasing our national security, biofuels are helping our balance of trade, and they are reducing our dependence on Middle East oil and the whims of big oil. Every barrel we use of biofuels is $135 not going to some foreign land where they train terrorists to kill Americans.

So it is time we cleared the air, it is time we looked at the facts, and it is time we recognize, once again, that everything about our domestic renewable fuel industry is good, good, good. I emphasize it is good for the environment—less CO_2 in the air—it is good for good jobs in rural America, because a lot of these ethanol refineries are in rural America, where we never thought we would have good-paying jobs, and a lot of these refineries respond to another problem—we don't have enough oil refineries in this country. In a sense, every ethanol plant, every biofuels plant is a refinery. It is good for our national security, which I think I have made very clear, and it is good for agriculture. It is good that we don't have Government supporting surplus grains. We are not having taxpayers' money go out to farmers. Farmers are getting their money from the marketplace now that prices are higher.

So I don't know how many times I have to say it, but there are no negatives about biofuels and everything about them is good, good, good.

EXHIBIT 1

CAMPBELL SOUP COMPANY,
Camden, NJ, June 18, 2008.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your invitation to meet regarding the relationship between US biofuels policies and their impact on commodity and food prices. Regrettably, I am unable to attend.

In my stead, however, the Grocery Manufacturers Association and a number of other organizations with similar concerns plan to participate. I also understand GMA will extend to you an invitation to attend the November meeting of the GMA Board of Directors, where we can have a full and productive discussion regarding our nation's energy policy.

As you know, GMA is working with many farm organizations, including the National Turkey Federation, the National Chicken Council, and the National Cattleman's Beef Association, to improve our federal food-to-fuel policies by accelerating the development of biofuels made from crop wastes and other energy feedstocks. Many experts have concluded that cellulosic biofuels hold enormous promise and will not pit our energy needs against the needs of food companies, livestock farmers and consumers. The Campbell Soup Company strongly supports biofuel policies that boost the income of farmers and simultaneously meet the needs of food companies and consumers.

In light of growing prices for corn and other commodities, we support policies that will reduce the use of food and feed crops to produce fuels. Although there are many factors contributing to rising commodity prices, federal policies that divert one-third of the U.S. corn crop is the only factor legislators have the power to change. Recent studies by the World Bank, the United Nations, and America's leading agricultural think tanks have linked rising commodity prices to these federal food-to-fuel policies.

Again, I thank you for your kind invitation to join you and Secretary Schaffer to discuss these concerns and regret that I am unable to attend. If appropriate, I would be happy to offer Kelly Johnston, Campbell's Vice President—Government Affairs, whom you know, to represent our company. The Campbell Soup Company looks forward to working with you and all interested parties to craft sensible and sustainable energy policy.

Sincerely,

D.R. CONANT,
President and Chief Executive Officer.

KELLOGG COMPANY,
Battle Creek, MI, June 17, 2008.

CHARLES E. GRASSLEY
U.S. Senator,
Washington, DC.

DEAR SENATOR GRASSLEY: Kellogg Company strongly supports biofuel policies that boost the income of farmers and simultaneously meet the needs of food companies and consumers. I sincerely appreciate your invitation to meet regarding these policies on June 24th, Regrettably, I am unable to attend.

In my stead, however, the Grocery Manufacturers Association and a number of other organizations with similar concerns plan to participate. I also understand GMA will extend to you an invitation to attend the November meeting of the GMA Board of Directors, where we can have a full and productive discussion regarding our nation's energy policy.

As you know, GMA is working with many farm organizations, including the National Turkey Federation, the National Chicken Council, and the National Cattleman's Beef Association, to improve our federal food-to-fuel policies by accelerating the development of biofuels made from crop wastes and other energy feedstocks. Many experts have concluded that cellulosic biofuels hold enormous promise and will not pit our energy needs against the needs of food companies, livestock farmers and consumers.

In light of growing prices for corn and other commodities, we support policies that will reduce the use of food and feed crops to produce fuels. Although there are many factors contributing to rising commodity prices, federal policies that divert one-third of the U.S. corn crop is the only factor legislators have the power to change. Recent studies by the World Bank, the United Nations, and America's leading agricultural think tanks have linked rising commodity prices to these federal food-to-fuel policies.

Again, I thank you for your kind invitation to join you and Secretary Schaffer to discuss these concerns and regret that I am unable to attend. Kellogg Company looks forward to working with you and all interested parties to craft sensible and sustainable energy policy.

Sincerely,

A.D. DAVID MACKAY,
President,
Chief Executive Officer.

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time until 2:15 is under the control of the junior Senator from Alaska or her designee.

The Senator from Alaska.

ALASKAN STATEHOOD

Ms. MURKOWSKI. Mr. President, today is an opportunity for us in the next 45 minutes to talk about a celebration. We have had some pretty serious business under discussion here on the Senate Floor, and today I and my colleague, Senator STEVENS, joined by others, rise to celebrate the 50th anniversary of the Senate passage of the Alaska Statehood Act, the act which eventually conveyed statehood upon the great State of Alaska after a fight for equal rights and representation that lasted literally decades.

After a long and contentious battle, both in Congress and across the country, the Senate passed the Alaska Statehood Act 50 years ago, on June 30, by a vote of 64 to 20. The act was signed into law 7 days later by President Eisenhower, and Alaska officially became a State on January 3, 1959. This was the headline in the Anchorage Daily News announcing, "We're In." Our territorial Governor, Mike Stepovich, President Eisenhower, and Secretary Seaton are in this photo that we look to in our State's very young history with great fondness.

This year across the State, there will be celebrations all over put on by communities, by clubs, by businesses, by the State government. To help kick off this celebration, I would like to briefly remember a little bit of the history of a very rough journey toward statehood.

The territory of Alaska was bought from Russia in 1867. I know many students, when they are looking at their history books, learn that it was dubbed "Seward's Folly." It was World War II and the Cold War that really transformed the face of Alaska, however. Having a strategically critical location for both wars, Alaska saw a large increase in Federal money and population in the 1930s and the 1940s.

While the aspiration for statehood had existed for many years and though Alaska had a delegate to Congress since 1906, it was during this time period that a serious and motivated and modern statehood movement rose up and captured the attention of Alaskans across the State.

The Alaska Statehood Committee was formed in 1949. This committee of 11 Alaskans was bipartisan. No more than six could belong to the same party, and at least two members had to come from each of the four judicial districts Alaska had at the time. They were given the task of publicizing and educating the public on statehood, both in Alaska and nationally, as well as framing a State constitution.

As early as 1946, though, 3 years before the Statehood Committee was formed, there was a large majority of Americans who were already very supportive of Alaskan statehood. A Gallup

Poll that year indicated that 64 percent of Americans were in favor of statehood, with only 12 percent opposed. The percentage of supportive Americans grew to 81 percent by 1950. But even then, nearly a decade still remained in what became a bitter battle against special interests.

The wealthy salmon canning industry was the primary lobbying group that opposed statehood at the time. The salmon canners would put fish traps at the mouth of some of Alaska's largest rivers, and they caught nearly 30 percent of Alaska's salmon every year, sending the yearly salmon catch plummeting from 924 million pounds to 360 million pounds over a 20-year period. Alaska was in a tough spot. They were powerless to resist. With 99 percent of the territory's land owned by the Federal Government and with very little control over resource policy, the industry was pretty much free to devastate one of the State's most valuable renewable resources, and that was our Alaskan salmon.

This desire for a say in our own affairs only grew the intense desire of Alaskans to attain statehood for themselves. The newspaper the New York Journal-American summed up the situation this way:

> Alaska wants statehood with the fervor men and women give to a transcendent cause. An overwhelming number of men and women voters in the United States want statehood for Alaska. This Nation needs Alaskan statehood to advance her defense, sustain her security, and discharge her deep moral obligation.

In 1950, after years of thwarted attempts to bring an Alaska statehood bill to the floor of either Chamber of Congress despite the strong support of President Truman, a bill actually got a floor vote. It passed the House of Representatives, but it failed over here in the Senate.

Frustrated by repeated legislative defeats, Alaskans decided to write a State constitution. This was done in 1955. We decided to do it to show the country that we were politically mature and genuinely ready for statehood.

After a 75-day Constitutional Convention at the University of Alaska Fairbanks, a constitution was adopted by the delegates and ratified by Alaskans. It was later described by the National Municipal League as "one of the best, if not the best state constitutions ever written."

The way it dealt with natural resources was particularly distinctive and ingenious. The State's natural resources were viewed as a public trust and were required to be developed for "maximum use consistent with the public interest [and] for the maximum benefit of its people." Development based on "sustainable yield" was constitutionally mandated. To this day, the State continues to operate on this principle in our fisheries, minerals, fossil fuel development, and our timber. One example of the results of this policy is that Alaska is the only region in the United States that has no overfished fish stocks.

Two years after the constitution was ratified and 50 years ago, on May 28, the House of Representatives voted on the bill that would eventually confer statehood upon Alaska. The bill passed the House 210 to 166. The Senate passed it 64 to 20, and then President Eisenhower signed it into law. Over 15 years passed between April 2, 1943, when the first bill was introduced, and June 30, 1958, when the final bill was passed. We were officially a State on January 3, 1959.

I have been perusing the CONGRESSIONAL RECORD to kind of get a sense of the Senate debate at the time, the debate that preceded Alaska's entry into the American Union. I am a born and raised Alaskan. I have found the record absolutely fascinating. It includes enthusiastic and very passionate arguments in favor of statehood but also countered by lawmakers who saw Alaska's entry into the Union as being a huge mistake. There is even an occasional Communist threat reference, a reminder that this debate occurred against the backdrop of the Cold War.

Some of the arguments against statehood included the fact that Alaska was not contiguous with the rest of the United States; Alaska was not sufficiently developed economically or politically to be ready for statehood. There was also a reference to the fact that Alaska doesn't produce enough agriculture.

There were provisions granting Federal land to the State. They alleged it was a huge Federal giveaway, but keep in mind that the Federal Government still owns over half of the State of Alaska. But really the argument centered around the concern that Alaska would be a huge burden on the Federal Government financially.

Senator Richard Neuberger of Oregon, who was a supporter and was presiding over the Senate during the historic Alaska statehood rollcall vote, said that Alaska statehood would afford the United States the opportunity to show that "we practice what we preach."

Neuberger said:

> For decades we have preached democracy to the rest of the world, yet we have denied full self-government to our vast outposts to the north, despite many assurances that such would not be the case.

He continued on by saying:

> The voice of America may talk of democracy, but its message will ring hollowly through the rest of the Free World if America fails to practice democracy. In the crucible of world opinion, we shall be tested by deeds and not words. Statehood for Alaska will be a tangible deed.

Among Alaska's greatest friends in the Senate were both Senators from Washington State, Henry "Scoop" Jackson and Warren Magnuson. Jackson told his colleagues that the time was "past due" for the admission of Alaska to the Union, while Magnuson said it in another way. He said:

> Alaska has sat impatiently in the anteroom of history for 42 years.

These comments represent only a fraction of the Alaska statehood debate which began years before the last frontier became the 49th State, but still they offer some valuable perspective on the challenges and obstacles our forefathers faced on the road to statehood.

A few of my colleagues will be joining us over the next half hour or so to help remember and reenact the debate that occurred 50 years ago. I am grateful for their willingness to join me in celebrating our 50th anniversary of the 49th star on the flag.

I mentioned that Alaska has been referred to as "Seward's Folly." I don't think many people know that we also were referred to as "Icebergia," obviously a reference to the colder environment up there. But Alaska has since made incredibly significant contributions to our great Nation. I do not think anyone considers Alaska a folly. We provide 55 percent of America's seafood, we attracted 1.5 million tourists last summer to the State, and we have been a stable domestic supplier of U.S. oil needs for the past 30 years.

Alaska is proud to be "the Great Land" in the greatest Nation in the world. I am privileged to represent its people here in the United States.

With that, I yield the floor to my senior colleague, Senator STEVENS.

The PRESIDING OFFICER (Mr. SALAZAR). The senior Senator from Alaska is recognized.

Mr. STEVENS. I believe I have been allocated 20 minutes to speak.

The PRESIDING OFFICER. There is no previous order.

Mr. STEVENS. Mr. President, that photograph brings back many memories to me. The gentleman on the right was my employer at the time, the Secretary of Interior, Fred Seaton. As a matter of fact, I was standing right behind him at the time that photograph was taken.

I remember the debate here on the floor of the Senate on the Alaska statehood bill. On the day the vote was taken, I was standing up where those people are right now in the Press Gallery. That was unheard of, but I was standing beside my good friend who was the editor of the Fairbanks Daily News-Miner, C.W. "Bill" Snedden. He had bought this newspaper. He purchased it a few years before we got statehood, and he turned its policy around to support statehood.

One of the things he created was a cartoon they put on the front page of the paper every day. It was a small thing down at the bottom. This was Sourdough Jack. Sourdough Jack had wise sayings every day. This one day he published this, it was:

> All of the valid arguments against Alaska statehood are listed in full on pages 2, 3, and 4.

All blank. That was the attitude of Alaskans. There really was no valid opposition to our becoming a State.

However, I think the Senate should know what the Senate did then and the role of the Senate in Alaska becoming a State—and Hawaii, too, later the same year. .

Our delegate at that time in the House of Representatives, Democrat Bob Bartlett, discovered an old rule in the House that permitted matters of constitutional import to be taken to the floor of the House and worked on solely by the Committee of the Whole of the House, bypassing the Rules Committee. So after having tried since 1913 into 1958 to get statehood, our delegate made the motion to bypass the Rules Committee. With a vote of the House, they approved going right to the floor with the Alaska statehood bill. That was an achievement no one could even have expected. But it showed the power of the press at that time. The American press took up the cudgel, they took up the sword to have both Alaska and Hawaii become States. It was really great to see Hearst and Luce and so many of the leaders of the newspaper profession joined together to urge the American people to swell up and demand these bills be passed.

As the bill passed the House and came over here, there was a great problem because the Rules Committee chairman made it very plain that if there was an attempt to have a conference committee on this bill admitting Alaska to the Union, he would see to it that it would never see the light of day in the House. So our job at that time was to get the statehood bill passed by the Senate without one single change—not a comma, no paragraphs, nothing altered, and nothing changed.

I think the Senate today would appreciate that problem because those were the days of the true filibusters. Those were the days before the current rule on cloture. At that time, it took two-thirds to stop debate. It was something to behold, sitting in the gallery as I did, to see the power of Senator Scoop Jackson on the one hand and Senator Norris Cotton on the other—Norris Cotton being a Republican from New Hampshire, Scoop Jackson being a Democrat from Washington—guide that bill through the Senate and overcome the filibuster that was led by my late good friend Strom Thurmond.

It is a total tribute to the democracy we represent that this enormous act of admitting a State—there had not been another State admitted since Arizona had been admitted in 1913. Here we were in a post-World War II period, when part of the momentum for our getting statehood was, in fact, the people who had served in the Armed Forces and were stationed in Hawaii or in Alaska—many of them had been stationed in the territories and went back to the territories after they were released from service after we won World War II.

But this day, the day the Senate finally passed this bill, was a unique one.

The galleries were full. That is one reason I was up in the press gallery rather than over in the normal gallery for visitors. But, very clearly, we knew it was going to be a difficult day for us. We had counted votes and all of the rest trying to predict what was going to happen. But when it happened, I want the Senate to know, this was something significant that happened. The people in that photograph, except for the President, gathered right out in the reception room of the Senate. Then we went to—Republican and Democratic alike—members and people from the gallery, we went to the then-chapel of the Senate, and we offered a prayer to thank the people who had given us this new right.

It was one of the most significant days that I can remember in my life. I am proud of my colleague who has brought upon the Senate the idea of having some remembrance here of what went on in those days. Our State has become a State. We have developed our economy to be one of the great producers of natural resources. Many people have challenged that, and we are currently blocked in exploring the Outer Continental Shelf off our State. Two-thirds of the Continental Shelf of the United States is off our State.

Every well so far that has been tried has been blocked. We have been blocked now for 25 years at getting the right. We thought we achieved it in the 1980 act which set aside 1.5 million acres of the Arctic for oil and gas exploration and development.

I hope we will come to a time where we will realize the errors of our past and we will find that the day will come when the Arctic Coastal Plain will be opened. Once it is, the Alaska oil pipeline, which was built to carry 2.1 million barrels a day—it is carrying less than 700,000 barrels a day now—will be full. Because we know from 3-D seismic and from the well that was drilled, there is no question that there is oil on the Coastal Plain that some people call ANWR. But the development of that plain will bring us, both the Federal Government and the State, billions of dollars that we want to dedicate to the development of renewable and alternative resources.

For instance, we have half the coal of the United States. We should have mine-mouth conversion for coal gasification, coal liquefaction.

We have those magnificent five military bases in our State. They all need lots of energy. We have to find some way to assure they will have energy for our national defense. I think we are proceeding to the point that the American people know what we must have; that is, we must have the right to proceed to develop our resources.

Fred Seaton, whose picture was photographed there as the Secretary of the Interior, was an appointed Senator from the State of Nebraska. He made only one statement on the floor of the Senate. He was absolutely convinced that Alaska should become a State.

Let me read a portion of what he said:

> Alaska is as deserving of statehood, and as ready for statehood, and as greatly in need of statehood, to come into her own, as were any of the present States when it was their turn before the bar of the Senate.
>
> Let us deal with the American citizens in Alaska no less generously in this manner than were our forbearers dealt with in their respective territories. Alaska, like all other States will keep the faith and carry the grand old United States tradition. Alaska's star has for too long been denied its rightful place on the glorious flag of the United States of America.

We, as Alaskans, are proud of what we have done. From the days we became a part of the United States in 1867 when Secretary Seward led the negotiations to buy the Territory of Alaska from Russia for a mere 2 cents an acre, we have contributed substantially to the income, the resources, and to the well-being of our people.

We are the northern territory for the defense of this country. Our national missile defense site at Fort Greely, AK, has the capability of defending the whole United States, 360 degrees around, from Maine to Florida, from the tip of California to the tip of Alaska. That national missile defense site defends America.

We have committed ourselves to support those in uniform who defend this country and defend our way of life. So I think this is a wonderful thing to celebrate, the fact that the Senate took the action it did in approving the basic approach of the House to take the initiative to bring Alaska into the Union.

We were followed by our great and dear friends from Hawaii. And many people wonder why we are so close, those of us from Hawaii and Alaska. We represent offshore States. When we got here, many of the laws that applied to the 48 States did not apply to us. The effect of our working together has been that Hawaii has four Senators and Alaska has four Senators because we have a lot in common. We do not vote together on issues of national issues, that is not a position. But when it comes to the rights of our States, we have shown what can happen in the Congress of the United States when two delegations say: We are together. And as new States, we deserve to be recognized and treated as equal partners in this Union.

I am proud to speak of the alliance that we have with Senators Inouye and Akaka—that has been achieved in my almost 40 years here.

As I have said, Mr. President, for many days in June of 1958 I watched from the gallery as the Senate debated and finally passed the Alaska Statehood Act. That vote marked the end of our long and difficult road to self-determination.

Alaska was my home. I had been U.S. Attorney in Fairbanks. Working in Washington as Assistant to the Secretary of the Interior, Fred Seaton, I became involved in the battle for statehood.

Some Americans believed Alaska was too remote and too politically immature to become a full partner in the Union.

Alaskans worked tirelessly to show the American people and Congress that the Union would benefit from Alaskan statehood. My friends, Bill Snedden, publisher of the Fairbanks Daily News Miner, and Bob Atwood, publisher of the Anchorage Times, wrote to almost every paper in the U.S. setting forth our positions for statehood and requesting support for our efforts.

Alaskans reached out to their friends and family in the lower 48 asking them to write their Senators requesting they support statehood.

Fifty-five men and women met at our constitutional convention in Fairbanks and devoted themselves to creating what has been called "the best state constitution ever written," proving Alaskans had the political maturity to join our union.

I worked with the Secretary of the Interior, Fred Seaton, and members of the Eisenhower administration to explain the President's support of Alaska being a State.

Six years earlier Secretary Seaton had been a Senator from Nebraska. He served for only 1 year being appointed to fill the vacancy caused by the death of Senator Wherry. In his first address to this body, Senator Seaton spoke strongly in support of statehood for Alaska, recalling the doubts and objections raised when his own State of Nebraska was struggling for statehood.

Senator Seaton said:

> Alaska is as deserving of statehood, and as ready for statehood, and as greatly in need of statehood, to come into her own, as were any of the present States when it was their turn before the bar of the Senate.
>
> Let us deal with the American citizens in Alaska no less generously in this matter than were our forbearers dealt with in their respective territories. Alaska, like all the other States, will keep the faith and carry on the grand old United States tradition. Alaska's star has for too long been denied its rightful place on the glorious flag of the United States of America.

Our delegate to the House of Representatives, Bob Bartlett and our "Tennessee Plan" Senators and Representatives, and Alaskan pioneers Ernest Gruening, Bill Egan and Ralph Rivers met with Members of Congress to convince them to support Alaska statehood.

After the House passed our statehood bill on May 28, 1958, opponents in the Senate tried to stop the bill by attaching controversial, unrelated amendments.

Our good friend from Washington, Senator Henry "Scoop" Jackson led a bipartisan effort to fend off changes to the bill.

In the 6 days of debate prior to the vote, Senators carefully weighed the prospect of granting statehood to Alaska.

Alaskans are proud of all we have accomplished in the 50 years since that historic vote.

Through responsible development of our vast natural resources we are working to build a strong and vibrant economy.

Prudhoe Bay and the 800 mile Trans-Alaska Pipeline, completed in 1977, have delivered more than 15 billion barrels of oil to the American economy.

In 2007 alone, Alaska's mining industry contributed an export value of $1.1 billion to the national economy.

Through science-based management, our fisheries have been protected and rehabilitated. Because of our success, Alaska's fisheries management principles are now used as models for fisheries across the country. Today half our Nation's total domestic seafood production comes from Alaska.

Modern water and sewer facilities and health care clinics are now located in most rural Alaskan communities. Through these and other projects and development of our natural resources, Alaskans are creating educational and job opportunities in the most remote corners of our state.

Alaskans proved our strategic military value to the Nation during WWII when our Territorial Guard provided a first line of defense and protected the terminus of the lend lease Aerial Bridge at Fairbanks.

Today Alaskans welcome and support the men and women of the 1st of the 25th Stryker Brigade Combat Team based in Fairbanks, the 4th of the 25th Airborne Brigade Combat Team based in Anchorage and the 11th Air Force based at Elmendorf.

They, and our Alaska National Guard, have served our Nation bravely in Afghanistan and Iraq and around the world. Our strong tradition of service has resulted in more veterans per capita living in Alaska than in any other State.

While Alaskans have much to celebrate on our 50th anniversary of statehood, we continue working to accomplish more.

The Alaska Natural Gas Pipeline will deliver 4 billion cubic feet of domestically produced natural gas each day to homes and businesses throughout the United States. Our pipeline will also create 400,000 new jobs nationwide.

Continued development of Alaska's resources, including oil and gas development on the arctic coastal plain and our outer continental shelf, could also help deliver the energy needed to power our Nation's economy.

Recent estimates show that the arctic coastal plain alone could deliver 1.5 million barrels of oil a day to market and contribute billions of dollars in corporate income tax revenues and royalties to the U.S. Treasury.

Alaskans began our journey to statehood in 1867 when the Secretary of State William Seward advocated for the purchase of the territory from Russia for a mere 2 cents an acre. At the time the decision was ridiculed as "Seward's folly."

Alaskans have worked hard to realize the full potential of our land and our people. There is no doubt Alaskans have lived up to the faith the Senate showed in us 50 years ago when it voted to grant us statehood. Alaskans have earned the name of our State, "the Great Land."

Ms. MURKOWSKI. Mr. President, I want to thank my senior colleague for his comments. It is rare that we have an opportunity to speak from such personal knowledge about the battle for statehood.

As he spoke, I imagined Senator STEVENS sitting up there in the galley watching this debate anxiously as the future of Alaska was being decided. So it is an honor to work with him representing the people of Alaska. But for him to be able to share this historical perspective is wonderful. Our neighbors to the south in Washington have worked with us on so many different issues over the years.

As I mentioned in my comments, Senator Jackson and Senator Magnuson were big advocates for statehood for the State of Alaska.

I am delighted that our colleague, Senator MURRAY, has agreed to join us in talking about Alaska's statehood.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. "Mr. President, let us vote for the 49th star in the flag." Those were the words from the great Senator from the State of Washington, Warren Magnuson, spoken on this floor in 1958, just before this body finally agreed to make Alaska one of the United States.

Today, I am very pleased to join our colleagues from the north in Alaska to say a warm congratulations to the people of Alaska on this 50th anniversary of their statehood. Alaska's statehood, as you heard, was controversial a half century ago. But I think time has proven that the United States is a greater Nation thanks to the Land of the Midnight Sun.

As Senator MURKOWSKI has said, Washington State's Senators, Warren Magnuson and Henry Jackson, were some of Alaska's greatest friends. Their advocacy helped to sway this Senate that Alaskans were ready to join the Union. Today I want to give you a flavor of that debate at the time and their role in it.

Back in 1958, Alaska's statehood had already been an issue for 42 years, and legislation to make it a State had been introduced in every Congress since 1943.

As Senator Jackson said in one speech that led up to that final vote that Congress had held 11 hearings, two of them in Alaska, and others here in Washington, DC. And more than 4,000 pages of testimony had been published.

"It was time to put the issue to rest," he argued, and I quote:

> There can be no doubt that the record is complete. Our objective is statehood. It can be achieved now.

Those were the words of Senator Jackson back then. And as the debate continued, Senators Magnuson and Jackson were confident that Alaska was ready.

Senator Magnuson argued that with 180,000 citizens, Alaska had more residents than Missouri, Kansas, Arkansas, Alabama, Nevada, Idaho, and 21 other States when they were admitted into the Union. He pointed out to this body that Alaska was strategically located between the United States and the Soviet Union and that it was home to two important military bases at the time right when the Cold War was escalating.

He dismissed the argument that Alaska could not support itself as a State because that argument had not held up when it was used for his own State of Washington.

He said:

> Alaskans feel confident that they can lick this problem as they have met and solved others. I say, we should give them that opportunity.

So in Senator Magnuson's mind, the controversy was very similar to a family argument about whether a child was ready to leave home. He said:

> These United States, like fearful parents, can waver further in indecision, and allow our lack of confidence to undermine Alaskans and say, "You will be ready for statehood someday, but not now." Or we can be proud of Alaskans' determination to strike out for their true independence through their own real self government.

"The United States should follow through the second course," Magnuson said.

He said:

> The territory feels entitled to sit and deliberate with us—be one of us. Alaska wants to work out her own future, just as each of the other 48 partners in our nation have been allowed to do. Alaska's hopes, aspirations, and quiet self-confidence are understandable. She knows that her resources, her people, and their combined potential spell a brilliant future.
>
> Alaska has sat impatiently in the anteroom of history for 42 years. Alaska should be a State.

I am very proud of the role Washington's two Senators played in this debate at the time. Alaska's road to statehood was long and it was hard. But Alaskans are some of the toughest people around. They fought for their rights. They did not give up. And they prevailed.

So as they celebrate across their State I wish them a happy and a successful future. I want to close by once more quoting Senator Magnuson's words to the people of Alaska.

He said:

> We approve and commend your vision, understand and believe your hopes, know that your mission and goal can and will be reached, so good luck and godspeed.

Mr. CRAPO. Mr. President, I am honored to stand and speak today on the occasion of the 50th anniversary of the legislation establishing Alaska as our 49th State. I continue a tradition of sorts: A former Idaho Senator, Frank Church, stood in this same chamber 50 years ago, May 5, 1958, to be exact, to call for Alaska's statehood.

Let me begin, if I may, with the words Senator Church recited that day:

> Wild and wide are my borders,
> Stern as death is my sway,
> And I will wait for the men who will win me—
> And I will not be won in a day;
> And I will not be won by weaklings,
> Subtle, suave and mild,
> But by men with the hearts of Vikings
> And the simple faith of a child;
> Desperate, strong and restless,
> Unthrottled by fear or defeat,
> Them I will guild with my treasure,
> Them I will glut with my meat.
> Send me the best of your breeding,
> Lend me your chosen ones,
> Them I will take to my bosom,
> Them I will call my sons.

These lines come from a poem entitled, "The Law of the Yukon," and were written by Robert W. Service, a Canadian poet who traveled north, caught up in the fever of the Klondike Gold Rush. The poem was inspired by the majesty of the land of the Northwest Territories and the Alaska territory, and for Senator Church set the stage for an impassioned, intricately argued plea for Alaska's statehood.

Senator Church spoke that day of taxation without representation. He referenced the treaty by which the United States acquired Alaska which said that the inhabitants of the Territory "shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty." Senator Church asked this body the question: "Can it be that ours, too, will be the error of the Roman senate, which sapped the vitality and strength from the Roman Republic, refusing to extend the right of franchise, until government became a mockery, empty of empty of principle . . .?"

Fortunately for the United States in this matter, right prevailed that year, and those calling for Alaska's statehood were vindicated in their tireless quest.

The admission of Alaska into the Union represents a rejection of the status quo, a manifestation of the very American tendency to look beyond what is to what could be, and Alaska has exceeded all expectations. That historic 1958 debate about Alaska's statehood mentions things familiar today which remain the backbone of Alaska's economy and, by extension, are integral to the U.S. economy, salmon, oil and natural gas to name a few. Alaska enriched our inventory of public land immeasurably: forests rich in wildlife; the majestic mountains of the Denali and the breathtaking flanks and soaring peak of Mount McKinley; glaciers of incredible beauty; rivers teeming with salmon; and bays and harbors with orcas and other ocean wildlife. Alaska holds beauty and riches beyond measure above and below the land, rivers and oceans.

Periodically, the U.S. Senate does something that, in the words of Senator Church that year, falls outside the realm of meeting exigencies of the present. When the Senate bestowed statehood upon Alaska 50 years ago this week, it grasped the brief shining moment history had granted it and looked beyond partisan politics to do something great and glorious for the good of our Nation.

I appreciate the Senator from Alaska's invitation to speak during this auspicious time in Alaska's history. I am proud of the role of Idaho lawmakers in the history of Alaska's statehood, particularly Senator Church, and also Congresswoman Gracie Pfost who also supported Alaska's statehood that year. In fact, an editorial in the Fairbanks News-Miner on May 6, 1958 called Senator Church "one of Alaska's greatest champions in Congress."

Idaho and Alaska will always have much in common. Both western Rocky Mountain States, we face similar land use, wildlife and natural resource issues and we both celebrate the staggering beauty of our land. While Idaho does have the largest amount of wilderness area in the continental United States, it is dwarfed, of course, by Alaska which has the largest amount of Federal land of any State. Idaho and Alaska lawmakers can be proud of half a century of working together for the good of our States, our constituents and the mountain west.

Congratulations, Senator MURKOWSKI and Senator STEVENS, on the birthday of your great State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my colleague from the State of Idaho. As he indicated, Senator Church was a great leader in the statehood fight. Idaho and Alaska have long since maintained that good relationship from five decades ago. I also recognize the comments of Senator MURRAY from Washington. The relationship our two States have had throughout the years through trade and commerce has provided issues on which we have worked jointly. Again, I thank them for taking the time to help Alaska commemorate its 50th anniversary celebration.

I will tell my colleagues, as the first Senator serving in the Senate to ever have been born in the State of Alaska—I was actually born just a little bit before statehood, born in the territory—I am fiercely passionate about my State. My mother was born in the community of Nome in the early 1930s, at a time when Alaska was pretty rough and tumble. My family on both sides was involved in the issues that led to statehood. I am very proud of how we as a State have advanced over these 50 years. To be able to recognize that progress and then look forward with anticipation as we forge the next 50 years, a State that has so much to offer this country, not only our natural resources but the ingenuity and resourcefulness of our people, the fact that our Alaska Natives per capita serve at record numbers in our military, providing for the defense of this country, we are full participants in this great Nation. Even though our geography separates us, there is a sense of patriotism and love for this country that does not go without recognition.

I am honored to stand before the Senate today to celebrate the battle that led to statehood and the recognition of decades of good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent to print in the RECORD the names of distinguished young Alaskans who have been permitted to be on the floor today to witness the celebration of our 50th anniversary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MURKOWSKI'S INTERNS AND THEIR HOMETOWNS

Brian O'Leary—Kodiak, Rochelle Hanscom—Fairbanks, Nychele Fischetti—Anchorage, Taryn Moore—Anchorage, Lyndsey Haas—Petersburg, Kristen Coan—Palmer, Wes Stephel—Soldotna, Haleigh Zueger—Unalaska, Kelsey Eagle—Sitka, Samantha Novak—Anchorage, Cameron Piscoya—Nome, and Alexis Krell—Wasilla.

SENATOR STEVENS' INTERNS AND THEIR HOMETOWNS

Bennett Clare—Nikiski, Castillo Serame—Anchorage, Choi Claire—Anchorage, Downey Michael—Anchorage, Hein Dyle—Juneau, Horstkoetter Paul—Anchorage, Johnsen, Jakob—Fairbanks, Lettow Jaimee—Wasilla, Malmberg Cort—Kodiak, Syversen Karmel—Anchorage, Alguire Coleman—Ketchikan, Eby Eryn—Anchorage, Gilman Rebecca—Kenai, Joynt Marshall—Wasilla, Kazmierczak Jessica—Salcha, Mallipudi Andres—Anchorage, Oh Samuel—Wasilla, Osterman Thomas—Kasilof, and Welch Alisha—Bethel.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I could add a word to my two distinguished colleagues. I have had the good fortune—and it is good fortune—to have visited every State in the United States and the territories in my nearly 82 years of wonderful life that the good Lord has given me. I would think every American would deem, every American who has a feeling for the outside and the magnificent beauty of nature, that their education would not be complete unless they visit Alaska and see with their own eyes and breathe the air, see the water, all the magnificent beauty. I have enjoyed a number of trips to Alaska, largely sponsored by my dear friend Senator STEVENS, through the years. We have been there together many times, many times in connection with the U.S. military, which finds a wonderful home in Alaska. Alaskans have taken such good care of them.

But you have a great strength. Those of us in the Senate are proud to serve with two fine Senators from the great State of Alaska.

Mr. President, I ask at this point in time if I could address the FISA bill. Is that the pending business or may I ask to speak on that business now?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to the FISA bill.

Mr. WARNER. So it is appropriate at this time to deliver remarks with regard to that bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

Mr. President, this is one of the most important subjects I have had the privilege of addressing in my 30-some years in the Senate. I and many others will rise in connection with this bill in support of the FISA Amendments Act. It is a critical piece of legislation for America's present and future security. It achieves an important balance between protecting civil liberties and ensuring that our dedicated intelligence professionals have the capabilities they need to protect this Nation.

Currently, Admiral McConnell is Director of our intelligence system. I have had the privilege of knowing him for over 30 years, working with him. We are fortunate that he and General Hayden and many others are carrying the torch for our Nation's intelligence. They have worked very hard on this piece of legislation, as has my dear colleague from Missouri, Senator BOND. I am on the Intelligence Committee. He has done a splendid job in negotiating the conference—hopefully, what will be a settlement. He was supported by our chairman, Senator ROCKEFELLER. It has been a team, with the two of them achieving the juncture we are at now in the consideration of this bill.

The bill ensures that the intelligence capabilities provided by the Protect America Act, enacted in August of 2007, remain sealed in statute. I cannot overemphasize how important that is to ensuring our Nation's security. I wish to underscore, once again, the importance of legal protection for the telecommunications carriers that have voluntarily—underline voluntarily—come forth for the private sector and have assisted our Government with the terrorist surveillance program, commonly referred to as TSP, which was originated and authorized by the President under appropriate sections, in my judgment, of the Constitution, particularly article II.

I wish to emphasize that I was privileged to be Secretary of the Navy in the period of the 1970s, when the All-Volunteer Force was conceived. That force of young men and women, each of whom raised their hands and said, I volunteer to serve in uniform, is not unlike the issue today with elements of corporate America, the private sector, who have come forward to volunteer to assist this Government in performing the intelligence responsibilities undertaken which guarantee the freedoms and safety we enjoy every day here at home. The extensive evidence made available to the Senate Intelligence Committee shows that carriers that participated in this program relied upon our Government's assurances that their actions were legal, authorized by the President, and in the best interests of the security of our Nation.

In brief, our Government provided the carriers with essential assurances, and the carriers responded to our Government's request for help. These carriers must be protected from costly and damaging lawsuits. Such lawsuits could end the current level of participation in the vital intelligence programs by these carriers and will likely deter other companies and private citizens who might like to step forward and volunteer in helping us protect ourselves by virtue of the essential intelligence we must monitor and collect every day. After all, these carriers are corporations in most instances, if not all. They are beholden, the executives of these corporations, to the stockholders. That is the system of free enterprise we have in the United States. Consequently, they, on behalf of their stockholders—and the stockholders could be the pension funds, could be a stock held by any number of people and entities in our system of Government—are coming forth simply asking for codification of assurances having been given by the Government so they can go back to their stockholders and explain that: We are doing this to protect America. We now have, by virtue of the actions of the Congress, signed and sealed by the President, the law that will protect your interests in this country from lawsuits which have no foundation in law.

I would like to share a "Dear Colleague" letter which all Members of our Chamber some months ago received from the esteemed chairman and vice chairman of the Intelligence Committee, Senators ROCKEFELLER and BOND.

I ask unanimous consent that the full text of the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. The letter discussed the Senate Intelligence Committee's extensive and bipartisan review of the TSP, which included dozens of briefings, hearings, and interviews, as well as extensive document reviews. As a result of this more than 10-month comprehensive examination, the committee concluded—and I quote what was written and published to our colleagues by the committee—

> Irrespective of one's opinion of the President's reliance on Article II authority to justify the TSP, those companies that assisted with the TSP did so in good faith and based upon the written—

I repeat: "written representations"—

> from the highest levels of government that the program was lawful. The Committee's bill reported out on a strong, bipartisan vote of 13–2—

I wish to repeat that. That is a strong vote. I have served on the Intelligence Committee. This is my third tour of duty, you might say, given that we have, under our leadership, stipulated periods to serve. That is a big, strong vote. At one time, I was ranking member, as is Mr. BOND, of that committee, and that is about as strong a vote as you can get among the diversity of the wonderful people who have, throughout my years in the Senate, served on that committee.

> [That vote] reflects our determination that companies that cooperated with the government in good faith should be protected from time-consuming and expensive litigation. It is a matter of fundamental fairness.

End quote by the committee.

Another item which played a key role in my thinking about the issue was a thoughtful article published in a newspaper by private citizens with past distinguished careers in public service relating to intelligence. The first is Benjamin Civiletti, U.S. Attorney General under President Jimmy Carter; followed by Dick Thornburgh, U.S. Attorney General under President George Herbert Walker Bush; and Judge William Webster, a very distinguished gentleman I have known personally for many years, former Director of the CIA and former Director of the Federal Bureau of Investigation.

Now, there are three diverse public servants, with different political backgrounds, but they came together for the common purpose of trying to strengthen America's intelligence system. The article, entitled "Surveillance Sanity," appeared in the October 31, 2007, edition of the Wall Street Journal. I have spoken on the floor previously about this article and their contribution, but because of its direct relevance to the issue we are now deliberating on and hopefully will vote on today, I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. Let me share with you some of their thoughts. Regarding the Intelligence Committee's carefully crafted and limited liability provision, which is very similar to the provision in the bill currently before us, these three distinguished public servants—now private citizens—said:

> We agree with the Committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or level risk.

Unfortunately, our committee has already heard testimony that without such protections, some companies believe they can no longer continue their cooperation and assistance to our American Government, particularly the intelligence sections.

Messrs. Civiletti, Thornburgh, and Webster also wrote:

> The government alone cannot protect us from the threats we face today. We must have the help of all of our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat them fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

That is very strong language, very clear language. I urge my colleagues, once again, to look at their article.

As the Senate considers this bill, it should reject any amendments which would put the carriers and their millions of shareholders in legal limbo, waiting while the Government litigates unrelated constitutional claims. Lawsuits against the companies would likely continue in the interim which would: have negative ramifications on our intelligence sources and methods; likely harm the business reputations of these companies; and cause the companies to reconsider their participation—or worse—cause them to terminate their cooperation in the future.

The Senate Intelligence Committee, by a vote of 13 to 2, stated its belief that the carriers acted in good faith and that they deserve to be protected.

Clearly the issue of whether the President acted within his constitutional authority in authorizing the TSP can and should be addressed in a separate context from this bill.

Even the exclusive means provision in this bill favored by my Democratic colleagues in the House and Senate acknowledges the President's constitutional authority in stating that certifications to companies for assistance shall identify the statutory provision on which the certification is based, "if a certification . . . is based on statutory authority." This clearly indicates that the certification could be based on the President's constitutional authority.

But, even if one did not agree that the President acted within his Article II powers, why would anyone want to punish the carriers for something the Government called on them to do and assured them was legal?

Individuals who believe that the Government violated the civil liberties can pursue legal action against the Government, and the bill before us does nothing to limit that legal recourse.

As stated so eloquently by Messrs. Civiletti, Thornburg, and Webster, I quote the following:

> Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. . . . Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality.

I strongly believe that the President did act within his Article II executive branch authority in authorizing this program. Even the exclusive means provision in this bill favored by my Democratic Colleagues in the House and Senate acknowledges the President's constitutional authority in stating that certifications to companies for assistance shall identify the statutory provision on which the certification is based "if a certification . . . is based on statutory authority." This clearly indicates the certification could be based on the President's constitutional authority.

But even if one did not agree that the President acted—acted—within the confines of the U.S. Constitution—particularly article II outlines the executive branch's power under the President—why would anyone want to punish the carriers for something the Government called on them to do and assured them was legal? Individuals who believe the Government violated their civil liberties can pursue legal action against the Government, and the bill before us does nothing—I repeat: does nothing—to prohibit a citizen to bring that legal recourse against their Government, the U.S. Government.

As stated so eloquently in the Messrs. Civiletti, Thornburgh, and Webster document, I further quote:

> Whether the government has acted properly is a different question from whether a

private person has acted properly in responding to the government's call for help. . . . Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality.

I agree with the conclusions of these three eminent private citizens.

I would like to also call your attention to an important letter sent last week—June 19, 2008—to Senate and House leadership from the Attorney General of the United States and the Director of National Intelligence—that is GEN Michael Mukasey and ADM Michael McConnell—two distinguished public servants now serving America.

Mr. President, I also ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. WARNER. These gentlemen said:

> [P]roviding this liability protection is critical to the Nation's security.

They confirmed that the intelligence community cannot obtain the intelligence it needs without—I repeat, without—the assistance from these carriers, companies, and other segments of the private sector. They noted:

> It is critical that any long-term FISA modernization legislation contain an effective liability protection provision.

It should be clear from this letter that the Director of National Intelligence and the Attorney General of the United States could not support the bill without explicit retroactive legal protection for the carriers and other segments of the private sector.

It is for these reasons that I urge my colleagues to support H.R. 6304, the FISA Amendments Act, as passed by the House, and to vote against any amendments that intend to strip out or alter the critical civil liability provision or any other section of the bill that is essential to our intelligence community.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, February 1, 2008.

DEAR COLLEAGUES: The FISA Amendments Act, S. 2248, provides limited and narrowly-drawn retroactive civil liability protection to those telecommunication companies that allegedly assisted the government with the President's Terrorist Surveillance Program (TSP). An amendment has been offered to this Act to strike these liability protections in favor of "substitution," a legal mechanism for replacing the companies in the ongoing TSP litigation with the government.

The Senate Intelligence Committee conducted a comprehensive and bipartisan review of the President's TSP, including the issue of carrier liability. The Committee reviewed numerous documents, including the Department of Justice legal opinions and the letters from the government to the companies. The Committee held a number of briefings and hearings involving government and company officials. The Committee also visited the National Security Agency to see firsthand how the TSP worked.

As a result of this extensive review, the Committee concluded that, irrespective of one's opinion of the President's reliance on Article II authority to justify the TSP, those companies that assisted with the TSP did so in good faith and based upon the written representations from the highest levels of government that the program was lawful.

The Committee's bill, reported out on a strong, bipartisan vote of 13–2, reflects our determination that companies that cooperated with the government in good faith should be protected from time-consuming and expensive litigation. It is a matter of fundamental fairness. The Committee rejected the broad immunity proposal sought by the Administration. Our limited immunity provision only covers assistance provided from September 11th to when the TSP was put under court authorization in January of last year. It does not provide protection from criminal prosecution or extend protections to government officials. Any litigation against government officials will continue.

In concluding that civil liability protection for those companies was appropriate, the Committee recognized that allowing the current litigation to continue could: (1) compromise our intelligence sources and methods through ongoing discovery and other litigation proceedings; (2) result in significant loss of business reputation or financial loss for those companies that participated in good faith; (3) jeopardize the personal safety of overseas employees of these companies if it becomes known that the companies assisted the government in fighting terrorism; (4) put taxpayers' dollars at risk for dubious legal claims; and (5) lead to reluctance by these and other companies to cooperate with legitimate requests for assistance in the future.

The substitution amendment sponsored by Senators Specter and Whitehouse does not alleviate any of these concerns. Even if the companies are removed directly from the litigation, discovery would still be allowed to proceed against them. In short, the conduct of the companies would continue to be litigated, raising significant concerns that their identities or details about their assistance will be disclosed. Given the essential role that our private partners play in intelligence collection, we believe that this is simply too great a risk to our national security.

We believe, therefore, that the ongoing litigation against the telecommunication companies should be brought to an immediate close and that the Intelligence Committee's bipartisan determination of good faith should stand. We urge you to support the Intelligence Committee's bill and oppose any effort to modify or strike its civil liability provision.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.
CHRISTOPHER S. BOND,
Vice Chairman.

EXHIBIT 2

[From the Wall Street Journal, Oct. 31, 2007]

SURVEILLANCE SANITY

(By Benjamin Civiletti, Dick Thornburgh and William Webster)

Following the terrorist attacks of Sept. 11, 2001, President Bush authorized the National Security Agency to target al Qaeda communications into and out of the country. Mr. Bush concluded that this was essential for protecting the country, that using the Foreign Intelligence Surveillance Act would not permit the necessary speed and agility, and that he had the constitutional power to authorize such surveillance without court orders to defend the country.

Since the program became public in 2006, Congress has been asserting appropriate oversight. Few of those who learned the details of the program have criticized its necessity. Instead, critics argued that if the president found FISA inadequate, he should have gone to Congress and gotten the changes necessary to allow the program to proceed under court orders. That process is now underway. The administration has brought the program under FISA, and the Senate Intelligence Committee recently reported out a bill with a strong bipartisan majority of 13–2, that would make the changes to FISA needed for the program to continue. This bill is now being considered by the Senate Judiciary Committee.

Public disclosure of the NSA program also brought a flood of class-action lawsuits seeking to impose massive liability on phone companies for allegedly answering the government's call for help. The Intelligence Committee has reviewed the program and has concluded that the companies deserve targeted protection from these suits. The protection would extend only to activities undertaken after 9/11 until the beginning of 2007, authorized by the president to defend the country from further terrorist attack, and pursuant to written assurances from the government that the activities were both authorized by the president and legal.

We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

This concern is particularly acute for our nation's telecommunications companies. America's front line of defense against terrorist attack is communications intelligence. When Americans put their loved ones on planes, send their children to school, or ride through tunnels and over bridges, they are counting on the "early warning" system of communications intelligence for their safety. Communications technology has become so complex that our country needs the voluntary cooperation of the companies. Without it, our intelligence efforts will be gravely damaged.

Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

As the Intelligence Committee found, the companies clearly acted in "good faith." The situation is one in which immunity has traditionally been applied, and thus protection from this litigation is justified.

First, the circumstances clearly showed that there was a bona fide threat to "national security." We had suffered the most devastating attacks in our history, and Congress had declared the attacks "continue to pose an unusual and extraordinary threat" to the country. It would have been entirely reasonable for the companies to credit government representations that the nation faced grave and immediate threat and that their help was needed to protect American lives.

Second, the bill's protections only apply if assistance was given in response to the president's personal authorization, communicated in writing along with assurances of legality. That is more than is required by FISA, which contains a safe-harbor authorizing assistance based solely on a certification by the attorney general, his designee, or a host of more junior law enforcement officials that no warrant is required.

Third, the ultimate legal issue—whether the president was acting within his constitutional powers—is not the kind of question a private party can definitively determine. The companies were not in a position to say that the government was definitely wrong.

Prior to FISA's 1978 enactment, numerous federal courts took it for granted that the president has constitutional power to conduct warrantless surveillance to protect the nation's security. In 2002, the FISA Court of Review, while not dealing directly with the NSA program, stated that FISA could not limit the president's constitutional powers. Given this, it cannot be said that the companies acted in bad faith in relying on the government's assurances of legality.

For hundreds of years our legal system has operated under the premise that, in a public emergency, we want private citizens to respond to the government's call for help unless the citizen knows for sure that the government is acting illegally. If Congress does not act now, it would be basically saying that private citizens should only help when they are absolutely certain that all the government's actions are legal. Given the threats we face in today's world, this would be a perilous policy.

EXHIBIT 3

JUNE 19, 2008.

Hon. NANCY PELOSI, Speaker,
House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This letter presents the views of the Administration on the Foreign Intelligence Surveillance Act of 1978 ("FISA") Amendments Act of 2008 (H.R. 6304). The bill would modernize FISA to reflect changes in communications technology since the Act was first passed 30 years ago. The amendments would provide the Intelligence Community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the Government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals essential to any effort to modernize FISA, we strongly support passage of this bill and will recommend that the President sign it.

Last August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without having to first obtain a court order, foreign intelligence information from targets overseas. The Act has enabled us to gather significant intelligence critical to protecting our Nation. It has also been implemented in a responsible way, subject to extensive executive, congressional, and judicial oversight in order to protect the country in a manner consistent with safeguarding Americans' civil liberties. Since passage of the Act, the Administration has worked closely with Congress to address the need for longterm FISA modernization. This joint effort has involved compromises on both sides, but we believe that it has resulted in a strong bill that will place the Nation's foreign intelligence effort in this area on a firm, long-term foundation. Below, we have set forth our views on certain important provisions of H.R. 6304.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Title I of H.R. 6304 contains key authorities that would ensure that our intelligence agencies have the tools they need to collect vital foreign intelligence information and would provide significant safeguards for the civil liberties of Americans.

Court Approval. With respect to authorizations for foreign intelligence surveillance directed at foreign targets outside the United States, the bill provides that the Foreign Intelligence Surveillance Court (FISC) would review certifications made by the Attorney General and the Director of National Intelligence relating to these acquisitions, the reasonableness of the procedures used by the Intelligence Community to ensure the targets are overseas, and the minimization procedures used to protect the privacy of Americans. The scope of the FISC's review is carefully and rightly crafted to focus on aspects of the acquisition that may affect the privacy rights of Americans so as not to confer quasi-constitutional rights on foreign terrorists and other foreign intelligence targets outside the United States.

We have been clear that any satisfactory bill could not require individual court orders to target non-United States persons outside the United States, nor could a bill establish a court-approval mechanism that would cause the Intelligence Community to lose valuable foreign intelligence while awaiting such approval. H.R. 6304 would do neither and would retain for the Intelligence Community the speed and agility that it needs to protect the Nation. The bill would establish a schedule for court approval of certifications and procedures relating to renewals of existing acquisition authority. A critical feature of the H.R. 6304 would allow existing acquisitions, which were the subject of court review under the Protect America Act or will be the subject of such review under the H.R. 6304, to continue pending court review. With respect to new acquisitions, absent exigent circumstances, Court review of new procedures and certifications would take place before the Government begins the acquisition. The exigent circumstances exception is critical to allowing the Intelligence Community to respond swiftly to changing circumstances when the Attorney General and the Director of National Intelligence determine that intelligence may be lost or not timely acquired. Such exigent circumstances could arise in certain situations where an unexpected gap has opened in our intelligence collection efforts. Taken together, these provisions would enable the Intelligence Community to keep closed the intelligence gaps that existed before the passage of the Protect America Act and ensure that it will have the opportunity to collect critical foreign intelligence information in the future.

Exclusive means. H.R. 6304 contains an exclusive means provision that goes beyond the exclusive means provision that was passed as part of FISA. As we have previously stated, we believe that the provision will complicate the ability of Congress to pass, in an emergency situation, a law to authorize immediate collection of communications in the aftermath of an attack or in response to a grave threat to the national security. Unlike other versions of this provision, however, the one in this bill would not restrict the authority of the Government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security.

Oversight and Protections for the Civil Liberties of Americans. H.R. 6304 contains numerous provisions that protect the civil liberties of Americans and allow for extensive executive, congressional, and judicial oversight of the use of the authorities. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISC and to Congress. The FISC and Congress would also receive annual reviews relating to those acquisitions prepared by the heads of agencies that use the authorities contained in the bill. Congress would receive reviews from the Inspectors General of these agencies and of the Department of Justice regarding compliance with the provisions of the bill. In addition, the bill would require the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

Title I also includes provisions that would protect the civil liberties of Americans. For instance, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance outside the United States of an American abroad. Historically, Executive Branch procedures guided the conduct of surveillance of a U.S. person overseas, such as when a U.S. person acts as an agent of a foreign power, e.g., spying on behalf of a foreign government. Given the complexity of extending judicial review to activities outside the United States, these provisions were carefully crafted with Congress to ensure that such review can be accomplished while preserving the necessary flexibility for intelligence operations. Other provisions of the bill address concerns that some voiced about the Protect America Act, such as clarifying that the Government cannot "reverse target" without a court order and requiring that the Attorney General establish guidelines to prevent this from occurring. We believe that, taken together, these provisions will allow for ample oversight of the use of these new authorities and ensure that the privacy and civil liberties of Americans are well protected.

II. TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

Title II of the bill contains, among other provisions, vital protections for electronic communications service providers who assist the Intelligence Community's efforts to protect the Nation from terrorism and other foreign intelligence threats. Title II would provide liability protection related to future assistance while ensuring the protection of sources and methods. Importantly, the bill would also provide the necessary legal protection for those companies who are sued only because they are believed to have helped the Government with communications intelligence activities in the aftermath of September 11, 2001.

The framework contained in the bill for obtaining retroactive liability protection is narrowly tailored. An action must be dismissed if the Attorney General certifies to the district court in which the action is pending that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11 attack and was the subject of a written request or series of requests from a senior Government official indicating that the activity was authorized by the President and determined to be lawful. The district court would be required to review this certification before dismissing the action, and the provision allows for the participation of the parties to the lawsuit in a manner consistent with the protection of classified information. The liability protection provision does not extend to the Government or to Government officials and it does not immunize any criminal conduct.

Providing this liability protection is critical to the Nation's security. As the Senate Select Committee on Intelligence recognized, "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are believed to have provided assistance. Finally, allowing litigation over these matters risks the disclosure of highly classified information regarding intelligence sources and methods. As we have stated on many occasions, it is critical that any long-term FISA modernization legislation contain an effective liability protection provision. H.R. 6304 contains just such a provision and for this reason, as well as those expressed with respect to Title I above, we strongly support its passage.

III. TITLE III—REVIEW OF PREVIOUS ACTIONS

Title III would require the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, and of certain elements of the Intelligence Community to review certain communications surveillance activities, including the Terrorist Surveillance Program described by the President. Although improvements have been made over prior versions of this provision, we believe, as we have written before, that it is unnecessary in light of the Inspector General reviews previously completed, those already underway, and the congressional intelligence and judiciary committee oversight already conducted. Nevertheless, we do not believe that, as currently drafted, the provision would create unacceptable operational concerns. The bill contains important provisions to make clear that such reviews should not duplicate reviews already conducted by Inspectors General.

IV. TITLE IV—OTHER PROVISIONS

Title IV contains important provisions that will ensure that the transition between the current authorities and the authorities provided in this bill will not have a detrimental effect on intelligence operations.

Title IV also states that the authorities in the bill sunset at the end 2012. We have long favored permanent modernization of FISA. The Intelligence Community operates more effectively when the rules governing our intelligence professionals' ability to track our enemies are firmly established. Stability of law also allows the Intelligence Community to invest resources appropriately. Congress has extensively debated and considered the need to modernize FISA since 2006, a process that has involved numerous hearings, briefings, and floor debates. The process has been valuable and necessary, but it has also involved the discussion in open settings of extraordinary information dealing with sensitive intelligence operations. Every time we repeat this process it risks exposing our intelligence sources and methods to our adversaries. Although we would prefer that H.R. 6304 contain no sunset, a sunset in 2012 is significantly longer than others that were proposed and it is long enough to avoid impairing the effectiveness of intelligence operations.

Thank you for the opportunity to present our views on this crucial bill. We reiterate our sincere appreciation to the Congress for working with us on H.R. 6304, a long-term FISA modernization bill that will strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans. We strongly support its prompt passage.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you, Mr. President.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT

We are at a critical point today for 44 million Medicare beneficiaries—seniors, people with disabilities—and the physicians, the health care providers, who serve them. We are at a critical point.

I am very hopeful we are not going to see this number go up—the number of filibusters that have been done on the other side of the aisle. I am very hopeful this number is not going to go from 78 to 79 over the Medicare legislation that is in front of us.

We have already seen a filibuster in a successful effort to stop the Medicare bill that would make sure that the 10-percent cut for physicians does not take place and that other preventative and other access issues are addressed. That is already part of these 78 filibusters. We have already seen the Medicare bill filibustered.

But today we are hopeful, based on the wonderful bipartisan vote of 355 Members of the House of Representatives, that as we come back with their bill that was passed—and I should mention, based on the bill that was crafted by Senator BAUCUS; and I wish to give him tremendous credit for all the hard work he has done; and I am proud to be a member of the Finance Committee, as the distinguished Presiding Officer is—but the House, based on the work of the Senate, as well, has passed, with 355 votes, on a bipartisan basis, a bill to make sure 44 million seniors and people with disabilities do not find themselves worse off as it relates to being able to get a doctor or being able to get the care they need.

So we are at a crossroads right now. The time is up. As of next Tuesday, July 1, a cut will take effect if we do not act. On top of that, we will not see the other beneficial parts of this bill take effect for our seniors, for people with disabilities, for their families. So we are now at a point where it is decisionmaking time. The House has acted. It is my understanding they will, in fact, be adjourning at the end of today, and we will be in a situation to either act, based on a strong bipartisan vote and a tremendous amount of work that has been done in the Senate, or we will see devastating consequences in the Medicare system.

I do not want to see this number go from 78 to 79 because of a filibuster on a critically important Medicare bill. That is what we are talking about. This legislation itself is good public policy. That is why it received the 355 votes that it did, because it not only stops the cut, the 10-percent cut that is scheduled to take place next Tuesday, July 1—which, by the way, is the result of a fatally flawed sustainable growth rate formula, which I have talked about many times on this floor—we have to change the way what is called the SGR is set up in terms of physician payments—this would not only stop a major cut for physicians that translates into cuts in service for Medicare beneficiaries, but it also does some other very important things that relate to increasing service.

First, let me say that if the cut were to take effect, we are talking about in Michigan alone losing $540 million—$540 million—for the care of seniors and people with disabilities over the next 18 months—only 18 months, $540 million, if we do not act before next Tuesday.

Right now, as to the 20,000 M.D.s and D.O.s in Michigan who provide high-quality care to 1.4 million seniors and people with disabilities and the over 90,000 TRICARE beneficiaries—our men and women in the military—we would see cutbacks in their staffing, in their ability to provide service.

I have heard so many stories from physicians' practices about what all of this means. At a time when more and more people are going into Medicare, as our country is aging, we do not need to see cutbacks that mean there are fewer physicians available to treat our senior citizens and people with disabilities. That is what that means. That is what this will mean if we do not act.

Additionally, the bill provides important and meaningful protections. We are looking at increasing help for low-income seniors, low-income individuals on Medicare who will be able to get additional assistance. It also improves coordination in a number of areas and addresses what we call mental health parity—being able to make sure that mental health services are treated in the same way as public health services. This is something we have gone on record to address in this body in a bipartisan basis on more than one occasion. In this Medicare bill, we address discrepancies between mental health services and physical health services, all of which are the same thing, in my mind. This is a continuum of care in terms of health care. But that is addressed in this bill and has very strong support.

The bill also addresses very important investments in technology for the future—investments that won't take place, such as electronic medical records that will not be developed if, in fact, we see huge cuts in Medicare, rather than investing in the future and investing in technology.

The legislation in front of us would do two things in the area of technology. We would provide additional opportunities for telehealth—more providers, more facilities that would be able to use and be reimbursed for telehealth—and we focus on e-prescribing, which is the first stage of health information technology, bringing it into the 21st century in terms of our health care system and technology.

I am very proud of Michigan. We have been one of the leaders in both of these areas. In telehealth, in the upper peninsula of Michigan, we have had 15 counties that have been connected through the health care system. We have had the opportunity to see how well telemedicine works for all of our seniors, for people with disabilities, for families in general in the UP, as well as in northern Michigan and all around Michigan, including our rural communities, as well as in many of our urban communities. Telehealth is very important and it is expanded in this Medicare bill with more access to care.

We also address the first building block of health information technology, and that is e-prescribing. There are incentives for physicians to use e-prescribing and there is accountability in that arena. This is another area I have to say that I am proud of my State of Michigan for, because we have spent a lot of time and effort, and we have gotten real results for people, in terms of saving lives and saving money as it relates to e-prescribing. We have a group called the Southeastern Michigan E-prescribing Initiative, our auto industry, the United Auto Workers, BlueCross and BlueShield, and many of our businesses and providers have come together and found extraordinary results.

One of the things that I think is so important about e-prescribing is when you have an e-prescribing system, an electronic system where your current medicines can then be compared with any new prescription that the physician wishes to write, they are finding very important safety and quality results. For instance, 423,000 prescriptions that were originally written by physicians were changed or canceled by the doctor once they received very important information about potential allergic reactions or some other interaction with the other medicines their patient was on. So this is very important information that is available. We also know that 39 percent of the time, the physician, given more information, changed the prescription to save the patient and the employer money; being able to offer the option of more generic drugs. So there are huge benefits to e-prescribing. On top of that, you can read the physician's handwriting, and I say that lovingly to all of my physician friends.

But we are in a situation now where we have a bill in front of us that not only stops cuts that would be devastating but looks to the future in terms of electronic e-prescribing, in terms of telehealth, preventive services, helping low-income seniors and people with disabilities, being able to provide mental health parity; a number of areas that while they overall are low in cost are huge in benefit in terms of savings lives. In fact, there are many places in this bill where we are talking about saving dollars at the same time we are saving lives.

I am also very pleased with the fact that the bill addresses a number of health disparities that face those who receive Medicare based on the legislation I have introduced with, in fact, all of the women Members of the Senate—all 16 women Members. We have cosponsored the HEART for Women Act, which begins to gather gender and race data to determine gaps in coverage around heart disease. We are now using similar language in the Medicare bill to collect more data for researchers about disparities around health treatments and so on.

The bottom line is this is a must-pass bill, and we need to pass it now. Time is running out. In fact, in my mind, time has run out. It is now time to act today. When our leader, Senator REID, who is very committed to this legislation, committed to Medicare, came to the floor and asked for unanimous consent to be able to take up the Medicare bill, there were objections again. I am very concerned that those objections are going to be leading to another filibuster, another filibuster vote coming in the next day or few days.

I hope colleagues are aware that the American Medical Association strongly supports this bill and has been actively involved in promoting the bill and urging all of us to support the bill. The AARP, a leading seniors' organization, has endorsed the House bill as well. I will read a portion of their letter. AARP's letter notes:

> Our members have also stressed strong interest in knowing how their elected officials vote on key issues that affect older Americans. Given the importance of the Medicare legislation, we will be informing them how their Senators vote on this legislation when it comes to the Senate floor.

There is great concern among people around the country watching and waiting. People are asking what is taking us so long and why haven't we acted. We have legislation that we worked through on a bipartisan basis here in the Senate, and it has now passed by 355 votes in the House of Representatives. You can't get much better than that vote. This bill has now come over to us and it is time for us to act.

I thank again Chairman BAUCUS for his leadership and his hard work. I also thank my good friends in the House, Chairman RANGEL and Chairman DINGELL, for their work on behalf of Medicare beneficiaries and physicians. I stand squarely behind this bill. I was proud to introduce legislation a number of months back to address the question of physician payment and the need to change the process and the way this is done fundamentally. I am so pleased that the bill in front of us mirrors the 18-month bill I introduced and adds to it some critically important changes, critically important incentives to modernize the system with telehealth and more access to health care, modernize the system as it relates to electronic prescribing, and does more to make sure our low-income seniors receive the help they need, and makes sure that we are, in fact, providing a more equitable system where mental health and physical health payments and services are looked at in the same kind of way. This is very important. Focusing more on prevention is very important.

The bottom line is we have 44 million Americans who rely on Medicare every day. Medicare is a great American success story. It passed in 1965. It is a great American success story that has brought healthier lives through better medical care as well as opportunities for longer lives for millions and millions of Americans. Access to those services is jeopardized seriously if we do not pass this bill. The ability to expand on services and prevention is also in jeopardy if we do not pass this bill.

I am hopeful we will come together, as our House colleagues have done, and stand on a bipartisan basis in support of our providers, our health care providers and, most importantly, those men and women who are counting on us to keep the Medicare system strong for the future. I am hopeful we will not see another filibuster stopping us from addressing the important issues of Medicare. This needs to be done today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for a few minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TANKER AIRCRAFT COMPETITION

Mr. SESSIONS. Mr. President, we heard a good bit recently and there has been some discussion in the Senate about the competition for the tanker aircraft that was decided by the Air Force in favor of the Northrop Grumman team.

The Government Accountability Office team of lawyers—not technicians—conducted a review of the procedures utilized in that selection process, in light of 111 objections filed by the losing Boeing team. They concluded that eight objections were merited against the procedural conduct of the competition by the Air Force. Now the ball is back in the lap of the Air Force to review those objections and to take appropriate steps to make sure this is a fair and just competition.

I will just say that I was committed in the beginning and throughout this process that it should be a nonpolitical decision, a decision made by the U.S. Air Force based on the criteria set out in law, based on the fact that the Congress, after an attempt had been made to carry out a sole-source lease agreement for the Boeing aircraft—after that was rejected and after great embarrassment to the Air Force and Boeing, we ordered that a bid take place.

I want my colleagues to understand the posture we are in. At the end of the bid process, the Air Force concluded this:

> While [the] KC-767 offers significant capabilities, the overall tanker/airlift mission is best supported by the KC-30.

The Northrop team.

They go on to say:

> [The] KC-30 solution is superior in the core capabilities of fuel capacity/offload, airlift efficiency, and cargo/passenger/aeromedical carriage.

On the most important factors, the core capabilities, they found that the Northrop team's aircraft was superior.

GAO did not overrule those findings. In fact, the contrary is the case. What GAO said was in this very long, complex RFP request for proposal—and legal requirements of bidding processes, the Air Force made some errors. Mr. President, 111 complaints were raised against the Air Force, but 8 were found to be worthy of objection.

In the course of GAO's evaluation of the procedural conduct of the bid process, they reached these conclusions that I think have been overlooked as people have discussed this issue. For example, the GAO stated and did not dispute this:

> Northrop Grumman's proposed aircraft exceeded to a greater degree than Boeing's aircraft a key performance parameter objective to exceed the RFP's identified fuel offload to the receiver aircraft versus the unrefueled radius range of the tanker.

In other words, GAO concluded and agreed that the KC-45 is more capable at refueling than the Boeing aircraft, which is what the Air Force found. They did not object to that point.

In addition to carrying more fuel, which clearly the Northrop team's aircraft does, the GAO also agreed with the Air Force's professional conclusion that it would be easier—and this is important—it would be easier for pilots to refuel their jet fighters, for example, from the Northrop KC-45. This is an important issue.

The GAO said:

> Boeing also protests the Air Force's conclusion in the aerial refueling area that Northrop Grumman's proposed larger boom envelope—

The spread of the refueling booms—

> proposed larger boom envelope offered a meaningful benefit to the Air Force. From our review of the record, including hearing testimony on this issue, we do not find a basis to object to the Air Force's judgment that Northrop Grumman had offered a larger boom envelope and that this offer provided measurable benefit.

Further, the GAO also supported the Air Force's conclusion that Northrop's KC-45 was a better airlifter.

GAO said:

> Boeing also challenges the Air Force's evaluation judgment in the airlift area that Northrop Grumman's proposed aircraft offered superior cargo, passenger, and aeromedical evacuation capability than did Boeing's aircraft. From our review of the record, including the hearing testimony, we see no basis to conclude that the Air Force's evaluation that Northrop Grumman's aircraft was more advantageous in the airlift area is unreasonable.

That is a big issue. Every combatant commander with whom I have talked and who has had to move troops, cargo, personnel, and equipment to the battlefield knows the critical need for as much airlift capability as they can have. These refueling tankers can also serve as a cargo aircraft and a troop movement aircraft. Clearly, the Northrop Grumman aircraft is more advantageous, according to the Air Force's professional finding. And that was approved by the GAO's analysis.

The GAO also found and upheld the Air Force's holding that Northrop Grumman had a higher "fleet effectiveness" rating. Fleet effectiveness—also called IFARA—reflects "the quantity of an offeror's aircraft that would be required to perform the scenarios in relation to the number of KC-135R aircraft that would have been required." Put simply, to boil that down, the Air Force judged that one Northrop plane could do more refueling more efficiently than one Boeing plane. And the GAO upheld that finding.

GAO found no fault with the Air Force's conclusion that Boeing's proposal was more risky in certain areas and that their past performance on similar contracts was "marginal."

The GAO said:

> We find from our review of the record no basis to object to the Air Force's past performance evaluation, under which both firms' past performance received a satisfactory confidence rating. We also find no basis to question the SSA's judgment that, despite equal confidence ratings that the firms received under this factor overall, Northrop Grumman's higher "satisfactory confidence" rating, as compared to Boeing's "little confidence" rating, under the program management area, was a reasonable discriminator. The Air Force evaluated Boeing's past performance as marginal in this area . . . We have no basis, on this record, to find the Air Force's judgment unreasonable.

What that means is they evaluated how well both of the bidders, Northrop Grumman and Boeing, have performed in other contracts in the past and found that Boeing's record was less sound. They were less reliable in performing the contract once they had been awarded it, and they gave extra points for that. That was affirmed by the GAO.

Amidst all the discussion of procedure and KKPs, RFPs, and dotted i's and crossed t's, what did the GAO say in this matter? They said the Air Force picked a plane that could carry and offload more fuel more efficiently and in a more desirable way for the pilots. They also found that the plane's secondary mission, airlift, that can be very critical in a national emergency when we have to move cargo and personnel rapidly around the world would be accomplished more effectively by the Northrop aircraft. Finally, GAO agreed that the Northrop plane was lower risk and that Boeing had marginal past performance.

So as we allow this process to proceed, as it should, as we expect the Air Force to take seriously the matters raised by the GAO, we will adhere to one overriding principle; that is, Congress ordered that the Air Force conduct a bid of which would be the best aircraft. This bid process was conducted by the Air Force as we as Members of Congress directed. I, as a lawyer, am not capable of flying an aircraft. Nor am I capable of analyzing aerodynamics and validating how much weight or wingspan or how much boom coverage is needed to safely refuel multiple aircraft at one time. I cannot fully evaluate how valuable the ability to carry large amounts of fuel is as compared to an aircraft that carries less, but the Air Force is. What we need to do is make sure the Air Force does its job and selects the best aircraft. I strongly object to any attempt to politicize this process.

Finally, I note that this aircraft would be constructed in Alabama, my home State. It is not going to be built around the world in some foreign land. It is a team headed by Northrop Grumman, also the EADS team. It will be an aircraft constructed in our country, with tens of thousands of jobs created in our country.

I thank the Chair for the opportunity to share these remarks. I hope my colleagues will allow this process to proceed in a professional, lawful way and respect and honor the professional decision of the Air Force, which will have to live with this choice of tanker for perhaps another 50 years, like the current tanker.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, so that we can lock in a couple of things, I ask unanimous consent to speak as in morning business, and then I would be followed by the junior Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

ZIMBABWE

Mr. INHOFE. Madam President, I thank the junior Senator from Pennsylvania for allowing me to go ahead of him on something I think is very significant and something with which I am sure he agrees.

Today, I want to call attention to a place that has been lost in the sea of many other conflicts and crises plaguing our world—Zimbabwe, a country slightly bigger than the State of Montana which sits in the southeastern portion of Africa. It has faced and continues to face difficult challenges and untold sufferings caused by an authoritarian and corrupt leader, Robert Mugabe.

After fighting a long battle and civil war, Zimbabwe gained independence in 1980 from the white Rhodesians. Independence came with an envisioned sense of hope. Everyone thought good things were going to happen, and the President that was elected was a man named Robert Mugabe. But the honeymoon quickly ended with the realization that newly elected President Mugabe had fought the war to gain personal power and control rather than to provide freedom and democracy for its people.

In the 1990s, the country continued to weaken under the self-centered leadership of Mugabe. As the Book of Proverbs—Solomon—tells us: "Where there is no vision, the people perish." That is what is happening in Zimbabwe.

Robert Mugabe failed to provide a vision for his country, focusing solely upon himself and his ability to remain in power. The people of Zimbabwe have suffered dramatically as a consequence.

In a country that once showed evidence of steady economic growth—a country, I recall, that was considered one of the wealthiest countries in Africa; that was considered to be the bread basket of Africa—it has now been named the world's fastest shrinking economy.

In 2007, inflation rose above 8,000 percent. Unemployment is estimated at 80 percent, and 80 percent of the population lives on less than $2 a day. Mugabe's leadership has been such a disgrace. Throughout almost 30 years of his leadership, nearly 28 years, he has worked to tighten his rein over the nation by intimidation, violence, and oppression.

In 2002, the Government initiated a farmland redistribution program which resulted in 400,000 farmers losing their homes and livelihood. The program resulted in scandal and embarrassment to Mugabe when investigations revealed that more than 300 farms were intended for his senior officials and ministers rather than for resettlement. In other words, these were payoffs to his political friends.

In 2005, Mugabe initiated one of the most inexcusable incidents of his Presidency. Operation Murambatsvina—or translated, Operation Clean Out the Filth—was a demolition project the Government claimed was designed to reduce crime in the major city. It resulted in an estimated 700,000 Zimbabweans losing their homes. Twenty percent of the population has been reported as affected by the demolitions.

Many people thought this was a political move aimed at squashing any potential protests or uprisings against the regime and displacing the opposition party base. Not only has Mugabe's actions displayed his blatant disregard for the well-being of his people, but he has also expressed this in his own words. In August of 2006, after a violent crackdown on a peaceful protest by the Zimbabwean union, Mugabe said he had warned, prior to the incident, that security forces "will pull the trigger" against the protesters.

Mugabe said this:

> Some people are now crying foul that they were assaulted. Yes, you get a beating. When the police say move, move, if you don't move, you invite the police to use force.

Many believe that the farmland redistribution and Operation Clean Out the Filth contributed drastically to the poverty affecting the Zimbabweans. The Government has accused food aid agencies of using food to turn Zimbabwe away from Mugabe's ruling party, and, in turn, continues to maintain tight control of food distributions.

The totalitarian regime has, not surprisingly, placed a very significant emphasis on their military and security forces. In 2006, the Government reportedly spent more than $20 million—that is 20 million U.S. dollars—to purchase new cars for police, military, and intelligence officers. In a dying economy, it is stunning that Zimbabwe is able to buy high-priced military articles, to include their recent purchase of fighter jets from China costing more than $240 million.

As you know, Madam President, China has an increasing influence on the continent of Africa, but their relationship and long support of Mugabe's ZANU-PF Party is concerning. China is currently Zimbabwe's largest investor and second largest trading partner. As most Western countries, including the United States, enforce an arms embargo against the country, China continues to sell defense articles to the regime. Most recently, South Africa refused to let a Chinese cargo ship unload because it was carrying more than 70 tons of small arms destined for Zimbabwe.

China has also played a significant role in diplomacy in Zimbabwe. China was Mugabe's key supporter through the international outrage in response to Operation Clean Out the Filth. China worked to quiet the U.N. condemnation of the incident and is now expected to veto any proposed action by the Security Council to punish Mugabe's administration—which, of course, they can do under the rules of the United Nations. China's persistent support and supply to Mugabe's regime demonstrates their indifference to the violence, oppression, and potential civil war looming in the country.

On March 29, 2008, Zimbabwe held Presidential elections along with parliamentary and local elections. I am very familiar with this, Madam President, because I was there when it happened. I was actually in Tanzania, and we were watching very carefully, with all the countries, all hoping that they would have an honest election. Sure enough, Mugabe lost. The incumbent President Mugabe ran for the ZANU-PF Party, and a man named Morgan Tsvangirai for the Movement for Democratic Change Party.

The election process was tainted with intimidation of voters and violence against the opposition party and supporters of the opposition. Political rallies were banned. The opposition party's secretary general was jailed, denied bail, tried for treason, and may face the death penalty. There are also reports that the regime is restricting access to food in opposition areas, threatening already hungry people to either vote for Mugabe or to starve.

The results of the race, finally released in May, indicated that the MDC opposition leader won the election but didn't quite reach the 50 percent, so there was a runoff that was scheduled for Friday—that is this Friday, the 27th. Sadly, this week, the opposition leader, because of threats on his life, pulled out of the race and refused to take part in what he calls "a sham of an election process." He said he cannot ask Zimbabweans to vote "when that vote could cost them their lives." He has taken refuge now in the Embassy of the Netherlands.

Mugabe has clearly stolen the election, and the outlook for true reform for democracy for the people of Zimbabwe looks very bleak at this time.

As I have traveled across the continent—and I have traveled across Africa more than any other Member probably in the history of America—I have seen wonderful things happening on the continent. Whether it is Rwanda, Burundi, Tanzania, Uganda, Ghana, Benin, or Cote d'Ivoire, in these countries wonderful things are happening. They are making great strides everywhere except Zimbabwe. While Mugabe leads Zimbabwe away from reaching its full potential, there are other leaders on the continent who have chosen a vision of democracy, freedom, and progress in their countries. And while not perfect, each is making improvements and taking strides to improve democratic practices and exercising the free political will.

Mugabe will never allow his people to decide the next phase and direction of their country. I think we should call on the African leaders, which I have done personally in Africa—many of whom are my friends and brothers—and leaders all over the world to do what we can to help the people of Zimbabwe.

I have to say, Madam President, and I speak firsthand because I was there when this happened, that Zimbabwe was once the bread basket of sub-Sahara Africa, and I have seen Zimbabwe now, the most devastated of all the 52 countries of the continent of Africa.

With that, I yield the floor, and again I thank my friend from Pennsylvania for allowing me to go before his presentation.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, the Senator from Pennsylvania is now, under previous consent, going to be recognized, and it is my understanding as well that the Senator from Rhode Island, Senator WHITEHOUSE, would like to follow him. I ask unanimous consent that following both Senator CASEY and Senator WHITEHOUSE that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

RISING GAS PRICES

Mr. CASEY. Madam President, I rise today to talk about a problem so many of our families are facing and so many of our businesses, and that is the problem of rising gas prices. Unfortunately, we have seen an increase of at least $1 at the pump in just 1 year.

Like a lot of my colleagues in the Senate, I just received a letter from a woman in Pennsylvania, 86 years old, from Bucks County, PA, and she talked about, in her letter, the Great Depression, when she was describing how people had nothing and how worried she is about our current economic crisis, especially in light of these gas prices. She reminds us that, just as in the Great Depression, we need to have commonsense solutions to dig ourselves out of the economic trauma so many families face.

Today, whether it is on gas prices, the cost of health care, or the mortgage foreclosure crisis that has gripped the country, we do need commonsense solutions. We don't need more gimmicks, we don't need more partisan bickering, we need commonsense solutions. And those solutions on gas prices are not a magic wand. No piece of legislation in the Senate will bring down gas prices immediately. We know that. Anyone who says otherwise is not speaking the truth. But there are things that we can do to at least begin the process, or go down that road, I should say, of bringing those prices down.

We have to move in a direction that focuses on short-term solutions as well as long-term—short term and long term. We will talk about those in a couple of moments, but, in particular, I think we should focus on one problem where I think there is even some bipartisan agreement on, and that is speculation in the oil futures market. We have never seen it like it is now, where profiteers from places in this country but also from around the world, literally make money, in some cases millions of dollars, every time that price of gasoline goes up.

So we have to bring some discipline and some accountability and some transparency to the marketplace. And speculation is one area where we need to have legislation. That would help more short term than long term.

How about big oil? They have a role to play. By one estimate, the five biggest oil companies, over 5 years, have seen their profits go up by five times. I don't think there are many families in America who have seen their bottom line, their family income, go up by five times over 5 years, and big oil has seen that. Just since 2001, their profits have increased over $600 billion. Now, if their profits are going up at that rate since 2001, and if the price of gasoline under this administration went up from $1.46 or $1.47 to $4—and on top of all that, in addition to those oil company profits, the previous Congress gave them $17 billion in tax breaks—something is wrong. This is beyond inequitable; it is just bad policy. It is not working.

What we are seeing is the status quo. We keep giving oil companies tax breaks hoping their hearts are big enough to help us and it will all work out, but that hasn't happened, and it will never happen in light of what we have seen in recent history. So it is about time for big oil to do what President Kennedy implored us to do many years ago, and that is to do something for their country at this time of record profits for them and pain at the pump and this economic squeeze that so many families and small businesses face.

What can we do? A couple of things. First, we could enact legislation such as the legislation I proposed in 2007, way back in the spring of 2007. My bill was the Energy Security and Oil Company Accountability Act. It would do basically two things. I will describe it very quickly.

First, end those tax breaks for big oil. They have gotten enough and we have not seen any results for those tax breaks. End those breaks and other credits our Government gave them and use those savings to our Government not just to sit there, but use those savings to invest in research and development on alternative fuels and the infrastructure we need to bring alternative fuels to the marketplace and to help us with our energy challenges. That is No. 1: End the breaks.

No. 2, under my legislation, impose a windfall profits tax on big oil and use that savings to redirect those dollars for relief for our families, especially low-income families who are trying to make ends meet. They are trying to pay for health care, they are trying to pay for a mortgage, trying to pay for higher education, and on top of that they are paying $4 or more at the pump. It is time oil companies helped us in this process.

My legislation would do those two things. I was happy the major part of my legislation from 2007 made its way into what Democrats in the Senate proposed a couple of weeks ago, legislation that was blocked and obstructed by the Republicans in the Senate. The Consumer First Energy Act would do a number of things. I will describe that quickly.

First, getting back to our point about speculation, this legislation, the Consumer First Energy Act, would finally at long last do something about market speculation. Why should we sit back and say: Gas prices are too high; it is too bad; there is nothing we can do about it.

There is something we can do about it. One part of the solution, one part of the commonsense approach—and I think my colleagues on the other side would agree with this for the most part—is we should bring more transparency to these transactions. This raw speculation is all over the world, but it is even here in America, where profiteers are making money while the price of gasoline goes up for our families. They are literally trading in the dark.

You know the old expression that sunlight is the best disinfectant to corruption—which is one of the best ways to describe what is happening here. To take the corruption out of that marketplace, we need to apply some sunlight to those transactions. If the transactions are OK and people want to make a lot of money, why shouldn't we have information about those transactions? Apply some sunlight and transparency to those transactions. If people are going to make money, they ought to do it in the light of day, not under cover of darkness. If it is so good to do and they want to make money, these profiteers, and do well in the marketplace, we ought to require them to have more stake in the transaction, more skin in the game, so their margins, what they have to put down, should be a much higher number. If they want to make money, we want more transparency on those transactions and we want them to put down more money. If they do that, they will have the opportunity to make money.

The first thing this legislation does is crack down on speculation. The legislation the Senate Democrats offered, the Consumer First Energy Act, also made it very clear that, at long last, in American law, price gouging is illegal. It is at best murky right now. We have to be very clear about what price gouging is and what it is not, and make it illegal.

The other thing this legislation did was adopt the idea I had, and many others had—I am not the only one—on the issue of the windfall profits tax, saying to oil companies: You can have profits; there is nothing wrong with that; but if you are going to have record profits while American families do not have their income going up, you have to help us. You have to do, as I said before, something for your country, Mr. Oilman, Mr. Oil Company. You have to do something to help your country.

If you are diversifying and helping us reduce our dependence on foreign oil, if you are giving us options to reduce our dependence and have a long-term energy strategy, then maybe the profits tax on your company wouldn't be as high. But if you are going to turn a blind eye to this problem and say you are going to make record profits and not help, we are going to impose a tax on you and make sure you are doing your share—especially when the oil companies have made $600 billion since 2001.

There are other parts of the Consumer First Energy Act I will not go into in the interest of time. But there are things we can do. These are short-term strategies. But the long-term solution here we know is committing ourselves to future of energy independence. That means investing dollars, using the Tax Code, using incentives to do what Americans do best. When Americans have an opportunity to use their brainpower and their innovation and their ingenuity to help on a problem, we have to make sure our Government is backing them up.

We are not doing nearly enough to invest in the new technologies—whether it is clean coal technology or whether it is investing in biofuels, all kinds of alternatives, and renewable sources of energy. Our Government is not doing enough to incentivize the marketplace to come up with a solution long term so we do not face this problem in the future.

Before I conclude, I want to address a couple of arguments. One of the arguments we hear time and again is about drilling. Over and over we hear about drilling from some people here in Washington, some people here in this body. I do not think many people believe the basic argument that we can drill our way to energy independence. No one believes that. But the argument is made over and over again. I think in the interests of putting facts on the table, we ought to put a few on the table right now. Here are some facts important in this debate about "we can just drill our way out and all our problems will go away with lower gas prices."

Fact No. 1, the percent of America's recoverable oil reserves already open for drilling—79 percent.

Fact No. 2, America has 3 percent of the world's oil reserves. That is not nearly enough to impact world oil prices. We have 3 percent of the reserves, yet we consume 25 percent of the world's oil. There is no way, no matter what we do on drilling, that we can drill our way out of this.

Fact No. 3, oil companies already have access to 45.5 million acres of Federal land to drill for oil and natural gas. They should tell us why they are not drilling in those areas.

Oil companies, fact No. 4, are only drilling on 21 percent of the leases they currently have offshore in Federal waters. Why is that, Mr. Oil Company? Why are you not drilling on more than 21 percent?

The last fact: Oil companies have refused to invest in refining capacity. They have lost 4 percent of refining capacity since 2001. Since 2001—remember those profits I talked about? Since you were making, oil companies, $600 billion in profits since 2001, why did you lose 4 percent of refining capacity? Why are you crying crocodile tears right now that you need more land when you have all those acres?

These are questions the oil companies should answer. These are facts that are not making their way into the debate.

I think we have not a magic wand to propose, but we have short-term relief we can provide and long-term strategies to reduce our dependence on foreign oil; to literally not just commit ourselves to an energy future that is good for our families and for our country but is about national security in the end. Unless we can do that over time, and unless we commit ourselves to these strategies, we are not only going to be dependent on other countries for our oil but we will be less and less safe because of that dependence.

I think it is critically important that we take action instead of blocking legislation, as happened earlier this month on so many of these short- and long-term solutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, before I discuss for a moment the Foreign Intelligence Surveillance Act, I applaud my colleague, the distinguished Senator from Pennsylvania, for his remarks. In the year and a half we have served together in this body, he has stood out as a powerful advocate for consumers, particularly Pennsylvania consumers. He has always had a very thoughtful, helpful, and productive approach to the solutions he has put forward and espoused. It is an honor for me to follow him on the Senate floor here.

On the question of the Foreign Intelligence Surveillance Act, I will talk about the immunity question for telecoms at another time. It is not yet clear what amendment will be allowed to be offered. I thought I would talk about two other issues at this point. The first is the process that has got us here. I do wish to pay particular tribute to the chairman of the Senate Select Committee on Intelligence, JAY ROCKEFELLER, for how steadfast he has been in pushing through this process.

We in the Senate have also been done a great service by our colleagues in the House of Representatives, who stood fast against the Bush administration efforts to stampede this legislation through without proper negotiation and without the basic process of back and forth that ordinarily improves legislation. It has made for a better piece of legislation. It also makes for a notable contrast with what happened a year ago, when we first took up this legislation.

I wish to talk for a minute about that because it was a very disappointing episode, I believe, in the Senate's history, and it is one I wish to make sure we chronicle because it should not be repeated.

In order to understand what I am going to say, it will be important to remember the schedule at the time. I have just replicated July of 2007, and the early days of August here. The first time the big sort of stampede push began, for me at least, was when the Director of National Intelligence, Admiral McConnell, met with me on July

11 in the secure confines of the Senate Intelligence Committee to tell me what he wanted. There had been a big FISA bill that had everything but the kitchen sink in it. It was clearly going no place. He realized he would have to focus on what he wanted, and he said three things. These are from my notes of that meeting.

No. 1, we need to compel the telecoms to help us; No. 2, we need to get foreign-to-foreign conversations, not Americans, foreign-to-foreign conversations without having to go to the FISA Court; and No. 3, we need a warrant if we are going to wiretap Americans. We accept that.

So I said to him: That is fine, but you do not have any legislation. We are suspicious of what is going to be in this legislation when it shows up, so the sooner you can get it written and the sooner you can get it to us the better, because the devil is going to be in the details and we need a chance to look it over. That was on July 11.

The draft legislation was circulated on July 27. It was circulated, at least to me, by mail, so I didn't get it on July 27. I got it over the weekend, the following Monday, on July 30. The Friday from Monday delivery stunt is one we have seen before. But what concerned me was that once that legislation was delivered, the Bush administration began to whip up everything they could do to try to panic Americans about what was going on.

On July 28, that Saturday, President Bush gave a radio address, saying:

> Our intelligence community warns that under the current statute we are missing a significant amount of foreign intelligence that we should be collecting to protect our country. Congress needs to act immediately to pass this bill so that our national security professionals can close intelligence gaps and provide critical warning time for our country.

He asked us to work together to pass FISA modernization now, before we leave town, and said our national security depends on it. That is what he said here.

The Senate promptly picked up the chorus with one of my colleagues saying we would be deaf during August to discussions of threats being carried on by al-Qaida and others seeking to do us harm if we did not pass the legislation.

Another colleague said:

> This is a time when the Director of National Intelligence and the Secretary of the Department of Homeland Security have said it is a high threat month and it is imperative for national security that we adopt this now.

Another one of our colleagues said:

> Make no mistake, inaction on our part needlessly subjects every American to increased danger. We need to act.

Those are just several high points of a real campaign to try to drive this issue by public fear.

Well, here is what concerned me. If, when the President spoke on July 28, national security was that vitally affected by the speed of this legislation; if every day that went by we were missing intelligence, because of an intelligence gap, of al-Qaida plots that were being developed then and there to attack us; if that were true also on the 3rd, why wasn't it true back here on July 11 and 12 and 13, 14, 15, and all the way through here when they circulated the draft on July 27?

Here is what they sent us. This. It is 12 pages. That is it. Double spaced. I could write 12 pages of legislation double spaced in 17 hours if our national security depended upon it. It would not take me 17 days. So when it takes them 17 days to write 12 pages of legislation and then deliver it on the Monday before we recess and suddenly there is an explosion of concern about immediate al-Qaida attacks that are being planned that we need to get into, something does not add up. I believe the result was what I call the August stampede, and as a result we passed, bluntly, a very poor piece of legislation, the so-called Protect America Act.

This piece of legislation does a number of very good things to repair some of the damage in the Protect America Act.

The first is protection for Americans when we travel abroad. Americans travel a lot now. They travel on business, they travel on vacation. It is a lot more expensive now given the Bush administration's oil prices, but people still travel a lot. The rule had been, under the Protect America Act, that if you were traveling abroad, you had no statutory or judicial protection of your privacy, none whatsoever. They could listen to your telephone calls, they could take your BlackBerrys, e-mails, anything—it was open season. There were no statutory or judicial protections for Americans once they set foot outside of the country. The only protection was an executive order, 12333, which said that if the Attorney General determined that you as an American were an agent of a foreign power, then they could listen, then they could surveil, then they could intercept, but only if the Attorney General made that determination. So there was a protection, but it was only an executive order—nothing statutory, nothing judicial. Then we looked into the opinions that underlie the Bush warrantless wiretapping program, and here is what I found.

The flaw in the Protect America Act is that it contained no statutory, no judicial protections for Americans once they were traveling abroad and put them at the mercy of the executive branch of Government to be wiretapped at will, protected only by an Executive order. Our discovery, in the course of looking at the classified legal opinions that supported the warrantless wiretapping program, we discovered this rule that had been inserted by the Office of Legal Counsel:

> An executive order cannot limit a President. There is no constitutional requirement for a President to issue a new executive order whenever he wishes to depart from the terms of a previous executive order. Rather than violate an executive order, the President has instead modified or waived it.

Well, as a theory, I think that is, frankly, deeply flawed legally.

In my examination of Attorney General nominee Mukasey, I asked him what the force of an Executive order was. He answered me saying:

> Should an executive order apply to the President and he determines that the order be modified, the appropriate course would be for him to issue a new order, or amend the prior order.

I think that is not only the correct but the obvious solution. But we were left in a situation in which an American traveling abroad, without statutory protection, without judicial protection, and with the only protection from the executive being a protection that the President cannot be limited by and that he can ignore at will—frankly, that was no protection at all.

So we worked very hard in the committee—and it has persisted through the entire lengthy process we have been involved in—to make sure that an American, whether you are in the United States or traveling abroad, has the protection of a judicial order before your Government can wiretap you. And that has been achieved. That has been an important achievement.

A second achievement has been in the area of minimization. I know the Presiding Officer was a prosecutor in Minnesota. I have run wiretap investigations as a U.S. attorney, I have run wiretap investigations as an attorney general, and I have seen firsthand how important minimization is to a wiretap investigation.

Minimization is what happens when you have the authority to wiretap somebody, but because you have the authority to wiretap one person, they could be talking to somebody else who is not part of the criminal or national security activity involved,. and if that proves to be the case, you have to minimize that to protect the rights of the third person they are talking to. In the old days, the FBI agents would literally sit there with their earmuffs on listening and flip the switch on and off to see whether the conversation was still an innocent conversation or related to some criminal matter.

Now it is more complex, but those minimization procedures did not previously have any judicial oversight. They only were required to be filed. Under this bill, the Attorney General shall adopt minimization procedures. It is mandatory. But more than that, the Foreign Intelligence Surveillance Court is given authority to review those minimization procedures; specifically, to determine whether those procedures meet the statutory standards we require for minimization procedures. So that is particularly important.

Finally, this statute for the first time recognizes "the inherent authority of the FISA Court to determine or enforce compliance with an order or a rule of such court." So they not only get the minimization procedures, they get to approve the minimization procedures. If it is determined that the executive branch isn't following them, they can check for compliance, and they can enforce the procedure. That is a substantial, additional improvement that brings this in line with the traditions of wiretap surveillance within the United States.

Another significant improvement has been in the area of exclusivity. FISA has always said that "it shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electric communications may be conducted."

That was clearly the intent of Congress, as courts, including in the Andonian decision, have agreed. However, we have a problem again with the Office of Legal Counsel. The Office of Legal Counsel said this:

> Unless made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct wireless searches in the national security area—which it has not—then the statute must be construed to avoid a reading.

I don't know how you get "which it has not" out of the clear language of the Foreign Intelligence Surveillance Act saying this is the exclusive means. But once we found out that in these classified opinions the Office of Legal counsel had suggested this language right here either didn't exist or didn't mean anything, it had to be solved. Thanks to the leadership of Senator FEINSTEIN, in particular, there has been great energy put into improving the exclusivity provision. I think it is now an exclusivity provision that would defeat this type of, frankly, improbable legal analysis and clearly define that it is Congress's intent in the FISA statute to take every possible avenue it can to limit executive surveillance activities to those that are performed within the statutory authority of this particular legislation.

The last thing is reverse targeting. There has been considerable concern about allowing the Government to identify a foreigner who is in touch with Americans regularly and target that foreigner with the reverse targeting purpose to actually pick up the conversations of the American and dodge the requirement for a warrant for judicial review vis-a-vis the American. There are strong provisions in here that require that regulations and procedures be developed to prevent that.

I hope to be able to discuss the statute further, as we get to the discussion about immunity. But I will conclude by summarizing that the process we went through to get to this piece of legislation, particularly article I of this bill, was a very proud moment for this Senate and for this caucus, for Chairman ROCKEFELLER. It has been infinitely better than the degraded process we went through last August in the atmosphere of stampede. I think the quality of the underlying legislation shows it. I hope as we continue to work together in the Senate on other issues, we continue to follow the process that took place with respect to this iteration of the FISA bill, and we never go back to the kind of hectic, imprudent stampede we were put through last August. Second, the elements of article I are improved. This is, in article I, a bill we can we very proud of. We will have our dispute about the immunity provisions. I will have my thoughts on that for later. But there is much that has been accomplished and great credit is due particularly to Chairman ROCKEFELLER for those accomplishments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF WILLIAM T. LAWRENCE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

NOMINATION OF G. MURRAY SNOW TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Madam President, under the authority of the June 24 order issued by the Chair, I now ask that the Senate proceed to executive session to consider Calendar Nos. 627 and 628.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana; and G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona.

Mr. REID. Madam President, all Senators should be aware that this vote will occur very quickly and the second vote will occur immediately after the first one is completed. We appreciate everyone's cooperation. We are still working through some issues, and we will have some news for the rest of the Senators by the time, hopefully, the first vote is announced.

Mr. LEAHY. Will the Senator yield?

Mr. REID. Yes.

Mr. LEAHY. Madam President, I advise the distinguished leader, I will speak on these judges and judicial matters probably for 10 to 15 minutes at most, and then I would be prepared to go to a rollcall vote on William Lawrence, which would be the first one. I intend to support both nominees.

Mr. REID. Madam President, let me say to the distinguished chairman of the Judiciary Committee, we are glad we are at the point where we are today. There has been cooperation. We have approved two circuit court judges. This will be the third district court judge. It is my understanding there was a markup that went ahead today without any problem and a couple more judges were reported out at that time.

Mr. LEAHY. I advise the leader, four judges were reported out this morning, as well as a U.S. attorney and another one of President Bush's nominees.

Mr. REID. I appreciate the continued good work of my friend, the distinguished Senator from Vermont.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, the distinguished leader has put the Senate in executive session to consider two more judicial nominations. I would like to speak on these in my capacity both as a Senator from Vermont and as chairman of the Judiciary Committee. We are going to be confirming these two nominations which are, of course, for lifetime appointments to the federal bench, as the distinguished Presiding Officer, an attorney in her own right and with a distinguished background as a prosecutor in Minnesota prior to being here, knows. The two are William Lawrence, nominated to a vacancy in the Southern District of Indiana, and Murray Snow, nominated to a vacancy in the District of Arizona.

I have been delighted to work with my friend of 30 years, Senator LUGAR of Indiana. He strongly supports the recommendation of Judge Lawrence. He came to see me about Judge Lawrence prior to his nomination coming up here. Senator BAYH of Indiana also came to see me and supports the nomination. I have been pleased to accommodate Senator KYL in scheduling first Committee action and now Senate action on the nomination of Judge Snow. Both nominations are being expedited for confirmation in a Presidential election year.

As we approach the Fourth of July recess and celebrate the independence of our great Nation, we will be confirming our fourth and fifth judicial nominations of the week.

But when I go back home to Vermont, as I did this past weekend, and as I will this week, I find that Vermonters—and I suspect this is so with all Americans—are not really concerned about judicial nominations. I have not had anybody come up to me—when I am coming out of church or walking through the grocery store or gassing up my car—and say: We need more judicial nominations.

But what they are concerned about are gas prices that have skyrocketed so high they don't know how they are going to be able to afford to drive to work. I have talked to parents of children in rural parts of our State where there is no mass transportation—never will be. They have to bring their children to school. Both the mother and father are working. They then have to drive to work. These are not high-paying jobs. They then have to drive back and get their children. One couple might have to take care of elderly parents, and they are wondering how they can afford to do it with these gas prices. They are far more concerned about that than they are with lifetime appointments to our Federal bench.

They are concerned also about the steepest decline in home values in two decades. Madam President, when I was a child, I remember my parents always telling me one of the greatest things you can do is to own your own home. Marcelle and I have been fortunate. We have been able to do that. We have encouraged our children to do the same. And I encourage people in my own State of Vermont, especially young people: If you can own your own home, it is worth borrowing money because that will be part of your retirement, part of your stability. But now they have seen the steepest decline in home values in two decades. Many owe more on their house than their mortgage. Many are wondering as they see jobs failing, as they see their gasoline prices go up, as they see the value of their homes go down, if their children will have a brighter future than they did or their parents did.

More and more Americans are affected by rising unemployment. Last month brought the greatest 1-month rise in unemployment in 20 years. It brought the job losses for the first 5 consecutive months of this year to over 325,000 people. The number of people who lost their jobs are equal to half the population in my whole State. Americans are worried about soaring health care costs. They are worried about rising health insurance costs. They are worried about the rising costs of education. They are worried about rising food prices—long before they are worried about the number of Federal judges being confirmed.

Just yesterday, the front page of the Wall Street Journal had this headline: "Consumer Confidence Plummets." That is a pretty dire headline: "Consumer Confidence Plummets." The next line read: "Home Prices See Sharp Decline." With that article they ran a graph titled "In a Free Fall" that shows housing prices in April down more than 15 percent from a year ago and consumer confidence at the lowest level in nearly 20 years. According to the Wall Street Journal, the number of Americans saying they intend to buy a home in the next 6 months is at a 25-year low and consumers' expectations of the economy over the next 6 months is the lowest it has ever been in the more than 40 years they have kept track—the lowest it has ever been—ever been—in 40 years.

Unfortunately, the bad economic news for hard-working Americans is nothing new under the Bush-Cheney administration. During his administration, President Bush and all Americans have seen unemployment rise more than 20 percent and trillions of dollars in budget surplus—which he inherited from President Clinton's administration—turned into trillions of dollars of debt, with an annual budget deficit of hundreds of billions of dollars. When President Bush took office, the price of gas was $1.42 a gallon. Madam President, I remember some people complaining about $1.42 a gallon gas when the President took office. Today, it is at an all-time high of over $4 a gallon. The Nation's trade deficit widened 8 percent in April alone due to the surging gas prices, and now it is at the highest level in 13 months.

The numbers are staggering: $4 a gallon for gas, $139 a barrel for oil, more than $1 billion a day—let me repeat that: $1 billion a day—just to pay the interest on the national debt and the massive costs generated by the disastrous war in Iraq. These are the numbers Americans care about, not a few nominees who are getting the honor of a judicial appointment and lifetime tenure in a respected job that pays nearly $200,000 a year.

Yet we do not hear about these numbers from the other side of the aisle. We do not hear about the free-fall in home prices. We do not hear about the free-fall in the consumer confidence index from the other side. We do not hear about the Bush deficits, which have brought the value of a dollar down almost in half. We do not hear about these numbers, as terrible as they are, and as much as they affect real people in Minnesota and Vermont and elsewhere. We do not hear from them about the number of Americans who are losing their homes, nor about the number of Americans who are losing their jobs, nor about the number of Americans who cannot afford to bring their children to school, nor about the number of Americans who cannot afford to put groceries on the table, nor about the number of Americans who cannot afford to gas up their car so they can go to work. The only numbers we hear about from the other side of the aisle are the number of nominees they insist must be considered by a certain date to reach some mythical average number.

Week after week, even as the Senate—under the leadership of Senator REID and the Democrats—continues to make progress on filling judicial vacancies, we hear a steady stream of grumbling from Republicans. And it turns out, they are responding to partisan pressures from special interest groups.

Madam President, the special interest group I listen to are the hard-working American families in my State of Vermont and the other 49 States. If we are going to listen to a special interest group, listen to the men and women who have to pay to take their children to school, put groceries on their table, go to work, try to make ends meet, and are seeing the value of their home drop 25 percent. If we are going to listen to any special interest group, at a time when the economy is tanking, let's talk about the special interest group, the average American man and woman.

It is ironic that the Senate's Republican minority is so focused on the number of judges because that is the only number that has actually improved under President Bush. On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 60 judicial vacancies. Twenty-one were circuit court vacancies. These vacancies were the result of the actions of Republicans, when there was a Democrat in the White House, pocket-filibustering over 60 judicial nominees.

In stark contrast, after the two nominations we confirm today, and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country. There are only nine circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—only nine vacancies on our Nation's 13 circuit courts.

The history is clear. Democrats have reversed course on judicial vacancies from the days during which the Republican Senate majority more than doubled them. We have already lowered the 32 circuit court vacancies that existed when I became chairman of the Judiciary Committee in the summer of 2001. We had 32 vacancies. We lowered it to nine. In fact, this is the first time we have hit single digits in decades—since the Republican tactics of slowing judicial confirmations began in earnest in 1996. Why? Because the Democrats did not pocket-filibuster 60 judges, as the Republicans did to a Democratic President. We treated President Bush's nominees with more respect than they treated President Clinton's. But we also treated the whole Federal judiciary system with a great deal more respect. This is, after all, the third independent branch of Government. It is the one branch that should be devoid of politics. It is the one branch that should be able to be set apart from this. And it is the one branch where you leave your political affiliations at the doors.

The 100 nominations we confirmed in only 17 months in 2001 and 2002—I was working with a very uncooperative White House—reduced the vacancies I inherited by 45 percent by the end of 2002. I became chairman halfway through that year. The Republicans had been in control up to that halfway mark. They did not confirm a single judge. In 17 months, we confirmed 100.

So with 40 additional confirmations last year, and another 14 so far this year, the Senate, under Democratic leadership, has already matched the confirmation total for the entire last Congress. That was 2 full years with a Republican Senate majority working to confirm the judicial nominees of a Republican President. In fact, after these two confirmations, we will have reached 54 judicial confirmations for this Congress.

I am sure there are some who prefer partisan fights designed to energize a political base during an election year. I do not. The American people do not want Federal judges to be tied to partisan politics.

Madam President, I felt very honored to be a lawyer. I felt very honored to try cases in Federal courts. I felt very honored to try cases when I was a prosecutor. And I feel honored to be on the Senate Judiciary Committee. But I have always said one of the things you should be able to do if you walk into a court room—whether you are a plaintiff or a defendant, whether you are the Government or the other side, whether you are rich or poor, no matter your race, no matter your issue—you should be able to look at the judge and say: I am going to be treated fairly. The judge is not going to ask what my political party is, what my station in life is, whether I am a big corporation, whether I am a poor defendant or a plaintiff.

So when there are efforts to make a partisan issue over judicial confirmations, as my friends on the Republican side have done, that is sorely misplaced. Their obstructionism has done a great deal of damage to our attempts to address the important needs of Americans.

We have seen Republican obstructionism since the beginning of this Congress. Republicans used filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented the Senate majority from passing a climate change bill. Republican filibusters prevented the Senate majority from passing the Employee Free Choice Act and the Lilly Ledbetter Fair Pay Act. Republican filibusters prevented the Senate majority from passing the DC Voting Rights Act. Republican filibusters prevented the Senate majority from passing the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007. Republican filibusters blocked the Renewable Energy and Job Creation Act of 2008. Republican filibusters blocked the Medicare Improvements for Patients and Providers Act of 2008. Republican filibusters blocked the Consumer First Energy Act. These are critical pieces of legislation to address the priorities not of special interest groups, but of real Americans—urgent priorities such as the energy crisis, the environment, voting rights and health care, and fair wages for working men and women. All of them had the support of the majority of the Senate. All were blocked by a minority of Republican Senators who filibustered them.

This long list of priorities unaddressed because of the Republicans in Congress would be even longer if we were to include the many important bills President Bush has vetoed since the beginning of this Congress. That list includes legislation to fund stem cell research, to fight debilitating and deadly diseases such as Parkinson's, multiple sclerosis, and diabetes; to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children who are without it in the wealthiest, most powerful Nation on Earth; to set a timetable for bringing American troops home from the disastrous war in Iraq that has lasted longer than we were in World War II; and to ban waterboarding and thus help restore America as the beacon for the rule of law.

The effort of Republicans to turn attention from the real issues facing Americans to win partisan political points with judicial nominations is another in a long line of tactics we have seen that have prevented us from making progress since the beginning of this Congress.

As I said before, people do not stop me in the grocery store or coming out of church or walking down the street or getting out of my car to say please confirm more judges. They say: Please, do something about the high cost of gasoline. Do something about the fact that I am going to lose my home in foreclosure because the value has dropped so much. Do something about the fact that our child does not have health insurance.

These tactics would be laughable if they were not tragic. I believe they are an affront to those men and women in this country who are working hard to make ends meet. I know a lot of these good, honest Americans. I see them every weekend in my own State of Vermont. They don't face problems as Republicans or Democrats; they face them as proud Americans, proud Vermonters. They wonder how they are ever going to get insurance for their child and they worry every day their child may become ill. They wonder if they can get to their job, and often they are holding down two jobs to make ends meet. They wonder if they can bring their children to school.

I congratulate the nominees and their families on their confirmation today. These nominees have good reason to be proud. I predict they will be confirmed unanimously, and I am proud of them, because the Federal judiciary is the one arm of our Government that should never be political or politicized regardless of who sits in the White House.

So let us stop using this question of judges as some kind of an issue in trying to distort the fact that the Democrats have treated President Bush better than the Republicans treated President Clinton on judges. Let us stop using the issue of judges to prevent us from addressing the things Americans care about: their jobs, their homes, their children, the cost of gas and oil.

I will continue in this Congress, and I will be here in January with a new President in the next Congress, to work with Senators on both sides of the aisle to ensure that the Federal judiciary remains independent and this real jewel of jurisprudence be able to provide justice for all Americans, as they say in their oath of office, without fear or favor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, in my capacity as ranking member on the Judiciary Committee, I did want to make very brief comments on the nominees who are pending for the district courts.

First, G. Murray Snow for the U.S. District Court for the District of Arizona, a very well-qualified man: a bachelor's degree from Brigham Young University in 1984, magna cum laude; a Harry S. Truman scholar for Nevada, a noted scholarship—parenthetically, one which our older son Shanin had—Phi Kappa Phi; law degree, magna cum laude—a very distinguished academic and professional record.

Similarly, William Thomas Lawrence for the U.S. District Court for the Southern District of Indiana has exemplary qualifications academically and professionally.

I ask unanimous consent to have the resumes printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. One additional addendum. I thank the chairman of the committee and the majority leader for moving ahead with three confirmations earlier this week, and these two confirmations.

Again I renew my request that we be able to move to a situation where we will avoid blocking judges, where we will proceed on up-and-down votes and we will not seek to hold vacancies in judicial nomination situations where there are judicial emergencies—for example, in the Fourth Circuit with the nomination of Judge Conrad pending from North Carolina—and that we will move ahead with the nomination of others who have been waiting for very long periods of time.

Today, the Judiciary Committee took up a report by the Inspector General, in which he noted that there had been political considerations in hiring at the Department of Justice. The report singled out Peter Keisler, who had been acting Attorney General and Assistant Attorney General in the Civil Division, and commended him for calling the inappropriate conduct for what it was. I mention Peter Keisler because he is so well qualified for the DC Circuit vacancy to which he has been nominated.

It will be my expectation that these two nominations would move through smoothly. They were accepted on a voice vote in the Judiciary Committee, and it is my hope that we will use this to move ahead on the confirmations of Federal judges on a yes-or-no vote.

EXHIBIT 1

WILLIAM THOMAS LAWRENCE—UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

Birth: 1947; Indianapolis, Indiana.

Legal Residence: Indianapolis, Indiana.

Education: Louisiana State University, 1965–1968; no degree received; B.S., Indiana University, 1970; J.D., Indiana University School of Law—Indianapolis, 1973.

Primary Employment: Attorney, Poore, Popcheff, Wurster, Sullivan & Burke, 1973–1976; Attorney, Popcheff, Lawrence & Page, 1976–1979; Public Defender (Part-time), Marion County Superior Court, Criminal Division 4, 1974–1983; Attorney, Lawrence, Carter, Gresk, Leerkamp & Walsh, 1979–1989; Attorney, Johnson, Smith, Pence, Densborn, Wright & Heath, 1989–1997; Master Commissioner (Part-time), Marion County Circuit Court, 1983–1997; Presiding Judge, Marion County Circuit Court, 1997–2002; Magistrate Judge, U.S. District Court for the Southern District of Indiana, 2002–Present.

Selected Activities: Indiana Bar, 1973–Present; Indianapolis Bar Association, 1973–Present—Distinguished Fellow, 1997, Chairman, Bench Bar Conference, 2002, Chairman, Judicial Section of the Association, 2004, Chairman, Continuing Legal Education Commission, 2002, Vice-President, 2005, Board of Managers, 2005, Executive Committee, Litigation Section, 2004–2005; Seventh Circuit Bar Association, 2002–Present; Federal Bar Association, 2002–Present; Indiana Judges Association, 1997–2002, Board of Managers, 2000–2002; Board of Directors, Judicial Conference of Indiana, 1997–2002; United States Magistrate Judges Association, 2002–Present; Board of Directors, Marion County Justice Agency, 1996–2002; Member, Indiana State Forensic Science Commission, 1984–1990; Executive Director, Indiana Merit Selection Commission on Federal Judicial Appointments, 1980–1986.

ABA Rating: Substantial Majority "Well Qualified," Minority "Qualified."

G. MURRAY SNOW—UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Birth: 1959; Boulder City, NV.

Legal Residence: Tempe, AZ.

Education: B.A., magna cum laude, Brigham Young University, 1984—Harry S. Truman Scholar for Nevada, 1982; Member, Phi Kappa Phi Honor Society.

J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, 1987—Editor-in-Chief, Brigham Young University Law Review, 1986–1987.

Primary Employment: Law Clerk, Hon. Stephen H. Anderson, U.S. Court of Appeals for the Tenth Circuit, 1987–1988; Meyer, Hendricks, Victor, Osborn & Maledon, P.A.—Associate, 1988–1994, Member, 1994–1995; Member, Osborn Maledon, P.A., 1995–2002; Judge, Arizona Court of Appeals, Division One, 2002–Present.

Selected Activities: Arizona State Bar Association, 1987–Present—Committee on the Rules of Professional Conduct, 1998–2004, Ethical Rules Review Group, 2000–2002; Mesa [Arizona] Judicial Advisory Board Member, 2003–Present; Judicial College of Arizona—Board Member, 2003–2004, Dean, 2005–Present; Committee on Judicial Education and Training—Board Member, 2005–Present, Executive Committee, 2005–Present; Task Force on Model Code of Judicial Conduct, 2007–Present—Chair, March 2007–Present; Recipient, Halo Award, Arizona Association of Providers for People with Disabilities, 2000; Recipient, Citation for Service on the Arizona State Bar Committee on the Rules of Professional Conduct, 1998–2004.

ABA Rating: Unanimous "well qualified."

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I appreciate this opportunity to support the President's nomination of Judge William Thomas Lawrence to serve as a U.S. district judge for the Southern District of Indiana.

I would first like to thank the Senate Judiciary Committee chairman, PAT LEAHY, ranking member, ARLEN SPECTER, the respective leaders of the Senate, and especially my colleague, Senator EVAN BAYH, for their important work to facilitate the timely consideration of this distinguished nominee.

On December 18, 2007, the Senate voted to confirm the nomination of John Tinder to serve on the Seventh Circuit Court. John was a distinguished leader on Indiana's Southern District Court, and I knew his successor would need to possess the same degree of integrity and intelligence. Given this need for strong leadership, I was pleased to commend William Lawrence to President Bush for consideration. This selection was the product of a bipartisan process and reflective of the importance of finding highly qualified judges to carry forward the tradition of fair, principled, and collegial leadership.

I have known Bill Lawrence for many years. I have always been impressed with his high energy, his resolute integrity, and his remarkable dedication to public service.

William Lawrence attended Indiana University, where he received both his undergraduate and his law degrees. He immediately entered private practice but also devoted time to serve as a public defender in Marion County, IN, courts.

Subsequently, he served part time as a master commissioner of the Marion County Circuit Court.

In 1996, Judge Lawrence was elected to the Marion County Circuit Court. In this position, he built a reputation for fairness and efficiency. The Marion County Circuit Court is one of the busiest in the State of Indiana. In less than 3 years, Judge Lawrence reduced the number of pending cases by 20 percent. This impressive performance on the bench led to his appointment in 2002 to serve as U.S. magistrate judge.

Throughout Bill's career, his reputation for personal courtesy, fairness, decency, and integrity was equally well earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle.

I am also pleased that Bill's experience and professionalism are recognized by the American Bar Association, which bestowed a rating, by a substantial majority of the committee, of "well-qualified."

I would like to thank again Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe Judge Lawrence will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wanted to note that what Senator SPECTER said a moment ago about Arizona judge Murray Snow are my feelings as well.

He has been nominated to the Federal bench in Arizona. He is supremely qualified, unanimously "well-qualified," according to the Bar Association, and a fine appellate court judge already. He will make a fine addition to the Federal bench.

I will have an additional statement so all of my colleagues will know about his superb qualifications. We will be voting for him soon. I assume he will be approved. I appreciate my colleagues' support for his nomination.

Judge Snow has served on the Arizona Court of Appeals since 2002. Prior to his judicial service, he was a partner at Osborn Maledon. Judge Snow received his bachelor's degree magna cum laude from BYU in 1984 and received his law degree magna cum laude from BYU in 1987. He was Order of the Coif. After law school, Judge Snow clerked on the Tenth Circuit for Judge Stephen Anderson. Judge Snow was an adjunct professor of political science at ASU 7 years. He served for 4 years on the State Bar of Arizona Ethical Rules Review Group and for six years on the Committee on Rules of Professional Conduct. The ABA unanimously gave Judge Snow its highest rating of "well-qualified."

Mr. LEAHY. Madam President, I have permission to yield back time on both sides of the aisle for the judges, so I yield it back.

I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona, (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—97

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—3

Kennedy
McCain
Obama

The nomination was confirmed.

The PRESIDING OFFICER. There is 2 minutes of debate equally divided on the nomination of G. Murray Snow.

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield back the remainder of time on this side, and I am advised on the other side they yield their time. There is no need for a rollcall vote.

The PRESIDING OFFICER. Time is yielded back.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. For the information of all Members, Senator LEAHY and Senator SPECTER have agreed that we can have the judge's vote by voice, and we will do that in a minute. But I wish to inform everyone that the Republican leader and I, following this judge being approved—we will go into a quorum call, and we will be in a position, hopefully, in the next 15 minutes, half hour—you know how time is counted in the Senate. Jack, who used to work down here—one night I came in here and he gave me a dog chain. I said: Why did you do that? He said: Because the Senate goes on dog time.

We will try to do something very quickly. But we will go into a quorum call following the judge being approved, and Senator MCCONNELL and I will be back with the next chapter of the saga as quickly as we can.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona?

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table, en bloc, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, we do not have our path forward yet, and that is an understatement. But we are working on it. There are a number of Senators, both Democrats and Republicans, who want to speak in morning business.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now be in a period for the transaction of morning business for a period of a half hour, that the time be divided equally and I, of course, ask this time count against postcloture time on the FISA matter on which we are working.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, is the business before the Senate that we are in morning business?

The PRESIDING OFFICER. It is.

OUTER CONTINENTAL SHELF DRILLING

Mr. MENENDEZ. Mr. President, for years, we have had an energy policy that was written by big oil for big oil, and the result has been good for big oil but a disaster for the American people.

Gasoline is now at over $4 per gallon, and the Bush-McCain plan is to do more of the same. My colleagues on the Republican side of the aisle have continuously sought to help big oil while at the same time they have blocked Democratic attempts to develop real policies to end our addiction to oil. The result is that under the Bush administration the price of oil has shot up over $140 per barrel and more, and the price of gasoline has more than doubled.

Despite this history of gas prices going up and up because of failed policies, the Republican Party continues to block measures that will help create change in this situation. Every time we offer sensible policies to address the oil crisis, my friends on the other side of the aisle say no. They said no to the Consumer-First Energy Act that would finally clamp down on rampant oil speculation and burst the speculative bubble that has caused oil prices to skyrocket. Then they said no to the renewable energy tax extension bill that would help continue the rapid growth of wind and solar and provide an incentive for the purchase of plug-in hybrid vehicles. This would help us begin the transition to new energy sources so we are not so vulnerable to the rising cost of fossil fuels. And then our colleagues said no to climate change legislation that lays out the framework to completely change our economy from one based on oil and other fossil fuels to an economy based on renewable energy.

Democrats have now laid out a sensible plan for change in our energy policy that will make America stronger and more independent in the short, medium, and long term, but all our colleagues can say in return is no—no to the American people and—from what I hear in terms of their response—yes to big oil.

President Bush was right when he told the Nation we are addicted to oil. But what amazes me is their plan is designed to have us continue to act like addicts. Instead of supporting real plans to conserve oil or even transition to sustainable fuels, the Bush-McCain plan is to go out in search of our next oil fix.

Ending a bipartisan 26-year moratorium to open the Outer Continental Shelf to oil is simply not a solution to our oil crisis.

To defend the senseless Bush-McCain plan to open all our shores to drilling, my colleagues on the other side of the aisle have been playing fast and loose with the facts. They claim opening our shores to future drilling will somehow affect gas prices. As I recently pointed out on the floor, this argument flies in the face of projections by President Bush's own Energy Information Agency. They project that even if we opened the entire Outer Continental Shelf to drilling off the East Coast, off the West Coast, and opened the entire eastern Gulf of Mexico, nothing would happen to gas prices—not today, not tomorrow, not ever.

Now, it seems that Senator MCCAIN cannot keep up the charade any longer. On Monday, he admitted he did not expect his plan to provide relief at the pump, but that his plan would have a psychological impact that would be "beneficial." Psychological games are not going to reduce the price of oil. The American people are sick and tired of Republican politics that try to use political spin rather than sound policy to solve our problems.

Another fact that the other side of the aisle wants to keep from the American people is that 80 percent of the oil and natural gas resources in our Federal waters are already open, already open for exploration. Oil companies are sitting on 68 million acres of oil and natural gas leases where they have not produced any oil or natural gas. I joined my colleagues, Senator DODD and Senator DURBIN, to introduce a bill, the Responsible Ownership of Public Lands Act, that will charge oil companies an escalating fee for leased acres they put aside and do not use for oil and natural gas exploration. This will give these companies the incentives they need to stop hoarding the resources they have instead of seeking access to environmentally sensitive areas.

One other factor that has not been discussed properly in this debate about high gas prices is the effect of President Bush's disastrous economic policies. The weak dollar means it simply takes more money to buy the same barrel of oil than it did at the beginning of President Bush's term. In 2000, one Euro was equal in value to $1. Today, one Euro is worth close to $1.60.

In large part, this weak dollar has been caused by the enormous domestic budget deficits this administration has rung up to pay for the war in Iraq. Instead of actually paying for this mistake, the administration has been printing money and piling up huge debts. We are spending over $12 billion a month in Iraq, and this foreign policy disaster is now adding up to be a fiscal policy disaster. It is time we finally end the war and get our fiscal house in order. In turn, this would strengthen the value of the dollar and help lower the price of gasoline.

But perhaps the most disturbing thing about the misinformation campaign to sell the Bush-McCain plan to open all our oceans to drilling is that they refuse to discuss how drilling will be economically and ecologically devastating to our coasts.

On June 3 of 1979, an exploratory oil well in the Gulf of Mexico blew out. The resulting 140 million gallon spill was the second largest in world history, over 10 times larger than the Exxon Valdez spill. As you can see from this map, the spill traveled 600 miles to blanket the coast of Mexico, Texas, and Louisiana, causing tremendous damage.

I think we all remember that on March 24 of 1989, the tanker Exxon Valdez ran aground in Prince William Sound, AK. The oil tanker ruptured and spilled over 10 million gallons of oil. The result was an oil spill over 600 miles that created one of the largest environmental disasters in history. We were told we had state-of-the-art technology then, in terms of carriers, tankers, and everything else. Well, that was 600 miles of devastation.

I am about to show images of the devastation following the spill, and certainly I would ask if there are any children watching, or those who are sensitive to the plight of animals, they should probably look away from some of the images.

The Exxon Valdez coated the Alaska shoreline, turning a pristine environment into a toxic waste cleanup site. Over 11,000 people worked to try to clean oil washed up onshore. Even today, there is estimated to still be over 20,000 gallons of oil on Alaska's sandy beaches. The spill killed thousands of animals immediately. It killed hundreds of otters and seals, as many as half a million sea birds, and over 200 of the very symbol of America itself—the Bald Eagle.

Anyone who saw these devastating images from this incident cannot forget them. But what is important to remember from these disturbing images is that if we open the east and west coast to drilling, the same thing could happen to places here in the lower 48.

My colleagues from the Commonwealth of Virginia want to open the coast of Virginia to drilling. They seem to think that oil drilling will only affect the State of Virginia. But oil spills do not sit still. Remember that oil drilling spill in the gulf that traveled 600 miles, and the Exxon Valdez spill off the coast of Alaska was over 600 miles wide. So what would a similar spill look like on the east coast? It would mean a devastated coastline from New York down to South Carolina. The environmental impact would be immeasurable, and the economic impact would be enormous.

The New Jersey shore is a priceless treasure my home State will protect at any cost. But the shore also generates tens of billions of dollars in revenues each year and supports almost half a million jobs in South Carolina; in Myrtle Beach alone, more than $3 billion in revenue. Do we want oil washing up onto Virginia Beach, flowing up into the Chesapeake Bay? Can Maryland's famous blue crabs survive such an environmental assault?

It is time for a real cure, based on a tough examination and reordering of our energy priorities, and not tired old policies of the past. I ask my colleagues on the other side of the aisle to end their efforts to block real reform. It is time we unite together to pass the Consumer-First Energy Act to clamp down on excessive speculation and finally burst this oil bubble. It is time we come together and pass the renewable energy tax extension bill that will promote the development of clean energy here at home, help our automakers develop cars that run on electricity, and develop advanced biofuels so we have a sustainable alternative to gasoline.

If we do not do this, we are continuously wedded to the past, continuously wedded to the addiction, continuously wedded to a failed policy. To hear our colleagues on the other side of the aisle, if we opened the east and west coasts, it would go directly, like gas, into your car. We know that is not true. That is simply not going to happen.

The American people are sick and tired of an energy policy written by big oil. It is time for our friends on the other side of the aisle to join us in real reform so we can actually achieve something that moves us in a much different direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

LIHEAP AND COMMUNITY HEALTH CENTERS

Mr. SANDERS. Mr. President, on Tuesday, I introduced S. 3186, the Warm in Winter and Cool in Summer Act. This bill would provide $2.53 billion in emergency funding for the Low-

Income Home Energy Assistance Program, commonly known as LIHEAP.

I take this opportunity to thank the majority leader for completing the rule XIV process of placing this bill directly on the Senate calendar yesterday. I also want to express my deep appreciation to him for his goal of moving this legislation forward within the next month. I think there is widespread support, in a nonpartisan way, for this legislation, which impacts people when the weather gets hot and it impacts people when the weather gets cold.

This bipartisan bill is being cosponsored by Senators LEAHY, SNOWE, BROWN, SUNUNU, CARDIN, COLEMAN, KERRY, COLLINS, KENNEDY, and SMITH and I expect that the numbers of Senators from both sides of the aisle who will be supporting it will only grow. The bottom line here is pretty simple, and that is: With the cost of energy soaring, we have many millions of Americans wondering next winter how they are going to be able to stay warm, and we have got to expand LIHEAP funding to match the inflationary costs of home heating fuel.

For those people living in warm weather States, what we understand right now is that electricity rates are also soaring. There are many Americans—elderly people, lower income people—who are unable to afford the increasingly high cost of electricity. They run the danger of seeing their electricity cut off. When the weather gets 110 degrees and the electricity gets cut off, and you are a senior citizen or you are a person who is frail or who is ill, you have a problem dealing with heat problems.

So I hope and expect there will be widespread support for this legislation. Once again, I thank the leader for putting this on the rule XIV process.

I also want to say a few words about the Medicare package that was approved overwhelmingly in the House on Tuesday, and which we expect, hopefully, to take up here shortly. This bill is nearly identical to the bill put forth on the floor last week by Finance Committee Chairman BAUCUS, and I thank the chairman for his commitment and his effort in putting together this excellent piece of legislation.

There is a lot in this bill, but there is one particular section I want to focus on, and that is the section pertaining to Medicare payments to community health centers.

Specifically, this bill provides for a much needed increase in the cap on Medicare payments to community health centers, and also requires a GAO study to determine whether the current structure for Medicare payments to community health centers provides adequate compensation for the care provided. I believe it does not.

According to the National Association of Community Health Centers, the artificially low cap on Medicare payments costs community health centers $50 million annually—money that could be used to provide primary care access to thousands more of our Nation's seniors. An overwhelming majority of community health centers—a full 75 percent—now lose money—they lose money—treating Medicare beneficiaries. An inadequate and arbitrary payment system jeopardizes the ability of community health centers to continue to provide necessary primary care to the 1.5 million Medicare beneficiaries who are seen at community health centers each year, many of who live in the most isolated and medically underserved regions of this country.

Let me say a word on community health centers, because I am a very strong advocate of that program. The truth is that in the midst of the disintegrating health care system, one of the major crises we are facing is in primary health care access. All over America, especially in rural areas, millions and millions of people simply cannot get access to a doctor, to a nurse, to a dentist, to people who will help them deal with their day-to-day health problems. The insanity of continuing that situation, that lack of health care access, means people will simply get sicker. They are going to go to the emergency room and they will end up in the hospital at far greater expense and a lot more human suffering.

I happen to believe this country has to join the rest of the industrialized world and establish a national health care program which guarantees health care to every man, woman, and child. I think at a time when we spend twice as much per person on health care as any other nation and have 47 million people uninsured and see our social indices, in terms of infant mortality or longevity, much worse than many other countries, I think we should finally conclude there is something fundamentally wrong with our health care system.

Health care should be a right of all people. We should do it in a cost-effective way. The function of health care should not be to make insurance companies rich or make drug companies rich but should be to provide quality health care to every man, woman, and child.

In the midst of all that, while we try to take on the insurance companies and all their lobbyists and while we try to take on the drug companies and all their lobbyists and advertising and campaign contributions, there is one simple thing we can do, where I suspect there is going to be tripartisan support, and that is substantially increase the funding for community health centers. In that regard, I thank Senator KENNEDY and Senator ENZI for a very strong authorization package that came out of the Health, Education, Labor Committee. I thank Senator HARKIN and Senator SPECTER for their support in giving us a reasonable increase in appropriations funding. But we have a long way to go.

The simple truth is—and this is a point that should be understood by all Members—if we spend as a nation $2 or $3 billion more on community health centers, do you know what? We could provide primary health care access to every man, woman, and child. That is about 1 week of the war in Iraq. So you have war in Iraq, 1 week; or $2 billion or $3 billion building hundreds of community health centers, providing primary health care, dental care, mental health counseling, low-cost prescription drugs, to every man, woman, and child.

In the course of the coming months and years, I will be fighting for that $2 or $3 billion. It certainly is not going to solve all our health care problems, but by providing a place where any American—whether you are insured, uninsured, Medicare, Medicaid—regardless of your income you can walk in and get high-quality primary health care—wow, that is a huge step forward in this country.

In order to make sure these community health centers function, we have to do something else. Do you know what we have to do? We have to graduate doctors and nurses. We are living at a time when we are not graduating from medical school enough doctors or enough nurses or enough dentists. We have to work on that. One of the ways we work on that is to significantly increase funding for the Health Services Corps, a program which provides debt forgiveness and scholarships for those willing to serve in underserved medical areas.

There is a lot of work to be done. I think we are making some progress on the Medicare bill coming before us. The day has to come when all our people, by right, have primary health care access and access to health care.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I was asked by the Senator from Montana, Mr. TESTER, if there would be any objection if I asked that, after I finish my remarks, he be recognized for 5 minutes; that the Democratic time be extended 5 minutes and the Republican time be extended 5 minutes.

Is there any objection to that?

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA

Mr. BOND. Mr. President, I know this is morning business, but I need to get people's attention back on FISA, I hope. Let me clarify some things that have been said earlier today. From time to time, some have tried to rewrite the history on what happened 1 year ago in producing the Protect America Act, our first attempt to fix the problems with foreign intelligence surveillance 1 year ago. That was not pretty, but I note there have been mischaracterizations of it. After last year, many critics of FISA, most notably in the House, tried to rewrite history and discredit ADM Mike McConnell, the Director of National Intelligence, and this compelled me to speak out on the matter at this time. He, in my view, from what I saw, acted in good faith, and he was charged with not having done so. But it seems there is another effort today to rewrite history. I can say, as vice chairman of the Senate Intelligence Committee and the cosponsor of the Protect America Act, I was the lead negotiator during the final hours of the Congress, as we tried to pass a critical short-term update of our Nation's law governing terrorist surveillance.

As one who was there, I dispute the misinformation that was spread and largely by those who were not there. I will outline the events as they occurred, and here is what happened.

As I think most of us know, in January 2007, the President announced that the terrorist surveillance program was coming under the FISA Court. Our Director of National Intelligence, Admiral McConnell, subsequently stated that after that time, the intelligence community lost a significant amount of collection capability and that, combined with increased threat, compelled him to ask Congress to modernize FISA, sooner rather than later.

On April 12, Admiral McConnell sent his full FISA modernization proposal to Congress, and on May 1 he presented it in open session to the Senate Intelligence Committee.

Some would like us to believe that was the first time this became an issue for us, in July, but it was not. The DNI had appeared in open session before the Senate Intelligence Committee and had pleaded with us to update FISA months earlier.

I might say, along with another colleague of ours on the Senate Intelligence Committee, Senator BAYH, we visited Iraq in early May of 2007, and the Joint Special Operations Commander, LTG Stan McChrystal, told us at that time that the blockage in electronic surveillance by FISA was substantially hurting his ability to gain the intelligence he needed to protect our troops in the field and gain an offensive advantage. I believe I, and perhaps Senator BAYH, spoke about that in committee and on the floor.

Immediately following the admiral's testimony in May, I had urged the Intelligence Committee immediately to mark up FISA legislation. I was told by members of the majority that until the President turned over certain legal opinions from the terrorist surveillance program, Congress would not modernize FISA. That Congress would hold America's security hostage to receiving documents from a program that no longer existed was disheartening to me. We had already received an inordinate amount of documents from the Department of Justice and the Director of National Intelligence. Yet I do not dispute the desire or the right of members to seek privileged documents from the executive branch. In fact, I joined in requesting some of that. But I did disagree with holding up FISA modernization when those documents were not necessary to do that.

Despite the urging from the Director of National Intelligence, and knowing this outdated law was harming our terrorist surveillance capabilities, for more than 3 months Congress chose to do nothing. Let me be clear, it was Congress that chose to ignore the pleas of the intelligence community. As a matter of fact, in late June, Admiral McConnell had a briefing for the entire Senate. I believe about 42 to 44 of us showed up there. He briefed Members of the Senate, again urging us to modernize FISA. Finally, his pleadings began to gain traction.

In mid-July, Members of Congress agreed to discuss a short-term, scaled-down version of FISA to protect the country for the next few months before we could address comprehensive reform in the fall. Admiral McConnell immediately sent Congress his scaled-down proposal.

Over the next week, Admiral McConnell was given nearly half a dozen versions of unvetted proposals from various congressional staffs across Congress and then pressed for instant support of these proposals. The admiral returned a compromise proposal to the Senate, including some of the provisions requested. Unfortunately, there were numerous bait and switches that took place during that time.

Since the bipartisan committee process was circumvented to craft legislation behind closed doors without input from the relevant committee and the minority, it got messy in the final hours. Even as the vice chairman of the Intelligence Committee, I was excluded from the key meetings. Not only was I excluded, most members of the Intelligence Committee, Republican and Democratic, were left out of the process.

Therefore, in the waning moments before the recess, I got together with a number of Democrats, including several from our Intelligence Committee, to discuss the short-term approach for the Protect America Act that Leader MCCONNELL and I had introduced and which had the support of the DNI and the Department of Justice.

Finally, on August 3 and 4, Congress, on a strong bipartisan basis and a desire to get out of town for the August recess, passed the Protect America Act.

That was why it was jammed up. The administration was not trying to stiff us. The administration felt it was being stiffed. Fortunately, a solid, bipartisan majority of the Senate came together, passed the bill, and gave the House, regrettably, no choice but to pass it—which they did. But after the passage of the act, I think we all learned a good lesson. We sat down together on the Senate Intelligence Committee and began, on a bipartisan basis, to work out a permanent solution to FISA. I am very thankful we could do it. We put in a great deal of work. We spent a lot of time with the DNI, with the lawyers and the operatives for the program, and Senator ROCKEFELLER and I worked, in a bipartisan fashion, to come up with a strong committee bill that we passed out of the Senate later on a 68-to-29 vote.

I thank my colleagues on the committee, their staff, and all the Members of Congress who supported us, particularly the 68 who came and voted aye to pass the FISA amendments in February.

That started the process that led us to where we are today. There is a strong bipartisan product before us. There were changes, cosmetic changes largely, made that the House believed were important and the intelligence community assured us would not interfere with their ability to collect information under the structure we had set forth in the FISA amendments that were passed by the Senate.

That is where we are today. I am ready, willing, and able, whenever it is the will of the leadership, to act on amendments that may be before us and try to pass this bill so we will have some certainty for the intelligence community that they will know what the guidelines are for the next period through 2012.

In any event, I will be back when we get on the bill to go over some of the items which are in question. But I think you see our chairman, Senator ROCKEFELLER, who is on the floor, and I can assure you this is a good, solid, bipartisan bill that we should pass.

I see it is a good time to yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized, pursuant to the previous order.

GI BILL

Mr. TESTER. Mr. President, I rise in support of the bipartisan Webb GI bill, and I urge the Senate to join me in voting to pass it without further delay. As a member of the veterans committee, this legislation has been a big priority of mine for the past year and a half.

Montana is home to more than 100,000 veterans. I have spoken with many of them over the past year and a half, and I was very pleased to work on their behalf last year for the largest increase in funding in the history of the VA.

Earlier this year, the Senate passed my legislation to raise the reimbursement rate for veterans' travel to and from VA facilities. It was the first increase in 30 years.

As American forces continue to be engaged in wars in Afghanistan and Iraq, it is well past time for Congress to step up to the plate and deliver for our veterans.

This new GI bill will provide first-class educational benefits for those who served since 9/11. It will pay for tuition and books and a monthly stipend roughly equivalent to the benefits given to millions of Americans following World War II.

The first GI bill created a vibrant middle class that drives our economy to this day and makes America the envy of the world. This GI bill can do the same again.

Every major veterans organization in this country supports this bill. I understand even the White House has dropped its longstanding opposition, and the President now says he will sign this bill into law.

Passing the 21st century GI bill will be a landmark achievement for this Congress. It will strengthen our Nation's military readiness through better recruitment by making military service a more practical option, and it will provide an important investment in Americas's future by enabling veterans to afford college at a time when career options and lifetime earning potential are increasingly linked to higher education.

One in nine Montanans have served our country in the military. We have one of the highest veterans rates in the country, and our Montana values compel us to take care of those who have served. Many of my Montana neighbors have written to me in support of this new GI bill for the new "greatest generation."

One airman from Belt, MT, said to me:

> I hope this bill passes for myself and for future generations. I have been deployed three times in my five and a half years of active duty service, and will be leaving active duty service within the year. This bill is finally something that will allow people to do the things that they put off and that so many have died for since the beginning of our war on terrorism. I ask you to support this bill and allow all our Armed Forces members to succeed in life and all their endeavors.

Another veteran from Kalispell, MT, wrote:

> I read with a great deal of interest your article in the Flathead Beacon about the need for a GI Bill, much like that of what we had in the past. I was able to attend college under the GI Bill after I was discharged from the Army in 1956 under that bill enacted for World War II vets. The GI Bill was instrumental in the creation of our middle class. It gave this child of the Depression an opportunity to experience the degree of success that I very likely would not have been able to achieve had it not been for that GI Bill.

These are just two examples of the many letters I have received from back home. I know many Senators received similar letters. I call on all of my colleagues to join me in voting for this vital legislation. We must pass this bill to honor the service and sacrifice of our Nation's veterans and to invest in America's future.

I have been pleased to work on this important piece of legislation with a bipartisan group of Senators led by the Senator from Virginia, one of my fellow members of the Senate class of 2006.

Senator WEBB and I hail from different parts of the country and different walks of life, but we joined the Senate at the same time with a simple hope: to provide a new direction for our Nation.

Last year, Senator WEBB and I traveled together to Iraq. We were able to visit with quite a few of the brave young men and women who serve our country day in and day out. When you talk to these folks, it really makes you feel that our Nation is in good hands. They are serving us well, and now it is time to do right by them. This is commonsense legislation that will demonstrate to our veterans that America honors their service and cares about their future.

Passing this bill is the right thing to do, and it is the smart thing to do. I urge the Senate to vote as soon as possible to pass this new GI bill for America's new "greatest generation."

I thank the Senator from Missouri for giving me this opportunity to speak.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, as the chairman of the Senate Veterans' Affairs Committee, I am very pleased to express my support for the provisions of the war funding supplemental that would establish a new GI bill for the 21st century.

These provisions, drawn from S. 22 as introduced by the junior Senator from Virginia, Mr. WEBB, who serves with me on the committee, will establish a new program of educational assistance for the brave young men and women who have answered the call to duty in service to our country since September 11, 2001.

This past Sunday, June 22, marks the 64th anniversary of the original GI bill. As one of the 8 million World War II veterans who took advantage of the opportunity it made available, I know firsthand the value of what we are prepared to approve today. If it were not for the valuable educational benefits I received, I would not be standing here today in the Senate.

Without the GI bill and the maturity and discipline I learned through my military service, I am certain my life would have turned out much differently. The original GI bill changed America. It made higher education accessible for individuals from all backgrounds.

Veterans flooded colleges and universities. Huge lines of returning servicemembers doubled or tripled enrollments. By the time the original GI bill expired in 1956, the United States was richer by hundreds of thousands of trained engineers, accountants, teachers, scientists, doctors, dentists, and more than 1 million other college-educated individuals.

The original GI bill created major social change. Some have credited it with creating the middle class. And when the sons and daughters of the "greatest generation," the baby boomers, came of age, the legacy of a college education was passed on to them.

Today, we are set to approve a measure that will shape today's military, the future of the military, and the future of our Nation for many years to come. Today's new veterans will know that we honor the contributions they have made in service to this Nation. We understand the sacrifices they made, the hardships they endured, and the toll that has taken on their lives and the lives of their families.

This new GI bill will be a tool that the military can use to attract our best and brightest college-bound high school seniors to voluntary military service. Down the road these new veterans will turn to their children and grandchildren and tell them that the way to advancement is through the successful completion of an honorable period of service to their country.

I am genuinely delighted to have played a role, however small, in the formulation of this legislation. I sought to work with Senator WEBB early in the development of this measure. When the time for action was at hand, he and I came together as a team and crafted the workable measure that is before the Senate today. I express my deep respect and gratitude to Senator WEBB for his untiring efforts and personal commitment to this issue.

As chairman of the Senate Veterans' Affairs Committee, I am excited to see that this new GI bill will have a smooth transition. I intend to work closely with Senator WEBB and others toward that end. We will begin later this week by ordering reported a group of technical amendments that will help ensure that the implementation of the new GI bill will be as effective as possible.

The committee, in its oversight capacity, will also be working closely with both the Departments of Defense and Veterans Affairs to identify and resolve issues before they become problems.

Today, with the final passage of this new GI bill, we say to our newest generation of citizen soldiers, we appreciate you. We recognize that the ability of our Armed Forces to attract and retain quality personnel in the future, and consequently our national security, depends on how we meet the needs of those serving us today. The new GI bill will do that for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX POLICY

Mr. GRASSLEY. Mr. President, I want to address the Senate on the issue of tax policy. Serving as a member of the Senate Finance Committee with jurisdiction over this, I watch tax policy pretty closely. We are almost half through the year 2008. Since January 1 of this year, several tax relief provisions have expired. I am talking about what we call tax extenders that have been on the books in the Tax Code for several years, in some cases decades, that sunset from time to time that must continue to be extended if you want the benefits of that tax policy.

In most cases, we think this tax policy is good policy because many times these policies have been on the books and expired, and we have extended them. So the term "tax extender" means keeping existing tax policy in place; however, it has sunset so Congress must act to keep it going.

The biggest one is called the AMT. Most people know it by the alternative minimum tax fix. That affects 25 million families. There are a number of other widely applicable tax relief provisions that fit into the term "tax extenders."

One provides millions of families with a deduction for college tuition, another provides deduction for our schoolteachers for out-of-pocket expenses that they might pay for that the school district does not pay for. One that is very important to innovation in American business is called the research and development tax credit, which has been part of the Tax Code since 1981.

All of these tax relief provisions expired not just today but 6 months ago.

This Congress has not passed legislation yet to deal with this problem. We have had two cloture votes in the Senate on taking care of this, but those votes have been on a bill that will not pass the Senate. And even if the House bill were to pass the Senate, the President would not sign it. So the issue is, do we want to get these things extended or not? If you are going to do it, you have to do it in a way that is going to get it through the House and Senate, as well as the President's signature.

What is holding up this bipartisan, time-sensitive tax relief? It is an obsession with the Democratic leadership, a version of pay-go or pay-as-you-go. I have spoken on this before, but the hangup is the Democratic Party's feeling and obsession over raising taxes to offset continuing current law tax relief policies.

I have offered a deficit-neutral path to these tax extenders, that being a restraint on new spending. But I have no takers from the other side. I haven't even received a response on the merits of my offer that I made to the other side. The action or lack of action thus far proves my point. The leadership of the other party—or maybe all Members of that party—is so obsessed with raising taxes that they are willing to hold hostage popular bipartisan tax relief measures.

Democratic spokespersons are threatening to kill these tax extenders unless they get tax increases they want so badly. It reminds me of a nursery story. I am referring to the story of the big bad wolf. I have a chart here so people don't forget who the big bad wolf is. You remember the story. The big bad wolf in that nursery story threatened the three little pigs. He said something like: I am going to huff and puff and blow your house down. The Democratic leadership is playing the role of big bad wolf right now.

Here is what my friend the distinguished House leader said:

> The extender bill is not going to pass unless it's paid for.

When asked if he would make a similar pledge regarding the $62 billion cost of preventing the alternative minimum tax from hitting 21 million more taxpayers, the distinguished leader of the other body demurred:

> The extender bill is not going to pass if it's not paid for.

I call this an obsession.

I might add, I have been pleased to work with the House majority leader in the past, particularly on the children's health insurance bill and other matters. But in the case of the tax extenders, I beg to differ with the distinguished leader of the other body. That is some very serious huffing and puffing. For those millions of families sending their kids to college, forget about your tuition tax deduction unless the Democrats get their offsetting tax increase. They have ignored the spending cut proposal I circulated over a week ago, so they are not holding tax extenders hostage to a pledge to pay for them. They are holding extenders hostage to their version of pay-as-you-go, which is guaranteed tax increases. More revenue, from their judgment, means more spending and yet bigger government.

Now I will show you the big bad wolf can sometimes be a Republican. I have another chart with a famous quote on it from a former majority leader of this body. Senator Frist said:

> If the Senate kills the trifecta bill, we will not return to it this year. That means we would have no permanent death-tax reform, no tax-policy extenders, and no minimum-wage increase. It's now or never. It's this week.

That is what was said approximately 18 months ago. At the time, Republicans were in the majority. It was also the last time folks in control of Congress were holding extenders hostage for an unrelated reason. In that case, the unrelated issue was death tax relief. Extenders were part of what was referred to then as the "trifecta." A third part of the trifecta was a minimum wage increase.

Here is what then-Senate majority leader Bill Frist said, kind of a repeat:

> If the Senate kills the trifecta bill, we will not return to it this year. That means we would have no death-tax reform, no tax-policy extenders, no minimum-wage increase.

He went on to say:

> It's now or never. It's this week.

What we have is huffing and puffing, a threat to blow the extender House down—the big bad wolf once again. So you can see my criticism is not partisan. I have shown a case where the Republican majority held tax extenders hostage.

As we know, soon the then-Republican leader, the then-majority leader, Dr. Frist, came to his senses. He finally brought forward a bill that addressed the tax extenders in the lameduck session of December 2006.

The bottom line is, the folks on our side recognized, although it took a long time, the merits of continuing tax policy that has been on the books for a long period of time, that a vast majority of the Congress knows is good policy and it ought to be extended. They recognized that the unsuccessful effort to leverage the popularity of these tax benefits did not mean the extenders had to die on the vine. This recognition occurred despite earlier threats I have already spoken to to kill the extenders.

It will be the same tale of the big bad wolf 2 years later. A partisan obsession with a tax-increase version of pay-go or pay-as-you-go will not, at the end of the day, trump bipartisan popular tax relief measures that millions of families are counting on and have been on the books for a long time. If I am wrong, the spokespeople for the Democratic Party should tell those millions of families and thousands of innovative businesses that their partisan agenda is more important than doing the people's business. I will continue to wait for a response. More importantly, the people should hear the answer.

I feel very strongly that these are tax matters we ought to address very soon. Certainty of tax policy and predictability in tax policy is very important for our economy to move forward. In this case, I am referring to the bipartisan tax relief this Congress passed in 2001 and 2003.

I wish to emphasize the word "bipartisan." The reason I wish to emphasize "bipartisan" is too often this policy of 2001 and 2003 that ought to be extended is referred to as "the Bush tax cuts," as my friends on the other side of the aisle would like our friends in the media to call them, and the friends in the media are catching on. But why not bipartisan tax relief? Because I remember when that suggestion first came from the White House. It was $1.7 trillion worth of tax cuts over 10 years. I immediately said we were not going to be able to do that because we had to do something in a bipartisan way. So it ended up, because of my decision, in conjunction with Senator BAUCUS, that it was not going to be more than $1.3 trillion. So I come to the floor with legitimacy to denigrate the label of "Bush tax cuts" and emphasize bipartisan tax cuts.

I have actually noticed that my Democratic colleagues like the reference "tax relief." They have used the reference on the campaign trail of their Presidential candidate. How ironic. My Democratic friends label the bipartisan tax relief the "Bush tax cuts," yet they call their own tax plan "tax relief," especially when this so-called Democratic tax relief is merely an extension of the 2001 reduction in tax rates for certain taxpayers, not all taxpayers. I am not surprised. After all, it is political season. But I feel a little bit disgruntled about it all. Sometimes I get mad about it. But I also am dismayed. I am disappointed that the poll-driven use of the term "Bush tax cuts" flows so easily off the tongues of people in the other party. The media folks can't get enough, so they continue to repeat the "Bush tax cuts" over and over and over. You can imagine how an author of a bipartisan tax relief measure would feel if it is referred to this way.

But do you know what really disappoints me? The fact that the spokespeople for the Democratic Party and their Presidential candidate are telling Americans who make less than $250,000 a year that their taxes will not go up if they vote Democratic in November. I think this is intellectually dishonest, and the folks in the media should call them on this and make it very clear that it is otherwise. Why do I say this? Because my friends on the other side will increase capital gains rates. They will also increase the tax rate on dividend income. I told this body and any friends in the media that Americans earning less than $250,000 a year have capital gains each year. They also claim dividend income. Here I will remind my colleagues and the media that over 24 million tax returns last year claimed dividend income. There is not that many taxpayers over $250,000 a year.

Also, over 9 million Americans claimed capital gains. We have another chart on capital gains. You would be correct if you guessed that not all of these Americans were making more than $250,000.

So how do you get away with saying we are just going to increase the taxes on people over $250,000 and let the capital gains rate go up, let the tax on dividends go up? You are hitting many Americans under $250,000. I will bet some of them were even low-income taxpayers because we established a policy just a few years ago that under a certain income and a very low income, we want low-income people to have a savings ethic, not only that, but the ability to actually save, people who today have a zero rate of taxation on capital gains—zero.

Speaking of zero, the junior Senator from Illinois has proposed to reduce the capital gains rate for startup companies from 7.5 percent, which is the current rate, to zero. I like his thinking on that policy because it is going to help small business, it is going to help entrepreneurship.

But the distinguished Senator will increase the capital rates in other areas by at least 33 percent. That strikes me as being counterproductive. That is rearranging the deck chairs. It is simply squeezing the balloon. And in a sense, I consider it hot air and certainly not change you can believe in. It is not change I believe in, and eventually the American voters are going to see through this.

Let me get back to the tax increase that Americans making less than $250,000 will see. I want to take a moment to talk about an interview conducted by Wolf Blitzer of CNN. On his program Sunday, June 15, Mr. Blitzer delved into the capital gains and dividend income tax issue. He asked his guest—the chairman of the Democratic Congressional Campaign Committee—whether Senator OBAMA's plan to tax dividends and capital gains would increase taxes for Americans of every background, not just rich people. I am glad Mr. Blitzer asked the question.

The most interesting point to this story is the response. The response was that Senator OBAMA will increase the capital gains rate. Let me repeat that. If the distinguished Senator from Illinois is elected President, he will raise rates on capital gains. Why? Apparently the junior Senator from Illinois thinks investment income is, quote, unquote, leisure income. He thinks that "leisure income" should not get the same breaks as income earned through labor.

I wish to submit for the RECORD an excerpt of the transcript from the June 15 show on CNN so folks in the media can see this. The excerpt is the full interview of the DCCC chairman. I have highlighted the portion of the interview I wish folks to pay attention to.

To quote the chairman:

> Obama has said that you shouldn't give a break to leisure over labor.

The DCCC chairman expounded upon this by saying:

> In other words, people who are making money simply by investing it, rather than through their work in the labor force, shouldn't be getting a break over the people who are going to work every day.

The DCCC chairman thinks "that makes sense."

So the Democratic leadership, and their Presidential candidate, believe the current tax policy favors leisure over labor, and they consider that all investment income is leisure income. So what they are saying is anyone who saves and anyone who invests is a person of leisure.

Maybe my friends on the other side of the aisle have been reading the writings of Thorstein Veblen. Professor Veblen, as shown in this picture, authored "The Theory of the Leisure Class." "The Theory of the Leisure Class" took a satiric approach to American society and economics. "The Theory of the Leisure Class" characterizes this "leisure class" as individuals who only benefited society in a minor or peripheral way because they did not engage in labor-intensive jobs. Instead, the "leisure class" often prevailed over "labor income" classes by making profits without producing goods and services.

Professor Veblen also argued that certain labor income individuals began to mimic or emulate the "leisure class" to do nothing more than achieve a so-called higher status.

So is the distinguished DCCC chairman, or his Presidential candidate, suggesting that all people who invest money are part of a leisure class, a leisure class that is making money rather than producing goods and services? And as a result, somehow, they should not get any breaks over those who are laboring for their money?

Do they want to discourage those who labor and produce goods and services from saving and investing? Do they want to discourage laborers from mimicking or emulating those profiting off of investments? They seem to think that all folks who invest are higher income people.

As an aside, if the DCCC chairman were correct, we would not have at least 5 million Americans using the low-income saver's credit, adopted in a bipartisan way here in this Congress. I have a chart in the Chamber. It shows the number of low-income taxpayers on a State-by-State basis claiming the saver's credit.

This is data from 2003.

In Iowa, for instance, there were almost 96,000 low-income families and individuals using the saver's credit.

Chairman BAUCUS and I designed this policy in the 2001 bipartisan tax relief legislation. Now it is permanent law. About 5.5 million low-income savers—

and these are not people of leisure—use the credit. I would tell the DCCC chairman and the junior Senator from Illinois that these low-income savers are not figments of somebody's imagination. They are real people. I do not think they consider themselves members of the "leisure class."

I encourage everyone to study this transcript. You will see that the distinguished Senator from Illinois, according to his surrogates, wants to tax investments because he believes that making investment income is leisure. He believes that hard-working Americans should not get a break on this type of income. He believes that taxpayers do not work hard enough to earn money they can invest and then, in turn, have investment income, and that those who do work hard should not be given an incentive to invest.

I wish my friends on the other side to know that investments begin with taxpayers' hard-earned income. So in order to invest it, they first have to work hard to even earn it.

Also, I would like my friends on the other side, who agree with the DCCC chairman, to ask any taxpayer who saves, any taxpayer who invests their money, whether they think investment is easy. Investment is hard work. You have to educate yourself. You have to make prudent decisions. Ask them if investing their own money is leisure. The other side thinks it is kind of like sitting out there on the beach in the Sun all the time, not having a worry in the world.

It is almost like the other side is reviving the "two Americas" that the former Democratic Presidential candidate—former Senator John Edwards—was all about. But here, my friends on the other side are saying that higher income people—or folks in the "leisure class," according to Professor Veblen—are the only taxpayers who invest. They contend that these folks are bad, that this "leisure class" should no longer have incentives to invest.

At the same time, my friends are taking away incentives for hard-working Americans to save and invest. The implication is if you save and invest, you are bad, and if you do not save and invest, you are good.

But that is going too far. It is off the reservation. Separating workers who save and invest from workers who do not save and invest is new territory for the other party and should not go unchecked.

The junior Senator from Illinois eloquently states that we need to move past division and that we as Americans need to come together. Who is going to disagree with that? My friend talks about his disdain for old-style politics and emphasizes change. But it is interesting to hear the surrogates of Senator OBAMA reaching back to the class warfare discussions that took place in the last century.

This is not change you can believe in.

Middle- and low-income investors should be appalled—appalled because their Government believes their pursuit of the American dream is all leisure and that the Government wants to increase their taxes, yes, on Americans who make less than $250,000.

So following the question of Mr. Blitzer, I wish to ask my friends on the other side of the aisle—or whoever wants to speak for them—whether Americans making less than $250,000 will see a tax increase under a new Democratic administration. Because if you take their words for what they are now, you are going to see a lot of big tax increases for people making less than $250,000 a year.

I wish to know whether they agree with Senator OBAMA and the Democratic leadership and believe that investment income is leisure.

My Democratic friends may respond that the junior Senator from Illinois wants to give middle-income folks a tax cut. But this middle-class tax cut is fiction for those middle-income taxpayers who save and who have investment. I challenge my media friends to tell Americans what is going on here.

Mr. President, I ask unanimous consent that the excerpt from the transcript of "CNN Late Edition" of June 15, 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT OF CNN LATE EDITION—JUNE 15, 2008

BLITZER: Welcome back to LATE EDITION. I'm Wolf Blitzer in Washington. The Democrats are hoping not only to win the White House this fall, but also to increase their majorities in the Senate and the House of Representatives. We're joined now by the man in charge of that effort in the House, the Democratic Congressional Campaign Committee Chairman Chris Van Hollen. He is a Democratic congressman from Maryland. Congressman, thanks very much for coming in.

VAN HOLLEN: It's good to be with you.

BLITZER: You happen to be my congressman as well since I live in your district. But that's not going to make this any easier for you.

VAN HOLLEN: Come on, Wolf.

BLITZER: No favorites. All right. Let's talk a little bit about what we just heard from John Boehner. Why not start drilling? There are enormous amounts of oil right here in the United States on the coast, on the East Coast, the West Coast and Alaska. That could dramatically increase supply and as a result reduce the price per barrel and the price at the pump. What is wrong with that?

VAN HOLLEN: Well, we are drilling. There is nothing wrong with drilling. We have lots of oil companies in the United States that are drilling.

BLITZER: Nancy Pelosi votes against everyone of these drilling propositions.

VAN HOLLEN: And in fact, there are 60 million acres of federal land that are currently leased to the oil and gas companies that are sitting idle. They're not drilling. They like the status quo. They like the way things are going. We're going to have legislation that is going to be considered shortly that is use it or lose it. If you are going to hold up these 68 million of federal lands, you've got to start drilling for oil or else somebody else should have an opportunity to do it.

VAN HOLLEN: Because the fact of the matter is they've been idle for all these many years. So the point is there's lots of acreage out there already under lease . . .

(CROSSTALK)

BLITZER: Here is Congressman Roy Blunt, the number two Republican in the House, speaking out on this issue this week.

(BEGIN VIDEO CLIP)

REP. ROY BLUNT, R-MO: Who's to blame are policies that wouldn't allow us to use our own resources. Every other country in the world looks at their natural resources and sees them as an economic asset. Democrats in Washington look at our natural resources and see them as an environmental hazard. That's a mistake.

(END VIDEO CLIP)

BLITZER: All right. What do you say?

VAN HOLLEN: Facts are stubborn things. Sixty-eight million acres of federal lands, currently leased to the oil and gas industry, sitting idle. We're going to say to them, "Use it or lose it. Get pumping."

The issue isn't whether or not we should use our natural resources. The issue is exactly where. And what you're saying is, when you've got 68 million acres of federal lands already leased, you should use that before you start looking elsewhere.

BLITZER: They say they can drill in Alaska in an environmental safe way. You just heard Congressman Boehner say that.

VAN HOLLEN: As John McCain said, there are already areas where they can drill. We shouldn't be drilling there.

And let me point out that the Department of Energy, our own department of Energy, has said, if you drill in Alaska, first of all, you won't see any results at the pump for 10 years. And after 20 years, you might see a reduction of two cents per gallon.

This is not a way to solve our energy problem. The problem is the oil—the Republican Party has been very tight with the oil and gas industry for many years. And all they're proposing is more of the same, more subsidies for the oil and gas industry. I think it's important to point out that, since George Bush was elected president, the oil and gas industry has contributed over $94 million to the Republican Party and its candidates. So I'm not surprised . . .

BLITZER: How much have they contributed to the Republicans?

VAN HOLLEN: A whole lot less. I mean, we're talking about, maybe, 80 percent to Republicans, 20 percent to Democratic candidates, generally.

The DCCC—we don't take money from oil and gas PACs. And I think what you see, in the results, is the policy.

They're calling for more of the same. We should not be giving more subsidies to the oil and gas industry. Our proposal is to say, let's take those funds and invest them in renewable energy and energy efficiency.

BLITZER: The DCCC is the Democratic Congressional Campaign Committee, which you're in charge of. You're the chairman and your job is to get more Democrats elected to the House of Representatives.

You say that you don't accept money from the oil and gas PACs. But you do accept money from lobbyists and other PACs, even though Barack Obama doesn't accept that money for his campaign. And he's now told the DNC not to accept that kind of money.

VAN HOLLEN: Well, we did something very new this time around. In fact, I led the effort in the House; Barack Obama led the effort in the Senate, to require transparency, for the first time, of bundling by lobbyists.

That means that, when registered lobbyists are raising money, not just their own contribution but they're going out and raising it from other people, that we're now going to disclose that.

So what we believe is you should have total transparency. People can make up their mind. But when we tried to do that under the Republican-controlled Congress, when we tried to get that transparency, they said no. So we've seen a dramatic change already.

BLITZER: But just to clear, unlike the DNC or the Obama campaign, you'll still take that PAC money, that lobbying money?

VAN HOLLEN: The DCCC is a multicandidate committee, unlike the presidential campaign committee where one person gets to make a decision.

BLITZER: Listen to John McCain rail against Senator Obama on the issue of taxes. Because he says that, if Obama is elected president, taxes won't only go up for the wealthy, but they'll go up for the middle class as well. Listen to this.

(BEGIN VIDEO CLIP) MCCAIN: When Senator Obama talks about raising income tax rates on those making over $250,000, that includes these businesses as well. He also proposes increases in dividends and capital gains taxes. Under Senator Obama's tax plan, Americans of every background would see their taxes rise.

(END VIDEO CLIP)

BLITZER: That's going to scare a lot of voters out there.

VAN HOLLEN: But it's flat-out untrue. And people need to go and look at what Barack Obama is proposing. What he has proposed is a middle-class tax cut. People in the middle income category will get a tax cut. If you're over $250,000 a year, you may see your Bush tax breaks rolled back some.

So this is an issue where people have got to look at the facts. Because the Democrats have been pushing for AMT reform. We want to get rid of the alternative minimum tax. We want middle-class tax relief.

The Republicans, on the other hand, have focused on providing tax breaks to people at the very, very top.

(CROSSTALK)

BLITZER: A lot of middle-class families have investments where they get capital gains, where they get, you know, dividends. And he says, under Obama's proposals, they would be paying more tax.

VAN HOLLEN: Well, what Obama has said is that you shouldn't give a break to leisure over labor.

In other words, people who are making money simply by investing it, rather than through their work in the labor force, shouldn't be getting a break over the people who are going to work every day. That's essentially his position. And I think that makes sense to most people, that if you're working every day, you shouldn't carry a larger burden than other . . .

(CROSSTALK)

BLITZER: So you have no problem seeing the capital gains tax rate go up?

Because Obama has clearly suggested, if he had his way, it would go up.

VAN HOLLEN: Well, we're going to be looking at Senator Obama's proposal. We haven't adopted any particular position on that issue, in the House, as Democrats. But I just want to be clear that that's what he said.

I think what you're seeing here, Wolf, is a feeling in the country—we saw it in these polls—that the Republican leadership in Washington is in a bubble. They're very much out of touch with the economic pain Americans are feeling.

John McCain said, not long ago, that we have seen great progress under the Bush administration. And if you like George Bush's economic policies, you're going to love John McCain's economic policies.

What we've seen is unemployment has gone up. In fact, last month, we saw the largest Increase . . .

(CROSSTALK)

VAN HOLLEN: But we proposed unemployment insurance compensation. John Boehner and the Republicans opposed that. When people are struggling with their mortgages, they were there to bail out Bear Stearns, but the fact of the matter is they voted against a housing stabilization plan.

So I think people see this disconnect between the Democrats, who are trying to connect with middle-class families, and Republicans, who are always looking out for the very folks at the top and the oil and gas industry.

BLITZER: Congressman Van Hollen, thanks for coming in.

VAN HOLLEN: Thanks for having me.

BLITZER: Happy Fathers Day.

VAN HOLLEN: Thank you.

BLITZER: I appreciate it very much.

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

CFTC

Ms. CANTWELL. Mr. President, I rise for a few minutes this evening to talk about a couple events from today. First of all, the price of oil today hit over $140 a barrel—another, I think, tragic milestone as it relates to the impact on our economy and the challenges we face as oil prices continue to go higher and higher and higher.

I also note for my colleagues that the House took very aggressive action today in basically ordering the Commodity Futures Trading Commission, on an overwhelming 402–19 vote, to take action to utilize its authority, including its emergency powers, which is critical for the CFTC to do if it wants to have proper oversight of these oil futures markets.

Now, I know this is something we have been pushing here in the Senate, saying there are loopholes we still need to close. Many of my colleagues joined in a letter last month—22 of us—to the CFTC telling them to use their authority and to act aggressively. They came back with a half step saying they were going to start collecting new information from the British regulators that oversee some of our oil markets in the U.S.

We told the CFTC that was not good enough. We told them to use their existing authority to start collecting information directly from the IntercontinentalExchange Futures Europe, a dark market that is subject to British oversight but operates in the United States under a CFTC staff no-action policy.

I think those pleas by us have basically gone ignored or at least half steps have been taken by the CFTC. So I was very pleased today that H.R. 6377 passed the House of Representatives 402 to 19. So there has been an outstanding margin of bipartisan support in the House of Representatives to pass a bill that requires the CFTC to use its existing authority, including emergency authority. This bill does not say the CFTC "may" utilize its authorities; it says they "shall." So it is very direct. It says those broad emergency authorities that include investigating excessive speculation, reducing position limits—basically overall stricter position limits—and including limiting or suspending trading. These are things the CFTC has the power to do in its emergency authorities to make sure excessive speculation and manipulation are not occurring in the markets.

So I want to say I think this is a very bold step the House of Representatives has done. They did this very quickly today, and in a very aggressive, bipartisan fashion.

I hope the Senate would take the same aggressive measure as soon as possible, and in the same overwhelming majority, to show we are serious about reining in excessive speculation and potential manipulation in the oil markets.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

MEDICARE IMPROVEMENTS

Mr. BAUCUS. Mr. President, on Tuesday, the House passed the Medicare Improvements for Patients and Providers Act, and I urge the Senate to take up and pass this bill tonight.

The House passed the bill with an overwhelming vote, 355 to 59. That is a 6-to-1 ratio. Even among Republican Members of the House, more than twice as many Republicans voted for the bill as against it.

The Senate should take up and pass this Medicare bill not just because the House passed it with 355 votes, but, rather, because it is the right thing to do. The Senate should pass this Medicare bill because time is running out. I understand the House is going to adjourn today. I think they have cast their last vote. If we don't act soon, the law cuts payments to doctors by 10 percent on July 1. We have to stop that cut. That cut threatens access to care for America's seniors. Already, some providers are declining Medicare patients. That trend will accelerate—believe me, I have talked to a lot of doctors—that trend will accelerate if we don't act. We must pass this bill tonight. The Senate should pass this

Medicare bill because it is the only way to avoid the cut. There is no other option. There is no alternative. There is no short-term solution. This is the only train in the station. This is it.

The House-passed bill is very similar to S. 3101. That is the Baucus-Snowe bill the Senate considered 2 weeks ago, but the House made three noteworthy changes to that bill.

First, the House-passed bill includes legislation to delay the Competitive Acquisition Program for durable medical equipment. Congressmen PETE STARK and DAVID CAMP introduced legislation to do that in the House, and Senator GRASSLEY and I, along with 24 other Senators, introduced that legislation here in the Senate.

I support competitive bidding as a way to decrease costs, but Congress needs to ensure that these savings are not achieved at the expense of beneficiary access to the care they need in their own communities. We need to take a closer look at competitive bidding before it moves forward. The passage of this Medicare bill will allow that.

The House-passed bill also does not include cuts in funding for oxygen supplies and equipment, and it does not include cuts in funding for power wheelchairs. Those who support these reforms make a good case, but ultimately the cuts could not be included as part of this must-pass legislation.

This bill is a balanced package. It is a true compromise. It does not go nearly as far as many House Democrats wanted it to go, and it goes about as far as some of my Republican colleagues in the Senate can go.

When the House passed its children's health bill last year, the House made major changes to the Medicare Advantage Program. Last year's House CHIP bill would have significantly restricted the program, but this House Medicare bill does not do that.

This bill includes a reduction in the double payment for medical education costs to private plans in Medicare, and this bill would protect seniors from unscrupulous marketing practices by private health plans. That has to be corrected and it is in this bill. Both of those changes were also included in a bill crafted by Senate Republicans. I think they are wise, and they are wise to follow up with a similar vote later on tonight.

This bill would do more. It would also require the so-called private fee-for-service plans to form provider networks. All other plans must, all other Medicare Advantage plans must, and so should private fee-for-service plans. It would also make sure there are doctors behind those plans. It is not the case in current law, but that change is made in this bill. This bill does not—I must say—does not include deep cuts to Medicare Advantage payments. It also does not cut private fee-for-service plan payments at all. It just has this provision which I think is a major reform.

I would go further on Medicare Advantage, but I must say to my colleagues that this is not the time and this is not the legislation to do that. This is the time to avert the pending cut in payments to doctors. That payment cut would devastate access to care for America's seniors. We cannot let that happen. We cannot let those cuts go through, which would devastate care for America's seniors.

So what else will this bill do? For Medicare beneficiaries, this Medicare bill would expand access for preventive services. We have all talked about that, and this bill does it. It would eliminate the discriminatory copayment requirements for seniors with mental illnesses. We have talked about that. We should not have discriminatory copayment requirements for seniors with mental illness. And it provides additional needed care for low-income seniors.

The Medicare bill would take important steps to shore up our health care system in rural areas. It includes provisions from the Craig Thomas Rural Hospital and Provider Equity Act. We included that in this bill.

The bill includes important relief for ambulance providers, community health centers, and primary care physicians. They need some additional help. Primary care doctors represent the backbone of our health care system. This legislation, the House-passed bill and the Senate bill, does make those provisions.

This Medicare bill would make important improvements in pharmacy payments. It would make payments under the Part D drug benefit fairer and more timely, especially to those who dispense drugs to our Nation's senior citizens.

This bill would save valuable Medicare dollars by providing a single bundled payment for all the services related to treating end-stage renal disease. That is a reform. And for the first time, dialysis facilities would receive a permanent, market-based update to their payments each year, something they have been asking for and deserve. This would make sure Medicare payments keep up with their costs.

I wrote the legislation on which this Medicare bill was based to make sure the seniors in my home State of Montana and everywhere in our country can get quality, affordable health care. This Medicare bill would do right by low-income and rural seniors.

This bill would expand emergency health care for veterans in rural areas. We all talk about helping our veterans who are coming home. This helps do that, particularly in rural areas where the networks are not there. It needed special attention. It is there in the urban areas on the margin but even less in rural areas. It would increase payments for doctors who work in rural areas. It would stop payment cuts to providers, and it would give them a decent increase in reimbursement. All of this would ensure that seniors will be able to keep seeing the doctors they need to see.

I have worked for months to write a strong Medicare bill that could pass both Chambers with wide support. Tuesday's overwhelming House vote makes clear that this bill can be that bipartisan vehicle. In a sense, it is being taken up just in time, just before July 1. The House will not take up another vehicle. This is it. The House has gone home for its Fourth of July recess. There is not time left to craft a viable alternative. Even if there were, the House cannot pass it in time. The clock is ticking. This Medicare bill can be a slam dunk at the buzzer for 44 million American seniors who depend on Medicare. Let's do what is right. Let's ensure that seniors have access to doctors. Let's avert the impending payment cut to doctors, and let's pass this bipartisan Medicare bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I have been talking to the physicians in my State who take Medicare patients, and frankly, this is a terrible way for Congress to do business. We see a 6-month patch on the physician reimbursement formula that will expire July 1, and unfortunately we are looking at what amounts to a partisan proposal here that we are basically being told to take or leave.

As all of our colleagues know, the ranking member on the Finance Committee, Senator GRASSLEY, got together with Senator BAUCUS after cloture was denied previously and pretty well had things worked out in a bipartisan way until the House passed their version, and then, of course, those negotiations broke down, leading us to this cloture vote we are going to have here in just a few minutes. But I have to say that in 1996 when Congress passed the Balanced Budget Act and contemplated these Draconian cuts in the physician reimbursement payments, Congress should have known and should have told the truth that it never intended that any of those cuts would ever take place—and for good reason they should never take place, because even under the current Medicare reimbursement rates, doctors—for example, in Travis County where Austin, TX, is located, only about 18 percent of the physicians in that county will actually take new Medicare patients because the reimbursement rates are already so low.

Then we have this unbelievably bad way of doing business. I don't know anybody else who could get away with—other than the Congress—passing temporary patches on the reimbursements that are paid to physicians. They last for a year, they last for 6 months, such as this last one that leads us up to the edge of a cliff here on July 1, and then we are told by the distinguished chairman of the Finance Committee that we have to take it or leave it or the cuts will occur. Well, frankly, no one believes the cuts will actually occur because Congress will act.

I suggest that rather than this terrible way of doing business that nobody else could ever get by with and rather than frightening the Medicare beneficiaries who need access to the doctors who are paid using this Medicare reimbursement formula, we ought to scrap the entire method of reimbursing doctors for Medicare and start over again, recognizing that we are not going to allow these Draconian cuts to occur, this 10-percent-plus cut that goes into effect July 1 and the 20-percent-plus cut that will occur 18 months from now. I think we ought to acknowledge that we are not going to let those cuts go into effect and scrap the sustainable growth rate formula by which those Medicare reimbursements are calculated because it is just not honest. It is not honest. It is scaring not only the Medicare beneficiaries, it is impairing access to health care for those to whom we promised the Medicare Program would actually work.

So I don't know what is going to happen on this vote on cloture. I suspect cloture may not be invoked. My hope is that there would be a bipartisan way to find our way forward. I believe it already exists in the form of a negotiation that Senator GRASSLEY and Senator BAUCUS have undertaken here in the Senate and that we shouldn't use this kind of brinkmanship to scare not only the Medicare beneficiaries—the seniors who depend on this health care—but also the physicians who are reimbursed under this formula.

GASOLINE PRICES

Mr. CORNYN. I wish to talk just a minute about gasoline prices. I don't know of any subject I hear more about and more concern about from my constituents in Texas than high gasoline prices, whether it is parents driving their children to school or their afterschool activities or truckers who have to buy diesel, which is breaking the bank and which they are finding it harder and harder to pay for, or whether it is the airlines—Continental Airlines and American Airlines and Southwest Airlines, all three of which are located in the State of Texas. The price of aviation fuel made from petroleum products is making it almost impossible for them to do business under their current model, and prices are going up. It is becoming harder and harder for consumers to deal with.

There is a way Congress could act to help bring down prices at the pump on a temporary basis, and it involves exploring for and producing more American energy. That is important from a number of perspectives.

First of all, it is important from a national security perspective because right now we depend on 60 percent of our energy needs, our oil and gas needs, from foreign sources. What would happen if something were to occur that were to blockade the tankers that would prevent that oil from being transported? Well, it would mean in Iraq and Afghanistan that the Department of Defense vehicles owned by the Army, Marines, and others wouldn't have the petroleum products they need in order to function. It would exact a crippling blow against our economy. So why in the world would we continue to allow 60 percent of our dependency for oil to come from foreign sources when we have here in America enough oil under our own Outer Continental Shelf, in the oil shale in the West, and in the Arctic that could produce as much as 3 million additional barrels of oil a day? That is more than 10 percent of our current use here in the United States. As a matter of fact, it is a substantial amount—more than 10 percent, closer to 12 percent of what we use right here in the United States.

We know the money we are paying—$135 a barrel—is enriching people such as Hugo Chavez of Venezuela, and he is using that money to buy weapons from Russia and to arm himself as he continues to take in and protect the FARC, a narcoterrorist organization, to the detriment of our friends in Colombia and stability in South America.

But it is absolutely crazy for this Congress to have in place, as it does—and it has since 1981 or 1982—a moratorium or ban on developing more of our own natural resources and becoming more self-reliant rather than more dependent on foreign sources of oil. It is up to Congress to get out of the way and to allow America to become more energy self-sufficient. We can do it, and only Congress can get that done. It is completely inexcusable when gasoline is at $4 a gallon on average to do that, to be the impediment, to be the blockade, to be the cause of so much pain at the pump and so much sacrifice and hardship among hard-working American families.

We understand it is more than just a matter of producing oil, but that is a first and necessary step because we know when it comes to transportation fuel, we depend upon petroleum products right now to get that job done.

But we also know we need to be more fuel efficient and we need to conserve. Indeed, that is one area where Congress has acted by passing corporate fuel efficiency standards for our cars. But we know that is a long-term effort because the average age of a car in America—of the 250 million cars in America—is about 9 years. So let's assume that, in 2010, everybody started buying a new car. It would take a long time, an average of 9 years, before that entire fleet of cars would be replaced with these new more fuel-efficient cars. So that is a long-term solution but a necessary and important one for us to take.

We also need to make sure we use good old-fashioned American ingenuity and technology to help us as we transition from this petroleum dependence we have now. It is not going to happen overnight. But for our friends who say that if we started pumping oil out of ANWR or the Outer Continental Shelf or from the oil shale in the West today, it would be years before that oil would get online. Unfortunately, that is where we put ourselves, as a result of the irrational moratoria on the development of American natural resources. It is going to take some time to transition into greater energy independence.

But for those of us who are concerned about the environment, we know we are going to have to continue to look for cleaner ways to drive and to fly and in terms of our energy needs. That is why it is so important that we use good old-fashioned American ingenuity and technology to help us find a way—development of things such as plug-in hybrid cars that can be plugged in and would charge a battery that could drive 40 miles or so before it would need to be recharged. That would help a lot of people who would only need such a vehicle, with a plug-in, to avoid petroleum products altogether. Then we would need to worry about the electricity, which is another story altogether.

There are some who have said that abusive speculation in the commodities futures markets is the cause of the problem. That is something we need to look at very closely. As a matter of fact, today, a number of us—43 Senators—have introduced legislation that we believe will create greater transparency and will finance more "cops on the beat," so to speak, when it comes to the commodity futures market, to make sure that doesn't contribute to the reason for prices going through the roof.

So we need to produce more energy right here at home so we don't have to depend so much on those who wish us harm or those who would use the money from oil to buy weapons to kill us or our troops in Iraq or Afghanistan or elsewhere—or in the case of Iran, which we know is supplying troops and training to special forces in Iraq and Afghanistan and has threatened and, in some cases, is responsible for killing troops. We find ourselves dependent, in part, on countries such as Iran for the very oil we use to refine into gasoline to drive our cars. Does that make sense to anybody? It doesn't make any sense to me.

I think what we need to do is produce more and use less oil as we transition into a cleaner, more independent energy economy. It would be better for our national security, better for our economy, and it will actually help us control prices so hard-working American families will not be spending all the money they may have, which they would like to spend on other things, or which they need to spend on other things but cannot because of the increases in the high price of gasoline and oil, and they have to spend on those.

In conclusion—and I see the Senator from Utah, my friend, Mr. HATCH, who wishes to speak—if we will not do this when gasoline is $4 a gallon, will we do this when gasoline is $5 a gallon? If we will not do it when oil is $135 a barrel, will we do it when oil is $150 a barrel, or even higher?

The solution is not to sue OPEC to get them to open the spigot even wider to increase our dependency on foreign oil. The solution is not to raise taxes, which we know will reduce American production, while allowing foreign oil sources, such as Saudi Arabia, Venezuela, and Iran, to continue to operate without those taxes. The solution is not to increase taxes and costs on the consumer, who is already paying too much. We have it within our power to do something that will actually help the American people when it comes to the thing that most of them care a lot about today and that is the high price of gasoline.

Congress is the problem. It is high time our friends on the other side of the aisle, who control the agenda because they are in the majority, work with us to bring realistic solutions to this problem. We can do it but not if people play partisan games and refuse to cooperate on something that causes a lot of hardship to the average American family.

The PRESIDING OFFICER. The Senator from Utah is recognized.

TAX EXTENDERS

Mr. HATCH. Mr. President, I rise to discuss a very important issue. First, I compliment the Senator from Texas. I agree with virtually everything he said. There are so many things we need to do around here, and we are not doing them.

I will discuss an issue that each day becomes more troubling to me and also to many businesses and individuals in my home State of Utah—and I am sure yours as well—the fact that this Congress has not yet acted to extend the tax provisions that expired at the end of last year and those that are set to expire at the end of 2008. This failure to act is rapidly reaching a state of crisis in some industries, and our continuing inability to take care of this basic problem only reinforces the public's low opinion of this institution.

I believe that every member of this Senate recognizes the importance of the expired and expiring tax provisions. While there may be some items on the growing list of extenders that do not enjoy universal support, there are clearly plenty of votes to easily provide a majority or even a super-majority to pass them all, if it were not for the divisive question of offsetting the revenue loss.

The list includes some important items for individuals and businesses in every State. For families, there is the election to deduct State and local sales taxes, the deduction for higher education expenses, and the deduction for the out-of-pocket expenses of school teachers.

For businesses, expired or expiring provisions include those allowing faster depreciation write-offs for retail stores, restaurants, and other investment properties, a variety of important incentives that address our energy crisis, and the vital research credit, which I have championed here for many years.

The expiration of the energy provisions and the research credit are particularly troubling, for they signal the loss of economic growth and jobs at the worst possible time. As with many of my colleagues and their constituents, I have Utahns telling me that important research and energy-related projects are going to be cancelled if these provisions are not quickly extended.

Well, here we have a group of tax provisions that enjoys wide bipartisan support, and an economy that really needs to have access to these provisions at a time of slowdown and job loss. Many of my constituents do not get it. They are asking, why can't Congress just get it done? What is the problem?

The problem is, as we all recognize, that my colleagues on the other side insist on attaching to the bill tax-raising measures in order to offset the revenue loss of the expiring provisions. And most Senators on my side of the aisle believe that tax increases are unnecessary and, in fact, ill-advised and harmful to our economy, both today and in the future. Unfortunately, we appear to have reached an impasse on this point.

Contrary to what some proponents of offsets are saying about Republican motives in this matter, our stance is not about trying to protect a few wealthy hedge fund managers who are parking billions of dollars offshore in deferred compensation. Rather, we believe that this debate is about America's future prosperity.

Democrats are saying that in order to be fiscally responsible, taxes need to go up to pay for the loss in revenue from keeping these tax provisions in place. Their so-called "pay-as-you-go" or "pay-go," rules call for all revenue losses to be matched with revenue increases, or spending decreases, from somewhere else. Forget spending decreases; it just means tax increases.

In theory, this sounds pretty good, and quite responsible. I am a strong believer in being fiscally responsible, and I am as loathe to pass on our huge national debt to our children as anyone in the history of the Congress.

The problem is that to most Democrats, the word PAYGO is nothing more than a synonym for more taxes. We seldom, if ever, see the idea of reducing spending brought up by the other side as a way of offsetting the loss of revenue from extending these important tax provisions.

In fact, there is a major flaw in the Democrats' pay-go requirement that you never hear them mention. Pay-go applies only to the revenue loss from extending the tax cuts, but not to the revenue loss from extending spending programs that expire. You might never know it from listening to the debate around here, but it is not just tax provisions that expire. Extending both tax benefits and spending programs costs Federal revenue. Why should not both be offset?

However, the budget rules assume that the expiring spending provisions are automatically renewed as a matter of course, with absolutely no requirement that the lost revenue be offset. This mismatch in budget policy produces a huge bias toward bigger Government and more taxes—something my colleagues on the other side just love.

Some may well ask, why shouldn't we pay for the lost revenue from extending the expired and expiring tax provisions?

My answer to Utahns who ask me this question comes in three parts:

First, it is wrong to raise taxes on one group of taxpayers in order to prevent another group of taxpayers from suffering an increase in taxes. Democrats and Republicans alike have resoundingly agreed with this principle in connection with the alternative minimum tax. Both parties in both Houses last year overwhelmingly passed the so-called "AMT patch" without offsets, and it is widely expected that we will do the same thing again this year.

Second, it is wrong to offset temporary extensions of current law with permanent tax increases. The fact that this has been done year after year does not make this practice a sound one. In fact, using permanent tax increases to offset temporary extensions simply means that, in the long run, the extenders have been paid for again and again.

Finally, why should we increase taxes when we are already collecting more taxes as a percentage of gross domestic product than the historical average? Despite the large tax cuts passed by Congress and signed by the

President in the early part of this decade, the amount of tax collected as compared to the size of the economy just keeps increasing; yet, the majority insists on expanding the Government's pocketbook even further. At a time when gas prices have increased by 10 cents over the past two weeks to a national average of $4.07 and home foreclosures are on the rise, I believe we need to put money back in the taxpayer's pockets, not take more out.

According to the other side, the pay-go rules require us to provide tax increases in order to keep the deficit from increasing. Time and again, however, the Democrats themselves admit that the pay-go rules are not practical. We all know that.

For example, it was not deemed necessary to offset the revenue loss of the economic stimulus package we passed early this year. We did not offset the package of tax benefits for military personnel that was recently enacted. And there has been a long internal debate on the other side about whether unemployment benefits need to be offset. It appears to me that the Democratic pay-go requirement is more a slogan of convenience than a bedrock principle.

Many in the business community are frustrated by our lack of action in extending the expired tax provisions. I understand and share this frustration with them. I have fought for years to improve, extend, and expand many of these provisions, such as the research credit.

However, I believe those in the business community who are encouraging us to simply go along with the flawed bill the House of Representatives has sent us are being very shortsighted. Many in the business lobbies have looked at the offsets in that bill and have said that since they do not affect them very much, that we should go ahead and approve them.

If we go along with these offsets to extend the expired provisions until the end of this year, what are we going to use to pay for next year's extension? Sure, the business community might be fine with these offsets now, but how long until we get to the offsets that really hit them hard? All of us, including the business community, need to take a longer view of this and examine the principles involved.

We cannot drive our economy into the ground in the name of false fiscal responsibility. Tax increases are not the prescription to what ails our economy, particularly during this downturn and especially when revenue is already higher than the historical average. Yes, we should pass the extenders, but let us not sacrifice jobs on the altar of a flawed pay-go requirement in the process.

The cost of living for Americans is becoming unbearable. In my home State of Utah, the average price of gas is $4.07, construction of new homes has ceased, and unemployment is on the rise. We should be spending less and lowering taxes, not holding back tax incentives that are vital to economic growth and job creation while raising taxes.

If my colleagues on the other side want to be fiscally responsible, then I am all for it. Let us work together to identify enough spending cuts to offset the cost of extenders. But if we cannot do that, let us not hold these important tax provisions hostage to a false sense of fiscal responsibility.

I notice the distinguished majority whip is here, so I will try to finish as quickly as I can.

MEDICARE IMPROVEMENTS

Mr. HATCH. I wish to say a few words about why I oppose the cloture motion on the motion to proceed on H.R. 6331, the Medicare Improvements for Patients and Providers Act. As I said last week when we were considering the cloture motion on the Baucus Medicare bill, my goal is to have bipartisan legislation signed into law by the President on July 1. Let me be clear, I wish to continue to work with my colleagues on the other side of the aisle in order to get this done. We were so close to an agreement in the Senate earlier in the week, but after the House voted on Tuesday, those discussions basically stopped, although we can put this together in 10 minutes if we work in a bipartisan way.

To be honest, the House Medicare bill, H.R. 6331, contains many provisions that both sides strongly support. These provisions include restoring Medicare reimbursement rates for physicians so their Medicare payments are not reduced by 10.6 percent on July 1.

Let me be clear, no one wants to cut Medicare reimbursements for doctors. We want Medicare beneficiaries to continue to have access to high-quality health care and the ability to see their own doctors.

There is not just one Medicare bill. The Baucus Medicare bill; the Grassley Medicare bill, which I cosponsored; and H.R. 6331 all include provisions to restore physician payments. All three bills include provisions on e-prescribing. Mandatory e-prescribing will significantly reduce medical errors, thus protecting beneficiaries.

Another issue that has overwhelming support is the delay of the competitive bidding program. I was a member of the House-Senate conference committee on the Medicare Modernization Act of 2003. Even back then, Senator GRASSLEY and I expressed grave concerns about the inclusion of the Medicare competitive bidding program. I worried about the impact it would have on small durable medical equipment companies, particularly those in rural areas. I am still concerned because there are many unanswered questions about the bidding process and how the winning bids were selected. If we do not come to an agreement by July 1, this program will go into effect.

A related issue that is included in all three Medicare bills is the elimination of the clinical lab competitive bidding program. There was broad support to repeal the clinical lab competitive bidding program as well.

There are rural provisions included in all three bills that are very important to my home State of Utah, which has many rural areas.

These provisions improve payments for sole community hospitals, critical access hospitals, and increase ambulance reimbursement rates in both rural and urban areas.

All three bills include a policy to create a bundle payment system for end-stage renal disease, or ESRD, services provided to kidney dialysis patients. They also provide positive composite rate updates for 2 years until the bundled payment system is created.

All three bills include Medicare reimbursement for six kidney disease education sessions.

All versions of the Medicare legislation also include an expansion of telehealth services to skilled nursing facilities, hospital-based renal dialysis, and mental health centers.

So as one can see, we agree on most all the issues. Unfortunately, there is one issue where we do not agree, and it is standing in the way of getting this legislation signed into law.

H.R. 6331, the House Medicare bill, and the Baucus Medicare bill, include provisions that would reform the Medicare Advantage Program in a way that is unacceptable to both the White House and many of us who support the Medicare Advantage Program and I believe 90 percent of the people who do support that program.

In 2003, I sat through hours of negotiations with administration officials, House Members, and Senate colleagues for days, weeks, and months, including Finance Committee Chairman BAUCUS, to create the Medicare Advantage Program to the Medicare Modernization Act of 2003. Let me remind my colleagues, before 2003, the Medicare Advantage Program, then known as Medicare+Choice, was not working very well, especially in rural parts of our country because the Medicare payments were too low. The Medicare+Choice plans serving Utah simply left because they were in the red. They were not making money and, as a result, Utah Medicare beneficiaries could only be covered by traditional Medicare.

Through the MMA, we finally figured out how to provide choice to Medicare beneficiaries in both rural and urban areas. Medicare beneficiaries in Utah now have a choice in Medicare coverage they did not have before the MMA was implemented.

The biggest difference between the bill before us today and the Grassley Medicare bill is the House Medicare bill, if signed into law, will no longer allow private fee-for-service plans to deem. You are probably asking: What on Earth is deeming? It is quite simple.

Deeming allows beneficiaries who have opted for private fee-for-service plans the ability to see any Medicare provider because these plans do not have to establish networks.

Private fee-for-service plans have provide coverage options to Medicare beneficiaries living in rural areas who previously did not have choice. In other words, the ability to deem has been especially important in rural areas, where it is difficult for network-based plans to persuade providers to contract with them and for employer groups that provide coverage for retirees living in areas across the country.

The elimination of deeming could be the elimination of health care coverage choices for beneficiaries living in rural areas.

It could also cause certain retirees to lose their health care coverage because employer health plans that provide coverage in all 50 States will cease to exist because they cannot establish networks.

My friends who support this bill will argue they are not cutting the Medicare Advantage Program by eliminating deeming. They also will try to say that the elimination of deeming will not have an impact on health care choices offered to beneficiaries living in rural areas.

I have already been told by one employer in Utah that this provision will force them to stop offering health care coverage to almost 12,000 retirees—12,000 retirees. I am worried it could hurt coverage for beneficiaries in rural areas as well. Quite honestly, we do not know the full impact of this specific policy.

Therefore, I simply cannot support a provision that eliminates deeming for private fee-for-service plans, and that is one of the reasons I am going to vote against cloture.

We must vote against cloture in order to ensure we can begin work on a bipartisan bill that will be signed by the President. We do not need to be wasting our time going back and forth on bills that do not have a chance of becoming law.

Trust me, this bill will not be signed into law because, while the take-it-or-leave-it attitude may work over in the House, it does not work in the Senate.

I urge my colleagues to vote against cloture so we may begin work on a bipartisan bill that will continue to protect choice of coverage for all beneficiaries—and I think that work would take all of 10 minutes—including those living in urban and rural areas and those who are covered through an employer retirement plan.

This motion must be defeated so we can prove to Medicare beneficiaries, Medicare providers, and our House colleagues that bipartisanship is alive and well in the Senate and that we are willing to keep working on this bill until we get it right.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6331 AND H.R. 2642

Mr. REID. Mr. President, I ask unanimous consent, notwithstanding rule XXII, and the pendency of a motion, that a motion to proceed to Calendar No. 836, H.R. 6331, the Medicare Improvements for Patients and Providers Act, be considered made by virtue of this agreement and there be 60 minutes of debate on the motion, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on a motion to invoke cloture on the motion to proceed, with the mandatory quorum waived; that if cloture is invoked on the motion to proceed, then all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate proceed to the consideration of the bill; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without further intervening action or debate; that if cloture is not invoked, then the motion to proceed be withdrawn and the bill returned to the calendar; that upon the disposition of H.R. 6331, the Senate then consider the message from the House with respect to H.R. 2642, the Supplemental Appropriations Act; that by virtue of this consent being agreed to, the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill be considered made; that Senator COBURN be recognized to raise a point of order and that there be 15 minutes of debate, with 5 minutes each for COBURN and the majority leader and the Republican leader, or their designees; that upon the use of that time, a motion to waive the Budget Act be considered made and the Senate then vote on the motion to waive; that if the waiver is successful, the Senate proceed to vote on the motion to concur; that upon disposition of the motion to concur, the motion to reconsider be laid upon the table, en bloc, with no further motions in order; provided further, that if the motion to waive fails, then this agreement be null and void.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I, obviously, am not going to. I ask my good friend, the majority leader, if he thinks we need 60 minutes of debate. Is there some chance time will be yielded back?

Mr. REID. We would be happy to limit that—the supplemental appropriations bill we are talking about?

Mr. MCCONNELL. No.

Mr. REID. On Medicare. I say to my friend, I think Senator HATCH wants to finish his statement, Senator DURBIN is here. I think we should do the 60 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. There was no objection to the request; is that right?

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.
>
> Harry Reid, Max Baucus, Debbie Stabenow, Jeff Bingaman, Patty Murray, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, John F. Kerry, Dianne Feinstein, Richard Durbin, Daniel K. Inouye, Bill Nelson, Bernard Sanders, Jon Tester, Jim Webb, Frank R. Lautenberg.

UNANIMOUS CONSENT AGREEMENT—H.R. 6304

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 8, at a time to be determined by the majority leader, following consultation with Senator MCCONNELL, all postcloture time be yielded back and the motion to proceed to Calendar No. 827, H.R. 6304, be agreed to, the motion to reconsider be laid upon the table, and the Senate then proceed to the consideration of the bill; that once the bill is reported, the only amendments in order be the following: Dodd-Feingold-Leahy amendment to strike immunity; a Specter amendment which is relevant; a Bingaman amendment re: staying court cases against telecom companies; that no other amendments be in order; that debate time on the Bingaman amendment be limited to 60 minutes, equally divided and controlled in the usual form, and 2 hours each with respect to the Dodd and Specter amendments, equally divided and controlled, with 10 minutes of the Dodd time under the control of Senator

LEAHY; that upon the use or yielding back of all time, the Senate proceed to vote on the pending amendments; there be 2 minutes of debate equally divided and controlled in the usual form prior to each vote; that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; that upon the disposition of all amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on a motion to invoke cloture on the bill, with the mandatory quorum waived; that prior to the cloture vote, there be 60 minutes plus the time specified below for debate time, equally divided and controlled between the two leaders or their designees, with 10 minutes under the control of Senator LEAHY, with an additional 30 minutes under the control of Senator FEINGOLD, with an additional 15 minutes under the control of Senator DODD; further, that if cloture is invoked on H.R. 6304, then all postcloture time be yielded back, and without further intervening action or debate, the Senate proceed to vote on passage of the bill, as amended, if amended; further, that it be in order to file the cloture motion on the bill at any time prior to the cloture vote, with the mandatory quorum waived, notwithstanding rule XXII, if applicable, and that if applicable, postcloture time be charged during this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 6304, the FISA Amendments Act of 2008.

E. Benjamin Nelson, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, Bill Nelson, Dianne Feinstein, Robert P. Casey, Jr., Barbara A. Mikulski, Claire McCaskill, Kent Conrad, Daniel K. Inouye, Mary L. Landrieu, Joseph I. Lieberman, Sheldon Whitehouse, Evan Bayh, Ken Salazar.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORECLOSURE PREVENTION ACT OF 2008

Mr. REID. Mr. President, notwithstanding rule XXII, I ask that the Chair lay before the Senate a message from the House of Representatives with respect to H.R. 3221.

The PRESIDING OFFICER. The clerk will report the message with respect to H.R. 3221.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, to provide needed housing reform and for other purposes.

Mr. REID. Mr. President, I move that the Senate concur in the amendments of the House striking titles VI through XI to H.R. 3221, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the amendments of the House, striking title VI through XI, to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, John D. Rockefeller, IV, Debbie Stabenow, Jeff Bingaman, Ken Salazar, Joseph R. Biden, Jr., Max Baucus, Patty Murray, Barbara A. Mikulski, Charles E. Schumer, Sheldon Whitehouse, Sherrod Brown, Bill Nelson, John F. Kerry, Robert P. Casey, Jr., Benjamin L. Cardin, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur at 5 p.m., Monday, July 7, with the hour prior to the cloture vote equally divided and controlled between the chair and ranking member of the Banking Committee, and that no other motions be in order.

The PRESIDING OFFICER. Is there objection?

The Chairs hears none, and it is so ordered.

Mr. REID. Mr. President, let me say this. I had one Senator come to me today and say: You know, why don't we spend more time here? We set out to accomplish certain things. We haven't been able to accomplish everything we wanted, but I say to everyone here, the procedures we just now went through would take, if we followed every step of the procedure of this body, well into late next week. So people should just be satisfied that we are going to be able to have whatever the action is on Medicare, whether it passes or doesn't. At least we are going to have final action on that now, we are going to be able to complete the supplemental, and we have a time set to complete FISA early next week, with people having all the opportunity they want to talk about how great it is and how horrible that bill is.

We also have a pathway so that Senators SHELBY and DODD can complete the housing bill. I think it is a good piece of work. Was it as smooth as I would like? No. As I said when I came here this morning, when I gave the example of going out with my dad as a boy and gathering wood, and we would get stuck in those washes and those back tires would spin and spin, that vehicle was going a thousand miles an hour but going nowhere; it was stuck in sand and nothing would happen, and we would work and put stuff under the tires and push it, and it took a long time but we always got it unstuck. Well, we would have gotten unstuck here; it is just a question of when, and the "when" is now.

So I say to the individual who asked me about this, is this something that is real pleasant to watch? Probably not. But for this country, the Senate has been doing this for 230-some-odd years, and that is how it works. We have heard a lot of times, as we watch the legislative process in action, that it is like watching the stuff they put into the hot dog: it is probably not too pleasant to watch, but it tastes pretty good when you chomp on it. That is what this legislation is all about.

I think we are going to have the ability to work on issues important to the country. We know how important this supplemental is to lots of people in this country. We know how important the FISA legislation is. We know how important the housing bill is. And, of course, we know how important the Medicare bill is. Will they all wind up at a point where everyone in the Senate wants them? Probably not. But at least we have the opportunity to have finality on all of these.

So I extend my appreciation to the people on my side who have agreed to drop amendments and work toward a common goal. As Senator MCCONNELL and I have said here on the floor on a number of occasions, these are difficult times. The Senate is divided 51 to 49. Although we are in the majority, it is a slim majority. And our will has been tested this past year and a half. As we remember very clearly, one of our Senators got very ill before we were even able to swear in the Presiding Officer and others of the nine Democratic Senators and one Republican Senator. But we worked our way through that.

We have worked our way through a lot of difficult issues, and I say to my friend the Republican leader, I know, frankly, that I get upset at him sometimes, but I always try to do it in a way that I hope brings dignity to this body. He has a job to do, I have a job to do, and we will continue to do that. I am happy we have been able to get to the point where we are today.

Mr. McCONNELL. Mr. President, let me add briefly that we are on a glidepath to completion here of a number of extremely important measures to our country, from the supplemental, which will fund the war in Iraq and Afghanistan, which also includes an important new veterans benefit program; to the Foreign Intelligence Surveillance Act, which has helped protect us against attacks since 9/11; to an important Medicare bill, which will be resolved in one way or another in the next few weeks; to an important housing bill. In each of these instances, we will end up getting a bipartisan result at some point in the very near future on very important issues for the American people. So I think today has been very successful in crafting a pathway—a glidepath, if you will—to completion. I share the majority leader's view that this was a day of considerable accomplishment on major issues for the American people.

I yield the floor.

Mr. REID. Mr. President, if the Republican leader has completed his statement, I would ask unanimous consent that the final 20 minutes—10 minutes for Senator McCONNELL and 10 minutes for me—be reserved for us. If other people want to come and use that time, we will use leader time, but prior to the vote we would ask for the opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to H.R. 6331 is considered to have been made under the previous order.

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 836 (H.R. 6331) an act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The PRESIDING OFFICER. There are now 60 minutes for debate on that motion.

The Senator from Illinois.

Mr. DURBIN. Mr. President, when we finally vote on the floor, it is on the Medicare Program. The Medicare Program is literally a life-and-death program for 40 million Americans. For 40 million Americans who are either over the age of 65 or disabled, this is their health insurance program.

It was created back in the 1960s. When it was created by President Lyndon Baines Johnson, its critics said: This is too big. This is too much government. This is socialized medicine, they said. And many voted against it, saying it was a mistake. Well, after 40 or more years, we know it wasn't a mistake. It may be one of the most thoughtful and important programs enacted since Social Security because it gave peace of mind to senior citizens. They knew when they reached that moment in life when they were likely to be more vulnerable to illness and disease, they would have health insurance. They could go to a hospital or doctor and get basic care and not worry about whether they were wealthy enough to have health insurance or enough savings to cover a medical catastrophe. So this program, which was derided and criticized for being too much government, has been one of the great success stories of this country, and the seniors value it. Every one of them values it.

My brother, who retired from the private sector in his early sixties—a pretty conservative fellow when it comes right down to it, politically—turned out to have had some heart problems. And it turned out he also didn't have any health insurance after he retired. He was really waiting and hoping he could make it to the age of 65 before something else would happen because a few more trips to the hospital and a few more surgeries might have really hurt his retirement plans. He made it. He is covered by Medicare and doing well. And that is just one example of thousands that can be given.

So we have a vote today which should be a pretty simple vote. It was a very simple vote in the House of Representatives. There is a proposal to cut the reimbursement, the compensation, for doctors under Medicare by about 10 percent on July 1. I think that is a bad idea. These providers don't get paid a lot of money for treating Medicare patients, and to cut their reimbursement may force many doctors to say: We just can't see as many Medicare patients or maybe none at all. So fewer doctors, if this pay cut goes through, are likely to treat Medicare patients. That is not a good outcome. It means that many of the Medicare patients won't be able to go to the doctors who have been treating them for long periods of time and there will be real uncertainty about their future. So we wanted to make sure this pay cut did not go into effect July 1.

The House of Representatives considered this, and in an overwhelming bipartisan vote they voted not to cut the pay for doctors treating Medicare parents. The vote was 355 to 59. That is a 6-to-1 margin in the House of Representatives—totally bipartisan. You would think a bill with that kind of vote would come over here without much controversy. But, of course, those people don't know how to measure the Senate.

In the Senate, there have been those on the other side of the aisle, the Republican side, who have found reason to object to this effort to make sure Medicare doctors get fair pay. It comes down to a lot of reasons they have given, but as they say in politics—or as one old fellow I used to work for by the name of Cecil Partee, a State senate president in Illinois, used to say—for every vote, there is a good reason and a real reason. Well, they are using as a good reason here to vote against this protection of Medicare doctors that, unfortunately, it might involve some increase in taxes or changes in private health insurance. The real reason? The real reason is that this bill goes after—in a small way—private health insurance companies that are selling Medicare coverage, the so-called Medicare Advantage companies.

You see, there are many on the Republican side who haven't gotten over the debate in the 1960s. They still think Medicare is socialism. They still think this is too much government. They want to privatize this. They believe we could rest easy every night if we were in the loving arms of a health insurance company. They obviously haven't had to pick up the phone and talk to some clerk in the middle of nowhere who is denying your claim because of something in the policy you didn't know existed—which has happened to many people across America. No, on the Republican side, they are afraid that any cutback in the profit taking by these private health insurance companies will be uncomfortable for some of their friends. So they are prepared to allow this cut in pay for doctors under Medicare to go through to protect the private health insurance companies offering Medicare coverage.

So I guess the honest question is, Are the private health insurance companies doing a better job than the Medicare Program? The honest answer is no. Do you know how much more they charge than the Government's Medicare Program? About 17 percent more. They will throw in a few bells and whistles, but about 17 percent more. So it isn't as if they are cheaper. They are not.

Secondly, it turns out they are using bullying and strong-arm tactics to convince a lot of senior citizens to sign up for those so-called Medicare Advantage Programs, so much so that we have had to investigate this, and we are going to have to do everything we can to stop this from continuing.

Third, we just had a report from the General Accounting Office. These so-called private health insurance companies—it turns out the medical care they were reporting for seniors was overstated. They weren't giving them the care that was promised. Instead, they were taking more profit out of the system.

If you are a free market advocate who believes that it is caveat emptor—let the buyer beware—you can buy into this idea of private health insurance companies doing so well, making so much money, bullying seniors, and not giving them medical care promised. I don't buy it and I think they ought to be held accountable. If there is one thing we ought to protect, it is the seniors in America, who have done so much for this country and now need our help in their retirement years. That is what Medicare is all about.

We are going to have a vote in about 45 or 50 minutes. We need 60 votes to protect these doctors who are providing help under Medicare. We only have 51 on our side of the aisle, the Democratic side. We need nine Republicans to cross the aisle to join us in this effort to do the right thing for Medicare.

I don't think it is an unreasonable idea that 9 out of the 49 Republicans would join us when in the House of Representatives the same measure passed by a vote of almost 6 to 1 in favor of it.

This is a good bill, not only because it helps Medicare to continue to thrive because it helps beneficiaries pay their premiums if they are in a low-income category, it helps pharmacists, it helps many others. It has been endorsed by virtually every major organization of physicians, seniors, pharmacists, and hospitals. They know this bill is critically important.

If the Republicans fail to give us the votes necessary to reach 60 votes on the next rollcall, doctors across America treating Medicare patients will take a 10-percent cut in pay in a few days. That is the reality. Those who have voted that way are doing it in order to protect private health insurance companies who are trying to compete with Medicare. Those private health insurance companies have plenty of lobbyists. They are politically articulate. They can be found in the corridors of the Capitol day in and day out. But those folks are not speaking for the seniors. The seniors want us to stand up and make sure we keep Medicare strong and Medicare providers are there to make sure they get the very best care.

I hope my Republican colleagues will not go in lockstep with the private health insurance companies but will, in fact, stand for the Medicare Program, join the overwhelming bipartisan majority in the House of Representatives who supported this bill. If it costs these private health insurance companies 1 or 2 percent, is that the end of the world, that they would have to give back a little bit of the money they are taking out of our Federal Treasury? I do not think it is. I think they have been shown to charge more than the Medicare Program, to provide less than they publicly disclose in terms of medical benefits, and to engage in marketing tactics which should not be condoned by the Senate.

I hope we will have a good bipartisan rollcall here. It will be a great way to end the session as we break for the Fourth of July recess.

I yield.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I don't understand why this has to be characterized as a partisan issue as my colleague from Illinois has done. He said there is a proposal to cut doctors' pay. There is no such proposal. Nobody wants to cut physicians' pay. In fact, I daresay all 100 Senators here are in support of ensuring that physicians get paid an increase in the pay next year from what they are paid this year. What happens is that the law provides an automatic pay cut so we have to pass a bill to prevent that automatic pay cut from taking effect.

I am on the Finance Committee. A few weeks ago Senator BAUCUS, the chairman of that committee, who has a long history of working with Senator GRASSLEY regardless of which party is in the majority, proposed that we work in a bipartisan way to draft a bill to ensure the physicians would be paid. Those discussions commenced. They produced a bipartisan agreement. Then, before that agreement was brought to the Senate floor, the majority announced it wanted instead to substitute a partisan bill that we would seek to consider on the Senate floor. We had a cloture vote on that bill and it failed to get cloture.

My colleague says he hopes Republicans will not vote in lockstep. I can assure my colleagues here Republicans will not vote in lockstep. Democrats will vote in lockstep. There will not be a single Democrat who votes differently. Republicans will be divided.

If this is a partisan issue, it is only a partisan issue because Democrats will vote in lockstep and because the Democrats insisted on bringing a partisan bill to the floor. That was rejected, so Senators BAUCUS and GRASSLEY returned to their negotiations. Again they were about done with those negotiations 2 days ago when the House scheduled a vote on its own bill and that bill passed. Again that upset the bipartisan discussions that were occurring here in the Senate. As a result, the majority leader decided to bring the House bill to the Senate and ask us to support the House bill. Again, the negotiations stopped.

The vote we are going to have today will either allow the Baucus-Grassley negotiations, bipartisan negotiations, to be completed or send a bill to the President which he will veto—meaning a great deal of time will be lost by the time that bill gets to the President, he ends up vetoing it, he sends it back to the Congress and we presumably sustain the veto. Then what happens after that? Bipartisan negotiations resume.

We can cut out all of that political folderol by simply returning this bill to the people who were negotiating it in the first place. Either way, July 1 will come with no solution. That is a problem for the physicians. The veto route virtually assures that physicians will feel the impact of a 10.6 percent cut in payment because of the amount of time it will take for us to complete our work.

On the other hand, if cloture is defeated and the bipartisan negotiations can quickly resume, then, depending upon when we could pass something after July 4, it is possible that the reimbursement checks could reflect the new rates without the cuts ever being applied.

If you are interested in a truly bipartisan solution in a body that is 51 to 49, if you are interested in minimizing the potential impact on physicians, do not vote for the House bill that we know will never become law.

Let me conclude with this point. The House bill makes some radical changes in Medicare. It doesn't just reimburse physicians; it increases Medicare spending by $17 billion over 10 years. It makes larger cuts to Medicare Advantage, the highly successful insurance program for America's seniors. This will minimize patient choice in both rural and urban areas and, according to the Congressional Budget Office, 2 million seniors would lose their fee-for-service plans by the year 2013 under the House bill. It would significantly restrict Part D plans' ability to negotiate prescription drug prices.

We can do better than this. We should return to the bipartisan negotiations and pass a truly bipartisan bill which will ensure that physicians will be paid and Medicare patients will be served.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, here we are again. Once again the Senate is being asked to vote to proceed to a bill that is written on a partisan basis. As everybody knows who knows how the Senate functions, anything that is on a partisan basis does not get done.

Once again we are being asked if we want to agree to a process where no amendments will be allowed. Once again we are being told to take it or leave it. The damage that is being done to the ability of this body to function is extraordinary. It should not be this way and it doesn't have to be this way.

I say this from a lot of experience I have had on the Finance Committee and, most importantly, my experience working with Senator BAUCUS, the chairman of the committee. During the last several years, the Finance Committee has produced numerous bipartisan health care products.

In 2003, Senator BAUCUS and I joined together, defied the long odds against it and produced a Medicare Prescription Drug bill.

In 2005, we worked together on a relief package in the aftermath of Hurricane Katrina.

In 2006, we passed the Tax Relief and Health Care Act.

In 2007, we worked together on a bipartisan Children's Health Insurance Program Reauthorization Bill. We also passed the Medicare, Medicaid, and Children's Health Insurance Program Extension Act of 2007.

I could go on and on. For years the Finance Committee has been the model of how a committee can work on a cooperative—and that basically means on a bipartisan—basis. I think we work best when we work together. For some reason that has not seemed to be the case this year and that is not Senator BAUCUS's fault.

I have tried to work this year to get a bill that could get signed into law. I personally think the White House is drawing lines in the sand that are unreasonable. However, there is a fact of our Constitution: The President holds the veto pen and if this bill passes today, we will see it used, and that is regardless of this Senator's position that maybe the White House has been too strict.

I tried to work toward a bill that can be signed by the President, because those are the facts of life. Obviously that was not the path the majority of the Senate—meaning the majority party—could follow. Even after the first cloture vote, even after it failed in the Senate, I tried to get a bipartisan compromise that could be signed into law. That effort was abandoned when the House voted to support the bill on which the Senate couldn't get cloture. That is not a realistic position for the other body to take but it doesn't matter; they took it, so we are here.

When we were in charge around here, I can say we certainly didn't appreciate it when, under Republican control in the House of Representatives, the Ways and Means Committee tried to dictate terms to this body. When Ways and Means Chairman Thomas tried to roll the Senate, I think I successfully defended the bipartisan Senate position. When I was chairman of the Finance Committee, I don't recall our bipartisan efforts being determined by House votes. To the contrary, I think we worked together in spite of House votes. In fact, the House budget—or the congressional budget adopted in the year 2003 that had provisions in it for taxes when the President of the United States wanted a $700 billion tax cut—I told enough Republicans in the Senate that I would not bring out of conference a tax bill that had more than half that amount, $350 billion.

I didn't tell the House of Representatives that before they voted on their budget, but they passed a budget that we could get enough votes to pass in the Senate because of the promise I made to some Republicans that we were not going to be dictated to by the White House or by the House of Representatives. And we didn't do more than a $350 billion package. Was there an uproar among House Republicans against me, when I had told enough Republicans in the House what we would do on that tax bill. So I think I have defended our position.

But let's be clear about another thing. That House vote I referred to went the way it did because Members were assured that the Senate was going to fix the problem in this bill. But we are in a process where we cannot fix that problem. They are counting on us to fix it so we would have a bill the President would sign. They are right about one thing: This bill does need to be improved. The bill the Democrats are trying to pass is woefully lacking in what it provides for rural America as opposed to what Senator BAUCUS and I were agreeing to by 11 o'clock Tuesday of this week.

I wish to call out one specific provision. Senator HARKIN and I have worked extensively on a provision for so-called "tweener" hospitals. These are hospitals which are too large to be critical access hospitals but too small to do well under the current Medicare payment systems. We had a provision to improve payments to these hospitals. It is not in the House Democrats bill, so a vote for cloture misses an opportunity to provide critical assistance to rural hospitals all over the country. I am sure Senator HARKIN and others are disappointed, as I am, with this omission. This is not something just for Iowa and for Senator HARKIN and for Senator GRASSLEY; this is something that affects 181 hospitals in 31 different States in this country. But that was left out in the House of Representatives. Why? Because the House of Representatives is controlled by the big States, by the big cities, and they don't care about rural America.

Voting for this bill accomplishes nothing. It will not become law. How much more clear can we be about that? To keep the pay cut of doctors from happening, we have to defeat this motion so we can sit down and finally produce a bill that can become law.

To improve Medicare, we have to produce a bill that can become law, and that means being signed by the President of the United States. To make sure that beneficiaries continue to have access to essential therapy services, we have to produce a bill that can become law. To help beneficiaries, we have to produce a bill that can become law. How many times do I have to say that?

To preserve access for durable medical equipment for seniors, we have to produce a bill that can become law. We have to be allowed to do our work in the Senate. And that work only gets done if we have bipartisanship.

We have to be allowed to produce the best bill possible through bipartisan compromise. Let's show that we can work on a cooperative basis. We have to defeat this motion so that we preserve the right of the Senate to have input on legislation, that we are not simply a rubberstamp for the House.

We should defeat this motion so that we can show that bipartisanship is not dead on important health care issues that matter to millions of people who depend on us as stewards of Medicare. Let's do the right thing and vote no. Vote no so this body does not abdicate its duties under the Constitution. Vote no so that we can get a bill done this week that can become law. Vote no so that we can get the job done.

A "yes" vote accomplishes nothing because it is going to delay for 2 weeks everything to be considered because of the President vetoing this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The majority has 20 minutes, of which 10 minutes are reserved for the majority leader.

Mr. BINGAMAN. Mr. President, I will use a maximum of 5 minutes to respond to some of the points that were made.

First, let me say how much respect I have for Senator GRASSLEY. He is the ranking member on our Finance Committee. He is a very conscientious and fair individual with whom I have enjoyed working on many matters.

On this particular issue, I disagree with him. Let me point out there were three arguments made: First, that this is not bipartisan; it is clearly not the bipartisan agreement he and Senator BAUCUS were working to develop, but it is clearly a bipartisan agreement.

I am informed that 129 Republicans in the House voted for this bill. That is two-thirds of the Republicans who serve in the House. The vote in the House was 355 in favor. So this is a bipartisan bill by any definition. The fact that it has come from the House of Representatives rather than originating in the Senate, of course, is another matter. But it is bipartisan.

The second point, of course, is that there are important things that have been left out. I do not doubt that there are important things that have been left out and that I would like to see included. But the reality is, we have a bill that does important things; particularly, it heads off the expected cut in physician payments that is scheduled to occur next Tuesday. That is a very important provision. And I think it makes all the sense in the world for us to pass what we have in front of us, pass what the House of Representatives has passed, fix the problems that legislation fixes, and then come back at a future time and try to solve these other problems, many of which I am sure I would wind up agreeing with my colleague from Iowa.

The third point is that we should oppose this because the President has said he would veto it. Frankly, I am not clear as to the substantive reason the President thinks this bill should be vetoed.

I believe strongly that the way the system is intended to operate is, Congress sends bills to the President. If he vetoes them, then Congress sees whether it has got enough votes to override the veto. If we do not, of course we have to take a different course.

In this circumstance, it looks to me like at least the House of Representatives has enough votes to override a Presidential veto, if the President were to take that course. I do not know what we would have in the Senate. I hope very much we would have the necessary 67 votes. I think it would certainly be in the interests of the people I represent in New Mexico to see this legislation enacted and enacted quickly.

So I urge my colleagues to support it and hope that colleagues on both sides of the aisle will support the legislation.

Mr. LEVIN. Mr. President, I support the Medicare Improvements for Patients and Providers Act, H.R.6331, which makes a number of needed changes related to Medicare reimbursement, including reimbursement for physicians' services.

Medicare physician fee schedule payments are updated each year according to a complex formula based on a sustainable growth rate, SGR. Unfortunately, because of the way the formula is calculated, even if Congress prevents the cuts in a given year, scheduled reimbursements cuts are likely to increase in subsequent years unless Congress takes additional action, such as developing a permanent alternative to the SGR formula.

I support efforts to ensure that physicians receive adequate reimbursement for their services. It could be financially unsound for physicians to continue to provide services to Medicare beneficiaries if reimbursement is inadequate. As a result, allowing reimbursement cuts to enter into effect could pose significant access problems as physician's are unable to afford providing services to Medicare beneficiaries in need of medical attention.

While I believe past measures to alleviate this burden on physicians have been helpful, I know from my discussions with health care providers throughout Michigan that more needs to be done. For the long term, Congress must find an alternative to the SGR. The SGR is linked not to the cost of providing health services, but to the performance of the overall economy. The cost of health care has been rising much faster than inflation. Our Nation should address the rising costs of health care as part of a larger discussion on health care reform. Reimbursement should more accurately represent the cost of providing services.

In the meantime, I support this legislation, which includes a delay on Medicare reimbursement cuts for physicians' services and replaces the cut with a 1.1-percent increase for 2009. I am hopeful that the Senate will pass this legislation and that the President will heed the will of Congress and the American people and sign this bill into law before the cuts enter into effect on July 1.

Mr. GRAHAM. Mr. President, today I wish to express my disappointment in the straight extension of the current temporary assistance for needy families, TANF, supplemental grant program, which is included in the Medicare bill. I oppose the extension of this program without updating the 10-year-old statistics that qualify States for participation in the program, and without the appropriate reauthorization and consideration of changes necessary to ensure that this assistance is being afforded to the States that need it most.

The TANF Supplemental Grant program was created in 1996 to provide additional assistance to States that spend less money per poor person on TANF services. Seventeen States qualified for additional TANF benefits under this program based on certain statistics collected at or around that time. More than 10 years later, these States are still receiving supplemental grant benefits based on the same 10-year-old statistics. A straight extension of this program does not award this assistance based on current conditions in States.

There is no doubt that our nation is facing challenging economic times. Rising gas prices, rising unemployment States, the housing crisis and rising food prices all place a particularly significant burden on less fortunate families. Some state TANF programs are seeing increased caseload pressure.

South Carolina can only afford to spend 29 percent of the national average per poor child on TANF services compared to some States that spend well over the national average. To make matters worse, South Carolina did not and has not qualified for the supplemental grant program due to an old statistic that has since changed.

Senator ROCKEFELLER and I introduced a proposal to allow States that spend below the national average on TANF services to participate in the supplemental grant program. Using updated statistics, our legislation would ensure that the dollars spent on this program are appropriately directed to States that need it most so that they can help struggling families get on their feet and back to work.

Unfortunately, the Senate Finance Committee chose to quickly pass this extension as a part of a larger bill in order to avoid the discussion of reauthorization and changes necessary to update the supplemental grant program. I am disappointed some States, like South Carolina, and families that might otherwise receive this additional assistance will not have the opportunity to benefit from a mere update of the current program, or from the consideration of Senator ROCKEFELLER's and my proposal.

I am committed to ensuring that Federal dollars spent on welfare services and benefits are spent efficiently. I am disappointed that the reauthorization of the supplemental grant program did not receive the attention it deserves, and I am hopeful that this can be addressed in the future.

Mr. AKAKA. Mr. President, I support the Medicare Improvement for Patients and Providers Act of 2008. We must quickly enact this legislation in order to ensure that Medicare beneficiaries continue to have access to health care, enhance Medicare benefits, and extend Medicaid disproportionate share, DSH, allotments for Hawaii.

This essential legislation will maintain Medicare physician payment rates for 2008 and provides a slight increase in 2009. If this legislation fails to pass, doctors will be faced with a 10.6-percent cut in Medicare reimbursements. Rising costs, difficulty in recruiting and retaining staff members, and declining reimbursement rates make it necessary to make improvements in Medicare reimbursements to ensure that Medicare beneficiaries have access to health care services.

The bill will enhance Medicare benefits. It will increase coverage for preventive health care services and make mental health care more affordable. In addition, the Act will help low-income seniors access health care services that they need.

In addition, this legislation includes a provision that extends Medicaid DSH allotments for Hawaii and Tennessee for another 18 months. Medicaid DSH resources support hospitals that care for Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH

States. States without allotments were again left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 extended the DSH allotments for Hawaii and Tennessee until June 30, 2008.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I look forward to continuing to work with Chairman BAUCUS, Ranking Member GRASSLEY, and Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this issue of great importance to my home State of Hawaii.

Mr. President, Hawaii's health care providers continue to struggle to care for our growing number of individuals that are uninsured. These DSH resources will strengthen the ability of our providers to meet the increasing health care needs of our communities.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that any time under a quorum call on this bill be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, under the consent agreement that was entered, I have 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I will yield back the remainder of my time, and then am I correct that the only remaining speaker is the majority leader?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Mr. President, let me be clear, my side, led by Senator GRASSLEY, has been willing to compromise to get a bill that could become law. Everyone agrees we need to fix the physician payment system. There is no disagreement on that. As Senator GRASSLEY has pointed out, we have offered to negotiate. We have offered to extend current law. We have tried to find a way to solve the problem. Unfortunately, the majority apparently is not interested. The bill we are voting on would cause 2 million seniors to lose the extra benefits they currently get in their Medicare Advantage plans. It would rob millions of rural seniors of the ability to choose a private fee-for-service plan. I worry about the impact that it would have on the Kentucky teacher retirement system.

We have a solution that would protect seniors' access to care, that would prevent a 10.6-percent cut in physician payments in Medicare, that would provide billions of dollars to help rural beneficiaries access care. This is a solution that could become law right away. I hope the majority can find a way to take one of the solutions we are offering so that physician payments are not cut and seniors' Medicare benefits are not put in jeopardy.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, these are some of the organizations that support the Medicare bill now before the Senate. We have the American Association of Retired Persons, the AARP; Alzheimer's Association; the American Academy of Oncology; the American Academy of Audiology; the American Academy of Family Physicians; the American Academy of Opthalmology; American Ambulance Association; American Association of Nurses Anesthetists; American Cancer Society; American College of Cardiology; American Heart Association; American Hospital Association; American Medical Association, the AMA; American Medical Technologists; American Optometric Association; the American Osteopathic Association; American Psychological Association; American Society of Plastic Surgeons; Campaign for Tobacco Free Kids; Cleveland Clinic—to name a few institutions—National Osteoporosis Foundation; National Renal Administrators Association; National Rural Health Association; Parkinson's Action Network; Schizophrenia and Related Disorders Alliance of America; Society for Thoracic Surgeons; Suicide Prevention Action Network; Medical Rights Center; National Community Pharmacists Association.

I ask unanimous consent to print in the RECORD more than 200 organizations that want every Senator to vote to finish this legislation, to complete this legislation, to pass this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6331, "MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008" LIST OF SUPPORTING ORGANIZATIONS

Alliance for Aging Research; Alliance for Retired Americans; Alzheimer's Association; AMAG Pharmaceuticals, Inc.; American Academy of Audiology; American Academy of Dermatology; American Academy of Family Physicians; American Academy of Ophthalmology; American Academy of Otolaryngology; American Academy of Physical Medicine and Rehabilitation; American Ambulance Association; American Association of Bioanalysts; American Association of Cardiovascular and Pulmonary Rehabilitation; American Association for Clinical Chemistry; American Association for Geriatric Psychiatry; American Association for Homecare; American Association of Homes and Services; American Association of Medical Colleges; American Association of Nurse Anesthetists; American Association of Retired Persons (AARP).

American Cancer Society Cancer Action Network (ACS CAN); American Clinical Laboratory Association; American College of Cardiology; American College of Emergency Physicians (ACEP); American College of Nurse Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Internists; American College of Physicians; American College for Preventive Medicine; American College of Radiology; American College of Surgeons; American Counseling Association; American Diabetes Association; American Federation of Labor & Congress of Industrial Organizations (AFL–CIO); American Federation of State, County and Municipal Employees; American Geriatrics Society; American Health Care Association; American Heart Association; American Hospital Association; American Kidney Fund; American Lung Association; American Medical Association (AMA); American Medical Group Association.

American Medical Technologists; American Mental Health Counselors' Association; American Nephrology Nurses' Association; American Occupational Therapy Association; American Optometric Association; American Osteopathic Association; American Pharmacists' Association; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychological Association; American Public Health Association; American Regent, Inc.; American Renal Associates, Inc.; American Society of Anesthesiologists; American Society of Cataract and Refractive Surgery; American Society for Clinical Laboratory Science.

American Society for Clinical Pathology; American Society for Microbiology; American Society of Nephrology; American Society for Nutrition; American Society of Pediatric Nephrology; American Society of Plastic Surgeons; American Speech-Language-Hearing Association; American Stroke Association; American Telemedicine Association; American Thoracic Society; American Osteopathic Association; American Urological

Association; Amgen; Association of American Medical Colleges (AAMC); Association for Community Affiliated Plans; Board of Nephrology Examiners and Technology; California Dialysis Council; California Medical Association; Campaign for Tobacco Free Kids; Center for Clinical Social Work.

Center for Medicare Advocacy; Centers for Dialysis Care; Cleveland Clinic; Clinical Laboratory Coalition; Clinical Laboratory Management Association; Clinical Social Work Association; Coalition of State Rheumatology Organizations; College of American Pathologists; Colorectal Cancer Coalition; National Osteoporosis Foundation; National Partnership for Women and Families; National Patient Advocate Foundation; National Renal Administrators Association; National Rural Health Association; Northwest Kidney Centers; Parkinson's Action Network; Partnership for Prevention; Prevent Cancer Foundation; Prostrate Cancer Coalition; Quest Diagnostics.

Renal Advantage, Inc.; Renal Physicians Association; Renal Support Network; Renal Ventures Management, LLC; Roche Diagnostics; Satellite Healthcare; Schizophrenia and Related Disorders Alliance of America; Society of Gynecologic Oncologists; Society of Hospital Medicine; Society of Thoracic Surgeons; Society for Vascular Surgery; Suicide Prevention Action Network USA (SPAN USA); Susan G. Komen for the Cure Advocacy Alliance; U.S. Renal Care; Watson Pharma, Inc.; Y-ME National Breast Cancer Organization.

Consortium for Citizens with Disabilities Health Task Force, The Council for Quality Respiratory Care; Da Vita, Inc.; Diabetes Access to Care Coalition; Dialysis Patient Citizens; DSI, Inc.; Easter Seals; Emergency Department Practice Management Association; Families USA; Federation of American Hospitals; Food Marketing Institute; Fresenius Medical Care North America; Fresenius Medical Care Renal Therapies Group; Genzyme; Health Industry Distributors Association; ITEM Coalition; Kidney Care Council; Kidney Care Partners; Laboratory Corporation of America; Lance Armstrong Foundation; Leadership Council of Aging Organizations.

Lutheran Services in America; Marshfield Clinic; Mayo Clinic; Medical Group Management Association; Medicare Rights Center; Mental Health America; National Alliance on Mental Illness; National Association of Anorexia Nervosa and Associated Disorders; National Association of Chain Drug Stores; National Association of Community Health Centers; National Association for Medical Direction of Respiratory Care; National Association of Nephrology Technicians and Technologists; National Association of Social Workers; National Association of State Long-Term Care Ombudsmen Programs; National Association of State Mental Health Program Directors; National Association for the Support of Long-term Care.

National Committee to Preserve Social Security and Medicare; National Committee for Quality Assurance; National Community Pharmacists Association; National Council on Aging; National Council for Community Behavioral Healthcare; National Home Oxygen Patients Association; National Independent Laboratory Association; National Kidney Foundation; National MS Society.

Mr. REID. Mr. President, this bill has many items in it, one of which we call the doctors' fix, which prevents a 10.6-percent pay cut for physicians who participate in Medicare. It provides a payment freeze for 2008 and a 1.1-percent update for 2009. These are very important to the medical community.

The reason this legislation is important is, sure, the doctors should not have to take a pay cut. But the main thing is, this bill does not protect physicians; it protects patients because doctors have been dropping out of Medicare for a long number of years. There are many physicians in America today who will not treat Medicare patients because the payments are too low. But it is a spiraling effect. It is a snowballing effect. Many reimbursements through insurance companies and other organizations are based on what the Medicare reimbursement is. If this is low, then doctors all over the country will be affected. Patients will be affected. People, I repeat, will no longer be able to be treated by their physicians.

We know all these doctors' organizations that are part of this 200-plus organizations I submitted, the reason they are in favor of it is they want their physicians to treat Medicare patients. This will drive people out of Medicare.

We all recognize that President Bush does not like Social Security. He does not like Medicare. He wants them to go away. He wants to privatize Social Security, and he wants to do away with Medicare. This is his effort to do so. But it is the wrong thing to do. It is certainly the wrong thing to do.

This legislation will provide help for rural health care deliverers. Beneficiary investments are significant. Yet there are additional provisions in this legislation for pharmacies, dialysis patients, community health centers, ambulances, rural providers, e-prescribing, psychologist, social workers, and many others.

This is a fine piece of legislation. Remember, we already over here had an opportunity to do work on this bill. Every Democrat voted for it, and nine Republicans. Here is where we find ourselves tonight. Earlier this week, the House passed this identical legislation by a vote of 355 to 59. The Presiding Officer and I served in the House of Representatives. That is an overwhelming vote. It was a bipartisan vote. Democrats and Republicans voted for it. The legislation they passed would help, as I have stated, Medicare beneficiaries and head off looming cuts facing doctors.

Why is Medicare important? My first elective job was on a hospital board. We ran countywide in Clark County, Las Vegas. It was my first elective job. During the time that I was on that hospital board was a transition period. During the time I was there, Medicare passed back here and became the law all over the country. So for a part of my term, there was no Medicare for patients coming into Southern Nevada Memorial Hospital. The rest of the term, it was.

Prior to Medicare passing, 40 percent of the senior citizens who came to that hospital had no insurance. What happened is that wives, mothers, fathers, sons, daughters, neighbors, friends would have to sign that they would be responsible for their bill. If they didn't pay the bill, we had an extremely big collection department. It was a county hospital. It was an indigent facility. We would go after those people who would sign that these people needed hospital care.

After Medicare came into being, 99-plus percent of the seniors who come into a hospital have health care through Medicare. It is a wonderful program. Is it a perfect program? No. But is it a program worth following President Bush over the ledge to destroy it? That is what is going to happen tonight, Mr. President. If the Republicans do not support this legislation, they are having Medicare go over the cliff. People will be devastated by what is happening.

We have all had people visit our offices, I hope, this week. They visited mine, talking about how devastating this would be—not to the doctors. The doctors are going to survive with a 10-percent pay cut, most of them. But they are going to drop out of the system. It hurts the patients, and that is what this is all about.

Medicare is an important program. It is part of the legacy of our country, and we know our health care delivery system is in trouble. Medicare is one of the strong parts of it. We should continue it, not destroy it. A "no" vote on this legislation tonight is destroying Medicare.

The House bill was very similar to a bill drafted by Senator BAUCUS and supported by every Senate Democrat and many Senate Republicans earlier this month. We all know the issue must be resolved by July 1. It must be resolved by July 1. Our Republican colleagues argue, there will be other opportunities to address this issue. That, using a term of the marketplace, is a "loss leader." There is no other way to do this. We have to do it tonight or it won't be done. July 1 comes next week. We are out of session next week. The House is out of session now. If not, they will be shortly. There are no other opportunities to address this issue. Some ask for a 30-day extension. A 30-day extension requires passage by this body and the House. The House, if they are not adjourned, soon will be. Both Speaker PELOSI and the House majority leader have issued statements that could not be more clear.

Quoting Speaker PELOSI:

> The House will not consider any further Medicare legislation.

This means that the 30-day extension is not an option, a week extension is not an option, a 10-minute extension is not an option.

The bill we seek to proceed to represents the only chance for Congress to head off the cuts that doctors will face at the end of this month. This is a good piece of legislation.

Some Republicans also say the Senate should have more time to speak on the bill and debate it. Yet the same Senators who make those claims are the ones who voted against proceeding it 2 weeks ago. You can't have it both ways. We asked to proceed to this 2 weeks ago. It was objected to.

We have had an interesting situation in the Senate.

I have a chart I have asked to be brought out here. Obviously, no one is running very hard to bring it, but it should be here quickly.

We have had an unusual situation. This is, it appears, the 79th filibuster. That is too bad: to filibuster something to preserve Medicare? That is what this is all about. It is too bad. This is legislation that is important.

I say to everyone within the sound of my voice, there are no excuses. This is it. You go home and explain to your family physician: Well, I wanted to talk about it more or I wanted a 20-day extension; they would not give it to me.

We have had 79 Republican filibusters, and the sad part about it is, we are still counting. Remember, this is our Velcro chart. Remember, a short time ago, it was 78. We stuck on a "9" back there, and I guess when we come back after the recess we will have to peel that off and put on an "8" and a "0." Seventy-nine filibusters: untoward. And people who refuse to vote to let this legislation pass are destroying Medicare in the near future—certainly during the next 6 months.

Senate Republicans are playing a dangerous game of chicken, I guess. They have the audacity to say there are other ways of doing this. But in this game of chicken, the only losers will be Medicare patients—old people. Doctors will lose.

The Republicans who choose to block this important bipartisan legislation are going to lose. If there was any doubt that Republicans will regret this path of blindly following on this legislation, one need only look at their own. One need only look at a Congressman by the name of WALLY HERGER. WALLY HERGER is a long-time experienced Congressman. He represents the Second District of California. Here is what he did when he realized how good this legislation was. He realized that by blindly following the Republicans—who he thought knew what they were doing in the House—he made a big mistake.

Congressman WALLY HERGER was one of 59 Members in the entire 435 Members of the House of Representatives—one of 59—to vote against this legislation. Now, this is not some new guy who made a mistake because he did not know what hole to punch in the deal over there. He voted, and as soon as dawn broke in the House, he was on the House floor saying: I made a big mistake. Help me out of the dilemma I am in.

In fact, he was so concerned about this, he sent a letter to all of his constituents in his congressional district. He said, among other things:

> From my conversations with House Republican leaders, it was my understanding that the bill—

The bill we are debating right here tonight; this bill—

> voted on by the House was primarily a political exercise. . . .

It was "primarily a political exercise."

And he said:

> Clearly, the outcome of today's vote changed the dynamics of the situation.

Now, this is a direct quote from someone in the House of Representatives, a couple days ago, who voted against this legislation. Here is what he said:

> Clearly, the outcome of today's vote changed the dynamics of the situation. . . . Had I known the process would play out this way, I would have supported the House bill. And if the bill comes back to the House for final approval, I intend to fully support it.

Now, my friend, WALLY HERGER, whom I know—I used to see him in the House gym—recognizes he has made a big mistake, and he takes a full page and sends this letter to all his constituents saying: I made a big mistake. Forgive me.

So Senate Republicans do not have the luxury of changing their minds like Congressman HERGER did because right now you have to make a decision, and you know what the facts are. WALLY HERGER learned them later. And I am sure the other 58 who voted "no" feel the same way. This was an overwhelming vote in the House of Representatives on a totally bipartisan basis to do the right thing for the American people. We must decide now whether to stick with President Bush as lemmings going over the cliff, or should we do the right thing and pass this legislation?

A "no" vote will wreak havoc on our health care delivery system in America. And who will it hurt the most? It will hurt the most senior citizens. And it would be too bad as we leave here for 10 days that this legislation will, in the vernacular, go down. It should not. This is legislation that is meritorious. As WALLY HERGER said, if he had understood the dynamics of this legislation, he would not have voted "no."

Mr. President, I believe it is time for the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

Harry Reid, Max Baucus, Debbie Stabenow, Jeff Bingaman, Patty Murray, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, John F. Kerry, Dianne Feinstein, Richard Durbin, Daniel K. Inouye, Bill Nelson, Bernard Sanders, Jon Tester, Jim Webb, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Reid
Sessions
Shelby
Specter
Sununu
Thune
Vitter
Warner
Wicker

NOT VOTING—2

Kennedy
McCain

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, we have something that is long overdue. We have an agreement to take care of this. Nelson Mandela will soon be 90 years old, in a matter of days. The old organization he was a member of decades ago—and he is probably still a member, but I am not too sure—the African National Congress is still treated as a terrorist organization. This takes care of that. We will eliminate that. So the people coming here from that great country, which has done so well for so long now, will be able to come in without being considered terrorists.

REMOVING THE AFRICAN NATIONAL CONGRESS FROM TREATMENT AS A TERRORIST ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 852, H.R. 5690.

The PRESIDING OFFICER. Is there objection?

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, with an amendment, as follows:

H.R. 5690

On page 2, strike line 12 through the end of line 21 and insert the following:

(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.

Mr. LEAHY. Mr. President, I am very pleased the Senate will pass this legislation to exempt the African National Congress from designation under the Immigration and Nationality Act as a "terrorist" organization.

The historic role that the African National Congress played in ending the era of Apartheid in South Africa is well known, and I suspect that its designation as a terrorist organization is a surprise to many Americans. That the organization Nelson Mandela helped create to fight against an official policy of racism is deemed a terrorist organization is wrong and should be corrected.

I commend Senator KERRY and Congressman BERMAN for their attention to this issue, and the Members of the Judiciary Committee—Senators BIDEN, SCHUMER, WHITEHOUSE, FEINGOLD, and CARDIN—who have lent their support to this effort.

The overly broad laws Congress passed in haste after September 11, 2001, continue to unnecessarily bar legitimate asylum seekers from the sanctuary of the United States. I worked to ensure that the administration has the authority to waive these laws for organizations and individuals, but the administration has been unwilling to exercise this authority of its own accord.

Secretary Rice quite rightly pointed out that her government counterpart in South Africa must apply for a waiver of the material support bar in order to enter the United States for an official visit, and that it is an embarrassment. I would hope and expect that this embarrassment is no less acute when victims of violent conflicts are denied asylum in the United States because of these same laws.

The Judiciary Committee's recent oversight hearing with Secretary Chertoff was an example of an administration that will only make the tough, but correct decisions when the scrutiny or public embarrassment becomes too much. At this hearing, Secretary Chertoff announced that the Department of Homeland Security (DHS) reversed its position on a green card denial for an Iraqi who had been admitted into the United States on a special visa from Iraq. Salam Kareem Ahmad entered the United States after working as a translator for U.S. Marines in Iraq, and after receiving commendation from General Petraeus, only to be denied a green card by the administration.

Despite all of the administration's rhetoric about its commitment to freedom and democracy, DHS determined that Mr. Ahmad's involvement with an anti-Saddam Hussein group, the Kurdish Democratic Party, amounted to involvement with a terrorist organization. It should not take political pressure and media scrutiny to do the right thing. But in light of the administration's inattention to resolving injustices created by the material support bars, Congress is once again compelled to do what the administration can and should be doing on its own.

There is much work to be done by Congress and the next administration to fully resolve the terrible consequences these laws have brought about. I intend to continue working toward ensuring that our immigration and asylum laws are not used in a manner to harm those who come to the United States seeking its refuge and assistance. Our policies concerning asylum seekers have demonstrated America's commitment to human rights. The material support and terrorism bars that have prevented so many from our protection are a blemish on this legacy.

Mr. KYL. Mr. President, I rise to say a few words about the impending passage of H.R. 5690 and my amendment to that bill. My amendment narrows the individualized waiver provisions in the bill by excluding from waiver eligibility persons who are convicted of controlled-substances offenses and those for whom there is reason to believe that they will engage in terrorist activity after entry into the United States. The amendment also requires that the activities for which waiver is sought have been conducted "in association with the African National Congress."

With my amendment, the bill's grant of authority does not exceed that created by section 691 of the Consolidated Appropriations Act, 2008, on which I commented on December 18 of last year. Separate legislation is not needed to exempt Class III groups that are eligible for a waiver under section 691, a class that surely includes the African National Congress. I hope that in the future such matters will be addressed administratively rather than legislatively. Nevertheless, by enacting today's bill we impress upon the executive the importance of exercising that authority in a prompt and thorough manner. We trust, of course, that the executive will not use such authority to grant waivers to persons who, for example, engaged in violence that was deliberately targeted at innocent civilians. But we do expect the relevant agencies to act to avoid the diplomatic embarrassments of the past. With the changes made by my amendment, I commend H.R. 5690 to my colleagues.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The bill (H.R. 5690), as amended, was passed.

UNANIMOUS CONSENT REQUEST—H.R. 6331

Mr. McCONNELL. Mr. President, with regard to the Medicare issue upon which we just voted, we have had a number of discussions in the course of the week about the way forward. Senator GRASSLEY has made it clear he would like to lead us in negotiations with the majority, represented by Senator BAUCUS, to bring us together to get this Medicare extension completed. The way to do it is on a bipartisan basis.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill, which I will send to the desk. It is a clean 30-day extension of the Medicare payments bill.

Mr. President, I ask unanimous consent that the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object. We are seeing another partisan game being played on something that affects the American people.

I have laid out in detail what this legislation does and what will happen to the American people if it doesn't pass. Obviously, the Republicans in the Senate have done what they feel is appropriate and that is to wipe out Medicare as we know it today.

People can chuckle all they want, but the senior citizens in America today and the health care delivery system are not chuckling. This is very important.

What has happened in this legislation tonight is detrimental to the health care delivery system, which is precarious at best even now.

There are no winners in their game—the game of the Republicans. It is noteworthy here——

Mr. MCCONNELL. Is my good friend objecting to my request?

Mr. REID. Mr. President, I am objecting, and I will use leader time to make a statement.

It is obvious that everybody can see there were 59 votes in favor of this. We needed 60. They have played this game before, going only to 59, and they are going to try to wiggle out of it some way. The only way to wiggle out of this is to accept this legislation.

My friend, the Republican leader, said he wants Ranking Member GRASSLEY to lead us to a bipartisan agreement. We have a leader. He is called the chairman of the committee. He is the chairman of the Finance Committee, MAX BAUCUS, one of the most experienced Members of this body. And he also has some experience in the other body. He led us to what is the right thing to do.

The majority of the Senate—in fact, 59 Senators—approved what we are trying to do today. I say to all my friends, even if this request were granted and I laid this out in some detail, the House would not be able to pass it.

I wish I could use a better term, but I did not graduate from Harvard, Yale, or Princeton. This is a phony excuse, this is a phony exercise and leads us only down one path—no help for patients and cuts for doctors.

By the way, I don't mean to disparage those schools. They are OK.

If my Republican friends truly wanted to prevent the physician fee cut from taking effect, they would have supported passage of this bill. In the record that is now before this body are more than 200 organizations that are begging that this legislation pass. This is the only bill we can send to the President in time to meet the deadline, the deadline that is established by law, July 1. The House did its work. They passed a bipartisan compromise by a 6-to-1 margin, 355 House Members to 59.

Moreover, even if the 31-day proposal could be passed, it does not solve any problems. It is an administrative nightmare. Medicare physicians and the beneficiaries they serve want the House-passed bill. They are not served by this false proposal.

I, of course, object, as I hope the record reflects, to this request and hope that my Republican colleagues will finally—one more, we only need one, one more Republican will do the right thing. I have said we are all here by virtue of being elected by our respective States. I had out here earlier today our Velcro chart, 79 filibusters. Is it any wonder that the House seats that came up during the off year—Hastert's went Republican, a Republican district that went Democratic; a seat in Louisiana that was a longtime Republican seat went Democratic. Is it any wonder that the State of Mississippi sent us a Democratic House Member? It is no wonder because they see what is going on over here.

I am very sorry for the people of our country that this legislation did not pass. But I want the record spread—Democrats to the number, every one of us, except Senator KENNEDY, who is ill, voted for this legislation. If Senator KENNEDY was not ill, he would have been here to vote. He would have been the 60th vote. We understand they probably would have peeled off 1 and it would have been 59.

The record should reflect that Democrats support this legislation because it is good for the American people. A majority of the Senate, 59 Members of the Senate, voted for this legislation. We will be back, and my colleagues will have another opportunity to vote for this bill. It will be led by the chairman of the Finance Committee, Senator BAUCUS.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. I believe I have the floor.

The path the majority leader just recommended we go down leads to a Presidential veto and an expiration of this law at the end of the week and a certain doc fix rejection. In other words, the doctors cut is going to go into effect at the end of this month because of this recalcitrant view, this excessively partisan approach that refuses to accept any input from this side of the aisle.

We have all known the way forward. In fact, Senator GRASSLEY and Senator BAUCUS working together started the way forward months ago by working together to get a bipartisan agreement, which is the way we have typically done these periodic Medicare bills. But, no, my good friend the majority leader jerks him back in and says: We want to do this on a strictly partisan basis. We don't care whether the President will veto the bill.

Here we are a few days before the doctors receive this unconscionable cut, and the majority is saying it is more important to play politics with this issue, to brag about the fact there are 59 Democrats who voted to go forward, to talk, of all things, during the Medicare debate about who won special elections for the House of Representatives in Illinois, Mississippi, or Louisiana. What in the world does that have to do with the subject matter?

The subject matter before us is not playing political games not bragging about the fact that every Democrat voted to go forward. We ought to be talking about the reality of this situation. And the reality is that the refusal of the majority to approach this issue on a bipartisan basis, as has been typically done in the past, will lead to a Presidential veto, a reduction in the reimbursement rates for doctors, an expiration at the end of the week. There is a way forward to get back together like we have typically done on this, and that is to approve a 30-day extension.

My good friend the majority leader has just objected to an opportunity to prevent the physicians' reduction we all agree should not occur. He is objecting to it. So even the most casual observer could not miss the point.

You have an opportunity to prevent the physicians' pay reimbursement reduction or let the law expire at the end of the week. That is the choice. It is perfectly clear.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am sure it was a Freudian slip—59 Democrats voted for this. But next year at this time, there will be 59 Democrats at least. We have a situation where we have a clear bipartisan piece of legislation. How bad could it be? Mr. President, 355 Members of the House of Representatives.

The Founding Fathers set up two equal branches within the legislative branch. The House is just as powerful as we are. They have every right to do what they think is right, as we do, and they, on a bipartisan basis, 6 to 1, passed this bill. We are not jamming anything down anyone's throat. The House of Representatives passed this on a bipartisan basis because it was the right thing to do. We have read into the RECORD the apology of one of the 59 who recognized he voted wrong, and he apologized.

Mr. McCONNELL. Mr. President, will the majority leader yield for a question?

Mr. REID. In just a minute. A veto by the President? Gee whiz, who would be afraid of him? He has a 29-percent approval rating. How in the world could anybody be afraid of him vetoing a bill? I cannot imagine why anyone would care about that.

We have tried to pass tonight on the Senate floor a bill we received from the House of Representatives that was approved by Republicans and Democrats. It has been through the committee process over there and over here as a result of all the work that has been done. And to think at this late hour, recognizing the House is not going to do anything—the Speaker has told us that. They passed a bill 6 to 1. Why would we even think they would take anything? The Speaker and the majority leader of the House said: We are not going to deal with this anymore.

We are going to have another opportunity—I want everyone over here, all my friends to understand that during the next 10 days, think about how you are going to vote on this the next time because you are going to have that opportunity. You go home and explain to all the 200-plus organizations whose names are in this RECORD right now, explain to them how you were doing the right thing because you were afraid President Bush was going to veto a bill.

I will be happy to yield for a question.

Mr. McCONNELL. When the President of the United States vetoes a bill, it doesn't become law, right, unless it is overridden?

Mr. REID. Absolute truth.

Mr. McCONNELL. So if the President vetoes this bill, it is not likely that the fix will be prevented at the end of the week; is that right?

Mr. REID. I say to my friend and I say I don't know how many people are up here for reelection, but I am watching a few of them pretty closely, I say to all these people who are up for reelection: If you think you can go home and say, I voted no because this weak President, the weakest political standing since they have done polling, I voted because I was afraid to override his veto—come on.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. We probably don't need to prolong it much further, but in spite of the political observations of my good friend, the fact is, the President, as a matter of principle, will not sign this bill. At the end of the week, the doctors' reduction in reimbursement will go into effect. There is a way to prevent that, and that is to do a short-term extension to give us an opportunity to do what we have done in the past on these measures, and that is negotiate a settlement. That has been prevented by my good friend.

I think we have discussed this issue long enough. We have others waiting to debate the supplemental.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to H.R. 6331 is withdrawn, and the bill is returned to the calendar.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendments of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 2642) entitled "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes," with amendments.

The PRESIDING OFFICER. Under the previous order, the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill is considered made.

The Senator from Virginia is recognized.

Mr. WEBB. Are we in order to proceed on the supplemental?

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. WEBB. Mr. President, I don't expect very many people to vote against this supplemental. It comes to us from the House with a vote, I recall, of 416 to 12. The President asked for most of the provisions in this bill. The one provision I would like to speak very briefly about tonight is the GI bill provision that is in this supplemental. This is not an expansion of veterans' benefits. This is a new program. This is the first wartime GI bill benefit since Vietnam.

I wish to thank very much people on both sides of the aisle for all the work we have been able to do. There were 11 Republicans who cosponsored this provision, in addition to others who voted for it the first time around. There were more than 300 sponsors in the House. Those sponsors in the House included 90 Republicans.

I especially express my appreciation to Senator HAGEL and Senator WARNER, as well as Senator LAUTENBERG, for being the principal cosponsors along with me on this measure, also Chairman AKAKA of the Veterans' Affairs Committee and the majority leader, who was with us early on.

There are people on my staff who were working on this every day for 18 months, it is a very complex bill: Paul Reagan, my chief of staff; Michael Sozan, my legislative director; William Edwards, my legislative assistant for veterans' affairs; Jacki Ball; Jessica Smith and Kimberly Hunter, who are on our communications staff; Phillip Thompson and Mac McGarvey, both former Marines, who worked hard early on. And those from the staff of the Committee on Veterans' Affairs: Bill Brew, staff director, and Babette Polzer.

This is a landmark piece of legislation that will be in this provision. There are going to be a lot of veterans in the United States who are going to be very happy with the Senate tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I know the time is late. This is a very important bill. It is one that has many good features, and the good features certainly outweigh the bad features. I know we never get everything we want in Congress. We certainly heard a lot about that a few minutes ago. I wish to talk about a couple of very important parts of this bill.

Also in the GI bill is something I worked very hard to put in that bill, which is the transferability of the education benefits that a person in the military now is able to transfer to a spouse or children.

There are many people who don't want to leave the military to take that education opportunity, but they would love to give their spouse or their child that opportunity. It is now in this bill. Very important.

It also incorporates a bill that I introduced early this year, again, for veterans. Who would have thought, Mr. President, that someone who dies serving our country in Iraq and leaves behind a $300 bill due the Veterans' Administration for education benefits—that they were not able to finish because they gave their life in the war—would then get a bill from the Veterans' Administration for that $385? In fact, Mr. President, that is what has been happening since we went into the war on terror.

The Secretary of Veterans Affairs asked me to introduce a bill so he would not have to do that because he knew it was wrong and that we wouldn't want it being done. This bill we are voting on tonight will go retroactive to 9/11, 2001, and it will assure that every family who has been sent a bill and paid that bill, after their loved one has died in service to their country, will be reimbursed, and no bill will ever go out again. That is in this bill, and I am very proud we finally passed it.

Also in this bill is the Merida Initiative, as part of the supplemental. In my home State, and all the border States with Mexico, we are seeing violence with drug cartels that are now targeting our law enforcement officers on our side of the border as well as those in Mexico. They are dying trying to stop the drug cartels that are importing drugs into our country. The Merida Initiative that President Bush and President Calderon have put together is a part of this supplemental. I had hoped that we could also help our local law enforcement officials who do not have the equipment they need to deal with these more violent, more sophisticated drug cartels, but I am telling you right now I am going to pursue that in the next bill we pass that is an appropriations bill because our local law enforcement officials are certainly in need of our help.

We didn't get that in this bill, and I am disappointed, but there will be another day. We have to do this together. We have to stop the drug infusion into our country and stop these heinous crimes that are being committed by the drug cartels in Mexico.

So I support this bill. I hope we will all support it. It is a supplemental. Most of it is what the President asked for. We didn't all get what we wanted, but it is a worthy bill to support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I plan to raise a point of order in a moment, but first I wish to make a statement.

The emergency spending bill being considered by the Senate would provide $210 million for the 2010 Census. No strings are attached to the funding, giving the Census Bureau freedom to spend the money in any way it chooses. While the mission of the Census Bureau is vitally important because of its role in apportioning the House of Representatives and the distribution of billions of dollars in federal grants, the agency has proved to be notoriously bad at spending taxpayer money—and the last thing Congress should do is provide more.

Emergency spending bills should be reserved only for true emergencies, and the 2010 Census is not one of them. The Census Bureau has spent hundreds of millions of dollars over the past 8 years preparing for the 2010 Census. Yet, even that much time and that much money has not been enough to prevent the Bureau from being woefully underprepared.

One of the top priorities for the 2010 Census was modernizing the method for collecting census data so that technology would replace the traditional pen and paper method. One former Director of the Census Bureau called the modernization effort a "significant improvement" over the way data had been collected in the past.

Modernization of the census would take two forms:

First, allowing citizens to fill out census forms over the Internet, rather than on paper only.

Second, equipping census workers who go door-to-door to collect information with handheld computers instead of paper forms.

Two contracts were awarded to build the technology: one to Lockheed Martin for, among other things, the development of an online system and a second to the Harris Corporation for the development of the handheld computers. Unfortunately, mismanagement and incompetence forced the Census Bureau to abandon both the Internet in March 2006 and the handheld computers in April 2008 as a means of collecting data. In place of technology, the Bureau has decided to revert back to an entirely paper-based system—exactly the same way census data was collected 200 years ago.

According to the Census Bureau, the reason for abandoning technology and reverting to paper was its own failure to communicate what it wanted to the contractors. The result was a great deal of confusion, schedule delays and irreversible cost overruns. According to the Government Accountability Office, the Census Bureau was warned repeatedly that problems would mount if it failed to define what it wanted the contractor to do. Instead of taking action, the Bureau kept changing its mind about what it wanted. As recently as January 16, 2008—nearly 2 years after the contract was awarded—the Census Bureau made 400 changes to the contract for handheld computers. To this day, the Census Bureau has still not finalized the handheld computer contract with the Harris Corporation and may not do so until September.

The Census Bureau's mismanagement of the handheld computer contract has become the poster-child for how not to run a large information technology contract. Poor management by the Bureau has diminished the role that technology will play in the 2010 census to the point of embarrassment. Americans will take their Census by paper at the same time that more than 80 million people are filing their Federal taxes online according to the Pew Internet and American Life Project, 75 percent of all adults are actively online. That percentage increases to between 85–90 percent for adults under the age of 50.

According to the Census Bureau, the impact of abandoning technology in the 2010 Census will be a $3 billion overrun. This would bring the total price tag of the 2010 Census to roughly $14.5 billion—or more than double the cost in 2000. Congress should not reward mismanagement at the Census Bureau with an additional $210 million in emergency funding for FY 2008. It is unfair that Congress would ask taxpayers to bail out the Census Bureau for its incompetence in light of the repeated warnings that cost overruns would result from its poor management.

Because the problems of the Census Bureau are of its own making, any additional funding needs for fiscal year 2008 should come out of the budget of the Census Bureau or the Department of Commerce. The real "emergency" with the 2010 Census is the failure, mismanagement and incompetence of the Census Bureau.

According to Congress' own rules, emergency spending is only allowed for needs that truly cannot wait until the next spending cycle. These rules are not difficult to understand and lay out clearly what is and what is not an emergency.

There are many activities funded in the bill that are not actual emergencies according to the rules, but at the top of the list of non-emergencies is the $210 million for the 2010 Census. The 2010 Census may go down in history as one of the worst managed and most expensive of all time, primarily because it saw enormous problems on the horizon and chose to ignore them—leading to the emergency today.

Problems at the Census Bureau have been obvious to auditors and to Congress for years, and the funding in this bill is nothing more than a taxpayer-subsidized bailout for a mismanaged and incompetent agency. The Senate should uphold a point of order against the $210 million included in this bill for the 2010 Census because it violates every definition of emergency spending and provides no accountability for how the money will be spent by an agency that has proven that it desperately needs accountability.

According to the rules, spending can only qualify as an emergency if it meets all of the following criteria:

It is a necessary expenditure—an essential or vital expenditure, not one that is merely useful or beneficial;

It is sudden—coming into being quickly, not building up over time;

It is urgent—a pressing and compelling need requiring immediate action;

It is unforeseen—not predictable or seen beforehand as a coming need, although an emergency that is part of an overall level of anticipated emergencies, particularly when estimated in advance, would not be "unforeseen"; and

It is not permanent—the need is temporary in nature.

Not only does funding for the Census fall short of meeting all of the criteria for emergency spending, it actually fails to meet any of the criteria.

According to Senate Concurrent Resolution 21, any emergency funding for the Census would have to be "necessary, essential, or vital—not merely useful or beneficial." The purpose of this rule is to separate true emergencies from needs that can wait for the regular appropriations process. An accurate count of the population is important for apportioning the House of Representatives, but that alone does not qualify it for emergency funding.

One of the best ways to determine whether funding is "necessary" or "vital" is to ask the following basic question: "How does the Census Bureau plan to spend $210 million?" If funding is truly necessary then there should be a clear answer to that question in the form of a specific plan stating the emergency and how the money would be spent. So, what is the money for? The answer is: no one knows.

The Census Bureau has not requested any emergency funding from the emergency supplemental appropriations bill, nor has it provided a plan for how the money would be spent if received. At a March 6, 2008, hearing of the Senate Appropriations Subcommittee on Commerce, Justice, and Science, Chairman BARBARA MIKULSKI directly asked both the Commerce Secretary, Carlos Gutierrez, and the Census Director, Steven Murdock, whether they needed emergency funding. Sen. MIKULSKI gave them a deadline of April 10 to make their request, but both the Secretary of Commerce and the Director of the Census Bureau declined to request any funding. In response, the Commerce Department stated that it did not need emergency money because plenty of funding was available within the department's existing budget. On April 3, 2008—a week ahead of Sen. MIKULSKI's deadline—Secretary of Commerce Gutierrez instead sent Congress a request to allow the Department to reprogram the department's existing funds to cover the cost overruns at the Census Bureau. Reprogramming existing funds would force the Department of Commerce to offset an increase in Census funding and to bear the burden of its own mistakes rather than placing the burden on taxpayers. On June 9, the President sent a letter to Congress asking for an increase to its fiscal year 2009 budget request for the Census, but also provides offsetting decreases to other programs. The Administration has stated that it would like for all Census money to come from non-emergency spending, which would ensure that the Census Bureau's needs are not paid for out of deficit spending.

Unfortunately, Congress has chosen deficit spending over fiscal responsibility by including $210 million in this bill for the Census. Congress would rather spend additional taxpayer money than cut existing program budgets within the Department of Commerce. Including money in this bill for the census shows little regard for taxpayers, viewing them as a source of easy money rather than as people who work hard for their income. Congress is simply playing games with the budget rules and driving up the deficit.

Senate rules require that emergency spending bills be reserved only for needs that are "sudden, urgent and unforeseen" in nature. The United States has been conducting a census every 10 years since 1790 as required by the Constitution and therefore is never unforeseen.

The Census Bureau is, however, currently facing a likely $3 billion cost overrun for the 2010 Census because of its decision to abandon the use of handheld computers and rely exclusively on paper. Only by stretching the meaning of "sudden, urgent and unforeseen" beyond recognition can it be said that the Census Bureau did not see this problem coming. More than 18 months ago, the Census Bureau itself recognized that abandoning the handheld computers for paper would result in a cost increase for the 2010 Census of at least $1 billion.

On August 31, 2006, Former Census Director Louis Kincannon wrote a letter to the Subcommittee on Federal Financial Management with the following warning about reverting to a paper-based census:

"In addition to significant cost increases to the 2010 Census, reverting to a paper-based operation will compromise efforts to improving coverage . . . and will significantly increase the risk of operational failure during the 2010 Census."

Even as that letter was written, the Census Bureau was being warned that its poor management of the handheld computer project could force the Bureau to revert to an all-paper census. The problems and cost overruns that are materializing today were predicted publicly for a long time, but the Census Bureau ignored the warnings and took no action to prevent the problems.

Chairman HENRY WAXMAN, of the House Oversight and Government Reform Committee, has extensively documented the warnings that were given to the Census Bureau over several years. In addition, the Census Bureau was warned repeatedly by the Government Accountability Office, the Commerce Inspector General, the MITRE Corporation and Congress about its poor planning of the 2010 Census. Each step along the way, the Bureau systematically ignored every warning, leading to the schedule delays and cost overruns being experienced today. The following chronology shows clearly that the current problems being experienced by the Census Bureau are not "sudden, urgent or unforeseen."

January 2004—GAG recommended that the Secretary of Commerce develop a "single integrated project plan" for executing the 2010 Census, including how to incorporate technology. The Census Bureau ignored the recommendation and moved forward without a plan.

September 2004—The Commerce Inspector General warned that the Bureau should follow a number of key "software engineering practices" to avoid pitfalls with the handheld computers. These included doing a better job with "system requirements" and overseeing its contractor. The contract for the handhelds was awarded to the Harris Corporation with very few details about what should be produced—more than two years later the plans are still not finalized.

June 2005—GAG warned the Census Bureau that the agency was "at increased risk of not adequately managing major IT investments and is more likely to experience cost and schedule overruns and performance shortfalls." GAO made several recommendations aimed at improving weaknesses in the Bureau's management of information technology. The Census Bureau failed to adequately respond to these recommendations.

March 2006—As the Bureau was getting ready to award the contract to the Harris Corporation, GAO warned that the agency did not have a "full set of capabilities they need to effectively manage the acquisitions." Unless the problem was to be addressed, GAO warned that technology problems could lead to "cost overruns, schedule delays, and performance shortfalls." The Census Bureau ignored the warnings and still has not addressed them more than two years later.

June 2006—The Senate Subcommittee on Federal Financial Management held a hearing on the Census and then-Director Louis Kincannon was asked about whether there was a backup plan if the handheld computers did not work. Even as the GAO was raising concerns that technology for the 2010 Census was in jeopardy, the Director said that no backup plan was needed since the computers were guaranteed to work, and said the following:

"You might as well ask me what happens if the Postal Service refuses to deliver the census forms."

July 2006—GAO issued a report stating that if the Census Bureau did not do more to ensure the success of the handheld computers, it would be faced with the "possibility of having to revert to the costly paper-based census used in 2000."

April 2007—GAO testified before Congress that "uncertainty surrounded" the handheld computers because the devices were not being properly tested and The Census Bureau ignored the warnings.

June 2007—The Census Bureau's private, independent consultant—the MITRE Corporation—sounded a loud alarm and warned that the Bureau's continued refusal to make final specifications could put the entire census at risk of severe cost overruns. Census Bureau management dismissed the warning.

July 2007—GAO testified again before a Senate subcommittee that there were "technical problems with the handheld computing devices" and that "risk management activities" were "imperative." Failure to address these concerns could threaten to overtake the handheld computer project.

October 2007—Once again GAO, with a rising sense of urgency, warned that the handheld contract faced "an increased probability that decennial systems will not be delivered on schedule and within budget." The Census Bureau did not disagree with this assessment.

November 2007—MITRE Corporation executives called an emergency meeting with the Deputy Director of the Census to recommend that he develop a backup plan for paper because the problems with the handheld computers were so severe.

December 2007—In the last days of the year on December 11, the outgoing Director of the Census Bureau testified at a House hearing about the handheld computers and brushed off any concerns raised by Members. He denied that any serious problems existed or that there were any significant delays or cost overruns.

For years, there were warnings raised to the Census Bureau on nearly a monthly basis at times, but those warnings were patently ignored and disdained by Census management. Not until February 2008—when the media caught wind of the true situation—did the Census Bureau acknowledge publicly that there was a serious problem with the handheld computers and that large cost overruns were likely.

In testimony before the Senate Homeland Security Committee on March 5, 2008, the Secretary of Commerce, Carlos Gutierrez, took it one step further and accepted responsibility for failing to act earlier. He said:

"Clearly the problem was more significant than had been conveyed in the December 11 hearing.

In testimony before the Committee on April 15, Secretary Gutierrez admitted that the Bureau was aware of problems by early 2007, when he said:

"Concerns about the [handheld computer) program grew over time and Census and Commerce officials became increasingly aware of the significance of the problems through GAO and Office of Inspector General reviews, the 2007 dress rehearsal and internal assessments."

None of these concerns were relayed to Congress until it was too late and emergency funding was the only recourse. With this chronology of events, it is simply not possible to claim that any problems with the 2010 Census being seen today are "sudden, urgent and unforeseen." They have been just the opposite: unsurprising, long-standing and predictable.

Without diminishing the importance of the 2010 Census, the funding in this bill does not meet the definition of an emergency by a long shot. The problems surfacing today were not only predicted many times in the past few years, but were documented publicly in numerous congressional hearings. A vote to waive the rules on emergency spending in this situation is a vote to render the emergency spending rules meaningless. A vote to waive the rules is also a vote to reward incompetent management at the Census Bureau despite its ignoring years of repeated warnings that problems were on the horizon.

In order to qualify for emergency funding, it must be proved that funding for the 2010 Census is "temporary in nature." The rule is intended to ensure that needs that are long-standing or ongoing do not get funding under emergency rules. Rather, only those needs that are short-lived can qualify as an emergency.

No activity of the U.S. Government has existed for a longer period of time nor has an activity of the government been as predictable as the decennial census. Article 1, Section 2 of the Constitution states that "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct." With these words, the Founding Fathers established that a census of the entire population would be taken every ten years in perpetuity. Since the birth of the Nation more than 230 years ago, a census has been taken every 10 years—few things in government are as permanent as the census.

It should come as a surprise to no one that there will be a census in 2010, least of all to Congress and to the Census Bureau. $210 million in emergency spending should not be included in a bill that is intended only for measures that are "not permanent" or "temporary."

The Census Bureau finds itself today as the recipient of a bailout from Congress because it has been taught by past experience to expect a bailout whenever times get tough. The example of the 2000 Census provides an illustration of how the expectation of a congressional bailout drives up costs because it decreases concerns about getting the best price.

By the late 1990s, census planners were operating under the assumption that the 2000 Census would cost $4 billion—then the most expensive of all time. At the time, the Census Bureau was planning to use a method of data collection known as "sampling" during the 2000 Census. On January 25, 1999, only 15 months before Census Day 2000, the Supreme Court ruled that sampling was not allowable, and that the Census Bureau would have to redesign the 2000 Census.

Although the issue was highly controversial, and subject to a ruling by the Supreme Court, the Census Bureau failed to make any plans whatsoever in the event that sampling would not be allowed. In September 1999, GAO reported that: "The bureau did not begin detailed budgeting for a nonsampling-based census until after the Supreme Court ruled that the Census Act prohibited the use of statistical sampling." Thus, poor planning and mismanagement forced the Census Bureau to request an additional $2.6 billion from Congress during the final year of preparations.

Congress was faced with the decision to either cut $2.6 billion from existing programs or designate the new funding as an emergency. Not surprisingly, Congress chose to designate the $2.6 billion as an emergency since it allowed the funding to get around the budget rules that would have otherwise required spending cuts. It is the worst kept secret in Washington that emergency spending is nothing more than a ploy by politicians to bust through the budget caps and spend more money. Although Members of Congress were spared from having to make any difficult choices, taxpayers were not so lucky.

Today, for the 2010 Census, Congress is once again facing a decision about how to come up with $3 billion. And, once again it wants to pay for it on the backs of the American people. Management at the Census Bureau is smart enough to know that Congress will never hold the agency accountable for its mismanagement of taxpayer dollars, as evidenced by the $210 million in this bill. Congress should begin holding the Census Bureau accountable today and sustain the point of order against emergency funding for the census in this bill.

MEMBERS OF CONGRESS HAVE REPEATEDLY NOTED THAT CENSUS PROBLEMS WERE A FAILURE OF MANAGEMENT, NOT THE RESULT OF AN EMERGENCY

By providing $210 million to the Census Bureau, Congress is disregarding the findings of its own committees. There have been no fewer than five committee hearings in the past 3 months detailing the long-standing failures of the Census Bureau to properly manage the 2010 Census.

Several members of Congress from both parties and both houses have commented over the past several months about the poor management of the Census Bureau and the shocking indifference it showed towards those that tried to raise a warning. The following statements have been made in recent months by various Members of Congress.

On March 6, the Chairman of the Senate Commerce, Justice and State Appropriations Subcommittee, Senator BARBARA MIKULSKI, said that it was "shocking" that the 2010 Census will be done the same way "we've been doing censuses for 200 years." Senator MIKULSKI also stated that "a paper census in America borders on a scandal."

On June 18th, the ranking member of the CJS Subcommittee, Senator RICHARD SHELBY, said that the $3 billion cost overrun is the result of "gross mismanagement of the Census Bureau in acquiring hand held computers."

In March 2008, Representative CAROLYN MALONEY called the management of the 2010 Census a "mess" and said that "what we're facing is a statistical Katrina." In April 2008, upon hearing that the Census Bureau decided to abandon the handheld computers, she said: "It brings little satisfaction to have been right about this, but we've said since last year the Census was in real peril."

Representative HENRY WAXMAN, Chairman of the House Oversight and Government Reform Committee, blamed the cost overruns on "serious mismanagement" and said that "the costly decision to return to a paper census was avoidable."

At a hearing in March, Senator TOM CARPER, Chairman of the subcommittee with jurisdiction over the Census Bureau, said that "the Census Bureau did not heed the warnings coming from GAO and others that their handheld project was troubled."

Representative LACY CLAY, who chairs the House Census Subcommittee said, "This appalling failure of management oversight by both the Census Bureau and Harris Interactive, combined with ridiculous cost overruns is totally unacceptable." Representative CLAY also said: "[Harris] is delivering half of the hand-held computers that the Census Bureau originally ordered. The machines can't do what we wanted them to do. And yet, Harris expects the taxpayers to provide more than $700 million more to pay for their failures. That is outrageous."

Senator JOE LIEBERMAN said that "it is inexcusable that the Census Bureau must still rely on paper and pencils to perform its most important function."

Senator SUSAN COLLINS, in discussing the management of the census, said that "there is little to applaud and much to be concerned about." Senator COLLINS went to blame agency management for a "combination of wishful thinking, lax management, and tunnel vision."

Even the Secretary of Commerce, Carlos Gutierrez, who is ultimately responsible for the 2010 Census, said that the problems with the handheld computers are not the result of an unexpected emergency, but is "a management problem."

THE CENSUS BUREAU HAS A POOR TRACK RECORD OF USING TAXPAYER MONEY

The Census Bureau has one of the worst track records of any federal agency when it comes to spending taxpayer money. Numerous accounts can be given to highlight the way in which the Census Bureau wastes money through negligence, mismanagement and incompetence. The $210 million in emergency funding in the bill is nothing more than rewarding bad behavior with more money and no accountability.

Consider the following ways in which the Census Bureau has done a poor job of controlling the cost of the census:

The cost of the census has doubled every time it has been taken since 1970. In 1970, it cost only $248 million to count 200,000 American citizens, but in 2010, it will cost nearly $15 billion to count 300,000 citizens—that means it will cost 60 times more to count 1½ times as many people. In the 1990 Census it cost $10 per person to count the population—in the 2010 Census, it will cost at least $47 per person.

More recently, the Census Bureau awarded a $600 million cost-plus contract to the Harris Corporation for the development of handheld computers, which has skyrocketed above the original plan. The handheld computers were supposed to perform a number of functions, including two functions called Address Canvassing and Non-Response Follow Up:

Address Canvassing is the process of plotting every American household with a GPS coordinate.

Non-Response Follow Up is the process of collecting information door-to-door from households that don't respond to the census by mail.

Due to mismanagement by the Census Bureau, the project has not only been severely scaled back but the cost of the contract will likely double. In April, the Secretary of Commerce decided to eliminate Non-Response Follow Up from the list of functions that the handheld computer would perform, leaving only Address Canvassing. The Harris Corporation estimated that the impact of that decision so close to the 2010 Census would increase the cost of the contract from approximately $600 million to $1.3 billion—an overrun of $700 million to be funded by taxpayers.

According to estimates based on the new contract, the unit cost for each handheld computer would be $600 for a device that can do nothing more than plot homes on a map using GPS coordinates. This means that the Census Bureau will pay $600 for a custom-made handheld device that can do less than an off-the-shelf BlackBerry that costs $200 or an iPhone that costs $275.

One of the most glaring examples of wasted money at the Census Bureau is seen in the recent cost overrun for a technology help-desk planned for census takers going door-to-door in 2010. The original for the help desk—before the decision was made to abandon technology for a paper census—was $36 million. After the decision to use paper only, the estimated cost of the technology help desk increased to $217 million.

Some will argue that without immediate emergency funding, the Census Bureau will not be able to pull off the 2010 Census, putting apportionment and important programs in jeopardy.

This is not true. The next fiscal year is only 3 months away and any funding that the Census Bureau needs can be provided then. There is no compelling argument that emergency deficit spending on the 2010 Census is needed immediately. Perhaps the reason why $210 million is being included is because the Congress—like the Census Bureau—is once again mismanaging its constitutional duties to pass appropriations bills on time.

Also, as I already stated earlier, it is not clear what this money would actually be used for and so it is impossible to say it is essential. It is incomprehensible why the Census Bureau needs an extra $210 million at this point when it is planning to spend an overall amount of $14.5 billion on the 2010 Census. That is more than twice as much as the cost of the 2000 Census that was done the exact same way—by pencil and paper.

There are plenty of deficit-neutral options available to provide funding for the 2010 Census, including transferring money already available within the Department of Commerce. Or, Congress could cut or eliminate less important programs to free up money for the 2010 Census.

Furthermore, some may argue that the concerns about poor management at the Census Bureau can be dealt with another time—the most important thing is getting the 2010 Census done right and without delay.

I would respond by noting that this country is always in the middle of preparations for the next decennial census—if management concerns are always pushed back then they will never be addressed. Providing a bailout for the Census Bureau now is tantamount to excusing the poor management that has prevailed at the agency for the better part of a decade.

Report after report by the GAO and the Inspector General have called upon the Census Bureau to improve its poor management of the 2010 Census. Each of those reports and warnings were ignored because, ultimately, the agency knew that Congress didn't care about accountability. Congress should deal with the management concerns immediately and start by withholding the bailout money in this bill.

Mr. President, this is a simple point of order, but it has tremendous ramifications on whether we are going to effectively oversight the rest of the executive agencies.

Three and a half years ago, TOM CARPER and I started oversight hearings on the census. At that time, GAO said: They are not going to make it. They are not doing what they need to do. It was totally ignored, both by the Census Bureau as well as the Department of Commerce. Now we find that even though they have had two contracts—one with Lockheed and one with another company—to put the census online—we are going to be the only modern country that doesn't have the census online—they have totally withheld, totally canceled that contract, and totally didn't perform. The other, to do with electronic data collection, is now a flop, and they admit the reason it is a flop is because the Census Bureau did not communicate with the contractor.

In this bill is $210 million to say: Oh, we are sorry. We are going to give you more money because you didn't do it well.

Secretary Gutierrez says there is plenty of money in the Commerce Department to cover this cost, and I am going to raise a point of order that it is not an emergency. There is plenty of money there, and we are sending exactly the wrong message to every other agency in this Government by allowing an agency that is going to do the census the same way it did 200 years ago because of incompetency. We are going to give them $200 million on an emergency basis, and we are going to charge the next generation because we are not going to pay for it. We are going to borrow the money, and we are going to embrace and endorse incompetence.

So, Mr. President, I raise a point of order, pursuant to section 204(a)(5) of the fiscal year 2008 budget resolution, S. Con. Res. 21, against the emergency designation of $200 million for the Census Bureau in the message in the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senator from Oklahoma has raised a point of order, and I want all our colleagues to know that his point of order lies against the emergency designations for the census funding, as he has just talked about, but in reality his point of order lies against all the emergency spending in this amendment, including the veterans education funding and the extension of unemployment benefits, and against the disaster relief.

So I urge our colleagues to vote with us on the point of order. It has already been part of the agreement. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Under the previous order, the motion to waive the Budget Act is considered made.

Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—77

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Cornyn
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed (RI)
Reid (NV)
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—21

Allard
Barrasso
Burr
Chambliss
Coburn
Conrad
Corker
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Inhofe
Isakson
Kyl
Sessions
Voinovich

NOT VOTING—2

Kennedy
McCain

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, 1 year ago, Congress sent the President a war funding supplemental that included clear direction to bring our troops home by December of 2007. The President chose to veto that bill. If he had signed that bill, most of our troops would be home today.

Instead of bringing our troops home, the President decided to increase our commitment of U.S. troops and treasure to a war that has now entered its sixth year. Over 4,100 U.S. servicemembers have died. Over 30,000 U.S. servicemembers have been wounded. This year, the President asked Congress to approve another $178 billion for this endless war. With enactment of this supplemental, Congress will have approved over $656 billion for the war in Iraq.

Once again, the President threw down the gauntlet and said he would veto the supplemental bill if Congress added funding for anything other than the war. He made this demand at a time when the U.S. economy is in trouble.

Under the President's failed fiscal leadership, deficits and debt are on the rise. Unemployment is on the rise, with the largest 1 month increase in 20 years. Economic growth came to a virtual halt at the end of last year. Food and fuel costs are dramatically climbing. Mr. President, 8.8 million home owners have mortgages that exceed the value of their homes, and foreclosures have increased 57 percent.

While saying no to funds for America, the President wanted this Congress to approve more funding to reconstruct Iraq. We have already approved $45 billion for reconstruction projects in Iraq. Despite the fact that the Iraqi government is running a huge surplus due to excess oil revenues, the President asked this Congress to spend another $3 billion of American taxpayer dollars on reconstructing Iraq.

The President wants money to build schools in Sadr City but not in Seattle. He wants money for roads in Ramadi but not Richmond. The President wants money for Mosul but not Minneapolis. He wants to reconstruct Baghdad but not Baltimore or Birmingham.

Congress listened to the President. We had hearings on his request, and we concluded that, notwithstanding his ill-considered veto threat, we would include funding to help our citizens here at home.

The amendment that is before the Senate extends unemployment benefits for 13 weeks. Over the past year, the number of unemployed workers in this country has grown by 1.6 million to a level of 8.5 million people.

I am pleased that the amendment includes critical funding for our veterans. I commend Senator WEBB and Senator WARNER for their leadership in drafting legislation that provides our veterans with an education benefit that they have earned.

We also have a moratorium on six burdensome Medicaid regulations. The President wanted to pass billions of dollars of expenses on to the States for rehabilitation services and school-based services for children with special needs. Congress said no.

We have included $2.65 billion for disaster assistance to help the victims of the Midwest floods, as well as other disasters that have happened over the last year for which the President sought no additional funding. We have added funding for the Food and Drug Administration to help protect our food and drug supplies. We also modified the President's request for the war by adding $160 million to his request for funding DOD efforts in Afghanistan. We must never forget that those who attacked us on 9/11 trained in Afghanistan, not Iraq. We also include language mandating that Iraq match, dollar for dollar, further U.S. contributions to reconstructing Iraq.

This year, the Appropriations Committee has held, and will continue to hold, oversight hearings looking at waste, fraud and corruption in Iraq. Unchecked corruption in Iraq is providing much of the funding for the very enemy our servicemen and women are fighting—and President Bush has demonstrated either unwillingness or an inability to check the flow of funds and weapons from these sources to the enemy. This amendment requires the

Secretary of State to develop a comprehensive anticorruption strategy and submit to Congress the identities of Iraqi officials believed to have committed corrupt acts. I am also pleased that this legislation continues to provide funding, funding not requested by President Bush, for the Special Inspector General for Iraqi Reconstruction. As a result of our recent hearings on fraud and corruption in Iraq, we learned that there are only five FBI agents assigned to investigate fraud in Iraq and Afghanistan. For this administration, look no evil, see no evil. Well, it is time to take our blinders off. This amendment includes $5 million to increase FBI investigations, and the committee will continue to hold hearings on fraud and waste in Iraq.

Despite the positive measures for struggling Americans, our veterans, and their families included in this amendment, I deeply regret that this legislation will go to President Bush without the necessary checks to ensure that the war in Iraq is not open-ended. The majority of the American people have come to see this war as a costly mistake that needs to be brought to a close. This legislation brings us no closer to that goal.

However, with this legislation, we will once again take care of our troops. We also invest in America here at home.

There is more to do. I am disappointed that the White House blocked our efforts to add funding to help the Gulf States recover from Hurricane Katrina, to provide additional low-income home energy assistance, and to invest in our infrastructure. I have consulted with the leadership, and next month, the committee will consider a second supplemental to deal with the Midwest floods, Hurricane Katrina, and to make critical investments in America.

I urge adoption of the amendment.

I ask unanimous consent that an explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR ROBERT C. BYRD, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO HOUSE AMENDMENT NUMBER 2 TO THE SENATE AMENDMENT TO H.R. 2642

Following is an explanation of the fiscal year 2008 supplemental appropriations and fiscal year 2009 appropriations in the further amendment of the House to Senate amendment numbered 2 to House amendment numbered 2 to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

The further House amendment provides that, in lieu of the matter proposed to be inserted by the Senate, language be inserted providing supplemental appropriations for military construction, international affairs, disaster assistance, and other security-related and domestic needs, as well as language providing for accountability in contracting, improved veterans education benefits, temporary extended unemployment compensation, and a moratorium on certain Medicaid regulations. The amendment also strikes lines 1 through 3 on page 60 of the Senate engrossed amendment of September 6, 2007.

Unless otherwise noted, all appropriations in the amendment are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 21) agreed to by Congress for fiscal year 2008 includes a provision relating to the notification of emergency spending. This provision requires a statement of how the emergency provisions contained in the bill meet the criteria for emergency spending as identified in the budget resolution. The amendment contains emergency funding for fiscal year 2008 for overseas deployments and other activities, for hurricane recovery in the gulf coast region, for the 2008 Midwest floods, and other natural disasters, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror, the hurricanes of 2005, the ongoing floods in the Midwest and other natural disasters, and rising unemployment. The amendment also funds the costs of ongoing military deployments and other requirements through the beginning months of the next fiscal year. These needs meet the criteria for emergency funding.

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The amended bill provides a total of $850,000,000 to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The amended bill provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the amended bill provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the amended bill provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

The amended bill includes $4,000,000 for the Office of Inspector General. The Inspector General is directed to continue its audit and oversight activities of the Federal Bureau of Investigation's use of National Security Letters (NSLs) and orders for business records, pursuant to Section 215 of the USA PATRIOT Act.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The amended bill includes $1,648,000 for General Legal Activities for the Criminal Division to provide litigation support services to the Special Inspector General for Iraq Reconstruction for its ongoing investigations and cases involving corruption in the reconstruction of Iraq. The amended bill does not include funding requested to create Iraq and Afghanistan support units within General Legal Activities, Criminal Division. These worthy activities should be supported through funds made available to the Departments of State or Defense.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes $5,000,000 for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The amended bill includes $28,621,000 for the U.S. Marshals Service. Within this funding level is $7,951,000 to provide security at high-threat terrorist trials in the United States and $3,700,000 to improve court and witness security in Afghanistan.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides $106,122,000 for the Federal Bureau of Investigation (FBI). This funding level includes $101,122,000 for operations in Iraq and Afghanistan and for enhanced counterterrorism activities and $5,000,000 to increase the FBI's capacity to investigate fraudulent contracts in Iraq and Afghanistan. The FBI is directed to provide the House and Senate Committees on Appropriations with a detailed plan for the obligation of these funds no later than 30 days after the enactment of this Act and to update this plan on a quarterly basis with actual obligations.

The amended bill also provides $82,600,000 in bridge funding for the FBI to maintain the operations described above into fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $29,861,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough; to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs; and to purchase a helicopter for Foreign-deployed Advisory Support Team transportation.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The amended bill includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives for necessary costs of operations in Iraq.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant information to other Federal law enforcement agencies.

GENERAL PROVISION, THIS CHAPTER

The amended bill includes a provision authorizing the use of funds appropriated in this chapter, or available by the transfer of funds in this chapter, for activities pursuant to section 504 of the National Security Act of 1947.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

Iraq.—The Administration's request has been reviewed for military construction in Iraq to ensure that the recommended projects are consistent with contingency construction standards. The establishment of permanent bases in Iraq is not supported, and the amended bill does not include any funds to establish any such base, or convert any base in Iraq from a temporary to permanent status. The amended bill includes language prohibiting the obligation or expenditure of funds for Iraq construction projects provided under Military Construction, Army, and Military Construction, Air Force, until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for permanent basing of U.S. military personnel in Iraq. The Secretary of Defense is further directed to provide to the Committees on Appropriations of both Houses of Congress, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close, and the timeline for their closure; and a finite list of potential enduring locations describing the mission, military construction requirements, and projected population of these locations.

Child Development Centers.—The amended bill recommends a total of $210,258,000 to design and build twenty new child development centers for the Army, Navy, Marine Corps, and Air Force. The Department should be commended for following the lead of Congress by requesting funds for additional child development centers.

Army Barracks Improvements.—The deplorable conditions that have recently been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan, have raised numerous concerns about the adequacy of living conditions for military personnel. The Army created a permanent party barracks modernization program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completely funded until 2013. Given this timeline, it is unacceptable that the Army has allowed some of its existing permanent party barracks to fall into disrepair. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization (SRM) funds, there is a need for additional military construction funds to expedite barracks replacements. The amended bill includes a total of $200,000,000 for the Army to accelerate the construction of new barracks, or to provide major renovations to existing barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

The amended bill recommends $1,108,200,000 for Military Construction, Army. The funds are provided as follows:

[In thousands of dollars]

Location	Protect description	Request	Recommendation
AK: Fort Wainwright	Child Development Center [1]	17,000	17,000
CA: Fort Irwin	Child Development Center [1]	11,800	11,800
CO: Fort Carson	Child Development Center [1]	8,400	8,400
CO: Fort Carson	Soldier Family Assistance Center	8,100	8,100
GA: Fort Gordon	Child Development Center [1]	7,800	7,800
GA: Fort Stewart	Soldier Family Assistance Center	6,000	6,000
HI: Schofield Barracks	Child Development Center	12,500	12,500
KS: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000
KY: Fort Campbell	Child Development Center [1]	9,900	9,900
KY: Fort Campbell	Soldier Family Assistance Center	7,400	7,400
KY: Fort	Knox Child Development Center	7,400	7,400
LA: Fort Polk	Soldier Family Assistance Center	4,900	4,900
MO: Fort Leonard Wood	Starbase Complex 6, Phase 1		50,000
NC: Fort Bragg	Child Development Center [1]	8,500	8,500
NY: Fort Drum	Warrior in Transition Facilities	38,000	38,000
OK: Fort Sill	Child Development Center [1]	9,000	9,000
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Bliss	Child Development Center [1]	5,900	5,900
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Hood	Child Development Center [1]	7,200	7,200
TX: Fort Hood	Warrior In Transition Unit Ops Facilities	9,100	9,100
TX: Fort Sam Houston	Child Development Center [1]	7,000	7,000
VA: Fort Lee	Child Development Center [1]	7,400	7,400
Afghanistan: Bagram AB	Administrative Building [1]	13,800	13,800
Afghanistan: Bagram AB	Aircraft Maintenance Hangar	5,100	5,100
Afghanistan: Bagram AB	Ammunition Supply Point	62,000	62,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 3	23,000	23,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 4	21,000	21,000
Afghanistan: Bagram AB	New Roads	27,000	27,000
Afghanistan: Bagram AB	Power Plant	41,000	41,000
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000
Afghanistan: Kabul	Consolidated Compound	36,000	36,000
Afghanistan: Various Locations	Counter IED Road—Route Alaska	16,500	16,500
Afghanistan: Various Locations	Counter IED Road—Route Connecticut	54,000	54,000
Iraq: Al Asad AB	Hot Cargo Ramp	18,500	18,500
Iraq: Al Asad AB	Landfill	3,100	3,100
Iraq: Al Asad AB	Power Plant	40,000	
Iraq: Al Asad AB	South Airfield Apron (India Ramp)	28,000	28,000
Iraq: Al Asad AB	Urban Bypass Road	43,000	
Iraq: Baghdad IAP	Water Supply, Treatment & Storage Ph III	13,000	13,000
Iraq: Camp Adder	Convoy Support Center Relocation, Phase II	39,000	39,000
Iraq: Camp Adder	Multi-Class Storage Warehouse	17,000	
Iraq: Camp Adder	POL Storage Area	10,000	10,000
Iraq: Camp Adder	Power Plant	39,000	
Iraq: Camp Adder	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300
Iraq: Camp Anaconda	Landfill	6,200	6,200
Iraq: Camp Anaconda	Power Plant	39,000	
Iraq: Camp Constitution	Juenile TIFRIC	11,700	11,700
Iraq: Camp Cropper	Brick Factory	9,500	
Iraq: Camp Marez	Landfill	880	880
Iraq: Camp Ramadi	Landfill	880	880
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400
Iraq: Camp Speicher	Landfill	5,900	5,900
Iraq: Camp Speicher	Military Control Point	5,800	5,800
Iraq: Camp Speicher	Power Plant	39,000	
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000	
Iraq: Camp Taqqadum	Landfill	880	880
Iraq: Camp Warrior	Landfill	880	880
Iraq: Fallujah	Landfill	880	880
Iraq: Mosul	Urban Bypass Road	43,000	
Iraq: Qayyarah West	North Entry Control Point	11,400	11,400
Iraq: Qayyarah West	Perimeter Security Upgrade	14,600	14,600
Iraq: Qayyarah West	Power Plant	26,000	
Iraq: Scania	Entry Control Point	5,000	5,000
Iraq: Scania	Water Storage Tanks	9,200	9,200
Iraq: Victory Base	Landfill	6,200	6,000
Iraq: Victory Base	Level 3 Hospital	13,400	13,400
Iraq: Victory Base	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Victory Base	Water Treatment &. Storage Phase II	18,000	18,000
Iraq: Various Locations	Facilities Replacement	72,000	
Iraq: Various Locations	Overhead Cover—eGlass	135,000	135,000

[In thousands of dollars]

Location	Protect description	Request	Recommendation
Kuwait: Camp Arifjan	Communication Center	30,000	30,000
Worldwide: Unspecified	Planning and Design (GWOT)	64,200	52,000
Worldwide: Unspecified	Planning and Design (WIT)	14,600	14,600
Worldwide: Unspecified	Planning and Design (COG)[1]	6,000	6,000
Total		1,486,100	1,108,200

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $355,907,000 for Military Construction, Navy and Marine Corps. The funds are provided as follows:

[In thousands of dollars]

Location	Project description	Request	Recommendation
CA: Camp Pendleton	11th Marine Regiment HQ, Armory, BEQ	34,970	34,970
CA: Camp Pendleton	5th Marine Regiment Addition, San Mateo	10,890	10,890
CA: Camp Pendleton	Armory Intelligence Battalion, 16 Area	4,180	4,180
CA: Camp Pendleton	Armory, Regiment & Battalion HQ, 53 Area	5,160	5,160
CA: Camp Pendleton	BEQ & Mess Hall HQ (13) Area	24,390	24,390
CA: Camp Pendleton	EOD Operations Facility	13,090	13,090
CA: Camp Pendleton	ISR Camp—Intelligence Battalion	1,114	1,114
CA: Camp Pendleton	JIEDDO Battle Courses[1]	9,270	9,270
CA: Camp Pendleton	Military Police Company Facilities	8,240	8,240
CA: Twentynine Palms	Regimental Combat Team HQ Facility	4,440	4,440
CA: China Lake NAWS	JIEDDO Battle Courses[1]	7,210	7,210
CA: Point Mugu	JIEDDO Battle Courses[1]	7,250	7,250
CA: San Diego	Child Development Center[1]	17,930	17,930
CA: Twentynine Palms	JIEDDO Battle Courses[1]	11,250	11,250
FL: Whiting Field NAS	JIEDDO Battle Courses[1]	780	780
MS: Gulfport NCBC	JIEDDO Battle Courses[1]	6,570	6,570
NC: Camp Lejeune	Child Development Center[1]	16,000	16,000
NC: Camp Lejeune	JIEDDO Battle Courses[1]	11,980	11,980
NC: Camp Lejeune	Maintenance/Operations Complex 2/9.	43,340	43,340
SC: Parris Island MCRD	Recruit Barracks		25,360
VA: Yorktown NWS	JIEDDO Battle Courses[1]	8,070	8,070
Djibouti: Camp Lemonier	CJTF–HOA HQ Facility	29,710	
Djibouti: Camp Lemonier	Dining Facility	20,780	20,780
Djibouti: Camp Lemonier	Fuel Farm[1]	4,000	4,000
Djibouti: Camp Lemonier	Full Length Taxiway[1]	15,490	15,490
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270
Djibouti: Camp Lemonier	Water Production	19,140	19,140
Djibouti: Camp Lemonier	Western Taxiway[1]	2,900	2,900
Worldwide: Unspecified	Planning and Design (GTF)	7,491	7,491
Worldwide: Unspecified	Planning and Design (GWOT)	4,300	4,300
Worldwide: Unspecified	Planning and Design (CDC)[1]	1,101	1,101
Worldwide: Unspecified	Planning and Design (JIEDDO)[1]	2,951	2,951
Total		360,257	355,907

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $65,331,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, AIR FORCE

The amended bill recommends $399,627,000 for Military Construction, Air Force. The funds are provided as follows:

[In thousands of dollars]

Location	Project description	Request	Recommendation
CA: Beale AFB	Child Development Center[1]	17,600	17,600
FL: Eglin AFB	Child Development Center[1]	11,000	11,000
NJ: McGuire AFB	JIEDDO Battle Courses[1]	6,200	6,200
NM: Cannon AFB	Child Development Center[1]	8,000	8,000
Afghanistan: Bagram AB	East Side Helo Ramp	44,400	44,400
Afghanistan: Bagram AB	ISR Ramp.	26,300	26,300
Afghanistan: Bagram AB	Parallel Taxiway Phase 2	21,400	21,400
Afghanistan: Bagram AB	Strategic Ramp	43,000	43,000
Iraq: Balad AB	Fighter Ramp	11,000	11,000
Iraq: Balad AB	Foxtrot Taxiway	12,700	12,700
Iraq: Balad AB	Helicopter Maintenance Facilities.	34,600	34,600
Kyrgyzstan: Manas AB	Strategic Ramp	30,300	30,300
Oman: Masirah AB	Expeditionary Beddown Site	6,300	6,300
Qatar: Al Udeid AB	Facility Replacements	40,000	30,000
Qatar: Al Udeid AB	Northwest (CAS) Ramp[1]	60,400	60,400
Worldwide: Unspecified	Planning and Design (GWOT)	35,000	35,000
Worldwide: Unspecified	Planning and Design (CDC)[1]	1,427	1,427
Total		409,627	399,627

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $6,200,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The amended bill recommends $890,921,000 for Military Construction, Defense-Wide. The funds are provided as follows:

[In thousands of dollars]

Location	Project description	Request	Recommendation
GA: Fort Benning	Hospital Replacement		350,000
KS: Fort Riley	Hospital Replacement		404,000
NC: Camp Lejeune	Hospital Addition		64,300
TX: Fort Sam Houston	Burn Rehabilitation Center	21,000	21,000
Qatar: Al Udeid AB	Logistics Storage Warehouse	6,600	6,600
Worldwide: Unspecified	Planning and Design (MTF)		45,021
Total		27,600	890,921

Medical Treatment Facilities Construction.—There is a great concern with the large backlog of needed recapitalization for medical treatment facilities for military service members and their families. The current Future Years Defense Plan (FYDP) for Tricare Management Activity military construction averages $412,000,000 per year for fiscal years 2009 through 2013, and much of this amount is accounted for by medical research facilities. With the services identifying recapitalization requirements ranging in the several billions of dollars, the current FYDP for medical construction is obviously and severely insufficient. The Department's inventory of medical treatment facilities is riddled with aging hospitals, clinics, and other facilities that do not meet current standards for medical care. Adding to this problem is the fact that several installations are adding thousands of personnel and dependents due to Base Realignment and Closure, the relocation of units from Europe and Korea to the United States, and the Growing the Force initiative that will add 92,000 active duty personnel to the Army and Marine Corps. The amended bill therefore recommends $863,321,000 for additional medical treatment facility construction. These funds will provide for the Army's top two priority hospital replacement projects in the United States as well as a top priority hospital addition for the Marine Corps.

The Department of Defense is also directed to develop a comprehensive master plan for medical treatment facilities construction, to include both recapitalization and new requirements. This plan shall include a comprehensive priority list of projects for all services, provide a cost estimate for each project, supply data on the current state of facilities and the projected change in demand for services due to growth for each location on the list, indicate the extent to which identified construction requirements are programmed in the FYDP, and indicate the resources required for associated planning and design work. This report shall be submitted to the Committees on Appropriations of both Houses of Congress no later than December 31, 2008.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps. The funds are provided as follows:

[In thousands of dollars]

Location	Project description	Request	Recommendation
CA Camp Pendleton	Public-Private Venture, Phase 6B	10,692	10,692
CA Twentynine Palms	Public-Private Venture, Phase 2A	1,074	1,074
Total		11,766	11,766

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The amended bill recommends $1,278,886,000 for Department of Defense Base Closure Account 2005 instead of $1,202,886,000 as requested by the Administration. The amount provided fully funds the Administration's request to expedite medical facility construction at Bethesda and Fort Belvoir, and provides an additional $862,976,000 for BRAC 2005 implementation.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The amended bill recommends $100,000,000 for General Operating Expenses to implement the provisions of title V of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The amended bill recommends $20,000,000 for Information Technology Systems to implement the provisions of title V of this Act, including support for any personnel increases within the Veterans Benefits Administration.

CONSTRUCTION, MAJOR PROJECTS

The amended bill recommends $396,377,000 for Construction, Major Projects to accelerate and complete planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan.

Polytrauma Center Initiative.—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. Operating under a national Memorandum of Agreement with the Department of Defense (DOD), the Department of Veterans Affairs (VA) polytrauma rehabilitation centers continue to provide treatment and care to severely injured combat personnel requiring polytrauma inpatient rehabilitation. The medical care the VA is providing to military personnel is exceptional. However, space in the existing polytrauma facilities is dated, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies prove to be difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the Department's February 2008 Five Year Capital Plan, the amended bill recommends providing $396,377,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 1301 provides an additional appropriation for Military Construction, Army for the acceleration of barracks improvements at Army installations.

Section 1302 relates to the Armed Forces Institute of Pathology.

Section 1303 relates to the collection of certain debts owed to the Department of Veterans Affairs by service members killed in a combat zone.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $5,073,608,000 in emergency supplemental funds for fiscal year 2008, and the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The amended bill provides for Department of State, Foreign Operations and Related Programs a total of $5,164,108,000, which is $90,500,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The amended bill includes an additional $1,465,700,000 for Diplomatic and Consular Programs, which is $242,308,000 below the pending request. Within the amount provided, $210,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

[In thousands of dollars]

Activity	Pending request	Amended bill	Change from request
Iraq Diplomatic Operations	1,545,608	1,150,000	−395,608
Afghanistan—Operations and Worldwide Security Protection	162,400	200,200	+37,800
Pakistan—Operations		7,500	+7,500
Western Hemisphere Travel Initiative		1,000	+1,000
Worldwide Security Protection		48,000	+48,000
Civilian Workforce Initiative		55,000	+55,000
Public Diplomacy		4,000	+4,000
Total, Diplomatic and Consular Programs	1,708,008	1,465,700	−242,308

Afghanistan.—Within the total, the amended bill includes $200,200,000, which is $37,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $19,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development (USAID) personnel to manage country programs, provide support for medical evacuation, and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams (PRTs) in Afghanistan.

Iraq.—Within the total, $1,150,000,000 is for the diplomatic and security operations of the United States Mission in Iraq, which is $395,608,000 below the pending request. The cost of operations of the United States Mission in Iraq totals $2,141,000,000 for fiscal year 2008, including $1,150,000,000 provided in this Act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Nearly $900,000,000 is requested for supporting security requirements for diplomatic and development personnel in Iraq.

The amended bill includes funding for mission operations, security, logistics support, information technology, and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for follow-on facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound (NEC) has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide additional secure housing for a smaller number of personnel.

None of the funds provided under this heading in this Act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department of State should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this Act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The rationale for co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to one year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost-effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

The Secretary of State should take appropriate steps to ensure that assistance for Iraq is not provided to or through any individual, private entity or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

Pakistan.—The amended bill includes $7,500,000 for operations, security, and personnel engaged in diplomatic activities to promote economic and political development in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

Sudan.—The amended bill includes resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Buying Power Maintenance Account.—The amended bill provides authority to transfer funds available in this Act, and in a prior Act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

Civilian Workforce Initiative.—The amended bill provides $55,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $25,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The amended bill includes funds to replace Foreign Service positions worldwide, which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this Act under the heading "Operating Expenses of the United States Agency for International Development" to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this Act are to be used to implement the Civilian Response Corps portion of the initiative.

Diplomatic Security-Worldwide Security Protection.—The amended bill also includes $48,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the diplomatic security personnel that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Directorate of Defense Trade Controls.—Increased demands on the Directorate of Defense Trade Controls' Office of Defense Trade Controls Licensing have led to delays in license processing. The Secretary of State is directed to review the workload demands and staffing needs of the office and report any recommendations to the Committees on Appropriations not later than 45 days after enactment of this Act.

Middle East Peace Process.—The security and support requirements for the personnel and operations that accompany the Middle East peace process have been, and should continue to be, supported through the operations funds available in fiscal year 2008. Any additional requirements associated with these activities will be considered during the fiscal year 2009 appropriations process.

Public Diplomacy.—The amended bill includes $4,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

Western Hemisphere Travel Initiative.—The amended bill recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative (WHTI). With WHTI implementation occurring as early as June 2009, there is concern about the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and sea ports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes an additional $9,500,000 for Office of Inspector General (OIG) at the Department of State, which is $9,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction (SIGIR), and $2,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR).

The Department of State OIG, USAID OIG, SIGIR, and SIGAR each have independent oversight responsibilities in Iraq and Afghanistan. The inspectors general should, to the maximum extent practicable, coordinate, and de-conflict all activities related to oversight of assistance programs for the reconstruction of Iraq and Afghanistan to ensure that oversight resources are used effectively and are not unnecessarily duplicative.

To ensure continuity of oversight of permanent United States Missions, the USAID OIG and the Department of State OIG are expected to actively participate in oversight of all programs funded by this Act and prior Acts making appropriations for the Department of State and foreign operations, in particular oversight of diplomatic and development operations and facilities. Joint oversight with SIGIR or SIGAR is strongly encouraged; however once fully staffed, the Department of State OIG or the USAID OIG should, to the maximum extent practicable, be designated as the lead for any joint oversight conducted with SIGIR or SIGAR of funds involving diplomatic operations and facilities in Iraq and Afghanistan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes an additional $76,700,000 for urgent embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $66,000,000 for Contributions to International Organizations, which is for United States contributions to the U.N. Assistance Mission in Afghanistan and the U.N. Assistance Mission in Iraq. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

The Department of State is directed not later than 45 days after enactment of this Act, to provide a report to the Committees on Appropriations detailing total United States-assessed contributions, any arrears from prior years and potential arrears for fiscal years 2008 and 2009 for each of the organizations funded under this heading.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The budget request included $723,600,000 for Contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations/African Union (UN/AU) hybrid peacekeeping mission to Darfur (UNAMID).

The amended bill includes an additional $373,708,000 for assessed costs to U.N. peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, which is the same as the request. Additionally, the amended bill includes $40,108,000 to meet unmet fiscal year 2008 assessed dues for the international peacekeeping missions to countries such as the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Liberia, and Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes an additional $2,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

The budget request included $80,000,000 for International Disaster Assistance. The Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The amended bill includes $220,000,000 for International Disaster Assistance, which is $220,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, the People's Republic of China, and countries severely affected by the international food crisis.

USAID is directed to substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

As the State Peace and Development Council (SPDC) has compounded the humanitarian crisis in Burma by failing to respond to the needs of the Burmese people in the wake of Cyclone Nargis and by refusing offers of assistance from the international community, the Department of State and USAID should seek to avoid providing assistance to or through the SPDC.

The amended bill also includes funds under this heading and the heading "Development Assistance" in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The amended bill includes $150,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the amended bill includes $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $30,000,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The amended bill also includes $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this Act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the "Diplomatic and Consular Programs" account for the Department of State portion of the initiative.

In addition, the amended bill includes $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The Administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a three-year initiative. Funding provided in this Act is intended to support the hiring of additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The budget request included $2,217,000,000 for Economic Support Fund (ESF), of which $208,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The amended bill includes $1,882,500,000 for ESF, which is $126,500,000 below the request. An additional $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and region	Amended bill
Afghanistan	859,000
Bangladesh	25,000
Central America	25,000
Central African Republic	1,000
Chad	2,000
Democratic Republic of the Congo	12,500
Iraq	424,000
Jordan	175,000
Kenya	12,000
Mexico	20,000
Nepal	7,000
North Korea	53,000
Philippines	15,000
Sri Lanka	6,000
Sudan	45,000
Thailand	2,500
Uganda	17,500
West Bank and Gaza	171,000
Zimbabwe	5,000
Exchanges Africa	5,000
Total	1,882,500

Iraq.—The amended bill includes $424,000,000 for Iraq, which is $373,000,000 below the request. The sums provided enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009. After providing more than $45,000,000,000 to help rebuild Iraq, the United States should reduce bilateral assistance levels and reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq. Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

[In thousands of dollars]

Activity	Pending request	Amended bill	Change from request
Provincial Reconstruction Teams (PRTs)	165,000	139,000	−26,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	54,000	−11,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)		75,000	+75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000		−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000		−25,000
Provincial Economic Growth (including Agriculture and Microfinance)		25,000	+25,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund		5,000	+5,000
Total	797,000	424,000	−373,000

Community Action Program (CAP).—The amended bill includes $75,000,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E–267–08–001–P) of possible fraud and misuse of some CSP funds are of concern. Therefore the amended bill withholds 50 percent of funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

Enterprise Fund.—The amended bill does not include any funding for the creation, capitalization, operation, or support of any enterprise fund in Iraq. The Department of State is directed not to reprogram any funds made available by this or prior Acts for an enterprise or enterprise-related fund in Iraq.

Infrastructure Security Protection for Oil, Water, and Electricity.—The amended bill does not include funding for these functions, which should be supported by the Government of Iraq.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

National Capacity Development (NCD).—Within the amount provided in ESF for Iraq, $70,000,000 is provided for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.

Operations and Maintenance of Key U.S. Government-Funded Infrastructure.—The amended bill includes $10,000,000 for operations and maintenance of key United States government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this Act includes sufficient funding to allow the United States to provide technical assistance and training. In addition, the amended bill conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Provincial Economic Growth.—The amended bill includes $25,000,000 for provincial economic growth activities.

Vulnerable Groups.—Up to $10,000,000 of funds made available for Iraq in this chapter, including from the Migration and Refugee Assistance and International Disaster Assistance accounts, should be made available for programs to assist vulnerable Iraqi religious and ethnic minority groups, including Christians. The Secretary of State should designate staff at United States Embassy Baghdad to oversee and coordinate such assistance.

Afghanistan.—The amended bill includes $859,000,000 in ESF for Afghanistan, which is $25,000,000 above the request. USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

[In thousands of dollars]

Activity	Pending request	Amended bill	Change from request
Civilian Assistance Program		10,000	+10,000
Governance and Capacity Building	135,000	165,000	+30,000
2009 Elections	100,000	70,000	−30,000
National Solidarity Program	40,000	65,000	+25,000
Health and Education	50,000	75,000	+25,000
North Atlantic Treaty Organization POHRF		2,000	+2,000
Power	175,000	150,000	−25,000
Provincial Reconstruction Teams (PRTs)/Provincial Governance		50,000	+50,000
Roads	329,000	200,000	−129,000
Rural Development/Alternative Livelihoods		65,000	+65,000
Trade and Investment	5,000	7,000	+2,000
Total	834,000	859,000	+25,000

Civilian Assistance.—The amended bill includes $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

Governance and Capacity Building.—The amended bill provides $165,000,000 for governance and capacity building programs, which is $30,000,000 above the request, to fund rule of law, human rights, and local and national capacity building.

National Solidarity Program.—The amended bill includes $65,000,000 for the National Solidarity Program to support small-scale development initiatives. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Power.—The amended bill includes $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects.

It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity, and not less than $15,000,000 of the funds shall be used for renewable energy projects in rural areas.

Provincial Reconstruction Teams.—The amended bill provides $50,000,000 for PRTs in Afghanistan.

Roads.—The amended bill includes $200,000,000 for roads, which is $129,000,000 below the request.

Rural Development and Alternative Livelihoods.—The amended bill includes $65,000,000 for rural development and alternative livelihood programs and an additional $35,000,000 for counternarcotics under the "International Narcotics Control and Law Enforcement" account to expand counternarcotics programs in Afghanistan. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

2009 Elections.—The amended bill includes $70,000,000 for preparations for the 2009 elections.

Bangladesh.—The amended bill includes $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

Central America.—The amended bill includes $25,000,000 for the countries of Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for these countries, for a program to be called the "Economic and Social Development Fund for Central America", of which $20,000,000 is to be administered by USAID, in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in targeted, low-income areas, including rural communities that are particularly vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds. Of the funds available, $5,000,000 shall be administered by the Bureau of Educational and Cultural Affairs for educational exchanges with the countries of Central America.

Democratic Republic of the Congo.—The amended bill includes $12,500,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, not less than $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and not less than $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

Exchanges with Africa.—The amended bill includes $5,000,000 for educational exchanges with countries in Africa, specifically to counter extremism. These funds should be administered by the Bureau of Educational and Cultural Affairs.

Jordan.—The amended bill includes a total of $200,000,000 for economic assistance for Jordan, of which $175,000,000 is appropriated under this heading, and $25,000,000 is appropriated through a general provision. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these resources should be done in consultation with the Government of Jordan and refugee relief organizations and funds should be used to meet the needs of Iraqi refugees. The Secretary of State, after consultation with the Government of Jordan, the United Nations, and international organizations and non-governmental organizations with a presence in Iraq, is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing (1) short- and medium-term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan to maintain their educational and vocational skills and earn income; and (2) longer term options that the United States and the Government of Jordan can take to address the economic, social and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

Kenya.—The amended bill includes $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

Mexico.—The amended bill includes $20,000,000 for assistance for Mexico for institution building and support of civil society. Funding for these purposes was requested through the International Narcotics and Law Enforcement (INCLE) account. The amended bill includes $5,000,000 for human rights training for police, prosecutors, and prison officials; $3,000,000 for victim and witness protection; and $3,000,000 to support NGOs and civil society. The amended bill also includes $5,000,000 for a literacy program for local police. USAID is encouraged to work with non-governmental organizations, civil society, and local police to replicate the literacy program being implemented in Nezahualcoyotl, Mexico. The amended bill also includes funding for the Office of the UN High Commissioner for Human Rights in Mexico (OHCHR). The Department of State is directed to work with the Mexican Government, the OHCHR, and civil society organizations in Mexico to promote respect for human rights by Mexican police and military forces.

Nepal.—The amended bill includes $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

North Korea.—The amended bill includes up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party Talks Agreement, in addition to the $53,000,000 appropriated in division J of Public Law 110–161, which is the same as the total amount requested. Prior to the obligation of assistance for North Korea, the Secretary of State is directed to report to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six-Party Talks Agreement.

Pakistan.—The amended bill does not include funding for assistance for Pakistan in this subchapter. These needs are addressed in funding appropriated in the fiscal year 2009 bridge.

Philippines.—The amended bill includes $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in combating terrorism in this region.

Sri Lanka.—The amended bill includes $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

Sudan.—The amended bill includes $45,000,000 for assistance for Sudan to support election-related activities.

Thailand.—The amended bill includes $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Uganda.—The amended bill includes $17,500,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

West Bank and Gaza.—The amended bill includes not more than $171,000,000 for economic assistance for the West Bank and Gaza, which is $24,000,000 below the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this Act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Zimbabwe.—The amended bill includes $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

The amended bill includes $76,000,000 for Democracy Fund programs, requested under the heading "Economic Support Fund", to be made available as follows:

Chad.—The amended bill includes $1,000,000 for democracy activities in Chad.

Iraq.—The amended bill includes $75,000,000 for democracy activities in Iraq. These funds are intended to be available through non-governmental organizations, including the National Endowment for Democracy, and not less than $8,000,000 for the United States Institute of Peace. These funds should be awarded expeditiously to prevent interruption of current operations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $390,300,000 for International Narcotics Control and Law Enforcement (INCLE) activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $343,700,000 below the request. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

Iraq.—The amended bill includes $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Afghanistan.—The amended bill includes $35,000,000, which is $35,000,000 above the request, to support programs to strengthen counternarcotics efforts, to improve the training of the Afghan police, including border police, to advance the development of institutional capacity professionalism of the justice sector, and to help facilitate cooperation between the police and the judiciary at both the national and regional levels. The Department of State is directed to report to the Committees on Appropriations not later than 180 days after enactment of this Act on the level of counternarcotics cooperation by the Government of Afghanistan at the national and regional level and should detail, nationally and by province, the steps that the Government of Afghanistan is taking to arrest and prosecute leaders of Afghan drug cartels; disarm and disband private militias; and end corruption among national and provincial police forces.

Central America.—The amended bill includes $24,800,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $5,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Although funding was requested only through the INCLE account, funding for the Merida Initiative is provided in the accounts from which such activities are traditionally funded. The amended bill provides funding for specialized police training and non-lethal equipment to strengthen the law enforcement and criminal justice institutions for the purpose of combating drug trafficking and related violent crime and increasing the capacity and professionalism of Central American police forces.

Impunity within the military and police forces of several of these countries and corruption within their justice systems is of concern. The Secretary of State is directed to submit a report in writing on mechanisms in place to ensure eligibility of recipients of United States assistance.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The amended bill includes $2,500,000 for Haiti and $2,500,000 for the Dominican Republic as part of the Merida Initiative to support counternarcotics and border security programs, anti-corruption, judicial reform, institution-building, and rule of law programs.

Mexico.—There is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The amended bill includes $215,500,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law. The amended bill includes $10,000,000 for demand reduction and drug rehabilitation activities; $3,000,000 to provide technical and other assistance to enable the Government of Mexico to put into service a unified national police registry; and not more than $24,000,000 for program development and support. To the extent possible, any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

Corruption and impunity within Mexico's military and police forces are of concern. Recommendations of the National Human Rights Commission have been ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The Secretary of State, in consultation with relevant Mexican Government authorities, is directed to report to the Committees on Appropriations that mechanisms are in place to ensure eligibility of recipients of United States assistance.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3-4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General.

The state and Federal investigations into the October 27, 2006, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this Act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice. The Department of State should work with Mexican Government authorities and relevant Federal government agencies of the United States to assist in the investigation of this case.

West Bank.—The amended bill includes $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110-161) for emergency refugee requirements in Iraq and the West Bank and Gaza.

The amended bill includes $315,000,000 for Migration and Refugee Assistance, which is $285,000,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State shall urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups, including ethnic and religious minorities.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Department of State is directed to urge the Government of Thailand to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amended bill includes $31,000,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $13,700,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), which is $8,700,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $2,500,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

Central America.—The amended bill also includes $6,200,000 for the Merida Initiative for the countries of Central America, which is $6,200,000 above the request. Although funding for these purposes was requested only through the INCLE account, funding has been provided in the NADR account, from which such activities are traditionally funded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $137,500,000 for Foreign Military Financing Program, which is $137,500,000 above the request.

Central America.—The amended bill includes $4,000,000 to augment the ongoing naval cooperation program and maritime security assistance to strengthen the ability of the countries of Central America to improve maritime security and interdiction capabilities, including to complement existing regional systems and programs.

Jordan.—The amended bill includes a total of $50,000,000 for military assistance for Jordan, of which $17,000,000 is appropriated under this heading and $33,000,000 is appropriated through a general provision.

Mexico.—The amended bill includes $116,500,000 in support of military-to-military cooperation between the United States and Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The amended bill provides a total of $3,679,500,000 for the Department of State, Foreign Operations and Related Programs for fiscal year 2009 emergency supplemental requirements, which is $74,500,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The amended bill includes $704,900,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $550,500,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the amended bill includes $89,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the amended bill includes $40,000,000 to continue the support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $57,000,000 for Office of Inspector General at the Department of State, of which $15,500,000 is to continue oversight of programs in Iraq and Afghanistan, and the Middle East.

Special Inspector General for Iraq Reconstruction (SIGIR).—The amended bill includes $36,500,000 for SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108-106.

Special Inspector General for Afghanistan Reconstruction (SIGAR).—The amended bill includes $5,000,000 for SIGAR, which is $5,000,000 above the request, and which is authorized by section 1229 of Public Law 110-181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. SIGAR should co-locate staff and "back office" support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $41,300,000 for urgent embassy security, construction, and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill includes $150,500,000 for Contributions for International Peacekeeping Activities to fund the Administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

GLOBAL HEALTH AND CHILD SURVIVAL

The amended bill includes $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

The amended bill includes $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, such as programs to assist farmers to increase crop yields, including in Darfur. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The amended bill includes $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma, and the People's Republic of China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The amended bill includes $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

The amended bill includes $1,124,800,000 for Economic Support Fund to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and region	Amended bill
Afghanistan	455,000
Bangladesh	50,000
Burma	5,300
Central African Republic	2,000
Chad	5,000
Democratic Republic of the Congo	10,000
Iraq	102,500
Jordan	100,000
Kenya	25,000
North Korea	15,000
Pakistan	150,000
Sudan	25,000
Uganda	15,000
West Bank and Gaza	150,000
Zimbabwe	15,000
Total	1,124,800

Afghanistan.—The amended bill includes $455,000,000 for assistance for Afghanistan.

Governance and Capacity Building.—The amended bill includes $20,000,000 for the National Solidarity Program to support small-scale development initiatives; and not less than $35,000,000 for preparations for the 2009 elections. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Rural Development and Alternative Livelihoods.—The amended bill includes not less than $35,000,000 for rural development and alternative livelihoods.

Bangladesh.—The amended bill includes $50,000,000 for cyclone recovery and reconstruction assistance.

Burma.—The amended bill includes $5,300,000 for assistance for Burma for humanitarian programs along the Thai-Burma border.

Iraq.—The amended bill includes $102,500,000 for assistance for Iraq.

Community Action Program (CAP).—The amended bill includes $32,500,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $32,500,000 for continued support for the Community Stabilization Program.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $2,500,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

Provincial Reconstruction Teams (PRTs).—The amended bill includes $35,000,000 for continued support for the Provincial Reconstruction Teams.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $199,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, Mexico, and Africa. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

MIGRATION AND REFUGEE ASSISTANCE

The amended bill includes $350,000,000 for Migration and Refugee Assistance to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The amended bill includes $4,500,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $302,500,000 for Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan, $170,000,000 is for assistance for Israel, and $32,500,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The amended bill includes $95,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur and $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo (DRC). These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

Section 1401 extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

Section 1402 imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

Section 1403 imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WEST BANK

Section 1404 directs the Department of State to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, and 180 days thereafter, on the Palestinian security assistance program.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

Section 1405 grants waiver authority to the President with respect to certain assistance to North Korea and the "Glenn Amendment," which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device.

MEXICO

Section 1406 sets a ceiling on funding for Mexico at $400,000,000. The provision also provides a restriction on the use of funding for budget support or cash payments and restricts obligation of 15 percent of the funding provided under the headings "Foreign Military Financing Program" and "International Narcotics Control and Law Enforcement" until the Secretary of State submits a report in writing.

CENTRAL AMERICA

Section 1407 states that $65,000,000 may be made available for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 15 percent of the funding provided under the headings "Foreign Military Financing Program" and "International

Narcotics Control and Law Enforcement" for the military and police forces until the Secretary of State submits a report in writing.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Section 1408 provides authority to utilize $26,000,000 from appropriations for Diplomatic and Consular Programs from a prior Act and authority to transfer up to an additional $74,000,000 of the funds made available by this Act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision includes authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008, on the amount transferred by this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

Finally, authority is granted to the Broadcasting Board of Governors to transfer unobligated and expired balances after fiscal year 2008 into its Buying Power Maintenance Account.

SERBIA

Section 1409 authorizes the Secretary of State to withhold funds related to reimbursement of costs associated with damage to the United States Embassy in Belgrade resulting from the February 21, 2008, attack.

RESCISSIONS

Section 1410 rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account. The provision also rescinds prior year funds from the Iraq Relief and Reconstruction Fund.

DARFUR PEACEKEEPING

Section 1411 authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters or related equipment necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

TIBET

Section 1412 provides up to $5,000,000 for the establishment of a United States Consulate in Lhasa, Tibet, under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction and Maintenance" in this and prior Acts, and recommends certain actions regarding the opening of such a consulate.

The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing efforts taken by the Department of State to establish a United States Consulate in Lhasa, Tibet, and a description of any policies or programs by the Government of the People's Republic of China aimed at undermining public support for Tibet including in the media, academia, and political arenas.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

Section 1413 provides $58,000,000 for assistance for Jordan, which is offset by a rescission of an equal amount from the Millennium Challenge Corporation.

ALLOCATIONS

Section 1414 requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

Section 1415 allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

Section 1416 requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

Section 1417 establishes that unless designated otherwise in this chapter, the terms and conditions contained within the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter, with the exception of section 699K.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The amended bill provides an additional $150,000,000 for Food and Drug Administration, Salaries and Expenses, available until September 30, 2009. FDA is directed to provide the Committees on Appropriations monthly expenditures reports on the use of these funds.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $210,000,000 for increased costs associated with the poor management of the 2010 Decennial Census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of the Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other Census activities may result in increased risk and other unintended consequences to other parts of the Census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 Decennial Census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this Act, a detailed plan showing a timeline of milestones and expenditures for the 2010 Decennial Census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the Inspector General shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 Decennial Census, detailing the progress of the revised plan for the execution of the 2010 Decennial Census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the Inspector General with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 Decennial Census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the bill includes not less than $3,000,000 for the Department's Office of the Inspector General for Census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill includes $178,000,000 for additional costs of the Bureau of Prisons (BOP) related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The amended bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The Administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than August 1, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

The amended bill includes $62,500,000 for Science, Aeronautics and Exploration.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The amended bill includes $22,500,000 for Research and Related Activities, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

The amended bill includes $40,000,000 for Education and Related Activities of which $20,000,000 is for section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000, is for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

The amended bill includes an additional $62,500,000 for Science. The Department of

Energy is instructed to utilize this funding to eliminate all furloughs and reductions in force which are a direct result of budgetary constraints. Workforce reductions which are a result of completed work or realignment of mission should proceed as planned. This funding is intended to maintain technical expertise and capability at the Office of Science, and may be used for National Laboratory Research and Development including research related to new neutrino initiatives. Funding for research efforts shall not be allocated until the Office of Science has fully funded all personnel requirements.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The amended bill includes an additional $62,500,000 for Defense Environmental Cleanup.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The amended bill provides $110,000,000 for Unemployment Compensation State Operations to compensate the States for the administrative costs of processing the Unemployment Insurance (UI) claims workload for the balance of fiscal year 2008. New UI claims are increasing, reaching a level in April 2008 nearly 18 percent greater than the previous year. States are beginning to experience service degradation in the form of call center delays for claimants, waiting times for adjudication of disputed claims, and reductions in program integrity activities, tax collection, and tax audits. While funding in the Consolidated Appropriations Act, 2008 is sufficient to cover the costs of processing 2.4 million Average Weekly Insured Unemployment (AWIU), claims have already climbed above 2.9 million AWIU. The amount provided will compensate States for the claims workload estimated by the Department of Labor up to the point where additional funds are released under a legislated trigger.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides $150,000,000 in additional funding for the National Institutes of Health to support additional scientific research. This funding is to be distributed on a pro-rata basis across the NIH institutes and centers.

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The amended bill provides the customary death gratuity to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The amended bill provides $89,413,000 for the Emergency Conservation Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The amended bill provides $390,464,000 for the Emergency Watershed Protection Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amended bill provides $100,000,000 for economic development assistance in Presidentially-declared disaster areas to provide disaster relief, long-term recovery and restoration of infrastructure.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Public Law 109-148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109-234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110-28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, accelerate completion of New Orleans area flood and storm damage reduction projects, and provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the work required has increased with time. The current cost estimate requires $5,761,000,000 in additional Federal funds and a non-Federal cost-share of $1,527,000,000.

The Administration requested this funding under the Construction account in the fiscal year 2009 budget. The amended bill provides the full amount of the request as a supplemental appropriation to ensure the existing schedule for completion of 100-year protection for the greater New Orleans area by 2011 is met. However, $2,926,000,000 is provided under Flood Control and Coastal Emergencies in order to provide continuity in appropriations for projects to repair, restore, and accelerate completion of the levels of protection authorized prior to Hurricane Katrina. None of the funds recommended for this purpose shall be available until October 1, 2008.

In addition, the amended bill provides $605,988,800 to respond to recent natural disasters. The funding included under the Construction; Mississippi River and Tributaries; Operation and Maintenance; and Flood Control and Coastal Emergency accounts that reference natural disasters are provided to address nationwide disaster recovery and emergency situations and should not be construed to pertain exclusively to any single disaster event. The Corps shall prioritize all projects to ensure that the most critical health and safety risks are addressed.

CONSTRUCTION

The amended bill includes $2,896,700,000 for Construction. Within the recommended funds, $1,077,000,000 is provided to complete the 100-year storm protection for the Lake Pontchartrain and Vicinity project; $920,000,000 is provided to complete the 100-year storm protection for the West Bank and Vicinity project; and $838,000,000 is provided for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity projects and the Lake Pontchartrain and Vicinity project.

The amended bill includes a provision which requires the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the Administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. While the amended bill includes specific statutory dollar amounts for the three projects, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The amended bill includes $61,700,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally-maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The amended bill includes $17,590,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The amended bill provides $298,344,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; and to repair eligible flood damage reduction and other projects in States affected by natural disasters.

FLOOD CONTROL AND COASTAL EMERGENCIES

The amended bill provides $3,152,854,800 for Flood Control and Coastal Emergencies. The funding includes, at full Federal expense, the following amounts: $704,000,000 to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project, for the West Bank and Vicinity Project and the New Orleans to Venice Project. While the Committee has recommended specific statutory dollar amounts for the projects identified under this heading, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The amended bill includes **$226,854,800** for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

The amended bill includes a provision directing the Corps to continue the NEPA alternative evaluation of all options for permanent pumping of storm water in the New Orleans metropolitan area with particular attention to Options 1, 2 and 2a and within 90 days of enactment of this Act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report. Current plans do not fully account for the operational challenges that arise during major storm events and are not, therefore, fully protective of public safety.

EXPENSES

The amended bill includes **$1,500,000** for additional oversight and management costs associated with Hurricane Katrina recovery efforts.

CHAPTER 4—SMALL BUSINESS

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Based on early estimates of damages due to severe storms and flooding in a number of states, the amended bill includes **$164,939,000** in loan subsidy for the costs of providing direct loans for homeowners and business-owners so that they can recover from the effects of these disasters. The amended bill also includes a total of **$101,814,000** for the administrative costs for carrying out the loan program. These funds will provide for the on site presence of Small Business Administration (SBA) employees to assist disaster victims in obtaining low interest loans from the SBA. Funding will support additional to staff in call centers, disaster resource sites, and loan processing centers and for field inspections to verify damages and losses of homes and businesses. Funding is also necessary to hire additional attorneys to carry out the loan closing process, as well as staff to service the loans. Of this amount, **$6,000,000** may be transferred to the Salaries and Expenses account for indirect administrative expenses and **$1,000,000** is for the Office of Inspector General for audits and reviews of disaster loans.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

DISASTER RELIEF

The amended bill provides an additional **$897,000,000** for Disaster Relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. The 1993 Midwest floods cost FEMA over $1.1 billion fifteen years ago and the current damage is likely to cost at least this amount, but in inflated dollars. This funding is provided to partially meet these and other disaster relief funding needs.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Permanent Supportive Housing

The amended bill includes funding for Louisiana Permanent Supportive Housing, in the amount of **$73,000,000**. This is a new program, and the money is split between two accounts in the bill—the Homeless Assistance Grants and the Project-Based Rental Assistance programs. This program will provide funding for the 3,000 units of permanent supportive housing that are envisioned in the HUD-approved Louisiana Road Home Program. This will enable the promise of the Road Home Program to address the housing needs of our most vulnerable citizens, in particular extremely low-income homeless, disabled and frail elderly persons, to be fulfilled. Of the **$73,000,000** provided, **$20,000,000** will fund 2,000 project-based vouchers (funded for 1-year terms) with **$3,000,000** in administrative fees, and **$50,000,000** will fund 1,000 Shelter Plus Care units (funded for five-year terms). These are the ideal and proven housing programs for creating permanent supportive housing for the populations in question. The program funds are provided to the State of Louisiana or its designee or designees, and language is included stating that the administering entity or entities can act as a public housing agency for purposes of administering the funding.

Community Planning and Development

Community Development Fund

The amended bill provides **$300,000,000** for the Community Development Fund for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas for which the President declared a major disaster.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

The amended bill includes language providing a temporary extension of unemployment benefits to workers who have lost their jobs. Specifically, the amended bill provides up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. The extended benefits program will terminate on March 31, **2009**. The percentage of workers exhausting unemployment benefits is currently 37 percent, which is higher than at the beginning of any of the past five recessions. Not only will workers and their families benefit from extended benefits, providing this financial assistance also can reduce the severity and duration of an economic downturn. Experts agree that extending unemployment benefits is one of the most cost-effective and fast acting forms of economic stimulus because workers who have lost their paychecks have little choice but to spend these benefits quickly.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

Title V of the amended bill includes provisions designed to expand the educational benefits for men and women who have served in the armed forces since the terrorist attacks of September 11, **2001**. The provisions will closely resemble the educational benefits provided to veterans returning from World War II.

The benefits included in title V would apply to all members of the military who have served on active duty, including activated reservists and National Guard. To qualify, veterans must have served at least three months of qualified active duty, beginning on or after September 11, **2001**. The amended bill provides for benefits to be paid in amounts linked to the amount of active duty service.

In addition to tuition and other established charges, the benefit includes a monthly stipend for housing costs as well as tutorial assistance and licensure and certification tests.

The amended bill would create a new program in which the government will agree to match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided in the amended bill.

In addition, title V allows for members of the armed services to transfer their benefits to their spouse or children.

Finally, the amended bill provides for the veterans to have up to fifteen years after they leave active duty to use their educational assistance entitlement. Veterans would be barred from receiving concurrent assistance from this program and another similar program.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VI is identical to the language of H.R. 5712, "Close the Contractor Fraud Loophole Act," passed by the House on April 23, **2008** and was in the Senate amendment adopted on May 22, **2008**. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VI is identical to the language of H.R. **3928**, "Government Funding Transparency Act of **2007**," passed by the House on April 23, **2008** and was in the Senate amendment adopted on May 22, **2008**. It requires any company or organization receiving at least **$25** million and **80** percent or more of their revenue from federal payments to disclose the compensation of their most highly-compensated officers.

TITLE VII—MEDICAID PROVISIONS

Title VII of the amended bill includes language extending the current moratorium to April **2009** on four Medicaid regulations pertaining to: graduate medical education payments; limits on payments to government safety net providers; rehabilitation services; and school-based administrative and specialized medical transportation services for children. The amended bill also establishes a moratorium for the same period for two Medicaid regulations pertaining to: health care provider taxes and targeted case management. The cost of the moratoria is fully offset over five and ten years in the amended bill by provisions that extend an asset verification demonstration to all fifty States and reduce balances in the Physician Assistance and Quality Initiative Fund. These six moratoria are identical to those included in H.R. 5613, which was approved by the House by a **349–62** vote and were in the Senate amendment adopted on May 22, **2008**.

The moratorium on these six regulations is included in the amended bill due to concerns about their potential negative impact on essential medical services for millions of people, particularly for seniors, people with disabilities, and children, and on the providers of these safety net services. These regulations also would have a far-reaching impact on graduate medical education, outreach and supportive services designed to help individuals get the medical care they need, and foster care services.

According to the Congressional Budget Office (CBO), these regulatory changes would reduce Federal Medicaid spending by more than $17,500,000,000 over the next five years, shifting these costs to States and localities. These cuts would occur during an economic downturn when States and localities are least able to restore services. Further, the authorizing committees indicate that many of these regulations alter longstanding Medicaid policy without specific Congressional authorization.

Additional time is required to examine the potential impact of these regulations. Accordingly, the amended bill includes $5,000,000 for a study to be completed no later than September 2009 by an independent entity to assess the prevalence of the problems in the Medicaid program the regulations were intended to address and their impact on each State. The amended bill also includes $25,000,000 for the purpose of reducing fraud and abuse in the Medicaid program.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

The amended bill includes the following general provisions:

Section 8001 establishes the period of availability for obligation for appropriations provided in this Act.

Section 8002 provides that, unless otherwise noted, all appropriations in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

Section 8003 provides for a reduction of $3,577,845,000 from the Procurement; Research, Development, Test and Evaluation; and Defense Working Capital headings within chapter 1 of title IX of this Act. The section also provides that the reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

Section 8004 amends section 9310 of this Act, which prohibits the obligation or expenditure of funds available to the Department of Defense to implement any final action on joint basing initiatives. The amendment excepts funds deposited in the Department of Defense Base Closure Account 2005 from this restriction.

Section 8005 makes funds provided in Public Law 110–28, which remain available for obligation, within the operation and maintenance portion of the Defense Health Program for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) available for psychological health and traumatic brain injury.

Section 8006 provides that this Act may be referred to as the "Supplemental Appropriations Act, 2008".

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE I			
MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants, FY 2008 (emergency)...	350,000	850,000	+500,000
Public Law 480 Title II Grants, FY 2009 (emergency)...	395,000	395,000	---
Total, Chapter 1...............................	745,000	1,245,000	+500,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
Office of Inspector General (emergency)..............	---	4,000	+4,000
Legal Activities			
Salaries and expenses, general legal activities (emergency)...	4,093	1,648	-2,445
Salaries and expenses, United States Attorneys (emergency)...	5,000	5,000	---
Total, Legal activities.........................	9,093	6,648	-2,445
United States Marshals Service			
Salaries and expenses (emergency)....................	14,921	28,621	+13,700
Federal Bureau of Investigation			
Salaries and expenses, FY 2008 (emergency)...........	101,122	106,122	+5,000
Salaries and expenses, FY 2009 (emergency)...........	39,062	82,600	+43,538
Total, Federal Bureau of Investigation..........	140,184	188,722	+48,538
Drug Enforcement Administration			
Salaries and expenses (emergency)....................	8,468	29,861	+21,393
Bureau of Alcohol, Tobacco, Firearms and Explosives			
Salaries and expenses (emergency)....................	4,000	4,000	---
Federal Prison System			
Salaries and expenses (emergency)....................	9,100	9,100	---
Total, Chapter 2...............................	185,766	270,952	+85,186
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Military construction, Army (emergency)..............	1,440,750	1,108,200	-332,550
Military construction, Navy and Marine Corps (emergency)...	237,505	355,907	+118,402
Military construction, Air Force (emergency)..........	305,000	399,627	+94,627
Military construction, Defense-Wide (emergency).......	27,600	890,921	+863,321
Total, Active Components.......................	2,010,855	2,754,655	+743,800

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642

(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Family housing construction, Navy and Marine Corps (emergency)	11,768	11,768	---
Base realignment and closure account 2005 (emergency)	415,910	1,278,888	+862,978
Total, Department of Defense	2,438,531	4,045,307	+1,606,776
DEPARTMENT OF VETERANS AFFAIRS			
Departmental Administration			
General operating expenses (emergency)	---	100,000	+100,000
Information technology systems (emergency)	---	20,000	+20,000
Construction, major projects (emergency)	---	396,377	+396,377
Total, Departmental Administration	---	516,377	+516,377
General Provisions			
Sec. 1301. Barracks improvements (emergency)	---	200,000	+200,000
Total, Department of Veterans Affairs	---	716,377	+716,377
Total, Chapter 3	2,438,531	4,761,684	+2,323,153
CHAPTER 4			
SUBCHAPTER A			
SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,708,008	1,465,700	-242,308
Worldwide security protection	(162,400)	(210,400)	(+48,000)
Office of the Inspector General (emergency)	---	9,500	+9,500
Embassy security, construction, and maintenance (emergency)	160,000	76,700	-83,300
Total, Administration of Foreign Affairs	1,868,008	1,551,900	-316,108
International Organizations			
Contributions to international organizations (emergency)	53,000	66,000	+13,000
Contributions for international peacekeeping activities, current year (emergency)	333,600	373,708	+40,108
Total, International Organizations	386,600	439,708	+53,108
Total, Department of State	2,254,608	1,991,608	-263,000
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	2,000	+2,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
International disaster assistance (emergency)	---	220,000	+220,000
Operating expenses of the United States Agency for International Development (emergency)	41,000	150,500	+109,500

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	4,000	+4,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	2,009,000	1,882,500	-126,500
Department of State			
Democracy Fund (emergency)	---	76,000	+76,000
International narcotics control and law enforcement (emergency)	734,000	390,300	-343,700
Migration and refugee assistance (emergency)	30,000	315,000	+285,000
U.S. Emergency Refugee and Migration Assistance Fund (emergency)	---	31,000	+31,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	5,000	13,700	+8,700
Total, Bilateral Economic Assistance	2,819,000	3,083,000	+264,000
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	---	137,500	+137,500
Total, Subchapter A	5,073,606	5,214,106	+140,500
SUBCHAPTER B			
BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,064,450	704,900	-359,550
Worldwide security protection	(45,800)	(78,400)	(+32,600)
Office of the Inspector General (emergency)	16,800	57,000	+40,200
Embassy security, construction, and maintenance (emergency)	---	41,300	+41,300
Total, Administration of Foreign Affairs	1,081,250	803,200	-278,050
International Organizations			
Contributions to international organizations (emergency)	40,000	75,000	+35,000
Contributions for international peacekeeping activities, current year (emergency)	---	150,500	+150,500
Total, International Organizations	40,000	225,500	+185,500
Total, Department of State	1,121,250	1,028,700	-92,550
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	6,000	+6,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
Global health and child survival (emergency)	---	75,000	+75,000
Development assistance (emergency)	210,000	200,000	-10,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
International disaster assistance (emergency)	270,000	200,000	-70,000
Operating expenses of the United States Agency for International Development (emergency)	60,000	93,000	+33,000
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	1,000	+1,000
Total, Funds Appropriated to the President	540,000	569,000	+29,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	1,297,700	1,124,800	-172,900
Department of State			
International narcotics control and law enforcement (emergency)	225,000	199,000	-26,000
Migration and refugee assistance (emergency)	191,000	350,000	+159,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	---	4,500	+4,500
Total, Department of State	416,000	553,500	+137,500
Total, Bilateral Economic Assistance	2,253,700	2,247,300	-6,400
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	170,000	302,500	+132,500
Peacekeeping operations (emergency)	60,000	95,000	+35,000
Total, Military Assistance	230,000	397,500	+167,500
Total, Subchapter B	3,604,950	3,679,500	+74,550
SUBCHAPTER C - GENERAL PROVISIONS			
Sec. 1410:			
(a)(1) World Food Program	---	20,000	+20,000
(a)(2) Andean Counterdrug Initiative (rescission)	---	-20,000	-20,000
(b)(1) International narcotics control and law enforcement (Sudan)	---	10,000	+10,000
(b)(2) International narcotics control and law enforcement (prior-year rescission)	---	-10,000	-10,000
(c)Iraq Relief and Reconstruction Fund (rescission of emergency appropriations)	---	-50,000	-50,000
Sec. 1413:			
(a)(b) Jordan	---	58,000	+58,000
(c) Millennium Challenge Corporation (rescission)	---	-58,000	-58,000
Total, Subchapter C	---	-50,000	-50,000
Total, Chapter 4	8,678,558	8,843,608	+165,050
GENERAL PROVISIONS			
DEPARTMENT OF HOMELAND SECURITY			
Customs and Border Protection			
Salaries and expenses (rescission)	-50,000	---	+50,000
Total, title I	11,997,855	15,121,244	+3,123,389

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE II			
DOMESTIC MATTERS			
CHAPTER 1			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration			
Salaries and expenses (emergency)....................	---	150,000	+150,000
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Bureau of the Census			
Periodic censuses and programs (emergency)............	---	210,000	+210,000
DEPARTMENT OF JUSTICE			
Federal Prison System			
Salaries and expenses (emergency)....................	---	178,000	+178,000
OTHER AGENCIES			
National Aeronautics and Space Administration			
Science, aeronautics and exploration (emergency)......	---	62,500	+62,500
National Science Foundation			
Research and related activities (emergency)...........	---	22,500	+22,500
Education and human resources (emergency).............	---	40,000	+40,000
Total, National Science Foundation.............	---	62,500	+62,500
Total, Other Agencies..........................	---	125,000	+125,000
Total, Chapter 2...............................	---	513,000	+513,000
CHAPTER 3			
DEPARTMENT OF ENERGY			
Energy Programs			
Science (emergency)..................................	---	62,500	+62,500
Environmental and Other Defense Activities			
Defense environmental cleanup (emergency)............	---	62,500	+62,500
Total, Chapter 3...............................	---	125,000	+125,000
CHAPTER 4			
DEPARTMENT OF LABOR			
Employment and Training Administration			
State unemployment insurance and employment service operations (emergency)..............................	---	110,000	+110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institutes of Health			
Office of the Director (emergency)....................	---	150,000	+150,000
Total, Chapter 4................................	---	260,000	+260,000
CHAPTER 5			
HOUSE OF REPRESENTATIVES			
Payments to Widows and Heirs of Deceased Members of Congress...	---	169	+169
Total, title II................................	---	1,048,169	+1,048,169
TITLE III			
NATURAL DISASTER RELIEF AND RECOVERY			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Farm Service Agency			
Emergency Conservation Program (emergency)............	---	89,413	+89,413
Natural Resources Conservation Service			
Emergency Watershed Protection Program................	---	390,464	+390,464
Total, Chapter 1................................	---	479,877	+479,877
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Economic development assistance programs (emergency)..	---	100,000	+100,000
CHAPTER 3			
DEPARTMENT OF THE ARMY			
Corps of Engineers - Civil			
Construction, general (emergency).....................	---	61,700	+61,700
Construction, FY 2009 (emergency).....................	5,761,000	2,835,000	-2,926,000
Mississippi River and tributaries (emergency).........	---	17,590	+17,590
Operation and maintenance (emergency).................	---	298,344	+298,344
Flood control and coastal emergencies.................	---	226,855	+226,855
Flood control and coastal emergencies, FY 2009(emerg.)	---	2,926,000	+2,926,000
Expenses (emergency)..................................	---	1,500	+1,500
Total, Chapter 3................................	5,761,000	6,366,989	+605,989

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
CHAPTER 4			
Small Business Administration			
Disaster Loans Program Account:			
Direct loans subsidy (emergency)	---	164,939	+164,939
Administrative expenses (emergency)	---	101,814	+101,814
Total, Chapter 4	---	266,753	+266,753
CHAPTER 5			
DEPARTMENT OF HOMELAND SECURITY			
Federal Emergency Management Agency			
Disaster Relief (emergency)	---	897,000	+897,000
CHAPTER 6			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Permanent supportive housing (emergency)	---	73,000	+73,000
Community Planning and Development			
Community Development Fund (emergency)	---	300,000	+300,000
Total, Chapter 6	---	373,000	+373,000
Total, title III	5,761,000	8,483,619	+2,722,619
TITLE IV			
EMERGENCY UNEMPLOYMENT COMPENSATION			
Federal-State agreements, FY 2008 (emergency)	---	4,790,000	+4,790,000
Federal-State agreements, FY 2009 (emergency)	---	7,765,000	+7,765,000
Total, title IV	---	12,555,000	+12,555,000
TITLE V			
VETERANS EDUCATIONAL ASSISTANCE			
Veterans educational assistance, FY 2008 (emergency)	---	50,000	+50,000
Veterans educational assistance, FY 2009 (emergency)	---	746,000	+746,000
Total, title V	---	796,000	+796,000
TITLE VII			
MEDICAID PROVISIONS			
Medicaid moratorium, FY 2008 (emergency)	---	305,000	+305,000
Medicaid moratorium, FY 2009 (emergency)	---	805,000	+805,000
Total, title VII	---	1,110,000	+1,110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE VIII			
GENERAL PROVISIONS			
Sec. 8003. General defense reduction (emergency)......	---	-3,577,845	-3,577,845
Grand total..	17,758,855	35,536,187	+17,777,332
Appropriations....................................	---	(88,169)	(+88,169)
Emergency appropriations..........................	(17,808,855)	(35,586,018)	(+17,777,163)
Rescissions.......................................	(-50,000)	(-88,000)	(-38,000)
Rescissions of emergency funding..................	---	(-50,000)	(-50,000)

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressionally directed spending items (as defined in rule XLIV of the Standing Rules of the Senate) included in the House amendment discussed in this explanatory statement, along with the name of the Senator who submitted a request to the Committee of jurisdiction for the items so identified. The items were contained in the Senate-passed amendment. Neither the amendment nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

MILITARY CONSTRUCTION

[In thousands of dollars]

Account	State	Location	Project Title	Amount	Requested By
Army	Alaska	Fort Wainwright	Child Development Center	17,000	The Administration[1]
Army	California	Fort Irwin	Child Development Center	11,800	The Administration[1]
Navy	California	Camp Pendleton	Armory—5th Marine Regiment	10,890	The President
Navy	California	Camp Pendleton	Bachelor Quarters & Armory	34,970	The President
Navy	California	Camp Pendleton	Bachelor Quarters & Dining Facility	24,390	The President
Navy	California	Camp Pendleton	Company Headquarters—Military Police	8,240	The President
Navy	California	Camp Pendleton	Explosive Ordinance Detachment—Ops	13,090	The President
Navy	California	Camp Pendleton	Intelligence Surveillance Reconnaissance	1,114	The President
Navy	California	Camp Pendleton	Armory—Regimental & Battalion HQ	5,160	The President
Navy	California	Camp Pendleton	Armory—Intelligence Battalion	4,180	The President
Navy	California	Camp Pendleton	JIEDDO Battle Courses	9,270	The Administration[1]
Navy	California	China Lake	JIEDDO Battle Courses	7,210	The Administration[1]
Navy	California	Point Mugu	JIEDDO Battle Courses	7,250	The Administration[1]
Navy	California	San Diego	Child Development Center	17,930	The Administration[1]
Navy	California	Twentynine Palms	Regimental Headquarters Addition	4,440	The President
Navy	California	Twentynine Palms	JIEDDO Battle Courses	11,250	The Administration[1]
Air Force	California	Beale AFB	Child Development Center	17,600	The Administration[1]
Army	Colorado	Fort Carson	Child Development Center	8,400	The Administration[1]
Army	Colorado	Fort Carson	Soldier Family Assistance Center	8,100	The President
Navy	Florida	Eglin AFB	JIEDDO Battle Course Additions	780	The Administration[1]
Air Force	Florida	Eglin AFB	Child Development Center	11,000	The Administration[1]
Army	Georgia	Fort Gordon	Child Development Center	7,800	The Administration[1]
Army	Georgia	Fort Stewart	Soldier Family Assistance Center	6,000	The President
Defense-Wide	Georgia	Fort Benning	Hospital Replacement	350,000	(2)
Army	Hawaii	Schofield Barracks	Child Development Center	12,500	The Administration[1]
Army	Kansas	Fort Riley	Transitioning Warrior Support Complex	50,000	The President
Defense-Wide	Kansas	Fort Riley	Hospital Replacement	404,000	(2)
Army	Kentucky	Fort Campbell	Child Development Center	9,900	The Administration[1]
Army	Kentucky	Fort Campbell	Soldier Family Assistance Center	7,400	The President
Army	Kentucky	Fort Knox	Child Development Center	7,400	The Administration[1]
Army	Louisiana	Fort Polk	Soldier Family Assistance Center	4,900	The President
Navy	Mississippi	Gulfport	JIEDDO Battle Courses	6,570	The Administration[1]
Army	Missouri	Fort Leonard Wood	Starbase Complex 6, Phase 1	50,000	(2)
Air Force	New Jersey	McGuire AFB	JIEDDO Training Facility	6,200	The Administration[1]
Air Force	New Mexico	Cannon AFB	Child Development Center	8,000	The Administration[1]
Army	New York	Fort Drum	Warrior in Transition Facilities	38,000	The President
Army	North Carolina	Fort Bragg	Child Development Center	8,500	The Administration[1]
Navy	North Carolina	Camp Lejeune	Child Development Center	16,000	The Administration[1]
Navy	North Carolina	Camp Lejeune	JIEDDO Battle Courses	11,980	The Administration[1]
Navy	North Carolina	Camp Lejeune	Maintenance/Operations Complex	43,340	The President
Defense-Wide	North Carolina	Camp Lejeune	Hospital Addition/Alteration	64,300	(2)
Army	Oklahoma	Fort Sill	Child Development Center	9,000	The Administration[1]
Navy	South Carolina	Parris Island	Recruit Barracks	25,360	(2)
Army	Texas	Fort Bliss	Child Development Center	5,700	The Administration[1]
Army	Texas	Fort Bliss	Child Development Center	5,900	The Administration[1]
Army	Texas	Fort Bliss	Child Development Center	5,700	The Administration[1]
Army	Texas	Fort Hood	Child Development Center	7,200	The Administration[1]
Army	Texas	Fort Hood	Warrior in Transition Facilities	9,100	The President
Army	Texas	Fort Sam Houston	Child Development Center	7,000	The Administration[1]
Defense-Wide	Texas	Fort Sam Houston	Burn Rehab Unit	21,000	The President
Army	Virginia	Fort Lee	Child Development Center	7,400	The Administration[1]
Navy	Virginia	Yorktown	JIEDDO Battle Courses	8,070	The Administration[1]
Army	Afghanistan	Bagram	Administrative Building	13,800	The Administration[1]
Army	Afghanistan	Bagram	New Roads	27,000	The President
Army	Afghanistan	Bagram	Ammunition Supply Point	62,000	The President
Army	Afghanistan	Bagram	Power Plant	41,000	The President
Army	Afghanistan	Bagram	Bulk Fuel Storage & Supply, Phase 3	23,000	The President
Army	Afghanistan	Bagram	Bulk Fuel Storage & Supply, Phase 4	21,000	The President
Army	Afghanistan	Various Locations	CIED Road—Rte Alaska	16,500	The President
Army	Afghanistan	Bagram	Aircraft Maintenance Hangar	5,100	The President
Army	Afghanistan	Ghazni	Rotary Wing Parking	5,000	The President
Army	Afghanistan	Kabel	Consolidated Compound	36,000	The President
Army	Afghanistan	Various Locations	CIED Road—Rte Connecticut	54,000	The President
Air Force	Afghanistan	Bagram	Strategic Ramp	43,000	The President
Air Force	Afghanistan	Bagram	Parallel Taxiway, Phase 2	21,400	The President
Air Force	Afghanistan	Bagram	East Side Helo Ramp	44,400	The President
Air Force	Afghanistan	Kandahar	ISR Ramp	26,300	The President
Navy	Djibouti	Camp Lemonier	Network Infrastructure Expansion	6,270	The President
Navy	Djibouti	Camp Lemonier	Dining Facility	20,780	The Administration[1]
Navy	Djibouti	Camp Lemonier	Water Production	19,140	The President
Navy	Djibouti	Camp Lemonier	Full Length Taxiway	15,490	The Administration[1]
Navy	Djibouti	Camp Lemonier	Fuel Farm	4,000	The Administration[1]
Navy	Djibouti	Camp Lemonier	Western Taxiway	2,900	The Administration[1]
Army	Iraq	Camp Adder	Petro Oil & Lubricant Storage	10,000	The President
Army	Iraq	Camp Adder	Waste Water Treatment & Collection	9,800	The President
Army	Iraq	Camp Adder	Convoy Support Center Relocation, Phase 2	39,000	The President
Army	Iraq	Al Asad	Landfill Construction	3,100	The President
Army	Iraq	Al Asad	Hot Cargo Ramp	18,500	The President
Army	Iraq	Al Asad	South Airfield Apron (India Ramp)	28,000	The President
Army	Iraq	Camp Anaconda	Landfill Construction	6,200	The President
Army	Iraq	Camp Anaconda	Hazardous Waste Incinerator	4,300	The President
Army	Iraq	Camp Constitution	Juvenile TIFRIC	11,700	The President
Army	Iraq	Fallujah	Landfill Construction	880	The President
Army	Iraq	Camp Marez	Landfill Construction	880	The President
Army	Iraq	Q-West	North Entry Control Point	11,400	The President
Army	Iraq	Q-West	Perimeter Security Upgrade	14,600	The President
Army	Iraq	Camp Ramadi	Landfill Construction	880	The President
Army	Iraq	Scania	Entry Control Point	5,000	The President
Army	Iraq	Scania	Water Storage Tanks	9,200	The President
Army	Iraq	Camp Speicher	Military Control Point	5,800	The President
Army	Iraq	Camp Speicher	Landfill Construction	5,900	The President
Army	Iraq	Camp Speicher	Aviation Navigation Facilities	13,400	The President
Army	Iraq	Camp Taqqadum	Landfill Construction	880	The President
Army	Iraq	Camp Victory	Landfill Construction	6,200	The President
Army	Iraq	Camp Victory	Level 3 Hospital	13,400	The President
Army	Iraq	Camp Victory	Waste Water Treatment & Collection	9,800	The President
Army	Iraq	Camp Victory	Water Supply, Treatment & Storage, Phase 3	13,000	The President
Army	Iraq	Camp Victory	Water Treatment & Storage, Phase 2	18,000	The President

MILITARY CONSTRUCTION—Continued

[In thousands of dollars]

Account	State	Location	Project Title	Amount	Requested By
Army	Iraq	Camp Warrior	Landfill Construction	880	The President
Army	Iraq	Various Locations	Overhead Cover—eGlass	30,000	The President
Army	Iraq	Various Locations	Overhead Cover—eGlass, Phase 4	105,000	The President
Air Force	Iraq	Balad AB	Helicopter Maintenance Facilities	34,600	The President
Air Force	Iraq	Balad AB	Foxtrot Taxiway	12,700	The President
Air Force	Iraq	Balad AB	Fighter Ramp	11,000	The President
Army	Kuwait	Camp Arifjan	Communications Center	30,000	The President
Air Force	Kyrgyzstan	Manas AB	Strategic Ramp	30,300	The President
Air Force	Oman	Masirah AB	Expeditionary Beddown Site	6,300	The Administration[1]
Air Force	Qatar	Al Udeid	Facilities Replacement	30,000	The Administration[1]
Air Force	Qatar	Al Udeid	Close Air Support Parking Apron	60,400	The Administration[1]
Defense-Wide	Qatar	Al Udeid	Special Operations Forces Warehouse	6,600	The President

[1] These projects were requested by the Department of Defense subsequent to the submission of the President's budget request and were not included in the official budget request.

[2] These projects were added by the House Committee on Appropriations as a result of hearings, site visits, and departmental briefings on trainee and recruit facilities and medical treatment facilities.

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Account	Project	Funding	Member
SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT			
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Lake Ponchartrain and Vicinity, LA	$1,077,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, West Bank and Vicinity, LA	920,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Southeast Louisiana, LA	838,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, 17th Street, Orleans, and London Avenue Canal pumps and closures, LA	704,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Stormproofing interior pump stations, LA	90,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Levee and critical element armoring, LA	459,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Navigable closure at the Inner Harbor Navigation Canal, LA	53,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Incorporation of Plaquemines Parish, Louisiana, Non-Federal levee	456,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, reinforcing or Replacing Floodwalls in the existing Lake Ponchartrain and Vicinity, and West Bank and Vicinity Projects in New Orleans, LA.	412,000,000	The President, Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, repair and restoration of authorized protections and floodwalls in New Orleans, LA.	393,000,000	The President; Senators Landrieu, Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, complete authorized Lake Ponchartrain and Vicinity and West Bank and Vicinity projects in New Orleans, LA.	359,000,000	The President, Senators Landrieu, Vitter
SUBCOMMITTEE ON TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES			
Department of Housing and Urban Development: Permanent Supportive Housing.	Permanent Supportive Housing vouchers for the State of Louisiana for elderly, disabled and other at-risk homeless individuals directly impacted by Hurricane Katrina.	73,000,000	Senator Landrieu

Mr. BYRD. Mr. President, today, the Senate Appropriations Committee reported the fiscal year 2009 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act. In this bill, the Senate Committee has continued its aggressive efforts to improve the safety of miners in the coal fields.

After the deadly tragedy at the Sago Mine in 2006, the Congress passed the Mine Improvement and New Emergency Response, MINER, Act, which I was pleased to cosponsor. Among other things, that bill required the immediate installation of emergency breathing devices and also the installation of wireless communications and tracking equipment by June 2009. The MINER Act also required the Mine Safety and Health Administration, MSHA, to draft several new regulations, including rules on penalties, mine rescue teams, and the sealing of abandoned areas. It also required a report from the National Institute for Occupational Safety and Health, NIOSH, on refuge alternatives, as well as a report on belt-air ventilation and the fire-retardant properties of belt materials from a technical study panel. I would note that the Appropriations Committee included two amendments to the MINER Act in the fiscal year 2008 Omnibus appropriations bill directing MSHA to finalize regulations later this year that would implement the recommendations on refuge alternatives and belt safety provided by NIOSH and the Technical Study Panel. MSHA issued the proposed rules this month for comment.

In order to meet these new mandates and so that MSHA can fulfill its other important health and safety responsibilities, like completing 100 percent of statutory inspections, the Senate Appropriations Committee increased funding for coal enforcement from $117 million in fiscal year 2006, to $150 million in fiscal year 2008. In May 2006, the Senate Appropriations Committee also directed MSHA to hire 170 new coal inspectors and provided $25.6 million to accomplish that task. Since then, MSHA has hired 322 coal enforcement personnel—increasing the number of inspectors from 587 in June 2006, to 750 in May 2008.

I also proudly note that the committee has added funding for mine safety research at NIOSH, increasing to $50 million the budget for the development of health and safety technologies. The committee also provided $23 million in the fiscal years 2006 and 2007 Supplemental Appropriations Acts in order to expedite the deployment of safety technologies. With the funding the committee has provided since Sago, NIOSH has unveiled an improved self-contained, self-rescuer, SCSR, that allows miners to replace their oxygen supply without removing their SCSR. NIOSH has also announced progress on more durable and survivable communications systems, and completed critical studies of seals and refuge alternatives, which MSHA has used as the basis for its regulatory proposals.

Having increased funding in previous years, the Appropriations Committee focused this year on ensuring that the administration does not back away from its commitment to mine safety. In his fiscal year 2009 budget, President Bush proposed cutting coal enforcement by $10 million. The committee-reported fiscal year 2009 bill rejects this proposal, and increases the budget for coal enforcement to $155 million. This is $4.4 million above the fiscal year 2008 enacted level, and when you discount $6 million of one-time expenditures last fiscal year, the total increase is more than $10 million.

This funding would enable MSHA to continue to hire inspectors, specialists, and support staff, and to implement the MINER Act. It would also enable MSHA to achieve 100 percent compliance with its statutory mandates. In addition, the fiscal year 2009 committee-reported bill includes $2 million above the president's budget request for MSHA to minimize coal dust levels through increased spot inspections. This is a new funding priority for the committee, in light of NIOSH reports in 2007 about alarming clusters of rapidly progressing black lung around southern West Virginia. The bill also includes language requiring by March 31, 2009, a report from MSHA on the feasibility and efficacy of MSHA assuming responsibility for collecting dust samples and using single, full-shift measurements instead of averages to ensure compliance with the law.

Mr. President, I praise the work of the dedicated enforcement personnel laboring in the coal fields. With funding from the Appropriations Committee, they have been working overtime and putting in long and hard hours. After too many years of neglect in the President's budgets, I am proud to note that there are visibly and noticeably more inspectors in the coal fields today, and additional inspectors are on the way. That is real, tangible progress. We must continue it. The argument that MSHA can now afford to cut back its budget for coal enforcement must not be allowed to take root. We must provide MSHA personnel with everything they need to do their job. As coal production increases across the Nation and MSHA struggles to implement the mandates of the MINER Act, the Congress must ensure sufficient funding to ensure that each and every mandate of the Coal Act is enforced.

Mr. COCHRAN. Mr. President, over the past few months I have spoken several times in this Chamber about the need to approve a supplemental request from the President for appropriations to fund activities and operations of the Department of Defense. Progress on this request has been terribly slow. It has now been more than 500 days since the President submitted his request.

In a hearing before the Defense Appropriations Subcommittee last month, Secretary of Defense Gates testified that the military personnel accounts that pay our soldiers, and the operations and maintenance accounts that fund readiness, training and salaries of civilian employees were running dry. Secretary Gates has been able to forestall this depletion of funds for a short period of time, but only by employing measures that are disruptive to the operations and management of the Department of Defense.

Secretary Gates has had to transfer funding from Air Force, Navy and Marine accounts to the Army to enable the Army to meet its military and civilian payroll, and to fund current operations. It is incredible to think that to be able to pay military personnel who are on the frontlines, engaged in combat, the Secretary of Defense has had to transfer funding between accounts because the Congress will not act on a supplemental request that has been pending for almost a year and a half.

The delay in providing supplemental funding has caused the Defense Department to divert thousands of man hours from focusing on how best to support our men and women in uniform to figuring out how to cash flow the Defense Department so our men and women in uniform will receive a paycheck. We will probably never know how many millions of dollars have been wasted during this shell game. And we will probably never know how many sailors, soldiers, airmen or marines have been put at greater risk because Defense Department leaders and managers have had to shift their attention from supporting the warfighter to figuring out how to make the payroll, or deciding what activities are "exempt" from cessation because the Department's funding has been depleted.

The delay in providing funding for our troops has disrupted operations in Afghanistan as well as Iraq. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, testified at a Defense Appropriations Subcommittee hearing that during his visit to the front lines he learned that the soldiers were unable to allocate funds from the Commander's Emergency Response Program because all the money had essentially already been allocated. We are more than two-thirds of the way through the fiscal year, yet Congress has provided less than one-third of the funds requested for this emergency response. Admiral Mullen said, and I quote,

> I'm especially concerned about the availability of funds into the Commander's Emergency Response Program, authority for which expires next month. (The program) has proven in most cases more valuable and perhaps more rapid than bullets or bombs in the fight against extremism . . .

I worry that the Congress is becoming an impediment to the efficiency and the capability of our government, and to our Department of Defense particularly. I worry that we are not acting as expeditiously as we should to protect our troops in the field that are conducting dangerous missions. The delays we have experienced with this supplemental were as unnecessary as they are inexcusable.

I am also disappointed that the supplemental before the Senate means that the gulf coast's ongoing recovery from Hurricane Katrina will be slowed. Mississippi's gulf coast suffered tremendous devastation as Senators know as a result of Hurricane Katrina. There was significant loss of life as well as significant damage to property. In last year's supplemental spending bill, the Congress tasked the U.S. Army Corps of Engineers to recommend measures to protect the Mississippi gulf coast from future storms. The Corps of Engineers has drafted its recommendations, and the Senate responded by including funding for these important Corps-recommended projects in our version of the supplemental appropriations bill.

One of the projects included in the Senate-passed supplemental is the restoration of Mississippi's Barrier Islands. These islands, which are federally owned, suffered terrible damage after Hurricane Camille in 1969 and are now so vulnerable that even a relatively small hurricane may destroy them completely. These are my State's last line of defense before a major hurricane moves inland. Continued delay leaves my state more vulnerable.

The Corps of Engineers also concluded that homeowner relocation assistance would be the most effective alternative for reducing the risk from future hurricane surge events by relocating structures and population centers from the high risk zones. This voluntary program would assist those who are looking to locate outside the high-hazard area. It is vital not only to recovery but also for protection from a future disaster. We are now in the midst of another hurricane season, and every day this Congress does not act is 1 more day that Mississippians are at risk.

Unfortunately, all of these items were dropped from the bill by the other body, and because of the long delay in acting on the supplemental there is now no time or opportunity to consider the matter further. I share the President's concerns about excessive spending. But 16 months have passed since the President's supplemental request was submitted, and 6 months have passed since the 2008 bills were enacted. In that time natural disasters have occurred and additional disaster-related needs have become apparent.

In March of this year, three barracks at Camp Shelby in Mississippi suffered significant damage and destruction after violent weather. Fourteen soldiers were hospitalized; four of the soldiers sustained serious injuries. Many other structures were damaged. The Senate-passed spending bill contained funding to rebuild these barracks, but the continued delays in funding prevent this important work from being started. Floodwaters continue to inflict damages to farms, homes, and businesses along the Mississippi River. There is little question that additional resources will be required to respond to this continuing disaster.

I am speaking today in part to draw attention to what I feel has been a poor performance by Congress on this bill. But I also come to the floor because there is no other venue to express my views on the supplemental. There was no conference committee appointed to resolve differences between the House and Senate. There were no meetings of the chairmen and ranking members of the Appropriations Committees or of the subcommittees involved. And there has been virtually no opportunity for Members of this body to offer amendments to the bill. I regret that. It is not the way we should discharge our responsibilities. I think there is little question that had we followed regular order we could have enacted a supplemental a month ago, and spared our men and women in the field a great deal of uncertainty.

I support this supplemental and urge my colleagues to do the same, but hope that we can do better next time.

Mr. REID. Mr President, momentarily, the Senate will move to pass the domestic portion of the emergency supplemental appropriations bill.

After months of negotiation, I am confident that we will pass this legislation by an overwhelming bipartisan margin.

For our troops, for the unemployed, and for those who have suffered from natural disasters and economic hardship, this legislation is a long-overdue victory.

I am glad we have reached this point, but it has not come easily.

My colleagues will recall that when President Bush requested yet another supplemental war funding bill, he said to Congress—give me my war money and not a penny more.

He said that even after appropriating $660 billion for war, any effort by Congress to address our needs here at home would be met with a veto.

Some of our Republican colleagues said—why bother trying—why take the time to legislate—when the President has made his veto plans clear?

Our answer then was it is our job to legislate.

The Constitution calls for three separate but equal branches of government.

A President's veto threat must not stop us from doing what we think is right.

So we did not blink or back down. We said that after $600 billion spent on Iraq, it is long past time to take care of some problems right here in America.

We did exactly what the Congress is meant to do: we legislated. We negotiated. We compromised.

And because we did, we now stand ready to deliver a major victory for the American people.

After months of inching ever closer—despite some Republicans who said it wasn't worth the cost—we are delivering a new GI bill to our courageous troops.

Some on the other side of the aisle started out opposing this effort. My Republican colleagues from Arizona, South Carolina, and North Carolina opposed it, apparently because they and others felt it was too generous to the troops who serve.

They pursued their own bill, which in my view was but a pale shadow of the GI bill we vote on tonight.

It would have fallen far short of providing our troops what they deserve. In the face of their opposition, we persisted.

President Franklin Delano Roosevelt signed the original GI bill into law 64 years ago.

He said at the time that the bill "Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down."

Since President Roosevelt affixed his name to that historic legislation, nearly 8 million veterans have advanced their education, gotten better jobs, and blazed a path to a brighter future for themselves and their families.

Those 8 million men and women have gone on to become teachers, doctors, entrepreneurs and public servants.

Several of our colleagues are among them—DAN AKAKA, CHUCK HAGEL, DAN INOUYE, FRANK LAUTENBERG, TED STEVENS, JOHN WARNER and JIM WEBB.

I don't think it is presumptuous to say that each one of them would credit the GI bill as one reason for what they have achieved.

In his time, President Roosevelt promised to never let our troops down, and today we stand poised to renew and reinvigorate his pledge.

The new GI bill will increase educational benefits for all members of the military who have served on active duty since September 11, including reservists and National Guard.

The years since September 11 have seen our troops strained to a level not seen since Vietnam, so these benefits are hard-earned and well-deserved.

This new GI bill so covers college expenses to match the full cost of an in-state public school, plus books and a stipend for housing.

For those who have said it costs too much, I say our troops have more than earned it.

And every dollar we invest in educating our veterans today comes back to our economy seven times over.

But, new GI bill is not the only important investment this supplemental legislation makes.

It also extends unemployment insurance for all states by 13 weeks and an additional 13 weeks for States with the highest unemployment.

The Congressional Budget Office and many economists say that extending unemployment insurance is among the most effective steps we can take to stimulate the economy.

We have talked for months about the need to help struggling Americans keep their heads above water as our economy continues to flounder. We could have passed this extension months ago, but passing it today is an important step.

This supplemental appropriations bill also: Provides long overdue assistance to victims of Hurricane Katrina with matching funds for levee construction, law enforcement, hospitals, homelessness and reconstruction projects in Mississippi; comes to the aid of victims of other natural disasters like floods and droughts that have devastated certain crops; rolls back the Bush administration's attempts to regulate Medicaid into oblivion by blocking six of seven administration regulations aimed at depriving children, the elderly and people with disabilities of critical services; and, this legislation invests in a variety of other critical priorities, including infrastructure repair, food and drug safety, and firefighters' assistance.

It is no secret that many Democrats—myself included—wish that there was no such thing as an emergency supplemental appropriations bill.

We wish that the urgent domestic needs of the American people had been addressed by President Bush and funded in the ordinary budget process.

And we wish that the $660 billion we have already spent on the war in Iraq could have gone toward eliminating our record deficit, and investing in schools, hospitals, roads, job training and public safety.

But despite the crushing weight of a war that will cost us well more than $2 trillion when all is said and done—it is our responsibility to always put the needs of the American people first.

This supplemental appropriations bill fulfills that responsibly. I urge all of my colleagues to support it.

Mr. LEVIN. Mr. President, I strongly support the extension of unemployment insurance benefits. Extending unemployment insurance benefits would fairly and rightly extend much needed assistance to Americans who are struggling to find jobs. While I was disappointed that the provision in this bill does not include extra benefits for states with high unemployment rates, I believe this unemployment insurance extension, or benefits of an additional 13 weeks for all States, is an important step forward. If the trend of rising unemployment rates continues, it is my hope that Congress will consider another emergency unemployment insurance package that will do more to help states struggling with the highest rates of unemployment.

The Nation's unemployment rate jumped to 5.5 percent in May from 5 percent in April—the biggest jump in 1 month in 22 years. Since the beginning of the Bush administration, Michigan has suffered significant jobs losses and the State's unemployment rate has increased from 4.5 percent in January 2001 to 8.5 percent in May of this year, the highest unemployment rate in the Nation. Michigan has not seen an unemployment rate this high since October of 1992. For too long, the administration has stood idle as 3.3 million manufacturing jobs have been lost, and as working families have felt the squeeze of the rising costs of energy, health care and food. An estimated 428,000 Michigan residents were unemployed in May. Between May 2007 and May of this year, over 170,000 residents exhausted their unemployment benefits and could not find jobs. This year, on average each month about 15,000 more Michigan residents face this same predicament.

President Bush's opposition to an extension of unemployment benefits is apparently based on his belief that, somehow, the availability of unemployment benefits would discourage people from looking for a job. I am disappointed that President Bush would repeat this tired and inaccurate excuse for failing to provide Americans the help they need in these tough times. The devastating reality is that about 7.6 million Americans are unemployed and cannot find jobs, not because they are refusing to look, but because the labor market simply does not have the jobs. Millions of workers have been searching for a job for over 6 months, to no avail. The number of long-term unemployed workers is now higher than when it was when we provided an unemployment insurance extension in 2002. The high rate of unemployment has disproportionately affected veterans, minorities, and young people. While Americans continue to search high and low for a job, their unemployment benefits are running out.

Our people face tremendous economic pressures, from a rate of home foreclosures that is up 130 percent from 2006, soaring costs of health care, to skyrocketing prices for food and gas. Unfortunately, this situation is unlikely to improve soon. Since President Bush took office, the price of health insurance is up 44 percent, the price of college tuition is up 47 percent, the price of gas is up 95 percent, the Federal debt has almost doubled and the dollar has lost a third of its value.

Meanwhile, American families are facing a cost crunch. According to a study by a prominent Harvard Law School professor, the median household income fell by $1,175, in 2007 dollars, between 2000 and 2006. During that same period, consumer expenditures for basic family needs such as mortgage payments, gas, food, phone bills, household appliances, and health insurance increased by $3,552, also in 2007 dollars. Available data in 2008 suggest that the cost of basic needs has continued to increase since 2006, and, between a lower real income and higher basic costs, families are facing as much as a $5,700 shortfall, as compared with 2000 figures.

Extending unemployment insurance during times of recession is nothing new. In the past 30 years, Congress has acted three times to establish temporary extended unemployment benefits, each time during a recession. On average, the length of time that Americans have struggled to get by without a job is longer than it has been in the 30 years since Congress first extended unemployment insurance benefits.

Extending unemployment insurance during tough times is one of the most effective ways to stimulate the economy, dollar for dollar, and this money can be distributed within weeks. Extending unemployment insurance is essential to provide much-needed support to those who have lost their jobs and are struggling to reenter the job market. Workers who receive these unemployment benefits are likely to spend them quickly, making this one of the fastest ways to infuse money into our economy in the short term.

I supported an economic stimulus package considered in the Senate, which included important provisions including an unemployment insurance extension. Unfortunately, this legislation was blocked due to a filibuster by Senate Republicans. It was deeply disappointing that the Senate was forced to pass a short-term stimulus package that did not include an unemployment insurance extension.. On May 22, 2008, the Senate overwhelmingly supported an amendment to the Emergency Supplemental bill that included a 13-week extension for unemployment benefits, with an additional 13 weeks for states like Michigan with high levels of unemployment. While the latter important provision is not included in the bill before us, I believe Congress must act with urgency to provide an emergency unemployment extension and therefore I support this legislation.

Mr. FEINGOLD. Mr. President, I support the amendment to the emergency supplemental funding bill that provides needed assistance for Wisconsin and other flood-stricken Midwestern States, unemployed workers, and veterans.

As a result of the horrifying floods that have ravaged the Midwest over the last 3 weeks, a number of people have lost their lives, including two residents of Wisconsin, and many more have lost homes or suffered other harm.

I joined a number of my colleagues from affected States in asking that flood relief money be included in the supplemental, and I am very pleased to support the $2.65 billion in disaster relief in the amendment for States suffering from record flooding. I cannot emphasize enough how crucial this disaster relief is to the people of Wisconsin. Beginning on June 5, Wisconsin was struck by 7 to 9 inches of rain that fell over a 24-hour period, followed by destructive winds and tornadoes. So far, 28 counties in Wisconsin have been declared disaster areas and we expect that at least 2 more will be declared disasters shortly. This water is draining into the Mississippi as we speak and has inundated communities throughout Iowa, Indiana, Illinois, Missouri and surrounding States.

With damage assessments underway, over $400 million of damage has been identified in the State of Wisconsin alone. Over 15,000 residents have registered for individual assistance in the 22 declared Wisconsin counties. An estimated 4,000 wells have been contaminated. The damage to crops will be considerable. We have not seen devastation like this in my State since 1993.

The assistance provided in this amendment will go a long way to help families and businesses get back on their feet, but additional funds may be needed down the road. I will continue to work with my colleagues in the Senate to ensure that the Federal Government's response is prompt and complete.

I am also pleased that this amendment provides thirteen weeks of extended unemployment insurance benefits to workers who have exhausted their regular unemployment insurance benefits. At this critical time in our Nation's economy, it is important that Congress do what it can for workers and families who are struggling. Earlier this month, the Department of Labor released its unemployment figures for the month of May showing a 1-month increase of half a percentage point in the unemployment rate to 5.5 percent, which was one of the biggest 1-month increases in over two decades. I joined a number of my Senate colleagues in requesting an extension of unemployment benefits as part of the stimulus package Congress passed earlier this year due to the fact that increasing unemployment benefits has a high stimulative effect on the economy. It is clear that an extension of unemployment benefits is needed in our States and local communities now.

I strongly support the provisions of this amendment that update the GI bill to provide comprehensive educational benefits for this generation of veterans. This legislation will help thousands of servicemembers transition back to civilian life as they return from demanding tours in Iraq and Afghanistan. It will also benefit the entire Nation as veterans' contributions to the workforce are enhanced through higher education. While these provisions should have been paid for, passing them is the least we can do for a brave generation of Americans who have served their country honorably.

There are other provisions in the amendment that I support, including a moratorium on six rules proposed by the administration that would undermine the Medicaid Program. I am disappointed, however, that the bill no longer includes vital funding for Byrne grants, LIHEAP and other domestic priorities. And I continue to be extremely disappointed at the willingness of too many of my colleagues to provide the President with funds to continue the misguided war in Iraq. While that funding is not included in the amendment we will vote on today, I will continue to oppose efforts to fund a war that is damaging our national security.

Mr. CARDIN. Mr. President, the spending bill we consider today contains many provisions that address urgent needs facing our Nation's economy, our Nation's families, and our Nation's troops.

Among the most important, this legislation extends unemployment insurance benefits at a time where too many

Americans are struggling to find jobs, it postpones six Medicaid regulations that would have impeded access to health care for those who need it most, and it provides veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. We learned a few weeks ago that the unemployment rate in our country shot up by a half a point, from approximately 5 to 5.5 percent. The Baltimore Sun reported last week that the Goodwill Industries of the Chesapeake's Baltimore center has seen an estimated 50 percent increase in clients seeking job placement assistance.

This bill includes provisions that respond to these growing needs. It extends unemployment benefits by 13 weeks for all the Nation's workers. Extending unemployment insurance this way helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth. With this extension, we will provide critical stimulus to our slowing economy.

The bill also extends a freeze on six Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for many Marylanders and Americans all around the country.

I want to talk about the impact of just two of those rules: one that would eliminate Medicaid coverage of transportation services required by students with special needs and the second that would change benefits for case management services that help some of our most vulnerable individuals access needed medical, social, and educational services. In addition to impeding access to care, these two rules alone would have cost Maryland $67 million in their first year. I was a proud cosponsor of S. 2819 that would have prohibited the Secretary of Health and Human Services from implementing these rules and am glad to see that a moratorium on these rules will become law.

I am especially pleased to support provisions that provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. Some of my colleagues have argued that the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. Just today a young man came into my office, a Maryland National Guardsman, who had served two tours of duty in Iraq. While overseas on his second tour, he missed the birth of his first child. Now that he is home, he wants to pursue an education. Although interested in a program at my State's flagship institution, the University of Maryland at College Park, the tuition was beyond his means and he enrolled in a community college instead where he will shortly complete his associate's degree program. He came into my office to explain his situation and ask whether there was any way we could help him continue his education at a 4-year institution.

That is an opportunity we owe the service men and women, including activated reservists and National Guard, who this administration has asked to serve extended and repeated combat tours. I am so proud that we will live up to that obligation today. But a new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

There are other critical provisions in this bill. It provides funding to address the devastating Midwest flooding and other natural disasters. It addresses critical quality of life and medical care issues for our troops including funding to improve barracks, build VA hospitals and polytrauma centers, and create new military child care centers. It provides the funding we need to implement the 2005 BRAC recommendations.

The bill makes critical investments to improve our competitiveness by funding research and other programs at the National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration, and the Department of Energy. At a time we are all avoiding tomatoes, this bill makes a major investment in food safety by providing additional resources to the Food and Drug Administration.

I want to commend my colleagues who refused to give up on these priorities even in the face of initial opposition and a veto threat from our President. I am encouraged that we may have a chance in the near future to act on other domestic priorities including increased energy assistance to low-income Americans facing skyrocketing fuel prices and commercial fishery disaster assistance that could help Maryland's watermen.

Former President John F. Kennedy said, "To govern is to choose." In this bill, this Congress is choosing to prioritize those issues that affect Americans' lives every day, our access to jobs, to health care, to education, to safe food. I am proud to offer this bill my support.

NATIONAL SYNCHROTRON LIGHT SOURCE II

Mr. SCHUMER. Mr. President, I rise today to ask my colleague, the chairman of the Energy and Water Appropriations Subcommittee, about a matter that may become an issue if we do not pass the fiscal year 2009 appropriations bills in a timely manner. As you know, there are several critically important projects in the Department of Energy's Office of Science budget in various stages of development. One of the projects is the National Synchrotron Light Source II at Brookhaven National Laboratory. This project is in the design phase and is expected to begin construction in the early part of 2009.

The fiscal year 2008 Omnibus appropriations bill provided approximately $20 million less than the budget request, and the fiscal year 2009 budget request has a substantial increase, which is consistent with the funding profile. I am concerned about the impact a continuing resolution for several months may have on the schedule and overall cost for the National Synchrotron Light Source II project. One issue is that under a continuing resolution less money would be available than if the budget request were enacted. A more pressing issue is that under some previous continuing resolution rules construction would not be allowed to begin as that would be a new activity.

Could my colleague please comment on these matters?

Mr. DORGAN. I thank the gentleman from New York for the question. There are several projects in the Office of Science and in the Department of Energy that are in various stages of planning, design, and construction. Like the National Synchrotron Light Source II project, these other projects may also be impacted if a long-term continuing resolution is enacted.

I very much appreciate my colleague's concern about the project at Brookhaven National Laboratory and will work with him to attempt to address these issues if a long-term continuing resolution becomes a reality.

Mr. ENZI. Mr. President, I rise today to discuss the emergency supplemental bill that we are considering in the Senate.

This new version of the emergency supplemental bill represents a change from the previous version. It is less expensive—$3 billion less in domestic, nonmilitary spending that didn't belong in this bill in the first place.

The bill is also better for overall defense than the last version. I am speaking of the GI bill provisions in this legislation. Changes have been made to try and address the transferability of benefits. These changes also attempt to deal with the concern the Department of Defense raised about the retention of our servicemembers by requiring extended service for extended transferable benefits. It does not fully address the concerns, but it is a step forward.

Congressional leaders have sat down with the administration and developed a bill that President Bush can sign.

I recently had the opportunity to address Wyoming's American Legion convention in Riverton, WY. They support improvements in the GI bill but never want to see any veterans, from World War II to our current operation, be used for gotcha politics. I think they will be pleased that changes and improvements were made.

This isn't a perfect bill. There is still some overspending on non-military matters. The bill was force fed through the process. Amendments that could improve the bill further were shunned by the majority leadership.

The fact remains, however, that we need to fund our troops. We need to provide our men and women in uniform with the best possible equipment and the funding they need to do their job fighting the wars in Iraq and Afghanistan. We have a responsibility to make this happen in an expeditious manner. Sending this legislation to President Bush is the only way that will happen and so I will support the supplemental bill.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to concur.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to concur.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily. absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—92

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—6

Allard
Coburn
Craig
DeMint
Kyl
Voinovich

NOT VOTING—2

Kennedy
McCain

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table.

The Senator from Florida is recognized.

UNANIMOUS CONSENT REQUEST—S. 2766

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 832, S. 2766, the Clean Boating Act, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Mr. President, reserving the right to object, I ask that the unanimous consent request be modified, that my amendment which is at the desk be agreed to, and that the bill be read a third time and passed.

Mrs. BOXER. Mr. President, reserving the right to object, I think the Senator from Alaska knows full well the amendment she is seeking to attach to our bill, or the substitute she is putting forward, never was approved in the committee of jurisdiction, the EPW Committee.

The committee worked long and hard at getting a compromise. Because of Senator NELSON and Senator MARTINEZ and others, we have a bill at the desk that Senator NELSON tried to get done now that passed our committee by an overwhelming vote.

As a matter of fact, 13 million boaters, 13 million boaters are going to wake up very unhappy in the morning if Senator MURKOWSKI objects to this bill. Her substitute was never voted on by the committee.

As a matter of fact, the individual she asked to offer an amendment never offered it. There was a reason; this was a delicate compromise.

I object to Senator MURKOWSKI's amendment to the request. I support strongly Senator NELSON's request to move this Clean Boating Act. It means that 13 million recreational boaters will not have to get a permit to discharge their water pollution, and 13 million recreational boaters are counting on us.

I hope Senator NELSON's unanimous consent will be granted.

The PRESIDING OFFICER. Is there objection to the original unanimous consent from the senior Senator from Florida?

Ms. MURKOWSKI. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the evening is getting late, and we have taken some significant action tonight. But I wish to speak for a moment and ask unanimous consent to speak up to 10 minutes on the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Ms. LANDRIEU. Mr. President, we passed, by an overwhelming margin, a supplemental emergency spending bill that will fund our ongoing operations in Iraq and in other parts of the world and will send some money stateside.

In the view of this Senator, we have shortchanged, even with our good effort that was just made, shortchanged some real ongoing serious emergencies here at home.

As far as the gulf coast is concerned, I voted for the bill because I have always believed that half a loaf is better than none.

In the bill, in large measure because of the work of Members on both sides of the aisle, we have a significant amount of money toward the construction of levees that failed and put a great city and region and regions throughout the gulf coast at risk, particularly the New Orleans metropolitan area. I know people get tired of reviewing the details, but less than 3 years ago, several significant levees along the great port system in the city of New Orleans, levees that should have held collapsed, and 80 percent of the city went under water. The water is long gone, but the pain is still there. The rebuilding is still going on. The anxiety of homeowners, renters, small business owners and large business owners, and industrial investors is still there, questioning whether the Federal Government's commitment to not only fix the levees, restore the levees and bring them up to the standards that were promised decades ago, if that promise is going to be kept.

This bill gets us part of the way there, but we still have an awfully long way to go. In the underlying bill we passed, in large measure crafted by House leadership—and I am disappointed in this view of the House leadership—they put in only a portion of the very critical levee funding that is needed for us to go forward, to restore these levees to 100-year flood protection. I don't know how to explain this, but 100-year flood protection is the bare minimum for the United

States. There are a few areas that are enjoying 200- and 300-year flood protection in this country, but very few. Most do not have, as you can tell by the flooding going on now in States such as Missouri and Iowa and parts of Illinois, most places don't have the 100-year protection.

For a reference point, I wish to impress upon my colleagues that this is a minimum standard. The country of the Netherlands, which is so small it could fit inside of Louisiana, a powerful economy but a small nation, has flood protection for its people against storms that happen once every 10,000 years. We, the United States of America, cannot claim that we have flood protection for 99 percent of our people against floods once every 100 years. I am going to say again, as I have said 100 times on this floor, incremental funding, nickles and dimes, a few hundred million here or there, is not going to get the job done. In the long run, it is going to cost the American taxpayer billions and billions of dollars more.

So here we go again, after the flood, after the storm, after the promises, after the speeches, after the lights, after the photographs, the bill is passed, but we do not have the whole amount of money necessary to reconstruct the levees as promised by the President and as spoken to on numerous occasions by many Members of the House and Senate. We do have $5.8 billion in this bill, $1.16 billion for the Lake Pontchartrain vicinity which is a long, ongoing project, I think started back in the 1960s. We do have $920 million in for west bank levee which was started back in the 1960s. We have $967 million in the southeast Louisiana flood control project that was started in the 1990s. We have $2.9 billion of flood control and emergency projects, modifying drainage canals, installing pumps, armoring levees, improving protection at the inner harbor canal, federalizing certain non-Federal levees in Plaquemine Parish, the long parish that sits at the toe of the boot in Louisiana, reinforces and replaces floodwalls, repairs and restores floodwalls. The problem is the match that is required because of the House action. The Senate reduced the match required by the State of Louisiana and extended our payment terms. Instead of requiring the State of Louisiana to pay a higher level of 35 percent, the Senate had suggested, I think wisely, that we revert back to the historic share, which is 25 percent. No one in Louisiana thinks we have to get these projects for free. Everyone in Louisiana understands we have to step up and pay our share. No one is objecting. What we simply asked for was a reasonable share, a historic share, not 35 percent but something like 20 or 25 percent. And most importantly, we had asked that we be allowed to pay it over 30 years.

But, no, under the House version that was very ill-conceived and very poorly thought out, the terms are tougher than historical standards and will require the State to come up with a greater match, 35 percent, and require us to pay it over 3 years.

I submit for the RECORD a letter from the president of Jefferson Parish, Aaron Broussard, a parish now of a half million people, as well as a letter from Bobby Jindal, the Governor of Louisiana. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JEFFERSON PARISH, LOUISIANA,
Jefferson, LA, June 23, 2008.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: We are concerned that language contained in the Emergency Supplemental Appropriations Bill, as passed by the House of Representatives last week, creates an unfair and unacceptable new cost share on the citizens of Jefferson Parish and Orleans Parish and creates a new financial burden that will unduly delay the SELA project and impose significant new risks to Southeast Louisiana.

As you know, the Southeast Louisiana Urban Flood Control Project, SELA, was authorized by WRDA of 1996 to provide for urban flood control in Southeast Louisiana on an expedited basis. The SELA Project has been a true partnership between local governments and the Army Corps of Engineers for over a decade. A major and very important feature of SELA has been a cost share of 75/25. The non-Federal sponsors of SELA have sought and received the approval of the electorate for the revenues needed to meet this 75/25 cost sharing requirement.

Now, without the benefit of legislative hearing or committee oversight, the House of Representatives has unilaterally changed the traditional cost share for the project. This fundamental change in the SELA project will create unprecedented delay in the delivery of the benefits of SELA Project. Specifically:

The change in the cost sharing for SELA from the presently authorized 75/25 to 65/35 equates to an additional $121M in payments for the SELA sponsors.

This increase will have an impact on the economic recovery of Jefferson Parish as $50M in new revenue sources must be approved and/or revenues now slated for other recovery work will have to be diverted to SELA.

The impact on Orleans Parish will be even greater as their share of the SELA work will increase by approximately $70M.

All of these increases are on top of the $331M that Jefferson Parish has agreed to pay under the presently authorized 75/25 cost sharing.

It will be very difficult, if not impossible, to maintain our construction schedule as the Administration will undoubtedly request that a new Project Cost Agreement be executed to reflect the higher cost sharing formula. This will in turn, require that Jefferson Parish submit a new financing plan showing adequate capability to meet these increased obligations. We may be forced to seek revenue bonding or seek new revenue sources, such as additional taxes from our citizens. This could further delay the completion of the SELA Project and the delivery of its benefits.

Senator Landrieu, I believe you will agree that the House of Representatives should not be allowed to unilaterally change the cost sharing authorized by WRDA '96 in an Emergency Supplemental Bill without the benefit of hearing, senate committee oversight or conference committee negotiations. In fact, as you know, the Senate Bill had language that maintained the historic cost sharing and directed the Secretary of the Army to use a 30 year pay out so that we could maintain the rapid pace of our recovery from Katrina. Now in light of the House actions, long term financing of the new cost share is the least that will be needed to address this unprecedented new cost share obligation.

I implore the Senate leadership and the Energy and Water Appropriations Sub-committee to retain its language on the Emergency Appropriations Bill and send the amended bill back to the House of Representatives for final passage.

Sincerely,

AARON BROUSSARD,
Parish President.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, LA, June 25, 2008.

Hon. HARRY REID,
Senate Majority Leader, The Capitol, Washington, DC.

Hon. ROBERT BYRD,
Chairman, Committee on Appropriations, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Republican Leader, The Capitol, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, The Capitol, Washington, DC.

DEAR LEADER REID, LEADER MCCONNELL, CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: Our state appreciates the strong support that you have demonstrated for the Gulf Coast victims of Hurricanes Katrina and Rita. The emergency supplemental appropriations bill soon to be considered by the U.S. Senate attempts to fulfill an important commitment to Louisiana—the restoration of the 100-year level of hurricane protection by 2011. I support the inclusion of these funds in the final bill; however. I remain concerned that the goal of the funding is jeopardized by the unprecedented cost share required under the legislation.

As proposed in the House bill, the State of Louisiana would be faced with a $1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase over the state's pre-Katrina contribution toward hurricane protection efforts. As we understand, Louisiana could be faced with paying up to $1.1 billion in 2010 alone. This is nearly one-third of the state's discretionary budget. Burdening Louisiana with an unprecedented cost share in this compressed time frame will cause irreparable harm to our ongoing recovery efforts and stall our coastal restoration efforts.

The emergency supplemental bill also proposes to increase the overall percentage of funds provided by the state. Under the House proposal, Louisiana's cost share responsibilities would actually increase by over $200 million above the cost share required under current law. Considering the extraordinary impact the 2005 hurricanes and the various aspects of recovery ongoing, it is alarming that Congress would choose to require a higher cost share at this time.

As you know, the Senate version of the emergency supplemental allowed Louisiana the opportunity to pay its share of these important hurricane protection efforts over a longer period of time as allowed under current law. The Senate bill also used the traditional cost share requirements that reflect current law.

The Senate is right. Placing this extraordinary burden upon the backs of Louisiana citizens would set back our recovery for years. The large cuts to budgets, services and programs required to make $1.8 billion available for levees would have a profound impact on Louisiana families across our state.

To be clear, Louisiana is willing to partner with the federal government on these important protection efforts. We are not asking for a waiver. The Senate bill requires our state to pay its share for hurricane protection under reasonable terms and in compliance with current law. I strongly urge you to support our Congressional delegation's efforts to retain the Senate provisions related to hurricane protection. If not possible to include this language in the supplemental, I encourage you to adopt this legislation on its own or through another legislative instrument.

Sincerely,

BOBBY JINDAL,
Governor.

Ms. LANDRIEU. I wish to read part of the Governor's letter:

> As proposed in the House bill, the State of Louisiana would be faced with a $1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase [not 4, not 40, not 400] over the state's pre-Katrina contribution toward hurricane protection efforts.

I know it is not the intention of the chairman of the House Appropriations Committee or the Speaker of the House or the majority and minority leaders in the House to make Louisiana pay 4,000 percent more than we were paying before the storm, when we are in an economic situation that is far more challenging than we were before the city and many of our parishes went under water and 1 million people were displaced in the southern part of our State, but that is exactly what they did.

I am going to leave here, along with my colleagues, but I am going to come back and find a way, with the goodwill on the floor of this Senate, working with Republicans and Democrats, to come to some reasonable terms for the people of Louisiana so we can pay a reasonable share and have a longer period to pay it back.

I know we are one Nation and we all have to support each other's projects, but to put this in perspective, many of us here have funded over the last maybe 15 years a project that is rather famous and well known called the big dig in Boston. That project is an eight-lane highway under the city of Boston that extends for 3.5 miles. We all spent money to do it. It cost $14.8 billion for the big dig. I asked in this supplemental for $8 billion to help build 200 miles of levee to protect up to 2 million, roughly, people from losing everything they have worked for and their parents and their grandparents have worked for, because when those levees break, nothing is saved, and insurance does not even begin to cover the cost of what people have lost. We had to be told in this supplemental discussion that we weren't a priority or we needed to wait. It couldn't fit in this bill. Sorry, we couldn't do it. Sorry, we couldn't find the appropriate cost share.

I am happy for projects like the big dig and other projects around the country. I know some people think I am wearing out my welcome, but it is my job to represent the people of my State. I intend to do it as fairly as I can. I have to say, the President was the one who came to Jackson Square. I didn't go to Jackson Square and turn the lights on and make a promise to the American people that these levees would be rebuilt. He did. Then many Members of Congress came down, Republicans and Democrats, and took shots with a lot of people and said they would rebuild these levees. We want to rebuild our levees. We are willing to put up our share. But the people of Louisiana, under no circumstance, can pay a 4,000-percent increase. Under no circumstance can our State come up with $1.8 billion every year for the next 3 years out of our general fund.

I want to make one more point about the levees. The people on the other side of the levee are not in high-rise condominiums. They are not lying on the beach sunbathing, and they are not frolicking in 2 feet of water for recreational purposes. The people on the other side of these levees are running the greatest port system in North America. They are engaged in fisheries and transportation and oil and gas. They are the men and women who unload the ships that come from all over the world to support the economy of this Nation.

We have work to do when we get back here. I am going to go home for a week. Then I am going to come back, and we are going to work on finding a better way for us to reduce the cost share and extend the time for us to repay our portion so we can get these levees built and give comfort and keep our promise to the people before we have to mark the third anniversary of Katrina, which will be August 29.

We have time, but we don't have a lot of it. It is almost July. The third anniversary will be August 29. I want to put the Senate on notice that I am going to do everything in my power not to allow us to go home for August until some provisions have been made. There are two options. The President can, by executive order, do this. I am asking him to. I am sending him a letter tomorrow asking him to do it. If he doesn't, then every bill that comes to this floor will be subject to an objection by me until this situation is corrected. It is as if you did not give us any levee money, because without us being able to put up a match, the project can't go forward. Some provision will have to be made. I wanted to go on the record tonight saying I am willing to work toward any compromise that will be reasonable and look forward to doing that when we return.

In addition, there were provisions that the Senate graciously, under Senator BYRD's leadership, had put in this bill to continue to help us with other elements of our recovery. The criminal justice provision was stripped out by the House. The health care provision was stripped out by the House. These amounted to literally a few hundred million dollars in the scheme of things.

It is not a great deal of money, as these bills go, that are hundreds of billions of dollars. But it was important money to the city of New Orleans and the region and to hospitals that have never closed from the time that hurricane swept through and destroyed so much in its path. Oschner Hospital stayed open. West Jeff and East Jeff opened very soon, as soon as they could, and have continued to provide indigent care, losing millions and millions and millions of dollars, and yet cannot get the proper reimbursement necessary because of what they did.

FEMA only provides help to public entities. Oschner is technically not a public entity, but it was the only hospital that stayed open, and the doctors and the nurses did the right thing. All they have been—since doing the right thing—is punished because their board has lost money, money, money, month after month after month. I have pleaded their case on any number of occasions. Senator LEAHY, Senator HARKIN, and others have been very gracious to try to include help. But it seems as though at certain points it always gets stripped out.

So we are going to come back, and I am going to ask again for some health care funding and some criminal justice funding and work with Senator GRASSLEY, Senator HARKIN, Senator MCCASKILL, and others to fashion better remedies for the thousands of homeowners in other parts of this country who have also been disappointed by levee systems that should have held and failed, by Federal bureaucracies that promised help and did not show up.

I know only too well the pain that is going on right now in other parts of the country. I have lived this nightmare for 3 years in south Louisiana and in Mississippi, Alabama, and Texas. So we do have some work to do when we get back, and I look forward to working with you and others to accomplish that.

Mr. President, I ask unanimous consent for 2 minutes to extend my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

TRIBUTE TO JUSTICE REVIUS ORTIQUE

Ms. LANDRIEU. Mr. President, I have come to the floor of the Senate tonight to pay tribute to a man who had a significant impact on the civil rights movement in my State and our Nation. Justice Revius O. Ortique, a native New Orleanian, passed away on Sunday, June 22, 2008.

At the height of his long and distinguished career in 1992, he was the first African American elected to the Louisiana Supreme Court. But the road was not easy nor was the path to success clear.

Justice Ortique served his country for 4 years as an Army officer in the Pacific theater during World War II. He returned home as part of a great generation his longtime friend Sybil Morial notes for its "desire to bring about change." He attended college at Dillard University, earned a master's degree in criminology from Indiana University, and then earned a law degree from Southern University.

It was a challenging time, to say the least, to be a young, African-American attorney in our South, but Revius Ortique rose to the challenge with determination to change the landscape for African Americans in our city—helping to desegregate lunch counters and neighborhoods, city halls and corporate boardrooms, throughout Louisiana and the South. He served his community as the president of the Urban League of Greater New Orleans for five terms and was also president of the Community Relations Council, a group of local leaders focused on bridging the racial divide and making our city stronger.

Justice Ortique's efforts to heal the divisions of our community soon garnered rightful national attention. He became president of the National Bar Association in 1959. From that post, he had President Johnson's ear—a direct voice to power, speaking for millions of African-Americans. Moved in some measure by Ortique's urging, President Johnson appointed Thurgood Marshall to be the first African-American U.S. Supreme Court Justice and appointed eight other distinguished African Americans to Federal judgeships.

The first African American to be appointed to the Civil District Court bench in New Orleans, in 1978, Justice Ortique continued to be reelected and later served as chief judge. His friends and colleagues remember him as holding himself and his courtroom to the pinnacle of decorum. He was also an inspiring mentor to many young lawyers and judges. "He really taught you how to be a good lawyer," said Judge Michael G. Bagneris, who serves on the Civil District Court in New Orleans. "He always instilled in young lawyers that they had to show respect for the court." It is a respect Justice Ortique earned through his demonstrated wisdom on the bench and the gentlemanly standards he held.

Justice Ortique was elected to the Louisiana Supreme Court in 1992 but could only serve 2 years due to a State age restriction. He was not ready to retire. He remained as hungry to serve as that young man who went off to defend our country a half century earlier. Mayor Marc Morial appointed him to the New Orleans Aviation Board where he quickly became its chairman, serving for 8 years.

Over the course of his career, five U.S. Presidents learned of his stellar reputation as a jurist and as a leader, appointing him to various Commissions, including the investigation into the killings at Kent State University.

At the end of his life, Justice Ortique and his loving wife of 60 years, Miriam, were living in Baton Rouge. Their New Orleans house had been destroyed by Hurricane Katrina, and like so many Louisianians, they were working to soon return home. He is also survived by his daughter, Rhesa Marie McDonald, and three grandchildren. From the struggles of the civil rights era, to the successes that come with hard work and resolve, Justice Ortique's American story is one of great promise and determination. His legacy will live on through the generations he has inspired to bring about change of their own.

Mr. President, I thank the Presiding Officer and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING CRISIS

Mr. DODD. Mr. President, I wish to review very briefly before we close out this evening and head back to our respective States for the Independence Day recess sort of where we are on the housing issue which has dominated a good part of the debate over the last week or so in the Senate.

I wish to begin by thanking the majority leader and the minority leader for the ability to raise a number of issues which have been debated and discussed over the last week or so regarding the effort to get this housing crisis back on track. I have said this so often, for those who have had to listen to it, it would be redundant, but for those who are hearing it the first time: The heart of the economic crisis is the housing crisis, and for anyone who doubts it, the heart of the housing crisis is the foreclosure crisis. We now have roughly 8,500 foreclosures a day occurring in the United States.

This is no longer a question that has merely affected the subprime lending market. It has now spread to the prime market area as well. It is affecting student loans, municipal finance, commercial financing. It has had a tremendous impact on global markets as well. As we all today recognize, we live in a world where major economic conditions affect not only those of us who live here but elsewhere as well.

So when we return a week or so from tonight, we will be back on this housing bill along with other measures but certainly the housing bill. It is with a deep sense of regret that I speak this evening about the disappointment I feel over the inability to conclude this matter. It would not have taken this Chamber much more than 2 or 3 hours to consider all of the amendments that were being offered by Democrats and Republicans to this housing measure. But for the actions of one or two Members who refused to allow us to go to the debate—not even considering amendments we would have disagreed with, it is very disappointing to me when you consider that we are now leaving for another 8 or 10 days.

I will remind my colleagues and those who may be interested in this that every day we are not in session, and every day we fail to act on this measure, somewhere between 8,000 and 9,000 homes, not to mention the individuals affected by it, will be filing for foreclosure. So as we leave tomorrow and head back to our respective States across the country, some 8,000 to 9,000 people will be put at great jeopardy for their long-term economic security and potentially losing their homes.

As we go off and spend our time next week, whether we are spending our time with our families or engaging in activities with our constituents, on every day we are not here, another 8,000 to 9,000 people will find their long-term financial security at further risk because we could not convince a couple of Members to allow us to debate the issues of housing and what we might do. Let me also point out that it is only a handful of people.

Two days ago when we considered the motion to proceed to this matter, the vote was 83 to 9. For every vote we have had on this housing measure over the last week, the lowest number of votes we have had in favor of our proposals was 77. So it is disappointing with that kind of a majority, which rarely occurs on any issue let alone one as potentially controversial as the housing issue, because we have had overwhelming support to move forward. Yet I find myself this evening as we conclude our debates on all of these matters unable to conclude this issue because of one or two Members who refuse to allow us to even get to this issue at all.

Let me read, if I can, a headline from the business section of the Washington

Post this morning: "Delinquencies Rise at Fannie Mae and Freddie Mac." Now let me read the headline from Monday's section of USA Today: "New Faces Join Ranks of Nation's Homeless: Renters, Middle Class Hit Hard by Rising Foreclosures."

The Housing and Economic Recovery Act of 2008 would address both of these very serious concerns, and more. Our bill establishes a strong, new, world class regulator to make sure the housing GSEs are well regulated and financially sound. Our legislation provides for a voluntary new program that could help anywhere from 400,000 to 500,000 distressed homeowners avoid foreclosure. The legislation has proven time and time again to enjoy strong, bipartisan support, and we have made enormous progress over the last number of months. We have worked very hard, Senator SHELBY and I, my Republican colleague from Alabama, the ranking Republican on the committee, and 19 of the 21 members of that committee—only 2 dissenters out of the 21 members—to put together this package. We worked through a number of amendments, accepting some, defeating others. In fact, last night the bill passed on the overall Dodd-Shelby proposal 79 to 16. Yet because of a technicality involving procedural hurdles that will not let us get to final passage, this measure is now being held up by one or two Senators because they want yet another vote on a completely unrelated matter.

Let me review very briefly, if I can, for my colleagues before we go into recess exactly what it is we are working so hard to achieve. It has a number of key elements, all of which have been supported by strong bipartisan votes in either the Banking Committee or the full Senate.

First, the HOPE for Homeowners Act. I have said over and over again, this bill, HOPE for Homeowners, is not guaranteed to produce the results we want, but what it does do is make it possible for both lenders and borrowers to reach an agreement whereby borrowers can stay in their homes with mortgages they can afford. The lenders are going to reduce their earnings—there is no question about that—but it is not going to be zero. So there is an advantage for the lender to be involved in this voluntary program. Speculators are not allowed to participate. It is only owner occupied residences. It is a temporary program. It is a purely voluntary one, but it is one that has been tried.

It was actually tried many years ago, back in the 1920s and the 1930s when we had the Great Depression in this country, and the Federal Government actually purchased distressed mortgages. We are not doing anything like that. We are actually insuring these mortgages, allowing these people who are running the risk of losing their homes to stay in those homes, and thus bring us to a floor, if you will—a bottom—of this housing market, this mortgage market that would allow capital to begin to flow again. It is a very important proposal.

I must tell my colleagues that we have listened to countless witnesses in over 50 hearings over the last year and a half of the Banking Committee. Witnesses have come from the entire breadth of the political spectrum and all of them have concluded that this idea is worthy of a try.

So while I cannot stand here this evening and promise miraculous results, it is our best judgment—this is our best effort—of what we can do in this body to offer some relief at this moment.

The second proposal that is part of this bill is the GSE reform, Fannie Mae and Freddie Mac. These are important sources of liquidity in the residential mortgage market. They have provided a great source of relief during this time. Our bill reforms these institutions in such a way that we have a strong regulator requiring certain capital requirements and the like. It has been tried for the last 6 years to achieve what we have in this bill. It has failed in every other attempt. This final proposal, which we crafted over the last number of weeks, enjoys broad-based bipartisan support.

The third feature of this bill, which has received less attention than the two points I have made, may be the provision which has more lasting implications than anything else we have done.

The homeowners bill is a temporary one. It dies in 2 or 3 years; it will go out of existence. But the affordable housing provisions of the bill are permanent. We will generate revenues that will make it possible for people to have rental housing in the future that they could not even begin to imagine under present circumstances. That is a very important part of the bill as well.

We include, as a result of the work of the Finance Committee, under the leadership of Senators MAX BAUCUS and CHUCK GRASSLEY, of Iowa, mortgage revenue bonds, relief for first-time home buyers, tax credits that would allow them to purchase foreclosed properties or others.

We have provisions dealing with counseling services, which are very important as people try to work out arrangements with lenders to stay in their homes. It has been called the most broad-sweeping housing legislation in more than a generation. All because of one or two Senators, I was unable to complete that bill this evening. As a result of the leadership of HARRY REID, our majority leader, we will be back on this bill when we return Monday, July 7. We will have a cloture vote that day and then move, 48 hours later or so, to a second cloture motion, which should allow us to come to a final conclusion on the bill.

I am deeply saddened that, as we go into this Independence Day recess, we were not able to complete action on this proposal. I say to the American people, as we leave for 10 days, we have done something that will offer you some hope, some sense of optimism, some sense of confidence that your Senate, your Congress was not unmindful of your concerns and worries. Nothing provides greater stability to a family, to a neighborhood, to a community than home ownership. It is one of the great dreams of most American families to be able to have their own home, to watch equity increase in those homes, to be able to provide a stable environment for your family and children. Yet we see with the ever-increasing foreclosure crisis in the country, as I mentioned, some 8,400 foreclosures every day in the country—that dream, that hope is evaporating for too many American families. So this bill would have provided real relief. Unfortunately, we could not get to it.

I would be remiss if I didn't mention at the same time, of course, we are simultaneously or are about to provide economic relief to 17 telecom companies who were engaged in activities that were highly questionable in the vacuuming up of private information of millions of Americans and their families, private telephone conversations, e-mails, faxes, and the like. That is part of the so-called Foreign Intelligence Surveillance Act. While I have deep concern about those who would do us great harm, I am deeply disturbed that that issue seems to be taking greater priority than this home ownership issue, Medicare relief, and the families across the country.

I wish to conclude my remarks this evening, as we prepare to leave this city and return to our respective States, by saying that at a time when we could have done something meaningful for an awful lot of people, to offer them some hope, some renewed sense of confidence and optimism, we missed that opportunity. I didn't want the evening to end without expressing my disappointment.

Simultaneously, I offer a note of optimism. When we come back 10 days from now, this will be a priority item. The majority leader, to his credit, talked about this eloquently and often over the last several days. He is committed that this issue will be a priority item when we return. As such, we will eventually conclude passage of this bill, and we will work with the House of Representatives to adopt a compromise measure and be able to offer some hope that people can remain in their homes—at least many will—with the hope that they can stay there, raise their families, and that we can once again see capital begin to flow in critical areas of investment in this country.

I am grateful to the Presiding Officer and to others who are here to hear these concluding remarks. Again, I felt it was important to identify exactly what the situation was as we concluded our business this evening.

With that, I yield the floor.

CAPITOL GUIDE SERVICE RETIREMENTS

Mr. REID. Mr. President, I call to your attention today the contributions of three outstanding individuals who will be retiring from the U.S. Capitol Guide Service at the end of the week. Tom Stevens, Sharon Nevitt, and Jeannie Divine have served the Congress—House and Senate alike—with a dedication to duty that allowed the guide service to fulfill the mission of providing our constituents with an educational and enjoyable experience while visiting our Nation's Capitol.

Tom Stevens first came to the guide service in March of 1985. Tom's contributions toward managing the expanded role of the guide service following the events of September 11, 2001, were instrumental in his selection as Director of the Capitol Guide Service in 2003. Tom's commitment to the employees of the Capitol Guide Service and the Congressional Special Services Office is well known. Under his leadership, this team has skillfully provided assistance to hundreds of thousands of visitors who come to the Capitol each year. Tom has been a mainstay in the effort to prepare for the operations of the Capitol Visitor Center. We recognize and appreciate his extraordinary contributions to the Capitol Visitor Center and indeed the entire Congress.

Sharon Nevitt, the Assistant Director of the Capitol Guide Service, came to the Service in 1977, working her way up through a number of management and supervisory roles. Her efficiency, quiet competence, and fierce loyalty to the employees of the guide service have been invaluable to the day-to-day operations of the Capitol Guide Service. Sharon has also contributed a wealth of time and effort to various working groups aimed at establishing operational procedures for the new Capitol Visitor Center. Sharon's efforts and her many contributions are recognized and appreciated.

Jeannie Divine has been a fixture here in the Congress since 1975. I would venture to say that each and every one of our offices has been assisted by Jeannie at one time or the other over her career. Jeannie is the one who takes all our calls and works with our staffs to accommodate the growing number of tour requests from our constituents who visit our Capitol each year. She handles each request with efficiency and courtesy. Her kindness and lighthearted nature have allowed her to form lasting friendships with people from both sides of the aisle and both sides of the Hill. Her efforts to help all of us are recognized and appreciated.

We owe an enormous debt of gratitude to this dedicated team whose combined tenure equals 87 years of exemplary service to the Congress of the United States. Please join me in wishing Tom, Sharon, and Jeannie neverending success in their future endeavors.

HONORING NEA PRESIDENT REG WEAVER

Mr. DURBIN. Mr. President, I wish to honor a man who has spent the greater part of his life as an advocate for quality public education.

Reg Weaver has said, "There is no feeling like seeing children's eyes brighten up as they discover the world of opportunity."

He should know. For more than 30 years, as a teacher and a national education leader, Reg Weaver has helped countless children discover the world of opportunity. He has enriched children's lives and helped to improve America's public schools. And in doing so, he has helped to make America better and stronger.

This week, after two terms, Reg Weaver is retiring as president of the 3.2 million-member National Education Association, America's largest teachers union. I know that many of my colleagues join me in thanking Mr. Weaver for his dedicated service. We wish him well as he begins his next chapter in life. I won't say "retirement" because, if you know Reg Weaver, you know he is going to continue to champion children and teachers—it is who he is.

Reg Weaver grew up in the central Illinois town of Danville, about 120 miles south of Chicago. When he started grade school, the U.S. Supreme Court had not yet passed its landmark Brown v. Board of Education ruling. Reg attended a predominately White public school through the third grade. Then his family moved across town, and Reg found himself in a mostly Black public school. The differences between the two schools were stark.

Two years later, his mother reenrolled Reg in the mostly White school, telling school officials the family lived with Reg's grandmother.

That first-person experience with "separate but equal" public schools in his hometown made a deep impression on Reg Weaver. He has spent his life working to guarantee all children the opportunity to attend a good public school, no matter where they live.

The idea of dedicating his life to that goal evolved gradually.

In high school, Reg Weaver shied away from science, despite the urgings of his homeroom teacher, Mr. Sanders, to take a chemistry class. He says he feared the class would be too difficult and other students might ridicule him. Instead, he concentrated on Spanish and wrestling, both of which he excelled in. He thought of becoming an interpreter or maybe even a physical therapist.

His wrestling won him a scholarship to Illinois State University. Only after accepting the scholarship did Reg Weaver realize he was attending a teachers college. He couldn't major in Spanish or physical therapy at Illinois State so he majored in special education for students with disabilities.

Some might say that Reg Weaver fell into teaching by accident. I think it was fate. He discovered quickly that he loved teaching and went on to earn a master's degree from Roosevelt University in Chicago.

In another twist of fate, Reg Weaver found his niche teaching science—the very subject he had once avoided—to middle school students in suburban Chicago. It was there that he first got involved in the Illinois Education Association, the State chapter of the National Education Association.

In 1981, Reg Weaver became the first African American ever elected president of the Illinois Education Association. During his 6 years as IEA president, the organization increased its membership by 50 percent. IEA was also the driving force behind passage in 1983 of a comprehensive collective bargaining law for Illinois teachers and other school personnel. To this day, Reg Weaver keeps a photo of the bill signing in his office.

In 1996, Mr. Weaver was elected vice president of the National Education Association. He was elected president of the national organization in 2002. As we all well remember, that was a time of major change for public education in America. Less than a year before, President Bush had signed the No Child Left Behind Act, the most comprehensive overhaul of Federal education law in 40 years.

As NEA President, Reg Weaver has not only worked to highlight flaws in the new law, he has tried to suggest ways the law can be strengthened.

Reg Weaver fought to improve the achievement for all students and close the achievement gaps that leave too many low-income and minority students behind. He has worked to increase teacher pay so schools can attract and retain qualified staff. He has worked to encourage parents' involvement in their children's education, always mindful of the difference his own mother's involvement in his education made in his life.

From his days as a middle school science teacher in suburban Chicago to his tenure as president of the Nation's largest professional employee association, Reg Weaver has been a tremendous asset to Illinois and to our Nation.

Over the years, he has received many accolades and awards. Ebony magazine named him one of the 100 most influential Black Americans. He is also the recipient of People for the American Way's 2005 Spirit of Liberty Award and the U.S. Hispanic Leadership Institute's 2006 George Meany Latino Leadership Award.

One award that has special meaning for him is his inclusion in the Danville, IL, High School Wall of Fame. In the same high school where he once feared to take a science class, Reg Weaver now serves as an inspiration for students to study hard and go as far in life as their talents and passions will take them.

In closing, I want to thank Reg Weaver's family—especially his wife Betty—for sharing so much of Reg with America for so long. Above all, I want to thank Reg Weaver for his passionate advocacy on behalf of America's students, teachers and public schools.

GLOBAL AIDS BILL

Mr. DURBIN. Mr. President, many of us on the Democratic side have disagreed with the President's policies—on the war in Iraq, on the economy, on education, and health care.

But an overwhelming majority of us, on both sides of the aisle, find common ground in our support for the President's Emergency Plan for AIDS Relief, or PEPFAR.

The President believes this program is one of the hallmarks of his administration. I agree. I think it is his most positive achievement as President of the United States.

In fact, I believe it is an important illustration of American smart power, a resource we have both squandered and underutilized in recent years.

Smart power is the idea that America's strength resonates not only from its military power but from the power of its ideas, the power of its values, its generosity and diplomacy.

I worry that a measure of this leadership has been lost recently. We are in a struggle of ideas across the world. Many of our harshest critics paint a picture of the United States that is not even close to reality.

When you consider the purpose of this bill—to prevent 12 million new infections; support treatment for at least 3 million people; and provide care for another 12 million, including 5 million vulnerable children—it is easy to see it as an expression of American values—of generosity and caring for those in need.

The success of the PEPFAR program has brought us a long way since 2003, when only 50,000 people in sub-Saharan Africa were receiving treatment. Today, PEPFAR and the Global Fund jointly support nearly 2 million people on treatment, primarily in Africa.

That is remarkable progress in just 5 years. The situation on the ground has been literally transformed through the support and generosity of the American people.

We should be proud of this achievement. But, as U.S. Global AIDS coordinator Dr. Mark Dybul has reminded us many times, "We cannot treat our way out of this epidemic." To build on this progress, we are going to have to integrate our treatment efforts with other prevention activities.

Epidemics do not occur in isolation. If a person goes hungry or doesn't have safe water to drink, her antiretroviral drugs will not be effective. If there are not enough doctors or nurses in her village, she will not receive the care she needs to overcome this terrible disease.

It is essential to integrate treatment with prevention, health workforce capacity development, and other important public health efforts on the ground. We need to move away from an emergency posture to one that encourages sustainability for the long term.

This bill—the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008—helps us do that.

The President has urged Congress to send him this important bill before the end of the year.

In March, the Senate Foreign Relations Committee approved the bill on an overwhelming bipartisan vote of 18 to 3. Our colleagues in the House passed a similar measure with a resounding vote—308 to 116—a few weeks later.

Some of the most vulnerable parts of the world have been ravaged by AIDS, TB and malaria. Through this bill, we have an opportunity to turn the tide on these terrible diseases.

Around the world, all eyes are on the U.S. Senate.

Although it has been a long 2½ months of negotiation with those who placed holds on the bill—and I applaud Senator BIDEN and Senator LUGAR on their tenacity and leadership in reaching an agreement last night to finally advance this bill.

I urge my colleagues to do the right thing and to support this vital, lifesaving legislation.

CRISIS IN ZIMBABWE

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to talk about the genocide in Darfur, a tragedy that is now entering its sixth year, with little end in sight. Senator SNOWE and 27 other Senators joined me last month in writing to the President saying that his legacy would be largely affected by whether definitive action is taken to halt this humanitarian crisis on his watch.

Unfortunately, I fear President Bush will leave office and hand the crisis in Darfur to the next President.

Sadly, there is another African crisis that also demands the world's attention—this one in Zimbabwe.

On March 29, the country held a presidential election in which opposition leader Morgan Tsvangirai won over incumbent Robert Mugabe by nearly 5 percent. Official results were withheld by the government for more than a month, raising concerns of official manipulation. Opposition leaders and supporters, election observers, and reporters were harassed and in some cases detained. Some were tortured, others killed.

Under those results, in which neither candidate received more than 50 percent, a runoff was scheduled for June 27.

The period leading up to this runoff has been a tragedy for the people of Zimbabwe, for democracy, for the rule of law, and for the entire southern African region.

President Mugabe, once a hero of Zimbabwe's independence, has used violence to destroy his country's democratic process.

Opposition supporters are harassed, attacked, and threatened if they do not vote for Mugabe. Tsvangirai has been detained repeatedly and has survived three assassination attempts. His party's secretary general, Tendai Biti, was arrested earlier this month and charged with treason.

And then this week, government thugs raided opposition party headquarters, rounding up supporters, including women and children.

Mugabe even said in regards to the next round of voting, "We are not going to give up our country because of a mere X. How can a ballpoint pen fight with a gun?"

Mugabe has driven Zimbabwe's economy into the ground, starved his own people, and brought sweeping international condemnation upon his government. He has further added to his people's suffering by manipulating the distribution of international food aid.

The process has been so undermined by President Mugabe that on Monday, Morgan Tsvangirai withdrew from the race and sought refuge in the Dutch embassy.

The man who won the most votes in the first round of Zimbabwe's election now has to seek the protection of a foreign embassy out of fear the government will take his life.

This is outrageous.

The situation in Zimbabwe is a tragedy that the international community must address. The world cannot stand idly by anymore while petty dictators destroy the lives and ignore the democratic will of their own populations.

What message are we sending when murderous governments such as those in Burma, Sudan, and Zimbabwe are allowed to thumb their noses at basic human rights and the international community?

The UN Security Council said this week that it would be "impossible for a free and fair election to take place."

UN Secretary General Ban Ki-moon also strongly condemned the situation in Zimbabwe, saying that an election under current conditions "would lack all legitimacy."

And recently 14 former African presidents, two former UN Secretaries-General and 24 other prominent African leaders signed a joint letter to Mugabe, calling for an end to the pre-election violence and for a free and fair election.

But where pressure has not been strong enough is from the democracies neighboring Zimbabwe. Recently Senators FEINGOLD, KERRY, and WHITEHOUSE joined me to meet with the ambassadors from the southern African nations of Botswana, Zambia, and South Africa to discuss the need for greater attention to the crisis in Zimbabwe.

While I am pleased that Botswanan and Zambian leaders have spoken more forcefully on Zimbabwe in recent days, these nations must do much more to help the people of Zimbabwe. Many African leaders have argued over the years that they must take greater responsibility for political and human rights reform on their own continent. I suggest Zimbabwe is an urgent opportunity for just such action.

South Africa in particular, a nation that the world stood behind to end the tragic injustice of apartheid, has been noticeably quiet in its responsibility to halt Mugabe's rein of destruction. President Mbeki has tried quiet diplomacy, but it is clear that Mugabe does not respect these efforts.

The South African ruling party said this week that "any attempts by outside players to impose regime change will merely deepen the crisis." That argument misses the point.

It is the people of Zimbabwe that are demanding change.

The right to associate freely, to vote without intimidation or violence, to peacefully choose one's leader—these are all basic democratic values shared around the world. They are the values that brought a peaceful end to apartheid.

In fact, election protocols agreed to by the members of the Southern African Development Community demand certain benchmarks for elections to be considered legitimate—benchmarks which are certainly not being met in Zimbabwe.

South Africa, more than any other nation in Africa, has the ability and the moral responsibility to rein in Mugabe. The rest of the global community stands ready to help South Africa with this urgent need.

The world must step up against the injustices in Zimbabwe. The Mugabe regime must not conduct a runoff election until conditions allow for a free and fair process, including an end to political violence and intimidation, the release of political detainees, free access of election observers, the freedom to associate and hold political rallies, and a transparent and honest vote counting process.

Without such minimal steps, the world must not recognize the results of a rigged process in which Mugabe will simply proclaim himself president for another term.

HONORING OUR ARMED FORCES

LANCE CORPORAL ANDREW FRANCIS WHITACRE

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave lance corporal from Bryant, Indiana. Andrew Whitacre, 21 years old, died on June 19, 2008, in Farah Province, Afghanistan, from injuries sustained while his unit was conducting combat operations. He was a member of the U.S. Marine Corps, G Company, 2nd Battalion, 7th Marines, 1st Marine Division from Twentynine Palms, CA.

Andrew graduated from Jay County High School in 2005. Andrew loved sports and was an avid snowboarder. Those who knew him best recall a brave young man with an extraordinary sense of generosity. He enlisted in the Marines at the age of 17, telling his family that if he served, another would be spared that decision. Anderw left for boot camp in July of 2005, shortly after graduating from high school. Proud of his service and patriotic in spirit, Andrew never wavered in his decision to enlist. His family said it was the surest decision he ever made.

In March of this year, Andrew proposed to his fiancée, Casey McGuire of Parker, AZ. He was due to return in November. Casey described Andrew as her "hero," and said that he asked her to encourage everyone to send letters to American servicemembers abroad, thanking them for their service and showing their support. Andrew truly had the needs of others always at heart.

Today, I join Andrew's family and friends in mourning his death. Andrew will forever be remembered as a son, brother and friend to many. He is survived by his his father and stepmother, Ernie and Norma Whitacre; his mother and her fiancée, Susan Nunly and Michael Perry; his fiancée, Casey McGuire; his brothers, Ryan Murphy and Justin Miller; his sister, Ashley Williams; and his grandmothers, Mildred Whitacre, Caroline Huffman, Beulah Murphy, and Mary Scott.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Andrew. Today and always, Andrew will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Andrew's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Andrew's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Andrew Francis Whitacre in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the pain that comes with the loss of our heroes, I hope that Layton's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Andrew.

SAVING THE AMERICAN DREAM

Ms. STABENOW. Mr. President, the effects of the housing crisis have rippled through our economy, affecting every state in the country. There are currently 1 million homes in foreclosure and in the next 2 to 3 years it is estimated that 2 million Americans may lose their homes to foreclosure. Few States have felt these effects more than in my State of Michigan. Michigan has one of the highest foreclosure rates in the country at 3.6 percent with 1 in every 353 households receiving a foreclosure filing during the month of May. The high levels of foreclosures, coupled with growing inventories of houses, significant declines in house prices, and a decline in building activity have made efforts for recovery even more difficult. Americans are being squeezed from the grocery store to the gas pump and they desperately need relief. That is why I am pleased to support this bipartisan housing legislation. This bill is a significant step to provide relief to struggling homeowners throughout the country and to stabilize our economy.

It would strengthen the regulatory oversight of government sponsored enterprises, GSEs, and provide FHA modernization reforms to help stabilize the housing finance system and begin to restore confidence to the market. The bill also contains the HOPE for Homeowners FHA refinancing program for at-risk homeowners. The Congressional

Budget Office estimates that the program is expected to help 400,000 homeowners at risk of losing their homes to foreclosure. The bill also seeks to keep people in their home by providing $150 million in additional funding for housing counseling. These funds will help as many as 250,000 additional families connect with their mortgage lender to explore options that will keep them in their homes.

Foreclosures not only affect individual homeowners, but have community-wide ramifications. These properties attract crime and vandalism, which drag down local property values and create losses in wealth built up through home equity. Estimates show that more than 40 million households will see their property values decline as a result of a foreclosed home in their neighborhood. To help communities mitigate these impacts, this bill would provide almost $4 billion for State and local governments to purchase and rehabilitate foreclosed properties. In Michigan, this would provide $345 million in additional economic activity and 3,220 new jobs. It would help restore 5,695 properties and raise $11 million in taxes for the state.

The bill also includes important tax benefits targeted to help the recovery of the housing market. It includes a simplification and temporary increase of the low-income housing tax credit to promote the construction of affordable rental housing. To reduce the growing inventory of unoccupied housing, the bill includes a one-time homebuyer tax credit of $8,000 to stimulate buyer demand. I am also pleased that the package includes my provision to allow struggling American businesses to invest in the economy and create jobs here at home. It would allow those companies hurting the most to utilize already accumulated tax credits to make critical investments in their businesses and create jobs.

As the housing market continues to deteriorate, I applaud the work of our leadership in crafting this much-needed housing package. I would especially like to thank Chairman DODD and Ranking Member SHELBY for their leadership and work on this important issue. However, I am concerned with two provisions of the legislation that, if enacted, could have far reaching implications for our Nation's housing policy.

The bill as currently drafted provides for an effective date upon enactment, immediately granting the new GSE regulator power over three very diverse and complex entities. The new oversight system must allow for a transition to ensure there are no lapses in regulatory authority or unnecessary market disruptions. The House-passed version of the bill establishes an effective date of 6 months after enactment, which allows all stakeholders in the housing finance system adequate time to adjust to the new system.

I am also concerned with the language that would restrict the use of the GSEs mortgage portfolios as a source of liquidity for the housing market. The current language includes a bias in favor of the GSEs securitizing loans, which predisposes the regulator from being open to all available options. The portfolios are a critical tool to help struggling borrowers refinance risky mortgages and meet the needs of underserved communities. It is imperative that GSEs have flexibility over their portfolio authority. Without this flexibility, subprime, multi-family and other affordable lending could be hindered during a time when GSE investment is needed most for families and our economy. I look forward to a timely and appropriate resolution to both of these concerns.

This housing package is an important first step to address the crisis facing our Nation and it cannot wait another day. In Michigan, we have been in a recession for too long. Our American dream is turning into an American nightmare for too many families. Working together today, we must save the American dream for the future.

HONORING THE FOURTH OF JULY

Mr. AKAKA. Mr. President, next week Friday will be Fourth of July, 2008.

In 1776, our forefathers forged our country's independence, marking the Fourth of July as our Nation's birthday. Today, 232 years later, we commemorate the democratic freedoms set forth by the signing of the Declaration of Independence. Historically, many before me have taken this moment to reflect upon and celebrate the accomplishments of years passed and the promise of years to come. And while there is much to reflect upon and celebrate, I would like to take this moment to recognize all Americans who, in their own way, work to preserve our liberties and promote democracy.

Today, while we remember the day that 56 individuals gathered in Pennsylvania at Independence Hall—we are reminded of a critical moment in time when our forefathers shaped a new union, one that broke from the traditional. Our Nation was built on the fundamental principle: "That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." As our forefathers endured a life of struggle, but envisioned a life of freedom, we as a Nation must keep in mind the sacrifices that they and others made and the hardships that preserve them.

As we honor individuals who contribute to upholding our civil liberties, we must also take this opportunity to appreciate them for the courage they have displayed to preserve our independence and our freedom. From our armed servicemembers who stand ready to defend our Nation, to 18-year-olds perpetuating our democracy by registering to vote, and to people of all backgrounds around the Nation reaffirming the principle of our union on a daily basis—to all, I pay tribute. Their individual contribution allows us to celebrate our independence every day.

20TH ANNIVERSARY OF BELIN-BLANK CENTER

Mr. GRASSLEY. Mr. President, 20 years ago this summer, the Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development was established at the University of Iowa. Originally created by the Iowa Board of Regents as the Belin National Center for Gifted Education, the center was made possible by a million-dollar endowment that established the Myron and Jacqueline Blank Chair in Gifted Education, which is held to this day by Professor Nicholas Colangelo. In 1995, the center was renamed the Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development, honoring a longtime leader in gifted education and a Des Moines philanthropist. In 2008, the Belin-Blank Center celebrates two decades of service to the international gifted education community.

The Belin-Blank Center has earned a strong national and international reputation for its work on behalf of gifted and talented children, which my colleagues know is a subject of great interest to me. Since its inception, the center has pioneered unique and innovative opportunities for students, including academic talent searches designed to discover gifted students; weekend and summer programs on everything from algebra, art, and 3D design to chemistry, creative writing and LEGO robotics; and the National Academy of Arts, Sciences, and Engineering, which provides early admission to the university.

Professional development for educators has been the foundation upon which the work of the center has been built. Examples of the center's work in this area include producing internationally acclaimed research symposia and developing specially designed coursework for Iowa's teachers to earn a State of Iowa endorsement in gifted education. As a result of the Belin-Blank Center's efforts, more educators today understand that supporting high-achieving students is an important aspect of successful teaching.

The Belin-Blank Center has successfully competed for private, Federal, and State grants. I am proud to say that this includes two Federal Jacob K. Javits Gifted and Talented Education Grants. This program, which I have championed, is designed to improve our ability to meet the unique learning needs of gifted students nationwide. The limited funding is quite competitive and it is a testament to the quality of the Belin-Blank Center's work that it has secured two such grants. The first grant, for the years 2003 to 2006, focused on the discovery and development of giftedness in students who attend alternative high schools and the second, for the years 2005 to 2008, focused on twice-exceptional students, which are students who are gifted and also have a disability. These projects have contributed substantially to our ability to serve these populations of students, who are often overlooked for gifted education programming.

In 2004, the director and associate director of the Belin-Blank Center, Nicholas Colangelo and Susan Assouline, along with Miraca U.M. Gross, a colleague from Australia, published "A Nation Deceived: How Schools Hold Back America's Brightest Students." The landmark report helped move the subject of gifted education and accelerated programs for high-achieving students into the educational mainstream, drawing notice from Time, the New York Times, the Washington Post, and hundreds of other media venues.

An important milestone for the center also occurred in 2004 when the Belin-Blank Center and the University of Iowa's Honors Program moved into a new building, the Myron and Jacqueline N. Blank Honors Center, which is located in the heart of the University of Iowa campus. In bringing the two programs together, the University of Iowa became one of the Nation's first schools to offer kindergarten-through-college support for gifted students under one roof.

As an Iowan and an advocate for gifted and talented education, I am very proud to have such a highly esteemed center in Iowa. For its tremendous contribution to the field of gifted education internationally and for its positive impact on the lives of countless gifted and talented students, the Belin-Blank Center is truly deserving of recognition on the occasion of its 20th anniversary.

TRIBUTE TO GENERAL T. MICHAEL MOSELEY

Mr. CORNYN. Mr. President, I rise today to recognize an outstanding military leader and fellow Texan, GEN T. Michael Moseley. For nearly 3 years, General Moseley has served as the Chief of Staff of the United States Air Force, functioning as the senior uniformed Air Force officer responsible for the organization, training, and equipage of more than 710,000 Air Force personnel—active duty, Guard, and Reserve airmen, and civilians both in the United States and overseas. His service to our Air Force and to the American people has been both distinguished and admirable; he is, by all accounts, an exceptional American, a dedicated public servant, and an outstanding defender of the principles of democracy and liberty for which this Nation stands.

General Moseley was born in Dallas, TX, and grew up just south of there, in the city of Grand Prairie. His family has a long history of serving the people of Texas, and the United States as a whole. General Moseley's father, as a mason, helped build several well-known and prominent buildings in Dallas. His grandfather served the Texas law enforcement community as a member of the Texas Rangers, that legendary organization established in 1835 to range and guard the Texas Frontier. General Moseley hails from a long line of proud and noble Texans, and has greatly added to that legacy with his own distinguished service in the Air Force.

His impressive military career began in the Corps of Cadets at Texas A&M University, where he earned both a bachelor's and master's degree in political science. On his way to becoming Air Force Chief of Staff, he held key staff positions running the gamut from operational to joint to personnel assignments. He served as commander of numerous units and organizations, including the F-15 Division of the Air Force Fighter Weapons School at Nellis AFB, the 33rd Operations Group at Eglin AFB, and the 57th Wing—the Air Force's largest, most diverse flying wing—also at Nellis AFB. He is a member of the prestigious Council on Foreign Relations, and he was even knighted in 2006 at the suggestion of Queen Elizabeth II, in recognition of his outstanding contributions to U.S.-United Kingdom relations while in command of air operations over Afghanistan and Iraq in the early days of the global war on terrorism. His list of medals, other awards, and accomplishments is so long as to preclude mentioning them all here.

Without a doubt, General Moseley's selfless service to the United States, especially in this arduous and vital fight against global terrorism, has been instrumental in securing the safety and liberty of all Americans. And while he will be leaving behind his noble and exemplary career with the Air Force, his contributions and the impact of his leadership will be felt for years to come, both throughout the halls of the Pentagon, and by each and every person that had the honor of serving next to him.

It is my privilege to commend the honorable and faithful service of GEN T. Michael Moseley, and to thank him for his commitment to our country and the principles upon which it is founded.

I wish General Moseley and his wife Jennie all the best as they prepare for the future, and I thank them both for the sacrifices they have willingly made in the defense of freedom and our great Nation.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELLO SENATOR CRAPO: The impact of the high gas and energy prices is affecting my wife and I quite a bit. My wife is disabled with severe arthritis, Crohn's Disease, and vision problems from glaucoma, and I am the only income provider for our household. I earn just enough to cancel out my wife's SSI, so we have to cover all her medical expenses that the insurance I receive from work does not cover; that is $250.00 to $300.00 plus. I am an employee of Kootenai County, so due to budget restraints and laws, I do not see much in the line of raises to offset cost of living expenses. My job requires that I have transportation available, and that cuts carpooling and riding a bus.

I drive 30 miles round trip for work, with a 1988 Mazda pickup that has 190,000 miles on it. If there is a good tail wind, I may get 18 mpg. Due to medical expenses and price increases for food, heating, etc., I cannot afford to purchase a newer vehicle that gets better gas mileage. With costs for gas, energy and products affected by the increases, it takes away from an already tight budget, and we have no choice but to cut back where we can. Some people say get another job, but a lot of my off time is used to assist my wife around the house, and take her for errands and medical appointments. At this point, I am concerned about what I will do when the pickup gets to the point of needing high-dollar repair work. We also live in a mobile home that uses electric heat. Sometimes my wife gets depressed that she cannot contribute financially to our household, which does not help her condition.

The two things that would help our situation would be that my income does not count against my wife's SSI, which would be a tremendous help to the budget for medical bills and possibly a better vehicle, and, of course, the lower prices for fuel and energy.

Thanks for your assistance; it is greatly appreciated.

BOB, *Post Falls.*

Due to increased gas prices (and some unexpected medical bills), we are now a one car family. I primarily bike to work (it is only two miles away) and I have taught my son to ride the bus. He attends TVMSC at Riverglen, and we live on the East side of town (one-half hour away), so that has helped as well. My husband works out in Meridian, and he occasionally uses public transportation, but has found that the inter-county routes are underfunded and unreliable. Twice the bus has not shown up at all (due to repairs), and it can only handle two bikes, so if the bus bike rack is full, you are out of luck. I believe reducing our reliance on foreign oil is important; it will require advancement in green energy as well as personal changes. However, before the public will use alternative transportation, it has to be reliable and that requires money. Boise does a great job maintaining the green belt and I have noticed on the BSU campus, the bike racks are always full. This was not the case a year ago. This is a positive change. Now if we could work on public transportation and advancing technology to create more fuel efficient cars that are affordable. I also believe tax credits (many of which already exist) to encourage people to weatherproof (insulate/buy better windows) their homes or that encourage them to purchase energy efficient appliances would help.

Overall, I hope we reduce the amount of oil we use, not just increase oil production. I think this will help in the long run.

Thank you,

TIFFANY, *Boise*.

Thank you for trying to stop the insanity. The high gas prices have made it difficult for me to take the 20 some mile drive to Parma from Caldwell to visit my 95-year-old grandmother. Normally I go once a week. I've had to miss a week now and then because I didn't have enough money for gas. I've cut corners elsewhere to do my best to get those visits in since I know we are living on borrowed time. She's had several strokes lately, and we do not know how long she'll be with us.

It cost $97.00 to fill my vehicle a few days ago. With my 6-year-old in baseball and my teenager in baseball, that takes a lot of gas to travel to games. I missed my teenager's games at tournament because I could not afford to drive to North Idaho and stay in a hotel. His first tournament ever—that was really hard.

I am convinced that the gas prices are affecting our grocery prices, too. My husband works in construction. The economy has slowed so much that his company is having a hard time finding work. This is a very established, well-known company. Because our income has gone down and gas and food have gone up, I'm trying to feed a family of 5 on less than $100.00 a month. The only way I've managed to do this is because we are all hunters and have lots of meat and fish in the freezer from last year.

I'm tired of hearing how much the oil companies make!!! It is wrong to make such a huge profit off of something we really have to have in order to work and function!! If you live in a city, you can get by using the bus system or subway. I live 5 miles from the grocery store, and there is no bus system to ride. I cannot walk or ride my bike to get groceries. My husband works 100 miles from home. He comes home on weekends. The type of work he does wouldn't benefit from public transportation either. Something has to be done about these prices.

Sincerely,

KRISTI.

DEAR SENATOR CRAPO: Thank you for giving me an opportunity to share my story of how this price of gas is touching my life. First, I want to share my story as a consumer and also as a health care administrator. I run a good-sized nursing home in a small rural Idaho community. I was recruited to run this facility from a good distance away. I travel 130 miles a day round trip on my daily commute. I love my job and the employees I manage love me but as you can imagine 130 miles a day is a lot of gas even with a very fuel efficient vehicle, which I have. Between my wife (who is a stay-at-home mother of five children) and I, we are now spending close to $500.00 a month on gas alone. I have a good salary but even with that, we are looking at ways to save on all we spend money on. The problem is the higher gas prices make everything else increase in price. There is no way around this as it is causing us to change our life style. It feels unfair that I worked so hard to be able to have my wife stay home, but now if the price does not go down soon, she may be forced to work just so we can survive. People would consider me well in the middle class, but we are not living that life style today. Everything is going up in price, but my salary is not and I am a lucky one. I am grateful for what I have, and I am a proud American and Idahoan. I am not complaining, but I really believe more can be done because many more than me are suffering much worse.

As an Administrator of a Healthcare Facility in a small town, the energy crisis is huge. Our costs are have doubled in many cases, but our reimbursement has not. All of my employees need a raise to combat the increase in cost of living, but this is just not feasible. Many of the employees are very low income, and I really do not see how they make it. I have many who have told me they have just stopped driving because they just cannot afford it. My heart goes out to them, and I do whatever I can to help but the neat thing is they do not blame me. They know I care, and I pay them the best I can. These are great people who care for people who cannot care for themselves. They have one of the most thankless jobs in the world, but they are true heroes in my eyes. These are the people I want you to fight for and beat this crisis. They are a true example of why this country is great. Thank you for fighting for Idaho and all America.

Sincerely,

GERALD, *Weiser*.

I am an employee of Idaho State University and I live in Blackfoot, 20 miles north of Pocatello. I am averaging $400.00 a month in just gasoline expenses and I do not drive on the weekends unless absolutely necessary. I started this position as a 1 year temporary to hold the job open for an employee who had been offered a 1 year contract as an instructor. I was allowed to work 10 hour days and have a 3 day weekend to help with gasoline consumption but within 2 months of being awarded the position full time I was told I had to work 5 days a week at the office even though the Health Occupations chair offered me an opportunity to fill some Fridays at the Outreach in Blackfoot proctoring tests for students in my programs. To add insult to injury our political representatives that decide pay raises for state employees gave us a 1% raise which for most classified employees amounts to between ten and fifteen cents an hour and my medical benefits, which only cover my husband and myself, went up around 34.35%. Because of this I am forced to seek employment closer to home at a significantly lower wage just to continue to go into debt. Being unable to keep up with the higher energy costs not associated with travel such as for cooking, heating and cooling a house as well as the maintenance for the residence. I know I am speaking for many low to middle income families when I implore the political representatives of the citizens of this state to help find a solution. This is such a rural state that public transportation is not justifiable and impractical. Please help.

MYRNA.

SENATOR CRAPO: While I can fully appreciate your efforts in trying to keep energy prices down, it is a bit late as the damage has already been done. I have run a small business in Idaho for 25 years. Currently I have 8 employees and I live in constant fear that I will be put out of business. Why? Because EVERY YEAR, we have yet another out-of-control economic crisis in this country.

Now we have 4+ dollar per gallon gasoline. As you know, Idaho has one of the lowest per capita incomes in the U.S. (ranked 41st), yet the cost of living has skyrocketed in the metropolitan areas over the last 10 years. Because of this, and also from increased pressure from the Internet and chain stores, I have had to downsize my operation from a high of 35 employees to what I have now. With the additional increased pressures now in place due to gasoline prices, I expect our sales to decline even further. To be perfectly honest, I cannot survive yet another business downturn and will simply have to go under, putting myself and 7 other people out on the streets. I talk to many other small business owners who are feeling the pinch as well.

If you examine what has happened in this country, we keep talking about 3 major issues but no significant proactive steps have been taken:

First, reducing our dependence on foreign oil by increasing domestic production. This has been debated for 30 years but essentially nothing has been done about it. It would have been a relatively simple matter to open up domestic exploration but Congress will have nothing of it because of lobbyists and environmentalists.

Second, alternative energy. Again this has been talked about for 3 decades but relatively little has been done. The U.S., which should be at the forefront in this area, has lagged far behind much smaller countries such as Spain, France, and the Netherlands.

Third, more fuel efficient transportation. The technology exists TODAY to almost DOUBLE gas mileage in vehicles, but our government can't even get the car manufacturers to comply with federal fuel consumption guidelines which are a pittance. There has not been a significant breakthrough in vehicle gas mileage from the major U.S. carmakers for over 10 years. This is not only inexcusable, it is a major factor in the reason that GM and Ford have fallen on hard times the last several years.

In addition to all of this, we have been embroiled in overseas conflicts in both Iraq and Kuwait, two of the most oil-rich countries on earth, but we have not held them accountable in any way for our help. The costs of our aiding just those two countries, by the time we eventually get out of Iraq, will easily exceed one trillion U.S. taxpayer dollars, not to mention ongoing costs associated with taking care of returning veterans. For this obscene amount of money we will receive nothing in return because we have failed to negotiate oil treaties at the outset. We could have better spent this money on energy research and production here at home.

There is a time for talking and a time for action. We need action NOW to help solve these issues.

Regards,

BOB, *Boise*.

I am a single mother of three children. Two are disabled. I live in Wilder Idaho and commute to Nampa. The round trip is about 50 miles. I also have to take my children, especially the two disabled ones, to doctor's appointments quite often.

We are now nearly destitute due in part to the cost of commuting. I have been living on credit cards part of the time. I do not know what I'll do about the cost of gas except look into a hydrogen unit for my vehicle. That seems to be the only solution on the horizon as I cannot afford to get another vehicle. Any other ideas?

UNSIGNED.

MIKE: As American citizens we are sick and tired of Congress doing nothing to remove our dependency on foreign oil. We are no longer able to travel, except in emergencies to visit family. Almost everything we consume has gone up in price, from shipping goods and services to products made from oil. We either need to get current members of Congress out of office or demand you hold a special session to do the following:

1. Remove legislation that limits drilling offshore and in Alaska to help increase supply (Drill Now, Drill Everywhere, Save America).
2. Remove all the red tape with opening and producing more nuclear energy power plants.
3. Continue research on alternative fuels that do not deplete our food supply.
4. Take advantage of wind, solar, and hydro power and provide reasonable tax incentives for use of these energy sources.

Please pass this on to all our elected representatives and continue to push Congress to do what we elected them for, putting in place sound legislation that will move this country forward, not backward. We have waited too long, now we must react rather than act. I am counting on you Mike to make this happen, leave a legacy Idaho can be proud of.

M., *Rexburg*.

DEAR SENATOR CRAPO: This is not what you asked for, but I felt obliged to note that the energy price problem will solve itself through economics. As oil gets more expensive, alternative energies become relatively cheap. Thus, economics will drive up the development of those energies. Unfortunately, one of those alternate energies is food. What this means is that as oil gets more expensive, food will get more expensive, because more food will go toward powering cars (e.g. ethanol). To prevent this from happening, I believe that the federal government must assist in the development of nuclear power.

There is only one source of energy in the universe, and that is nuclear power. All other forms of energy derive from nuclear power. Wind, solar, biomass, oil all of these previously came or are now coming from a very large nuclear power plant in the sky called the sun. Fortunately, most of the detrimental radiation we receive from that nuclear power plant can be safely avoided with sunscreen. Jokes aside, this is an important fact to publicly recognize. Nuclear power is, in fact, our only source of power. We can either try to capture the nuclear power coming from the sun, or we can make it ourselves here on earth. While both are viable avenues, the former will lead to higher food prices because fields of wheat and corn are essentially huge solar power panels that can be used to propel rich people's jets instead of feeding poor people, and economics will make that happen. I've been told that it takes enough corn to feed a person for a year to fill an SUV gas tank once. Think carefully about what that means. To be feasible and safe, nuclear power will require federal government intervention, but it can be done and will result in a cheap, very long term source of power for the United States.

Nuclear power is the cleanest, cheapest long term solution answer to America's power problems.

MIKE: As financially devastating as gas prices have been to our family budget over the past several years, I can not understand how anyone can determine it is a problem that stands by itself. There are several devastating intimately related issues that if our elected officials insist on continuing their tunnel vision over them, we will never have a meaningful solution. When will it be recognized that burning fossil fuels no matter what their source is or how much it costs to get them to the pump, the Earth is also degrading from their use every day with every gallon we consume. So the real question is, why are we still subsidizing oil production when we need to be gearing up our industrial infrastructure and workers to expand our fuel resources to solar, wind, industrial hemp oil and all the related necessities which would be so constructive, effective and economically advantageous, not to mention how remedial to our environment these most rational efforts would be.

What the hell are you waiting for? Why are you so focused on what gas costs? Do you have any idea what it is going to cost to live anything like a human being after all the oil in the word is burned and we need to live in biospheres in order to breathe—and if we go at this your way, we will still need to develop alternative resources when all the oil is gone—if we can still live on the Earth. Wake up! These problems are not just your problem to solve; this problem belongs to us all and would not be too big for all of us to solve collectively—stop trying to commandeer the solutions—start helping us to solve them meaningfully, constructively and effectively. All you have to do is facilitate the people getting together to organize their solutions into rational plans. Selling your power to solve these problems to the highest bidding lobbyist is NOT the right thing for you to do. There is help available when you come around to doing the right thing. I will be able to help a lot.

Sincerely,

DM.

Thanks for a chance to respond. We do not go to the gym every day because it is across town. Our air conditioner is set at 78 degrees, and even though we're hot and uncomfortable, we do not want the bill that turning it down will bring. We have doubled up our reunion with vacation, so we only have to "head out" as a family once this summer.

F.

DEAR SENATOR CRAPO: I am a retired USDA Forest Service employee, my career covered 40 years with assignments in Idaho, Oregon, Wyoming, California, New Mexico, and Nevada. I read your newsletter and request for comments regarding the serious effects of run-away energy prices. I do not want to focus on the effects, but would rather emphasize my support for using energy supplies and other natural resources within our own national borders to help reduce the cost and our dependency on Arab oil and other foreign natural resources.

My career with the Forest Service included the Arab Embargo on petroleum products in the late seventies. At the time I was working in Wyoming, on the Bridger-Teton National Forest. This Forest includes part of a geologic formation called an "over-thrust belt". These are areas where layers of sedimentary deposits that include organic matter have been covered over by other geologic layers, often as the result of shifting of the earth's surface. In this process, organic matter gets trapped underneath the layering. Eventually, it gets changed into hydrocarbons—oil and gas.

During the Reagan era the Bridger-Teton National Forest, and other Forests that included over-thrust geology issued hundreds of leases to industry to explore for oil and gas. Many exploratory wells were drilled on the Bridger-Teton Forest, some in very sensitive habitat (one within the view-shed of Jackson, Wyoming). At the time, no fields were developed for commercial use on the Bridger-Teton Forest, but I am aware some deposits were found. With today's prices, it is highly likely some of it would be economic to develop. But, given the current environmental concerns no politician is willing to risk their careers to even suggest environmental constraints be lifted to further explore the potential there or anywhere else within our borders, e.g., ANWR or off shore.

A key point I want to make regarding my experience is industry did a very good job of being sensitive to the environment in the exploration I was involved with. In fact, many of the old exploratory well sites are included in areas environmentalists are currently proposing for Wilderness designation by Congress. Of course, they wish to close off any options to further explore and perhaps develop our own resources for their own ideological reasons. But, because of my experience I know it can be done without destroying any significant sensitive ecosystem values, especially with the new technology available with is much better than we had available in the seventies.

I appeal to you to approach Senator MCCAIN and encourage him to truly be a "change" candidate for President by making a part of his platform energy independence for our nation. And, have part of that program opening up and use of the energy and other natural resources our own nation has to help accomplish that goal and less overall dependency on foreign imports. DRILL HERE, DRILL NOW, PAY LESS!!

Sincerely,

CARL, *Nampa*.

Baloney!! You are an oil company sellout like the rest the GOP. American needs to diversify its energy sources, not drill for more petroleum. Even the best estimates of U.S. reserves do not come close to meeting U.S. energy demands. This issue is central to our economy, national security, and the environment and it is the reason why I have abandoned the Republican Party . . . or rather why you have abandoned me. Change, or America and the rest of the world will leave you behind!!

KIRK.

I do not think our story is unique, but we are both in our 70's and on Social Security. However my husband, who will soon be 73, still must work to get us through every month. We no longer travel any where. Our children and grandchildren are all out of state, and they also find it hard to make ends meet, so they do not travel either. We no longer have the chance to enjoy the much sought after "retirement" that we have all come to expect. Some still can, but very many can just keep their head above water. We have cut back on thinking about the usual plans for enjoyment we were looking forward to and are gratefull that we can at least, at the moment, afford our food, utility's, a few bills, and still squeeze out enough gas money for my husband to go 60 or so miles roundtrip to work each day. We know it will get worse, and we're not alone.

PATTY.

DEAR SENATOR CRAPO: I can't imagine anyone, anywhere in the USA who is not *mightily upset* over the exorbitant increase in fuel prices. I know my wife and I, our family of 4 couples and their children totaling 15, have already started making plans to reduce our vacation travel this summer to within a 100-mile radius of our homes in Twin Falls. We will take day trips to the South Hills and take a 4-5 day Labor Day trip. As a family, we have been planning a trip to Disneyland in the fall so that our older grandchildren could enjoy a few days in the park. We were planning on using our refund money, coming from Washington DC, to fund the trip which would have included fuel for the trip, lodging, meals and entrance into the park. I speak for my wife, our adult children and myself when I say that the current energy situation is inexcusable.

Being a good Reagan Republican, I wholeheartedly endorse the drilling for more oil in Alaska, allowing additional drilling for oil off both coasts and exploring for additional shale oil in Wyoming, North Dakota, South Dakota, Colorado. I know that many existing oil pumps have been capped; they need to be uncapped. This will upset the environmentalist crowd tremendously, but I feel it is about time that they are put in their place. The Sierra Club and others like them are prime examples.

Thank You for all you're doing to assist us here in Idaho.

Regards,

GRANT, *Twin Falls*.

DEAR SENATOR: Thanks for your common sense approach to energy issues now facing our country, and Idaho in particular. It completely escapes me as to why Congress continues to bow to the shouts of a few (environmentalists) while ignoring the overwhelming desires of the majority. Latest polls indicate over 60% of Americans want us to use our natural resources to help solve our short term energy requirements.

We have a small company with a fleet of 4 service vehicles. The vehicles are all small, compact hatchback type autos that are quite fuel efficient. We average about 2000 miles per week for all 4 vehicles. When gas was $2.00 per gallon, we could expect to spend about 650.00 per month on fuel. Now we are approaching $1500.00 per month for the same mileage with no end in sight. Like most companies our size, we choose to absorb some of those costs for the sort term, but as it becomes clear that the prices we see today are the prices we will see in the foreseeable future, we will have to pass on the additional (and unexpected) costs to our clients. Our clients are made up mostly of small retail and service businesses who will, in turn, pass on their increased expenses to their customers and clients, the everyday citizen and the base of your constituency.

Our story is a small one but one I believe is representative of the vast collection of small businesses across the country. This energy issue will cut deep into everyone's pocket, and not just at the pump!

It is time to pass legislation that will encourage responsible use of our natural resources in our own country. It is absurd that the Red Chinese can legally exploit natural resources within 50 miles of our shores when U.S. companies are prohibited by federal law to do the same thing. What happened to practicality and commonsense in our U.S. Congress and Senate? Can we actually sacrifice what amounts to a breach in our national security over environmental issues that may have been valid in the 1960s but are absolutely outdated (by superior technology) today.

I believe (as do the majority of Americans) that we can use the natural resources God has provided our great nation in a responsible and conscientious way that will leave a clean environment and a strong economy.

Sincerely,

TOM, *Boise*.

DRUG ENFORCEMENT ADMINISTRATION CELEBRATES 35TH ANNIVERSARY

Mrs. MCCASKILL. Mr. President, I offer these remarks in recognition of 35 years of excellence by the Drug Enforcement Administration, DEA, in combating organizations responsible for the flow of illicit narcotics into the United States. The DEA was created by Executive order on July 1, 1973, in order to establish a single unified command to conduct "an all-out global war on the drug menace." DEA is presently mounting this global attack in 21 divisions throughout the United States and in 87 offices in 63 countries—the largest international presence of any Federal law enforcement agency.

The mission and purpose of the DEA remain as vital today as they were in 1973. After months of hearings and testimony in the U.S. Senate and the House of Representatives, the Senate Committee on Government Operations issued a report in October 1973 noting among other benefits that the creation of DEA as a superagency would provide the momentum needed to coordinate all Federal efforts related to drug enforcement outside the Justice Department, especially the gathering of intelligence on international narcotics smuggling. The DEA has steadfastly served this Nation to that end, mounting an intelligence-driven attack against the most notorious and ruthless international drug cartels and kingpins. DEA's global reach also has been a key component of combating terrorism, as these ideologically-motivated groups have been shown by DEA to fund some of their activities and weapons purchases through drug trafficking proceeds. The agency's re-entry into the intelligence community in 2006 is tacit acknowledgement of the value of DEA to the Nation's security.

For the past 35 years, DEA has identified, targeted, and methodically disrupted and dismantled the operations of those responsible for the illicit drug traffic. Whether it is crack and powder cocaine, methamphetamine, opiates, marijuana, or prescription drugs, DEA agents have courageously infiltrated drug trafficking organizations and brought to justice the most significant and despicable criminals this Nation has faced. The cost of this fight has been tremendous in terms of treasure, but no cost has been greater or more pointed than the price of life and suffering paid by the men and women of DEA and their families. Since establishment, a combination of 57 special agents, task force officers, and support staff have valiantly given their lives for the Nation in support of DEA's noble mission.

On behalf of the citizens of Missouri, I want to remind the DEA that the agency is not alone in this fight. Missourians and their communities have stood strong against the scourge of drug trafficking and abuse, and our law enforcement agencies have stood shoulder to shoulder with the DEA. Our commitment to protecting young people from the inherent danger of addiction and keeping the ideal of hope strong is unwavering.

I am proud to offer my congratulations to the DEA not only for its marked achievements, but also for its commitment to excellence. The agency has served as a model for interagency collaboration and information sharing across the Federal law enforcement community. Its workforce is both talented and diverse, with the most recent Administrator and Administrator-nominee being women. Additionally, the agency was ranked in the Top 20 best places to work in the Federal Government, placing 18 out of 222 agencies in the Partnership for Public Service's 2007 rankings of "The Best Places to Work in the Federal Government."

ADDITIONAL STATEMENTS

CONGRATULATING MS. BAILEE CARROLL MAYFIELD

• Mr. BUNNING. Mr. President, today I congratulate Ms. Bailee Carroll Mayfield on receiving the American Veterans, AMVETS, scholarship award. The AMVETS National Scholarship Committee has awarded Ms. Mayfield a $4,000 scholarship after competing successfully against nearly 200 applicants. AMVETS has recognized Ms. Mayfield as an outstanding high school senior exhibiting academic excellence, promise and merit.

The AMVETS organization awards only six scholarships per year. Each scholarship is awarded to a high school senior who is the child or grandchild of a United States veteran, and is seeking a postsecondary education. Ms. Mayfield plans to utilize her scholarship at Eastern Kentucky University to pursue a career in psychology.

Ms. Mayfield has proven herself to be an exemplary student, rightfully receiving the AMVETS Scholarship Award. She is an inspiration to the citizens of Kentucky and to students everywhere. I look forward to seeing all that she will accomplish in the future.●

SALUTE OF TERRY DeVINE

• Mr. CONRAD. Mr. President, to those who live in Fargo, ND, Terry DeVine has been a prominent and steady voice for decades. DeVine was hired by my State's biggest newspaper, the Fargo Forum, in 1981. DeVine was known as a consummate newsman. It has been said that, if a big story was brewing, DeVine wanted it. His readers know that he got it more often than not.

Throughout his 27 years as managing editor, and later as a columnist, he maintained an integrity and dedication to journalism that was self-evident, spread every morning across the pages of the Forum for all to see.

As a marine during Vietnam, he escorted wounded journalists off the battlefield. He began work with the Sioux Falls Argus Leader newspaper after the war, followed by a time with the Associated Press in Sioux Falls, before finally landing at the Forum, where his presence has been unmistakable.

DeVine's recent retirement saddened many. Justly, the conclusion of his tenure has been seen in Fargo as the end of an era.

In North Dakota, community matters. People share a connection and a concern that is not to be found in all places. But community cannot flourish in a vacuum. It requires a dialogue. It takes a willingness to be truthful and involved. It calls for an understanding of events that is untarnished and open. Perhaps Terry DeVine's greatest contribution has been to consistently furnish these qualities, and through this, to support the community he lives and works in.●

IN HONOR OF MICHAEL WYNNE

• Mr. NELSON of Nebraska. Mr. President, as cochair of the Senate Air Force Caucus, I wish to speak about former Air Force Secretary, Michael Wynne.

The Air Force has three core values: integrity first, service before self, and excellence in all we do. I believe Secretary Wynne has striven to live up to these values throughout his illustrious career. Upon graduating from the U.S. Military Academy in 1966, Wynne served in the Air Force for 7 years, concluding his uniformed career as a captain and assistant professor of astronautics at the U.S. Air Force Academy. He then joined the ranks of General Dynamics, working on revolutionary programs such as the F–16 and M1A2 Main Battle Tank. After 23 years of service with General Dynamics, rising to the rank of senior vice president, Wynne joined the U.S. Department of Defense and served as the Principal Deputy Under Secretary, then Under Secretary of Defense for Acquisition, Technology and Logistics. In 2005, he was confirmed as the 21st Secretary of the Air Force—assuming responsibility for organizing, training, equipping, and providing for the welfare of its nearly 370,000 men and women on active duty; 180,000 members of the Air National Guard and the Air Force Reserve; 160,000 civilians; and their families.

On his first day in office, Secretary Wynne issued a new mission statement for the Air Force, declaring that the "mission of the United States Air Force is to deliver sovereign options for the defense of the United States of America and its global interests—to fly and fight in Air, Space and Cyberspace." He then declared three priorities for the Air Force: winning today's fight; taking care of the Air Force family; and preparing for tomorrow's challenges. In terms of today's fight, Wynne oversaw the deployment of more than 25,000 airmen to the Middle East. He worked to ensure that over 3,000 Rover kits were deployed to the theater so that ground forces could receive full motion video directly from unmanned aerial systems flying orbits around the clock. He also realized the critical importance of intelligence, surveillance, and reconnaissance. Wynne doubled the number of Predator orbits in Iraq and Afghanistan in less than a year, while simultaneously exceeding the Department of Defense requirements for Predator orbits, by 2 years and four orbits.

Secretary Wynne can also take great pride in the support he provided for those who sacrifice so much on the front lines. He was instrumental in facilitating the aero-medical evacuation program, which led to a vastly improved survival rate for wounded troops who were able to reach aid stations over previous wars. Additionally, Wynne also supported an initiative to create a seamless transfer of medical records from theater to stateside and then to the Veterans Administration. Lastly, he understood the need to look after the entire Air Force family—active duty, Guard, Reserve, and civilian—through instilling a culture of empowerment, accountability, and continuous improvement.

In terms of America's future, Secretary Wynne worked hard to fulfill his tremendous responsibility to ensure that the U.S. Air Force would be well postured to address future potential threats. I would like to thank Secretary Michael Wynne for his service to our country and wish him the best in all his future endeavors.●

IN HONOR OF GENERAL T. MICHAEL MOSELEY

• Mr. NELSON of Nebraska. Mr. President, as cochair of the Senate Air Force Caucus, I have been afforded a unique opportunity to get to know GEN T. Michael Moseley, former Air Force Chief of Staff. I believe he is best defined by three distinct traits: a commitment to excellence, compassion for those with whom he serves, and a deep appreciation for history.

Whether reviewing his time in the cockpit, eventually commanding the prestigious F–15 division of the Air Force's Fighter Weapons School; his service as a professor at the illustrious National War College; his command of distinguished units, such as the 33rd Operations Group and 57th Wing; his pivotal role in executing the air wars over Afghanistan and Iraq as head of the 9th Air Force; or his service as Air Force Chief of Staff, it is obvious that General Moseley has applied himself with incredible dedication and commitment. He truly understands the capabilities afforded through air, space, and cyberspace and has worked tirelessly to ensure that the Air Force excels in these critical domains.

In addition, General Moseley is deeply aware that it takes a team to launch a jet in the air and that every pilot needs a wingman; and he has, therefore, consistently sought to support the Air Force family. Most recently, these efforts have manifested themselves through ensuring predictable deployment schedules for Air Force personnel and their families, strengthening family wellness programs, upgrading family housing, increasing educational opportunities, and reaching out directly to Airmen through a variety of mediums to help promote an exchange of ideas.

It is also important to recognize that throughout his nearly four decades of service, General Moseley has displayed a deep appreciation for history and lessons learned from past events. This historical insight and perspective is critical as the U.S. Air Force looks to succeed in today's missions while simultaneously cultivating a force which will excel in the future. General Moseley worked to ensure that this informed approach will continue to flourish in the Service through the creation of the Analysis, Assessment, and Lessons-Learned Directorate on the Air Staff.

These achievements represent just a fraction of General Moseley's accomplishments; but one thing is clear—he has shown a tremendous commitment to his country. I would like to thank GEN T. Michael "Buzz" Moseley for his dedication to duty over these past 36 years, and I wish him all the best in his future endeavors.●

TRIBUTE TO DR. THAYNE DUTSON

• Mr. SMITH. Mr. President, today I wish to highlight the importance of acknowledging and celebrating extraordinary efforts by ordinary Americans who have led the way in protecting and preserving America's natural resources. I am honored to commend a natural resource hero in my home State of Oregon, Dr. Thayne Dutson. After a lifetime of service to farmers and ranchers in this country, Dr. Dutson is hanging up his hat and I honor his service.

Dr. Dutson has been dean of the College of Agricultural Sciences at Oregon State University since 1993 and has acted as director of the Oregon Agricultural Experiment Station since 1987. As head of Oregon's College of Agriculture Sciences, Dr. Dutson has dedicated the past two decades of his life to Oregon's farmers and ranchers.

Along with being Oregon Agriculture's resource for cutting-edge research, knowledge about food systems, environmental quality, natural resources and rural communities, Dr. Dutson has also led a team of public servants to administer the extension service throughout the State. Dr. Dutson and his team led Oregon State University's outreach mission by engaging with Oregon's people and communities and focusing his efforts on community livability, strengthening the economic vitality of rural communities and maintaining Oregon's natural resource base. Based on these positive impacts and the leadership of Dean Dutson, the OSU Extension Service is recognized as one of America's top-5 land-grant university extension systems in the country. Dr. Dutson was also instrumental in Oregon State University's selection as one of five regional centers for the U.S. Department of Agriculture's Sun grant initiative, which is working to advance the development of new biobased fuels and products.

I have had the pleasure of working with Dr. Dutson on many projects over the years. Dean Dutson has worked tirelessly on behalf of Oregon's farmers and ranchers. Under Dr. Dutson's watch, Oregon State University has secured critical Federal research funding for grass seed, potatoes, livestock grazing, small fruits, barley genome mapping, soil and air quality, organic Agriculture, nursery crops and biofuels. It is because of his leadership that Oregon agriculture and Oregon State University continue to lead the nation as innovators in all agricultural sciences.

As a young Boy Scout, I was taught that one's duty was to respect and protect the world around you. I believe that we have a responsibility to encourage efforts in conserving our natural resources by responsibly using them, not abusing them. Dr. Thayne Dutson has made major contributions to a proud Oregon pioneering spirit of innovation and responsible management of our natural resources. What Dean Dutson has given back to the Oregon agriculture community is invaluable, for he has taught us that everyone doing their small part can achieve huge successes. I wish Thayne, his wife, Missy, and their family all the best as they pursue future endeavors. Oregon's farmers and ranchers owe him a debt of gratitude.●

TRIBUTE TO DR. CHARLES CONSTANTINE MOSKOS

● Mr. WARNER. Mr. President, on May 31, 2008, the Nation lost a great patriot, an avid student and supporter of the military, and a true friend of the enlisted soldier—Northwestern University professor emeritus of sociology, Charles Constantine Moskos.

But he wasn't "professor" or "doctor" Moskos. He was always known as "Charlie." He was "Charlie" to admirals and generals; he was "Charlie" to his students; and he was "Charlie" to the enlisted soldiers, airmen, sailors, and marines he loved so much. He was "Charlie" to many Members of Congress who worked with and admired him.

After graduating with honors from Princeton University in 1956, Charlie was drafted into the Army. He quickly became enamored with the amazing cross-section of Americans who served in the Armed Forces and decided the military institution would be his lifelong, academic focus. After he received his doctorate from UCLA in 1963, Charlie taught for 2 years at the University of Michigan before moving on to Northwestern University. At Northwestern, Charlie began a storied 40-year career as a professor of sociology and traveled to war zones, military bases across the globe, the Pentagon, and the Congress. Over those four decades he became known as one of the world's foremost military sociologists and a key adviser to policymakers.

Charlie's field was political sociology, and he studied the Caribbean and the Greek-American community, but his biggest contribution was in addressing the civil-military bond, the integration of the military and our society. He wrote extensively about the culture in the military, the success story of racial integration in the services, particularly the Army. He also focused his writings on the changing nature of the military as we moved from Vietnam to the end of the Cold War and into today's conflicts against terrorists around the globe. As one of the preeminent military sociologists of his time, he was a founding member of the prestigious Inter-University Seminar on Armed Forces and Society, an international association of academics and military scholars.

Charlie's research took him to combat units in Vietnam, Kuwait, Somalia, Kosovo, and Iraq. For over three decades, he also served as an independent adviser to the Joint Chiefs of Staff. Always concerned that the All-Volunteer Force could separate the military from its larger society as it draws from more narrow segments of the population, Charlie is also credited with inspiring President Clinton to create the AmeriCorps Program.

Among other awards, Charlie received the Distinguished Service Medal, the highest honor the Army awards to civilians. He is survived by his beloved wife of 41 years, Ilca Hoan Moskos, of Santa Monica, CA; two sons, Andrew Moskos of Amsterdam, the Netherlands, and Peter Moskos of Astoria, NY; and two grandchildren.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE ISSUANCE OF AN EXECUTIVE ORDER CONTINUING CERTAIN RESTRICTIONS ON NORTH KOREA AND NORTH KOREAN NATIONALS IMPOSED UNDER THE TRADING WITH THE ENEMY ACT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq.*) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 *FR* 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law

95-223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007-32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 26, 2008.*

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

H.R. 3546. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

H.R. 6275. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

H.R. 6358. An act to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W. L. Ashley United States Courthouse".

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:49 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 377. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

ENROLLED BILLS SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 8:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6377. An act to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6275. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Finance.

H.R. 6358. An act to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3546. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3202. A bill to address record high gas prices at the pump, and for other purposes.

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2008, she had presented to the President of the United States the following enrolled bill:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6746. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2007; to the Committee on Armed Services.

EC–6747. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary, received on June 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6748. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 33321) received on June 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6749. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2007 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Designation of Critical Habitat for Southern Resident Killer Whale" (RIN0648–AU38) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6751. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon" (RIN0648–AT02) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Deputy Assistant Administrator for Operations, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Final Protective Regulations for Threatened Upper Columbia River Steelhead" (RIN0648–AU18) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean" (RIN0648–AT84) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead" (RIN0648–AR93) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Planning and Management Program; Integrated Resource Planning Rules" (RIN1901–AB24) received on June 24, 2008; to the Committee on Energy and Natural Resources.

EC–6756. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting of ESOP Dividends and Section 404(k)" (Announcement 2008–56) received on June 25, 2008; to the Committee on Finance.

EC–6757. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Auction Rate Preferred Stock—Effect of Liquidity Facilities on Equity Character" (Notice 2008–55) received on June 25, 2008; to the Committee on Finance.

EC–6758. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "China Earthquake Designated as Qualified Disaster Under Section 139 of the Internal Revenue Code" (Notice 2008–57) received on June 24, 2008; to the Committee on Finance.

EC–6759. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 956 for Determining Basis or Property Acquired in Certain Nonrecognitions Transactions" ((RIN1545–BH58)(TD 9402)) received on June 24, 2008; to the Committee on Finance.

EC–6760. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Methane Gas Project, Credit for Fuel From a Nonconventional Source" (UIL: 0029.06–00) received on June 24, 2008; to the Committee on Finance.

EC–6761. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Claims for Recovery of Overpayments of Arbitrage Rebate and Similar Payments on Tax-Exempt Bonds" (Rev. Proc. 2008–37) received on June 25, 2008; to the Committee on Finance.

EC–6762. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 664 Regarding the Effect of UBTI on Charitable Remainder Trusts" (TD 9403) received on June 24, 2008; to the Committee on Finance.

EC–6763. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2008" (Rev. Rul. 2008–33) received on June 24, 2008; to the Committee on Finance.

EC–6764. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the manufacture of the AH–64 LONGBOW Fire Control Radar Accelerometers for the Apache Attack Helicopter Program; to the Committee on Foreign Relations.

EC–6765. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Mexico for the production of electronic assemblies for automated equipment for the United States; to the Committee on Foreign Relations.

EC–6766. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a nomination and action on a nomination for the position of Under Secretary of State for Public Diplomacy, received on June 24, 2008; to the Committee on Foreign Relations.

EC–6767. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of technical data to Turkey for the manufacture and repair of the upgradeable AN/APX-117 Transponder; to the Committee on Foreign Relations.

EC–6768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report relative to the Animal Drug User Fee Act for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–6769. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Medical Device Reporting; Baseline Reports" (Docket No. FDA–2008–N–0310) received on June 25, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6770. A communication from the Chief, Division of Coverage, Reporting and Disclosure, Department of Labor, transmitting, pursuant to law, a report relative to the redesignation of a previously submitted rule, which has been assigned Regulation Identification Number 1210–AB10, as a "non-major rule"; to the Committee on Health, Education, Labor, and Pensions.

EC–6771. A communication from the Acting Chief Acquisition Officer and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation" (FAC 2005–26) received on June 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6772. A communication from the Acting Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting the text of the 2008 Prohibited List of Substances which is to replace the 2007 Prohibited List of Substances that was originally transmitted to the Senate as a part of Annex I of the International Convention Against Doping in Sport (TD 110–14, 110th Congress, 2nd Session); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–409. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to allow immediate family to visit military personnel on extended deployment overseas who are in a rest and relaxation period; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 101

Whereas, on April 12, 2007, when Defense Secretary Robert M. Gates announced that all active-duty soldiers currently deployed would see their one-year tour extended to a fifteen months tour, the war-weary Army faced its longest combat tours since World War; and

Whereas, although Defense Secretary Gates termed this a "difficult but necessary" order, many referred to it as the decision that would break the Army because of the chilling effect it would have on the recruiting, retention, and readiness of troops; and

Whereas, the reunion plans of troops and their families were suddenly placed on hold because of the deployment extension orders; and

Whereas, such orders unleashed a flood of emotions including feelings of sadness, disappointment, worry, anxiety, anger, stress, and a sense of betrayal or of promises being broken for service men, women, and their families; and

Whereas, mental health experts agree that deployment extensions are extremely difficult on service members and their families; and

Whereas, extended deployment submerges our service men, women, and their families under tremendous economic, employment, and emotional sacrifices; and

Whereas, service men and women do receive a period of rest and relaxation (R&R); and

Whereas, the continued development of strong family relationships for our service men and women who have repeatly placed themselves in harm's way in the name of freedom, duty, and honor for us and our country should be supported. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to make provisions to allow immediate family to visit military personnel on extended deployment overseas when they are in a period of rest and relaxation (R&R). Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 5690. To remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 594. A resolution designating September 2008 as "Tay-Sachs Awareness Month".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2979. A bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 110-9; Protocol of Amendments to Convention on International Hydrographic Organization (Ex. Rept. 110–10)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005 (Treaty Doc. 110–9).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Army nomination of Gen. David H. Petraeus, to be General.

*Army nomination of Lt. Gen. Raymond T. Odierno, to be General.

Air Force nominations beginning with Colonel William J. Bender and ending with Colonel Timothy M. Zadalis, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Air Force nomination of Maj. Gen. Paul J. Selva, to be Lieutenant General.

Army nomination of Col. Kenny C. Montoya, to be Brigadier General.

Army nomination of Brig. Gen. Errol R. Schwartz, to be Major General.

Army nomination of Maj. Gen. Ricky Lynch, to be Lieutenant General.

Army nomination of Col. Patricia D. Horoho, to be Major General.

Army nominations beginning with Brigadier General Timothy E. Albertson and ending with Colonel Larry W. Triphahn, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nomination of Maj. Gen. John R. Allen, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Moira N. Flanders, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Karen A. Flaherty, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Raymond P. English, to be Rear Admiral.

Navy nomination of Capt. Scott A. Weikert, to be Rear Admiral (lower half).

Navy nomination of Capt. Bruce A. Doll, to be Rear Admiral (lower half).

Navy nomination of Capt. Steven M. Talson, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Mark J. Belton and ending with Capt. Nicholas T. Kalathas, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Navy nomination of Rear Adm. Dirk J. Debbink, to be Vice Admiral.

*Nelson M. Ford, of Virginia, to be Under Secretary of the Army.

*Joseph A. Benkert, of Virginia, to be an Assistant Secretary of Defense.

*Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy.

*Frederick S. Celec, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Andrew P. Armacost, to be Colonel.

Air Force nomination of Hans C. Bruntmyer, to be Lieutenant Colonel.

Air Force nominations beginning with Dwight Peake and ending with Trevor S. Petrou, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Air Force nominations beginning with Christine Cornish and ending with David G. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Air Force nomination of John L. Baeke, to be Major.

Air Force nominations beginning with Joseph C. Lee and ending with Brad A. Nieset, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Air Force nominations beginning with Robert B. Kohl and ending with Alvin W. Rowell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Air Force nominations beginning with James D. Barber, Jr. and ending with Mark John Zechman, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Marvin P. Anderson and ending with Mark V. Vail, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with John P. Albano and ending with D060387, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nomination of John Kissler, to be Major.

Army nominations beginning with Mark A. Arturi and ending with Dana F. Campbell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nominations beginning with Kathleen Agoglia and ending with James R. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nominations beginning with Robert J. Egidio and ending with Alan Z. Siedlecki, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nomination of Daisie D. Boettner, to be Colonel.

Army nomination of Thomas C. Powell, to be Colonel.

Army nomination of John M. Anderson, to be Colonel.

Army nomination of Rowell A. Stanley, Jr., to be Colonel.

Army nominations beginning with Michael E. Dunn and ending with Kevin J. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Todd D. Kostelecky and ending with Leesa J. Papier, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nomination of Christopher C. Everitt, to be Major.

Army nomination of Dennis P. Collins, to be Major.

Army nominations beginning with Christopher W. Baker and ending with Christina M. Long, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Eric J. Albertson and ending with D060628, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nominations beginning with John E. Bilas and ending with Alan R. Singleton II, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nominations beginning with Joseph R. Cornell and ending with John J. Swincinski, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Navy nomination of Adam J. Coghan, to be Captain.

Navy nomination of John E. Pasch III, to be Captain.

Navy nominations beginning with Richard C. Boehm and ending with Michael D. Conger, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with James R. Dunworth and ending with Michael A. Sano, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with William K. Davis and ending with Kathleen R. Wright, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Kathleen Gromilovitz and ending with James M. Mancher, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Thomas E. Follo and ending with Sarah M. Standard, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with David J. Harach and ending with Patrick R. Mulcahy, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Donald R. Burns and ending with William D. Michael, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Robert J. Barton II and ending with Christopher M. Waaler, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Drew G. Flavell and ending with Paul F. Weckman, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Teri J. Barber and ending with Lori A. Yost, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Eric B. Anderson and ending with George N. Whitbred IV, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Clayton R. Allen and ending with Eric F. Zanin, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Tammy M. Baker and ending with Leonard A. Zimmermann I, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Charles E. A. Baker and ending with Richard N. Soucie, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Raymond E. Chartier, Jr. and ending with Robin D. Tyner, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Robert C. Buzzell and ending with Eduardo E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Kevin G. Aandahl and ending with David E. Werner, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with David A. Bondura and ending with Wilburn T. J. Strickland, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Jon D. Albright and ending with Michael W. Zarkowski, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with James E. Aull and ending with Edward B. Warford, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Christian D. Becker and ending with Donald L. Zwick, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with William J. Brougham and ending with Jerome Zinni, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Voresa E. Booker and ending with Pat L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Danelle M. Barfett and ending with Boyd T. Zbinden, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Christopher P. Anklam and ending with Steven J. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with John L. Franklin and ending with Norman C. Petty, which nominations were received by the Senate and appeared in the Congressional Record on May 20, 2008.

Navy nomination of Michael J. McCormack, to be Captain.

Navy nominations beginning with Gregg P. Lombardo and ending with Charles J. Newbury, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Daniel L. Gard and ending with William A. Wildhack III, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Mark S. Bellis and ending with Steven R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Frederick H. Boyles and ending with Allison M. Weldon, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Esther E. Burlingame and ending with Kimberly K. Pellack, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Kenneth D. Lapolla and ending with Joseph R. Willie II, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Bruce Bennett and ending with Scott K. Rineer, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Daniel K. Bean and ending with Ted Y. Yamada, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Gloria M. Baisey and ending with Patricia L. West, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nomination of Michael J. Maselly, to be Captain.

Navy nominations beginning with Hillary King, Jr. and ending with James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Roosevelt H. Brown and ending with Dale C. White, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with David R. Bustamante and ending with Rodney O. Worden, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Vida M. Antolinjenkins and ending with Jonathan S. Thow, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Angelica L. C. Almonte and ending with Nancy J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Smith C. E. Barone and ending with Curtis M. Werking, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Roland E. Arellano and ending with Marva L. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Christopher Bower and ending with Andrew F. Wickard, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Debra A. Arsenault and ending with Clifton Woodford, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Michael L. Baker and ending with Chad G. Wahlin, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Brent T. Channell and ending with Michael J. Supko, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Allen C. Blaxton and ending with Joel R. Tessier, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Marc E. Boyd and ending with Elissa J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Todd E. Barnhill and ending with Dominick A. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Edward F. Bosque and ending with Kim C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with John D. Bandy and ending with Jeffrey L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Claude W. Arnold, Jr. and ending with Michelle G. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Timothy A. Barney and ending with Vincent C. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Albert Angel and ending with Thomas P. Wypyski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Jonathan Q. Adams and ending with Mark T. Zwolski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Michael A. Bemis and ending with Michael J. Uyboco, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2008.

Navy nomination of Paul E. Levy, to be Lieutenant Commander.

Navy nomination of Robert N. Ladd, to be Lieutenant Commander.

Navy nominations beginning with Ramon J. Berrocal and ending with Brian A. Merritt, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

By Mr. LEAHY for the Committee on the Judiciary.

Kelly Harrison Rankin, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Clyde R. Cook, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. SPECTER, Mr. COLEMAN, and Mr. AKAKA):

S. 3200. A bill to develop capacity and infrastructure for mentoring programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Ms. LANDRIEU, Mr. SUNUNU, and Mr. VITTER):

S. 3201. A bill to reauthorize the Mosquito Abatement for Safety and Health Act for mosquito-borne disease prevention and control; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LUGAR, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. 3202. A bill to address record high gas prices at the pump, and for other purposes; read the first time.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 3203. A bill to prohibit the use of funds by the Department of Defense on the KC-X tanker contract, and for other purposes related to that contract; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. CARPER):

S. 3204. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL:

S. 3205. A bill to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 3206. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BURR, Mr. DEMINT, Mr. STEVENS, and Mr. ENSIGN):

S. 3207. A bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. ENZI, Mr. STEVENS, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. CORNYN):

S. 3209. A bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3210. A bill to establish the Centennial Historic District in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. JOHNSON, Mr. TESTER, and Mr. THUNE):

S. 3211. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to clarify eligibility for livestock indemnity payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. 3212. A bill to amend the Help America Vote Act of 2002 to provide for auditable, independent verification of ballots, to ensure the security of voting systems, and for other purposes; to the Committee on Rules and Administration.

By Mr. BINGAMAN:

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

By Mr. BARRASSO:

S. 3214. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. SESSIONS, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 3215. A bill to require the Secretary of Energy to enter into cooperative agreements with private entities to share the cost of obtaining construction and operating licenses for certain types of recycling facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 3216. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. GRAHAM, Mr. KERRY, Mr.

CORNYN, Mr. PRYOR, Mrs. DOLE, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mrs. MCCASKILL, and Mrs. FEINSTEIN):

S. 3217. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 3218. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. SMITH, Mr. CARDIN, Mr. COLEMAN, and Mr. MENENDEZ):

S. Res. 603. A resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and communist eras; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 604. A resolution congratulating the California State University, Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; considered and agreed to.

By Mr. DEMINT (for himself and Mr. BAYH):

S. Res. 605. A resolution commemorating the 60th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. Con. Res. 92. A concurrent resolution recognizing the importance of homeownership for Americans; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 334

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 612

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1842

At the request of Mr. KERRY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1996

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1996, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2608

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2608, a bill to make improvements to the Small Business Act.

S. 2645

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2668

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2760

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2773

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2773, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3007

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3007, a bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3143

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3143, a bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice.

S. 3150

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3150, a bill to prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports.

S. 3167

At the request of Mr. BURR, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Minnesota (Mr. COLEMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 75

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. Res. 580, supra.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5040

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. NELSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 5040 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LUGAR, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. 3202. A bill to address record high gas prices at the pump, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gas Price Reduction Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEEP SEA EXPLORATION

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendments.

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

Sec. 201. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

Sec. 301. Advanced batteries for electric drive vehicles.

TITLE IV—ENERGY COMMODITY MARKETS

Sec. 401. Study of international regulation of energy commodity markets.
Sec. 402. Foreign boards of trade.
Sec. 403. Index traders and swap dealers; disaggregation of index funds.
Sec. 404. Improved oversight and enforcement.

TITLE I—DEEP SEA EXPLORATION

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: "not later than 90 days after the date of enactment of the Gas Price Reduction Act of 2008"; and

(3) by inserting after clause (i) (as so designated) the following:

"(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

"(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

"(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.".

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.—

"(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

"(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

"(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

"(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

"(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

"(ii) revenues from civil penalties;

"(iii) royalties taken by the Secretary in-kind and not sold;

"(iv) revenues generated from leases subject to section 8(g); or

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

"(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

"(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

"(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to new producing States in accordance with paragraph (2); and

"(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

"(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

"(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

"(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

"(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

"(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

"(5) AUTHORIZED USES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

"(ii) Mitigation of damage to fish, wildlife, or natural resources.

"(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

"(iv) Funding of onshore infrastructure projects.

"(v) Planning assistance and the administrative costs of complying with this section.

"(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

"(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

"(A) be made available, without further appropriation, in accordance with this subsection;

"(B) remain available until expended; and

"(C) be in addition to any amounts appropriated under—

"(i) other provisions of this Act;

"(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

"(iii) any other provision of law.

"(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

"(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

"(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.".

SEC. 103. CONFORMING AMENDMENTS.

Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are amended by striking "No funds" each place it appears and inserting "Except as provided in section 32 of the Outer Continental Shelf Lands Act, no funds".

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

SEC. 201. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

SEC. 301. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term "advanced battery" means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

TITLE IV—ENERGY COMMODITY MARKETS

SEC. 401. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall jointly conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the heads of the Federal agencies described in subsection (a) shall jointly submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market.

SEC. 402. FOREIGN BOARDS OF TRADE.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

"(e) FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—The Commission shall not permit a foreign board of trade's members or other participants located in the United States to enter trades directly into the foreign board of trade's trade matching system with respect to an agreement, contract, or transaction in an energy commodity (as defined by the Commission) that settles against any price, including the daily or final settlement price, of a contract or contracts listed for trading on a registered entity, unless—

"(A) the foreign board of trade makes public daily information on settlement prices, volume, open interest, and opening and closing ranges for the agreement, contract, or transaction that is comparable to the daily trade information published by the registered entity for the contract or contracts against which it settles;

"(B) the foreign board of trade or a foreign futures authority adopts position limitations (including related hedge exemption provisions) or position accountability for speculators for the agreement, contract, or transaction that are comparable to the position limitations (including related hedge exemption provisions) or position accountability adopted by the registered entity for the contract or contracts against which it settles; and

"(C) the foreign board of trade or a foreign futures authority provides such information to the Commission regarding the extent of speculative and non-speculative trading in the agreement, contract, or transaction that is comparable to the information the Commission determines is necessary to publish its weekly report of traders (commonly known as the Commitments of Traders report) for the contract or contracts against which it settles.

"(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall become effective 1 year after the date of enactment of this subsection with respect to any agreement, contract, or transaction in an energy commodity (as defined by the Commission) conducted on a foreign board of trade for which the Commission's staff had granted relief from the requirements of this Act prior to the date of enactment of this subsection.".

SEC. 403. INDEX TRADERS AND SWAP DEALERS; DISAGGREGATION OF INDEX FUNDS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 3) is amended by adding at the end the following:

"(f) INDEX TRADERS AND SWAP DEALERS.—

"(1) REPORTING.—The Commission shall—

"(A) issue a proposed rule regarding routine reporting requirements for index traders and swap dealers (as those terms are defined by the Commission) in energy and agricultural transactions (as those terms are defined by the Commission) within the jurisdiction of the Commission not later than 180 days after the date of enactment of this subsection, and issue a final rule regarding such reporting requirements not later than 270 days after the date of enactment of this subsection; and

"(B) subject to the provisions of section 8, disaggregate and make public monthly information on the positions and value of index funds and other passive, long-only positions in the energy and agricultural futures markets.

"(2) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding—

"(A) the scope of commodity index trading in the futures markets;

"(B) whether classification of index traders and swap dealers in the futures markets can be improved for regulatory and reporting purposes; and

"(C) whether, based on a review of the trading practices for index traders in the futures markets—

"(i) index trading activity is adversely impacting the price discovery process in the futures markets; and

"(ii) different practices and controls should be required.".

SEC. 404. IMPROVED OVERSIGHT AND ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) crude oil prices are at record levels and consumers in the United States are paying record prices for gasoline;

(2) funding for the Commodity Futures Trading Commission has been insufficient to cover the significant growth of the futures markets;

(3) since the establishment of the Commodity Futures Trading Commission, the volume of trading on futures exchanges has grown 8,000 percent while staffing numbers have decreased 12 percent; and

(4) in today's dynamic market environment, it is essential that the Commodity Futures Trading Commission receive the funding necessary to enforce existing authority to ensure that all commodity markets, including energy markets, are properly monitored for market manipulation.

(b) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Commodity Futures Trading Commission shall hire at least 100 additional full-time employees—

(1) to increase the public transparency of operations in energy futures markets;

(2) to improve the enforcement in those markets; and

(3) to carry out such other duties as are prescribed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out the Commodity Exchange Act (7 U.S.C. 1 et seq.), there are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009.

By Mr. DURBIN (for himself, Mr LAUTENBERG, and Mr. KENNEDY):

S. 3206. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to help millions of Americans overcome a deadly addiction: the addiction to tobacco. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2008 will help make smoking cessation therapy available to recipients of Medicare, Medicaid, and the Maternal and Child Health, MCH, Program.

More than 45 million adults in the United States smoke cigarettes. Approximately 90 percent started smoking before the age of 14. Despite the fact that we have known for decades that cigarette smoking are the leading preventable cause of death, 1,600 adults become regular smokers each day, including 4,000 kids. Depending on your race/ethnicity, socioeconomic status, even where you live, the likelihood that you are a smoker varies greatly. African-Americans are twice as likely as the general population to smoke. Communities in the South are more likely to be smoker-friendly than other communities in the U.S. While 22.5 percent of the general adult population in the U.S. are current smokers, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

We have a moral argument and an economic argument to end the addiction to nicotine. Morally, how do we ignore the deaths of 438,000 smokers or 8.6 million Americans living with serious smoking-related illnesses? Smoking causes virtually all cases of lung cancer and contributes to primary heart disease, peripheral vascular disease, chronic obstructive pulmonary disease, COPD, and other deadly health ailments. It is too often a bleak future for smokers and their families. An American Legacy Foundation report reminds us that second-hand smoke in children of smokers leads to asthma and chronic ear infections in children but also that 43,000 children are orphaned every year because of tobacco-related deaths.

We are not only paying a heavy health toll, but an economic price as well. According to the Campaign for Tobacco Free Kids, health care expenditures caused by smoking is approaching $100 billion. Our federal government pays $17.6 billion in smoking-caused Medicaid payments and $27.4 billion in smoking-caused Medicare expenditures.

Ironically, we do not hear that much about how many smokers America—70 percent—want to quit. Unfortunately, they face long odds—in 2000, only about 5 percent of smokers were successful in quitting long-term. Overcoming an addiction to tobacco is arguably one of the single most important lifestyle changes that can improve and extend lives. However, most smokers who want to quit don't appreciate how hard it really is to break an addition to nicotine.

This is why it is essential that we make this decision and the courage that it takes as easy as possible. States are already stepping up to the plate when it comes to smoking cessation. Last year in my home State of Illinois, a record-breaking 36 cities and counties enacted smoke-free laws, more than any other State in the Nation. More and more Illinoisans and Americans nationwide are realizing that life without smoking is possible. And the support for cessation does not end there. In fact, in 2003, 37 States had some form of coverage under Medicaid for at least one evidence-based treatment for smoking addiction. States like New Jersey and Oregon now have some of the lowest smoking-related Medicaid costs.

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Shortly after quitting smoking, blood circulation improves, carbon monoxide levels in the blood decrease, the risk of heart attack decreases, lung function and breathing are improved, and coughing decreases.

Pregnant women who quit smoking before their second trimester decrease the chances that they will give birth to a low-birth-weight baby. Over the long term, quitting will reduce a person's risk of heart disease and stroke, improve symptoms of COPD, reduce the risk of developing smoking-caused cancer, and extend life expectancy.

We are fortunate to have identified clinically proven, effective strategies to help smokers quit. Advancements in treating tobacco use and nicotine addiction using pharmacotherapy and counseling have helped millions kick the habit. An updated clinical practice guideline released in May of 2008 by the U.S. Public Health Service urges health care insurers and purchasers to include counseling and FDA-approved pharmacologic treatments as a covered benefit. The Guideline also emphasizes the role that counseling, especially in conjunction with medication, increases the odds of success in quitting. As we urge healthcare insurers and purchasers to offer this important benefit, so too should our government sponsored health programs keep pace.

I am proud to be joined by my colleagues Senators KENNEDY and LAUTENBERG to introduce the Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2008 and require government-sponsored health programs to cover this important benefit. The Medicare, Medicaid, and MCH Smoking Cessation Promotion Act of 2008 makes it easier for people to have access to smoking cessation treatment therapies. It does three meaningful things.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco related diseases over the next 20 years.

Second, this bill provides coverage for counseling, prescription and nonprescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows States to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the States have received payments from their successful Federal lawsuit against the tobacco industry,. less than half the States provide coverage for smoking cessation in their Medicaid program. Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over 7 years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Third, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services.

As Congress begins to examine more closely the impact of tobacco on our country—considering regulation by the FDA or raising taxes to pay for public health priorities—we must make sure we assist those fighting this deadly addiction. I hope my colleagues will join me in cosponsoring this legislation and taking a stand for the public health of our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2008".

SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.

(a) Coverage.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (Z), by striking "and" at the end;

(2) in subparagraph (AA)(iii), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(BB) counseling for cessation of tobacco use (as defined in subsection (ddd));".

(b) Services Described.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(ddd) Counseling for Cessation of Tobacco Use.—(1)(A) Subject to subparagraph (B), the term 'counseling for cessation of tobacco use' means diagnostic, therapy, and counseling services for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

"(i) by or under the supervision of a physician;

"(ii) by a practitioner described in clause (i), (iii), (iv), (v) or (vi) of section 1842(b)(18)(C); or

"(iii) by a licensed tobacco cessation counselor (as defined in paragraph (2)).

"(B) Such term is limited to—

"(i) services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

"(ii) such other services that the Secretary recognizes to be effective.

"(2) In this subsection, the term 'licensed tobacco cessation counselor' means a tobacco cessation counselor who—

"(A) is licensed as such by the State (or in a State which does not license tobacco cessation counselors as such, is legally authorized to perform the services of a tobacco cessation counselor in the jurisdiction in which the counselor performs such services); and

"(B) meets uniform minimum standards relating to basic knowledge, qualification training, continuing education, and documentation that are established by the Secretary for purposes of this subsection.".

(c) Payment and Elimination of Cost-Sharing for Counseling for Cessation of Tobacco Use.—

(1) Payment and elimination of coinsurance.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and" before "(V)"; and

(B) by inserting before the semicolon at the end the following: ", and (W) with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for purposes of this subparagraph".

(2) Elimination of coinsurance in outpatient hospital settings.—

(A) Exclusion from opd fee schedule.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking "and diagnostic mammography" and inserting ", diagnostic mammography, or counseling for cessation of tobacco use (as defined in section 1861(ddd))".

(B) Conforming amendments.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking "and" after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting "; and"; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

"(H) with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W),".

(3) Elimination of deductible.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking "and" before "(8)"; and

(B) by inserting before the period the following: ", and (9) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd))".

(d) Application of Limits on Billing.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) A licensed tobacco cessation counselor (as defined in section 1861(ddd)(2)).".

(e) Inclusion as Part of Initial Preventive Physical Examination.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

"(M) Counseling for cessation of tobacco use (as defined in subsection (ddd)).".

(f) Effective Date.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF TOBACCO CESSATION PHARMACOTHERAPY.

(a) Inclusion of Tobacco Cessation Agents as Covered Drugs.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) any agent approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation that may be dispensed without a prescription (commonly referred to as an 'over-the-counter' drug), but only if such an agent is prescribed by a physician (or other person authorized to prescribe under State law),".

(b) Establishment of Categories and Classes Consisting of Tobacco Cessation Agents.—Section 1860D–4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(C)) is amended by adding at the end the following new clause:

"(iv) Categories and classes of tobacco cessation agents.—There shall be a therapeutic category or class of covered part D drugs consisting of agents approved by the Food and Drug Administration for cessation of tobacco use. Such category or class shall include tobacco cessation agents described in subparagraphs (A) and (C) of section 1860D–2(e)(1).".

(c) Conforming Amendment.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by striking ", other than subparagraph (E) of such section (relating to smoking cessation agents),".

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) Coverage of Tobacco Cessation Counseling Services.—

(1) In general.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (27), by striking "and" after the semicolon at the end;

(B) in paragraph (28), by striking the comma at the end and inserting "; and"; and

(C) by inserting after paragraph (28) the following new paragraph:

"(29) at the option of the State, counseling for cessation of tobacco use (as defined in section 1861(ddd)),".

(2) Conforming amendment.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "or (29)" after "(24)".

(b) Elimination of Optional Exclusion From Medicaid Prescription Drug Coverage for Tobacco Cessation Medications.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: ", other than agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation".

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(1) in subparagraph (D), by striking "or" after the comma at the end;

(2) in subparagraph (E), by striking "; and" and inserting ", or"; and

(3) by adding at the end the following new subparagraph:

"(F)(i) counseling for cessation of tobacco use described in section 1905(a)(29); or

"(ii) covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation; and".

(d) INCREASED FMAP FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(4)"; and

(2) by inserting before the period the following: ", and (5) for purposes of this title, the Federal medical assistance percentage shall be 80 percent with respect to amounts expended as medical assistance for counseling for cessation of tobacco use described in subsection (a)(29) and for covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(d) For purposes of this title, quality maternal and child health services include the following:

"(1) Counseling for cessation of tobacco use (as defined in section 1861(ddd)).

"(2) The encouragement of the prescribing and use of agents approved by the Food and Drug Administration for purposes of tobacco cessation.

"(3) The inclusion of messages that discourage tobacco use in health promotion counseling.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I would like to discuss a bill that I am introducing along with Senator HATCH today, the Carbon Reduction Technology Bridge Act of 2008.

This bill is designed to develop the technologies that will enable us to use coal in a manner that helps address the threat of climate change.

Our country depends on coal to provide half of our electricity. In North Dakota, coal accounts for over 90 percent of our power. This is the power we need for lighting and heating our homes, powering our businesses, and, in the future, charging our cars.

The U.S. has vast resources of coal, enough to last over 250 years. We need to ensure that we can continue to enjoy the affordable electricity provided by coal, while developing technologies that will lower the greenhouse gas emissions that result from coal use.

We need to advance carbon capture and storage technologies to address the reality of climate change. The scientific evidence is clear that human activity is increasing the concentration of greenhouse gases in the atmosphere, which contributes to warming temperatures. The increased occurrence of severe weather and other effects that we have seen to date are small in comparison to what scientists say are the likely consequences of continued warming.

This bill will help jumpstart investment in technologies to capture and store carbon. It provides tax credits to the first generation of highly efficient advanced coal plants that capture carbon dioxide. It helps companies make the first investments in carbon capture and storage equipment on the first existing plants. It also provides credits for each ton of carbon dioxide captured and stored underground. It provides a number of other incentives to advance coal technology.

The science on climate change is clear, but what is not proven is the technology that can provide the solution. This bill sets ambitious but achievable goals for those companies willing to be the first to address this challenge head-on and build and install these technologies. Under this bill, a typical new coal plant would be required to capture 65 percent of its carbon dioxide emissions. After the first generation of projects supported by this bill, we will have tested and refined the technologies to enable an even higher rate of capture on future plants.

This bill will provide an important step toward affordable, low-carbon power. I welcome comments from my colleagues on this proposal and hope that they will join me in sponsoring this bill.

Mr. BINGAMAN:

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

Mr. BINGAMAN. Mr. President, today I am introducing the Omnibus Public Land Management Act of 2008, a collection of over 90 individual bills that have been reported by the Committee on Energy and Natural Resources. This legislation follows enactment of the Consolidated Natural Resources Act, Public Law 110-229, which was signed into law last month. That act was successful in combining together several bills which were not able to pass the Senate individually. It is my hope that the Omnibus Public Land Management Act will similarly facilitate the passage of the remaining bills which have been reported by the Energy and Natural Resources Committee during this Congress.

For the information of the Senate and the public, I ask unanimous consent that the table of contents listing the various measures included in this bill be printed in the RECORD.

There bein no objection, the material as ordered to be placed in the RECORD, as follows:

Sec. 1. Short title

Sec. 2. Table of Contents

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A Wild Monongahela Wilderness, West Virginia (H.R. 5151)

Subtitle B Virginia Ridge and Valley Wilderness (S. 570)

Subtitle C Mt. Hood Wilderness, Oregon (S. 647)

Subtitle D Copper Salmon Wilderness, Oregon (S. 2034)

Subtitle E Cascade—Siskiyou National Monument, Oregon (S. 2379)

Subtitle F Owyhee Public Lands Management, Idaho (S. 2833)

Subtitle G Frank Church River of No Return Wilderness Adjustment (S. 1802)

Subtitle H Rocky Mountain National Park Wilderness, Colorado (S. 1380)

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A National Landscape Conservation System (S. 1139)

Subtitle B Prehistoric Trackways National Monument (S. 275)

Subtitle C Fort Stanton—Snowy River Cave National Conservation Area (S. 260)

Subtitle D Renaming of Snake River Birds of Prey National Conservation Area (S. 262)

Subtitle E Rio Puerco Watershed Management Program (S. 1940)

Subtitle F Land Conveyances and Exchanges

Sec. 251 Pima County, Arizona Land Exchange (S. 1341)

Sec. 252 Southerm Nevada Limited Transition Area Conveyance (S. 1377)

Sec. 253 Nevada Cancer Institute Land Conveyance (H.R. 1311)

Sec. 254 Turnabout Ranch Land Conveyance, Utah (S. 832)

Sec. 255 Boy Scouts Land Exchange, Utah (S. 900)

Sec. 256 Douglas County, Washington, Land Conveyance (H.R. 523)

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A Watershed Restoration and Enhancement Agreements (S. 232)
Subtitle B Wildland Firefighter Safety (S. 1152)
Subtitle C Wyoming Range Withdrawal
Subtitle D Land Conveyances and Exchanges
Sec. 331 Land Conveyance to City of Coffman Cove, Alaska (S. 202)
Sec. 332 Beaverhead-Deerlodge N.F. Land Conveyance, Montana (S. 2124)
Sec. 333 Santa Fe National Forest Pecos National Historical Park Land Exchange, New Mexico (S. 216)
Sec. 334 Santa Fe National Forest Land Conveyance, New Mexico (S. 1939)
Sec. 335 Kittitas County, Washington Land Conveyance (H.R. 1285)
Sec. 336 Mammoth Community Water District Use Restrictions (H.R. 356)

TITLE IV—FOREST LANDSCAPE RESTORATION (S. 2593)

TITLE V—RIVERS AND TRAILS

Subtitle A Additions to the National Wild and Scenic Rivers System
Sec. 501 Fossil Creek, Arizona (S. 86)
Sec. 502 Snake River Headwaters, Wyoming (S. 1281)
Sec. 503 Taunton River, Massachusetts (S. 868)
Subtitle B Additions to the National Trails System
Sec. 511 Arizona National Scenic Trail (S. 1304)
Sec. 512 New England National Scenic Trail (RR. 1528)
Sec. 513 Ice Age Floods National Geologic Trail (S. 268)
Sec. 514 Washington-Rochambeau Revolutionary Route National Historic Trail (S. 686)
Subtitle C National Trail System Amendments
Sec. 521 National Trail System Willing Seller Authority (S. 168)
Sec. 522 National Historic Trails Feasibility Studies (S. 580)

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A National Parks and Federal Recreational Lands Pass Discount (S.617)
Subtitle B Competitive Status for Federal Employees in Alaska (S. 1433)
Subtitle C National Tropical Botanical Gardens (S. 2220)
Subtitle D Baca National Wildlife Refuge Amendments (S. 127)
Subtitle E Paleontological Resource Preservation (S. 320)

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A Additions to the National Park System
Sec. 701 Paterson National Historical Park, New Jersey (H.R. 189)
Sec. 702 Thomas Edison National Historical Park, New Jersey (H.R. 2627)
Subtitle B Amendments to Existing Units of the National Park System
Sec. 711 Keweenaw National Historical Park Funding (S. 189)
Sec. 712 Weir Farm National Historic Site Visitor Center (S. 1247)
Sec. 713 Little River Canyon National Preserve Addition (S. 1961)
Sec. 714 Hopewell Culture National Historical Park Addition (H.R. 2197)
Sec. 715 Jean Lafitte National Historical Park Addition (S. 783)
Sec. 716 Minute Man National Historical Park (S. 2513)
Sec. 716 Everglades National Park Addition (S. 2804)
Sec. 718 Kalaupapa National Historical Park Memorial (H.R. 3332)
Sec. 719 Boston Harbor Islands National Recreation Area (S. 1365)
Subtitle C Special Resource Studies
Sec. 721 William Jefferson Clinton Birthplace Home, Arkansas (S. 245)
Sec. 722 Walnut Canyon National Monument, Arizona (S. 722)
Sec. 723 Tule Lake Segregation Center, California (S. 1476)
Sec. 724 Estate Grange, St. Croix (S. 1969)
Sec. 725 Harriett Beecher Stowe House, Maine (S. 662)
Sec. 726 Battle of Shepherdstown, West Virginia (S. 1633)
Sec. 727 Green McAdoo School, Tennessee (S. 2207)
Sec. 728 Harry S Truman Birthplace, Missouri (H.R. 3998)
Sec. 729 Battle of Matewan, West Virginia (H.R. 3998)
Sec. 730 Butterfield Overland Trail (H.R. 3998)
Subtitle D Program Authorizations
Sec. 741 American Battlefield Protection Program (S. 1921)
Sec. 742 Preserve America Program (S. 2262)
Sec. 743 Save America's Treasures Program (S. 2262)
Subtitle E Advisory Commissions
Sec. 744 Na Hoa Pili O Kaloko-Honokohau Advisory Commission (S. 1728)

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A S. 278 National Heritage Area Program
Subtitle B Designation of National Heritage Areas
Sec. 821 Sangre de Cristo National Heritage Area, Colorado (S. 443)
Sec. 822 Cache La Poudre River National Heritage Area, Colorado (S. 128)
Sec. 823 South Park National Heritage Area, Colorado (S. 444)
Sec. 824 Northern Plains National Heritage Area, North Dakota (S. 2098)
Sec. 825 Baltimore National Heritage Area, Maryland (S. 2604)
Sec. 826 Freedom's Way National Heritage Area, Massachusetts and N.H. (S. 827)
Sec. 827 Mississippi Hills National Heritage Area (S. 2254)
Sec. 828 Mississippi Delta National Heritage Area (S. 2512)
Sec. 829 Muscle Shoals National Heritage Area, Alabama (H.R. 1483)
Sec. 830 Santa Cruz Valley National Heritage Area, Arizona (H.R. 1483)
Subtitle C Studies
Sec. 841 Chatahoochee Trace, Alabama and Georgia (S. 637)
Sec. 842 Northern Neck, Virginia (H.R. 1483)
Subtitle D Amendments Relating to National Heritage Corridors
Sec. 851 Quinebaug and Shetucket Rivers Valley National Heritage Corridor (S. 1182)
Sec. 852 Delaware and Lehigh National Heritage Corridor (S. 817)
Sec. 853 Erie Canalway National Heritage Corridor (H.R. 1483)
Sec. 854 John H. Chafee Blackstone River Valley National Heritage Corridor (H.R. 1483)

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A Feasibility Studies
Sec. 901 Snake, Boise, and Payette River Systems, Idaho (S. 542)
Sec. 902 Sierra Vista Subwatershed, Arizona (S. 1929)
Subtitle B Project Authorizations
Sec. 911 Tumalo Irrigation District Water Conservation Project, Oregon (S. 1037)
Sec. 912 Madera Water Supply Enhancement Project, California (H.R. 1855)
Sec. 913 Eastern New Mexico Rural Water System, New Mexico (S. 2814)
Sec. 914 Rancho California Water District, California (H.R. 1725)
Subtitle C Title Transfers and Clarifications
Sec. 921 Transfer of McGee Creek pipeline and facilities (H.R. 2085)
Sec. 922 Albuquerque Biological Park, New Mexico, title clarification (S. 2370)
Subtitle D San Gabriel Basin Restoration Fund (H.R. 123)
Subtitle E Lower Colorado River Multi-Species Conservation Fund (H.R. 2515)

TITLE X—WATER SETTLEMENTS

Subtitle A San Joaquin River Restoration Settlement (S. 27)
Subtitle B Northwestern New Mexico Rural Water Projects (S. 1171)

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 1101 Reauthorization of National Geologic Mapping Act of 1992 (S. 240)
Sec. 1102 New Mexico Water Resources Study (S. 324)

TITLE XII—MISCELLANEOUS

Sec. 1201 Management of Public Land Trust Funds in the State of North Dakota (S. 1740)
Sec. 1202 Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000 (S. 1522)
Sec. 1203 Amendments to the Alaska Natural Gas Pipeline Act (S. 1809)
Sec. 1204 Additional Assistant Secretary for Department of Energy (S. 1203)

By Mr. DOMENICI (for himself, Mr. SESSIONS, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 3215. A bill to require the Secretary of Energy to enter into cooperative agreements with private entities to share the cost of obtaining construction and operating licenses for certain types of recycling facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce, on behalf of myself and Senators SESSIONS, MURKOWSKI, and LANDRIEU, a bill that establishes the foundation for a sustainable nuclear fuel cycle for the U.S. A sustainable nuclear fuel cycle is the key to nuclear energy reaching its full potential to provide the large scale base load electrical generating capacity our country needs, while reducing greenhouse gas emissions. Today, nuclear energy provides nearly 20 percent of our electricity generation capacity and does so more reliably, and with a lower cost per kilowatt hour than coal, with essentially no greenhouse gas emissions. In the decades to come, we will need nuclear energy to play an even greater role, not only in electrical generation, but also in the transportation and industrial sectors, if we are to achieve the reductions in greenhouse gas emissions needed to address the challenge of global climate change. The Strengthening Management of Advanced Recycling Technologies Act, or SMART Act, represents the first important step in building the bridge to that future.

The SMART Act promotes the establishment of privately owned and operated used nuclear fuel storage and recycling facilities. These facilities will help resolve the current deadlock in spent nuclear fuel management while providing a means to extract additional energy from used nuclear fuel. I believe that a commercially viable used fuel recycling strategy, combined with a responsible waste disposition strategy, will enable the expansion of nuclear energy necessary to meet all our goals for the future of nuclear energy. The SMART Act advances this vision through incentives—rather than mandates—for both industry and local communities.

The SMART Act establishes a competitive 50-50 cost share program between the Department of Energy and private industry to finance engineering and design work and the development of license applications for up to 2 spent fuel recycling facilities. The SMART Act restricts facility designs to commercial scale facilities that do not separate pure plutonium. The recycling technology must also reduce the burden on geologic repositories used for ultimate disposal of waste and promote extraction of additional energy from used fuel stocks. Beyond these restrictions, the choice of recycling technology is left up to industry.

The resulting reference licenses for recycling facilities may then be used by industry to construct domestic used nuclear fuel recycling capacity. To assist industry in securing the necessary financing for these facilities, the SMART Act authorizes DOE to offer long term contracts for spent fuel recycling services. All construction and financing costs, however, would be born by industry.

Although ultimate geologic disposition of waste will always be needed, interim storage of used nuclear fuel is a necessary component of the nuclear fuel cycle infrastructure. To encourage development of interim storage facilities the SMART Act establishes an economic incentive program for communities and states that wish to host a facility within their jurisdiction. All interim storage facilities would be privately owned and operated and licensed by the Nuclear Regulatory Commission. The SMART Act incentives are designed to encourage the development of two large scale facilities with enough capacity to accommodate our annual domestic used nuclear fuel generation.

As with the used fuel recycling facilities, the SMART act authorizes the Department of Energy to enter into long term contracts with storage facility operators. In addition, the SMART Act allows the Department of Energy to enter into agreements with utilities for the settlement of all future claims against the department for failure to take title to spent nuclear fuel by 1998.

Currently, the Nuclear Waste Fund established by the Nuclear Waste Policy Act of 1982 has a balance of approximately $20 billion and is growing by nearly $1.8 billion annually from fees paid by the utilities and interest on the fund. Unfortunately, this fund is currently "on budget" and amounts to little more than an IOU to the U.S. ratepayers. The SMART Act will allow access to a small portion of this fund so that it can begin working to resolve the nuclear waste issue as it was intended.

The SMART Act establishes a revolving fund from $1 billion of the current waste fund as well as the annual interest on the fund. The remaining 95 percent of the current waste fund, as well as all future fees, would be placed in a legacy fund for the purposes of constructing a geologic repository. Expenditures from the revolving fund for the provisions of the act could be made without further appropriations but would be subject to limitations in appropriations acts. In this way the revolving fund could be put to use without being subject to the uncertainty of the annual appropriations process while still retaining the authority of Congress to oversee the fund.

The resolution of the used nuclear fuel issue has been deadlocked for decades. Fortunately time has been on our side since nuclear energy produces so little waste. For example the nuclear waste generated by a family of four during their entire lives is only a couple of pounds. Some have even said that we do not need to begin recycling used nuclear fuel for 30 or 40 years. I do not believe we can wait that long before we resolve the used nuclear fuel issue, however. We must begin taking steps today that will place us on the path to a secure and sustainable nuclear energy industry in the future. We must demonstrate to industry and financial institutions the Government's commitment to resolving the used nuclear fuel issue. The SMART bill will place us on that path to the future.

By Mr. McCONNELL:

S. 3216. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Improvement Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. GRAHAM, Mr. KERRY, Mr. CORNYN, Mr. PRYOR, Mrs. DOLE, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mrs. MCCASKILL, and Mrs. FEINSTEIN):

S. 3217. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Attorney-Client Privilege Protection Act of 2008, which is a modified version of my earlier legislation by the same name. This legislation, which adds original cosponsors, continues to address the Department of Justice's corporate prosecution guidelines. Those guidelines, last revised by former Deputy Attorney General Paul McNulty in December 2006, erode the attorney-client relationship by allowing prosecutors to request privileged information backed by the hammer of prosecution if the request is denied.

Like my previous bill, S. 186, this bill will protect the sanctity of the attorney-client relationship by prohibiting federal prosecutors and investigators from requesting waiver of attorney-client privilege and attorney work product protections in corporate investigations. The bill would similarly prohibit the government from conditioning charging decisions or any adverse treatment on an organization's payment of employee legal fees, invocation of the attorney-client privilege, or agreement to a joint defense agreement.

The new version of the bill makes many subtle improvements, including defining "organization" to make clear that continuing criminal enterprises and terrorist organizations will not benefit from the bill's protections. The bill also clarifies language that the Department of Justice had previously criticized as ambiguous. The bill also makes clear in its findings that its prohibition on informal privilege waiver demands is far from unprecedented. The bill states: "Congress recognized that law enforcement can effectively investigate without attorney-client privileged information when it banned Attorney General demands for privileged materials in the Racketeer Influenced and Corrupt Organizations Act. See 18 U.S.C. §1968(c)(2)."

There is no need to wait to see how the McNulty memorandum will operate in practice. There is similarly no need to wait for another internal Department of Justice reform that will likely fall short and be the fifth policy in the last 10 years. Any such internal reform will not address the privilege waiver policies of other government agencies that refer matters to the Department of Justice and allow in through the window what isn't allowed through the door.

As I said when I introduced S. 186, the right to counsel is too important to be passed over for prosecutorial convenience. It has been engrained in American jurisprudence since the 18th century when the Bill of Rights was adopted. The 6th Amendment is a fundamental right afforded to individuals charged with a crime and guarantees proper representation by counsel throughout a prosecution. However, the right to counsel is largely ineffective unless the confidential communications made by a client to his or her lawyer are protected by law. As the Supreme Court observed in Upjohn Co. v. United States, "the attorney-client privilege is the oldest of the privileges for confidential communications known to the common law." When the Upjohn Court affirmed that attorney-client privilege protections apply to corporate internal legal dialogue, the Court manifested in the law the importance of the attorney-client privilege in encouraging full and frank communication between attorneys and their clients, as well as the broader public interests the privilege serves in fostering the observance of law and the administration of justice. The Upjohn Court also made clear that the value of legal advice and advocacy depends on the lawyer having been fully informed by the client.

In addition to the importance of the right to counsel, it is also fundamental that the Government has the burden of investigating and proving its own case. Privilege waiver tends to transfer this burden to the organization under investigation. As a former prosecutor, I am well aware of the enormous power and tools a prosecutor has at his or her disposal. The prosecutor has enough power without the coercive tools of the privilege waiver, whether that waiver policy is embodied in the Holder, Thompson, McCallum, McNulty—or a future Filip—memorandum.

As in S. 186, this bill amends title 18 of the United States Code by adding a new section, §3014, that would prohibit any agent or attorney of the U.S. Government in any criminal or civil case to demand or request the disclosure of any communication protected by the attorney-client privilege or attorney work product. The bill would also prohibit government lawyers and agents from basing any charge or adverse treatment on whether an organization pays attorneys' fees for its employees or signs a joint defense agreement.

This legislation is needed to ensure that basic protections of the attorney-client relationship are preserved in Federal prosecutions and investigations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 603—EXPRESSING THE SENSE OF THE SENATE ON THE RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING THE NAZI AND COMMUNIST ERAS

Mr. NELSON of Florida (for himself, Mr. SMITH, Mr. CARDIN, Mr. COLEMAN, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 603

Whereas many East European countries were dominated for parts of the last century by Nazi or communist regimes, without the consent of their people;

Whereas victims of Nazi persecution included individuals persecuted or targeted for persecution by the Nazi or Nazi-allied governments based on their religious, ethnic, or cultural identity, political beliefs, sexual orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas, after World War II, communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their East European subsidiaries had passed to the government;

Whereas East European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with international human rights standards;

Whereas the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly in July 2001 noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating States;

Whereas the OSCE participating States have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for the private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the OSCE participating States to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution and property losses of communal organizations and institutions during the Nazi era, irrespective of the current citizenship or place of residence of victims or their heirs or the relevant successor to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United States for the restitution of or compensation for property wrongly confiscated during the Nazi or communist eras;

Whereas certain post-communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies or collaborators during World War II or subsequently seized by communist governments after World War II;

Whereas, at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but so far the current Government of Poland has not adopted one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the efforts of those countries in Europe that have enacted legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or communist eras, and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) welcomes the efforts of many post-communist countries to address the complex and difficult question of the status of confiscated properties, and urges those countries to ensure that their restitution or compensation programs are implemented in a timely, nondiscriminatory manner;

(3) urges the Government of Poland and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, and just legislation so that victims of Nazi persecution (or the heirs of such persons) who had their private property looted and wrongly confiscated by the Nazis during World War II and in turn seized by a communist government are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(4) urges the Government of Lithuania and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, and just legislation so that communities that had communal and religious property looted and wrongly confiscated by the Nazis during World War II and in turn seized by a communist government (or the relevant successors to the communal and religious property or the relevant foundations) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) urges the countries of Europe which have not already done so to ensure that all such restitution and compensation legislation is established in accordance with principles of justice and provides a simple, transparent, and prompt process, so that it results in a tangible benefit to those surviving victims of Nazi persecution who suffered from the unjust confiscation of their property, many of whom are well into their senior years;

(6) calls on the President and the Secretary of State to engage in an open dialogue with leaders of those countries which have not already enacted such legislation to support the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private, communal, and religious property that was seized and confiscated during the Nazi and communist eras; and

(7) welcomes a country in Europe to host in 2009 a follow-up international conference a decade after the Washington Conference on Holocaust-Era Assets, for governments and non-governmental organizations, which would—

(A) address the issues of restitution of or compensation for real property, personal property (including art and cultural property), and financial assets wrongly confiscated by the Nazis and their allies or collaborators and the subsequent wrongful confiscations by communist regimes; and

(B) review issues related to the opening of archives and the work of historical commissions, review progress made, and focus on the next steps required on these issues.

Mr. NELSON of Florida. Mr. President, last month I chaired a hearing in the Senate Foreign Relations Committee to consider a difficult but extremely important issue—compensating Holocaust survivors and their heirs for the value of Holocaust-era insurance policies they held before the war but lost or had stolen from them by the Nazi regime.

Although this hearing was the first time a Senate committee had met specifically to consider Holocaust-era insurance compensation issues, I have been involved in the issue for more than a decade. As Florida's insurance commissioner in the late 1990's, I helped lead an international effort by regulators and Jewish groups that ultimately forced many European insurers to come to the table and for the first time begin paying restitution to survivors. Florida is a State with a large population of Holocaust survivors—one of the largest concentrations of Holocaust survivors in the world. Most are in their 80s or 90s. The very youngest are in their 70s. They are valued constituents, and while I recognize that no amount of financial compensation or property restitution can ever make up for the indescribable wrong of the Holocaust, I have been and remain committed to doing what I can to assist survivors to obtain without delay meaningful compensation for assets that they lost during the war.

The primary purpose of the hearing was to examine what remains to be done to compensate Holocaust survivors and their heirs for the insurance policies, now that the decade-long compensation process undertaken by the International Commission on Holocaust Era Insurance Claims, ICHEC, has ceased operations and paid out some $306 million to 48,000 Holocaust victims and their heirs for Holocaust-era insurance policies that belonged to them and never were paid.

While Western European countries and insurance companies participated in and contributed to ICHEIC, there was undisputed testimony at the hearing that Eastern European countries and companies did not, and should be called upon to compensate Holocaust survivors for the unpaid value of their insurance policies.

Millions of Jews lived in Eastern European countries before the war. While many of them lived in rural areas and were too poor to afford insurance, there were certainly Jews who purchased insurance policies from subsidiaries of Western European companies whose assets were taken by the communist governments that came into power, or by Eastern European companies that were nationalized. Unfortunately, the Eastern European countries neither participated in ICHEIC nor contributed to any of the insurance compensation efforts that have taken place. ICHEIC nonetheless paid claims on those Eastern European policies from out of the humanitarian funds that were contributed by the ICHEIC companies, ultimately distributing $31 million on more than 2,800 such claims.

Unfortunately, Eastern European countries have not taken nearly enough action on restitution for insurance and other private and communal property taken from Jews and other victims of Nazi persecution, and then seized by the communist governments that ruled Eastern Europe after the war. Poland, for example, is the sole member of the Organization for Security and Cooperation in Europe not to have enacted property restitution legislation. And Lithuania has yet to enact promised legislation to compensate communities that had communal and religious property seized. This is unacceptable.

Today, Senator SMITH and I, joined by our colleagues Senators CARDIN, COLEMAN, and MENENDEZ, are introducing a bi-partisan resolution urging countries in Eastern Europe to enact fair and comprehensive private and communal property restitution legislation addressing the unjust taking of property by Nazi, communist, and socialist regimes, and to do so as quickly as possible. Given that the youngest Holocaust survivors are in their 70s, time is of the essence.

Our resolution calls for the Secretary of State to engage in dialogue to achieve the aims of the resolution as well as for the convening of an international intergovernmental conference to focus on the remaining steps necessary to secure restitution and compensation of Holocaust-era assets.

The resolution has received overwhelming support from the survivor community. Following the hearing, Holocaust survivors were notified of our intent to file this resolution and asked to provide input via e-mail. Over the space of six weeks, we received more than 200 messages from Holocaust survivors and their children and relatives now living in nations around the world, supporting restitution. Many e-mails addressed specific claims to property in Eastern European countries including Croatia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia, and Ukraine.

The following message of support from a Holocaust survivor from England exemplifies the many heart-rending and compelling e-mails I received, recounting what was lost by survivors who had lived in Eastern Europe and their inability thus far to obtain restitution or compensation:

> I support your efforts to secure property restitution in Eastern Europe for Holocaust Survivors.
>
> With my family, I was expelled from our apartment in Lodz, Poland on December 11, 1939. We were allowed to take with us only 3 rucksacks and all our material belongings had to be left behind. These included a newly built apartment block with 10 luxury flats, a textile factory employing over 100 people and magazines full of finished fabrics.
>
> My mother and I survived the Warsaw ghetto, my father was killed by the Germans in December 1944 and we returned to Lodz after liberation by the Russians in early 1945. Our factory and our apartment belonged now to the Polish authorities. We left Poland soon afterwards.
>
> After the collapse of the Iron Curtain and the communist regime, I tried [to] get our possessions back without success, my appeal having been dismissed by the Polish High Court. No compensation was offered.

We hope our resolution we are introducing today will spur our own government and governments in Eastern Europe into action and call attention to this important unfinished business. Justice and memory demand nothing less.

I ask unanimous consent that this statement be placed in the appropriate place in the RECORD and ask that the text of the resolution be printed in the RECORD.

Mr. SMITH. Mr. President, I rise today to submit a resolution with my friend and colleague, the senior Senator from Florida, urging the restitution of property looted from victims of the Holocaust.

Though it was inflicted over 60 years ago, the persecution of Europe's Jews still defies belief. Never before in history had a nation committed the scope and breadth of the Holocaust's crimes against its own citizens, some of whom were even decorated German veterans of WWI. Never before had a state policy of atrocity encompassed such a horrifying thoroughness as it did during those terrible years of Nazi rule. Crimes against the Jews took all forms—from genocide to theft—and for those who survived, the scars remain today.

There are many of us now who look back, and wonder how the civilized world could have stood by, and let this thing happen; but we are not wholly without responsibility ourselves. Many of the victims of the Holocaust still seek property which was stolen from them during the years of Nazi and Nazi-allied rule in Germany and Eastern Europe. For these survivors and their kin, the persecution of the Jews is not a 60-year-old horror story in a history textbook, but a constant struggle to extract justice from those who would prefer to forget. While some countries have taken active steps to recompense victims of the wholesale Nazi confiscation, others have not.

I am proud to have been engaged in this issue throughout my tenure in the Senate, serving in 1999 as a Commissioner on the Presidential Advisory Commission on Holocaust Assets in the United States. I also introduced with Senator CLINTON the Holocaust Victims Assets, Restitution Policy, and Remembrance Act in 2001 and again in 2003. This legislation aimed to establish a Foundation to research Holocaust-era property restitution, and promote innovative solutions restitution issues. I am confident that my resolution introduced today will help establish a follow-up conference to the previous Holocaust restitution conference in 1998. I would further like to thank the Claims Conference for all the great work they've done with us on this issue, and in furthering the cause of justice for Holocaust victims.

I recognize that this issue is complex. It is a matter of enacting legislation for restitution in countries that do not yet have it, and using the existing legislation in those that do. Our resolution calls for such action. It also calls for a second conference on Holocaust restitution to be held in Europe next year, more than a decade after the first. These steps would represent meaningful action on an issue which has gone unaddressed for far too long.

I also recognize that most of the countries in question have different governments than they did during the Nazi and Communist eras. As a result, I believe that the restitution process can be achieved in a positive spirit of cooperation with our European allies.

I thus sincerely hope that these European friends will work with us to resolve some of the last loose ends of the Nazis' crimes; and so do our own small part to make redress for the inaction of those who came before.

SENATE RESOLUTION 604—CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FRESNO BULLDOGS BASEBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETICS ASSOCIATION DIVISION I COLLEGE WORLD SERIES

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 604

Whereas on June 25, 2008, the student athletes of the California State University, Fresno Bulldogs baseball team, in the sixth elimination game faced by the Fresno State Bulldogs, finished a true Cinderella story season, winning the 2008 National Collegiate Athletics Association Division I College World Series Championship (referred to in this preamble as the "2008 NCAA College World Series") by defeating the University of Georgia Bulldogs, 2 games to 1, in a best-of-3 championship;

Whereas the 2008 NCAA College World Series is the second championship for the California State University;

Whereas the Fresno State Bulldogs are the lowest-seeded team in college sports history to win a championship;

Whereas the Fresno State Bulldogs won 6 elimination games to win the 2008 NCAA College World Series, which is a testament to the resilience, fortitude, and "never say die" attitude of the team;

Whereas the Fresno State Bulldogs beat number 3-ranked Arizona State University, number 6-ranked Rice University, number 2-ranked University of North Carolina, and number 8-ranked University of Georgia to win the 2008 NCAA College World Series;

Whereas the Fresno State Bulldogs tied the record of most runs, 62, in the College World Series;

Whereas the Fresno State Bulldogs elimination game, a 19-10 win against Georgia just 1 day earlier, produced College World Series records for most runs in a game by 1 team, most combined runs, most hits by 1 team, most combined hits, and longest game;

Whereas the Fresno State Bulldogs played 78 games this year, more than any other team in the United States;

Whereas playing with a torn ligament in his left thumb, right fielder Steve Detwiler had 4 hits in 4 at-bats, including 2 home runs and 6 runs batted in, during the championship game;

Whereas Justin Wilson, the winning pitcher, pitching on just 3 days rest, was able to pitch 129 pitches, 86 of which were strikes over 8 strong innings, allowing just 5 hits, 1 run, and striking out 9 batters;

Whereas Tommy Mendonca, third baseman for the 2008 NCAA College World Series champion Fresno State Bulldogs, was named the "Most Outstanding Player", tying the College World Series record with 4 home runs;

Whereas the Fresno State Bulldogs have 5 players on the 2008 NCAA College World Series all-tournament team, including third baseman Tommy Mendonca, second baseman Erik Wetzel, outfielder Steve Susdorf, outfielder Steve Detwiler, and pitcher Justin Wilson;

Whereas the Fresno State Bulldogs have shown great character, comradery, resilience, and sportsmanship on the way to winning the national championship;

Whereas the fellow students, families, alumni, faculty, and fans of the Fresno State Bulldogs have been a great part of this championship, showing great support with many individuals wearing "Underdogs to Wonderdogs" t-shirts; and

Whereas the Fresno State Bulldogs have instilled within the City of Fresno and the State of California great pride and excitement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the championship possible.

SENATE RESOLUTION 605—COMMEMORATING THE 60TH ANNIVERSARY OF THE BERLIN AIRLIFT AND HONORING THE VETERANS OF OPERATION VITTLES

Mr. DEMINT (for himself and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 605

Whereas in spring of 1948 Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city;

Whereas military planners in the United States and the United Kingdom determined that 1,534 tons of flour, wheat, fish, milk, and other food items would be required daily to feed the 2,000,000 residents of Berlin;

Whereas military planners determined that 3,475 tons of coal and gasoline would be required daily to keep the city of Berlin heated and powered;

Whereas, on June 1, 1948, the United States Air Force created the Military Air Transport Service, the predecessor to Air Mobility Command, to organize and conduct airlift missions;

Whereas, on June 26, 1948, "Operation Vittles" began when 32 United States Air Force C-47 Dakotas departed West Germany for Berlin hauling 80 tons of cargo, and the first British aircraft launched on June 28, 1948;

Whereas Major General William H. Tunner, a veteran of the aerial supply line over the Himalayas in World War II, took command of "Operation Vittles" on July 28, 1948;

Whereas Major General Tunner pioneered many new and innovative tactics and procedures for the airlift, including the creation of air corridors for ingress and egress, staggering altitudes of the aircraft, and implementing instrument flight rules which allowed aircraft to land as frequently as every 3 minutes;

Whereas one pilot, 1st Lieutenant Gail S. Halvorsen, who became known as the "Candy Bomber", initiated "Operation Little Vittles" to bring hope to the children of Berlin, by dropping handkerchief parachutes containing chocolate and chewing gum as a symbol of American goodwill, ultimately resulting in more than 3 tons of candy being dropped in more than 250,000 miniature parachutes;

Whereas, on Easter Sunday, April 17, 1949, airlifters reached the pinnacle of "Operation Vittles" by delivering 13,000 tons of cargo, including the equivalent of 600 railroad cars full of coal, setting the single day record for the Berlin Airlift;

Whereas 39 British and 31 American airmen made the ultimate sacrifice during the Berlin Airlift, and 8 British and 17 American aircraft were lost;

Whereas airlifters delivered more than 2,300,000 tons of food and supplies on 278,228 total flights into Berlin;

Whereas the Soviet Union was forced to lift the blockade in light of the success of the 15-month airlift operation;

Whereas the Berlin Airlift marked the first use of airpower to provide hope and humanitarian assistance, and to win a strategic victory against enemy aggression and intimidation;

Whereas the enormous effort and cooperation of the Berlin Airlift laid the foundation for a deep and lasting friendship between the people of the United States and the people of Germany; and

Whereas, today, air mobility continues to play a vital role in United States foreign policy by helping to advance freedom and alleviate suffering around the world: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the 60th anniversary of the Berlin Airlift as the largest and longest running humanitarian airlift operation in history;

(2) honors the service and sacrifice of the men and women who participated in and supported the Berlin Airlift;

(3) commends the close friendship forged between the American, British, and German people through the Berlin Airlift; and

(4) applauds the men and women of the United States Air Force's Air Mobility Command, who, in the best traditions of the Berlin Airlift, still work diligently to provide hope, save lives, and deliver freedom around the world in support of the United States's foreign policy objectives.

SENATE CONCURRENT RESOLUTION 92—RECOGNIZING THE IMPORTANCE OF HOMEOWNERSHIP FOR AMERICANS

Mr. JOHNSON (for himself and Mr. THUNE) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 92

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in many forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas, for many families, a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas, although the United States is the first nation in the world to make owning a home a reality for a vast majority of families, ⅓ of homeowners in the United States are severely cost-burdened homeowners;

Whereas Habitat for Humanity is able to sell homes to working families at 30 percent to 60 percent of median income;

Whereas the community-building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas studies show that homeownership has a positive impact on the lives of family members, including improved physical and mental health;

Whereas Habitat for Humanity is organized in all 50 States and the District of Columbia;

Whereas Habitat for Humanity has built over 275,000 houses worldwide and endeavors to complete another 100,000 homes by the end of 2009;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas June has been designated National Homeownership Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the 110th, 111th, and 112th Congresses, Members of the Senate and the House of Representatives are encouraged to participate in Congress Building America, a program in which congressional delegations work with Habitat for Humanity affiliates to build homes in their districts and States; and

(4) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5060. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

SA 5061. Ms. SNOWE (for herself, Mr. WHITEHOUSE, Mr. VITTER, Mr. SUNUNU, Mr. CARDIN, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, and Mr. REED) submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 5062. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 5063. Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5064. Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. REID, Mr. HARKIN, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5060. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, strike line 13, and insert the following:

"(ii) determined to be lawful; and

"(C) provided based on the good faith and reasonable belief of the electronic communication service provider that compliance with a written request or directive described in subparagraph (B) was lawful; or

SA 5061. Ms. SNOWE (for herself, Mr. WHITEHOUSE, Mr. VITTER, Mr. SUNUNU, Mr. CARDIN, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, and Mr. REED) submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for Operations, Research, and Facilities for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

SA 5062. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—GI BILL FINANCING PROVISION

SEC. _____. GI BILL FINANCING PROVISION.

(a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

"SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

"(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

"(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

"(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

"(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

"Sec. 1A. Increase in tax on high income individuals to finance the GI bill.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SA 5063. Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO SERIOUS MENTAL DISORDERS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (a)(2)(B)(i) of section 411h of title 37, United States Code, is amended by inserting "(including having a serious mental disorder)" after "seriously injured".

(b) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

"(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

"(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

"(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

"(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.".

SA 5064. Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. REID, Mr. HARKIN, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Tuesday, July 8, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2842, to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; S. 2974, to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.; and S. 3189, to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Protecting Children, Strengthening Families: Reauthorizing CAPTA" on Thursday, June 26, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 10 a.m. to conduct a hearing entitled "Nuclear Terrorism: Providing Medical Care and Meeting Basic Needs in the Aftermath—the Federal Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 26, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, June 26, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, June 26. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 2:30 p.m. to conduct a hearing entitled, "In the Red: Addressing the Nation's Financial Challenges".

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 833, S. 2565.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2565) to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and Local law enforcement officers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Congressional Badge of Bravery Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL AGENCY HEAD.—The term "Federal agency head" means the head of any executive, legislative, or judicial branch Government entity that employs Federal law enforcement officers.

(2) FEDERAL BOARD.—The term "Federal Board" means the Federal Law Enforcement Congressional Badge of Bravery Board established under section 103(a).

(3) FEDERAL BOARD MEMBERS.—The term "Federal Board members" means the members of the Federal Board appointed under section 103(c).

(4) FEDERAL LAW ENFORCEMENT BADGE.—The term "Federal Law Enforcement Badge" means the Federal Law Enforcement Congressional Badge of Bravery described in section 101.

(5) FEDERAL LAW ENFORCEMENT OFFICER.—The term "Federal law enforcement officer"—

(A) means a Federal employee—

(i) who has statutory authority to make arrests or apprehensions;

(ii) who is authorized by the agency of the employee to carry firearms; and

(iii) whose duties are primarily—

(I) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(II) the protection of Federal, State, local, or foreign government officials against threats to personal safety; and

(B) includes a law enforcement officer employed by the Amtrak Police Department or Federal Reserve.

(6) OFFICE.—The term "Office" means the Congressional Badge of Bravery Office established under section 301(a).

(7) STATE AND LOCAL BOARD.—The term "State and Local Board" means the State and Local Law Enforcement Congressional Badge of Bravery Board established under section 203(a).

(8) STATE AND LOCAL BOARD MEMBERS.—The term "State and Local Board members" means the members of the State and Local Board appointed under section 203(c).

(9) STATE AND LOCAL LAW ENFORCEMENT BADGE.—The term "State and Local Law Enforcement Badge" means the State and Local Law Enforcement Congressional Badge of Bravery described in section 201.

(10) STATE OR LOCAL AGENCY HEAD.—The term "State or local agency head" means the head of any executive, legislative, or judicial branch entity of a State or local government that employs State or local law enforcement officers.

(11) STATE OR LOCAL LAW ENFORCEMENT OFFICER.—The term "State or local law enforcement officer" means an employee of a State or local government—

(A) who has statutory authority to make arrests or apprehensions;

(B) who is authorized by the agency of the employee to carry firearms; and

(C) whose duties are primarily—

(i) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(ii) the protection of Federal, State, local, or foreign government officials against threats to personal safety.

TITLE I—FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY

SEC. 101. AUTHORIZATION OF A BADGE.

The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a Federal Law Enforcement Congressional Badge of Bravery to a Federal law enforcement officer who is cited by the Attorney General, upon the recommendation of the Federal Board, for performing an act of bravery while in the line of duty.

SEC. 102. NOMINATIONS.

(a) IN GENERAL.—A Federal agency head may nominate for a Federal Law Enforcement Badge an individual—

(1) who is a Federal law enforcement officer working within the agency of the Federal agency head making the nomination; and

(2) who—

(A)(i) sustained a physical injury while—

(I) engaged in the lawful duties of the individual; and

(II) performing an act characterized as bravery by the Federal agency head making the nomination; and

(ii) put the individual at personal risk when the injury described in clause (i) occurred; or

(B) while not injured, performed an act characterized as bravery by the Federal agency head making the nomination that placed the individual at risk of serious physical injury or death.

(b) CONTENTS.—A nomination under subsection (a) shall include—

(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;

(2) the full name of the nominee;

(3) the home mailing address of the nominee;

(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);

(5) the occupational title and grade or rank of the nominee;

(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and

(7) the number of years of Government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).

(c) SUBMISSION DEADLINE.—A Federal agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).

SEC. 103. FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Federal Law Enforcement Congressional Badge of Bravery Board.

(b) DUTIES.—The Federal Board shall do the following:

(1) Design the Federal Law Enforcement Badge with appropriate ribbons and appurtenances.

(2) Select an engraver to produce each Federal Law Enforcement Badge.

(3) Recommend recipients of the Federal Law Enforcement Badge from among those nominations timely submitted to the Office.

(4) Annually present to the Attorney General the names of Federal law enforcement officers who the Federal Board recommends as Federal Law Enforcement Badge recipients in accordance with the criteria described in section 102(a).

(5) After approval by the Attorney General—

(A) procure the Federal Law Enforcement Badges from the engraver selected under paragraph (2);

(B) send a letter announcing the award of each Federal Law Enforcement Badge to the Federal agency head who nominated the recipient of such Federal Law Enforcement Badge;

(C) send a letter to each Member of Congress representing the congressional district where the recipient of each Federal Law Enforcement Badge resides to offer such Member an opportunity to present such Federal Law Enforcement Badge; and

(D) make or facilitate arrangements for presenting each Federal Law Enforcement Badge in accordance with section 104.

(6) Set an annual timetable for fulfilling the duties described in this subsection.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Federal Board shall be composed of 7 members appointed as follows:

(A) One member jointly appointed by the majority leader and minority leader of the Senate.

(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.

(C) One member from the Department of Justice appointed by the Attorney General.

(D) Two members of the Federal Law Enforcement Officers Association appointed by the Executive Board of the Federal Law Enforcement Officers Association.

(E) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.

(2) LIMITATION.—Not more than—

(A) 2 Federal Board members may be members of the Federal Law Enforcement Officers Association; and

(B) 2 Federal Board members may be members of the Fraternal Order of Police.

(3) QUALIFICATIONS.—Federal Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of Federal law enforcement.

(4) TERMS AND VACANCIES.—Each Federal Board member shall be appointed for 2 years and may be reappointed. A vacancy in the Federal Board shall not affect the powers of the Federal Board and shall be filled in the same manner as the original appointment.

(d) OPERATIONS.—

(1) CHAIRPERSON.—The Chairperson of the Federal Board shall be a Federal Board member elected by a majority of the Federal Board.

(2) MEETINGS.—The Federal Board shall conduct its first meeting not later than 90 days after the appointment of a majority of Federal Board members. Thereafter, the Federal Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) VOTING AND RULES.—A majority of Federal Board members shall constitute a quorum to conduct business, but the Federal Board may establish a lesser quorum for conducting hearings scheduled by the Federal Board. The Federal Board may establish by majority vote any other rules for the conduct of the business of the Federal Board, if such rules are not inconsistent with this title or other applicable law.

(e) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Federal Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Federal Board considers appropriate to carry out the duties of the Federal Board under this title. The Federal Board may administer oaths or affirmations to witnesses appearing before it.

(B) WITNESS EXPENSES.—Witnesses requested to appear before the Federal Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Federal Board.

(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—

(A) the Federal Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and

(B) upon request of the Federal Board, the head of that department or agency shall furnish the information to the Federal Board.

(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The Federal Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each Federal Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Federal Board member is engaged in the performance of the duties of the Federal Board.

(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—Federal Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the Federal Board.

(3) TRAVEL EXPENSES.—Each Federal Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 104. PRESENTATION OF FEDERAL LAW ENFORCEMENT BADGES.

(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a Federal Law Enforcement Badge to any Federal Law Enforcement Badge recipient who resides in such Member's congressional district. If both

a Senator and Representative choose to present a Federal Law Enforcement Badge, such Senator and Representative shall make a joint presentation.

(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the Federal Law Enforcement Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such Federal Law Enforcement Badge.

(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each Federal Law Enforcement Badge may make arrangements for the presentation of such Federal Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The Federal Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the Federal Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY

SEC. 201. AUTHORIZATION OF A BADGE.

The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a State and Local Law Enforcement Congressional Badge of Bravery to a State or local law enforcement officer who is cited by the Attorney General, upon the recommendation of the State and Local Board, for performing an act of bravery while in the line of duty.

SEC. 202. NOMINATIONS.

(a) IN GENERAL.—A State or local agency head may nominate for a State and Local Law Enforcement Badge an individual—

(1) who is a State or local law enforcement officer working within the agency of the State or local agency head making the nomination; and

(2) who—

(A)(i) sustained a physical injury while—

(I) engaged in the lawful duties of the individual; and

(II) performing an act characterized as bravery by the State or local agency head making the nomination; and

(ii) put the individual at personal risk when the injury described in clause (i) occurred; or

(B) while not injured, performed an act characterized as bravery by the State or local agency head making the nomination that placed the individual at risk of serious physical injury or death.

(b) CONTENTS.—A nomination under subsection (a) shall include—

(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;

(2) the full name of the nominee;

(3) the home mailing address of the nominee;

(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);

(5) the occupational title and grade or rank of the nominee;

(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and

(7) the number of years of government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).

(c) SUBMISSION DEADLINE.—A State or local agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).

SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Justice a State and Local Law Enforcement Congressional Badge of Bravery Board.

(b) DUTIES.—The State and Local Board shall do the following:

(1) Design the State and Local Law Enforcement Badge with appropriate ribbons and appurtenances.

(2) Select an engraver to produce each State and Local Law Enforcement Badge.

(3) Recommend recipients of the State and Local Law Enforcement Badge from among those nominations timely submitted to the Office.

(4) Annually present to the Attorney General the names of State or local law enforcement officers who the State and Local Board recommends as State and Local Law Enforcement Badge recipients in accordance with the criteria described in section 202(a).

(5) After approval by the Attorney General—

(A) procure the State and Local Law Enforcement Badges from the engraver selected under paragraph (2);

(B) send a letter announcing the award of each State and Local Law Enforcement Badge to the State or local agency head who nominated the recipient of such State and Local Law Enforcement Badge;

(C) send a letter to each Member of Congress representing the congressional district where the recipient of each State and Local Law Enforcement Badge resides to offer such Member an opportunity to present such State and Local Law Enforcement Badge; and

(D) make or facilitate arrangements for presenting each State and Local Law Enforcement Badge in accordance with section 204.

(6) Set an annual timetable for fulfilling the duties described in this subsection.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The State and Local Board shall be composed of 9 members appointed as follows:

(A) One member jointly appointed by the majority leader and minority leader of the Senate.

(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.

(C) One member from the Department of Justice appointed by the Attorney General.

(D) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.

(E) One member of the National Association of Police Organizations appointed by the Executive Board of the National Association of Police Organizations.

(F) One member of the National Organization of Black Law Enforcement Executives appointed by the Executive Board of the National Organization of Black Law Enforcement Executives.

(G) One member of the International Association of Chiefs of Police appointed by the Board of Officers of the International Association of Chiefs of Police.

(H) One member of the National Sheriffs' Association appointed by the Executive Committee of the National Sheriffs' Association.

(2) LIMITATION.—Not more than 5 State and Local Board members may be members of the Fraternal Order of Police.

(3) QUALIFICATIONS.—State and Local Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of State and local law enforcement.

(4) TERMS AND VACANCIES.—Each State and Local Board member shall be appointed for 2 years and may be reappointed. A vacancy in the State and Local Board shall not affect the powers of the State and Local Board and shall be filled in the same manner as the original appointment.

(d) OPERATIONS.—

(1) CHAIRPERSON.—The Chairperson of the State and Local Board shall be a State and Local Board member elected by a majority of the State and Local Board.

(2) MEETINGS.—The State and Local Board shall conduct its first meeting not later than 90 days after the appointment of a majority of State and Local Board members. Thereafter, the State and Local Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) VOTING AND RULES.—A majority of State and Local Board members shall constitute a quorum to conduct business, but the State and Local Board may establish a lesser quorum for conducting hearings scheduled by the State and Local Board. The State and Local Board may establish by majority vote any other rules for the conduct of the business of the State and Local Board, if such rules are not inconsistent with this title or other applicable law.

(e) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The State and Local Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the State and Local Board considers appropriate to carry out the duties of the State and Local Board under this title. The State and Local Board may administer oaths or affirmations to witnesses appearing before it.

(B) WITNESS EXPENSES.—Witnesses requested to appear before the State and Local Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the State and Local Board.

(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—

(A) the State and Local Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and

(B) upon request of the State and Local Board, the head of that department or agency shall furnish the information to the State and Local Board.

(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The State and Local Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State and Local Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such State and Local Board member is engaged in the performance of the duties of the State and Local Board.

(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—State and Local Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the State and Local Board.

(3) TRAVEL EXPENSES.—Each State and Local Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 204. PRESENTATION OF STATE AND LOCAL LAW ENFORCEMENT BADGES.

(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a

State and Local Law Enforcement Badge to any State and Local Law Enforcement Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a State and Local Law Enforcement Badge, such Senator and Representative shall make a joint presentation.

(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the State and Local Law Enforcement Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such State and Local Law Enforcement Badge.

(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each State and Local Law Enforcement Badge may make arrangements for the presentation of such State and Local Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The State and Local Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the State and Local Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.

TITLE III—CONGRESSIONAL BADGE OF BRAVERY OFFICE

SEC. 301. CONGRESSIONAL BADGE OF BRAVERY OFFICE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Congressional Badge of Bravery Office.

(b) DUTIES.—The Office shall—

(1) receive nominations from Federal agency heads on behalf of the Federal Board and deliver such nominations to the Federal Board at Federal Board meetings described in section 103(d)(2);

(2) receive nominations from State or local agency heads on behalf of the State and Local Board and deliver such nominations to the State and Local Board at State and Local Board meetings described in section 203(d)(2); and

(3) provide staff support to the Federal Board and the State and Local Board to carry out the duties described in section 103(b) and section 203(b), respectively.

Amend the title so as to read: "A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.".

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time, and passed, the amendment to the title be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2565), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers."

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 765, H.R. 3986.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "John F. Kennedy Center Reauthorization Act of 2007".

[SEC. 2. TECHNICAL AMENDMENT.

[Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure".

[SEC. 3. PHOTOVOLTAIC SYSTEM.

[The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended by inserting after section 6 the following:

[SEC. 7. PHOTOVOLTAIC SYSTEM.

["(a) IN GENERAL.—The Board is authorized to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

["(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the feasibility and design of the project.".

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

[(1) by striking subsections (a) and (b) and inserting the following:

["(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

["(1) $20,200,000 for fiscal year 2008;
["(2) $21,800,000 for fiscal year 2009; and
["(3) $22,500,000 for fiscal year 2010.

["(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

["(1) $23,150,000 for fiscal year 2008;
["(2) $16,000,000 for fiscal year 2009; and
["(3) $17,000,000 for fiscal year 2010."; and

[(2) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) the following:

["(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out section 7, with such sums to remain available until expended.".

[SEC. 5. EXISTING AUTHORITIES.

[Nothing in this Act shall be construed to limit or affect the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Reauthorization Act of 2008".

SEC. 2. TECHNICAL AMENDMENT.

Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure".

SEC. 3. PHOTOVOLTAIC SYSTEM.

The John F. Kennedy Center Act is amended by inserting after section 6 (20 U.S.C. 76l) the following:

"SEC. 7. PHOTOVOLTAIC SYSTEM.

"(a) IN GENERAL.—The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

"(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

"(1) $20,200,000 for fiscal year 2008;
"(2) $21,800,000 for fiscal year 2009;
"(3) $22,500,000 for fiscal year 2010;
"(4) $23,500,000 for fiscal year 2011; and
"(5) $24,500,000 for fiscal year 2012.

"(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

"(1) $23,150,000 for fiscal year 2008;
"(2) $16,000,000 for fiscal year 2009;
"(3) $17,000,000 for fiscal year 2010;
"(4) $17,000,000 for fiscal year 2011; and
"(5) $18,500,000 for fiscal year 2012.";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as are necessary to carry out section 7, to remain available until expended.".

SEC. 5. EXISTING AUTHORITIES.

Nothing in this Act limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3986), as amended, was read the third time, and passed.

MARITIME POLLUTION PREVENTION ACT OF 2008

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 828, H.R. 802.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 802

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Pollution Prevention Act of 2008".

SEC. 2. REFERENCES.

Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 3. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;";

(3) in paragraph (5) (as so redesignated) by striking "and V" and inserting "V, and VI";

(4) in paragraph (6) (as so redesignated) by striking "'discharge' and 'garbage' and 'harmful substance' and 'incident'" and inserting "'discharge', 'emission', 'garbage', 'harmful substance', and 'incident'"; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;".

SEC. 4. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

"(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

"(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

"(i) the navigable waters or the exclusive economic zone of the United States;

"(ii) an emission control area designated pursuant to section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

"(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

"(i) the navigable waters or the exclusive economic zone of the United States;

"(ii) an emission control area designated under section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

"(D) to any other ship, to the extent that, and in the same manner as, such ship may be boarded by the Secretary to implement or enforce any other law of the United States or Annex I, II, or V of the Convention, and is in—

"(i) the exclusive economic zone of the United States;

"(ii) the navigable waters of the United States;

"(iii) an emission control area designated under section 4; or

"(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "paragraph (2)," and inserting "paragraphs (2) and (3),"; and

(B) by adding at the end the following:

"(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

"(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.";

(4) in subsection (e), as redesignated—

(A) by inserting "or the Administrator, consistent with section 4 of this Act," after "Secretary";

(B) by striking "of section (3)," and inserting "of this section,"; and

(C) by striking "Protocol, including regulations conforming to and giving effect to the requirements of Annex V" and inserting "Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI"; and

(5) by adding at the end thereof the following:

"(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to restrict in a manner inconsistent with international law navigational rights and freedoms as defined by United States law, treaty, convention, or customary international law.".

SEC. 5. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

"(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

"(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.";

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

"(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior."; and

(3) by adding at the end of subsection (c), as redesignated, the following:

"(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.".

SEC. 6. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "Except as provided in section 4(b)(1), the Secretary";

(2) in subsection (b) by striking "Secretary under the authority of the MARPOL protocol." and inserting "Secretary or the Administrator under the authority of this Act."; and

(3) in subsection (e) by striking "environment." and inserting "environment or the public health and welfare.".

SEC. 7. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances. equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.";

(2) in subsection (b) by inserting "or the Administrator" after "Secretary";

(3) in subsection (e) by striking paragraph (2) and inserting the following:

“(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.”;

(4) in subsection (f)(1) by striking “Secretary is” and inserting “Secretary and the Administrator are”; and

(5) in subsection (f)(2) by striking “(A)”.

SEC. 8. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

“(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

“(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

“(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.”.

SEC. 9. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended—

(1) by striking “Annex I, II, or V” and inserting “Annex I, II, V, or VI”; and

(2) by inserting “or the Administrator as provided for in this Act,” after “Secretary,”.

SEC. 10. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking “Protocol,,” each place it appears and inserting “Protocol,”;

(2) in subsection (b)—

(A) by inserting “or the Administrator as provided for in this Act,” after “Secretary,” the first place it appears;

(B) in paragraph (2), by inserting “, or the Administrator as provided for in this Act,” after “Secretary”; and

(C) in the matter after paragraph (2)—

(i) by inserting “or the Administrator as provided for in this Act” after “Secretary,” the first place it appears; and

(ii) by inserting “, or the Administrator as provided for in this Act,” after “Secretary” the second and third places it appears;

(3) in subsection (c), by inserting “, or the Administrator as provided for in this Act,” after “Secretary” each place it appears; and

(4) in subsection (f), by inserting “or the Administrator as provided for in this Act” after “Secretary,” the first place appears.

SEC. 11. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

“SEC. 15. EFFECT ON OTHER LAWS.

“Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.”.

SEC. 12. LEGAL ACTIONS.

Section 11 (33 U.S.C. 1910) is amended—

(1) by redesignating paragraph (3) of subsection (a) as paragraph (4), and inserting after paragraph (2) the following:

“(3) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary; or”;

(2) by striking “concerned,” in subsection (b)(1) and inserting “concerned or the Administrator,”; and

(3) by inserting “or the Administrator” after “Secretary” in subsection (b)(2).

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 802), as amended, was read the third time and passed.

CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FRESNO BULLDOGS BASEBALL TEAM

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 604, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 604) congratulating the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 604

Whereas on June 25, 2008, the student athletes of the California State University, Fresno Bulldogs baseball team, in the sixth elimination game faced by the Fresno State Bulldogs, finished a true Cinderella story season, winning the 2008 National Collegiate Athletics Association Division I College World Series Championship (referred to in this preamble as the “2008 NCAA College World Series”) by defeating the University of Georgia Bulldogs, 2 games to 1, in a best-of-3 championship;

Whereas the 2008 NCAA College World Series is the second championship for the California State University;

Whereas the Fresno State Bulldogs are the lowest-seeded team in college sports history to win a championship;

Whereas the Fresno State Bulldogs won 6 elimination games to win the 2008 NCAA College World Series, which is a testament to the resilience, fortitude, and “never say die” attitude of the team;

Whereas the Fresno State Bulldogs beat number 3-ranked Arizona State University, number 6-ranked Rice University, number 2-ranked University of North Carolina, and number 8-ranked University of Georgia to win the 2008 NCAA College World Series;

Whereas the Fresno State Bulldogs tied the record of most runs, 62, in the College World Series;

Whereas the Fresno State Bulldogs elimination game, a 19-10 win against Georgia just 1 day earlier, produced College World Series records for most runs in a game by 1 team, most combined runs, most hits by 1 team, most combined hits, and longest game;

Whereas the Fresno State Bulldogs played 78 games this year, more than any other team in the United States;

Whereas playing with a torn ligament in his left thumb, right fielder Steve Detwiler had 4 hits in 4 at-bats, including 2 home runs and 6 runs batted in, during the championship game;

Whereas Justin Wilson, the winning pitcher, pitching on just 3 days rest, was able to pitch 129 pitches, 86 of which were strikes over 8 strong innings, allowing just 5 hits, 1 run, and striking out 9 batters;

Whereas Tommy Mendonca, third baseman for the 2008 NCAA College World Series champion Fresno State Bulldogs, was named the “Most Outstanding Player”, tying the College World Series record with 4 home runs;

Whereas the Fresno State Bulldogs have 5 players on the 2008 NCAA College World Series all-tournament team, including third baseman Tommy Mendonca, second baseman Erik Wetzel, outfielder Steve Susdorf, outfielder Steve Detwiler, and pitcher Justin Wilson;

Whereas the Fresno State Bulldogs have shown great character, comradery, resilience, and sportsmanship on the way to winning the national championship;

Whereas the fellow students, families, alumni, faculty, and fans of the Fresno State Bulldogs have been a great part of this championship, showing great support with many individuals wearing “Underdogs to Wonderdogs” t-shirts; and

Whereas the Fresno State Bulldogs have instilled within the City of Fresno and the State of California great pride and excitement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the championship possible.

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 605, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 605) commemorating the 60th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 605

Whereas in spring of 1948 Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city;

Whereas military planners in the United States and the United Kingdom determined that 1,534 tons of flour, wheat, fish, milk, and other food items would be required daily to feed the 2,000,000 residents of Berlin;

Whereas military planners determined that 3,475 tons of coal and gasoline would be required daily to keep the city of Berlin heated and powered;

Whereas, on June 1, 1948, the United States Air Force created the Military Air Transport Service, the predecessor to Air Mobility Command, to organize and conduct airlift missions;

Whereas, on June 26, 1948, "Operation Vittles" began when 32 United States Air Force C-47 Dakotas departed West Germany for Berlin hauling 80 tons of cargo, and the first British aircraft launched on June 28, 1948;

Whereas Major General William H. Tunner, a veteran of the aerial supply line over the Himalayas in World War II, took command of "Operation Vittles" on July 28, 1948;

Whereas Major General Tunner pioneered many new and innovative tactics and procedures for the airlift, including the creation of air corridors for ingress and egress, staggering altitudes of the aircraft, and implementing instrument flight rules which allowed aircraft to land as frequently as every 3 minutes;

Whereas one pilot, 1st Lieutenant Gail S. Halvorsen, who became known as the "Candy Bomber", initiated "Operation Little Vittles" to bring hope to the children of Berlin, by dropping handkerchief parachutes containing chocolate and chewing gum as a symbol of American goodwill, ultimately resulting in more than 3 tons of candy being dropped in more than 250,000 miniature parachutes;

Whereas, on Easter Sunday, April 17, 1949, airlifters reached the pinnacle of "Operation Vittles" by delivering 13,000 tons of cargo, including the equivalent of 600 railroad cars full of coal, setting the single day record for the Berlin Airlift;

Whereas 39 British and 31 American airmen made the ultimate sacrifice during the Berlin Airlift, and 8 British and 17 American aircraft were lost;

Whereas airlifters delivered more than 2,300,000 tons of food and supplies on 278,228 total flights into Berlin;

Whereas the Soviet Union was forced to lift the blockade in light of the success of the 15-month airlift operation;

Whereas the Berlin Airlift marked the first use of airpower to provide hope and humanitarian assistance, and to win a strategic victory against enemy aggression and intimidation;

Whereas the enormous effort and cooperation of the Berlin Airlift laid the foundation for a deep and lasting friendship between the people of the United States and the people of Germany; and

Whereas, today, air mobility continues to play a vital role in United States foreign policy by helping to advance freedom and alleviate suffering around the world: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the 60th anniversary of the Berlin Airlift as the largest and longest running humanitarian airlift operation in history;

(2) honors the service and sacrifice of the men and women who participated in and supported the Berlin Airlift;

(3) commends the close friendship forged between the American, British, and German people through the Berlin Airlift; and

(4) applauds the men and women of the United States Air Force's Air Mobility Command, who, in the best traditions of the Berlin Airlift, still work diligently to provide hope, save lives, and deliver freedom around the world in support of the United States's foreign policy objectives.

CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 379, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 379) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 379) was agreed to, as follows:

H. CON. RES. 379

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 26, 2008, or Friday, June 27, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, June 26, 2008, through Friday, July 4, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 7, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3218, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3218) to extend the pilot program for volunteer groups to obtain criminal history background checks.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3218) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2008".

SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "a 60-month" and inserting "a 66-month".

MEASURES READ THE FIRST TIME—S. 3202, S. 3213, AND H.R. 3195

Mr. DODD. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (S. 3202) to address record high gas prices at the pump, and for other purposes.

A bill (S. 3213) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

A bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990.

Mr. DODD. Mr. President, I ask unanimous consent for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT MODIFICATION—H.R. 6304

Mr. DODD. Mr. President, I ask that the consent be modified with respect to Calendar No. 827, H.R. 6304, in the following way: Provided that the Specter and Bingaman amendments be subject to an affirmative 60-vote threshold; and that if they do not achieve that threshold, then they be withdrawn; if they achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE MAJORITY LEADER AND STAFF

Mr. DODD. Mr. President, let me say before I read this last section, I commend the majority leader. He has had a very trying week. The floor staff and others have done a remarkable job in getting us to this point. I wouldn't want this evening to pass without noting they do not get the recognition they often deserve, but this institution functions because there are a lot of people whose names are never known who make this happen. It is important, as we begin this Independence Day break, that we recognize the remarkable people who function and work every single day in the Senate, the majority leader's staff, and others who have had to weave through this morass of procedural objections that have allowed us to reach the point we have.

We are going to come back in 10 days. I mentioned the housing bill, but also the Foreign Intelligence Surveillance Act is a source of significant controversy. While I have serious objections to it, and appreciate the opportunity I will have to strike section 2 of that bill dealing with retroactive immunity, I want the record to reflect the deep appreciation I have for the majority leader—I know others do as well—for the way in which he and his office have allowed us to achieve the results we have up to this point.

ORDERS FOR FRIDAY, JUNE 27, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m. tomorrow, Friday, June 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; I further ask that the cloture vote on the motion to concur with respect to H.R. 3221 occur at 5:30 p.m. Monday, July 7, and that the postcloture time count as if the vote had occurred at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, there will be no rollcall votes tomorrow. The next vote will occur at 5:30 p.m. on Monday, July 7.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:58 p.m., adjourned until Friday, June 27, 2008, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FARM CREDIT ADMINISTRATION

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2012. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

RICHARD A. ANDERSON, OF GEORGIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013, VICE PAUL JONES, TERM EXPIRING.

DEPARTMENT OF STATE

MATTHEW A. REYNOLDS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE JEFFREY THOMAS BERGNER, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

PETER ROBERT KANN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010, VICE JAMES K. GLASSMAN, RESIGNED.

MICHAEL MEEHAN, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010, VICE D. JEFFREY HIRSCHBERG, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

TAMERA A. HERZOG

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

KERI L. AZUAR
JEREMY S. BRAGDON
ROBERTO D. CALDERON
STEPHEN J. FENTON
TODD W. GRAY
TODD R. GREGNER
GREGG G. MARTYAK
TIMOTHY M. ROWLAND
KHURRAM M. SHAHZAD
JONATHAN STREETER
DANIEL L. TARBOX
PAMELA P. WARDDEMO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRYAN K. WOOD

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 26, 2008:

THE JUDICIARY

WILLIAM T. LAWRENCE, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

G. MURRAY SNOW, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 26, 2008 withdrawing from further Senate consideration the following nomination:

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

WHO DO WE FIGHT?

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. POE. Madam Speaker, who do we fight against? We have been at war in Iraq and Afghanistan for years. We heard that we are fighting a war on terror. But what does that mean? Who are the people at war with America?

Now, after all this time, our government has decided we must have a politically correct name for our enemy. No longer can we use the term "Jihadist," the primary meaning being a holy war to subject the world to Islam. After all, using that term might hurt our enemies' feelings.

And certainly the most accurate term, "Islamo-Fascists," is strictly taboo because it might further anger our enemies by insinuating they are a bit radical when they murder in the name of religion.

So the government insists that we call the bad guys "extremists" or "terrorists." The term terrorist is so general it could cover a multitude of individuals. My neighbor sometimes calls my Dalmatians "terrorists". Does that mean our country is at war with my dogs? I really hope not. The term "extremists" could be applied to Global Warming Advocates, Health enthusiasts, NASCAR fanatics or anyone with strong opinions. Are we fighting all these people?

Those terms: extremists and terrorists are so vague they don't indicate the war against us is waged in the name of a radical Muslim religious doctrine. But isn't that the reason for this war?

The term "Jihadist" is not a reflection on all Muslims. After all, many Muslims are literally fighting these radical ideas.

In a war, we must specifically define our enemy. Otherwise, we don't know who they are or why they fight.

And that's just the way it is.

TRIBUTE TO RICK KUHLMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Rick Kuhlman, the principal of Fort Dodge Senior High in Fort Dodge, Iowa. I also want to express my appreciation for Rick's dedication and commitment to the youth of Iowa.

For the past 34 years Mr. Kuhlman has contributed his time and his talents to improving youths' lives through education and mentoring. Mr. Kuhlman began as a physical education and health teacher with the Fort Dodge School District in 1974. He later became assistant principal of the high school from 1987 until 1999, when he was named the principal. During his career Mr. Kuhlman has been responsible for many accomplishments and successes, but the one that is most important to him was Fort Dodge Senior High being chosen as a model school in the State of Iowa, one of the first 20 schools in the State to receive such an honor.

Mr. Kuhlman's dedication to the Fort Dodge School District has touched the lives of the many students, families and faculty members he has worked with over the years. His leadership will certainly be missed, but his accomplishments will have a lasting impact on the community for years to come. I consider it an honor to represent Mr. Rick Kuhlman in the United States Congress, and I wish him a happy and healthy retirement.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN JOHNSON COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Johnson County:

Forrest Sutton, Director, Emergency Management Agency

Terry McLaughlin, Sheriff

Town Council, City of Edinburgh

Patrick Pankey, Chief of Police, City of Edinburgh

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Johnson County will be well served by these officials.

THE 58TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and honor the sacrifice of the men and women who bravely served in the Korean War in defense of freedom. Today, June 25th, we commemorate the 58th anniversary of the start of the Korean War; the so-called 'Forgotten War', which claimed more than 36,000 American lives. Although the Korean War may receive less attention than other wars, it does not diminish the significance of the war and the freedom it preserved.

I proudly served my wartime tour in Korea as a member of the 503d Field Artillery Battalion of the 2d Infantry Division. The 503d Field Artillery Battalion landed in Korea in August 1950, arriving in time to participate in hard-fought battles that defeated the North Korean offensives against the United Nations forces on the Pusan Perimeter. During the battalion's 15 months in Korea, members of the 503d received 19 Silver Stars, four Distinguished Flying Crosses, and 79 Bronze Stars. The battalion suffered 512 casualties, including 150 men who died in Communist prison camps and 79 who remain listed as missing in action. The 503d, a Black unit, shattered the biased and unfair negative stereotypes attached to Black men and women fighting in Korea and earlier wars.

Although today is a solemn reminder of the lives that were lost during the Korean War; it also serves as a reminder of the binding friendship we have forged with the Korean people. As a phoenix rises from the ashes, so has the U.S.-Korean alliance.

Madam Speaker, I would like to enter into the RECORD the heart/felt comments from the wreath laying ceremony at the Korean War Memorial by the Korean Ambassador, The Honorable Tae-Sik Lee:

REMARKS BY HIS EXCELLENCY TAE-SIK LEE, AMBASSADOR OF THE REPUBLIC OF KOREA TO THE UNITED STATES, ON THE OCCASION OF THE 58TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR, KOREAN WAR VETERANS MEMORIAL, WASHINGTON, DC, JUNE 25, 2008

Distinguished veterans, colleagues from the diplomatic corps, and honored guests:

June 25, 1950, began as a day like any other. But the consequences of that day, and the War that ensued, have left a lasting mark. Millions were killed, our country destroyed, our nation divided. Yet freedom-loving governments stepped forward, and alliances were formed.

In the brutal heat of summer, and the bitter grip of winter, over every kind of tough terrain—it was through countless individual acts of courage, sacrifice, and faith—that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

South Korea's freedom was preserved. We are here today to honor that courage, remember that sacrifice and, I hope, reward the faith of every fighting man and woman—from 21 nations around the globe—who served to keep us free.

Far too numerous to mention—but far too important to forget—we remember and honor these heroes, not just today, but every day.

Some may say that the Korean War has been known as the Forgotten War. But it has been my personal mission to try to rectify that—as I have met with thousands of veterans in dozens of cities across the country. And I know that, here today, I am among many allies in this effort to remember.

Clearly one of the most compelling monuments to the veterans of this War is this moving memorial on the national mall. I recently saw an interesting statistic—a list of the top most-visited National Park Service memorials. As you might expect, Arlington National Cemetery is first, followed by the World War II and Vietnam memorials. But the Korean War Veterans Memorial has risen to number 4—averaging more than 3.2 million visitors per year.

I think people are remembering. And the priceless lesson that "Freedom Is Not Free" could not be more appropriate today.

For Korea, freedom has meant the chance to energize our economy; institutionalize democracy; and join the responsible community of nations. Today, we are proud to do our part in the war on terror, in peace-keeping operations, and in international economic and social organizations as well. With the United States, we are working to transform our alliance for the challenges of the future—building on the legacy of such forward-thinking leaders as General Riscassi, General Tilleli and General Sennewald, who are here with us today.

To all our friends from other nations who answered our call for help—I would like to offer this verse from Ecclesiastes that says: "A faithful friend is a strong defense, and he that hath found him, hath found a treasure." A friend in need is a friend indeed. Certainly, the generous spirit of your friendship we will continue to honor and treasure.

To the veterans here today, you are our heroes and we remember you. And we hope you believe that Korea was a country worth saving—a people worth protecting—and a war worth fighting. Thank you very much.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mrs. MALONEY of New York. Madam Speaker, on June 9, 2008, I missed rollcall votes numbered 438, a resolution honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; 439, a resolution supporting the goals and ideals of Black Music Month, and 440, a resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

Had I been present, I would have voted "yea" on rollcall votes numbered 438, 439, and 440.

CONGRESSIONAL ART COMPETITION WINNER: KAITLIN SURDOVAL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the outstanding artistic talents of high school students from around our nation who have participated in the 2008 Congressional Art Competition: An Artistic Discovery.

For the past 27 years Congress has had the distinct pleasure of hosting this nationwide competition. I am very proud of the students who have participated in this competition, and I would like to specifically recognize the finalist from each of the four counties that make up New Jersey's Fifth Congressional District: Kaitlin Surdoval of Warren County, Megan Dreisbach from Sussex County, Kaitlin Cibenko from Passaic County, and Megan Sherlock from Bergen County.

Of these four finalists, Kaitlin Surdoval placed first for the entire district. Her outstanding artistic talent is truly remarkable and I am proud that her art will be displayed for the upcoming year here in our nation's capitol, representing New Jersey's Fifth Congressional District.

I am also pleased to recognize the hard work of the Art Societies that have been so instrumental in the organization and judging of the Competition in my district: the Sussex County Art Society, the Sussex-Warren Art Society, the Ringwood Manor Art Association, and the Bergen Museum of Art and Science.

In addition to the tremendous support of the art societies, citizens and businesses around the fifth district have been wonderfully supportive of the Art Competition and Kaitlin Surdoval. I would like to recognize James McCracken of the House of the Good Shepherd, Michael Alfone from the Borough of Ramsey, and Sal Risalvato of the New Jersey Gasoline-C-store-Automotive Association for their generous donations to assist Ms. Surdoval with her travel to Washington, DC for the celebration of the culmination of this year's Competition.

I am very pleased to be able to support this Competition which brings together so many citizens of the Fifth District to celebrate our talented youth.

HONORING CHESTER GOSPEL CHURCH

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WALBERG. Madam Speaker, I rise today to recognize Chester Gospel Church in Charlotte, Michigan on the celebration of its sixtieth anniversary. It is with great admiration and pride that I congratulate Chester Gospel Church on behalf of all of those in south-central Michigan who have benefited from its steadfast commitment to faith, service and prayer.

Chester Gospel Church began to serve the Charlotte community in 1958 under the leadership of Pastor Merritt Johnson, and the church occupied a one room schoolhouse at that time. Over the years, Chester Gospel has undergone numerous renovations to its original building in order to accommodate its flourishing membership. Chester Gospel now serves over one hundred members with its sister church, Bright Hope Bible Church, in Potterville, Michigan.

A spirit of humility and service has always been a mark of Chester Gospel Church as its congregation constantly seeks ways to reach out to the Michigan community. Roughly five years ago, Chester Gospel sent out six families to found the Bright Hope Bible Church in Potterville. In addition, each month Chester Gospel volunteers at the City Rescue Mission in Lansing, serving women and children at the Family Center. Chester Gospel has dedicated the entire month of August to Missions, and during the month, speakers come from all corners of the world to share the challenge of spreading the love of the Lord Jesus. Additionally, the church hosts Vacation Bible School each summer to encourage children's faith and promote the fellowship and love that is found throughout the halls of Chester Gospel Church.

In celebration of its sixtieth anniversary, Chester Gospel Church will be hosting a homecoming celebration. Four previous pastors of the church will be in attendance, including Pastors Merritt Johnson (1958–63), Elwood Norton (1966–70), Larry Pike (1971–82), and Barry Smith (1982–93). Currently, Pastor Marc S. Livingston faithfully leads Chester Gospel Church. The anniversary celebration includes a time for prayer, fellowship and sharing memories of the church's long and devoted history to service.

Madam Speaker, today I ask my colleagues to join me in honoring Chester Gospel Church on the celebration of its sixtieth anniversary. May others know of my high regard for the inspiring faith of this vibrant church, as well as my best wishes for Chester Gospel Church and its congregation in the future.

IN MEMORY OF HAZEL HARVEY PEACE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. GRANGER. Madam Speaker, rise today to honor Hazel Harvey Peace, a longtime friend of District 12 and a Fort Worth icon, who passed from this life on June 8, 2008, at the age of 100.

Hazel Harvey Peace, while small in physical stature, was a giant of a Texan who had a huge influence not only on the individuals who were fortunate enough to come within her sphere of influence during her long and fruitful life, but on her community, the state and the country. A native of Fort Worth, Hazel Harvey Peace was born on August 4, 1907 at a time when segregation was still alive and when opportunities for African Americans were still limited. Hazel Harvey Peace always exhibited that she was a special person. By the age of 13, she graduated from Fort Worth Colored High School, which later was renamed I.M. Terrell High School. By the age of 16, Mrs. Peace earned a bachelor's degree from Howard University, located in Washington, DC. She returned to Fort Worth to join the staff of her alma mater, I.M. Terrell High School, where she was a teacher and administrator for 46 years before retiring, for the first time. After her I.M. Terrell High School career, Mrs. Peace served nine years as the student affairs director and the financial aid coordinator of Bishop College in Dallas before retiring a second time. During her teaching career, Mrs. Peace earned a masters degree from Columbia University and did subsequent graduate work at other universities.

While Hazel Harvey Peace may have retired from her professional career twice, she never retired from teaching, mentoring and kindly encouraging her former students, her neighbors, and her community. The cornerstone of her message and teaching was simple but powerful: attain the best education possible and always conduct yourself properly in your personal and professional lives. Generations of students fondly recall Mrs. Peace dedicating herself to arming them with knowledge that would enable each to be successful at whatever they chose in life, while also stressing what one student describes as "proper conduct, proper diction, proper vocabulary, proper dress and proper carriage." Likewise, generations of community leaders, mayors, council members, city managers and other public stewards were the recipients of her wise counsel and of her vision to make the City of Fort Worth, the State of Texas and the United States of America a better place for generations to come. She rose to become the great dame of Fort Worth not because of wealth, not because of powerful position and not because of her station in life. Rather, she became one of the most influential women in Fort Worth's history because of her determination and dedication to inspire.

Throughout the years, Mrs. Peace worked tirelessly not only for her students and the community's youth, but for the entire community. Her involvement included serving as co-chair for the City's Committee for the 150th Anniversary of Fort Worth, chairwoman of the Near Southeast Neighborhood Advisory Council and the United Community Centers, as well as service on other organizations such as the Tarrant County Housing Partnership, YWCA, Fort Worth Chapter of the NAACP and Women's Policy Forum Management Committee. Her numerous awards included Tarrant County Junior College Northeast Campus President's Cup Award, The Black Awareness Better Life Award, the Fort Worth School District's Distinguished Alumni Award and the Fort Worth Outstanding Women Award. In 2002 she was honored by being selected to be an Olympic Torchbearer as the torch made its way through Fort Worth.

Because of her dedication to education and her belief that excellent libraries go hand in hand with education, the City of Fort Worth Central Library named its children's section the Hazel Harvey Peace Children's Library in 2002. To honor her life work, former students, friends and corporate citizens raised more than $350,000 in 2004 to create a Hazel Harvey Peace professorship at the University of North Texas in Denton, the first endowed professorship in Texas to be named for an African American woman at a four-year, publicly supported university.

Our city, our state and our county are much better as a result of the life work of a wonderful, loving and dedicated woman-Hazel Harvey Peace.

She will live forever in the thousands upon thousands of people she touched, from her students and children throughout the community, to her neighbors and public stewards. She will be missed but not forgotten.

TRIBUTE TO MAX GUSTAFSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Max Gustafson for his longtime service to the community of Perry, Iowa. He recently earned the 2008 Civil Servant of the Year award from the local Rotary Club as well as special recognition by the Firefighters Association for his 53 years of service with the Perry Fire Department.

Soon after serving over four years in the Army with the NI Tank Company in the 34th Division, 133rd Infantry, Max began volunteering with Perry Fire Department. During his 53 years of service, Max served as fire chief for 10 years, and at the age of 93, Max continues to be active with the Perry Fire Department by contributing his mechanical skills. On his 90th birthday, he chose to celebrate by climbing to the top of the ladder on the ladder truck. Max has dedicated an immense amount of his time to the people of Perry and he is living proof that you are never too old to serve the community you love.

Max's loyalty to the Perry Fire Department and community has earned him a great deal of admiration, and his service deserves to be commended. I consider it an honor to represent Max Gustafson in the United States Congress, and I know my colleagues join me in wishing him the best as he continues to serve the town of Perry and set a positive example for all to follow.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS AT CAMP ATTERBURY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as government officials and military leaders at Camp Atterbury Joint Forces Maneuver Training Center, an important Army National Guard training site in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor Governor Mitch Daniels and his administration, as well as these outstanding individuals in the Indiana National Guard for their yeoman's work on behalf of Camp Atterbury:

Major General R. Martin Umbarger, Adjutant General

Brigadier General Clif Tooley, Assistant Adjutant General

Colonel Barry Richmond, Post Commander

Lieutenant Colonel Ronald A. Morris, Deputy Post Commander

This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving lives and serving the personnel working at their post.

Madam Speaker, as Hoosiers continue to recover from Mother Nature's fury, I feel confident that the military and civilian personnel of Camp Atterbury will be well served by these leaders.

HONORING LOYD AND PHYLLIS MUSGRAVE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Loyd and Phyllis Musgrave, who are celebrating their 70th wedding anniversary.

Loyd and Phyllis Musgrave grew up in southeastern Colorado. Both of their families were homesteaders, living in a small community about 25 miles south of Fort Morgan. They met as children, when attending Sunday school together in a one-room schoolhouse. Later, both attended Fort Morgan High School.

Phyllis laughingly recalls that Loyd proposed to her several times, but each time she told him "I'll have to talk to my mother about that." When she finally did get around to speaking to her mom, he didn't bring up the subject again. She became impatient and decided to broach the subject herself "Loyd has always teased me that I proposed to him," Phyllis says.

On May 27, 1938, only one day after Phyllis graduated from high school, they were married. Afterwards, they moved to a farm near Hoyt, Colorado, and by the late 1940s, they completed the house where they continue to live today.

Loyd and Phyllis have 2 sons, Jerard and Larry, who both live in Colorado, 6 grandchildren, and 11 great grandchildren.

Phyllis recalls all the fun that she and Loyd have had together over the years. "We did a lot of traveling," she said, including trips to Canada, Alaska, and Hawaii. The only states they haven't explored are Maine, New Hampshire, and Vermont.

The couple's life motto is Matthew 6:33: "But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you." They have always been active in their local church, and today they remain involved in Hoyt Community Sunday School.

I want to congratulate Loyd and Phyllis Musgrave on their 70 years of marriage, and to thank them for the blessing they have been to their family and community.

TRIBUTE TO MRS. NANCY SUTTON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MURTHA. Madam Speaker, I would like to take this opportunity to recognize the accomplishments of Mrs. Nancy Sutton, as she celebrates her 93rd birthday on June 29. Mrs. Sutton is a selfless volunteer who constantly puts others ahead of herself. She is a valuable asset to Fayette County, Pennsylvania.

Madam Speaker, Mrs. Sutton worked hard during her long and varied career, which included working in retail in Uniontown. Following her retirement, she began to volunteer at her local Social Security Office during the 1980s and 1990s for a period of over 10 years. She still actively volunteers for the American Cancer Society, where she has volunteered for many years. In addition, Mrs. Sutton has been an active member of the Marshall Manor Resident Council since she became a resident in February 1973. She has served as president of the council and has coordinated and cooked monthly dinners for the manor's residents. Mrs. Sutton helps her fellow residents by driving them to medical appointments, picking up prescriptions, and helping with grocery shopping.

Mrs. Sutton was appointed as the tenant representative to the Fayette County Housing Authority's Board of Directors on February 8, 2001. She has served as the secretary of the board since her appointment.

Madam Speaker, Mrs. Nancy Sutton is truly a great and caring American. I wish to end my remarks by congratulating her on her 93rd birthday and for all of her community accomplishments.

TRIBUTE TO MAURICE A. CALDERON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the Inland Empire in California are exceptional. The Inland Empire has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Maurice Calderon is one of these individuals. On June 27, 2008, there will be a ceremony for Maurice as he retires from the position of vice president of minority development at Arrowhead Credit Union in San Bernardino, California.

Born and raised in Banning, California, Maurice learned the rich traditions and values of his Hispanic heritage and has used those lessons throughout his professional life. This treasured background guided Mr. Calderon in his unwavering commitment of professional and public service to the people of the Inland Empire. An elected school board member for 9 years in Banning, followed by an elective seat as a Mount San Jacinto Community College district trustee for another 9 years, Mr. Calderon was in the wonderful position of public service.

Maurice is an active member of numerous business, education, and community groups. He is a member of both the Inland Empire Hispanic, and African American, Chambers of Commerce. He is a member of the board of trustees of the University of California, Riverside Foundation, and the San Bernardino Valley College Foundation. Maurice is also a director for the Inland Empire Economic Partnership, president of Sinfonia Mexicana and chairman of the Inland Empire Hispanic Leadership Council.

Maurice has been honored to receive many awards from community and service groups over the years including "Father of the Year" from the city of Banning. He has also received "Citizen of the Year" from the city of Beaumont and Phi Delta Kappa, Riverside. Maurice was named the inaugural "Hispanic of the Year" and "Influential Latino of the Year" in 1998 by the Inland Empire Hispanic Chamber, and Hispanic Lifestyle Magazine, respectively. Mr. Calderon was also named "Influential Latino of the Year" and was a distinguished medal recipient for the Northside Impact Committee of Redlands in 1996. Maurice was also the inaugural recipient of the California Credit Union League Diversity Award, and was named to the Southern California Native American and Latino Hall of Fame. In April of 2004, Maurice was honored as the recipient of the 2004 Reconocimiento Ohtli Award, an award given by the Mexican Ministry of Foreign Affairs, which recognizes those who have proven their excellence, are role models for the society, and have contributed most successfully to the well-being of the communities of Mexican origin in the United States. Maurice was awarded the Black Rose Award for 2004 from the San Bernardino Black Culture Foundation for his dedication and service to the community. On September 1, 2005, the city of Banning acknowledged Maurice Calderon and the entire Calderon family for over 100 years of community service by naming a street Calderon Way in their honor. In November of 2005, Maurice received the California Credit Union League PAC 2005 Advocate of the Year Award during the League's annual meeting in Anaheim, California. In 2008 Maurice received the Sinfonia Mexicana Award for Service for serving as president from 2001 to 2008. In May of 2008 Maurice received the Esperanza Award from the California Chicano News Media Association.

Mr. Calderon has received certificates from the University of Georgia and Indiana University in savings and loan graduate programs. He also received an associate of arts degree from Mount San Jacinto College with honors. Married to Dorothy Calderon for 47 wonderful years, Maurice has two children and four grandchildren. Maurice's tireless passion for community service has contributed immensely to the betterment of the Inland Empire. I am proud to call Maurice a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

IN HONOR OF DEAN CARMEN TWILLIE AMBAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PALLONE. Madam Speaker, it is with great pleasure that I rise today in recognition of Dean Carmen Twillie Ambar. I join with President Richard L. McCormick and all of Rutgers University in honoring Dean Ambar for her outstanding tenure at Douglass and for her recent appointment as President of the Cedar Crest College.

During her tenure as dean of Douglass, Dean Ambar demonstrated her commitment to the educational advancement of women by leading the fight to save Douglass College. Dedicated to women's success and leadership, Douglass is a unique institution that has enabled countless young women to receive an excellent education and fulfill their potential as leaders in public service, academia, and business.

In addition, Dean Ambar's exemplary service and dedication to Douglass was evident in her pursuit of women's global leadership. Dean Ambar spearheaded programs that showcased and promoted women's leadership skills and encouraged young women to pursue careers in math, science, and technology.

Madam Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Dean Ambar for her invaluable contributions to Douglass and the greater Rutgers University community.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN HENRY COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Henry County:

Ronald D. Huffman, Director, Emergency Management Agency

Bruce Baker, Sheriff

Jim Small, Mayor, City of New Castle

James E. Nicholson, Chief of Police, City of New Castle

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Henry County will be well served by these officials.

ON KOREAN WAR MEMORIAL DAY, AMERICA IS URGED TO REMEMBER THE FORGOTTEN WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today to reintroduce the Korean War Veterans Recognition Act in the United States House of Representatives to honor the great sacrifices and contributions made by the Korean War veterans to preserve our freedom.

Fifty-eight years have passed since its outbreak on June 25, 1950, yet the Korean War has never formally ended. In lieu of a peace treaty, a cease-fire armistice was signed on July 27, 1953, leaving in its wake 4 million military and civilian casualties. H.R. 6363 will commemorate the Korean War Armistice Day by displaying the flag at half-staff in remembrance and recognition of the Korean War veterans and a war that has yet to end.

The truest heroes of the Korean War are the thousands who served without question and never returned home to their loved ones. This bill is to honor them, especially, as well as to salute their comrades who placed themselves in harm's way in defense of their country. Even as we place this spotlight on the fighting men and women in the Forgotten War, I also wish to remember the tens of thousands of families, both Americans and Koreans, who suffered through this bloody conflict.

Indeed, the Korean War was one of the bloodiest wars fought in one of the coldest winters. In just 3 years, the United States suffered 54,246 casualties and 8,176-plus POW/MIAs. A total of 26 nations were involved in the War (22 UN Allied, 1 Support; 3 Communist); yet few people understand that the lingering effects of the Korean War and the resulting stalemate continue to impact our world today.

Sandwiched between World War II and the Vietnam War, the Korean War is often overlooked in the public consciousness and often referenced as the 'Forgotten War'. The courageous service and sacrifice of our Korean War veterans must never be forgotten and deserves to be honored. Let us remember the 6.8 million American men and women who served during the Korean War period, June 27, 1950 to January 31, 1955. Only 2 million are surviving today and nearly 1,000 die each day.

TRIBUTE TO BOB SANDY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Bob Sandy for reaching an important milestone of 60 years as a public servant to the people of Warren County, Iowa.

For the past 60 years Bob has honorably served Warren County. His work with the county began when Bob took a job as a surveyor and bridge inspector for the county engineer's department at the age of 19. In 1953 he earned a degree in civil engineering from Iowa State University. Five years later, in 1958, he was hired as the county engineer and remained in that position until 1997. In the following year, Bob was elected to the Warren County Board of Supervisors and is currently serving his third term.

When Bob began working for the county, there were no paved roads in the entire county. Over 150 miles of roads were paved while Bob was the engineer. His friends say his success has come from getting along with, and earning the respect of those around him, including those who have shared their differences. In addition to his work with the county, Bob was a widely recognized and regarded sports announcer for local high school and Simpson College athletics with KBAB radio for 30 years. He also was the president of the Little League Association for many years.

I know that my colleagues in the United States Congress join me in commending Bob Sandy for his six decades of leadership and service to Warren County. I consider it an honor to represent him in Congress, and I wish him the best in his future service.

HONORING THE EYE CENTER OF LENAWEE

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WALBERG. Madam Speaker, I rise today to recognize the one hundredth anniversary of the Eye Center of Lenawee. It is with great admiration and pride that I congratulate the optometrists, both present and past, who have served the eye care needs of the Lenawee community over the past one hundred years. From its founding optometrist, Dr. J Berris, to today's practice that boasts three doctors and nine staff members, the Eye Center of Lenawee has long been a familiar and trusted business in Lenawee County, Michigan.

The history of the Eye Center of Lenawee is full of quality care and dedication to the Lenawee County community. The eye care center was established in 1908 by a Canadian immigrant, Dr. J Berris, in Adrian, Michigan next to the Croswell Opera House. Over the years, the practice passed through generations of highly qualified optometrists. In 1939, Dr. Robert Birmingham bought the practice and hired an associate, Dr. Robert Davis. In the late 1940s, Dr. Davis moved the eye care center to Maple Avenue. Upon Dr. Birmingham's retirement in 1979, Dr. Edward Schenkel, former Air Force optometrist, entered the practice and eventually became a partner with Dr. Davis. The center was moved to larger quarters when the Adrian Optometrists merged with Dr. Rick Allan Snow's practice in 1986. Shortly after the merge the name was changed to Eye Center of Lenawee, P.C. Today, the Eye Center of Lenawee has three resident optometrists, partners Dr. Rick Allan Snow and Dr. Jodi Kordyzon, and associate Dr. Kelli Lambert.

The Eye Center of Lenawee offers extensive and state-of-the-art eye care services for both adults and children. Services range from routine eye examinations and contact lenses, to treatment of eye injuries and laser vision correction. In addition to the numerous treatment options, the Eye Center of Lenawee is renowned for its knowledgeable and friendly staff that readily assists patients with scheduling appointments, arranging insurance coverage and the proper fitting of their eyewear. Over the past one hundred years, the Eye Center of Lenawee has never swerved from its firm commitment to first-rate patient service.

Madam Speaker, today I ask my colleagues to join me in honoring the Eye Center of Lenawee for one hundred years of respected business and outstanding service to Lenawee County. May others know of my high regard for the exceptional quality of this business, as well as my best wishes for the Eye Center of Lenawee in the future.

URGING REFORM OF OUR INEPT IMMIGRATION LAWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today to implore my colleagues to review, and subsequently ameliorate, the current state of immigration law. After the failure of this Congress to enact sensible, compassionate, and effective immigration reform last year, selective—and at times nonsensica—enforcement has been the rule. It has meant, in the face of inaction and silence on the part of the Federal Government, fragmented and contradictory responses from local municipalities, ranging from establishing sanctuary cities to conducting incessant, violent, and sometimes illogical raids and deportations. Waiting is no longer a suitable solution, particularly not for those hardworking undocumented immigrants, free of any criminal record, who live every day in fear, and certainly not for those legal immigrants who committed long-ago misdemeanors and become victims to the fervor for increased deportations.

A New York CARIB News June 3 article, "Deportation Hanging Over West Indian's Head," reports the case of the deputy chief of staff to a prominent New York City Council member—a legal resident—who now faces deportation because of a minor drug offense he committed 20 years ago as an 18-year-old.

The law was meant to apply to those immigrants who have committed serious offenses, but in today's climate, it is increasingly being used against persons convicted of rather small crimes, like shoplifting. These are legal residents, having now become model citizens, who have built lives in this country and have none elsewhere, committing small-time crimes years ago as teenagers and finding themselves in deportation proceedings. This is just one example of an American immigration system that proves illogical, demands fixing, and provides blanket judgment as opposed to reasoned case-by-case due process.

As we forestall meaningful action on immigration, good Americans suffer. I urge that we get back to work on this most imperative issue, and do what's right for this country and its residents.

HONORING ART CHAN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. OBERSTAR. Madam Speaker, I rise today to pay tribute to Arthur Chan, a dedicated staffer and an exceptional public servant, on his retirement from the Committee on Transportation and Infrastructure.

Over the last 15 years, Art has undertaken a number of critical roles on the Committee, and has been integral to the passage of numerous landmark pieces of legislation designed to rebuild America. Throughout his service, protecting the public interest was paramount to Art as he worked to develop transportation policy.

In 1993, Art joined what was then the Committee on Public Works and Transportation, serving as Chief Economist for the Full Committee under Chairman Norman Mineta. In the 104th Congress, Art made the transition to the Subcommittee on Water Resources and Environment in order to focus on the passage of the Water Resources Development Act of 1996. Art quickly learned the intricacies of the Army Corps of Engineers programs and was instrumental in the enactment of the legislation. Art continued to play a key role on the subcommittee, and was vital to the passage of a number of water infrastructure bills. In 2003, Art took on the role of Highway Policy Director for the Subcommittee on Highways and Transit, where he quickly became an expert on the Federal-aid highway program and was a lead negotiator during the creation of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), the 2005 surface transportation legislation.

Prior to his public service, Art earned his Ph.D. in economics, master's degrees in both economics and political science, and his B.A., with distinction, all from the University of Nebraska. A true intellectual, Art stayed in academia, teaching students first at Boston University and then at New Mexico State University.

When Art began his public service, first with GAO and then with the Committee, his teaching experience was quickly apparent to all who worked with him. Art always found the time to share his knowledge with anyone who asked, from Members of Congress to new Committee staffers. Throughout his career, he developed a command of a range of issues spanning the Committee's jurisdiction.

Art's expertise is complemented by his dedication to defending the public interest. In his decade and a half of service, his first priority was always crafting sound public policy. The depth and breadth of his knowledge allowed Art to understand the benefits or shortfalls of the most complex legislative proposal, and to assess its potential impact on the users of our transportation system. The American public has been well-served by Art's insightful commitment to his work.

Art is a true believer in the intents and ideals of our transportation programs, and has always sought to protect and improve upon them. As anyone who has sat across from him at the negotiating table knows, Art is relentless in his efforts to achieve the best possible policy solutions to address our transportation challenges. His devotion to this pursuit and his attention to detail led to many long days and late nights in the legislative counsel's office, and is reflected in the high quality of the work he produced. His commitment to maintaining the integrity of our transportation infrastructure programs has been a hallmark of Art's service.

Madam Speaker, it is with wholehearted gratitude that I rise today to honor Art Chan's service to the Committee on Transportation and Infrastructure, to the House of Representatives, and to the United States. Art's institutional knowledge, insightful counsel, and tenacity have earned him the well-deserved respect of Members and colleagues on both sides of the aisle, and he will be greatly missed. I wish Art continued happiness and success in his future endeavors.

TRIBUTE TO MINDY DAUGHERTY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Mindy Daugherty of Dallas Center, Iowa for earning the Hero of the Heartland honor presented by the Central Iowa chapter of the American Red Cross.

Mindy is a legal nurse consultant with Bradshaw Law Firm in Des Moines, but during her free time she volunteers with the Mid-Iowa Sexual Assault Response Team, where she is able to utilize her forensic nursing background. Her duties involved with being a member of the team include extensive hours of being on call to administer assistance to sexual abuse victims at any given time. When a patient is sexually assaulted, Mindy does a history, physical and collects DNA evidence for the patient. At the same time she has the difficult task of comforting and giving reassurance to distressed victims.

Mindy's willingness to utilize her strengths by volunteering and helping people involved in traumatic events is certainly an example to all of us. Her dedication to her community and commitment to serving those in a time of great need should be commended. I consider it an honor to represent Mindy Daugherty in the United States Congress, and I know my colleagues join me in congratulating her on this honor and wishing her the best in the future.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN BARTHOLOMEW COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Bartholomew County:

Dennis Moats, Director, Emergency Management Agency

Mark Gorbett, Sheriff

Jim Bickel, CEO, Columbus Regional Hospital

Fred Armstrong, Mayor, City of Columbus

Jim Worton, Chief of Police, City of Columbus

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Bartholomew County will be well served by these officials.

IN HONOR OF DR. LEATRICE RABINSKY

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a distinguished member of the Jewish Community and a real role model in my life.

Dr. Leatrice B. Rabinsky, an Adjunct Professor of Jewish Literature at the Siegal College of Judaic Studies and a board member of the Ohio Council on Education, has recently retired after 25 years of dedicated service, teaching Ohio youth about the Holocaust at Cleveland Heights High School.

During her 25 years of service she pioneered Holocaust education and led eight

"Journeys of Conscience" for students and survivors to the sights of the Holocaust in Europe and Israel.

I was privileged be a student of Dr. Rabinsky. She instilled in me principles and knowledge that have had a lasting impact on my life. She shaped me as a person and as a public servant. One of my proudest moments as a state legislator in the Florida legislature was when we passed the Holocaust Education Act, legislation that I authored that mandated teaching about the lessons of the Holocaust in all of Florida's public schools. Because of this legislation, which grew out of Dr. Rabinsky's inspiration, more of America's children will know the consequences of bigotry and intolerance. Now, as a member of the United States Congress, and as the Chairman of the Congressional Taskforce Against Anti-Semitism, I continue to make Holocaust issues a priority.

I am sure that each and every one of our colleagues can identify a teacher from their past who left a significant mark on their lives. I know that I would not be where I am today without the motivation and encouragement of Dr. Rabinsky.

Finally, I would like to thank the Jewish National Fund for honoring Dr. Leatrice Rabinky as a "Woman of Valor." She is a pillar in the Jewish community and, I am proud to honor her in the U.S. House of Representatives.

IN RESPONSE TO THE SUPREME COURT DECISION ON DISTRICT OF COLUMBIA VS. HELLER

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BOYD of Florida. Madam Speaker, I want to voice my support for the landmark Supreme Court decision to overturn the District of Columbia handgun ban. This was a long and hard-fought battle, one in which I signaled my support for the rights of gun owners by joining many of my colleagues in signing an amicus brief supporting gun rights. In the end, the Court's decision affirmed that all citizens have the right to keep and bear arms.

I am pleased with this decision because now honest, law-abiding citizens of the District of Columbia, as well as those in Florida and across the Nation, can be assured of the right to self-protection in their homes. As a strong defender of our Second Amendment rights, I am glad to see this outcome from the Courts.

IN HONOR OF THE 150TH ANNIVERSARY OF THE PROTECTIVES CO. 1 OF ROCHESTER, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. SLAUGHTER. Madam Speaker, I rise today to congratulate the Protectives Co. 1 of Rochester, New York as they approach their 150th anniversary. Ever since their formation on August 23, 1858 these volunteer citizens have spent thousands of hours a year protecting the property of their neighbors from fire, smoke and water damage thereby reducing the costs to the businesses and citizens of Rochester in their most distressing times.

Formed as part of a general reorganization of a fractured and dysfunctional Rochester Fire Department, the Protectives Property Protection and Salvage Company instilled a sense of security that the community it served had been missing. Before its inception, the citizens of Rochester relied on ten separate, and often bickering, fire departments to protect their homes and businesses from fires. The Protectives helped bring about a renewed commitment to protecting the community.

The original Protectives Property Protection and Salvage Company has not only saved countless dollars in property damage over the years, but has also saved the lives of many individuals and firefighters from out of control fires. The Protectives No. 1 operates as a volunteer unit under the Rochester Fire Department assisting them with salvage, ventilation, lighting and holding fire hoses as ordered by the fire Chief, thereby relieving the firefighting manpower at the scene of an active fire.

The Protectives have been there supporting the Greater Rochester community throughout some of its most trying times, including the Great Sibley Fire of 1904 which totaled 4 million dollars worth of damage at the time. And today they continue to work many of the most fundamental and underappreciated jobs including pumping out flooded basements, and setting up and operating fans and lighting during salvaging efforts. Each and every day they subscribe to their motto, "we strive to save."

The Greater Rochester Area owes them a debt of gratitude for their dedicated work and thousands of hours of volunteer services. So it is with great pride and appreciation that I congratulate the Protectives Co. 1 for 150 years of great service, and may it continue to serve as a model of volunteer service and community activism for the citizens of Rochester, NY and across America.

IN RECOGNITION OF THE CENTENNIAL OF THE CITY OF POINT ARENA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to commemorate the 100th anniversary of the incorporation of the City of Point Arena on the Mendocino Coast in Northern California. Located along magnificently rugged headlands overlooking the Pacific Ocean to the west and bordered by redwood forests to the east, California's sixth smallest city (current population 501) is precariously "surrounded" by the San Andreas Fault and watched over by the stately Point Arena Lighthouse.

Self-described as a "town of booms and declines" Point Arena has survived three major fires and fueled a variety of enterprising possibilities. Historical anecdotes trace its heritage from the native Pomos to traders, lumberjacks and sea captains, from oil drillers and bootleggers to hippies and nuclear energy protestors.

Prior to 1906, Point Arena was the "busiest town between San Francisco and Eureka." More than 200,000 board feet of lumber came from the town mills. Point Arena was the main shipping port for agricultural products on the south Mendocino coast. After the earthquake in 1906 every brick building collapsed and every chimney and timbered dwelling came down.

In the meantime, William Hanon, the editor of the town newspaper, the Point Arena Record, was elected to a term in the state legislature. While there he saw money and services handed out to incorporated cities and wanted Point Arena to get a share. Due to his foresight and persistence tiny Point Arena became incorporated July 6, 1908.

By 1910 more than two dozen saloons graced the dirt road next to the headlands overlooking the Pacific. Until 1912 horse-drawn stagecoaches brought visitors and provisions. The main source of supplies, however, was the SS *Sea Foam* until it sank off the coast in 1931. A fire, started at the Grand Hotel on July 2, 1927, wiped out the town once again. By the 1930s Point Arena was rebuilt and many art deco and arte moderne remnants still stand downtown.

Since then roads have been paved and the scenic Coast Highway One turns into Point Arena's Main Street. The pier has been revitalized with restaurants and inns and harbors a small fishing fleet. Main Street sports historic facades, coffee shops, bars and a theater as well as a new public kiosk describing Point Arena's status as a California Coastal National Monument gateway.

Madam Speaker and colleagues, please join me in recognizing the city of Point Arena for a hundred years of determination and success. I would also like to salute the energetic and conscientious city council, which chose "Still Crazy After all These Years" as the motto for its centennial. And for their new colorful city seal featuring the indigenous Point Arena Mountain Beaver.

TRIBUTE TO ALAN WOOTERS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Alan Wooters, a native of Gowrie, Iowa, who has been a distinguished long time public servant in Webster County, Iowa.

For the past 44 years, Alan has been working in the Webster County Auditor's office. After studying at the American Institute of Business in Des Moines, Alan began his non-elected position at the age of 19. Despite being a long-time Republican and a member of the Webster County Republican Central Committee, the three auditors he has worked for during his 44 year career have all been Democrats. In today's political climate, he certainly serves as a wonderful example of how to work across the aisle to accomplish results for the greater good.

Although Alan is stepping down from his First Deputy Auditor position, he hopes to continue serving the community by devoting more time to volunteering in programs such as Meals on Wheels and continuing as the president of the Gowrie Historical Society.

I know that my colleagues in the United States Congress join me in congratulating Alan Wooters for his many years of service to Webster County, Iowa. I consider it an honor to represent Alan in Congress, and I wish him the best in his retirement and as he continues to serve his community.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE CARIBBEAN DEVELOPMENT BANK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today to commend the work and accomplishments of the Caribbean Development Bank (CDB). The CDB has most recently been ranked among the world's most effective international financial institutions by Standard & Poor's, with the highest possible foreign currency high credit rating.

The CDB's mission is to promote economic growth and development among Caribbean member states by promoting economic cooperation and regional integration. Their work has helped to facilitate more efficient economic partnerships throughout the Caribbean by providing a number of financial services to the region.

I would like to thank the CDB for its contribution to the development of the Caribbean and I would like to wish the bank continued growth and success.

RECOGNIZING JOHN MILAZZO

HON. CHARLIE MELANCON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MELANCON. Madam Speaker, it is with great pleasure that I rise today to recognize the retirement of John Milazzo as the chairman of the National Association of Federal Credit Unions (NAFCU). Elected to the NAFCU Board in 1999, John has been a leader in the credit union community both nationally and within my great state of Louisiana.

For the past nine years, Mr. Milazzo has been balancing his time as a NAFCU Board member, including the past two years as the chairman of the NAFCU Board, against his responsibilities at Campus Federal Credit Union, where he has been the president/CEO since 1985. Headquartered in Baton Rouge, Campus Federal Credit Union is a $320 million multibranch credit union serving 39,000 members that is known for its use of technology and innovation to improve operational efficiency.

Throughout his tenure as chairman of the NAFCU Board of Directors, Mr. Milazzo worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. As chairman, he has also helped maintain NAFCU's status as a leading credit union trade association. John has been an active credit union advocate on local, state and national levels, having served on the Federal Reserve Bank of Atlanta's Financial Institutions Advisory Committee and as chairman of the Southern Financial Exchange and now serving as a member of Fannie Mae's National Advisory Council.

Many would think that the work he does for credit unions would be enough to fill a day, but that is not the case. Mr. Milazzo is a dedicated family man who finds time to volunteer with the United Way Campaign and the Community Fund for the Arts. He is a current member of Kiwanis International and previously served as club president and former district lieutenant governor of the organization. He is also a Eucharistic minister and member of the finance committee of Saint Anne's Catholic Church. A graduate of Louisiana State, he may also be one of the most loyal LSU Tigers fans in the nation, and he continues to serve the LSU community through Campus Federal Credit Union.

It is with great honor that I rise today to congratulate Mr. John Milazzo on his fine work throughout his illustrious tenure as chair of NAFCU. I have worked with him on issues that are important to the credit union community in the past, and I am committed to continuing this relationship. I have no doubt that, with Milazzo's more than 20 years of experience in the credit union community, his departure will leave a great void. Congratulations on your retirement from the NAFCU Board, Mr. Milazzo.

CELEBRATING THE 25TH ANNIVERSARY OF THE FIRST AMERICAN WOMAN IN SPACE—DR. SALLY K. RIDE—AND HONORING HER CONTRIBUTIONS TO THE SPACE PROGRAM AND TO SCIENCE EDUCATION

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LAMPSON. Madam Speaker, today I am introducing a resolution "Celebrating the 25th Anniversary of the First American Woman in Space—Dr. Sally K. Ride—and Honoring Her Contributions to the Space Program and to Science Education." On June 18, 2008 we mark the historic date, twenty-five years ago, when the STS–7 Space Shuttle mission flew the first American woman into space. Dr. Sally Ride, an accomplished athlete who once considered pursuing a professional career in tennis, holds this special distinction and has continued to be a passionate and inspiring advocate for space and for science throughout her career.

Dr. Ride, who earned undergraduate degrees in both English and physics at Stanford University and who continued her academic training leading to a doctorate in physics, was selected as an astronaut candidate in the National Aeronautics and Space Administration's (NASA's) eighth astronaut class, the first to include women. On the historic STS–7 mission, Dr. Ride served as a mission specialist; her work with the STS–7 crew included launching two communications satellites, conducting demonstration activities with the Shuttle robotic arm, and facilitating experiments in materials science.

On October 5, 1984, Dr. Ride made her second spaceflight aboard the STS 41–G mission, which launched the Earth Radiation Budget Satellite and demonstrated the capability to refuel satellites in orbit, among other accomplishments. Sadly, training preparations for Dr. Ride's third spaceflight assignment, the STS 61–M mission, ended following the *Challenger* accident. She then was asked to serve on the Presidential Commission that investigated that accident, and later she served with distinction on the Columbia Accident Investigation Board.

Madam Speaker, following her NASA career, Dr. Ride has focused her experience, talent, and dedication as a leader and advocate for educating the next generation of scientists and engineers—especially young women. As a professor and scientist, she has served on the faculty of the University of California San Diego and as director of the University of California's California Space Institute. She has authored scientific publications on free electron lasers. She has also authored several children's books about science and space.

Dr. Ride's current focus has been through her efforts to provide hands-on learning about science, math, and technology for young students and teachers. She has been the principal investigator of Earth Knowledge Acquired by Middle School Students (EarthKAM), a NASA education program that allows students to control a digital camera that is attached to the International Space Station, to determine what to photograph, and to use the imagery for their science studies. The project also instills experience in teamwork, communication, and problem-solving. In addition, Madam Speaker, as the first American woman in space, Dr. Ride has used her fame constructively, mentoring and encouraging girls and young women to pursue careers in space, science, and engineering. To that end, she has developed science festivals, science camps and other opportunities for girls and young women to engage in science, math, and technology activities.

Madam Speaker, as we celebrate the 25th anniversary of the first American woman in space we also celebrate the dawn of the space age a quarter of a century earlier. The historic milestone of Dr. Ride's flight encourages us to look forward to the additional "firsts" for our nation's space program in the coming decades. Dr. Ride's profound dedication to promoting opportunities for science and engineering learning is helping to build that exciting future.

Madam Speaker, I urge my colleagues in Congress to support this resolution celebrating the 25th anniversary of the first American woman in space and to extend our appreciation and gratitude for Dr. Ride's excellence in service to the nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

EXTENSION OF REMARKS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. KIRK. Madam Speaker, in the past 10 years, the price of crude oil has risen by more than 400 percent, accounting for much of the nearly 200 percent increase in gasoline prices during that time. America should have spent the past decade investing in renewable energy and infrastructure, but we instead remain the number one importer of oil. Foreign oil accounts for 23.5 percent of United States energy consumption, the largest component of our energy profile. To meet its needs, the U.S. spends over $100 billion on foreign oil, helping to sustain corrupt political systems and state terrorism. This will continue to persist as long as we are dependent on oil, as nearly two-thirds of proved world oil reserves reside in countries considered "not free" by leading human rights organizations.

America's dependence on oil is a threat to our national security, economic prosperity and environmental sustainability.

Forty-five years ago, President Kennedy pledged to send man to the moon. We need a similar "moon shot" program to end our dependence on foreign oil. The bill I stand here to introduce, the Apollo Energy Independence Act, taps the greatest asset of the United States, Yankee ingenuity and free markets, to boost alternative vehicles and increase renewable energies to get off foreign oil. By cutting funding for low-priority programs, we can fund a massive effort to end our dependence on the Middle East.

The Apollo Energy Independence Act first and foremost permanently extends investment tax credits for renewable energy such as wind; closed-loop biomass; open-loop biomass; geothermal; small irrigation; hydropower; landfill gas; marine power; trash combustion facilities; solar energy property; fuel cell property; microturbines; and nuclear energy. The bill also permanently extends a number of energy efficiency tax incentives.

Each Congress, lawmakers scramble at the last minute to renew these effective incentives, then shortsightedly extend them for just a short period. This has undoubtedly stifled the growth of our renewable energy industry. Some studies estimate that renewable energy could supply up to 37 percent of our electricity needs by 2030, resulting in $700 billion in economic activity and 5 million new U.S. jobs by 2025. Yet in years which the production tax credit is set to expire, investments significantly decline. In the wind energy sector alone, investments drop an average 80 percent every other year when the credits expire. In order to realize our full renewable potential, it is absolutely essential that we provide long-term incentives to engender enough market confidence to generate sustained investment.

If the proposals established in the Apollo Energy Independence Act are implemented, renewable energy use could increase by more than 320 percent and comprise the largest segment of U.S. energy use. Foreign oil use would plummet by more than 730 percent, based on estimates from the National Hydrogen Association (NHA), the American Council on Renewable Energy (ACORE) and the Energy Information Administration (EIA).

The Apollo Energy Independence Act also establishes a number of permanent tax incentives to purchase and produce advanced vehicle technologies and alternative fuels, such as cellulosic and hydrogen fuel. The legislation also permanently extends the hybrid tax credit, increases it by 50 percent and eliminates the obstructive limitation. Since current law limits the hybrid tax credit to just the first 60,000 vehicles, the full credit was available for the most popular vehicles for just 9 months after its establishment. The quarter in which the credit began to phase out, Toyota saw its hybrid vehicle sales decline by nearly 30 percent. My legislation repeals this limit to facilitate the constant proliferation of hybrid vehicles.

In order to spur the development and deployment of even more advanced vehicles, we establish an advanced vehicle technology credit for plug-in electric drive, fuel cell and flexible fuel vehicles. But our failure to fully deploy alternative fuels and vehicles is not simply a lack of development, it also stems from a lack of proper infrastructure. My legislation increases and makes permanent the alternative fueling property credit. It also provides a steady funding stream, via Corporate Average Fuel Economy penalties, to the Department of Energy's Clean Cities Initiative, which establishes local public-private partnerships to find alternative fueling infrastructure solutions to reduce our oil consumption.

Americans currently import 12 million barrels of oil daily. The policies of the Apollo Act could decrease foreign oil consumption by up to 10 million barrels per day by 2030, according to a study commissioned by the NHA. At today's crude oil prices, this would save America over $500 billion annually.

The bill establishes a number of other measures to help consumers reduce their energy and gasoline costs, including providing market incentives to boost public transportation use, reducing costly boutique fuels, providing grants for green school improvements and eliminating ethanol tariffs.

To fund this effort, the legislation cuts Federal funding for congressional earmarks and agriculture subsidies while consolidating a number of lower priority Government functions. By spurring new energy technology, resulting spin-offs promise to generate additional economic growth and jobs. According to NASA, since 1976 more than 1,500 technologies emerged from the space program, creating thousands of new jobs and industries.

The United States spent $19.5 billion to realize one of her most prestigious accomplishments—landing on the moon. We should invest in a similar national effort that will be equally important for the sustainability of our society and could have even far more reaching and long-term benefits than the Apollo program. I hope my colleagues will join Representatives JUDY BIGGERT, CHRISTOPHER SHAYS and me in taking the first step toward achieving this goal and support the Apollo Energy Independence Act.

TRIBUTE TO OFFICER ELSON "SKIP" EHRHARDT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the recent heroic action of Eldora, Iowa Police Officer Elson "Skip" Ehrhardt.

On March 5, 2008 at 12:48 a.m., while Officer Ehrhardt was on patrol, he received an emergency page indicating that a woman was in active labor a half block away in the Merritt Mobile Home Court. When Officer Ehrhardt arrived on the scene, he had to urge a hesitant woman to leave the bathroom where she had begun to go into labor. When she eventually came out, Ehrhardt realized that her water had broken and that there was no time to get her medical assistance. He noticed that the baby's head was on its way out, and about a minute later, at 12:57 a.m., Officer Ehrhardt had the baby in his arms. He then quickly unwrapped the umbilical cord and rubbed the baby vigorously until the baby began to cry, just as an ambulance arrived with paramedics.

Officer Ehrhardt's alertness and decisive decision making in such a critical situation goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans; willing to do whatever it takes for a neighbor in need. I know my colleagues in the United States Congress join me in congratulating Officer Ehrhardt on a job well done. It is an honor to represent such a compassionate Iowan in Congress, and I wish Officer Ehrhardt the best in his future endeavors.

HONORING THE WALKER TAVERN FARMER'S PICNIC

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize the one hundredth anniversary of the first Walker Tavern Farmer's Picnic held in Brooklyn, Michigan in 1908. It is with great enthusiasm that I honor the Farmer's Picnic on behalf of the many Michigan families who have experienced the joy of this unique event.

Started by a group of business owners in 1907, the first Walker Tavern Farmer's Picnic was celebrated in the Irish Hills and quickly became a highly anticipated annual event. This day-long picnic, originally called the Businessmen's Picnic, brought families, friends, and visitors together to share food, partake in games, and exchange stories. The picnic offered over 25 summers of community entertainment from 1908 to 1935 until halted by the Depression.

This historic event is known for the bringing together workers of many trades, such as businessmen and farmers. A 1922 account reveals that the picnic drew a crowd of about 1,500 and featured a baseball game between the farmers and the businessmen. Friendly games among locals is part of what made this picnic the highlight of the summer for over a quarter century.

This year the community spirit that inspired the picnic will be rekindled. In honor of its one hundredth anniversary, families and friends will gather once again at Walker Tavern to celebrate the traditions of the past. Folks will enjoy free family fun by sharing a potluck lunch and engaging in old time games including tug-of-war and a watermelon seed spitting contest. In addition, a vintage baseball game will be played according to Civil War era rules where the ball is only allowed to bounce once before it is counted as out and participants wear no mitts, just as those who participated before them did.

Madam Speaker, today I honor the one hundredth anniversary of Walker Tavern Farmer's Picnic for its ability to draw this community together to celebrate a rich heritage all Michiganders can be proud of. May others know of my high regard for this celebrated event as well as my highest recognition for its storied past.

RECOGNIZING RICHARD PAUL ELLIS ON THIS 100TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, I rise today in honor of Richard Paul Ellis on his 100th birthday.

Mr. Ellis has watched his home town of Milton, Florida grow from a dirt-road countryside to a sizable city in the 100 years that he has lived there. He grew up on the east side of the area and attended the Greater Bethlehem African Methodist Episcopal Church and Magnolia School.

Over the years, his life took root and blossomed into varying forms. He married in 1930 and proceeded to have eleven children. Mr. Ellis has been active in the Greater Bethlehem African Methodist Episcopal Church from early on. He strengthened his participation, serving as Class Leader, Stewart Board member, and Stewart Pro-Tem. Mr. Ellis also taught Sunday School and helped remodel the sanctuary.

In 1951, Mr. Ellis joined the Shriner's organization and began participating in the Pride of Milton Lodge #12 location. In 1965, he was elected Worshipful Master and served in the position for thirty-five years. Mr. Ellis was a charter member of the R.P. Ellis Royal Arch Masons and served as the High Priest for five years. After a fire badly damaged the Masonic Lodge, which was used as a school building at the time, he helped secure funds for the reconstruction of a new school.

For a century Mr. Ellis has graced the residents of Milton with his charity and good deeds. The First District of Florida is greatly indebted to his service and is honored to have him as one of their own. Madam Speaker, on behalf of the United States Congress, I would like to wish Richard Paul Ellis a happy 100th birthday, and I wish him many more years of health and happiness.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN SHELBY COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Shelby County:

Mike Schantz, Director, Emergency Management Agency
Michael Bowlby, Sheriff
Scott Furgeson, Mayor, City of Shelbyville
Bill Elliott, Chief of Police, City of Shelbyville

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Shelby County will be well served by these officials.

INTRODUCTION OF CRUISE VESSEL SECURITY AND SAFETY ACT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. MATSUI. Madam Speaker, today I am introducing the Cruise Vessel Security and Safety Act. This bicameral, comprehensive cruise safety reform legislation has been informed by 2 years of research and numerous Congressional hearings.

Madam Speaker, over 12 million Americans will travel on cruise lines in 2008. Within 5 years, that number is expected to reach 20 million. Unfortunately, few of these passengers fully appreciate how vulnerable they are to crime while at sea. Cruise ships, which operate under foreign flags of convenience, are not required under U.S. law to report crimes that occur outside of U.S. territorial waters. Citizens who are victimized often do not know their legal rights or who to contact for help in the immediate aftermath of the crime.

In recent years, the media has reported on a number of high profile cases of passengers falling overboard, passengers gone missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved.

My involvement in this issue began after a young woman from my district, Laurie Dishman, came to me for assistance after she had been a victim of a violent crime on a cruise ship. Laurie shared her shocking story with me in a letter 2 years ago. At its heart, this bill addresses the concerns brought to my office 2 years ago by my constituent, Laurie Dishman.

As a passenger on board a Royal Caribbean cruise ship, Laurie was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped had inadequate security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties. If a real security guard had been on duty that evening, Laurie may have been spared her awful ordeal. The tragedy that ensued is something that Laurie will never forget.

Laurie was brave enough to report the incident to the crew authorities, even though they treated her poorly and with little sensitivity. She also reported the crime to the FBI. Unfortunately, the U.S. Attorney's office declined the case for prosecution just 4 days later.

I have since learned that there have been no convictions for rape cases on cruise lines in four decades. This statistic takes on a new meaning through the lens of Laurie's experience.

Laurie told her story at a Transportation and Infrastructure, Coast Guard and Maritime Transportation Subcommittee hearing on crimes on cruise ships. At the hearing she spoke of her experience and also ways to improve prevention methods, including: peep holes and security latches on stateroom doors; instituting sensitivity training for crew members; and ensuring more CCTV cameras in hallways.

After the hearing, I introduced the Protect Americans from Crimes on Cruise Ships Resolution on September 17, 2007, with Representatives CHRISTOPHER SHAYS and CAROLYN MALONEY. The resolution has over 30 cosponsors.

The Coast Guard and Maritime Transportation Subcommittee held a follow-up hearing on September 19, 2007. We heard from other victims, some who were raped or assaulted while on a cruise; others who lost family members at sea. Unfortunately, we did not hear that the cruise lines had changed many of their standard operating procedures to reflect the previous hearing. In fact, just a few weeks before the hearing, a young woman had been raped on a cruise ship and was not given access to proper care.

These incidents beg the question: what is the process when a crime is committed on a cruise line and what recourse do victims have? The more Members of Congress have inquired, the more we have learned that there is no shortage of cases of rape, sexual assaults of minors, alcohol-related fighting and abuse, and persons overboard.

Most recently, Senator KERRY and Senator LAUTENBERG held a hearing on cruise safety.

Less than a month before the hearing, a constituent of Senator LAUTENBERG's went missing while on a cruise, and was believed to have gone overboard. The family was not immediately notified of the incident. This incident occurred 4 years after Ken Carver's daughter, Merrian, went missing on a Royal Caribbean cruise to Alaska. Since then, Ken has been instrumental in organizing victims to promote safety on cruise ships, including starting the International Cruise Victims organization and developing a 10-point program to improve safety on cruise ships.

Today, as a result of Mr. Carver, Ms. Dishman, and all of the many families of victims who have suffered so greatly, I am introducing a comprehensive reform bill with my esteemed colleagues CHRIS SHAYS, CAROLYN MALONEY, LLOYD DOGGETT and JOHN LEWIS to address the public safety concerns on cruise ships.

Our legislation seeks to improve ship safety, provide transparency in reporting, improve crime scene response, improve training procedures and enforce safety and environmental standards.

Improve Ship Safety. Our legislation would improve ship safety by mandating guard rails to reach 54 inches in height and entry doors of each passenger stateroom and crew cabin to have peep holes, security latches, and time sensitive key technology. Ship owners would be required to implement fire safety codes as well as technology to detect when a passenger falls overboard. Procedures would also be established to determine which crew members have access to staterooms and when.

Provide Transparency in Reporting. The legislation would establish a reporting structure based on the current voluntary agreement in place between the cruise industry, the FBI, and the Coast Guard. Additionally, each ship would be required to maintain a log book, which would record all deaths, missing individuals, alleged crimes, and passenger/crewmember complaints regarding theft, sexual harassment, and assault. The log books would be available to FBI and Coast Guard electronically, as well as to any law enforcement officer upon request. Statistical information would be posted on a public Web site maintained by the Coast Guard.

Improve Crime Scene Response. Each ship would be required to maintain antiretroviral medications and medications used to prevent sexually transmitted diseases after assault, as well as equipment and materials for performing a medical examination to determine if a victim has been raped. A United States licensed medical practitioner would be on every ship to perform the necessary examinations and to administer treatment. Private medical information would be protected, and would require written authorization for release. Additionally, all passengers would be given free, immediate, and confidential access to a National Sexual Assault Hotline and the FBI.

Improve Training Procedures. The legislation would establish a program designed by the Coast Guard and the FBI, and certified by the Administrator of the Maritime Administration, to train appropriate crewmembers in crime scene investigation. Each ship would be required to maintain one crewmember trained and certified under such a program.

Enforce Safety and Environmental Standards. The Coast Guard is authorized to dispatch personnel to monitor discharge of waste, to verify logbook entries related to waste treatment and disposal, and to act as public safety officers by securing and collecting evidence of alleged crimes. Additionally, the Secretary of the Coast Guard shall conduct a study of passenger security needs and report findings to Congress.

Established Equitable Remedies. The bill also establishes fair and equal remedies for persons injured in boating disasters.

Madam Speaker, nearly all cruise ships operate under a foreign flag. U.S. citizens who are victimized onboard cruise ships often do not know their legal rights or who to contact for help in the immediate aftermath of crimes. Unfortunately, few U.S. nationals are aware that they are at risk of being the victims of crime while on their vacations. And, it is even more concerning that these victims have inadequate access to assistance or law enforcement in the aftermath of the crime. Cruises operate in a legal vacuum, where a lack of accountability empowers predators and obstructs their victims' pursuit of justice. That is an unacceptable situation, made worse by the cruise lines' own efforts to avoid scrutiny of and accountability for their own handling of the security of their passengers.

My hope is that with increased Congressional oversight, the cruise lines will finally take these crimes seriously and enact necessary reforms. This comprehensive legislation will give Americans who are victims of crime on a cruise ship access to justice, and require that necessary steps are taken to bring the perpetrators of such crimes to justice. The legislation will also ensure that the cruise industry provides information to passengers about security risks and maintain necessary security personnel on each ship.

The Cruise Vessel Security and Safety Act of 2008 addresses the ongoing safety concerns on cruise ships and will help ensure that the millions of men, women and children who cruise each year are informed, aware and safe on cruise ships. I urge all of my colleagues to cosponsor this important bicameral, comprehensive legislation.

TRIBUTE TO LARRY HEDLUND

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Special Agent Larry Hedlund as a recipient of the Iowa Law Enforcement Victim Service Award. The awards were created by the Federal Law Enforcement Victim Task Force of the U.S. Attorneys' Offices for the Northern and Southern Districts of Iowa.

Agent Hedlund was nominated by the Webster County Attorney's Office for his role in protecting a victim and successfully prosecuting the defendant in the State of Iowa vs. Perry Bender case. Agent Hedlund was able to gain the victim's trust and cooperation after she was threatened with physical harm by the defendant if she appeared for a deposition in the pending case. He used the information he gained from the victim to locate a digital recorder that included a conversation of the defendant threatening the victim. This evidence eventually led to the conviction of Mr. Bender.

Agent Hedlund's 20 years of dedicated service to the Iowa Department of Public Safety has made a positive impact on the lives of many victims caught in dangerous circumstances. His courage illustrates the compassion of Iowans; willing to risk his own safety for people in need.

I commend Special Agent Larry Hedlund for his outstanding service to his community and performance on the job. I am honored to represent Agent Hedlund in the United States Congress, and I wish him the best in his future work protecting the citizens of Iowa.

IN RECOGNITION OF LT. RON HAUGSDAHL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WOLF. Madam Speaker, I rise today to recognize Lt. Ron Haugsdahl of the Fairfax County Police Department. Lieutenant Haugsdahl has helped lead the Northern Virginia Regional Gang Task Force and has personally supervised the evolution of the task force from its beginning to today's nationally recognized unit dedicated to fighting gangs and crime. His tireless efforts coordinating the 15 participating agencies have led to marked achievements in the fight against violent gangs in northern Virginia.

Lieutenant Haugsdahl has served in the Fairfax County Police Department since 1993, and previously served in the city of Falls Church Police Department from 1986 to 1993 as well as in the U.S. Army as a military police officer from 1983 to 1986. Over his many years in law enforcement, Lieutenant Haugdahl's duties have included patrol sergeant, gang detective, criminal investigator, and firearms instructor, in addition to his more recent leadership role with the task force.

Madam Speaker, it is my honor to acknowledge today this fine public servant devoted to upholding the law and protecting the residents of northern Virginia. His service is greatly appreciated.

HONORING HOUSE FELLOWS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this program has been a unique opportunity for a select group of secondary education teachers of American history and government to experience firsthand how Congress really works. They were chosen because they were educators with demonstrated excellence in the classroom.

One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow will prepare his or her brief lesson plan on a Congressional topic of their choosing, and these plans will become part of a teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government.

With plans to select a teacher from every congressional district over the next 4 years, the House Fellows Program will be able to impact thousands of high school teachers and their students, providing an inside account of how the House of Representatives functions, energizing thousands of students to become informed and active citizens.

I had the honor of meeting the Fellows this week and know that all Members will join me in congratulating the following teachers who have successfully completed the program:

Ms. Gale Carter, East Chicago Central High School, East Chicago, Indiana (IN01, Visclosky); Ms. Jennifer Fine, New Canaan High School, New Canaan, Connecticut (CT04, Shays); Mr. Todd Hodkey, Wellington High School, Wellington, Ohio (OH09, Kaptur); Mrs. Amy Koelsch, Sterling Heights High School, Sterling Heights, Michigan (MI12); Mrs. Gerry Kohler, Wood County Schools, Wood County, West Virginia (WV01); Mr. Erik Korling, Willows High School, Willows, California (CA02); Mr. Steven Kwiatkowski, Clay High School, Oregon, Ohio (OH09); Ms. Evelyn Longino, Red River High School, Coushatta, Louisiana (LA04, McCrery); Mr. Jake Miller, Panther Valley High School, Lansford, Pennsylvania (PA11, Kanjorski); Mr. Tony Storch, Caldwell Academy, Greensboro, North Carolina (NC06, Coble); Mr. Jonathan Waldron, Mattawan High School, Mattawan, Michigan (MI06, Upton).

As many of my colleagues already know, the first bill I sponsored upon becoming a Member of Congress in 1999 was the History of the House Awareness and Preservation Act, which directed the Librarian of Congress to oversee the writing of a history of the House of Representatives. Once this bill was signed into law (P.L. 106–99), the Librarian of Congress very wisely chose the eminent historian and author, Dr. Robert V. Remini, to write the history, which was published in 2006 under the title of The House. The project was so well received that the Speaker of the House reestablished the Office of the Historian in 2005 and appointed Dr. Remini as the House Historian.

Madam Speaker, I would like to urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Under the leadership of Dr. Remini and Dr. Fred Beuttler, along with their staff; Michael Cronin, Anthony Wallis, Andrew Dodge, and Dr. Charles Flanagan; interns George Dise, Parker Williams, and Mike Ferrin; the Office of the Historian is dedicated to fulfilling the goals of the History of the House Awareness and Preservation Act by conserving and presenting the history of the House of Representatives, the "People's House."

GRADUATE SPOTLIGHT, AT THE 37TH COMMENCEMENT CEREMONY OF MEDGAR EVERS COLLEGE, CUNY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today in recognition of Medgar Evers College of The City University of New York (CUNY) which recently celebrated its thirty-seventh Commencement Ceremony and to enter into the RECORD an article from the New York Carib News for the week ending June 24, 2008 titled "Graduate Spotlight, At the 37th Commencement Ceremony Of Medgar Evers College, CUNY."

Medgar Evers College was founded as a result of collaborative efforts by community leaders, elected officials, the Chancellor, and the Board of Trustees of The City University of New York. The College, named for the late civil rights leader, Medgar Wiley Evers (1925–1963), was established in 1970 with a mandate to meet the educational and social needs of the Central Brooklyn community. Medgar Evers College is committed to the fulfillment of this mandate. Consequently, the College's mission is to develop and maintain high quality, professional, career-oriented undergraduate degree programs in the context of liberal education.

Medgar Evers College has a history of educational partnerships with Caribbean nations; articulation agreements exist with institutions such as the University of the West Indies, the University of Guyana and Dominica State College. These arrangements have fostered student and faculty exchanges as well as curriculum development initiatives. The relationship between the College and the Caribbean was recognized and reaffirmed last week during the visit of the leaders of the CARICOM states with a new agreement to expand and strengthen cooperative relationships with educational institutions in the Caribbean.

The future is bright for Medgar Evers College; graduates received degrees in an exciting array of disciplines and were awarded prestigious scholarships.

It is my sincere hope that other Colleges and Universities around the world will join the Medgar Evers College in establishing successful student and faculty exchange with other countries, while simultaneously allowing minorities and people from lower income families to further their education.

This Commencement ceremony offers us an occasion to thank the students and faculty of Medgar Evers College for their strength, their courage, and their invaluable contributions to U.S. and global communities. So, on this 37th Commencement ceremony, I proudly stand with Medgar Evers College to celebrate and appreciate the growth and change it continues to establish.

[From the CUNY Newswire, June 12, 2008]

HIGHLIGHTS OF THE 37TH COMMENCEMENT CEREMONY OF MEDGAR EVERS COLLEGE; GOVERNOR PATERSON DELIVERS KEYNOTE

Medgar Evers College of The City University of New York (CUNY) celebrated its thirty-seventh Commencement ceremony in the College Amphitheater at 1650 Bedford Avenue in Brooklyn on Saturday, June 7 at 10:00 a.m. Themed It's all about M.E.—Aspiration, Devotion, & Culmination, the exercises commemorated the culmination of years of academic dedication by the Class of 2008.

Following the College's Annual Alumni Breakfast and traditional Presidential Reception for special invited guests, the occasion opened with a grand procession comprised of New York State Governor David A. Paterson, City University of New York Chancellor Matthew Goldstein, College President Edison O. Jackson, senior University and College officials, honor guards, flag bearers, faculty, and the 975 students of the graduating body.

Amongst those donning caps and gowns that day were notable graduates like business major Alan Newton, a 46-year-old Bronx native who served 22 years in prison before DNA evidence secured his release. Newton plans on continuing his education in law school and later to work in a field that allows him to give back. "I want to carry the torch of social justice. A lot of people are voiceless and even if they have the power they don't know how to wield it," he said.

The graduates received words of congratulations and encouragement from dignitaries like Brooklyn Borough President Marty Markowitz and Congresswoman Yvette D. Clarke.

"In life, as you know, you can either wait for things to happen or make things happen. As a Medgar Evers graduate, I know you've got the style, pizzazz, moxy, and chutzpah. I know that you'll make things happen, said Markowitz. "You are the best of Brooklyn and the best of New York."

"You [graduates] are the inspiration and motivation for the work that I do," said Clarke. "You are part of a legacy of excellence. A legacy that reigns supreme and as long as you remember that, as long as you are committed to that, our future is secure."

In his keynote address, New York State's 55th, and its first African American, governor, David A. Paterson said, "To all of you graduates I wish for you all that you desire in your careers; but it is the responsibility of our government to make sure that you have equal opportunities." He went on to discuss his plans to help ensure such opportunities through the issuance of an "executive order about the procurement of minority and women-owned businesses, right here in the State of New York, for contracts, for investment banking, for savings and bonds and insurance" this week.

"As you go forward in your lives, don't forget where you came from," Paterson continued. "Don't forget Medgar Evers. Don't forget the younger people who will be coming to this school. Contribute to the school. Come back."

The future is bright for Medgar Evers College; graduates received associates and baccalaureate degrees in an exciting array of disciplines that day. Additionally, three scholarships, totaling twenty thousand dollars, were awarded through the National Grid Charles Evans Inniss and Dr. Betty Shabazz Awards.

The hopeful nature of the day was best expressed by College President Dr. Jackson, "Yours is an extremely fortunate generation. One that stands in the sunlight of a new tomorrow."

HONORING THE CITY OF LEON VALLEY'S ANNUAL FOURTH OF JULY CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to honor and thank the city of Leon Valley as they prepare to host their annual Fourth of July parade and celebration. This marks the 14 consecutive year in which Leon Valley has celebrated our Nation's independence.

This historical significance of our independence is felt beyond our domestic borders as this holiday truly epitomizes the meaning of the word democracy. Centuries ago on this day, our Founding Fathers stood up for their cherished values and used them as a blueprint for the basis of our country's government. They believed in a citizen's right to freedom and equality, and they abandoned tyranny and oppression along the way to forming a bold new government.

What started as a courageous experiment in democracy developed into a flourishing government that to this day symbolizes liberty and justice. Without their vision, our democracy would not be what it now is over 200 years later. Along the way, our country has continuously represented the principles on which it was founded to the rest of the world. It is a tremendous responsibility that we carry not only as a government but also as citizens, and it is one that we should all be honored to fulfill.

It is with great privilege that I commend the city of Leon Valley for recognizing these important principles of our democracy with their annual Independence Day celebration. The Leon Valley community should be proud of their efforts, both in the past and in the future, to honor our Nation's independence and the values this holiday represents.

INTRODUCTION OF THE SEGAL AMERICORPS EDUCATION AWARD TAX RELIEF ACT OF 2008

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LEWIS of Georgia. Madam Speaker, today I am introducing legislation that will help people who have looked around their community and seen a great need. They have answered a call to national service. They are AmeriCorps volunteers.

Segal AmeriCorps Education Awards are offered to volunteers after they complete their service so they can pay for an education. The award is $4,725 for a year of full-time service. It is prorated for part-time. Unfortunately it is taxed as regular income. This legislation makes clear that the Segal AmeriCorps Education Awards are not income and should not be subject to income taxes. The AmeriCorps Education Award should be a source of inspiration to serve not a source of fear on tax day.

People trying to pay for college cannot afford to be hit by extra taxes on this education benefit, not while they are still in school, and not when they are struggling to make ends meet through working their first job. People cannot afford an unjust tax bill at the same time their student loans are coming due. People cannot afford to receive less financial aid because this award is counted as income and makes student loan applicants appear to have more ability to afford college than they actually do.

Now is the time to believe in people again. Now is the time to believe in the power of change. We must find every way to reinforce just how important it is that the American people engage in volunteer service to their country. We must make the future a better future. AmeriCorps volunteers are out there every day, leading the way, getting in the way and making good change. This bill invests in the power of change.

TRIBUTE TO TOM COMFORT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize Mr. Tom Comfort, principal of Emerson Elementary School in Indianola, Iowa, on the occasion of his retirement. I also want to express my appreciation for Tom's dedication and commitment to the youth of Iowa.

For the past 35 years Mr. Comfort has contributed his time and talents to improving lives through education and mentoring. Tom began as a student teacher in the school district in 1972. He later taught second grade at Emerson for over 20 years and worked 5 years in administration before becoming principal. Mr. Comfort is well-known for his natural ability to connect with young students, parents, and fellow educators. His guidance, sense of humor, and many unique abilities including his storytelling, will certainly be missed by all at Emerson Elementary, as is evidenced by art projects organized by teachers and students at every grade level in his honor.

Mr. Comfort has made a lasting impact on the many students and teachers he has worked with over his career. I consider it an honor to represent Tom in the United States Congress, and I know my colleagues join me in wishing him a long, happy and healthy retirement.

ESTABLISHING A CONGRESS 2012 COMMISSION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce legislation which will continue my efforts of previous Congresses to work toward better representation for our constituents. My legislation will form a commission to examine how we, the people, may be best served by our representational democracy. This commission would analyze the current size of the membership of the House of Representatives and examine alternatives to the current method of electing Representatives.

Madam Speaker, as Chairman of the Committee on Rules Legislative and Budget Subcommittee, I find it absolutely necessary to continually update our mechanisms for representation and governance to best serve those constituents who have trusted us with representing them.

The legislation I offer today will counter the unfortunate truth that, ironically, our land of the free is one of the most under-representative democracies in the world. When considering elected federal representation per capita, many other countries throughout the world have parliaments which can more closely serve their constituents. Smaller ratios of elected officials to constituents allow for better engagement to more effectively address the needs of their districts. As a country that holds itself up as the standard bearer for the democratic process, we must be critical of our own standards to guarantee that we continue to give all citizens an equal and meaningful voice in our government.

We have encountered an electoral crisis in recent years with low voter turnout and diminishing faith in the effectiveness of our electoral process. However, the energy of this current election cycle has exponentially increased voter registration. We owe it to our constituents to ensure that this increase in civic engagement is met with the most effective mechanism of representation possible. The Commission proposed in the legislation I introduce today will meet that need by determining the best way to ensure maximum participation in this great democracy by every American citizen.

I urge my colleagues to support this legislation and look forward to its expedient passage.

HONORING DERRICK GREGG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor 15-year-old Derrick Gregg from Highland, Illinois. For his Eagle Scout badge project, Derrick chose to raise funds for building a helipad in Highland.

The $88,000 helipad that Derrick has raised the money to build is fully heated. Additionally, it also has radio controlled lighting. As the nearest trauma center to Highland is about 40 miles away, this landing pad will be used when critical patients need to be transported by helicopter.

I congratulate Derrick for his efforts which will serve his community well. I wish him the best as he finishes this project and completes his Eagle Scout requirements.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PUTNAM. Madam Speaker, on Wednesday, June 25, 2008, I was not present for recorded votes due to a funeral in Florida that I attended. Had I been present, I would have voted the following way: rollcall No. 449—"no"; rollcall No. 450—"no"; rollcall No. 451—"no"; rollcall No. 452—"no"; rollcall No. 453—"no"; rollcall No. 454—"aye"; rollcall No. 455—"no"; rollcall No. 456—"aye"; rollcall No. 457—"no"; rollcall No. 458—"no"; rollcall No. 459—"no"; rollcall No. 460—"aye"; rollcall No. 461—"aye."

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN RANDOLPH COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Randolph County:

Rick Brown, Director, Emergency Management Agency

Jay Harris, Sheriff

Steven Croyle, Mayor, City of Winchester

Michael Burke, Chief of Police, City of Winchester

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Randolph County will be well served by these officials.

INTRODUCTION OF THE DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS, RESEARCH, AND EDUCATION PROGRAM ACT OF 2008, THE DHS PREP ACT OF 2008

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. AL GREEN of Texas. Madam Speaker, today, we live in a world where security threats have become more complex. For that reason, nurturing a field of educated and knowledgeable experts—trained and prepared to meet the security challenges before us—should be a priority of the United States Government. To accomplish this goal, opportunities within the Department of Homeland Security (DHS) should be made available for students to participate in programs that allow them to help develop the solutions to the security challenges that our Nation confronts. It is equally important that participating students come from diverse backgrounds and are truly representative of all the communities across our homeland.

My legislation, the Department of Homeland Security Preparedness, Research, and Education Program Act of 2008, or the DHS PREP Act of 2008, would direct the Secretary of Homeland Security to carry out a program for fellowships and research to enhance domestic preparedness and the collective response to acts of terrorism, natural disasters and other emergencies.

When natural disasters such as Hurricanes Katrina and Rita devastated the Gulf Coast region, infrastructure and the most basic services too many take for granted were destroyed. The Department of Homeland Security is overseeing efforts to rebuild public infrastructure in the Gulf Coast region that was devastated by natural disasters. That is why, during the first year of the fellowship, participants will undertake research specifically focused on rebuilding and recovery of the Gulf Coast.

It is the aim of this legislation to allow students receiving fellowships from this program to work closely with the National Center for Natural Disasters, Coastal Infrastructure, and Emergency Management to strengthen our Nation's overall response to natural disasters. The research conducted by the fellowship participants will also reinforce the efforts of the Office of the Federal Coordinator for Gulf Coast Rebuilding at DHS. Additionally, the research conducted by the fellows will be shared with Congress.

This important legislation will allow us to train experts and professionals to develop substantive policy solutions that will seek to solve the homeland security and disaster response challenges that confront our Nation. I ask my colleagues to support the Department of Homeland Security Preparedness, Research, and Education Program Act of 2008, or the DHS PREP Act of 2008.

HONORING GOD AND COUNTRY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, for over 225 years the United States has been a beacon of hope and freedom throughout the world. Millions of people from every corner of the world have left their homelands to come to America and start a new life, one based on the rights and liberties enshrined in the Declaration of Independence, the Constitution and the Bill of Rights.

That freedom comes at a price, however. Whether it is the original fight for independence during the American Revolution, the drive to defeat communism during the cold war, or the current battle against global Islamic extremists, soldiers throughout our history have fought and given their lives to keep us safe here at home. I salute their sacrifice and dedication to their fellow man, and thank those veterans here today for your great military service.

While our Nation has often had to defend itself from enemies, both foreign and domestic, it has been our shared commitment to faith and belief in a higher power that has given us the strength to soldier on during tough and trying times. America has seen both the good and the bad throughout our Nation's history, but in the end I firmly believe that each of us will heed the call to the better angels of our nature when forced to make decisions that affect our fellow man.

Together we can continue the great success of the United States. Throughout our history, while our ancestors came from all over the globe, the great melting pot that is America meant that we have shared a common language and a common faith. Our Nation is firmly rooted in Christian principles that have made us strong and envied by the rest of the world. Whenever a crisis happens in a faraway land across the seas, it is men and women like you who pull together in the spirit of Christian charity and a desire to help your fellow man. It is our military that brings relief supplies to nations like Burma or Indonesia after their floods, and the United States Armed Forces that meets the challenge of liberating Europe from the Axis superpowers. The can-do spirit of our Nation means we never back away from a challenge, and that by working together we can accomplish anything we set our minds to.

America is the greatest nation in the world. We have a proud history of service, faith and community ties that bind us to the common belief in the goodness of mankind. By working together we can continue that history and ensure that future generations of Americans will share the ideals and values that brought us here today. Thank you and God bless the United States of America.

TRIBUTE TO CLEMMYE JACKSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Clemmye Jackson, the Ames, Iowa Community School District's accelerated learning program director, after 30 years of service to the Ames community.

For the past 30 years Clemmye has contributed her time and talents to improving youths' lives through education and mentoring. She is a native of Ocala, Florida and moved with her husband George, to Rochester, Michigan when he was hired by Oakwood University in the 1970's. She started working as a substitute teacher and found her niche in working with at-risk children, where she learned to teach using structured discipline, communication in a respectful manner, and a sense of humor. When George took a job at Iowa State University in 1977, she became a counselor at Ames High School. She later became the director of the accelerated learning program for K–12 education in the Ames School District.

Under her guidance, the Ames School district has applied for, and successfully received annual grants of over $2 million for at-risk accelerated learning programs including an intervention prevention department, Title I, a drug-free program, a program for homeless students, three separate preschool programs, and an English language learner program. Because of Clemmye's vision and hard work, the successful at-risk programs now utilize over 49 teachers and noncertified employees to assist students.

Clemmye has made a lasting impact on students throughout her career, and her leadership will be missed. However, she leaves the future program director the inspiration to help youth dream big, work hard, and achieve great things.

I consider it an honor to represent Clemmye Jackson in the United States Congress, and I know my colleagues join me in wishing her and her husband George, a long, happy and healthy retirement.

CONNECTICUT CLEAN ENERGY FUND

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. COURTNEY. In December 2007, the Connecticut Clean Energy Fund (CCEF) Board announced a $1.18 million grant to the Lee Company's Westbrook production facility for the development of a solar photovoltaic system. On Friday, June 27, 2008 the Lee Company will celebrate the returns on these investments: Connecticut's largest solar photovoltaic system at a manufacturing facility. I rise today to recognize this monumental achievement and commend the Lee Company and the CCEF's leadership with facilitating a greener Connecticut for current and future generations.

In 1948, the Lee Company was founded by Leighton Lee II in eastern Connecticut. Over the past six decades, the Lee Company has transformed the original Connecticut regional offices into a national presence. Today, the company remains one of the foremost developers and manufacturers of fluid control components for aerospace systems.

The CCEF was established by Connecticut's General Assembly in 2000. Since inception, the CCEF, administered by Connecticut Innovations, has invested millions of dollars in renewable energy projects throughout Connecticut, focusing on solar, biomass, wind, hydro, and wave power. In my district alone, the Fund has provided nearly $14 million in incentive grants for 207 alternative energy projects. Current operating renewable energy projects are estimated to generate 5 million kWh and eliminate over 4.1 million pounds of greenhouse gas emissions over the course of each year.

As important as the state's help was in this project, it was the vision and determination of the Lee Company that really made the project's exciting transformation of its energy system possible. The CCEF's incentive grant to the Lee Company, which covered half the cost of the 308-kilowatt photovoltaic system at the Westbrook production facility, is one of the largest in the state of Connecticut. Once operating, the photovoltaic system will provide 19 percent of the energy used at the facility. When the system is not in use, energy production credits will be deducted from the company's electric bill.

In addition to reducing dependence on fossil fuels and greenhouse gas emissions, these investments will generate new economic growth and opportunity. The Lee Company employs more than 100 individuals at the Westbrook production facility and more than 800 people throughout the state. These investments will allow for the continued growth of the company and expanded employment opportunities throughout Connecticut.

Madam Speaker, our Nation is at a critical turning point. For the strength of our economy and health of our environment, investments in clean, renewable energy are needed now more than ever. I ask my colleagues to join with me and my constituents in recognizing these renewable energy achievements and supporting similar initiatives in their districts.

CELEBRATION OF GOVERNOR BILL SHEFFIELD'S 80TH BIRTHDAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. YOUNG of Alaska. Madam Speaker, I rise today to pay special tribute to a great American and outstanding Alaskan on the occasion of his 80th birthday. Born on June 26, 1928, in Spokane Washington, the Honorable Bill Sheffield has been a leader in business, government, and public policy for many of the 55 years he has resided in Alaska. He served as governor from 1982 to 1986 following an impressive and prosperous business career in which he built a company that became one of the largest private employers in Alaska and the Yukon Territory.

Following a landslide victory in his 1982 election, Governor Sheffield focused his attention to curbing the runaway growth in state government, bettering the lives of rural Alaskans, and saving more of Alaska's energy revenues for future generations of Alaskans. As Governor he supported opening ANWR, a position I proudly share with him and one which we will continue to support until development begins.

Since leaving public office in 1986, Governor Sheffield hasn't slowed down at all! He is a trustee of Alaska Pacific University; a member of the Advisory Board of ENSTAR Natural Gas; a charter member of Commonwealth North, Alaska's leading public affairs forum; Past Chairman of the Federal Salary Council; former Alaska Chairman of the United Nations 50th year celebration; received the 2006 Lifetime Achievement Award in Business from Alaska Business Monthly; former President & CEO of the Alaska Railroad Corporation and now serves on its Board of Directors.

In addition to these many commitments, Governor Sheffield also serves as the Director of the Port of Anchorage. As Director, Sheffield has implemented a massive expansion that started in 2002 and will be completed in 2014. Governor Sheffield's vision for the much needed expansion of the State of Alaska's largest port will serve nearly the entire geographic area and population of our State as goods and materials are brought into Alaska. In addition, the Port will serve National Defense Objectives by providing vital, modernized transportation support and access to four major military installations and personnel in Alaska, including the Stryker Brigade at Ft. Wainwright. Furthermore, the expanded port will play a major role in the ongoing efforts to bring even more of Alaska's vast and much needed energy resources to the rest of the Nation. I am proud to support Governor Sheffield, the expansion of the Port and the fantastic job he is doing for Alaska and the Nation. His tireless energy and enthusiasm continues to amaze me!

As a candidate for Governor in 1982, Bill's theme was "Bringing the State Together." I learned from him that when we all work together we can achieve great things and I hope that others continue to follow in his path of bipartisanship. Most importantly, Madam Speaker, against the backdrop of today's partisan fighting, I have always tried to reach out to the other side, to reach out to Democrats who are dedicated to getting things done. Governor Sheffield, a lifelong Democrat, is one of the best examples I know of someone who is willing to work with anyone, regardless of political affiliation, who is also devoted to achieving important goals for the greater good.

I like to remember great leaders by what they were able to accomplish while they served others. The legacy that Bill will leave behind someday is the vision he has had for the future of Alaska. I share his vision in investing now to prepare for the future. Sometimes this goes against the grain of popular opinion but a great leader is unafraid of rocking the boat of populism. I celebrate Bill's willingness to do this and wish more public servants were willing to stand up for what is right and not just popular.

I would be remiss were I not to mention that while Bill works hard, he also knows how to enjoy all that life has to offer. He is an excellent duck hunter, fisherman, golfer and an avid outdoorsman and his friends and family mean the world to him. He and I have shared countless hours together over the years and I truly value his unwavering friendship. Madam Speaker, I am honored to call Bill Sheffield my friend and I hope the entire Congress will join me and my wife Lu in wishing him well on this wonderful occasion. Happy birthday Bill! God bless you.

COMMEMORATING THE 58TH ANNIVERSARY OF THE START OF THE KOREAN WAR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to honor the bravery and courage of American and Korean servicemen; and to celebrate the bonds of friendship between our two great countries. Fifty-eight years ago yesterday, forces from Communist North Korea launched an unprovoked invasion of their neighbors to the south, initiating what we now remember as the Korean War.

Over the course of the following three years, millions of people were killed, wounded or forced from their homes and many more captured by the enemy. American troops of all colors and backgrounds gave their lives for freedom alongside thousands of Koreans. But "The Forgotten War," as it is too often called because it was sandwiched between World War II and Vietnam, was necessary to stem the Communist tide in Asia and preserve the spirit of freedom for millions on the Korean Peninsula.

The battle for Korea likely spared Japan from the threat of Communist invasion and showed the Communist world that the United States and its allies were prepared to vigorously resist Communist aggression. America and South Korea paid a dear price in blood and treasure but those who fell contributed much to the better world the people of South Korea enjoy today.

Since the end of the War in 1953, South Korea has grown both economically and politically and has led as an example of democracy in East Asia, demonstrating our shared values of democratic governance, free enterprise and the rule of law. South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched the third largest contingent of troops to Iraq, and to Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeing operations there. In fact, South Korea has been one of only four partners and allies that stood with us through all four major conflicts since World War II. In addition, South Korea demonstrated her great friendship and generosity in the aftermath of Hurricane Katrina, pledging over $30 million in aid for relief and recovery efforts—the fourth largest amount donated by any foreign country.

In contrast, Communist North Korea is in dire straits, unable to even feed its people. Like the struggles we see today in the newly liberated countries of Iraq and Afghanistan, when people have the freedom and will to determine their own fate, they will embrace democracy and freedom and the right of self-determination.

I firmly believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy, a free market economy and respect for the rule of law around the world. Our economic relationship with South Korea is crucial as the seventh-largest trading partner with the United States. And almost sixty years later, the relationship between the United States and South Korea continues to be a very special one that builds upon a foundation of a friendship first laid in the 1882 Korean American Treaty of Peace, Amity, Commerce and Navigation.

Unfortunately Madam Speaker, there is a question mark hanging over our relationship with South Korea. Monday, June 30, 2008, will mark the one year anniversary since representatives from our two governments signed the U.S.-Korea Free Trade Agreement here in Washington. If implemented, this agreement could potentially be the most commercially-significant free trade agreement signed by the United States in more than a decade. How we dispose of that Agreement will determine whether we are serious about enhancing the strong partnership between our two great democratic nations, and willing to open the door wider to the exchange of science and ideas that help us both to prosper.

South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Koreans have invested nearly $20 billion in the United States, and have created American jobs through companies like Hyundai Motors, Samsung Electronics, and Kia Motors.

As the largest investor in Korea, the United States already has a leading presence in that country. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

But this FTA is more then simply a debate over economics; it is also recognition of our special relationship with South Korea and a strong statement that we will continue to stand with our allies, especially as we face continued uncertainty in regards to the nuclear ambitions of North Korea.

No agreement or treaty is ever perfect, as it is always a product of compromise. And I agree that Congress has a legitimate right to debate the merits of the agreement; so let's have that debate; let's take this agreement out of legislative limbo, bring it to the House Floor, have an honest up or down vote, and let the chips fall where they may, Madam Speaker. I think we owe our South Korean friends that much respect.

On the occasion of these twin anniversaries—the somber but proud commemoration of the beginning of the Korean War, and the forward-looking commemoration of the signing of the U.S.-Korea Free Trade Agreement—I ask my colleagues to join with me to salute our veterans and to celebrate the strong and enduring friendship and alliance between the good people of the Republic of Korea and the United States.

IN HONOR OF THE ST. JOHN'S COUNCIL NO. 1345 KNIGHTS OF COLUMBUS OF DUMONT-BERGENFIELD CENTENNIAL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased to congratulate the Knights of Columbus of Dumont-Bergenfield St. John's Council, No. 1345 on their Centennial Rededication. St. John's Council No. 1345 is the fourth largest council out of 300 councils in my home State of New Jersey.

Chartered on June 28, 1908, this council has been serving our community while faithfully upholding the Knights' founding principles of charity, unity, and fraternity. As a fraternal and charitable organization, part of the world's largest lay Catholic organization, the St. John's Council No. 1345 has given over $1.2 million dollars and has provided over five hundred thousand hours in service to those in need. This group is to be commended for providing 100 years of funding and manpower not just locally in northern New Jersey, but also in service to charitable activities nationally and globally.

As the St. John's Council No. 1345 gathers to mark their centennial year, I rise in tribute and to say thank you for their contribution to making north Jersey such a fine place to live, work, and raise a family.

INTRODUCTION OF THE PROPERTY MITIGATION ASSISTANCE ACT OF 2008

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to introduce legislation to help minimize the hardship of home and business owners who are most at-risk prepare for the next, inevitable natural disaster. As people from the gulf coast and those States bordering the Atlantic Ocean are only too well aware, this year's hurricane season officially began in recent days. Once again this year, weather experts are predicting several severe storms. While the reasons for the increased number of storms remains a subject of much argument and debate, their disastrous results lie beyond dispute.

A better way exists, however, and that way is prevention. "Prevention," when it comes to storm damage, takes many forms. At-risk home and business owners can take preventive measures by "hardening" their homes and other structures against preventable storm damage. They can strengthen their roofs, install storm shutters, elevate their electrical systems and even construct "safe rooms" within their homes.

The "Property Mitigation Assistance Act of 2008," would establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote predisaster property mitigation measures. The bill would provide for grants of at least $500,000 to States based on the State's risk of natural disaster, and would authorize $200 million for each of fiscal years 2009 through 2014 for the homeowner mitigation loan program.

Although, the challenge to rebuild in the aftermath of a natural disaster remains, there must be legislation in place to assist homeowners and businesses that are located in areas that are at risk and subject to repeated hazards or natural disasters. I urge my colleagues to carefully consider The Property Mitigation Assistance Act of 2008 and enact this legislation into law.

IN TRIBUTE TO J.D. POWER III

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GALLEGLY of California. Madam Speaker, I rise in tribute to J.D. "Dave" Power III, who is retiring from the day-to-day operations of the company he founded 40 years ago, a company that revolutionized market research.

Dave Power's plunge into entrepreneurship was sparked by dissatisfaction with the way businesses then conducted market research. Armed with an MBA from Pennsylvania University's Wharton School of Business, Power went to work with big-name automotive and advertising agencies as a financial analyst and market researcher. Over the years, he became disillusioned with the quality of work he was asked to provide, likening it to "torturing the data until it confessed" instead of delving into customers' real opinions.

In 1968, Dave Power launched his company with his wife, Julie, in a rented apartment in Los Angeles. It began to take off when Power talked himself into an impromptu meeting with a visiting Japanese executive. That meeting led to a collaboration with Toyota that continues unabated today. Using research focused on how potential customers perceived Toyota, Power and Toyota built a business model that changed that perception for Toyota Motor Sales, U.S.A.

As Toyota began hiring internal marketers, Power began conducting smaller, independent and self-funded studies on individual products. By that time, Dave, Julie and their family were operating out of their family home in Calabasas, California. Julie's role was to tabulate data from the surveys. One survey had gone out to owners of Mazda's new Wankel rotary engine. Those owner surveys showed a problem with the engine's O-ring, which was causing the engines to self-destruct after 30,000 miles. Julie showed the findings to Dave, Dave shared it with the 14 auto manufacturers who subscribed to his surveys, and one subscriber leaked it to the Wall Street Journal.

J.D. Power was on his way to becoming a household name, and Mazda joined the growing legions of industries as a subscriber. Today, nearly every major global manufacturer is a J.D. Power and Associates client and the company provides research, analysis and consulting for a wide range of global industries with offices throughout the world.

Madam Speaker, J.D. Power and Associates has made the "voice of the customer" a force to be listened to within industries around the world, providing benefits for consumers and businesses alike. While Dave has stepped away from the day-to-day operations of the firm, he will continue to be the face of J.D. Power and Associates. I know my colleagues will join me in wishing Dave and Julie well in their semi-retirement and thank Dave for building better relationships between customers and companies, resulting in positive results for both.

TRIBUTE TO JAY LINDAHL AND MARTHA SPARKS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize volunteer firefighter Jay Lindahl of Ogden, Iowa and Martha Sparks of Boone, Iowa for their swift and heroic actions that saved a fellow Iowan's life.

While eating lunch at a restaurant in Ames, Iowa, a fellow patron began choking on her food. Martha quickly approached the distressed patron and administered the Heimlich maneuver. When it appeared as if the Heimlich wasn't working, Jay came over to the scene. He noticed the patron's color leaving her face and lack of pulse. Jay then began administering oxygen while Martha administered chest compressions. Within moments, the woman was breathing on her own and regained consciousness.

Without Martha and Jay's alertness and quick actions, this woman would possibly not be with us today. It is heroic acts like this that make this nation and its people second to none.

Martha and Jay's unselfish actions go above and beyond what we are asked of in our everyday lives, and I commend Jay Lindahl and Martha Sparks for their noble deed. I am honored to represent them both in the United States Congress, and I know my colleagues join me in recognizing their heroic actions and wishing them health and happiness in the future.

IN REMEMBRANCE OF CHARLES SEBES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Charles Sebes, a beloved figure in Cleveland area politics and a loving husband, father, and grandfather. This past June we gathered to celebrate Chuck's retirement as Parma Democratic City Ward Leader.

Madam Speaker, I rise today in honor and recognition of Charles Sebes, upon the occasion of his retirement after twenty years of service as the Parma Democratic City Ward Leader. His unwavering dedication to the Party, to his community, and to the rights of working men and women is framed by honor and integrity.

Chuck has spent hundreds of hours volunteering on numerous political campaigns and causes throughout his life. During the past 30 years, Chuck has taken an active role in organizing the Northern Ohio Labor Day Parade. As Secretary of Parma Southwest Cope, Chuck has chaired the reverse raffle committee for the past twenty-five years. He has also been the Chairman of Parma's Democratic Steak Roast for twenty years. Chuck's devotion and enthusiasm consistently inspire those around him and has made all of these events successful.

During his twenty-two years of employment with the National Tool Company, Chuck served as President of the United Steel Workers of America, Local 4827. Governor Richard Celeste appointed Chuck to the Ohio Regional Board of Review for Worker's Compensation. In 1991, Martin Vittardi, Clerk of Parma Municipal Court, appointed Chuck to be the Chief Deputy Clerk of Court. His friendship is coveted not only by myself and Marty, but by numerous individuals whose lives have been touched by his energetic spirit, kindness and loyalty.

As Chief Deputy and Supervisor, his colleagues and staff know him to be a man who is passionate about all aspects of his life. They respect Chuck for his fairness and for being a man of his word. He believes that patience is a virtue and was reassuring that a task would get done, never hesitating to become part of the solution. They appreciate Chuck for always looking out for their best interest, fighting for what they deserve and for being valued by him. His reputation for being a prankster and for his colorful way of telling a joke is legendary. Chuck is a wise and generous man, and he is a true friend to the people in his life.

Evelyn, his wife of 52 years, and their wonderful family have sustained Chuck with a lifetime of support. Joe, Jim, Janet and Joyce, have blessed them with seven grandchildren. Chuck and Evelyn's children and grandchildren continue to be their pride and joy.

CONGRATULATING DR. LORI ARVISO ALVORD ON HER INDUCTION TO THE AMERICAN INDIAN HALL OF HONOR AT MOUNT KEARSAGE IN WARNER, NEW HAMPSHIRE

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. HODES. Madam Speaker, I would like to congratulate Dr. Lori Arviso Alvord, the world's first female Navajo surgeon, on being inducted into the American Indian Hall of Honor at Mount Kearsage in Warner, New Hampshire. Her selection is a testament to her hard work and dedication to the field of medicine.

Dr. Alvord grew up in Crownpoint, New Mexico, a small town where many families had no water or electricity. Yet her tenacity and hard work allowed her to follow her dream of becoming a surgeon. She is now affiliated with Dartmouth-Hitchcock, one of America's most prestigious hospitals, located in Lebanon, New Hampshire. Congratulations Dr. Alvord on your induction to the American Indian Hall of Honor.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN DECATUR COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Decatur County:

Pam Blasdel, Director, Emergency Management Agency

Daryl Templeton, Sheriff

Gary Herbert, Mayor, City of Greensburg

Brian Heaton, Chief of Police, City of Greensburg

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Decatur County will be well served by these officials.

HONORING ALFREDA PAULINE POSTELL ON HER 60TH BIRTHDAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MEEK of Florida. Madam Speaker, I rise today to honor the 60th birthday of Alfreda Pauline Postell, a magnificent woman who has made an indelible impact on the health of Americans and whose life is an inspiration to us all.

Born in Miami, Florida, Ms. Postell is the oldest of four children born to Joyce Barry and the late Cleveland Barry, Sr. She is a proud graduate of Miami Northwestern Senior High School. Ms. Postell has two children, Joyce and Lamont Postell, Sr. She is a passionate individual who enjoys dancing and spending time with her family.

During her more than 30-year career, Ms. Postell has worked at the Miami Veterans Affairs Hospital as a nurse aide and now as a medical support assistant. She enjoys volunteering for community projects and' gives freely of her time. Ms. Postell has continuously held a reputation as the type of volunteer you want on your team when you want the job done. Through her might, determination and passion, she works hard to bring about positive outcomes in whatever task she endures.

Madam Speaker, in Miami we are fortunate to have Ms. Postell as a pillar of our community, and I am privileged to call her a friend. Not only is she a cherished friend, but she is also an extended member of my family. Ms. Postell's guidance, assurance and acts of kindness over the years have always been appreciated by me and my family. I join countless friends, family members and loved ones in South Florida in wishing Ms. Postell a wonderful birthday, and many more years of good health and happiness.

TRIBUTE TO CONGRESSIONAL ART COMPETITION WINNER: CLEOPATRA GRIFFIN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MILLER of Florida. Madam Speaker, today, as co-chair of the 2008 Congressional Art Competition, I would like to proudly recognize Cleopatra Griffin, the Congressional Art Competition winner from the First District of Florida. Cleopatra represents just one of the many talented artists in my district. Ever since she was a kid she enjoyed every art form, although printmaking and drawing are her favorites. She has continually excelled working with pencil, charcoal, and paints.

This Congressional Art Competition is not the first time she has received public recognition for her abilities. Last year, her self-portrait, which now hangs in the Capitol tunnel, won first place at State competition. She has also received first place in printmaking and second place in drawing for a similar portrait piece.

Cleopatra is not only known for her artistic aptitude, but also for her involvement in school and community activities. In high school, while president of the Art Club, she raised money for Relay for Life, stuffed stockings for children around Christmas, and put a huge school-wide art show on at the end of each year.

Madam Speaker, as she moves forward in her education, I wish her continued success as she attends the California College of the Arts in San Francisco this fall and wait eagerly for her future creations.

CELEBRATING THE 80TH ANNIVERSARY OF ST. RICHARD PARISH IN CHICAGO, IL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor the 80th anniversary of St. Richard Parish in Chicago, IL. This upcoming Sunday, the church will hold a celebration to commemorate eight decades of community, faith, and service, and I am pleased to congratulate the parish on reaching this impressive milestone.

As the Archer Heights community grew in the 1920s, George Cardinal Mundelein of the Archdiocese of Chicago recognized the need for a new Catholic parish in the area, and on June 8, 1928, St. Richard Parish was established.

While services were temporarily held in a storefront, men from the parish built a church on Kostner Avenue. This type of hard work and commitment has been a hallmark of the church's parishioners ever since. In 1947 St. Richard Parish School was opened and to this day provides an outstanding Catholic education for children in Archer Heights. Today, the members of St. Richard Parish continue their dedication to the community, building meeting rooms and a new parish center to provide a safe environment for area children and a focal point for the community.

From their first pastor, Reverend Horace Wellman, to their current pastor, Father Thomas Bernas, St. Richard's diverse group of parishioners continue to enrich the lives of their fellow citizens by providing the community with outreach programs, a strong school, and an unwavering commitment to their faith.

It is with great honor and privilege that I recognize the 80th anniversary of St. Richard Parish, which continues to meet the needs of parishioners and the community through liturgies, programs, and services. The parish offers spiritual direction, hope, and compassion to all of its members. I am proud to have in the Third District of Illinois such a vibrant example of the values and good works that can be provided by a church with outstanding leadership and committed parishioners. May these first 80 years be only the beginning.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. FOSSELLA. Madam Speaker, on rollcall No. 460, had I been present, I would have voted "yea."

RECOGNIZING THE SIGNIFICANT ACCOMPLISHMENTS OF SERGEANT WALTER J. MORRIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RANGEL. Madam Speaker, I rise today to give homage to one of America's forgotten heroes, Sergeant Walter J. Morris, the first African-American U.S. Army paratrooper and a member of the 555 Parachute Infantry Battalion or "Triple Nickels". The Triple Nickels succeeded in becoming the Nation's first African-American parachute infantry battalion and the first African-American unit to be integrated into the mainstream U.S. Army during World War II.

Sergeant Morris is a pioneer who blazed a trail that many African-American paratroopers proudly follow today. This wasn't an easy accomplishment in a totally segregated army. The U.S. Army had a tradition of relegating Blacks to menial jobs with very little chance for advancement. Sergeant Morris routinely required his soldier to exercise and do calisthenics after the White soldiers left the field; this led to increased stamina and confidence in the Black soldiers. These exercises led to the creation of a "test" company of Black soldiers. The Black soldiers under Sergeant Morris' leadership were so successful that the company soon became the now famous "555 Parachute Infantry Battalion". Sergeant Morris was masterful in instilling pride and a sense of accomplishments in the men he led. His efforts led to the diversity we see in the military today.

His efforts are even more impressive when you fully consider the hardships and indignities Black soldiers had to endure. As a proud Black sergeant, Sergeant Morris, with polished boots and paratrooper wings, still had to use the "colored" toilets and drinking fountains, sit in segregated sections of theaters, go out of his way to avoid confrontations with racist police and was denied entry into the post's officers' club.

After his military service, Sergeant Morris continued to live his civilian life with distinction. In keeping with his pioneering spirit, in 1968, he became the first African-American bricklayer foreman in the city of New York with the Planet Construction Company. This accomplishment was another for Sergeant Morris on the path of opening additional doors historically closed to African-Americans. In 1973, he became the first African-American construction supervisor in the city of New York, working for the Bedford-Stuyvesant Corporation in Brooklyn until his retirement in 1983.

Sergeant Morris is truly a pioneer and has led a very distinguished life. His work to help end the color barrier in the U.S. Army and his fight to have the accomplishments of Black soldiers recognized paved the way for future generations to serve in an integrated U.S. Army. His legacy also includes being the proud father of Patricia Worthy of Washington, DC, and Crystal Poole of St. Petersburg, FL.

I ask my colleagues in the House to join me in recognizing the lifelong accomplishments of Sergeant Walter J. Morris and his relentless pursuit to create new opportunities for African-Americans.

ADA AMENDMENTS ACT OF 2008

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mrs. CAPPS. Madam Speaker, as a cosponsor of H.R. 3195, the ADA Amendments Act, I rise is strong support of the bill.

One of the most fundamental principles of our great nation is that all people, regardless of color, gender, or ability have the right to life, liberty, and the pursuit of happiness.

The ADA was passed to further this principle, and to ensure equal opportunity and access for individuals with disabilities.

When Congress passed the landmark Americans with Disabilities Act in 1990, it was intended to be interpreted broadly in order to protect the rights of all individuals, regardless of ability.

Sadly, the Supreme Court ignored these intentions.

Over the last ten years, the Supreme Court has ruled that those who use mitigating measures such as medication or eyeglasses to manage their disabilities are not "disabled enough" to qualify for relief under the ADA.

Under the Court's ruling, people with conditions such as diabetes, epilepsy, heart disease, cancer, and mental illness are repeatedly denied employment based on their disability, only to be denied relief for not being disabled.

This simply makes no sense.

The ADA Amendments Act will restore the original intent behind the ADA, and clarify the definition of disability to prevent future mistakes by the courts.

Americans with disabilities have been denied their civil rights for too long.

The ADA Amendments Act will restore these rights, and help protect people with disabilities from future discrimination.

I urge my colleagues to vote "yes" on H.R. 3195.

COMMENDING DR. RAY AUTHEMENT UPON HIS RETIREMENT AS PRESIDENT OF THE UNIVERSITY OF LOUISIANA AT LAFAYETTE

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BOUSTANY. Madam Speaker, after 34 devoted years as president of the University of Louisiana at Lafayette, Dr. Ray Authement retired this month. A legend in higher education, he stood as the longest serving university president in the country. The significant changes to the University of Louisiana at Lafayette and for the city of Lafayette demonstrate his invaluable service to the school and the greater community.

As the university's chief, Dr. Authement is credited with producing nationally recognized programs for computer science, Francophone studies, and environmental and biological research at UL Lafayette during his tenure. He supervised the construction of a significant portion of the campus, including Lafayette's Cajundome and convention center. And, most notably, he is responsible for raising the university's stature academically, spearheading higher enrollment requirements and recruiting highly qualified faculty and staff.

His vision and commitment for the school shaped lifetimes for the thousands of alumni, like myself, for which we are forever grateful.

Dr. Authement's vision for UL Lafayette first manifested itself as he pushed to develop a computer science program during the new technology's infancy. His leadership drove the university to create the first' Master's program in the United States for computer science, defining a cutting-edge path for the university's future growth. The nationally recognized computer science program continues to maintain this distinction since the 1980s.

When Authement began his tenure in Lafayette, the school was officially known as the University of Southwestern Louisiana. Dr. Authement recognized the misperception by many of the institution as simply a regional school. Perspective students, potential employers and many across the State failed to consider the school as a top-tier university, and as a result, the school was unable to flourish fully.

After a protracted fight with the State legislature and other State leaders, Authement successfully changed the school's name to the University of Louisiana at Lafayette in 1999. Most importantly, the new name conveys the prominence of the university. In bonding the university to the city in the title, Authement highlighted the connection between Lafayette and the school.

Dr. Authement leaves the university a much better place. One of his final projects, the Capital Outlay program, which outlines construction and renovation for 5 years, enables UL Lafayette the opportunity to continue its growth. The plan increases the university's foundation endowment from $600,000 to $140 million. A chief component of the project's success was Authement's famed fiscal responsibility, which inspired enormous confidence that donations would be used wisely.

Enabling the success and achievements of the University of Louisiana at Lafayette, Dr. Authement developed and maintained an impressive reputation for the school. His dedication to improving Lafayette encouraged the city to greater heights. The legacy Dr. Authement leaves behind at UL Lafayette and in the community is everlasting as the students who carry the university's banner are attributable to his good work.

I wish he and his wife Barbara all the best as they begin a new chapter in their lives together, and I thank both of them for their commitment to the University of Louisiana at Lafayette.

RECOGNIZING TOM STEVENS, SHARON NEVITT AND JEANNIE DIVINE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to recognize the extraordinary congressional service of three individuals who will be leaving the United States Capitol Guide Service at the end of June. Tom Stevens, Sharon Nevitt and Jeannie Divine have together provided 87 years of service to Congress, and their departure will certainly leave a void that is difficult to fill.

Tom Stevens has served as the Director of Visitor Services, charged with managing our dedicated crew of Capitol Guide Service and Congressional Special Services employees. He first came to the Guide Service in March 1985, and has served as the head of this organization since 2003. Tom has done an outstanding job, managing the group that provides assistance to literally thousands of visitors who come to the U.S. Capitol from around this Nation and the world every day. In addition, Tom has worked tirelessly to help plan and prepare for the opening of the Capitol Visitor Center.

Sharon Nevitt has served the Guide Service since November 1977, in a variety of management positions, and she currently is the Assistant Director of the Guide Service. Her commitment to this institution has been dedicated and extraordinary. Working side by side with Tom Stevens, Sharon has worked diligently over the past few years to ensure that the transition to operations in the Capitol Visitor Center will be successful and beneficial for all of our visitors.

Jeannie Divine joined the Capitol Guide Service in May 1988, coming directly from 13 years of service with the Architect of the Capitol. Jeannie is part of the fabric of this institution, as she is one of the unheralded staffers who work with our offices every day to schedule tours and coordinate the many visits we have by constituents. She has done a difficult job with consummate professionalism and ceaseless good humor.

Madam Speaker, we are indeed fortunate to have had the services of these dedicated individuals. Their work on the behalf of our constituents and visitors has been exemplary and I invite my colleagues to wish them well in their future endeavors.

INTRODUCTION OF HOMELAND SECURITY RELIEF CORPS ACT OF 2008

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, last Friday, 121 truckloads of needed Household supplies arrived in the Gulf Coast for people displaced by Hurricane Katrina in 2005. Though these supplies are surely still welcome, they arrived 3 years late.

Tragically, at the same time that 90,000 "living kits" were distributed by FEMA in Louisiana, other Americans, this time in the Midwest, have experienced a trauma of their own, as flood waters rose and levee after levee was breached. Resources-whether human, financial, or equipment-must be made available immediately to the American people in need, whether that need is a result of storms, floods, terrorist attacks, and other emergencies.

A recent Mason Dixon poll indicates that some residents of hurricane-vulnerable states say they will not evacuate and prefer to weather storms at home. Furthermore, the results of the poll indicate that many residents lack disaster plans and are still misinformed about how to protect themselves and their families during a storm. These results are particularly troubling when we consider how many citizens of the Gulf Coast did not have plans and were forced to accept relocation to toxic trailers.

The Homeland Security Relief Corps Act of 2008 will ensure that the areas ravaged by Katrina will not go unattended by providing trained workers to engage in actual rebuilding efforts. This bill will assist us in addressing some of the harms caused by Katrina.

As introduced, the Homeland Security Relief Corps Act will establish a much needed Response and Recovery Corps within the Department of Homeland Security. The Corps members will receive core training in emergency response, post-incident recovery, and rebuilding efforts. Equipped with the knowledge and preparation needed to make the disaster recovery process more efficient, the Corps members will be of tremendous assistance to the ravaged areas.

With the floods in the Midwest and the other disasters this Nation has seen since Katrina, it is time for citizens to get more involved in disaster response and recovery. This bill provides a path to the rebuilding of the Gulf Coast and provides hope for quicker recovery for residents of other ravaged areas.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN RUSH COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Rush County:

Mike Ooley, Director, Emergency Management Agency.

Jeff Sherwood, Sheriff.

Merv Bostic, Mayor, City of Rushville.

Ron D. Cameron, Chief of Police, City of Rushville.

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Rush County will be well served by these officials.

SUPPORTING THE SUPREME COURT RULING ON SECOND AMENDMENT RIGHTS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. TANNER. Madam Speaker, I rise today to offer my support for the decision made by the U.S. Supreme Court to uphold an individual's right to keep and bear arms. Today, the Court rightly struck down the ban on handguns in the District of Columbia. Throughout my tenure in Congress, I have co-sponsored legislation to end this ban, which contradicts the Second Amendment rights guaranteed to all Americans by the U.S. Constitution.

In issuing its decree, the Court protected the right of a sportsman to have a shotgun in his home and affirmed the right of a homeowner to keep a handgun to protect his family and property from intruders. Our Founding Fathers fought and died for the individual liberties we all enjoy—among them, the right of the citizens of this country to possess firearms.

We are not given the latitude to pick which of those liberties we choose to follow or enforce, be it the freedom to speak or the freedom to worship. Like those fundamental freedoms, we cannot dismiss or dilute the right to keep and bear arms.

As an avid hunter and strong gun rights advocate, I applaud the Court for its decision. I look forward to continuing our work in Congress to protect the integrity of the Second Amendment.

RECOGNIZING THE 2008 JEFFERSON AWARD FOR PUBLIC SERVICE HONOREES FROM MISSISSIPPI

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. CHILDERS. Madam Speaker, I rise today to recognize the recipients of the Jefferson Award for Public Service from the great state of Mississippi. Nancy Collins of Tupelo, Mississippi, one of only 5 national honorees, and the 4 local winners Robert Davison of Steens, Mississippi, Claire Crawford, Armondo de la Cruz, and Cooper Kennard all of Starkville, Mississippi.

The Jefferson Award for Public Service is presented to the most dedicated and hard working of our nation's volunteers. Last week, I had the tremendous honor of attending the 2008 National Jefferson Awards Ceremony in Washington, where Nancy Collins was awarded one of only 5 national awards.

Ms. Collins was instrumental in getting funding for Sanctuary Hospice House and was also a co-founder, realizing her goal of providing physical and spiritual care to the terminally ill. She was inspired by a visit to a similar hospice she visited in Mexico. To date the Sanctuary Hospice House, located in Tupelo, has served more than 600 people and has been an invaluable resource for the families and patients in its care.

Ms. Collins and her fellow honorees are the embodiment of public service. I am honored for Ms. Collins to represent North Mississippi with her dedication to the community. Please join me today in congratulating Ms. Collins for this prestigious recognition of her contributions to the greater good.

THE DAILY 45: A PYRRHIC VICTORY FOR SOME IN TODAY'S SUPREME COURT RULING

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. RUSH. Madam Speaker, since February of this year, on virtually every day the House has been in session, I have decried the senseless loss of life, due to gun violence, for what I call the forgotten "Daily 45." This number refers to the fact that, on average, 45 people are fatally shot in the United States at the hands of an assailant or, worse, a loved one with a gun.

There's still no national outrage at the fact that this number dwarfs the number of fatalities—Iraqi and American—that lose their lives daily, or even weekly, in the Iraq war zone! And, in the midst of all this, Madam Speaker, today, in a 5–4 decision, the U.S. Supreme Court has ruled that residents in the District of Columbia have an individual right to own and maintain a gun in their homes. This decision will negate the efforts made by D.C. Mayor Adrian Fenty, and the Metropolitan Police Department, to reduce the skyrocketing murder rate as a result of firearms.

I don't know what community the Justices live in but in my community, on the South Side of Chicago, there will be no celebrations in praise of this pyrrhic victory. Unfortunately, I can guarantee you that, tonight, some parent, some brother, some sister or some community leader will, once again, cry out in agony at the loss of yet another life from the violence wrought by a gun.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

RECOGNIZING LIEUTENANT GENERAL FRANK SACKTON (RETIRED)

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MITCHELL. Madam Speaker, I rise today in celebration of retired Lieutenant General Frank J. Sackton in honor of his upcoming 96th birthday. Leading a life of service to his country and the State of Arizona, Frank has shown himself to be a man of honor, intelligence, and dedication.

Frank served in the U.S. Army for 30 years, retiring as a Lieutenant General in 1970. In 1945, Sackton was personally decorated and promoted by General Douglas MacArthur to Colonel on the battlefield in the Philippines. He later served three years as Secretary of the General Staff for General MacArthur during the occupation in postwar Japan. Frank has fought valiantly to protect this Nation, and I am deeply grateful for his service.

For 25 years, Sackton, a Ph.D., has served Arizona State University as honorably as he did our country. He was the founding dean of the College of Public Programs, vice president for business affairs, athletic director, and then professor. Although technically retired, Sackton still teaches a class every semester at ASU. He utilizes his creativity and passion for teaching to create classes that are popular among his students, opting for interactive case studies over the traditional format of textbook reading and lectures.

He also helped secure a brighter environmental and economic future for Arizona, working for three years as Governor Jack Williams' special assistant for energy planning and economic development.

Frank remains committed to contributing to his community. He is active at St. Barnabas Episcopalian Church, has addressed the Rotary Club on several occasions, and often visits the Children's Center at Scottsdale Healthcare to cheer up the children who are ill.

Madam Speaker, please join me in congratulating Frank Sackton on nearly a century of service.

JACK BROWN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jack Brown, of St. Joseph, Missouri. Mr. Brown will retire from the St. Joseph, Missouri Fire Department after an impressive 38-year career with the department.

Chief Brown was named the 15th Fire Chief in the St. Joseph Fire Department's history in September of 2003. Previously he served in many capacities, including Battalion Chief and Captain. Chief Brown is also the recipient of three life-saving awards during his career.

Jack is someone that I developed a personal friendship with, as we had the opportunity to work together on various issues. He is a sincere, honest individual that never wanted any of the accolades; he always felt he was just doing his job. You knew when visiting with Jack that firefighting was not a career, but rather a passion. Chief Brown is a stand-up individual, who will be truly missed by the St. Joseph Fire Department, the, St. Joseph community and all those who had the opportunity to work with him.

Madam Speaker, I proudly ask you to join me in recognizing Jack Brown, whose dedication and service to the citizens of St. Joseph, Missouri has been truly exceptional. It is truly an honor to serve Chief Brown in the United States Congress.

HONORING COLONEL RICHARD J. MASON, JR.

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. CHANDLER. Madam Speaker, COL Richard J. Mason, Jr. demonstrated exceptional meritorious service from 30 June 2005 to 10 July 2008 as Commander of Blue Grass Army Depot (BGAD), a 15,000 acre depot in Richmond, Kentucky. He was responsible for the production, receipt, storage, issue, maintenance and demilitarization of conventional munitions.

Serving as the consummate depot commander, Colonel Mason oversaw an organization that supported the troops with ammunition and Chemical Defense Equipment. He safeguarded and ensured the operational readiness of a munitions stockpile while executing the shipping and receiving of over 250,000 short tons of munitions.

As the sole provider chemical personnel equipment, Colonel Mason's untiring efforts to improve support to the troops were superb. By eliminating erroneous shipments to incorrect locations, the cost of transportation was reduced by over 30 percent and ability to provide equipment to soldiers on the battlefield increased significantly without requiring additional manpower. Specifically, Colonel Mason's efforts to support the fielding of Mine Resistant Ambush Protected (MRAP) armor kits to the troops were commendable.

He contributed to the future of the BGAD by developing its first Strategic Business Plan which integrated all aspects of logistics and business processes while providing a clear vision for the Depot's future. He also initiated a continuous business improvement culture across the Depot by improving processes, reducing costs, eliminating waste and improving ergonomics and safety.

A native of Oldtown, Maryland, Colonel Mason arrived at Blue Grass Army Depot in July 2005 as a highly regarded and decorated leader in the Army. Prior to arriving at BGAD, Colonel Mason served as the Chief of Support for Task Force Sinai in El Gora, Egypt among other leadership positions in the United States and Germany. Colonel Mason's Change of Command will take place July 10, 2008.

IN HONOR OF E. PAT LARKINS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor a true friend and leader who is widely respected, and much loved by the citizens of Pompano Beach, Florida, The Honorable E. Pat Larkins. Pat was born in Pompano Beach in 1942. He graduated Blanche Ely High School in 1960 and enrolled in Tennessee State University. In 1962, he was hired as housing director for the local community action agency, and in 1969, he was one of only two Florida recipients of a Ford Foundation fellowship to attend the National Housing Institute in Washington, DC.

Pat was subsequently certified by HUD as a housing development specialist, and in 1970, he went to work for the Foundation for Co-Op Housing in Chicago, Illinois. In 1972, he returned to Florida and created the Broward County Minority Builders Coalition, Inc. where he still serves as C.E.O. He is also currently president and partner of Malar Construction, State licensed general contractors.

In addition to these accomplishments, Pat has also had a long career in the public sector and has, helped to change the face of local politics. He was the first chairperson of the City of Pompano Beach Community Development Committee. In 1982, he was the second African-American elected to the Pompano Beach City Commission. He was just the eighth African-American local elected official in Broward County and served 19 consecutive years as city commissioner. In that time, he served a record seven terms as mayor and three terms as vice-mayor, positions to which he was elected by his fellow Commissioners. He also served an unprecedented 14 consecutive years on the Broward County Planning Council and was the first African-American chair of that body.

After an unsuccessful run for Broward County Commission in 2001, Pat Larkins was reelected to the Pompano Beach City Commission in 2003 where he presently serves as vice-mayor. Pat is sometimes referred to as the dean of Broward black elected officials because of his remarkable leadership and role as one of the founders of that group.

He is also recognized throughout the State as a leader and spokesperson for minority involvement in government and business. During his time as mayor of Pompano Beach, the city hired the first black fire chief and first black city clerk in Broward County. Pat initiated the city ordinance to promote minority small business concerns, and along with two others, helped to create the first minority business enterprise program for Broward County government.

In addition to his many professional achievements, Pat Larkins has also taken an active role in countless public service, social, and religious organizations. He is a life member of the NAACP, serves on the Broward County Boys and Girls Club corporate board, the Juvenile Justice Intensive Halfway House, and the Florida black caucus local elected officials, and is a longtime member of Hopewell Baptist Church. He is a founding member of the Urban League board, as well as a leader in the Superintendents' Commission on Public Education, National Black Mayors' Conference, and U.S. Conference of Mayors.

Madam Speaker, Pat Larkins has had an indelible impact on the well-being of his community, as he has worked tirelessly to ensure that every individual has access to safe and adequate housing. Under his leadership, Pompano Beach recently demolished a 140-home development that had been rundown and falling apart and relocated the owners to a modern development of affordable homes on an even swap arrangement at a considerable cost savings to the city. Over the past 5 years, he has led his city in providing financial and other assistance that has resulted in the erection of more than 800 affordable multifamily units.

Pat has often said that he wants to be remembered not for his personal longevity, but most of all for helping to improve the lives of others. In this, he has certainly succeeded. Few people I have known have accomplished so much for the good of their fellow citizens and their community. I am fortunate to call him my friend.

HONORING LARRY WILEY ON HIS RETIREMENT FROM THE MICHIGAN STATE POLICE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize Sgt. Larry Wiley of Grayling, Michigan. Sgt. Wiley will be retiring from the Michigan State Police on June 28, 2008. As a former Michigan State Trooper, I have a special appreciation for the service of public servants like Sgt. Wiley, and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in paying tribute to his 26 years of service for the Michigan State Police.

Sgt. Wiley is happily married to his wife, Patty. Together, they have raised four wonderful daughters. Law enforcement runs thick in his blood, as his brother, James Wiley, was also a member of the Michigan State Police.

Prior to joining the Michigan State Police, Sgt. Wiley served in the U.S. Air Force from 1975 to 1979. While in the Air Force, Sgt. Wiley worked as a dog handler for the security police. After his service in Texas, Illinois and the Philippines, Sgt. Wiley was honorably discharged and moved to Michigan, where he went to work for the Michigan State Police in 1982.

Since joining the department, he has served at many posts and in many functions in his 26 years, and his dedicated service is truly commendable. He was stationed in Bridgeport and Detroit before being promoted to Sergeant at his post in L'Anse in 1988. After being stationed in Negaunee, Kalkaska and Houghton Lake, Sgt. Wiley served for 10 years with the Strike Team Investigate Narcotics Group in West Branch, helping to combat the flow of illegal drugs in five surrounding counties.

Madam Speaker, the dedicated men and women who dutifully enforce the law to protect their communities rarely receive the praise they deserve. I ask that you and the entire U.S. House of Representatives join with me in congratulating Sgt. Larry Wiley on a job well done and in wishing him well in his retirement.

ON INTRODUCTION OF THE GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WAXMAN. Madam Speaker, today I am joining with 18 other committee chairs to introduce legislation to strengthen the authority of the Government Accountability Office.

GAO assists Congress in identifying waste, fraud, and abuse in federal programs and recommending ways to make government work better. Because of its vital role, GAO needs unfettered access to federal agencies. Efforts by executive branch officials to withhold information from GAO impedes Congress' ability to legislate effectively.

One key provision in the bill clarifies that Congress authorizes GAO to pursue civil actions if federal agencies or the White House improperly withhold federal records.

In litigation arising from GAO's efforts to obtain information about the operations of the Cheney energy task force, a federal district court held that the Comptroller General lacked standing to enforce GAO's right to information. This case, called Walker v. Cheney, was wrongly decided and misconstrued congressional intent regarding the role of the Comptroller General. The decision was also an improper invasion into Congress' constitutional prerogatives to determine how best to carry out its investigative responsibilities.

While I am confident that another court considering this issue would reach a different decision, passing new legislation to clarify GAO's authority is the most expedient way to restore the authority of the Comptroller General. For this reason, this bill contains express authorization from Congress to the Comptroller General to pursue litigation if documents are improperly withheld from GAO. In effect, this provision represents a legislative repudiation of the court's decision in Walker v. Cheney.

Other provisions of this important bill give GAO the express authority to interview federal employees when conducting evaluations and investigations and expand GAO's authority to administer oaths.

The bill further enhances GAO authorities by clarifying its right to important records to which it has been denied access. These include records at the Federal Drug Administration, the Centers for Medicare and Medicaid Services, and the Federal Trade Commission.

Finally, the bill creates a reporting mechanism so that Congress will be more fully informed when federal agencies do not cooperate with GAO. These reports will be important tools to improve GAO's oversight capability.

GAO provides invaluable assistance to Congress by helping Congress understand how federal agencies are performing their duties. This legislation helps ensure that GAO has the authorities it needs to carry out these crucial responsibilities.

BOGUS WITHDRAWAL RESOLUTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. YOUNG of Alaska. Madam Speaker, on June 25, 2008, the Committee on Natural Resources adopted a resolution directing the Secretary of the Interior to make an emergency withdrawal of more than one million acres of land in Arizona from the operation of the mining laws, jeopardizing significant reserves of critical high-grade sources of uranium for clean-burning nuclear power plants. The Committee passed this resolution without a quorum present in violation of House and Committee rules, as documented by the 20–2 roll call vote on the motion to adopt. In addition, the Republicans had vacated the markup in protest of what is an unconstitutional measure, and so this vote reflects only those of Democratic members. The resolution therefore clearly does not reflect the views of the Committee on Natural Resources.

The majority marked up the resolution even though the use of this authority under section 204(e) of the Federal Land Policy Management Act is clearly unconstitutional. This view is supported by an informal opinion of the Justice Department issued in 1983 as well as a recent analysis by the Congressional Research Service. I reproduce the Justice Memorandum below and have appended the conclusion of the CRS American Law Division.

There is no emergency. If there was, the Secretary of the Interior would use his own power to make an emergency withdrawal. The reality is that the majority could not pass actual legislation locking up these millions of acres of public lands from resource development—in an area where there are already many mining claims.

This resolution is a toothless act of political theater. I hope that Interior Secretary Kempthorne gives it all the deference it deserves—none.

Subject: Legislative Veto Provision Contained in §204(e) of FLPMA.

Date: September 12, 1983.

From: Name: Ralph W. Tarr, Office Symbol: OLC.

Statement: This memorandum memorializes the oral advice I recently conveyed to the Solicitor's Office of the Interior Department concerning conclusions we reached as to the legislative veto provision contained in §204(e) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §1714(e). That section provides in pertinent part that the Committee on Interior and Insular Affairs of either House of Congress (subsequently designated as the Committee on Energy and Natural Resources in the Senate) may notify the Secretary of the Interior ("Secretary") that an emergency situation exists and direct the Secretary to withdraw certain public lands from disposition under laws pertaining to mineral leasing.

Previous litigation under this provision followed a Resolution of May 21, 1981, by the House Committee, directed to the Secretary, for the withdrawal of certain lands in the Bob Marshall, Great Bear, and Scapegoat Wilderness Areas. This Office determined, and the Department subsequently took the position in that litigation, that §204(e) was unconstitutional insofar as it authorized a Committee of either House to direct the Secretary to take an action which would change the status of public lands. It was our view that the provision, as legislative action, violated the Bicameralism and Presentment Clauses, Art. I, §1, and Art. I, §7, cl. 2 and 3, and, as executive action, violated principles of separation of powers and the Incompatibility Clause, Art. I, §6. See generally Memorandum in Support of Federal Defendants' Cross-Motion to Dismiss and/or for Summary Judgment and in Response to Memorandum in Support of Plaintiffs' Motions for Summary Judgment in *Pacific Legal Foundation* v. *Watt*, Civil No. 81–141BLG, and *Mountain States Legal Foundation* v. *Watt*, Civil No. 81–168–BLG (D. Mont.)

The Department's Memorandum submitted to the court at that time also concluded that the portion of §204(e), which provided for the committee veto was severable from the Secretary's leasing authority, which is contained in entirely different and earlier statutes, and from the Secretary's authority under §204(e) to withdraw lands on his own initiative. Section 707 of FLPMA, 43 U.S.C. §1701 note, provides that if any provision or its application of the Act is held invalid, the remainder of the Act and its application shall not be affected. See, e.g., *Champlin Refining Co.* v. *Corporation Commission of Oklahoma*, 286 U.S. 210 (1932), quoted with approval in *Buckley* v. *Valeo*, 424 U.S. 1, 108–109 (1976).

In the court decision which resulted, the district court upheld §204(e) against the separation of powers challenge, on the ground that the scope and duration of a withdrawal order under §204(e) were within the Secretary's discretion, subject to judicial review. The court did not view §204(e) as a veto provision and thus did not address the bicameralism and presentment issues. The court added, however, that if the section were interpreted to permit a congressional committee, by majority vote, to direct the Secretary to withdraw wilderness areas until the date specified in the Resolution, the committee action would be, in effect, an attempt to amend the Wilderness Act of 1964, and would be unconstitutional under the Ninth Circuit's decision in *Chadha* v. *INS*, 634 F.2d 408 (9th Cir. 1980). See *Pacific Legal Foundation (PLF)* v. *Watt*, 529 F. Supp. 982 (D. Mont. 1982), on reconsideration, 539 F. Supp. 1194 (D. Mont. 1982) (final order of Aug. 31, 1982, unpublished).

The constitutionality of the legislative veto device has since been firmly and finally decided. *INS* v. *Chadha*, 51 U.S.L.W. 4907 (June 23, 1983); *Consumer Energy Council* v. *FERC*, 673 F.2d 425 (D.C. Cir. 1982), aff'd, 51 U.S.L.W. 3935 (June 29, 1983), *Consumers Union* v. *FTC*, 691 F.2d 575 (D.C. Cir. 1982), aff'd, 51 U.S.L.W. 3935 (June 29, 1983). There remains no doubt that the power to direct withdrawal of lands granted to a single Congressional Committee by §204(e) is, by its terms, a legislative veto and is unconstitutional under Chadha.

At the request of Interior, this Office examined §204(e) and the relevant case law in conjunction with a Resolution of August 3, 1983, by the House Committee on Interior and Insular Affairs, which purported to direct the Secretary to withdraw lands in the Fort Union Coal Region of Montana and North Dakota. We determined and advised Interior that the Resolution passed pursuant to §204(e) purporting to direct withdrawal was unconstitutional as a legislative veto and was not salvageable under the construction of the court in *PLF* v. *Watt*. We further determined and advised that constitutional failure of the veto provision has no effect on the substantive authority granted to the Secretary of Interior by the statutes.

Congressional Research Service, Memorandum, June 20, 2008.

SUBJECT: Constitutional Issues with §204(e) of the Federal Land Policy and Management Act of 1976, as amended.

. . . For there to be a legal obligation to withdraw land imposed on the Secretary of the Interior pursuant to §204(e), the [*INS* v. *Chadha*, 462 U.S. 919 (1983)] decision requires that actions of Congress comply with both the bicameralism and presentment clauses of the Constitution. The single committee resolution contemplated by §204(e) does not satisfy these requirements and, therefore, cannot be said to impose any legal obligation on the Secretary to withdraw land. Accordingly, should such a resolution be adopted it appears likely that the Secretary would be well within his authority to interpret it as informational and/or advisory in nature and, thus, will be able to avoid taking the actions contemplated under the statute. Should Congress wish to impose a binding legal obligation on the Secretary it could opt either to pass a joint resolution or a bill, both of which satisfy the bicameralism and presentment requirements of Article I, as they would need to be presented to the President for his signature or veto (and in the case of a veto be overridden) to have the necessary effect of mandating that the Secretary withdraw land.

RETIREMENT OF MR. RICARDO SANCHEZ FROM THE CORPUS CHRISTI RTA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Mr. Ricardo Sanchez of Corpus Christi, TX on his retirement from the Corpus Christi Regional Transportation Authority.

Ricardo has been an excellent public servant for the Coastal Bend and has dedicated his professional career to improve the transportation infrastructure of South Texas.

Ricardo has over 27 years of professional and managerial experience in public transportation. He started his career in public transportation with Houston Metro in 1983 and moved to the Corpus Christi RTA in 1986 to serve as Assistant to the General Manager.

During his tenure with the Corpus Christi RTA, Ricardo worked in varying and extensive capacities serving as Assistant to the General Manager for Contracts and Procurement; Director of Contracts and Materials Management; Director of Maintenance Services, and Director of Special Projects.

In May 2004, Ricardo was selected by the RTA Board of Directors to serve as Interim General Manager for the agency and later hired as the agency's General Manager.

Ricardo has been a productive member of the community, serving in numerous leadership posts such as Board Member of the National Archives and Historical Foundation of the American GI Forum, Vice-Chair of the Corpus Christi Arts and Cultural Commission, and President of the Houston Chapter Association for the Advancement of Mexican Americans.

Ricardo and his wife, Carmen, have three wonderful daughters—Yliana, Marisa, Teresa—and have one grandchild, Andrea.

I congratulate Ricardo on his retirement and wish him and his family the best of luck during the next chapter of his life.

HONORING ROBERT BEATTY ON 50 YEARS WITH THE INDIAN RIVER LIONS CLUB

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize Robert Beatty of Indian River, Michigan. Mr. Beatty has served as a member of the Indian River Lions Club for 50 years, and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring his 50 years of service to the Indian River community.

Born in Marietta, Ohio, on April 24, 1923, Robert Beatty moved to Indian River in 1946. He and his wife, Edith, will have been married 61 years this October. Together, they have raised three lovely children.

Mr. Beatty's service with the Lions Club, the world's largest service organization, is truly commendable. His first contact with the Lions Club came in 1958 at a poker game with Anthony Schneider, the founding member of the Indian River Lions Club chapter. After discussing the mission of the Lions Club, he was so enthusiastic that he decided to join the next day.

Mr. Beatty quickly rose through the ranks. After only 3 days of membership, he took on the role of treasurer. Since that time, he has held every position within the club except secretary and has been on the board of directors for all 50 years of his membership. With a reputation of being the first to volunteer for every community service project, his leadership in the Lions Club has been instrumental to their service for the Indian River community.

Mr. Beatty's community service extends beyond his activities with the Lions Club. As a former member of the Indian River school board, he worked diligently to improve education within his community. A veteran of the U.S. Army, Mr Beatty is also a lifetime member of the Veterans of Foreign Wars, continuing to serve his community and assist his fellow veterans through his membership.

Madam Speaker, as Robert Beatty celebrates his 50 years of faithful service with the Indian River Lions Club, I ask that you and the entire U.S. House of Representatives join with me in thanking Mr. Beatty's for his dedicated service. Indian River is no doubt a better place because of Mr. Beatty's years of involvement in the community.

SUPPORTING HUMAN RIGHTS IN VIETNAM

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. AL GREEN of Texas. Madam Speaker, Respect for human rights and individual freedom is an important element of American foreign policy. Therefore, it must be the goal of the United States government to work towards enhancing human rights conditions, individual liberty and religious freedom in Vietnam. Moral imperatives such as freedom and individual rights are exceedingly important in establishing a mutually beneficial diplomatic relationship.

The current human rights situation in Vietnam is unacceptable. I am greatly concerned about state sanctioned oppression that has left numerous Vietnamese citizens helpless in the face of a government that has chosen to exercise repressive rule over a population that seeks individual, political and religious freedom. There are numerous religious and political prisoners imprisoned in Vietnam. Political prisoners are placed in conditions that are unacceptable. The international community should not sit idly by and allow this behavior to continue without condemnation.

In Vietnam, according to Human Rights Watch, "2007 was characterized by the harshest crackdown on peaceful dissent in 20 years." Additionally, since gaining membership in the World Trade Organization, it has been reported that Vietnam moved to suppress all challenges to the Vietnamese Communist Party (VCP) by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers, and members of unsanctioned religious groups.

The government of Vietnam should not be rewarded by the United States government and the international community for stifling the freedom of the press, arresting dissidents, and labeling religious activity as subversive. We need a bilateral relationship with Vietnam that enhances individual freedom, democracy, and freedom of speech. I will continue to work in Congress to help promote democracy and end oppression in Vietnam.

HONORING THE ACCOMPLISHMENTS OF MR. BASIL C. MARHOFER

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MORAN of Kansas. Madam Speaker, today I rise to recognize and celebrate the accomplishments and career of Mr. Basil C. Marhofer, a good friend from my home State of Kansas. Mr. Marhofer will be retiring Monday, June 30, from a successful career as a distinguished lawyer and public servant.

Mr. Marhofer's contribution of service has spanned over six decades. After graduating from Ness City High School in Ness City, Kansas, in 1942, Mr. Marhofer served his nation in the European theater in the Second World War. After returning from Europe, Mr. Marhofer enrolled in the University of Kansas Law School and graduated in 1951. He opened his first law office that same year in Ness City.

Soon afterwards, Mr. Marhofer was appointed Ness County Attorney, a position that he held until 1959. After spending a short time in Boulder, Colorado, at the University of Colorado Law School, Mr. Marhofer returned to Ness City and to his position as county attorney, where he remained until 1968. In 1971, Mr. Marhofer was elected Mayor of Ness City where he served for 8 years.

Mr. Marhofer has been actively involved in his community, including the local Masonic Lodge and Rotary International. He has held many offices in Rotary International, including District governor and director. In 1988, Mr. Marhofer was elected vice president and represented Rotary International on five continents.

Mr. Marhofer has spent his life serving his community, State, and country. I am proud to know him and to have this opportunity to recognize him. To him, serving his community is not a burden—it is a calling and a way of life. Whenever I have the opportunity to visit Ness City, Mr. Marhofer is always there, greeting me with the utmost hospitality. He is a just scholar of law and an honest public servant who sets an example for us all. I wish him the best as he enters retirement.

TRIBUTE ON THE RETIREMENT OF CHIEF WILLIAM KIDWELL

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to express congratulations and gratitude to Chief William Kidwell on the occasion of his retirement from the Geneva Police Department.

On July 1, Chief Kidwell will end a 35-year career of distinguished service to his community. He joined the Geneva Police Department in 1973 as a captain, and rose quickly through the ranks. During his 27-year tenure as chief, the department expanded from a force of 13 officers and 4 patrol cars to 8 squads of 37 officers.

Chief Kidwell is known in the department and throughout the community as a leader with high integrity. He exemplifies the devoted public service to which we all should strive.

I offer my best wishes to Chief Kidwell and his family, and I thank him for more than three decades of service.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BECERRA. Madam Speaker, on Monday, June 23, 2008, I was unable to cast my floor vote on rollcall vote 438.

Had I been present for the votes, I would have voted "aye" for rollcall vote 438.

SCHOOL TO WATCH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. CANTOR. Madam Speaker, I am proud to congratulate Short Pump Middle School, located in Henrico County, VA, for their recognition as a School to Watch by the National Forum to Accelerate Middle Grades Reform. This forum is an alliance of more than 60 educators, researchers, and officers of national associations and foundations dedicated to improving schools for young adolescents across the country. They have identified Short Pump Middle as a high-performing school that excels in many areas of education. Congratulations to the administration, teachers and students on this tremendous honor. National organizations recognize what we in Richmond already know—that Short Pump Middle is first rate. As the parent of 3 Short Pump Middle School alumni, I congratulate the teachers, parents, administrators and students on this outstanding recognition.

INTRODUCTION OF THE "AFGHANISTAN-PAKISTAN SECURITY AND PROSPERITY ENHANCEMENT ACT"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Afghanistan-Pakistan Security and Prosperity Enhancement Act. The legislation is a national security bill aimed at protecting our homeland and those of our allies in the fight against Al-Qa'ida and the Taliban. This bill authorizes the President of the United States to designate Reconstruction Opportunity Zones (ROZs) in Afghanistan and in certain regions of Pakistan. These ROZs will allow qualified businesses duty-free access into U.S. markets for designated products, thereby providing significant employment opportunities where none currently exist. A ROZ program could go a long way to bolster economic development in this critical region of the world where extremists have tried to exploit the lack of economic opportunities to gain recruits for their radical agenda.

The countries of Afghanistan and Pakistan are key to the fight against Al-Qa'ida and its Taliban allies. Al-Qa'ida is the group that masterminded and carried out the deadly terrorist attacks of 9/11 that took the lives of nearly 3,000 Americans. It would have had difficultly doing so if were not given safe-haven by the Taliban, then in control of the Afghan government and much of the country.

The U.S.-led effort to topple the Taliban regime and pursue Al-Qa'ida terrorists in the aftermath of 9/11 initially weakened both of these groups but there are disturbing signs that they are regrouping and strengthening, particularly along the porous Afghanistan-Pakistan border. The declassified National Intelligence Estimate on "The Terrorist Threat to the U.S. Homeland," published in July 2007, stated: "Al-Qa'ida is and will remain the most serious threat to the Homeland, as its central leadership continues to plan high-impact plots, while pushing others in extremist Sunni communities to mimic its efforts and to supplement its capabilities. We assess the group has protected or regenerated key elements of its Homeland attack capability, including: a safe haven in the Pakistan Federally Administered Tribal Areas (FATA), operational lieutenants, and its top leadership."

More recently, the State Department's "Country Reports on Terrorism 2007," published in April 2008, noted that "Afghanistan remained threatened by Taliban and other insurgent groups and criminal gangs, some of whom were linked to [Al-Qa'ida] and terrorist sponsors outside the country." The same report also noted that "Despite the efforts of both Afghan and Pakistani security forces, instability, coupled with the Islamabad brokered ceasefire agreement in effect for the first half of 2007 along the Pakistan-Afghanistan frontier, appear to have provided [Al-Qa'ida] leadership greater mobility and ability to conduct training and operational planning, particularly targeting Western Europe and the United States."

Enhanced security efforts by the United States, Pakistan and Afghanistan are needed to disrupt and weaken Al-Qa'ida and the Taliban, but security measures alone will not rid them of these menacing groups—terrorists who continue to want to do us harm and are a threat to democracy and the rule of law. These extremist groups exploit the poor socioeconomic conditions, such as high unemployment, in the border areas, to gain adherents to their nefarious causes. With no meaningful alternatives, young men in particular are vulnerable to their entreaties.

Creative ways must be found to give young Pakistanis and Afghans a positive vision of the future. One such way is to create sustainable jobs in these vulnerable areas so that the promise of a decent living makes more sense than following the warped ideology of the terrorists.

The Reconstruction and Opportunity Zone legislation for Afghanistan and parts of Pakistan does just that. This legislation creates, in essence, special economic zones in these regions, enabling domestic and foreign firms to establish manufacturing enterprises that will bring thousands of good-paying jobs to the people of these areas.

As these troubled regions develop economically, they will diminish the recruiting pool of the terrorists. And as the terrorists find it more difficult to find support and protection among the local populations, they will become more vulnerable to the security forces.

HONORING LIEUTENANT DANE R. HAYWARD OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Lt. Dane R. Hayward on the occasion of his retirement as Commander of the Clear Lake Area Highway Patrol. Lt. Hayward has served his community and the State of California honorably for over 30 years.

Lt. Hayward received his A.A. in Auto Technology from Ventura Community College, his B.A. in Police Science/Psychology at Lavern University and his M.A. in Counseling from the University of San Francisco.

Lt. Hayward has had an illustrious career in public service. He has implemented progressive solutions that have saved countless lives in Lake County, part of California's 151 Congressional District. He helped secure a 2003 Pedestrian Corridor grant which has resulted in zero pedestrian fatalities to date. He was able to get SR–53 and SR–20 controlled, which has also led to zero fatalities since, and the signal he was able to install at Highland Springs lowered fatalities by 50 percent. He has built the force by establishing a Senior Volunteer Program and an Explorer Program, supplementing his officers on patrol.

Lt. Hayward served as a motorcycle officer in the Central Los Angeles and West Valley offices in southern California. He then went on to become a Sergeant in south Los Angeles and Ventura and a Lieutenant in Baldwin Park, West Valley, and Clear Lake before earning the Commander position.

Lt. Hayward is known as a generous, diligent and committed public servant who never hesitates to answer the call of his community. Among many other affiliations, Lt. Hayward is a member of the Coast Guard Auxiliary, the National Rifle Association, a member of Ventura County Peace Officers Association, and a member of the California Peace Officers Association. On top of all that, Lt. Hayward has been a peer support counselor for the CHP from 1990 to the present.

Madam Speaker and colleagues, it is appropriate at this time that we thank Lt. Dane Hayward for his years of dedication and service on behalf of Lake County and the citizens of California. He has been a role model for anyone who wants to give back to his or her community. I join his wife Phill, their son Dane Jr., and daughter Nicole in thanking Dane and wishing him a lifetime of fulfillment.

RECOGNIZING WORLD REFUGEE DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. HASTINGS of Florida. Madam Speaker, last Friday was World Refugee Day, a day to reflect and address the growing problem of refugee populations worldwide.

According to the United Nations High Commissioner for Refugees (UNHCR), there are more than 11 million refugees living outside their countries. Another 26 million are estimated to be internally displaced due to conflict alone. I urge my colleagues to address this complex and tragic issue.

Since the beginning of civilization, populations have fled to escape violence and persecution and have found sanctuary in foreign lands. In 1951, the United Nations Refugee Convention was created in order to address this issue on an international level. The Convention is the key legal document defining who is a refugee, what their rights are, and the legal obligations of states to refugees.

Since 1951, the issue of refugees has grown both in size and in complexity. While the Convention was designed to solve the problem of World War II refugees, it has broadly extended its scope as the number and nationality of refugees dramatically grew over time. For the first time in five years, the number of refugees has increased, primarily due to a large population exodus from Iraq into neighboring countries. Other significant population outflows that have contributed to this increase include: The Central African Republic, Chad, Sri Lanka, Sudan, and Somalia.

As this issue grows, it becomes increasingly difficult to address it. Today, the reasons leading populations to flee are more diverse. While in 1951 the two main causes of departure were poverty and conflict, today the causes have expanded to bad governance, climate change, and competition for scarce resources. As barriers to human mobility have fallen in recent decades, protecting refugees has become even more difficult. These new challenges make it even more crucial to find adequate and efficient ways to address these issues.

Moreover, with the increased number of refugees worldwide, many countries have started to reverse their policies on granting asylum and have begun closing their doors to vulnerable populations. As a result, refugees are forced to return to the terrible situations which they were originally trying to escape.

I believe that we can alleviate suffering and save lives if the problem is addressed globally, and in cooperation with foreign countries and international organizations, such as the United Nations. The protection of refugees is an international duty. It is the United States' duty to lead these efforts.

One of the most pressing examples of a burgeoning crisis is the Iraqi refugee crisis. Today, there are millions of displaced Iraqis both inside and outside of Iraq. Since the beginning of the Iraq war, the United States has only welcomed in 8,000 Iraqi refugees while Sweden alone has taken in 40,000. The United States has a tremendous responsibility to aid these populations. Even more, we have a specific obligation to protect our allies in Iraq who risked their lives to help our government and our Armed Forces.

As Chairman of the Helsinki Commission, I have been deeply concerned and involved in this issue. Most recently, Senator BENJAMIN L. CARDIN (D–MD), my Co-Chairman of the Helsinki Commission, Congressman JOHN D. DINGELL (D–MI), and I, along with 14 other Members of the House and Senate, sent a letter to President Bush questioning the Administration over delays in processing threatened Iraqis who have worked for the United States government and American organizations in Iraq. In particular, the letter urges President Bush to allow the Department of Defense to airlift Special Immigrant Visa (SIV) applicants for expedited processing to a central processing center outside of Iraq.

Madam Speaker, I urge my colleagues to join me to assist not only Iraqi refugee populations but refugees across the globe. The United States, a beacon of freedom and democracy, has a longstanding tradition of providing aid and protection to refugee populations. I urge my colleagues to devote to this issue of growing refugee populations the attention and resources it needs and deserves.

IN HONOR OF DEAN CARMEN TWILLIE AMBAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. PALLONE. Madam Speaker, it is with great pleasure that I rise today in recognition of Dean Carmen Twillie Ambar. I join with President Richard L. McCormick and all of Rutgers University in honoring Dean Ambar for her outstanding tenure at Douglass and for her recent appointment as President of the Cedar Crest College.

During her tenure as Dean of Douglass, Dean Ambar demonstrated her commitment to the educational advancement of women by leading the fight to save Douglass College. Dedicated to women's success and leadership, Douglass is a unique institution that has enabled countless young women to receive an excellent education and fulfill their potential as leaders in public service, academia, and business.

In addition, Dean Ambar's exemplary service and dedication to Douglass was evident in her pursuit of women's global leadership. Dean Ambar spearheaded programs that showcased and promoted women's leadership skills and encouraged young women to pursue careers in math, science, and technology.

Madam Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Dean Ambar for her invaluable contributions to Douglass and the greater Rutgers University community.

ONE-YEAR ANNIVERSARY OF THE SIGNING OF THE U.S.-KOREA FREE TRADE AGREEMENT

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. BRADY of Texas. Madam Speaker, on Monday, June 30, we will mark the one-year anniversary since negotiators for the United States and the Republic of Korea signed the historic and landmark U.S.-Korea Free Trade Agreement, one of the most commercially significant free trade agreements to be signed by the United States in over a decade.

The Republic of Korea and the United States are already major trading partners. South Korea has the world's 11th largest economy and stands as our 7th largest trading partner with more than $80 billion passing between our two nations each year.

Today, Korea took a critical step toward implementing the recent agreement between the United States and Korea that will allow exports of high-quality U.S. beef to resume, based on internationally recognized standards that affirm the safety of U.S. beef.

Before the import ban, South Korea was the third largest sales market for U.S. beef, valued at over $800 million a year. As the nation's fourth largest beef exporter, Texas would stand to benefit greatly from new opportunities in the Korean market. Under the FTA, Korea would remove tariffs of up to 40 percent levied on U.S. beef, giving U.S. ranchers an advantage over other foreign competitors.

By eliminating tariffs and other trade barriers and strengthening protections for U.S. companies, the U.S.-Korea Free Trade Agreement will expand trade and investment further. The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea FTA would grow U.S. GDP by over $10 billion annually, upon full implementation. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by U.S. farmers, manufacturers and service providers to the South Korean market.

Should the United States Congress sit idle and continue to ignore the economic potential this historic agreement offers, I assure you South Korea will not stop efforts to liberalize its trade relations with other countries—putting Americans at a disadvantage when competing abroad. We cannot afford a time-out on trade while the rest of the world marches on.

Madam Speaker, in closing, this week, we took a moment of pause on June 25, 2008, to remember the 58th anniversary of the outbreak of the Korean War. As that conflict, out of which was born the U.S.-Korea alliance, has often been referred to as the "Forgotten War," it is our duty to honor and remember the noble sacrifices of our Korean War veterans.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is June 26, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,938 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,938 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 26, 2008, 12,938 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

HONORING MONSIGNOR RICHARD O'KEEFFE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. GRIJALVA. Madam Speaker, I would like to submit the following statement for the RECORD. The presentation was given by Colonel John Bullington, Commander with U.S. Army Yuma Proving Ground, in recognition of Monsignor Richard O'Keeffe's work in the community.

PRESENTATION TO MSGR. O'KEEFFE ON JUNE 13, 2008

(By Col. John Bullington, Commander, U.S. Army Yuma Proving Ground)

I'd like to take a few moments to extend a very sincere tribute to a man who is a true treasure to those of us at YPG—Monsignor Richard O'Keeffe.

Since June 1978, thirty years ago this month, the Monsignor, a man of great integrity, energy and sincerity, has faithfully served YPG as Catholic chaplain. He drove from town most Sundays to celebrate mass at the post chapel and is here at least one weekday each week to make visits, perform counseling, conduct baptisms, and perform other duties carried out by a chaplain. He was instrumental in expanding our religious education program and has been an inspiration to all with whom he's come in contact.

I might also mention that Monsignor O'Keeffe is one of the most influential cheerleaders for YPG in the community. He maintains a network of contacts from both political parties, and his advice is always right on the mark. I personally value his input and welcome what he has to say. He represents a rare combination of judgment, fidelity to truth, intellectual force, and clarity of interpretation.

For thirty years, Monsignor O'Keeffe has been there without fail for the people of YPG—of any faith. We could have asked for no better friend, for no better man. Ireland's loss was definitely our gain.

HONORING THE UNIVERSITY OF MICHIGAN HOSPITAL AND HEALTH CENTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor the University of Michigan Hospital and Health Center, UMHHC, Security and Entrance Services for receiving the 2008 Lindberg Bell Award. Bestówed annually by the International Association for Healthcare Security and Safety, IAHSS, the Lindberg Bell Award is given to the hospital with the best healthcare security program in the country. The IAHSS has over 1,600 members and is the only healthcare security organization in the U.S. They provide valuable services to those in the field, including education and training programs. The award recognizes organizations that have vastly improved their services over the last year, and the UMHHC Security and Entrance Services should be commended for meeting this high standard.

The UMHHC Security and Entrance Services is charged with protecting hospital personnel and property, in addition to providing excellent customer service. This is no small feat, considering that there are over 10,000 people in the hospital at any given time. Their leadership skills and innovative spirit have been demonstrated though the development of a badge system for the Mott Children's Hospital. Under this program, all visitors to the hospital must check in at a station to receive a badge to wear during their stay at the hospital. This system resulted in an increase in security and has spread to other sections of the hospital. I am confident the UMHHC will continue to provide a high level of security for patients.

As a Lindberg Bell Awardee, it is my hope that the UMHHC Security and Entrance Services will continue to serve as an example to the community and its peers that the security of our patients should not be overlooked. Our hospitals open their doors each day to diagnose and care to the citizens of our community. It is imperative that while serving this mission our doctors and nurses are not distracted by outside issues. By going the extra mile, UMHHC is ensuring that every person who walks through their doors will know that both high quality care and safety comes first. Again, I commend UMHHC for their effort and tireless dedication to its patients. To the doctors, nurses and support staff, I congratulate each one of you for being part of a health system who takes the mission of caring for patients to the next level. Congratulations UMHHC on winning the Lindberg Bell Award.

HONORING GEORGETTE BROWN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to share with you and my colleagues my pride in Georgette Brown. Georgette is a dedicated public servant, a good friend, and a stalwart guardian of the American election process.

Georgette is retiring after 25 years of elected service as County Clerk in Josephine County, Oregon. As all of you know, to be elected to a position repeatedly for over two and a half decades, a person must be extremely well liked, dedicated, competent, and a proven leader. Those attributes truly personify Georgette Brown.

In her career, Georgette has brought innovation and modernization to the Office of Josephine County Clerk since assuming office in 1983. She oversaw significant transitions that took the county from hand-counted paper ballots to punch cards to optical scan ballots, which are now in their third generation. She flawlessly facilitated the change from voting at polling places to a 100 percent vote-by-mail system today. Georgette has been a true professional as County Clerk, and I have relied on her many times to understand how proposed legislation might affect the local elections process.

Georgette has continually modernized the recordkeeping and reporting functions of the County Clerk's office, now utilizing the Internet extensively. She has created a user friendly office where you can easily obtain passports and other public documents. As County Clerk, Georgette also performs marriages.

To accomplish what Georgette has as County Clerk would be considered remarkable in and of itself, but Georgette also excelled at being a loving wife, mother, and now a grandmother. Her public service and leadership has gone beyond her elected position to include her long service in Rotary and Zonta. Georgette has served as president of both of those organizations dedicated to serving others. Georgette serves on the executive board of the International Association of Clerks, Recorders, Election Officials, and Treasurers. In her retirement, she plans to continue her international involvement in the elections process.

For most of her adult life, Georgette was at the side of her husband, Larry, who was tragically taken from us all too soon a few years ago when a long battle with cancer ended his life. Larry was, in every sense of the word, a great American, patriot, and one who accomplished great things. Larry and Georgette were a very effective team working to better their community. When Larry passed away, it took great courage for Georgette to carry on without him, but she has been up to this ultimate personal test. She has kept the flame of public service burning brightly for which the Browns were so well known.

Madam Speaker, with all of her significant accomplishments, Georgette would assuredly point with most pride to the two great daughters that she and Larry raised, Monique and Martie. Monique is married to Shane Anderson and they have presented Georgette with her first grandchild, Taylor Anderson.

Even though Georgette Brown is retiring from public office, she will always be active in serving others, and she remains committed to making her country and her community a better place in which to live and work. Madam Speaker, we may pass laws, but people like Georgette Brown make those laws work for all of us. Although she will be missed as County Clerk, she can leave that phase of her public service knowing that she gave it her all and she made a real difference. With public service such a part of her moral fiber, we know that she will soon be serving in new and innovative ways and continuing to improve the lives of others.

I highly value Georgette's service and her friendship. I ask you to join me in honoring this very special woman.

NAAYI YOUTH PROGRAM—ENCOURAGING MORE MINORITIES TO ENTER HEALTH PROFESSIONS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. LEE. Madam Speaker, I want to acknowledge and thank my good friend and colleague Dr. DONNA CHRISTENSEN, the chair of the Congressional Black Caucus Health Braintrust. As the only doctor in the CBC, Congresswoman CHRISTENSEN—we all look to DONNA for her advice and her insight on critical health issues that affect our communities.

Whether it is finding ways to address racial and ethnic health disparities, helping our health care system provide culturally competent and culturally relevant care, or helping encourage young people, like you all, to enter the health professions, we rely on DONNA to guide us.

I want to thank her for her leadership and for helping to organize this event today.

My background is as a psychiatric social worker. I know how important it is to have people of color in the health professions; people that can relate to their patients and who can provide help and advice in a way that is relevant for them.

As a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I have been working with my colleagues to increase funding to increase diversity in the health professions.

This year I'm pleased to report that we have developed a bill that would provide nearly $104 million to increase diversity training programs in the health professions. That's an increase of $34 million from last year.

These funds will go towards programs and institutions that help train minority health professionals and provide scholarship support to help defray the costs of an education.

As we move through the appropriations process I look forward to working with my colleagues to ensure that we keep and grow the money for these programs.

THE MEDICAL DEVICE SAFETY ACT: PROVIDING CRITICAL CONSUMER PROTECTIONS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of the Medical Device Safety Act of 2008, which has been introduced today by my colleagues Representatives FRANK PALLONE and HENRY WAXMAN. I am proud to be original cosponsor of this legislation, which will restore consumer protections that were eliminated in the Supreme Court's recent Riegel v. Medtronic decision.

The Riegel v. Medtronic decision ignored congressional intent and disregarded 30 years of experience under the 1976 Medical Device amendments, during which FDA regulation and State tort law worked together to protect consumers from dangerous devices. The Riegel decision gives total immunity to device manufacturers who fail to adequately warn consumers about device risks. It is now the responsibility of Congress to correct the Court's dangerous mistake.

Patients who are injured by medical devices often suffer permanent, debilitating injuries or even death. They need the ability to hold the negligent medical device manufacturer accountable for their injuries. If not, private health insurance companies and Medicare or Medicaid would be left footing the bill to pay for those injuries; and, ultimately, the taxpayer pays for the medical device manufacturer's mistake.

This narrow piece of legislation is necessary to address the Riegel decision and to ensure that it is not then applied to afford total immunity to medical device manufacturers throughout the country. It also will make certain that patients injured by medical devices can have their claims heard by a judge and jury and will prevent courts from summarily dismissing claims without ever hearing the facts. Finally, it restores congressional intent by explicitly stating that actions for damages under State law are preserved.

I urge my colleagues to join me in cosponsoring and enacting the Medical Device Safety Act so that we can restore long-standing consumer protections.

PERSONAL EXPLANATION

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. MAHONEY of Florida. Madam Speaker, on Wednesday, June 25, 2008, I was unable to be in Washington, D.C. due to my attendance at the funeral of a personal friend in my district.

Had I been able to vote, I would have voted the following ways on the below listed rollcall votes: 449—"yea"; 450—"yea"; 451—"yea"; 452—"yea"; 453—"yea"; 454—"nay"; 455—"nay"; 456—"yea"; 457—"yea"; 458—"nay"; 459—"yea"; 460—"yea"; 461—"yea."

PERSONAL EXPLANATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. JOHNSON of Georgia. Madam Speaker, I regret that I was unable to vote on the evening of Wednesday, the 25th of June. Had I been present, I would have voted:

"Yea" on rollcall vote No. 460, the H.R. 3195, the Americans with Disabilities Amendments Act of 2008, which restores the intent and protections of the Americans with Disabilities Act of 1990. I deeply regret that I was unable to vote in support of an issue which I feel very strongly about. And I remain proud of this body, under the leadership of the Speaker and Majority leader, in guaranteeing that tens of millions of Americans with disabilities now enjoy equal rights under the law while being empowered to better our nation with their incredible, inherent talents without fear of discrimination or bias.

RECOGNIZING THE CONTRIBUTION OF SUFFOLK LIFE NEWSPAPERS TO LONG ISLAND

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2008

Mr. ISRAEL. Madam Speaker, I rise to commemorate a sad occasion in my district: Suffolk Life Newspaper will publish its last edition this week. David Willmott published the first edition of what would become Suffolk Life on August 17, 1961.

His paper, which started out serving a small community in Suffolk County, eventually became the largest weekly paper east of the Mississippi. For more than 40 years, Dave Willmott covered the local issues that didn't receive attention elsewhere. He had a style all his own—with political views that I often disagreed with. But he took on the issues others wouldn't touch and he and his staff took great pride in the service they provided to our community with the newspaper. They held those of us who serve in public office to a high standard with rigorous questionnaires and biting weekly columns.

Suffolk Life will shut its doors, but the impact of Dave Willmott's enterprise will live on long after the paper is gone.

Madam Speaker, Suffolk Life will be missed but not forgotten. I'm proud to honor this Long Island institution on the House floor.

SENATE—*Friday, June 27, 2008*

The Senate met at 9:45 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great God of love, in Your hands are the depths of the Earth, and the mountain peaks belong to You. We come to You with trust and confidence, for You have promised to watch over and sustain us.

Look favorably upon the efforts of our lawmakers, and help them to humbly serve You and country. May they place Your priorities above their own and seek Your guidance at each crossroad.

Lord, as we again prepare to celebrate America's birthday, make our Nation a beacon of hope to the world. Lead our Nation so that our efforts at home and abroad will be a reflection of Your character and grace. And Lord, bless all who defend our liberties on sea, land, and air.

We pray in the Name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

There will be no rollcall votes today. The next vote will occur at 5:30 p.m., Monday, July 7. That vote will be on the motion to invoke cloture on the motion to concur with respect to the housing reform legislation.

Last night, we were able to reach agreement to complete action on the FISA legislation. That will be when we return from the recess. So there will be three amendments in order to the legislation, with limited debate time on each. Senators should be prepared to debate and vote on the FISA legislation, which we will complete on Tuesday, July 8.

MEASURES PLACED ON THE CALENDAR—S. 3202, S. 3213, AND H.R. 3195

Mr. REID. Mr. President, I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3202) to address record high gas prices at the pump, and for other purposes.

A bill (S. 3213) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

A bill (H.R. 3195) to restore the intent and protections of the Americans With Disabilities Act of 1990.

Mr. REID. Mr. President, I object to proceeding to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

NOMINATIONS

Mr. REID. Mr. President, we have a number of nominations we are going to try to clear today. We have a number of consent requests but just a few in number. We have been asked by the White House to hold off on one of those for the next 15 minutes, so we will do that. We have quite a large batch of nominations to clear. We have a hold on them. We thought we had it all worked out, but there is a problem on the other side. That is unfortunate, but that is what seems to happen. I have had a number of conversations with the President's Chief of Staff, and they have had numerous meetings with my people and the President's people. We thought we had everything worked out—and we do on our side—as to what Mr. Bolton wants. But we will wait to see if that can be worked out with the minority, and sometime in the near future.

I have nothing further at this time, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NOMINATIONS

Mr. McCONNELL. Mr. President, I am not sure we do have a problem. We are taking a look at it now, and we will be in further consultation with the majority leader.

Mr. REID. Excellent. That is good news.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania is recognized.

KEY PROVISIONS OF H.R. 6331

Mr. CASEY. Mr. President, I rise this morning, prior to our break for the Fourth of July holiday, to talk about Medicare and in particular some of the activity on the floor in the last couple of weeks, but especially last night.

I wanted to highlight some of the provisions of the Medicare Improvements for Patients and Providers Act of 2008 because sometimes, when something gets voted on here, whether it is the bill or a measure to get us to the bill, it can go right by a lot of us and certainly can go right by the American people without enough focus on some of the provisions of the bill and some of the detail. I think it was a real missed opportunity, and I will talk about that in a moment, but now just some of the highlights.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

First of all, with regard to physicians in America, the bill eliminates the pending 10-percent cut in Medicare payments to physicians for the remainder of 2008 and provides a 1.1-percent update in Medicare physician payments for 2009. It provides a 2-percent quality reporting bonus for doctors who report on quality measures through 2010 and provides financial incentives to providers to encourage the use of electronic prescribing technology.

I don't think anyone in America needs to be reminded of how important this is, not just to make sure our Medicare system works well because of the positive impact this could have on doctors, but also anything we can do to encourage the use of information technology or other kinds of technology to make our system more efficient and more safe is critical. So that is one part of the physician section of this bill.

For hospitals in particular and especially in my home State of Pennsylvania, there are so-called section 508 benefits. I will give a quick summary of what that means.

This bill would extend 508 benefits to hospitals so they can continue to pay doctors and other providers in accordance with wages from surrounding areas. For northeastern Pennsylvania especially, this is a critical provision.

Basically, and I am generalizing here, sometimes what happens is you have regions of a State that are categorized or given definitions that don't apply, and the reimbursement level goes down, and therefore the wages are impacted and they have trouble recruiting skilled personnel for positions in those hospitals. So we need a long-term fix for this situation. What this bill would do is continue to extend some help we have given in the past, but we do need a long-term fix, and we are working on that. For now, we need to provide this wage assistance to hospitals—and many hospitals in Pennsylvania have been hit hard by this—so they do not lose critical personnel to surrounding areas. It is a very competitive business, the business of recruiting qualified medical personnel.

That is the physician section.

The second section—and I am going to review just two or three more—the beneficiaries. There is a lot to talk about here, but this bill adds a critical benefit for low-income older citizens, who are among the most vulnerable Medicare beneficiaries. It extends and improves low-income assistance programs for Medicare beneficiaries whose income is below $14,040. This includes the so-called Qualified Individual Program, which pays Part B premiums for low-income beneficiaries with incomes between $12,480 and $14,040. This provision is important to beneficiaries. The bill would increase the amount of assets low-income beneficiaries can have and still qualify for financial help with Medicare costs.

The Presiding Officer knows from his own work in the State of Ohio and the people he represents that as we went through the farm bill, one of the points we focused on with regard to food stamps was that some people who get a benefit from food stamps were adversely affected because things such as childcare expenses—so essential for a family—were being included as part of their assets, and it made it harder for them to get food stamp benefits. The same kind of principle is at stake here, where too often the eligibility determinations for low-income beneficiaries are unfair. This would improve that.

Another area I wish to talk about are pharmacies. The bill requires Medicare to pay pharmacies on time—as they should anyway. Isn't that an interesting provision? These pharmacies have to pay out on prescriptions, and they need reimbursement quickly so they can stay in business. Many of them are the only pharmacies serving their communities in small towns.

When people think of my State, they think of big cities such as Philadelphia or Pittsburgh or Erie or Scranton or Harrisburg or Allentown. But in between, we probably have more small towns than most States in the country. In those smaller communities, that pharmacy is sometimes the only option for many families—and not just rural families but many families who just live in small towns. It is certainly reasonable to expect these pharmacies to be reimbursed within 14 days, and that is what this bill does. It forces the Federal Government to do what it should do, which is to pay pharmacies on time.

Medicare Advantage. That is something we are going to be talking more about, but that is a subject of significant debate in the country. This bill deals with that issue directly. It also deals with rural providers and other beneficiaries.

The bill protects access to care in rural America by extending and building upon expiring provisions, including improving payments for sole community hospitals, critical access hospitals, and ambulances. It extends expiring provisions that preserve payment equity for rural physicians and rural hospitals that run clinical laboratories.

I could go on from there, but I won't. This isn't just about some Medicare concerns we have in our cities, this is about rural America and access to care in rural America. And Pennsylvania has as much of a rural population as virtually any State in the country. We are at least in the top five, at last count.

So all of this is a way to summarize the bill and not do justice necessarily to the detail of the bill. This was a bill that was worked on here, worked on in the Finance Committee for many weeks, and worked on in the House in consultation with the Senate. The chairman of the Finance Committee, MAX BAUCUS, and his team and people on that committee worked very hard, and I will tell you, to have it stopped, as so many things have been blocked around here—when I look at the total votes, Democrats did their job. We voted, every one of us, in unison to get this legislation moving forward. Yet, if you look at the total, on this vote last night there were eight Republicans who voted to move the bill forward.

When you consider what is at stake—I mean, we listened to the arguments from the other side, but when you talk about making sure physicians are treated fairly so they can treat older citizens in Pennsylvania, Ohio, and across the country; when you talk about reimbursement in the case of hospitals in northeastern Pennsylvania, where they are competing for skilled personnel, yet we are not going to move something forward that can help them on their wages so they can have the best possible care for older citizens—in my home area of northeastern Pennsylvania, we have the highest percentage of people over 65 of anyplace in the country. We need help with this wage index problem to recruit the best personnel.

When you talk about beneficiaries, these are very vulnerable low-income beneficiaries, some of whom do not just have to worry about their Medicare benefits, but they are standing in lines to get food from food pantries. The Presiding Officer has talked about this a lot over the last year. The price of everything in their lives has gone up—gasoline and food, they are worried about Medicare, they are worried about their children and their grandchildren. And we can't vote to move something forward? It is outrageous that we have this split where you get all these Democrats voting for it and only eight Republicans.

Finally, when it comes to pharmacies and rural providers, my goodness, if we can't move legislation forward to make sure the Federal Government pays pharmacies within 14 days, what are we doing? We can't get the votes to move forward.

People across America and families on Medicare are worried. They are worried about Medicare and how it is going to impact their lives. I want them to be aware of what happened here. Democrats voted in unison to move this forward, to make these changes to the Medicare Program. The other side did not. It is a very simple equation. I know we will vote on this again, and I hope our colleagues on the other side, when they consider what is at stake for rural America—for small towns across the country and for very vulnerable people—I hope they would take that into consideration and vote the right way for older citizens and for those families.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. CASEY. I will withhold.

Mr. SESSIONS. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

RURAL HEALTH CARE AND WAGE INDEX PROBLEMS

Mr. SESSIONS. Mr. President, I thank the Senator from Pennsylvania for raising some important issues with regard to the way our Medicare system works—and Medicaid, too, for that matter. In many areas of the country at least half the health care that is provided goes through those programs. I would like to associate myself with what I understood to be one comment that he made about rural health care and wage index problems.

Hospitals in America are reimbursed at different rates. If you are a hospital in a smaller area, the Federal Government calculates how much you should be reimbursed based on what they call a wage index, and that wage index pays substantially less or results in a payment substantially less than is given to hospitals in urban areas for the very same procedure and the very same care.

We tried to make some progress, and did make some progress, a few years ago under the leadership of Senator GRASSLEY. He understood the issue. He believed it was adverse to some of the smaller communities in Iowa. We had some discussion about it. We made some progress, but it is still very dramatic.

Let's say the average is $100 for a procedure; this is what a hospital would be paid. If your wage index is 80, then you would be paid $80. If your wage index were 120, you would be paid $120. If you have two hospitals, one of them with a higher wage index, it gets paid $120, and a poorer, rural hospital would get paid $80.

This has some ramifications that go beyond common sense in that the equipment that a rural hospital needs to utilize may be utilized less often, and therefore is more expensive per procedure, than one that will be utilized in a wealthier hospital in a wealthy area. I think this is a big issue.

In response to the concern about the bill, I understand there is a firm view of Members on this side, and the President, that the Medicare Advantage program not be eliminated in this bill. That is basically what has happened. We want to see many, if not all, the reforms in here, or most of these reforms, but there are one or two matters that this side of the aisle feels very strongly about. If we could work those out, I think we could pass that legislation in prompt order.

Some would say it has been blocked by those on this side, and some on this side say it has been blocked by the unwillingness to discuss the concerns that we have, and therefore it is blocked on the other side.

I see our distinguished majority leader.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE PEPFAR REAUTHORIZATION

Mr. REID. Mr. President, in 2003, Congress responded to President Bush's call for action by creating the Global HIV/AIDS Program. The goal of that program was to confront the crisis which has killed more than 30 million Africans since 1982. Thousands are dying every day. About 5,000 are dying every day in Africa—every day, weekends, no holidays off. This strongly bipartisan effort to create this legislation has already helped tens of millions of Africans affected by HIV/AIDS. It has been 5 years since we passed that legislation, and now it is time to reauthorize the Global HIV/AIDS Program.

This program was started with bipartisan support, and that support remains today. The House of Representatives passed the reauthorization on a strong bipartisan vote. The Senate Foreign Relations Committee also passed the bill with broad bipartisan support. This legislation has the strong support of Senate Democrats, most of the Senate Republicans, and President Bush.

Unfortunately, as happens often, the legislation has been blocked by a small group of Republican Senators who have placed a hold on this legislation, preventing us from moving forward. That is why several months ago I asked Chairman BIDEN and Ranking Member LUGAR to negotiate a compromise. They worked tirelessly on this challenge. I thank them for their hard work. Also, Senator ENZI, the ranking member of the HELP Committee, in the absence of Senator KENNEDY, has worked very hard to get rid of some of the holds.

Given the importance of this legislation and the overwhelming amount of work we have to do in the Senate, I thought it would be appropriate to set a deadline to get something done, and that deadline was this week for the negotiations to be completed. First, it was Monday, then Tuesday, then Wednesday. Then yesterday I was told by Senator ENZI there was one more person to work it out with and we could clear it tomorrow. That is today—he told me that yesterday.

We thought an agreement had been reached, and we have a final text of the agreement. I thank everyone for their work and their leadership during these negotiations, for their hard work over the past few days to close the deal on the final issues.

Senators COBURN, ENZI, BURR—I indicated, and the White House—have all taken part. I certainly hope my colleagues on the other side will not block this bipartisan agreement.

President Bush will be attending the G–8 conference over the July recess and should have this bill in hand to show the commitment of the United States on HIV/AIDS. As President Bush said in February of this year:

> Congress needs to make sure that this HIV/AIDS plan, PEPFAR, gets reauthorized for a 5-year period of time. We don't want people guessing on the continent of Africa whether or not the generosity of the American people will continue.

Mr. President, we really must act now. I ask unanimous consent——

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator will refrain until the majority leader finishes his request.

UNANIMOUS CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, Calendar No. 698, S. 2731—this legislation is named after Tom Lantos and Henry Hyde, with whom I had the good fortune of serving in the House of Representatives. They were both wonderful men. This is called the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2731, that the only amendment in order, other than the committee-reported substitute, be the Biden-Lugar substitute which is at the desk; that the substitute be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill and there be no further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. I object for a number of Senators who have not been a part of this negotiation and have some concerns.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am disappointed, to say the least, that again the Republicans objected to passing this bill. The White House made a number of calls this morning but obviously not enough. They are concerned that the President is going to be embarrassed when he goes to Europe and not be able to say that this legislation is going to be approved.

I now will offer a unanimous consent agreement, another one, which I think is reasonable based on the bipartisan agreement we have reached so far, which allows Senators on both sides to offer amendments. So I say to everyone, if people do not like this, let's bring this to the floor and have some amendments. That is what this is all about. The consent agreement will have the bill come to the floor at a time when both leaders agree—not just me.

A lot of things we do here say: The majority leader in consultation with the minority leader. That is not what we are saying today. It will take the consent of both leaders. I hope this will be something that is acceptable.

With this consent agreement, we are making the commitment to move the bill to the floor but giving both Democrats and Republicans a voice in the process. This agreement is fair and allows for a substitute to represent the bipartisan agreement—and, as I said, this offer is more than fair. So here is my next unanimous consent request that I will propound.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 698, S. 2731, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the only amendments in order, other than the committee-reported substitute, be the following: Biden-Lugar managers' package substitute amendment, two amendments from each side that are germane to the Senate bill, committee-reported substitute and the Biden-Lugar substitute; with second-degree amendments in order to the four amendments that are germane to the amendments to which offered.

There will be two amendments on each side with second-degree amendments in order to the four amendments. As you multiply that, that is a lot of amendments. They have to be germane, would be the only stipulation.

General debate on the bill will be limited to 2 hours equally divided, controlled between the leaders or designees; debate time on any first-degree amendment be limited to 60 minutes equally divided and controlled in the usual form; and any second-degree amendments be limited to 30 minutes equally divided and controlled in the usual form; that upon disposition of all amendments, the use or yielding back of time, the substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged of H.R. 5501, the House companion, and that all after the enacting clause be stricken and the text of S. 2731, as amended, be inserted, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 5501, as amended; that the provisions of this agreement become effective only after each of the amendments covered under this agreement have been available for 24 hours for review and printed in the RECORD; and each leader notifies the legislative clerk that they have no objections, and places a statement in the RECORD; further, that S. 2731 then be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object, I think some Senators who have concerns about this are not here at this time. I am not at liberty, therefore, to agree to the plausible scenario for moving this bill forward that the majority leader proposed. I note the House has gone out of session, so without their consent the bill would not clear and become law in any case before we get back from our upcoming recess. But I would note that some fabulous progress has been made as a matter of policy in this bill. I feel far better about it from what I learned this morning—although that was the first time I heard about it—than I did previously.

For those reasons, I will object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am deeply disappointed. We are going to finish this bill sometime during the next work period, or certainly give it a real try.

Democrats have listened to the concerns of every Senator, especially a small group of Republicans standing in the way of international AIDS assistance. We have compromised, and we have negotiated for months.

The unanimous consent agreement that I have offered is more than fair and will bring forward a strong bipartisan bill. As I said, we will have to finish this when we get back in 10 days or so. We have to finish the housing bill, we have to do the work on FISA; that should take up the first week.

And, of course, we have other things to do. But this will be part of what we plan to do during the next work period. There are literally millions of people depending on us.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, a request for unanimous consent means that the bill passes the Senate without debate, as written. Each Senator should honestly evaluate that before they give their consent.

Senator COBURN was raising a number of concerns, and I think he has been satisfied in them.

Mr. REID. That is true.

Mr. SESSIONS. For example, one of the things he and I felt strongly about was the rule that more than half the funding should be used for medical care. That has a lot of science behind it. And AIDS groups in Africa pleaded with us. That was changed. That is now in there. So I was very pleased with that.

Another change also affirmed abstinence-only programs. Another reform Senator COLEMAN asked for and has received would prevent funding from going to more wealthy nations such as Russia, China and India than would have been available under the original bill.

It would now prevent substandard medicines from being used and would treat faith-based groups that are working hard in Africa now in a fair way. So some real progress has been made on this legislation. I would certainly be the first to acknowledge that.

I have not had a chance to fully look at all of it. But I do think President Bush and the majority leader and others who have worked on this have made the legislation better.

Mr. REID. We will certainly hope to make it good enough that we can get it out of the Senate. We have tried very hard to do that. It is an important piece of legislation.

This is something the President has wanted. He talks about it all the time. We have done our best for him, and we will keep everyone advised of our progress.

We are going to do our very best to finish this next work period. I am confident it may take a little bit of time that people do not want to spend, but we are going to have to do that because it is too important not to.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

RISING PRICE OF GASOLINE

Ms. CANTWELL. Mr. President, I rise this morning to talk about the ever-increasing problem and crisis we have in this country with the rising price of gasoline.

Many of my colleagues saw that yesterday oil futures hit $140 a barrel; I think today it is up to $141 a barrel. The stock market, I think, is responding to the anxieties that oil costs are causing to our economy and the future prospects of some people speculating it might even be going up to $150 or $200 a barrel. This is a problem for us and a problem that this body needs to address and needs to address quickly.

Many people at home are understanding—because at almost $4.30, whatever people are paying for gasoline across the country, in Washington State we seem to pay a higher price than the Nation, on average—are starting to understand what the oil futures market is and how much speculation is happening.

But we can see today that on world consumption, there are about 86 million barrels of oil a day that are consumed. But what people might find surprising is that the volume of that oil traded back and forth on a daily basis is over 1 billion barrels per day.

So we produce 86 million, but yet we trade it over and over and over again.

In fact, 14 times we trade and sell one barrel of this oil back and forth every day. Many of my colleagues and myself have concerns about the fact that much of this trading, at least this chunk of it, done on the Intercontinental Exchange is done in a dark market. So we do not know what kinds of positions people hold, we do not have the same requirements for excessive trading that we do on NYMEX and on the Chicago Mercantile Exchange.

So we have a lot of anxiety that there is a lot of trading going on in the dark that people do not understand and that this situation, while we are out on recess, could be exacerbated; that we could have a grave problem while we are seeing this continue to shoot up.

A few weeks ago, we had the price shoot up $10 in 1 day. So my colleagues in the House responded to this, knowing it is an emergency situation. In fact, 402 House Members recognized this is an emergency situation, passed legislation yesterday that was brought to the floor, not a lot of discussion or debate. There have been many hearings, but the decision was made, because we are leaving, to bring up this emergency declaration to say to the CFTC that they should use their emergency authority to make sure they are cracking down on any excessive speculation in all markets, including those that currently have loopholes, such as the Foreign Boards of Trade, such as ICE, those exempt electronic markets and any exempt swaps and bilateral energy trading.

That is what 402 of our House colleagues said, is that they believe it is an emergency and that the CFTC should use its emergency authority and use that authority to make sure that excessive speculation is investigated, that they demand that people reduce position limits, that they have overall stricter position limits, and that they be aggressive while we are gone on recess.

So while we are taking a holiday, there is no holiday for consumers from higher gas prices. But one thing we can do is make sure the chief agency in charge of policing these oil markets uses its emergency authority while we are gone to do everything they can to protect consumers.

I think this is important legislation. And the fact that 402 of our colleagues also agreed in the House of Representatives, led by Representative CHRIS VAN HOLLEN and Representative BART STUPAK, it is time we do the same thing.

As I said, they did not have a lot of time to discuss this, they were all in agreement that this is an emergency situation, and we should make sure the CFTC uses that emergency authority.

UNANIMOUS CONSENT REQUEST—H.R. 6377

I ask unanimous consent that the Senate proceed to the immediate consideration of this House bill, H.R. 6377, the Energy Markets Emergency Act, which was received from the House; the bill be read three times and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object. Would the Senator amend the unanimous consent request, that this legislation be the first order of business following disposition of the FISA legislation and that the first amendment in order be a McConnell amendment, which is the text of S. 3202, the Gas Price Reduction Act?

Ms. CANTWELL. I do not agree to the modification of my request.

Mr. SESSIONS. Mr. President, I object on behalf of the leaders on this side.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. CANTWELL. Mr. President, I am obviously disappointed that my colleague on the other side of the aisle is objecting to this request because this legislation passed by us could go to the President's desk, and we would be sending a very strong message today, that while we are gone, this is a serious crisis, and we expect the Federal regulator, the policeman on the beat, to be doing their job while we are gone.

We have tried to say to this agency that they should be more aggressive. We have pushed them with letters; we have pushed them with oversight hearings. But now we have our colleagues in the House of Representatives saying: You shall use your emergency authority.

It is disappointing that even though 402 Members, a majority of Republicans and a majority of Democrats—I think only 19 people did not vote in favor of this particular measure—that over 400 Members thought this was such an emergency that we should take this action.

It is very unfortunate that while we are going on holiday, our consumers are not going to have a holiday from high gas prices and will not have the protections and the indication that we have said is critical to making sure oil markets are properly policed and that we do not continue to see this rising and huge increase in gas prices while we are gone.

I am very disappointed in the objection and will continue to fight this issue to make sure our consumers are protected by the Federal agencies that are supposed to be doing their job in protecting them from excessive speculation and manipulation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVING SANCTIONS ON NORTH KOREA

Mr. BROWNBACK. Mr. President, I wish to speak to the body about an announcement made by the administration yesterday that is probably best captured on the front page of the Washington Times: "'Axis of evil' member to be scratched from list." These are the announcements of the administration policy of what they are going to take that was announced yesterday regarding North Korea.

I believe the administration's announcement yesterday about lifting sanctions on North Korea and removing it from the list of state sponsors of terrorism is shocking, is sad, and it belies the facts. I say "shocking" because of the extent to which we have allowed Kim Jung Il to manipulate the situations and the negotiations. I know some are calling this a victory, but I want us to just review what has taken place and the facts on the ground and the facts in North Korea and the facts for the North Korean people.

I have spoken several times on this floor about North Korea, about its abysmal record of human rights, about the gulag system that is taking place, about 10 percent of its population being killed over the last 15 years through either starvation, depravation, or the gulag system. When this place finally opens up, we are going to see a level of depravity that is going to rival some of the worst situations we have seen in the last 50 years. Yet now we are removing them from the state sponsor of terrorism list, we are lifting sanctions on them for their nuclear explosions, and we are saying: OK, it is going to be brought into the normal group of nations.

I wish to talk about factually what we know is taking place today in North Korea and ask my colleagues to ask themselves: Is this something we really should be doing? Does this really factually address what the situation is today in North Korea?

North Korea sent the Chinese a declaration that is 6 months late on their nuclear involvement. It does not include any information on uranium enrichment. It has nothing on the secret, illegal nuclear reactor exported to Syria that was bombed a year and a half ago by the Israelis, and it has no indication on the number of nuclear weapons North Korea produced. That is what is missing.

I will talk about what we have done, and yet we do not have that base of information about which I just spoke. In return for this paltry and, frankly, I think insulting lack of information handed over by Kim Jung Il—and I hesitate to call this a declaration for its severe deficiencies—our Government is legitimizing this regime by waiving the Trading With the Enemy Act and removing it from the list of state sponsors of terrorism.

I have heard the argument that these sanctions are only symbolic and that there are many more sanctions still in place to continue the isolation. But let me show you what the State Department gave me on this very subject yesterday.

As shown on this chart, this is the list of sanctions that remain, and they list on it the Glenn amendment sanctions, which I remind the body is a set of mandatory sanctions, that if you use or detonate a nuclear device, these sanctions automatically go on you. They are listed as sanctions being maintained, and yet yesterday this body, in the supplemental, provided the administration with waiver authority on Glenn amendment sanctions toward North Korea. This was something lobbied for heavily by the State Department and this administration. So we cannot say those sanctions are still in place when the administration now has the authority to waive those as well because of lobbying in this body.

We may recall last month when the State Department came to the Hill and lobbied intensively for Congress to waive these Glenn amendment sanctions. I heard about how important it was to give the Department a waiver to carry out disablement and dismantlement. Then that waiver was included in the supplemental without any Senate hearings on the matter. There were no Senate hearings on waiving Glenn amendment sanctions toward North Korea. When the State Department says not to worry, I have very little reason to feel comforted by their assurances that there are plenty more sanctions on the books when they worked hard to lift these very sanctions.

Another point on delisting: What does this say to the other state sponsors of terrorism? It tells President Bashir of Sudan or Castro from Cuba that the way to get off the list is to go out and start a nuclear program and then bargain it away in exchange for getting delisted.

Does anyone really believe North Korea should be removed from this list? That is the pointed question I would like to ask Members of this body and the administration. Does anybody really believe North Korea should actually be taken off the state sponsor of terrorism list when they provided missile technology to Iran, a nuclear reactor to Syria, funding of any number of groups—I want to back off of that statement. I want to only state ones that are obvious and well known. While Iran remains the most active state sponsor of terrorism, North Korea is the only one as far as I know that has built a secret nuclear reactor for a fellow member of this malicious group.

On top of that, the CRS report from just a few months ago provides ample evidence of significant North Korean assistance to terrorist groups. There are reports that North Korea sent trainers and advisers to southern Lebanon to help Hezbollah build tunnels. Other sources say they provided materials for the rockets fired into Israel.

The other piece, as I mentioned, is that today's announcement is saddening. I say saddening because no progress was made on human rights despite all the concessions we handed over, no progress made on human rights in spite of 10 percent of the population being killed in the last 15 years in North Korea. No progress made on human rights—not a part of the agreement, not a part of delisting them, not a part even of the specific items listed by the President that must be done for North Korea to gain its way back into a reasonable relationship with other nations. Despite all the concessions we handed over, there has been no progress at all. We have no assurance that any will be made going forward in this process.

Let me read what the President said about what North Korea must do to end its isolation. This is what the President said yesterday morning:

> To end its isolation, North Korea must address these concerns. It must dismantle all of its nuclear facilities, give up its separated plutonium, resolve outstanding questions on its highly enriched uranium and proliferation activities, and end these activities in a way that we can fully verify.

What about shutting down the concentration camps?

I want to show a picture from Google Earth, so anybody can go and see these. This is Camp 22. If you would like to spot it on Google Earth, these are blown up from Google Earth. The administration probably has a little better resolution on some pictures they have. This is one of the most notorious gulag prison camps in the world. It is in North Korea. Once you go into Camp 22, you do not come out. Nobody has come out of this camp alive. This exists in North Korea today. It continues to exist. Nobody in the administration or elsewhere is calling for it to be shut down. Yet we are going to take them off the state sponsor of terrorism list—while people go in and never come out of this place. Does this sound familiar? Have we heard this story before? Have we heard it before in any dealings with other regimes?

Let me show you a few other pictures of this place from Google Earth. Anyone can go and look at it yourself. Here are some of the barracks at Camp 22. It is a large place. It is larger than the city of Los Angeles areawise, with big mining operations, timber operations where they work people to death. Shown in the picture are some of the barracks of this place. You have fencing, guard posts, the road coming in, the road going to a coal mine where people die mining for coal.

This is a picture of some people—there is not much resolution, again, on that—people probably just going in, never to come out. If we stand here in a couple years, after this regime is no longer in power or it opens up, and we start to get the data and we start to get the evidence and we start to find the bodies and get the body count of how many people died here, I want you to remember this picture. We saw it.

We have done this before where we have said: OK, well, yes, we think there may be something going on, but we are not sure about it, and plus it is more important that we just deal with this specific issue of plutonium and forget these people and them dying, when we have it in our power to negotiate this and say: No, we are not going to take you off this terrorism list until you do something on human rights, until you close down this camp and highlight that piece of it instead of just having this narrow piece, and then this is the way forward to deal with and delegitimize the regime and stop getting the people killed.

The weapon of mass destruction is Kim Jung Il, and what he is doing it on right now is his own people, and we know it.

As I have noted before, Google Earth has made a witness of us all. These images are available to anyone and everyone with an Internet connection.

What about the starvation policy of the regime? What about the kids who are starving in the regime? Let me show you a picture. I do not have this one blown up. It is a picture of orphans looking out of an orphanage. You can see their emaciated bodies. The German physician, a few years back, who was going around and treating some people in North Korea snuck out pictures very similar to this—not very happy. What about the thousands of refugees who flee to China, many of whom are trafficked into the sex slave trade, while others get repatriated back to North Korea by Chinese authorities to face torture, execution, or a trip to Camp 22? These are issues that by law must be addressed in these negotiations under the North Korean Human Rights Act, signed under this administration, which declares it so.

Furthermore, does anyone really believe we can trust Kim Jung Il to be truthful with these declarations that he is handing us when he has no qualms about treating his own citizens in such a barbaric way? There is a report in the Washington Post that the documents he handed over to us about plutonium and their plutonium plant actually had traces of uranium on the very documents themselves—on the documents.

So while we are dealing with plutonium and we are delisting them as a State sponsor of terrorism, the documents they hand over to verify this have traces of uranium on the documents. Is that mind boggling? We are saying we are going to delist you because you dealt with plutonium, but we are not going to require anything on uranium and we are going to waive the Glenn amendment, push the Congress to waive the Glenn amendment for you detonating a nuclear device, when you built a nuclear reactor in another state-sponsored terrorism country of Syria. We are not going to require anything on that, and we are going to waive these sanctions of Trading with the Enemy Act when you are giving missile technology to Iran which has missiles pointed at Israel and other allies of ours in that region and possibly, in the future, to have range to the United States.

I am stunned. The things we are saying and doing are absolutely counter to the facts on the ground.

I am happy we are dealing with plutonium, but for what we are giving up—"'axis of evil' member to be scratched from the list"—and we don't have anything on uranium. We don't have anything on human rights. We don't have anything on missile technology being shipped out to Iran, of all places; we don't have anything on the nuclear reactor that was built in Syria, and we are going to waive all of these things? Meanwhile, the people die.

This seems like a very bad deal to me, but that is not the biggest reason I am mad. The biggest reason I am mad is because of people still getting killed and we end up with blood on our hands when we have the chance to be able to deal with this differently.

I hope we will start to take into consideration this picture of these orphans. I hope we start to take into consideration uranium and what is happening in Iran, what is happening in Syria, and that we don't invite North Korea back into the fair standing of countries with what they continue to do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

DELAY OF IRAQI PROVINCIAL ELECTIONS

Mr. LEVIN. Mr. President, last February, the Iraqi Government set October 1, 2008, as the date for provincial elections to occur. These elections are critical to U.S. and Iraqi efforts to bring about reconciliation in their country. For instance, those elections will give members of the Sunni community, many of whom did participate in the previous rounds of provincial elections, a chance to vote for fair representation in Iraqi's provincial councils. Unfortunately, the provincial elections law, which is the enabling legislation needed for these elections to take place, remains stalled in the Iraqi Council of Representatives and will likely delay provincial elections by at least several months.

The administration's silence on the Iraqi Government's failure to adopt election laws that were promised in February—and which set a date of October 1 for those elections—is disturbing, and it is the exact wrong way to send a message to the Iraqi leaders. Many of us have tried repeatedly to get this administration to shift responsibility to the Iraqi leaders for their own future, since there is a broad consensus that there is no military solution and only a political settlement among the Iraqis can end the conflict. The administration, however, has repeatedly missed opportunities to shift this burden to the Iraqis and appears willing to miss another opportunity.

President Bush indicated in February that he was confident that the Iraqi Government was "going to continue to work to make sure that their stated objective of getting provincial elections done by October of 2008 will happen." And after meeting the Iraqi leaders in Baghdad in April, Secretary Rice said, "They know that provincial elections need to be held before October 1, as has been the announcement." The administration is well aware that the failure of the Council of Representatives to pass a provincial elections law in the near future is likely to cause the previously established October 1 date for Iraqi provincial elections to be postponed.

The recent GAO report, entitled "Securing, Stabilizing and Rebuilding Iraq," paints an even bleaker picture. According to that GAO report, it is likely to take 4 to 8 months to prepare for elections after a provincial election law is passed. That means that even if this law was passed next week, the October 1 deadline is unlikely to be met.

Ambassador Crocker said on April 10:

> The way forward for a stable Iraq lies as much through successful elections, in my view, over the long term, as it does through the necessary application of force against those who resist the state.

Where is the pressure on the Iraqi Government to keep their commitment to an October election? Where is the administration's message of disappointment? Iraqi leaders are likely to read the administration's silence on their failure to act as a shrug of our shoulders.

We have made some security gains in Iraq, but progress is spotty on most political benchmarks set by the Iraqis for themselves, including provincial elections. The administration's silence on this issue needs to end. It needs to make clear to the Iraqi Government that further delay in passing the provincial election law is totally unacceptable.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENCE DAY

Mr. BYRD. Mr. President, on Friday, July 4, the United States will conduct the 232nd celebration of Independence Day. On this day, we commemorate the signing of the Declaration of Independence in 1776. Flags will fly and rousing music will be heard before the faint whiff of gunpowder and thunderous boom of fireworks reminds us of the great struggle that took place to set our Nation upon its course through history.

Amid all the parades, fireworks, and backyard barbeques, it is worthwhile to consider the document itself. The Declaration of Independence is an amazing and powerful manuscript. Phrases in its opening paragraphs are familiar to most Americans: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." That line may well be the most recognizable sentence in American political history. It is certainly among the top 10.

As famous as the phrase "Life, Liberty, and the Pursuit of Happiness," is, however, it is not the first sentence of the Declaration. The lead sentence reads: "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." This sentence sets the stage for the body of the Declaration, which lists in some detail the abuses of power that drove the Founders to a war of secession.

Unlike the philosophical goals of life, liberty, and happiness, which Americans today readily understand and revere, the complaints listed in the Declaration rarely fire the popular imagination. But they should. The abuses of the King listed in the Declaration are the very issues that the Constitution strives to prevent. They are the issues that the Bill of Rights specifically protects us against. They are issues, and battles, still being fought today, as the recent debates and court actions over the rights of detainees and the Foreign Intelligence Surveillance Act, or FISA, demonstrate.

Reading the list of the colonists' grievances paints a vivid picture of life in those times. One can readily imagine the frustrations of a people trying to build a working society, ruled by laws, that welcomes new settlers and that promotes trade and commerce but is continually set back by contempt and indifference. The colonies' governments are dissolved or are forced to meet in out-of-the-way, uncomfortable places or at times that discourage part-time legislators from attending. Laws are arbitrarily suspended until the King, can rule on them, but he never does provide a ruling. New courts cannot be established unless the King, thousands of miles and months of travel away, will agree to them. Judges depend on the King's favor for their jobs and their salaries, so they rarely rule against him, anyway. New taxes and new rules from Britain are continually imposed upon the colonists, from stamp taxes to tea taxes, and their complaints about them are met with silence or violence. Large armies are camped among the colonies and take what they demand from the colonists, but they are immune from prosecution for any wrongs they commit. Mercenaries are brought in, and colonists are seized and forced into military service on behalf of the King.

The colonists complain, but the King does not care. The Declaration concludes, therefore, "A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people." In the Constitution to come, the Founding Fathers will design a government that limits the power of the executive in order to prevent tyranny by one man, and will protect the rights of the individual against the state. Courts will be independent, and taxes must be levied only by the representatives of the people.

Our Government was expressly designed to prevent anyone from having to live under the same conditions suffered by the colonists. As Thomas Jefferson wrote, "In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Ultimately, the colonists declared in their Declaration of Independence that " . . . these united Colonies are, and of Right ought to be Free and Independent States . . . Absolved from all Allegiance to the British Crown . . . " and held Britain, " . . . as we hold the rest of mankind, Enemies in War, in Peace Friends."

On this Independence Day, the current generation can look back upon those strong, resolute words with pride and gratitude. We would do well to remember the abuses that finally compelled our Founding Fathers to declare war, so that we never let the freedoms that were won for us to be lost. Remember the words of John Adams, who warned that "The jaws of power are always open to devour, and her arm is always stretched out, if possible, to destroy freedom of thinking, speaking, and writing." He further wrote, "Be not intimidated . . . nor suffer yourselves to be wheedled out of your liberties by any pretense of politeness, delicacy, or decency. These, as they are often used, are but three different names for hypocrisy, chicanery and cowardice." Those are the words of experience, speaking across the ages. This Independence Day, we best honor our legacy by caring for it with the same passion and vigilance that John Adams did.

Mr. President, I wish you, and everyone listening, a happy Independence Day.

DEATH OF NICOLE SUVEGES IN IRAQ

Mr. DURBIN. Mr. President, I have just learned of the death in Iraq of an extraordinarily brave woman from my State of Illinois who died this week in a bombing in the Sadr City section of Baghdad. Nicole Suveges was a civilian assigned to the 3rd Brigade Combat Team for the 4th Infantry Division.

She was a political scientist from Illinois and a doctoral student at Johns Hopkins University. She was participating in a program that embeds academics into military units to help personnel in Iraq and Afghanistan navigate difficult local environments.

She chose to go to Iraq for her employer, BAE Systems, because she was interested in learning how people make the transition from an authoritarian society to freedom; that was the focus of her doctoral dissertation. She hoped she might use her knowledge to help Iraqis develop the habits and institutions of democracy.

When she died in a bombing on Tuesday, she was helping local officials mediate disputes in Sadr City. Also killed in the blast were two U.S. soldiers and a State Department Foreign Service Officer.

Iraq was not the first war zone Nicole had worked in. She served as an Army Reservist in Bosnia in the 1990s.

Nicole graduated from the University of Illinois in Chicago in 1992. She was 38 years old. She was one of more than 180 American civilians to die in the war in Iraq. Their deaths are in addition to the 4,113 members of the U.S. military who have lost their lives in Iraq.

Nicole Suveges represented what is best about America. She used her considerable courage and knowledge to try to help heal a badly scarred nation and help Iraqis create for themselves a freer, more secure future. Her death is a loss to Iraq, to America, and to the world.

We extend our condolences to her husband and family, and her friends and colleagues. I ask unanimous consent that a CNN account of Nicole Suveges' life and work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN GRAD STUDENT DIES IN IRAQ

An American graduate student who went to Iraq to find ways to help ordinary citizens persevere in a transitioning government was one of two American civilians killed in a Sadr City bombing.

Nicole Suveges' a married political scientist from Illinois, was part of a program that embeds academics into military units to help personnel in Iraq and Afghanistan navigate the local environment, according to her employer, BAE Systems.

Suveges, who started her tour with Human Terrain System in April, had been assigned to support the 3rd Brigade Combat Team for the 4th Infantry Division in "political, cultural, and tribal engagements," a statement from the program said.

She was one of four Americans to die in the Sadr City bombing Tuesday. Two U.S. soldiers and a State Department employee, Steven Farley, who worked with the provincial reconstruction team, also were killed in the blast.

"Nicole was a leading academic who studied for years on how to improve conditions for others," Doug Belair, president of BAE's Technology Solutions & Services, said in a written statement. "She came to us to give freely of herself in an effort to make a better world."

Suveges was the second BAE employee to die in a combat zone this year. Michael V. Bhatia, 31, a social scientist from Medway, Massachusetts, died in a roadside bombing May 7 in Afghanistan, BAE said.

Scott Fazekas, BAE's director of communications, said Suveges and Bhatia were among three dozen social scientists hired by the company and its subcontractors to support the program.

The Johns Hopkins University graduate student was also working toward a doctorate in political science with an emphasis on international relations. The focus of her dissertation was on the transition from an authoritarian regime to democracy and how it affects ordinary citizens, the university said.

"Nicole was committed to using her learning and experience to make the world a better place, especially for people who have suffered through war and conflict," William R. Brody, president of the university, said in a message Wednesday to the campus community. "She exemplifies all that we seek to do at Johns Hopkins: to use knowledge for the good of humanity."

Mark Blyth, Suveges' primary faculty adviser, said that when Suveges came to Johns Hopkins, she planned to write her Ph.D. dissertation on how ideas move across borders from society to society, exploring how radical Islamic ideas filtered through Western European mosques.

After the outbreak of the Iraq war, Suveges decided to shift her focus to the experience of ordinary citizens under a transitional government, said Blyth, a topic that had interested Suveges since her experience in Bosnia with the SFOR/NATO Combined Joint Psychological Operations Task Force.

"She was a very bright, engaging, sweet person, very intellectually curious," Blyth said Wednesday.

BAE said Suveges' experience, which included a tour in Iraq as a civilian contractor and a stint in Bosnia in the 1990s as an Army reservist, made her especially valuable in efforts to improve the lives of Iraqis.

A Human Terrain System statement said Suveges and others were attending a meeting of the District Advisory Council on Tuesday to elect a new chairman.

The officials were helping mediate disputes among the Sadr City leadership and "facilitate the development of a more representative local government," the statement said.

The attack was blamed on a Shiite insurgent cell.

Suveges graduated from the University of Illinois at Chicago in 1992 and received a master's degree in political science from George Washington University in 1996.

She had delivered papers to international relations organizations and served as a graduate teaching assistant, the company said.

At Johns Hopkins, she was managing editor for the Review of International Political Economy, the university said.

Maj. Mike Kenfield, spokesman for the Army's training and doctrine command, said that the program was credited for "reductions in non-lethal operations" and that there had been talk about expanding the purview of the team to outside Iraq and Afghanistan.

ARMS CONTROL AND NONPROLIFERATION BUREAUCRACY OF THE UNITED STATES

Mr. AKAKA. Mr. President, today I wish to discuss the U.S. arms control and nonproliferation bureaucracy and its impact on our national security.

Recently, I chaired two hearings of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee concerning the national security bureaucracy for arms control and nonproliferation. I examined several options for improving our ability to control proliferation. They included: Reestablishing an independent arms control and nonproliferation agency, creating a semiautonomous arms control and nonproliferation agency within the State Department, and reestablishing an arms control bureau in the State Department. Other issues discussed were elevating the role of the head of the arms control and nonproliferation bureaucracy and ensuring that there are enough qualified arms control and nonproliferation experts to protect our national security and meet our international obligations.

Witnesses for both hearings had decades of experience in managing our nation's arms control and nonproliferation issues. Ambassador Thomas Graham and Ambassador Norman Wulf, along with Dr. Andrew Semmel, who recently retired as Acting Deputy Assistant Secretary of State for Nuclear Nonproliferation Policy and Negotiations, provided perspective about the changes to this bureaucracy over the past decade and the need for reform. Mr. President, I ask unanimous consent to have printed into the RECORD, following my remarks, a report submitted by Ambassador Wulf which represents consensus findings of a number of experts and former U.S. officials experienced in this field.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. AKAKA. The second hearing featured Ms. Patricia McNerney, the Principal Deputy Assistant Secretary of State for International Security and Nonproliferation, and Ms. Linda Taglialatela, Deputy Assistant Secretary of State for Human Resources. They gave greater insight into the controversial, and damaging, arms control and nonproliferation bureaucracy reorganization at the State Department in 2005 and the ongoing human capital changes the bureaus involved continue to face today. The State Department's use of short-term, Band-Aid fixes to cover a loss of qualified civil servants and a lack of commitment by senior leaders to address the Department's cultural tensions, primarily between regional and functional issues, troubled me since these problems affect both human capital and organizational capacity to confront the evolving threat of weapons of mass destruction.

In 1961, when President John F. Kennedy entered office, the United States faced a perceived missile gap against its foe, the Soviet Union. The Kennedy administration, confronting the critical challenges of the day, advocated a new government "agency of peace" which would work toward "ultimate world disarmament." This agency, the Arms Control and Disarmament Agency, ACDA, helped craft and implement the policy decisions that would reduce the nuclear, biological, and chemical weapons threat to Americans through multiple, lasting, and verifiable treaties. The world was at a nuclear tipping point, where a small change could make a significant difference. The Kennedy administration challenged the conventional wisdom that argued for only an increase in nuclear weapons. It instead focused on controlling and limiting the spread of nuclear weapons by creating the small, but agile, Arms Control and Disarmament Agency that gradually began to increase international security.

The world appears to be at another nuclear tipping point. Today international security does not hinge on an arms race between two mighty superpowers. Rather, international security is increasingly threatened by the wide proliferation of nuclear programs, material, and knowledge. Countries such as India, Pakistan, North Korea, and Iran have either achieved a nuclear weapons program or have aspirations to create one. Others soon may follow. Along with these headline-grabbing nuclear proliferation concerns, many countries are seeking nuclear power and assured access to uranium to satisfy their growing energy demands. The peaceful application of civilian nuclear programs heightens the risk of diversion or the proliferation of plutonium and enriched uranium. Both presidential candidates have expressed their commitment to addressing proliferation and working with other nations to reduce the threat of nuclear conflict.

The next administration must confront this tipping point head on and solve the problem of our troubled arms control and nonproliferation bureaucracy. Along with its organizational structure, fundamental human capital issues must be resolved. They include: Addressing what is considered by some a cumbersome hiring process; recruiting, developing, and retaining a diverse and highly qualified workforce; involving key stakeholders during organizational changes; and making it desirable for Foreign Service Officers to serve in the fields of arms control and nonproliferation.

We need to consider the gravity of this issue now. I urge my colleagues to advocate an arms control and nonproliferation workforce and organization that will support effectively the policies of the next administration and prepare us for the nuclear threats developing throughout the world.

EXHIBIT 1

FOREWORD

This report was prepared by a volunteer task force. The task force solicited views from participants through two general meetings and from contributors via written comments.

These two groups included many former U.S. officials most with decades of experience in nonproliferation or arms control who graciously gave of their time to this project. They are named below—a short biography of each appears in the annex.

This report contains a general consensus that the Administration taking office in January 2009 should strengthen the organizational capacity of the State Department to meet critical nonproliferation and arms control challenges. Participants and contributors endorse the general thrust of this report though not necessarily every finding and suggestion.

Christopher Mitchell of the Institute for Conflict Analysis and Resolution (ICAR) of George Mason University served as convener of the two meetings that were held. Norman Wulf led those discussions and along with Dean Rust and Barclay Ward drafted the discussion papers and this report.

The task force also included Linda Gallini, Fred McGoldrick, and Sharon Squassoni.

Participants in at least one of the two meetings included members of the task force and Vic Alessi, Kevin Avruch, Joseph M. DeThomas, James E. Goodby, Allan Krass, Frances Omori, Randy Rydell and Andy Semmel.

Among those commenting upon various drafts of the paper were William Burns, Ralph Earle II, Mark Fitzpatrick, Bob

Gallucci, John Holum, Edward Ifft and John Rhinelander.

No funds were made available to the task force other than by ICAR for use of their new retreat and conference center located on Mason Neck in Northern Virginia and for refreshments at the two meetings. Special appreciation is expressed to Gina Cerasani and Aneela Shamshad, and Saira Yamin, graduate students at ICAR, who served as volunteer note-takers at the two meetings.

EXECUTIVE SUMMARY

All three major presidential candidates have endorsed (i.) maintaining and strengthening the nuclear nonproliferation regime and (ii.) pursuing nuclear arms control measures with Russia and others. Regrettably, the State Department, which will bear the brunt of the work on nonproliferation and arms control, has lost significant capability—critical personnel have left, the arms control bureau has been abolished, and the bureau whose mandate includes nonproliferation is burdened with tasks outside its traditional purview that dilute its mission. Moreover, the State Department is simply not organized to ensure continued access and accountability to the Secretary of State and President on these critical issues.

Following the election, the President-elect should appoint a high-caliber individual to head up a task force charged with laying out detailed priorities in nonproliferation and arms control and recommending structural changes needed within the executive branch to achieve those priorities. The White House and National Security Council will need to be well-organized to serve the President, but the task force should direct its primary attention to the Department of State. Restoring focus at State will require creating a bureau focused on arms control, removing noncore tasks from the bureau whose responsibilities include nonproliferation, and limiting the activities of the verification and compliance bureau to those required by law. If there are substantial obstacles to near-term creation of an arms control-focused bureau, then those functions should be consolidated in the verification and compliance bureau effectively making it the arms control and verification bureau while seeking a long-term structure. Aggressive steps must be taken to redress the loss of expert staff. For the civil service, this means rehiring, recruiting, and strengthening career paths for personnel, including physical scientists, with expertise in nonproliferation and arms control. For the foreign service, this means providing training in these topics and career paths that reward those working on these functional issues.

Particular attention should be focused on ensuring that nonproliferation and arms control views get to the Secretary of State and the President. Both not only need advice but someone accountable in these areas. Existing law makes provision for such advice but it has proven difficult to implement those provisions effectively. Relying on personal relationships can work up to a point, but as personalities change, other priorities intrude, and administrations change, a more enduring channel and focus not dependent upon personal relationships is needed.

Decisions on these structural issues are critical in the transition period so the new administration can hit the ground running. Iran and North Korea, among others, will not delay their proliferation progress while a new administration organizes itself. Delaying decisions until after the inauguration risks subordinating structural questions to the crisis of the day or decisions being thwarted by "turf" issues as political appointees are put into place. A variety of alternatives should be considered ranging from creating a special office attached to the Secretary, or creating a separate agency within the State Department or an independent agency.

ENSURING THE U.S. GOVERNMENT HAS THE CAPACITY TO MEET CRITICAL NONPROLIFERATION AND ARMS CONTROL CHALLENGES

This short Report which is the result of meetings and discussions between a number of experts focuses on improving the Nation's capacity for dealing with the increasingly complex issues associated with nonproliferation and arms control. It lays out a number of alternative strategies for improving the Government's currently attenuated capacities for effective nonproliferation and arms control action.

I. INTRODUCTION

All three major presidential candidates have endorsed the following objectives: (i.) maintaining and strengthening the nuclear nonproliferation regime and (ii.) pursuing nuclear arms control measures with Russia and others. Regrettably, what the next President will find is a diminished capability within the Executive Branch to achieve either objective.

The historical leadership role of the United States in nonproliferation and arms control has been severely downgraded and the nonproliferation regime significantly weakened. Along with this overall decline, there has been a loss of valuable expertise and bureaucratic structure diminishing the capacity of the United States to pursue nonproliferation and arms control measures.

Restoring U.S. leadership in these areas will require a personal commitment by the new President. Within the Executive Branch, there will need to be a strong organization to execute policies and be accountable to the White House. This paper looks at key organizational issues that must be met, particularly in the State Department, if the new administration is to meet its nonproliferation and arms control objectives.

II. CRITICAL PROLIFERATION CHALLENGES

The 1968 Nuclear Non-Proliferation Treaty (NPT) is the foundation for global cooperation in this area. Its primary goal is to decrease the risk of nuclear war by preventing the spread of nuclear weapons. It also obligates the five states which the NPT recognizes as possessing nuclear weapons—U.S., Russia, UK, France and China—to work toward nuclear disarmament The urgency of dealing with the threat posed by nuclear weapons has been highlighted recently by former senior officials of both political parties—Secretaries of State Kissinger and Shultz, Secretary of Defense Perry, and Senator Nunn—who have called for renewed efforts to work towards a nuclear weapon free world, arguing that "the world is now on a precipice of a new and dangerous nuclear era." Their agenda, known as the Hoover plan after the Stanford institute where the group meets, is built around the NPT and focuses on U.S.-Russian nuclear arms control as well as on specific nonproliferation measures. No vision of a nuclear weapon free world or major progress toward that goal can be achieved without an intensive focus on both nonproliferation and arms control.

The three major candidates for the Presidency have called for strengthening the NPT and other elements of the nonproliferation regime and for reducing the nuclear arsenals of the United States and other nuclear powers; two have endorsed specific portions of the Hoover plan. Any new administration will likely focus on a wide variety of other nuclear-related challenges as well, e.g., Iran and North Korea; protecting against the theft or diversion of nuclear material; strengthening export control and interdiction activities; and developing nuclear fuel cycle strategies to reduce the spread of sensitive nuclear facilities. It may reconsider the Comprehensive Test Ban Treaty, which the Senate failed to endorse in 1999, and give higher priority to U.S-Russian cooperation on strategic nuclear and missile defense issues and to a fissile material cutoff treaty. The new administration will have to continue specific measures to prevent terrorists from acquiring nuclear, radiological, chemical and biological weapons.

III. STRUCTURAL FACTORS

The first year of a new administration offers a unique opportunity for progress. Grasping that opportunity requires diligent preparations during the transition period. To prepare, the President-elect should establish a task force to identify key substantive goals and devise a plan for the creation of nonproliferation and arms control structures to achieve those goals. The task force should be led by an individual of stature who is directly accountable to the President-elect and well-known to the Congress. The task force could continue beyond the inauguration but should not be permanent. After the inauguration, the task force leader might be directly attached to the White House with the assignment of ensuring that substantive and structural goals are achieved.

As cabinet departments with equities in nonproliferation and arms control have appointees put into place, a senior official in each department should be identified to work with the relevant White House and NSC officials. The NSC structure must include interagency groups responsible for integrating the activities and resources of each department, promoting transparency and information flow among agencies, and ensuring the input of the intelligence community. The appointment of a Deputy National Security Adviser for Nonproliferation and Arms Control would demonstrate the priority attached to these issues and allow for greater coordination of interagency activities.

The task force must pay special attention to the organizational structure under the Secretary of State, as State will bear the brunt of the work. State must be capable of performing a wide range of daily activities such as monitoring information, crafting and implementing policy initiatives, anticipating problems, advising high-level political officials, coordinating with other agencies, consulting with Congress, informing the public, and most importantly engaging in extensive diplomacy to maintain and strengthen the nonproliferation regime. Effective nonproliferation can only be achieved if the U.S. works closely with others.

A good organizational structure will help to set priorities, allocate resources, maintain the quality and morale of staff, and get issues to decision-makers in a timely manner. Among the key determinants of an effective structure are: (i) enough senior policy officials and supporting bureaus to focus attention on the full range of issues; (ii) an experienced multi-disciplinary career staff with a high percentage of civil servants including physical science officers; and (iii) high-level channels for getting views to the Secretary of State and President.

As shown below in Section IV, the current structure, which reflects the priorities and approach of this Administration, is entirely inadequate for pursuit of a more comprehensive approach by the new administration. The suggestions offered in Section IV do not require legislation but should lead to near-term improvements in State's capacity. Even though not required, the administration and Congress may decide that it would be beneficial to codify some of these Section IV changes to ensure that the United States maintains over the long term a high level of capability in these critical areas.

Section V looks at other possible legislative approaches that would create either a semi-autonomous agency within the State Department or a separate agency for nonproliferation and arms control with an independence similar to that possessed by the former Arms Control and Disarmament Agency (ACDA), which was merged with the State Department in 1999.

If not already decided by campaign commitments, the President-elect should decide during the transition whether to pursue a separate agency or limit structural reforms to near-term changes that do not require legislation. Even if the President decides on a separate agency, some improvements in the State structure will still be desirable while awaiting the necessary legislative action. Thorough consultations with the Congress should occur regardless of which direction is chosen.

IV. SUGGESTED CHANGES TO THE CURRENT STATE DEPARTMENT ORGANIZATIONAL STRUCTURE

A. Bureaus and Special Representatives

At the outset of this Administration, three separate bureaus in State dealt with nonproliferation, arms control, and verification and compliance. The arms control bureau was abolished in 2005. Some of the arms control functions, e.g., START, were taken over by the verification and compliance bureau but that bureau's duties remain largely verification and compliance as prescribed by law. Other arms control duties were transferred to the former nonproliferation bureau, now renamed International Security and Nonproliferation. A quick inventory of this bureau's jurisdiction includes: six treaties, five export control regimes, three international organizations that specialize in nonproliferation or arms control topics, conventional arms proliferation, missile proliferation, missile defense, the Proliferation Security Initiative, implementation of several U.N. Security Council resolutions and negotiation of resolutions in the U.N. General Assembly, combating nuclear terrorism, country strategies, cooperative threat reduction in the former U.S.S.R., and securing and disposing of fissile material.

Diluting the focus of the bureau charged with nonproliferation by adding such areas as missile defense and General Assembly resolutions makes it much more difficult to achieve priority nonproliferation objectives. Abolishing the arms control focus and scattering its remains renders it unlikely that a renewed arms control agenda as proposed in the Hoover plan can be successfully pursued. Finally, while verification and compliance remain important, the need for U.S. global engagement on nonproliferation and arms control measures should have higher priority and greater focus.

Suggestions

1. Establish a bureau focused solely on nonproliferation by shifting all non-core duties, such as missile defense and General Assembly resolutions, to a bureau with an arms control focus.

2. Revitalize the organizational structure for arms control by bringing back a bureau solely focused on arms control. Given the difference in priorities in 2005 and what will exist in 2009, new priorities can best be met by creating such a single-focus bureau.

3. Through administrative action, limit the activities of the verification and compliance bureau to the minimum necessary to fulfill its statutory duties. The goal should be to eliminate bureaucratic infighting and free up staff from this bureau for high priority nonproliferation and arms control activities.

4. If there are substantial obstacles to near-term creation of an arms control focused bureau, then consolidate those functions in the verification and compliance bureau effectively making it the arms control and verification bureau while seeking a long-term structure. This approach should include clearly defining the verification role as suggested above.

5. Utilize existing statutory authority to appoint "Special Representatives of the President" at the ambassadorial level, with at least one dedicated to nonproliferation treaties and related activities; and another to the reemerging arms control agenda. They would work with the assistant secretaries for nonproliferation and arms control and be responsible for negotiations, conferences, and consulting with other governments.

B. Staffing

The State Department should have skills and experience relevant to bilateral and multilateral diplomacy and negotiations; the development, testing and manufacture of nuclear, chemical, biological weapons and their delivery systems; the civil nuclear fuel cycle; and to the implementation of interdiction measures, export controls, treaties and international organizations. An interdisciplinary group of civil servants from the physical and social sciences is needed along with foreign service officers (FSOs) and detailees from the military services. This mix has worked well in the past.

Unfortunately, there has been a significant loss of civil servants from the State Department in recent years, and recruiting physical scientists in particular faces strong competitive pressures outside the government. Moreover, with the elimination of ACDA, it has become more difficult to sustain civil service career patterns up through the office director position. Within the relevant bureaus, the State Department has reduced the number of senior executive service positions (SES) for civil servants and several office director positions have gone to FSOs. Such officers have much to offer, including in some cases as office directors or other senior positions. But FSOs must meet the qualifications of the positions, and in most leadership positions, including office directors; the qualifications require a high level of expertise in the field. Regrettably, the foreign service creates few incentives for FSOs to obtain the requisite knowledge for leadership positions in nonproliferation and arms control.

Suggestions

1. Halt any further "bleeding" of the career nonproliferation and arms control staff. Encourage those who transferred out of these jobs in recent years to return. Promote a civil service career path leading to office director positions, including at the SES level. Launch a recruiting program to hire the next generation of civil service specialists, including in relevant scientific and technical fields. Seek special hiring authority, if necessary, to recruit individuals with technical competence and to tap the skills of those officers who have retired from State.

2. Develop the technical competence of FSOs by creating a career path for nonproliferation and arms control with a protocol of training and assignments in these areas. For all FSOs, regardless of their career path, at least one assignment in nonproliferation and arms control or other functional bureaus should be a factor in promotion decisions to mid or senior level FSO positions. Such assignments could reduce some cultural barriers that exist between the regional and functional areas.

C. Advising the Secretary of State and the President

Competing interests are a fact of life at the highest political levels and it is important that those advocating on behalf of controlling nuclear weapons be heard. The Under Secretary of State for Arms Control and International Security ("the Under Secretary") is the most senior State official with clearly defined responsibilities for nonproliferation and arms control, although that position's mandate covers other issues including security assistance and conventional arms. This official is subordinate to the Deputy Secretary of State, is one of six under secretaries and ranks below the Under Secretary for Political Affairs who oversees the powerful regional bureaus. This senior level structure is further complicated by policy officials attached directly to the Office of the Secretary of State for diverse areas, such as reconstruction and stabilization, foreign assistance, development aid, counter-terrorism, and global AIDS programs.

Seeking to ensure that nonproliferation and arms control were not lost among the competing interests, the legislation merging ACDA into State authorized the Under Secretary to assume the former ACDA Director's role of senior adviser to the Secretary *and the President* on arms control and nonproliferation and *to attend NSC meetings at the President's direction* (22 U.S.C. Sec. 2651 a. (b) (2)) (*emphasis added*). Use of this authority, however, was not embraced by the current Administration.

It has long been clear that the State Department structure tends to favor regional interests. This tendency is reflected in the fact that the under secretary to whom the regional bureaus report is the third ranking official in the department. This does not mean that functional interests must give way to regional interests but it does mean that a Secretary of State or a President must ensure that functional priorities are clearly understood and always given appropriate weight. For that to happen, a mechanism must be found to ensure that nonproliferation and arms control equities are represented.

Different approaches—with varying degrees of success—have been taken by different administrations. Some administrations have relied upon the personal relationships among the relevant assistant secretaries, under secretaries, the Deputy Secretary and the Secretary to ensure that nonproliferation and arms control are accorded adequate priority. Others have created various additional mechanisms such as an ambassador-at-large to obtain this result. Of course, up to 1999, the ACDA Director had the rank of Deputy Secretary of State and the authority to advise the Secretary and the President.

Relying solely on personal relationships places at risk over time the capability to sustain the attention of the Secretary of State as personalities change and the inevitable crush of foreign policy issues competes for the Secretary's attention. Continuity of attention to these critical issues could be enhanced by having a structure not dependent upon personalities. Set forth in the suggestions immediately below, which would not require new legislation, and in Section V, which would require new legislation, are various alternatives that should be considered. They could supplement any NSC or White House structural components set up to advise the President. As noted earlier, decisions with respect to these issues should be taken during the transition—delaying those decisions until after the inauguration risks critical substantive issues crowding out attention to structural questions and "turf" mentalities developing that hamper organizational change.

Suggestions

1. Establish procedures to implement the Under Secretary's already existing statutory role as senior adviser to the Secretary and the President on nonproliferation and arms control matters. This would allow the Under Secretary to weigh in on major policy questions, including with the President. It would elevate this position in relation to the other under secretaries. Implementing such an approach would work only if understood and accepted up front by all involved, including the President. Actual use of this authority by the Under Secretary with the President is likely to be rare, in any event, given this person's subordinate position to the Secretary.

2. Establish a position in the Secretary's office such as Coordinator, Ambassador-at-Large, or Special Adviser to the Secretary of State and President, that would focus on nuclear policy or nonproliferation. The mandate could be limited to a few critical topics, e.g. Iran, North Korea, anti-nuclear terrorism, and/or elements of the Hoover plan, or could be broad enough to focus on all aspects of nuclear proliferation. This would elevate nuclear issues to the highest level in State and permit more focus than the Under Secretary, whose mandate is far broader. This sort of arrangement was used with varying degrees of success during the Carter, Reagan and Bush I administrations. It would require a high degree of coordination between the Under Secretary and the new position, as well as with the relevant assistant secretaries. It would not create any clearer path to the President for views that are contrary to the Secretary's.

V. SEPARATE AGENCY

State and ACDA working in tandem over nearly three decades were able to sustain a high level of U.S. global leadership in nonproliferation and arms control. This was in large part due to ACDA's exclusive focus on the mission, its status as an independent sub-cabinet agency with statutory authority to advise the Secretary of State and the President, and a strong cadre of civil service experts. The ten years since ACDA's demise have seen a decline in U.S. diplomacy in this area. That said, there seems little doubt that ACDA-like resources and strengths will be needed for the foreseeable future. The question is will a strengthened State structure as suggested above in Section IV be adequate to the task over the long run or should the new Administration seek legislation to transfer the nonproliferation and arms control functions to a separate agency? Two different approaches to a separate agency are set forth below.

A. Separate Agency, But Part of State

A semi-autonomous agency within State would be similar to the concept of the National Nuclear Security Administration within the Department of Energy. The agency's Director would be the nonproliferation and arms control adviser to the Secretary, and have a rank equivalent to the Deputy Secretary of State. The Director would also have the right to communicate directly with the President. The agency would work closely with State regional bureaus and related functional bureaus, but there would be no need for additional nonproliferation and arms control offices elsewhere in State since this agency would represent the coordinated view of the State Department on these issues.

This approach would ensure optimal access to the Secretary. The agency's unique identity and mission should improve the recruitment and retention of the diverse professional staff needed, including scientists and other technical experts. The elevation of nonproliferation and arms control within State will make clear to other governments the importance placed on these topics by the United States and lead to regular consultations with friends and allies. A separate agency is the best way to promote an enduring focus on nonproliferation and arms control policy, in contrast to embedding it in the Department's traditional structure with the vast array of competing interests and predominant focus on country and regional factors. On the other hand, establishing a separate agency would require legislation and presently Congress is focusing on structural issues relevant to post-conflict stabilization and reconstruction, development aid, and foreign assistance. Some argue that a separate agency is not needed; and that State can be structured so that these issues get the attention they deserve and the Secretary gets the necessary advice.

B. Independent Agency

The principal difference from alternative A would be the agency's independence from State. The agency's director would have a seat at NSC meetings dealing with relevant issues, and the agency would participate as a separate entity in interagency deliberations. The agency would have a status similar to that of the former ACDA, which would imply a return to a pre-1999 situation where State had its own nonproliferation and arms control offices. The duties and structure of the new agency, however, would have to reflect the priorities and threats of today. Many of the arguments in alternative A are also applicable here.

In addition, this approach is the only one guaranteed to ensure that the President could hear the nonproliferation and arms control perspective even when the Secretary of State has a different view. Equally important, having an independent agency would make certain that unfiltered nonproliferation and arms control views are considered at all levels of interagency policy formulation, a situation that gave ACDA influence. On the other hand, as experience with ACDA demonstrated, the option of going to the President in opposition to the Secretary of State can be more theoretical than real, and might rarely be exercised. An independent agency would result in State creating its own nonproliferation and arms control officials and they would have more influence on the Secretary on a day-to-day basis than would a separate agency. Some in Congress would also not be receptive to creating a new agency, believing that more than a decade is needed to determine whether State can effectively do the job on its own.

VI. CONCLUSION

The above suggestions are, we feel, both practical and necessary although which approach to advising the Secretary of State and the President is actually taken up by a new administration remains a topic for debate and discussion, which we hope will occur over the coming months. These suggestions are offered not as firm conclusions but as alternative ways of improving the country's capacities for planning and implementing a coordinated and flexible, but above all effective, strategy for dealing with nonproliferation and arms control issues.

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30,000 MISSING FIREARMS

Mr. LEVIN. Mr. President, according to data released this month by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, gun dealers in this country "lost" an average of 82 firearms every day last year. That means more than 30,000 firearms are mysteriously unaccounted for in gun dealers' inventories in 2007 alone. With no record of sale, these guns could be prime candidates for sale on the black market.

Perhaps even more disturbing is that the Brady Center to Prevent Gun Violence believes that the 30,000 guns are actually likely an undercount of the total number of guns that disappeared from gun shops last year. The ATF conducted inspections at approximately 10,000 of the Nation's 60,000 gun dealers last year, finding over 30,000 firearms missing from the dealers' inventories with no record of sale. The other 50,000 dealers were not inspected due to limited ATF resources. In fiscal year 2005, the ATF examined 3,083 gun dealers and found 12,274 missing firearms.

The underground market for guns is apparently largely supplied by the diversion of this massive number of guns from licensed gun shops into the hands of criminals. Based on its own gun-trafficking investigations, the ATF has concluded that corrupt gun dealers are the largest source of firearms diverted to the illegal market. The Brady Center report, "Death Valley: Profile of a Rogue Gun Dealer," details one particular gun dealer who was cited over 900 times for Federal gun law violations. Over 480 guns from this dealer were apparently traced to gun crimes, including 41 assaults and 11 murders. In 2003 alone, the dealer reportedly failed to account for 422 guns, more than one-quarter of his entire inventory, during a single inspection.

This kind of activity can be addressed by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, corrupt gun dealers, and criminals, and by passing sensible gun safety legislation. Unfortunately, the failure of Congress to act on several common sense bills has allowed criminals and possibly terrorists continued easy access to guns. I urge my colleagues to reverse this trend of inaction, and to help put a stop to this huge source of guns for the black market.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. SPECTER. Mr. President, this Medicare legislation is a very important bill. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about Majority Leader REID's practice of employing a procedure known as filling the tree, which precludes Senators from offering amendments. This undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

On June 12, 2008, I voted in favor of cloture on the motion to proceed on S.3101, legislation similar to H.R. 6331, to prevent the reduction in Medicare payments to physicians. At that time, I was assured by Majority Leader REID that he would not make a procedural motion to fill the tree. Following the failure to obtain cloture on the motion to proceed to S.3101, Finance Chairman BAUCUS and Ranking Member GRASSLEY began to negotiate a bipartisan bill that could be brought before the Senate. I have concerns with some provisions that may have been contained in such an agreement. However, the prospect of the Senate working its will and allowing myself and other Senators to offer amendments to such a bill is more favorable than filling the amendment tree.

The posture of the Senate is such that for the Majority Leader to complete action on H.R. 6331 and send it to the President before the physician payment reduction is scheduled to go intc effect at the end of June, the Senate must pass the same legislation the House of Representatives passed. This is the case because the House of Representatives adjourned for the Independence Day recess prior to the Senate vote on cloture on the motion to proceed to H.R.6331. Since the House will be out of session, there will be no possibility for the House to consider a Senate amended Medicare bill. To guarantee that the same Medicare legislation will be passed by the Senate, no amendments to the legislation were permitted. By bringing this legislation up at the last minute after the House of Representatives adjourned the Majority Leader prevented the opportunity to offer amendments and undermined Senate procedure.

If cloture were to have been obtained on the motion to proceed to H.R. 6331 the legislation would have been vetoed by President Bush. That veto would have resulted in a further delay, since the House would not be in session to override the veto and the scheduled physician payment reductions would go into effect at the end of June. There was an expectation that the Senate would extend the current physician payment rate for 30 days and prevent the pending reduction from going into effect. However, when this legislative extension was offered by Senate Republican Leader MCCONNELL it was objected to by Majority Leader REID.

This vote was a crass partisan political exercise. The majority leader has been aware of this issue for some time and scheduling should have accommodated for the amendment process. I have consistently voted in favor of increasing Medicare physician payments and will continue to, but I am not going to vote in favor of cloture when there is no opportunity to amend the legislation that comes before the Senate. I will not submit to procedures that prevent the Senate from performing its traditional duty. This is why I voted against cloture on the motion to proceed to H.R. 6331. I expect that this very important issue will be taken up as soon as we return from the Independence Day recess so we can correct this grave problem in a manner that allows the Senate to work its will.

PAKISTAN COALITION SUPPORT FUNDS

Mr. FEINGOLD. Mr. President, in the wake of 9/11, Congress developed a new program to provide financial assistance to allied countries as they joined us in combating al-Qaida. This program reimbursed partner countries for defense spending above and beyond their normal military budget. And of the 27 coalition partner countries who receive this assistance—also known as Coalition Support Funds—Pakistan has been by far the largest recipient, receiving more than $5.5 billion out of a total $7 billion allocated for this program.

This program could have been an important part of our global fight against terrorists who pose a very real threat to our country. But a new Government Accountability Office report shows that, in fact, the outcome was just the opposite. Over the past 7 years, U.S. taxpayer dollars have continued to flow with only minimal oversight while we have still not found Osama bin Laden and his senior officials and while al-Qaida has developed a safe haven in Pakistan.

The GAO report details numerous examples of this wasteful spending, including $20 million paid to the Pakistani Government for road construction and $15 million to build bunkers—with no evidence that either was ever built. Or what about the more than $200 million provided for air defense radars with no analysis into whether such technology was needed to fight al-Qaida—an organization not known to have air force capacity? Confronting the threat of al-Qaida and its affiliates must be our top national security priority, and this GAO report sends a strong signal that we need to seriously step up our oversight when providing U.S. taxpayer dollars to our partners in this fight. We can not give them a blank check and expect to them to take care of the job.

The Defense Department's carelessness and negligence has led to a situation where billions of U.S. taxpayer dollars cannot be fully accounted for. With so many domestic programs here at home feeling the brunt of the wars in Iraq and Afghanistan this is simply unacceptable. And given the implications for our national security both here at home and abroad, it cannot continue.

GAS PRICE REDUCTION ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss legislation introduced yesterday entitled the Gas Price Reduction Act. I have agreed to join over forty of my Republican colleagues to cosponsor this legislation because I believe Congress needs to take action to address high oil and gasoline prices, as well as America's overall energy security going into the future.

My cosponsorship of this bill does not mean that every provision has my full support. My office received the final legislative text late yesterday morning and I have not had a great deal of time to analyze all of the details. That said, I have reluctantly decided to cosponsor this bill to signal my concern with the state of our Nation's energy situation. I have long supported efforts to reduce U.S. oil demand through conservation and efficiency whenever practical, as well as increase domestic oil production in an environmentally safe manner, and encourage energy markets that are free of price manipulation.

I am extremely concerned about the high cost of oil, gasoline, diesel and other fuels which are exacerbating our nation's already difficult economic situation and truly hurting American consumers and families. With oil near $140 per barrel and gasoline over $4 per gallon, we are facing an unsustainable situation.

The legislation introduced today proposes to increase the supply of oil, promote technology to lower fuel consumption, and increase oversight and transparency of energy markets. Specifically, the bill would allow consideration for oil exploration and production on the Outer Continental Shelf on the Atlantic and Pacific coasts with appropriate environmental protection at the request of a State's Governor and State legislature. Any authorized drilling could only occur beyond 50 miles offshore and only if the federal government determines that leasing would not create an unreasonable risk of harm to the marine, human, or coastal environment. Further, all existing environmental laws would have to be followed.

The second part of the bill would allow the Department of Interior to move forward with leasing of land in the Western U.S. to develop oil shale. It is my understanding that there are very large deposits of energy resources that could be tapped with significant investments in rock extraction technology. This resource is much less understood than oil and natural gas drilling. I support locating as many domestic resources as we can in an environmentally safe manner. However, I am concerned about claims made by opponents that opening these lands at this time is premature until Congress and the executive branch have the ability to study the results of research and development efforts. Further, some argue that Congress should first review regulations drafted by the Bureau of Land Management, but which are under review by the Office of Management and Budget. Finally, we should be fully informed about the energy and water inputs that may be necessary for extraction, as well as the greenhouse gas emissions associated with production of oil from shale.

The third title of this bill seeks to increase research, development and deployment of advanced plug-in electric cars and trucks. There is a great deal of emphasis being placed on the promise of plug-in electric vehicles as a replacement technology for today's fuel-consuming vehicles. The potential benefits of plug-in electric vehicles includes much higher energy efficiency, elimination of the need for oil, and use of existing and expanded electric infrastructure. The legislation under consideration would increase research and development for advanced batteries, which will be required to allow these vehicles to drive long distances without needing to recharge. The bill also authorizes a loan program for the retooling of advanced battery manufacturing facilities. Finally, it calls on the federal government to purchase plug-in electric vehicles to the extent practicable to help increase market penetration of the technologies and make significant reductions in government-related fuel use.

Finally, this legislation attempts to strengthen futures markets. There are concerns that the role of speculation in these markets is impacting today's oil and gasoline prices. Therefore, this bill authorizes increased funding and staff for the Commodity Futures Trading Commission—CFTC. It requires the President's Working Group on Financial Markets to conduct a study of international regulation of energy commodities markets. It codifies recent CFTC action on position limits and transparency for foreign boards of trade that are involved in the U.S. oil trading market. Finally, it requires the CFTC to gather information on index traders and swap dealers. Many of these proposals result from the fact that a lack of information in the oil markets is making it very difficult to pinpoint whether and to what extent new actors in the oil markets may be causing some of the price increases we have experienced.

I have been working for many years to tackle the high price of oil and gasoline and improve U.S. energy security. I have long been concerned about OPEC—Oil Producing and Exporting Countries—fixing the price of oil, which makes up the largest share of gasoline prices. I continue to work with my colleagues on both sides of the aisle to pass S. 879, the No Oil Producing and Exporting Cartels Act—NOPEC. NOPEC clarifies that it is unlawful under the antitrust laws for OPEC members to agree to limit the production or distribution, or to set or maintain the price, of petroleum products or natural gas.

Further, on May 7, 2008, I questioned top oil company executives on high oil and gasoline prices at the Senate Judiciary Committee. Among other points, I asked them to justify the record profits their companies have earned while Americans pay record high prices at the pump. When I was chairman of the Senate Judiciary Committee, I held two hearings in February and March of 2006 to consider the effects of consolidation in the energy industry and whether such concentration had resulted in increased prices of gasoline, other petroleum-based fuels and natural gas. Those hearings prompted me to introduce the Oil and Gas Industry Act of 2006 to require U.S. antitrust agencies to further consider whether mergers within the oil and gas industry have violated antitrust laws and if such mergers and information sharing among companies should receive further scrutiny.

Dating back to 2002, I was the lead cosponsor of fuel savings legislation, including the Carper-Specter amendment to save 1 million barrels of oil per day by 2015 and in 2003 the Landrieu-Specter amendment to save 1 million barrels per day by 2013, which passed by a vote of 99–1. I believe the foundation we laid in the Senate helped lead to the eventual passage of the first automobile fuel efficiency standard increases since the 1970s. On December 19, 2007, the President signed the Energy Independence and Security Act which contained legislation I cosponsored to increase automobile fuel efficiency standards to 35 mpg by 2020. This increase in efficiency, and the anticipated decrease in consumption, could substantially decrease oil use and bring down prices over time.

I commend my colleagues on both sides of the aisle for their proposals to address today's unacceptable oil and gasoline price situation. However, I do not think any purely partisan exercise will ultimately prove successful. While I joined my Republican colleagues in introducing legislation today, I am convinced that we must work in a nonpartisan fashion to tackle this issue of paramount importance to our constituents and the economic health of our Nation. As evidenced by the unification of the parties that occurred in December 2007 with the Energy Independence and Security Act, when the parties work together, the American people benefit. I recommend we all rise above politics and work toward constructive solutions to the energy crisis we currently face.

As we consider the Gas Price Reduction Act and other proposals, it is essential that we not act in haste, but rather consider all potential consequences. When we talk about opening new areas for domestic oil production, we must have all of the facts not just about the potential oil reserves, but also about the precise environmental impacts and the status of the advanced technologies like directional drilling that are purported to mitigate these impacts. When Congress involves itself in very complex energy markets, we ought to be very cautious to avoid unintended consequences that could exacerbate the high and volatile prices we have seen in recent months and years.

I look forward to working with my colleagues on these difficult, but extremely important matters.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CRAPO: Thank you for letting me respond to this subject. Energy prices are hitting every family hard in their pockets. With prices going up on fuel it effects every product that we buy. These energy prices are causing more inflation on America than any other number one item we have. This country is purchasing 60–70 percent of our oil from foreign sources. What we need to do is become energy independent. We need to do everything we can do to meet this goal.

To me, the way we do that is doing everything such as; renewable nuclear, solar, wind, hydro, biomass energy. But just doing renewable energy is not enough. We still need oil for lots of things, so we need to be deep drilling off shores, drilling in Alaska, using shell oil and also the use of coal. We also need new refineries to meet our future needs.

I know that all of this will take a little bit of time to accomplish but its time to get started. Please do not just think of today but way out in the future. If this country becomes energy independent it will lower our prices and help keep inflation low.

So, please, all Senators and Representatives, work together to make this country strong and energy independent.

Sincerely,

WILLIAM, *Hayden*.

My husband and I are riding our bicycles to work. We wish there were incentives for communities to expand their walking and biking paths. (I lived for two years in Holland 30 years ago and loved the bicycle paths that were totally separate from the motorized vehicle roads). Families there used public transportation and bicycles. I would hope that the government would encourage citizens to get back on their feet and their bikes by creating safe paths and creating communities that encourage gathering rather than urban sprawl. We will be richer and healthier.

I am also getting my name on a waiting list for a hybrid vehicle. Government should encourage motor vehicle manufacturers to build energy efficient vehicles. (This should have been done a long time ago!!) I am sort of happy about high gasoline prices because finally everyone will put into production technology that will free us from fossil fuels. Too bad we have to be forced to do good things eh? I hope you will support legislation that helps us change rather than stay dependent on an energy source that is doomed to get more scarce and more expensive.

I also have planted a big garden, so I am not so dependent this summer on the grocery store (and the rising cost from transportation).

Thanks for working on this issue.

KARI, *Rexburg*.

SENATOR CRAPO: Within the last few days we received our bill from Idaho Power. In it was our new level pay amount for this coming year. Our usage was up only very slightly, and we had only about $4.00 to pay to balance out our account following this past year's payments. We were about as close to "even" as you can get. Our level pay (for Idaho Power) went from $70 to $103. This is a nearly 50 percent increase without a corresponding increase in usage. (Again, almost no increase in usage at all.) Energy costs are affecting even electrical power.

Gas prices are, of course, rapidly increasing. Diesel prices, however, continue to rise even more. One of the reasons we purchased a pickup with a diesel engine (for about $5,000 extra) was because of the increased fuel mileage. Yet we are being punished for choosing fuel efficiency because the diesel prices continue to run far above even premium grade gasoline. I have read many times that diesel is not the most highly refined product from a barrel of oil. Because of the high fuel prices, we cannot afford to go camping as many times this year as last year, and I know of several others who either are not camping at all or are cutting back significantly.

I was talking to a friend of mine yesterday, who for many years with his family, was a missionary in Indonesia. He simply said that in Indonesia people riot and rebel when fuel prices go up because they know that when fuel costs rise, all costs rise. Of course, I would not want to see the civil disturbances in America, but I would like to see more people (including those in Congress who apparently do not see this) understand that fuel and energy costs affect all costs. We are not facing an isolated issue of a rise at the gas station. Shipping costs (whether by truck or plane) are up. Shippers will not just "eat" those costs—they will be cumulatively passed on to people who no longer have the economic cushion to absorb it.

I am frustrated by the current Congress' position of practicing opposition to oil exploration, increased refining capacity, and any other short-term responses to an immediate situation other than blaming us for using energy and blaming oil companies for the amount of profits gained by a low percentage of profit on an extremely high volume of business. I too would like to see alternative energy sources—but those are only long-term or very long-term solutions. Reducing usage sounds nice until people realize that shutting down a portion of our economy will have a ripple effect on every other part of the economy. When fuel costs get too high, businesses will end up closing either because of their own costs or because their customers no longer have money to pay them.

Another friend of mine owns a small plumbing business. He described just last week that because of the fuel prices he is now forced to either tell one of his employees to stay home and run the routes himself (taking time away from management and finding new accounts) or combine two plumbers into one truck instead of them each going to separate jobs during the day. This reduces the number of customers he can serve during that day, which has a ripple effect both to and through his business.

How nice it would be to have available the mass transit from the Northeastern Corridor, from The Bay Area of California, or from the Los Angeles area. For Idaho and much of the West, this is not economically feasible without massive subsidies from the federal government. The distances between towns is too great to justify running buses or building rails—there are not enough riders.

Sometimes it would be nice to make some of the people in the Congress sit in a car as it travels at the posted speed limit the "short" trip between Boise and the next city of equal or greater size (Salt Lake? Spokane? Portland?). Perhaps this all-day trip through minimally-populated areas would help them understand that fuel is vital, distances great, and practical and affordable alternative travel options non-existent.

And none of this deals with the fact that when farmers know they will lose money on a field because the costs of production will exceed the possible revenue, they will simply not plant.

CARL, *Boise*.

DEAR SENATOR CRAPO: Thank you for this opportunity to share an example of how we are dealing with high energy costs. Our family is in Pocatello, and we have a son in school at the University of Idaho. It costs $150 even with our 30 MPG cars for the round trip to either visit him or have him visit us. There is no real alternative of getting to Moscow from here as plane fare is much more than that, and the travel time is long no matter what the method. Getting a specialized education in Idaho such as a law degree necessitates students attending universities that are long distances from home. I am sure there are other families with students in far-off places that need face to face support making long journeys a regular occurrence.

I am not an expert on energy reserves, but it has been said by people that I trust to know these things that domestic oil production has been stalled/curtailed due to strict laws and environmental concerns. America has oil reserves in Alaska, Texas, the Dakotas, and offshore that we are not using due to various regulations. I would recommend allowing this domestic production to happen as soon as possible.

Nuclear energy production is a necessity. With recent advancements, this type of energy is low-cost, safe, environmentally-friendly, and good for the domestic economy. I would request that more nuclear plants be approved for construction and use.

I appreciate your time and consideration in these matters.

JOHN, *Pocatello*.

HELLO SENATOR CRAPO: A quick little story with a huge impact. I live in a nice apartment complex and know several people who live here. I have recently talked to a couple of them, and they are having to outright move to get closer to their jobs in order to make more per hour than the cost of a round trip in their car. I myself am a 100% disabled Veteran. I have to routinely make trips to Spokane, Washington, in order to get medications to be monitored for my health problems. Recently, I have had to postpone/reschedule trips in order to save for the trip due to the huge increase in fuel prices. People here in Sandpoint are also losing their jobs left and right due to company downsizing caused directly from rising fuel prices. What is this country coming to? I think "many" Senators and Congressman/ladies should be reminded that they work for us, the people of this country, because if we want to we can elect them right out of office just as quickly as we elected them into office. That also goes with the President of this country. All this lip service and no action. People just expect this any more and have little faith that anyone will do anything to help this nation rather than line their pockets with dirty money or favors for selling the U.S. out in one way, shape, or form. Again, thank you for voting no regarding the increase in gas prices. Idahoans are "so" proud to be in this state. We are proud that the upper management such as yourself still believe in our Constitution and defend all amendments, not just the ones that will get you elected. This means more to us that anything I believe. Also, you carry through with your promises to Idaho State and the people of this state. You set the example for all the Senators, Congressmen, and the President to follow.

Sincerely,

MIKE, *Sandpoint*.

Unfortunately, the high prices of energy are not just hitting Idahoans at the pumps. The high gas prices have opened the floodgates for the cost of consumer products to be increased across the board. Everywhere we turn, it costs more. Any mode of travel, food, clothing, household repair (the repairman has to figure in the extra cost of gas), the cost of fertilizer and feed for our livestock. Everyone is concerned about the amount of foreclosures in the state. That will only get worse as what income Idahoans had is diminished by the additional cost of everything including gas. It will be even harder for Idahoans to pay their house payment and we may see even more foreclosures.

Mother Nature is having her way with our agriculture states with flooding, etc. That will drive the cost of food and feed even higher, and so much for ethylene. Be careful or it will be a battle between feed and ethylene. If our nation does not wise up and start producing our own food, fuel, etc. and quit building houses on our most fertile ground. The legacy we will leave ourselves and the future generations will be that we gave away or built on our future and the nation by buying and outsourcing too much to foreign countries. We will be at their mercy for our food and fuel.

My humble opinions,

MARY, *Bonners Ferry*.

DEAR SENATOR CRAPO: Your vote against climate change legislation smacked of partisan politics more to please the oil companies and less to do with supporting Idahoans paying less for gas.

Regarding your request for my observations on the current situation:

I do NOT support: nuclear energy technologies (because of the catastrophic consequences when failure happens); rampant destruction of natural habitats for meager results. (i.e., Alaska. What is the sense in investing millions of dollars to drill for oil in the ANWR when estimates say it contains only enough oil to solely support U.S. consumption for 7 months?); tax breaks for oil companies making windfall profits.

I DO support: Wind and solar power; effective renewable and alternative fuels; more stringent gas mileage demands on automobile manufacturers; more research on affordable hybrids; reduction in price on hybrids; tax incentives for both building and purchasing hybrids; tax penalties for purchasing Large SUV and low gas mileage autos; incentives for conservation; penalties for price gouging on oil companies; Government support for States developing better public transportation in smaller towns; tax incentives for oil companies that reinvest their windfall profits into more economical oil production and research and development.

On a personal note, I have been looking for a job, but because of higher gas prices, I have been forced to limit potential job interviews because of the cost of travel.

I would call that a catch 22!

VERA, *Hope*.

DEAR SENATOR CRAPO: I absolutely agree that we are in serious trouble vis-à-vis our energy situation. Here is my story:

We have not been overly impacted by the high price of gas because we deliberately choose to live less than five miles from our office and we drive a Prius. Many days we do not even need to take our car out of the garage. However, we see many families in dire straits.

What needs to happen rather than increase our foolish belief in oil by doing things like encouraging more oil drilling in the U.S., is that we need to provide support and incentives for Idaho families and all U.S. families to make wise energy choices like we have. We need to provide even greater tax incentives to those who choose hybrid or electric vehicles. We need to institute tax credits for those who buy or rent homes within walking/biking distance of their workplaces. We need to demand of federal and local governments that public transportation be provided in urban areas and that areas like rural Idaho be connected to nearby areas by fuel efficient means—for example, the electric fast trains of Europe would work beautifully in a state like Idaho—one line running from Moscow to Boise, one from Boise to Pocatello or Salt Lake and one line running from Boise to Sun Valley would make it possible to access almost all the state now accessible by car by electric train.

We need to provide tax and other incentives for energy produced by wind and solar power. We need to provide tax and other incentives to our farmers to adopt less petroleum dependent farming methods. We need to provide encouragement to individuals to eat locally produced, non-petroleum based, sustainable foods.

The only way we are going to save our national and our personal economic well-being is to get off of oil. The only way we are going to resolve the war between ourselves and the Islamic fundamentalists is to reduce our military presence in their lives and the only way we can do that is to release ourselves from our dependence on the oil under the Middle East. Once we do not need that oil, we will finally be free and we will no longer be a target.

That is my story. Our family was lucky because we made wise energy choices some time ago. We do not commute, we buy only one 10-gallon tank of gas per month, and we get as much of our food as possible from local growers. While we are feeling the aware of the pinch of gas prices and mostly food prices for items that we can't grow ourselves or get from local growers, we are not suffering as so many Americans are. We need to address the long term-issues so that more people will be in the position we are in rather than simply putting out small fires by doing things like reducing gas taxes or drilling in Alaska. It is no good to put out small fires when your whole house is in flames.

DEBORAH.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF GWINN, MICHIGAN

• Mr. LEVIN. Mr. President, small towns are at the heart of our country's history and cultural heritage. These communities, and the institutions and groups that make up these towns, are an enduring aspect of our political, economic and social structure, offering their unique and special chapters to the American story. It is in this spirit that I recognize the 100th anniversary of the founding of Gwinn, MI. This town, which is flanked by the Escanaba River in Michigan's Upper Peninsula, is an important part of America's industrial history.

Situated in the Swanzy region, this area is rich in red iron ore, which attracted companies to the region as early as the 1870's for mining. As a result of these mining efforts, Gwinn was formally founded in 1908 by William Gwinn Mather, president of the Cleveland-Cliffs Iron Company as a "model town" for its company's employees. Gwinn is one of only three "model towns" built in the Lake Superior mining region. Mather named the town in honor of his mother, and hired Warren Manning, a prominent architect from Boston, to design the layout of the town. Intended to provide for the social, physical, and cultural well-being of its residents and inspired by European and northeastern design, this thoughtfully conceived town remains a fine and relatively pristine example of a model town of that era. On June 24, 2002, the town of Gwinn was listed in the National Register of Historic Places, an important federal recognition of its historical significance.

Like many small mining towns, Gwinn has weathered some major industrial shifts in the century following its founding. Mining operations in the region began to decline between the 1920s and 1940s and were all but eliminated after World War II. In the mid 1950s, KI Sawyer Air Force Base was established in Marquette County and quickly became a major, and much needed, source of employment for the region. After the closure of Sawyer in 1995 as a result of the Base Closure and Realignment Commission process, it was successfully transformed into a hub of private enterprise. Now home to many businesses and some residential housing, the former base is a testament to the collective efforts of this region to reinvent itself after experiencing yet another significant blow to its economic base.

Gwinn's 100th anniversary is a tribute to the strength and perseverance of its citizens and of America's working families. This milestone will be celebrated through festivities spanning from July 3 to July 12. I know my colleagues in the Senate join me in recognizing the residents of Gwinn as they celebrate their town's 100th anniversary. I wish them another 100 years achievement and success.•

TRIBUTE TO SARAH C. SNIDER

• Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize a few of the many accomplishments of Sarah Snider, an outstanding health administrator with 15 years of experience in broadening health care access throughout rural America.

As the administrator of the Richard G. Lugar Center for Rural Health at Union Hospital in Terre Haute, IN, Ms. Snider has worked in conjunction with the hospital's Family Medicine Residency Program to increase the number of primary care physicians who seek careers in rural medicine. She has also led the center's staff in the development of strategies that have greatly increased the exposure of needed rural health training programs. While serving in this role, Ms. Snider has accumulated an impressive list of accomplishments.

For example, in 1996, Ms. Snider worked in collaboration with her colleagues to obtain needed funds for the building of the Clay City, IN, Center for Family Medicine. This clinic serves as a model training site for family physicians and functions today as a vital primary care access point for the citizens of Clay and surrounding counties. More recently, Ms. Snider worked with community leaders in Clinton, IN, to establish the Vermillion-Parke Community Health Center. Similar to the Clay City facility, this community health center will serve as a teaching and learning site for primary care clinicians and address the considerable mental, physical, and dental health needs of surrounding communities.

Ms. Snider has also applied her talents towards the development of the Landsbaum Center for Health Education in Terre Haute, IN. Dedicated in 2003, the Landsbaum Center is a state-of-the art building that combines the prestigious teaching facilities of Union Hospital with the educational assets of Indiana State University and the Indiana University School of Medicine.

It has been a tremendous pleasure for me to witness Sarah's efforts over the years. Her leadership, dedication, and counsel have benefited many individuals. While she will be dearly missed in Terre Haute, I wish Sarah and her family all the best as they pursue new and exciting endeavors.•

TRIBUTE TO SCOTTY COLSON

• Mr. SESSIONS. Mr. President, on Friday, June 20, 2008, Ukraine's Ambassador to the United States, Oleh Shamshur, appointed Scotty Colson, assistant to the mayor of Birmingham, AL, as an Honorary Consul of the Government of Ukraine.

This designation acknowledges in gratitude the work that the city of Birmingham and its citizens, under the leadership of Scotty Colson, have done to assist the people of Ukraine, especially in the cities of Krasnodon and Vinnytsia since 1997, and in helping to build the U.S.-Ukraine strategic partnership at the grassroots level. This Birmingham-Ukraine relationship began in 1997 within the U.S.-Ukraine Foundation's U.S.-Ukraine Community Partnerships Project, which was funded by the U.S. Agency for International Development, USAID, with the strong support of Congress.

It is almost impossible to comprehend the positive impact the U.S.-Ukraine Foundation's Community Partnership Program has had all across Ukraine and the amazing collateral benefits it has brought to U.S.-Ukrainian relations. And, with Scotty Colson's leadership the Birmingham-Krasnodon partnership exemplifies the very best of what America has to offer—American volunteers, Americans giving of a helping hand, and Americans demonstrating their commitment to a better world.

Through the relationship fostered by the Community Partnership Project, Birmingham and Krasnodon worked together to enhance citywide development. Birmingham shared its health experience with Krasnodon enabling the city to make substantial improvement to its outdated medical system. Due to the installation of mini-boilers in city buildings, the city of Krasnodon significantly reduced costs during the 2000–2001 winter season. Coming from the top-down control model of the Communist system but learning from citizen participation in Birmingham, Krasnodon established public committees on health care and city beautification, public hearings on government performance and future plans and a roundtable discussion on housing and neighborhood communities. Transparent government with genuine citizen involvement flourishes. To help enable future growth Krasnodon established a one-stop office to register businesses.

Through Scotty Colson and the U.S.-Ukraine Foundation's relationship with Birmingham, other associations and contacts developed for the foundation in and out of Alabama for the purpose of developing U.S.-Ukraine related technical assistance projects. These associations have all assisted the foundation in its mission to aid Ukraine in the development of democratic institutions, economic development and human rights. It is my understanding that one of the favorite slogans within the U.S.-Ukraine Community Partnerships Project, which was officially funded from 1997 to 2007, came from Birmingham's neighborhoods: "You don't have to move to live in a better neighborhood."

Thirteen other cities across the United States partnered with Ukrainian communities to work on strategic planning, economic development, citizen participation, and communal services. There are many success stories. Hundreds of citizen diplomats from the U.S. communities, who volunteered their professional services at a value of over $5 million to aid Ukraine, represented their own communities and offered the best of America through this program.

Four mayors from Birmingham, as well as many other community citizens, and officials, actively participated in this program during the period of 1997–2007. As I have said, these personal and voluntary efforts represented the best of America.

The people of Birmingham, AL, who continually develop their own community, are sharing their experience and giving confidence and hope to cities and towns in Ukraine, that they too can have a better future and that they don't have to move to live in a better neighborhood. I am proud to call the recognition Scotty has received from Ukraine to the attention of my Senate colleagues. This recognition of Scotty, really on behalf of the fabulous contributions of the volunteers from Birmingham, AL, has contributed greatly to the advancement of our country's foreign policy interests and specifically to our strategic interests with Ukraine.•

CELEBRATING 65 YEARS OF MARRIAGE

• Mr. THUNE. Mr. President, it is rare these days to see one couple make it to 65 years of marriage. It is even more rare to see two couples, who are best friends, make it to that rather remarkable milestone at the same time. This weekend in Murdo, SD, Harold and Pat Thune and John and Virginia Parker will both celebrate 65 years of marriage.

When Harold Thune and John Parker graduated Murdo High School together in the spring of 1937, neither realized how entwined their lives would become over time. After high school graduation John moved to California. Harold went on to become a basketball star at the University of Minnesota and then a fighter pilot during World War II. Harold returned to Murdo with his young wife Patricia when the war ended to take over the family business at the request of his father who was in poor health.

It was the summer of 1951 when John returned to Murdo with his wife Virginia and reconnected with his high school classmate, who by this time had three young children. In the intervening years since high school, John had found real purpose in his life through his Christian faith. Anxious to share that faith with his high school friend, he began a small Bible study in that summer of 1951. Through that Bible study, first Pat, then Harold made a profession of faith that has served as their life's foundation to this day. They would be the first to tell you that it is hard to imagine them celebrating this blessed occasion absent that life-changing experience.

We honor both couples on this occasion of 65 years of marriage, for staying true to their God, to each other, and to their families. Their example of steadfast commitment and devotion is a powerful witness and inspiration to those who have come after about what a Christian marriage should be. Congratulations to the Parkers and the Thunes on this milestone 65th wedding anniversary.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations to the Committee on Foreign Relations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2245. An act to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic.

H.R. 4264. An act to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center".

H.R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center".

H.R. 6052. An act to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi.

H. Con. Res. 370. Concurrent resolution expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

ENROLLED BILLS SIGNED

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2245. An act to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

H.R. 4264. An act to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center"; to the Committee on Veterans' Affairs.

H. R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H.R. 6052. An act to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 370. Concurrent resolution expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3202. A bill to address record high gas prices at the pump, and for other purposes.

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

The following concurrent resolution was read the first and second times by unanimous consent, and placed on the calendar:

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6773. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis Cry2Ab2 Protein; Exemption from the Requirement of a Tolerance" (FRL No. 8369-4) received on June 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6774. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Residues of Quaternary Ammonium Compounds, Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance" (FRL No. 8368-1) received on June 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6775. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Teed M. Moseley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6776. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report on the financing of certain Petroleos Mexicanos Projects in Mexico by the Pemex Project Master Trust; to the Committee on Banking, Housing, and Urban Affairs.

EC-6777. A communication from the Director, Housing and Facilities Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Subpart N Housing Preservation Grants" (RIN0575-AC76) received on June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6778. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Installation Program" (RIN2502-AH97) received on June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6779. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-6780. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, an annual report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–6781. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Elephant Trunk Scallop Access Area Closure for General Category Scallop Vessels" (RIN0648–X152) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6782. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure; Coastwide 2008 Summer Period Scup Commercial Fishery" (RIN0648–XI40) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6783. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska" (RIN0648–X138) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6784. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska" (RIN0648–XI36) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6785. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 26 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs" (RIN0648–AW45) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6786. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Columbia County Area" (FRL No. 8687–2) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6787. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Crawford County Area" (FRL No. 8687–3) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6788. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Somerset County Area" (FRL No. 8686–9) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6789. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Susquehanna County Area" (FRL No. 8687–1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6790. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Warren County Area" (FRL No. 8685–5) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6791. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Nevada; Wintertime Oxygenated Gasoline Rule; Vehicle Inspection and Maintenance Program; Redesignation of Truckee Meadows to Attainment for the Carbon Monoxide Standard" (FRL No. 8555–1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6792. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementations Plans: Washington; Vancouver Air Quality Maintenance Area Second 10-Year Carbon Monoxide Maintenance Plan" (FRL No. 8684–1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6793. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 8565–2) received on June 26, 2008; to the Committee on Environment and Public Works.

EC–6794. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Optional Standard Mileage Rates" (Announcement 2008–63) received on June 26, 2008; to the Committee on Finance.

EC–6795. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rolling Average Method of Inventory Valuation" (Revenue Procedure 2008–43) received on June 26, 2008; to the Committee on Finance.

EC–6796. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Law School Loan Repayment Assistance Programs" (Rev. Rul. 2008–34) received on June 26, 2008; to the Committee on Finance.

EC–6797. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–94—2008–103); to the Committee on Foreign Relations.

EC–6798. A communication from the Secretary General, Inter-Parliamentary Union, transmitting a copy of a report entitled, "Equality in Politics: A Survey of Women and Men in Parliaments"; to the Committee on Foreign Relations.

EC–6799. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting a Presidential report and certification relative to the proposed rescission of the designation of North Korea as a state sponsor of terrorism; to the Committee on Foreign Relations.

EC–6800. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of April 15, 2008, through June 15, 2008; to the Committee on Foreign Relations.

EC–6801. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6802. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, an annual report on the financial status of the railroad unemployment insurance system for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6803. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report covering the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6804. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a summary of the Department's inventory of inherently governmental and commercial activities for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6805. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Office's first annual report; to the Committee on the Judiciary.

EC–6806. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Board of Immigration Appeals: Composition of Board and Temporary Board Members" (RIN1125–AA57) received on June 26, 2008; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1566. A bill to amend the Oil Pollution Act of 1990 to improve that Act, and for other purposes (Rept. No. 110–403).

S. 2707. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. No. 110–404).

H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation (Rept. No. 110–405).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany H.R. 3986, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 110–406).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2555. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes (Rept. No. 110–407).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN from the Committee on Foreign Relations:

[Treaty Doc. 110–14: International Convention Against Doping in Sport with one understanding, one declaration and one condition (Ex. Rept. 110–11)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to an understanding, a declaration, and a condition.

The Senate advises and consents to the ratification of the International Convention Against Doping in Sport (the "Convention"), adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14; EC 6772), subject to the understanding of section 2, the declaration of section 3, and the condition of section 4.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

It is the understanding of the United States of America that nothing in this Convention obligates the United States to provide funding to the World Anti-Doping Agency.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

Pursuant to Article 2(4), which defines "Athlete" for purposes of doping control as "any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties", the United States of America declares that "Athlete" for purposes of doping control means any athlete determined by the U.S. Anti-Doping Agency to be subject to or to have accepted the World Anti-Doping Code.

Section 4. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Not later than 60 days after an amendment to either of the Annexes that was concluded in accordance with the specific amendment procedure in Article 34 enters into force for the United States, the Secretary of State shall transmit the text of the amended Annex to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself and Mr. KOHL):

S. 3219. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 3220. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. BARRASSO:

S. 3221. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. THUNE:

S. 3222. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. SCHUMER, Ms. STABENOW, Mr. DURBIN, Ms. LANDRIEU, Ms. COLLINS, Mrs. CLINTON, Mr. HARKIN, Mr. DODD, and Mr. SANDERS):

S. 3223. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 606. A resolution designating June 27, 2008, as National HIV Testing Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 894

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 894, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2062

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2062, a bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 3061

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3144

At the request of Mr. BOND, his name was added as a cosponsor of S. 3144, a bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies.

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3144, supra.

S. 3167

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3175

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3175, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes.

S. 3217

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3217, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. RES. 499

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 499, a resolution urging Palestinian Authority President Mahmoud Abbas, who is also the head of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. SCHUMER, Ms. STABENOW, Mr. DURBIN, Ms. LANDRIEU, Ms. COLLINS, Mrs. CLINTON, Mr. HARKIN, Mr. DODD, and Mr. SANDERS):

S. 3223. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, with the temperatures pushing 90 degrees here in Washington, today might strike some as an odd time to introduce a bill on heating fuels. But for those of us who know the costs of a cold winter ahead, the real fuel crisis is now—and the clock is ticking when it comes to Washington's ability to step in and help before it's too late and this problem becomes a crisis and another state of emergency is declared on Massachusetts. Now and in the coming weeks, families and businesses will be sitting down to sign their heating fuel contracts, with record prices creating impossible decisions between feeding one's family and heating the home, and laying off employees or going further into debt.

This week the Committee on Small Business and Entrepreneurship held a hearing entitled "Examining Solutions to Cope with the Rise in Home Heating Oil Prices" in which we heard testimony on the effect the historic spike in heating oil prices is having on small businesses. Nationally, 7.7 million households heat their homes with home heating oil. In Massachusetts, more than 963,000 households use home heating oil delivered by over 800 distributors, many of them small businesses.

It is reality—not rhetoric—that price spikes will force people to decide whether to feed their families or heat their homes, and will force small businesses to layoff employees and in some cases shut their doors. The Energy Information Administration is projecting that heating oil prices will be up 56 percent in 2009 as compared with 2007, and even that estimate may be modest. Prices for a gallon of home heating oil sit at over $4.50 today compared with less then a dollar 10 years ago. That means consumers will have to pay thousands more than ever before to heat their homes this winter, and small businesses who rely on these and other fuels to heat their businesses will face skyrocketing bills at a time when the economy and the credit crunch are already squeezing their bottom lines.

While oil companies are reaping record profits, small business owners are hard hit by these price spikes. Most heating oil distribution is done by small businesses who are victimized many times over by the rising price of fuel. Their accounts receivables go through the roof—which isn't a pretty picture, especially during a credit crunch. Their customers have a difficult time paying their bills and rising credit card fees eat into their margins. The volatility in the market also causes price hedging—a practice of locking into a price in order to buy certainty—to rise from a few cents a gallon a few years ago to upwards of 40 cents a gallon today, rendering almost useless this tool that used to be helpful in giving distributors and consumers an insurance policy against more crippling prices during the winter when the market pressures were greater. These problems are affecting small businesses who work with other heating fuels as well, such as kerosene, propane, and natural gas.

There are many viable and successful small businesses that need assistance to get through times when heating fuel prices spike. This is why I, along with Senator SNOWE, am reintroducing the Small Business Energy Emergency Relief Act to provide assistance through affordable, low-interest Small Business Administration disaster loans to small businesses that have suffered economic harm and can't pay their bills because of the huge price increases in heating oil, propane, kerosene, and natural gas. Whether they are small fuel distributors or business owners who rely on those fuels to heat their stores, many small businesses are dependent on these four heating fuels.

This bill would amend the Small Business Act to authorize the Small Business Administration to make disaster loans of up to $1.5 million, and an exception can be made by the Administrator for higher loans if the borrower constitutes a major source of employment, to assist small businesses that have suffered substantial economic injury as the result of a significant increase in the price of kerosene, propane, natural gas, or heating oil. Heating fuel prices would have to go up by 50 percent over the average price during the same 10-day period in the previous 2 years to trigger an energy emergency declaration from the President or the Administrator, though a Governor of a State that has experienced a significant rise in the price of home heating oil may also request assistance for small businesses in that State.

The qualifications for an economic injury disaster loan are the same as for economic injury loans for a physical disaster. A small business must have demonstrated economic injury as a result of the price increases; demonstrate the inability to pay its bills; be unable to locate financing elsewhere; and demonstrate the ability to repay the loan. As in years past, the bill retains a provision authored by Senators HARKIN and KOHL to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make loans to farm operations that qualify as a small business and that have suffered substantial economic injury on or after October 1, 2007, as the result of a significant increase in energy costs in connection with an energy emergency declaration by the President or the Secretary.

This bill has been a collaborative process over many years, which is demonstrated by other provisions that we have retained, including one by Senator LEVIN to allow small businesses to use the proceeds of the loans not only for working capital to recover from the economic injury of the energy costs but also to convert their systems to use alternative or renewable energy sources. That was complimented by a provision added by Senator ENZI to allow the proceeds for cogeneration systems.

This bill was originally introduced in the 107th Congress as S. 295 and it passed the full Senate with 34 cosponsors. Since then, it has passed the Senate twice more, both times in the 109th Congress, once as an amendment to H.R. 6, the Energy Policy Act of 2005, and once as part of a larger Katrina relief amendment to H.R. 2862, only to be dropped in conference both times. Furthermore, this bill has passed the Committee on Small Business and Entrepreneurship several times, including in 2006 as a stand alone bill and in 2007 as part of the Small Business Disaster Response and Loan Improvements Act.

With heating fuel prices soaring to never before seen heights, and with no end in sight, it is time we pass this bill and make it law. Small businesses across the country already operate on razor thin margins, and the spike in heating fuels this winter will push many otherwise successful businesses over the edge and into bankruptcy. With the credit markets tightening, giving these small businesses low interest loans to help them make it through the winter is a common sense, low cost way to help small businesses, save jobs, and secure the backbone of our economy.

I would like to thank Senator SNOWE for her tireless work on these issues and for cosponsoring this bill, and I ask that this statement is printed for the record. I would also like to thank Senators KENNEDY, SCHUMER, STABENOW, LANDRIEU, DURBIN, COLLINS, CLINTON, HARKIN, DODD, and SANDERS for joining me as original cosponsors, and I ask that all Senators join me in supporting this bill that will help save small businesses across this country who are struggling to adjust to the world of skyrocketing energy prices that we must deal with today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Energy Emergency Relief Act of 2008".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, 2004 to 2005, 2006 to 2007, and 2007 to 2008; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 4. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9) the following:

"(10) ENERGY EMERGENCIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 50 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2007.

"(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) DECLARATIONS.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; and

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(2) by inserting "other" before "economic".

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 6.

SEC. 5. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking "operations have" and inserting "operations (i) have"; and

(B) by inserting before "*: Provided,*" the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2007, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2007, in connection with an energy emergency declared by the President or the Secretary";

(2) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(3) in the fourth sentence—

(A) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(B) by inserting "or declaration" after "emergency designation".

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 6.

SEC. 6. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this Act and the amendments made by this Act.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 7. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 6, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 6, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this Act, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 606—DESIGNATING JUNE 27, 2008, AS NATIONAL HIV TESTING DAY

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 606

Whereas the Centers for Disease Control and Prevention (referred to in this preamble as "the CDC") found that at the end of 2003, between 1,039,000 and 1,185,000 individuals in the United States were HIV positive, an increase from the estimated 850,000 to 950,000 such individuals at the end of 2002;

Whereas the CDC estimated that at the end of 2006, African-Americans represented 49 percent of all individuals living with HIV/AIDS, Whites represented 30 percent, and Hispanics represented 18 percent;

Whereas the CDC further found that at the end of 2006, men accounted for nearly 73 percent of all individuals living with HIV/AIDS and women represented more than 26 percent;

Whereas the CDC estimated that from the beginning of the epidemic through 2006, 565,927 individuals in the United States have died of AIDS;

Whereas the CDC has determined that the leading cause of HIV infection is male-to-male sexual contact, followed by heterosexual contact and injection drug use;

Whereas the CDC has estimated that during the 10-year period beginning in 1998, the rate of new infections in the United States has remained at approximately 40,000 annually, with no decline;

Whereas individuals at high risk of acquiring HIV are also often at high risk of acquiring other sexually transmitted infections;

Whereas a 2008 report from the CDC estimated that in the United States, 1 in 4 young women and nearly 1 in 2 young African-American women between the ages of 14 and 19 have a sexually transmitted infection;

Whereas the CDC estimates that about 25 percent of all HIV-positive individuals are unaware of their status;

Whereas the CDC reports that when infected individuals knew their status, they were more likely to practice HIV risk-reduction behaviors;

Whereas the CDC reported that in 2005, 40 percent of those individuals diagnosed as HIV-positive were later diagnosed with AIDS within 1 year of their HIV test;

Whereas the CDC reports that early knowledge of HIV status is important for connecting HIV-positive individuals with medical care and services that can reduce mortality and prevent the onset of AIDS;

Whereas a 2004 survey by the Kaiser Family Foundation found that many individuals in the United States wanted more information about HIV, including the different types of HIV tests available, testing costs, test result confidentiality, and testing locations;

Whereas African-Americans and Latinos are much more likely than Whites to say they need more information about HIV testing;

Whereas anxieties, misconceptions, and stigma have been traditionally associated with HIV/AIDS and HIV testing;

Whereas the most commonly used HIV tests require a 2 week waiting period for a diagnosis, and such a waiting period contributes to the anxiety surrounding HIV testing that discourages individuals from receiving their diagnosis;

Whereas the CDC estimated that in 2004, among those who took an HIV test at sites funded by the CDC, 22 percent did not return for their test results;

Whereas rapid test kits approved by the Food and Drug Administration have made HIV testing easier, more accessible, and less invasive, while delivering results within a single day;

Whereas prevention counseling is an essential part of HIV testing, and when conducted according to established CDC guidelines, has been shown to be effective at producing individual behavioral change;

Whereas the National Association of People with AIDS, founded in 1983, is the oldest coalition of people living with HIV/AIDS, and advocates on behalf of all people living with HIV/AIDS;

Whereas National HIV Testing Day is an annual campaign introduced in 1995 and produced by the National Association of People with AIDS to encourage individuals to seek out and receive voluntary HIV counseling and testing;

Whereas the theme of National HIV Testing Day 2008 is, "Take the test, take control";

Whereas the Advancing HIV Prevention Initiative of the CDC emphasizes the importance of HIV testing;

Whereas as part of its overall public health mission, the CDC annually supports the National HIV Prevention Conference and National HIV Testing Day; and

Whereas June 27 of each year is now recognized as National HIV Testing Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2008, as National HIV Testing Day;

(2) encourages State and local governments, including their public health agencies, to recognize such a day, to publicize its importance among their communities, to encourage individuals to undergo counseling and testing for HIV and other sexually transmitted infections, and to establish and maintain effective linkages to care and treatment services for individuals testing positive;

(3) encourages the appropriate use of rapid test kits approved by the Food and Drug Administration as a fast and efficient method of HIV testing;

(4) encourages National, State, and local media organizations to carry messages in support of National HIV Testing Day;

(5) encourages the President to emphasize the importance of addressing the HIV/AIDS epidemic among all individuals in the United States, but especially among minority communities; and

(6) supports the development of a National AIDS strategy with clear goals and objectives to reduce new HIV infections, especially among minorities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5065. Mr. LEVIN (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 3564, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

TEXT OF AMENDMENTS

SA 5065. Mr. LEVIN (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 3564, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes; as follows:

On page 2, lines 6 through 8, *strike* "$1,000,000 for fiscal year 2008, $3,300,000 for fiscal year 2009, $3,400,000 for fiscal year 2010, and $3,500,000 for fiscal year 2011" *and insert* "$3,200,000 for fiscal year 2009, $3,200,000 for fiscal year 2010, and $3,200,000 for fiscal year 2011".

THE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the following bills en bloc: Calendar No. 841, S. 3015; Calendar No. 842, S. 3082; Calendar No. 843, H.R. 3721; Calendar No. 844, H.R. 4185; Calendar

No. 845, H.R. 5168; Calendar No. 846, H.R. 5395; Calendar No. 847, H.R. 5479; Calendar No. 848, H.R. 5517; and Calendar No. 849, H.R. 5528.

I further ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. BERNARD DALY POST OFFICE BUILDING

The bill (S. 3015) to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. BERNARD DALY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 18 S. G Street in Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Bernard Daly Post Office Building".

REVEREND EARL ABEL POST OFFICE BUILDING

The bill (S. 3082) to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the "Reverend Earl Abel Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Reverend Earl Abel Post Office Building".

MARINE GUNNERY SERGEANT JOHN D. FRY POST OFFICE BUILDING

The bill (H.R. 3721) to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

MARISOL HEREDIA POST OFFICE BUILDING

The bill (H.R. 4185) to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

CODY GRATER POST OFFICE BUILDING

The bill (H.R. 5168) to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

WILLIAM "BILL" CLAY POST OFFICE BUILDING

The bill (H.R. 5395) to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

ALONZO WOODRUFF POST OFFICE BUILDING

The bill (H.R. 5479) to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

TEXAS MILITARY VETERANS POST OFFICE

The bill (H.R. 5517) to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office", was considered, ordered to a third reading, read the third time, and passed.

ROCKY MARCIANO POST OFFICE BUILDING

The bill (H.R. 5528) to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 377, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 377) authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 377) was agreed to.

The preamble was agreed to.

REGULATORY IMPROVEMENT ACT OF 2007

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 443, H.R. 3564.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that a Coburn amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5065) was agreed to, as follows:

(Purpose: To modify the authorization of appropriations for fiscal years 2008 through 2011)

On page 2, lines 6 through 8, strike "$1,000,000 for fiscal year 2008, $3,300,000 for fiscal year 2009, $3,400,000 for fiscal year 2010, and $3,500,000 for fiscal year 2011" and insert "$3,200,000 for fiscal year 2009, $3,200,000 for fiscal year 2010, and $3,200,000 for fiscal year 2011".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3564), as amended, was read the third time and passed.

APPOINTMENTS AUTHORITY

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 474, 510, 517, 518, 582, 592, 594, 611, 637, 638, 639, 640, 641, 642, 643, 644, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 667 to and including 682, all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, NOAA, Marine Corps and Navy, and that the Foreign Relations Committee be discharged from consideration of PN 1815, Lyndon L. Olson, and the Banking Committee be discharged from further consideration of PN 568, Elizabeth A. Duke, and the HELP Committee be discharged from further consideration of PN 1501, Constance Barker, and the Senate proceed en bloc to their consideration; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that no further motions be in order; provided further that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General.

DEPARTMENT OF TRANSPORTATION

Simon Charles Gros, of New Jersey, to be an Assistant Secretary of Transportation.

DEPARTMENT OF HOMELAND SECURITY

Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security. (New Position)

DEPARTMENT OF STATE

Mark Kimmitt, of Virginia, to be an Assistant Secretary of State (political-Military Affairs).

DEPARTMENT OF STATE

James B. Cunningham, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624.

To be rear admiral (lower half)

Capt. Donald E. Gaddis

DEPARTMENT OF STATE

Liliana Ayalde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

John R. Beyrle, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Asif J. Chaudhry, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

James Culbertson, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

David F. Girard-diCarlo, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

John Melvin Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Tina S. Kaidanow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Kristen Silverberg, of Texas, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Lezlee J. Westine, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

DEPARTMENT OF STATE

Eric J. Boswell, of the District of Columbia, to be an Assistant Secretary of State (Diplomatic Security).

Eric J. Boswell, of the District of Columbia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

DEPARTMENT OF HOMELAND SECURITY

Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SECURITIES AND EXCHANGE COMMISSION

Elisse Walter, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2012.

Troy A. Paredes, of Missouri, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2013.

Luis Aguilar, of Georgia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2010.

NATIONAL CREDIT UNION ADMINISTRATION

Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2013.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development.

Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF THE TREASURY

Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury. (New Position)

EXECUTIVE OFFICE OF THE PRESIDENT

Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association.

DEPARTMENT OF COMMERCE

Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF JUSTICE

Kelly Harrison Rankin, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Clyde R. Cook, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel William J. Bender

Colonel Bryan J. Benson
Colonel Christopher C. Bogdan
Colonel Darryl W. Burke
Colonel Joseph T. Callahan, III
Colonel Michael J. Carey
Colonel John B. Cooper
Colonel Samuel D. Cox
Colonel Teresa A.H. Djuric
Colonel Carlton D. Everhart, II
Colonel Terrence A. Feehan
Colonel Samuel A.R. Greaves
Colonel Russell J. Handy
Colonel Scott M. Hanson
Colonel Veralinn Jamieson
Colonel Jeffrey G. Lofgren
Colonel Earl D. Matthews
Colonel Kurt F. Neubauer
Colonel Robert C. Nolan, II
Colonel Craig S. Olson
Colonel John R. Ranck, Jr.
Colonel Darryl L. Roberson
Colonel Jeffry F. Smith
Colonel John F. Thompson
Colonel Gregory J. Touhill
Colonel Thomas J. Trask
Colonel Joseph S. Ward, Jr.
Colonel Scott D. West
Colonel Timothy M. Zadalis

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul J. Selva

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kenny C. Montoya

The following Army National Guard of the United States officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Errol R. Schwartz

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ricky Lynch

The following named officer for appointment to the grade indicated under title 10, U.S.C., sections 3064 and 3069(b):

To be major general

Col. Patricia D. Horoho

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Timothy E. Albertson
Brigadier General Norman E. Arflack
Brigadier General Tod J. Carmony
Brigadier General William L. Enyart, Jr.
Brigadier General Dennis E. Jacobson
Brigadier General Kevin R. McBride
Brigadier General Olin O. Oedekoven

To be brigadier general

Colonel Dean W. Brown
Colonel Annette M. Denner
Colonel David B. Enyeart
Colonel Charles H. Gailes, Jr.
Colonel James R. Gorham
Colonel James J. Grant
Colonel Earnest L. Harrington, Jr.
Colonel Wayne M. Hayes
Colonel Reynold N. Hoover
Colonel Ward K Johnson, III
Colonel Daniel R. Kern
Colonel Louis J. Landreth
Colonel Martin A. Leppert
Colonel Harry E. Miller, Jr.
Colonel Rafael O. Ferrall
Colonel Renwick L. Payne
Colonel Kendall W. Penn
Colonel Joseph M. Richie
Colonel William F. Roy
Colonel William L. Seekins
Colonel Norman E. Steen
Colonel Larry W. Triphahn

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Allen

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Moira N. Flanders

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Karen A. Flaherty

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Raymond P. English

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Scott A. Weikert

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Bruce A. Doll

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Steven M. Talson

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mark J. Belton
Capt. Nicholas T. Kalathas

The following named officer for appointment as Chief of Navy Reserve, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5143:

To be vice admiral

Rear Adm. Dirk J. Debbink

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1707 AIR FORCE nomination of Andrew P. Armacost, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1708 AIR FORCE nomination of Hans C. Bruntmyer, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1709 AIR FORCE nominations (4) beginning DWIGHT PEAKE, and ending TREVOR S. PETROU, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1710 AIR FORCE nominations (4) beginning CHRISTINE CORNISH, and ending DAVID G. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1723 AIR FORCE nomination of John L. Baeke, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1724 AIR FORCE nominations (3) beginning JOSEPH C. LEE, and ending BRAD A. NIESET, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1725 AIR FORCE nominations (5) beginning ROBERT B. KOHL, and ending ALVIN W. ROWELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1770 AIR FORCE nominations (87) beginning JAMES D. BARBER JR., and ending MARK JOHN ZECHMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

IN THE ARMY

PN1293 ARMY nominations (32) beginning MARVIN P. ANDERSON, and ending MARK V. VAIL, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1294 ARMY nominations (102) beginning JOHN P. ALBANO, and ending D060387, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1726 ARMY nomination of John Kissler, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1727 ARMY nominations (3) beginning MARK A. ARTURI, and ending DANA F. CAMPBELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1728 ARMY nominations (3) beginning KATHLEEN AGOGLIA, and ending JAMES R. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1729 ARMY nominations (6) beginning ROBERT J. EGIDIO, and ending ALAN Z. SIEDLECKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1771 ARMY nomination of Daisie D. Boettner, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1772 ARMY nomination of Thomas C. Powell, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1773 ARMY nomination of John M. Anderson, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1774 ARMY nomination of Rowell A. Stanley Jr., which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1775 ARMY nominations (2) beginning MICHAEL E. DUNN, and ending KEVIN J. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1776 ARMY nominations (2) beginning TODD D. KOSTELECKY, and ending LEESA J. PAPIER, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1777 ARMY nomination of Christopher C. Everitt, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1778 ARMY nomination of Dennis P. Collins, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1779 ARMY nominations (6) beginning CHRISTOPHER W. BAKER, and ending CHRISTINA M. LONG, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1780 ARMY nominations (44) beginning ERIC J. ALBERTSON, and ending D060628, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

IN THE COAST GUARD

PN1668 COAST GUARD nomination of Jeffrey R. Platt, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1669 COAST GUARD nomination of Eileen M. Lutkenhouse, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1752 COAST GUARD nomination of Nakeisha B. Hills, which was received by the Senate and appeared in the Congressional Record of June 5, 2008.

PN1753 COAST GUARD nomination of Elizabeth A. McNamara, which was received by the Senate and appeared in the Congressional Record of June 5, 2008.

IN THE FOREIGN SERVICE

PN877-2 FOREIGN SERVICE nomination of Russell Green, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN1006-2 FOREIGN SERVICE nomination of Dawn M. Liberi, which was received by the Senate and appeared in the Congressional Record of October 23, 2007.

PN1690-1 FOREIGN SERVICE nominations (217) beginning MATTHEW KAZUAKI ASADA, and ending ADAM ZERBINOPOULOS, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2008.

IN THE MARINE CORPS

PN1781 MARINE CORPS nominations (11) beginning JOHN E. BILAS, and ending ALAN R. SINGLETON II, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1782 MARINE CORPS nominations (10) beginning JOSEPH R. CORNELL, and ending JOHN J. SWINCINSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1691 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (51) beginning Mark H. Pickett, and ending Patrick M Sweeney III, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2008.

IN THE NAVY

PN1572 NAVY nomination of Adam J. Coghan, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1573 NAVY nomination of John E. Pasch III, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1574 NAVY nominations (2) beginning RICHARD C. BOEHM, and ending MICHAEL D. CONGER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1575 NAVY nominations (7) beginning JAMES R. DUNWORTH, and ending MICHAEL A. SANO, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1576 NAVY nominations (6) beginning WILLIAM K. DAVIS, and ending KATHLEEN R. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1577 NAVY nominations (3) beginning KATHLEEN GROMILOVITZ, and ending JAMES M. MANCHER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1578 NAVY nominations (3) beginning THOMAS E. FOLLO, and ending SARAH M. STANDARD, which. nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1579 NAVY nominations (4) beginning DAVID J. HARACH, and ending PATRICK R. MULCAHY, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1580 NAVY nominations (6) beginning DONALD R. BURNS, and ending WILLIAM D. MICHAEL, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1581 NAVY nominations (10) beginning ROBERT J. BARTON II, and ending CHRISTOPHER M. WAALER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1582 NAVY nominations (7) beginning DREW G. FLAVELL, and ending PAUL F. WECKMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1583 NAVY nominations (8) beginning TERI J. BARBER, and ending LORI A. YOST, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1584 NAVY nominations (19) beginning ERIC B. ANDERSON, and ending GEORGE N. WHITBRED IV, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1585 NAVY nominations (107) beginning CLAYTON R. ALLEN, and ending ERIC F. ZANIN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1586 NAVY nominations (30) beginning TAMMY M. BAKER, and ending LEONARD A. ZIMMERMANN I, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1620 NAVY nominations (4) beginning CHARLES E. A. BAKER, and ending RICHARD N. SOUCIE, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1621 NAVY nominations (4) beginning RAYMOND E. CHARTIER JR., and ending ROBIN D. TYNER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1622 NAVY nominations (6) beginning ROBERT C. BUZZELL, and ending EDUARDO E. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1623 NAVY nominations (7) beginning KEVIN G. AANDAHL, and ending DAVID E. WERNER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1624 NAVY nominations (7) beginning DAVID A. BONDURA, and ending WILBURN T. J. STRICKLAND, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1625 NAVY nominations (6) beginning JON D. ALBRIGHT, and ending MICHAEL W. ZARKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1626 NAVY nominations (16) beginning JAMES E. AULL, and ending EDWARD B. WARFORD, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1627 NAVY nominations (12) beginning CHRISTIAN D. BECKER, and ending DONALD L. ZWICK, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1628 NAVY nominations (15) beginning WILLIAM J. BROUGHAM, and ending JEROME ZINNI, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1629 NAVY nominations (11) beginning VORESA E. BOOKER, and ending PAT L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1630 NAVY nominations (13) beginning DANELLE M. BARRETT, and ending BOYD T. ZBINDEN, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1631 NAVY nominations (223) beginning CHRISTOPHER P. ANKLAM, and ending STEVEN J. YODER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1683 NAVY nominations (4) beginning JOHN L. FRANKLIN, and ending NORMAN C. PETTY, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2008.

PN1711 NAVY nomination of Michael J. McCormack, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1712 NAVY nominations (2) beginning GREGG P. LOMBARDO, and ending CHARLES J. NEWBURY, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1713 NAVY nominations (3) beginning DANIEL L. GARD, and ending WILLIAM A. WILDHACK III, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1714 NAVY nominations (19) beginning MARK S. BELLIS, and ending STEVEN R. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1715 NAVY nominations (14) beginning FREDERICK H. BOYLES, and ending ALLISON M. WELDON, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1716 NAVY nominations (8) beginning ESTHER E. BURLINGAME, and ending KIMBERLY K. PELLACK, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1717 NAVY nominations (5) beginning KENNETH D. LAPOLLA, and ending JOSEPH R. WILLIE II, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1718 NAVY nominations (19) beginning BRUCE BENNETT, and ending SCOTT K. RINEER, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1719 NAVY nominations (15) beginning DANIEL K. BEAN, and ending TED Y. YAMADA, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1720 NAVY nominations (30) beginning GLORIA M. BAISEY, and ending PATRICIA L. WEST, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1730 NAVY nomination of Michael J. Maselly, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1731 NAVY nominations (2) beginning HILLARY KING JR., and ending JAMES E. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1732 NAVY nominations (8) beginning ROOSEVELT H. BROWN, and ending DALE C. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1733 NAVY nominations (13) beginning DAVID R. BUSTAMANTE, and ending RODNEY O. WORDEN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1734 NAVY nominations (15) beginning VIDA M. ANTOLINJENKINS, and ending JONATHAN S. THOW, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1735 NAVY nominations (20) beginning ANGELICA L. C. ALMONTE, and ending NANCY J. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1736 NAVY nominations (22) beginning SMITH C. E. BARONE, and ending CURTIS M. WERKING, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1737 NAVY nominations (25) beginning ROLAND E. ARELLANO, and ending MARVA L. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1738 NAVY nominations (32) beginning CHRISTOPHER BOWER, and ending ANDREW F. WICKARD, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1739 NAVY nominations (64) beginning DEBRA A. ARSENAULT, and ending CLIFTON WOODFORD, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1740 NAVY nominations (8) beginning MICHAEL L. BAKER, and ending CHAD G. WAHLIN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1741 NAVY nominations (10) beginning BRENT T. CHANNELL, and ending MICHAEL J. SUPKO, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1742 NAVY nominations (11) beginning ALLEN C. BLAXTON, and ending JOEL R. TESSIER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1743 NAVY nominations (11) beginning MARC E. BOYD, and ending ELISSA J. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1744 NAVY nominations (13) beginning TODD E. BARNHILL, and ending DOMINICK A. VINCENT, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1745 NAVY nominations (17) beginning EDWARD F. BOSQUE, and ending KIM C. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1746 NAVY nominations (26) beginning JOHN D. BANDY, and ending JEFFREY L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1747 NAVY nominations (21) beginning CLAUDE W. ARNOLD JR., and ending MICHELLE G. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1748 NAVY nominations (34) beginning TIMOTHY A. BARNEY, and ending VINCENT C. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1749 NAVY nominations (35) beginning ALBERT ANGEL, and ending THOMAS P. WYPYSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1750 NAVY nominations (641) beginning JONATHAN Q. ADAMS, and ending MARK T. ZWOLSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1754 NAVY nominations (23) beginning MICHAEL A. BEMIS, and ending MICHAEL J. UYBOCO, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2008.

PN1783 NAVY nomination of Paul E. Levy, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1784 NAVY nomination of Robert N. Ladd, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1785 NAVY nominations (2) beginning RAMON J. BERROCAL, and ending BRIAN A. MERRITT, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

ADVISORY COMMITTEE ON PUBLIC DIPLOMACY

Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Committee on Public Diplomacy for a term expiring July 1, 2011.

BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

Elizabeth A. Duke, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1998.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Constance S. Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2011.

EXECUTIVE CALENDAR

Mr. LEAHY. Mr. President, today we confirmed three nominations for high level positions in the Department of Justice. The Senate is moving forward to confirm the nomination of Gregory Katsas to be Assistant Attorney General for the Civil Division at the Department of Justice. This is a nomination that was set to be confirmed before the Easter recess until it was blocked by a last-minute, anonymous Republican hold and additional complications in our relationship with the Department of Justice arose. We have made sufficient progress to move forward today.

We also confirmed today two additional nominations, Kelly H. Rankin to be U.S. Attorney for the District of Wyoming and Clyde R. Cook to be U.S. Marshal for the Eastern District of North Carolina. Those are among the many presidential nominations that we have expedited through the Judiciary Committee. They were considered and reported by the Committee yesterday and being confirmed today.

With the confirmations today, we will have confirmed 35 executive nominations so far this Congress, including the confirmations of 12 U.S. attorneys, 7 U.S. marshals, and the top 3 positions at the Justice Department. When the President and Senate Republicans play to rightwing special interests with constant complaints about judicial nominations, they ignore the progress we have made to restock the leadership ranks at the Department of Justice that were decimated by the scandals of the Gonzales era.

Of course, the grumblings on judicial nominations from the other side of the aisle are nothing more than partisan, election-year rhetoric that rings particularly hollow in light of the progress we have made. With the 5 nominations for lifetime appointments to the Federal bench confirmed this week by the Senate, including 2 for circuit court vacancies, the Senate under Democratic leadership has already, before the Fourth of July recess, matched the total of 54 judicial confirmations reached in 2 full years of the last Congress. That was a Congress with a Republican chairman and Republican majority working to confirm the nominees of a Republican President. And we have already matched their total.

The 14 judicial confirmations so far this year compare to the zero registered by a Republican led Senate by this juncture during the 1996 session, another presidential election year.

The fact that Senate Democrats have moved more of President Bush's nominees more quickly when we have been in the majority than the Republicans did working with a President of their own party have is nothing new, just unacknowledged. We confirmed 100 nominations in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reducing the judicial vacancies I confronted when I became Judiciary Committee chairman in the summer of 2001 by 45 percent by the end of 2002. The 40 additional judicial nominations we confirmed when I became chairman, again, last year was more than in any of the previous 3 years with a Republican majority and Republican chairman.

It is ironic that the Senate's Republican minority is so focused on the number of judges, because the reduction in judicial vacancies is the one number that has improved during the Bush administration in an era of skyrocketing gas prices, unemployment, health care costs and deficits and plummeting consumer confidence and home values.

On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a presidential election year, there were 60 judicial vacancies. Twenty-one were circuit court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. In stark contrast, after the 2 nominations we confirmed yesterday and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country, with only 9 circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—nine vacancies on our Nation's 13 circuit courts.

The Judiciary Committee and the Senate have continued to make progress filling judicial vacancies even while having to devote extensive time and attention to rebuilding the Department of Justice. At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

This week's troubling report from the Department's inspector general confirms what our oversight efforts in this Congress have uncovered about the politicization of hiring practices at the Department. It confirms our findings and our fears that the same senior Department officials involved with the firing of U.S. attorneys were injecting improper political motives into the process of hiring young attorneys. I suspect further reports from the inspector general will continue to shed light on the extent to which the Bush administration has allowed politics to affect—and infect—the Department's priorities, from law enforcement to the operation of the crucial Civil Rights Division to the Department's hiring practices.

This report and those to follow will serve as a reminder to future Presidents that never again should blatant partisanship be made the crux of the Justice Department's hiring practices. The Department of Justice is not the President's legal defense team. It houses our Nation's top law enforcement officers, and it has been crippled in the last 7 years. By beginning the first real oversight efforts of this administration, we have uncovered troubling truths about this administration's efforts to infuse partisan politics into our Nation's top law enforcement agency.

The oversight efforts did not complete our work. Asy result of the mass resignations at the Justice Department in the wake of the scandals, the committee held seven hearings on highranking replacements to restock and restore the leadership of the Department of Justice between September of last year up through the spring, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. I thank Senator WHITEHOUSE for chairing the hearings on the Katsas nomination. Today we continue that progress by confirming another nominee for an important leadership position at the Department.

It is vital that we ensure that we have a functioning, independent Justice Department, and that we ensure that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

I congratulate the nominees and their families on their confirmations today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, JUNE 30, AND MONDAY, JULY 7, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Monday, June 30 for a pro forma session only; that following the pro forma session, the Senate stand adjourned under the provisions of H. Con. Res. 379, the adjournment resolution, until 2 p.m. on Monday, July 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, as under the previous order; I further ask that the RECORD remain open until 2 p.m. for the introduction of statements, cosponsorships, introduction of bills, and committee reporting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, under a previous order, at 5:30 p.m. on Monday, the Senate will proceed to a cloture vote on the motion to concur with respect to the housing reform legislation. As Senator REID stated earlier today, last night we were able to reach an agreement with respect to the FISA legislation. When we return from the Fourth of July recess, we will take up the FISA legislation and consider three amendments with limited debate time. Senators should be prepared to debate and vote on FISA on Tuesday, July 8.

ADJOURNMENT UNTIL 10 A.M., MONDAY, JUNE 30, 2008

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 1:38 p.m., adjourned until Monday, June 30, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

THOMAS A. BETRO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE HOWARD J. KRONGARD, RESIGNED.

BRIAN H. HOOK, OF IOWA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE KRISTEN SILVERBERG.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed;

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2011.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 27, 2008:

DEPARTMENT OF TRANSPORTATION

SIMON CHARLES GROS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF HOMELAND SECURITY

HARVEY E. JOHNSON, JR., OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF STATE

MARK KIMMITT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

T. VANCE MCMAHAN, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

T. VANCE MCMAHAN, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD E. GADDIS

DEPARTMENT OF STATE

LILIANA AYALDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

JOHN R. BEYRLE, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

ASIF J. CHAUDHRY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

JAMES CULBERTSON, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DAVID F. GIRARD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

JOHN MELVIN JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

KRISTEN SILVERBERG, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEZLEE J. WESTINE, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009.

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008.

DEPARTMENT OF STATE

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

DEPARTMENT OF HOMELAND SECURITY

ELAINE C. DUKE, OF VIRGINIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

SECURITIES AND EXCHANGE COMMISSION

ELISSE WALTER, OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2012.

TROY A. PAREDES, OF MISSOURI, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2013.

LUIS AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2010.

NATIONAL CREDIT UNION ADMINISTRATION

MICHAEL E. FRYZEL, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2013.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN D. PEPPLER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SHEILA MCNAMARA GREENWOOD, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF THE TREASURY

NEEL T. KASHKARI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD B. MARRON, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH J. MURIN, OF PENNSYLVANIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

DEPARTMENT OF COMMERCE

CHRISTOPHER R. WALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

FEDERAL RESERVE SYSTEM

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2011.

DEPARTMENT OF JUSTICE

GREGORY G. KATSAS, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

KELLY HARRISON RANKIN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

CLYDE R. COOK, JR., OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL WILLIAM J. BENDER
COLONEL BRYAN J. BENSON
COLONEL CHRISTOPHER C. BOGDAN
COLONEL DARRYL W. BURKE
COLONEL JOSEPH T. CALLAHAN III
COLONEL MICHAEL J. CAREY
COLONEL JOHN B. COOPER
COLONEL SAMUEL D. COX
COLONEL TERESA A. H. DJURIC
COLONEL CARLTON D. EVERHART II
COLONEL TERRENCE A. FEEHAN
COLONEL SAMUEL A. R. GREAVES
COLONEL RUSSELL J. HANDY
COLONEL SCOTT M. HANSON
COLONEL VERALINN JAMIESON
COLONEL JEFFREY G. LOFGREN
COLONEL EARL D. MATTHEWS
COLONEL KURT F. NEUBAUER
COLONEL ROBERT C. NOLAN II
COLONEL CRAIG S. OLSON
COLONEL JOHN R. RANCK, JR.
COLONEL DARRYL L. ROBERSON
COLONEL JEFFRY F. SMITH
COLONEL JOHN F. THOMPSON
COLONEL GREGORY J. TOUHILL
COLONEL THOMAS J. TRASK
COLONEL JOSEPH S. WARD, JR.
COLONEL SCOTT D. WEST
COLONEL TIMOTHY M. ZADALIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. SELVA

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KENNY C. MONTOYA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ERROL R. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. PATRICIA D. HOROHO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL TIMOTHY E. ALBERTSON
BRIGADIER GENERAL NORMAN E. ARFLACK
BRIGADIER GENERAL TOD J. CARMONY
BRIGADIER GENERAL WILLIAM L. ENYART, JR.
BRIGADIER GENERAL DENNIS E. JACOBSON
BRIGADIER GENERAL KEVIN R. MCBRIDE
BRIGADIER GENERAL OLIN O. OEDEKOVEN

To be brigadier general

COLONEL DEAN W. BROWN

COLONEL ANNETTE M. DENNER
COLONEL DAVID B. ENYEART
COLONEL CHARLES H. GAILES, JR.
COLONEL JAMES R. GORHAM
COLONEL JAMES J. GRANT
COLONEL EARNEST L. HARRINGTON, JR.
COLONEL WAYNE M. HAYES
COLONEL REYNOLD N. HOOVER
COLONEL WARD K. JOHNSON III
COLONEL DANIEL R. KERN
COLONEL LOUIS J. LANDRETH
COLONEL MARTIN A. LEPPERT
COLONEL HARRY E. MILLER, JR.
COLONEL RAFAEL O FERRALL
COLONEL RENWICK L. PAYNE
COLONEL KENDALL W. PENN
COLONEL JOSEPH M. RICHIE
COLONEL WILLIAM F. ROY
COLONEL WILLIAM L. SEEKINS
COLONEL NORMAN E. STEEN
COLONEL LARRY W. TRIPHAHN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. ALLEN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MOIRA N. FLANDERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) KAREN A. FLAHERTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) RAYMOND P. ENGLISH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SCOTT A. WEIKERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN M. TALSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARK J. BELTON
CAPT. NICHOLAS T. KALATHAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DEBBINK

IN THE AIR FORCE

AIR FORCE NOMINATION OF ANDREW P. ARMACOST, TO BE COLONEL.

AIR FORCE NOMINATION OF HANS C. BRUNTMYER, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DWIGHT PEAKE AND ENDING WITH TREVOR S. PETROU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE CORNISH AND ENDING WITH DAVID G. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

AIR FORCE NOMINATION OF JOHN L. BAEKE, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH C. LEE AND ENDING WITH BRAD A. NIESET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT B. KOHL AND ENDING WITH ALVIN W. ROWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES D. BARBER, JR. AND ENDING WITH MARK JOHN ZECHMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARVIN P. ANDERSON AND ENDING WITH MARK V. VAIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATIONS BEGINNING WITH JOHN P. ALBANO AND ENDING WITH D060387, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATION OF JOHN KISSLER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK A. ARTURI AND ENDING WITH DANA F. CAMPBELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATIONS BEGINNING WITH KATHLEEN AGOGLIA AND ENDING WITH JAMES R. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. EGIDIO AND ENDING WITH ALAN Z. SIEDLECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATION OF DAISIE D. BOETTNER, TO BE COLONEL.

ARMY NOMINATION OF THOMAS C. POWELL, TO BE COLONEL.

ARMY NOMINATION OF JOHN M. ANDERSON, TO BE COLONEL.

ARMY NOMINATION OF ROWELL A. STANLEY, JR., TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHAEL E. DUNN AND ENDING WITH KEVIN J. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATIONS BEGINNING WITH TODD D. KOSTELECKY AND ENDING WITH LEESA J. PAPIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATION OF CHRISTOPHER C. EVERITT, TO BE MAJOR.

ARMY NOMINATION OF DENNIS P. COLLINS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. BAKER AND ENDING WITH CHRISTINA M. LONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATIONS BEGINNING WITH ERIC J. ALBERTSON AND ENDING WITH D060628, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JEFFREY R. PLATT, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF EILEEN M. LUTKENHOUSE, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF NAKEISHA B. HILLS, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF ELIZABETH A. MCNAMARA, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF RUSSELL GREEN.

FOREIGN SERVICE NOMINATION OF DAWN M. LIBERI.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MATTHEW KAZUAKI ASADA AND ENDING WITH ADAM ZERBINOPOULOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN E. BILAS AND ENDING WITH ALAN R. SINGLETON II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH JOSEPH R. CORNELL AND ENDING WITH JOHN J. SWINCINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MARK H. PICKETT AND ENDING WITH PATRICK M. SWEENEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2008.

IN THE NAVY

NAVY NOMINATION OF ADAM J. COGHAN, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN E. PASCH III, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH RICHARD C. BOEHM AND ENDING WITH MICHAEL D. CONGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH JAMES R. DUNWORTH AND ENDING WITH MICHAEL A. SANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH WILLIAM K. DAVIS AND ENDING WITH KATHLEEN R. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH KATHLEEN GROMILOVITZ AND ENDING WITH JAMES M. MANCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH THOMAS E. FOLLO AND ENDING WITH SARAH M. STANDARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID J. HARACH AND ENDING WITH PATRICK R. MULCAHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DONALD R. BURNS AND ENDING WITH WILLIAM D. MICHAEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT J. BARTON II AND ENDING WITH CHRISTOPHER M. WAALER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DREW G. FLAVELL AND ENDING WITH PAUL F. WECKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TERI J. BARBER AND ENDING WITH LORI A. YOST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH ERIC B. ANDERSON AND ENDING WITH GEORGE N. WHITBRED IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CLAYTON R. ALLEN AND ENDING WITH ERIC F. ZANIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TAMMY M. BAKER AND ENDING WITH LEONARD A. ZIMMERMANN I, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CHARLES E. A. BAKER AND ENDING WITH RICHARD N. SOUCIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH RAYMOND E. CHARTIER, JR. AND ENDING WITH ROBIN D. TYNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT C. BUZZELL AND ENDING WITH EDUARDO E. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH KEVIN G. AANDAHL AND ENDING WITH DAVID E. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID A. BONDURA AND ENDING WITH WILBURN T. J. STRICKLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JON D. ALBRIGHT AND ENDING WITH MICHAEL W. ZARKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JAMES E. AULL AND ENDING WITH EDWARD B. WARFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTIAN D. BECKER AND ENDING WITH DONALD L. ZWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH WILLIAM J. BROUGHAM AND ENDING WITH JEROME ZINNI, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH VORESA E. BOOKER AND ENDING WITH PAT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH DANELLE M. BARRETT AND ENDING WITH BOYD T. ZBINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER P. ANKLAM AND ENDING WITH STEVEN J. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JOHN L. FRANKLIN AND ENDING WITH NORMAN C. PETTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2008.

NAVY NOMINATION OF MICHAEL J. MCCORMACK, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH GREGG P. LOMBARDO AND ENDING WITH CHARLES J. NEWBURY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH DANIEL L. GARD AND ENDING WITH WILLIAM A. WILDHACK III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH MARK S. BELLIS AND ENDING WITH STEVEN R. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH FREDERICK H. BOYLES AND ENDING WITH ALLISON M. WELDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH ESTHER E. BURLINGAME AND ENDING WITH KIMBERLY K. PELLACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH KENNETH D. LAPOLLA AND ENDING WITH JOSEPH R. WILLIE II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH BRUCE BENNETT AND ENDING WITH SCOTT K. RINEER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH DANIEL K. BEAN AND ENDING WITH TED Y. YAMADA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH GLORIA M. BAISEY AND ENDING WITH PATRICIA L. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATION OF MICHAEL J. MASELLY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH HILLARY KING, JR. AND ENDING WITH JAMES E. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ROOSEVELT H. BROWN AND ENDING WITH DALE C. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID R. BUSTAMANTE AND ENDING WITH RODNEY O. WORDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH VIDA M. ANTOLINJENKINS AND ENDING WITH JONATHAN S. THOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ANGELICA L. C. ALMONTE AND ENDING WITH NANCY J. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH SMITH C. E. BARONE AND ENDING WITH CURTIS M. WERKING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ROLAND E. ARELLANO AND ENDING WITH MARVA L. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER BOWER AND ENDING WITH ANDREW F. WICKARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH DEBRA A. ARSENAULT AND ENDING WITH CLIFTON WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL L. BAKER AND ENDING WITH CHAD G. WAHLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH BRENT T. CHANNELL AND ENDING WITH MICHAEL J. SUPKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ALLEN C. BLAXTON AND ENDING WITH JOEL R. TESSIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MARC E. BOYD AND ENDING WITH ELISSA J. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH TODD E. BARNHILL AND ENDING WITH DOMINICK A. VINCENT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH EDWARD F. BOSQUE AND ENDING WITH KIM C. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH JOHN D. BANDY AND ENDING WITH JEFFREY L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH CLAUDE W. ARNOLD, JR. AND ENDING WITH MICHELLE G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY A. BARNEY AND ENDING WITH VINCENT C. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ALBERT ANGEL AND ENDING WITH THOMAS P. WYPYSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH JONATHAN Q. ADAMS AND ENDING WITH MARK T. ZWOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL A. BEMIS AND ENDING WITH MICHAEL J. UYBOCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2008.

NAVY NOMINATION OF PAUL E. LEVY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ROBERT N. LADD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RAMON J. BERROCAL AND ENDING WITH BRIAN A. MERRITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

SENATE—*Monday, June 30, 2008*

The Senate met at 10 o'clock and 5 seconds a.m., and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 30, 2008.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY, JULY 7, 2008, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned under the provisions of H. Con. Res. 379 until Monday, July 7, 2008, at 2 p.m.

Thereupon, the Senate at 10 o'clock and 33 seconds a.m., adjourned until Monday, July 7, 2008, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Monday, July 7, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, creator and sustainer of life, thank You for the inward prompting that draws us closer to You. Bless our Senators today. Make them leaders who are true and strong. Empower them to live lives that are above reproach. Give them self-control, generosity, gentleness, and humility. Lord, remind them that You do not ask for success but faithfulness. Help them to set exemplary standards in their speech, conduct, love, faith, and purity. Give them a productive persistence that will keep them from weariness as they do good. Bless their families and surround their loved ones with Your favor.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following leader remarks, the Senate will be in a period of morning business until 3 p.m. Senators will be permitted therein to speak for up to 10 minutes each.

I know the two managers of the housing bill plan on being here on or about that time. As I have indicated, the Senate will resume consideration of the House message that accompanies H.R. 3221, housing reform legislation, under a previous order. At 5:30 p.m. today, the Senate will proceed to a cloture vote on the motion to concur with respect to the housing reform legislation.

Before we left for the Fourth of July recess, we were able to reach an agreement on FISA legislation. We will debate the bill.

I have spoken to the distinguished Republican leader today. We are going to try to get an agreement—I feel very comfortable that we can—and we will complete all the debate tomorrow. There are a number of Senators proceeding to North Carolina for the funeral of Senator Helms. So they could spend whatever time is necessary to be in North Carolina and not feel pressed on coming back, we are going to try to do the votes Wednesday morning. I think that will work out just fine for everyone's schedule. We will debate the bill then tomorrow afternoon; tomorrow night, we have 7 hours set aside. We may even leave a little time for Wednesday morning. We will see how that goes. Whatever I do will have to be with the agreement of the Republican leader; otherwise, we finish everything tomorrow night and no one thinks that would be appropriate. Senators will be notified as soon as this is worked out. We will try to have a unanimous consent agreement on that at the earliest possible time today.

TRIBUTE TO SENATOR JESSE HELMS

Mr. REID. Mr. President, on Friday, the Fourth of July—in fact the Fourth of July had just broken; it was an hour and a half after midnight—the Senate lost a Member of our Senate family: Jesse Helms of North Carolina.

I can't but think of Jesse Helms and the first name that enters my mind is Senator Paul Wellstone. Paul Wellstone, as we all remember, was a Senator from Minnesota. I am sure it seems odd to most people—recognizing their political proclivities; that is, those of Senator Wellstone and those of Senator Helms—why my mind picks up Paul Wellstone upon mentioning the name of Jesse Helms. It is hard to imagine two Senators more divergent in their views.

Senator Wellstone was clearly a liberal. Senator Helms was clearly a very conservative man. Their views were very divergent, very different. It is no secret because he told everyone when he came to Washington—Paul Wellstone made it clear he didn't like his rightwing colleague from North Carolina, Jesse Helms. He said that openly. But it was not long before Paul Wellstone publicly changed his view of Senator Helms. Senator Wellstone continued to fiercely disagree with Jesse Helms on most issues, but he quickly came to respect him for his sincerity.

When I came to the Senate, I, similar to all new Senators, was excited to be here and understood what a great honor it was to represent the people of the State of Nevada in the Senate. But one of the last people whom I was going to try to befriend was Jesse Helms. As a moderate Democrat, I found his views extreme. We found little common ground in points of policy, it appeared.

As a freshman Senator, I enjoyed presiding, as does the Presiding Officer now presiding over the Senate. I spent my share of time in the seat the Presiding Officer now has. I enjoyed that very much. During my time, that first 2 years I was in the Senate, I watched Jesse Helms right over here to my right, stand and talk often—and a lot. I can remember one time he was here—I was the Presiding Officer, he was over there—there was not another person in this Chamber. Jesse Helms said to me, as sincerely as anyone could say anything—and he had a distinct speaking voice—he said to me as sincerely as anyone could say anything, he said:

> Mr. President, I don't want to be here on this issue but no one else will come and talk on it.

It was an issue dealing with pornography. The speech Jesse Helms gave was often on issues that other people would not speak out about. But I became so impressed with his sincerity, that he wasn't doing what he said for political reasons; he was doing it because that is what he believed. We all have to admire someone such as that, even though we may disagree with what they speak.

I came to understand what Paul Wellstone had come to realize. I came to it before Paul Wellstone did because I got here before he did. Whether you agreed with the Senator from North Carolina, his sincerity and his views and the forthright way in which he stood by them were remarkable. So I believe it is fitting that Jesse Helms' last day on Earth was the Fourth of July. He loved his country. He spent every day doing what he believed was necessary to make it stronger. His wife Dorothy and children, Jane, Nancy, and Charles, along with seven Helms grandchildren and one great grandchild are in our thoughts.

Rest well, Jesse Helms.

I have some other things to say, but perhaps my colleague wants to say something about Senator Helms? If that is the case, I will save my remarks until he finishes.

TRIBUTE TO SENATOR JESSE HELMS

Mr. McCONNELL. I thank my friend, the majority leader. Let me just add, Jesse and Dot Helms were good friends of Elaine's and mine and good friends of a lot of other people in the Senate on both sides. There are a significant number of our conference planning to attend the funeral tomorrow. I thank the majority leader for his accommodation of those requests by having the votes on Wednesday morning. At Dot Helms' request, I will be doing one of the eulogies tomorrow at the funeral, and I will have more to say about the life of my good friend Jesse Helms when I get back. But I wish to echo the remarks of the majority leader about what a fine gentleman he was.

If you took a poll around here of the pages and the people who work in the Capitol about who was the most popular Member, I expect Jesse Helms would have won it—which would surprise an awful lot of people in the press and out in America who thought of Senator Helms as sort of a fierce individual. In fact, in person, he was as gentle, as accommodating, and as friendly as anybody I have ever met. We all will miss Jesse Helms a great deal.

I thank the majority leader for giving me an opportunity to make some comments at this point about our good friend Jesse Helms.

ORDER OF PROCEDURE

Mr. REID. Mr. President, we are going to go ahead and do our caucus tomorrow as we normally do, but the Republicans are going to do theirs on Wednesday. We will make sure there are no votes between 12:30 and 2 o'clock on Wednesday so they can do their business.

REPUBLICAN OBSTRUCTION AND THE ECONOMY

Mr. REID. Mr. President, just as the American people are recovering from a holiday weekend marked by record gas prices announced this morning, averaging $4.11 a gallon—and it is much more than that in Nevada; it is $4.25 in Nevada—another report in the news this morning suggests oil might reach $200 before the end of the year—$200 a barrel. It was only a couple months ago that President Bush seemed shocked and confused when a reporter suggested that some analysts were predicting that gas would reach $4 a gallon. Now some economists consider $6 a gallon a very real possibility.

While most Americans enjoyed a day off from work on Friday to celebrate the Fourth of July, no one gets a day off from paying record gas prices, record oil prices, and record grocery prices.

I spoke an hour ago to Verie Doing, who owns the biggest business in Searchlight. Verie and her late husband, Warren Doing, ran what might not be much by most standards, but it is for the people in Searchlight. She employs 70 or 80 people, and it is the biggest employer in Searchlight. She has a bar and casino, a restaurant. She said she is feeling the impact of gas prices. Las Vegas is 60 miles away, there is no town closer, so in Searchlight you need the tourist trade.

She is similar to all small business people—they are struggling. That is why on Thursday it was announced that Starbucks is closing more than 600 stores; Dillard's will likely go out of business; Pep Boys will likely go out of business. There are huge cutbacks in many other companies. Nine thousand stores will close before the end of the year. That, of course, opens places that people are going to have to try to rent, probably at reduced rates if they even can rent them. So this is a snowballing effect.

With rare exception, all these problems economically are caused by two things: the gas prices and the housing crisis. We have 8,500 new home foreclosures every day. Americans are at risk of losing their homes. They don't get a day off, of course. As American people endure sleepless nights trying to figure out how to make ends meet and provide for their families, they deserve to know that Congress is working hard to help.

But what we are seeing is the Republican leaders, both in the House and in the Senate, simply refusing to work with Democrats on legislation essential to our country in this economic recession. Of course, it is more focused on the Senate because, as we know, if you are in the majority of the House, you can move things. In the Senate, that is not the way it is. We have the ability to filibuster things and, as we know, that is what has been going on in recent months.

My friend, Senator McCONNELL, said time and time again the way to get things done in the Senate is through bipartisanship. There is no question about that. The only way you get things done in this body is bipartisanship, and that is why I have said if there is a change in the number of Senators we have next year, if there are more seats on this side of the aisle next year, we still have to work on a bipartisan basis.

I am committed to doing that. I could not agree, as I have indicated, more with Senator McCONNELL that we have to work on a bipartisan basis. That is why in the waning days and hours of the last work period I brought to the Senate legislation that was bipartisan in the truest sense, the emergency supplemental appropriations bill that finally gives our troops the care and benefits they have earned with tremendous valor; one of the most important things this country has done in decades, a GI bill of rights.

Coincidentally, the Presiding Officer is the man who wrote that. There are a lot of people, I am sure, knowing the humility the Presiding Officer has that you want to give credit, but the credit starts with the Presiding Officer as the first person in line, in my mind, and Senator HAGEL.

But it was bipartisan. That is how we got it done. As good and as intelligent, as necessary, as the GI bill of rights was, we could never have gotten it done without the bipartisan support that Senator WEBB of Virginia got for that bill.

We also introduced, right before we left, a housing bill to stem the tide of foreclosures and correct flaws in the lending laws to prevent foreclosure of future homeowners. In that we did not finish that bill before we left, add 10 days, make it a short period of time, that is 85,000 homes have gone into foreclosure; 8,500 a day. Add one zero to that, that is 85,000.

We had a Medicare doctors fix to prevent payment cuts for doctors and improve care for patients. That was so important. I know that the attention is focused on the doctors, but it is more than the doctors. Of course, the doctors did not want a 10.6-percent cut. But that had a tremendous snowballing effect. Doctors cannot afford to take Medicare patients with this cut. They will not take them. I had the opportunity to go to dinner with two of my wife's physicians, people who have cared for her over the years, during the break. One of them said: I am not sure I can take Medicare patients anymore—an internist, great reputation.

Not only does it affect that, many entities base their reimbursement on what Medicare pays. So it is a very difficult situation. It was a bipartisan piece of legislation.

We also did, right before we left, a bill cutting taxes for innovators and entrepreneurs, for developing clean alternative fuels that would help end our addiction to foreign oil. So despite my friend, the Republican leader's, words on embracing bipartisanship, the Senate Republicans blocked all these strongly bipartisan bills except for the supplemental appropriations bill, every one of them, and a few more.

The housing bill is supported by a strong bipartisan majority of Republicans and Democrats. Cloture was invoked by a vote of 83 to 9, and the Dodd-Shelby-Baucus-Grassley substitute amendment was agreed to by a vote of 79 to 16. We could have finished that bill last work period, but Senate Republican leaders blocked housing.

Since then, as I have already said, another 85,000 homes have been foreclosed upon, or at least the foreclosure proceedings have started. The Medicare doctors fix passed the House with a stunning 355-to-59 vote. Could anything be more bipartisan? Virtually every House Democrat and two-thirds of the House Republicans supported it. Two-thirds of the House Republicans supported it. How could anything be more bipartisan?

As we talked about before we left, one of the Republicans who voted against it apologized publicly, wrote a letter saying: I made a mistake.

Yet Republican leaders blocked the Medicare fix and chose to protect insurance companies and the health care providers at the expense of elderly patients and their doctors. Last year these people my friends on the other side of the aisle are trying to protect with the Medicare Advantage Program, part of the Medicare bill that was passed some time ago, made more than $15 billion.

To take care of this issue that is so important to the American people, the so-called doctors fix, I explained how important it is; we took a tiny bit of the $15 billion. So we should have done this. We should have fixed it. It should not have been blocked. It was a choice made to protect the HMOs and the insurance companies at the expense of elderly patients and their doctors.

The alternative energy tax extenders also enjoy strong bipartisan support. Yet this legislation has been blocked, this legislation which would literally cut taxes. It seems that the Republican definition of "bipartisan" is not what the rest of us understand "bipartisanship" as meaning. Under their definition, even if a small handful of Republicans—remember, I have gone over the number of these bills passing overwhelmingly. Even if a small handful of Republicans oppose the legislation all of the rest support, the Republican leadership does not consider it to be bipartisan.

I understand the frustration the Republicans feel as a minority party. But the stakes are too high for inaction. If they, the Republicans in the Senate, seek bipartisanship, as they claim they do, my Republican friends should end their pointless, harmful obstruction and work with us to pass these bills that all enjoy strong and in many cases overwhelming bipartisan support: housing, tax extenders, including provisions for alternative energy, the Medicare bill, only to name a few.

Now, this work period is one that we have a lot of work to do, a whole lot of work to do. I had the good fortune of speaking with the Republican leader today, and I went over with him some of the things we need to do this work period. We need to complete a number of issues. We need one more to join us on Medicare. It is no big surprise that we are going to have a vote on Medicare again on Wednesday so everyone should be prepared for that. We can do that. There can be some obstacles thrown up. But they cannot stop us from voting Wednesday afternoon. There can be an effort made to have a majority vote on this, one matter to proceed to it, and another one. But, of course, we wind up needing 60 votes. And there will be an opportunity Wednesday, probably in the late afternoon, to see if we can pick up that one extra vote.

We are going to pass FISA, a bill I oppose because of its unique provision. But a bipartisan majority of Senators will likely support that. We must also address gas prices. I have talked to the Republican leader about hopefully we can work something out on a bipartisan basis. I am certainly going to try.

One of the areas that it appears there is some agreement on is speculation, and maybe we can do something in that regard together, because there have been public statements made by the Republican colleagues that speculation is a problem. Maybe we can do something with the other aspects of that. I am happy to try to work something out.

We have to do PEPFAR. I hope we can do that by unanimous consent. I hope we do not have to go through all of the procedures. I mean there are literally a handful of Republicans holding that up. They have held it up for a long time. We have tried to move it on a number of occasions. There have been objections to it. So this work period we have to move forward on it.

I have talked about the energy tax extenders, the Consumer Product Safety conference report. That is going to come to us. That is almost completed. We are going to have to have a run at LIHEAP to see what we can do for that; the media shield law. Some of these may not go very far because there may be Republican objection, there may be bipartisan objection to some of these on proceeding to them. We will have to see.

There is also a package, I have talked to the Republican leader, a big package of bills we are putting together that has been held up by one Senator. We are going to put those together. They are already put together. We are going to move forward on those.

We also, I think, have to do the DOD authorization and appropriations bill. This is not a list of Democratic priorities or pet issues, it is not a platform for the Obama campaign or any of the Senate races around the country. These are critical priorities of the American people, every one of them.

The next several weeks can be easy or they can be difficult. If my colleagues on the other side of the aisle are willing, we can pass this legislation swiftly and with overwhelming support from Democrats and Republicans. But if we look to the last 18 months, past as prologue, then there be likely some heel dragging. If we finish these pieces of legislation in the first 4 weeks we are here, then I have no problem taking that first week in August off. If these issues are more than we can bear, talk to me. I think I have been pretty reasonable in setting these out. But I have gone over these with the Republican leader, and I am happy to sit down and talk to him if he thinks that some of them are a bridge too far. But this, in my opinion, is what we need to do so that the Senate is respectful of the wishes of the American people.

A couple of other things. I do not think it is good for us that we try to accomplish nothing. I remind my Republican colleagues, and perhaps I do not need to do this, that the root of continued obstructionism is not without cost. Most importantly, it comes at a cost to the American people who are facing Medicare cuts, increasing home foreclosure, ever increasing gas prices, because Republicans refused to work with us last work period.

But continued obstruction is, I believe, in my opinion, coming at a cost to our Republican colleagues themselves as well. The American people see with clear eyes that our country's economic crisis continues to grow worse. The Republicans have dragged their heels. It is not coincidental that we have had editorials all over the country—I am not going point to those—indicating that the Republicans have to work more to get things done.

But there is good reason to show that Americans favor a Democratic control of Congress by the widest margin in the history of polling. Never, never has there been a wide margin between Democrats and Republicans as to who the American people feel will do a better job taking care of our country. So maybe after a week back home among family, friends, constituents, my Republican colleagues are ready to walk away from the small handful of their colleagues who insist upon inaction. Maybe enough voters back home explained to my friends on the other side of the aisle exactly how urgently they need help.

If so, I say to my Republican colleagues, I am here, we are here to work with you. It is not too late to be the 60th vote on Medicare and join us on housing, alternative fuels. I hope the July 4 recess will be remembered as a turning point for this Congress, and we can now move forward with the same urgency the American people feel to find common ground and change our country as it desperately needs changing.

The turning point can begin now. The Republicans can allow us to move forward and debate legislation to lower gas prices, invest in clean, renewable, alternative energy. I am not going to go over a list of unanimous-consent requests; I have done that in the past. I simply want to say, let's not have these objections to these pieces of legislation. Let's try to work together.

We frankly have had—and I spoke to a Republican Senator today, saying: We need more opportunity to offer amendments. I said to my friend, a Republican Senator: You know, we are in the throes of a Presidential election. We have at the most about 9 weeks of legislative time before that election.

On opportunities that we had to legislate, where we brought to the floor pieces of legislation that were open to amendment, here is what we got: The 18-cent tax holiday was an effort of JOHN MCCAIN to do a campaign issue. Senator OBAMA said it was a political gimmick and it didn't go anywhere. Also on the GI bill of rights, as my friend the Presiding Officer will acknowledge, we had an open piece of legislation. What do they want to offer on that? Something to change the GI bill of rights because Senator MCCAIN said it was too generous. On housing, we want to legislate on housing. And when other issues come up, that is what we want to legislate on.

We are not going to have this as an opportunity to do a Presidential election here in the Senate. We have elections all over the country, and we have enough to do.

I would hope my friends will respond to the deafening calls from their constituents to take action. Instead of working with us on legislation to lower gas prices, they propose that we lease more land to oil companies. We participated in that. I led the effort over here, with a number of other Senators, to get Senators to go along with drilling in the gulf. We did that. We did that. But it is interesting, we have been told by those companies that any new offshore drilling, if they decide that is what they want to do, will take at least 2 years before they can get a piece of equipment to drill offshore. They don't have any. So we are not blind to the American people looking to every opportunity they can. We are not knee-jerk opposed to drilling, but we do acknowledge that our great country, with the wonderful natural resources Lewis and Clark and others discovered—we have less than 3 percent of the oil in the entire world, and that counts ANWR and all the offshore—less than 3 percent. We use more than 25 percent of all the oil that is used in the world. We use 21 million barrels a day 7 days a week. We are open to any reasonable approach that will lower gas prices, but let's also not forget that the oil industry already leases 68 million acres in America that they aren't using.

The State of Nevada is the seventh largest State in the Union. The 68 million acres is about the size as the State of Nevada. That is a lot of area to drill on. If you go from the southern tip of the State of Nevada to the northern tip of the State of Nevada, that is at least 750 miles. It is wide. At the top, it is about 400 miles wide. That is a lot of area to drill. That is how much land and offshore they have to drill on right now.

So even if the Republican proposal were enacted, it would take years and even decades to conduct exploration to begin drilling. Even then, the plan wouldn't lower gas prices. But we are willing to take a look at any proposal like that. As I indicated, we helped get offshore drilling in the gulf.

So instead of proposing legislation that would just add more to the 68 million unused acres, I think we should try something that might be a little better than that. We are willing to do whatever is reasonable. We have done so in the past. As I indicated, in 2006, we helped pass a bipartisan plan for drilling in the Gulf of Mexico.

Republicans can work with us to end speculation on the oil markets that contributes tangibly to higher prices at the pump. I talked here a few minutes ago about how there appears to be bipartisan support for doing something about speculation. I will come to my Republican colleagues before the end of the week with a proposal on which I hope we can pick up Republican support. Is the plan I am going to come up with perfect? Of course not. But we have been doing a lot of work. I have a number of meetings, some of which are in the evening this week. If my Republican colleagues want to add something to this speculation thing to make it better, we will work with them.

The main thing, though, is that we have to work to make America, a country that contains less than 3 percent of the world's supply of oil, energy independent by investing in renewables, clean renewables. These steps would lower gas prices in the short term and it would create jobs, hundreds of thousands of jobs, clean jobs, high-paying jobs.

I hope that this next work period, we can work together and accomplish a lot for America. I have tried to outline here for my colleagues, both Democrats and Republicans, what is in store for us this next work period.

I look forward to leaving here for the conventions, during the time we are gone, which will bring us a new President. Hopefully, we will walk out of here with our shoulders back and our heads held high that we have been able to accomplish something this work period.

The ACTING PRESIDENT pro tempore. The Republican leader.

GAS PRICES REDUCTION ACT

Mr. MCCONNELL. Mr. President, there is no question what the No. 1 issue is on the minds of the American people. It is the price of gas at the pump. It is literally off the charts. For those of us who have looked at surveys over the years, it is hard to recall, other than the post-9/11 period, a single issue that has enjoyed this kind of dominance in public opinion polls in America. I was home last week. I heard from a lot of Kentuckians on this issue. I know I wasn't the only one hearing the same thing. The high price of gas is the No. 1 issue facing Americans at this time. It should be the No. 1 issue for the Senate. Americans are hurting. They have every right to expect their elected representatives to actually do something about it. We need to take up and pass legislation which not only makes a statement but which also makes a difference.

Just before the Fourth of July holiday, 44 Republicans introduced the Gas Price Reduction Act, a series of proposals to increase American energy production, to increase conservation, and to make sure that excessive speculation is not driving up the price of oil; basically, find more, use less. This is the only legislation that has been offered that has both a real chance to pass and will truly help consumers at the pump.

The find more provisions include increased exploration on the outer continental shelf, where States want it, and lifting the ban on western oil shale exploration. Under use less, we propose incentivizing the development of plug-in electric cars and trucks, and the advanced batteries needed to power them.

We can and should increase development of alternative sources of energy. But conservation, alone, is not the way out of this problem. The current spike in energy prices is a supply and demand problem, not a demand and demand problem. If prices are going to come down, we need to find more energy at home and use less. We must do both.

The goal of finding more energy at home, rather than relying on the Middle East, is not a fantasy. America is already the No. 3 oil producer in the world, and a number of States have indicated they would like to open up the area off their coasts to even more oil exploration, but they are prohibited by a Federal ban. At $4.10 a gallon, this nationwide ban no longer makes sense. It should be lifted with prices where they are now. It should be up to individual States to decide whether to allow exploration 50 miles off their coasts.

We should also lift the ban on oil shale development which the new

Democratic congress enacted last year. Our western States are sitting on a sea of oil three times as large as the oil reserves in Saudi Arabia. Yet at the insistence of the Democratic majority, we are not allowed to touch it. They have put a 100 percent ban on oil shale exploration. With gas prices at more than $4 a gallon, this prohibition makes no sense.

Some on the other side say that opening up new off-shore exploration or using oil shale would not have an immediate effect and therefore should not be done at all. But the effect of allowing new exploration at home would send a clear signal to the international markets that we are willing to take serious steps to increase supply even while we move to conserve.

There is already a strong bipartisan consensus on the importance of conservation. In addition to working with our friends on the other side late last year to pass the first increase in fuel efficiency standards in more than three decades, Republicans are also looking in this bill to conserve energy by spurring the development of plug-in electric cars and trucks.

But conservation alone won't resolve this problem. Conservation is just one side of the problem. We need to find more and use less, if we want to bring prices down.

Finally, I know there have been concerns that oil speculators are contributing to the rising price of gas. Our bill addresses this concern through putting more cops on the beat at the Commodity Futures Trading Commission, increasing transparency and strengthening U.S. futures markets.

The Gas Price Reduction Act is a dramatic step in the right direction. In putting it together, Republicans were careful to focus on proposals that already have support from the other side of the aisle. We are not interested in simply making a statement. We are determined to address the problem. We want to pass legislation which will make a difference to families feeling the pinch.

This bill contains provisions that should be agreeable to both sides of the aisle. It tackles both sides of the energy issue by increasing supply and curbing demand. We should do both.

There are many important issues facing the Congress, but few are more important than addressing the issue of energy. It is time to act, and this balanced approach is a good start.

Mr. REID. Mr. President, before my friend leaves the floor, I think there should be an opportunity, based on his statement and my statement, to do something about gas prices. We have introduced a piece of legislation we have had. We have had votes on it here before. It deals with a number of issues, including whether OPEC should be subject to the antitrust laws, which the former chairman of the Judiciary Committee and now ranking member thinks is very important, as does Senator KOHL and others on our side. That is part of ours. There are a number of issues. But to get everybody to agree that everything in it is good is difficult.

That is the same problem we are going to have with the proposal my friend talks about, the so-called new Republican piece of legislation. From what I have said and what he has said, it seems that we could certainly get together and agree on, if not all of both packages, some, and move forward.

For example, I mentioned this speculation thing. Maybe we can do that. I come from the western part of the United States. That is where most of the oil shale is. We had a great program going in the 1970s, when suddenly we took away the tax incentives for more work on oil shale. This isn't anything I personally think is repugnant. I think it is something we should take a look at. I have already given my views on offshore drilling and onshore drilling.

So we want to work together. The message that I hope comes from our discussion early this afternoon is that Democrats and Republicans want to try to do something about gas prices. Hopefully, during this next work period we can do it.

Mr. McCONNELL. Mr. President, not by way of rebuttal but agreeing with the majority leader, the American people are demanding that we do something. They are not kidding about this issue. I appreciate the spirit of the remarks of the majority leader. Just to give an example of the shifting views on this, a Pew poll just announced last week, taken very recently, indicates that just among political liberals alone, just to give one snapshot of how the public is evolving on this issue, the number of liberals, liberals only, who favor increased energy exploration doubled. That is just among a subset of the American population. The American people are demanding that we act.

I appreciate the comments of the majority leader. Hopefully, we will be able to find a way to do both things, both to find more and to use less.

I yield the floor.

ORDER FOR MORNING BUSINESS

Mr. REID. Mr. President, if my friend will yield for a unanimous consent request, I now ask unanimous consent that there be a period of 1 hour for morning business—we have a number of Senators who want to come over and talk—with Senators permitted to speak for up to 10 minutes each during that hour's period of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President, I just spent a week at home listening to Oregonians describe their concerns, virtually all of which include the word "bill." As we have heard today on the Senate floor, it is sure to be "gasoline bill." But it might also be "medical bill" or "food bill" or "credit card bill" or "tuition bill" or "tax bill" or "housing bill." Taken together, it is obvious these bills are hitting millions of our people like a wrecking ball.

In addition, millions more Americans see themselves walking an economic tightrope. For example, many of our people try each month to pay off the interest on their maxed-out credit card while still paying those huge and skyrocketing gasoline bills. Our people are deeply worried that the cost of paying for essentials is just going to keep soaring and they are going to fall off the economic tightrope I have described into a no-man's land where they cannot support themselves or their families.

On Independence Day, I was in Canyonville, OR, to speak at a wonderful supper honoring veterans that was organized by the Cow Creek Band of the Umpqua Tribe of Indians. In my talk, I reflected on how important it is for Americans to be independent of foreign oil, independent of those crushing and escalating medical bills, and independent of the economic insecurity that has kept so many unemployed for months and months.

After my talk, a veteran stopped me and said: Just do what is right for the country. Forget the politics. Country first. That, of course, is what our veterans have always done: country first. Do what is right. Never forget. That is what makes America so special.

I do not have enough time to outline a prescription for all of the economic challenges our country faces that involve solutions built on that veteran's prescription of country first. I do want to report that we have heard what that veteran has said with respect to health care and fixing health care in the Senate.

Sixteen of us in the Senate—eight Democrats and eight Republicans—have now come together behind legislation to rein in health care costs while providing quality care to all our people. With Senator BENNETT from the other side of the aisle in the lead for Republicans, we hold down health care costs by ensuring all our people are part of a large pool so they have more bargaining power in the marketplace.

We institute insurance reforms so it is not possible to discriminate against someone who has been ill. We lower the administrative costs of covering health services. We reform the Tax Code to take away the tax breaks for the Cadillac health care plans and use those dollars for middle and lower middle income folks who are hurting. We have written into our proposal the opportunity for employers who want to keep offering health coverage and for workers who want to take that coverage to always be able to do so. But we also offer to both employers and employees more choices, more alternatives to hold down costs because today, for too many employers and too many workers, there are no alternatives to these 15-, 20-, and 25-percent rate hikes we are seeing again and again across this country.

What our bipartisan group of 16 Senators does is, we modernize our health care system because in many respects some of the key features of our health care system in 2008 are not very different than those of 1948. Back in 1948, when there were wage and price controls, people would go to work somewhere for 30 years or so until you gave them a big steak retirement dinner and a gold watch. Today, the typical worker changes their job seven times by the time they are 35, and employers are having difficulty competing in global markets. That was one of the considerations in the Boeing-Airbus competition, that Boeing paid a lot more for health care than did Airbus.

Our group of 16 Senators has been able to get a favorable review of our proposal by the Congressional Budget Office, the agency that keeps track of the financial underpinnings of major proposals. They have found that our proposal is revenue neutral in the short term, so it will not take big tax hikes on middle-income people to fix health care. They found in the third year, as a result of what we do to change the incentives, change behavior, we actually start holding down the rate of growth in health care, and we start generating a surplus for the Federal Government.

Now, we understand as part of this legislation that both political parties have had valuable contributions to make with respect to the cause of fixing health care. Democrats have been right on the coverage issue because unless you cover everyone, those who are uninsured shift their bills to the insured and costs continue to soar. But those on the other side of the aisle have made a great contribution in terms of saying we must not discourage innovation; we must not discourage the availability of choices. There needs to be a role for the private sector.

So what our group of 16 Senators has said—and I note the presence of Senator SPECTER on the Senate floor. He has been an extraordinary advocate of improved health care services, and he and I have had many discussions on this topic and will have many more in the days ahead.

I close simply by saying, what our group of 16 Senators—this is the first time in the history of the Senate, going back 60 years to Harry Truman, where there has been a significant bipartisan group of Senators in favor of universal coverage—what our guiding principle has been in this effort, on a topic this big and this complicated—and it surely will go through a host of modifications and changes. In my committee, I intend to work very closely with Chairman BAUCUS and Senator GRASSLEY, two great leaders who work in a bipartisan fashion. We are going to have to work in a bipartisan fashion to fix American health care.

But given that litany of concerns I have described, with six or seven top issues being ones where the second word is "bill," starting with "gasoline bill"—we have to come together on a bipartisan basis to deal with those concerns. That is what Senator BENNETT and I have sought to do as part of our health care legislation. That is what we are going to have to do to tackle the premier economic issues of our time.

As that veteran said to me just a couple of nights ago in Canyonville, OR, putting country first is what public service and public service in the Senate is all about.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak for up to 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have come to the floor to seek recognition on the issue of the Foreign Intelligence Surveillance Act, which will be the order of the business of the Senate later this week, and I have an amendment pending there. But before proceeding to that important subject, I would like to make a comment or two about what has occurred on the Senate floor already.

At the outset, I compliment my distinguished colleague from Oregon, who has played such an important leadership role in the Senate generally since coming over from the House, working with him on many items, and taking a very close look at an innovative approach to health care coverage for all Americans. There is no doubt about the need to have that coverage. The question is how we do it, maintaining the essentials of the free enterprise system to avoid the bureaucracy of the so-called Clinton plan from 1993, which put a great bureaucracy between the doctor and the patient.

What Senator WYDEN has proposed, along with Senator BENNETT, on a bipartisan basis, is very carefully considered—with a significant number of sponsors on both sides—is a good way to proceed, and my staff and I are taking a very close look at that important proposal.

Just on a personal note, while Senator WYDEN is a westerner, and some might say I am an easterner, we were both born in Wichita, KS, which may not be a mark of great distinction but worth a 20-second notation on the floor of the Senate. Somebody listening in Wichita this afternoon—my Aunt Rose—watches fastidiously, so I want to give a little salute to the hometown.

WORKING TOGETHER

Mr. SPECTER. Mr. President, I was pleased to hear some of the comments by our leaders earlier on a conciliatory note after the fireworks a week ago Thursday before we adjourned. The fireworks over the Medicare bill I think vastly overshadowed the fireworks a week later on the Fourth of July. I am glad to hear them talk about working together.

If there is one point of virtual unanimity in America today, it is the American people are sick and tired of the partisan bickering in Washington, DC. When they talk about coming together on energy and the high prices of gasoline, every Member has to hear it everywhere because that is such a prominent item of great pain and suffering in America today: the high cost of gasoline and the high cost of heating oil when winter comes, especially for the seniors who have the choice of either heating or eating. I believe there are some things that can be done in the short term, difficult as so many of the items are. I have spoken before about the issue and do not intend to speak at length today. But I am encouraged by what Senator REID and Senator MCCONNELL have had to say.

One item which could be acted upon immediately, which could have some immediate impact, is the effort Senator KOHL and I have made for many years now to take away the antitrust exemption for OPEC oil-producing nations. Right now, they have a sovereign immunity. But there is nothing sovereign about what goes on in fixing the prices of oil in the international market—fixing the prices by having the OPEC countries get into a small room, lower production and increase the cost because the supply is lower and the demand is greater.

While we certainly ought to undertake conservation measures, as we finally did, raising the miles per gallon last year to 35, and with many other items we could make on conservation, we could have a significant and short-term impact upon supply by taking away the antitrust exemption, which we can do under the case law. It is a commercial transaction. It passed the Senate by a big vote. More than 70 Senators voted for it in the past. It is on the agenda. It has been voted out of the Judiciary Committee. The OPEC countries say they shouldn't be subject to the antitrust laws. Well, they find it very profitable not to be. They say it wouldn't do any good because OPEC is paying now for all of the production it can undertake, but 3 weeks ago, Saudi Arabia made an announcement that they were going to increase production. The speculation behind that announcement was that they were concerned about measures which were being undertaken by the United States and other countries to respond. In the long term, their interests might be best off if they increase production. Well, I think if they were subjected to the antitrust laws, we would put them to the test.

There is no earthly reason they should not be subjected to our antitrust laws. That has not moved forward because of some concerns that there ought to be some companion legislation on drilling. Well, that is something which ought to be considered—not carte blanche and not necessarily in broad, sweeping terms but on a case-by-case basis.

I have a very strong record in my tenure in the Senate on environmental protection, but if you take ANWR, I was convinced 20 years ago when I made a trip there that ANWR could be the subject of very substantial exploration with adequate concern for environmental protection. ANWR has a footprint about as big as Philadelphia International Airport, and there are ways of drilling down with a single hole proliferating underground. I saw the caribou there. I saw the other drilling in the area. I saw how the caribou and other environmental concerns could be protected. Too often, when the matter has come up on the floor—and it has come up on many occasions—we can't get to the 60-vote threshold; 56, 57, something in that range. It becomes a battle by competing forces who are dug in and entrenched.

I think it is an item the Congress could consider in some greater detail and on a selective basis move in the immediate future to try to increase our own capacity. You don't have to go completely on offshore or completely on shale or completely in any direction, but some studied analysis and some careful consideration, trying to leave the entrenched battle lines which have characterized this body and the House on this issue for so long, would be very salutary and I think could lead to a better result. At least that is one man's opinion, having been there, having looked at it, and having heard people on both sides over the past two decades.

The subject of Medicare is very much a lead topic. It is the lead story in the New York Times this morning, and it is the lead story all across America. It would be my hope that the leaders could yet come to a resolution of the issue on some sensible terms without having a "gotcha" vote; without moving forward, as the majority leader did a week ago Thursday, on predicting how many Democratic Senators there would be and making it a test case and having a political cost on the vote, but to try to work it through to get legislation finished so that doctors do not get a 10.6-percent cut. I believe there is widespread support in both bodies not to have that cut go into effect and to alleviate the concerns of seniors that doctors will stop taking Medicare patients because of that cut, which is so excessive—legislation which has been pending for a long time. Each year, the cut comes up, and each year, the cut is rescinded.

The core problem on this issue really arises from the difficulties caused by the procedure known as filling the tree. We have seen, in the course of the past two decades, a new procedure adopted where the majority leader utilizes his primacy—that means his ability to get recognition—to offer an amendment and then to offer a second amendment before any other Senator has a chance to offer an amendment, and then no other Senator can offer an amendment.

When the Medicare bill first came up 2 or 3 weeks ago, I talked to Senator REID and said that I would support cloture if the procedures of the Senate were honored and an amendment could be offered. He said he would do that. I voted for cloture.

When the bill came up a week ago Thursday, there was no opportunity to offer an amendment because the House of Representatives had passed a Medicare bill and left town. They do that from time to time. They pass a bill, send it over, and leave town. They present an ultimatum to the Senate: Take it or leave it—a rather convenient way to have a de facto amendment to the U.S. Constitution.

The Constitution provides for a bicameral legislature. For those who don't know that highfalutin word, that means there are two bodies. All grade school children know you have to pass a bill in the House and a bill in the Senate, and then it goes to the President for signature or veto. But when the House leaves town, suddenly it becomes a unicameral legislature—a constitutional amendment, all in one fell swoop by buying airplane and railway tickets. Well, I am not prepared to accept that kind of an edict from the House of Representatives or the majority leader or anybody, and it would seem to me that processes were being shortcut. It took the unusual step of writing to the President and urging him to use his constitutional authority to recall the House of Representatives into session during the week of July 4th. I didn't have much expectation that it would be done, but the House ought not to leave town and leave us without recourse to offer amendments, which is our right under the Constitution, and to send it back to the House for their concurrence, and that could be done yet. It is my hope we will move in that direction.

This business of filling the tree is of recent origin. Going back to the 99th Congress in 1985 and 1986, Senator Dole used it five times. Senator BYRD used it in the next Congress three times. In the next Congress, Senator Mitchell didn't use it at all. Then, in the 103rd, for 1993 and 1994, Senator Mitchell used it nine times. Then Senator Lott picked it up a few times in the intervening years until the 106th Congress, when he used it nine times. Then Senator Frist used it nine times in the 109th Congress. So far, Senator REID has used it 12 times. That process precludes Senators from offering amendments. That is not the way the Senate has been designed to run.

I was concerned about this and made an extensive statement on global warming and in February of last year, some 18 months ago, introduced a rule change and wrote to the chairperson of the Rules Committee and the ranking Republican urging that that rule be taken up so that the Senate can work its will on preserving the right of Senators to offer amendments. Were that to be done, then when the effort was made on cloture, it wouldn't be summarily dismissed if there was a fair chance to offer amendments.

There has been a major development on the very important issues relating to warrantless wiretapping in an opinion issued by the Chief Judge of the U.S. district court in San Francisco on the constitutionality of the Foreign Intelligence Act. The case handed down last Wednesday—some 56 pages, very complicated, very important—is on the issues which are being raised in the debate which we are going to have later this week on FISA. This is the same judge who handed down another very extensive opinion on the litigation involving the 40 telephone companies that are being sued in his court, issued on July 20, 2006, some 29 pages. This case is now under appeal under the state secrets doctrine.

Because of their tremendous impact on the issues which we are going to be considering, interested parties may review Chief Judge Walker's opinion in Al-Haramain Islamic Foundation v. Bush online at: http://www.cand.us courts.gov/cand/judges.nsf/61fffe74f99516d088256d480060b72d/35760d9e4cc920758825747a0082f983/$FILE/Al_Haramain%20Order%20Following%20Remand%207-2-08.pdf and his decision in *Hepting* v. *AT&T*, located at 439 F.Supp. 2d 974 (N.D. Cal. 2006).

The core of Chief Judge Walker's opinion is a very important holding, and that is essentially that the Foreign Intelligence Surveillance Act is the exclusive way to have wiretapping and that the President exceeded his constitutional authority in putting into effect the terrorist surveillance program.

This is what Chief Judge Walker had to say:

> Congress appears clearly to have intended to, and did, establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities.

The Supreme Court of the United States candidly ducked the issue in the case coming out of Detroit. The Federal judge there had held the terrorist surveillance program unconstitutional. The Sixth Circuit reversed on the ground of standing, but, as demonstrated from the scholarly dissenting opinion on the standing issue, there was ample grounds to have granted standing. It is really a very flexible doctrine.

Then the Supreme Court of the United States denied certiorari and in effect ducked the case, really avoiding deciding the most important constitutional confrontation of our era on the President's authority under article II and the congressional authority under article I. But now the fat is in the fire again, as of last Wednesday, with Judge Vaughn's opinion.

Then you come down to the issue of standing, which is still to be determined, but this is what Judge Walker had to say about that:

> Both plaintiff amici hint at the proper showing when they refer to "independent evidence disclosing that plaintiffs have been surveilled" and a "rich load of disclosure to support their claims" in various of the multidistrict litigation cases.

So that when you have Judge Walker, who has the consolidation of the 40 cases picking up this issue, there is strong—well, it is more than a suggestion or a hint; it is a pretty extensive statement that there is a rich load of disclosure to support the claims of standing.

The business about the court stripping is always problemsome. But it is especially problemsome in the context of an ongoing case that is about to reach fruition, where such extensive consideration has been given and a decision may be imminent. It is very unseemly on our doctrine of separation of powers for the Congress to step in and grant retroactive immunity.

This is especially problemsome, as I see it, because we are being asked to grant retroactive immunity where there has not even been an on the record disclosure of what we are immunizing. You have the allegations as contained in the litigation—the allegations of data mining—but you have a program where most of the Members of Congress have not even been briefed on it. Yet we are asked to come in and grant retroactive immunity.

It is especially problemsome, as I see it, because we could maintain the program and still not subject the telephone companies to liability in a couple directions. The telephone companies have been good citizens. When this matter came up several months ago the first time in the Senate, I proposed an amendment to substitute the Federal Government as the party defending. The party can take over the litigation in the shoes of the telephone companies, with the same defenses, no more and no less than the telephone companies have, no governmental immunity, no sovereign immunity but State secret doctrine, if it applied. That way, you don't foreclose the courts from acting.

There is another alternative, which is my pending amendment—scheduled to be argued and voted upon this week. Our legislation does not give it to the Foreign Intelligence Surveillance Courts but to the district courts generally. But all there has to be is a showing that there was a request made in the proper form by the administration to the judge for carrying out this program, whatever it is. That is under our bill. Well, my amendment would broaden that to give the court the jurisdiction to decide constitutionality.

In a sense, that has already been foreclosed by what Judge Walker said last Wednesday in finding the terrorist surveillance program unconstitutional. The Foreign Intelligence Surveillance Act of 1978 not only covers warrantless wiretapping, but it covers pen registers and it covers trap-and-trace devices. So presumably—and this is all a matter of presumption because we don't know exactly what the program is—it would cover whatever program there is at issue in this legislation.

And then we have the amendment pending by Senator BINGAMAN, which I am working on with him collaboratively, which picks up the obligation of the inspectors general of the various intelligence agencies to review the program and then to send it back to Congress 90 days later to see if we will uphold it when we know something more about the program. Certainly, today, it qualifies as a pig in a poke. We don't know what it is for which we are asked to grant retroactive immunity. So another alternative would be the proposal that Senator BINGAMAN has introduced, which I have cosponsored, which would call for the decision at a time when Congress at least knows a little something about what it is we are voting on.

In essence, I submit that we have come to a very serious situation where, in the future, historians are going to look back at the period from 9/11 to the present time as the greatest expansion of executive authority in history. The Congress has been totally ineffectual to restrain that. The National Security Act of 1947 requires that both intelligence committees be fully briefed on programs such as the terrorist surveillance program, which was violated by the President and the executive branch. Briefings were not made until piecemeal, and finally they needed the confirmation of General Hayden. It has been longstanding tradition for the executive branch to tell the chairman of the Judiciary Committee and the ranking member about this. It came as a surprise to me by reading the New York Times one Friday in December of 2005, when we were arguing the PATRIOT Act on the final day and expected to pass it, and the legislation blew up in our faces when that was disclosed. Some Senators said they intended to vote for the PATRIOT Act but didn't do so when confronted with the secret program that the administration had not disclosed. But the administration violated the statute and had no recourse. The administration violated the Foreign Intelligence Surveillance Act and could not get a review by the Supreme Court of the United States in the case coming out of Detroit and the Sixth Circuit.

Then you had the hesitancy of the Supreme Court ruling on habeas corpus. In Rasul, Justice Stevens's opinion goes at great length to trace the constitutional common-law basis for the right of a writ of habeas corpus, starting with John at Runnymede, which was 1215. There was an alternative analysis of the statute on habeas corpus. The case gets to the District of Columbia Circuit Court, and they ignore the citations of constitutional authority and say: Well, Congress changed the statute and that governs, flying in the face of a Supreme Court direction and order from a superior court. And then the Supreme Court danced around Boumediene for a long time. First, cert was denied, and then in an unusual petition for reargument, taking five votes, granted cert because of the ineffective and insufficient procedures of the combat status review board.

So you have a long history of ineptitude—total ineptitude—by the Congress and more than ineptitude by the Congress, complicity in passing the Military Commissions Act and facilitating a free hand by the administration in changing the legislation on habeas corpus. That should not have had an impact on the ultimate result because habeas corpus is a constitutional right, and the Supreme Court finally got around to saying so when confronted with the totally insufficient procedures on the combat status review board. So we have another chance when the FISA legislation comes up. We have a lot of guidance, from what Chief Judge Walker has had to say.

It is understandable that the Congress continues to support law enforcement powers because of the continuing terrorist threat. No one wants to be blamed for another 9/11. My own briefings on the telephone companies' cooperation with the Government—and I speak in terms only of reports and allegations because it is not a matter of record—my own briefings on the telephone companies' cooperation with the Government have convinced me of the program's value, so that I voted for it, even though my amendment to substitute the Government for the telephone companies was defeated in the Senate's February vote. Similarly, I am prepared to support it again as a last resort, even if it cannot be improved by providing for judicial review.

However, since Congress has been so ineffective in providing a check and balance, I will fight hard this week—starting today with this speech—to secure passage of an amendment to keep the courts open. When the stakes are high, as they invariably are when Congress addresses civil liberties and national security, Members frequently must choose between the lesser of two imperfect options. Unfortunately, we too often back ourselves into these corners by deferring legislation until there is a looming deadline or a congressional recess. Perhaps that is why so many of my colleagues have resigned themselves to accept the current bill without seeking to improve it.

I ask my colleagues to look to Judge Walker's opinions as guidance as to what we ought to be doing to back him up on what he has done, in a courageous way, in taking the bull by the horns and declaring the terrorist surveillance program unconstitutional and setting the path for standing.

Although I am prepared to stomach the bill if I must, I am not ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better. Perhaps the Fourth of July holiday will inspire the Senate to exercise its independence from the executive branch now that we have returned to Washington.

I thank the Chair and my distinguished colleague from North Dakota for his patience—if he has any. Senator DORGAN customarily does.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I wish to speak in morning business, and I ask unanimous consent to use the remaining time in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, I wish to speak about the issue of energy. I understand the urgency of the need to get our energy policies right. We have a very serious problem, I think, in a range of areas. Energy policy is something that affects everybody. They pull up to the gas pump to fill their tanks and wonder how they are going to be able to afford it. If you try to run an airline, you try to stop the hemorrhaging of red ink because of the enormous cost of jet fuel. If you have a trucking company, you are trying to avoid going bankrupt because of the cost of diesel fuel. If you have a family farm, you are trying to get the money together to fill your fuel tanks for the summer and fall harvests.

There is so much that is damaging our economy, as the price of gasoline has gone to $4-plus a gallon and the price of oil is bouncing around $140 a barrel. I wish to talk about that. I understand, as a Member of this body, that old saying is that "when all is said and done, more is said than done." I understand how people feel about that. Democracy is painfully slow and, yet, in this case, we face something that is urgent and needs, I think, some haste and speed. I know there are others who look at the legislative bodies, or politics generally, and see windbags in blue suits, and they think there is a lot of discussion and precious little action. I will talk a bit about this issue of the need for action.

We get up in the morning and we, generally speaking, reach for a switch and turn it on and there is light. We might—those of us who need to—plug in an electric razor and shave in the morning. We might decide to have breakfast and turn on a stove and fry some eggs. We could go out to the car and put a key into the ignition and start the engine. There are so many different things we do every single moment of the day that we don't think about, but it represents the consumption of energy—an unbelievable amount of energy, in the form of oil, natural gas, electricity, and coal.

Now, let me describe for a moment where we find ourselves. This great country of ours—and there is nothing like it on the face of the Earth—has an unbelievable appetite for oil. Sixty to seventy percent of our oil comes from outside our country. We stick straws in the Earth and suck out oil from the planet every day. We suck 85 million barrels a day out of the planet Earth, and 21 million, or one-fourth, is destined to be used in the United States of America. That describes to you how much of an appetite we have for oil.

We use a substantial amount of the Earth's oil. Seventy percent of the oil that we use is used in vehicles. So that consumes a substantial amount of our oil.

The runup in price has had such a dramatic impact on this economy and on American families. I want to describe a bit about that today.

Some would say the price of oil has increased because it is supply and demand. Right? Greater demand, less supply; therefore, a higher price. But that is not true. I would like someone to name for me one thing that has happened in the past year with respect to supply and demand that justifies a doubling of the price of oil. You can't do it. I will stand here for 3 days. You can't do it. Nothing has happened in the last year with respect to supply and demand that justifies doubling the price of oil. If anything, exactly the opposite should have been the case. We are using less fuel in the United States right now than we did in the equivalent period a year ago. We drove about 5 billion fewer miles. That means demand is down. Supply is up.

The closing month inventory of crude oil for the first 5 months of this year has supplies increasing. If supplies are increasing and demand is down, what should happen to price? It should go down. But the fact is, the price has gone up like a Roman candle, just up, up, straight up.

As I have indicated, the OPEC countries are blissfully happy going to the bank to deposit our money in their bank accounts. The big oil companies have a permanent grin. They love depositing our money into their bank accounts. Everybody loves it except the consumer who is paying through the nose for gasoline—$4, $4.50 a gallon for regular gasoline.

There are a lot of things that need to be done in energy. We need to produce more, yes. We need to conserve more, certainly. We need more efficiency in all the appliances we use. We certainly do that. And we ought to have a national commitment toward renewable energy sources. We ought to do that, all of that.

I support drilling offshore. I am one of four Senators who helped open what is now lease 181 in the Gulf of Mexico. That is now open, and that is good. Hurricane Katrina came through the gulf—we are never going to have a bigger wind than that through the gulf—and those offshore platforms withstood. There was no oil leakage in the gulf as a result of that hurricane.

We can get those resources, in my judgment. Some say the hood ornament is ANWR. We have to drill in ANWR in Alaska. It is one of the few pristine areas put away for future generations in legislation signed by Dwight Eisenhower.

In any event, that is not where the major oil deposits are. The major deposits are in the Gulf of Mexico, and we ought to drill more there. I support that. We ought to conserve more, much more. That includes more fuel-efficient vehicles. In fact, we did that, the first time in 27 years we required a 10-miles-per-gallon increase in the efficiency of vehicles in 10 years.

There is so much we can and should do to solve this problem. But what has happened in the last year with respect to energy prices is, in my judgment, largely unconnected to what I just described. Let me tell you what I think is happening.

There is an unbelievable amount of speculation in the oil futures market. Let me describe it. This is the growth of speculation in the oil futures market. In the year 2000, 37 percent of the trades in the oil futures market was by speculators. Today it is 71 percent. That market has largely been taken over by speculators or, as Will Rogers described 80 years ago, people buying things they will never get from people who never had it and, by the way, buying it with money they never had. This is an unbelievable amount of excess speculation driving up prices.

This morning in the Washington Post there was a well-written story by a journalist named David Cho. The story was: "Pension Funds Boosted By Oil: While Stocks Fall, Commodity Bets Are Paying Off."

This was a story about CalPERS and other pension funds moving billions and billions of dollars into the futures market. In fact, investors, including pension funds and Wall Street speculators, have increased their investments in the futures market from $13 billion in 2003 to $260 billion today. Think of that. From 2003 to 2008, you go from $13 billion to $260 billion moving into this marketplace, which is not a particularly large marketplace. We produce 85 million barrels a day coming out of the Earth, and we trade 22 times that amount every single day. We have these dramatic amounts of additional speculation, especially by pension funds coming into this marketplace. Then we have brain-dead people walking around saying: What speculation? We don't think there is any excess speculation. This is simply the market working. Nonsense. That is unbelievable nonsense.

The article says:

> For decades, trading commodity contracts was considered taboo by most pension funds because the market is so volatile and risky.

All of the sudden risk doesn't matter so much, I guess. Just jump in with both feet right smack into the oil futures market, grab a bunch of it, and see what happens. I don't understand that. Where do we find all the cards with which to build this house of cards?

> Walter Lukken, acting chairman of the Commodity Futures Trading Commission—

By the way, they are the regulators. They are the referees, the ones wearing the striped shirts carrying the whistles and supposed to call the fouls—

> Walter Lukken, acting chairman of the Commodity Futures Trading Commission, said the price of oil and other goods is going up simply because demand is outstripping supply. "It's our proposition that strong fundamentals are at play, driving higher commodity prices across the board."

That is our regulator saying: What, we worry? I don't see anything happening.

Let me remind everyone again of the amount of speculation that has gone up in 5 years. This market was 37 percent speculators. It is now 71 percent speculators. That is a study that was done by the House Subcommittee on Oversight and Investigations. So the head of the regulatory authority says: You know what. I don't think anything is going on. I am blissfully happy here, going to work in the mornings, and I am perfectly willing not to see what exists.

Let me describe a chart I think is one of the most interesting charts with respect to oil prices. I put this chart together to show the Energy Information Agency—we spend $100 million on this agency. They are an agency that is not about policy. They are to give us information on energy and give us their best judgments on energy prices, among other things. Here is what they have said.

The yellow line shows the following: In May of last year, they said: Here is where we think the price of oil is going to go. And in July, they said: It is going to be higher than that. Here is where we think it is going to go, up to 2009. Then in September, they made another estimate a little higher: Here is where we think it is going to go. Last November: Here is where we think the price of oil is going to go in the next year. January: Here is where we think it is going to go.

Can you imagine that? This is the best agency we have, the Energy Information Administration, with which to make judgments, and how did they make judgments that were so unbelievably wrong? I had the head of this agency before my subcommittee the week before we left for the recess. He couldn't answer the question. This must be an embarrassing chart for the smartest guys in the room.

I said: Let me answer it for you. If you can't answer it, let me answer it for you. I taught economics in college ever so briefly but enough so I think I can answer this chart.

The reason our agency has been wrong, so consistently wrong all the time every time they made an estimate—here is where the price of oil is going to go, instead it went like this, straight up—is because this market has been taken over not by supply-and-demand relationships but by speculators. They are up to their necks deep in speculation. So this line, the red line, could not possibly be determined by an agency that is looking at supply-and-demand fundamentals because this does not relate to anything except an orgy of speculation by people who want to get into the market and make big bucks so we deposit our money into their bank accounts.

The senior vice president of ExxonMobil in April said the price of oil should be about $50 or $55 a barrel. I suppose he is looking at things such as supply and demand.

Fadel Gheit came to the Congress—this guy worked for 30, 35 years for Oppenheimer Company. He was their resident expert on energy. Here is what he said:

> There is no shortage of oil on the world market today. I'm convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall, open 24/7. Unfortunately, it's totally unregulated. This is like a highway with no cops, no speed limit, and everybody going 120 miles an hour.

Then the Energy Secretary, a man I like, a good guy, said:

> There is no evidence that we can find that speculators are driving the futures prices for oil.

This apparently is the new master narrative. Just say nothing is happening and then hope nobody can discover something that is happening.

The problem is, every hour of every day the American people drive up to the gas pumps and discover what politicians—at least some of them—are insisting doesn't exist. It is unbelievable to me.

In every circumstance where there has been dramatic excess speculation in the market and the market becomes broken, it is the responsibility of the Congress to set it right.

I have introduced legislation, and there are half a dozen pieces of legislation around here to try to address this issue.

I understand we will have discussions all of July about this situation, and I understand the inclination, perhaps, by some will be to decide we ought to do something without teeth. If we can just do something and say we did something and it has no grip or bite, we can all go home, thumb our suspenders, and even puff on a cigar for those who smoke, and say: We did it, the United States Senate, good for us. It is not good for us unless it is something that has an impact on a market that is broken. Let me describe the legislation I introduced. It is called the End Oil Speculation Act of 2008. That describes exactly what it would do. It requires the regulator, the Commodity Futures Trading Commission, to separate trades in the futures market for oil. One set of trades would be trades between consumers and producers of a physical product for the purpose of hedging risk. That is precisely what the market was established to do. That is exactly what the market is about. It is why we have a futures market. A futures market is necessary and is there because it is needed to hedge risks of a physical commodity.

We would require the Commodity Futures Trading Commission to separate those trades. Other trades then are defined as speculative trades, and a 25-percent margin requirement would be applied to those non-legitimate hedge trades. Why that? The fact is, if you are going to speculate in stocks on margin, you have to put up 50 percent of the money. If you want to control oil on margin, put up 5 percent or 7 percent maximum. Let's quintuple that to 25 percent and see if we can wring the speculators out of this market. If you are engaged to speculate on one side or another of a legitimate hedge for the trading of a physical commodity, as far as I am concerned, that is what the market is about. You should not be subject to this new requirement. But if you are just out there trying to figure out how to play bingo with this oil market, despite the fact you do not even know what oil looks like, you couldn't lift a 5-gallon can if your life depended on it, don't want to see oil, don't want to store it, you have no interest in oil—what you are interested in is making money, then this increased margin requirement should apply to you.

We have hedge funds and investment banks that are up to their necks in these markets. They have no interest in oil. We have hedge funds for the first time in history buying oil storage in order to buy it, take it off the market, store it, so that it becomes more valuable later, and they sell it and make a profit. The problem with all of this is the country's economy is being damaged, and we have a responsibility, I believe, to try to fix these kinds of problems when they exist.

I know that we will have a discussion this week and this month about four or five different approaches. And I know they will all have great labels. When I grew up, my neighbor, Herman, an old man—he had rheumatism, he wore suspenders and never traveled much off his front porch. And he had a dog. His dog was a three-legged, one-eyed dog with fleas. He called him Lucky. I thought: That name doesn't fit a three-legged dog with one eye with fleas. But Lucky actually answered to the call of "Lucky."

We do that with legislation around here, some of us. I shouldn't say "us" because I try not to do it. They package legislation and label it as if it is going to do something.

The only issue at the end of the day in the Senate in terms of dealing with this energy urgency—and I believe it is urgent—the only issue is have we done something that has some bite and grip and starts to fix a market that is broken? Have we decided to wring some of this speculation out of this market and put energy prices back where they ought to be?

Let me point out once more that, according to the House Subcommittee on Oversight and Investigations, who did an evaluation of this, 71 percent of the trades in the oil futures market is now speculative—pure speculation—as opposed to the non-speculators who are using that market for the purposes which it was intended. I say to all those who say: You know, speculation—what speculation? I see nothing, hear nothing, know nothing. Well, I say: Look at this EIA chart again and try to figure out what this line means. Most Americans understand exactly what this line means. It is what they have to pay at the pump every time they take the gas cap off their tank. And they know where it is going. A fair amount of that is going to OPEC.

By the way, enough of that spills from the barrel to fund some terrorism. In addition to all that, a substantial amount is going to the major integrated oil companies. I might observe here that some say: Well, that is important, because they need to invest in additional exploration. The largest oil company in this country spent twice as much last year buying back its stock as it did drilling for oil. That is all you need to know about that.

The American people need this Congress to address this issue now, in the month of July. This country's economy is in substantial difficulty for a lot of reasons. We have a lot of speculation, a lot of risk created in a whole range of areas.

Take a look at the subprime loan scandal. Evaluate what has happened as a result of the collapse of home values and the subprime loan scandal—all these issues together—and what it has done to our economy. And put on top of that this dramatic runup in energy prices, and on top of that look at the President's budget where he says: Oh, by the way, I want you to pass a budget that has a $420 billion deficit.

Except that is not what the deficit is. The deficit is not what the President says it is. It is how much the President says we have to borrow to keep the Government going this year, which is over $700 billion. We have a fiscal policy off the trail, with $700 billion a year, and we will borrow $800 billion because of our trade policy this year, due to trade deficits. So $700 billion, $800 billion, and that is $1.5 trillion in 1 year of red ink, with a $14 trillion economy. That is slightly more than 10 percent of this entire economy's value represented by red ink. That is unsustainable. It doesn't work.

Look, I am an optimist. I believe we can fix all this. I believe we can put this country back on track, with a sound fiscal policy that says let's pay for that which we use. If we are going to spend money, let's pay for it. We can say if we are going to send soldiers to war, we can at least ask the American people to pay for the cost of the war. We can decide to crack down on oil speculators, and mortgage sharks who are peddling bad mortgages around the country. In all cases, whether it is the oil futures market or whether it is the financial area, it requires regulators who are not brain dead and who are willing to come to town to have effective regulation and make sure that markets work.

I believe we can fix all of these things, but we don't have a lot of time. This economy, I think, is a fragile economy. It is strong and resilient. But you lay these four things on top of it, and it becomes a fragile situation that requires action by us. I know that because I was in North Dakota all of this past week.

I saw a letter to the editor today saying: Well, the problem with all of this is the Democrats. The Democrats are causing all this. That is such sheer nonsense. Going back to 2001—talking about oil, the subprime mortgage scandal, and others—we had regulators coming to town who said: You know, we don't even like Government, and we would love to be a regulator to say we are not very interested in regulating. In fact, we don't need to put on a striped shirt. We don't have a whistle. We want to come here and say things are going to be better. We won't look.

I chaired the hearings in the Commerce Committee on the Enron scandal. I had Ken Lay come in front of my committee, raise his hand and take the oath, and then take the fifth amendment. He is now dead, but there are a number of those he worked with who are now in prison, because part of that was a criminal enterprise and the regulators weren't willing to look. Now, I am not alleging that is the case with the futures market, but I am alleging this market is broken and causing dramatic injury to every American family. This country's economy and the American people can and should expect us to take action.

My hope is that in the coming week or two we can pass some legislation. I hope that legislation will closely resemble the End Oil Speculation Act, in which we require the regulatory body to use its existing authority to do two things: Separate the legitimate hedging that occurs, and should occur in this marketplace, from excess speculation, and then wring out the excess speculation in order to begin to put some downward pressure on prices.

The American people deserve the right to expect that from their Government. I hope my colleagues and I can overcome what has been for too long in this Chamber a dramatic amount of stalling and obfuscation by those who dig their heels in and don't want to make any progress on anything. So my hope is that perhaps in the coming month we will be able to make some progress.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 6304

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 6304—that is the FISA legislation—be modified as follows: that all debate time on the amendments must be utilized during Tuesday's session; and that on Wednesday, at 9:30 a.m., immediately after the opening of the Senate, the Senate resume H.R. 6304, with the debate time previously specified prior to the cloture vote commencing at that time; with Senator BINGAMAN controlling 10 minutes of the time controlled by the majority leader; and that after all debate time has been used or yielded back, the Senate then proceed to vote in relation to the amendments, that upon disposition of the amendments, the Senate then vote on the motion to invoke cloture, and then passage, as previously ordered; provided further that the previous order with respect to debate time between votes and the vote time and sequence and all other provisions of the previous order remain in effect.

Mr. President, if the Chair would withhold, this is the matter about which I spoke to the Senate earlier today. I, of course, have conferred with the distinguished Republican leader. What we want to do—the order is set now that we would do all the debate time and all the votes tomorrow. We are not sure how late the plane will be getting back from North Carolina. This morning we had one Democratic Senator—there may be two or three—now going to North Carolina.

So rather than having people who are here waiting around until the plane gets back, we will complete all the debate tomorrow, and then vote, and have all the time used up except what I have outlined here, Wednesday morning. I would assume we would start voting probably at around 11:15, and we would complete those votes well before the caucus of the Republicans on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could also inform Senators, there are storms in the Midwest and, as a result of that, we have received calls. I guess what happens after a holiday, we have Democrats and Republicans who may not be here 20 minutes after 5:30. We are not going to do any heavy lifting after the vote tonight anyway, so we are going to keep the vote open for a while to see if some Senators who would like to be recorded—I do not think it will be a close vote—have that opportunity, both Democrats and Republicans. As everyone knows, we have had a rule around here that, unless it is a close vote, we close it as quickly as we can after the time has expired. We will continue doing that. But I thought tonight it would be appropriate to not cut people off because of these flights being delayed.

Also, of course, the previous order with respect to counting postcloture time, if cloture is invoked—there is an order already in effect for that—and that would remain as if cloture had been invoked at 5 p.m. today. We will invoke it a little later today when the time is up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business of the Senate?

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

> A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Mr. DODD. Mr. President, we only have a few minutes before there is a rollcall vote. I wish to take a few minutes to give my colleagues an update on where we stand on this issue.

The cover story in today's Congressional Quarterly Weekly is devoted to the housing crisis. One of the opening paragraphs in the story reads as follows:

> U.S. companies eliminated 91,000 jobs in June, on top of the 487,000 dumped in the previous six months. Car sales fell last month to their lowest level in 15 years. . . . Much of this bad economic news comes back, at some point, to the collapse in house prices and the resulting foreclosures.

As we all know and as the article points out, home ownership is the largest investment most Americans will ever make. Middle-class families use home equity as a cushion against uncertainty, to finance a secure retirement, college costs, health care expenses, and the like. "Now," to quote the Congressional Quarterly article again, "that has come to a crashing halt, leaving many in the middle class working harder than ever and yet still hard-pressed to make ends meet."

That brings us to where we are today, with the consideration of the Housing and Economic Recovery Act of 2008, which the Banking Committee, which I am pleased to chair, reported out with a 19-to-2 vote. I compliment Senator SHELBY from Alabama, the ranking Republican of the Committee, with whom I worked closely over the past number of months in grappling with the housing issue.

Among the key elements of this bill is a new program to provide relief to these homeowners who would otherwise suffer through foreclosure—a provision that would help them salvage their American dream.

It was my hope that this bill would have been on the President's desk by now, but regrettably we were unable to achieve that goal because of unfortunate delaying tactics. That failure has consequences. Because we failed to take action, there have been approximately another 90,000 foreclosures that occurred over the week we were home during the Independence Day break. Had we passed the legislation and sent it to the President, as I argued for, before July 1, I think we would have avoided some 90,000 filings that occurred during the period we were on this recess. Not only are these families threatened with foreclosure, but their neighbors and their communities will see falling home prices, rising crime rates, and fewer resources for local schools, police, fire, libraries, and other services.

I remind colleagues that this legislation has proven time and again to enjoy strong bipartisan support. In fact, shortly before we left for the recess, this bill passed by a vote of 79 to 16 on a cloture motion. Yet, because of a technicality, this measure is now being held up by one Senator because that Senator wants to add another vote on a completely unrelated matter.

Let me review for my colleagues, as we prepare to renew our discussion on this bill, exactly what it is we are talking about and why it is so hard to achieve. The bill we are working on has a number of very key elements, all of which have been supported by strong bipartisan votes in either the Banking Committee or on the floor of the Senate.

First, we have the HOPE for Homeowners Act, which will help 400,000 to 500,000 American families save their homes from foreclosure. These families were simply seeking the American dream of home ownership. Sadly, in case after case, they were led astray, steered into mortgages they could not afford, often by mortgage brokers and loan officers who pretended to be trusted financial advisers but were really only out to make a buck for themselves. The HOPE for Homeowners Act is a voluntary program that will help save these homes by forcing the lenders to choose to participate and take significant losses. There are no bailouts here. The homeowners will have to pledge at least 50 percent of all new equity and future appreciation in order to get the benefit of the new FHA-insured mortgage.

There are many protections built into the program: Only homeowners can qualify; no investors or speculators will be allowed to participate; borrowers would have to show they cannot afford their current mortgages; and all loans will be underwritten at a level the borrower can afford to pay. New loans will be 30-year fixed-rate mortgages.

All of this is done at no cost to the taxpayer. In fact, over the next 10 years, the Congressional Budget Office tells us that the program could actually raise some $250 million for the Treasury.

This provision, combined with the GSE regulatory reform section of the bill, passed the Banking Committee by a vote of 19 to 2, receiving strong bipartisan backing.

We desperately need this legislation. As I have said over the past number of weeks, every day that we wait, somewhere between 8,000 and 9,000 new foreclosures are filed in our country.

In late June, the census reported that the home ownership rate, after reaching an alltime high in 2005, fell to 67.8 percent—the sharpest decline in home ownership in 20 years. Minorities, who were disproportionately likely to get subprime loans, are suffering especially badly. That is why this legislation is widely supported by the community and civil rights organizations around our country. They see a generation of wealth being lost as a result of this foreclosure crisis.

The Senate expressed its strong bipartisan support for the HOPE for Homeowners Act when it defeated an amendment to strip this program out of the larger bill on a vote of 69 to 21.

Second, the bill includes the FHA Modernization Act. This passed in early April as part of the Foreclosure Prevention Act by a vote of 84 to 12 in this body. The provisions in the current bill are identical to that legislation, with the exception that the loan limits have been increased in high-cost areas to a maximum of $625,000.

As the administration has repeatedly said, modernizing the FHA program will put it in a far better position to help keep future borrowers away from subprime loans.

A number of our colleagues have spent some time citing the problems at FHA. Clearly, FHA has suffered some losses in recent months, as have all players in the mortgage market. Yet the program has about $18.5 billion in reserves, and the performance of FHA loans improved over the past quarter, even as the performance of both prime and subprime loans has declined, according to data provided by the Mortgage Bankers Association.

Moreover, for the past several months, credit scores of FHA borrowers have been rising, and the percentage of refinance loans—loans to borrowers with a proven track record of making timely payments—has actually increased. In addition, this bill eliminates the seller-funded downpayment assistance program which has been the largest source of losses in the FHA program.

In other words, with its hefty reserves, an improving mix of business, and the reforms in this bill, we can have confidence that FHA will be safe and sound for years to come.

Third, this legislation creates a strong and effective world-class regulator with the housing government-sponsored enterprises—Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. These entities have kept the housing and conforming mortgage markets going while other capital markets have frozen.

Madam President, I ask for 2 additional minutes.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. DODD. We need to make sure these crucial market players are appropriately capitalized, well regulated, and properly supervised so the American people can continue to depend on them to ensure that affordable mortgages are always available. Recent losses at Fannie Mae and Freddie Mac speak to the urgency of this need, and the bill before us accomplishes that goal.

Finally, there are other important provisions in this bill. The bill includes $3.9 billion in community development block grants to help local communities revitalize neighborhoods devastated by foreclosures. All the major organizations representing Governors and mayors across the country strongly support this provision as well.

Lastly, this bill also has an affordable housing program in it which is absolutely critical for the long-term needs of our country.

In short, this is a good bill. It is a balanced bill that goes to the heart of our Nation's current economic problems. The bill has very broad support, including from the Conference of Mayors, the League of Cities, the Mortgage Insurance Companies of America, the Leadership Conference of Civil Rights, the Mortgage Bankers Association, the Consumer Federation of America, the National Association of Homebuilders, the NAACP, ACORN, the Financial Services Roundtable, and numerous other business, consumer, and civil rights organizations.

Senator SHELBY and I urge that this legislation be supported. I hope we have a chance to pass it quickly, to send it to the other body for their consideration, and then give this bill to the President for his signature. This will be the major achievement and accomplishment of this Congress, when it comes to dealing with the underlying economic crisis which, at its heart, is the foreclosure rate.

I appreciate the indulgence of the Chair. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the amendments of the House, striking title VI through XI, to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, John D. Rockefeller, IV, Debbie Stabenow, Jeff Bingaman, Ken Salazar, Joseph R. Biden, Jr., Max Baucus, Patty Murray, Barbara A. Mikulski, Charles E. Schumer, Sheldon Whitehouse, Sherrod Brown, Bill Nelson, John F. Kerry, Robert P. Casey, Jr., Benjamin L. Cardin, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the amendments of the House, striking title VI through XI, to the Senate amendment to H.R. 3221, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mr. PRYOR), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The result was announced—yeas 76, nays 10, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—76

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Collins
Conrad
Corker
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—10

Barrasso
Bunning
Burr
Coburn
Cornyn
Crapo
DeMint
Enzi
Inhofe
Kyl

NOT VOTING—14

Brown
Coleman
Ensign
Graham
Gregg
Kennedy
McCain
Murkowski
Obama
Pryor
Tester
Thune
Vitter
Wicker

The PRESIDING OFFICER (Mr. SANDERS). On this vote, the yeas are 76, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KYL. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT TRAVIS K. HUNSBERGER

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SSG Travis K. Hunsberger from Goshen, IN. Travis was 24 years old when he lost his life on June 27, 2008, in Tarin Kowt, Afghanistan, from injuries sustained from an improvised explosive device. He was a member of the 2nd Battalion, 7th Special Forces Group of Fort Bragg, NC.

Today, I join Travis' family and friends in mourning his death. Travis will forever be remembered as a husband, son, brother, friend, and soldier. He is survived by his loving wife Hannah; his parents Steve and Ronda Hunsberger; his sister Kelsey; and his brother Kyle.

Travis graduated from Northwood High School in 2002 and attended Ball State for 2 years before enlisting. A family man, Travis invited his parents to Fort Bragg to witness a reenactment of his wedding. Travis had served once before in Afghanistan and sustained an injury, yet he never wavered in his commitment to his country or to the U.S. Armed Forces. Prior to Travis' redeployment, his father, Steve Hunsberger, told a local reporter that Travis had a choice of being on an "A team" or a "B team," with the A team serving in a "more dangerous realm." Travis, unwavering in his bravery, chose the "A" team. His dedication to his country "is what brought him his greatest happiness," Kent Norr, associate pastor at Wakarusa Missionary Church, said. These words illustrate the passion Travis had for serving this nation, and his memory will endure through the many lives he touched.

While we struggle to express our sorrow over this loss, we can take pride in the example Travis set. Today and always, Travis will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Travis' heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Travis K. Hunsberger in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this struggle in which we are engaged, and the immeasurable pain that comes with so great a loss, I pray that Travis' family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Travis.

STAFF SERGEANT JAMES P. SNYDER

Mr. President, I also rise today with a heavy heart to honor the life of the brave staff sergeant from Nappanee, IN. James Snyder, 48 years old, died on May 10, 2008, at Fort Benning, GA, from injuries sustained in January from a roadside bomb explosion in Baghdad, Iraq. With an optimistic future before him, James risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

For James, military service was a family tradition. His family has valiantly served in the military since World War I, and James was proud to take up that mantle. Originally from Columbus, IN, James was a lifelong Hoosier. He graduated from Wawassee High School and joined the Armed Forces in 1989. A career soldier, James was on his 3rd tour of duty in Iraq when he was injured. He also served in Operation Desert Storm in 2005.

Those who knew James best recall a patriotic man who loved history. He was devoted to his family and cared deeply for his fellow soldiers. During his time at Fort Benning, he often spoke of his need to return to Iraq to take care of his comrades. His great example of service and character inspired his two nephews, Jeremiah Mench and Steven Keller, to enlist in the Army.

Today, I join James' family and friends in mourning his death. James will forever be remembered as a loving husband, father, son, brother, and friend to many. He is survived by his wife Christine Hochstetler; his children Dourlas, Karlene, and Joseph; his mother Donna; his brothers David, Daniel, and Paul; and his sisters Lorree, Laura, and Neva.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief. Today and always, James will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer that any record of these words.

It is my sad duty to enter the name of James P. Snyder in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the pain that comes with the loss of our heroes, I hope that James' family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

Sen. Crapo: Thanks for your inquiry into my response to rising fuel prices. I have changed my job so I can more easily bicycle to work and I do so nearly every day. Beyond that, no changes for me! Personally, I think fuel prices rising a few bucks more would be a great thing, and in Republican market economy thought, let the market determine the price!

I think increases in nuclear energy would be a very poor idea considering current technology and waste storage issues. I would, however, support resumption of research into the Integral Fast Reactor at the INL.

Increased production from the ANWR is also a bad idea. This is doing nothing but wasting choice American oil supplies when they may be truly needed later. It would, of course, increase the profit margins of the oil companies. Exploit the tar sands and oil shales while prices are high enough to make them economically viable.

I'm fully supportive of increased funding of alternative energy systems and mass transit. I applaud your efforts to bring AMTRAK back to Boise. Rising fuel prices will also ensure that more people use public transportation.

I believe that our best efforts (and perhaps an increase in fuel taxes would be necessary) should be to find new and improved energy STORAGE systems. Solar, wind, tide and other renewables supply more than enough energy, but they are intermittant at best. Improved storage systems could fix that. How about a Hoover Dam-sized project to build a giant turbine (or 2 or 3) in the Gulf Stream off the coast of Florida?

Conservation of America's vital natural resources is paramount. Just look to the oil booms of Ohio and Pennsylvania in the 1870s for a bit of guidance. When the resources are used up, they are gone forever. What is more important, short-term profit or long-term prosperity? The U.S. needs to be at the world forefront of energy, not stuck in a 1950s oil-powered economy!

Best of luck, Senator.

JOHN, *Boise*.

Hello, I am an under-employed degreed person. I became a single mother about 8 years ago. I have a college degree in general science, and an Associate's degree in Horticultural Sciences. I was a pre-med student for the first four years of my college life. Currently I do not have a job at all. During the school year, I work part-time in the local school system as a "para-professional," which means I will never be employed full-time by the school system, but I will be expected to go over and above for my students, which I do! I gladly work extra to ensure the school is a safe, caring place with an environment for learning. The school is a rural, "one-room" school in Clearwater County. It is absolutely a wonderful place!!! I do so wish I could be making a living during the years of employment here, but the pay is very low, and not a living wage, as the local job service people say.

I feel education is the key for the success of the upcoming generation of young people. Obviously, I have financial challenges. I also have six children, who I have home-schooled, and also enrolled them in public school for the last few years, usually when they reach high school. I was certified in secondary ed years ago, and have not had the resources to re-establish that certification. I also think it is important to acclimatize the student to the big world outside the home. I have been successful with them. Three of my sons attend, or have attended, the University of Idaho. One son is stationed in Iraq, since November, 2007, which has been a learning experience for everyone around us. My other two are still in school, and as most of the others are straight A students. One is even thinking of applying to West Point next year. I think he can do whatever he sets his mind in motion to accomplish.

My experience with the gasoline/petroleum crisis is that I am spending so much on gasoline to transport myself, my kids, and accomplish daily tasks that little is left for life. I love visiting my boys in Moscow. The price is now prohibiting much of that, unless I make an excuse. I miss my boys, and they cannot afford to come see me!! They make very little between classes, and the high price to just go visit Mom is too much of a chunk out of their minimum incomes. I remember when I worked in high school and college, buying gas was not something you had to spend most of your money on. The price was low enough that you just filled up, not worrying about working three days to afford your tank of gas!!! How can they, or myself, ever get ahead????

I feel that Congress should be moving forward on finding other methods of energy for the vehicle. I do not think releasing petrol reserves or more drilling is the answer. We should be thinking of the future with minor dependence on oil. Our country has been trained to live in our cars and, while that is not bad, we need to find another way to fuel them. I personally do not think forcing everyone to live in town is the answer. I would never survive in a town, I need my open spaces. I also could pursue more education, but the colleges are becoming farther out of reach because people will not be able to afford to go. That is not right. I should not have to accept unsatisfactory employment to live out of town. The out-of-towners are where much of the brains of the world come from. If it keeps going like it is, I will not even be able to get to the grocery store, much less into town to purchase gasoline! I won't even be able to get to a job, because my job is out of town! What about the farmers who make their living, and also make America run, they should not be punished because they are from out of town. It could become an elitist society again. No doubt this problem could divide America as never before.

I heard today that Boise, Idaho, was named as the second most livable town in the country. I have only lived here for 14 years, but I am happy to hear that. I feel Idaho is a wonderful place to live. I would like to see that continue. There are those of us, a big number, who would be in serious crisis, if the price of energy, even just gas continues to spiral upward. I am not sure what will happen. We are also rural we have no TV reception, and only dial-up internet. I can see a lot of people who will be in a world of hurt as they say. We have not had time to make disaster plans for this. This could be a life-altering crisis that has the potential to be as great a disaster as any naturally caused. Local law enforcement could be greatly taxed with people asking for assistance for day to day survival.

I really believe that developing the new technologies for energy usage will be the key to America and Idaho's success. We must think of the future, and I believe less dependence on oil, smarter cars, and using resources with extreme caution is the only way to ensure next generations of Americans that our nation is as great as it has ever been.

Thank you for your time,

SHARON, *Orofino*.

Senator Crapo: I am a single woman of 87, raising a 10-year-old great grandson who lives in Boise, Idaho. Now Idaho Power has gotten another raise and that along with over $4.00 a gallon for fuel, I now either have gas to get to the store or medicine. With a 10-year-old, food is most important. (No regular bus service; besides it costs $2.00 to go to and from the closest grocery store by bus.) I sold my car and the pickup that belonged to my late husband (1992 Ford) and, with the help of my grandson, my church, and the Kia dealer in Nampa, I have a small car that gets around town but not good enough that if one of my children in Hammet or Jerome were to become seriously ill. I would be afraid to drive it that far. I now have an automobile that I am afraid will break down instead of a dependable one all because of the price of fuel.

Question is why was Idaho Power allowed to let Washington Power and Light take the power from the power plant at Lucky Peak for less than it costs the citizens of Idaho per kilowatt??????

Along with this I have worked all of my life and paid into Social Security. I worked for a doctor who did not pay the taxes which he was required to and now my check is approximately $300.00 less than it would have if he would have paid in those six years. He has since retired and taken out bankruptcy, and those of us who he shorted are not going to get anything because his attorney was allowed to prolong any legal action over the time limit. Now Social Security is going to take over 186.00 from my check to pay for insurance, which is not going to pay any of my bills. Yet they are allowed to automatically to deduct this. Have you ever tried to feed yourself, a ten-year-old, pay property taxes and buy medicine on $517.00 a month?

Probably not, and all of the good Senators and Representatives will never know because they do not, from my information, fall under Social Security.

I am sending this; however, I am sure it will not do any good. After all the last time that I contacted you, nothing came of it and further I got penalized 1 per cent of my check for doing so. I wish every Congressmen and government official would have to live for just 6 months like over 46% of the American people do.

MARY, *Boise.*

P.S. Please have your staff continue to waste money sending me and many others who have come to you for help asking us to donate to your cause.

Dear Senator Mike Crapo: Thank you so much for the opportunity to share my thoughts with you. I do think your asking for stories from people is an excellent idea.

Many decisions we make can seem O.K. at the time, but then actions outside our control can turn those decisions into problems. Like deciding where we want to live. While gas was cheap, families decided they wanted big houses outside the city and then would commute into Boise. Now that so many people have moved out of town, it is like flushing good money and good air away as people drive back into town to work. Instead of spending money on adding two more lanes on the freeway, money should go to provide more options to get people out of their cars. I have a friend who used to be in a van pool, but then the people in her group moved and now she cannot get back into a different van pool.

We did decide to live close enough to our work (3 to 6 miles) that we are able to bike and save gas. But even we feel the rise from gas prices because so much of what we purchase depends on gas, and so what we buy from food to clothes have gone up in price. And the more I read, the more I realize that we should not be going into ethanol production from corn. This causes more problems than it helps.

We really need to say as a country that we will work on this energy issue together. We need to start conserving as much as possible. Building "green" should not just be a nice add-on option. Any new building should be required to be as energy efficient as possible and government money should be invested in research to make buildings even better.

America needs to stand up and say we can do this, we can be creative and get out of our gasoline rut. We need to help people on the fringe who are on fixed on low incomes. But for people who make poor and selfish decisions on their driving habits should have to pay for that. So for those people, gas prices are too cheap. We do not even pay the true cost of gasoline in regards to the environment or human health issues. We truly need a new vision and will power.

Thank you very much.

Sincerely,

ANNETTE, *Boise.*

I am an over-the-road truckdriver, and these fuel prices are killing us. Back East and out West, we are seeing fuel prices up toward $5.00 a gal. Where is it going to stop? We need to drill in ANWR, and off our East and West coasts. And we need more refineries. It seems to be like Washington, D.C. does not care for the working class people anymore. They just see us as an endless path to money. Take from us all they can then forget us and sell us out to the highest bidder. Where will it stop?

ROGER, *Chubbuck.*

Dear Mike: I am a semi-retired person. I work at a bagel-deli at almost Eagle Road, since I live in Boise, and only live ½-mile from BSU, I drive 12 miles each way to work. Since I make $8.50 an hour, and it costs me $4.00 (my truck gets 22 miles per gallon), to go to work, it is far more difficult than it was as $2.50 a gallon for fuel.

I am 62 years old. I have always believed in all renewable resources. I cannot believe that people think that nuclear fuel is unsafe, plus the fact that we aren't accessing our oil?

Best regards,

BOYD, *Boise.*

Dear Senator Crapo—I am at a loss to understand why Congress chose to support ethanol instead of hydrogen fuel. The vehicles have been developed, have clean emissions, and it seems practical since hydrogen is abundant. However, hydrogen fuel pumps will have to be installed around the country before the general public can buy and use these vehicles. This is something that Congress can and should support.

I am so opposed to ethanol. It can't be transported via the current fuel lines, because of its corrosiveness. There is a world food shortage, and none of our farmland should be used to grow fuel instead of food. Ethanol gets lower mileage, and frankly, I do not like having even 10% ethanol fuel in my engine. Ethanol is not the solution to our fuel problems.

Electric cars, while cleaner, still need a valuable resource (electricity) to operate.

Energy credits are really good. Hopefully, there is something in the tax code for developers of alternate sources of energy (solar, wind, thermal, etc.). I also am in favor of nuclear energy. The European countries are certainly using that. I know that nuclear waste is an issue, but I think it is one that can be solved.

This is not a "story," but I took the opportunity to express my opinion about this.

DIANA.

Dear Senator Crapo, I have a gift and awards business in Moscow, ID where we engrave various items (most of which are made in China), and are experiencing increasing freight prices for all our received items. Freight rates are changing every day not only for delivery, but for other items we purchase used in our business. My employees are feeling the high gasoline prices commuting to work, and are looking for some sort of relief from me. This will drive up my cost of doing business and I will have to pass this cost on to my customers which in turn will be passed on to everyone.

I am glad that you sent out this e-mail requesting a response to high gasoline prices. I commend your position on this issue. I am sending out e-mails to all my elected officials stating that if you don't support a national energy policy (drilling, nuclear) then I will do everything in my power to replace you the next election. It's time that the people take back their government. Like it says "We the people" . . . An intelligent, responsible representative of the people will get on board and do what he or she is getting paid for, representing the people not just special interest.

I want to encourage you to spread the word that "We the people" are getting sick and tired of not being represented as we request be. People that I see on a daily basis agree that this country is going down hill not even sideways. We are in trouble economically with loss of our manufacturing base, no positive energy policy will jeopardize our entire way of life in the U.S. and will set us up eventually for a war we don't want.

Please carry the banner, inform your colleagues and let's get this country on the right track again! "We the people", love this country.

Sincerely,

DICK.

Mr. Crapo, Thank you for standing up to Senate and demanding something be done on our behalf. Rest assured I will remember those that did come election time. There is no reason why we can not explore our own sources of energy instead of sending our tax dollars to other countries.

As for how it has affected my family. We bought a camper and pickup truck last year to take family vacations and see this beautiful country of ours. With the rise in gas prices we are limiting ourselves to travel only where one tank of gas can get us. We had planned trips to Yellowstone, Las Vegas, the redwoods in California and Washington State. All those trips are cancelled as we have to stay close to home. It is so bad right now that I cancelled attending my nephews wedding in Washington because the gas prices there are worse than ours.

We used to go to Meridian (we live in Kuna) once a week for groceries and to go out to dinner. We now do like we used to when we lived in Cascade. We go to Meridian once a month for groceries and rarely go out to dinner because of fuel cost. My wife and I have even discussed trading the Dodge Durango that she loves and buying a small car for her commute.

While I understand that there are countries out there that have it worse than us but this is supposed to be the greatest and yet we can not even provide our citizens with our own energy. We at the whim of the Arab controlled oil and I see it only getting worse if we do not do something now.

Thank you again.

TIM AND AMANDA.

ADDITIONAL STATEMENTS

REMEMBERING JOSE ANTONIO DIAZ

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of Yolo County Sheriff's Deputy Jose Antonio "Tony" Diaz, who was tragically killed in the line of duty on June 15, 2008.

Tony Diaz was born in Jacona, Mexico, on September 20, 1970, and immigrated to the United States with his

family when he was 4 years old. His family settled in Dixon, CA, where he graduated from Dixon High School in 1989.

Tony Diaz's family instilled a strong work ethic in him from a young age. As a teenager, he worked in agricultural fields in the summer. Shortly following his graduation from high school, Tony went to work for the California Human Development Corporation where he worked to assist farm workers, and was soon promoted to the corporate office. Tony's strong skills with computers led him to a position in the Yolo County Information Technology Department in 1999 where an assignment with the Sheriff's Department piqued his interest in law enforcement. Tony put himself through the Yuba College Police Academy and became a sheriff's deputy in 2004.

As a dedicated member of the Yolo County Sheriff's Department, Deputy Diaz served with pride for 4 years in several areas including court security, transportation and patrol.

Deputy Diaz will be remembered as a loving son, a proud father of three daughters, a devoted friend, and respected colleague.

Jose Antonio Diaz's brave service and commitment to public safety will not be forgotten.•

TRIBUTE TO JACKIE LEE HOUSTON

• Mrs. BOXER. Mr. President, recently in Palm Springs, CA, hundreds of people gathered to honor the fine work of Jackie Lee Houston, and to see the plans unveiled for a new plaza to be built in her honor. I am very pleased to ask my colleagues to join me in recognizing the important work and contributions of Jackie Lee Houston.

During the ceremony, Palm Springs Mayor Steve Pougnet pointed out the amazing contributions of Jackie Lee Houston. She has been an integral part of the fine work being done at Angel View Crippled Children's Foundation, the Palm Springs Art Museum, the Palm Springs International Film Festival, the Palm Springs Opera Guild of the Desert, the Stroke Recovery Center, and Desert AIDS Project. Houston is also the sponsor of the "Jackie Lee Houston Scholarship," offering support to residents of the region hoping to pursue post-graduate training in design.

It is especially fitting that the new Jackie Lee Houston Plaza will offer an entry to the Palm Springs Convention Center because every year the Palm Springs International Film Festival opens there. It is a project that has had Houston's full support. It is also fitting that the plaza will offer visitors a desert landscape where they cannot just enjoy the native plants, but also help to build a sense of community that is so important to Houston.

I am delighted that the amazing community and philanthropic work of Jackie Lee Houston will be memorialized with this plaza in Palm Springs. I commend Mayor Pougnet and the members of the Palm Springs City Council for their efforts in this regard and, of course, send my very best regards to Jackie Lee Houston.•

TRIBUTE TO MAJOR GENERAL MELISSA A. RANK

• Ms. MIKULSKI. Mr. President, I join Senator INOUYE in recognizing a great American and true military heroine who has honorably served our country for 30 years.

Major General Rank was born in Frostburg, MD, and entered the Air Force Nurse Corps in 1978. She earned her BSN from the University of Maryland at Baltimore in 1975, and worked for Baltimore City Hospitals, Johns Hopkins Medical Institutions, and Center for Disease Control prior to entering the Air Force. She also completed a master's in nursing administration from University of Texas in 1990, and a master's in strategic studies from Air War College in Alabama in 1999.

Major General Rank's military education includes the Air War College; the Air Command and Staff College, Squadron Officer School, Flight Nurse School, and Nursing Service Management.

Major General Rank became the Assistant Air Force Surgeon General for Medical Force Development and Assistant Air Force Surgeon General, Nursing Services in 2005. She established policy for 34,000 active-duty and enlisted medical personnel. She also created nursing policy for 19,000 active-duty, Guard, and Reserve personnel.

Major General Rank's past military assignments include serving in the Office of the Surgeon General as executive management fellow for services, chief of plans, policies and programs for nursing services in the directorate of work force management, and deputy assistant surgeon general for health care operations. She also served as United States Air Force Surgeon Chair to Air University and has commanded an aeromedical evacuation squadron in Southwest Asia and a medical operations squadron and two medical groups.

Throughout her career Major General Rank has served with valor and profoundly impacted the entire Air Force Medical Department. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. We extend our deepest appreciation to Major General Rank on behalf of a grateful nation for her more than 30 years of dedicated military service.•

TRIBUTE TO JOHN-REX SPIVEY

• Mr. PRYOR. Mr. President, I wish to honor John-Rex Spivey, who recently attained the rank of Eagle Scout by the Boy Scouts of America, Troop 122 in Rogers, AR.

This is a great accomplishment that requires years of devoted service and leadership. The rank of Eagle Scout is the highest level a Boy Scout can achieve and reflects John's dedicated effort and commitment to service.

Young Arkansans like John set a positive example for our youth, and I am confident that this award is one of many more that John will attain in the future.

Mr. President, I ask that my colleagues join me in congratulating John-Rex Spivey for this outstanding achievement.•

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6377. An act to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6807. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Accounting Requirements for RUS Electric Borrowers" (RIN0572–AC02) received on June 30, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6808. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Additions to Quarantined Areas in New York" (Docket No. APHIS–2007–0104) received on June 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6809. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Increased Assessment Rate" (Docket No. AMS–FV–07–0157) received on June 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6810. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Increased

Assessment Rate'' (Docket No. AMS–FV–07–0159) received on June 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6811. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007–2008 Marketing Year'' (Docket No. AMS–FV–07–0150) received on June 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6812. A communication from the Acting General Counsel, Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for Fiscal Year 2009, including one to expedite hiring authority for defense acquisition positions; to the Committee on Armed Services.

EC–6813. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6814. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of the authorization of Garland P. Wright, Jr., United States Navy Reserve, to wear the authorized insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6815. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6816. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's management report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6817. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers'' (RIN3235–AJ64) received on June 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6818. A communication from the Acting Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance and Amendment to the Rules Relating to Organization and Program Management Concerning Proposed Rule Changes Filed by Self-Regulatory Organizations'' (Release No. 34–58092) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6819. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Tribal Transportation Facility Inventory Report; to the Committee on Environment and Public Works.

EC–6820. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Use of Repayment Plans'' ((RIN0938–AO27) (Docket No. CMS–6032–F)) received on June 27, 2008; to the Committee on Finance.

EC–6821. A communication from the Program Manager, Center for Drug and Health Plan Choice, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Special Enrollment Period and Medicare Premium Changes'' (RIN0938–AO77) received on June 27, 2008; to the Committee on Finance.

EC–6822. A communication from the Program Manager, Office of Clinical Standards and Quality, Department of Health and Human Services , transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Hospital Conditions of Participation: Laboratory Services'' ((RIN0938–AJ29) (Docket No. CMS–3014–F)) received on June 27, 2008; to the Committee on Finance.

EC–6823. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Appeal of CMS or CMS Contractor Determinations When a Provider or Supplier Fails To Meet the Requirements for Medicare Billing Privileges'' ((RIN0938–AI49) (Docket No. CMS–6003–F)) received on June 27, 2008; to the Committee on Finance.

EC–6824. A communication from the Program Manager, Center for Medicaid and State Operations, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Children's Health Insurance Program; Retrospective Adjustment for Additional Allotments To Eliminate Fiscal Year 2007 Funding Shortfalls; Final SCHIP Allotments for Fiscal Years 2008 and 2009; Redistribution of Unused SCHIP Fiscal Year 2005 Allotments To Eliminate Fiscal Year 2008 Funding Shortfalls; Additional Allotments to Eliminate Fiscal Year 2008 Funding Shortfalls; and Provisions for Continued Authority for Qualifying States To Use a Portion of Certain SCHIP Funds for Medicaid Expenditures'' ((RIN0938–AO99) (RIN0938–AP07)) received on June 27, 2008; to the Committee on Finance.

EC–6825. A communication from the President of the United States, transmitting, pursuant to law, a report stating that it is in the Nation's interest to temporarily terminate the suspensions under the Foreign Relations Authorization Act relative to the issuance of temporary munitions export licenses for export to the People's Republic of China; to the Committee on Foreign Relations.

EC–6826. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles or services to Japan for the production of the Solid Rocket Booster; to the Committee on Foreign Relations.

EC–6827. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for the transfer of defense articles to Canada and Australia in support of the manufacture of LAV–25 turrets; to the Committee on Foreign Relations.

EC–6828. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom for the manufacture of tooling and parts for the aircrew oxygen masks; to the Committee on Foreign Relations.

EC–6829. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom for the manufacture and repair of aircraft vertical, rate and azimuth gyros; to the Committee on Foreign Relations.

EC–6830. A communication from the Assistant Secretary for Veterans' Employment and Training, Department of Labor, transmitting, pursuant to law, the annual report for fiscal years 2006 and 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–6831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kobuk, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–19)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Anvik , AK'' ((RIN2120–AA66) (Docket No. 07–AAL–21)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Proposed Amendment of Class D and Class E Airspace; Altus Air Force Base, Oklahoma'' ((RIN2120–AA66) (Docket No. 08–ASW–5)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6834. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fort Kent, ME'' ((RIN2120–AA66) (Docket No. 08–ANE–90) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amdt. No. 3269)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amdt. No. 3268)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Lee's Summit, MO” ((RIN2120–AA65) (Docket No. 07–ACE–19)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6838. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–064)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6839. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 747–400 Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–362)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “MD Helicopters, Inc. Model MD900 Series Helicopters” ((RIN2120–AA64) (Docket No. 2006–SW–11) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Thielert Aircraft Engines GmbH Model TAE 125–02–99 Engines” ((RIN2120–AA64) (Docket No. 07–AAL–19)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes” ((RIN2120–AA64) (Docket No. 2006–CE–075)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 747 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–142)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “APEX Aircraft Model CAP 10 B Airplanes” ((RIN2120–AA64) (Docket No. 2008–CE–002)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing 747–400F and –400 Series Airplanes” ((RIN2120–AA64) (Docket No. 2006–NM–205)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 737–200C Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–175)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 767 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–049)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Gulfstream Aerospace LP Model Gulfstream G150 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–327)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–273)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “McDonnell Douglas Model DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8–50 Series Airplanes; Model DC–8F–55 Airplanes; Model DC–8–60 Series Airplanes; Model DC–8–60F Series Airplanes; Model DC–8–70 Series Airplanes; and Model DC–8–70F Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–313)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Kelly Aerospace Power Systems Turbochargers” ((RIN2120–AA64) (Docket No. 2008–NE–09)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Dassault Model Falcon 2000 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–257)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Empresa Brasileira de Aeronautica S.A. Model ERJ–170 Airplanes and Model ERJ–190 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–327)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–168)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dornier Luftfahrt GmbH Models 228–100, 228–101, 228–200, 228–201, 228–202, and 282–212” ((RIN2120–AA64) (Docket No. 2008–CE–005)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model EC120B Helicopters” ((RIN2120–AA64) (Docket No. 2007–SW–59)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives Bell Helicopter Textron Model 204B, 205A, 205A–1, 205B, 210, 212, 412, 412CF, and 412EP Helicopters” ((RIN2120–AA64) (Docket No. 2008–SW–26)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Construcciones Aeronauticas, S.A., Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–181)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Agusta S.P.A. Model A109A, A109A II, and 109C Helicopters” ((RIN2120–AA64) (Docket No. 2008–SW–08)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Air Tractor, Inc. Models AT–300, AT–301, AT–302, AT–400, and AT–400A Airplanes” ((RIN2120–AA64) (Docket No. 2008–CE–018)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dornier Luftfahrt GmbH Models 228–200, 228–201, 228–202, and 228–212 Airplanes” ((RIN2120–AA64) (Docket No. 2008–CE–012)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Saab Model SAAB–Fairchild SF340A and SAAB 340B Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–155)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Boeing Model 757 Airplanes and Model 767–200, 767–300, and 767–300F Series Airplanes” ((RIN2120–AA64) (Docket No. 2008–NM–061)) received on July 7, 2008; to the

Committee on Commerce, Science, and Transportation.

EC-6864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–021)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64) (Docket No. 2—7–NM–062)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–173)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Boeing Model 737–300, –400, and –500 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–177)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Boeing Model 777–200, –300, and –300ER Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–007)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Taylorcraft, Inc. Models A, B, and F Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–CE–093)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and 8–315 Airplanes" ((RIN2120–AA64) (Docket No. 2008–NM–013)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6871. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bombardier Model CL–600–2C10, CL–600–2D15, and CL–600–2D24 Airplanes" ((RIN2120–AA64) (Docket No. 2008–NM–050)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6872. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bombardier Model DHC–8–400, DHC–8–401, and DHC–8–402 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–327)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6873. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Przedsiebiorstwo Dowiadczalno–Produkecyjne Szybownictwa 'PZL–Bielsko' Model SZD–50–3 'Puchacz' Gliders" ((RIN2120–AA64) (Docket No. 2008–CE–004)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6874. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Franklin, PA" ((RIN2120–AA66) (Docket No. 07–AEA–19)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC-6875. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace, Bradford, PA" ((RIN2120–AA66) (Docket No. 07–AEA–21)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC-6876. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Gulfstream Aerospace LP Model Gulfstream G150 Airplanes" ((RIN2120–AA66) (Docket No. 07–AEA–17)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6877. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rockport, ME" ((RIN2120–AA66) (Docket No. 08–ANE–98)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC-6878. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lee's Summit, MO" ((RIN2120–AA66) (Docket No. 07–ACE–10)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Poplar Bluff, MO" ((RIN2120–AA66) (Docket No. 07–ACE–9)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, 300, 400, 400D, 400F, 747SR, and 747SP Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–290)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 3227. An original bill to impose sanctions on Iran and for other purposes (Rept. No. 110–408).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1738. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Paul G. Gardephe, of New York, to be United States District Judge for the Southern District of New York.

Kiyo A. Matsumoto, of New York, to be United States District Judge for the Eastern District of New York.

Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York.

Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANDERS (for himself, Mr. KERRY, Mr. CARDIN, Mr. SPECTER, Mr. WARNER, and Mr. MENENDEZ):

S. 3224. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 photovoltaic systems by 2018; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself and Mr. CARDIN):

S. 3225. A bill to amend the Atomic Energy Act of 1954 to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Environment and Public Works.

By Mr. BUNNING:

S. 3226. A bill to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the "Abraham Lincoln Birthplace National Historical Park"; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 3227. An original bill to impose sanctions on Iran and for other purposes; from the Committee on Finance; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Mr. LUGAR, Mr. OBAMA, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. CARDIN, and Mr. FEINGOLD):

S. Res. 607. A resolution designating July 10, 2008, as "National Summer Learning Day"; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. DOLE, Mr. BURR, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 608. A resolution relative to the death of Jesse Alexander Helms, Jr., former United States Senator for the State of North Carolina; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. BOND, Mr. ROBERTS, and Mrs. MCCASKILL):

S. Res. 609. A resolution recognizing the need for rapid recapitalization of the KC-135 aerial refueling fleet through re-competition of the United States Air Force's KC-X solicitation; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. Res. 610. A resolution honoring the men and women of the Drug Enforcement Administration on the occasion of the 35th anniversary of the Administration; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 26

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 334

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 439

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 790

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1232

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2609

At the request of Mr. FEINGOLD, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2609, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. NELSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. SANDERS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2851

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2920, supra.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3114

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3114, a bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes.

S. 3133

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3133, a bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3177

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3177, a bill to develop a policy to address the critical needs of Iraqi refugees.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3223

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S.J. RES. 43

At the request of Mr. WICKER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 300

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

AMENDMENT NO. 5009

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 5009 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5010

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 5010 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5040

At the request of Ms. LANDRIEU, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 5040 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 3226. A bill to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the "Abraham Lincoln Birthplace National Historical Park"; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I would like to introduce a bill to rename the "Abraham Lincoln Birthplace National Historic Site" in the State of Kentucky as the "Abraham Lincoln Birthplace Historical Park."

In 1809, Abraham Lincoln was born at Sinking Spring Farm, near Hodgenville, Kentucky, making him the first President to be born outside the original Thirteen Colonies. A century later, in 1916, the Abraham Lincoln Birthplace National Historic Site was established to protect over 100 acres of this enshrined area.

In 1811, the Lincoln family moved from Sinking Spring Farm to Knob Hill Farm, Kentucky, until Abraham Lincoln was nearly 8 years old. At the age of 51, Abraham Lincoln wrote, "My earliest recollection is the Knob Creek place." While at Knob Hill, Abraham Lincoln learned to talk and assume household duties, helping his family gather wood and water. It was also at Knob Hill, during his boyhood years, where Lincoln first saw African Americans being taken south along the Louisville-Nashville Turnpike, part of the old Cumberland Road, to be sold as slaves. Only 50 years later, Abraham Lincoln would successfully lead his Nation through its worst crisis to abolish slavery.

There is an inspiring climb from modest beginnings to the highest office in the land, along with a relentless spirit through the most distressing time in the history of our Nation, which opens us to the life of Abraham Lincoln.

As someone who is proud to share the same birth State with Abraham Lincoln, I believe there is a credible desire in Kentucky to continue the education and promotion among our citizens, particularly the young, to understand and appreciate his righteous leadership. It is difficult to name another person who has displayed the qualities and character of the U.S. as much as Abraham Lincoln.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 607—DESIGNATING JULY 10, 2008, AS "NATIONAL SUMMER LEARNING DAY"

Ms. MIKULSKI (for herself, Mr. LUGAR, Mr. OBAMA, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. CARDIN, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 607

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that ⅔ of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life ("BELL") summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for 2 summers are ½ year ahead of their peers in reading skills;

Whereas the Summer Youth Program Fund in Indianapolis, Indiana, the first community collaborative fund for youth programs in the United States, serves as an example for other urban communities by providing summer learning opportunities for young people;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 10, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 10, 2008, as "National Summer Learning Day", in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of the United States;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of the United States safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

SENATE RESOLUTION 608—RELATIVE TO THE DEATH OF JESSE ALEXANDER HELMS, JR., FORMER UNITED STATES SENATOR FOR THE STATE OF NORTH CAROLINA

Mr. REID (for himself, Mr. MCCONNELL, Mrs. DOLE, Mr. BURR, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR; Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

Whereas Jesse Alexander Helms, Jr., born in Monroe, North Carolina on October 18, 1921, spent a 52-year public career dedicating himself to his country, his family, and his home State, representing North Carolina in the United States Senate for 30 years;

Whereas Jesse Alexander Helms, Jr., served in the United States Navy from 1942 until 1945;

Whereas Jesse Alexander Helms, Jr., was educated in the public schools of Monroe, North Carolina and at Wingate Junior College and Wake Forest College, served as city editor of the Raleigh Times, administrative assistant to United States Senators Willis Smith and Alton Lennon, executive director of the North Carolina Bankers Association, member of the Raleigh City Council, and a television and radio executive;

Whereas Jesse Alexander Helms, Jr., was elected to the United States Senate in 1972, and served as Chairman of the Senate Foreign Relations Committee and the Senate Agriculture Committee, ultimately serving five terms, equal to the longest of any Senator from North Carolina;

Whereas Jesse Alexander Helms, Jr., was a leader against Communism and became the first legislator of any nation to address the United Nations Security Council;

Whereas Jesse Alexander Helms, Jr., was married for 65 years to Dorothy "Dot" Coble Helms, whom he termed his "best friend" and is the father of three children;

Whereas Jesse Alexander Helms, Jr., made invaluable contributions to his community, State, Nation, and the World;

Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Jesse Alexander Helms, Jr., former Member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand in adjournment as a further mark of respect to the memory of the Honorable Jesse Alexander Helms, Jr.

SENATE RESOLUTION 609—RECOGNIZING THE NEED FOR RAPID RECAPITALIZATION OF THE KC-135 AERIAL REFUELING FLEET THROUGH RE-COMPETITION OF THE UNITED STATES AIR FORCE'S KC-X SOLICITATION

Mrs. MURRAY (for herself, Mr. BOND, Mr. ROBERTS, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 609

Whereas aerial refueling tankers are the backbone of the worldwide airpower capability of the United States;

Whereas the United States Air Force fleet of KC-135 aerial refueling tankers is aging and needs to be recapitalized; and

Whereas recapitalization of the KC-135 medium-sized aerial refueling tanker is the top acquisition priority of the United States Air Force: Now, therefore, be it

Resolved, That the Senate—

(1) encourages the United States Air Force to quickly re-compete the KC-X solicitation on the terms the Government Accountability Office (GAO) recommended in its June 18, 2008, decision;

(2) recognizes that a rapid, thorough, and fair re-competition under the terms of the original KC-X request for proposals is the best way to provide the United States Air Force with next-generation aerial refueling tanker capability in a timely manner;

(3) recognizes that the KC-X solicitation is the first phase of a three-phased strategy for recapitalizing the tanker fleet, and that the KC-X solicitation should be based on a full and transparent competition to select a single aircraft design; and

(4) supports the recommendation of the Government Accountability Office that "the Air Force reopen discussions with the offerors, obtain revised proposals, re-evaluate the revised proposals, and make a new source selection decision, consistent with this decision."

SENATE RESOLUTION 610—HONORING THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION ON THE OCCASION OF THE 35TH ANNIVERSARY OF THE ADMINISTRATION

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 610

Whereas the Drug Enforcement Administration (DEA) was created by Executive order on July 6, 1973, and merged the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973, the men and women of the DEA have served the United States with courage, vision, and determination, protecting all the people of the United States from the scourge of drug trafficking, drug abuse, and related violence;

Whereas the DEA has adjusted and refined the tactics and methods by which the DEA targets the most dangerous drug trafficking operations to bring to justice criminals such as New York City's Nicky Barnes, key members of the infamous Colombian Medellin cartel, Thai warlord Khun Sa, several members of the Mexican Arellano-Felix organization, Afghan terrorist Haji Baz Mohammad, and international arms dealer Viktor Bout;

Whereas throughout the 35 years since the DEA was created, the DEA has continually adapted to the evolving trends of drug trafficking organizations by aggressively targeting organizations involved in the growing, manufacturing, and distribution of such substances as marijuana, cocaine, heroin, methamphetamine, Ecstasy, and controlled prescription drugs;

Whereas in 227 domestic offices, in 21 field divisions, the DEA continues to strengthen and enhance existing relationships with Federal, State, and local counterparts in every State in the Union to combat drug trafficking;

Whereas since 2000, DEA special agents have seized over 5,500 kilograms of heroin, 650,000 kilograms of cocaine, 2,300,000 kilograms of marijuana, and 13,000 kilograms of methamphetamine and almost 80,000,000 dosage units of hallucinogens, and made over 240,000 arrests;

Whereas with 87 foreign offices, located in 63 countries, the DEA has the largest international presence of any Federal law enforcement agency;

Whereas the personnel of the DEA continue to collaborate closely with international partners around the globe, including in such drug-producing countries as Colombia, Mexico, Afghanistan, and Thailand;

Whereas the results of this international collaboration since 2000 alone have led to the indictments of 63 leaders, members, and associates of the Revolutionary Armed Forces of Colombia, a designated foreign terrorist organization;

Whereas through the creation of the Diversion Control Program in 1971, the DEA now registers and regulates over 1,200,000 registrants, while simultaneously combating the continually evolving threat posed by the diversion of controlled pharmaceuticals;

Whereas the DEA continues to disrupt drug trafficking activities by denying drug trafficking organizations $3,500,000,000 in fiscal year 2007 alone, exceeding their 5-year goal of $3,000,000,000 annually by fiscal year 2009;

Whereas DEA special agents continue to work alongside Federal, State, and local law enforcement officials throughout the United States in a cooperative effort to put drug traffickers behind bars;

Whereas throughout the history of the DEA and its predecessor agencies, many employees and members of the task forces have given their lives in the line of duty, including: Charles Archie Wood, Stafford E. Beckett, Joseph W. Floyd, Bert S. Gregory, James T. Williams, Louis L. Marks, James E. Brown, James R. Kerrigan, John W. Crozier, Spencer Stafford, Andrew P. Sanderson, Anker M. Bangs, Wilson M. Shee, Mansel R. Burrell, Hector Jordan, Gene A. Clifton, Frank Tummillo, Richard Heath, Jr., George F. White, Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, Elton Armstead, Larry Steilen, Terry Loftus, Jay Balchunas, and Richard E. Fass;

Whereas many other DEA employees and task force officers have been wounded or injured in the line of duty; and

Whereas over 9,000 employees of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support personnel, along with over 2,000 task force officers, and over 2,000 vetted foreign officers, work tirelessly to hunt down and bring to justice the drug trafficking cartels that seek to poison the citizens of the United States with dangerous narcotics: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Drug Enforcement Administration (DEA) on the occasion of its 35th anniversary;

(2) honors the heroic sacrifice of the DEA employees who have given their lives or have been wounded or injured in service of the United States; and

(3) gives heartfelt thanks to all the men and women of the DEA for their past and continued efforts to defend the people of the United States from the scourge of illegal drugs and terrorism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5066. Mr. BINGAMAN (for himself, Mr. CASEY, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5066. Mr. BINGAMAN (for himself and Mr. CASEY, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 88, strike line 23 and all that follows through page 90, line 15, and insert the following:

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law other than paragraph (2), a civil action may not lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the district court of the United States in which such action is pending that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 553), or 702(h) directing such assistance;

"(D) in the case of a covered civil action, the assistance alleged to have been provided by the electronic communication service provider was—

"(i) in connection with an intelligence activity involving communications that was—

"(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

"(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

"(ii) the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

"(I) authorized by the President; and

"(II) determined to be lawful; or

"(E) the person did not provide the alleged assistance.

"(2) LIMITATION ON IMPLEMENTATION.—

"(A) IN GENERAL.—The Attorney General may not make a certification for any civil action described in paragraph (1)(D) until after the date described in subparagraph (C).

"(B) STAY OF CIVIL ACTIONS.—During the period beginning on the date of the enactment of the FISA Amendments Act of 2008 and ending on the date described in subparagraph (C), a civil action described in paragraph (1)(D) shall be stayed by the court in which the civil action is pending.

"(C) DATE DESCRIBED.—The date described in this subparagraph is the date that is 90 days after the final report described in section 301(c)(2) of the FISA Amendments Act of 2008 is submitted to the appropriate committees of Congress, as required by such section.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, July 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: 2354, to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho; S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; S. 3069, to designate certain land as wilderness in the State of California, and for other purposes; S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes; H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; and H.R. 3651, to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel__pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the location has been changed for an upcoming hearing before the Subcommittee on National Parks. The hearing will be held on Monday, July 21, 2008, at 9:30 a.m., the new location: Alumni Hall, Highsmith Union, University of North Carolina Asheville, One University Heights, Asheville, North Carolina.

The purpose of the hearing is to receive testimony regarding the All Taxa Biodiversity Inventory of all species within the Great Smoky Mountains National Park. Specifically, the hearing will address: (1) How much has been learned up to this point and at what cost? (2) What is left to be done and what is the estimated time and cost to complete the inventory? (3) How has the data been used and are there other ways to use it? (4) What changes, if any, should be made in the program and (5) Should the program be expanded to include other National Parks?

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224-5523 or Rachel Pasternack at (202) 224-0883.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "Medicare Vulnerabilities: Payments for Claims Tied to Deceased Doctors." The Subcommittee hearing will examine fraud, waste, and abuse in the Medicare program in connection with the payment of claims containing the physician identification numbers of doctors who had died at least 1 year before the prescription was filled. The hearing will focus on Durable Medical Equipment (DME) claims citing a deceased doctor as the prescribing physician, and inadequate oversight by the Centers for Medicare and Medicaid Services (CMS) to correct the problem. The Subcommittee will also issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings. Witnesses for the upcoming hearing will include representatives from CMS, Health & Human Services' Office of the Inspector General, and the Social Security Administration.

The Subcommittee hearing is scheduled for Wednesday, July 9, 2008, at 10:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224-9505.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2008 second quarter Mass Mailings is Friday, July 25, 2008. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

RELATIVE TO THE DEATH OF SENATOR JESSE ALEXANDER HELMS, JR.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 608, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 608) relative to the death of Jesse Alexander Helms, Jr., former United States Senator for the State of North Carolina.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 608) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 608

Whereas Jesse Alexander Helms, Jr., born in Monroe, North Carolina on October 18, 1921, spent a 52-year public career dedicating himself to his country, his family, and his home State, representing North Carolina in the United States Senate for 30 years;

Whereas Jesse Alexander Helms, Jr., served in the United States Navy from 1942 until 1945;

Whereas Jesse Alexander Helms, Jr., was educated in the public schools of Monroe, North Carolina and at Wingate Junior College and Wake Forest College, served as city editor of the Raleigh Times, administrative assistant to United States Senators Willis Smith and Alton Lennon, executive director of the North Carolina Bankers Association, member of the Raleigh City Council, and a television and radio executive;

Whereas Jesse Alexander Helms, Jr., was elected to the United States Senate in 1972, and served as Chairman of the Senate Foreign Relations Committee and the Senate Agriculture Committee, ultimately serving five terms, equal to the longest of any Senator from North Carolina;

Whereas Jesse Alexander Helms, Jr., was a leader against Communism and became the first legislator of any nation to address the United Nations Security Council;

Whereas Jesse Alexander Helms, Jr., was married for 65 years to Dorothy "Dot" Coble Helms, whom he termed his "best friend" and is the father of three children;

Whereas Jesse Alexander Helms, Jr., made invaluable contributions to his community, State, Nation, and the World;

Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Jesse Alexander Helms, Jr., former Member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand in adjournment as a further mark of respect to the memory of the Honorable Jesse Alexander Helms, Jr.

TAY-SACHS AWARENESS MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 853, S. Res. 594.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 594) designating September 2008 as "Tay-Sachs Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 594) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 594

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called beta-hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease and the disease is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease, which means approximately 1,200,000 Americans are carriers;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas, if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in the United States, especially those citizens who are members of high-risk populations, should be screened; and

Whereas raising awareness of Tay-Sachs disease is the best way to fight this horrific disease: Now, therefore, be it

Resolved, That the Senate designates September 2008 as "Tay-Sachs Awareness Month".

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENT OF 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 860, H.R. 3891.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3891) to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3891) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 6377

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 6377 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

Ms. KLOBUCHAR. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–19

Ms. KLOBUCHAR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 7, 2008, by the President of the United States. It is the Treaty on Plant Genetic Resources for Food and Agriculture (Treaty Document No. 110–19).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for advice and consent of the Senate to ratification the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty"). The Treaty entered into force in June 2004.

The centerpiece of the Treaty is the establishment of a multilateral system under which a party provides access to other parties, upon request, to listed plant genetic resources held in national genebanks. These resources are to be used solely for purposes of research, breeding, and training in agriculture. A recipient of such a resource must then share the benefits from its use, e.g., a recipient who commercializes a product containing an accessed plant genetic resource must generally pay a percentage of any gross sales into a trust account.

Transfers under the multilateral system are to be accompanied by a standard material transfer agreement, the current version of which was concluded in June 2006.

Provision of plant genetic resources from U.S. genebanks is fully consistent with the Department of Agriculture's long-standing general practice of providing access to such plant genetic resources upon request. Ratification of the Treaty will provide U.S. agricultural interests with similar access to other parties' genebanks, thus helping U.S. farmers and researchers sustain and improve their crops and promote food security.

The Treaty may be implemented under existing U.S. authorities.

I also transmit, for the information of the Senate, the report of the Department of State concerning the Treaty, which contains an understanding regarding Article 12.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 7, 2008*.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 633 through 636; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; provided further that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES TAX COURT

Richard T. Morrison, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

David Gustafson, of Virginia, to be Judge of the United States Tax Court for a term of fifteen years.

Elizabeth Crewson Paris, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TUESDAY, JULY 8, 2008

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, July 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each. I further ask that following morning business the Senate resume consideration of H.R. 6304, the Foreign Intelligence Surveillance Act, as under the previous order; that all time in adjournment, recess, morning business, and consideration of H.R. 6304 count postcloture. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly Democratic caucus luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, in order to accommodate Senators attending the funeral of former Senator Jesse Helms, there will be no rollcall votes during Tuesday's session. Senators should expect the votes in relation to the FISA legislation to begin around 11:15 a.m. on Wednesday, July 9.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned as a further mark of respect to the memory of former Senator Jesse Helms.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, July 8, 2008, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, July 7, 2008:

UNITED STATES TAX COURT

RICHARD T. MORRISON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DAVID GUSTAFSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

ELIZABETH CREWSON PARIS, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 8, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 9

Time to be announced

Veterans' Affairs

To be business meeting to consider the nomination of Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs.

Room to be announced

9:30 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SD–106

Veterans' Affairs

To hold an oversight hearing to examine veterans disability compensation, focusing on undue delay in claims processing.

SR–418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine privacy implications of online advertising.

SR–253

Rules and Administration

To hold hearings to examine administrative and management operations of the United States Capitol Police.

SR–301

10:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Medicare vulnerabilities, focusing on payments for claims tied to deceased doctors.

SD–342

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

Business meeting to consider proposed legislation making appropriations for the Department of Transportation, Department of Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009.

SD–116

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reducing risks and improving oversight in the OTC credit derivatives market.

SD–538

2:30 p.m.

Foreign Relations

To hold hearings to examine the challenges from Iran.

SD–419

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine fishing safety, focusing on policy implications of cooperatives and vessel improvements.

SR–253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2898 H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and S. 3179, to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy.

SD–366

JULY 10

9:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the roots of violent Islamist extremism and efforts to counter it.

SD–342

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold oversight hearings to examine the Environmental Protection Agency (EPA), focusing on implementing the renewable fuel standard.

SD–406

Finance

To hold hearings to examine issues and options for the transportation infrastructure.

SD–215

Judiciary

To hold hearings to examine passport files, focusing on privacy protection for all Americans.

SD–226

Joint Economic Committee

To hold hearings to examine public pension plans, focusing on the need to strengthen retirement security and economic growth.

SD–106

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for fiscal year 2009 for the Department of Transportation, Department of Housing and Urban Development, and related agencies, Energy and Water Development, and Financial Services and General Government.

SD–106

2:30 p.m.

Foreign Relations

To hold hearings to examine protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the "proposed Protocol") (Treaty Doc. 110–15), Convention Between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on October 23, 2007, at Washington, D.C. (Treaty Doc. 110–17), Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007 (the "Proposed Treaty"), as well as the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), and certain other pending treaties.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JULY 15

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to Congress.

SR–325

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

SD–342

JULY 16

10 a.m.

Judiciary

To hold hearings to examine the Administration's detainee policies and the fight against terrorism, focusing on sound legal foundations.

SD–226

JULY 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States Guard and Reserve members.

SR–418

SENATE—*Tuesday, July 8, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O maker of the seas and the Earth, speak to our hearts today that we may cling to things that cannot fail. Speak to our lawmakers that they may embrace Your purposes and do Your will. Give them rest—not from labor but strength for the work before them. And, God, we also ask You to bless this land. Defend it from the forces that seek to destroy our freedoms. May its citizens never forget that "righteousness exalts a nation, but sin is a reproach to any people."

Today, be with the family members of former Senator Jesse Helms as they mourn his death. Give traveling mercies to our Senators who will attend the funeral.

We pray in Your compassionate Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 8, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the leader remarks, the Senate will be in a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each during that morning hour. Following morning business, the Senate will resume consideration of the FISA legislation. We will offer and debate amendments to the bill today and begin voting sometime tomorrow morning. When we come in tomorrow morning, there will be 105 minutes left of debate time.

As previously announced, to accommodate Senators wanting to attend the funeral of Jesse Helms, there will be no votes today. We do that to honor our departed friend Jesse Helms. So there will be no votes today. That will work out just fine. It is appropriate that we do that and have no votes today.

We will be in recess from 12:30 to 2:15 today to allow our weekly Democratic caucus luncheon. Republicans, who normally have theirs the same time we do, will have theirs tomorrow. I have indicated to the Republican leader that we will protect his caucus. There will be no votes tomorrow during that period of time. Having said that, we are going to do everything we can to complete all the votes before the Republican caucus tomorrow. If we do not finish, we may have a vote after lunch. We will do that.

Around 4 o'clock tomorrow afternoon, we are going to have another vote on the Medicare doctors fix, which is so important to our country. We hope by 4 o'clock tomorrow afternoon we will pick up another vote, that we will have the 60 votes. That certainly would be good news for senior citizens, all those people on Medicare, and the doctors who want to take care of those patients.

MEASURE PLACED ON THE CALENDAR—H.R. 6377

Mr. REID. Mr. President, I understand that H.R. 6377 is at the desk, and it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection has been heard. The bill will be placed on the calendar under rule XIV.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oklahoma is recognized.

DECLARATION OF INDEPENDENCE

Mr. COBURN. Mr. President, 232 years ago the Declaration of Independence established that humans have the right to self-government because of their unalienable rights to life, liberty and the pursuit of happiness. Preserving these principles requires the same wisdom, courage and spirit of sacrifice that characterized many 18th century Americans.

"What will our children say," wrote Boston attorney Josiah Quincy II in 1768, "When they read the history of these times, should they find we tamely gave away, without one noble struggle, the most invaluable of earthly blessings? . . . let us . . . swear we will die, if we cannot live freemen!"

Indeed, the Americans chose to fight nobly and courageously. After the British surrender at the Battle of Saratoga, Lord Chatham, a member of the British House of Lords, concluded, "I know that the conquest of English America is an impossibility. You cannot, I venture to say it, you cannot conquer America . . ."

These principles to which the representatives of the 13 colonies pledged their lives, their resources, and their honor still apply to our Nation today.

It was on this day, July 8, 1776, that the Declaration of Independence was first read publicly, having been unanimously adopted by the Congress only 4 days before.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

So, today, I am pleased to join with my colleague Senator LIEBERMAN in starting a new, bipartisan tradition in the U.S. Senate. We will read the Declaration of Independence again.

During the next hour, we will also hear from important leaders in our Nation's history who saw these principles of liberty, equality, and justice as timeless.

Patrick Henry urges us to consider the consequences of weakly submitting to a tyrannical authority in the hopes of obtaining peace, rather than persisting in the fight to secure our freedom. In his famous speech at the Touro Synagogue, George Washington establishes the importance of religious freedom for the Nation.

A few days before his inauguration, Abraham Lincoln makes an impromptu speech at Independence Hall in Philadelphia, where he argues that the principles of the Declaration are incompatible with slavery. Finally, in his last letter, Thomas Jefferson reflects on the significance of the Declaration and its timeless value.

I ask unanimous consent that Senator LIEBERMAN and myself may enter into a colloquy on the reading of the Declaration of Independence and that following our colloquy, Senators WHITEHOUSE, MURKOWSKI, WEBB, MARTINEZ, and LIEBERMAN be, in that order, speakers for the remainer of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Mr. LIEBERMAN. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it; and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world."

Mr. COBURN. "He has refused his Assent to Laws, the most wholesome and necessary for the public good.

"He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

"He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only."

Mr. LIEBERMAN. "He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

"He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

"He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within."

Mr. COBURN. "He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

"He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

"He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries."

Mr. LIEBERMAN. "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

"He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

"He has affected to render the Military independent of and superior to the Civil power.

"He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended legislation:"

Mr. COBURN. "For Quartering large bodies of armed troops among us:

"For protecting them, by a mock Trial, from punishment for any murders which they should commit on the Inhabitants of these States:

"For cutting off our Trade with all parts of the world:"

Mr. LIEBERMAN. "For imposing Taxes on us without our Consent:

"For depriving us in many cases, of the benefits of Trial by Jury:

"For transporting us beyond Seas to be tried for pretended offences:

"For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:"

Mr. COBURN. "For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

"For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever."

Mr. LIEBERMAN. "He has abdicated Government here, by declaring us out of his Protection and waging War against us.

"He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our people.

"He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

"He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

"He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."

Mr. COBURN. "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People."

Mr. LIEBERMAN. "Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.——"

Mr. COBURN. "We, therefore, the representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be free and independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.—And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, my home State of Rhode Island has the distinction of being home to the oldest Jewish house of worship in the United States, the Touro Synagogue in historic Newport. This synagogue was founded in 1763. Today, the synagogue stands as a handsome landmark, designed by the famous colonial architect Peter Harris, a reminder of historic days past for a community that this year, 2008, will celebrate the 350th anniversary of the first Jewish settlement in Rhode Island and a living expression today of our Jewish community's faith.

But during the infancy of our young Nation, Touro Synagogue played a major political role in defining what religious freedom would come to mean to Americans.

In 1790, the congregation at Touro Synagogue wrote to President George Washington, then in only his second year in office, when he visited Newport on a political tour to rally support for an American bill of rights. The warden of the synagogue, Moses Seixas, sought Washington's assurance that religious freedom would be guaranteed to Jews throughout the country.

In those first tumultuous years of our Republic, there was much uncertainty as to the guaranteed rights of individuals. Our Declaration of Independence had declared certain unalienable rights to be self-evident, but our Constitution did not yet include our Bill of Rights. There was no guarantee of an American's right to freely exercise his or her religion as we have today in the first amendment.

President Washington's public letter to the Touro congregation, coming from a political leader whose word was gold, left no doubt that the United States Government would defend the religious freedoms of all people, including those whose beliefs were different from the common ones, and it assured that this Government would have no part in stifling the beliefs of any who chose to worship as their conscience and traditions directed.

It was, at the time, a revolutionary promise from a revolutionary man, and I am pleased to read the full text of this historic correspondence.

> To the President of the United States of America.
>
> Sir: Permit the children of the Stock of Abraham to approach you with the most cordial affection and esteem for your person and merits, and to join with our fellow citizens in welcoming you to NewPort.
>
> With pleasure we reflect on those days, those days of difficulty and danger, when the God of Israel, who delivered David from the peril of the sword, shielded your head in the day of battle: and we rejoice to think, that the same Spirit, who rested in the Bosom of the greatly beloved Daniel, enabling him to preside over the Provinces of the Babylonish Empire, rests and ever will rest, upon you, enabling you to discharge the arduous duties of Chief Magistrate in these States.

This was before the Civil War, so it was "these States" and not the "United States."

> Deprived as we heretofore have been of the invaluable rights of free Citizens, we now with a deep sense of gratitude to the Almighty disposer of all events behold a Government, erected by the Majesty of the People, a Government, which to bigotry gives no sanction, to persecution no assistance—

You will see in Washington's reply that the wily fox knew a good phrase when he saw one.

> —but generously affording to all Liberty of conscience, and immunities of Citizenship: deeming every one, of whatever Nation, tongue, or language equal parts of the great governmental Machine: This so ample and extensive Federal Union whose basics is Philanthropy, Mutual confidence and Public Virtue, we cannot but acknowledge to be the work of the Great God, who ruleth in the Armies of Heaven, and among the Inhabitants of the Earth, doing whatever seemeth him good.
>
> For all these Blessings of civil and religious liberty which we enjoy under an equal benign administration, we desire to send up our thanks to the Ancient of Days, the great preserver of Men, beseeching him, that the Angel who conducted our forefathers through the wilderness into the promised Land, may graciously conduct you through all the difficulties and dangers of this mortal life: And, when, like Joshua full of days and full of honour; you are gathered to your Fathers, may you be admitted into the Heavenly Paradise to partake of the water of life, and the tree of immortality.
>
> Done and Signed by order of the Hebrew Congregation in NewPort, Rhode Island August 17th 1790. Moses Seixas, Warden.

And then came the President's reply.

> To the Hebrew Congregation in Newport Rhode Island.
>
> Gentlemen,
>
> While I receive, with much satisfaction, your Address replete with expressions of affection and esteem; I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.
>
> The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and happy people.
>
> The Citizens of the United States have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.
>
> It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my Administration, and fervent wishes for my felicity. May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants: while every one shall sit in safety understood his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.
>
> G. Washington.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Rhode Island, Senator WHITEHOUSE, for that magnificent exchange of correspondence between the Hebrew congregation of Newport, RI, and President Washington.

May I say that Senator WHITEHOUSE, in his own bearing and substance, lives out the promise of religious freedom that our first President gave to all Americans.

Perhaps I should say I say that as one of the descendants of the Stock of Abraham who is privileged to be a Member of the Senate today. I thank Senator WHITEHOUSE. I thank Senator COBURN.

I am going to take the liberty, if I may, to speak for a few minutes while we are waiting for either Senator MURKOWSKI, Senators WEBB or MARTINEZ, who are going to read documents before I conclude.

But I particularly want to give a statement of appreciation to our colleague, Senator CORNYN of Texas, whose idea this was. He came to me and said: Why do we not try to establish a new Senate tradition, where every year, either on July 8, which, as Senator COBURN indicated, was the first public reading of the Declaration, or the day closest to July 4 when the Senate is in session, we read the Declaration, this magnificent statement of America's founding principles, purpose, destiny, and other patriotic documents of the moment to remind us what we are about as a Nation, and in some sense, to refresh our sense of national purpose and to build on the celebrations that are part of July 4.

We all love the fireworks, we all love the time to be with our family, we love the parades and, of course, we are struck now, as we are at war, in the expressions of gratitude toward those who have put on the uniform of the United States of America to defend our freedom and our security.

But this all goes back to the beginning, to the extraordinary founding of this country by an extraordinary group of human beings. The truth is we do not celebrate enough that America, unique among Nations, was not defined from the beginning by its borders, by its geography, if you will, but by its ideology, by its values, as the founding generation of Americans expressed magnificently in the first official documents.

Those words of the Declaration about the self-evident truth that all of us are created equal and endowed not by Jefferson, the great American who wrote the Declaration, not by the philosophers of the enlightenment but by our Creator, with these unalienable rights to life, liberty, and the pursuit of happiness, that paragraph, and then it says, in order to secure those rights, the Government is formed; in other words, to secure the rights to life, liberty, and the pursuit of happiness, I always like to say America is a faith-based initiative founded on those endowments from our Creator. Building this magnificent architecture of freedom stated in the poetry of the founding generation of Americans has probably had more effect, has definitely had more effect on more people and more political activity in the 200-plus years since 1776 than any other single document. Of course, other documents stating other "isms" have come along, Nazism, Communism, Islamism, but the Declaration of Independence, Americanism, has prevailed.

The other thing that struck me as I read the Declaration was the anger and the passion we sometimes forget our founding generation had toward Great Britain and the King for all the tyrannical usurpations of their freedom that were the cause of the Declaration.

Finally, the document is a magnificently aspirational document. It states noble goals. But let us all be honest, at this moment on this floor, particularly at the moment in 1776, where the Declaration of Independence was signed and issued, America was nowhere near realizing the glorious values stated, of equality, of life and the pursuit of life and happiness. People of color had no rights. They were not even counted equal with White people. Women had effectively no rights. I was forced, by the validity of the document, to read a terribly bigoted and offensive reference to Native Americans. But that is the story of America. The Declaration gave us our purpose. It gave us our destiny. It put us on a journey. Succeeding generations of Americans have come closer to realizing the aspirations stated in that document. Of course, the work goes on in our time as it has for every previous generation of Americans.

I appreciate very much that Senator WEBB has come to the Chamber. I am pleased to yield to him for a reading of Thomas Jefferson's last letter.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Mr. President, it is my pleasure to participate in this remembrance today.

For more than 200 years, the American experiment in self-government has been a witness to all nations about the power of "the people." The Declaration of Independence establishes a fundamental principle that a government exists, not because some humans have a hereditary right to dominate others, but because the people themselves have consented to be governed by others.

In 1826, the Mayor of Washington, Roger Weightman, invited Thomas Jefferson to attend the 50th anniversary of the Declaration. In his letter of reply, dated June 26, Jefferson reiterates one last time, his belief in the principles of the Declaration. Thomas Jefferson died a week later, on the Fourth of July.

In that letter, Thomas Jefferson stated:

> I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made.
>
> May it be to the world, what I believe it will be (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government.
>
> That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man.
>
> The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.
>
> These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Virginia for a characteristically purposive and eloquent reading of a great document. I thank him for carrying the torch of Jefferson, along with that other great Virginian, Senator JOHN WARNER, in our time in the Senate.

While we await, hopefully soon, Senators MURKOWSKI and MARTINEZ, I thought I would go on and perhaps read the final document that I was going to read at the end. Before I do so, I thank Senator CORNYN of Texas whose idea this was, hoping this might form the basis of not only the Senate celebrating the documents but, of course, more than that, the values, the principles, the destiny, the American destiny captured in them and in the glorious words of our founding generation, but that we might, in doing so, perhaps carry out or begin a national civics lesson in all that we have to be grateful for as Americans, as each succeeding generation of Americans has not only taken on the responsibility to try to move the country closer to the aspirations that are expressed in these founding documents but, of course, each succeeding generation has benefited from the promise of equality stated in these documents. I thank Senator CORNYN.

I wish to now thank the people working for him. Senators have good ideas occasionally, but it is the staff who makes sure we implement them. I wish to particularly thank Nicole Gustafson, of his staff, and Michelle Chin and also Clarine Nardi Riddle, who is my chief of staff, who has worked on this on behalf of my office.

I have always been struck by the extent to which the founding generation of Americans was powerfully religious. In fact, they came to this country, most of them, to escape religious persecution. So it is no surprise that the original documents, as you can hear, of our country, as we read this morning, are full of references to God, the Almighty, nature's God, a whole series of descriptions. That is why, I said earlier and I say with pride and gratitude, America is a faith-based institution. That is why it always seems to me that anyone who tries to separate America and religion is doing something unnatural. The remarkable balance the Founders established was of a nation premised on faith in God, whose purpose was, as a government, to secure the rights each of us have as an endowment from our Creator and yet to do that in a way that, as the Declaration, as the Constitution, as the magnificent letter from our first President, George Washington, to the Hebrew congregation of Newport, RI, makes clear, respects everybody's right to believe in whatever they wish to believe in.

It struck me once, reading the Declaration, when we say that the right to life, liberty, and the pursuit of happiness is an endowment of our Creator, that one of the rights our Founders recognized is the right not just to believe in the Creator as one who chooses but, in fact, not to believe in our Creator and to equally enjoy the protections and rights that come to all Americans. It is perhaps because the Declaration of Independence is a faith-based document that it has had such universal application and effect across the world, inspiring generation after generation of people throughout the world, in every continent of the world, to essentially pick up the torch, to accept the destiny, to revolt against tyranny and despotism, to fight in the same revolutionary spirit that comes through the Declaration of Independence that we read a few moments ago for the freedom of their own people.

Of course, if you say, as our Founders did and as we believe, that the rights to life, liberty, and the pursuit of happiness that are the premise of the Declaration of Independence were the endowment of our Creator, surely our Creator, who created heaven and the Earth and all who live on it, did not intend for those rights to life, liberty, and the pursuit of happiness to be the exclusive possession of Americans. This is the most universal declaration of human rights. It still guides our foreign policy because it is what we are all about—freedom and the extension of freedom.

I do wish to say it has inspired enormous numbers of people throughout the world to fight, as our founding generation fought, for freedom.

The document I wish to read now, chosen by staff but a fascinating one, I must say—I had never seen it before—speaks to the profound faith of the founding generation, their knowledge of the Bible. In fact, I suppose it was at the Constitutional Congress, there was a debate about the symbol of the United States of America. And before the symbol that we have now was chosen, a few of the Founders suggested—argued, in fact—that it be a portrayal of the children of Israel crossing the sea divided by God's will because they felt they were, as some of them said, establishing here a new Jerusalem.

The letter I wish to read was written by John Quincy Adams, one of the great members of the founding generation, eloquent, a fighter for freedom. He delivered an address to the New York Historical Society, celebrating the 50th anniversary of George Washington's inauguration.

In that address, he urges the people to embrace the fundamental principles that motivated the founding generation, of which he was a part, and to make them a part of daily living. He premised it all on his own belief in the Bible. So let me read it to you now:

> When the children of Israel, after forty years of wanderings in the wilderness, were about to enter the promised land, their leader Moses, who was not permitted to cross the Jordan with them, just before his removal from among them, commanded that when the Lord their God should have brought them into the land, they should put the curse upon Mount Ebal, and the blessing upon Mount Gerizim.
>
> The injunction was faithfully fulfilled by his successor Joshua. Immediately after they had taken possession of the land, Joshua built an altar to the Lord, of whole stones, upon Mount Ebal. And there he wrote, upon the stones, a copy of the law of Moses, which he had written in the presence of the children of Israel: and all Israel and their elders and officers, and their judges, stood on the two sides of the ark of the covenant, borne by the priests and Levites, six tribes over against Mount Gerizim, and six over against Mount Ebal. And he read all the words of the law, the blessings and cursings, according to all that was written in the book of the law.

Now John Quincy Adams brings it home from the Bible to America when he says:

> Fellow-citizens, the ark of your covenant is the Declaration of Independence. Your Mount Ebal, is the confederacy of separate state sovereignties, and your Mount Gerizim is the Constitution of the United States.

He continues:

> In that scene of tremendous and awful solemnity, narrated in the Holy Scriptures, there is not a curse pronounced against the people, upon Mount Ebal, not a blessing promised them upon Mount Gerizim, which your posterity may not suffer or enjoy, from your and their adherence to, or departure from, the principles of the Declaration of Independence, practically interwoven in the Constitution of the United States.

So Adams brings it right from the Bible to America, to the Declaration and the Constitution. Then he says, in conclusion:

> Lay up these principles, then in your hearts, and in your souls—

And then quoting from the Bible, or picking the metaphor up, he says—

> bind them for signs upon your hands, that they may be as frontlets between your eyes—teach them to your children—

He is speaking now of the Declaration of Independence and the Constitution—

> speaking of them when sitting in your houses, when walking by the way, when lying down and when rising up—write them upon the doorplates of your houses, and upon your gates—cling to them as to the issues of life—adhere to them as to the cords of your eternal salvation.
>
> So may your children's children at the next return of this day of jubilee—

Remember, it was 50 years after Washington's inaugural—

> after a full century of experience under your national Constitution—

Today, we are now into our third century of experience—

> celebrate it again in the full enjoyment of all the blessings recognized by you in the commemoration of this day, and of all the blessings promised to the children of Israel upon Mount Gerizim, as the reward of obedience to the law of God.

A remarkable statement of the enduring bases of our great national documents that guide us to this very day.

I am very grateful to see our friend and colleague from Alaska, Senator MURKOWSKI, in the Chamber, and I will yield now to her for the Abraham Lincoln Independence Hall speech regarding slavery.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I am honored this morning to join with my colleagues to observe the anniversary of the Declaration of Independence and to participate by reading some of the documents that had underscored the principles of that great declaration.

Near the end of President-elect Abraham Lincoln's inaugural journey from Springfield, IL, to Washington, DC, he stopped in the city of Philadelphia. It was the occasion of George Washington's birthday.

Lincoln gave an impromptu speech at Independence Hall on February 22, 1861, and it was a speech that demonstrated his deep commitment to the principles of the Declaration of Independence. It was a commitment that would be tested in the years to come and for which he, too, gave his life.

So with that little introduction, I wish to read this impromptu address delivered by Abraham Lincoln. He stated:

> I am filled with deep emotion at finding myself standing here, in this place, where were collected together the wisdom, the patriotism, the devotion to principle, from which sprang the institutions under which we live. You have kindly suggested to me that in my hands is the task of restoring peace to the present distracted condition of the country. I can say in return, sir, that all the political sentiments I entertain have been drawn, so far as I have been able to draw them, from the sentiments which originated and were given to the world from this hall.
>
> I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. I have often pondered over the dangers which were incurred by the men who assembled here, and framed and adopted that Declaration of Independence. I have pondered over the toils

> that were endured by the officers and soldiers of the army who achieved that Independence.
>
> I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of the separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men. This is the sentiment embodied in that Declaration of Independence.
>
> Now, my friends, can this country be saved upon that basis? If it can, I will consider myself one of the happiest men in the world if I can help to save it. If it can't be saved upon that principle, it will be truly awful. But, if this country cannot be saved without giving up that principle—I was about to say I would rather be assassinated on this spot than to surrender it.
>
> Now, in my view of the present aspect of affairs, there is no need of bloodshed and war. There is no necessity for it. I am not in favor of such a course, and I may say in advance, there will be no bloodshed unless it be forced upon the Government. The Government will not use force unless force is used against it.
>
> My friends, this is a wholly unprepared speech. I did not expect to be called upon to say a word when I came here—I supposed I was merely to do something towards raising a flag. I may, therefore, have said something indiscreet, but I have said nothing but what I am willing to live by, and, in the pleasure of Almighty God, die by.

Mr. President, those were the words—the very eloquent words—given by President-elect Abraham Lincoln at Independence Hall on February 22, 1861—again, words that were impromptu, words that were inspired by his deep commitment, truly, to the principles embodied in our Declaration of Independence.

It is most fitting that as a Senate, as a body, we recognize those principles; that we again read those speeches from those great leaders from so many years ago, those leaders who have shaped our Nation to be the great Nation it is.

With that, I again thank the Senators who have given us the opportunity to read these profound words again and to share them with citizens across this great Nation.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator MURKOWSKI for that moving reading of the statement by President Lincoln and for all she does in our time to carry on those principles.

It struck me—I said earlier the Declaration was an aspirational document and positing the self-evident truth that all of us are created equal, having this endowment from our Creator to the rights of life, liberty, and the pursuit of happiness—the great promise of equality of opportunity—that it was not realized at the time, July 4, 1776, when it was written.

One of the groups I mentioned—women—had essentially no equal rights at that time. The story of America is the story of trying to, over time, reach the aspirations of the founding generation.

It was only into the last century, as you well know, I say to my friend from Alaska, that women got the right to vote, and only more recently that women began to be elected to the Senate in some numbers. So the work goes on. Obviously, you were elected because of your qualities as a person, not because of your gender.

But I note both the progress that has been made and the progress that yet has to be made to realize the fullest range of the goals of the Founders.

Senator MARTINEZ, the final Member to speak, is on his way. I will fill in a little bit.

I say to the Senator, your reading of Lincoln inspires me to recall that I recently read a book—I forget the name of the book, but I remember the author, William Lee Miller. I remember it well because he was a teacher of mine at Yale, who has now been teaching for many years at the University of Virginia. He wrote a book recently on Lincoln, and in it he analyzes Lincoln's first inaugural address.

I thought he made a powerful point that reminded me of the extent to which Lincoln in that first inaugural address talked about the oath of office he was taking and how it transformed him. In other words, he said when he raised his hand—the right hand—and put the other hand on the Bible and said he was now pledging to protect, preserve, and defend the Constitution, it transformed him as a person. Yes, he was still Abraham Lincoln, American citizen, but he was now the President, with a solemn and sacred obligation to protect, preserve, and defend the Constitution of the United States.

That was a powerful insight, and one I think all of us—as thrilled as I remember I was, and I am sure every Member of the Senate was when we walked to the well of the Senate the first time, and every time since, on the day we were sworn in as Senators, to feel transformed by the oath we take, which puts the interests of the Constitution and our Nation first above personal interests, above party interests.

In this particularly partisan chapter of American political history, it is worth remembering that the oath we took, as Lincoln's first inaugural instructs us, was not to protect and defend and preserve ourselves or our parties but to protect, preserve, and defend the Constitution of the United States, and, of course, the United States itself most of all.

I am grateful to see my friend from Florida in the Chamber and now yield to Senator MARTINEZ for the reading of Patrick Henry's speech.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank the Senator from Connecticut and very much appreciate his contribution this morning.

I am incredibly honored to have the opportunity to talk about Patrick Henry and the words he expressed at such a vital time for our Nation. As the Senator from Connecticut knows, I am an immigrant to this land. I am one who has been the beneficiary of the fruits of liberty that were obtained by others, and I am incredibly grateful for those opportunities to live in freedom that I have been afforded by this great Nation. So the Fourth of July always ranks as a very special day on my calendar.

The words of Patrick Henry have to do with a people who felt oppression, as I did in my youth. It is, at that time in someone's life, a little difficult to determine whether it is better to resist or reconcile, whether we move in the direction of conflict or in the direction of peace.

It was in that kind of a moment that Americans in the years preceding 1776 found themselves. So on March 23, 1775, at a meeting of delegates at St. John's Church in Richmond, Patrick Henry made the case for action.

There is a picture of the inside of the church which was taken from Patrick Henry's pew. Here are some excerpts from that famous speech.

It reads:

> Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren 'til she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? . . .
>
> . . . We have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament.
>
> Our petitions have been slighted; our remonstrations have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne!
>
> In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope.
>
> If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat, sir, we must fight! An appeal to arms and to the God of hosts is all that is left us!
>
> They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger?
>
> Will it be next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house?

> Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? . . .
>
> . . . The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.
>
> Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave . . .
>
> . . . It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace—but there is no peace.
>
> The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle?
>
> What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Those are the words of Patrick Henry, which I feel terribly inadequate delivering myself, but I am so honored to have this incredible opportunity, and the words ring so true today.

As we know how history unfolded, he was so correct about the fact that it was a time for action and that there would be an almighty who would stand on the side of freedom and on the side of liberty, which is still true today. I know the Senator from Connecticut would share that view with me.

I so much appreciate this wonderful opportunity, and I yield back to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator MARTINEZ for that wonderful reading and for all that his person speaks to. He said he was an immigrant to this country, born in Cuba. The truth is, we are all immigrants, the founding generation. We are all immigrants. The original Americans were Native Americans. I think some of us whose families have been here a while may forget all of that.

The country in its founding documents posited these magnificent ideas based on faith, the endowment of our Creator, but then this openness and equality. The Senator from Florida, in his lifetime, his fresh memory, reminds us all how we have to be grateful for each succeeding generation as an obligation to accept the responsibility and, if you will, the destiny that is included in these documents—the Declaration and the Constitution—but we are also beneficiaries of those. Certainly, I have been in my life, and the Senator from Florida has been in his life.

It is great to have somebody such as the Senator from Florida, by virtue of his own ability and hard work being a Senator, to be here and to read Patrick Henry's inspiring words. That is really what America is about.

Mr. MARTINEZ. It is very special.

Mr. LIEBERMAN. Mr. President, I am honored that Senator WARNER has come to the floor. He is a great Virginian in the tradition of Jefferson, and I wish to call on him because I believe he would like to add just a few words here at the end of this hour of celebration of our independence.

Mr. WARNER. Mr. President, I see our distinguished colleague from Missouri on the floor.

Mr. BOND. Mr. President, I apologize to my friend from Virginia, but we were going to start the FISA debate at 11. I understand there is a request to extend. I would like to lock in a time when we can accommodate those Senators wishing to speak but establish a firm time when Senator ROCKEFELLER and I may begin the discussion of FISA.

Mr. WARNER. Mr. President, I am going to speak for maybe 4 minutes. My distinguished colleague from Connecticut, who is too humble to say so, perhaps, deserves credit for what is going on this morning, together with Senator CORNYN. We are about to wind up in less than 15 minutes. I would think that at 11:15 we would be ready to go on the bill, and I wish to join the Senator from Missouri on this bill.

Mr. LIEBERMAN. Mr. President, if I may, I am going to finish up in a moment with just a minute because I have had plenty of time to speak, so we will be there before 11:15.

Mr. BOND. Mr. President, are there other requests of people wishing to speak?

Mr. WARNER. No.

Mr. LIEBERMAN. No.

Mr. WARNER. So I would put it in the form of a unanimous consent request that we be allowed to continue at this point.

EXTENSION OF MORNING BUSINESS

Mr. BOND. Mr. President, I think Senators CORNYN and DURBIN wish to speak. So after the Senator from Virginia and the Senator from Connecticut finish speaking, if we could—I would suggest that we give them the remaining time on morning business until 11:30. I ask unanimous consent to establish morning business until 11:30.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am very heart warmed that this concept is giving us the opportunity to talk about these magnificent documents. I was fortunate at one time to be designated by the President and actually confirmed by the Senate in a position for the Nation's bicentennial to lead discussions all across America in all 50 States—and indeed I traveled to 22 foreign countries—working on the concept of America's bicentennial and of the magnificence of the Constitution, the Declaration of Independence, and the Bill of Rights. I remember so well when talking to audiences the rapt attention that was given at that period in our history about the importance of these documents. Not one, not two—I don't know how many people would say to me that they felt the hand of divine providence came down and rested upon the shoulders of the Founding Fathers to put together such a magnificent framework of government.

That framework of government today stands as the longest and oldest surviving form of a democratic republic on Earth. It is something to think about. All the other forms of government—monarchies and so forth—have either been changed or have gone into the dust bin of history but not ours. It is because of the genius of these individuals that enables us to carry forward.

I remember I was challenged one time that Switzerland's Government was continuous. I reminded them that Napoleon crossed the Alps, I think it was in—and I will check it and correct it for the record—in about 1827 and annexed Switzerland to France. That persisted for some 18 months, and then Napoleon decided it was too cold over there, didn't want it, and cut it loose and let it go. I will polish that history later on.

I believe we should focus on the magnificence of this document, its endurance, and that we are proudly the trustees of this framework of government, to make it work as envisioned by the Founding Fathers. We recognize that with the passage of time, there are things that have overtaken some of the original—not their basic concepts, but just the electronic world in which we live now, the instantaneous information world and all of those things have contributed. Nevertheless, we are the oldest surviving democratic republic on Earth today because of the magnificent work of the Founding Fathers.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I wish to thank Senator WARNER for those very eloquent words. I can't think of a better way to end this celebration of the Declaration of Independence written by Thomas Jefferson of Virginia than with the words of the great Senator from Virginia today, JOHN WARNER. I appreciate all of the Members of the Senate having participated in this celebration of our founding documents and of the principles that have given America its purpose and destiny over these many decades. Of course, we hope this will serve in its way as a teaching instrument, a civics lesson for those around the country who may be listening.

For our own part here in the Senate, let's pledge today to uphold these principles and their values and the eloquence with which they were expressed, with the same dedication and persistence in courage as the great first generation of Americans who wrote them.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the time between now and 11:30 is equally divided between myself and a Senator on the Republican side?

The ACTING PRESIDENT pro tempore. That is not part of the unanimous consent agreement.

Mr. DURBIN. Is there any pending unanimous consent or any pending consent relative to the time?

The ACTING PRESIDENT pro tempore. Only that morning business continue until 11:30.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes—well, let me just make that request, that the remaining time between now and 11:30 be equally divided between the Democratic side and the Republican side and that I be allocated the Democratic time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

MEDICARE

Mr. DURBIN. Mr. President, after this debate on the history of our country and this institution, it is worth reflecting on the fact that were it not for this Chamber, this Senate, we may not be a United States of America. They couldn't reach an agreement on what to do with small Colonies when they became States. Would they be overwhelmed by some House of Representatives where the big Colonies with the big populations would dominate? So the small Colonies held back, and they reached a compromise. They said: We will create a Senate of small Colonies and large Colonies, soon to become States; they will each have two Senators. So even if you are small in population, you will have an equal voice as a large Colony and a large State. That is why today in the Senate, every State has two Senators regardless of its size, and that is why the Senate is of equal import in the legislative process as the House. That was the great compromise.

Then the Senate wrote its rules consistent with that compromise and said: And then within the Senate, each of these States will be recognized and respected as a minority. So it takes more votes to do things in the Senate than it does in the House. It isn't strictly a majority rules.

They created something called a filibuster. A filibuster, which some of you recall from Jimmy Stewart in "Mr. Smith Goes to Washington," is when a Senator would stand and start to speak, hold the floor, stop the debate, and this Senator, by himself or herself, really controlled the Chamber. For the longest time, that is the way it worked or, in fact, didn't work. Any Senator could stop the train. Any Senator could stop the Senate.

Then, in the early 1900s, they said: Well, there ought to be a way to stop one Senator from bringing the Senate to a halt. Maybe if we came up with 67 votes or a two-thirds vote of the Senate, then we could make that Senator stop filibustering and go on with our business. That was the rule for a long time. Then in the 1960s it was changed again to 60 votes. Today that is the rule. If any Senator starts a filibuster to amend or stop any nomination, any bill, any treaty, it takes 60 votes to stop the filibuster and move forward on the bill.

How often are filibusters used? In the history of the Senate, rarely. But now there is a new game in town. The history of the Senate tells us that the largest number of filibusters in any 2-year period in the history of the Senate has been 57 filibusters.

Look at the record for this session of Congress. We have had 79 Republican filibusters, and we are still counting. In other words, 79 different times the Republican minority Senators have tried to stop the business of the Senate, stop the debate, stop the amendment, and force this vote, the 60 votes to resume business in the Senate.

Of course, every time we have to come up with 60 votes, we have to burn 30 hours off the clock. So we waste a day and a few hours. And every time we need 60 votes to move something forward, we need at least nine Republican Senators joining the 51 Democrats. That is the math of the Senate today, 51 to 49.

On many occasions, when 79 Republican filibusters were initiated, the matter before the Senate came to a halt. We could not come up with 60 votes. The filibuster prevailed. We had to move on to another item of business.

You say to yourself: How do you ever get anything done? If any Senator can stand up and stop the Senate, and 79 times in the last year and a few months this has happened, how do you ever get anything done? The answer is, there are some Senators who do not want anything to get done. They are determined that the Senate not take up controversial issues, that the Senate not pass legislation, and they are the dominant voice in the minority today.

The most recent issue that brought this before the Senate is one that affects 40 million Americans directly. I am talking about senior citizens under Medicare and another 8 or 9 million Americans under TRICARE, which is the health insurance plan for those members of the military and their families and some veterans. Here is the issue.

On July 1, there went into effect a provision that reduced the reimbursement for doctors who treated Medicare patients by 10.6 percent. We knew this was coming. We have tried to address it. Many doctors have said: This would be a disaster. If you reduce our reimbursement for Medicare, many of us cannot afford to take Medicare patients. We will reduce our caseloads, which means senior citizens will not have the choice and doctors they want.

Some of the doctors they trusted will say: I am sorry, we have to reduce the number of Medicare patients because we are not getting paid adequately by the Federal Government.

We had a provision before the Senate, and we said let's stop the 10-percent reimbursement cut from going into effect. That is what it said. The House considered that same provision, and the House passed it by a margin of 6 to 1. A majority of the Republicans joined the overwhelming number of Democrats and said: We don't want the pay cut for physicians treating Medicare patients to go into effect. It passed 6 to 1.

Then it came over here, and we thought it was fairly routine. Guess what. Filibuster No. 79. The Republicans stood up and said: We don't want you to consider this issue. You will need 60 votes to move forward on this Medicare issue. So we called it for a vote before the Fourth of July recess, and we lost. How many votes did we put on the board? We needed 60. We put 59 on the board. Of course, Senator KENNEDY is recovering. He was not here. But all the other Democrats—including Senator CLINTON who was back from the Presidential campaign, and Senator OBAMA came back—voted in favor of suspending this cut in Medicare reimbursement for physicians. But only nine of the Republicans crossed the aisle. We needed the 10th Republican, and we could not get it. We could not get 60 votes. As a result, we went home.

We are back because the issue is back because across America we are hearing from doctors, we are hearing from seniors, the American Medical Association, the American Association of Retired Persons, and scores of other health and senior groups that are saying to us: This is irresponsible. The Senate has a responsibility to stop this cut from going into effect and jeopardizing the medical care for 40 million seniors and 8 or 9 million members of military families.

So when the vote comes up tomorrow to strengthen Medicare, we need one more Republican vote. We need one more Republican Senator to join us.

We are hoping that out of those who voted against this provision the last time, some have gone home and heard from seniors, heard from the doctors, and believe Medicare is important.

What I have just described to you is the centerpiece of this debate. But there is another part to it which I have to mention. The way we pay for this reimbursement to Medicare physicians is to slightly—slightly—reduce the compensation given to private health insurance companies which are offering Medicare coverage. They are called Medicare Advantage companies. These companies were given this right to compete with Medicare a number of years back. Some of them have never been fans of Medicare. Some of them believe the private insurance companies can do a better job than the Government's Medicare Program, so they said: Let these private health insurance companies compete. Let them offer Medicare coverage.

They started offering it, and guess what happened. They started charging dramatically more for the same service that the Government Medicare Program was already providing. How much more? It was 13 to 17 percent more in cost.

Secondly, we found out they were not providing the basic health care they said they were going to provide to the Medicare people. And, third, they were using marketing practices that were unacceptable.

We reduced slightly the reimbursement to these companies so we can pay doctors under Medicare, and many of the Republicans objected saying they were more devoted to standing by these private health insurance companies than providing reimbursement for Medicare physicians.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. That is the vote tomorrow. On the vote tomorrow, we need one more Republican Senator to join in this effort. We hope Senator MCCAIN will be back. I don't know Senator MCCAIN's position on this issue. I hope he is for Medicare. I hope he is against this physician Medicare cut. It is time for Senator MCCAIN to make his position clear and return to the Senate for this critically important vote, this historic vote. We want to make sure tomorrow that Medicare's future is bright. We have confidence that the doctors will be reimbursed and that seniors across America can receive their Medicare services without fear of having them cut off. We need JOHN MCCAIN on the Senate floor tomorrow. We need to make sure we have enough Republican votes tomorrow to make this bipartisan measure the same success in the Senate as it was in the House.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I understand there is no Republican who will claim the time remaining in morning business. I ask unanimous consent that I may have the time until 11:30 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE AMENDMENTS ACT OF 2008

Mr. CARDIN. Mr. President, I rise today in opposition to final page of this legislation, H.R. 6304, the Foreign Intelligence Surveillance Act of 1978, FISA, Amendments Act of 2008, if it is not amended to change the retroactive immunity provisions.

The President must have the necessary authority to track terrorists, intercept their communications, and disrupt their plots. Our Nation still faces individuals and groups that are determined to do harm to Americans, as well as our interests throughout the world.

I have spent many hours at the National Security Agency, which is located in Fort Meade, MD. The men and women of our intelligence agencies are dedicated public servants who are doing a great job on behalf of their country. They are trying to do their jobs correctly, and comply with all applicable laws and regulations.

As a member of the Judiciary Committee, I have received classified briefings about the advice and requests that were given to the telecommunications companies by the U.S. Government. I have seen the opinions of counsel on this issue. I have attended numerous hearings on this issue.

Congress must indeed make needed changes to FISA to account for changes in technology and rulings from the FISA Court involving purely international communications that pass through telecommunications routes in the United States. While we have a solemn obligation to protect the American people, we must simultaneously uphold the Constitution and protect our civil liberties.

After learning about executive branch abuses in the 1960s and 1970s, Congress passed very specific laws which authorize electronic surveillance. Congress has regularly updated these measures over the years to provide the executive branch the tools it needs to investigate terrorists, while preserving essential oversight mechanisms for the courts and the Congress. FISA requires the Government to seek an order or warrant from the FISA Court before conducting electronic surveillance that may involve U.S. persons. The act also provides for postsurveillance notice to the FISA Court by the Attorney General in an emergency.

I am very concerned that the FISA law was disregarded by the administration, and want to ensure that we put an end to this type of abuse. We are a nation of laws and no one is above the law, including the President and Attorney General. The President deliberately bypassed the FISA Court for years with his warrantless wiretapping program—long after any emergency period directly following the 9/11 terrorist attacks—and did not ask Congress to change the FISA statute. In fact, President Bush refused to fully brief Congress on the Terrorist Surveillance Program, TSP, the existence of which was only exposed through a New York Times story. After the story broke, the administration reluctantly agreed to place this program under the supervision of the FISA Court.

I do believe that many of the telecommunications companies cooperated with the Government in good faith, and may be entitled to relief. But the FISA statute of 1978 already lays out procedures for the Government to seek a court order and present this order to the telecommunications companies and require their assistance. The 1978 FISA statute also provides certain immunities to telecommunications companies that provide this type of assistance to the Government.

The President chose to ignore the FISA statute. If the President did not want to use the FISA statute or wanted to change it, he had the responsibility to come to Congress and ask for that change. He cannot change the law by fiat, or by issuing a Presidential signing statement. Congress must change the law, and the courts must interpret the law. Congress and the courts have the power, and often the responsibility, to disagree with the President, and these co-equal branches have the constitutional checks to override his veto, disapprove of a request for a warrant, or strike down an action as unconstitutional.

I will vote against retroactive immunity for the telecommunications companies. The current bill only authorizes the district court to review whether the companies received written requests from the U.S. Government stating that the activity was authorized by the President and determined to be lawful by the executive branch. The Court would have to simply accept the executive branch's conclusion that the warrantless wiretapping outside of the FISA statute and without FISA Court approval was legal, which means the executive branch—not the judiciary—gets to decide whether the law was broken. I want the courts to be able to look at what the executive branch is doing. I want the court to protect individual rights. Granting this type of immunity would violate the basic separation of powers. It would also create a dangerous precedent for future administrations and private actors to violate the law, and then seek relief in Congress or from the President through an after-the-fact amnesty or pardon.

There was a way to provide the telecommunications companies with appropriate relief. Senator FEINSTEIN's amendment would have allowed the courts to grant relief to the telecommunications companies if they acted reasonably under the reasonable assumption that the Government's requests were lawful. This amendment would have preserved the independent judgment of the judiciary, and preserved the necessary check and balance in our system of government. Unfortunately, the negotiators for this legislation rejected this compromise.

I also want to note the improvements made to title I of this legislation, compared to current law and the Senate-passed Intelligence Committee version. I thank the Members of the House and Senate who worked hard on improvements to this legislation, particularly House majority leader STENY HOYER.

Title I is not perfect, but it is does bring the President's program under the FISA statute and FISA Court, and provides for oversight by Congress and the courts.

Title I contains a sunset of December 2012 for this legislation. I feel strongly that the next administration should be required to come back and justify these new authorities to Congress. As a member of the Judiciary Committee, I believe the only meaningful cooperation we received from the executive branch on this issue occurred when they were facing a sunset and a potential lapsing of their authorities and powers under the statute. Congress will then have time to evaluate how the new law has been implemented, and debate whether further changes are needed.

This legislation also requires the inspector general to review compliance with: (1) Targeting and minimization procedures; (2) reverse targeting guidelines; (3) guidelines for dissemination of U.S. person identities; and (4) guidelines for acquisition of targets who turned out to be in the United States. The inspector general review will be provided to the Attorney General, Director of National Intelligence, and the Judiciary and Intelligence Committees of the Senate and House. The public would also be given an unclassified version of these reviews, reports, and recommendations. These reviews will help Congress evaluate the new authorities under the FISA statute, and how the executive branch and the FISA Court are using these new authorities, before the legislation sunsets. Congress can then decide how best to reauthorize this program.

The bill strengthens the exclusivity language of FISA and the criminal wiretap laws. Congress is making very clear that these statutes are the exclusive means by which electronic surveillance can be legally conducted by the U.S. Government. The bill also removes a troubling attempt to unduly broaden the definition of "electronic surveillance."

Supreme Court Justice Anthony Kennedy, in his opinion in the recent Boumediene case on the Guantanamo detainees, stated: "The laws and Constitution are designed to survive, and remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law."

I believe title I should have been strengthened by more effective court review. However, absent the retroactive immunity provisions in title II, I would support the compromise legislation, because it is important for the intelligence community to have the tools it needs. However, I regret that if the retroactive immunity provision remains unchanged in the final legislation, I will vote against the legislation, because of the fundamental problem with that provision.

In conclusion Mr. President, shortly we will be considering the amendments to the Foreign Intelligence Surveillance Act, the FISA act. I must tell you, I think it is important that our intelligence community have the tools they need to obtain information from foreign sources. That is what this legislation is about. We need to modernize the FISA law. Communication methods have changed, and we need to give the tools to the intelligence community to meet their modern needs of communication.

I serve on the Judiciary Committee. I was privy to many hearings we had, some of which were classified, to find out the information as to what we could do. We brought forward legislation that I think was the right legislation that would have given the necessary tools to the intelligence agencies to get information from foreign sources without being burdened by unnecessary court approval and protect the civil liberties of the people of this Nation. Unfortunately, that compromise was rejected.

We are in this situation today where we have had major disagreements on how to amend the FISA statutes because of the action of the Bush administration. It is absolutely clear to me that the President went beyond the legal or constitutional authority that he has in doing wiretaps without court approval. I want to make it clear, the men and women who work at our intelligence agencies, many of whom are in Maryland at NSA, are doing a great job. They are trying to do everything that is correct to protect our Nation and do it in the correct manner. It was the Bush administration that went beyond the law. It was the Bush administration that went beyond the Constitution.

It is important for us to balance the needs of our community to get information to protect us but also protect the civil liberties with the proper checks and balances in our system.

That brings me to H.R. 6304, the legislation that will shortly be before us.

Title I is a much better bill than the bill that left the Senate earlier this year. I think this bill has been worked on in a very constructive environment. I compliment not only Senator ROCKEFELLER, who is on the Senate floor, for his hard work on this legislation, I also compliment my colleague from Maryland, Congressman HOYER, the majority leader of the House of Representatives, for the work he did in bringing us together on a bill that I think is a better bill than the bill that left the Senate.

This bill provides for a sunset in 2012. That is important because I find we do not get the attention from the administration on this issue unless they are faced with a deadline from Congress. This will force the next administration to take a look at this legislation and come back to the Congress with modifications or justifications for the continuation of the legislation. I think that is an important improvement.

The legislation provides for the inspector general to review the targeting and minimization provisions. The targeting is when a U.S. citizen, perhaps indirectly, is targeted. And the minimization procedures deal with when the intelligence community gets information about an American without court approval, to minimize the use of that information or to seek court approval. Both of those provisions will be reviewed by the inspector general and reports issued back to the Congress with unclassified versions available for public inspection.

The FISA Court is strengthened through the compromise that has been reached. Let me make it clear, I would have liked to have seen the Judiciary Committee's bill passed and enacted into law. I think we can still improve title I. But I believe in the legislative process, and I think there has been a fair compromise reached on title I.

If title I were before us as an individual action, I would support the compromise because I think it is time to move forward. But there is title II, and title II is the retroactive immunity. It gives retroactive immunity to our telecommunications companies, our telephone companies. They are entitled to some relief. They acted under the urgency of the attacks on our country on September 11 and with the request of the President of the United States. They are entitled for some relief. But this provision goes way too far.

It authorizes the executive branch to determine the legality of their actions. In other words, the agency, the President who asked for the information, will determine whether the telephone companies acted properly. It should be the courts. This takes too much away from the judicial branch. It, in my view, compromises the checks and balances that are so important in our constitutional system.

We didn't have to be here. I thought Senator FEINSTEIN offered a fair compromise, and I am surprised it was not taken by the negotiators. Senator FEINSTEIN said: Why don't we let the FISA Court make a decision as to whether the telephone companies acted legally? That is a compromise I could have supported. I think it would have been a fair compromise. Unfortunately, that was rejected. Title II is a fundamental flaw in the separation of powers, in the proper protection of civil liberties of the people of this Nation, and a dangerous precedent for future action by this Congress.

I will vote to remove or modify title II by the amendments that will be presented later today. I prefer to modify it. As I suggested, I think we have compromises that can work, but I will vote to remove it if there are no other options presented. If we do not modify title II, reluctantly I will not be able to support the compromise legislation that has been presented.

I urge my colleagues to try to get this done right. This is an important bill. Unfortunately, it is fatally flawed with the legislation that is before us.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Without objection, morning business is closed.

FISA AMENDMENTS ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed is agreed to and the motion to reconsider is made and laid on the table.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the time I consume be allocated to the Dodd amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I strongly support Senator DODD's amendment to strike the immunity provision from this bill, and I especially thank the Senator from Connecticut for his leadership on this issue. Both earlier this year, when the Senate first considered FISA legislation, and again this time around, he has demonstrated tremendous resolve on this issue, and I have been proud to work with him.

Some have tried to suggest that the bill before us will leave it up to the courts to decide whether to give retroactive immunity to companies that allegedly participated in the President's illegal wiretapping program. But make no mistake, this bill will result in immunity being granted—it will—because it sets up a rigged process with only one possible outcome. Under the terms of this bill, a Federal district court would evaluate whether there is substantial evidence that a company received . . .

> a written request or directive from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful.

We already know, from the report of the Senate Intelligence Committee that was issued last fall, that the companies received exactly such a request or directive. This is already public information. So under the terms of this proposal, the court's decision would actually be predetermined.

As a practical matter, that means that regardless of how much information the court is permitted to review, what standard of review is employed, how open the proceedings are, and what role the plaintiffs are permitted to play, it won't matter. The court will essentially be required to grant immunity under this bill.

Now, our proponents will argue that the plaintiffs in the lawsuits against the companies can participate in briefing to the court, and this is true. But they are not allowed any access to any classified information. Talk about fighting with both hands tied behind your back. The administration has restricted information about this illegal wiretapping program so much that roughly 70 Members of this Chamber don't even have access to the basic facts about what happened. Do you believe that? So let's not pretend that the plaintiffs will be able to participate in any meaningful way in these proceedings in which Congress has made sure their claims will be dismissed.

This result is extremely disappointing. It is entirely unnecessary and unjustified, and it will profoundly undermine the rule of law in this country. I cannot comprehend why Congress would take this action in the waning months of an administration that has consistently shown contempt for the rule of law—perhaps most notably in the illegal warrantless wiretapping program it set up in secret.

We hear people argue that the telecom companies should not be penalized for allegedly taking part in this illegal program. What you don't hear, though, is that current law already provides immunity from lawsuits for companies that cooperate with the Government's request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. But if requests are not properly documented, the Foreign Intelligence Surveillance Act instructs the telephone company to refuse the Government's request, and it subjects them to liability if they instead decide to cooperate.

When Congress passed FISA three decades ago, in the wake of the extensive, well-documented wiretapping abuses of the 1960s and 1970s, it decided that in the future, telephone companies should not simply assume that any Government request for assistance to conduct electronic surveillance was appropriate. It was clear some checks needed to be in place to prevent future abuses of this incredibly intrusive power; that is, the power to listen in on people's personal conversations.

At the same time, however, Congress did not want to saddle telephone companies with the responsibility of determining whether the Government's request for assistance was legitimate. So Congress devised a good system. It devised a system that would take the guesswork out of it completely. Under that system, which is still in place today, the company's legal obligations and liability depend entirely on whether the Government has presented the company with a court order or a certification stating that certain basic requirements have been met. If the proper documentation is submitted, the company must cooperate with the request and it is, in fact, immune from liability. If the proper documentation, however, has not been submitted, the company must refuse the Government's request or be subject to possible liability in the courts.

This framework, which has been in place for 30 years, protects companies that comply with legitimate Government requests while also protecting the privacy of Americans' communications from illegitimate snooping. Granting companies that allegedly cooperated with an illegal program this new form of retroactive immunity in this bill undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of abuse that allegedly occurred here.

Even worse, granting retroactive immunity under these circumstances will undermine any new laws we pass regarding Government surveillance. If we want companies to obey the law in the future, doesn't it send a terrible message, doesn't it set a terrible precedent, to give them a "get out of jail free" card for allegedly ignoring the law in the past?

Last week, a key court decision on FISA undercut one of the most popular arguments in support of immunity; that is, that we need to let the companies off the hook because the State secrets privilege prevents them from defending themselves in court. A Federal Court has now held that the State secrets privilege does not apply to claims brought under FISA. Rather, more specific evidentiary rules in FISA govern in situations such as that. Shouldn't we at least let these cases proceed to see how they play out, rather than trying to solve a problem that may not even exist?

That is not all. This immunity provision doesn't just allow telephone companies off the hook; it will also make it that much harder to get at the core issue I have been raising since December 2005, which is that the President broke the law and should be held accountable. When these lawsuits are dismissed, we will be that much further away from an independent judicial review of this illegal program.

On top of all this, we are considering granting immunity when roughly 70 Members of the Senate still have not been briefed on the President's wiretapping program. The vast majority of this body still does not even know what we are being asked to grant immunity for. Frankly, I have a hard time understanding how any Senator can vote against this amendment without this information.

I urge my colleagues to support the amendment to strike the immunity provision from the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, would the distinguished Senator from Wisconsin yield for a question?

Mr. FEINGOLD. I will.

Mr. SPECTER. As the Senator from Wisconsin doubtless knows, there was a very extensive analysis of these issues by Chief Judge Walker of the San Francisco District Court handed down last Wednesday, and I think it was no coincidence that the decision preceded just a few days—after everybody knew, including Chief Judge Walker—of the Senate taking up this question.

In that opinion, Chief Judge Walker finds the Terrorist Surveillance Program unconstitutional. He says, flatly, that the language of the Foreign Intelligence Surveillance Act of 1978 means what it says on the exclusive remedy for warrants, and that the President exceeded his article II powers as Commander in Chief.

As we all know, the Detroit District Court came to the same conclusion, was reversed by the Sixth Circuit in a 2-to-1 opinion on standing, and then the Supreme Court of the United States handily ducked the question by the noncert. That is the principal constitutional confrontation of our era, on article I powers by Congress and article II powers of the President as Commander in Chief. They denied cert. And on the standing issue, as disclosed by the Senate opinion in the Sixth Circuit, the Supreme Court could easily have taken the case to resolve this big issue.

But now Judge Walker has decided, and it is very significant, because Judge Walker has these more than 40 cases pending on the effort to grant retroactive immunity. The case he decided it on is the Oregon case where State secrets are involved, with the inadvertent disclosure by the Federal agents.

It is hard for me to see how you have a State secret which is no longer secret. And you have a document, just electronic surveillance, which was disclosed, so it is no longer a secret. That remains to be decided under the opinion of Chief Judge Walker, but he says there is a "rich lode" of material on the standing issue.

These questions involve extraordinarily complex matters. The Senator from Wisconsin knows that. He has been deeply involved in it. And the distinguished chairman knows that, because he has been deeply involved in these matters. My question to the Senator from Wisconsin is twofold:

One, what do you see as the immediate ramifications of Chief Judge Walker's opinion handed down a few days before we are to decide it?

And a related question: What do you think of the likelihood that Members of the Senate have had or could have an adequate opportunity to review that 59-page opinion with all of its detailed ramifications?

Mr. FEINGOLD. Mr. President, I thank the Senator for asking the question. Yes, I referred to this decision in my brief comments about this amendment. I think it is obviously a significant decision. As I indicated, it deals with the State secrets issue. It says that FISA is in fact the exclusive means and that the evidentiary rules regarding FISA should control, rather than State secrets. That is an important finding. But even more important is what the Senator from Pennsylvania is alluding to, which is the broader issue that the judge didn't decide, but clearly he indicated where he would head on the question of whether the President's TSP program was illegal—and I have long believed that it was illegal. In fact, the Senator and I were the first Members to comment on the revelation of this program in December of 2005 on the floor of the Senate.

I have examined it closely myself, as a member of the Intelligence Committee and the Judiciary Committee, and I feel even more strongly today than I did then that this program was illegal and there needs to be accountability for that illegality. That accountability can come in part from litigation of the kind that involved this district court decision, and it can come from other cases that are pending. But my concern, of course, is that if we jam this bill through, it may have an impact on the ability to pursue that underlying legal issue because of the effective granting of immunity to telephone companies. So this decision has significance, but I can't tell you that I know all the ramifications.

Obviously, Members of the Senate, to answer your question, should review the opinion and have a chance to find out more about the opinion. But there are 70 Members of the Senate who haven't even had the benefit of what you and I have had, which is the briefing on the actual TSP and what happened from 2001 to 2007 with regard to wiretapping.

I thank the Senator for making this important point about Senators being ready to grant this immunity without reviewing the litigation.

Mr. SPECTER. Mr. President, if the Senator from Wisconsin will yield for just one more question? And that is, in the context, is the Senator—I asked him to yield for one more question, and I will use a microphone so perhaps he can hear me, perhaps some people on C-SPAN2 will hear me, perhaps some Senators will hear me, because we need to be heard on this subject because of its complexity.

The question relates to what the Senator from Wisconsin has said. He puts it at some 70 Members of the Senate have not been briefed on the program. I have heard from House leadership that most of the Members of the House have not been briefed on the program. There has been no official determination. The language is picked up from the allegations of the complaint as to what is alleged.

The question is, How can the Congress intelligently decide—maybe that is too high a standard. But how can the Congress, especially the world's greatest deliberative body, the U.S. Senate—how can the decision be made on electronic surveillance, granting retroactive immunity, when we don't know what we are granting retroactive immunity to?

The second part is, How can we fly in the face of the decision by the judge who is ruling on these cases—we are sending them all to him—when he, speaking for the court: The law of the case is that the terrorist surveillance program is unconstitutional, that it exceeds the authority.

The Foreign Intelligence Surveillance Act also covers the pen register and related items, so—not specifying what is involved here—whatever is involved, sending it to the judge who has already said it is unconstitutional. How can we deal in an intelligent manner given those two critical factors?

Mr. FEINGOLD. Mr. President, I again thank the Senator from Pennsylvania for his comments and question. Really, the only appropriate answer is to say "amen" to everything he just said. Think about this: To vote on anything when 70 Members of the Senate haven't been briefed on it seems unbelievable, and then you add to it that it has to do with the most critical issue of our time: How can we best protect our country from those who attacked us while also observing the rule of law? That would be bad enough. But then you add to it, as the Senator from Pennsylvania has indicated, that this goes to the very core issue of the structure of the Constitution. Is it really true, as the administration puts forward in defense of the TSP program, that article II of the Constitution somehow allows the executive and Commander in Chief power to override an absolutely clear, exclusive authority adopted by Congress pursuant to Justice Jackson's third tier of the test set out in his Youngstown opinion?

All of these levels are implicated by this. The Senator could not be more correct. This is an amazingly inappropriate use of legislative interference, pushed by this administration, and Senators should take a very hard look at whether they want to be associated with such an attack on the rule of law in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am opposing the amendment. So I would be taking time from Senator BOND. I ask for approximately 20 minutes.

The ACTING PRESIDENT pro tempore. Duly noted.

Mr. ROCKEFELLER. Mr. President, my colleagues have submitted two amendments seeking to accomplish somewhat the same goal before, and in a sense now down to one. Senators DODD and FEINGOLD have an amendment to strike title II of the FISA bill. It is very plain and simple, and they are very clear about that. The amendments have the same effect—eliminating the title that provides a mechanism for a U.S. district court to decide whether pending suits against telecommunications companies should be dismissed.

Two other amendments with respect to title II, to be offered by Senator SPECTER and Senator BINGAMAN, will follow. While I address those amendments in separate statements, I would like to say now with respect to the amendments that I oppose each of them and I urge that the Senate pass H.R. 6304 without amendment so that the delicate compromise which serves as best it can to protect both national security and privacy and civil liberties can, in fact, become law.

Six and a half years ago, instead of consulting with Congress about changes that might be needed to FISA, the President made the very misguided decision to create a secret surveillance program that circumvented the judicial review process and authorization required by FISA and was kept from the full congressional oversight committees. That is calling it running around the end altogether. We are right to be angry about the President's actions, but our responsibility today is to look forward. That is what this bill is about, to make sure we have adequately dealt with the numerous issues that have arisen from the President's very poor decision, bad decision.

The bill in front of us today accomplishes three important goals with respect to the President's warrantless program.

First, the bill establishes a sure and realistic method of learning the truth about the President's program—I repeat, learning the truth about the President's program. It requires the relevant inspectors general—that is a term of art. What I mean by that is the inspectors general of the CIA, DOD, NSA, et cetera, people who oversee and know what is in this program altogether—to submit an unclassified report about the program to the Congress. This report will ensure that both Congress and, by the way, therefore, obviously, the public will have as complete a picture of the President's warrantless surveillance program as possible or as messy as it may be for them to ingest.

Second, the bill tightens the exclusivity of the FISA law, making it improbable for any future President to argue that acting outside of FISA is lawful. That is huge. That means the President can never again, ever use what he has used—his all-purpose powers—and say he can just walk right around the end of FISA. He has to have a statutory authority, it has to come from us, and he cannot bypass FISA as he did altogether.

Third, the bill addresses the problems the President's decision has caused for the telecommunications companies that were told their cooperation was both legal and necessary to prevent another terrorist attack. They were not told a lot, but they were certainly told that. The bill does not provide those companies with a free pass. It requires meaningful district court review of whether statutory standards for protection from liability have been met for the companies having relied on the Government's written representations of legality.

You remember there was a period when we were using the FISA Court to make these kinds of judgments, and we bent to the better wisdom of the House with respect to the district court, which is a more public court. So they have that responsibility.

All of these pieces fit together, and not just because they are part of a larger compromise on this bill. Private companies that cooperated with the Government in good faith, as the facts before the congressional intelligence committees demonstrate they did, should not be held accountable for the President's bad policy decisions. But if the court ultimately dismisses the litigation against those companies, it is important that there be a mechanism for public disclosure about the President's program, and it is precisely, therefore, in this bill that the inspectors general report, which has to be provided to us within a year, provide that public accountability.

Likewise, we can only put past actions behind us if we can be reassured that this will not happen again, and therefore the strength in the exclusivity language in the FISA bill addresses that concern. That it does.

Together, the three components of the bill provide accountability for the mistakes of the past as well as a way to move forward.

Although title II in the bill before us today differs in important ways from the title II we passed out of the Senate this past February, the two bills address the same underlying problems faced by the telecommunications companies.

Because the majority of the information in the cases is classified, there has been no substantial progress in the cases against the telecommunications companies—several of them have been going on for years. Classified information, they can't have it; state secrets, can't have it. The Government has not even allowed the telecommunications companies in the many pending lawsuits to disclose publicly whether they assisted the Government. These companies, therefore, have not been permitted to invoke the defense to which they are entitled. But sued they are. The companies cannot reveal, for example, whether they did not participate in the program. That would be a false accusation against some company, but they cannot say that they didn't participate or that they only participated pursuant to a court order—they can't talk about that—or participated in reliance on written Government representation of legality—cannot talk about that. The bill before us today allows these defenses to be presented to the district court, the public court—not the FISA Court, which is kind of a secret court, but to the district court, which is not a secret court. It is a public court.

The Attorney General is authorized to certify to the court that particular statutory requirements have been met without requiring public acknowledgment of whether particular providers assisted the Government.

The bill then requires the district court to determine whether the Attorney General's certification is supported by "substantial evidence." That is a higher, tougher standard than the "abuse of discretion" test we had in the Senate bill. In making this assessment, the district court is specifically authorized to review the underlying documents on which the Attorney General's certification is based. The court can, therefore, "review any court orders, statutory directives or certifications authorizing providers' cooperation."

Importantly, the court may also review the highly classified documents provided to the companies indicating that the President had authorized the program and that it had been determined to be lawful. Explicitly allowing the court to base its decision on whether companies are entitled to liability protection on relevant underlying documents is an important improvement to the bill, and I am happy it is in it.

Because such documents would be classified, any review of those documents in the litigation prior to this bill would have been limited to a court assessment of whether the documents were privileged. The court could not have relied on what the Government's communications to the providers actually said in making its assessment about whether the cases should be dismissed. The court could not have relied on what those Government communications said—it is different.

This bill before the Senate, therefore, gives the district court both an important role in determining whether statutory requirements for liability protection have been met and the tools to make that assessment.

The FISA bill also provides a more explicit role for the parties to the litigation—this is new and better—to ensure that they will have their day in court open—sort of, and so to speak—but they will have their day in court.

But they will have their day in court. They are provided the opportunity to brief the legal and constitutional issues before the court and may submit documents to the court for review. Whatever it is they want to submit, they can submit.

A few of my colleagues have argued that including any sort of mechanism that would allow the district court to resolve these cases will prevent the public from hearing the details about the President's program. But even if the litigation were to continue indefinitely, it would never tell the full story.

Lawsuits have now been pending for, as I indicated, over 2 years. The fight during all that time, and the likely fight in the future, has been about whether the plaintiffs will have access to any classified information about the program. The plaintiffs in the litigation, they have never been and will never be provided with wide-ranging information about the President's classified program that would enable them to put together a comprehensive picture of what happened.

This capability is reserved for those who have complete access to information about the program. And that again is why I come back to the importance of the inspectors general aspect of this oversight. You can say: inspectors general, them and their reports. Well, inspectors general can take apart their agencies, and they are sort of in there to do that.

That is why we have asked the inspectors general of these relevant intelligence agencies, including the DOD, who do, in fact, have complete access to information about the program, to conduct a comprehensive review of that same program, the whole thing.

The FISA bill requires a report of the review be submitted to the Congress in a year and requires that the report, apart from any classified annex, be submitted in an unclassified form that can be made available to the public.

That is not a dodge, that is simply a fact. You cannot release classified information to the public. So this is an appropriate way to obtain answers to questions about the President's program and ensure the public's accountability.

Critics have also claimed that granting immunity will suggest to the telecommunications companies that that compliance with the law is optional or that Congress believes that the President's program was legal. An examination of the bill that is before us in the Senate would make it impossible for anyone to come to either conclusion.

The administration made very strained arguments to circumvent existing laws in carrying out the President's warrantless surveillance program: a claim, for example, that the 2001 authorization for use of military force was a statutory authorization for electronic surveillance outside FISA, even though that authorization did not mention electronic surveillance.

What role did we expect telecommunications companies to play in those assessments of legality? To answer that question, we must consider the legal regime under which these companies were operating. Numerous statutes over the years have stressed the importance of cooperation between the telephone companies and the Federal Government, particularly in times of emergency. This has a fairly long history.

FISA itself allows the Attorney General to authorize electronic surveillance for short periods of time in emergencies prior to the submission of an application for an order. The law, as it existed in 2001 and as it exists today, grants immunity to telecommunications companies, based solely on a certification from the Attorney General that no warrant or court order is required by law, that the statutory requirements have been met, and that the specified assistance is required.

Given the need for speedy cooperation in times of emergency, Congress has never asked companies to question the Government's legal analysis that their cooperation is legal and necessary. Thus, although the telecommunications companies have always been and will always be expected to comply with the law, Congress has told them, prior to 2001, that they were entitled to rely on representations from the highest levels of Government as to what conduct was legal.

That is the way it worked. In the case of the President's surveillance program, representations of legality were made to providers from the very highest levels of Government. The FISA bill before the Senate, therefore, eliminates any possible loopholes in existing law, ensuring that neither the telecommunications companies nor any future Presidents have any doubt about what is required to comply with the law.

It strengthens the exclusivity language of FISA—I have mentioned that, I do again—making it absolutely clear that the Congress does not intend general statutes to be an exception to FISA's exclusivity requirements. In other words, no future President can therefore claim that an authorization for use of military force allows the Government to circumvent FISA.

Even more importantly for the telecommunications companies, the bill before us makes it a criminal offense to conduct electronic surveillance outside of specifically listed statutes. Unlike existing criminal and civil penalties which exempt electronic surveillance that is authorized by statute, the bill puts telecommunications companies on notice that any electronic surveillance outside FISA or specifically listed criminal intercept provisions, in the future, is a criminal offense that is subject to civil penalties for claims brought by individuals who are free to do so.

This clear language provides no room for any future President or Attorney General to argue that criminal and civil penalties should not attach for any circumvention of FISA.

Now, the improvements to this bill address many of the concerns raised with the possibility that the court might dismiss the lawsuits against the telecommunications companies. The bill before us makes clear that Congress expects compliance with the laws, and it assures that public accountability is on the Government, where it belongs, and not on the companies that acted in good faith in cooperating with the Government.

It is important to say that whatever the inspectors general come up with in their analysis of this, and believe me, they will be under the gun to do it right, that they have to report that, both unclassified and classified, to the Intelligence Committees and the Judiciary Committees in both Houses. So the oversight factor again comes in.

I think it is time to pass this bill and move forward. I urge my colleagues to oppose the Dodd-Feingold amendment.

Mr. SPECTER. Mr. President, would the Senator yield for a question; two questions, very briefly?

Mr. ROCKEFELLER. Of course.

Mr. SPECTER. The first question relates to the fact, as represented, that some 70 Members of the Senate will not have been briefed on the program.

I have been advised by the leadership in the House that most of the Members of the House have not been briefed on the program. The chairman, in detail, went over what the telephone companies cannot do because they cannot make any public disclosures.

And my question is: How can we intelligently grant retroactive immunity on a program that most Members of Congress do not know what we are granting retroactive immunity on?

Mr. ROCKEFELLER. First of all, I should point out to the distinguished Senator from Pennsylvania that there was a period when members of the Intelligence Committee, members of the Judiciary Committee, were not even able to go to the Executive Office Building to look at any of the orders that came down, President to Attorney General to National Security Advisor, then a letter to the companies. We were not allowed to do that.

The chairman and the vice chairman were allowed to do that. Nobody else was. That changed. And it changed because this Senator and a number of others put tremendous pressure, because it was such a ridiculous situation that I could not even talk to my committee members about it. And so they expanded that to include not only committee members but also some staff from both the Intelligence and Judiciary Committees.

So I would say to the good Senator that intelligence is difficult, and it is difficult to legislate it on the floor of the Senate. Let me phrase it this way. There is a common view held by many that members of the Intelligence Committee and then, to some extent, the Judiciary Committee, in fact, have the intelligence, they control the intelligence, it is all theirs.

I wish to debunk that right now. We control no intelligence. It is entirely controlled, meted out or not, by the executive branch. This executive branch has been extremely cautious, stingy, I would say undemocratic, in doing this.

The good Senator from Missouri who is coming in now, the vice chairman of the Intelligence Committee and I have fought like bears to expand the number of people who can have access to these programs. But I cannot argue that the Senator—his point is worthy of thought.

I think then one has to consider, are the people on the Judiciary Committee and the people on the Intelligence Committee representative of good faith, people of reasonable intellect, people who know their business, and people who exercise fair judgment? I have been handed a note to say something I have already said, that the public reporting accompanying the Senate Intelligence Committee bill, detailed, with a great deal of specificity, what the companies received from the Federal Government.

That still does not allow me to argue the Senator's point. It is a peculiar and difficult nature of legislating intelligence legislation on the floor of the Senate. But it is not weakened by so doing because of what I have indicated, because of what the inspectors general, granted, not in time for this, will come up with, and, secondly, what I would call the very high standard of people who serve on both the Republican and the Democratic side of the Senate and House Judiciary Committee and Intelligence Committee.

Mr. SPECTER. Mr. President, my second question is, very briefly——

Mr. BOND. Mr. President, I would like to reclaim my time.

The ACTING PRESIDENT pro tempore. There are 34 minutes remaining in opposition. The Senator from West Virginia has the floor.

Mr. SPECTER. Mr. President, very briefly on the second question, and I will be very brief—the chairman has gone over the ineffectiveness of Congress in dealing with the statutory requirement for notice to the Intelligence Committees which wasn't followed. We have gone over the ineffectiveness of the courts in dealing with enforcing the Foreign Intelligence Surveillance Act, where the Supreme Court, as I detailed earlier, had ducked the question. So given the ineffectiveness of Congress—and I know, I chaired the Intelligence Committee in the 104th Congress and could find out hardly anything; I found the Director of the CIA knew so little about what was going on—and then the signing statements, the only recourse we have now is to the courts and to Chief Judge Walker.

So my question to you is, if we are to maintain separation of powers and determination of constitutionality, article I versus article II powers, how in the world can we act to divest Chief Judge Walker of his jurisdiction in the case, especially in light of the opinion he handed down last Wednesday?

Mr. ROCKEFELLER. I respond to the Senator from Pennsylvania by saying he indicated that Judge Walker said this was not a constitutional effort between 2001 and 2007, and it was not constitutional. But when the Senator offers his own amendment this afternoon, I will make the point I make now, that even if it is determined that the program is unconstitutional—and that, for reasons I will explain after lunch when we do the amendment, will not be possible—the immunity fact is not compromised. It is not changed. You are talking about the constitutionality of the White House's action. This bill talks about title I and then title II and a couple of other titles which referred to protecting basic rights, reverse targeting, all kinds of things such as that, which, in fact, came from Senator FEINGOLD, and it is not involved in the constitutionality. It is not involved in that. Even if the judge ruled it unconstitutional, it would make no difference whatsoever on title II.

Mr. SPECTER. I respect Senator BOND's time, and I will pursue this with the chairman when my amendment is called up later today.

I thank my colleagues.

Mrs. BOXER. I have a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mrs. BOXER. Senator DODD has yielded me 10 minutes of his time to speak in favor of his amendment to strike the immunity clause. I am wondering how I may get recognition here and how much time does Senator DODD have left in this debate?

The ACTING PRESIDENT pro tempore. There is 43 minutes remaining for the Senator from Connecticut.

Mrs. BOXER. I wonder if Senator BOND would allow me to take 10 minutes of the 43 minutes Senator DODD has remaining?

Mr. BOND. Mr. President, I am happy to accommodate the Senator from California. With respect to the comments by the Senator from Pennsylvania, I had asked that those be reserved for the arguments in favor of the amendment. How much time remains on the chairman and my side of the aisle?

The ACTING PRESIDENT pro tempore. There is 30 minutes.

Mr. BOND. We will reserve that and accommodate the Senator from California. I thank the Chair and my colleagues.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I rise today to speak in strong support of the amendment offered by Senator DODD to strike the provision from the bill providing immunity to the telecom companies who assisted President Bush with his warrantless surveillance program; in essence, breaking the law they were supposed to live by. I also note that not every telecom company went along with this. There was at least one, Qwest, that refused to go along because they said it would break the law if they did so. I thank Senators DODD, FEINGOLD, LEAHY, and others for their leadership. I know these are difficult debates to have because people could say: My goodness, they are offering an amendment to the intelligence bill and, ipso facto, that must be a bad thing because they are slowing things down.

I have to say, when you are standing up to fight for liberty and justice and the truth, you should never be afraid to slow something down. As a matter of fact, it is our job to do so. I do thank my colleagues for their leadership.

I am proud to be a cosponsor of this amendment. In my support of this amendment to strike the immunity to the telecom companies who went along with the President's secret and, I believe, illegal program, I wish to say I am not seeking punishment for them. As a matter of fact, I have stated a long time ago that I support indemnification for the telecom companies. I believe Senator WHITEHOUSE took the lead on that. Senator SPECTER, at one point, I think, was involved in that and others. I thank them for their leadership on that issue.

I understand the predicament of a company that is facing the White House and the White House is saying: You need to spy on your customers because we are asking you to do it for the safety of the people. I understand their predicament. But I do believe, at this point in time, to give retroactive immunity kind of makes a mockery of the fact that we are supposed to be a government of laws, not people. We are a government of laws. Do we then come back and say: By the way, there are three laws over here we don't like so we are going to say to the people who broke them, it is OK, because we have looked at it and we think it is OK? This is America. We are a country of laws. So this issue is so important. I can't overstate how deeply I feel about it.

We cannot place the interests of the companies and, frankly, of this administration, that doesn't want the truth to come out, ahead of the constitutional rights of our citizens who seek justice in our courts. This administration is so desperate to have this immunity because they have no interest in the American people finding out the truth.

In another subject area, I had a press conference today with a wonderful man who stood up and quit the Environmental Protection Agency because they were thwarting him every step of the way as he tried to tell the truth about the real dangers, as a matter of fact, the endangerment posed by global warming. He sent the White House an e-mail, and it was entitled "Endangerment Finding." The White House called and said: Take it back. We don't want to open it. And he said: It is too late. So that e-mail is floating around in cyberspace because the White House knows, if they open it, it becomes public domain. So secrecy is what this administration lives by.

This is a blatant example of where they want to keep secret an illegal program. I don't think we should be complicit. I don't think we should enable them to avoid the constitutional scrutiny of our Federal courts. We can't sacrifice—we can't—the truth for convenient expediency. It is not American. We have a system of government that is built not only on our Constitution but on the notion of checks and balances. The Federal courts are doing their job by checking this administration's broad exercise of Executive power. That is why I will be supporting other amendments that will be coming up that deal with this matter.

Last week, Chief Judge Walker, of the Northern District of California, issued an opinion rejecting this administration's claim to have "inherent authority" to eavesdrop on Americans outside of statutory law. What does this Senate want to do? A lot of the leaders you hear speaking on this want to make it possible to give retroactively to this administration the inherent authority to eavesdrop on Americans outside the law. In the future, we are fixing it. Good, I am glad. I am happy. But you can't then say, but we are going to look back and change the law. It is not right.

Listen to what Judge Walker wrote:

> Congress appears clearly to have intended to establish the exclusive means for foreign intelligence activities to be conducted. Whatever power the executive might otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities and it limits the executive branch's authority to assert the State secrets privilege in response to challenges to the legality of its foreign intelligence surveillance activities.

So we, Congress, limited the power of the executive. We said: You can't assert the state secrets privilege in response to challenges to the legality of its foreign intelligence activities. And here we are rolling over with bravado to say to this administration—and by the way, I would feel the same way whoever was the President, this administration or any administration—oh, you are the absolute ruler, the King. You can do whatever you want. You can roll over. You can do all of that.

We need to protect this country from terrorists. We must. I voted to go to war against bin Laden, and I will not rest until he is gone and we break the back of al-Qaida. Unfortunately, that has gone awry. I will be very willing to have our Government listen in on conversations of the bad actors out there, but I don't want good people being spied on. That was the whole reason FISA came into being in the first place. People seem to forget the original FISA was to protect the people from being spied on, ordinary people. Suddenly, it has been turned on its head. I believe the current process works. Our system of government works. The Federal courts are exercising their constitutional duty to review Executive power.

So why in this bill are we seeking to stop that process? Why are we attempting to tie the capable hands of the Federal courts and deny our citizens their day in court? Covering up the truth is not the way to gain or regain the trust of the American people. The truth is the basis of the American ideal.

I always marveled, as a little girl and as a young woman, growing up, watching as the truth came out about America. I remember my dad, who loved this country so much, saying to me: Honey, you just watch this country. We are not afraid to admit a mistake. We are not fearful of giving people rights. We will stand up and tell the truth, even when we make the biggest mistakes.

Covering up the truth is not the way to gain the trust of the American people. Since learning, in late 2005, that the President violated the trust of our people by spying on our citizens, Congress and the American people have struggled to find out what happened. Last week, we celebrated the day we adopted the Declaration of Independence, Independence Day, July 4. In that historic document is the following phrase:

> To secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

"The consent of the governed," that means the law has to be behind you when you undertake to do something such as this administration did. They didn't care about the consent of the governed. They didn't care about the law that was in place. Truth is the centerpiece of justice. I don't see how we ever get to the truth if we grant this immunity. I don't. It is not, to me, about the punishment.

As I said, I will be happy to have substitution, to have the Government step in. That is not the issue. We need to get to the truth, and we all know how that happens in our country. The immunity provision in this bill sweeps the warrantless program under the carpet. It hides the truth. The people deserve better from us.

I will close with a quote by former Supreme Court Justice Sandra Day O'Connor:

> It is during our most challenging and uncertain moments that our nation's commitment to due process is severely tested. It is in those times we must preserve our commitment at home to the principles for which we fight abroad.

I hope we will support the Dodd amendment to strike the immunity provision.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I understand we are coming up on a hard break, as they say in television, for the party lunches.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. BOND. Mr. President, I note only before we go into that break that the Senator from Pennsylvania has made a number of comments on time for the supporters of the bill that actually deserve a response.

One clear point that needs to be made in response to the Senator from Pennsylvania and the Senator from California is that Judge Walker's actions will not be dismissed if retroactive liability protection is accorded carriers. It is a case against the United States, not a case against the telephone companies.

Furthermore, I would say that the dictum in Judge Walker's opinion is contrary to higher, more authoritative courts. So Judge Walker was not correct, and I believe should his case go up on appeal, he will be found not to be accurate. But that does not go, as my colleague from West Virginia has said, to the issue of whether carriers deserve retroactive liability protection. So I will reserve my comments, and I will ask to be recognized when—when will the Senate return to session?

The ACTING PRESIDENT pro tempore. At 2:15 p.m.

Mr. BOND. Mr. President, I ask unanimous consent that I be recognized for what remains of time on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FOREIGN INTELLIGENCE SURVEILLANCE AMENDMENTS ACT OF 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for 29 minutes.

Mr. BOND. Thank you, Mr. President. I appreciate the recognition.

To begin, to clarify for the floor and our colleagues the arrangement the chairman and I have on this bill, I ask unanimous consent that Senator ROCKEFELLER manage the time in opposition to the Specter amendment and that I manage the time in opposition to the Dodd and Bingaman amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, as I mentioned earlier today, the Senate is poised to wrap up consideration of the Foreign Intelligence Surveillance Amendments Act of 2008 in the form of H.R. 6304. Now, most of my colleagues know this legislation has had a way of hanging around for quite awhile, being caught up in the congressional process. Many, including myself, believe we should have passed it well before now, but it appears that we are on about the 5 yard line and ready to move it across into the end zone. As one who believes this badly needed update to FISA will enhance our Nation's security and advance and protect America's civil liberties and privacy rights, I certainly hope a strong majority of the Senate will pass this legislation unamended tomorrow.

Some of my colleagues have been intent on using Senate procedures to slow this legislation to a snail's pace. They have succeeded in doing so, first by choosing to ignore the Director of National Intelligence—and I will call him the DNI from now on—the DNI's pleas for modernization of the Foreign Intelligence Surveillance Act, or FISA, as we will call it, in April 2007, for over 3 months, until August of 2007, and back in December of 2007 when a Democratic Member filibustered us past the end of the year and into the recess, into 2008. It came to the floor in February when it took us several weeks to work out a way to move forward; then, once again, over the past few weeks, with another Democratic Member filibuster of sorts that pushed us past last week's recess. Up until now, we have been delayed, but one thing is sure in the Senate. Just as they say in military and basic training: No matter what you do, you can't stop the clock. Now that some of my colleagues are out of time in delaying any further, the Senate will move ahead this week, despite all of these delays.

I am very proud of the comprehensive compromise legislation before us today which passed out of the House with a strong bipartisan vote of 293 to 129. That was almost 3 weeks ago. As with the Senate's original FISA bill that passed several months ago, the compromise that is before us required a little give from all sides but, in essence, what we have before us today is basically the Senate bill all over again. Everyone who studied the language recognizes that. I have here a detailed legislative history that I will ask unanimous consent to be printed in the RECORD that explains the provisions of the bill. Chairman ROCKEFELLER submitted his own legislative history before the recess, and while we largely agree on the description of the legislation, we do have a few key differences. So as Vice Chairman of the Intelligence Committee, I believe it is important to make my views and those of several other Senators a part of the legislative history of this bill by including it in the RECORD. I therefore ask unanimous consent to have this legislative description printed in the RECORD as part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6304, FISA AMENDMENTS ACT OF 2008

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

This section-by-section analysis is based almost entirely upon the good work of Senator John D. Rockefeller IV, Chairman of the Select Committee on Intelligence. Time did not permit us to reach an agreement on text that may have been mutually agreeable to both of us, so I have modified his section-by-section analysis to reflect my own perspective as a co-manager on this important legislation. A careful comparison of these two versions will reveal that there are fewer areas in which our analyses diverge than in which they agree.

The consideration of legislation to amend the Foreign Intelligence Surveillance Act of 1978 ("FISA") in the 110th Congress began with the submission by the Director of National Intelligence ("DNI") on April 12, 2007 of a proposed Foreign Intelligence Surveillance Modernization Act of 2007, as Title IV of the Administration's proposed Intelligence Authorization Act for Fiscal Year 2008. The DNI's proposal was the subject of an open hearing on May 1, 2007 and subsequent closed hearings by the Senate Select Committee on Intelligence, but was not formally introduced. It is available on the Committee's website: http://intelligence.senate.gov/070501/bill.pdf.

In May 2007, a decision by the Foreign Intelligence Surveillance Court (FISA Court) led to the creation of significant gaps in our foreign intelligence collection. As a result of this decision, throughout the summer of 2007, the DNI asked Congress to consider his FISA modernization legislation. In response to the DNI's concerns, Congress passed the Protect America Act of 2007, Pub. L. 110–55 (August 5, 2007) ("Protect America Act"). As a result of the Protect America Act, the Intelligence Community was able to close immediately the intelligence gaps that had been created by the court's decision. While the Protect America Act provided important authorities for the collection of foreign intelligence, it did not contain any retroactive civil liability protections for those electronic communication service providers who had assisted with the President's Terrorist Surveillance Program following the September 11th terrorist attacks on our nation.

The Protect America Act included a sunset of February 1, 2008. After the passage of the Protect America Act, the Chairman and Vice Chairman began to draft permanent FISA legislation. S. 2248 was reported by the Select Committee on Intelligence on October 26, 2007 (S. Rep. No. 110–209 (2007)), and then sequentially reported by the Committee on the Judiciary on November 16, 2007 (S. Rep. No. 110–258 (2008)). In the House, the original legislative vehicle was H.R. 3773. It was reported by the Committee on the Judiciary and the Permanent Select Committee on Intelligence on October 12, 2007 (H. Rep. No. 110–373 (Parts 1 and 2) (2007)). H.R. 3773 passed the House on November 15, 2007. S. 2248 passed the Senate on February 12, 2008, and was sent to the House as an amendment to H.R. 3773. On March 14, 2008, the House returned H.R. 3773 to the Senate with an amendment.

No formal conference was convened to resolve the differences between the two Houses on H.R. 3773. Instead, following an agreement reached without a formal conference, the House passed a new bill, H.R. 6304, which contains a complete compromise of the differences on H.R. 3773.

H.R. 6304 is a direct descendant of the Protect America Act and S. 2248, which became the basis for the Senate amendment to H.R. 3373 (February 12, 2008) and influenced the House amendment to H.R. 3373 (March 18, 2008). The Protect America Act, H.R. 3773, as well as the original Senate bill, S. 2248, and the legislative history of those measures constitutes the legislative history of H.R. 6304.

The section-by-section analysis and explanation set forth below is based on the analysis and explanation in the report of the Select Committee on Intelligence on S. 2248, at S. Rep. No. 110-209, pp. 12–25, as expanded and edited to reflect the floor amendments to S. 2248 and the negotiations that produced H.R. 6304.

OVERALL ORGANIZATION OF ACT

The FISA Amendments Act of 2008 ("FISA Amendments Act") contains four titles.

Title I includes, in Section 101, a new Title VII of FISA entitled "Additional Procedures Regarding Certain Persons Outside the United States." This new title of FISA (which will sunset in four and a half years) is a successor to the Protect America Act, with amendments. Sections 102 through 110 of the Act contain a number of amendments to FISA apart from the collection issues addressed in the new Title VII of FISA. These include a provision that FISA is the exclusive statutory means for electronic surveillance, important streamlining provisions, and a change in the definitions section of FISA (in Section 110 of the bill) to facilitate foreign intelligence collection against proliferators of weapons of mass destruction.

Title II establishes a new Title VIII of FISA, entitled "Protection of Persons Assisting the Government." This new title establishes a long-term procedure, in new FISA Section 802, for the Government to implement statutory defenses and obtain the dismissal of civil cases against persons, principally electronic communication service providers, who assist elements of the intelligence community in accordance with defined legal documents, namely, orders of the FISA Court or certifications or directives provided for and defined by statute. Section 802 also incorporates a procedure with precise boundaries for civil liability relief for electronic communication service providers who are or may be defendants in civil cases involving an intelligence activity authorized by the President between September 11, 2001, and January 17, 2007. In addition, Title II provides for the protection, by way of preemption, of the federal government's ability to conduct intelligence activities without interference by state investigations.

Title III directs the Inspectors General of the Department of Justice, the Department of Defense, the Office of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program authorized by the President between September 11, 2001, and January 17, 2007, to conduct a comprehensive review of the program. The Inspectors General are required to submit a report to the appropriate committees of Congress, within one year, that addresses, among other things, all of the facts necessary to describe the establishment, implementation, product, and use of the product of the President's Surveillance Program, including the participation of individuals and entities in the private sector related to the program.

Title IV contains important procedures for the transition from the Protect America Act to the new Title VII of FISA. Section 404(a)(7) directs the Attorney General and the DNI, if they seek to replace an authorization under the Protect America Act, to submit the certification and procedures required in accordance with the new Section 702 to the FISA Court at least 30 days before the expiration of such authorizations, to the extent practicable. Title IV explicitly provides for the continued effect of orders, authorizations, and directives issued under the Protect America Act, and of the provisions pertaining to protection from liability, FISA Court jurisdiction, the use of information acquired, and Executive branch reporting requirements, past the statutory sunset of that act. Title IV also contains provisions on the continuation of authorizations, directives, and orders under Title VII that are in effect at the time of the December 31, 2012, sunset, until their expiration within the year following the sunset.

TITLE I. FOREIGN INTELLIGENCE SURVEILLANCE

Section 101. Targeting the Communications of Persons Outside the United States

Section 101(a) of the FISA Amendments Act establishes a new Title VII of FISA. Entitled "Additional Procedures Regarding Certain Persons Outside the United States," the new title includes, with important modifications, an authority similar to that granted by the Protect America Act as temporary sections 105A, 105B, and 105C of FISA. Those Protect America Act provisions had been placed within FISA's Title I on electronic surveillance. Moving the amended authority to a title of its own is appropriate because the authority involves not only the acquisition of communications as they are being carried but also while they are stored by electronic communication service providers.

Section 701. Definitions

Section 701 incorporates into Title VII the definition of nine terms that are defined in Title I of FISA and used in Title VII: "agent of a foreign power," "Attorney General," "contents," "electronic surveillance," "foreign intelligence information," "foreign power," "person," "United States," and "United States person." It defines the congressional intelligence committees for the purposes of Title VII. Section 701 defines the two courts established in Title I that are assigned responsibilities under Title VII: the FISA Court and the Foreign Intelligence Surveillance Court of Review. Section 701 also defines "intelligence community" as found in the National Security Act of 1947. Finally, Section 701 defines a term, not previously defined in FISA, which has an important role in setting the parameters of Title VII: "electronic communication service provider." This definition is connected to the objective that the acquisition of foreign intelligence pursuant to this title is meant to encompass the acquisition of stored electronic communications and related data.

Section 702. Procedures for Targeting Certain Persons Outside the United States Other than United States Persons

Section 702(a) sets forth the basic authorization in Title VII, replacing Section 105B of FISA, as added by the Protect America Act. Unlike the Protect America Act, the collection authority in Section 702(a) cannot be exercised until the FISA Court has conducted its review in accordance with subsection (i)(3), or the Attorney General and the DNI, acting jointly, have made a determination that exigent circumstances exist, as defined in Section 702(c)(2). Following such determination and subsequent submission of a certification and related procedures, the Court is required to conduct its review expeditiously. Authorizations must contain an effective date and may be valid for a period of up to one year from that date.

Subsequent provisions of the Act implement the prior order and effective date provisions of Section 702(a): in addition to Section 702(c)(2) which defines exigent circumstances, Section 702(i)(1)(B) provides that the court shall complete its review of certifications and procedures within 30 days (unless extended under Section 702(j)(2)); Section 702(i)(5)(A) provides for the submission of certifications and procedures to the FISA Court at least 30 days before the expiration of authorizations that are being replaced, to the extent practicable; and Section 702(i)(5)(B) provides for the continued effectiveness of expiring certifications and procedures until the court issues an order concerning their replacements.

Section 105B and Section 702(a) differ in other important respects. Section 105B authorized the acquisition of foreign intelligence information "concerning" persons reasonably believed to be outside the United States. To make clear that all collection under Title VII must be targeted at persons who are reasonably believed to be outside the United States, Section 702(a) eliminates the word "concerning" and instead authorizes "the targeting of persons reasonably believed to be located outside the United States to collect foreign intelligence information."

Section 702(b) establishes five related limitations on the authorization in Section 702(a). Overall, the limitations ensure that the new authority is not used for surveillance directed at persons within the United States or at United States persons. The first is a specific prohibition on using the new authority to target intentionally any person within the United States. The second provides that the authority may not be used to conduct "reverse targeting," the intentional targeting of a person reasonably believed to be outside the United States if the purpose of the acquisition is to target a person reasonably believed to be in the United States. If the purpose is to target a person reasonably believed to be in the United States, then the electronic surveillance should be conducted in accordance with FISA or the criminal wiretap statutes. The third bars the intentional targeting of a United States person reasonably believed to be outside the United States. In order to target such United States person, acquisition must be conducted under three subsequent sections of Title VII, which require individual FISA court orders for United States persons: Sections 703, 704, and 705. The fourth limitation goes beyond targeting (the object of the first three limitations) and prohibits the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. The fifth is an overarching mandate that an acquisition authorized in Section 702(a) shall be conducted in a manner consistent with the Fourth Amendment to the U.S. Constitution, which provides for "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Section 702(c) governs the conduct of acquisitions. Pursuant to Section 702(c)(1), acquisitions authorized under Section 702(a) may be conducted only in accordance with targeting and minimization procedures approved at least annually by the FISA Court and a certification of the Attorney General and the DNI, upon its submission in accordance with Section 702(g). Section 702(c)(2) describes the "exigent circumstances" in which the Attorney General and Director of National Intelligence may authorize targeting for a limited time without a prior court order for purposes of subsection (a). Section 702(c)(2) provides that the Attorney General and the DNI may make a determination that exigent circumstances exist because, without immediate implementation of an authorization under Section 702(a), intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance of an order pursuant to Section 702(i)(3) prior to the implementation of such authorization. Section 702(c)(3) provides that the Attorney General and the DNI may make such a determination before the submission of a certification or by amending a certification at any time during which judicial review of such certification is pending before the FISA Court.

Section 702(c)(4) addresses the concern, reflected in Section 105A of FISA as added by the Protect America Act, that the definition of electronic surveillance in Title I might prevent use of the new procedures. To address this concern, Section 105A redefined the term "electronic surveillance" to exclude "surveillance directed at a person reasonably believed to be located outside of the United States." In contrast, Section 702(c)(4) does not change the definition of electronic surveillance, but clarifies the intent of Congress to allow the targeting of foreign targets outside the United States in accordance with Section 702 without an application for a court order under Title I of FISA. The addition of this construction paragraph, as well as the language in Section 702(a) that an authorization may occur "notwithstanding any other law," makes clear that nothing in Title I of FISA shall be construed to require a court order under that title for an acquisition that is targeted in accordance with Section 702 at a foreign person outside the United States.

Section 702(d) provides, in a manner essentially identical to the Protect America Act, for the adoption by the Attorney General, in consultation with the DNI, of targeting procedures that are reasonably designed to ensure that collection is limited to targeting persons reasonably believed to be outside the United States. As provided in the Protect America Act, the targeting procedures are subject to judicial review and approval. In addition to the requirements of the Protect America Act, however, Section 702(d) provides that the targeting procedures also must be reasonably designed to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. Section 702(d)(2) subjects these targeting procedures to judicial review and approval.

Section 702(e) provides that the Attorney General, in consultation with the DNI, shall adopt, for acquisitions authorized by Section 702(a), minimization procedures that are consistent with Section 101(h) or 301(4) of FISA, which establish FISA's minimization requirements for electronic surveillance and physical searches. Unlike the Protect America Act, Section 702(e)(2) provides that the minimization procedures, which are essential to the protection of United States persons, shall be subject to judicial review and approval.

Section 702(f) provides that the Attorney General, in consultation with the DNI, shall adopt guidelines to ensure compliance with the limitations in Section 702(b), including prohibitions on the acquisition of purely domestic communications, targeting persons within the United States, targeting United States persons located outside the United States, and reverse targeting. Such guidelines shall also ensure that an application for a court order is filed as required by FISA. It is intended that these guidelines will provide clear requirements and procedures governing the appropriate implementation of the authority under this title of FISA. The Attorney General is to provide these guidelines to the congressional intelligence committees, the judiciary committees of the House of Representatives and the Senate, and the FISA Court. Subsequent provisions implement the guidelines requirement. See Section 702(g)(2)(A)(iii) (certification requirements); Section 702(l)(1) and 702(l)(2) (Attorney General and DNI assessment of compliance with guidelines); and Section 707(b)(1)(G)(ii) (reporting on noncompliance with guidelines).

Section 702(g) requires that the Attorney General and the DNI provide to the FISA Court, prior to implementation of an authorization under subsection (a), a written certification, with any supporting affidavits. In exigent circumstances, the Attorney General and DNI may make a determination that, without immediate implementation, intelligence important to the national security may be lost or not timely acquired prior to the implementation of an authorization. It is expected that the Attorney General and the DNI will utilize this "exigent circumstances" exception as often as necessary to ensure the protection of our national security. For this reason, the standard to use this authority is much lower than in traditional emergency situations under FISA. In exigent circumstances, if time does not permit the submission of a certification prior to the implementation of an authorization, the certification must be submitted to the FISA Court no later than seven days after the determination is made. The seven-day time period for submission of a certification in the case of exigent circumstances is identical to the time period by which the Attorney General must apply for a court order after authorizing an emergency surveillance under other provisions of FISA, as amended by this Act.

Section 702(g)(2) sets forth the requirements that must be contained in the written certification. The required elements are: (1) the targeting and minimization procedures have been approved by the FISA Court or will be submitted to the court with the certification; (2) guidelines have been adopted to ensure compliance with the limitations of subsection (b); (3) those procedures and guidelines are consistent with the Fourth Amendment; (4) the acquisition is targeted at persons reasonably believed to be outside the United States; (5) a significant purpose of the acquisition is to obtain foreign intelligence information; and (6) an effective date for the authorization that in most cases is at least 30 days after the submission of the written certification. Additionally, as an overall limitation on the method of acquisition permitted under Section 702, the certification must attest that the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider.

Requiring an effective date in the certification serves to identify the beginning of the period of authorization (which is likely to be a year) for collection and to alert the FISA Court of when the Attorney General and DNI are seeking to begin collection. Section 702(g)(3) permits the Attorney General and DNI to change the effective date in the certification by amending the certification.

As with the Protect America Act, the certification under Section 702(g)(4) is not required to identify the specific facilities, places, premises, or property at which the acquisition under Section 702(a) will be directed or conducted. The certification shall be subject to review by the FISA Court.

Section 702(h) authorizes the Attorney General and the DNI to direct, in writing, an electronic communication service provider to furnish the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized under Section 702(a). It is important to note that such directives may be issued only in exigent circumstances pursuant to Section 702(c)(2) or after the FISA Court has conducted its review of the certification and the targeting and minimization procedures and issued an order pursuant to Section 702(i)(3). Section 702(h) requires compensation for this assistance and provides that no cause of action shall lie in any court against an electronic communication service provider for its assistance in accordance with a directive. It also establishes expedited procedures in the FISA Court for a provider to challenge the legality of a directive or the Government to enforce it. In either case, the question for the court is whether the directive meets the requirements of Section 702 and is otherwise lawful. Whether the proceeding begins as a provider challenge or a Government enforcement petition, if the court upholds the directive as issued or modified, the court shall order the provider to comply. Failure to comply may be punished as a contempt of court. The proceedings shall be expedited and decided within 30 days, unless that time is extended under Section 702(j)(2).

Section 702(i) provides for judicial review of any certification required by Section 702(g) and the targeting and minimization procedures adopted pursuant to Sections 702(d) and 702(e). In accordance with Section 702(i)(5), if the Attorney General and the DNI seek to reauthorize or replace an authorization in effect under the Act, they shall submit, to the extent practicable, the certification and procedures at least 30 days prior to the expiration of such authorization.

The court shall review certifications to determine whether they contain all the required elements. It shall review targeting procedures to assess whether they are reasonably designed to ensure that the acquisition activity is limited to the targeting of persons reasonably believed to be located outside the United States and prevent the intentional acquisition of any communication whose sender and intended recipients are known at the time of acquisition to be located in the United States. The Protect America Act had limited the review of targeting procedures to a "clearly erroneous" standard; Section 702(i) omits that limitation. For minimization procedures, Section 702(i) provides that the court shall review them to assess whether they meet the statutory requirements. The court is to review the certifications and procedures and issue its order within 30 days after they were submitted unless that time is extended under Section 702(j)(2). The Attorney General and the DNI may also amend the certification or procedures at any time under Section 702(i)(1)(C), but those amended certifications or procedures must be submitted to the court in no more than 7 days after amendment. The amended procedures may be used pending the court's review.

If the FISA Court finds that the certification contains all the required elements and that the targeting and minimization procedures are consistent with the requirements of subsections (d) and (e) and with the Fourth Amendment, the court shall enter an order approving their use or continued use for the acquisition authorized by Section 702(a). If it does not so find, the court shall order the Government, at its election, to correct any deficiencies or cease, or not begin, the acquisition. If acquisitions have begun, they may continue during any rehearing en banc of an order requiring the correction of deficiencies. If the Government appeals to the Foreign Intelligence Surveillance Court of Review, any collection that has begun may continue at least until that court enters an order, not later than 60 days after filing of the petition for review, which determines whether all or any part of the correction order shall be implemented during the appeal.

Section 702(j)(1) provides that judicial proceedings are to be conducted as expeditiously as possible. Section 702(j)(2) provides that the time limits for judicial review in Section 702 (for judicial review of certifications and procedures or in challenges or enforcement proceedings concerning directives) shall apply unless extended, by written order, as necessary for good cause in a manner consistent with national security.

Section 702(k) requires that records of proceedings under Section 702 shall be maintained by the FISA Court under security measures adopted by the Chief Justice in consultation with the Attorney General and the DNI. In addition, all petitions are to be filed under seal and the FISA Court, upon the request of the Government, shall consider ex parte and in camera any Government submission or portions of a submission that may include classified information. The Attorney General and the DNI are to retain directives made or orders granted for not less than 10 years.

Section 702(l) provides for oversight of the implementation of Title VII. It has three parts. First, the Attorney General and the DNI shall assess semiannually under subsection (l)(1) compliance with the targeting and minimization procedures, and the Attorney General guidelines for compliance with limitations under Section 702(b), and submit the assessment to the FISA Court and to the congressional intelligence and judiciary committees, consistent with congressional rules.

Second, under subsection (l)(2)(A), the Inspector General of the Department of Justice and the Inspector General ("IG") of any intelligence community element authorized to acquire foreign intelligence under Section 702(a) are authorized to review compliance of their agency or element with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f). Subsections (l)(2)(B) and (l)(2)(C) mandate several statistics that the IGs shall review with respect to United States persons, including the number of disseminated intelligence reports that contain references to particular known U.S. persons, the number of U.S. persons whose identities were disseminated in response to particular requests, and the number of targets later determined to be located in the United States. Their reports shall be submitted to the Attorney General, the DNI, and the appropriate congressional committees. Section 702(l)(2) provides no statutory schedule for the completion of these IG reviews; the IGs should coordinate with the heads of their agencies about the timing for completion of the IG reviews so that they are done at a time that would be useful for the agency heads to complete their semiannual reviews.

Third, under subsection (l)(3), the head of an intelligence community element that conducts an acquisition under Section 702 shall review annually whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition and provide an accounting of information pertaining to United States persons similar to that included in the IG report. Subsection (l)(3) also encourages the head of the element to develop procedures to assess the extent to which the new authority acquires the communications of U.S. persons, and to report the results of such assessment. The review is to be used by the head of the element to evaluate the adequacy of minimization procedures. The annual review is to be submitted to the FISA Court, the Attorney General and the DNI, and to the appropriate congressional committees.

Section 703. Certain Acquisition Inside the United States Targeting United States Persons Outside the United States

Section 703 governs the targeting of United States persons who are reasonably believed to be outside the United States when the acquisition of foreign intelligence is conducted inside the United States. The authority and procedures of Section 703 apply when the acquisition either constitutes electronic surveillance, as defined in Title I of FISA, or is of stored electronic communications or stored electronic data. If the United States person returns to the United States, acquisition under Section 703 must cease. The Government may always, however, obtain an order or authorization under another title of FISA.

The application procedures and provisions for a FISA Court order in Sections 703(b) and 703(c) are drawn from Titles I and III of FISA. Key among them is the requirement that the FISA Court determine that there is probable cause to believe that, for the United States person who is the target of the surveillance, the person is reasonably believed to be located outside the United States and is a foreign power or an agent, officer, or employee of a foreign power. The inclusion of United States persons who are officers or employees of a foreign power, as well as those who are agents of a foreign power as that term is used in FISA, is intended to permit the type of collection against United States persons outside the United States that has been allowed under Executive Order 12333 and existing Executive branch guidelines. The FISA Court shall also review and approve minimization procedures that will be applicable to the acquisition, and shall order compliance with such procedures.

As with FISA orders against persons in the United States, FISA orders against United States persons outside of the United States under Section 703 may not exceed 90 days and may be renewed for additional 90-day periods upon the submission of renewal applications. Emergency authorizations under Section 703 are consistent with the requirements for emergency authorizations in FISA against persons in the United States, as amended by this Act; the Attorney General may authorize an emergency acquisition if an application is submitted to the FISA Court in not more than seven days.

Section 703(g) is a construction provision that clarifies that, if the Government obtains an order and targets a particular United States person in accordance with Section 703, FISA does not require the Government to seek a court order under any other provision of FISA to target that United States person while that person is reasonably believed to be located outside the United States.

Section 704. Other Acquisitions Targeting United States Persons Outside the United States

Section 704 governs other acquisitions that target United States persons who are outside the United States. Sections 702 and 703 address acquisitions that constitute electronic surveillance or the acquisition of stored electronic communications. In contrast, Section 704 addresses any targeting of a United States person outside of the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required if the acquisition occurred within the United States. It thus covers not only communications intelligence, but, if it were to occur, the physical search for foreign intelligence purposes of a home, office, or business of a United States person by an element of the United States intelligence community, outside of the United States.

Pursuant to Section 704(a)(3), if the targeted United States person is reasonably believed to be in the United States while an order under Section 704 is in effect, the acquisition against that person shall cease unless authority is obtained under another applicable provision of FISA. The Government may not use Section 704 to authorize an acquisition of foreign intelligence inside the United States.

Section 704(b) describes the application to the FISA Court that is required. For an order under Section 704(c), the FISA Court must determine that there is probable cause to believe that the United States person who is the target of the acquisition is reasonably believed to be located outside the United States and is a foreign power, or an agent, officer, or employee of a foreign power. An order is valid for a period not to exceed 90 days, and may be renewed for additional 90-day periods upon submission of renewal applications meeting application requirements.

Because an acquisition under Section 704 is conducted outside the United States, or is otherwise not covered by FISA, the FISA Court is expressly not given jurisdiction to review the means by which an acquisition under this section may be conducted. Although the FISA Court's review is limited to determinations of probable cause, Section 704 anticipates that any acquisition conducted pursuant to a Section 704 order will in all other respects be conducted in compliance with relevant regulations and Executive Orders governing the acquisition of foreign intelligence outside the United States, including Executive Order 12333 or any successor order.

Section 705. Joint Applications and Concurrent Authorizations

Section 705 provides that if an acquisition targeting a United States person under Section 703 or 704 is proposed to be conducted both inside and outside the United States, a judge of the FISA Court may issue simultaneously, upon the request of the Government in a joint application meeting the requirements of Sections 703 and 704, orders under both sections as appropriate. If an order authorizing electronic surveillance or physical search has been obtained under Section 105 or 304, and that order is still in effect, the Attorney General may authorize, without an order under Section 703 or 704, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

Section 706. Use of Information Acquired Under Title VII

Section 706 fills a void that has existed under the Protect America Act which had contained no provision governing the use of acquired intelligence. Section 706(a) provides that information acquired from an acquisition conducted under Section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of Section 106 of FISA, which is the provision of Title I of FISA that governs public disclosure or use in criminal proceedings. The one exception is for subsection (j) of Section 106, as the notice provision in that subsection, while manageable in individual Title I proceedings, would present a difficult national security question when applied to a Title VII acquisition. Section 706(b) also provides that information acquired from an acquisition conducted under Section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of Section 106 of FISA; however, the notice provision of subsection (j) applies. Section 706 ensures a uniform standard for the types of information acquired under the new title.

Section 707. Congressional Oversight

Section 707 provides for additional congressional oversight of the implementation of Title VII. The Attorney General is to fully inform "in a manner consistent with national security" the congressional intelligence and judiciary committees about implementation of the Act at least semiannually. Each report is to include any certifications made under Section 702, the reasons for any determinations made under Section 702(c)(2), any directives issued during the reporting period, a description of the judicial review during the reporting period to include a copy of any order or pleading that contains a significant legal interpretation of Section 702, incidents of noncompliance and procedures to implement the section. With respect to Sections 703 and 704, the report must contain the number of applications made for orders under each section and the number of such orders granted, modified and denied, as well as the number of emergency authorizations made pursuant to each section and the subsequent orders approving or denying the relevant application.

Section 708. Savings Provision

Section 708 provides that nothing in Title VII shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of FISA. This language is designed to ensure that Title VII cannot be interpreted to prevent the Government from submitting applications and seeking orders under other titles of FISA.

Section 101(b). Table of Contents

Section 101(b) of the bill amends the table of contents in the first section of FISA.

Subsection 101(c). Technical and Conforming Amendments

Section 101(c) of the bill provides for technical and conforming amendments in Title 18 of the United States Code and in FISA.

Section 102. Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted

Section 102(a) amends Title I of FISA by adding a new Section 112 of FISA. Under the heading of "Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted," the new Section 112(a) states: "Except as provided in subsection (b), the procedures of chapters 119, 121 and 126 of Title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communication may be conducted." New Section 112(b) of FISA provides that only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to FISA or chapters 119, 121, or 206 of Title 18 shall constitute an additional exclusive means for the purpose of subsection (a). The new Section 112 is based on a provision which Congress enacted in 1978 as part of the original FISA that is codified in Section 2511(2)(f) of Title 18, United States Code, and which will remain in the U.S. Code.

Section 102(a) strengthens the statutory provisions pertaining to electronic surveillance and interception of certain communications to clarify the express intent of Congress that these statutory provisions are the exclusive means for conducting electronic surveillance and interception of certain communications. This section makes it clear that any existing statute cannot be used in the future as the statutory basis for circumventing FISA. Section 102(a) is intended to ensure that additional exclusive means for surveillance or interceptions shall be express statutory authorizations.

In accord with Section 102(b) of the bill, Section 109 of FISA that provides for criminal penalties for violations of FISA, is amended to implement the exclusivity requirement added in Section 112 by making clear that the safe harbor to FISA's criminal offense provision is limited to statutory authorizations for electronic surveillance or the interception of domestic wire, oral, or electronic communications which are pursuant to a provision of FISA, one of the enumerated chapters of the criminal code, or a statutory authorization that expressly provides an additional exclusive means for conducting the electronic surveillance. By virtue of the cross-reference in Section 110 of FISA to Section 109, that limitation on the safe harbor in Section 109 applies equally to Section 110 on civil liability for conducting unlawful electronic surveillance.

Section 102(c) requires that, if a certification for assistance to obtain foreign intelligence is based on statutory authority, the certification provided to an electronic communication service provider is to include the specific statutory authorization for the request for assistance and certify that the statutory requirements have been met. This provision is designed to assist electronic communication service providers in understanding the legal basis for any government request for assistance.

In the section-by-section analysis of S. 2248, the report of the Select Committee on Intelligence (S. Rep. No. 110–209, at 18) described and incorporated the discussion of exclusivity in the 1978 conference report on the original Foreign Intelligence Surveillance Act, in particular the conferees' description of the analysis in *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U.S. 579, 637 (1952) and the application of the principles described there to the current legislation. That full discussion should be deemed incorporated in this section-by-section analysis.

Section 102 of the bill will not—and cannot—preclude the President from exercising his Article II constitutional authority to conduct warrantless foreign intelligence surveillance. At most, this exclusive means provision only places the President at his "lowest ebb" under the third prong of the Youngstown case analysis. That is exactly where the President was when FISA was passed back in 1978 and the "revised" exclusive means provision in this bill does not change this fact. Even at his lowest ebb, the President's authority with respect to intercepting enemy communications is still quite strong, especially when compared to the nonexistent capability of Congress to engage in similar interception activities.

Further, Section 102(c) actually reinforces the President's Article II authority, stating that "if a certification . . . for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory requirements have been met." The implication from such language is that if a certification is not based on statutory authority, then citing statutory authority would be unnecessary. This language thus acknowledges that certifications may be based on something other than statutory authority, namely the President's inherent constitutional authority.

Section 103. Submittal to Congress of Certain Court Orders under the Foreign Intelligence Surveillance Act of 1978

Section 6002 of the Intelligence Reform Act and Terrorism Prevention Act of 2004 (Pub. L. 108–458), added a Title VI to FISA that augments the semiannual reporting obligations of the Attorney General to the intelligence and judiciary committees of the Senate and House of Representatives. Under Section 6002, the Attorney General shall report a summary of significant legal interpretations of FISA in matters before the FISA Court or Foreign Intelligence Surveillance Court of Review. The requirement extends to interpretations presented in applications or pleadings filed with either court by the Department of Justice. In addition to the semiannual summary, the Department of Justice is required to provide copies of court decisions, but not orders, which include significant interpretations of FISA. The importance of the reporting requirement is that, because the two courts conduct their business in secret, Congress needs the reports to know how the law it has enacted is being interpreted.

Section 103 adds to the Title VI reporting requirements in three ways. First, as significant legal interpretations may be included in orders as well as opinions, Section 103 requires that orders also be provided to the committees. Second, as the semiannual report often takes many months after the end of the semiannual period to prepare, Section 103 accelerates provision of information about significant legal interpretations by requiring the submission of such decisions, orders, or opinions within 45 days. Finally, Section 103 requires that the Attorney General shall submit a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, from the period five years preceding enactment of the bill that has not previously been submitted to the congressional intelligence and judiciary committees. The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of documents submitted in accordance with subsection 103(c) as necessary to protect national security.

OVERVIEW OF SECTIONS 104 THROUGH SECTION 109; FISA STREAMLINING

Sections 104 through 109 amend various sections of FISA for such purposes as reducing a paperwork requirement, modifying time requirements, or providing additional flexibility in terms of the range of Government officials who may authorize FISA actions. Collectively, these amendments are described as streamlining amendments. In general, they are intended to increase the efficiency of the FISA process without depriving the FISA Court of the information it needs to make findings required under FISA.

Section 104. Applications for Court Orders

Section 104 of the bill strikes two of the eleven paragraphs on standard information in an application for a surveillance order under Section 104 of FISA, either because the information is provided elsewhere in the application process or is not needed.

In various places, FISA has required the submission of "detailed" information, as in Section 104 of FISA, "a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance." The DNI requested legislation that asked that "summary" be substituted for "detailed" for this and other application requirements, in order to reduce the length of FISA applications. In general, the bill approaches this by eliminating the mandate for "detailed" descriptions, leaving it to the FISA Court and the Government to work out the level of specificity needed by the FISA Court to perform its statutory responsibilities. With respect to one item of information, "a statement of the means by which the surveillance will be effected," the bill modifies the requirement by allowing for "a summary statement."

In aid of flexibility, Section 104 increases the number of individuals who may make FISA applications by allowing the President to designate the Deputy Director of the Federal Bureau of Investigation ("FBI") as one of those individuals. This should enable the Government to move more expeditiously to obtain certifications when the Director of the FBI is away from Washington or otherwise unavailable.

Subsection (b) of Section 104 of FISA is eliminated as obsolete in light of current applications. The Director of the Central Intelligence Agency is added to the list of officials who may make a written request to the Attorney General to personally review a FISA application as the head of the CIA had this authority prior to the establishment of the Office of the Director of National Intelligence.

Section 105. Issuance of an Order

Section 105 strikes from Section 105 of FISA several unnecessary or obsolete provisions. Section 105 strikes subsection (c)(1)(F) of Section 105 of FISA which requires minimization procedures applicable to each surveillance device employed because Section 105(c)(2)(A) requires each order approving electronic surveillance to direct the minimization procedures to be followed.

Subsection (a)(6) reorganizes, in more readable form, the emergency surveillance provision of Section 105(f), now redesignated Section 105(e), with a substantive change of extending from 3 to 7 days the time by which the Attorney General must apply for and obtain a court order after authorizing an emergency surveillance. The purpose of the change is to ease the administrative burdens upon the Department of Justice, the Intelligence Community, and the FISA Court currently imposed by the three-day requirement.

Subsection (a)(7) adds a new paragraph to Section 105 of FISA to require the FISA Court, on the Government's request, when granting an application for electronic surveillance, to authorize at the same time the installation and use of pen registers and trap and trace devices. This change recognizes that when the Intelligence Community seeks to use electronic surveillance, pen register and trap and trace information is often essential to conducting complete surveillance, and the Government should not need to file two separate applications.

Section 106. Use of Information

Section 106 amends Section 106(i) of FISA with regard to the limitations on the use of unintentionally acquired information. Currently, Section 106(i) of FISA provides that unintentionally acquired radio communication between persons located in the United States must be destroyed unless the Attorney General determines that the contents of the communications indicates a threat of death or serious bodily harm to any person. Section 106 of the bill amends subsection 106(i) of FISA by making it technology neutral on the principle that the same rule for the use of information indicating threats of death or serious harm should apply no matter how the communication is transmitted.

Section 107. Amendments for Physical Searches

Section 107 makes changes to Title III of FISA: changing applications and orders for physical searches to correspond to changes in Sections 104 and 105 on reduction of some application paperwork; providing the FBI with administrative flexibility in enabling its Deputy Director to be a certifying officer; and extending the time, from 3 days to 7 days, for applying for and obtaining a court order after authorization of an emergency search.

Section 303(a)(4)(C), which will be redesignated Section 303(a)(3)(C), requires that each application for physical search authority state the applicant's belief that the property is "owned, used, possessed by, or is in transmit to or from" a foreign power or an agent of a foreign power. In order to provide needed flexibility and to make the provision consistent with electronic surveillance provisions, Section 107(a)(1)(D) of the bill allows the FBI to apply for authority to search property that also is "about to be" owned, used, or possessed by a foreign power or agent of a foreign power, or in transit to or from one.

Section 108. Amendments for Emergency Pen Registers and Trap and Trace Devices

Section 108 amends Section 403 of FISA to extend from 2 days to 7 days the time for applying for and obtaining a court order after an emergency installation of a pen register or trap and trace device. This change harmonizes among FISA's provisions for electronic surveillance, search, and pen register/trap and trace authority the time requirements that follow the Attorney General's decision to take emergency action.

Section 109. Foreign Intelligence Surveillance Court

Section 109 contains four amendments to Section 103 of FISA, which establishes the FISA Court and the Foreign Intelligence Surveillance Court of Review.

Section 109(a) amends Section 103 to provide that judges on the FISA Court shall be drawn from "at least seven" of the United States judicial circuits. The current requirement—that the eleven judges be drawn from seven judicial circuits (with the number appearing to be a ceiling rather than a floor) has proven unnecessarily restrictive or complicated for the designation of the judges to the FISA Court.

Section 109(b) amends Section 103 to allow the FISA Court to hold a hearing or rehearing of a matter en banc, which is by all the judges who constitute the FISA Court sitting together. The Court may determine to do this on its own initiative, at the request of the Government in any proceeding under FISA, or at the request of a party in the few proceedings in which a private entity or person may be a party, i.e., challenges to document production orders under Title V, or proceedings on the legality or enforcement of directives to electronic communication service providers under Title VII.

Under Section 109(b), en banc review may be ordered by a majority of the judges who constitute the FISA Court upon a determination that it is necessary to secure or maintain uniformity of the court's decisions or that a particular proceeding involves a question of exceptional importance. En banc proceedings should be rare and in the interest of the general objective of fostering expeditious consideration of matters before the FISA Court.

Section 109(c) provides authority for the entry of stays, or the entry of orders modifying orders entered by the FISA Court or the Foreign Intelligence Surveillance Court of Review, pending appeal or review in the Supreme Court. This authority is supplemental to, and does not supersede, the specific provision in Section 702(i)(4)(B) that acquisitions under Title VII may continue during the pendency of any rehearing en banc and appeal to the Court of Review subject to the requirement for a determination within 60 days under Section 702(i)(4)(C).

Section 109(d) provides that nothing in FISA shall be construed to reduce or contravene the inherent authority of the FISA Court to determine or enforce compliance with an order or a rule of that court or with a procedure approved by it. The recognition in subsection (d) of the FISA Court's inherent authority to determine or enforce compliance with a court order, rule, or procedure does not authorize the Court to assess compliance with the minimization procedures used in the foreign targeting context. This conclusion is based upon three observations.

First, Section 702 contains no explicit statutory provision that authorizes the FISA Court to assess compliance with the minimization procedures in the foreign targeting context. If it had so desired, Congress could have included a specific statutory authorization like those included in Sections 105(d)(3), 304(d)(3), and 703(c)(7). In fact, there were several unsuccessful efforts during the legislative process to include a specific statutory authorization in this bill.

Second, the Court's inherent authority to review and approve minimization procedures in the context of domestic electronic surveillance or physical searches is different from its inherent authority to review and approve minimization procedures in the foreign targeting context. In the domestic context, the Court must direct that the minimization procedures be followed. See Sections 105(c)(2)(A), 304(c)(2)(A), and 703(c)(5)(A). There is no such requirement in the foreign targeting context. Instead, the Court's judicial review is limited to assessing whether the procedures meet the definition of minimization procedures under FISA. See Section 702(i)(2)(C). When the Court issues an order under Section 702, it merely enters an order approving the use of the minimization procedures for the acquisition. See

702(1)(3)(A). This limitation on the scope of the Court's order in the foreign targeting context should be interpreted as not providing the Court with any inherent authority to assess compliance with the approved minimization procedures in the foreign targeting context.

Finally, assessing compliance with minimization procedures in the foreign targeting context has historically been a responsibility performed by the Executive branch. This bill preserves that responsibility by requiring the Attorney General and the Director of National Intelligence to assess compliance with the minimization procedures on a semi-annual basis. See Section 702(l)(1). Inspectors General of each element of the Intelligence Community are authorized to review compliance with the adopted minimization procedures. See Section 702(l)(2). Also, the heads of each element of the Intelligence Community are required to conduct an annual review to evaluate the adequacy of the minimization procedures used by their element in conducting a particular acquisition. See Section 702(l)(3). Conversely, the FISA Court has little, if any, historical experience with assessing compliance with minimization in the context of foreign targeting. There are significant differences between the scope, purpose, and means by which the acquisition of foreign intelligence is conducted in the domestic and foreign targeting contexts. While the FISA Court is well-suited to assess compliance with minimization procedures in the domestic context, such assessment is better left to the Executive branch in the foreign targeting context.

Section 110. Weapons of Mass Destruction

Section 110 amends the definitions in FISA of foreign power and agent of a foreign power to include individuals who are not United States persons and entities not substantially composed of United States persons that are engaged in the international proliferation of weapons of mass destruction. Section 110 also adds a definition of weapon of mass destruction to the Act that defines weapons of mass destruction to cover explosive, incendiary, or poison gas devices that are designed, intended to, or have the capability to cause a mass casualty incident or death, and biological, chemical and nuclear weapons that are designed, intended to, or have the capability to cause illness or serious bodily injury to a significant number of persons. Section 110 also makes corresponding technical and conforming changes to FISA.

TITLE II. PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

This title establishes a new Title VIII of FISA. The title addresses liability relief for electronic communication service providers who have been alleged in various civil actions to have assisted the U.S. Government between September 11, 2001, and January 17, 2007, when the Attorney General announced the termination of the Terrorist Surveillance Program. In addition, Title VIII contains provisions of law intended to implement statutory defenses for electronic communication service providers and others who assist the Government in accordance with precise, existing legal requirements, and provides for federal preemption of state investigations. The liability protection provisions of Title VIII are not subject to sunset.

Section 801. Definitions

Section 801 establishes definitions for Title VIII. Several are of particular importance.

The term "assistance" is defined to mean the provision of, or the provision of access to, information, facilities, or another form of assistance. The word "information" is itself described in a parenthetical to include communication contents, communication records, or other information relating to a customer or communications. "Contents" is defined by reference to its meaning in Title I of FISA. By that reference, it includes any information concerning the identity of the parties to a communication or the existence, substance, purport, or meaning of it.

The term "civil action" is defined to include a "covered civil action." Thus, "covered civil actions" are a subset of civil actions, and everything in new Title VIII that is applicable generally to civil actions is also applicable to "covered civil actions." A "covered civil action" has two key elements. It is defined as a civil action filed in a federal or state court which (1) alleges that an electronic communication service provider (a defined term) furnished assistance to an element of the intelligence community and (2) seeks monetary or other relief from the electronic communication service provider related to the provision of the assistance. Both elements must be present for the lawsuit to be a covered civil action.

The term "person" (the full universe of those protected by Section 802) is necessarily broader than the definition of electronic communication service provider. The aspects of Title VIII that apply to those who assist the Government in accordance with precise, existing legal requirements apply to all who may be ordered to provide assistance under FISA, such as custodians of records who may be directed to produce records by the FISA Court under Title V of FISA or landlords who may be required to provide access under Title I or III of FISA, not just to electronic communication service providers.

Section 802. Procedures for Implementing Statutory Defenses

Section 802 establishes procedures for implementing statutory defenses. Notwithstanding any other provision of law, no civil action may lie or be maintained in a federal or state court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General makes a certification to the district court in which the action is pending. (If an action had been commenced in state court, it would have to be removed, pursuant to Section 802(g) to a district court, where a certification under Section 802 could be filed.) The certification must state either that the assistance was not provided (Section 802(a)(5)) or, if furnished, that it was provided pursuant to specific statutory requirements (Sections 802(a)(1–4)). Three of these underlying requirements, which are specifically described in Section 802 (Sections 802(a)(1–3)), come from existing law. They include: an order of the FISA Court directing assistance, a certification in writing under Sections 2511(2)(a)(ii)(B) or 2709(b) of Title 18, or directives to electronic communication service providers under particular sections of FISA or the Protect America Act.

The Attorney General may only make a certification under the fourth statutory requirement, Section 802(a)(4), if the civil action is a covered civil action (as defined in Section 801(5)). To satisfy the requirements of Section 802(a)(4), the Attorney General must certify first that the assistance alleged to have been provided by the electronic communication service provider was in connection with an intelligence activity involving communications that was (1) authorized by the President between September 11, 2001 and January 17, 2007 and (2) designed to detect or prevent a terrorist attack or preparations for one against the United States. In addition, the Attorney General must also certify that the assistance was the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head (or deputy to the head) of an element of the intelligence community to the electronic communication service provider indicating that the activity was (1) authorized by the President and (2) determined to be lawful. The report of the Select Committee on Intelligence contained a description of the relevant correspondence provided to electronic communication service providers (S. Rep. No. 110–209, at 9).

The district court must give effect to the Attorney General's certification unless the court finds it is not supported by substantial evidence provided to the court pursuant to this section. In its review, the court may examine any relevant court order, certification, written request or directive submitted by the Attorney General pursuant to subsection (b)(2) or by the parties pursuant to subsection (d).

If the Attorney General files a declaration that disclosure of a certification or supplemental materials would harm national security, the court shall review the certification and supplemental materials in camera and ex parte, which means with only the Government present. A public order following that review shall be limited to a statement as to whether the case is dismissed and a description of the legal standards that govern the order, without disclosing the basis for the certification of the Attorney General. The purpose of this requirement is to protect the classified national security information involved in the identification of providers who assist the Government. A public order shall not disclose whether the certification was based on an order, certification, or directive, or on the ground that the electronic communication service provider furnished no assistance. Because the district court must find that the certification—including a certification that states that a party did not provide the alleged assistance—is supported by substantial evidence in order to dismiss a case, an order failing to dismiss a case is only a conclusion that the substantial evidence test has not been met. It does not indicate whether a particular provider assisted the government.

Subsection (d) makes clear that any plaintiff or defendant in a civil action may submit any relevant court order, certification, written request, or directive to the district court for review and be permitted to participate in the briefing or argument of any legal issue in a judicial proceeding conducted pursuant to this section, to the extent that such participation does not require the disclosure of classified information to such party. The authorities of the Attorney General under Section 802 are to be performed only by the Attorney General, the Acting Attorney General, or the Deputy Attorney General.

In adopting the portions of Section 802 that allow for liability protection for those electronic communication service providers who may have participated in the program of intelligence activity involving communications authorized by the President between September 11, 2001, and January 17, 2007, the Congress makes no statement on the legality of the program. The extension of immunity in Section 802 also reflects the Congress's determination that the electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful. Both of these assertions are in accord with the statements in the report of the Senate Intelligence Committee. S. Rep. No. 110–209, at 9.

Section 803. Preemption of State Investigations

Section 803 addresses actions taken by a number of state regulatory commissions to force disclosure of information concerning cooperation by state regulated electronic communication service providers with U.S. intelligence agencies. Section 803 preempts these state actions and authorizes the United States to bring suit to enforce the prohibition.

Section 804. Reporting

Section 804 provides for oversight of the implementation of Title VIII. On a semiannual basis, the Attorney General is to provide to the appropriate congressional committees a report on any certifications made under Section 802, a description of the judicial review of the certifications made under Section 802, and any actions taken to enforce the provisions of Section 803.

Section 202. Technical Amendments

Section 202 amends the table of contents of the first section of FISA.

TITLE III. REVIEW OF PREVIOUS ACTIONS

Title III directs the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the Department of Defense, the National Security Agency, and any other element of the intelligence community that participated in the President's surveillance program, defined in the title to mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, to complete a comprehensive review of the program with respect to the oversight authority and responsibility of each Inspector General.

The review is to include: (1) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the program; (2) access to legal reviews of the program and information about the program; (3) communications with, and participation of, individuals and entities in the private sector related to the program; (4) interaction with the FISA Court and transition to court orders related to the program; and (5) any other matters identified by any such Inspector General that would enable that inspector general to complete a review of the program with respect to the Inspector General's department or element. While other versions of this Inspector General audit provision may have included the requirement that the Inspectors General review the "substance" of the legal reviews or opinions regarding the President's Terrorist Surveillance Program, this bill expressly excludes that language. Thus, it is not intended for the Inspectors General to determine or consider the legality of the Terrorist Surveillance Program.

The Inspectors General are directed to work in conjunction, to the extent practicable, with other Inspectors General required to conduct a review, and not unnecessarily duplicate or delay any reviews or audits that have already been completed or are being undertaken with respect to the program. In addition, the Counsel of the Office of Professional Responsibility of the Department of Justice is directed to provide the report of any investigation of that office relating to the program, including any investigation of the process through which the legal reviews of the program were conducted and the substance of such reviews, to the Inspector General of the Department of Justice, who shall integrate the factual findings and conclusions of such investigation into its review.

The Inspectors General shall designate one of the Senate confirmed Inspectors General required to conduct a review to coordinate the conduct of the reviews and the preparation of the reports. The Inspectors General are to submit an interim report within sixty days to the appropriate congressional committees on their planned scope of review. The final report is to be completed no later than one year after enactment and shall be submitted in unclassified form, but may include a classified annex.

TITLE IV. OTHER PROVISIONS

Section 401. Severability

Section 401 provides that if any provision of this bill or its application is held invalid, the validity of the remainder of the Act and its application to other persons or circumstances is unaffected.

Section 402. Effective Date

Section 402 provides that except as provided in the transition procedures (Section 404 of the title), the amendments made by the bill shall take effect immediately.

Section 403. Repeals

Section 403(a) provides for the repeal of those sections of FISA enacted as amendments to FISA by the Protect America Act, except as provided otherwise in the transition procedures of Section 404, and makes technical and conforming amendments.

Section 403(b) provides for the sunset of the FISA Amendments Act on December 31, 2012, except as provided in Section 404 of the bill. This date ensures that the amendments by the Act will be reviewed during the next presidential administration. The subsection also makes technical and conforming amendments.

Section 404. Transition Procedures

Section 404 establishes transition procedures for the Protect America Act and the Foreign Intelligence Surveillance Act Amendments of 2008.

Subsection (a)(1) continues in effect orders, authorizations, and directives issued under FISA, as amended by Section 2 of the Protect America Act, until the expiration of such order, authorization or directive.

Subsection (a)(2) sets forth the provisions of FISA and the Protect America Act that continue to apply to any acquisition conducted under such Protect America Act order, authorization or directive. In addition, subsection (a) clarifies the following provisions of the Protect America Act: the protection from liability provision of subsection (l) of Section 105B of FISA as added by Section 2 of the Protect America Act; jurisdiction of the FISA Court with respect to a directive issued pursuant to the Protect America Act, and the Protect America Act reporting requirements of the Attorney General and the DNI. Subsection (a) is made effective as of the date of enactment of the Protect America Act (August 5, 2007). The purpose of these clarifications and the effective date for them is to ensure that there are no gaps in the legal protections contained in that act, including for authorized collection following the sunset of the Protect America Act, notwithstanding that its sunset provision was only extended once until February 16, 2008. Additionally, subsection (a)(3) fills a void in the Protect America Act and applies the use provisions of Section 106 of FISA to collection under the Protect America Act, in the same manner that Section 706 does for collection under Title VII.

In addition, subsection (a)(7) makes clear that if the Attorney General and the DNI seek to replace an authorization made pursuant to the Protect America Act with an authorization made under Section 702, as added by this bill, they are, to the extent practicable, to submit a certification to the FISA Court at least 30 days in advance of the expiration of such authorization. The authorizations, and any directives issued pursuant to the authorization, are to remain in effect until the FISA Court issues an order with respect to that certification.

Subsection (b) provides similar treatment for any order of the FISA Court issued under Title VII of this bill in effect on December 31, 2012.

Subsection (c) provides transition procedures for the authorizations in effect under Section 2.5 of Executive Order 12333. Those authorizations shall continue in effect until the earlier of the date that authorization expires or the date that is 90 days after the enactment of this Act. This transition provision is particularly applicable to the transition to FISA Court orders that will occur as a result of Sections 703 and 704 of FISA, as added by this bill.

Mr. BOND. Mr. President, before the recess I mentioned how the press picked up on the similarities between this bill and the Senate bill and how they kept asking me to help find out the big changes in the bill that no one could find. Well, they stopped asking me that question because they realized there is not much that is significantly different, save some cosmetic fixes that satisfied the House Democratic leadership. Since we started with a bipartisan product here in the Senate, that means we still have a very strong bipartisan bill before us.

I am very pleased that the strong liability protections the Senate bill offered are still in place and our vital intelligence sources and intelligence methods will be safeguarded. I am pleased this compromise preserves the ability of the intelligence community to collect foreign intelligence quickly and in exigent circumstances without any prior court review. I am also pleased that the 2012 sunset—3 years longer than any sunset previously offered in any House bill—will give our intelligence collectors the certainty they need and the tools they use to keep us safe. I am confident that the few changes we made to the Senate bill in H.R. 6304 will not diminish the intelligence community's ability to target terrorists overseas, and the Director of National Intelligence—the DNI—and the Attorney General agree.

I will highlight for my colleagues five of the six main tweaks to the Senate bill that we find in the bill before us, as nuanced as they may be. I say "five" because one of these tweaks I explained in detail before the recess. I trust all of my colleagues remember that discussion very clearly. It was that the civil liability protection provision was slightly modified but still ensures that the companies who may, in good faith, have assisted the Government in the terrorist surveillance program, or TSP, will receive relief. Another way to describe it is that we have essentially provided the district court with an appellate standard review just as we did in the Senate bill. Congress affirms in this legislation that the lawsuits will be dismissed unless the district court judge determines that the Attorney General's certification was not supported by substantial evidence based on the information the Attorney General provides to the court. The intent of Congress is clear. The Intelligence Committee found that the companies deserve liability protection. They were asked by legitimate Government authorities to assist them in a program to keep our country safe. They did it, and now they are being thanked by lawsuits designed not only to destroy their reputation but to destroy the program.

There are several misconceptions that were brought up in the discussions today. Several have said that we don't know what we are granting immunity for; we shouldn't grant it without reviewing the litigation; and there were 70 Members of the Senate who haven't even been briefed on the program. Well, the reason the Senate Select Committee on Intelligence was set up was to review some of the most important and highly classified intelligence-gathering activities of the intelligence community. It was agreed, as we all believe very strongly, that these are very important tools. No. 1, they must be overseen carefully to make sure that the constitutional rights, the privacy rights of American citizens, are protected, and at the same time, within the constitutional framework, the ability of the limited authority of the intelligence community to collect the intelligence is not inhibited. That is what the Senate Intelligence Committee has done in reporting out this bill on a 13-to-2 vote. I am very pleased that our colleagues showed confidence in us by passing this, essentially the same measure, 68 to 29 in February.

There are some who say we don't even know whom we are granting immunity to or what we are granting it to. Very simply, the people—the carriers, the good citizens—who responded to the request to protect our country from terrorist acts are now being sued, and some of them who didn't even participate may be sued. They can't say whether they participated. We are only saying if the Attorney General provides information to be judged on an appellate standard that is not without substantial supporting evidence, then these companies should be dismissed, either because they didn't participate or they participated in good faith.

It does not, as I pointed out, say the Government cannot be sued. There are some who believe—and I think they are wrong—that the President's TSP was unlawful. That can be litigated in the court system. It is being litigated. I will discuss further Judge Walker's opinion and why I think it is wrong and it will not stand up, but that doesn't change the fact that at the time the Attorney General told these American companies, these good citizens, that it was lawful for them to participate and they needed that help, they provided that help, and helped to keep our country safe. We should not thank them by slapping them with lawsuits that would not only destroy their reputation, endanger their personnel here and abroad, but potentially disclose even more of the operations of our very sensitive electronic surveillance program. The more the terrorists who wish to do us harm learn about it, the better able they are to defend against it.

These three amendments all seek to destroy that protection provided by good corporate citizens, patriotic Americans who are responding to a directive of the President, approved by the Attorney General.

Moving on to the first of the five items I haven't discussed, the first item is the concept of prior court review that was included in this language. It is important for all of us to understand that prior court review is not prior court approval. Prior court approval occurs when the court approves the actual acquisition of electronic surveillance as it does in the domestic FISA context. Prior court review, on the other hand, is limited to the court's review of the Government's certification and the targeting and minimization procedures. The prior court review contained in this bill is essentially the same as it was under the bipartisan Senate bill. However, the timing has been changed to allow the court to conduct its review before the Attorney General and the DNI authorize actual acquisition.

The bottom line here is that what many of us feared in prior court approval scenarios has been avoided. To ensure that will always remain the case, we have included a generous "exigent circumstances" provision offered by House Majority Leader HOYER that allows the Attorney General and the DNI to act immediately if intelligence may be lost or not timely acquired. I thank Leader HOYER for that suggestion. Thus, a finding of exigent circumstances requires a much lower threshold than an emergency under traditional FISA.

One of our nonnegotiables in reaching this agreement is that the continued intelligence collection would be assured and uninterrupted by court procedures and delays. It is only because this broad "exigent circumstances" exemption allows for continuous collection that I can wholeheartedly support this nuanced version of prior court review of the DNI and the AG authorizations.

Second, we agreed to language insisted upon by House Speaker PELOSI regarding an "exclusive means" provision. I am confident that the exclusive means provision we have agreed to will not—and indeed cannot—preclude the President from exercising his constitutional authority to conduct warrantless foreign intelligence surveillance. That is the President's article II constitutional power that no statute can remove, and case law, including recent statements in opinions by the FISA Court itself, reaffirmed this.

I am aware, as several people have discussed, of the district court's ruling last week in California where, in a suit against the Government, the judge stated in dicta that:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted.

Interestingly, Judge Walker ignored legislative history which acknowledged the President's inherent constitutional authority. Even though it may have been placed at the lowest ebb, if you agree with that interpretation of the constitutional limitations cited in the Senate Intelligence Committee report on the Senate FISA bill, he still has that authority.

For a variety of reasons, I strongly believe Judge Walker's decision will not stand on appeal. As to the court's comments on exclusive means, there is a fair amount of dictum standing in opposition to his opinion. I happen to think it is right.

For example, the FISA Court in 2002 ruled In re: Sealed Case—a very important decision which I urge everybody to read, if they have time—noted with approval the U.S. Fourth Circuit's holding in the Truong case that the President does have "inherent authority to conduct warrantless searches to obtain foreign intelligence information."

The Truong case involved a U.S. person in the United States, and the surveillance was ordered by the Carter administration without getting a warrant. The Fourth Circuit upheld that action in the criminal prosecution of Truong.

These decisions, along with others like them, were ignored by the analysis of the district court judge last week. At most, this exclusive means provision only places the President at his lowest ebb under the third prong of the steel seizure case analysis, which I do not accept as being valid. But if you use that test, it still exists.

That is exactly where the President was when FISA was passed in 1978, and the revised exclusive means provision in this bill does not change that fact.

We should remember, however, even at its lowest ebb, the President's authority with respect to intercepting enemy communications is still quite strong, especially when compared to the nonexistent capability of Congress to engage in similar interception activities.

It has been said that the President initiated this without any congressional notice. I was not among them at the time, but I understand the Gang of 8 was thoroughly briefed before they started this program. The Gang of 8, for those who may be listening and may not be aware, consists of the Republican and Democratic leaders and second leaders in this body and the other body and the Democratic and Republican leaders of the House and the Senate Intelligence Committees. I believe these people were briefed on this program, and I understand that advice was given in that meeting that we could not change the FISA statute to enable the collection of vital information in any timely fashion; that we could not wait to start listening in on foreign terrorists abroad, possibly plotting against this country, until we passed it.

I think they were right. It has been 15 months since we were told that we needed to revise FISA. Outside of one 6-month, 15-day patch that we elected to adopt last August, we have not been able to change it. I hope a mere 15 months will allow us to change it. But the fact is, had we not had the concurrence of the Gang of 8 in the TSP, it is likely we would not be talking with shock and horror about 9/11, but we would be talking about other similar incidents occurring in the United States.

I believe with respect to the Speaker's own language, conditional language that she offered to us, it actually reinforces the President's article II authority. That bill language we accepted states:

> If a certification . . . for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory requirements have been met.

The obvious implication from this language is if a certification is not based on statutory authority, then citing statutory authority would be unnecessary. This language acknowledges that certifications may be based on something other than statutory authority; namely, the President's inherent constitutional authority. Furthermore, the DNI and Attorney General have assured me there will not be any operational impediments due to this provision. From a constitutional perspective, this language actually improved upon what we were looking at before in the Senate.

What Congress is clearly saying in this language is FISA is the exclusive statutory means for conducting electronic surveillance for intelligence purposes.

I am well aware that some will argue that there is no nonstatutory or constitutional means, but I can remember a long time ago when I was in a basic constitutional law course in law school that the Constitution trumps statutes. What the Constitution gives in rights or powers or authority cannot be exterminated, eliminated, or taken out by statute.

The courts have clearly said the President has that constitutional authority. I mentioned the Carter administration and the Truong case, but on a historical note, it is interesting to note that when President Clinton ordered a warrantless physical search, not electronic eavesdropping but a more intrusive, actual physical search of Aldrich Ames' residence in 1993, Congress responded by seeking to bolster the President's authority by updating FISA to include physical searches.

Aldrich Ames is a U.S. citizen, probably still in prison. Let's pause and think about that: President Clinton ordered a warrantless physical search of an American citizen inside the United States, and what did Congress do? Congress sought to assist the President instead of accuse him of illegal activity. It sought to help him. I would hope some of my colleagues would take a similar approach as we did with President Clinton before.

Third, as a part of our compromise with the House Democrats, we agreed to replace our version of what we call a carve-out from the definition of electronic surveillance with their definition of a carve-out which they call construction. Operationally, there is no difference between the two approaches, but we think our approach is more forthright with the American people because we put our carve-out right up front instead of burying it several chapters later in title VII of FISA as they wanted to do.

Why did they do this? I am sure this is not of great moment to anybody here, but let me say that it was clear from negotiations the other side wanted to be able to come out of the negotiations and say: We wrestled the Republicans back to the original definition of "electronic surveillance" in the 1978 FISA Act, but they failed to mention they buried their carve-out deep in this legislation, and it has the same effect.

They also failed to remind folks it was the original language of the 1978 FISA Act that, due to technology changes, got us into this mess in the first place.

Last year, when the DNI first asked us to modernize FISA, he requested we create a technology-neutral definition of "electronic surveillance." I believed then and I still believe we should redefine "electronic surveillance." FISA is complicated enough, and we should be forthright with the American people.

But some other leaders prefer for political reasons to bury construction provisions deep within the bill instead of presenting an upfront, crystal-clear carve-out. One consequence of their approach is that the same acquisition activities the Government uses to target non-U.S. persons overseas will trigger both the definition of electronic surveillance in title I of FISA and the construction provision in section 7.

Essentially, we have agreed to build an unnecessary internal inconsistency in statute as a political compromise. I reluctantly agreed to do this because the DNI and the Attorney General assured us that going for the carve-out now would not create any operational problems for the intelligence community, but we should fix this in the future during less politically charged times.

For historical note, it should be remembered that the American Government was able to intercept radio communications long before we got into this stage of the intercepts without getting court orders. They were intercepting overseas communications which might have been coming into the United States, and they followed the same procedure that we do now. That was called the procedure of minimization for innocent conversations. Just like the case back when the radio interceptions were going forward, there is not, as I have said before, any evidence that we have seen that innocent Americans were being listened in on.

The bugaboo that this gives the intelligence community the right to listen in on ordinary citizens' conversations willy-nilly, without any limitations, is absolutely false. That is why we built in the protections in the law. That is why we have the layers of supervision to make sure it does not happen.

Fourth, we included a provision for coordinated inspector general audits of the TSP. However, the IGs will not review the substance of the legal reviews related to the President's TSP. In other words, they will not review whether the program was lawful.

I know some colleagues are saying the opposite in the media, but I encourage them to read the language because it is accurate. It is accurate that the IGs will not review whether the program was lawful.

The Senate Intelligence Committee already conducted an exhaustive review of the TSP and found no legal or unlawful conduct. There is no need for an IG audit to second-guess the bipartisan determination. Numerous IGs have already conducted reviews, and several reviews are ongoing. I cannot imagine the IG finding out anything different than they already have or that the Intelligence Committee has found for that matter. But it does make for good politics in an election year to say Congress mandated these reviews even if, in some cases, they will simply be doing reviews that have already been done. To reach agreement, we reluctantly agreed to a more redundant review on the overly taxed intelligence community.

I offer to those who want to challenge the lawfulness of the President's Terrorist Surveillance Program that this bill does not block plaintiff suits against the Government or Government officials. We only offer civil liability protection for providers in the bill. The court case I mentioned earlier against the Government will be able to proceed unaffected by this legislation.

Fifth, and finally, we agreed to a 5-year sunset instead of 6 years. I don't like sunsets. As intelligence community leaders have told us, there are no sunsets in fatwahs against the United States issued by al-Qaida leaders. I only agreed to a 6-year sunset in the Senate bill as a bipartisan compromise. But even with a 5-year sunset, Congress is unlikely to take up FISA reform again in the fall of a Presidential election year, and I trust they will have the good wisdom to push the sunset out longer so they don't find themselves in an election year going through the same drill. Regardless, there is little operational impact.

Remember, it is the job of the House and Senate Intelligence Committees to conduct ongoing, continuing oversight of electronic surveillance, as well as the rest of the intelligence community's programs. If we see the need to make changes before sunset, we will. A sunset does not change that.

In the end, I am proud to say we accomplished our collective goals of making sure we have a bill with clear authorities for foreign targeting, with strong protections for U.S. persons, and with civil liability protection for those providers who allegedly assisted with the President's TSP. We are in a better position today than we were a few months ago legislatively because we not only have the Senate bill before us in essence all over again—and one that received 68 votes the last time—but we have it before us already having passed the House. We know we have a bill we can send straight to the President that the Attorney General and DNI would support and the President can sign into law.

Should we fail to do so, there is a real danger we could fall back into the trap we were in last summer when because of the existing underlying outmoded FISA bill, we put the intelligence community out of business of collecting much vital intelligence during a brief period, far too long, but brief nevertheless.

Why is having essentially the Senate bill with minor tweaks before us all over again a major bipartisan victory? I answer: Because the Senate bill we passed a few months ago was the delicate bipartisan compromise that took months to produce. We had the bipartisan product that increased civil liability protections more than ever before and gave our intelligence operators the tools they needed to keep us safe. I am proud of that bipartisan bill, proud to have negotiated with the House to bring it back to the Senate with essentially the same position in a major bipartisan victory for all sides.

Mr. President, I will reserve the rest of my comments in appreciation of my colleagues. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask if the Senator from Missouri will yield for two questions?

The PRESIDING OFFICER. The Senator from Missouri has used his time.

Mr. SPECTER. Will the Chair repeat that?

The PRESIDING OFFICER. The Senator from Missouri has used his entire 29 minutes allocated under the previous order.

Mr. SPECTER. Mr. President, I will yield myself 5 minutes from my time on the amendment which is scheduled later this afternoon.

The PRESIDING OFFICER. Does the Senator from Missouri consent to being questioned by the Senator from Pennsylvania?

Mr. BOND. Of course. I would be honored.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. The first question I have relates to the Senator's contention that the action by the Intelligence Committee is sufficient.

We know from the representations made earlier today that some 70 Members of the Senate have not been briefed on this subject, and the House leadership has said that the majority of the House Members have not been briefed on this subject. There is no question that a Member's constitutional authority cannot be delegated to another Member. Under the procedures of the Senate and the House but focusing on the Senate, which is where we are, the committees hear the matters, they file reports, they make disclosure to the full body, and the full body then acts.

The question I have for the Senator from Missouri is: How can some 70 Members of the Senate be expected to cast an intelligent vote granting retroactive immunity to a program that the Senators have not been briefed on and don't know about, in light of the clear-cut rule that we cannot delegate our constitutional responsibilities?

Mr. BOND. Well, to reply to my friend—who served in the past on the Intelligence Committee, I believe—that committee was set up to handle matters that involved the most critical classified information. The committee was set up, long before I came to the Senate, to provide a forum, a bipartisan group of Senators with a very able staff, to go over everything that was done in the intelligence community, to oversee it, to make sure it was proper, to make sure it stayed within the guidelines and to provide support and change it where necessary.

Now, I have fought very strongly, alongside my colleague, the chairman, to get the full committee briefed on all these programs. As I have said before, the terrorist surveillance program was not briefed to the full committee, it was briefed and then oversight held with eight people. This, to me, was a mistake. I believe it should have been briefed to the entire committee, but the members of that group of eight did know about it and were briefed about it.

Now, I might say to my good friend, the Senator from Pennsylvania, that we have many important committees putting out legislation on the floor. No person can participate in all the committee work. No person can be involved in every committee. So we have to take the reports, and usually on a bipartisan agreement or disagreement, based on what our colleagues in those committees have studied, have reviewed, and have found to be the case. In this case, an overwhelmingly bipartisan majority of 13 to 2, after studying the bill and the question for 6 months and engaging in about 2 solid months of hard work, found out it was appropriate to give retroactive liability protection to these companies that had acted in good faith.

We were shown the certifications and the authorizations that went to them, and I believe, based on my legal background, that those were adequate and sufficient for these companies to participate. Let us remember, these were critical times. We had just experienced an attack. We were being threatened with more attacks. The Government went to some of these—not all of them but some—companies and said: Please help us. You must help us. We believe in the committee that their actions should not be punished but should be rewarded by preventing them from being harassed by lawsuits.

The legality of the program, if it is to be judged, was not one for a judgment for those companies to make, but it will be played out in Judge Walker's and other courtrooms.

Mr. SPECTER. Mr. President, on my time, which we are on, may I say, before moving to the second brief question, that I admire what the Senator from Missouri has done as vice chairman. I see his diligent work, and I know what the Intelligence Committee is involved with because I served on it for 8 years and chaired it in the 104th Congress. But when the Senator from Missouri delineates even the fewer members within the Intelligence Committee who were briefed, it underscores my point, and that is that most Senators haven't been briefed.

While it is true every Senator does not know what is in every committee report, at least every Senator has access to it, and it is not a matter where there are secret facts and there has been no briefing of them, or where there has been no disclosure and they are called upon to vote. Significantly, the Senator does not deny that no Senator can delegate his constitutional authority, and that is exactly what 70 Senators will be doing.

Let me move within my 5-minute time limit because time is fleeting and there is a great deal to argue.

The PRESIDING OFFICER. The Senator has used 6 minutes. There is 4 minutes remaining.

Mr. SPECTER. We have here litigation which has been ongoing in the Federal court in San Francisco for several years, and a very extended opinion was filed on July 20 of 2006 by Chief Judge Walker on the telephone case on the state secrets doctrine, and that case is now on appeal to the Court of Appeals for the Ninth Circuit.

Here we have a context where the Congress has been totally ineffective in limiting executive authority, where the Executive has violated the specific mandate of the National Security Act of 1947 to brief all members of the Intelligence Committee. It hasn't been done. The Congress has been ineffective on the Foreign Intelligence Surveillance Act, where the Supreme Court denied cert, as I said earlier today, and ducked the decision. Although from the dissenting opinion in the Sixth Circuit, they could have found the requisite standing. Now we have Chief Judge Walker coming down with a 56-page opinion last Wednesday, which does bear on the telephone case. I concede, as the Senator from Missouri has said, that the telephone companies have been good citizens. But there is a way to save them harmless with the amendment I offered in February to substitute the Government in the shoes of the telephone companies.

Have they had problems with their reputation? Well, perhaps so, but they can withstand that. Have they had legal expenses? Well, those can be compensated by indemnity from the Government. We are all called upon to make sacrifices. My father, who served in World War I, was wounded in action. My brother served in World War II. I served 2 years in the Korean war, stateside. I don't think the telephone companies, given their positions, as regulated companies, have been asked for too much. I think it is highly unlikely they would ever have to pay a dime, but that could all be handled by substitution, so we look at a situation where we can both have this electronic surveillance program continue and not give up court jurisdiction through court stripping.

So that brings me to my question: Does the Senator from Missouri now know of any case—there have been jurisdictional issues of a variety of sorts—but any case involving constitutional rights, which has been pending for more than 3 years and is in midstream on appeal to the Court of Appeals for the Ninth Circuit—from a very learned opinion handed down by Chief Judge Walker in 2006—when the Congress has stepped in and taken the case away from the courts, in a context where there is no other way to get a judicial determination on the constitutionality of this conduct?

Mr. BOND. Mr. President, I am happy to answer my colleague. He has stated that the Executive has violated the laws. Not under the constitutional authority that I have outlined. The FISA Court itself recognized what he fails to understand; that it is not a question of the carriers being held liable for any amount of money. Because I agree with him, they are not going to find anybody liable. But what they would do, by continuing having this out in open hearing, is to disclose the most secretive methods and procedures used by our intelligence community, giving the terrorists and those who seek to do us harm a roadmap for getting around it and avoiding those intercepts.

Now, what it would also do is expose those companies to tremendous public scorn and possibly even to injury to their property or to their personnel. Where they operate overseas, they might be attacked. When we started this debate, my colleague, the senior Senator from Illinois, was talking about how an unwarranted disclosure of a question about one of the vitally important exchanges operating in Chicago had cost billions of dollars to that exchange.

When you leak out something that is classified, when you leak out something that is secret, you can have a tremendous impact, and every shareholder of that exchange and every shareholder, whether it be in your pension fund or anyone else, of one of the carriers that might be drawn out and drawn into court in one of these actions, would lose significantly.

Now, to answer the question put specifically by the Senator from Pennsylvania, the cases against the Government are not blocked. The cases against the Government are not blocked. If we are looking for a means of determining the constitutionality, which I believe exists—he obviously doesn't believe exists. OK, we have a disagreement. He is a learned lawyer, and I studied constitutional law a long time ago. We have different views. I can line up a bunch of constitutional law professors on my side. I am sure he can do the same. But that court can go forward because a suit really is a suit against the government.

I think he is right when he is saying he doesn't want to hurt the companies. I don't believe any significant number of Members of this body want to hurt the employees or their shareholders of the companies that may have participated because they were true American heroes. But if he wants to solve the problem that he has—getting court review—then there is no bar in this legislation to a suit against the Government, a Government officer, or a Government agent.

Mr. SPECTER. Mr. President, on my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is advised he has used all his time—13 minutes.

Mr. SPECTER. I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. SPECTER. On my time, Mr. President.

When the Senator from Missouri talks about being exposed to risks or physical harm, that is happening to American soldiers every day around the world, as we know. It happened to my father serving in World War I. There are certain risks, physical or otherwise, which have to be sustained in a democracy doing our duty. We talk about money, about costs. Dollars and cents don't amount to a hill of beans when you are talking about constitutional rights.

When the Senator from Missouri talks about the case can continue against the Government, that is a fallacious argument. The Government has the defense of governmental immunity. The telephone companies do not have that.

I offered the amendment in February to have the Government step into the shoes of the telephone companies with no different defenses. They would have state secrets but no governmental immunity. That was turned down. It is a very different matter to drop suits as to the telephone companies. They do not have governmental immunity. It is very different. Significantly, when challenged for any case which has been going on for years, with these kinds of opinions by the Chief Judge in San Francisco and on appeal to the Court of Appeals for the Ninth Circuit, for the Congress to step in and take away jurisdiction is an anathema. In the context of congressional ineffectiveness on oversight on separation of powers and in the context of the Supreme Court of the United States, which, as I elaborated earlier today, has ducked it, the only way to get this decision is to let the courts proceed. Congress is ineffective on curtailing executive authority. That is why I think it is so important that we can both keep this surveillance program and at the same time protect constitutional rights.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 15 minutes, so he has 45 minutes remaining on his amendment.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, could the Presiding Officer please indicate what the order of sequence of events is at this point?

The PRESIDING OFFICER. The Senator from New Mexico is authorized to offer his amendment with 1 hour of debate equally divided.

Mr. BINGAMAN. Let me defer to my friend from Michigan. Let me indicate I will plan to use the first 15 minutes of the 30 minutes allocated to me to make a statement now, and then Senator CASEY from Pennsylvania will take 5 minutes, and then Senator LEVIN from Michigan will have the remaining 10 minutes. That is my plan.

I believe the Senator from Michigan wanted to state a question.

Mr. LEVIN. Mr. President, parliamentary inquiry. I thank my friend from New Mexico.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Under the plan that was just stated, if 10 minutes is yielded to this Senator, can the 10 minutes be used at any time this afternoon or must it follow immediately in sequence to either Senator CASEY or Senator BINGAMAN?

The PRESIDING OFFICER. The 10 minutes would have to be used sometime this afternoon.

Mr. LEVIN. At any time this afternoon. I thank the Presiding Officer.

AMENDMENT NO. 5066

Mr. BINGAMAN. Mr. President, I ask to call up amendment No. 5066.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. CASEY, and Mr. SPECTER, proposes an amendment numbered 5066.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the Inspectors General on the President's Surveillance Program is submitted to Congress)

Beginning on page 88, strike line 23 and all that follows through page 90, line 15, and insert the following:

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law other than paragraph (2), a civil action may not lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the district court of the United States in which such action is pending that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 553), or 702(h) directing such assistance;

"(D) in the case of a covered civil action, the assistance alleged to have been provided by the electronic communication service provider was—

"(i) in connection with an intelligence activity involving communications that was—

"(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

"(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

"(ii) the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

"(I) authorized by the President; and

"(II) determined to be lawful; or

"(E) the person did not provide the alleged assistance.

"(2) LIMITATION ON IMPLEMENTATION.—

"(A) IN GENERAL.—The Attorney General may not make a certification for any civil action described in paragraph (1)(D) until after the date described in subparagraph (C).

"(B) STAY OF CIVIL ACTIONS.—During the period beginning on the date of the enactment of the FISA Amendments Act of 2008 and ending on the date described in subparagraph (C), a civil action described in paragraph (1)(D) shall be stayed by the court in which the civil action is pending.

"(C) DATE DESCRIBED.—The date described in this subparagraph is the date that is 90 days after the final report described in section 301(c)(2) of the FISA Amendments Act of 2008 is submitted to the appropriate committees of Congress, as required by such section.".

Mr. BINGAMAN. Mr. President, this is an amendment cosponsored by Senators CASEY and SPECTER. The main thrust of this amendment is to make a point that this legislation which is currently before us puts the cart before the horse. As soon as we enact the legislation, it essentially grants telecommunications companies retroactive immunity for their past actions, but then after the fact, after they have been granted that retroactive immunity, it requires that an in-depth investigation occur regarding what those activities actually were.

The purpose of the amendment I am offering is simply to put the horse and the cart in the right order. I believe this chart makes the case very well. Let me just allude to this chart.

First, let's look at the process for dismissing lawsuits under the current bill, the way the bill now pends. That is the top line here. You can see the first step would be to enact provisions that would set up a procedure for the telecom companies to seek the retroactive immunity.

Second, in the middle here, in accordance with the underlying provisions, the pending civil cases would almost certainly be promptly dismissed as soon as the Attorney General makes the necessary certifications.

Then the last step, over here at the right—it is very difficult to read from any distance, but the last step says, "IG's investigation and report to Congress." The last step would be investigation about whether the companies' participation in the President's warrantless wiretapping program was lawful and whether the relevant inspectors general can report back to Congress with their findings within a year. That is a requirement in the bill, that they do that report within 1 year.

Basically, the current bill's approach is to grant the immunity first and investigate later, after the companies have already been provided with legal liability protection for whatever it is later determined they have been engaged in. The amendment I am offering would change this by modifying the timing of the process that enables these telecom companies to seek immunity, and it changes it so that the investigation of what has occurred would occur first. Only after that investigation has been completed would we allow the immunity to be granted.

Under the amendment—this is the bottom part of this chart—the first step would still be to enact the legislation establishing the procedures for companies to seek immunity. At the same time, the amendment would stay all of the pending court cases against the telecom companies, thereby putting all those cases on hold. The second step would be to allow the inspectors general—that is, from each of these Federal agencies that are designated in the statute—allow the inspectors general to conduct their investigation and to inform Congress about what they found. The amendment would then give Congress 90 days to review those findings, after which time the companies could go ahead and seek dismissal of their lawsuits. So the dismissal of the lawsuits would be the last step and not the first step and could only occur after the investigation was complete and after Congress had an opportunity to review their report that has been done.

The bill does recognize that it is important to understand all the facts surrounding the President's warrantless program. I am glad the legislation requires that the relevant inspectors general come to Congress with a report on the subject. This review will cover the establishment and implementation and use of the surveillance program, as well as the participation of private telecom companies.

However, as I have discussed, the bill also allows the same telecom companies to immediately seek and to obtain retroactive immunity for their participation in the program as soon as the bill becomes law. And that is a mistake, in my view. I find it troubling that Congress would confer immunity before the full extent of the companies' participation in the program is known. Maybe these companies acted in good faith, as some of my colleagues have argued. Maybe they did not. I don't know, myself, what the facts are, but, like most Members of Congress who do not sit on the Intelligence Committee or the Judiciary Committee, I received very little information regarding what actually did occur. I do know, however, that their participation in an unlawful, warrantless surveillance program is a serious issue. It deserves the in-depth review we call for in this legislation, but it deserves that review before we grant those companies blanket protection for their past actions. If we go down this path without first conducting the thorough review, we may very well look back with great regret.

To me, a much more sensible approach would be to have the comprehensive IG report submitted to Congress before companies are allowed to seek dismissal of their suits. The amendment would stay all of the civil cases against the telecom companies. It would allow time for the inspectors general to investigate the circumstances surrounding the President's warrantless surveillance program. It would give Congress the 90 days to review what is found in the IG's report.

While retaining the overall substance and structure of the bill, this would give Congress an opportunity, even though it is a brief opportunity, to at least review the inspectors general report before the companies would be permitted to apply for immunity. If Congress does not affirmatively pass legislation within 90 days of getting the report from the inspectors general, then the companies would be free to seek relief from the court.

I would also like to take just a minute to discuss what the amendment would not do. The amendment is not a deal breaker. The amendment would not remove or alter the substantive provisions in the immunity title of the bill. With passage of this amendment, those provisions would remain intact. Personally, I am opposed to retroactive immunity, but the amendment I am offering does not change the substance of those provisions.

Additionally, by staying the pending lawsuits, the companies would not be subject to the costs of litigation during the development of the IG report or while Congress reviews the report's findings. Proceedings in these cases would be suspended until the called-for report is delivered to Congress and the 90 days have passed.

Some of my colleagues have expressed concerns that unless we immediately grant the telecom companies retroactive immunity, they will refuse to provide assistance in the future. I think that is unfounded. Clearly they are under an obligation to do so under the language of this bill.

Regardless of whether Senators generally favor the legislation or are adamantly opposed to it; that is, the underlying legislation, I hope my colleagues will agree that this amendment is a reasonable modification which would, in fact, improve the bill.

Let me point out one other red herring that has come up. In a letter to Senate leadership dated yesterday, July 7, the administration urged that my amendment:

> . . . fails to address the risk that on-going litigation will result in the release of sensitive national security information, a risk that, if realized, could cause grave harm to the national security.

I suggest the Attorney General and the Director of National Intelligence need to read the amendment I am offering. As I stated, the amendment puts all of the cases on hold. There would be no ongoing activity during the time that proceedings in these cases were stayed, so there is no activity that could create a risk of releasing sensitive information.

This is a good amendment. It would improve this bill. It would make it more logical and certainly improve our ability to understand what it is we are being asked to grant immunity for. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 10 minutes in opposition.

When the inspector general audit provisions were first discussed in the House and Senate, there was a great concern that these audits would be used to delay or deny essential civil liability protections. Unfortunately, this amendment shows that these concerns were justified.

When negotiating this compromise legislation with House Majority Leader HOYER, I agreed in good faith to a limited inspector general review of the President's terrorist surveillance program even though this program has been reviewed up and down on a bipartisan basis by the Senate Intelligence Committee and no abuse or wrongdoing had been found.

Now, in what I could only assume is a political move to undermine the critical civil liability protections in this bill, this amendment delays any liability protection until 90 days after the inspector general review of the bill is completed. What is supposed to happen after that is anything but clear, but I can only assume that will be followed by yet another effort to delay liability relief. That is extraordinarily and unacceptably unfair to those providers that assisted the Government in the aftermath of the September 11 terrorist attacks. We owe them our thanks, not our continued partisan maneuvering.

Earlier, we heard a justification for exposing these providers to public light, having participated in a classified program. The assertion was made: It is like our troops who go abroad and go under fire. Mr. President, as the father of a son who spent 20 months in the last 3 years as a marine sniper in Iraq, I can tell you that they go under tremendous threat and tremendous danger. But they are extremely well trained, they are extremely well supported, and they are extremely well armed.

To say with a straight face that we can subject private companies to that, private companies with American citizens working for them, and that we don't care if they are attacked when they don't have any protection, they don't have any weapons, they don't have any training, I think goes way too far.

That is not reasonable. Let's not hear any more of that stuff, that they should be put in the same position as our trained military men and women who go into battle accepting the risks of battle. These people, these good American citizens, did not expect to be under physical attack.

How often are we going to tell those patriotic Americans we have to delay further any halt to the lawsuits so we can "review" the terrorist surveillance program? Enough is enough. Inspectors general have very clear roles in our Government. They determine if there is waste, fraud, or abuse. Their review under title IV of this bill is essentially for these purposes. They will not determine whether the TSP was lawful. They will not determine whether the providers acted in good faith. That is for the court to do.

So exactly what purpose does it serve to delay liability relief to these companies? The only purpose I can think of is to appease these liberal activists who have tried repeatedly throughout this FISA debate to tie the hands of the intelligence community and punish these companies with frivolous lawsuits.

What message are we sending to all of those private partners who help our intelligence community, our military, our law enforcement community on a daily basis far beyond the FISA context: Help us now, but we cannot guarantee that years later you will not be taken to the cleaners because you did. Is that an incentive? Is that the way we want to deal with fellow Americans whose help we need?

I appreciate there is serious debate about whether the President has article II authority to conduct surveillance. But this is a debate that should not impact whether these providers, who trusted their Government, who in good faith, on the word of the Attorney

General, helped to ensure our homeland did not suffer another terrorist attack. And we think they should be treated fairly and protected.

We need to remember the Senate Intelligence Committee conducted an exhaustive review of the TSP. It found no evidence of illegal or unlawful conduct either by the providers or the Government. We agreed on a bipartisan basis, ratified by the Senate, that the providers acted in good faith. So I do not see how waiting to give them the fair and just relief they deserve advances any goals. It is more likely, the longer these lawsuits, these frivolous lawsuits go on, that our most sensitive sources and methods will be revealed. It becomes much more likely that the providers who helped us will refuse to do so unless we go through a lengthy process to compel them.

We went without cooperation for some time when the act expired, and it was only on the assurance of prompt action that they were able to withstand shareholder pressure and the advice of lawyers not to worry.

The Attorney General and the DNI sent a letter on July 7. It says:

> Any FISA modernization bill must contain effective legal protection for those companies sued because they're believed to have helped the Government prevent terrorist attacks. Liability protection, a fair and just result, is necessary to ensure the continued assistance of the private sector.
>
> H.R. 6304 contains such protection, but the amendment addressed in this letter

Essentially the Bingaman amendment—

> would unnecessarily delay implementation of the protections with the purpose of deferring any decision on this issue for more than a year.
>
> Accordingly, we as well as the President's other senior advisors will recommend that the President veto any bill that includes such an amendment. The Intelligence Committee has recognized the intelligence community cannot obtain intelligence it needs without assistance from these companies. We recognize that the companies in the future may be less willing to assist the Government if they face the threat of lawsuits, and we know that a delay could result in the very degradation and the cooperation that this bill was designed to provide. Continued delay in protecting those who provided assistance will be invariably noted by those who may some day be called upon to help us again.
>
> Finally, by raising the prospect that the litigation at issue could eventually proceed, this amendment fails to address the risks that ongoing litigation will result in release of national security sensitive information, a risk that if realized could cause grave harm to national security.

I reserve the remainder of my time on this side. I ask unanimous consent that after the Senator from Pennsylvania is recognized, the chairman of the committee be recognized for 10 minutes.

I ask unanimous consent that this letter addressed to Leader REID from the DNI and the Attorney General be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 7, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. LEADER: This letter presents the views of the Administration on an amendment to the Foreign Intelligence Surveillance Act of 1978 ("FISA") Amendments Act of 2008 (H.R. 6304) that was not covered in our letter of June 26, 2008. As we stated in that letter, we strongly support enactment of H.R. 6304, which would represent an historic modernization of FISA to reflect dramatic changes in communications technology over the last 30 years. This bill, which passed the House of Representatives by a wide margin of 293–129, is the result of a bipartisan effort that will place the Nation's foreign intelligence effort in this area on a firm, long-term foundation. The bill provides our intelligence professionals the tools they need to protect the country and protects companies whose assistance is vital to this effort from lawsuits for past and future cooperation with the Government.

As we have previously noted, any FISA modernization bill must contain effective legal protections for those companies sued because they are believed to have helped the government prevent terrorist attacks in the aftermath of September 11, 2001. Liability protection is the fair and just result and is necessary to ensure the continued assistance of the private sector. H.R. 6304 contains such protection, but the amendment addressed in this letter would unnecessarily delay implementation of the protections with the purpose of deferring any decision on this issue for more than a year. This amendment would reportedly foreclose an electronic communication service provider from receiving retroactive liability protection until 90 days after the Inspectors General of various departments, as required by section 301 of H.R. 6304, complete a comprehensive review of, and submit a final report on, communications intelligence activities authorized by the President between September 11, 2001, and January 17, 2007. The final report is not due for a year after the enactment of the bill. Any amendment that would delay implementation of the liability protections in this manner is unacceptable. Providing prompt liability protection is critical to the national security. Accordingly, we, as well as the President's other senior advisors, will recommend that the President veto any bill that includes such an amendment.

Continuing to deny appropriate protection to private parties that cooperated in good faith with the Government in the aftermath of the attacks of September 11 has negative consequences for our national security. The Senate Intelligence Committee recognized that "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance, and that the "possible reduction intelligence that might result from this delay is simply unacceptable for the safety of our Nation." These cases have already been pending for years, and delaying implementation of appropriate liability protection as proposed by the amendment would mean that the companies would still face the prospect of defending against multi-billion-dollar claims and would continue to suffer from the uncertainty of pending litigation. Indeed, the apparent purpose of the amendment is to postpone a decision on whether to provide liability protection at all. Such a result would defeat the point of the carefully considered and bipartisan retroactive liability protections in H.R. 6304—to provide for the expeditious dismissal of the relevant cases in those circumstances in which the Attorney General makes, and the district court reviews, the necessary certifications—and could result in the very degradation in private cooperation that the bill was designed to prevent. The intelligence community, as well as law enforcement and homeland security agencies, continue to rely ont he voluntary cooperation and assistance of private parties in other areas. Continued delay in protecting those who provided assistance after September 11 will invariably be noted by those who may someday be called upon again to help the Nation. Finally, by raising the prospect that the litigation at issue could eventually proceed, this amendment fails to address the risk that ongoing litigation will result in the release of sensitive national security information, a risk that, if realized, could cause grave harm to the national security.

Deferring a final decision on retroactive liability protection for 15 months while the Inspectors General complete the review required by H.R. 6304 is also unnecessary. The Senate Intelligence Committee conducted an extensive study of the issue, which included the review of the relevant classified documents, numerous hearings, and testimony. after completing this comprehensive review, the Committee determined that providers had acted in response to written requests or directives stating that the activities had been authorized by the President and had been determined to be lawful, and that the providers "had a good faith basis" for responding to the requests for assistance they received. Accordingly, the Committee agreed to the necessary legal protections on a 13–2 vote. Similarly, the Intelligence Committee of the House of Representatives has been extensively briefed and has exercised thorough oversight in regard to these intelligence matters. We also have made extraordinarily sensitive information available to the Judiciary Committees of both the Senate and House.

The Senate passed a prior version (S. 2248) of the current pending bill, which included retroactive liability protection, by a vote of 68–29. Both Houses of Congress, by wide bipartisan margins, have now made the judgment that retroactive liability protection is the appropriate and fair result. The Congress has been considering this issue for over two years and conducted extensive oversight in this area. During this period, we have emphasized the critical nature of private sector cooperation in protecting our national security and the difficulties of obtaining such cooperation while issues of liability protection remained unresolved. Further delay will damage our intelligence capabilities.

Thank you for the opportunity to present our views on this crucial bill. We reiterate our sincere appreciation to the Congress for working with us on H.R. 6304, a long-term FISA modernization bill that will strengthen the Nation's intelligence capabilities while protecting the liberties of Americans. We strongly support its prompt passage.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, is there any time remaining on the 15 minutes that I had set aside?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. BINGAMAN. I ask the Senator from Pennsylvania that I use two of those to respond to this latest statement. Then I will defer to him for his statement.

Mr. President, I want to respond to the statement by the Senator from Missouri about what all of the reports from the inspectors general would essentially deal with. I believe he said waste, fraud, and abuse, which is sort of the general purview of inspectors general.

That is not my understanding. I understand the inspectors general have been asked to essentially do a review of this.

> The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other elements of the intelligence community that participated in the President's surveillance program—

Shall all work together to do a report which will look into—

> all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;
>
> access to legal reviews of the Program and access to information about the Program;
>
> communications with, and participation of, individuals and entities in the private sector related to the Program;
>
> interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and
>
> any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program with respect to such Department of element.

I believe the review we are talking about here, and that we are legislating or proposing to legislate, is intended to tell the Congress and tell anybody who reads the report what this program consisted of. That is information we do not have today. And it is entirely appropriate that we get that report before we grant immunity.

That is the thrust of my amendment. I hope all of my colleagues will support it. I appreciate my colleague from Pennsylvania yielding me additional time to speak in response.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I have limited time, and I know my colleague from New Mexico, Senator BINGAMAN, did an excellent job of outlining his amendment. I will skip much of what I was going to read in my statement.

Basically, what we are talking about is a time out. We are giving the Congress the opportunity to review the inspectors general report before the Congress chooses to authorize limited immunity for the telecom firms.

It is actually very simple. Basically, what we are saying is, the amendment simply allows the Congress to say: Wait a minute. Hold on. We should take a deep breath before we decide to authorize a Federal district court to grant telecom firms legal immunity for their actions related to the administration's warrantless surveillance program.

Let's figure out what this program entailed. Let's figure out what happened. Let's figure out what the telecom firms actually did, what they actually did when it came to wiretapping and surveillance.

So under this amendment, the pending lawsuits would remain stayed while the inspectors general complete their report. If the firms did nothing wrong, as they have proclaimed, they will be vindicated by the final inspectors general report. Then the Congress will have the confidence to grant these firms the immunity for which they ask.

So I think many Members of this body would have buyer's remorse if they voted for limited immunity without the understanding of what the President's surveillance program did and did not do. This amendment would prevent that buyer's remorse by allowing the Congress to better understand the conduct of the telecommunications firms before we decide to grant sweeping legal immunity for such conduct.

I encourage my colleagues, all Members of the Senate, to vote for this amendment. It strikes the right balance. It is about accountability. It is also about the rule of law. It is a reasonable balance to strike on very important issues, the issues of security and how we are going to implement any kind of program which involves wiretapping and surveillance.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I ask Senator BOND, the vice chairman of the committee, to yield me 10 or 11, potentially even 12 minutes.

Mr. BOND. I make a very generous allotment of 12 minutes. If he needs more, I am anxious to hear what he has to say.

Mr. ROCKEFELLER. I appreciate my colleague yielding me time.

Mr. President, Senator BINGAMAN, who I greatly respect in all ways, has offered an amendment altering the liability protections of title II. That is it. His amendment would postpone the implementation of the liability provisions of the bill until 90 days after the submission of the final report of the inspectors general required under title II.

Now, I appreciate the Senator's desire to have more information out there. But I want the Senator to contemplate, and the Senate as a whole to contemplate, what we are asking. We are talking about a year for the inspectors general to complete their reports.

Does it really work that way? Is it really a flat year? Are we going to send out Federal marshals to have them all do their reports on the exact day? Probably it will stretch a little bit. Maybe it will not; maybe it will.

But you cannot assume it will not. Then you have to add on 90 days. Then you can get to the question of the immunity. I am really baffled by that because what it, in effect, says is, we are almost certainly going to be going through a period of something, which I have not heard discussed today during this entire debate, and that is the actual collection of intelligence that involves highly classified material of a foreboding nature for a long period of time until the Senator from New Mexico and/or the Senate can be convinced that it is worthwhile to give immunity or to understand this program.

Now, I want to make an even more basic point: By inserting this amendment, requesting this amendment be passed, I hope the good Senator does understand that he is undoing a very carefully calibrated compromise between the Senate-passed bill and the House-passed bill that is on title II, taking months and months of negotiations to get to the point where Speaker PELOSI, for example, who was violently against the bill, and title II in particular, and STENY HOYER, who was very much against title II, the immunity portion of the bill, where they could say, on the floor of the House: We think sufficient progress has been made in the negotiations that we will vote for this bill, which the House did by about 70 percent.

Now, that is going from the House not even considering title II. I mean, they considered and rejected it. It was a sea change.

It was a sea change, and one has to have been there to see how the change took place, the good faith bargaining on the part of Vice Chairman BOND, myself, our mutual staffs, working with the DNI and others, long hours and long days with which we have arrived at something which, if we pass this today, will go to the President to be signed. If we accept this amendment or, for that matter, accept the Specter amendment that follows, it will have to go back to the House, which will not take it up, which will not consider it, which will undo everything, and there will be no bill.

Is that important? Yes, it is. Why is it important? Because the chance of not being able to collect on extremely foreboding matters around this world will come to a halt, either because the PATRIOT Act terms have expired or because the companies will withdraw in disgust. In any event, the bill would be vetoed, as the vice chairman said. So it would be the end of the bill. Therefore, I oppose this amendment.

As I will say about each of these amendments—well, I just did—it undoes everything that has been done for the purpose of making a perfecting amendment to satisfy a particular need of a particular Senator. I also must oppose this amendment because there is no reason for delaying the liability protection provisions. There is not a sufficient reason. It is true the Select Committee struggled to get access to details about the President's surveillance program for many months, but in the end we succeeded. We went from maybe eight, more likely four, sometimes six, to all four committees in the House and the Senate, Judiciary and Intelligence. We heard the necessary testimony. We went to the EOP. We read all the documents, and our chiefs of staff were allowed to do the same thing. We read the legal reasoning used to justify within the executive branch and the role of the private sector. We did all of that, not only our committee but also the House Intelligence Committee, and both Judiciary Committees spent considerable time looking at this issue. I am satisfied we have a basis for taking action now.

On national security grounds, we have to, in my judgment. We haven't talked about that today. We have talked about refined points of constitutional niceties and all the rest of it. I don't denigrate that, but there is something called the protection of the Nation. I take that very seriously. I take that very, very seriously. So a form of liability protection has passed the Senate and the House of Representatives a total of three times, once in the Senate and twice in the House. We should not now reverse these actions by passing the provisions of suspension.

Let me be clear. I strongly support the requirement in this bill for a comprehensive review of the President's surveillance program by the inspectors general. They will be very tough and very thorough and embarrass a lot of people. A report on their general review is one of the best ways to inform the American people about the facts. Litigation is an imperfect mechanism to bring facts to the public, rather a terrible mechanism, because of something called the State secrets privilege which is involved, which means the people can't know anything, that a lot of people dealing with the court can't know anything, that the companies can't know anything. It is a closedown. People have to understand that. It is not an open court. You are not getting a traffic ticket. It is a highly complex, nuanced matter which is rigidly guarded by rules. You could argue the rules, but there they are. Unfortunately, if this amendment passes, the fact that litigation is still pending may have the effect of limiting the amount of information that will be released to the public in the report of the inspectors general, the opposite of what the distinguished Senator wants. Certain facts that might be releasable if the litigation were resolved might be held back, if the Government anticipated a continuing need to assert the State secrets privilege in litigation, which it would.

It is also important to note that this amendment, if it were to pass, the liability protection provisions that the Senator is trying to get at would not go away. In other words, if his amendment passed and we took this long delay, nothing would affect the progress of the liability legislation and that possibility. So it is an amendment which doesn't accomplish anything. The provisions would still go into effect after 90 days, unless new legislation is passed. Let's hope that doesn't happen. The new Congress, thus, might be launched into a contentious debate next summer, instead of working with the new President on a new agenda. That is the point of the Cardin amendment, that the date was changed to December 2012, so that the next President, whoever it might be—it is very close—will have a chance to review and perhaps act upon what we have done here in the next term, which is good. I urge defeat of the amendment.

I have one more thing to say, with the indulgence of my colleague. The senior Senator from Pennsylvania and I were engaged in earlier debate over the access Senators have had, both with myself and with the vice chairman, to the Government letter sent to the telecommunications companies requesting their cooperation during the period of 9/11 to January of 2007. The Senator from Pennsylvania lamented the fact that these documents were kept to only the members of the Intelligence and Judiciary Committees and not shared with the full Senate.

I share the view of the Senator that these documents should be viewed by all Senators, and I have advocated this very position to senior officials of the Bush administration for many months. But recognizing the administration's unwillingness to extend this access, the Senate Intelligence Committee did the next best thing. We were able to get declassified the relevant facts upon which the committee and, ultimately, the full Senate reached the judgment that a narrowly drawn immunity bill remedy might be appropriate.

For the record, our committee report, 110–209, accompanying S. 2248, the FISA amendments——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROCKEFELLER. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. And dated October 26, 2007, includes a lengthy declassified explanation of the committee's review and conclusions as well as a description of the representations made by the Government in the letters sent to the companies during the period of time covered by the bill. So for the past 8 months, this public report has been available not only to all Senators—here it is, I have labeled it, pages 8 through 12, right here—but to the general public as well.

I ask unanimous consent that that portion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE II OF THE FISA AMENDMENTS ACT OF 2007

Title II of this bill reflects the Committee's belief that there is a strong national interest in addressing the extent to which the burden of litigation over the legality of surveillance should fall on private parties. Based on a review of both current immunity provisions and historical information on the President's program, the Committee identified three issues relating to the exposure of electronic communication service providers to liability that needed to be addressed in this bill.

First, the Committee considered the exposure to liability of providers who allegedly participated in the President's surveillance program. Second, the Committee considered the absence, in current law, of a procedural mechanism that would give courts an appropriate role in assessing statutory immunity provisions that would otherwise be subject to the state secrets privilege. Third, the Committee sought to clarify the role of state public utility commissions in regulating electronic communication service providers' relationships with the intelligence community. The Committee addressed these three issues, respectively, in sections 202, 203, and 204 of the bill.

RETROACTIVE IMMUNITY

Sections 201 and 202 of the bill provide focused retroactive immunity for electronic communication service providers that were alleged to have cooperated with the intelligence community in implementing the President's surveillance program. Only civil lawsuits against electronic communication service providers alleged to have assisted the Government are covered under the provision. The Committee does not intend for this section to apply to, or in any way affect, pending or future suits against the Government as to the legality of the President's program.

Section 202 was narrowly drafted to apply only to a specific intelligence program. Section 202 therefore provides immunity for an intelligence activity involving communications that was designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, that was authorized in the period between September 11, 2001 and January 17, 2007, and that was described in written requests to the electronic communication service provider as authorized by the President and determined to be lawful.

The extension of immunity in section 202 reflects the Committee's determination that electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful. The Committee's decision to include liability relief for providers was based in significant part on its examination of the written communications from U.S. Government officials to certain providers. The Committee also considered the testimony of relevant participants in the program.

The details of the President's program are highly classified. As with other intelligence matters, the identities of persons or entities who provide assistance to the U.S. Government are protected as vital sources and methods of intelligence. But it reveals no secrets to say—as the Foreign Intelligence Surveillance Act, this bill, and Title 18 of the U.S. Code all make clear—that electronic surveillance for law enforcement and intelligence purposes depends in great part on the cooperation of the private companies that operate the Nation's telecommunication system.

It would be inappropriate to disclose the names of the electronic communication service providers from which assistance was sought, the activities in which the Government was engaged or in which providers assisted, or the details regarding any such assistance. The Committee can say, however, that beginning soon after September 11, 2001, the Executive branch provided written requests or directives to U.S. electronic communication service providers to obtain their assistance with communications intelligence activities that had been authorized by the President.

The Committee has reviewed all of the relevant correspondence. The letters were provided to electronic communication service providers at regular intervals. All of the letters stated that the activities had been authorized by the President. All of the letters also stated that the activities had been determined to be lawful by the Attorney General, except for one letter that covered a period of less than sixty days. That letter, which like all the others stated that the activities had been authorized by the President, stated that the activities had been determined to be lawful by the Counsel to the President.

The historical context of requests or directives for assistance was also relevant to the Committee's determination that electronic communication service providers acted in good faith. The Committee considered both the extraordinary nature of the time period following the terrorist attacks of September 11, 2001, and the fact that the expressed purpose of the program was to "detect and prevent the next terrorist attack" in making its assessment.

On the basis of the representations in the communications to providers, the Committee concluded that the providers, in the unique historical circumstances of the aftermath of September 11, 2001, had a good faith basis for responding to the requests for assistance they received. Section 202 makes no assessment about the legality of the President's program. It simply recognizes that, in the specific historical circumstances here, if the private sector relied on written representations that high-level Government officials had assessed the program to be legal, they acted in good faith and should be entitled to protection from civil suit.

The requirements of section 202 reflect the Committee's determination that cases should only be dismissed when providers acted in good faith. Section 202 applies only to assistance provided by electronics communication service providers pursuant to a "written request or directive from the Attorney General or the head of an element of the intelligence community. . . that the program was authorized by the President and determined to be lawful."

Section 202 also preserves an important role for the courts. Although the bill reflects the Committee's determination that, if the requirements of section 202 are met, the provider acted in good faith, the section allows judicial review of whether the Attorney General has abused the discretion provided by statute in certifying that a provider either furnished no assistance or cooperated with the Government under the terms referenced in the section.

In determining whether to provide retroactive immunity, the Committee weighed the incentives such immunity would provide. As described above, electronic communication service providers play an important role in assisting intelligence officials in national security activities. Indeed, the intelligence community cannot obtain the intelligence it needs without assistance from these companies. Given the scope of the civil damages suits, and the current spotlight associated with providing any assistance to the intelligence community, the Committee was concerned that, without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of out Nation.

At the same time, the Committee recognized that providers play an essential role in ensuring that the Government complies with statutory requirements before collecting information that may impact the privacy interests of U.S. citizens. Because the Government necessarily seeks access to communications through the private sector, providers have the unparalleled ability to insist on receiving appropriate statutory documentation before agreeing to provide any assistance to the Government.

The Committee sought to maintain the balance between these factors by providing retroactive immunity that is limited in scope. The provision of retroactive immunity was intended to encourage electronic communication service providers who acted in good faith in the particular set of circumstances at issue to cooperate with the Government when provided with lawful requests in the future. Restricting that immunity to discrete past activities avoids disrupting the balance of incentives for electronic communication service providers to require compliance with statutory requirements in the future. Under this bill and existing statutory provisions, providers will only be entitled to protection from suit for their future activities if they ensure that their assistance is conducted in accordance with statutory requirements.

The Committee believes that adherence to precise, existing statutory forms is greatly preferred. This preference is reflected in section 203 of the bill, which establishes procedures by which civil actions against those who assist the Government shall be dismissed upon a certification by the Attorney General that any assistance had been provided pursuant to a court order or a statutorily-prescribed certification or directive. The action the Committee proposes for claims arising out of the President's program should be understood by the Executive branch and providers as a one-time response to an unparalleled national experience in the midst of which representations were made that assistance to the Government was authorized and lawful.

PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES

Section 203 of this bill provides a procedure that can be used in the future to seek dismissal of a suit when a defendant either provided assistance pursuant to a lawful statutory requirement, or did not provide assistance. This section, a new section 802 of FISA, reflects the Committee's recognition that the identities of persons or entities who provide assistance to the intelligence community are properly protected as sources and methods of intelligence.

Under the existing statutory scheme, wire or electronic communication providers are authorized to provide information and assistance to persons with authority to conduct electronic surveillance if the providers have been provided with (1) a court order directing the assistance, or (2) a certification in writing signed by the Attorney General or certain other officers that "no warrant or court order is required by law, that all statutory requirements have been met, and that the specific assistance is required." See 18 U.S.C. 2511(2)(a)(ii). Current law therefore envisions that wire and electronic communication service providers will play a lawful role in the Government's conduct of electronic surveillance.

Section 2511(2)(a)(ii) protects these providers from suit as long as their actions are consistent with statutory authorizations. Once electronic communication service providers have a court order or certification, "no cause of action shall lie in any court against any provider of wire or electronic communication service . . . for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter." Id. The Protect America Act and Title I of this bill provide similar protections from suit for providing information or assistance in accordance with statutory directives. All of these immunity provisions are designed to ensure that wire and electronic communication service providers assist the Government with electronic surveillance activities when necessary, and recognize the good faith of those providers who assist the Government in accordance with the statutory scheme.

To the extent that any existing immunity provisions are applicable, however, providers have not been able to benefit from the provisions in the civil cases that are currently pending. Because the Government has claimed the state secrets privilege over the question of whether any particular provider furnished assistance to the Government, an electronic communication service provider who cooperated with the Government pursuant to a valid court order or certification cannot prove it is entitled to immunity under section 2511(2)(a)(ii) without disclosing the information deemed privileged by the Executive branch. Thus, electronic communication providers are prohibited from seeking immunity under section 2511(2)(a)(ii) for any assistance they may have provided to the intelligence community, with the approval of the FISA Court, after January 17, 2007. Providers who did not assist the Government are similarly unable to extract themselves from ongoing litigation, because the assertion of the state secrets privilege makes it impossible for them to demonstrate their lack of involvement.

By addressing the situation in which an entity is prohibited from taking advantage of existing immunity provisions because of Government restrictions on disclosure of the information, Section 203 seeks to ensure that existing immunity provisions have their intended effect. The Committee also intends to reassure providers that as long as their assistance to the Government is conducted in accordance with statutory requirements, they will be protected from civil liability and the burden of further litigation.

The procedure in section 203 allows a court to review a certification as to whether an individual either assisted the Government pursuant to a lawful statutory requirement or did not assist the Government, even when public disclosure of such facts would harm the national security. Because an assertion of state secrets over the same facts would likely prevent all judicial review over whether, and under what authorities, an individual assisted the Government, this provision serves to expand judicial review to an area that may have been previously non-justiciable. In addition, the statute explicitly allows the court to review for abuse of discretion the Attorney General's certification that a person either did not assist the Government or cooperated with the Government pursuant, to statutory requirements.

PREEMPTION

Section 204 of the bill preempts state investigations or required disclosure of information about the relationship between individual electronic communication service providers and the intelligence community. The provision reflects the Committee's view that, although states play an important role in regulating electronic communication service providers, they should not be involved in regulating the relationship between electronic communication service providers and the intelligence community.

Mr. ROCKEFELLER. I hope very much that the Senator's amendment will be defeated. I thank the Chair.

Mr. BOND. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, with the goodwill of the vice chairman, he has granted me a couple of moments to enter a couple documents in the RECORD. We have had several good days of debate or good hours of debate on the FISA bill going back to before the recess. I guess that would be several months. In the course of a discussion of a bill as lengthy and complex as this, several arguments have been made that warrant response, but there isn't always time to give the response. In the interest of establishing an accurate legislative history to accompany the bill, as manager of the bill, I ask unanimous consent to print in the RECORD a statement providing such clarifications and corrections.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6304, FISA AMENDMENTS ACT OF 2008, RESPONSE TO VARIOUS POINTS IN PRE-RECESS DEBATE, JULY 8, 2008

Mr. President, prior to the recess, we had several good days of debate on the FISA bill. Inevitably, in the course of discussion of a bill as lengthy and detailed as this, several arguments have been made that warrant a response in the interest of an accurate legislative history. As a manager of the bill, I would like to take a few moments to clear up several matters.

EXCLUSIVITY

Sections 102(a) and (b) are the bill's main exclusivity provisions. Section 102(a) strengthens present exclusivity law by providing, in a new section 112 of FISA, that only an express statutory authorization for electronic surveillance or the interception of domestic communications shall constitute an exclusive means in addition to specifically listed statutes. Section 102(b) amends section 109 of FISA, the Act's key criminal offense provision, so that the criminal offense and the exclusivity provision dovetail exactly.

These main parts of section 102 are well understood. There has been some confusion, however, about a conforming amendment in section 102(c), which performs a useful but distinctly minor role in the overall exclusivity section.

Section 102(c) adds a detail to the section of the U.S. criminal code (18 USC 2511), which gives immunity from suit to companies who have received a certification from the Attorney General. It requires the Government to identify in the certification the specific statutory provision that authorizes the company's assistance "if a certification . . . for assistance to obtain foreign intelligence information is based on statutory authority."

Several colleagues have suggested, or at least strongly intimated, that this language acknowledges the President's constitutional authority to conduct warrantless surveillance of the kind involved in the President's Terrorism Surveillance Program. Any such argument is inconsistent with both the language of the provision and the intent of its drafters.

To understand the purpose of section 102(c), we need to look at the course of negotiations about it. In its proposed amendment to our Intelligence Committee bill, the Senate Judiciary Committee recommended the following language: "A certification . . . for assistance to obtain foreign intelligence information shall identify the specific provision of the Foreign Intelligence Surveillance Act of 1978 . . . that provides an exception from providing a court order, and shall certify that the statutory requirements of such provision have been met."

As the Judiciary Committee pointed out in its report, this language responded to the need of providers to have clarity regarding the legality of their actions and entitlement to immunity.

After the Judiciary Committee sequentially reported our bill, there were extensive discussions with the administration about this language. In the course of those discussions, the Department of Justice noted that FISA, as drafted in 1978, was only intended to regulate particular activities, those that constitute "electronic surveillance," a term that is carefully defined in FISA. Indeed, the nuance in FISA's definition of electronic surveillance, as well as its very detailed parameters, led us to decide not to alter the definition of electronic surveillance in FISA in this compromise bill. Activities that do not constitute electronic surveillance within the meaning of FISA, or the interception of domestic wire, oral or electronic communications, were not restricted by FISA's original exclusivity provision and the same will be true under this bill. Thus, theoretically there may be activities that fall outside of the statute's restrictions but are not subject to an explicit statutory "exception from providing a court order," as that term was used in the Judiciary Committee amendment.

These discussions led to the language in the current bill, which was included as part of Senator Feinstein's exclusive means amendment in the original Senate debate in February. The amendment was intended to ensure that the provider has as much information as possible, while still recognizing that, going back to the birth of FISA, activities may be conducted side-by-side with FISA, although not under the authority of FISA, if they do not fall within FISA's definition of electronic surveillance.

Section 102(c) was not intended to permit, and its language would not permit, any activities that would violate the main parts of the exclusive means provision, whatever the legal justification. Any suggestion that Congress would take away in a conforming amendment the central achievement of the overall exclusivity section makes no sense.

Indeed, the bill makes it painstakingly clear: any person who engages in electronic surveillance outside of FISA or the U.S. criminal code is committing a criminal offense. Given this statutory requirement, the Attorney General cannot lawfully certify that electronic surveillance outside of FISA satisfies "all statutory requirements," as is required and will continue to be required for a certification in section 2511 of title 18.

Whether or not the President has constitutional authority to conduct surveillance—and there is widespread disagreement here on that point—the language of section 102(c) simply cannot be read to recognize any authority to conduct electronic surveillance that is inconsistent with FISA.

ASSESSMENT OF COMPLIANCE

In debate on the bill, the question has been raised whether the decision not to include in the final compromise a provision specifically addressing the authority of the FISA court to assess compliance with minimization procedures in section 702 represents a determination that the court should not have that authority.

Minimization procedures are specific procedures that are reasonably designed to minimize acquisition and retention, and prohibit dissemination, of nonpublic information concerning United States persons consistent with the need to obtain, produce, and disseminate foreign intelligence information. Compliance with them is central to the protection of the privacy of Americans. The Protect America Act failed to provide for court review and approval of minimization procedures. This bill corrects that omission. The PAA also failed to provide for rules on the use of information acquired under it. This bill corrects that omission by making section 106 of FISA applicable to collection under its foreign targeting provisions. That section explicitly mandates that federal employees may only use or disclose information concerning U.S. persons in accordance with required minimization procedures.

Although section 702 does not have a provision that mandates compliance reviews, as the original House bill contained, the bill before us today recognizes the authority of the FISA court to assess compliance with the procedures that it has approved. The courts of the United States are not advisory bodies. All of them, including the FISA court, have the inherent authority of any other court that exercises the judicial power of the United States to ensure that the parties before them are complying with their orders and the procedures they approve.

An amendment to the original bill that was offered by Senator Whitehouse, who had strongly advocated on the Senate floor in support of judicial review of compliance with minimization procedures, makes the Congress's recognition of this inherent court authority clear. That language, which the Senate adopted by unanimous consent and which is section 109(d) in the final bill, specifically states that no provision of FISA will be construed to reduce or contravene the inherent authority of the FISA court "to determine or enforce compliance with an order or rule of such court, or with a procedure approved by such court."

The decision in negotiating the compromise of this bill not to include in section 702 a separate provision for minimization compliance reviews by the court, should be understood, as we understood in the Senate when considering Senator Whitehouse's amendment, to represent satisfaction that the amendment adequately recognizes the authority of the FISA court to assess compliance.

EXIGENT CIRCUMSTANCES

The next issue that deserves clarification is the exigent circumstances exception to prior court approval. The bill requires the Government to obtain prior court approval of targeting and minimization procedures before beginning collection under the new procedures. There is one exception to this requirement: in exigent circumstances, the Attorney General and Director of National Intelligence may authorize collection to begin immediately.

In section 702(c)(2), the bill describes an exigent circumstances determination to be "a determination by the Attorney General and the Director of National Intelligence that exigent circumstances exist because, without immediate implementation of an authorization under subsection (a) [of section 702], intelligence important to the national security may be lost or not timely acquired and time does not permit the issuance of an order pursuant to subsection (i)(3) prior to the implementation of such authorization."

In both Houses, there has been some discussion about the meaning of the phrase "exigent circumstances" and the expectations of Members about the use of this authority. While the bill does not define the phrase "exigent circumstances" standing alone, it does describe the limits of the appropriate use of the authority: a determination by the Nation's highest law enforcement official, the Attorney General, and highest intelligence official, the DNI, that (a) without immediate implementation "intelligence important to the national security may be lost or not timely acquired" and (b) time does not permit the issuance of a FISA court approval order prior to implementation.

To the extent that auxiliary aids are needed to assist in defining "exigent circumstances," at least three are available.

First, section 702 as a whole demonstrates the clear intent of Congress that prior judicial approval is strongly preferred. To the extent practicable, the Government's submissions of certifications and procedures to the FISA court with regard to annual authorizations shall precede the effective date of those authorizations by at least 30 days. On receiving Government submissions, the FISA court is to complete action on them within 30 days unless the court exercises its limited extension authority.

Those provisions, working together, implement the design of the Congress to ensure that judicial review will ordinarily precede implementation. The benefit of doing so is obvious. The intelligence community, telecommunication providers who are asked to implement Government directives, and the American public will be assured that the procedures and certifications that ensure the lawfulness of collection have been approved before collection begins. In light of the centrality of prior review in section 702, and the significant benefits flowing from it, exceptions should be rare.

Second, if more is needed to define "exigent circumstances," the dictionary definition of "exigent" is a tool of first resort outside the text and structure of the Act. For example, the Random House College Dictionary defines "exigent" as "requiring immediate action or aid; urgent, pressing." "Urgent" in turn is defined as "pressing, compelling or requiring immediate action or attention; imperative."

Third, the interpretation of the bill by agencies charged with its administration is an acknowledged guide, particularly, as here, where that interpretation has been offered to the Congress in the course of the legislative process. In writing to the Speaker on June 19, the Attorney General and the DNI explained: "The exigent circumstances exception is critical to allowing the Intelligence Community to respond swiftly to changing circumstances when the Attorney General and the Director of National Intelligence determine that intelligence may be lost or not timely acquired. Such exigent circumstances could arise in certain circumstances where an unexpected gap has opened in our intelligence collection efforts."

The recognition that the "exigent circumstances" provision is an "exception" to prior court approval that it is applicable to "changing circumstances" and "unexpected gaps," when considered in the light of the text and structure of section 702 and the ordinary meaning of "exigent," all convey, as I believe, that this authority should be used only rarely, when urgent and unexpected action is truly required.

We intend to monitor the use of this authority carefully, so that we can address any abuses at the time of the sunset, if necessary.

TITLE II—DOCUMENTARY SUPPORT FOR ATTORNEY GENERAL CERTIFICATION

During the pre-recess debate, a suggestion was made that the bill establishes clear limits on what documents the district court may review in determining whether substantial evidence supports a certification by the Attorney General on a provider's entitlement to immunity.

The burden is on the Attorney General to provide to the court the equivalent of an administrative record that satisfies the substantial evidence test. While I agree that the parties cannot seek discovery to provide the court with information as to whether the substantial evidence test is met, the bill does not limit what the Attorney General may submit, in his or her discretion, to provide substantial evidence to support the certification.

A certification under section 802 shall be given effect unless the court, in accordance with subsection (b), finds that it is not supported by substantial evidence "provided to the court pursuant to this section." The phrase "this section" covers the entire section. Thus, the scope of the evidence that the Attorney General may submit to sustain the substantial evidence burden is not dependent on any particular subsection of section 802 but is drawn from the entirety of the section including, importantly, all of the substantive requirements for the implementation of liability protection.

Section 802(b)(2) provides that in reviewing a certification under section 802 the court may examine the court order, certification, written request, or directive described in the substantive provisions of section 802. This authority ensures that the court will be able to examine those documents. But it does not limit the Attorney General to those documents in supporting a certification under section 802. For example, the Attorney General may determine that providing substantial evidence to support a certification that a person did not provide assistance requires evidence that is not included in communications with that person. Section 802 therefore should not be read as a limit on what may be submitted to the court by the Attorney General. As for the method by which additional information may be provided, section 802 imposes no limit on what the Attorney General may include within a certification or annexed to it.

Mr. ROCKEFELLER. I also point out, there was an op-ed piece in support of the FISA bill in today's New York Times which I call to the attention of my colleagues. It was written by Mr. Morton Halperin and entitled "Listening to Compromise." Mr. Halperin, in addition to being executive director of the Open Society Policy Center, has a lengthy career of public service in both Democratic and Republican administrations.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Halperin's op-ed in support of the bill as it appeared in today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 8, 2008]

LISTENING TO COMPROMISE

(By Morton H. Halperin)

Two years ago, I stated my belief that the Bush administration's warrantless wiretapping program and disregard for domestic and international law poses a direct challenge to our constitutional order, and "constitutes a far greater threat than the lawlessness of Richard Nixon."

That was not a casual comparison. When I was on the staff of the National Security Council, my home phone was tapped by the Nixon administration—without a warrant—beginning in 1969. The wiretap stayed on for 21 months. The reason? My boss, Henry Kissinger, and the director of the F.B.I., J. Edgar Hoover, believed that I might have leaked information to this newspaper. Even after I left government, and went to work on Edmund Muskie's presidential campaign, the F.B.I. continued to listen in and made periodic reports to the president.

I was No. 8 on Richard Nixon's "enemies list"—a strange assemblage of 20 people who had incurred the White House's wrath because they had disagreed with administration policy. As the presidential counsel John Dean explained it in 1971, the list was part of a plan to "use the available federal machinery to screw our political enemies." My guess is that I earned this dubious distinction because of my opposition to the Vietnam War, though no one ever said for sure.

Because I rejected the Nixon administration's use of national security as a pretext for broad assertions of unchecked executive power, I became engaged with the Foreign Intelligence Surveillance Act when it was proposed in the early 1970s. And because I reject the Bush administration's equally extreme assertions of executive power at the

> expense of civil liberties, I have been engaged in trying to improve the current legislation.
>
> The compromise legislation that will come to the Senate floor this week is not the legislation that I would have liked to see, but I disagree with those who suggest that senators are giving in by backing this bill.
>
> The fact is that the alternative to Congress passing this bill is Congress enacting far worse legislation that the Senate had already passed by a filibuster-proof margin, and which a majority of House members were on record as supporting.
>
> What's more, this bill provides important safeguards for civil liberties. It includes effective mechanisms for oversight of the new surveillance authorities by the FISA court, the House and Senate Intelligence Committees and now the Judiciary Committees. It mandates reports by inspectors general of the Justice Department, the Pentagon and intelligence agencies that will provide the committees with the information they need to conduct this oversight. (The reports by the inspectors general will also provide accountability for the potential unlawful misconduct that occurred during the Bush administration.) Finally, the bill for the first time requires FISA court warrants for surveillance of Americans overseas.
>
> As someone whose civil liberties were violated by the government, I understand this legislation isn't perfect. But I also believe—and here I am speaking only for myself—that it represents our best chance to protect I both our national security and our civil liberties. For that reason, it has my personal support.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would like to speak for a little while about one part of the bill, and I will have more to say tomorrow. I strongly oppose the blanket grant of immunity that is contained in this bill. I would hope Senators would reject what is an ill-advised legislative effort to engineer specific outcomes in ongoing Federal judicial proceedings. Basically, we are telling another branch of Government: Here is the way you have to come out in your decisions.

There is a way to cure that problem. Instead of the Congress telling the courts how they have to rule, we could adopt the Dodd-Feingold-Leahy amendment to strike title II from the bill. This would strike the retroactive immunity provisions, and it would allow for accountability for those who violated Americans' rights and violated the law. It would send a strong message that no one stands above the law in the United States.

I am not out to get the telephone companies. I just want us to know who it was in the administration who said: You may break the law. The American people ought to know who in the White House said, "You may break the law," who it was who made the decision that somehow this President stands above the law.

The administration circumvented the law by conducting warrantless surveillance of Americans for more than 5 years. They were breaking the law, and then they got caught. The press reported this illegal conduct in late 2005. The Republican-controlled Congress did not ask the questions to find it out. The press found it out. Had they not done so, I have to assume this unlawful surveillance would still be going on today.

When the public found out that the Government had been spying on the American people outside of FISA for years, the Government and the providers were sued by citizens who believed their privacy rights were violated. They said: You are violating our privacy. We want you to be held accountable. But, of course, that is why the Founders created a system of Federal courts through the Constitution—so people can assert their rights before a fair and neutral tribunal without interference from the other branches of Government, so they have some way to say: I am not a Democrat. I am not a Republican. I am not rich. I am not poor. I am an American. I am seeking to have my rights upheld.

Title II of this bill would effectively terminate these lawsuits and those rights. It seeks to reduce the role of the court to a rubber stamp. So long as the Attorney General certifies that the Government requested the surveillance and indicated that it had been "determined to be lawful," the cases will be dismissed and everybody is off the hook. It is not the court that says whether you followed the law. No, this bill allows the government to say: Oh, you are looking at us? Ah, we certify we followed the law. So, therefore, you courts have to let us off the hook because, after all, we said, whether we broke the law or not, we are following the law, so we are home free.

That is not a meaningful judicial inquiry. Thinking back to my days as a prosecutor in Vermont, that would be as if the police caught someone in a burglary, I charged them, and the defendant then told the judge: But I have determined that for me, your Honor, the burglary laws do not apply, so you have to let me go. I can't be prosecuted. I can't be held accountable. Nobody would take that seriously. We should not take this seriously. We should not do something that does not give the plaintiffs their day in court. It is not just a heavy thumb on the scales of justice; it is a whole hand and an arm on the scales of justice, and I cannot support it.

If we look at the publicly available information about the President's program, it becomes clear that title II is designed to tank these lawsuits, pure and simple, but then to allow the administration to avoid any accountability for their actions. The Senate Intelligence Committee said in a report last fall that the providers received letters from the Attorney General stating that the activities had been "authorized by the President" and "determined to be lawful."

Guess what. These are precisely the "magic" words that will retroactively immunize the providers under title II of this bill. Mr. President, the fix is in. The bill is rigged, based on what we already know, to ensure that the providers get immunity and the cases get dismissed.

What it says is, if you are in charge, you can just go out and break the law, and then when they look at you, send a letter to the court saying: I have determined that when I broke the law, I did not really break the law, so you have to let me off the hook.

Lewis Carroll once wrote a book about that. I think it was called "Alice in Wonderland." So what if Americans' rights were violated. So what if statutes were violated. So what if those privacy-protecting statutes provide for damages. This bill makes our courts the handmaidens to a coverup, and it is wrong. It tells the courts—the U.S. Federal courts—it tells them: Take part in a coverup. I cannot support something that does that. It is wrong.

Make no mistake, if title II becomes law, there will be no accountability for this administration's actions in a court of law. We would take away the only viable avenue for Americans to seek redress for harms to their privacy and liberties.

Those who claim that American citizens can still pursue their privacy claims against the Government know that sovereign immunity is a roadblock. They know that cases against the Government have already been dismissed for lack of standing. They know about the Government's ability to assert the state secrets doctrine and various other legal defenses and protections for Government officials. They know these suits will go nowhere. They know, and it is wrong for them to suggest otherwise. This is a red herring if there ever was one.

The report of the Select Committee on Intelligence in connection with its earlier version of the bill that also included retroactive immunity is telling. The Select Committee on Intelligence wrote:

> The Committee does not intend for this section to apply to, or in any way affect, pending or future suits against the Government as to the legality of the President's program.

And later wrote:

> Section 202 makes no assessment about the legality of the President's program.

But neither that bill nor this one makes any allowance for such suits against the Government to proceed to a decision on its merits. That is precisely what is lacking in this measure: an avenue to obtain judicial review and accountability.

Now, those who support retroactive immunity for the telecommunications carriers and dismissal of the suits against them without providing an effective avenue to challenge the program or obtain judicial review of its legality—well, what they are doing is supporting unaccountability, pure and simple. They are saying: Everybody is off the hook. I am not out to get the telephone companies. All I want to know is, who in our Government said: You may break the law. And this bill is going to make sure we never find out.

In fact, the case that did proceed to decision in the Federal court in Michigan was appealed by the Government, was vacated and dismissed for lack of "standing." So the judicial decision on the merits that the President's program of warrantless wiretapping of Americans was a violation of law and the Constitution was effectively wiped from the books.

I note again that the proponents of this retroactive immunity have not and cannot say that the administration acted lawfully. They do not say the administration acted lawfully because they know the administration did not act lawfully.

Even if one believes the telephone companies merit protection, there is simply no good reason why Congress must act now to deal with the issue of the ongoing lawsuits against providers. The claim that these lawsuits will somehow "bankrupt" the providers is belied by the record demonstrating the financial health of these companies today despite the ongoing litigation.

Even the most alarmist critics of the lawsuits acknowledge it would be years and probably at least two trips to the U.S. Supreme Court before we have any enforceable final judgments.

If there is such a risk, well, what does that say? It says there were violations and that people's rights were violated. Now, I have said before that I would support the Government stepping into the shoes of these defendants, of these telephone companies, if we want to protect them. It is simple. If you are that concerned about the telephone companies, exclude them. Substitute the U.S. Government. But we should not protect them if the cost of protecting them is all accountability and the cost of never getting a judicial determination on the merits of the cases whether the Government violated the law.

Americans have a right to know.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I believe the rule of law is important. I trust our courts to handle even the most difficult and sensitive disputes. That is the courts' role in our constitutional scheme, not ours. Title II of this bill would have Congress decide these cases by legislative fiat.

We do not want to diminish our Federal judiciary and risk selling out large numbers of Americans whose fundamental rights may have been violated. We should not pass this bill unamended. I urge my colleagues to cast a vote for accountability and support the Dodd-Feingold-Leahy amendment.

I strongly oppose the immunity provisions contained in this bill, and I have supported every effort to strike them. But if we cannot eliminate these ill-advised provisions, then I agree that Senator BINGAMAN's amendment to delay a decision on immunity until after the inspectors general have conducted their review of the warrantless surveillance program makes good sense.

I worked hard to include the inspectors general amendment as a part of this FISA bill. For that provision to have its full effect, we should delay any grant of retroactive immunity until we know what the final report says.

Senator BINGAMAN's amendment would stay all pending cases against the telecom companies related to the warrantless surveillance program and delay the effective date of the immunity provisions in title II of the bill until 90 days after Congress receives the inspectors general reports.

I have maintained throughout this debate that it makes little sense for Senators—many who have never been given the opportunity to view key documents relevant to the warrantless surveillance program—to cast an uninformed vote on retroactive immunity. That is buying a pig in a poke. To mix farm metaphors, the Bingaman amendment puts the horse back in front of the cart.

First, let's get the facts. And then, only after reviewing the relevant facts that the administration claims support granting retroactive immunity, determine whether Congress should attempt to legislatively determine the result of the 40 or so Federal cases alleging violations of fundamental rights of Americans.

Again, I believe the retroactive immunity provisions in this bill should be stripped entirely. But if that cannot be accomplished, then I support Senator BINGAMAN's amendment as a commonsense way to ensure that the Senate makes a fully informed decision on retroactive immunity.

I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5059

Mr. SPECTER. Mr. President, I now call up my amendment No. 5059.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 5059.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional)

On page 90, strike lines 17 through 21 and insert the following:

"(1) REVIEW OF CERTIFICATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

"(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

"(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

"(ii) determines that the assistance provided by the applicable electronic communication service provider was provided in connection with an intelligence activity that violated the Constitution of the United States.

Mr. SPECTER. Mr. President, I believe that history will look back at the period of time between 9/11 and the present as the greatest expansion of the executive authority in the history of this country. We have seen the unauthorized military commissions. We have seen the extraordinary rendition to the frequent invocation of state secrets, privilege, and the misuse of so-called signing statements.

The signing statements represent a fundamental failure of the Congress to utilize its constitutional authority. When the Constitution provides that there is a presentment by both Houses, the President either signs it or vetoes it, and the widespread practice has now come into play where the President signs and issues a signing statement undercutting key provisions of the legislation. I introduced a bill to give Congress standing to challenge that in court. It has gone nowhere because of the impossibility of overriding a veto and because of the considerations of case in controversy.

We have seen, in the context of the evolving issues, the total ill-effectiveness of Congress to provide the oversight of the Intelligence Committees. The National Security Act of 1947 expressly provides that matters such as the terrorist surveillance program should be submitted to the Intelligence Committees, but that has not been done. Only a portion of the Intelligence Committees have been briefed. Most of the limited briefing was done only when the administration needed some support for the confirmation of General Hayden as CIA Director. We have seen the provisions of the Foreign Intelligence Surveillance Act of 1978 bypassed by the executive branch on a claim of constitutional authority under article II, power as Commander in Chief, contrasted with the congressional authority under article I.

A Detroit Federal court declared the terrorist surveillance program unconstitutional. The Court of Appeals for the Sixth Circuit reversed, in a 2-to-1 decision on the ground of the lack of standing, with the dissenter filing an opinion showing ample basis for standing. The Supreme Court of the United States refused to review the case. They called it a denial of certiorari. That is the major constitutional confrontation of our era, between the President asserting article II powers as Commander in Chief and the explicit statutory provision enacted by Congress in 1978 providing for the exclusive means of having wiretapping. Instead, we have warrantless wiretapping.

The legislation pending now would provide retroactive immunity. I suggest retroactive immunity in a context that we could both preserve the electronic surveillance and leave the court with jurisdiction in one of two ways. One, by substituting the Federal Government as the party defendant of the telephone companies, in the shoes of the telephone companies with no more, no less rights; or secondly, requiring, as my amendment does, that the Federal district court would decide constitutionality. No one is denying the telephone companies have been good citizens.

The argument has been made that, well, there may be money damages or there is a matter of public image which is involved. Well, monetary damages and public image, in my judgment, don't measure up to the right of privacy. Just as Oliver Wendell Holmes, in a 1928 case almost a century ago, said that wiretapping was "dirty business"—and it remains dirty business—it may be necessary on national security grounds, but it has to be done within the confines of the law. That can be decided only by the courts, especially in the atmosphere that we have where the Congress has been so ineffective and where the Supreme Court of the United States ducked the issue on the case coming out of the Sixth Circuit, where there was ample grounds for finding standing to proceed with that case.

Within the past 6 days, there has been a major development on this issue as a result of a judgment handed down by Chief Judge Vaughn Walker of the U.S. district court in San Francisco. Judge Walker is the same judge who has the telephone company cases which were consolidated and sent to him under Federal rules on a multidistrict panel. Judge Walker found flatly that the President exceeded his constitutional authority when he ignored the Foreign Intelligence Surveillance Act. This is the exact language in the 56-page opinion:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA—

The Foreign Intelligence Surveillance Act—

> limits the power of the executive branch to conduct such activities.

So now we have the judge who is hearing these telephone cases having said that such surveillance is unconstitutional. FISA covers not only the traditional wiretaps but explicitly covers pen registers and trap-and-trace devices which could include whatever it is the telephone companies were allegedly doing. On that subject, we do not know the full extent of what the telephone companies are doing. All we have are the allegations and the legal papers. Here, Congress is being asked to pass upon a program on which most Members have not been briefed. As stated earlier on the floor today, 70 Members of the Senate would be called upon to vote on a program when they don't even know what it is. The House leadership has pointed out that most of the Members of the House of Representatives have not been briefed.

In an exchange with the Senator from Missouri today, I raised the fundamental constitutional point that Members' constitutional responsibilities cannot be delegated. You can't delegate them to a minority of the Senate, but that is what we are being asked to do. It is a pig in a poke. The old expression describes it very well. We don't even know what the program is, and we are being asked to ratify it.

The issue was put to the Senator from Missouri, the chief defender of this bill, of any precedent where you have a case pending before Judge Walker, an extended opinion in July of 2006 on appeal to the Court of Appeals for the Ninth Circuit. If this act is passed, it will be unceremoniously jerked out from under the court. I asked him if there is any case in history, and I would repeat that challenge to the distinguished chairman of the committee.

What we have left is judicial review. Without judicial review, there is no way to effectuate the constitutional doctrine of separation of powers, which is so fundamental in our society. Even when the proponents of the bill talk about money and business reputation—no one is challenging the good citizenship of the telephone companies, and the likelihood of monetary damages is extremely remote. But if the Government were to be substituted as the party defendant, that is a matter of dollars and cents which hardly comports to the fundamental issues which are involved in civil liberties.

It is understandable that Congress continues to support law enforcement powers because of the continuing terrorist threat. No one wants to be blamed for another 9/11. My own briefings on the telephone companies' cooperation with the Government have convinced me of the program's value so that I voted for it, even though my amendment to substitute the Government for the telephone companies was defeated in the Senate's February vote. Similarly, I am prepared to support it again as a last resort, even if it cannot be improved by providing for judicial review, the pending amendment. However, since Congress has been so ineffective in providing a check and balance, I will fight hard—and I am fighting hard—to secure passage of this amendment to keep the courts open. It is our last refuge, our last big stand when the stakes are high, and they invariably are. When Congress addresses civil liberties and national security, Members frequently must choose between the issues of two imperfect options. Unfortunately, we too often back ourselves into these corners by deferring legislation until there is a looming deadline. Perhaps that is why so many of my colleagues have resigned themselves to accepting the current bill without seeking to improve it further.

Although I am prepared to stomach this bill if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I do not believe it is too late to make this bill better. Perhaps the Fourth of July holiday will inspire the Senate to exercise its independence from the executive branch, now that we are back in Washington.

How much time do I have remaining, Madam President?

The PRESIDING OFFICER (Mrs. McCaskill). There are 32 minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Who yields time to the Senator from Rhode Island?

Mr. ROCKEFELLER. I yield as much time as the Senator requires.

Mr. WHITEHOUSE. Madam President, I appreciate very much the courtesy of my chairman in allowing me some time. I should not take more than 10 minutes.

Once more we find ourselves debating President Bush's warrantless wiretapping program, a self-inflicted wound that this administration has visited upon our Government.

The way this Senator sees it at least, the Bush administration broke faith with the American people with its warrantless surveillance program, and now we in Congress are meant to clean up the administration's mess. Unfortunately, we are doing so with a legislative fix that in one critical area—immunity for the phone companies—misapplies the substantial evidence standard, trespasses constitutional boundaries, and breaks dangerous new ground in American law.

We would not be in this position if the Bush administration had sought and received a court order in the first place, as it easily could have. There would be no debate over granting immunity since a company following a court order is protected. Or the Bush administration could have used FISA procedures to seek and receive lawful assistance from telecommunications companies. But the administration chose to go outside the law. I suspect the administration wanted to prove a point about the President's article II authority, so it deliberately avoided these well-established mechanisms. If so, the Bush administration deliberately walked these telecommunications companies into this problem and this litigation to vindicate ideological ambitions. But the problem is now before us.

I have worked diligently and across the aisle to try to develop thoughtful solutions to the problem. In February, with the distinguished Senator from Pennsylvania, Senator ARLEN SPECTER, the learned ranking member of the Judiciary Committee, I offered a bipartisan amendment that would have substituted the U.S. Government for the telecommunications companies if it was determined they acted in good faith and with the reasonable belief that compliance was lawful.

Similarly, I supported an amendment offered by Senators DIANNE FEINSTEIN and BILL NELSON, drawn from the Specter-Whitehouse amendment, that offered immunity to those companies that acted, again, in good faith and with the reasonable belief that compliance was lawful.

Good faith is the proper standard here. It is the standard repeatedly referenced by respected Members in this Chamber who have asserted that any telecommunications company that assisted the Government acted in good faith.

My friend, Senator MARTINEZ, said:

> The fact is that these companies acted in good faith, and they acted in good faith when they were called upon to assist our intelligence professionals.

My friend on the Judiciary Committee, Senator KYL, noted:

> [t]he general rule that private citizens acting in good faith to assist law enforcement are immune from suit.

Senator CHAMBLISS, my colleague on the Intelligence Committee, argued that America's telecommunications carriers "should not be subjected to costly legal battles and potentially frivolous cases . . . merely for their good faith-assistance to the Government."

Senator ALLARD said that "the U.S. Government owes these patriotic companies and their executives protections based on the good-faith effort they made in working with our intelligence community."

Senator BOND, vice chairman of the Intelligence Committee, noted that "the intelligence community advised us . . . that these companies acted in good faith, and we in the committee agreed with them."

We seem to have agreement amongst Members in this body that good faith is the proper standard. So we should let a court, which has available to it the procedural mechanisms necessary to get to the bottom of this in a confidential manner, make the determination, the fundamental determination: Did these companies, if they received Government requests, act in good faith? We may in this body assume it to be true, but it is not our role as Members of Congress to decide on the good faith of an individual litigant in a matter that is before a court.

Many Senators have not even been read into the classified materials that would allow us to reach an informed conclusion about good faith. We as a body are incapable of making an informed conclusion because as a body, we have not had access to the necessary materials. So we should provide a fair mechanism for a finding of good faith by a proper judicial body with the proper provisions for confidentiality.

This simple determination can be made with limited proceedings based largely on the record of any documents provided to the companies. We ask so little—a proper hearing, applying a proper standard. Unfortunately, the Bush administration opposed this option, and I have not had the chance to offer this amendment. For all its talk, the Bush administration was evidently and tellingly not confident that a good-faith threshold could be met.

So instead of requiring a finding of good faith, the bill states that immunity will be granted if the Attorney General's certification is "supported by substantial evidence." It is worth drilling down to some lawyering for a moment to reflect on what "substantial evidence" means in this context.

The first point is that "substantial evidence" standard is essentially a meaningless standard, given the minimal showing necessary to be granted immunity. The elements as to which substantial evidence must exist are these: The intelligence activity was "authorized by the President"; "designed to detect or prevent a terrorist attack"; and "the subject of a written request or directive . . . indicating that the activity was (I) authorized by the President; and (ii) determined to be lawful."

That is it. That is achieved by simply putting into evidence the piece of paper containing the Attorney General's certification.

But the substantial evidence standard implies more than that, and it is out of place here. This standard is typically applied in what is called a "sufficiency challenge"—a judicial inquiry into whether there is substantial evidence to support a jury verdict. I cannot tell you how many sufficiency challenges I have withstood as an attorney general and U.S. attorney. It is standard fare in criminal cases.

The substantial evidence standard is also frequently used for judicial review of an administrative agency's adjudication or rulemaking.

So the substantial evidence standard is used to review the results of adversarial proceedings where the parties had a chance to make their case and build their record, and the court then reviews to determine whether there is substantial evidence to support the agency's or jury's determination.

The substantial evidence standard is a standard used to weigh the result of an adversarial process. Not so here. Here the court will apply the substantial evidence standard to an Attorney General's unilateral certification. That is bad lawyering. That is discouraging, when it would have been so easy to get this right.

Let me close with a few words about the constitutionality of title II. It is a core principle of our system of separated powers that no branch of Government may exercise powers allocated to another branch. The United States Supreme Court has said that the Framers of the Federal Constitution felt in drafting our Constitution "the sense of a sharp necessity to separate the legislative from the judicial power." This sense of sharp necessity, the Court said, was "prompted by the crescendo"—the words the Court used—"the crescendo of legislative interference with private judgment of the courts."

If you wish to see a case of legislative interference with private judgment of the courts, look no further than what we are doing today.

Plaintiffs in the telecom litigation have brought causes of action alleging that their core constitutional rights were violated. By providing immunity, Congress is telling the judicial branch: You cannot hear an entire category of constitutional claims. Congress is intruding upon a core function of the judicial power—the resolution of constitutional disputes.

The U.S. Supreme Court has warned on more than one occasion, most recently in the 1988 case of Webster v. Doe, that "a serious constitutional question would arise if a federal statute were construed to deny any judicial forum for a colorable constitutional claim."

This statute has as its very purpose to deny a judicial forum to these colorable constitutional claims.

I further note that Congress stepping in to pick winners and losers in ongoing litigation on constitutional rights not only raises separation of powers concerns but it veers near running afoul of the due process and takings clauses. Article II of this bill is the most extreme measure Congress, as best as I can find, has ever taken to interfere in ongoing litigation. Congress usually provides at least a figleaf of an alternative remedy when it takes away the judicial one. For example, in the National Childhood Vaccine Injury Act, Congress put a stop to Federal court actions but provided an alternative path for claims to be heard. The Public Readiness and Emergency Preparedness Act eliminated liability for people who take certain countermeasures during or after a pandemic outbreak. But a special fund for victims was established by Congress.

Today's effort is a naked intrusion into ongoing litigation. Where will that stop? Will Congress be able to rove at will through litigation anywhere in the judicial branch, picking winners and losers as we like? We don't just trespass on the separation of powers; we trespass onto dangerous ground.

If I were a litigant, I would challenge the constitutionality of the immunity provisions of this statute, and I would expect a good chance of winning.

I spoke before the Independence Day recess about article I of this bill, how proud I am of the work that went into it and the exemplary results we have achieved. Chairman ROCKEFELLER, in particular, but many others as well, deserves commendation, first for resisting the Bush administration's unseemly efforts to create a legislative stampede and, second, for thoughtfully crafting an improved and modernized FISA Act that contains many new important protections for Americans. I will incorporate my reference of my previous remarks on that subject, but suffice it to say as an attorney general and a U.S. attorney who has run wiretap vehicles, article I is a fine piece of legislation which makes it all the more disappointing that the Bush administration will not tolerate an amendment to article II that allows for a proper hearing before the proper court set to the proper standard. It would be so easy to get article II right. So close and yet so far.

I close by reiterating my deep anger that the Bush administration unnecessarily created this mess in the first place, my frustration with the solution that Congress has established to the immunity question, and my hope that our great judicial branch will vindicate the error we in the legislative branch make today.

Mr. SPECTER. Madam President, I had hoped to ask a couple questions of the distinguished Senator from Rhode Island. I consulted with the chairman, who wants to be recognized next. It would be my request, if I may have Senator WHITEHOUSE's attention, that he stay on the floor to engage in a discussion, a colloquy with me when the chairman has concluded.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, Senator SPECTER has offered an amendment altering the liability protections of title II. His amendment would require the district court to assess the constitutionality of the President's warrantless wiretapping program before it could dismiss cases against telecommunications companies that met statutory requirements for liability protection.

Although I appreciate the Senator's desire to ask the court to address the constitutionality of the President's program once and for all, he has picked the wrong mechanism to ask the court to answer his question.

First, Senator SPECTER's amendment would completely undermine, as I said before, the delicate compromise in front of us today. People say: Well, we are freshly back in town, newly minted, widely open. I am sorry, this was a bill which just got through on a thread, and it will probably get close to 70 votes, a compromise already accepted by the House with 70 percent of their votes, and I think that balances the protection of liberties and also does something I have stated I think is rather important; that is, it allows the collection of intelligence to continue in order to protect the United States of America.

Senator SPECTER's amendment also would require the court to consider a difficult constitutional question that otherwise would not be at issue in the cases.

Title II does not cover cases against Government actors. This exclusion was intentional. Cases against the Government for any unlawful or unconstitutional actions Government actors may have undertaken should be allowed to proceed. Arguments over the constitutionality of the President's actions can and should be litigated in those proceedings.

The amendment, however, injects this complicated constitutional question about the interplay of the fourth amendment and separation of powers into cases requesting civil damages from private companies. The amendment does not require that there be a relationship between the companies and this constitutional question. It does not ask whether the companies were aware of the scope of the President's program, nor does it ask whether the companies' actions were done in good faith or even whether they were legal. Indeed, if the court finds that the President's program violated the Constitution, the cases against the company will not be dismissed even if that company had no involvement in the unconstitutional components of the President's program.

Madam President, this is simply unfair. A company should not be subjected to liability solely because the Government acted unconstitutionally. A company should not be subjected to liability solely because the Government acted unconstitutionally. Any accountability and liability should be based on actions of the company, which is what title II is about.

Imposing this barrier to liability protection is also inconsistent with our expectation about the role companies are expected to play when they receive Government requests for information. Our existing statutory approach is based on the idea that the Government requires prompt cooperation from the telecommunications companies. Although we expect those companies to seek documentation from the highest levels of Government, they are not expected to assess the constitutionality of particular requests on which they lack, to say the least, complete information.

The ongoing litigation is complicated by classified information issues that make it virtually impossible for the cases to move forward. But if the cases could proceed without regard to the classified information at issue, the court would not consider the question of whether the President's program was constitutional. Instead, it would ask whether the companies were entitled to immunity based on existing law.

In addition, a case against any particular company is necessarily limited to the facts relevant to that company. The court would, therefore, not be provided a comprehensive look at the President's program in any of those cases.

We should not ask the district court to assess whether the President's program is constitutional when the answer to that question is unnecessary to resolve the underlying litigation between the plaintiffs and the carriers, and the court does not have sufficient facts to address that far-reaching question of constitutionality. We are talking about apples and oranges, but it is apples here that we are concerned with.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I do wish to engage in a colloquy with the Senator from Rhode Island, but first, with the chairman having just completed, I would like to respond to some of his contentions and engage in a question or two with the chairman.

When the Senator from West Virginia argues that my amendment would undermine the delicate compromise which the Intelligence Committees have reached, that is what the full Senate is supposed to do. The committees deliberate, the House and the Senate come to a conference report, they bring the matter to the Senate, and then it is up to the full body to make a determination. So there is nothing unusual about disagreeing with the compromise, however delicate.

The chairman argues that it would require the courts to consider difficult constitutional issues. That is exactly what the courts are supposed to do. The full impact of Chief Judge Vaughn Walker's decision and how far-reaching it goes has not been felt, understood, or analyzed in the course of only 6 days—an opinion which runs more than 50 pages. We are dealing with court-stripping in the middle of litigation that has been going on for years. Judge Walker's opinion concerning the telecom companies was in July 2006, with the telephone companies now on appeal.

It really goes back to the fundamental principle of Marbury v. Madison, when Chief Justice Marshall made the determination that it is up to the courts to decide what the Constitution means, and we would be undercutting that judicial process in midstream.

Earlier, I posed a question to the Senator from Missouri, which if the chairman wishes to answer would be fine. I know and I admire what Senator ROCKEFELLER has done. I have worked with him since he was elected in 1984, and we worked together on the Veterans' Committee and on intelligence matters and on many major matters. When the history is written, there will be a famous handwritten letter disclosed by Senator ROCKEFELLER to the administration about how deeply he feels and how deeply he cares about these matters. But I questioned the Senator from Missouri, who is a member of the bar and quite a scholar on constitutional law, if there had been any case known to him picked up in midstream after years of work in the district court and pending on appeal. It really goes right to the heart of Marbury vs. Madison.

You have Chief Judge Walker having flatly decided that the terrorist surveillance program is unconstitutional, and you have Chief Judge Walker leaving aside the issues of standing but saying:

> Plaintiff amici hint at the proper showing when they refer to "independent evidence disclosing that plaintiffs have been surveilled" and a "rich lode of disclosure to support their claims."

Going to the standing issue. Although not decided, why not let the courts finish it? You have these decisions. Why not keep the current program in effect and not interrupt the courts and have the judicial decision?

So when the chairman raises the point that it would require the courts to consider difficult constitutional questions, I agree with him, but that is what the Federal courts are supposed to do, and it really is untoward for the Congress to step into the middle of it. I know of no case like it. And here we are being asked to strip the court of jurisdiction when they are in midstream, where they may well find some important facts to some important matters in the course of the judicial decisions which would influence Congress.

We have the amendment offered by the distinguished Senator from New Mexico, Mr. BINGAMAN, which would call upon the inspector general to find out what the facts are on immunity since, as I say, we are being asked to pass on this when we don't know the full import. And I support the Bingaman amendment. I am an original cosponsor of it. Well, similarly, what Chief Judge Walker may find here may be very important.

But let me raise the first of two questions with the chairman.

Mr. ROCKEFELLER. May I respond to the Senator's observation?

Mr. SPECTER. Certainly. I will yield.

Mr. ROCKEFELLER. I would say to my distinguished friend from Pennsylvania that Judge Walker's case is not, under any circumstance, going to be stopped by whatever happens here. It will not happen, and it will, therefore, continue. The bill only addresses cases against carriers, is the point I was trying to make. Judge Walker—his case is a case against the Government. This bill is not against the Government. It is against what happens to the carriers, or in this particular case whether they get liability. The Government is not the point. The carriers are the point. The case continues, and we have not intervened in a malicious or malevolent way.

Mr. SPECTER. Well, Madam President, by way of reply, I understand that this provision only concerns the telephone companies, and I understand the chairman's argument about good faith. But good faith is not determinative in and of itself. If the conduct violates the Constitution, there is a constitutional violation no matter how good the faith may be. It would be a good reason to indemnify, to substitute, to hold them harmless, but not to exonerate them for a constitutional violation.

The chairman says companies should not be held liable if the Government acted unconstitutionally. That is not correct as a matter of law. Where the telephone companies are aiders and abetters and accessories before and after the fact and really act jointly with the Government, they can be liable.

Mr. ROCKEFELLER. That is quite an assumption to make, I say to the Senator.

Mr. SPECTER. Let me finish the reply, and I will be glad to yield again.

When the argument is made that only the case against the telephone companies is involved, that is not quite accurate. It is being dismissed. It is no coincidence that Chief Judge Walker handed this opinion down a few days—6 days—before it was publicly known that the Senate would be taking up this issue. And he went out of his way to raise the issue about standing and the rich lode of disclosure. So if this act is passed and retroactive immunity is granted, it will remove the telephone companies, true, and there will be another case standing, but there will be no judicial determination of the constitutionality of what the telephone companies did.

Chief Judge Walker has those cases against the telephone companies too, and he has pretty well given a roadmap as to what he is going to do because he said the terrorist surveillance program is unconstitutional and the Foreign Intelligence Surveillance Act covers pen registers and trap-and-trace devices, covering whatever it is the telephone companies did here; although, again, we do not know for sure. So where he said the terrorist surveillance program is unconstitutional and the statute covers pen registers and trap-and-trace devices, to remove the case from him at this stage will eliminate a determination of the constitutionality of whatever it is the telephone companies did and really flies in the face of the historic role of the courts since 1803 in Marbury vs. Madison.

Now I am glad to yield to the chairman.

Mr. ROCKEFELLER. I will just reply very briefly with three points, and when you are finished, I would like to yield to—or hopefully the vice chairman will yield to the senior Senator from Virginia.

The one point is that this is not a bill we are addressing here about the Government. We are doing it about carriers, and particularly in title II.

Secondly, I am interested in what the ranking member of the Judiciary Committee feels might be the result if we went the Judge Walker route regardless of its inapplicability, in my view, to this situation when it went through the appeal process.

I am not a lawyer. Right now I wish I were, but I am not. Usually, I am glad I am not. But it seems to me that you would be looking at a period of appeals going right on up to the Supreme Court that might last 3 or 4 years. I am not experienced in how long these things take. But this is a matter that might take that kind of time and that causes me to raise again the question I have raised several times with the vice chairman this afternoon: The only thing that we appear to be discussing in the Senate is rights and liberties. I think I have yet to hear almost any word about the security of the Nation and what the purpose of the Intelligence Committee is, what the purpose of intelligence is, what the purpose of collection is, how the collection is done, who does it, how important is it to how we gauge our situation in the world, where we need to deploy, where we need to be watching.

This is extraordinarily serious stuff but not a word does it get in the Senate, which is two-thirds made up of lawyers—and I honor every one of them. But we are picking at "would the Constitution allow" this or that. I am looking at something which to me is very clear. This is all about carriers, this particular bill. My name isn't Judge Walker. I haven't issued the opinion. If my name were Judge Walker, and it was an opinion, it would be about constitutionality. We are not addressing that in this bill.

The Senator earlier said: Look, we are here. Why not duke it out and get all the substitutes and arrangements and compromises back on the table again. I know that does work in some fashion. But I think the vice chairman and I and our staffs could say that what was achieved over the last month or so could probably never be achieved again, which is to get the House to agree. JOHN CONYERS is chairman of the Judiciary Committee, who was gracious and polite but unfriendly to this bill. There is the question of the Blue Dogs. You can say always these are questions—on farm bills, on steel bills, on automobile bills, on whatever bills.

This is a particular type of emergency based upon the fact that we are still, under my definition, under attack. Not that we have not been attacked, but we have been able to interdict, because of intelligence, some of those attacks—or all of those attacks. This is a very different matter than running an ordinary piece of legislation through the Senate.

If 20 or whatever Judiciary plus Intelligence is in the Senate—35, whatever that is. No, because there are some cross-memberships. Let's say 20. Understand, the others have not been read in. I have said they could have found out the information that has been available for a full year. Any Senator has the ability to go and read intelligence, if they wish to do that. It sort of implies that the Senate, as a matter of habit, comes to full agreement and full understanding that 80 out of 100, as opposed to 20 or 25 out of a 100, fully understand what is at stake in the amendments to a bill and then to the final passage of a bill.

I think the Senator knows that is not the way it works. I think the Senator, although he says we should not delegate, knows we delegate all the time.

Mr. SPECTER. Will the Senator yield?

Mr. ROCKEFELLER. I will. That takes various forms. Sometimes it will be that I am very much on the edge of how I am going to vote on something, and I go to a particular Senator—it might be the Senator from Pennsylvania—and say: I have this feeling and I have that feeling, I am right on the cusp of which way I should vote.

Mr. SPECTER. Will the Senator yield?

Mr. ROCKEFELLER. I will.

Mr. SPECTER. For the first time, I take sharp distinction with the chairman when he says there has been no recognition about the importance of intelligence or the workings of the Intelligence Committee or of special expertise.

Mr. ROCKEFELLER. I wasn't talking about special expertise—I was talking about: We have not talked about the threat.

Mr. SPECTER. If I may continue?

Mr. ROCKEFELLER. Yes.

Mr. SPECTER. If I may continue, no recognition of the work of the Intelligence Committee—let me limit it to that—which was certainly said.

I take sharp exception because I served 8 years on the committee and served as chairman for 2 years. I think I know what the Intelligence Committee does and what its work is.

I take sharp exception to the suggestion that there is not a full awareness on the part of this Senator as to the terrorism threat. I made that explicit. When I said that if I have to take this bill, I will, because of the threat of terrorism, just as I voted for the bill earlier when my substitution amendment was not adopted.

But when the chairman says that this has gone through a laborious process with the House and is a delicate compromise—that happens all the time. It happens all the time. You are right in the middle of it, you have seen it, and I know, too, because I have been there. I have been here 28 years, and I know exactly what goes on.

When you say this ought to be accepted, I disagree. This bill can be made better.

When you say you deal with the intelligence function and not the constitutional function—again, I sharply disagree. We have to legislate on what is constitutional. We may have a different opinion than Chief Judge Walker, but we cannot ignore the question of constitutionality. If it takes 3 or 4 more years, we are talking about civil rights and constitutional rights.

Mr. ROCKEFELLER. My point.

Mr. SPECTER. This program has been continued on a temporary basis. It has been extended. The intelligence chiefs have been satisfied with that.

I don't like to extend it. I would like to resolve it now. But if it takes the courts longer—the Supreme Court ducked the Detroit case. If it takes them years to decide this, that is the price of constitutional rights.

If you take a look at the history of this country, if you take just one case, Plessy v. Ferguson, in 1896, I believe, to Brown v. Board in 1954, to eliminate separate but equal, you come to a constitutional doctrine.

I am prepared to take my time, if I can find the requisite number of votes in this body.

Madam President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 20 minutes remaining. The Senator from West Virginia has 34 minutes remaining.

Mr. SPECTER. Madam President, this is as good a time as any to move forward with a question or two, which I would like to have in a colloquy with Senator WHITEHOUSE. This issue has been raised before, but I would like your views on it, Senator WHITEHOUSE. You have a distinguished record as an attorney, U.S. attorney, attorney general, serving with distinction on the Judiciary Committee for the past year and a half.

I raised the issue earlier about the constitutional authority of a Member to delegate his authority, recognizing that there are many matters where we accept committee reports, but at least Senators have access to material. When I was chairman of the Judiciary Committee—the tradition is to tell the chairman and the ranking member about a program such as the terrorist surveillance program. I was blindsided by it, in mid-December of 2005. We were on a Friday, the final day of the argument on the PATRIOT Act. We were about to go to final passage, when the New York Times published its paper. That morning Senators said they had been prepared to vote for it but no longer were. As chairman of the committee, I could not be briefed on the program.

Since that time, there has been a change of heart to an extent but, as stated on the floor of the Senate earlier, some 70 Members of this body will be voting on retroactive immunity for a program they do not know or understand. The majority of the House, according to House leadership, has not been briefed on the program.

Do you have any doubt that we may not constitutionally delegate our authorities to vote?

Mr. WHITEHOUSE. Does the distinguished Senator yield me time to reply?

Mr. SPECTER. I would like a reply as to whether it is your view, as a constitutional matter, Members of Congress can delegate their authority to vote.

Mr. ROCKEFELLER. If the Senator from Rhode Island would give me 30 seconds, I would be grateful.

Mr. WHITEHOUSE. I have no objection, of course.

Mr. ROCKEFELLER. The fact of the matter, I say to the senior Senator from Pennsylvania, is that there are 37 Members of the Senate who have been briefed on this matter—not 20 but 37. We decided to do a little bit of homework: Fifteen on the Senate Intelligence Committee, 19 on the Senate Judiciary Committee, that is 34—minus 4 crossover members; 2 leadership on each side, Senator ROBERTS and the Appropriations Committee chairman and, I suspect, vice chairman, plus Senator LEVIN and Senator MCCAIN, who are ex officio.

That is not bad.

Mr. SPECTER. Madam President, the statistics I have are, out of the House there have been 21 House Intelligence Committee members briefed and as many as 40 Judiciary Committee members; in the Senate, 15 on the Intelligence Committee and 19 on the Judiciary Committee for a bicameral total of 95, which is 17.75 percent of the entire Congress. But if you take the chairman's figures, you still have a majority of Members of Congress who have not been briefed, who are, in effect, delegating their authority to vote on a matter where they don't know what they are granting immunity for.

But I refer, again, to the Senator from Rhode Island, if he cares to answer the question.

Mr. WHITEHOUSE. Of course, I did say in my remarks that I believed that this body is incapable of making a determination as to the good faith of the telecommunications companies for the reason the distinguished Senator from Pennsylvania has indicated, to wit, very few of us, less than a majority and certainly not all of us, have been briefed as to what the actual facts are, what was provided, if anything, to the telecommunications companies that would support our finding of good faith.

As I said in my remarks, I think essentially every Senator who has spoken to this question has implicitly referred to good faith, directly referred to good faith as the implicit standard.

I view it, although I defer to the far greater experience and learning of my colleague from Pennsylvania—I see it less as a constitutional issue of deference than one of legislative prudence. I think it is not prudent for us as a Senate to take it upon ourselves to make the good-faith determination. I think that is a determination that should be made by a judicial tribunal, it should be made with appropriate provision for confidentiality, and it should be made by the judicial agency that customarily makes good-faith determinations.

It isn't our legislative role to do that. So I agree with the concern of the distinguished Senator about this. I see it less as a constitutional limitation on my ability as a Senator to cast my vote, which I think is untrammeled. I can cast my vote about things I know nothing about, have not studied on, am totally uninformed, if I wish. It would be bad and imprudent for me to do it, but I do not believe the Constitution prevents me from doing it, so I see it more as a matter of legislative prudence.

Mr. SPECTER. Madam President, one final question. Does the Senator from Rhode Island know of any case which has been pending in the Federal courts for at least 3 years, as the telephone company case has, with the opinion by Chief Justice Walker in July of 2006 and now pending on appeal in the Ninth Circuit, where the Congress stepped in to take away the jurisdiction by a grant of immunity as proposed in this legislation?

Mr. WHITEHOUSE. I am aware of none. I cannot guarantee that our research has been complete and exhaustive. But, certainly, the recent efforts that Congress has done where an immunity from liability has been an issue, either responding to pandemics or responding to vaccines, what Congress has done there is to create an alternative remedy.

I am aware of no precedent for the Congress of the United States stepping into ongoing litigation, choosing a winner and a loser, allowing no alternative remedy. And I believe the constitutional problem with doing that as a separation of powers matter is particularly acute where the cause of action that is being litigated in the judicial branch is a constitutional claim. And Judge Vaughan is listening to constitutional claims. That is the subject matter of the litigation.

So I believe it will be determined by a court that ultimately this section of the legislation is unconstitutional, in violation of the separation of powers, because we may not, as a Congress, take away the access of the people of this country to constitutional determinations heard by the courts of this country.

Mr. SPECTER. Judge Walker is certainly listening to constitutional claims. He may even be listening to the Senate. Somebody may be listening on C-SPAN 2.

I thank the distinguished Senator from Rhode Island for his candid answers.

How much time is remaining?

The PRESIDING OFFICER (Mr. LAUTENBERG.) The Senator has 13 and a half minutes remaining.

Mr. SPECTER. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I strongly oppose a blanket grant of immunity. I also urge Senators to reject this ill-advised legislative effort to engineer a specific outcome in ongoing Federal judicial proceedings. No one should stand above the law in the United States.

The administration circumvented the law by conducting warrantless surveillance of Americans for more than 5 years. They got caught. The press reported this illegal conduct in late 2005. Had the media not done so, this unlawful surveillance may still be going on today.

When the public found out that the Government had been spying on the American people outside of FISA for years, the Government and the providers were sued by citizens who believed that their privacy rights were violated. That is why we have Federal courts—so people can vindicate their rights before a fair and neutral tribunal, without interference from the other branches of government.

Title II of this bill is apparently designed to terminate these lawsuits. It seems to reduce the role of the court to a rubber stamp. So long as the Attorney General will certify that the Government requested the surveillance and indicated that it had been "determined to be lawful," the cases are to be dismissed and everybody is off the hook. That is not a meaningful judicial inquiry. That doesn't give the plaintiffs their day in court. It is not just a heavy thumb but a whole hand and arm on the scales of justice, and I cannot support it.

Here is what the report of the Select Committee on Intelligence said in connection with reporting its earlier version of retroactive immunity:

> The Committee has reviewed all of the relevant correspondence. The letters were provided to electronic communications service providers at regular intervals. All of the letters stated that the activities had been authorized by the President. All of the letters also stated that the activities had been determined to be lawful by the Attorney General, except for one letter that covered a period of less than sixty days. That letter, which like all the others stated that the activities had been authorized by the President, stated that the activities had been determined to be lawful by the Counsel to the President.

So if anyone had any doubt where the criteria in the bill come from, there it is. Do those words seem familiar? Do the criteria carefully worded for inclusion in the bill now make sense?

I expect that the American people remember the testimony before the Judiciary Committee of James Comey and FBI Director Mueller about the period of time when Attorney General Ashcroft was in the hospital, senior advisers at the Justice Department had advised against extending approval for the warrantless wiretapping program and the Counsel to the President, Alberto Gonzales, went to John Ashcroft's hospital room seeking to get Attorney General Ashcroft to override the acting Attorney General's concerns. Some time thereafter, the program was apparently adjusted in some way, but only after FBI Director Mueller spoke to the President and several high-ranking officers threatened to quit the administration. That period could account for the Select Committee on Intelligence's reference to a letter and period of less than 60 days when it was the Counsel to the President who had "determined" the activities "to be lawful."

Senator SPECTER has long said that he supported judicial review of the legality of the President's warrantless wiretapping program. During the last Congress, when he chaired the Judiciary Committee, he introduced a bill that would have allowed the courts to review the legality of the administration's warrantless surveillance program. Unfortunately, he later modified the bill in his discussions with the White House that made it unacceptable and ineffective in my view and it was never passed. I have always supported allowing the courts the opportunity to review the legality of those activities.

I believe that independent judicial review will reject the administration's claims to authority from the Authorization for the Use of Military Force that overrides FISA. I believe that the President's claim to an inherent power, a Commander-in-Chief override, derived somewhere from the interstices or penumbra of the Constitution's article II will not prevail over the express provisions of FISA.

Indeed, Chairman ROCKEFELLER seemed to concede as much this morning when he asserted that nothing in his bill should be taken to mean "that Congress believes that the President's program was legal." He characterized the administration as having made "very strained arguments to circumvent existing law in carrying out the President's warrantless surveillance program." At various points Senator ROCKEFELLER alluded to the administration's argument that the Authorization for the Use of Military Force was some sort of statutory override authority and the administration's claim that the President has what Senator ROCKEFELLER called "his all-purpose powers," which I understand to be the administration's argument that inherent authority from article II of the Constitution creates a Commander-in-Chief override, and said that these are not justifications for having circumvented FISA.

Consistent with Justice Jackson's now well-accepted analysis in the Youngstown Sheet & Tube case, when the President seeks to act in an area in which Congress has acted and exercised its authority, the President's power is at its "lowest ebb." So I believe that the President's program of warrantless wiretapping contrary to and in circumvention of FISA will not be upheld based on his claim of some overriding article II power. I do not believe the President is above the law.

What is most revealing is that the administration has worked so feverishly to subvert any such independent judicial review. That sends a strong signal that the administration has no confidence in its supposed legal analysis or its purported claims to legal authority. If it were confident, the administration would not be raising all manner of technical legal defenses but would work with Congress and the courts to allow a legal test of its contentions and the legality or illegality of its actions.

This amendment now offered by Senator SPECTER is more limited than I would have liked. It says its purpose is to allow the courts to review the constitutionality of the assistance provided by the electronic communication services in connection with the program. Exactly how the courts get to such a review is not clear. Although I do not believe that this expressly allows the court to conduct the kind of comprehensive judicial review required to make a real determination about the legality of this program, and a fair decision about the merit of these lawsuits, it nevertheless seeks in spirit to provide judicial review. In the hope that it might provide an avenue to accountability for the illegal actions of this administration, I will support it.

In so doing I should note that I do not believe that Congress can take away the authority of the Federal courts to consider unconstitutionality or illegality in the course of meaningful judicial review. Senator ROCKEFELLER emphasized this morning that the parties to the ongoing cases are to be ensured "their day in court" and that they are "provided the opportunity to brief the legal and constitutional issues before the court." These statements do not have meaning unless the legal issues and constitutional issues presented by these cases can be considered. The value of the Specter amendment lies in making the issue of constitutionality explicit.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. THUNE. Mr. President, like so many of my colleagues, I spent the week of the Fourth of July traveling my State of South Dakota. I met with members of the general public at an energy forum, met with small businesses, folks in the tourism industry. Everywhere I went it was the same story: High gas prices are crippling the American economy.

I remember stopping in the small town of Parkston and visiting with someone who manages a small café there, and visiting with them about the impact that high gas prices are having on their business.

She said: Well, it is not really the weekend travelers, the RV owners, the people who camp, but it is those people who are commuting to work every single day who now do not have the money to eat out nearly as often.

Of course, Parkston is a small town. It is about 20 miles, give or take, from Mitchell, SD. There are a number of people who commute back and forth. It is those commuters who are feeling the most economic hardship as a result of high energy prices.

I attended my parents' 65th wedding anniversary in my hometown of Murdo. In my hometown, tourism, the visitor industry, is the very lifeblood of that community. I grew up in that business, worked in restaurants, motels, that sort of thing. And I even had a forum, as well, with members of the tourism industry in South Dakota in Rapid City when I was home just to gauge the impact of high fuel prices on their individual businesses.

The Rapid City mayor, who owns a campground, said: I think we are going to reach a tipping point where the very foundations of the travel industry could be shaken.

Bill Honerkamp, president of the Black Hills, Badlands and Lakes Association said tourism fell about 7 percent in the region in May, and numbers for the rest of the summer are barely holding steady.

Teddy Hustead, president of the popular South Dakota tourist stop Wall Drug, said tourist stops were down 1 percent in June. But he went on to say that Wall Drug needs to be up 4 to 5 percent to be a healthy, growing, viable concern, and it is hard to grow a business when gas is increasing by 10, 20, and 25 percent every single year.

Sean Casey, the vice president of another popular South Dakota tourist destination, Bear Country USA, noted that visitation is down 7 percent for the year 2008. And he went on to say: Energy is pinching us. I always joke that we are going to a model like the space shuttle—two visitors at $10 million each.

Jo Casky of the Spearfish Convention and Visitors Bureau noted that convention is dropping because of high gas prices. One particular convention was booked with a prediction of 1,200 to 1,400 attendees. That is unlikely now because of the rising pump prices.

Casky said: We are now at about 800. As soon as gas started getting to the $4 mark, we started to see reservations back off.

High gas prices are having a dramatic impact on families, small businesses, the tourism industry, the airline industry, the agricultural industry, and virtually every sector of the American economy.

I toured a UPS facility in Sioux Falls, SD. Many of my colleagues may have heard what they are doing in terms of dealing with the price of fuel. They actually now, as they diagram routes for their drivers, diagram routes that only allow them to make right turns so they do not sit in a left-turn lane and idle thereby using more energy.

My point is that people are taking extraordinary steps to deal with the high cost of energy. Higher costs for companies such as UPS, transportation companies, get passed on to consumers in the form of higher prices for everything they buy. They are looking for leadership in Washington, DC. But instead of leadership, they have seen a decade of inaction, as arguably the most important issue of impacting the American economy has been left unattended.

We have done nothing to affect the basic law of supply and demand. Some argue, and perhaps rightly so, that high energy costs are partly a function of the weak dollar. They would be, as I said, accurate to say that because oil is denominated in dollars. When it takes $1.57 to purchase a Euro, it is going to make anything denominated in dollars more expensive.

There are those who think speculators are driving up the cost of energy in this country, and it is true that trading in energy commodities has increased dramatically over the past 30 years since the exchanges were created. I, for one, happen to believe we need to look for ways to define the degree to which speculation is impacting energy prices in this country and also look at what we can do to address that issue in a way that makes matters better and not worse.

Trading since 2004 on the NYMEX Exchange has nearly tripled. So we need to make sure our farmers, our ranchers, our airlines, our trucking companies, have the opportunity and ability that they need to manage risk. That is what those markets were created for. We also need transparent markets where all traders are subjected to the same sets of rules.

I believe we need more cops on the beat. We need to make sure the CFTC has the funding it needs to do its job and to enforce our laws. I think we can do some things, such as codifying CFTC position limits and transparency for foreign boards of trade. I guess my point is that there are a number of things we can do to address the impact that speculators may be having on the price of energy in this country. And, frankly, I think that is a role and responsibility that Congress should fill.

But if you take the weak dollar, and you take speculators out of the equation, we still have a major problem and a major crisis in this country. That problem is that we have greater demand for energy than we have supply. We use about 86, 85 to 86 million barrels of oil every single day worldwide. Of that amount, the United States uses about 20 million barrels or about 24 percent of the total. Of that amount of 20 million barrels that the United States uses every single day, about 12 million barrels are imported.

In other words, 60 percent of the oil that we use every single day in America comes from outside the United States. We are transporting and shipping and transferring about a half trillion dollars every single year of American wealth outside of the United States to petro dictators who are being enriched by that American wealth and using it in ways that I think most of us would disagree with; in fact, in many ways to support terrorist organizations in places around the world.

Now, we cannot solve our dangerous dependance upon foreign sources of energy absent affecting that basic law and rule of supply and demand. We have to find more energy in this country. We should be taking steps now to add supply and to reduce our demand.

One of the things we need to continue to support and intensify, in my view, is our commitment toward renewable energy. I want to read something that Tom Friedman said in an op-ed on June 29. The op-ed was titled "Anxious in America."

But he said:

> My fellow Americans. We are a country in debt and in decline, not terminal, not irreversible, but in decline. Our political system seems incapable of producing long-range answers to big problems or big opportunities. We are the ones who need a better functioning democracy. More than the Iraqis and Afghans, we are the ones in need of nationbuilding as it is our political system that is not working.

He goes on to say:

> I continue to be appalled at the gap between what is clearly going to be the next great global industry, renewable energy and clean power, and the inability of Congress and the administration to put in place the bold policies we need to ensure that America leads that industry.

Well, one of the things that we did, and it was a moonshot in terms of renewable energy and making an investment in our future, is the renewable fuels standard. Last December there were 80 Senators who voted to increase the renewable fuels standard to 36 billion gallons by the year 2022. That was a policy that was put in place less than a year ago, and yet already we have people, Members of the Senate, politicians in Washington, who are talking about rolling that back. That could be the absolute worst thing that we do.

We do not need less energy in this country, we need more energy in this country. We need more renewable fuels. The 8 or 9 billion gallons of renewable energy that we produce in this country every single year today is taking pressure off gasoline and oil prices by, according to a study conducted by Merrill-Lynch, up to about 15 percent.

In the current market economy that is about 50 to 60 cents per gallon of gasoline. Someone has said it is ethanol and corn prices that are driving up the cost of everything we buy in this country, and particularly with regard to this whole food-versus-fuel debate. But the American Truckers Association recently did a study which found that in late 2004 it cost about 16 cents per box of cereal to transport that box of cereal to the marketplace. Today it costs about 36 cents per box of cereal. So we have seen a 20-cent increase in the transportation cost for a box of cereal. Couple that with the fact that the amount of corn in a box of Corn Flakes is about 10 cents per box, and you can see what is driving up the cost of everything in our economy. It is the increasing price per barrel of oil, increasing price of energy in this country.

We need to speed cellulosic ethanol to the marketplace. We need to increase the blends of ethanol. We need not fewer gallons of renewable energy in this country, we need more gallons of renewable energy. I hope those in Washington, in the administration and Congress, who are talking about considering rolling back the renewable fuels standard would reconsider that and think about the importance of renewable energy and what it can do for America's future and our dangerous dependence on foreign sources of energy.

The second thing, of course, we have to do is we have to increase our domestic supply. That means the Outer Continental Shelf. That means the oil shale in places in the Western States. It means ANWR. It means coal to liquid. It means nuclear. It means wind. We have all of these domestic energy supplies in this country, and we have heard people say it would take 5 to 100 years to develop some of these energy supplies. Well, that is what they were saying 5 or 10 years ago about many of these same things.

We did not do it then, and now we are paying a price for it. Is it not our job as policymakers to be looking down the road to future generations to make decisions that are in the best interests of America's future. There is not any issue, I would argue, that is more important to America's future than energy security because it ties directly into and correlates directly into our national security.

We have to have more domestic supply, and the last thing we have to do is we have to use less. We have to find more sources of energy, more domestic sources of energy, so we do not continue to get 60 percent of that energy from outside the United States. And we have to figure out ways in this country to use less energy.

I have a bill that I have introduced. I am on a bill that Senator McCONNELL, the Republican leader, has introduced which has 43 cosponsors. I have introduced a bill of my own to deal with this energy situation. I am working with a group of both Republicans and Democrats. We need to put the politics aside, the partisanship aside, and work on getting a solution for the American people.

In the bill that I introduced, one of the things I include is a provision that requires that of additional Government lands that are leased for energy production—whether they be offshore, whether they be oil shale in the Western States, whether it be ANWR, the lease revenue, half of the lease revenue that comes into the Federal Government be plowed back into research and development and new technologies, in renewables, alternative sources of energy, things like plug-in hybrid cars, cellulosic advanced biofuels, hydrogen fuel cells.

Those are the types of things we also need to be investing in to make sure that not only are we increasing the supply of energy in this country, the amount that we have, but also that we are using less.

We can do this. We can put aside the finger-pointing and the blame game and do something for our energy future. I believe when people come together, and when they decide that this is an important priority for America's future, we can get this done.

But we can't do it by saying no to every proposal put on the table. My colleagues on the other side—many of them; not all, but many—have said no to offshore production, no to oil shale, no to nuclear, no to coal to liquid, no to additional refinery capacity. We can't solve this problem by saying no. We have to start saying yes to more domestic production and to more measures that would allow us to conserve and reduce the amount of energy we use. We have to get serious about this issue. It starts with addressing that fundamental law and rule of supply and demand. We can do all these other things, the dollar can start firming up, we can address the role of speculation in the marketplace. But at the end of the day, we don't solve the problem unless we get serious about increasing our domestic supply of energy and reducing and using less energy. When we do that, we will see the price per barrel start to come down, the price per gallon of gasoline start to come down, and we will see the American economy, in places such as South Dakota, where tourism and agriculture are so critically important, start to rebound and start to draw more visitors to the tourism industry and to make sure our farmers continue to produce food and fiber in a way that allows them to maximize their return on investment and not get choked with high input costs coming from higher energy costs.

I hope before we adjourn for the August recess, we will come together behind an energy proposal and plan that is good for America's future, that emphasizes renewables, more domestic supply and production, and addresses the important issue of conservation. But we can't do that by continuing to say no. I ask my colleagues on both sides to quit saying no and to start saying yes to America's energy independence. Say no to our dangerous dependence upon foreign energy but yes to making America energy independent and making this country more prosperous for America's future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the leadership and the floor managers, I have been asked to propound a unanimous-consent request that the following Senators be recognized, assuming they are here on the floor in time to be recognized: I will speak now for about 15 minutes, to be followed by Senator CARPER for 10 minutes. I see my distinguished friend, the Senator from Mississippi; if he could indicate how much time he would like.

Mr. COCHRAN. About 8 minutes.

Mr. WARNER. He is to be joined by Senator WICKER.

Mr. COCHRAN. Yes, he is in the Chamber as well.

Mr. WARNER. All right.

Mr. WICKER. About 8 minutes also.

Mr. WARNER. All right. And Senator STABENOW, I do not see her, but let's put her down for 10, and Senator CORNYN.

Mr. CORNYN. I would need 15 minutes. If I can yield back some time, that would be great.

Mr. WARNER. With that in mind—I do not see any other Senators seeking recognition—I ask it in the form of a unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, I rise, along with the distinguished chairman and ranking member of the Intelligence Committee on which I am privileged to serve. I commend my chairman and ranking member for the extraordinary capability with which they have handled this controversial issue of the FISA legislation and the bipartisanship they have shown. Our committee voted 13 to 2 on this measure which is now before the Senate. Currently, we have the Bingaman and Specter amendments. I join my chairman and ranking member in opposing these two amendments. They seek in one way or another to remove or render useless one of the most important sections of the FISA Amendments Act which is liability protection for the telecommunication carriers that assisted our Government with the President's terrorist surveillance program or TSP. Without the title II liability protection, the other sections of the FISA Amendments Act would become irrelevant because the carriers would not cooperate in the authorized programs.

This would be unfortunate, because the FISA Amendments Act is a critical piece of legislation for America's present and future security that achieves an important balance between protecting civil liberties and ensuring that our dedicated intelligence professionals have the capabilities they need to protect the Nation. The bill ensures that the intelligence capabilities provided by the Protect America Act, enacted in August 2007, remain sealed in statute.

Reforming FISA has not been an easy process. I would like to thank Chairman ROCKEFELLER and Vice Chairman BOND for the work they have done to garner bipartisan support for the FISA Amendments Act. It would be unfortunate if that work were undone by one of these amendments.

If passed, the Specter amendment would prohibit the dismissal of the lawsuits against the telecommunications carriers if the President's Terrorist Surveillance Program were found to be unconstitutional by the courts. With all due respect to my colleague from Pennsylvania, I believe that whether the President acted within his constitutional authorities should be treated separately from the issue of whether the carriers acted in good faith.

The extensive evidence made available to the Intelligence Committee shows that carriers who participated in this program relied upon our Government's assurances that their actions were legal and in the best interest of the security of America.

Mr. President, I would like to call the Senate's attention to the report which accompanied the version of the FISA Amendments Act passed by the Senate Intelligence Committee by a vote of 13–2. Based on the committee's extensive examination of the President's TSP, the report noted that the executive branch provided written directives to the carriers to obtain their assistance with the program. After its review of all of the relevant correspondence, the committee concluded that the letters "stated that the activities had been authorized by the President [and] had been determined to be lawful" The committee report added the following:

> On the basis of the representations in the communications to providers, the Committee concluded that the providers, in the unique historical circumstances of the aftermath of September 11, 2001, had a good faith basis for responding to the requests for assistance they received. Section 202 makes no assessment about the legality of the President's program. It simply recognizes that, in the specific historical circumstances here, if the private sector relied on written representations that high-level Government officials had assessed the program to be legal, they acted in good faith and should be entitled to protection from civil suit.

The Senate Intelligence Committee believed, by a vote of 13–2, that the companies acted in good faith and that they deserve to be protected. I agree and I believe that the TSP was legal, essential, and contributed to preventing further terrorist attacks against our homeland.

But, even if one were to disagree that the President acted within his article II powers, I cannot see the wisdom in seeking to punish the carriers and their shareholders for something the

Government called on the carriers to do with the assurance that the action was legal.

The Specter amendment would put the companies, and their millions of shareholders, in legal limbo, waiting while the Government litigates unrelated constitutional claims. Historically, the Supreme Court has been reluctant to adjudicate constitutional disputes between the political branches of our Government, suggesting that a constitutional question could take years to resolve, if it can be resolved. Lawsuits against the companies would likely continue in the interim which would: Have negative ramifications on our intelligence sources and methods; likely harm the business reputations of these companies; and cause the companies to reconsider their participation—or worse—cause them to terminate their cooperation in the future.

I believe it would be unfair to use private companies as a substitute to adjudicate constitutional claims properly directed against the Government. My colleagues should keep in mind that individuals who believe that the Government violated their civil liberties can pursue legal action against the Government, and the FISA Amendments Act does nothing to limit that legal recourse. As noted by my colleague from West Virginia, the case that was before Judge Walker—which addresses a constitutional challenge against the government—can proceed.

Bottom line, companies who participate in this program do so voluntarily to help America preserve its freedom and the safety—individually and collectively—of its citizens. I have long supported the idea of a "volunteer force" for our military and I believe a "volunteer force" of citizens and businesses who do their part to protect our great Nation from harm is equally important. I fear that if we are forced to draft companies into compliance when our Nation calls them to duty, ultimately our security will suffer. Without this retroactive liability provision, I believe companies will no longer voluntarily participate. This will result in a degradation of America's ability to protect its citizens.

It is for these reasons that I urge my colleagues to oppose the Specter amendment and any other amendment that would change the FISA Amendments Act.

I yield the floor.

I wish to conclude by saying that as I view this situation, I liken the private sector that has responded to the request of the Federal Government, which has been given assurances by the Federal Government, to the all-volunteer military force we have today. It is imperative that within the private sector there be elements, primarily these corporations and companies which have come forward to provide the technical assistance and also the facilities by which to implement the FISA program. They have done it by and large voluntarily. The program could not succeed without their participation. Therefore, they ask no more than what is justly owed to them, and that is protection from the lawsuits. I hope we can turn back these two amendments and proceed to final passage and that the Senate will go on record as supporting the essential nature of the FISA program.

ENERGY CRISIS

Mr. WARNER. Mr. President, I rise to turn to the question that confronts America today; namely, the energy crisis. I use the word "crisis" advisedly, because today no less than a third of Americans are absolutely struggling night and day to find the funds necessary to meet ever increasing food prices and ever increasing energy prices. It is for that reason I have taken a step. I wish to repeat that. I have simply taken a step to write the Secretary of Energy and to write the Comptroller General, the head of the GAO, to determine what are the facts relating to the 1973–1974 energy crisis, how America addressed that crisis, and the actions taken by the President and the Congress in 1973–1974. Again, Congress acted unanimously to back the President in imposing a national speed limit, that speed limit for the purpose of lessening the demand for gasoline and hopefully to have consequent savings at the gas pump.

That is a chapter in American history. I remember it quite well. I was privileged at that time to be Secretary of the Navy. Indeed, the Department of Defense, although at war in Vietnam, came forward and participated to try and help America work its way through that energy crisis. The national speed limit was the centerpiece of that program.

I ask unanimous consent now to print in the RECORD the letters I sent to the Secretary of Energy and the Comptroller General at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I thank the Presiding Officer.

Again, I am not taking a position that at this time we should invoke a new initiative in the Congress to pass legislation calling for a national speed limit because I simply do not have the facts. I am on a fact-finding mission. But if those facts come forward, as I believe they will, and show that this will help alleviate and lessen the demand at the pump and the cost to the American citizen, then I am quite likely to try—more than that, I am quite probably going to try—and garner support on both sides of the aisle to push forward with this legislation. I say so because I come back again to about a third of America at this point in time is frantically trying to make ends meet. We have to come up with a solution. We have to lead in the Congress, and hopefully the President will join. We have that duty.

Therefore, these two letters going to, certainly, the GAO, an impartial arbiter of the facts and finder of the facts, will provide this Chamber with the information necessary to make an informed judgment as to whether to go forth with legislation. I deem that the Secretary of Energy will reflect, quite understandably, the policy of an administration toward such a measure to bring about alleviation of the pressures at the gas pump today and on families.

Again, this step is in the category of conservation of energy. My colleagues—and I have participated with them—are looking at, in my opinion, three areas of addressing this problem: short-term, which is conservation, that is the only way to bring about some immediate measure of relief; secondly, intermediate steps, which I outlined in my speech here; and lastly, the long term. Much has been said about long-term steps. I take pride and push aside any sense of humility because for several years I have stood on this floor and urged offshore drilling, even put forth a measure here in this body which was defeated which called for the right of my State, Virginia, and such other States that might wish to join, through the Governor and the State legislature's participation, agreeing to drilling offshore of Virginia for gas. I am not suggesting I brought about a change of thinking in the administration, but the President now supports that concept. Indeed, a number of my colleagues now support that concept. I opine that I believe in due course the Congress will provide the President with legislation to take those important steps. But that offshore drilling will not lessen the price today at the pump.

It will not help a case which was the final straw to decide that I would embark on this course, when I read an article about the meals on wheels program where the shut-ins at home, who for economic reasons and physical reasons and other reasons can't go out and get their meals. They rely upon a system of volunteers to bring the meals to their homes. But that program is beginning to founder because the volunteers simply cannot afford the additional cost of gasoline. I don't know about my colleagues, but this causes me severe heart palpitations and concern. The reporter said to me, when he interviewed me on this an hour or so ago, a national reporter: All right, Senator, are you willing to drive at a slower rate? What sort of car are you driving?

I told him what type of car I drive. I said: There are occasions when I drive over 55 miles an hour, 60 miles an hour, sometimes 65. But I am willing to give up whatever advantage to me to drive at those speeds with the fervent hope that that modest sacrifice on my part will help those people across this land tonight and tomorrow and in the indefinite future dealing with this financial crisis.

I point out also that in 1973–1974, these were automobiles, how well I remember, without growth of the quick production lines that started after World War II. America was flourishing. Then all of a sudden, the Arabs put an oil embargo on this country and took away our ability to get fuel. The President reacted quickly. The Congress reacted quickly. We put in that limit. In due course, the pressure on the pump declined and gas fell to about $2 a gallon. In 1995, 20 years after the enactment of this legislation by the Congress and the President, the 55 miles was lifted. Mind you, it wasn't one President; it was a series of Presidents who endorsed this program of conservation in terms of the reduction of speed. I don't know. At one time I used to be a pretty good mechanic on automobiles, but they have now gotten a degree of complexity that is beyond my grasp. I rely on my son, who has devoted much of his life to auto racing.

He is a wonderful mechanic and an engineer on cars. He said the carburetion system—he argued with me about this when I spent the past weekend with him—shook his fist at me: I don't want this 55-mile-per-hour limit. And that is good advice. But he said the carburetion systems in cars today are better than they were in 1973 and 1974, and I judge that to be the case.

So I asked in my letters: Analyze the technical capabilities of the cars today, and could we anticipate bringing about a savings at the gas pump by virtue of a national speed limit? So we have to get the facts and put them together.

But I ask my colleagues, as they proceed to work on this issue—and I am all for the renewables, but that is long term. Offshore drilling: long term. We have to focus now on what measures we can take to help people now, if not long term.

I know colleagues are getting the same calls and the same letters I am receiving from those people who, frankly, feel very oppressed by this rapid development. Although it has increased basically a dollar a gallon in the last year, so much of it has come on in the last 120 days, unanticipated in speed and causing great hardship here at home.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 3, 2008.

Hon. SAMUEL W. BODMAN,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY BODMAN: I write today with respect to the high cost of gasoline. Today, the average cost of a gallon of regular gasoline is more than $4.10. This is an increase of well over a dollar a gallon from a year ago.

As you know, each and every day, Americans struggle to cope with this rapid, record increase in fuel costs. Across the United States, individual Americans are taking their own initiatives to find ways to reduce gas consumption through driving less, altering daily routines, and even changing or cancelling family vacation plans.

To date, as far as I can determine, the federal government has taken few, if any, initiatives to join in this national effort to help address this ever increasing crisis.

I believe it is essential that we continue to modernize our energy infrastructure and develop a reliable, commonsense American energy strategy—one that includes new supplies from domestic exploration and extraction, encourages conservation, and promotes the use and advancement of clean, renewable energies.

I am among a group of many senators today who are working in a bipartisan fashion to find a solution. For the past several years, I have supported permitting the Commonwealth of Virginia to explore and extract energy offshore if its Governor and General Assembly so desire. This concept has just recently gained the support of the administration and a growing number of colleagues in Congress.

However, the truth is that new technologies and new sources of energy will not provide meaningful relief for years to come as new technologies are developed and as new sources of energy are discovered and extracted. We must be straight with the American public and not raise hopes that these efforts will provide immediate solutions and possible relief.

There are ways to give some immediate relief. In my view: new conservation efforts are the quickest way to see an immediate reduction in the price of gas at the pump. The American public is already doing its part through individual means of cutting back.

On a federal level, on May 22, 2008, Senator Bingaman and I introduced, and the Senate unanimously passed by voice vote, a sense-of-the-Senate resolution (S. Res. 577) that urged the President to initiate, among all federal departments and agencies of the executive branch, a reduction of their daily consumption of gasoline—if only by a small percentage.

To my knowledge, the administration has not responded to the Senate's action. In the absence of pending administration action, Congress should join with the public and make the concepts in the sense-of-the-Senate resolution a mandatory law.

Turning to another concept, I call to your attention action taken by the Congress and the executive branch during a similar petroleum shortage that occurred in 1973 and 1974. In January 1974, the President signed into law "The Emergency Highway Energy Conservation Act" (public Law 93-239), which passed both the House and Senate unanimously. This law was enacted in an effort to conserve fuel.

Specifically, the law put forth inducements for states to reduce speed limits to 55 miles per hour (mph) on all major highways. Failure to do so would jeopardize the ability of states to secure federal highway funds. The law was originally intended to be temporary, ceasing to be in effect if the President declared that there was no longer a fuel shortage or on or after June 30, 1975, whichever occurred first.

According to a Congressional Research Service report, the law resulted in reduced consumption of 167,000 barrels of petroleum a day, a roughly 2 percent reduction in the nation's highway fuel consumption. In addition, the National Academy of Sciences found that the law saved up to 4,000 lives per year from highway accidents. Given the significant increase in the number of vehicles on America's highway system from 1974 to 2008, one could assume that the amount of fuel that could be conserved today is far greater.

Given the fuel savings of the act, and the resulting significant decrease in highway fatalities attributable to the national speed limit, Congress made the national speed limit permanent in December 1974. In 1995, the law was repealed.

The purpose of this letter is to ask you to study this era of conservation, as I have, to determine whether the administration, with the support of Congress; should take similar action today.

According to the U.S. Department of Energy Web site, engineering data shows that fuel efficiency decreases rapidly above 60 mph. Specifically, for every 5 mph an individual drives over 60 mph, that individual essentially is paying an extra 30 cents per gallon in fuel costs.

As Congress continues to look for ways to ease this national problem, I put to you the following questions. I will share your responses with my colleagues.

(1) Given the significant technological improvements since 1974, at what speed is the typical vehicle traveling on America's highways today most fuel efficient?

(2) If a national speed limit was enacted similar to the 1974 law, but the speed limit under that law was consistent with most fuel efficient speed for the typical vehicle traveling on America's highways, what would be a reasonable projection for total fuel savings? And, what would be the savings for the average citizen who owns and operates a vehicle?

(3) If a new national speed limit was enacted consistent with the two questions listed above, how many fewer barrels of petroleum a day would Americans consume? Is it reasonable to believe that there would be a reduction in price at the pump? And, if so, what are the ranges you could project for cost reductions?

(4) If the federal government took the initiative to reduce its oil consumption, consistent the concepts of the sense-of-the-Senate resolution (S. Res. 577) how many fewer barrels of petroleum a day would be saved by the federal government?

Given that Congress, upon its return next week, will be vigorously considering all options, your response to this request could be of great help to my colleagues and me. Again, years ago, the Emergency Highway Energy Conservation Act worked. The administration's advice, after examining this era and these concepts, would be helpful.

With kind regards, I am
Sincerely,
JOHN WARNER.

U.S. SENATE,
Washington, DC, July 8, 2008.

Hon. GENE DODARO,
Acting Comptroller General of the United States, Government Accountability Office, Washington, DC.

DEAR MR. DODARO: I write today with respect to the high cost of gasoline. Today, the average cost of a gallon of regular gasoline is more than $4.10. This is an increase of well over a dollar a gallon from a year ago.

As you know, each and every day, Americans struggle to cope with this rapid, record increase in fuel costs. Across the United States, individual Americans are taking their own initiatives to find ways to reduce gas consumption through driving less, altering daily routines, and even changing or cancelling family vacation plans.

To date, as far as I can determine, the federal government has taken few, if any, initiatives to join in this national effort to help address this ever increasing crisis.

I believe it is essential that we continue to modernize our energy infrastructure and develop a reliable, commonsense American energy strategy—one that includes new supplies from domestic exploration and extraction, encourages conservation, and promotes the use and advancement of clean, renewable energies.

However, the truth is that new technologies and new sources of energy will not provide meaningful relief for years to come as new technologies are developed and as new sources of energy are discovered and extracted. We must be straight with the American public and not raise hopes that these efforts will provide immediate solutions and possible relief.

There are ways to give some immediate relief. In my view, new conservation efforts are the quickest way to see an immediate reduction in the price of gas at the pump. The American public is already doing its part through individual means of cutting back.

On a federal level, on May 2, 2008, Senator Bingaman and I introduced, and the Senate unanimously passed by voice vote, a sense-of-the-Senate resolution (S. Res. 577) that urged the President to initiate, among all federal departments and agencies of the executive branch, a reduction of their daily consumption of gasoline—if only by a small percentage.

To my knowledge, the administration has not responded to the Senate's action. In the absence of pending administration action, Congress should join with the public and make the concepts in the sense-of-the-Senate resolution a mandatory law.

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The purpose of this letter is to ask you to study this era of conservation, as I have, to determine whether the administration, with the support of Congress, should take similar action today.

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As Congress continues to look for ways to ease this national problem, I ask you to examine the following questions:

(1) Given the significant technological improvements in automobile design and function since 1974, at what speed is the typical vehicle traveling on America's highways today most fuel efficient?

(2) If a national speed limit was enacted similar to the 1974 law, but the speed limit under that law was consistent with most fuel efficient speed for the typical vehicle traveling on America's highways, what would be a reasonable projection for total fuel savings? And, what would be the savings for the average citizen who owns and operates a vehicle?

(3) If a new national speed limit was enacted consistent with the two questions listed above, how many fewer barrels of petroleum a day would Americans consume? Is it reasonable to believe that there would be a reduction in price at the pump? And, if so, what are the ranges you could project for cost reductions?

(4) If the federal government took the initiative to reduce its oil consumption, consistent the concepts of the sense-of-the-Senate resolution (S. Res. 577) how many fewer barrels of petroleum a day would be saved by the federal government?

Given that Congress is vigorously considering all options, your response to this request could be of great help to my colleagues and me.

With kind regards, I am

Sincerely,

JOHN WARNER.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the pending business on the Foreign Intelligence Surveillance Act is an amendment which I have pending, No. 5059. We started at 4 o'clock, and we are due for 2 hours. I stepped off the floor for just a few minutes for necessaries and have come back to find a unanimous consent proposal for some six speakers. I have talked to a number of Senators on the floor, and they are in morning business.

It seems to me the orderly procedure would be to allow us to finish our bill. I understand any Senator can come out and ask for unanimous consent. But, candidly, my good friend from Virginia, I wish you had given me notice.

Mr. WARNER. Mr. President, I felt I was acting at the personal request of Chairman ROCKEFELLER and the ranking member when I did this. I inquired on the floor as to the desires of other Senators. I regret, my dear friend, I would not have done this in any way to deter your ability to do what you feel you have to do on this bill.

So at this point in time, certainly the floor is open to additional unanimous consent. But I do bring to your attention the Senators who are currently in the Chamber are here as a consequence of the UC that I proposed at the request of the two managers.

Mr. SPECTER. Well, with all due respect to my good friend from Virginia, I was on the floor all afternoon, you sitting there and me sitting here. But that is water over the dam.

My request, Mr. President, is that—the only Senator on this list who I have ascertained is going to speak to the bill is Senator CARPER; he is on the list now for 10 minutes—we conclude the bill, or the alternative: to move ahead with the balance of the times reserved until tomorrow morning.

Mr. WARNER. Mr. President, again, Senators on the floor can certainly speak for themselves, but I point out I think the Chair advised the managers as to the time remaining on both sides of the bill.

Am I not correct, I ask the Presiding Officer? Could you inform the Senate as to the times remaining under the UC to which my good friend from Pennsylvania refers?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes remaining. The Senator from West Virginia has 33 minutes remaining. The Senator from New Mexico has 14 minutes. The Senator from Missouri has 5 minutes. The Senator from Connecticut has 21 minutes.

Mr. WARNER. Mr. President, I leave it to the Chair to address that. I think the Senator from Pennsylvania should be recognized for the purpose of his 10 minutes, but I am not sure we are in a position to foreclose other Senators who have been waiting here patiently to address the Senate on other matters.

It seems to me the Senator from Pennsylvania should revise the request to enable him to have his 10 minutes and Senator CARPER his 10 minutes and then allow the Chamber to proceed with other matters. It seems to me that is a fair resolution to this problem.

Again, I apologize if I was acting—as I was so asked to do—contrary to the Senator's wishes.

Mr. SPECTER. Mr. President, with respect to waiting, I have been here since 11 o'clock this morning on this bill.

Mr. President, I ask unanimous consent that Senator CARPER be recognized, as he is, for 10 minutes, and that the other Senators subject to the unanimous consent request be accorded the time given to them, and that the remainder of the time reserved be scheduled for tomorrow at the discretion of the majority leader.

Mr. WARNER. Mr. President, I will not object. I wish to thank my colleague for what I think is a very fair resolution to this situation.

Mr. CARPER. Mr. President, may I be recognized?

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Mr. President, reserving the right to object, I am told we cannot shift the time until tomorrow. I am told we need to use the time that has been allocated today. That is my understanding.

Mr. SPECTER. Mr. President, will the Senator repeat his reservation, please.

Mr. CARPER. Mr. President, I understand—and I look to the Parliamentarian and to the Presiding Officer—I am told the Senate is required to use the time that has been allocated for the discussion of these amendments today, and there is additional time for it tomorrow in tomorrow's debate before we begin voting. But we need to use up the time that is allocated for this afternoon and this evening.

I would inquire of the Presiding Officer, is that your understanding as well?

Mr. SPECTER. Mr. President, parliamentary inquiry: I heard the Chair say there is 10 minutes remaining of my time.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Well, that time is yielded to Senator CARPER, so that would take all the time allotted to this Senator.

The PRESIDING OFFICER. Does the Senator withdraw his unanimous consent request?

Mr. SPECTER. Well, there has been an objection to it, as I understand.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Reluctantly, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. CARPER. Mr. President, I believe under the unanimous consent agreement entered earlier, I am recognized for 10 minutes, and I ask unanimous consent that my time be counted against time controlled by Senator ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I rise today to speak in support of the FISA compromise legislation that is before us this week. I believe reasonable people can disagree about this measure, and I certainly respect the views of those who oppose it. But I wish to take a moment this afternoon to explain, first, why I am supporting this bipartisan compromise and, second, to encourage my colleagues and others to do so as well.

All of us know we live in a dangerous world today. We face serious threats to our safety and to our security. At the same time, we face a difficult balancing act between, on the one hand, the need to protect our country and the safety of our citizens and, on the other hand, the need to preserve our civil liberties.

All too often, the Bush administration's approach has been, at least in my judgment, misguided. Many opponents of the FISA legislation before us are rightly concerned that civil liberties have been ignored and in some cases violated.

I believe that is why, to some extent, many critics of this bill have focused so heavily—almost exclusively, in fact—on the legislation's retroactive immunity provisions. I regret the majority of my colleagues in the House and the Senate do not see eye to eye with those critics regarding immunity. However, I wish to take a few minutes to explain why most of us who support this bill in its amended form believe that granting immunity is fair.

During the extraordinary national emergency that followed the September 11 attacks upon our Nation, the Federal Government reached out—

Mr. SPECTER. Mr. President, will the Senator from Delaware yield for a moment?

Mr. CARPER. Mr. President, I am happy to yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand the Senator from Delaware is using time from Senator ROCKEFELLER.

Mr. CARPER. That is correct.

Mr. SPECTER. So my time would remain. I had thought there was 13 minutes remaining. Is there only 10?

The PRESIDING OFFICER. Ten minutes is all that remains.

Mr. SPECTER. I thank the Chair, and I reserve the remainder of my time, however the scheduling may work out.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Reclaiming my time, if I may, Mr. President, during the extraordinary national emergency that followed the September 11 attacks upon our Nation, the Federal Government reached out to some of America's major telephone carriers. We asked them to help intercept communications between sources in our country and terrorists located overseas.

A number of our phone companies responded in good faith and agreed to help. They did so, however, only after receiving written directives from our Government's senior national security and law enforcement officials that their cooperation—the cooperation of the telecommunications companies—was both lawful and constitutionally sound.

It does not seem fair, at least to me, that these companies now should be made victims of their own good-faith cooperation and assistance in the ongoing fight against terrorism. That is why I support immunity for phone companies that can demonstrate in Federal court that their participation in the program was found to be lawful by the Bush administration.

With that said, however, I believe the issue of immunity has taken on a significance that goes beyond its actual importance. This is not to suggest that immunity is unimportant, but the more critical aspects of this FISA bill seem to have been overlooked. In my view, those portions of the bill matter more—much more.

Rather than looking backward, at immunity, our real focus should be on what this FISA bill does going forward. I believe this legislation strikes the right balance in providing our intelligence networks with the tools they need to protect our country without diminishing our civil liberties. The administration has overreached on this front before. The FISA legislation before us, though, is a significant improvement over current law and will help to ensure that neither this administration nor the next administration will overreach again.

Now, how does it do that? First of all, this compromise bill makes it crystal clear that FISA is the exclusive means to conduct surveillance, ensuring that neither this President nor our next President can go around the law.

Second, the bill mandates reports by the inspectors general of the Justice Department, the Department of Defense, and our intelligence agencies that will provide the relevant congressional committees here and in the House with the information we need to conduct needed oversight.

Third, the compromise bill—this compromise bill—establishes a shorter sunset period of 4½ years instead of what had been proposed earlier, 6 years. In addition, this compromise bill—for the first time—requires FISA Court warrants for surveillance of Americans overseas.

I applaud both Senator ROCKEFELLER and Senator BOND, as well as my friend, Congressman STENY HOYER of Maryland, for their collective work in negotiating this compromise. They know, as I do, that this compromise is not ideal. It is not perfect. But, in my view, it is the best bill we can agree on at this time. It represents the best chance we have today to protect both our national security and our civil liberties.

For all these reasons, I am supporting this legislation. I hope my colleagues—Democratic and Republican—will join me in supporting the efforts of those who have crafted it.

Mr. President, if I could, I wish to end today with a pledge: Should this bill pass and be signed into law—and I hope it will—I will work with my colleagues in the next Congress and with the next President and his administration to make additional improvements that our country and our citizens may need and deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think under the order there is time for me to speak at this point.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

MEDICARE

Mr. COCHRAN. Mr. President, I think the Senate should support an 18-month extension of current Medicare law with the inclusion of a 1.1-percent increase in physician reimbursements. We should also make an effort to identify long-term improvements that will strengthen a system that is badly in need of repair.

New legislation is important and urgent because of the expiration on June 30, 2008, of the Medicare, Medicaid, and SCHIP Extension Act. This extension, which was signed on December 29, 2007, delayed cuts to payments under the physician fee schedule from taking effect until July 1, 2008.

Unfortunately, despite the knowledge that bipartisan negotiations were ongoing and could have achieved passage in time to prevent these cuts, the majority leadership chose to force a vote on H.R. 6331, a bill which the administration had promised to veto. My vote against the immediate passage of H.R. 6331 was a vote to protect the beneficiaries of Medicare and ensure their access to affordable and high-quality health care in the future. The fact is that providing health care to the constituents we represent must remain one of our top priorities. It is a priority that should transcend party politics.

In its current form, H.R. 6331 includes over $17 billion in new spending that comes at the expense of some of Medicare's more vulnerable participants, and it restricts seniors' private coverage through cuts to Medicare Advantage plans. Medicare Advantage is an important and widely used program that offers seniors quality health care at a low cost. This bill would result in a $13.6 billion cut from Medicare Advantage over the next 5 years and a $50 billion cut within 10 years. Specifically, over 2 million seniors would lose access to their private fee-for-service plans, reducing benefits to a one-size-fits-all plan and reversing what the program was intended to do in the first place.

This issue is particularly relevant in my State. Seventy-nine percent of the people in my State who are enrolled in Medicare Advantage plans are also enrolled in private fee-for-service plans. I cannot in good conscience vote for a bill that would put their access to health care in jeopardy.

The Senate should work to develop a bill that will accurately reflect the cost of providing quality care. If we don't, we risk a disruption in physician services to those who need care the most and we risk increasing the cost of health care. We must mitigate the negative impact of expiring provisions on providers and benefits.

The first step is to extend the current Medicare law until a compromise can be reached. We all understand that temporary fixes can only carry us so far. We need a long-term solution that fixes the sustainable growth rate to control costs, a long-term solution that recognizes the importance of increasing Medicare reimbursements, and a long-term solution based on bipartisan compromise. Anything less is not sustainable.

UNANIMOUS CONSENT REQUEST—S. 3118

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 776, S. 3118, a bill to preserve Medicare beneficiary access to care. I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, reserving the right to object, I would first indicate to my friend, the Senator from Mississippi, that, in fact, we have a bill in front of us that had 355 votes—a huge bipartisan majority—that addresses strengthening Medicare for our seniors. We are only 1 vote—1 Republican vote—shy of passing it here in the Senate.

My colleague also raises the concern about cutting Medicare Advantage. There are no Medicare Advantage cuts in the rates in this bill at all. There is a small change that doesn't even start until 2011.

So as a result of the fact that we have in front of us a bill to immediately address the concerns about access that my colleague has raised, I would object to his unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I am disappointed that the Senator from Michigan has objected to the unanimous consent request. I certainly hope, though, that we can have a conversation about this issue and move eventually to the consideration of S. 3118 as Senator COCHRAN suggested.

The American Medical Association has requested an 18-month fix—an 18-month extension—to give the medical community and Congress time to enact a permanent fix to the sustainable growth rate formula. This legislation—the Grassley bill—would provide for this 18-month extension. It would also provide an 18-month extension with a one-half percent increase in 2008 and a 1.1-percent increase in 2009 in physician reimbursement. This, I might add, is identical to the provision in the Stabenow bill, S. 2785, the Save Medicare Act, which was, in fact, a bipartisan bill and a bill I was happy to cosponsor.

The bill Senator COCHRAN just asked for unanimous consent to consider also increases Medicare payments for ground ambulance services, it extends the authorization for the Medicare Rural Hospital Flexibility Program grants, and it provides important provisions for community hospitals and for rural home health care.

The bill does make certain noncontroversial changes to the Medicare Advantage Program. It also extends critical programs involving Medicare, and it eliminates the double IME windfall to Medicare Advantage Programs. But it doesn't contain the controversial provider offsets that the legislation which was offered by the majority leader would have done and which the President promised to veto.

The legislation Senator COCHRAN just asked unanimous consent to consider could be passed tonight, sent to the President for his signature tomorrow, and the Members of the majority party in this Congress could claim a victory, and a bipartisan victory at that.

I believe it is important for people to understand the history of this legislation.

The Senate and House have been legislating to prevent these provider cuts from going into effect since the year 2002. For the past 6 years, as a Member of the House of Representatives, I have voted numerous times to prevent these physician cuts from going into effect, and each time, these cuts have been prevented. That has been done on a nonpartisan, bipartisan basis without political wrangling.

Indeed, this year, just a few days ago, before the Fourth of July recess, Chairman BAUCUS and Ranking Member GRASSLEY were on the verge of presenting a bipartisan package which would have prevented these cuts from going into effect and prevented this entire controversy. They were moments away before the rug was pulled out from under them by the leadership in this body.

Why is it different this year? Why have we been able to do this on a nonpartisan basis, prevent these cuts from going into effect to the providers, to the physicians, and the harm that would ensue to the Medicare recipients in the past? Why is it different this year? It is clear to me that members of the Democratic leadership in this body and in the other body have decided to turn this so-called "doc fix" into a political issue.

I was struck by the exchange between the minority and the majority leader on the night of June 26 when Senator McCONNELL requested of the majority leader, after the cloture had not been invoked, that we have a simple 30-day extension in order to continue to work on this issue. In objecting to that unanimous consent request for a simple 30-day extension so we could continue to work on this, it became obvious to me what a political issue this is becoming. The majority leader, in objecting, mentioned elections this year for three House seats in which the Democrats won. He went on to say that this time next year, there would be 59 Democrats in the Senate at least. He mentioned the President's approval rating—and this is all in the CONGRESSIONAL RECORD, page S6233 of the CONGRESSIONAL RECORD, if Members would like to follow along—he mentioned the President's approval rating. He mentioned numbers of people in the Senate who are up for reelection this year, and he even mentioned polling before suggesting that his Republican friends did not truly want to prevent these cuts from taking effect.

There is not a single Member of the Senate who wants these cuts to take effect. There is not a single Member of the House of Representatives who wants these cuts to take effect. But the majority leader said that night: The only way out of this is to accept this legislation; it is this legislation or nothing, in effect. I will say this much for the distinguished Democratic leader of the Senate: He was open and frank about what is really at issue here. This is very much about this year's elections and less about preventing the cuts to doctors.

Now, what are we wrangling about here? We are wrangling about the offsets to prevent the cuts from going into effect, particularly what it would have done to Medicare Advantage, a program that some 27,000 Mississippians depend upon and a program I would like to protect for them.

Now, we have a disagreement. The Senator from Michigan sees this differently than I do. There are people who would tell you that the bill offered to us that night would have gutted the Medicare Advantage Program. Medicare Advantage offers seniors a choice between regular Medicare and traditional insurance in the form of Medicare Advantage. These insurers offer the same services as traditional Medicare, but in addition, they offer options Medicare does not. In Mississippi, this means seniors may choose to have increased coverage of things such as diabetes management, increased cancer screening, or lower cost-sharing in the form of lower premiums and copays.

Admittedly, Medicare Advantage is not a perfect program. I believe there is a certain bipartisan consensus that we should take a look at the plan's enrollment and billing practices. Physicians back home in my State of Mississippi tell me this, and I want to work with them. The amount of payments to these plans is also an issue that needs to be looked at. But the Medicare bill that the majority leader would have forced upon us on that Thursday night of June 26, 2008, would have included provisions that did not enjoy bipartisan support. If that bill had passed, American seniors and Mississippi seniors would have lost their choices. They would have been told: Take it or leave it.

Fewer choices and less competition are not good for America's seniors and certainly not good for our health care system. If Medicare Advantage needs adjusting, we should consider standalone Medicare Advantage legislation.

The PRESIDING OFFICER. The junior Senator from Mississippi must know that his time has expired.

Mr. WICKER. I wonder if I may have an additional 2 minutes, Mr. President. I don't see anyone here at this moment. I wonder if I may have an additional 2 minutes to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. I thank the Chair.

There is overwhelming support for fixing the sustainable growth rate. Doctors deserve better than to be involuntarily paired with a poison pill provision that cannot pass this Congress on its own merits. I repeat, there is not a single Member of this Senate who wants these cuts to go into effect.

The issue of Medicare Advantage is so important because of the competition. If we are ever going to solve the future of funding on the issue of Medicare as a whole, if we are going to have that goal that the AMA wants of 18 months to look at a permanent fix to this issue, if we are going to prevent the train wreck that looms a few short years from now on the funding of Medicare as a whole, then we are going to have to inject competition. But let's not use it as a political football. Let's not adopt offsets on which there have been no hearings. Let's not change basic Medicare policy in the form of a pay-for for a temporary fix.

What we are looking at is two vastly different approaches to health care reform: the traditional Medicare, one size fits all, take it or leave it, that would lead us to a Canadian-style, single-payer type plan for the entire United States of America, or injecting this little bit of competition to see if we can help control the cost of the Medicare Program. That is what we are making this stand about, and that is why I hope eventually we will adopt the unanimous consent request Senator COCHRAN has made and move to a bipartisan plan we can all support and prevent these doctor cuts from going into effect.

I yield the floor. I thank the Chair for indulging me on the time.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that following the remarks of Senator CORNYN, who I understand will be speaking after myself, Senator LEVIN be recognized as under the previous order, and Senator CHAMBLISS be recognized to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, it is important to understand what the choices in front of us are. Always we have a choice in terms of priorities, of how to proceed. As the person who has coauthored the bill in the last several sessions that would change completely the way we provide physician payments, I certainly support long-term solutions, something called the SGR, sustainable growth rate. I believe the way it is set up, it is wrong, and we need to fundamentally change and stop this process of trying to make sure we don't see cuts happen in Medicare every single year. I certainly agree with that position.

What we have in front of us is a choice—a choice between a bill that has 355 votes in the House on a bipartisan basis—there are not a whole lot of times we see 355 people coming together on an issue such as this in the House, and 59 Members of the Senate. We had a majority. We had 59 votes. We have seen an effort to continue to filibuster the process from moving forward, and we are tomorrow going to see whether we will have one more additional Republican who stands with us, stands with the AARP, the American Medical Association, who stands with, most importantly, our seniors, who stands with the disability community, who stands with those who are concerned about access to Medicare in this country. We only need one vote. That is where we are right now.

I find it interesting, when we look at the motion that was made before about the bill my Republican colleagues wish to bring to the floor, in that bill, we see cuts in oxygen services, in speciality wheelchairs, large cuts in graduate medical education in order to pay for the bill. That is one choice. Or we have the choice in front of us that passed with 355 votes in the House and has 59 votes right now in the Senate which would take some smaller cuts out of graduate medical education and would do something very small and in the future to Medicare Advantage.

What is Medicare Advantage? In my mind, Medicare Advantage is part of the effort to privatize Medicare. We all remember former Speaker Newt Gingrich saying we cannot directly stop Medicare, so we are going to make sure it withers on the vine. Part of that withering has been to divert more and more dollars away from physicians and away from community care into private for-profit companies, private fee-for-service companies.

The argument was in the beginning that competition from the private sector, more choice will bring down costs and that they would be able to take 97 percent of the normal Medicare rate because it would cost less to bring down prices because of competition.

What has happened? What have we heard from the Congressional Budget Office? What have we heard from those who only analyze this issue? In fact, the exact opposite is happening. More and more rate increases have occurred. We now have a group that was getting 97 percent of the full rates, supposedly lowering costs, now on average getting 113 percent, and the Congressional Budget Office told us if we cap the rate to these private businesses at 150 percent of regular Medicare, we would still save money.

Because of the strong feeling of the Republicans and the President indicating he wants to protect them at all costs, in this particular bill we are not addressing the rates. There is no inability for people to get a choice through private care. There is none of that. There is no rate reduction, even though, in my mind, we ought to be doing that.

All that is done in this bill is a process that does not even take effect until 2011—not next year, not the year after, but the year after that—which is a process called deeming. I will not go into all of it now except to say it addresses how the private companies interact with those that are not part of their group or part of their network. That is all this addresses in Medicare Advantage. One would think the sky is falling based on what we have heard.

The reality is, AARP—a pretty good barometer of what seniors are thinking in this country—and a wide variety of organizations have come together very strongly in support of the bill in front of us that only needs one vote. Why? Because that is the bill that will strengthen Medicare for the future.

We need to act now. We are past time to act on this issue because, in fact, there are consequences already, even though the physician cut has not taken effect.

I received a letter this week and I wish to read it. I received a letter recently from a constituent named Kay about her father. Her father needs his physical therapy as part of his treatment for Parkinson's. I know what that is like. My grandmother died of Parkinson's. It is a very tough disease. He lives at home confined to a wheelchair most of the time due to Parkinson's. Despite rising gas prices, Kay and her sister drive her father three times a week—about 80 miles round trip—for his therapy. But last week, they were informed that Medicare would not pay for his therapy because the Medicare exemption process for physical therapy had expired.

We only need one more vote. If we had one more vote, Kay would not be worried about whether her father with Parkinson's can get the physical therapy he needs.

Kay wrote me:

> I will go down swinging to help my dad. Can you go back in and fight for us? We need these services extended. Please fight for us . . . go back onto the floor and reopen this.

And vote again.

Our leader, I am proud to say, understands all of the stories, not only of Kay but of all the seniors across the country who are so desperately worried about what is going to happen with Medicare. Our leader has come to the floor and said we are going to vote "yes" again. We are only one vote short, only one vote.

The practical reality is, in my home State alone, it affects 1.4 million seniors and people with disabilities and over 90,000 veterans who are TRICARE beneficiaries, people who have served in our military. Military health care, TRICARE, is tied to Medicare. So if the Medicare cuts take effect, our veterans also will be affected and there will be a cut.

This is serious. We are past time, at this point, to be debating this issue. We need to vote, we need to pass it, and we need to send it to the President.

There are so many positive provisions in this bill for the future. It addresses assets for low-income seniors; preventive services; rural services which are so important to so many parts of Michigan; also the effort to move ahead and modernize the system with e-prescribing, so we can actually read the physician's handwriting, so we can actually have an electronic system that speaks to the future; and also telehealth which in so many parts of our country—again, Michigan is a real example of focusing on telehealth and the way to expand services to rural communities; expanding mental health services. There are so many important pieces to this bill.

Fundamentally, the difference between what was suggested by my Republican friend from Mississippi and from what is in front of us is whether we are going to have any kind of accountability at all for this effort that has begun to privatize Medicare.

We know from the testimony we received from the Congressional Budget Office that for 85 percent of the seniors in traditional Medicare, they actually pay more in premiums because of the overpayments on Medicare Advantage. Again, that is not even in this bill. That is not even in this bill. We still need to address that point. There is a small change that does not take effect until 2011, but because of that, colleagues on the other side of the aisle are willing to let this whole bill go down and a dramatic cut in physicians' services take effect. They are willing to let us lose the help for rural America, the effort to modernize Medicare with electronic e-prescribing, with telehealth, to focus on seniors who need mental health services. They are willing to let the whole thing go down and, in fact, have proposed, as I said earlier, an alternative plan, that rather than touch the for-profit folks in the health care system right now that are, in my mind, too many times undermining what is happening in traditional Medicare—not always; there are some positive aspects, but too many times. Instead of that, they bring forward an alternative that focuses on oxygen services and specialty wheelchairs and other areas in which to receive their cuts.

Mr. President, I ask unanimous consent for 2 additional minutes, as my colleague from Mississippi did prior to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair.

I feel so strongly about this, Mr. President. We spent a lot of time and effort and a lot of goodwill. A lot of people have worked together on both sides of the aisle, with good decisions and good ideas that have come together on how to strengthen Medicare through this bill. It is obviously something that has wide bipartisan support because, again, we are talking about a huge overwhelming vote in the House of Representatives—355 people. Now we have the opportunity in front of us tomorrow, with all of our physician community, health care providers, senior organizations, AARP, disability groups, those who serve the Parkinson's patients and other patients who are suffering from particular diseases, consumer groups all across America coming together and saying this makes sense.

We need to make sure Medicare is available for our seniors. These are Draconian cuts and we want to stop them and we are willing to do it in a very balanced way. I thank our chairman of the Finance Committee for his leadership on something that is reasonable and balanced. We know him to be a reasonable person who does things in a balanced way. This doesn't gut Medicare or Medicare Advantage. It doesn't even touch the rates. It doesn't touch the companies, other than to address one part of the way they deal with those who are out of State or out of service through the process called "deeming," that doesn't take effect until 2011.

Frankly, if that is the only part people disagree with, these cuts are now. These physical therapy cuts started last week. I would urge my colleagues, step up and be the one vote. We have until 2011 to change that part of the bill they do not like. But the therapy cuts started last week, and the physician cuts are going to start in a couple of weeks. That is the sense of urgency we should feel if we are concerned about the seniors in this country—

about Medicare beneficiaries. Now is the time. It is real simple. It is real simple.

Tomorrow afternoon we will have the opportunity to vote yes on something overwhelmingly supported by the people of this country, and I urge my colleagues to step up. We only need, Mr. President, one more vote.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, Medicare provides important health care benefits for our Nation's seniors. Since 1965, the Federal Government has promised that those over the age of 65 years, or those afflicted with certain disabilities, will have access to health care. Unfortunately, Congress has had a checkered history of keeping that promise.

The vote we had 2 weeks ago, to which the distinguished Senator from Michigan just alluded, and one we will apparently have tomorrow afternoon, should be an embarrassment to Congress but not for the reasons that she and others have suggested. We should be looking to solve the looming problems with Medicare permanently, not just with temporary patches or fixes. We need a permanent solution. We should keep our promise to seniors that they can rely on Medicare and provide fair compensation for the physicians to make sure our seniors will actually have access to that coverage.

I have repeatedly heard from seniors in Texas who depend on Medicare that they find it hard to even find a physician who will accept below-market Medicare reimbursement rates. Even if we pass an 18-month extension now, I am not optimistic Congress will seriously consider permanent reform before the next round of scheduled cuts. And I shudder to think whether we can prevent the 20-percent cut that will occur 18 months from now.

This, of course, should not be about partisan politics, which it has become, because this is about people's lives. The Medicare Program, simply put, is in a nosedive headed for bankruptcy. As this chart demonstrates, without a long-term solution, the future is bleak indeed for Medicare providers.

This chart depicts how the practice costs of physicians continue to go up year after year. Yet because of a law Congress passed in 1997, Medicare reimbursement rates continue to be projecting downward. You can see the gap here. No wonder many physicians are no longer able to accept Medicare patients.

In Texas recently, a survey of physicians indicated that only 58.1 percent of physicians currently accept new Medicare patients because reimbursement rates are so low that they are below market and physicians cannot afford to accept those patients and those low Medicare reimbursement rates.

Congress needs to step up with a permanent solution, not the kind of shameful temporary patches and fixes that require physicians and other health care providers to come hat in hand to Congress every 6 months or 12 months or 18 months and that leave Medicare beneficiaries in doubt—our seniors—about whether, in fact, Congress will do its duty.

No one gets to conduct their business this way, other than the Congress. If you were in the private sector, a small or large business, you would be out of business or behind bars if you tried to operate your business the same way Congress has dealt with Medicare reimbursement rates.

The Medicare trustees expect future costs to increase at a faster pace than both workers' earnings and the economy overall. As a matter of fact, the Medicare Hospital Insurance Fund will be exhausted by 2019, and Part B premiums will have to increase rapidly to match expected expenditure growth. The Medicare trustees have warned Congress more than once to act, cautioning that the sooner the solutions are enacted, the more flexible and gradual they can be.

Mr. President, Medicare is a ticking time bomb. Today, Congress should be all about debating and preserving Medicare. Instead, we have been presented a bill that turns a blind eye to this smoldering powder keg of long-term Medicare problems and the terribly flawed physician payment system. Rather than real reform, the majority party—the Democratically controlled Senate—has presented us with a bill that prolongs damaging and rigid price controls, sets up increased premiums and increased taxes, abandons some private sector options, and keeps Medicare on the path toward more health care rationing.

Why would anyone be proud of this? The distinguished Senator from Michigan was saying that all they needed is one more vote to pass this partisan bill. Why would anyone be proud of this temporary fix, these price controls, along with submarket reimbursement rates, so that while we make the promise of Medicare coverage, the actuality of access is diminishing with each day?

This partisan bill bypassed not only the minority in the Senate, it bypassed the Senate Finance Committee as well. Now we are told by the majority leader that he will refuse the opportunity to offer any amendments when the bill comes to the floor. The Democratic-controlled majority has not held one hearing or introduced one piece of legislation in the last 6 months that begins to address the long-term problems.

Mr. President, I intend to offer a bill that will begin the process of reform and permanently eliminate the periodic cuts that are almost never allowed to go into effect. I think seniors and physicians and the American people deserve explanations and answers, and ultimately solutions, rather than more posturing and just kicking the can down the road.

It is worth taking a few minutes to recall how we got here in the first place.

In 1997, Congress was struggling with rising costs under Medicare and passed the Balanced Budget Act, which established something called the sustainable growth rate, or a formula which was intended to serve as a restraint on Medicare spending. Thus, the Federal Government instituted arbitrary price controls in an effort to reduce Medicare spending. What was the result? Well, the SGR—the sustainable growth rate—formula and arbitrary price controls have reduced access to quality care for beneficiaries.

While the first 2 years after implementation the SGR resulted in positive updates for physician payments, decreases in payments have been required every year since 2002. But what has been the experience of Congress? This chart indicates that except for the first year, in 2002, Congress has acted to reverse the cuts that have come with a temporary patch, and temporary fix after temporary fix. In fact, I think one could be forgiven for wondering whether Congress ever intended these cuts to take effect in the first place.

Thank goodness we haven't because continuing to cut into the muscle and then into the bone of the Medicare system means that the promise of Medicare coverage is a hollow one indeed for patients, for seniors, who are increasingly having a very difficult time finding physicians who can accept Medicare rates because they are so low.

As you can see from this chart, not only has Congress, except for 2002, not allowed these cuts to go into effect based on temporary patches, it has actually provided a very modest update in most years, except for 2007, when it just got back to zero. But the fact is, Congress never really intended or was never prepared to allow these cuts to go into effect. Most of the time, if you look for how Congress has attempted to "pay for" or find revenue to offset this reversal of these cuts, all it amounts to is budgetary gimmicks and games.

As the American Medical Association has noted, "every temporary intervention has increased the cost of a permanent solution." Thus, seniors and physicians find themselves coming back to Congress every 6 months or every 18 months hat in hand seeking to prevent these cuts with the kind of histrionics that we see on the Senate floor today and that we saw by the majority leader just 2 weeks ago after the failed cloture vote—not a serious discussion of public policy but, rather, a political action designed to gain partisan advantage.

At this point, to repeal the SGR formula created by Congress will cost an estimated $250 billion or more. That is a big number, and a major reason Congress has been unable to pass, or more likely unwilling to even debate, a long-term solution. While many of my colleagues have spoken at great length about their grandiose plans to reform the entirety of America's health care system, they seem to whistle past the Medicare graveyard.

We can and we must do better. What good is Medicare if there is no access to coverage? Even with reversing the Draconian cuts in reimbursement, as I said, many doctors refuse to even see patients with Medicare because the payments are so low. Yet Congress is seen patting itself on the back saying: Didn't we do a good job? Only to have more and more seniors unable to find doctors willing to accept Medicare payments.

Physician reimbursement cuts have been looming over the heads of seniors and physicians for years. Yet Congress repeatedly puts off until tomorrow what desperately needs to be done today.

What does the bill before use to pay for reversing these cuts for 18 months? Well, it undermines the one private sector alternative to traditional Medicare—Medicare Advantage—currently subscribed to by about 450,000 Texas seniors, leading to less choices, fewer services, and, yes, more government control.

We have a choice. Do we pass the hot potato once again, praying that we are not the ones who get burned, or do we stand up, do the responsible thing, and actually take decisive action by reforming the broken SGR formula for Medicare reimbursement?

While some in Congress seem determined to have the Government control all health care decisions, competition in the private sector holds real promise for the future of health care, and we do not have to look very far to find the proof. All we have to do is look at Medicare Part D, the prescription drug program that we passed a few short years ago.

The Congressional Budget Office recently released a report showing how effective Part D has been in lowering drug prices for seniors. This year, Part D expenses will be almost half that of the original projections 2 years ago. Competition by private companies that provide benefits for seniors under Medicare Part D has actually created about $40 billion in savings this year. What's more, Part D will be returning roughly $4 billion this year in unused funds due to cheaper than expected drug purchases.

Still, with the resounding success of Medicare Part D and the competition we should look to as a model, not one to be discarded or gutted or cannibalized in an effort to pay for this temporary patch, many of my colleagues want to give up on the private sector alternatives to traditional Medicare. Competition created by programs such as Medicare Advantage has the potential to save more money in the long run and to provide more choices and better quality services to Medicare beneficiaries.

I would be the first one to say that Medicare Advantage is far from perfect. As a matter of fact, I have heard from many of my constituent physicians who have complaints about the way Medicare Advantage is run. But it would be a terrible mistake to gut it. We ought to fix it, not gut it.

Rather than abandoning the principles of the benefits of competition in health care, we should work to make it better. With the results of Medicare Part D as an example, we should work to increase the role of nongovernment entities in lowering costs and increasing access and affordability of health care.

These are only a few of the reasons why, over 3 months ago, in anticipation of the looming physician payment cuts set for July 1, I introduced legislation that solves this problem permanently. This legislation I called Ensuring the Future Physician Workforce Act of 2008. It provides positive reimbursement updates for providers, it eliminates the ineffectual expenditure cap, and increases incentives for physician data reporting. At the same time, this bill facilitates adoption of health information technology by addressing costs and legislative barriers; it educates and empowers physicians and beneficiaries of Medicare spending and benefits usage, and studies ways to realign the way that Medicare pays for health care.

My bill does not mandate whether physician payments should be based on utilization, performance, care coordination or any other methodology, but it does start to lay down a new path toward reform, innovation, and restoration of the eroded physician-patient relationship. It does say the providers and beneficiaries should not be the ones to be punished by Congress's failure to act. We have to decide now.

Mr. President, I ask unanimous consent for 3 additional minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, we have to decide now whether Medicare is worth protecting or whether political gamesmanship and partisan politics are going to take over. While it is costly to fix Medicare and the SGR, stalling will be far more expensive. So while some of my colleagues on the other side of the aisle may be content with another shortsighted, short-term fix, I suggest we debate and pass a bipartisan solution that will keep the promise of Medicare for seniors but also make sure there will be access to that coverage by providing fair compensation for physicians. Why should we, and why should they, settle for less?

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, title II of the bill before us, which amends the Foreign Surveillance Intelligence Act, would authorize retroactive immunity for telecommunications companies that collected intelligence information inside the United States in defiance of the clear requirements of the Foreign Surveillance Intelligence Act as it was then on the books.

The argument has been made that we must provide such immunity because these telecommunications companies responded to requests from the Government in a time of great uncertainty, after the events of September 11, 2001. I have some sympathy for their situation, but I also have sympathy for innocent Americans who may have had their privacy rights violated as a result of illegal actions taken by telecommunications companies at the behest of an administration that has all too frequently tried to place itself above the law.

The bill before us makes no effort to reconcile these competing interests. Instead, it requires the dismissal of all civil suits against telecommunications companies that may have illegally disclosed confidential communications of their customers at the behest of U.S. Government officials. Dismissal would also be required even if the disclosure violated the constitutional rights of innocent U.S. citizens whose confidential communications were illegally disclosed.

The so-called judicial review authorized in this bill is totally unsatisfactory. Under title II of the bill, the FISA Court would be permitted to review these cases only to determine whether the Attorney General or the head of an element of the intelligence community told telecommunications companies that the Government request had been authorized by the President and "determined to be lawful."—presumably determined by anybody—even if nobody could reasonably have believed that the request actually was lawful. A judicial review that is limited to determining whether the administration claimed that its actions were legal is a sham review that provides no justice at all. Of course the administration claimed its actions were legal. Indeed, the Intelligence Committee report on this bill specifically states that the administration's letters requesting assistance from telecommunications companies made the claims that they were legal.

I do not believe this congressional grant of retroactive immunity is fair. I do not believe it is wise. And I do not believe it is necessary.

Retroactive immunity is not fair because it leaves innocent American citizens who may have been harmed by the unlawful or unconstitutional conduct of telecommunications companies at the behest of the administration without any legal remedy. It is hard to understand how the Attorney General can claim, as he does in a letter dated July 7, 2008, that this is a "fair and just result."

Those who have been harmed are not likely to have any recourse against the Government officials who asked telecommunications companies to disclose the private information of their customers because the Government officials enjoy qualified immunity for actions taken in their official capacity. These officials do not even have the burden of demonstrating that their actions were legal and constitutional to be immune from suit.

Nor is retroactive immunity wise, because it sets a dangerous precedent of retroactively eliminating rights of U.S. citizens and precludes any judicial review of their claim. If we act here to immunize private parties who cooperated with executive branch officials in a program that appears to have been illegal on its face, our laws and their prohibitions will be less of a deterrent to illegal activities in the future. This would be a terrible precedent if a future administration is as inclined as the current one to place itself above the law.

Finally, retroactive immunity is not necessary for the intelligence community to collect intelligence against terrorists using newly available technology. They have the right to use newly available technology—"they" being the intelligence community—under title I of this bill. Title I provides that the Attorney General and the Director of National Intelligence direct telecommunications companies to assist in collection programs, and these directives are enforceable by court order as has been the case since the Protect America Act was adopted last August.

We are collecting needed intelligence information today pursuant to that act, without any retroactive immunity for telecommunications companies, and there is no reason why we cannot continue to do so in the future under title I of the bill without the retroactive immunity provided in title II.

The administration argues that if we do not provide retroactive immunity to telecommunications providers, "companies in the future may be less willing to assist the Government."

But let's be clear what we are talking about here. Telecommunications companies have prospective immunity if they assist the Government in a manner that is authorized by this bill. Moreover, they can be compelled to do so under the bill, as has also been the case since the enactment of the Protect America Act. What companies might be less willing to do is to assist the Government in intelligence gathering efforts that are illegal. And what is wrong with that? Do we want to encourage companies to assist a future administration in unlawful intelligence-gathering efforts?

Nor is retroactive immunity necessary to protect telecommunications companies that acted in good-faith reliance on representations from administration officials. There are other ways in which we can recognize their equity without insulating misconduct from judicial review and without denying any relief to innocent U.S. citizens who may have been harmed.

For example, we can safeguard these interests by substituting the United States as the defendant in cases against telecommunications companies, or by requiring that the United States indemnify telecommunications companies for any damages in such cases. In either case, we could cap damages to make sure that the taxpayers are not required to pay an unreasonable burden as a result of unlawful decisions by the administration. We could also provide a measure of protection to American citizens whose rights have been violated by limiting the immunity provided to those cases where the telecommunications companies demonstrate that they had a reasonable basis for a good-faith belief that the assistance they were providing was lawful, a requirement that is notably absent from the bill before us.

The Bingaman amendment is a very modest proposal which does not decide the retroactive immunity question or remove the retroactive immunity provision from the bill. It leaves the retroactive immunity provision in the bill but postpones the effective date of that immunity until 90 days after Congress receives the comprehensive inspector general report required by the bill.

This amendment, the Bingaman amendment, does not have any effect at all on title I of the bill, which allows the intelligence community to collect information using newly available technology. The Bingaman amendment allows title I to go into law without change and without delay. The inspector general report may give us important information that helps us understand the extent to which the administration's actions were illegal or unconstitutional, and the extent to which innocent U.S. citizens may have been damaged by these actions. The delayed effective date in the Bingaman amendment would give us the opportunity to consider this information, not just assurances of administration officials, before retroactive immunity goes into effect and cases are dismissed. That information required to be provided to us by the inspector general is surely relevant to this issue.

If we adopt the Bingaman amendment, we will have highly relevant information about the extent to which illegal or unconstitutional actions were taken against innocent American citizens and the extent to which those citizens were harmed by those actions. The Bingaman amendment gives us the opportunity to take this additional information into account before retroactive immunity takes effect, while at the same time preventing any harm to telecommunications companies by staying any litigation against them until the information becomes available.

We can pass this bill and we can ensure that the intelligence community continues to have the authority to collect information on suspected terrorists without surrendering the rights of Americans whose privacy may have been violated.

I support the Bingaman amendment as a way to introduce a bit of balance into the process of protecting the privacy of innocent Americans while recognizing some equity in the position of the telecommunications companies.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to discuss H.R. 6304, the FISA Amendments Act. I am disappointed that after so many months of negotiations, after the Senate passed similar legislation in February, and after the House passed this bill by 293–129, the Senate is stalling enactment of necessary changes to FISA by debating amendments which would gut this bill of a valuable provision liability relief for our telecommunications carriers.

The three amendments we debate today would singularly undermine months of hard work by the Senate Intelligence Committee and the House to reach an agreement on this bill. In particular, Senators DODD and FEINGOLD have offered an amendment striking title II of the bill which provides liability relief to those telecommunication carriers who currently face lawsuits for their alleged assistance to the Government after September 11. Senator SPECTER has offered an amendment that would require the courts to determine the constitutional merits of the President's terrorist surveillance program, TSP in cases against private parties. And, Senator BINGAMAN has offered an amendment which would needlessly delay liability relief for a review of the President's TSP to be completed, which Members of this body have already done. I do not support any of these amendments.

Over 40 lawsuits have been filed against our communications providers alleging statutory and constitutional violations, seeking billions of dollars in damages. These suits are not intended to bring justice to any individual; rather, they are a fishing expedition. The lawyers who brought these cases hope to use our court system to discover some claim or discover some standing for their clients; yet none of the plaintiffs in any of these lawsuits have any evidence to illustrate that they were subjects of the President's TSP or that they suffered any harm. As a result, I wonder how a court could uphold that any of these individuals even have a claim to raise. The President has stated repeatedly that in the wake of 9/11, the TSP intercepted communications of suspected terrorists, including those communicating with individuals inside the U.S. or whose communications pass through the U.S. To date, this program has been reviewed by numerous Inspectors General, the Department of Justice, our intelligence community and Congress. Do we need to add the courts to the list? The Foreign Intelligence Surveillance Court is already on that list.

As a member of the Select Committee on Intelligence, I had access to the classified documents, intelligence, and legal memorandum, and heard testimony, related to the President's TSP program. After careful review, as stated in the committee report accompanying the Senate's FISA legislation, the committee determined "that electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful." The committee reviewed correspondence sent to the electronic communication service providers stating that the activities requested were authorized by the President and determined by the Attorney General to be lawful. The committee concluded that granting civil liability relief to the telecommunications providers was not only warranted, but required to maintain the regular assistance our intelligence and law enforcement professionals seek from them and others in the private sector. It was clear in discussions within the committee that most of us were concerned about the harm the Government could face if it cannot rely on the private sector. Without this provision, the harm faced by the Government will become a reality.

I cannot understate the importance of this assistance, not only for intelligence purposes but for law enforcement too. The Director of National Intelligence and the Attorney General stated, "Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the Government risks the disclosure of highly classified information regarding extremely sensitive intelligence sources and methods." There is too much at stake for us to deny those who assist the Government the liability relief they need, and deserve, or to delay its implementation.

Senator SPECTER'S amendment asks the courts to review and determine the constitutionality of the President's TSP before dismissing any lawsuit against the telecommunication carriers. This amendment not only severely undermines the findings of this body, but also calls into question the activities of the other political branch in our Government, the executive. The courts would be granted access to highly sensitive, executive branch intelligence activities, which they are not experienced in, and be required to make a legal determination on the constitutional authorities of the President. The courts usually avoid these types of decisions, and rightfully so. Moreover, the courts should not issue mere advisory opinions, yet this amendment requires the court to determine the constitutionality of a Presidential program when the government is not a party to these actions. Even with the passage of this bill the government or a Government official can still be sued for a TSP violation. If a plaintiff brought an action against the Government, the courts could then determine the constitutionality of the program; however, Congress should not hold America's private companies hostage until the courts review what Congress and others already have found. Further, regardless of the Government's program, our companies should not be held liable for assistance that they were assured was lawful. Let the Government carry the burden for its own actions.

Similarly, Senator BINGAMAN'S amendment would stay all of the lawsuits brought against the communications carriers until the inspectors general conducted a review of the TSP. Various inspectors general have reviewed already the President's program. The review called for by the FISA Amendments Act is nothing new. I see no reason to delay liability relief like this. The scope of the IGs' review included by this legislation is not intended to be a legal determination of the TSP. Instead, the FISA Amendments Act calls for the IGs to review each respective agency's access to the legal reviews of the program and grants the IGs access to communications with the private sector related to the program. Any review conducted pursuant to this legislation will have no impact on the lawsuits brought against private corporations. The only thing this amendment does is hold the cases up in court for over a year while the reviews are completed. This is purely political and Congress should not play games with our national security, or even when U.S. companies and their customers' money are involved.

Finally, Senators DODD and FEINGOLD offer the same amendment that they did in February, to completely strike Title II of the bill which provides this liability relief. This same amendment failed to pass the Senate in February by 31–67. As I have stated, I support Title II, and believe the Senate has already shown its lack of support for this amendment.

Mr. President, I oppose all three amendments offered to the FISA Amendments Act and urge my colleagues to do the same. It is time for the Senate to stop delaying enactment of a FISA bill and to reject these amendments which would gut the bill of much needed relief for our telecommunications providers.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will use leader time for my presentation.

The PRESIDING OFFICER. The leader is recognized.

Mr. REID. Mr. President, the Senate will soon vote on the FISA bill, which represents a final result of negotiations among the White House and Democrats and Republicans in Congress.

I opposed the version originally passed by the Senate. Although improvements have been made in the version now before this body, the legislation continues to contain provisions that will lead to immunity to the telecommunications companies that cooperated with the Bush administration's warrantless wiretapping program. For that reason, I have no choice but to vote no.

Having said that, I am pleased that President Bush and the congressional Republicans finally agreed to negotiate a better bill. For months, the President insisted it was his way or the highway. The White House refused to come to the negotiating table, repeatedly demanding that the House simply pass the Senate's bill. I commend our Democratic colleagues in the House for standing up to insist on more protections for the privacy of innocent Americans.

This debate has shown once again that protecting the American people is not a Democratic or Republican issue. Democrats want to provide our intelligence professionals all the tools they need to fight terrorism. We must also protect the privacy of law-abiding Americans and protect against abuses of our Constitution.

We all know that in the darkest corners of the Earth lie evil people who seek to harm our country and our people. We all agree on the need to monitor the communications of terrorists in order to protect the American people. But despite what the President insists, America is strengthened by our reverence for our law and our Constitution.

I am grateful for the efforts of congressional leaders who have worked tirelessly, and at times it may have seemed endlessly, to craft this compromise bill. Senators FEINGOLD and DODD deserve special recognition for reminding us that our Constitution must always come first. I have to compliment Senator ROCKEFELLER—a very difficult assignment he has, being the chairman of this most important committee, but he does it with great dignity.

This version of this legislation is better than the bill the Senate passed in February and better than the flawed Protect America Act signed by the President last summer.

This legislation now includes Senator FEINSTEIN's amendment to reaffirm FISA as the exclusive means by which the executive branch may collect surveillance. This provision is Congress's direct response to the strained argument of President Bush's lawyers that Congress meant to repeal the very clear and specific requirements of FISA when Congress passed the authorization for the use of military force in Afghanistan. Congress flatly rejects that argument as having no basis in fact or in law.

This bill includes Senator LEAHY's important amendment requiring a comprehensive IG review of the President's program as well as greater judicial supervision.

This bill requires the U.S. Attorney General to develop guidelines to ensure compliance with the fourth amendment and prevent reverse targeting; that is, targeting someone abroad when the real purpose is to acquire the communications of a person here in the United States.

This bill provides for increased congressional oversight, requiring extensive reporting to the Judiciary Committee and Intelligence Committees about the implementation of the new provisions and their impact on U.S. persons.

This bill rejects changes to the definition of electronic surveillance, a change sought by the administration that could have had unforeseen and far-reaching consequences for FISA's protections for the privacy of law-abiding Americans.

This bill ensures that the law expires in 4 years, requiring the next President and Congress to evaluate its effectiveness.

Let me in passing say that Senator LEAHY, the chairman of the Judiciary Committee, worked hard on this. As you know, there was a joint referral. Again, Senator LEAHY worked, as he does on all pieces of legislation, tirelessly and for the good of this country.

These changes I have mentioned add checks on the expansive executive powers contained in the original bill. But, as I said, despite these improvements, this legislation certainly needs more work. That is why I oppose it and why I am committed to working with the new President to improve it.

Congress should not wait until the 2012 expiration to improve this legislation. I will work to ensure that Congress revisits FISA well before 2012, informed by the oversight that will be conducted in the coming months by the Judiciary Committee and the Intelligence Committees and by the reports of the inspectors general. Next year, for example, Congress will be required to revisit a number of provisions of the PATRIOT Act. That may provide a suitable occasion to review the related issues in this FISA legislation.

While the bill before us does include some improvements to title I's intelligence collection procedures, I oppose totally title II. I think it is just way out of line.

Title II establishes a process where the likely outcome is immunity to the telecommunications carriers that participated in the President's illegal warrantless wiretapping program. That is what it was. The bill does not provide any protection for the Government officials who designed and authorized the program. That is good. It also, of course, does not preclude a challenge to the constitutionality of the legislation in Federal district court.

Nobody should read title II of this bill as a judgment on the legality of the President's warrantless wiretapping program because it is not. Nobody should expect that a grant of immunity is anything other than a one-time action. This was made clear in the Senate Intelligence Committee report that accompanied an earlier version of this legislation. Service providers should clearly understand that no grant of immunity will be forthcoming if they cooperate with future Government requests that do not comply with the procedures outlined in this legislation.

The current lawsuits against the telecom companies seek accountability.

These lawsuits could have been a vehicle to achieve a public accounting of the President's illegal warrantless wiretapping program. That is why it is important that the Democratic negotiators forced the President to submit his program to a comprehensive inspectors general review. That review should finally provide a full airing of this entire sorry episode. The bill requires the inspectors general of the relevant agencies to complete a comprehensive review of the President's surveillance program within a year. By the time that report is issued, President Bush will have left office. Although his term will have come to an end, the work of uncovering this administration's abuses of power is just beginning. Future Presidents, future Congresses, and the American people will learn from President Bush's abuses of power in a positive fashion.

The debate on this FISA legislation may be nearing an end, but the history books are yet to be written. Throughout this fight, a small number of lonely voices insisted that there is no contradiction between liberty and security. As new facts have become known, their numbers have swelled, and the voices have grown louder. I am confident that when it is all known, the condemnation of President Bush's blatant disregard for the Constitution will be deafening. I hope that because those voices refused to be silenced, the next President and all future Presidents will not waiver from a path that protects the American people without compromising our core American values based upon our Constitution.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 5064

(Purpose: To strike title II)

Mr. DODD. Mr. President, before the Majority Leader leaves the floor, I thank him personally but also collectively for his leadership on this issue. This is an act of courage on his behalf, given the arguments made by the other side, and his leadership on this created the possibility for us to offer this amendment to strike title II. I share his thoughts. He expressed them very well. I wish to identify myself with them. This is not at all about questioning the need for security. We all understand that. This is a simple question. Should the telecom industry be granted immunity, without us being able to determine whether their actions are legal? It may come out that the courts determine they were legal. If so, we move forward. All we are asking is that the opportunity be given to determine the legality of their actions.

The majority leader has made it clear why it is important. This is about the Constitution and the rule of law. It seems to me a very simple request and, as such, I ask unanimous consent to lay the pending amendment aside and call up amendment No. 5064.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. REID, Mr. HARKIN, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KENNEDY, and Mr. DURBIN, proposes an amendment numbered 5064.

Strike title II.

Mr. DODD. Mr. President, it is very simple. Strike that section of the bill that grants immunity to a number of telecommunications companies that, for a period of roughly 5 or 6 years, literally vacuumed up phone conversations, faxes, e-mails, photographs, on a wholesale basis, of virtually every American citizen. The only reason it has come to a halt is because there was a whistleblower who identified the program. Otherwise the program would be ongoing. Again, none of us argue, at least I don't argue at all, about the importance of having the ability to get the cooperation of an industry that could help us identify those who would do us harm. That is not the debate.

The debate is whether there is an appropriate means by which those warrants are sought before these telecom companies would begin to turn over the private conversations, e-mails, and communications of American citizens. That is what this debate is about. It is a simple debate on whether we keep this section of the bill or strike it out and allow the judicial branch, a coequal branch of Government, to determine whether the acts by the executive branch were constitutional and if they were they legal.

If this amendment is not adopted, it will be a vote by the legislative body that determines whether they were legal. We are not competent or the appropriate constitutionally delegated body to perform that function. That is why we have three coequal branches of Government. The executive branch made this decision. We in the legislative branch have an obligation to insist that the judicial branch determine the legality of the actions taken.

I wish to thank as well my colleague, Senator FEINGOLD of Wisconsin, my lead cosponsor, but also to mention, if I may, Senator LEAHY, who has been a stalwart on this effort and always a great crusader against those who would do harm to the rule of law. I also want to thank Senator REID, the Majority Leader, and Senators HARKIN, BOXER, SANDERS, WYDEN, KENNEDY, DURBIN, KERRY, and CLINTON for their support for this amendment. I also thank, if I may, JAY ROCKEFELLER, who chairs this committee. While I am highly critical of title II of the bill, I have great respect for him and the work he has tried to do in leading the Intelligence Committee on this difficult issue. While I still have major reservations about title I of this bill, the fact that title II still exists in this bill makes it impossible to be supportive of this legislation, if that is retained in the bill that we vote on tomorrow.

For many Americans, the issue may seem a very difficult one to follow. It may seem like another squabble over a corporate lawsuit. But in reality, it is so much more than that. This is about choosing between the rule of law and the rule of men. You heard our colleague, Senator LEVIN, and the Majority Leader eloquently describe the situation as it presently exists.

For more than 7 years, President Bush has demonstrated time and time again, unfortunately, that he neither respects the role of Congress nor does he apparently respect the rule of law on these matters. Today, we are considering legislation which will grant retroactive immunity to the telecommunications companies that are alleged to have handed over to this administration the personal information of virtually every American, every phone call, every e-mail, every fax, and every text message, and all without warrant.

Some may argue that, in fact, the companies received documentation from the administration stating that the President authorized the wiretapping program and that, therefore, it is automatically legal. These advocates will argue that the mere existence of documentation justifies retroactive immunity; that because a document was received, companies should be retroactively exonerated from any wrongdoing. But as the Intelligence Committee has already made clear, we already know that the companies received some form of documentation with some sort of legal determination.

But that logic is deeply flawed. Because the question is not whether the companies received a document from the White House. The question is, were those actions legal?

It is a rather straightforward and surprisingly uncomplicated question. Did the companies break the law? Why did the administration not go to the FISA Court as they were required to do under the Foreign Intelligence Surveillance Act?

Since 1978, that court has handled 18,748 warrants, and they have rejected 5 since 1978, in almost 30 years, according to a recent published report in the Washington Post. So the issue raised for me is, why didn't these companies go before that court to determine whether a warrant was justified? Why did they decide merely to rely on some letter or some documentation, none of which has ever been established as a legal justification for their actions?

Either the companies complied with the law as it was at the time or they didn't. Either the companies and the President acted outside the rule of law or they followed it. Either the underlying program was legal or it was not. If we pass retroactive immunity, not a single one of these questions will ever be answered—ever. Because of this so-called compromise, Federal judges' hands will be tied and the outcome of these cases will be predetermined. Retroactive immunity will be granted.

So this is about finding out what exactly happened between these companies and the administration. It is about holding this administration to account for violating the rule of law and our Constitution. It is about reminding this administration that where law ends, tyranny begins. Those aren't my words, where the law ends, tyranny begins. Those words were spoken by the former British Prime Minister, Margaret Thatcher.

It is time we say no more, no more trampling on our Constitution, no more excusing those who violate the rule of law. These are our principles. They have been around since the Magna Carta, even predating the Constitution. They are enduring. What they are not is temporary. And what we should not do at a time when our country is at risk is abandon them. That is what is at stake this evening and tomorrow when the vote occurs.

Allowing retroactive immunity to go forward is, by its very nature, an abandonment of those principles. Similar to generations of American leaders before us, we too are confronted with a choice. Does America stand for all that is right with our world or do we retreat in fear? Do we stand for justice that secures America or do we act out of vengeance that weakens us?

Whatever our political party, Republican or Democratic, we are all elected to ensure that this Nation adheres to the rule of law. That is our most fundamental obligation as Members of this great body, to uphold the rule of law—not as partisans but as patriots serving our Nation. The rule of law is not the province of any one political party or any particular Member of the Senate but is, rather, the province of every American who has been safer because of it.

President Bush is right about one thing. The debate is about security. But not in the way he imagines. He believes we have to give up certain rights in order to be safer. This false dichotomy, this false choice that to be more secure, you must give up rights is a fundamentally flawed idea. In fact, the opposite is true. To be more secure, you must defend your rights.

I believe the choice between moral authority and security is a false choice. I believe it is precisely when you stand up and protect your rights that you become stronger, not weaker. The damage done to our country on 9/11 was both tragic and stunning, but when you start diminishing the rights of your people, you compound that tragedy. You cannot protect America in the long run if you fail to protect the Constitution of the United States. It is that simple.

As Dwight Eisenhower, who served our country as both President and as the leader of our Allied forces in Europe during World War II, said:

> The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law.

That is why I believe history will judge this administration harshly for their disregard for our most cherished principles. If we do not change course and stand for our Constitution at this hour, for what is best for our country, for what we know is just and right, then history, I am confident, will most certainly decide that it was those of us in this body who bear equal responsibility for the President's decisions—for it was we who looked the other way, time and time again.

This is the moment. At long last, let us rise to it. Support the amendment I am offering on behalf of myself and the other Members I mentioned earlier. We must put a stop to this idea of retroactive immunity. It is time we stood for the rule of law. That is what is at stake. The FISA Courts were created specifically to strike the balance between a secure nation and a nation defending its rights. That is why the law has done so well for these past 30 years, amended many times, to keep pace with the changes of those who would do us great harm.

At this very hour, in the wake of 9/11, to say we no longer care about that, that we will decide by a simple majority vote to grant retroactive immunity to companies who decided that a letter alone was enough legal authority for them to do what they did is wrong.

I have pointed out before in lengthy debate, not every phone company participated in the President's warrantless wiretapping program. Not everyone did. There were those who stood up to the administration and said, without a warrant, without proper legal authority, we will not engage in the vacuuming up of the private information of American citizens. They should be recognized and celebrated for standing for the rule of law.

For those who decided they were going to go the other way, let the courts decide whether that letter, that so-called documentation, was the legal authority that allowed them to do what they did for more than 5 long years.

Tomorrow we will vote around 11 o'clock on this amendment. I commend Senator BINGAMAN and Senator SPECTER. They have offered amendments as well dealing with other parts of this legislation for which I commend them. But I hope my colleagues, both Democrats and Republicans, would think long and hard about this moment. Senator CARL LEVIN of Michigan said something very important toward the conclusion of his remarks: That this in itself becomes a precedent, that some future administration, fearing they would not get permission from a FISA Court to engage in an activity that violated the privacy of our fellow citizens will no doubt use the vote tomorrow, if, in fact, those who are for retroactive immunity prevail. They will cite that act by this body as a legal justification for some future administration circumventing the FISA Courts in order to do exactly what was done in this case. It becomes a legal precedent.

So there is a great deal at risk and at stake with this vote tomorrow. It is about the rule of law. It is not about whether you care about the security of our Nation. Every one of us cares deeply about that, and we want to do everything we can to thwart those who would do us great harm. This is about the simple issue of whether a court of law ought to determine whether these companies violated the Constitution. Did they or didn't they? If they did not, so be it. If they did, then those to whom they did harm ought to be compensated at what marginal or minimal level one would decide. But let the court decide this. Let's not decide it by a simple vote here and set the precedent that I think we would regret for years and years to come.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTORCOACH SAFETY

Mr. BROWN. Mr. President, today the National Transportation Safety Board presented its final report on the Atlanta motorcoach accident involving the Bluffton University baseball team last March.

The crash resulted in the deaths of five players on that team: Tyler Williams, Cody Holp, Scott Harmon, Zack Arend, and David Joseph Betts. The driver, Jerome Niemeyer, and his wife Jean were also killed in the crash. Many of the other passengers—33 in all—were treated for injuries.

For the families of those who lost loved ones and the families whose sons survived but now struggle with the aftermath, today has been highly anticipated.

Only hours after news of the accident hit home, these families pledged to improve safety measures on motorcoaches so that preventable—preventable—fatalities would not occur in the future.

For John Betts, who lost his son David in the crash, it was important to take the accident and make it into something positive in honor of his son and the other bright, talented young men who died that morning. Motorcoach safety became his crusade.

I spoke to Mr. and Mrs. Betts today and their son and daughter and talked to other parents of survivors and one who had died, and I think about their courage and their commitment and their passion to do this in the names of their sons, to fight for motorcoach safety so this tragedy does not befall other families. The Betts family sees upgrading the safety laws for motorcoaches as an opportunity to save the lives of future riders. Mr. Betts sees it also as a way to memorialize David and his teammates and, as he puts it, to make the world they lived in better than it was when they left it.

The Motorcoach Safety Enhancement Act, which I introduced last November along with Senator HUTCHISON from Texas, would address the shortfall in safety regulations for motorcoaches.

Today's final report echoes the recommendations the NTSB has been publishing for years and aligns itself with the safety improvements incorporated into our legislation. Specifically, the National Transportation Safety Board underscored major safety shortfalls that the Motorcoach Safety Enhancement Act addresses, such as development of a motorcoach occupant protection system, improved passenger safety standards, enhanced safety equipment and devices, and required onboard recorders with the capability to collect crash data.

Many of the injuries sustained in motorcoaches could be prevented by incorporating high-quality safety technologies that exist today but are not widely used, such as crush-proof roofing and glazed windows to prevent ejection. More basic safety features, such as readily accessible fire extinguishers and seatbelts—simple seatbelts—for all passengers, are still not required on motorcoaches. As a father of four, I find it particularly disturbing to know students are still riding in vehicles without even the option of buckling up. Seatbelts, window glazing, fire extinguishers—these are not new technologies. These are commonsense safety features that are widely used. Yet mandating them, as recommended by the NTSB, has been languishing for years.

The Motorcoach Safety Enhancement Act would instruct the Secretary of Transportation to enact these and other safety features and to establish a timeframe so these safety requirements do not spend any more time in limbo.

Sadly, the Bluffton University baseball team's fatal accident was not unique. We have witnessed story after story about motorcoach accidents. One happened in Texas, which precipitated Senator HUTCHISON's involvement in this effort. This bill takes the lessons learned from the tragic events of the Bluffton University baseball team's motorcoach accident and aims to correct them for future riders.

It is my hope that in the future parents will not have to endure the anguish and the grief that the Betts family members experienced and the family members of Tyler Williams and Cody Holp and Scott Harmon and Zack Arend and, as I said, the Betts family. I applaud the Betts family and the other Bluffton University parents for their courageous fight, for their persistence, and for their dedication to improving motorcoach safety in the midst of so much personal pain. Those families are truly remarkable.

I urge this body to swiftly pass the Motorcoach Enhanced Safety Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDENTIFYING BENEFICIARIES

Mr. DURBIN. Mr. President, the inspector general of the Social Security Administration recently issued a report taking the Centers for Medicare and Medicaid Services to task for its failure to take steps to implement the inspector general's recommendation that the agency stop using Social Security numbers as a beneficiary identifier. I support the inspector general's efforts and would like to bring this issue to the attention of my colleagues.

Social Security numbers were originally created to administer the Social Security Program. Over time, the public and private sectors began to use Social Security numbers for a variety of other purposes.

Use of Social Security numbers is a convenient method to identify individuals. But wide-spread use of Social Security numbers also increases the risk of identity theft and fraud. In 2006, the Federal Trade Commission reported that more than 8 million Americans were victims of identity theft in the prior year.

Identity thieves can obtain an individual's personal information by stealing mail or a wallet or rummaging through your trash. That personal information can be used to obtain a credit card in your name, write bad checks from a bank account created in your name, or authorize the electronic transfer of funds from your bank account to a different account.

A Social Security number is a key piece of information used in identity thefts. Recognizing this threat, many public and private entities have taken steps to limit the use and display of Social Security numbers.

Last year, the Office of Management and Budget called on Federal agencies to safeguard personally identifiable information. It required agencies to establish plans to eliminate unnecessary collection and use of Social Security numbers and to explore alternatives to Social Security numbers.

A number of Federal agencies are reducing the use of Social Security numbers. The Department of Veterans Affairs no longer displays Social Security numbers on new veteran identification cards. The Department of Defense is issuing health cards that no longer display Social Security numbers. And the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services continues to display Social Security numbers on Medicare identification cards. Consumers Union and others have noted this practice needlessly places Medicare beneficiaries at risk for identity theft.

The Social Security Administration urges people not to carry their Social Security cards with them in order to protect against theft. But Medicare beneficiaries are instructed to carry their Medicare identification cards with them—cards with the very same Social Security number on them. Why would CMS increase senior citizens' vulnerability to identity theft?

I first raised this concern in 2005 and successfully offered an amendment to the Senate version of the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to provide a report to Congress outlining a plan to move away from using Social Security numbers on Medicare identification cards.

CMS prepared a report and provided estimates of the cost and time it would take to switch to an identification system other than Social Security numbers. But it has failed to implement that plan.

Last month, the inspector general of the Social Security Administration issued a report that examined how CMS is responding to an IG recommendation in 2006 to remove Social Security numbers from Medicare cards. The inspector general found that CMS has not done anything beyond preparing the report to Congress.

The inspector general made his position clear. The report states:

> Given the millions of individuals at risk for identity theft and OMB's directive to eliminate unnecessary uses of [Social Security numbers], we believe immediate action is needed to address this significant vulnerability.

The report also declares:

> We do not believe a Federal agency should place more value on convenience than the security of its beneficiaries' personal information.

It is very disappointing that CMS is not taking recommended steps to protect Medicare beneficiaries from identity theft.

Private health insurers have moved away from using Social Security numbers. Other Federal agencies have too. It is time for CMS to do the same.

TRIBUTE TO DR. BOBBY R. HIMES

Mr. McCONNELL. Mr. President, I rise to note with sadness the passing of Dr. Bobby R. Himes, a retired Campbellsville University professor and star Kentuckian who will be greatly missed. After over four decades of service to his students, his community and the Commonwealth of Kentucky, he leaves behind many loved ones and a great legacy of accomplishment. He was 78 years old.

Known to students and colleagues as "Mr. Campbellsville University," Dr. Himes taught 7,940 students over his long career, according to grade books he kept in his possession. He first came to Campbellsville University in 1961 at the age of 29 and retired in 2001 as a history and political science professor. More than 4,000 Campbellsville students took his popular class "United States History Since 1877," which began in 1961.

Dr. Himes grew up in Hartford, KY, and always remained proud of his hometown. In his recent book "Life in the Shadows of Hartford College and Campbellsville University," he wrote, "I could not have grown up in a better place or time. Nowhere could there have been better people to nurture a young boy, a young man and now an old man."

Dr. Himes graduated from Hartford High School in 1950 and earned his bachelor's degree in history and political science from Kentucky Wesleyan College in 1959. He earned a master's degree in social science from Appalachian State University in 1961, did other graduate work at Western Kentucky University, and did his doctoral studies at Vanderbilt University. He also wore our country's uniform for 4 years in the U.S. Air Force, serving in the Korean War.

Dr. Himes's renown as a teacher was legendary. Several years ago I was on a plane from Kentucky to Washington, DC, when a young woman introduced herself to me as one of his former students. She had only the highest praise for him. I made sure to tell Dr. Himes about that afterwards. The impact he had on this young woman's life, and thousands of young people's lives, cannot be understated.

Let me point out that my wife, Secretary of Labor Elaine Chao, was a big fan of Dr. Himes as well. When she first met him she was new to Kentucky and just getting to know people. Dr. Himes was so friendly and helpful, they soon became fast friends. He was a great guide to the people and places in Kentucky.

Dr. Himes was always actively engaged with the world around him, and so it is no surprise he was involved in political campaigning and public service as well. His first campaign experience came when he was in the third grade at Wayland Alexander Elementary School he supported Wendell L. Willkie in the 1940 Presidential election.

Luckily, that first loss did not deter him from politics completely. Moving to Taylor County, KY, in 1961, Dr. Himes went on to serve in leadership posts for local campaigns. He then became chairman of the Taylor County Republican Party in 1982, a position he held for 10 years.

Dr. Himes was twice named the Campbellsville/Taylor County Chamber of Commerce Educator of the Year. He was also named the 2001 Business and Professional Women's Club Man of the Year and the 2004 Central Kentucky News-Journal Man of the Year. He received the Outstanding Social Studies Teacher Award from the Kentucky Council for the Social Studies in 1982.

Dr. Himes was a member of Campbellsville Baptist Church, and he belonged to the Honorable Order of Kentucky Colonels. He was perhaps the biggest fan of Lady Tiger Basketball at Campbellsville University, and the team recognized his support by creating the Bobby Himes Award, which honors dedication, determination and loyalty.

Dr. Himes served under five Presidents during his tenure at Campbellsville University. Dr. Michael V. Carter, the current president, said upon hearing the news, "We thank God for the life and career of Dr. Bobby Himes and his service to Campbellsville University and humanity."

My prayers and those of the people of Kentucky are with his wife Erlene and the Himes family after this sad loss. I hope the wonderful memories of Dr. Himes's long and fruitful life can give them some strength during this difficult time.

In his book, Dr. Himes looked back at his own success and wrote, "What a career, what a life for a rural Kentucky boy! My granddad Himes would be pleased."

What a life, indeed. Kentucky and our Nation have lost a great American with the passing of Dr. Bobby R. Himes. And I have lost a dear beloved friend.

VOTE EXPLANATIONS

Mr. TESTER. Mr. President, last night my flight to Washington was diverted to Columbus, OH, due to bad weather. As a result, I missed rollcall vote No. 163, to invoke cloture on the motion to concur with House amendment No. 2 to the Senate amendments to the housing bill. Had I been present, I would have voted "yea."

Mr. THUNE. Mr. President, last night, due to weather delays and an unexpected flight diversion to Columbus, OH, I missed the rollcall vote concerning cloture on the motion to concur with House amendment No. 2 to the Senate amendments to the housing bill, H.R. 3221. Had I been present for this vote, I would have voted "aye."

REMEMBERING SENATOR JESSE HELMS

Mr. COCHRAN. Mr. President, I was saddened by the news of the death of our former colleague, Jesse Helms of North Carolina. It was a privilege to work with him when he served as chairman of the Agriculture Committee. He was always courteous and respectful of the interests of all of the members of the committee. His conscientious efforts to be fair and resourceful in achieving a consensus on the provisions of legislation providing Federal Government support for the producers of food and fiber were deeply appreciated by me as a Senator from the State of Mississippi, which is so heavily dependent on farming and agribusiness.

I also admired his warmhearted and friendly manner. He was the epitome of the Southern gentleman. He was forceful and combative in his arguments in support of the issues he believed in, and he was never afraid to say what he thought, even though he knew he might not be supporting the prevailing view.

His wife Dot was one of the most precious Senate Wives Club members. My heartfelt sympathies go out to her and all the members of the family of our departed colleague.

Mr. BROWNBACK. Mr. President, I rise to pay tribute to a great patriot—and a good friend—who passed away on our Nation's Independence Day.

It seems somehow so fitting that Senator Jesse Helms should have left us on July 4, the anniversary of America's foundational document. Senator Helms was, above all else, a patriot who loved his country and the ideals we embody as a nation. And he spent his entire adult life defending those ideals, beginning with his service in the U.S. Navy in World War II.

Jesse always fought for what he believed in, even at great personal—or political—cost. Two things friends and foes alike acknowledged, and admired, about Senator Helms were that you always knew where he stood and that his word was as good as gold. He was a man of enormous integrity, as all who dealt with him on a personal and professional level can testify.

While he was a formidable politician, there were some things that, for Jesse, were more important than political success or winning elections.

He spent much of his three decades in the Senate standing up for the principles he believed so deeply in, even if that meant taking on powerful opposition, sometimes in his own party. But as Jesse famously said, "I didn't come to Washington to be a 'yes man' for any president, Democrat or Republican . . . I didn't come to Washington to get along and win any popularity contests."

What he did win in Washington was the enduring affection of people on both sides of the political aisle who found that this tough-as-nails politician was also a gracious, generous, compassionate human being. As Linda Chavez so aptly said in tribute to Senator Helms, "he took his politics seriously, but he didn't use political differences as an excuse for bad manners." He embodied southern charm, good manners, and courtliness. He seemed to recognize that there is never a contradiction between standing up strongly for your political and philosophical principles and always treating people, including those who disagree with you, in a way that always respects their human dignity.

Nor was this just a public display of good manners—Jesse Helms' Christian charity extended to his private life as well. Having been active in the pro-life movement for a long time I can't tell you how many times I have heard the accusation that pro-lifers only care about life from conception to birth—after that, they have no interest in caring for their fellow human beings.

Well, suffice it to say that Senator Helms disproved this caricature. Jesse and his wife Dot were always what I like to call "pro-life and whole-life." In 1963, after 21 years of marriage, they adopted a disabled child, their son Charles, after they read a newspaper article in which the child, who was 9 at the time, wished for a mother and a father for Christmas. Senator Helms never used adopting a child with cerebral palsy to soften his image as a hard, uncaring right-wing ideologues—in fact, he refused to talk about it in interviews. But Charles was, he said, a great blessing and was the center of his family. He served for years on the boards of private charities to help others with cerebral palsy.

For those young people who had the opportunity to work with him, he was a wonderful mentor. More than anything else, he loved to talk to young people, give them guidance and encouragement, and show them the ropes of public service. Those who knew the dynamics of his office testified that he was always more accessible to young people than he was to high-powered lobbyists. One of his great legacies is the Jesse Helms Center near his hometown of Monroe, NC, an organization centered on young people and dedicated to assuring that future generations fully understand and appreciate the blessing and opportunities of this great country.

What is perhaps most obvious about Senator Helms was that he was, simply put, a political giant. He was among the first to take up the pro-life cause in Congress, and his dedication to that cause never wavered. He was a lifelong opponent of communist tyranny, and his leadership in key Cold War battles was indispensible. Ronald Reagan could never have achieved all that he did achieve without Senator Helms strong and steady leadership as chairman of the Foreign Relations Committee.

And that was not all the Reagan revolution owed to Jesse Helms. Like Ronald Reagan, he left the Democratic Party after many years as a Democrat because he believed it no longer embodied the principles he believed in. He was on the cutting edge of transforming the solid south from the Roosevelt coalition to the Reagan coalition. His support for Ronald Reagan in his State's primary in 1976 was the key to Reagan's victory, and the beginning of the revival of his fortunes that led to the Reagan landslides of 1980 and 1984.

Senator Helms' political leadership will be missed, but his impact on our Nation will remain as his lasting legacy. We mourn the passing of this great American, and we offer our heartfelt condolences to his family, his friends, and to the people of his beloved North Carolina and across the Nation who loved him.

HEALTHY AMERICANS ACT

Ms. CANTWELL. Mr. President, I stand today for the 47 million Americans who are uninsured and looking to Congress to address an issue that has reached critical proportions.

I stand for the millions of Americans who are underinsured and cannot afford to pay the difference between their health costs and their meager coverage.

I stand for the millions of Americans who have lost their health coverage along with their jobs.

And, I stand for the small businesses that cannot afford to cover the costs of their employees.

That is why I am joining Senators RON WYDEN, BOB BENNETT, and many of my other colleagues in taking the first steps towards a bicameral, bipartisan, comprehensive solution for all called the Healthy Americans Act.

The Healthy Americans Act recognizes that our health care system is fundamentally broken and requires Congress, the President, and the Federal Government as a whole to engage in a serious dialogue about our country's health care priorities and the solutions that can make those priorities attainable.

The Healthy Americans Act guarantees affordable, high quality, permanent health coverage for all Americans. It provides benefits equal to those available to Members of Congress, and gives incentives for individuals to make a commitment to prevention, wellness, and disease management.

It changes the crumbling foundation on which we have built our system, challenges the status quo, and makes a commitment to the right of all Americans to live their lives without fear of losing, or not being able to afford health coverage.

This solution is affordable for us. In fact, according to independent studies, this piece of legislation is fully paid for using the $2.2 trillion currently spent on health care in America and saves $1.48 trillion over 10 years.

The benefit to Americans will be profound.

The Healthy Americans Act changes the way we think of health care in America through the modernization of fundamental relationships in our current system. By redefining the relationship between employers, employees, and health insurance, we give the American people a choice when it comes to the coverage, the cost, and the benefits they need for their families and their health.

The Healthy Americans Act marks the beginning of a comprehensive, bipartisan effort to health care reform. There will be many challenging issues to consider as my colleagues and I work to provide every American with quality coverage. These include concerns over the potential disruption that such a profound change to the system would have on those with existing coverage, as well as the lack of a publicly sponsored health plan option.

I hope to work with Senators WYDEN, BENNETT, and my Senate colleagues in ensuring that this legislation addresses those concerns, as well as others that may be raised in the future.

Although complex, the health care crisis is one that we cannot afford to ignore any longer. Together, we can turn the health care system in American into a transparent, affordable, efficient and healthy system that can help those that need it most.

NEW MARKETS TAX CREDIT

Mr. SMITH. Mr. President, I wish today to talk about the impact the new markets tax credit has had in revitalizing distressed neighborhoods in my home State of Oregon.

The new markets tax credit has become a vital financing tool to organizations throughout Oregon, like United Fund Advisors and Portland Family of Fund, to invest in and nurture business opportunities in our low income communities that are in need of investment capital.

The New Markets Tax Credit was signed into law in 2000 with the goal of using a modest Federal tax credit as an incentive to attract private investment capital to viable urban and rural markets that private investors often overlook and I am happy to report that the credit has done just that.

The Treasury Department reported that as of July 1, 2008, the credit is responsible for $11 billion of new investment going into economically distressed communities across the country. More than $600 million in NMTC-supported projects have been launched in Portland alone with the promise to create more than 9,000 construction and permanent jobs for city residents.

United Fund Advisors and its sister organization Portland Family of Funds are but two organizations using the credit in my home State, but I hold up their works as an example of how the NMTC can work.

United Fund Advisors and Portland Family of Funds recognized the potential of downtown Portland. Since 2002, through their CDEs, they have been awarded $165 million in credits, which they have used to attract investors to finance vital community services, as well as businesses in neighborhoods that have suffered from chronic poverty and disinvestment.

In downtown Portland, the credit has financed several community facility projects, including the Community Transitional School, which is an elementary school that serves homeless children throughout the city. The school serves over 200 homeless children a year and has been in operation since 1990. However, it was unable to secure the financing it needed to support the $3.5 million rehabilitation of its facility to create a safe, stable and permanent home for the school. The credit was used to attract financing from U.S. Bancorp to make the project possible and the school now expects to open the doors to its new 9,500-square-foot facility this fall.

The credit also provided the gap financing necessary to develop a drug rehabilitation facility within the Union Gospel Mission and to rehabilitate a theater and community space in the Portland Armory, which had been lying vacant for about 35 years.

The credit has been used to reclaim abandoned commercial space and encourage business development and economic activity in downtown Portland. Portland Family of Funds used the credit to assist a minority developer finance the development of two business condominiums designed to bring minority- and women-owned businesses into the downtown Portland market. In addition, the credit financed the Portland Small Business Loan Fund which provides financing to new and emerging small businesses operating in low-income neighborhoods in the city.

None of the projects that I just described would have been completed without the new markets tax credit. Last year the GAO published a report on the NMTC and found that 88 percent of the NMTC investors would not have invested in the low-income community or business without the subsidy provided by the credit.

I am a strong supporter of the NMTC because of its potential to bring communities and businesses that have traditionally been left out of the mainstream financial market into the mainstream market.

I hope my colleagues will join me to support the extension of the new markets tax credit, which is currently set to expire at the end of this year. Our cities and rural communities need this program, and I will do all I can to see that it is extended and expanded.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energ_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator—I am getting sick and tired of hearing from Easterners who live in New York or Washington, DC, and can walk to the corner store and who have mass transit options readily available constantly harping about raising gas prices even higher in order to get people to use less gas. The logic is absolutely heinous.

We live seven miles east of Mountain Home; we have no other options but to drive to get anywhere, and, if it is snowing real hard, our only option is our supposedly-evil SUV; our other cars won't make it out of our steep driveway. Buying gasoline is not a choice, it is not a luxury—it is a necessity. We've already cut our consumption, we've limited our trips into Boise to the absolute minimum and we even try to consolidate our trips into town as much as possible.

Any further cuts will require some major changes—the biggest one would be my seriously considering quitting school. I'm currently pursuing my Master's degree in History at BSU, I hope to graduate in May—but if gas prices go up to the eight or ten dollars a gallon that I've heard many of the so-called environmentalists advocate, I won't be able to continue driving up to Boise three to four times a week. We also have to limit our driving to one trip to Mountain Home each day to my husband's office in our most gas-efficient vehicle, and none on the weekends. If that means that one of us has to sit around for hours waiting for the other one so be it. Our trips to the base to the Commissary and BX will have to be made in conjunction with a workday trip in to town, and we may stop making them altogether unless they were in conjunction with a trip to the hospital—the savings would probably be outweighed by the gas costs.

Moving is not an option—my husband and I are both Air Force retirees who invested our savings, an immense amount of sweat equity, and a lot of love in our ultimate dream house on a beautiful lot on forty acres. This is our home. We love living in the country the same way many people love living in the city. They have their rapid transit that is highly subsidized by the government; why are we paying for their lifestyle so that they can play holier than thou and harp about mine being evil?

My husband and I are actually quite lucky—we're retirees who can make choices about when and where we want to be places—they're hard choices, but at least they're our choices. Most people do not have that luxury. I keep thinking about the many people who were out here working on our house, most of whom drove from Boise. They didn't have a choice, they had to make the drive. They did, however, have an alternative funding source—they could pass their costs on to us, which is what is now happening with all businesses and commodities—and everything is just going to keep getting more and more expensive as this goes around in a lovely little circle. Remember the 70s and inflation? If we do not find a way to stop this pretty soon, we're going to see inflation like we've never seen it before. . .

I'm all for "alternative energy;" I'd be thrilled to use a vehicle that runs on "alternative energy"—if there was one available and I could afford it. Additionally, the government has been funding research into "alternative energy" for years now—do not make me raise even more funds for it every time I fill up my gas tank. On top of that—do not you think that whoever it is who finally makes a vehicle that does run on "alternative energy" will be able to make an awful lot of money on it? Why should I be paying for the R&D for their huge profits? Stop wasting your time and my money conducting show trial hearings of oil executives and do something useful like maybe suspending the stupid rules about mandatory floors on ethanol usage—with the floods in the midwest and the even higher corn prices that is going to raise gas prices even higher. Drill everywhere we can get oil. Use the shale oil. Build nuclear plants. Do it now so that ten years from now your successor won't be saying "oh, well, we would have had to do that ten years ago for it to have done any good so we might as well not do it now that gas prices have risen to fifteen dollars a gallon. . ."

Oh, and by the way—why haven't the Republicans been all over the Democrats about the fact that they were going to fix everything that was wrong in the world once they had control of Congress? Could you guys please make some noise about the fact that some things aren't George Bush's fault but should be laid at the feet of the Democratically-controlled Congress?

TAMARA, *Mountain Home.*

Honorable Senator, I am absolutely astonished and even sickened at the shameful interrogation of the oil company executives that was conducted by Senator Durbin, Maxine Waters and others. Also, Senator McCain for insinuating that the 'Speculators' are to blame for the high price of oil. Why is so much time being spent pointing the finger of blame at people who did not cause this problem in the first place?

These committees should be spending their time removing the restrictions that have minimized access to the resources of our own country as quickly as possible. I urge you to meet with the Senators who somehow do not understand that it is their own actions that have brought us to this place.

They have stifled production, placed their own taxes on our fuel supply and even threaten to penalize and take away profits from the very companies who can invest those profits back into increasing the available supplies, finding new resources in an environmentally friendly way and developing cleaner fuels. With sufficient resources, the private sector will be able to solve this problem.

You must convince other congressmen that the only solution is to get out of the way and remove the restrictions that prohibit qualified companies from increasing domestic production of energy.

Thank you for the work you do on our behalf.

RAMONA.

Dear Senator Crapo, I would first like to thank you for the way you voted in the recent issues. I would also like to have my voice heard on the energy crisis. I feel that you should take the restrictions off the oil company and allow them to drill for oil. I feel that the U.S. is getting into a situation such as Germany and Japan during World War II. They did not have the resources so that they were in a position of weakness. I feel that the energy crisis is brought about because of special interest at the expense of our national security. I also feel that they should allow nuclear energy. It would certainly solve many problems and other countries have been using it.

Sincerely,

JACKIE, *Pocatello.*

Senator Mike: I am not severely damaged by the gas prices because I can still afford to drive. But I am more cautious, and am much more conservative in my driving. The cost between $2 gas and $4 gas is about what many families pay for the cell phone service per month. Most people haven't put things into perspective properly.

There are lots of explanations of the reason for the high prices and they seem to point at two reasons: foreign demand (China and India) and the commodity speculators. Neither of these can be fixed. However, the exchange value of the dollar can be fixed, and we can announce that we are going to start new oil exploration and drilling in the Gulf of Mexico (Not ANWR).

Those two solutions sound reasonable and obtainable. Thanks for listening.

BOB, *Gooding.*

Fuel prices are seriously affecting my family's income. My wife and I are new parents, and my wife is staying at home with the baby most of the time. I am a struggling mortgage loan originator, fighting to try and keep my family afloat in a suffering housing market. I live in Emmett, and my office is in Boise, so like many, many other folks from Emmett, I commute to work. The increase in fuel prices has caused me to cut down the amount of time I spend at the office. What used to cost about $27 to get back and forth to work 4 times now costs over $50. And that is with driving my 32 mpg Hyundai.

Gas prices didn't used to be a deciding factor in the work and recreational activities that we did. But, at $4 a gallon for fuel, we cannot afford to get out as much as we used to, which limits the amount of money we spend on other activities. I'm sure I'm not alone and, with hundreds of thousands of Idahoans not spending as much money on recreational activities, it is further hurting our local and national economies.

I firmly believe that we as a nation are able to and need to develop alternative fuels AND drill for fossil fuels in an environmentally-responsible way. With advances in technology, I am sure that it is possible. No one needs to drill through the head of a caribou in order to get oil. With the oil available in ANWR and the newly-discovered North Dakota oil reserves, we have the potential for enough fuel to sustain our nation and stimulate the economy until further advances in alternative energy sources can be achieved.

Please do everything you can to minimize the hurt we Idahoans are feeling due to the sky-high energy costs. Struggling young families like mine are fighting just to keep our heads above water and gas prices are threatening to push us under.

Sincerely,

HOUSTON, *Emmett*.

My wife and I live in a small rural community in Idaho. We try to make one big trip each summer, and we visit my wife's family in Utah once a month. We both drive mid-sized American-made cars that are fairly economical, but [the cost] to fill our gas tank has gone from $30 to $60.

This is $30 less that we can spend on groceries. Our grocery bill has also increased by $20–$40 a month. We have one small child and hope to have another next year, and I know my salary is not going to keep up with 7% inflation. It is not just fuel we are worried about. Our house is entirely electric because natural gas is not available in our neighborhood and, before we switched our utility bill to level pay, we were paying outrageous charges to heat and cool our house. Idaho has some of the cheapest electric power in the nation, and our electric bill in January was nearly $400.00. Idaho seems to be anti-coal fired plants, but I am not. I lived next to a coal-fired plant in West Virginia and didn't notice any ill effects. However, I would rather see increased hydro, nuclear, and geothermal energy production. Nuclear is clean, and I think it is the way to go.

Geothermal and hydro are both regular and efficient methods of producing power. I am not in favor of wind farms; their source of energy is inconsistent at best, and I do not think the technology is quite good enough to place solar power above nuclear or coal. I support drilling in ANWR and other offshore sites in the U.S. ANWR is some of the most desolate and unattractive tundra wasteland you will ever see. Drilling could be accomplished there with virtually no ill effects to humans and very minimal effects to the few species who can survive the harsh tundra climate. Anything we can do to research and drill for that shale-oil found throughout the mountainous West would be beneficial. I would hope that American auto makers can use technology to make more fuel-efficient vehicles that are less reliant on petroleum. I think ethanol is a piece of the puzzle, but it can never replace petroleum and is not the ultimate solution. I'm sure you do not want a novel, so I'll end on that note.

CHRIS, *Burley*.

Dear Mr. Crapo, You're so right about the gas prices affecting those of us in Idaho. So many of us are in rural areas that do not offer the services of a bigger city, i.e. specialized physicians, food and clothes shopping, automotive and farming equipment and supplies, etc. While you say the average Idaho household is spending $50 more/month, I can attest to the fact that it is more like $100 more/month, especially where we must travel approximately ten miles to the nearest town. Those people who are on repeat chemo or dialysis treatments are really taking it in the pocket book!

We need to tap into the alternative energy resources in our country and stop relying on other Third World countries who commit atrocities against humanity. Meanwhile, since it is an emergency in terms of the USA economic status, let us try, just try, to depend on the oil reserves and resources in the U.S. and Canada and see where that takes us. I do not see (in my limited experience) how it would make us any less of a super power. Frankly, we'd be setting a good example.

Thank you for considering my request to be heard as a lifetime citizen of Idaho and the USA.

MELANIE, *Silverton*.

I am a recently (February) divorced woman; mid-50's living in Blackfoot. I have been doing okay, being able to make ends meet. Recently I had to change my taxes. At the present time, I have no real estate, which should change by December. Being single again my taxes have changed to take out another $284.00 per month.

Meanwhile, I have a mother, widowed, in her late 80s that I have to travel to Idaho Falls from Blackfoot to help with bills, doctor appointments, grocery shopping, keeping the yard mowed and all the things that go with helping to assist in the care of an elderly parent. She is fairly competent, and I am really lucky, but she is getting weaker and shakier. I worry.

Just last month alone, my gas bill went from $100.00 per month to $180.00. This is huge for me. Considering I work for a salary and receive no overtime, I guess you could say I have a 'fixed' income. I really cannot get a second job because I really need to be able to leave at a moment's notice if I need to take care of her needs. The gas is actually dipping into my savings I pay myself each month.

This has caused a lot of emotional feelings for me. I am torn between where I should be and how much it is going to cost me to get there. These choices should not be weighed between gas prices and a mother in need.

I hope something can be done about this. When I purchase gas, I get physically sick in my stomach and I feel angry. My car gets 28 mpg on the freeway, thank goodness. Imagine if I had a truck or something less conservative.

Sincerely,

CATHY, *Blackfoot*.

The Honorable Senator Crapo: I appreciate the opportunity to share the personal feelings on high fuel costs, and the impact these high energy costs are having on us. I believe that legislative bodies need to get together and "act" in a way that will ensure that my children, and theirs, will have a way of life free from most of the stress and concerns concomitant we are struggling with today, in the way of high energy costs. We must execute a well-thought-out plan that does not band-aid the current situation, at the expense of the future. Quite frankly, I would rather pay my share now, if it means my children will have the opportunity to live in a world where they can focus on being all they can be, without fear of making trade-offs between the fuel it takes to get them to work, and the food or health care that they need to survive. Finally, we need to act now (not next session, or the one after that). Election year, or not . . . I will be more prone to vote out candidates that procrastinate on this urgent topic, at the expense of being popular with their constituents in an election year (and I believe that candidates would actually be more popular, if they acted, rather than delayed).

These are my positions. I am no authority. I believe a plan like this could be achieved, if we could all learn to work together (particularly the Legislature) and assemble a 20-year plan that alleviates much of our dependence on foreign oil, to wit:

Our oil companies are doing just fine, thank you. While I would not be in favor of a windfall tax on oil profits, that would merely be passed along to consumers, in the form of further fuel price increases, I would be in favor of a large tax deduction for increasing refinery capacity so long as an equal investment was made in alternative forms of energy development (wind, solar, seas, geothermal, etc).

Establishing legislation that requires all automakers selling cars in the U.S. to develop, by 2018, models of reliable, economical, and efficient electric-based commuter vehicles, enabling local transportation, thus decreasing pollution and allowing consumer cost avoidance for fossil-fuel unless traveling longer distances. This would include fuel-cell, rechargeable, etc. vehicles.

Speed up the approval of nuclear power generating permits to ensure we have the generating capacity to begin the shift to electric vehicles.

Mandate approval of local option taxes as the Federal level, allowing citizens to tax themselves for transportation plans that reduce CO_2 emissions (it is clear our own State Legislature is asleep at the wheel on this subject). Like No Child Left Behind, we have proven it is possible to require state governments to "act" in positive ways.

Open up ANWR to exploration, drilling, and oil production, along with environment preservation regulations that require "logical" and "thoughtful," yet inexpensive ways of minimizing our footprint in this, and all areas (including offshore) that may produce the fuels we need to get to an electric-based commuter mentality. Require environmentalists to "prove" the impact, not speculate, and enact the needful, but minimum.

Require all oil companies to invest in infrastructure that allows for the delivery of alternative fuels (e.g., hydrogen) in a stepwise, U.S.-wide plan that allows for a complete mapping of these services in the next fifteen years.

Provide tax-incentives, or perhaps Federal Grants to companies that can develop technologies that allow for the generation of clean power right in our homes (advanced solar cells, fuel cells, etc.).

We need to act now, as the answers are sure to be long in the making. But we also need to take some chances (ANWR) that allow us to make it to the next stage of technological maturity. We need this balance: Current energy exploration and local production along with equal investments in the deployment of new energy source technologies. We also need to enable investments in all the underpinning services and infrastructure that make this future vision come to fruition (alternative fuel delivery infrastructure, home power transfer technology, etc.).

PAT, *Boise*.

HONORING TROOPER DAVID SHAWN BLANTON, JR.

Mr. BURR. Mr. President, I wish to honor the life of North Carolina State trooper David Shawn Blanton, Jr., who was tragically killed on June 17 during a routine traffic stop near Canton, NC. David is the 59th North Carolina State trooper to have been killed in the line of duty.

David was only 24 years old and was a 2-year veteran of the North Carolina Highway Patrol. He was a native of Sylva, NC, and a 2002 graduate of Smoky Mountain High School, where he was a football and wrestling star.

We are all grateful for David's dedication to protecting the citizens of North Carolina. He lived in Cherokee with his wife Michaela, who had just given birth to their son Tye 2 weeks prior to his untimely passing.

David was a member of the Eastern Band of the Cherokee Indian Tribe and the first member of that tribe to serve with the highway patrol. In addition to being a State trooper, David volunteered as the junior varsity softball coach at Smoky Mountain High School.

Along with his wife Michaela and son Tye, David is survived by his father David S. Blanton Sr., stepmother Jennifer Blanton, mother Jeanell Youngbird, younger brothers, Jerry R. Blankenship, Jim Kye Blankenship, Jesse J. Blanton, and sister Natalie E. Blanton.

David's friends, family, fellow troopers, and the people of North Carolina are mourning this very tragic loss.

I know that there are no words that I can offer to help comfort Michaela and other members of the Blanton family, but I hope my colleagues in the Senate will join me in keeping them in our thoughts and prayers.

David gave his life in service to our State, and this ultimate sacrifice should never be forgotten.

I send my deepest condolences to all who had the privilege of knowing this young man who gave his life in service to our State.

ADDITIONAL STATEMENTS

TRIBUTE TO BARBARA MORGAN

• Mr. CRAPO. Mr. President, I am proud to announce the return of NASA mission specialist, teacher in space Barbara Morgan, not to Earth—that was 10 months ago—but to Idaho and Boise State University where she has been hired in a newly created position that will develop education initiatives in science, math, engineering, and technology. Barbara flew on the Shuttle *Endeavor*, Mission STS–118, from August 8–21, 2007. She served as a mission specialist onboard *Endeavor*, working as a robotic arm operator in the International Space Station assembly mission and conducting a teaching lesson from space, of which I was fortunate enough to be a part on the ground in Boise.

Barbara is a teacher by training. In 1985, she was selected to be the backup candidate for the NASA Teacher in Space Program, and trained with the late Christa McAuliffe for 4 months. After the shuttle tragedy in 1986, she returned to Idaho and taught second and third grades at McCall-Donnelly Elementary School. She continued to work with NASA's Education Division as the space designee, speaking publicly, designing curriculum, serving on the National Science Foundation's Federal Task Force for Women and Minorities in Science and Engineering, and as an education consultant. In 1998, NASA began the Astronaut Educator Program which replaced its Teacher in Space Program and Barbara was selected to train as a mission specialist. She began her 2-year training period that year and, upon completion in 2000, was given technical duties with NASA. She continued her duties and ongoing training in preparation for Mission STS–118 last summer.

In a preflight interview before STS–118, Barbara's extraordinary commitment to learning was revealed as she recounted of the beginning of her pilot training. She came to flight training with no flying background, and her initial pilot training experience was in a Cessna. Being unfamiliar with the communication language between pilots and air traffic controllers, she went to Radio Shack and bought a radio that gave her access to air traffic control so she could listen and become familiar with the language. In the course of that interview, one of Barbara's insights about the basics of learning, be it in a career or in school, revealed itself in a fine point about the importance of "learning the language." She observed that once you master the "language," be it an actual language or a set of terms used in a particular vocation or field of study, things become much easier. She understands very well that learning the "language" is the pathway to success.

Barbara has learned many languages, from that of an elementary school teacher to that of a pilot and NASA astronaut. Boise State University is very fortunate that she will be bringing her science, math, and engineering language skills to its students. It has been an honor for me to pay tribute to Barbara's remarkable achievements today and in the past, and I am certain that there will be many more to come. I offer her, Clay, and their children my heartfelt congratulations and an enthusiastic "Welcome home to Idaho!"•

TRIBUTE TO MAJOR GENERAL GALEN JACKMAN

• Mr. LEVIN. Mr. President, I wish to publicly commend and congratulate MG Galen B. Jackman, U.S. Army, upon his retirement after more than 35 years of military service. During the last 3 years, from July 2005 through July 2008, Major General Jackman served as the Army Chief of Legislative Liaison. He was instrumental in improving the understanding of Members of Congress and staff concerning a wide range of Army issues, in particular an understanding of the Army's role in the wars in Iraq and Afghanistan, the resource requirements for an army at war, and the effect of those wars on the Army and its soldiers and their families. Major General Jackman worked tirelessly to ensure that soldiers and Army civilians had the resources necessary to maintain the Army as the world's preeminent land service. He forged effective relationships with congressional Members and staff, always responding quickly and effectively to congressional requests for information and assistance, and has been an invaluable advisor to the Secretary and Chief of Staff of the Army.

General Jackman's assignment as Army Chief Legislative Liaison was the capstone to an outstanding career of service to our Nation. Prior to assuming this position, Major General Jackman served as the Commanding General, U.S. Army Military District of Washington and Commander, Joint Force Headquarters-National Capital Region, Fort Lesley J. McNair, Washington, DC. His other joint assignments include service as the Deputy for Training and Readiness, United States Pacific Command, and Director of Operations, United States Southern Command.

Major General Jackman served as the Chief of Staff and Assistant Division Commander, Support, for the 10th Mountain Division, Light, Fort Drum, NY, deploying with the Division in support of OPERATION JOINT FORGE, Bosnia-Herzegovina June 2000 to July 2001.

He began his service to our Nation in 1973 as a rifle platoon leader, Company A, 1st Battalion, Airborne, 508th Infantry, 82d Airborne Division, Fort Bragg, NC. His leadership positions include serving as a support squadron commander in 1st Special Forces Group, Airborne, Fort Bragg, NC; Commander, 2d Brigade, 7th Infantry Division, Light, Fort Ord, CA, and director, Combined Arms and Tactics Directorate, U.S. Army Infantry Center and School, Fort Benning. In his numerous leadership and command positions throughout his distinguished career, Major General Jackman demonstrated an unwavering commitment to the welfare of his soldiers and their families. Throughout his career, he played an important role in the development of the future officers and leaders of the Army.

Major General Jackman holds a master of science degree in procurement and contract management from the Florida Institute of Technology and a bachelor of arts degree from the University of Nebraska. He is a graduate of the Industrial College of the Armed Forces.

His outstanding Service has been recognized with numerous military awards including the Distinguished Service Medal, the Defense Superior Service Medal, with Oak Leaf Cluster; the Legion of Merit, with Oak Leaf Cluster; the Defense Meritorious Service Medal; and the Meritorious Service Medal, with 2 Oak Leaf Clusters. He proudly wears the Expert Infantryman Badge, the Master Parachutist Badge, the Air Assault Badge and the Ranger Tab.

Major General Jackman is married to the former Ms. Cathy Dowd. They have two children David, 20, and Patrick, 18. David will be a senior at Gilford College this fall, while Patrick will attend Virginia Military Institute. I also congratulate them on their husband's and father's retirement from the Army. The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier.

Mr. President, the Army, the Congress, and the Nation have benefited greatly from the service of such a great leader and soldier. He will be sorely missed.●

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6377. An act to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6881. A communication from the Acting General Counsel, Department of Defense, transmitting a legislative proposal that would increase the authorized strength for Army general officers; to the Committee on Armed Services.

EC–6882. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (Docket No. PA–151–FOR) received on July 7, 2008; to the Committee on Energy and Natural Resources.

EC–6883. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reduction Market System" (FRL No. 8575–3) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6884. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Atrazine; Pesticide Tolerances" (FRL No. 8364–1) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6885. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Direct Final Approval of Revised Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana" (FRL No. 8688–1) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6886. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerance" (FRL No. 8370–2) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6887. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "US Filter Recovery Services, Inc., Under Project XL" ((RIN2090–AA15)(FRL No. 8687–6)) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6888. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2008–2009 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018–AU71) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6889. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Amend the Listing for the Preble's Meadow Jumping Mouse to Specify Over What Portion of Its Range the Subspecies is Threatened" (RIN1018–AV64) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6890. A communication from the Chief of the Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon" (RIN1018–AU47) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6891. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—2008–09 and 2009-10 Subsistence Taking of Wildlife Regulations" (RIN1018-AV69) received on July 7, 2008; to the Committee on Environment and Public Works.

EC–6892. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Capital Costs Incurred to Comply with EPA Sulfur Regulations" ((RIN1545-BE97)(TD 9404)) received on July 7, 2008; to the Committee on Finance.

EC–6893. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employment Tax Adjustments" ((RIN1545-BG50)(TD 9405)) received on July 7, 2008; to the Committee on Finance.

EC–6894. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Time for Filing Returns" ((RIN1545-BE62)(TD 9407)) received on July 7, 2008; to the Committee on Finance.

EC–6895. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "QAB Closing Agreement Procedure" (Rev. Proc. 2008-38) received on July 7, 2008; to the Committee on Finance.

EC–6896. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 7702A Closing Agreement Procedures" (Rev. Proc. 2008-39) received on July 7, 2008; to the Committee on Finance.

EC–6897. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 7702 Closing Agreement Procedures" (Rev. Proc. 2008-40) received on July 7, 2008; to the Committee on Finance.

EC–6898. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 817(h) Closing Agreement Procedures" (Rev. Proc. 2008-41) received on July 7, 2008; to the Committee on Finance.

EC–6899. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 7702(f)(8) and Section 101(f)(3) Automatic Waiver" (Rev. Proc. 2008-42) received on July 7, 2008; to the Committee on Finance.

EC–6900. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Meaning of Statutory Reserves in Multi-State Taxpayers" (Rev. Rul. 2008-37) received on July 7, 2008; to the Committee on Finance.

EC–6901. A communication from the Director, Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures" (RIN0625-AA73) received on July 7, 2008; to the Committee on Finance.

EC-6902. A communication from the President of the United States, transmitting, pursuant to law, notification of his intent to designate the Republic of Serbia and the Republic of Montenegro as separate beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC-6903. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "The Teacher Education Assistance for College and Higher Education Grant Program and Other Federal Student Aid Programs" (RIN 1840-AC93) received on July 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6904. A communication from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6905. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-417, "Street Sweeping Improvement Enforcement Amendment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6906. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-416, "Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6907. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-415, "Affordable Housing Clearinghouse Directory Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6908. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-411, "Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Temporary Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6909. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-408, "Golden Triangle BID Amendment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6910. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-410, "AED Installation for Safe Recreation and Exercise Temporary Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6911. A communication from the Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "OST Technical Corrections" (RIN2105-AD74) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6912. A communication from the Acting Director of Regulations, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Protecting Unusually Sensitive Areas from Rural Onshore Hazardous Liquid Gathering Lines and Low-Stress Lines" (RIN2137-AD98) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6913. A communication from the Attorney, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Airline Service Quality Performance Reports and Disclosure Requirements" (RIN2139-AA12) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6914. A communication from the Senior Trial Attorney, Office of Chief Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches and Fixed Derails" (RIN2130-AB76) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6915. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of OMB Approval of Collection-of-Information Requirements for the Atlantic Large Whale Take Reduction Plan" (RIN0648-AS01) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6916. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines IO, (L)IO, TIO, (L)TIO, AEIO, AIO, IGO, IVO, and HIO Series Reciprocating Engines, Teledyne Continental Motors TSIO-360-RB Reciprocating Engines, and Superior Air Parts, Inc. IO-360 Series Reciprocating Engines with Certain Precision Airmotive LLC RSA-5 and RSA-10 Series Fuel Injection Servos" ((RIN2120-AA64)(Docket No. FAA-2008-0420)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6917. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avidyne Corporation Primary Flight Displays" ((RIN2120-AA64)(Docket No. FAA-2008-0340)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6918. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0011)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6919. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Propeller Models" ((RIN2120-AA64)(Docket No. FAA-2006-25173)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-304, -322, -324, and -325 Airplanes; and A300 Model B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0345)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0339)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29062)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. FAA–2008–0047)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes" ((RIN2120–AA64)(Docket No. FAA–2007–0394)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120–AA64)(Docket No. FAA–2007–0227)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. FAA–2008–0175)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes" ((RIN2120–AA64)(Docket No. FAA–2008–0392)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12, PC-12/45, and PC-12/47 Airplanes" ((RIN2120–AA64)(Docket No. FAA–2008–0070)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates" ((RIN2120-AA64)(Docket No. FAA-2007-0389)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB-Fairchild SF340A and SAAB 340B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0017)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MORAVAN a.s. Model Z-143L Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0345)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2005-21242)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; APEX Aircraft Model CAP 10B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0056)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2007-28228)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100)" ((RIN2120-AA64)(Docket No. FAA-2008-0340)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB-Fairchild SF340A and SAAB 340B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29331)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 2171)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3273)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3272)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6940. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3270)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6941. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3262)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3265)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3264)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10, -2D15, and -2D24 Airplanes" ((RIN2120-AA4)(Docket No. 2007-NM-340)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-341)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-144)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-103)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-044)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-043)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-107)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-80)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-258)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-216)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Lindstrand Balloons Ltd. Models 42A, 56A, 77A, 105A, 21A, 260A, 60A, 69A, 90A, 120A, 180A, 240A, and 310A Balloons" ((RIN2120–AA64)(Docket No. 2008–CE–013)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–188)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 172, 182, and 206 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–052)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, 737–700, 737–700C, 737–800, and 737–900 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–185)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes and A340–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–268)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, –100B, –100 SUD, –200B, –200C, –200F, –300, 747SP, and 747SR Series Airplanes Powered by General Electric CF6–45/50 and Pratt & Whitney JT9D–70, JT9D–3 or JT9D–3 or JT9D–7 Series Engines" ((RIN2120–AA64)(Docket No. 2007–NM–083)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –45LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–139)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–216)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexandria Aircraft, LLC Models 17–30, 17–31, 17–30A, 17–31A, and 17–31ATC Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–050)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations" ((RIN2120–AA64)(Docket No. 2005–20245)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassult Model Fan Jet Falcon, Fan Jet Falcon Series C, D, E, F, and G Airplanes; Model Mystere-Falcon 200 Airplanes; and Model Mystere-Falcon 20–C5, 20–D5, 20–E5, and 20–F5 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–138)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6965. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12, PC–12/45, and PC 12/47 Airplanes" ((RIN2120–AA64)(Docket No. 2008–CE–019)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6966. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes" ((RIN2120–AA64)(Docket No. 2002–NM–211)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6967. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. Model C–212 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–164)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6968. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727–200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM" ((RIN2120–AA64)(Docket No. 2007–NM–230)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6969. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–104)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation Model FU24–954 and FU24A 954 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–099)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wilkes-Barre, PA" ((RIN2120–AA66)(Docket No. 2007–AEA–11)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Vinalhaven, ME" ((RIN2120–AA64)(Docket No. 08–ANE–92)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Swans Island, ME" ((RIN2120–AA66)(Docket No. 08–ANE–91)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewistown, PA" ((RIN2120–AA66)(Docket No. 07–AEA–14)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; New Albany, MS" ((RIN2120–AA66)(Docket No. 07–ASO–25)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Indianapolis, IN" ((RIN2120–AA66)(Docket No. 08–AGL–2)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Black River Falls, WI" ((RIN2120–AA66)(Docket No. 08–AGL–4)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Walden, CO" ((RIN2120–AA66)(Docket No. 2007–ANM–17)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC–6979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Susquehanna, PA" ((RIN2120–AA66)(Docket No. 08–AEA–14)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6980. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Subury, PA" ((RIN2120–AA66)(Docket No. 08–AEA–15)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6981. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sherman, TX" ((RIN2120–AA66)(Docket No. 2007–ASW–11)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6982. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stonington, ME" ((RIN2120–AA66)(Docket No. 08–ANE–93)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6983. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Winona, MS" ((RIN2120–AA66)(Docket No. 07–ASO–24)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6984. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carrabassett, ME" ((RIN2120–AA66)(Docket No. 08–ANE–96)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6985. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rumford, ME" ((RIN2120–AA66)(Docket No. 08–ANE–94)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6986. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bridgton, ME" ((RIN2120–AA66)(Docket No. 08–ANE–95)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC–6987. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Removal of Class E Airspace; Centre, AL" ((RIN2120–AA66)(Docket No. 07–ASO–23)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6988. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters" ((RIN2120–AA64) (Docket No. 2007–SW–06)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6989. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dover-Foxcroft, ME" ((RIN2120–AA66)(Docket No. 08–ANE–97)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6990. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bridgton, ME" ((RIN2120–AA66)(Docket No. 08–ANE–95)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6991. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146–100A, –200A, and –300A Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–050)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6992. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–054)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6993. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sierra Hotel Aero, Inc. Models Navion, Navion A, Navion B, Navion D, Navion E, Navion F, Navion G, and Navion H Airplanes" ((RIN2120–AA64) (Docket No. 2007–CE–024)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6994. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–081)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6995. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes; and Model 757–200, –200PF, –200CB, and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–014)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6996. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–042)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6997. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–285)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6998. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stonington, ME" ((RIN2120–AA66)(Docket No. 08–ANE–93)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6999. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fort Kent, ME" ((RIN2120–AA66)(Docket No. 08–ANE–90)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7000. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Swans Island, ME" ((RIN2120–AA66)(Docket No. 08–ANE–91)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7001. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Seneca, PA" ((RIN2120–AA66)(Docket No. 07–AEA–17)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7002. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Gettysburg, PA" ((RIN2120–AA66)(Docket No. 07–AEA–20)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cranberry Township, PA" ((RIN2120–AA66)(Docket No. 07–AEA–18)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bradford, PA" ((RIN2120–AA66)(Docket No. 07–AEA–21)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Danville, KY" ((RIN2120–AA66)(Docket No. 07–ASO–26)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace;

Lady Lake, FL" ((RIN2120-AA66)(Docket No. 08-ASO-03)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation Routes; St. Louis, MO" ((RIN2120-AA66)(Docket No. 07-ACE-1)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rockport, ME" ((RIN2120-AA66)(Docket No. 08-ANE-98)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carrabassett, ME" ((RIN2120-AA66)(Docket No. 08-ANE-96)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dover-Foxcroft, ME" ((RIN2120-AA66)(Docket No. 08-ANE-97)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Facility Charge Program, Debt Service, Air Carrier Bankruptcy, and Miscellaneous Changes" ((RIN2120-AI68)(Docket No. 2006-23730)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aircraft Engine Standards for Life-Limited Parts" ((RIN2120-AI72)(Docket No. 2006-23732)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Standards: Safety Analysis" ((RIN2120-AI74)(Docket No. 2006-25376)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Nationality and Registration Marks, Non Fixed-Wing Aircraft" ((RIN2120-AJ02)(Docket No. 2007-27173)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Proposed Establishment of Class E5 Airspace; Eagle Pass, TX" ((RIN2120-AA66)(Docket No. 08-ASW-3)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA" ((RIN2120-AA66)(Docket No. 07-ACE-4)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA" ((RIN2120-AA66)(Docket No. 07-ACE-3)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Canby, MN" ((RIN2120-AA66)(Docket No. 07-AGL-2)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Poplar Bluff, MO" ((RIN2120-AA66)(Docket No. 07-ACE-9)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-199)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-246)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa 'PZL-Bielsko' Model SZD-50-3 'Puchacz' Gliders" ((RIN2120-AA64)(Docket No. 2007-CE-100)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Franklin, PA" ((RIN2120-AA66)(Docket No. 07-AEA-19)) received on July 7 , 2008; to the Committee on Commerce, Science, and Transportation.

EC–7024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Milford, PA" ((RIN2120-AA66)(Docket No. 08-AEA-13)) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7025. A communication from the Assistant Secretary of Transportation (Administration), transmitting, pursuant to law, a report relative to the inventories of commercial and inherently governmental positions in the Department; to the Committee on Commerce, Science, and Transportation.

EC–7026. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service of Drivers" (RIN2126-AB14) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 65. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 110–409).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 3230. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–410).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3228. A bill to amend the Internal Revenue Code of 1986 to allow a credit for green roofs; to the Committee on Finance.

By Ms. CANTWELL:

S. 3229. A bill to increase the safety of the crew and passengers in air ambulances; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 3230. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KERRY:

S. 3231. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 3232. A bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN:

S. 3233. A bill to promote development of a 21st century energy system to increase United States competitiveness in the world energy technology marketplace, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 439

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 991

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1689

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 1926

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2283

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2283, a bill to preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, and Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2576

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2576, a bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves.

S. 2682

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National

Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2771, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3114

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3114, a bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes.

S. 3118

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3164

At the request of Mr. MARTINEZ, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3164, a bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3167

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 602

At the request of Mr. NELSON of Nebraska, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 602, a bill supporting the goals and ideals of "National Life Insurance Awareness Month".

S. RES. 607

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 607, a resolution designating July 10, 2008, as "National Summer Learning Day".

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5009

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 5009 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5010

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 5010 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5064

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 5064 proposed to H.R. 6304, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

AMENDMENT NO. 5066

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 5066 proposed to H.R. 6304, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3228. A bill to amend the Internal Revenue Code of 1986 to allow a credit for green roofs; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce a bill to provide a residential and commercial tax credit for the installation of green roofs. I am pleased to have my colleague Senator CANTWELL join me in this effort by serving as original cosponsor of this bill.

The bill creates a tax credit for the installation of green roofs on residential and commercial property. On the residential side, the credit is 30 percent of the cost of installing a green roof, with a cap of $2,000. On the commercial side, the credit is 10 percent of the cost installing a green roof, without a cap. In my home state of Oregon, the city of Portland utilizes green roofs extensively. To date, the city has installed or plans to install over 100 green roofs.

Green roofs provide many environmental and cost benefits. One of the more significant benefits provided by green roofs is stormwater management and energy savings. When it rains, water washes over roofs, streets, driveways, sidewalks, parking lots, and other surfaces. Rain water picks up pollutants, such as oil, pesticides, metals, chemicals, and soil. The polluted stormwater then drains into the storm system that eventually makes it way into our rivers and streams. The pollutants can endanger water quality of lakes, rivers, streams and waterways, making them unhealthy for people, fish, and wildlife. During rainstorms, green roofs act as a sponge, absorbing much of the water that would otherwise run off. The roofs serve as a natural rainwater filter by utilizing the vegetation root system's natural filtering processes. The benefit of this process increases as the vegetation on the rooftop matures.

In addition to the storm water benefits, green roofs also absorb air pollution, collect airborne particulates, store carbon, provide living environments that provide habitats for birds, insects and other small animals, reduce outside noise transfer and insulate buildings from high temperatures.

I believe that we have a responsibility to encourage efforts to conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. We urge our colleagues to support this important piece of legislation.

By Ms. CANTWELL:

S. 3229. A bill to increase the safety of the crew and passengers in air ambulances; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I come to the floor today to ask for my colleagues' support for the Air Medical Service Safety Improvement Act of 2008, a measure that redefines our commitment to improving the safety for the flight crews, flight nurses, and passengers aboard emergency air medical service helicopters and fixed wing aircraft.

These EMS aviation operations provide an important service to the public by transporting seriously ill patients or donor organs to emergency care facilities. Each year, on average, air medical companies transport about 350,000 patients by helicopter and 100,000 by fixed wing aircraft.

Providing emergency air medical service is dangerous work. Unfortunately, we have been reminded of this fact all too many times this year, most recently by the tragic crash in Arizona.

I first became involved in the issue of emergency air medical service safety when an EMS helicopter crashed near my hometown in Washington state. On September 29, 2005, an Airlift Northwest EMS transport helicopter crashed into the waters of Puget Sound at Browns Bay, just north of Edmonds, Washington. On board were pilot Steve Smith, and nurses Erin Reed and Lois Suzuki. There were no survivors. Over time, I have communicated with both Erin's mother and sister about their loss.

The cause of the crash remains unknown as EMS transport helicopters are not required to have a "black box" or flight data recorder on board, and only part of the helicopter could be recovered from Puget Sound. Some in the area think the wind, rain, and heavy fog were to blame. Others claim that the helicopter sounded like it was having engine trouble.

All we do know is that three people dedicated to saving lives were lost in the ocean that night. And sadly, their story is not uncommon.

According to a study by Johns Hopkins University, one in four medical helicopters will crash during its 15 years of service. In just the last six months, there have been nine medical helicopter crashes and 16 deaths.

This alarming epidemic of accidents has opened the eyes of the Federal Aviation Administration, National Transportation Safety Board and policymakers in recent days. But the recent spike in accidents is not a new trend. In fact, between January 2002 and January 2005, there were 55 crashes of medical helicopters. On January 25, 2006, the NTSB released a report identifying recurring gaps in safety that must be addressed, including: Less stringent requirements for emergency medical operations conducted without patients on board; a lack of aviation flight risk-evaluation programs; a lack of consistent, comprehensive flight dispatch procedures; and no requirements to use technologies such as terrain awareness and warning systems that have the power to enhance flight safety.

At my request, Section 508 of S. 1300, a bill to reauthorize the FAA incorporated the NTSB recommendations for addressing these gaps. Subsequent to that bill's introduction in the spring of 2007, I had the opportunity to discuss with stakeholders how to improve upon the language. The bill I am introducing today is essentially the amendment I filed this May when the FAA reauthorization bill was on the floor. Given the uncertain status of that legislation, and in light of the recent events, I felt the urgency to transform the amendment into stand-alone legislation.

This bill will implement new procedures and improve standards already in place through strengthened safety requirements, comprehensive flight dispatch and flight following procedures, improved situation awareness of helicopter air crews, and better data available to NTSB investigators at crash sites.

It is time to put black boxes in these helicopters.

It is time to require the same safety standards regardless of whether or not a patient is on board.

It is time to evaluate potential risks before take-off.

It is time to improve the situational awareness of air medical flight crews.

If not, we are bound to witness more tragedies.

I am committed to these changes and I ask my colleagues to lend their support in making the skies safer for the men and women who dedicate their lives to getting critically injured patients the medical attention they need.

By Mr. BINGAMAN:

S. 3233. A bill to promote development of a 21st century energy system to increase United States competitiveness in the world energy technology marketplace, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to introduce the 21st Century Energy Technology Deployment Act to begin to address our need to accelerate the deployment of advanced, clean energy technologies and help establish the United States as a leader in these technologies that will be in great demand in the coming years.

The Energy Committee has had numerous hearings on the challenges we face in the coming decades regarding new energy. Meeting our energy security needs while diverting from our current pathway towards catastrophic climate change will require significant investment. I'm convinced that making this investment is not only the right thing to do for future generations, but that it will pay real dividends to the U.S. economy if we can position ourselves to lead the rest of the world in this necessary transition.

There have been many good proposals advanced to begin our journey down the path towards a more sustainable energy policy. Some of these proposals have even been enacted into law through energy bills in 2005 and 2007, but I think there is general agreement in this body that much remains to be done.

The missing ingredient that this bill seeks to supply concerns traversing the so-called "valley of death." This is the part of the development cycle of a new technology when the technology has been demonstrated at a lab or pilot scale and is ready to be demonstrated at a commercial scale. It is here, we are told, where new technologies, and particularly capital-intensive energy technologies, often languish for want of funding. Banks traditionally aim for moderate risk and predictable returns and simply have very little incentive to bet on unfamiliar technologies with speculative returns. Venture capitalists, who are more comfortable with technology risk, simply can't supply the billions of dollars necessary to push these technologies forward at the pace we need.

This bill can help fill this financing gap between the venture capital community and the banking community and I hope it will act as a catalyst for continuing conversation on this vital topic.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Energy Technology Deployment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to promote the domestic development and deployment of the advanced, clean energy technologies required for the 21st century through the establishment of a 21st Century Energy Deployment Corporation that will provide for an attractive investment environment through—

(1) the development of a stable secondary market for clean energy technology deployment loans; and

(2) the cooperation and support of the private capital market in order to promote access to affordable debt financing for accelerated deployment of advanced clean energy technologies and first-of-a-kind commercial deployments.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the Energy Technology Advisory Council of the Corporation.

(2) BOARD OF DIRECTORS.—The term "Board of Directors" means the Board of Directors of the Corporation.

(3) BREAKTHROUGH TECHNOLOGY.—The term "breakthrough technology" means a clean energy technology that—

(A) receives a high rating according to the criteria established by the Advisory Council for meeting the objectives of this Act; but

(B) has been impeded in the development of the technology due to perceived high technical risk by the commercial financial sector.

(4) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means a technology related to the production, use, transmission, control, or conservation of energy that will contribute to meeting objectives of the United States—

(A) to reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting energy with greater effectiveness through United States energy infrastructure;

(B) to diversify the sources of energy supply of the United States to include supplies that are environmentally sustainable; or

(C) to stabilize atmospheric greenhouse gas levels thorough reduction, avoidance, and sequestration of energy-related emissions.

(5) CORPORATION.—The term "Corporation" means the 21st Century Energy Deployment Corporation established by section 5.

(6) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(7) NOVEL TECHNOLOGY.—The term "novel technology" means a clean energy technology that, as determined by the Advisory Council or the Secretary—

(A) has been sufficiently demonstrated; and

(B) has not been widely deployed on a commercial scale.

(8) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(9) SECURITY.—The term "security" has the meaning given the term in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(10) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(11) TECHNOLOGY RISK.—The term "technology risk" means risk of project failure generally considered by lenders due to the lack of operating applications of the technology.

SEC. 4. ENERGY TECHNOLOGY DEPLOYMENT GOALS.

(a) GOALS.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Advisory Council, shall develop and publish near-, medium-, and long-term goals for the deployment of clean energy technologies through the Corporation to establish or promote—

(1) sufficient electric generating capacity using clean energy technologies to meet the energy needs of the United States;

(2) clean energy technologies in vehicles and fuels that will end the reliance of the United States on foreign sources of energy and insulate consumers from the price shocks of world energy markets;

(3) a domestic commercialization and manufacturing capacity that will establish the United States as a world leader in clean energy technologies across multiple sectors;

(4) installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies in each region of the United States;

(5) the transformation of the building stock of the United States to zero net energy consumption;

(6) the recovery, use, and prevention of waste energy in the industrial sector;

(7) domestic manufacturing of clean energy technologies on a scale that is sufficient to make the cost to the consumer less than current technologies;

(8) domestic production of raw materials (such as steel, cement, and iron) using clean energy technologies so that the United States will become a world leader in sustainable production of the materials;

(9) a robust, efficient, and interactive electricity transmission grid that will allow for the implementation of clean energy technologies, distributed generation, and demand-response in each State; and

(10) such other goals as the Secretary and Advisory Council determine to be consistent with the purposes of this Act.

(b) PERFORMANCE TARGETS.—Taking into account the goals established under subsection (a), the Advisory Council shall publish 5- and 10-year numerical targets, and annual interim targets, to guide and measure the performance of the Corporation toward supporting the deployment of clean energy technologies and achieving other goals developed under that subsection.

(c) INITIAL TARGETS.—Until the first publication by the Advisory Council of targets under subsection (b), in establishing the deployment priorities of the Corporation, the Corporation shall consider deploying—

(1) commercial-scale carbon capture and storage from electricity generation capturing at least 10,000,000 short tons per year by 2015;

(2) solar photovoltaic systems with a power production cost of 14 cents per kilowatt-hour;

(3) concentrated solar power systems with a power production cost of 6 cents per kilowatt-hour;

(4) wind power systems greater than 100 kilowatts with a power production cost of—

(A) 3.6 cents per kilowatt-hour by 2012 for land-based sites with average wind speeds of 13 miles per hour; and

(B) 5 cents per kilowatt-hour by 2015 for offshore wind systems with average wind speeds of 15 miles per hour;

(5) new enhanced geothermal systems generation capacity with a power production cost of 5 cents per kilowatt-hour by 2023;

(6) technologies to realize a 20 percent improvement in energy intensity by energy-intensive industries by 2020; and

(7) advanced energy systems to achieve net-zero energy use in new residential and commercial buildings by 2025 through a 60 percent-reduction in building energy use.

(d) PORTFOLIO REQUIREMENT.—To the extent practicable and consistent with the purpose of this Act, not less than 75 percent of the support provided by the Corporation under this section shall be for breakthrough technologies.

(e) REVISIONS.—

(1) GOALS.—The Secretary shall revise the goals established under subsection (a), from time to time as appropriate, to account for advances in technology and changes in energy policy.

(2) PERFORMANCE TARGETS.—The Advisory Council shall revise the performance targets under subsection (b), from time to time as appropriate, to account for advances in technology and changes in energy policy.

SEC. 5. 21ST CENTURY ENERGY DEPLOYMENT CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the 21st Century Energy Deployment Corporation, which shall be a body corporate under the direction of a Board of Directors.

(2) BOARD OF DIRECTORS.—Subject to other provisions of law (including regulations), the Board of Directors shall determine the general policies that govern the operations of the Corporation.

(3) OFFICES.—

(A) PRINCIPAL OFFICE.—The Corporation shall—

(i) maintain the principal office of the Corporation in the District of Columbia; and

(ii) for purposes of venue in civil actions, be considered to be a resident of the District of Columbia.

(B) OTHER AGENCIES AND OFFICES.—The Corporation may establish other agencies or offices in such other places as the Corporation considers necessary or appropriate for the conduct of the business of the Corporation.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors shall consist of—

(A) the Secretary, who shall serve an ex-officio member of the Board; and

(B) 9 members who shall—

(i) be appointed by the President for staggered 4-year terms, as determined by the President; and

(ii) have experience in banking or financial services relevant to the operations of the Corporation, including—

(I) at least 1 individual with substantial experience in the development of energy projects;

(II) at least 1 individual with experience in the electric utility industry; and

(III) at least 1 individual with experience in the banking industry.

(2) REMOVAL.—Any appointed member of the Board of Directors may be removed from office by the President for good cause.

(3) VACANCIES.—Any appointive seat on the Board of Directors that becomes vacant shall be filled by appointment by the President, but only for the unexpired portion of the term.

(4) COMPENSATION; TRAVEL EXPENSES.—A member of the Board of Directors shall not be compensated for service on the Board of Directors but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board of Directors.

(c) ENERGY TECHNOLOGY ADVISORY COUNCIL.—

(1) IN GENERAL.—The Corporation shall have an Energy Technology Advisory Council consisting of—

(A) 5 members selected by the Secretary; and

(B) 3 members selected by the Board of Directors.

(2) QUALIFICATIONS.—The members of the Advisory Council shall—

(A) have relevant scientific expertise; and

(B) include representatives of—

(i) the academic community;

(ii) the private research community; and

(iii) National Laboratories.

(3) DUTIES.—The Advisory Council shall—

(A) develop a rating system for projects and clean energy technologies to determine how well the projects and clean energy technologies address the purpose of this Act and establish a priority for the projects and clean energy technologies for financial assistance under this Act, taking into account—

(i) the extent to which a project or clean energy technology will enhance the energy security of the United States;

(ii) the potential the project or clean energy technology has to enhance the competitiveness of the United States in providing energy technologies likely to be in demand throughout the world;

(iii) the potential benefits of the project or clean energy technology in averting climate change; and

(iv) the potential of the technology, once deployed, to become financially self-sustaining;

(B) advise on the technological approaches that should be supported by the Corporation to meet the technology deployment goals established by the Secretary; and

(C) set risk and default rate targets for individual technologies, such that the maximum practicable ratio of breakthrough technologies to novel technologies is developed.

(4) TERM.—

(A) IN GENERAL.—Members of the Advisory Council shall have 3-year staggered terms, as determined by the Secretary and the Board of Directors.

(B) REAPPOINTMENT.—A member of the Advisory Council may be reappointed.

(5) COMPENSATION.—A member of the Advisory Council shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Council.

SEC. 6. CLEAN ENERGY TECHNOLOGY DEPLOYMENT SECURITIZATION.

(a) IN GENERAL.—The Corporation may purchase, and make commitments to purchase, any debt instrument associated with the deployment of clean energy technologies.

(b) DISPOSITION OF DEBT OR INTEREST.—The Corporation may hold and deal with, and sell or otherwise dispose of, pursuant to commitments or otherwise, any debt described in subsection (a) or interest in the debt.

(c) PRICING.—

(1) IN GENERAL.—The Corporation may establish requirements, and impose charges or fees, which may be regarded as elements of pricing, for different classes of sellers or services.

(2) CLASSIFICATION OF SELLERS.—For the purpose of paragraph (1), the Corporation may classify sellers as necessary to promote transparency and liquidity and properly characterize the risk of default.

(d) ELIGIBILITY.—The Corporation shall establish criteria and mechanisms such that, to the maximum extent practicable, sellers will be able to determine the eligibility of loans for resale at the time of initial lending.

(e) AGGREGATION OF SMALL SCALE PROJECTS.—The Corporation shall work with Federal, State, local, and private sector entities to develop debt instruments that aggregate projects for clean energy technology deployments on a residential or small commercial scale.

(f) SECURITIZATION.—

(1) IN GENERAL.—The Corporation may lend on the security of, and make commitments to lend on the security of, any debt that the Corporation is authorized to purchase under this section.

(2) AUTHORIZED ACTIONS.—On such terms and conditions as the Corporation may prescribe, the Corporation may—

(A) borrow;

(B) give security;

(C) pay interest or other return; and

(D) issue notes, debentures, bonds, or other obligations or securities.

(g) LENDING ACTIVITIES.—

(1) IN GENERAL.—The Corporation shall determine—

(A) the volume of the lending activities of the Corporation; and

(B) the type of loan ratios, risk profiles, interest rates, maturities, and charges or fees in the secondary market operations of the Corporation.

(2) OBJECTIVES.—Determinations under paragraph (1) shall be consistent with the objectives of—

(A) providing an attractive investment environment for clean energy technologies;

(B) making the operations of the Corporation self-supporting over the long term; and

(C) meeting the targets established by the Advisory Council.

(h) NO FEDERAL GUARANTEE.—The Corporation shall insert appropriate language in all of the obligations and securities of the Corporation issued under this section that clearly indicates that the obligations and securities (together with the interest)—

(1) are not guaranteed by the United States; and

(2) do not constitute a debt or obligation of the United States or any agency or instrumentality other than the Corporation.

(i) EXEMPT SECURITIES.—All securities issued or guaranteed by the Corporation shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

(j) OTHER AUTHORIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary may contract with the Corporation to provide financial services and program management for grant, loan, and other credit enhancement programs authorized under any other provision of law.

(2) ADMINISTRATION.—In administering any other program under contract with the Secretary, the Corporation shall, to the maximum extent practicable (as determined by the Corporation)—

(A) administer the program in a manner that is consistent with the terms and conditions of this Act; and

(B) minimize the administrative costs to the Federal Government.

SEC. 7. FEDERAL OWNERSHIP OF OBLIGATIONS.

(a) IN GENERAL.—In order to maintain sufficient liquidity, the Corporation may issue notes, debentures, bonds, or other obligations for purchase by the Secretary of the Treasury.

(b) PUBLIC DEBT TRANSACTIONS.—For the purpose of subsection (a)—

(1) the Secretary of the Treasury may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code; and

(2) the purposes for which securities may be issued under that chapter are extended to include any purchase under this subsection.

(c) MAXIMUM OUTSTANDING HOLDING.—The Secretary of the Treasury shall not purchase any obligations under this section if the purchase would increase the aggregate principal amount of the outstanding holdings of obligations under this section by the Secretary to an amount that is greater than $1,500,000,000.

(d) RATE OF RETURN.—Each purchase of obligations by the Secretary of the Treasury under this section shall be on terms and conditions established to yield a rate of return determined by the Secretary to be appropriate, taking into account the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the purchase.

(e) SALE OF OBLIGATIONS.—The Secretary of the Treasury may at any time sell, on terms and conditions and at prices determined by the Secretary, any of the obligations acquired by the Secretary under this section.

(f) PUBLIC DEBT TRANSACTIONS.—All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this section shall be treated as public debt transactions of the United States.

SEC. 8. GENERAL PROVISIONS.

(a) IMMUNITY FROM IMPAIRMENT, LIMITATION, OR RESTRICTION.—

(1) IN GENERAL.—All rights and remedies of the Corporation (including any rights and remedies of the Corporation on, under, or with respect to any mortgage or any obligation secured by a mortgage) shall be immune from impairment, limitation, or restriction by or under—

(A) any law (other than a law enacted by Congress expressly in limitation of this paragraph) that becomes effective after the acquisition by the Corporation of the subject or property on, under, or with respect to which the right or remedy arises or exists or would so arise or exist in the absence of the law; or

(B) any administrative or other action that becomes effective after the acquisition.

(2) STATE LAW.—The Corporation may conduct the business of the Corporation without regard to any qualification or law of any State relating to incorporation.

(b) POWERS.—Subject to subsection (c), the Corporation shall have all the powers of a private corporation incorporated under the District of Columbia Business Corporation Act (D.C. Code, sec. 29 et seq.,

(c) ADMINISTRATION.—

(1) PERFORMANCE-BASED COMPENSATION.—A significant portion of potential compensation of all executive officers of the Corporation shall be based on the performance of the Corporation, all without regard to any other law except as may be provided by the Corporation or by a law enacted after the date of enactment of this Act that expressly limits this paragraph.

(2) USE OF OTHER AGENCIES.—With the consent of a department, establishment, or instrumentality (including any field office), the Corporation may—

(A) use and act through any department, establishment, or instrumentality;

(B) use, and pay compensation for, information, services, facilities, and personnel of the department, establishment, or instrumentality.

(d) FINANCIAL MATTERS.—

(1) INVESTMENTS.—Funds of the Corporation may be invested in such investments as the Board of Directors may prescribe.

(2) FISCAL AGENTS.—

(A) IN GENERAL.—Any Federal Reserve bank or any bank as to which at the time of the designation of the bank by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation.

(B) DEPOSITARY OF PUBLIC MONEY.—If designated for that purpose by the Secretary of the Treasury, the Corporation—

(i) shall be a depositary of public money, under such regulations as may be promulgated by the Secretary of the Treasury;

(ii) may also be employed as a fiscal or other agent of the United States; and

(iii) shall perform all such reasonable duties of such depositary or agent as may be required.

(e) TAXATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Corporation (including the franchise, activities, capital, reserves, surplus, and income of the Corporation) shall be exempt from all taxation imposed by any State or local political subdivision of a State.

(2) REAL PROPERTY.—Any real property of the Corporation shall be subject to taxation by a State or political subdivision of a State to the same extent according to the value of the real property as other real property is taxed.

(f) JURISDICTION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Corporation shall be considered an agency covered by sections 1345 and 1442 of title 28, United States Code;

(2) all civil actions to which the Corporation is a party shall be considered to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and

(3) any civil or other action, case or controversy in a court of a State, or in any court other than a district court of the United States, to which the Corporation is a party may at any time before trial be removed by the Corporation, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division embracing the place in which the same is pending; or

(B) if there is no such district court, to the district court of the United States for the district in which the principal office of the Corporation is located.

(g) ANNUAL REPORTS.—Not later than 1 year after incorporation of the Corporation and annually thereafter, the Corporation shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce in the House a report that includes—

(1) a description of—

(A) the technologies supported by activities of the Corporation and how the activities advance the purposes of this Act;

(B) the performance of the Corporation on meeting the goals established by the Secretary;

(C) the comparability of the compensation policies of the Corporation with the compensation policies of other similar businesses;

(D) in the aggregate, the percentage of total cash compensation and payments under employee benefit plans (which shall be defined in a manner consistent with the proxy statement of the Corporation for the annual meeting of shareholders for the preceding year) earned by executive officers of the Corporation during the preceding year that was based on the performance of the Corporation; and

(E) the comparability of the financial performance of the Corporation with the performance of other similar businesses; and

(2) the proxy statement of the Corporation for the annual meeting of shareholders for the preceding year.

(h) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to, under the control of, or in use by the Corporation and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information be enforceable pursuant to section 716(c) of title 31, United States Code.

(3) REPORT.—

(A) IN GENERAL.—The Comptroller General shall submit to Congress a report on each audit conducted under this subsection.

(B) CONTENTS.—The report shall include a description of—

(i) the scope of the audit;

(ii) any surplus or deficit;

(iii) income and expenses;

(iv) sources and application of funds;

(v) such comments and information as is necessary to inform Congress of the financial operations and condition of the Corporation; and

(vi) any recommendations as the Comptroller General considers appropriate.

(4) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—On the request of the Comptroller General, the Corporation shall reimburse the General Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(i) ANNUAL INDEPENDENT AUDIT.—

(1) IN GENERAL.—The Corporation shall have an annual independent audit made of the financial statements of the Corporation by an independent public accountant in accordance with generally accepted auditing standards.

(2) CONTENT.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Corporation—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) to the extent determined necessary by the Director, comply with any disclosure requirements imposed under this Act.

SEC. 9. OVERSIGHT BY THE SECRETARY.

(a) DUTIES.—The Secretary shall—

(1) oversee the operations of the Corporation; and

(2) ensure that—

(A) the Corporation operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

(B) the operations and activities of the Corporation foster liquid, efficient, competitive, and resilient energy finance markets;

(C) the Corporation carries out the statutory mission of the Corporation only through activities that are authorized under and consistent with this Act; and

(D) the activities of the Corporation and the manner in which the Corporation is operated is consistent with the public interest.

(b) FINANCIAL REPORTS.—

(1) IN GENERAL.—The Corporation shall submit to the Secretary annual and quarterly reports of the financial condition and operations of the Corporation which shall be in such form, contain such information, and be submitted on such dates as the Secretary shall require.

(2) CONTENTS OF ANNUAL REPORTS.—Each annual report shall include—

(A) financial statements prepared in accordance with generally accepted accounting principles;

(B) any supplemental information or alternative presentation that the Secretary may require; and

(C) an assessment (as of the end of the most recent fiscal year of the Corporation), signed by the chief executive officer and chief accounting or financial officer of the Corporation, of—

(i) the effectiveness of the internal control structure and procedures of the Corporation; and

(ii) the compliance of the Corporation with designated safety and soundness laws.

(3) SPECIAL REPORTS.—The Secretary may require the Corporation to submit other reports on the condition (including financial condition), management, activities, or operations of the Corporation, as the Secretary considers appropriate.

(4) ACCURACY.—Each report of financial condition shall contain a declaration by the president, vice president, treasurer, or any other officer designated by the Board of Directors of the Corporation to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

(c) MANAGEMENT AND OPERATION STANDARDS.—The Secretary shall establish standards, by regulation or guideline, for the Corporation relating to—

(1) the adequacy of internal controls and information systems;

(2) the independence and adequacy of internal audit systems;

(3) the management of market risk, including standards to provide for systems that measure, monitor, and control market risks

and, as warranted, to establish limitations on market risk;

(4) risk management processes, including the adequacy of oversight by senior management and the Board of Directors and of processes and policies to measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans in the case of disruptive events;

(5) the management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict the exposure of the Corporation to a single counterparty or groups of related counterparties;

(6) the maintenance of adequate records, in accordance with consistent accounting policies and practices to enable the Secretary to evaluate the financial condition of the Corporation; and

(7) such other operational and management standards as the Secretary determines to be appropriate.

(d) FAILURE TO MEET STANDARDS.—

(1) IN GENERAL.—If the Secretary determines that the Corporation fails to meet any standard established under subsection (c), the Secretary may require the Corporation to submit an acceptable plan to the Secretary within a reasonable time that specifies the actions that the Corporation will take to correct the deficiency.

(2) REQUIRED ORDER ON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If the Corporation fails to submit an acceptable plan within the time specified by the Secretary or fails in any material respect to implement a plan accepted by the Secretary, the Secretary shall, by order, require the Corporation to correct the deficiency.

(e) PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.—

(1) IN GENERAL.—The Secretary shall prohibit the Corporation from providing compensation to any executive officer that is not reasonable and comparable with compensation for employment in other similar businesses (including other publicly held financial institutions or major financial services companies) involving similar duties and responsibilities.

(2) FACTORS.—In making any determination under paragraph (1), the Secretary may take into consideration any factors the Secretary considers relevant, including any wrongdoing on the part of the executive officer.

(3) WITHHOLDING OF COMPENSATION.—In carrying out paragraph (1), the Secretary may require the Corporation to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of reasonableness and comparability of compensation.

(4) PROHIBITION OF SETTING COMPENSATION.—In carrying out paragraph (1), the Secretary may not prescribe or set a specific level or range of compensation.

SEC. 10. ISSUANCE OF COMMON STOCK TO EXPAND OPERATIONS.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Corporation may prepare a strategic plan for issuing common stock to raise the capital needed to expand the operations of the Corporation in carrying out this Act.

(b) CONSIDERATION OF ALTERNATIVES FOR GOVERNANCE.—The strategic plan shall include consideration of alternatives for restructuring the Board of Directors to allow for a majority of the Members to be selected by voting common stockholders.

(c) EVALUATION AND RECOMMENDATION.—The strategic plan shall—

(1) evaluate the relative merits of the alternatives considered; and

(2) include the recommendation of the Corporation on a proposed alternative.

(d) TRANSMITTAL.—On completion of the strategic plan, the Corporation shall submit copies of the strategic plan to the President and Congress, along with any recommendations for legislative changes required to implement the plan.

(e) IMPLEMENTATION.—Subject to subsections (f) and (g), subsequent to submitting a strategic plan pursuant to this section, the Corporation may implement the strategic plan.

(f) REQUIREMENT FOR PRESIDENTIAL APPROVAL.—The Corporation may not implement the strategic plan without the approval of the President.

(g) NOTIFICATION OF CONGRESS.—

(1) IN GENERAL.—The Corporation shall notify Congress of any intent to implement the strategic plan if the Corporation determines, in consultation with the Secretary and other appropriate agencies of the United States, that no further legislation is required for the implementation.

(2) IMPLEMENTATION.—The Corporation may not implement the strategic plan under this subsection earlier than 60 days after notification of Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5067. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 5068. Mr. REID proposed an amendment to amendment SA 5067 proposed by Mr. REID to the bill H.R. 3221, supra.

TEXT OF AMENDMENTS

SA 5067. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the end add the following:

This title shall become effective in 3 days.

SA 5068. Mr. REID proposed an amendment to amendment SA 5067 proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In the amendment, strike "3" and insert "2".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 15, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding legislation to improve the availability of financing for deployment of clean energy and energy efficiency technologies and to enhance United States' competitiveness in this market. Specific bills to be considered are S. 3233, introduced by Senator BINGAMAN and S. 2730, introduced by Senator DOMENICI.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224-0883 or Michael Carr at 202-224-8164.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "Tax Haven Banks and U.S. Tax Compliance." The Permanent Subcommittee on Investigations hearing will examine how financial institutions located in offshore tax havens, including Liechtenstein and Switzerland, may be engaged in banking practices that could facilitate, and in some instances have resulted in, tax evasion and other misconduct by U.S. clients. The hearing will also examine how U.S. domestic and international tax enforcement efforts could be strengthened. The Subcommittee expects to issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings. A witness list will be available Monday, July 14, 2008.

The Subcommittee hearing is scheduled for Thursday, July 17, 2008, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the

Permanent Subcommittee on Investigations at 224-9505.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER AND POWER

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power, be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 8, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that during the Senate's consideration of the FISA Amendments Act, Beckett Jackson, Ross Schulman, and Alex Tausanovitch, interns in my Judiciary Committee office, be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. I ask unanimous consent that Matthew Pedilla, who is an intern in my office, be granted the privilege of the floor during the pendency of this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Sara Love Swaney, who is a member of my staff, be given floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3221.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Mr. REID. I now ask unanimous consent that all postcloture time be considered yielded back, and that the motion to concur be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I move to disagree to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to disagree to the amendments of the House, adding a new title and inserting a new section, to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, Debbie Stabenow, John D. Rockefeller, IV, Jeff Bingaman, Ken Salazar, Joseph R. Biden, Jr., Max Baucus, Patty Murray, Barbara A. Mikulski, Charles E. Schumer, Sheldon Whitehouse, Sherrod Brown, Bill Nelson, John F. Kerry, Robert P. Casey, Jr., Benjamin L. Cardin, Frank R. Lautenberg.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5067

Mr. REID. Mr. President, I now move to concur in the amendment of the House adding a new title to the amendment of the Senate to H.R. 3221 with the amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5067.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

This title shall become effective in 3 days.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5068 TO AMENDMENT NO. 5067

Mr. REID. I have a second-degree amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5068 to amendment No. 5067.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

TRIBUTES TO SENATOR JESSE HELMS

Mr. DODD. Mr. President, I ask unanimous consent that the tributes to Senator Helms in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until August 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 9, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, July 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 6304, the FISA legislation, as under the previous order. I further ask that there be an additional 10 minutes for debate under the control of Senator SPECTER.

Finally, I ask that following the votes in relation to FISA, the Senate stand in recess until 2:15 to allow for the Republican caucus luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, Senators should be prepared to begin voting at approximately 11:15 a.m. tomorrow. There will be up to five rollcall votes in relation to the FISA legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:54 p.m., adjourned until Wednesday, July 9, 2008, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged, pursuant to an order of the Senate on January 9, 2007, from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

*NOMINEE HAS COMMITTED TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, July 8, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 8, 2008.

I hereby appoint the Honorable JESSE L. JACKSON, Jr., to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

We praise and bless You, Father, Lord of heaven and earth, for You have revealed to those of humble heart Your glorious presence. To all who gaze at the beauty of Your creation and are filled with wonder, You speak volumes and fill them with joy.

Children need no argument to know Your existence, they simply take delight in the world You give them and revel in love. The more mature notice You in the crossroads of their lives and praise You for opening the way before them. Encouraged by Your understanding of their goodness, they are willing to take greater risks because of their belief.

Be with all the seekers of truth and workers for justice; that their dreams for America and their hopes for a better world be realized. Together all believers in this Nation and in Your Providence give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 27, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2008, at 10:19 a.m.:

That the Senate concurs in the House amendment to the Senate amendment to the House amendment to the Senate amendment H.R. 2642.

That the Senate passed with an amendment H.R. 802.

That the Senate passed with an amendment H.R. 3986.

That the Senate passed S. 2565.

That the Senate passed S. 3218.

That the Senate agreed to H. Con. Res. 379.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.
DEBORAH M. SPRIGGS,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 27, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2008, at 3:51 p.m.:

That the Senate passed without amendment H.R. 3721.

That the Senate passed without amendment H.R. 4185.

That the Senate passed without amendment H.R. 5168.

That the Senate passed without amendment H.R. 5395.

That the Senate passed without amendment H.R. 5479.

That the Senate passed without amendment H.R. 5517.

That the Senate passed without amendment H.R. 528.

That the Senate passed without amendment H.R. 3564.

That the Senate passed S. 3015.

That the Senate passed S. 3082.

That the Senate agreed to H. Con. Res. 377.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.
DEBORAH M. SPRIGGS,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

JULY 8, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 8, 2008, at 9:35 a.m.:

That the Senate passed without amendment H.R. 3891.

That the Senate passed S. Res. 608.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed:

by Speaker pro tempore HOYER on Friday, June 27, 2008:

H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes

H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

NONPROLIFERATION PROGRESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week was an extraordinary week of success for America in promoting nuclear nonproliferation.

On Friday, the North Koreans destroyed the cooling tower at their Yongbyon nuclear complex. This, plus

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

other recent concessions by that regime, will lead to additional aid for the people of that impoverished nation.

In India, the U.S.-India civilian nuclear agreement appears to be closer to approval. This is an important step to bring clean nuclear energy to the citizens of fast-growing India.

In Iraq, there was the removal of the last remnants of Saddam Hussein's nuclear program when 550 metric tons of yellowcake, the seed material for higher-grade nuclear enrichment, was shipped to Canada.

However, the threat of Iran continues to grow. The Iranian Government has confirmed it will not comply with the U.N. Security Council resolutions requiring it to stop enriching uranium.

It is encouraging to see the people of North Korea, India and Iraq benefit from moral cooperation, but it is sad to see the misguided government of Iran further isolate its civilian population and put them at risk.

In conclusion, God bless our troops, and we will never forget September the 11th.

REPUBLICANS WORK ON MEANINGFUL SOLUTIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, while the Democrat Congress sits on its hands, House Republicans are answering the challenge of $4 gas, taking our meaningful solutions to produce American-made energy, lower gas prices and promote energy independence directly to the American people.

When the French people were starving, the Queen said, "Let them eat cake." Speaker PELOSI's office says, "Right now our strategy on gas prices is drive small cars and wait for the wind."

The American people can't wait for the Democrats to decide what to do. They want answers now, and Republicans stand ready with solutions. The Republican plan will increase production of American-made energy in an environmentally safe way. It will promote new, clean, and reliable sources of energy while cutting red tape and increasing the supply of American-made fuel and energy. The House Republican plan also encourages greater energy efficiency by offering conservative tax credits to Americans who make their home, car and business more energy efficient.

So while Democrats continue to sit on the sidelines, House Republicans will continue to fight for meaningful solutions to lower gas prices and promote energy independence.

CONSERVATION TAX INCENTIVES

(Mr. WITTMAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN of Virginia. Mr. Speaker, I rise today to discuss one of the most pressing issues facing our country today, and that is high gas prices. Soaring energy and gas prices are burdening American families and American businesses. We can encourage greater energy efficiency and offer some relief to families and businesses by offering conservation tax incentives. And we should make home energy efficiency upgrades tax deductible.

At a time when families are choosing between buying gas and buying food, we should make it easier for American families. Congress should provide incentives for home builders and homeowners to make their homes more energy efficient. Having more energy efficient homes will help families by leaving them with more money in their wallet to pay their bills. This is also good for the environment, and also reduces our dependence on foreign oil.

In addition to helping families, we should also offer investment expensing for industrial and commercial building efficiency upgrades. Helping businesses afford to be more energy efficient will help businesses afford to keep their workers employed.

Families cannot afford to wait any longer for relief at the pump. We need to start today to encourage greater energy efficiency by offering these tax incentives by helping families and businesses to save money and reduce their dependence on foreign oil.

START THE DRILL

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, right now America is drilling for ice on Mars; yet we cannot drill for oil in America. It's insane.

Coach Mark Richt of Georgia Bulldog football fame has three words, a phrase he uses to energize his football team: Finish the drill.

I have three words as a Congressman from Georgia and Representative of this body to energize America: Start the drill. Now.

DEMOCRAT MAJORITY COSTING AMERICAN PEOPLE

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Mr. Speaker, I come to you today to help with some statistics that I thought you might be interested in. The fact is that we have a new majority. We have had a new majority now for about 18 months or so in this body. I wanted to give you some statistics about what has happened since the new majority has taken over.

A gallon of gas has gone from $2.35 to $4.11, an increase of $1.76. A loaf of bread has gone from $1.14 to $1.37, a 23-cent increase. A gallon of milk has gone from $3 to $3.76 a gallon. Dow Jones has gone from 12,463 to 11,812, losing 651 points.

Mr. Speaker, the American people I think were misled with the new majority. But I think business and Wall Street and the price to consumers is now telling the tale of exactly what high taxes and the threat of high taxes and the willingness to be energy dependent is costing the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SHARK CONSERVATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5741) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shark Conservation Act of 2008".

SEC. 2. AMENDMENT OF HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)) is amended—

(1) by striking so much as precedes paragraph (1) and inserting the following:

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607—

"(1) a nation if—";

(2) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(4) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(5) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(2) a nation if—

"(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices that target or incidentally catch sharks; and

"(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.".

SEC. 3. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 307(1) of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by amending subparagraph (P) to read as follows:

"(P)(i) to remove any of the fins of a shark (including the tail) at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

"(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

"(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;"; and

(2) by striking the matter following subparagraph (R) and inserting the following:

"For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) and that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P).".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

☐ 1415

Ms. BORDALLO. Mr. Speaker, I rise in support of my bill, H.R. 5741, the Shark Conservation Act of 2008.

Sharks are vital to the health of marine ecosystems, but the practice of shark finning is driving their decline worldwide. Eight years ago, Congress passed the Shark Finning Prohibition Act to protect these critical species. H.R. 5741 reconfirms the original intent of Congress to prevent both shark finning and the transshipment and landing of shark fins without carcasses. It also provides an important new enforcement mechanism requiring that sharks be landed with their fins naturally attached.

Reducing shark finning is imperative to conserving sharks and the marine ecosystems of which they are a part. I am grateful that the bill has the strong support of my colleagues from the Western Pacific, namely Congressman ABERCROMBIE from the State of Hawaii and Congressman FALEOMAVAEGA from American Samoa, as well as the ranking member of the Fisheries, Wildlife and Oceans Subcommittee, Mr. BROWN from South Carolina.

I would note that last week, the National Oceanic and Atmospheric Administration raised some concerns with the narrow aspect of the bill as it might relate to shark fishing on the west coast. We are waiting for additional information from the agency and will work with them as the bill proceeds to determine how this concern can be addressed without creating any unintended loopholes in the shark finning ban.

Mr. Speaker, H.R. 5741 is a timely bill, and it's an important bill, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I rise in support of H.R. 5741, the Shark Conservation Act of 2008.

The United States is a leader in international efforts to manage and conserve shark species, and the United States currently has a shark finning ban in place and guidelines under the Magnuson-Stevens Fishery Conservation and Management Act to rebuild overfished shark populations.

I would like to take a moment to recognize the Virginia Institute of Marine Science in my district for their leading shark research. As a member of the National Shark Research Consortium, researchers at Virginia Institute of Marine Science have been monitoring shark populations in the mid-Atlantic since 1973. This long-term data set represents the longest running shark monitoring program in the world. This important research has contributed to the body of knowledge about sharks while providing important data for policymakers to better manage and conserve shark species.

H.R. 5741 is necessary because of a mistake in a court ruling opening a loophole in the Shark Finning Prohibition Act of 2000. The ruling allowed fishermen to transfer shark fins at sea to transshipment vessels. This is clearly a violation of that Act, and this bill closes that loophole.

While supporting the bill, some Members do remain concerned that this broad legislation may be viewed as short-circuiting the ability of interested parties to comment on the proposal through the normal Regional Fishery Management Council rulemaking process. In addition, this bill may have unintended consequences for at least one State's shark fishery landing law.

While I urge a "yes" vote on H.R. 5741, these concerns require continued attention as this legislation moves forward in the Senate.

Ms. BORDALLO. Mr. Speaker, first I want to thank the gentleman from Virginia for his support of this particular piece of legislation.

I have no additional requests for time and would reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield as much time as he may consume to the gentleman from the State of Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Thank you.

And while I stand to ask the Members to also support this legislation that the gentlelady from Guam has introduced, I think it's interesting, though, that we're here today talking about the carcasses of sharks, Mr. Speaker. We debated the other day on the floor monkey bites, and we have had some quite interesting conversations on the floor about legislation that's important and important to the American people.

But I find that the one subject that we're not talking about on the floor of the House, or at least not being able to debate on the floor of the House and have had any legislation come forward on the floor of the House that we could really debate and get into a debate and talk about statistics and reality is the fact of drilling and becoming more energy independent. That is something, I think, that is concerning most houses and most families right now.

And the fact that, Mr. Speaker, the price of a gallon of gas is $4.11, $4.11, that's a sticker shock that we can't seem to get our head around and get our hands on is that a gallon of gas today is costing $4.11. And the reason it's costing $4.11 is because we are still completely dependent on foreign oil.

Now, while I know that there are a lot of people at home sitting around considering what their chances of getting bitten by a monkey might be or their care and real concern about a shark carcass, I think they're more concerned about a gallon of gas, the price of that.

So Mr. Speaker, I would encourage you to encourage the rest of the members of the majority party, those that are in control, to have a good discussion, a good debate on a piece of legislation that would allow drilling on our Outer Continental Shelf in the areas of the West that have shale oil, off the coast of Alaska, and ANWR where we know that there are billions of gallons of gas. And not only that, but we're fixing to be in a natural gas crisis.

Natural gas is about twice what it was, I believe, last year, and if that's the case, people are not going be able to heat their homes. And so while we think that driving is expensive now with gas at $4.11 a gallon, imagine having home heating oil or natural gas to heat your house for your family and your bill is going to be twice as high as it was. Well, Mr. Speaker, you won't even be able to drive to a warm place.

And so these are some concerns that we need to be talking about now. Not only are we into the immediate crisis of high prices of gas, but we're in the crisis to come of our home heating oil and natural gas.

So I hope that while we take these things serious about the carcasses of these sharks, chances of getting bit by a monkey, that we would consider our dependence on foreign oil and what we can do to become self-dependent. It's all of the above. It's going to take some conservation, but we cannot conserve our way out of this. It's going to take looking at new technologies for wind and for solar. But we cannot build enough solar panels nor enough windmills to supply this country with its energy needs.

We don't need to be doing away with our coal-fired plants because 85 percent of the power of this country, Mr. Speaker, comes from those coal-fired plants. We need to be looking at new exploration, new ways to increase the oil production of this country so that we might be more energy independent and not so dependent on the people around this world who are mainly and most of the time not our friends, Mr. Speaker.

So I hope you will take that message back—and I know you will—to the majority and hopefully we can bring forth some legislation that we can discuss and see if we can't get gas prices down for the American people.

Ms. BORDALLO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would just simply say to the gentleman that it is not only the sharks in the sea who fear being definned, it is also the American people who are being fleeced at the pump by Big Oil. And further, Mr. Speaker, I would say to the gentleman that during this summer as many Americans flock to the beach, they have a greater chance of being bitten by Big Oil than by a shark.

Also, Mr. Speaker, our colleague from American Samoa (Mr. FALEOMAVAEGA) is attending to official business in his district today and is therefore unable to be here on the floor for this debate. I note, however, for the RECORD his involvement in drafting and advancing this legislation in committee.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 5741, recognizing the urgency for the U.S. to maintain its leadership role in conserving sharks and the marine ecosystems of which they are apart.

First and foremost, I want to commend the chief sponsor and good friend, Ms. BORDALLO of Guam, for her initiative in introducing this important legislation. I also want to commend Chairman RAHALL and other members of the Committee on Natural Resources for their strong support of this bipartisan legislation.

As a member of the Subcommittee on Fisheries, Wildlife, and Oceans, I want to personally commend my good friend, Chairwoman BORDALLO, for her tireless work on the many issues affecting our oceans. This legislation in particular is an example of the efforts by the subcommittee and the Congress in promoting and preserving our natural resources.

Mr. Speaker, the increased amount of shark finning in the recent decades has taken a devastating toll on our efforts in conserving sharks and the marine ecosystems in which they are apart. The removal of shark fins and dumping of the carcasses at sea is being fueled by the shark-fin trade, which in turn is being driven by the rapid economic growth in Asia. It is our responsibility to further the prohibition of shark finning in order to preserve the conservation of sharks and their corresponding ecosystems. We have already taken steps in alleviating this problem when Congress enacted the Shark Finning Prohibition of 2000, prohibiting U.S. fishermen from removing the fins of sharks and discarding the carcasses at sea, and from landing or transporting shark fins without the corresponding carcasses.

In April, Chairwoman BORDALLO introduced this legislation which includes specific measures that will strengthen the implementation and enforcement of the shark finning prohibition. The bill clarifies that all vessels, not just fishing vessels, are prohibited from having custody, control, or possession of shark fins without the corresponding carcass, thereby eliminating the unexpected loophole related to the transport of shark fins. This legislation removes the 5 percent "fin to carcass" ratio, by requiring that fishermen land all sharks with fins naturally attached which can later be easily removed after such inspection, making it easier for authorities to determine whether a given set of fins belonged to a particular dressed carcass.

Finally, this bill amends the High Seas Driftnet Moratorium Protection Act to allow the Secretary of Commerce to identify and list nations that have not adopted a regulatory program for the conservation of sharks similar to the U.S.

Mr. Speaker, it is necessary that we pass this legislation immediately given the damage that is constantly affecting our national marine ecosystems by the removal of sharks who have an integral part in sustaining life in these ecosystems.

I urge my colleagues tom pass H.R. 5741. Again, I thank my colleagues for their support of this important bill.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5741, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESERVE AMERICA AND SAVE AMERICA'S TREASURES ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3981) to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preserve America and Save America's Treasures Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRESERVE AMERICA PROGRAM

Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Establishment.
Sec. 104. Designation of Preserve America Communities.
Sec. 105. Regulations.
Sec. 106. Authorization of appropriations.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Establishment.
Sec. 204. Regulations.
Sec. 205. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Prohibition on funding certain activities.

TITLE I—PRESERVE AMERICA PROGRAM

SEC. 101. PURPOSE.

The purpose of this title is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

SEC. 102. DEFINITIONS.

In this title:

(1) COUNCIL.—The term "Council" means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term "program" means the Preserve America Program established under section 103(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this title:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(E) A project to support heritage tourism in a Preserve America Community designated under section 104.

(F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this Act.

(2) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(1) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(2) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(3) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

SEC. 105. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $25,000,000 for each of fiscal years 2009, 2010, 2011, 2012 and 2013, to remain available until expended.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

SEC. 202. DEFINITIONS.

In this title:

(1) COLLECTION.—The term "collection" means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term "historic property" has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term "nationally significant" means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term "program" means the Save America's Treasures Program established under section 203(a).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 203. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the organizations described in section 201, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(b) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 205, not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under subsection (e).

(c) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under paragraph (1)(A) shall be made in consultation with the organizations described in section 201, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed in the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(e) SELECTION CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the organizations described in section 201 in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(B) LIMITATION.—If an entity described in subparagraph (A) has submitted an application

for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

SEC. 204. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each fiscal year, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. PROHIBITION ON FUNDING CERTAIN ACTIVITIES.

None of the funds provided pursuant to this Act may be used to study or establish a National Heritage Area or fund a National Heritage Area management entity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, both the Preserve America and the Save America's Treasures Programs provide Federal matching grants for important historic preservation projects. Preserve America provides grants for interpretation and education regarding historic resources, while the Save America's Treasures Program provides grants for rehabilitation in restoration work.

Both programs, Mr. Speaker, are enormously successful because they leverage limited Federal dollars for much larger State, local, and private investment in preserving and interpreting our history and our heritage. These programs were created by executive order, and this legislation simply provides statutory authorization for both of these programs. H.R. 3981 is a top priority for the Bush administration.

I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, Preserve America has been an administration initiative that encourages and supports community efforts to preserve cultural and natural heritage. Preserve America communities in Virginia's First Congressional District include Prince William County, Spotsylvania County, and Williamsburg, Virginia.

The Save America's Treasures Program provides grants preserving certain historic sites and collections including Kenmore Mansion in Fredericksburg and the restoration of the original military campaign tents used by George Washington that are now currently on display at the Colonial National Historic Park in Yorktown, Virginia.

I would like to acknowledge the positive contributions that have been made to responsible preservation, particularly by Mr. TURNER of Ohio who has long promoted property rights as a key component of these programs. Mr. TURNER's contribution to this legislation has brought us to where we are today by ensuring the constitutional rights of private property owners while promoting historic and cultural preservation.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER), the bill's sponsor.

☐ 1430

Mr. MILLER of North Carolina. Mr. Speaker, I rise in strong support of the Preserve America and Save America's Treasures Act, which will, as the two speakers already have said, authorize two programs that are critical to the future of America's historic preservation efforts.

I want to thank Chairman RAHALL and Ranking Member YOUNG of the Natural Resources Committee, as well as Chairman GRIJALVA and Ranking Member BISHOP of the National Parks, Forests and Public Lands Subcommittee, for their work in shepherding this legislation, as well as the historic preservation community for their support for this bill.

The Save America's Treasures Program was started as part of the White House Millennium Council chaired by then-First Lady HILLARY CLINTON. The program has provided much-needed bricks and mortar support and has succeeded beyond anyone's expectations, funding America's most threatened cultural treasures for almost 10 years.

The current administration, under the leadership of First Lady Laura Bush, created the Preserve America Program to support community preservation efforts by providing funding for heritage tourism and preservation planning.

The two programs serve different purposes, and together, they provide a comprehensive approach to preservation and community revitalization.

Mr. MIKE TURNER and I announced the Preserve America and Save America's Treasures Act in the Sewall-Belmont House, just a couple of blocks from here. The Sewall-Belmont House was designated a national historic landmark for its significance in American history. It was the headquarters for the National Woman's Party, led by Alice Paul, and their movement to secure women the right to vote.

Despite that obvious historical significance, it was not long ago that the Sewall-Belmont House was threatened by a leaking roof and by significant other structural damage. The Sewall-Belmont House was the first building to receive funding as a Save America's Treasures project.

In my own district, Save America's Treasures funding has helped preserve the F.W. Woolworth Building in downtown Greensboro. Mr. Speaker, as you know well, on February 1, 1960, four African American students from North Carolina A&T University sat down at the "white only" lunch counter and refused to move until they were treated the same as the white customers.

Within 2 months, the sit-ins at Woolworth's inspired similar demonstrations throughout the South involving thousands of protesters. The sit-in at the Woolworth's lunch counter was the moment when the civil rights struggle in this country became a mass movement.

The Woolworth Building and its lunch counter are sacred grounds of the civil rights movement and must be preserved for future generations.

The Preserve America Program has designated more than 500 neighborhoods, cities, and towns throughout the United States as Preserve America Communities and has awarded grants since 2006. Earlier this year, the Department of the Interior made its first round of 2008 grants of $2.9 million to 43 projects in 25 States. This September they will award an additional $4.3 million in grants. The projects support heritage tourism, the commercial revitalization of neglected downtowns, and the reuse of historic properties.

Mr. Speaker, America's historic places remind us of who we are. They remind us of our history. We cannot cheat our children of that connection with their past, that understanding of who they are.

The Preserve America Program, through its grant opportunities and community designations, ensures that important communities and neighborhoods will survive for future generations.

Historic preservation helps revitalize cities, towns, and rural areas nationwide where dramatic population shifts, outdated planning, and the loss of manufacturing jobs have made market-driven reinvestment impossible without some assistance.

Rehabilitation of vacant and underused historic structures can attract new investment in growing communities. Whether it is preserving main streets of downtowns, or reusing historic properties as affordable housing, preservation makes history come alive in communities throughout the country.

Mr. Speaker, I am pleased that the House is now considering these two successful programs. Through passing this bill and authorizing these programs, Congress can affirm our commitment to saving our natural heritage, our historic heritage, and revitalizing our communities.

Once again, I ask my colleagues for their support for the Preserve America and Save America's Treasures Act.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, today I speak in favor of H.R. 3981, the Save America's Treasures/Preserve America Authorization Act of 2008.

I want to thank Representative MILLER, the co-chair of the Historic Preservation Caucus, for his collaboration on this bill, as well as Senator DOMENICI and Senator CLINTON for their work in moving this bill forward in the Senate.

I also want to thank Chairman RAHALL and Ranking Member YOUNG of the House Natural Resources Committee, as well as Chairman GRIJALVA and Ranking Member BISHOP of the House Natural Resources Subcommittee on National Parks, Forests and Public Lands for their work on this bill.

Finally, I want to commend the work of the national historic preservation advocacy groups, many of which have collaborated with our offices in crafting this bill.

To this date, the Save America's Treasures and Preserve America Programs have been authorized through executive order, and I want to point out that through both First Lady Laura Bush's and former First Lady HILLARY CLINTON's efforts and commitment to historic preservation, these programs have been a success for many local communities.

H.R. 3981 would ensure that these two important programs continue by codifying them into law.

Both the Save America's Treasures and Preserve America Programs have had an enormous impact on historic preservation nationally, as well as in Ohio. Ohio is home to nine Preserve America communities, Dayton, my hometown, being one. In fact, Dayton recently received a Preserve America Grant that will help analyze heritage tourism in the area.

Additionally, since 1999, Ohio has been the home of 45 Save America's Treasures Projects. These projects total nearly $11 million in funding toward bricks and mortar restoration of important Ohio historic assets such as the Paul Lawrence Dunbar House in Dayton; Cincinnati's Union Terminal; the Wright Flyer III in Dayton, Ohio; the Palace Theatre in Columbus; and last, but not least, The National First Ladies Library in Canton, Ohio.

It's certainly interesting to note that the First Ladies Library was a recipient of the two programs started by these two First Ladies.

H.R. 3981 will ensure a stable and continuous funding source is authorized to assist in funding these important projects.

Additionally, the bill ensures that public-private partnerships remain a key aspect to the preservation of important historic assets by requiring non-Federal funds be used in collaboration with these Federal grants.

The authorization of these programs will help highlight the importance of historic preservation as an economic development tool, as well as a core national value.

It is clear that saving our heritage in these buildings and neighborhoods is not just a way to pay homage to our past. It is also an important way to boost our economy in the present, in addition to the future.

This bill enjoys a broad range of support, including many historic preservation organizations and over 55 cosponsors in the House.

Again, I want to thank Congressman MILLER for being the lead sponsor of this legislation, as well as the leadership of the Resources Committee for ushering this bill through the committee process.

This bill is also important because many of the recipients are organizations that are staffed by volunteers. These programs recognize their efforts to preserve the fabric of their community and help tell the story of our Nation's heritage. These programs work.

I urge my colleagues to vote in favor of this legislation.

JULY 7, 2008.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. DON YOUNG,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL AND RANKING MEMBER YOUNG: We are writing as representatives of the national preservation community in support of H.R. 3981, a bill that would authorize both the Preserve America (PA) and Save America's Treasures (SAT) programs. Our organizations support this measure and we are grateful to Reps. Miller and Turner for their initiative in authoring this legislation, as well as their leadership as co-chairs of the House Historic Preservation Caucus. We hope that Congress will pass H.R. 3981, legislation which is critical to the historic preservation community.

Despite all of their success and support, the PA and SAT programs are unauthorized and funded from year-to-year through the annual appropriations process. We would like to see Congress authorize SAT and PA with a long-term programmatic and funding vision that would enable both programs to work in harmony with the other components of the national historic preservation program. Authorization would codify the successful implementation and practices of the ten-year old SAT program along with its newer partner, Preserve America, led by First Ladies Clinton and Bush respectively. While each of these historic preservation initiatives apply to projects of a different nature—SAT for "bricks and mortar" preservation and PA for heritage education and outreach, it is important that they should be authorized and mutually supportive of each other to maximize federal resources and goals in saving the nation's historic assets. We already know that PA and SAT are working together at specific locations throughout the country.

While much has been achieved since SAT was established, the need remains great and we must look to future needs. In just the first eight years of the program, 2,702 grant applications were received, representing requests for more than $1.17 billion in critical preservation assistance. SAT has provided more than $264 million in federal challenge grants to 1,024 historic preservation projects through 2007. These funds have helped bring new life to irreplaceable historic treasures—including buildings, documents and works of art—in every state. SAT funds have made a huge difference, but without Congress' ongoing commitment to the program, it would be virtually impossible to stimulate the required dollar-for-dollar non-federal matching contributions and hard to imagine where else the money would come from to preserve our national heritage.

That same ongoing need applies to PA projects as well with grants to support community efforts that demonstrate sustainable uses of historic and cultural sites, and the economic and educational opportunities related to heritage tourism. The first round of Preserve America Grants in 2007 provided 43 applicants with a total of $2.6 million distributed across the nation. The second round provided $2.26 million to 29 recipients in 20 states. The importance of resources to support this effort has not diminished since then—in fact, it has grown.

SAT and PA reflect the bipartisan and bicameral commitment that has characterized historic preservation policy in Congress and the White House over the years. SAT was created during a Democratic administration and embraced by the Bush Administration and Congressional Republicans. Likewise, PA was created during a Republican administration and is now supported by Members on both sides of the aisle. This is the strongest signal that authorizing both programs makes sense when bipartisanship is sometimes an elusive quality. We urge you to pass this timely authorization.

Sincerely,

RICHARD MOE,

President,
National Trust for Historic Preservation.
HEATHER MACINTOSH,
President,
Preservation Action.
MIKE POLK,
President,
American Cultural Resources Association.
LU ANN DE CUNZO,
President,
Society for Historical Archeology.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and I would reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, we're talking about preserving America, but we need to preserve the economic viability of America, and as long as we're paying $4.10 a gallon, we're not going to be an economically viable Nation. It's going higher and higher.

In the last bill's debate, we talked about monkey bites, shark bites, and there was an accusation of the energy production companies are biting people. But what's biting people in their pocketbooks and their wallets is this high cost of gasoline, high cost of energy.

Until we start dealing with this issue, we're going to continue to have problems in this country. We're going to continue to have economic problems, and it's absolutely critical that we deal with what's on America's mind, and that is energy costs.

As we head into the fall and winter, not too far off, people are going to have a hard time heating their homes. Poor people and retirees are going to have a hard time buying the heating oil.

The problem is the shortage of energy supplies here in America, and until we start making energy supplies more available to the American public, we're going to continue to have higher and higher costs.

We can't just talk about conservation. We can't just talk about solar and wind. We've got to talk about those things certainly, but that's only a minute part of the answer. We've got to develop nuclear energy.

Just below my district, Plant Vogel in Georgia is having a hard time getting permitting for two nuclear reactors. They're being blocked by the radical environmentalists and through the inane permitting process that's going on today. We need to get those reactors online. We need to get oil, coal, gas, propane, all more available so that people can have an economic future that makes sense.

So, as we talk about preserving things, let's preserve our families. Let's preserve our pocketbooks. Let's have money to spend to create a stronger economy. Not focus on these other things, as important as some feel that they may be. But the most important thing to America today is energy and the high cost of energy.

We need to do something about that. We shouldn't go home until we solve the energy problem of America, and we're not doing the American public justice when we continue talking about all these other things except energy. We need to focus on energy. Let's drill for oil. Let's drill now.

Ms. BORDALLO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the Democrats have been on this floor for weeks watching our colleagues from across the aisle defend multinational oil conglomerates. The fact of the matter is that the energy challenges that our Nation faces demand more than rhetoric and battles on the floor of the House. Certainly, our constituents who are feeling the energy pinch deserve more.

We need to put our energies into finding common ground to achieve real, workable solutions to our energy problems, and toward that end, we need to be working on our energy challenge from two ends at the same time, furthermore, the supply end and the conservation end. By doing so, we can work without partisanship to bring relief to the American people. And that, just like the underlying bill, would preserve America's true treasures and the treasures are our people.

I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I appreciate my friend from Guam and her comments about bipartisan and working together and coming up with a common solution.

Mr. Speaker, I am all for that, but what we've come up with in the past is very limited debate. We've had bills come to the floor with no amendments. We've had bills come to this floor that had no committee hearings. Now, that, to me, is not working together or with bipartisan support.

So, if we want to have this bipartisan discussion, let's have it on the floor. Let's have an open rule on an energy bill, an open rule energy bill. What a great way to preserve what this body was meant to be, a place where representatives of the people came to debate and discuss and to talk about things that were affecting their constituents.

But half the people in America who are represented by Republicans in this body have not had an opportunity to even offer an amendment to some of these energy bills. We've not even had an opportunity to come down and speak on this floor because of the limited debate.

If we want to work out a solution, if we want to hear all the ideas from all 435 Members of this, so all the people in this country can have some input into this process, let's have an open energy bill that went through regular order and went through the subcommittee and the committee process, had a rule that was written where we could all have some input.

□ 1445

I'm for that kind of bipartisan support, and I know you are too because you are a very sweet lady.

Now, let me go on to say one thing: There was a poll that came out today I thought was very interesting. The percentage of voters who give Congress good or excellent ratings has fallen to single digits for the first time in Rasmussen reporting tracking history.

This month, just 9 percent say Congress is doing a good or excellent job. Mr. Speaker, I think we need to form a committee to go find that 9 percent of the people to find out where they've been because we are not doing a good job, we are not doing an excellent job. We are doing a very poor job of addressing the needs of the American people and what's affecting their pocketbook and the ability for their family to survive today.

We've got gasoline that is up $1.76 a gallon since the end of 2006. A loaf of bread is up 23 cents, or about 23 percent, than what it was at the end of 2006. A gallon of milk is up almost 30 percent, Mr. Speaker, since the new majority came in. The Dow Jones has lost about 20 percent. The stock market is down $53 billion in the wealth of the stock market. Real net worth is down $2.51 trillion. The real per capita gross domestic product is down. Inflation rate is up. Unemployment rate is up. The real average wage is down, Mr. Speaker. We are not doing a good job.

Part of the reason that bread is high, that milk is high, that the stock market is going down, that inflation is up is because of the oil crisis that we're in right now because we are totally dependent on foreign oil. And I would like to close with this, as a quote from the Department of Minerals Management Service that's in the Interior Department. The director says, "The agency estimates that offshore drilling could produce 1.8 billion barrels of oil and 76 trillion cubic feet of natural gas." And we're going to need that natural gas, Mr. Speaker, when these home heating oil and natural gas bills come due for people trying to stay warm this winter. The director would not say how much more oil and gas he thinks the lands could produce, but he said that experience has shown that once companies begin drilling on land, they often find more than expected.

Mr. Speaker, we have about 2.5 billion acres of Federal land and offshore that we could be drilling on; 68 million of that has leases that oil companies have leased. And we certainly—and I say we, I'm talking about the minority—do not think that Big Oil does not play some part in this. But the reality of it is we cannot expect Big Oil to go out and drill on leased land that has no oil or no gas. You do not go grocery shopping at a hardware store.

We need to open up this land that is available, that the Department of Interior, that the Minerals and Management Service says that there is gas and oil there. We need to open up this land to let people drill on, to let people get our natural resources out of the ground rather than us being dependent on going to foreign countries on bended knee with hat in hand asking them to sell us their natural resources when we refuse to use our own.

So Mr. Speaker, I will close with this, that we do want to work. We want a bipartisan solution. Because we think the answer is all of the above, it's more conservation, it's more use of wind and solar, but it's also drilling. It's also using our own natural resources. It's using clean coal. It's using an environmentally sensitive way to get this natural resource out of the ground. And we welcome an open rule bill that comes to the floor that all 435 people and the seven delegates that represent people in our territories and our States in this great country that we live in, to come have an open, honest debate about what we can do to solve our energy policy, to come together, to work together. That's the kind of change that the American people want, not the radical kind of change that has been offered so far in this Congress.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman keeps talking about opening up more land. Well, the fact is 80 percent of the oil available on the Outer Continental Shelf today is already open for leasing, but the oil companies haven't decided it's worth their money to drill there.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this worthwhile bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3981, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1423) to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOROTHY BUELL MEMORIAL VISITOR CENTER.

(a) SHORT TITLE.—This section may be cited as the "Dorothy Buell Memorial Visitor Center Partnership Act".

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior may enter into a memorandum of understanding to establish a joint partnership with the Porter County Convention, Recreation and Visitor Commission. The memorandum of understanding shall—

(1) identify the overall goals and purpose of the Dorothy Buell Memorial Visitor Center;

(2) establish how management and operational duties will be shared;

(3) determine how exhibits, Signs, and other information are developed;

(4) indicate how various activities will be funded;

(5) identify who is responsible for providing site amenities;

(6) establish procedures for changing or dissolving the joint partnership; and

(7) address any other issues deemed necessary by the Secretary or the Porter County Convention, Recreation and Visitor Commission.

(c) DEVELOPMENT OF EXHIBITS.—The Secretary may plan, design, construct, and install exhibits in the Dorothy Buell Memorial Visitor Center related to the use and management of the resources at Indiana Dunes National Lakeshore, at a cost not to exceed $1,500,000.

(d) NATIONAL LAKESHORE PRESENCE.—The Secretary may use park staff from Indiana Dunes National Lakeshore in the Dorothy Buell Memorial Visitor Center to provide visitor information and education.

SEC. 2. INDIANA DUNES NATIONAL LAKESHORE.

Section 19 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" (16 U.S.C. 460u–19) is amended—

(1) by striking "After notifying" and inserting "(a) After notifying"; and

(2) by adding at the end the following:

"(b) CONTIGUOUS CLARIFIED.—For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1423 would allow the National Park Service to share visitor center facilities for the Indiana Dunes National Lakeshore with the Porter County Indiana Convention, Recreation and Visitor Commission.

The bill also allows the National Park Service to construct exhibits at the visitor center and authorizes National Park Service employees to work there. Congress must approve the spending and the use of personnel because the visitor center lies outside the established boundaries,of the park.

Finally, Mr. Speaker, H.R. 1423 would clarify the definition of "contiguous lands" in the park's original legislation so that the National Park Service could accept donations of contiguous land even if that land is separated by a right-of-way such as a road, a railway line or utility corridor.

I commend the sponsor, the gentleman from Indiana (Mr. VISCLOSKY), for his work on the legislation, and I ask my colleagues to support passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, Indiana Dunes National Lakeshore, on the southern tip of Lake Michigan, is comprised of 15,000 acres along 15 miles of shoreline. This bill authorizes the Secretary of Interior to enter into a Memorandum of Understanding with Porter County Commission to lease space for the use of a visitor center. It also permits the Secretary to accept donations of lands that are located along the borders of the lakeshore but are separated by a right-of-way.

And today, as we are dealing with this particular unit of the National Park Service, I think it's fitting to remember that our constituents are dealing with high gasoline prices that are cutting into family vacations this summer, making it increasingly costly to visit our national parks.

Over the Independence Day work period back in my district, I spoke with a number of constituents who are still frustrated about high gasoline prices and also are frustrated with what they perceive as Congress' failure to do anything to adopt a comprehensive energy policy. This Congress needs to take action to put all of our available resources and technologies on the table, including increase American-made energy, conservation and efficiency to bring relief at the pumps.

I thought the best story that I heard was a lady that came to me and I asked her, I said, what do you think we ought to be doing about this energy issue that we're dealing with? And she said, Mr. WITTMAN, do you remember the movie Apollo 13? And I said, yes, I did. And she said, do you remember the scene there where the oxygen tank on the outside of the service capsule blew up and the engineers there had to figure out how they were going to get those astronauts back to Earth? So they moved the astronauts into the command module, but the problem with the command module is it didn't have enough capacity to take CO_2 out of the air, so eventually the astronauts would be asphyxiated if they didn't come up with a solution to that problem and still have enough oxygen to propel the spaceship back to Earth.

So what did they do? They sent the engineers to the duplicate capsule they had there at Mission Control in Houston. And they sent them in there and they said take everything out of there that's available to these astronauts and put it in a box. So those engineers put those materials in a box and they brought it downstairs to Mission Control and they laid those pieces out on the table. And they told those engineers, solve the problem, make sure we get those astronauts back here. Come up with a CO_2 scrubber that gets that CO_2 out of the air so those astronauts can survive and get back to Earth. And lo and behold, those engineers did just that. But they weren't crippled by saying, well, you can only use this in the box and that in the box. They were there to use everything.

Folks, if we're going to be successful in this effort for our comprehensive energy policy, we need to make sure that we use everything. And that includes looking at the energy that we have available here in the United States, being aggressive with conservation, being aggressive in developing alternative and renewable sources here. And this country has shown to have the engineering and ability and the willingness to get to work on these tough issues and to solve them. Our history has been wrought with just those efforts to make sure that we solve these problems.

The American people are looking at us now to make sure that we solve this problem. And they don't want us to take anything out of that Apollo 13 box to solve this problem. They expect us to put everything there and to make sure that we come up with a solution to this, and I believe that this country can do that.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana, the bill's sponsor, Mr. VISCLOSKY.

Mr. VISCLOSKY. I want to thank the gentlelady.

Mr. Speaker, I rise today in strong support of H.R. 1423, the Dorothy Buell Memorial Visitor Center Lease Act, as amended. I am proud to sponsor this legislation, and I thank Mr. DONNELLY for joining me as a cosponsor.

I also do want to thank Chairman RAHALL and Ranking Member DON YOUNG, the chairman of the subcommittee, as well as the ranking member, and especially the exceptional staff of the subcommittee and the full committee of Natural Resources for their consideration and good work on this measure.

This measure will grant the Secretary of the Interior the authority to enter into a Memorandum of Understanding to establish a joint partnership with Porter County. This partnership will allow the National Park Service and the Porter County Convention, Recreation and Visitor Commission to develop a plan to maximize the efficiency of the Visitor Center at the Indiana Dunes National Lakeshore and enhance the visitor experience. The measure also will provide funding to develop exhibits for the center.

Additionally, the bill will help us enhance the Indiana Dunes National Lakeshore in the most affordable fashion possible. It will permit, but not require, the Secretary of the Interior to accept donations of lands located outside the present boundaries of the Lakeshore if they are contiguous with the park or separated by only a right-of-way. At present, the Secretary of the Interior cannot accept such donations. This provision makes a minor technical correction that has no financial impact, and will allow this natural treasure to expand by the generosity of those wishing to enhance the Lakeshore. It is my sincere hope that this legislation will continue our efforts to protect and enhance the Lakeshore, and to ensure that all Americans can benefit from the park.

The Indiana Dunes National Lakeshore is an incredible natural treasure, as was mentioned, comprised of about 15,000 pristine acres along the southern shore of Lake Michigan in the midst of an urban environment. With its vast array of flora and fauna in northwest Indiana, a short distance from downtown Chicago, the Lakeshore receives over 3 million visitors from that urban area each year.

The Indiana Dunes National Lakeshore owes a great deal of gratitude to Dorothy Buell, who was instrumental in its establishment and development. Buell devoted much of her life to saving the dunes. In 1952, she founded the Save the Dunes Council to obtain dunes land and to give it to the National State Park so that the unique habitat could be preserved and enjoyed by the general public.

In 1992, Buell's extraordinary contributions to the dunes were recognized when the Indiana Dunes National Lakeshore Access and Enhancement Act was signed into law, thereby naming the park's visitor center for her and commemorating her vision, dedication and work.

□ 1500

The Dorothy Buell Memorial Visitor Center is an excellent facility for providing environmental education programs and recreational activities. Visitors can enjoy displays and exhibits.

I am very proud of the continued investment in the Indiana Dunes National Lakeshore by the National Park Service staff, our local communities, and Lakeshore volunteers in Indiana's First Congressional District. They seek to preserve, protect, and restore the Lakeshore and surrounding resources for an enhanced quality of life.

Mr. Speaker, I want to again thank the members and the leaders of the committee and subcommittee as well as the staff, and I ask my colleagues to support the measure.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding again.

Mr. Speaker, I got the whip report today and was looking over some of the bills that we're going to be going over today and this week. And I felt like, Mr. Speaker, it might be good just to remind our colleagues maybe of what all we're going to be doing this week so they can get their staffs down and start looking at this real hard.

I was hoping that we might be talking about some ways to improve our energy management because what has happened so far on this House floor by the majority has simply not worked. We voted, I guess, almost 6 weeks ago now, to stop sending oil into the Strategic Petroleum Reserve, and so thus far I believe, today is July 8; so at 70,000 barrels of oil a day, that's over half a million barrels of oil that we have kept from our Strategic Petroleum Reserve, and yet gas is at a new record of $4.11 a gallon. So that's not working.

The energy bill that the majority passed in January of 2007, which we called the "No Energy Policy," has actually turned out to be a no energy policy because gas has gone from $2.35 a gallon to $4.11 a gallon. And light bulbs, or the CFLs, was mentioned over 350 times in that bill, and we have now learned that you can't dispose of those things because of the mercury in them, and they are only produced in China.

So we have got a long way to go on correcting our energy situation in this Congress, and for some reason the majority just keeps turning its head.

But I just felt like for some of our colleagues that are listening today they might know that we have already heard today that we amended High Seas Driftnet Fishing Moratorium Protection Act. We're going to get a chance to vote today to authorize the Preserve America Program and Save America's Treasures. We are now authorizing the Secretary of Interior to lease a portion of the visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana. I know that's a big one. You all need to be looking at that, Mr. Speaker.

Number four, to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Park, and I know that's an important piece of legislation. We're also going to do the Maritime Pollution Prevention Act. And we're going to name three post offices today.

Now, tomorrow we are going to get into the real meat of some of this stuff. We've got 12 more suspensions, which are bills that really just come to the floor with about 20 minutes of debate, I believe, on either side, no amendments, not structured to any rule. We are going to look at the Pension Protection Technical Corrections Act, and I know, Mr. Speaker, these people at home will be glad to know that we're doing that. And then we have got to honor the goal of the International Year of Astronomy; celebrating the 25th anniversary of the first American woman in space, Dr. Sally Ride; the Federal Ocean Acidification Research and Monitoring Act; commemorating the 25th anniversary of the Space Foundation; commemorating the 50th anniversary of the National Aeronautics and Space Administration; Homes For Heroes Act; America's Beautiful National Parks Quarter Dollar Coin Act; Community Building Code Amendment Grant Act; Lead-Safe Housing for Kids; and Money Services Business Act.

And then we have got one real bill that's going to be subject to a rule, Mr. Speaker: the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act. So any Members listening to this might want to get their amendments ready for that, and I don't know if we can amend that to talk about energy.

But, Mr. Speaker, I just thought it was important that we discuss here among ourselves what we are doing in this Congress this week. People are paying $4.11 a gallon for gas at the pump. People are having to make decisions about whether they can go to work or go visit a loved one in a hospital. We need to be discussing our energy crisis because this is not something that just happened.

And, look, we are not innocent in this. We had 12 years. We could have led the charge. But I remember back in April of 2006, then minority leader, now Speaker NANCY PELOSI, said, "Elect us. The Democrats have a commonsense plan for lowering the skyrocketing price of gasoline."

Please bring out that plan, Mr. Speaker. Bring out that commonsense plan so that we can see what can lower the skyrocketing prices because since that plan has not been revealed, gas has gone from $2.35 to $4.11.

So while we are talking about all these important things today, and I know the American people are sitting on the edge of their seat to see if these things pass or not because of the effect it's going to have on their lives, I think if they could honestly have a good, bipartisan debate with an open rule, a good energy bill that all the people could come that represent the people all over this country to come in and discuss what we can do to give them relief at the pump.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

First and foremost, I would like to remind my colleagues across the aisle that I feel that all legislation that is heard in the U.S. Congress is important legislation. I want to go on record saying that.

And I would remind my colleagues on the other side of the aisle that in 2005, just 3 years ago, 2005, when you were in the majority, you passed an energy bill that you claimed would produce America's energy independence. It did not work, did it? What were gas prices then in 2005, and what are they today?

So I would again say the blame game is not working and we should truly sit down and get serious, dispense with the rhetoric, and address the issues facing the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my colleague for yielding to me.

Just to my good friend from Guam, I don't have a problem with what you said because it sounds like we have had a bite of the apple, the new majority has had a bite of the apple. People have seen their gas prices continue to go up. So why not come up with a bill that we could put on the floor, to have an open rule, because there is nothing more important in this country right now, not just because the price of gasoline is $4.11 a gallon. This is a national security issue. We are writing Hugo Chavez a check to the Venezuelans for $170 million a day. This is a national security issue. This is an economic issue that we are talking about. This is affecting our stock market. This is affecting our gross national product. This is affecting a loaf of bread. This is affecting a gallon of milk. This is something we need to be talking about.

So I'm glad to hear that you've taken notice that our plan of 2005 has not been totally successful because it has not been totally implemented yet. But I am more than willing to have a discussion on this floor, open rule, energy package. Let's write one. Let's let it go through regular order. Let's let it have amendments. Let's let it have discussion. And I think if we could do that, then we maybe could come up with something that could succeed.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge my colleagues, all of the Members of Congress, to support this very important piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1423, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK EXPANSION

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4199) to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADDITIONAL AREAS INCLUDED IN DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

SEC. 101. ADDITIONAL AREAS INCLUDED IN PARK.

Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

"(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

"(1) Hawthorn Hill, Oakwood, Ohio.

"(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.".

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended—

(1) in subsection (a), by inserting "Hawthorn Hill, the Wright Company factory," after ", acquire";

(2) in subsection (b), by striking "Such agreements" and inserting:

"(d) CONDITIONS.—Cooperative agreements under this section";

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

"(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming."; and

(4) by striking "Commission" and inserting "Aviation Heritage Foundation".

TITLE II—WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK DESIGNATION

SEC. 201. REDESIGNATION OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by striking "Dayton Aviation Heritage National Historical Park" each place it appears and inserting "Wright Brothers-Dunbar National Historical Park";

(2) by redesignating subsection (b) of section 108 as subsection (c); and

(3) by inserting after subsection (a) of section 108 the following new subsection:

"(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.".

(b) REFERENCES.—Any reference in any law (other than this title), map, regulation, document, record, or other official paper of the United States to the "Dayton Aviation Heritage National Historical Park" shall be considered to be a reference to the "Wright Brothers-Dunbar National Historical Park".

SEC. 202. NATIONAL AVIATION HERITAGE AREA.

Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking "104" and inserting "504";

(2) in section 503(4), by striking "106" and inserting "506";

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking "106" and inserting "506".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4199 adds two sites to the Dayton Aviation Heritage National Historical Park. The bill also renames the park as the Wright Brothers-Dunbar National Historical Park.

Mr. Speaker, the Dayton Aviation Heritage National Historical Park was established to preserve sites associated with Wilbur and Orville Wright and the early history of aviation. The park also honors the life and work of African American poet Paul Laurence Dunbar, a business associate and a friend of Orville Wright.

H.R. 4199 would add Hawthorn Hill, the mansion designed by the Wright Brothers, and the Wright Company factory to the park. The factory, completed in 1910, is the site of the first American facilities specifically designed and built for the manufacture of airplanes.

Mr. Speaker, I ask my colleagues to support passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, H.R. 4199 has been adequately explained by the majority, and I would like to thank Congressman TURNER from Ohio for his diligent work to advance this legislation on behalf of his constituents and for the benefit of park visitors around the country.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER), author of the bill.

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Mr. TURNER. I speak today in favor of H.R. 4199, which will add two important historic sites into the Dayton Aviation Heritage National Park. I want to thank Natural Resources Chairman RAHALL and Ranking Member YOUNG, as well as Subcommittee Chairman GRIJALVA and Ranking Member BISHOP for ushering this bill through the Resources Committee process, as well as bringing it to the floor today. I also want to thank the members of the Ohio delegation, many of whom have cosponsored this legislation.

Mr. Chairman, Ohio is the birthplace of aviation, and Dayton is the home of Orville and Wilbur Wright, the two men that invented the airplane. Some consider their invention to be the most important innovation in modern history. When the Wright brothers took flight in Kitty Hawk, North Carolina, our world became connected in a dramatic way, transforming travel, commerce, and communication.

Dayton is also the home of Paul Laurence Dunbar. Dunbar was a classmate of Orville Wright, and was a contemporary of the Wrights. Throughout his life, he was known as the poet laureate of African Americans, and achieved national success after his second collection of poems was reviewed in Harper's Weekly in 1896.

The Dayton Aviation Heritage National Historic Park is a celebration of the legacies of the Wright brothers, as well as Paul Laurence Dunbar. Currently, many people enjoy our National Historic Park. The park includes the Wright's Cycle Shop, the Wright Flyer Airplane, and the Huffman Prairie, where the Wrights perfected fixed-wing flight, among other sites.

However, the Wright's history within the park remains incomplete. Currently, the Wright Company factory buildings and their home, Hawthorn Hill, are not included among the sites at the park. That is why I have introduced H.R. 4199, which will complete the Wright's story told at the park, by adding these two critical sites.

The Wright Company factory buildings in west Dayton are the first American facilities specifically designed and built for the manufacture of airplanes. These buildings had a production capability that was greater than any other airplane manufacturing facility at the time.

The Wright Company operated at the site from 1910 to 1916, and produced 13 different models of airplanes. This site is currently owned and controlled by the Delphi Corporation, who will operate at this site until later this year.

Hawthorn Hill was designed by Wilbur and Orville Wright and was the home of the Wright family until 1948. This historic architectural landmark tells the story of the Wright brothers as inventors. Amanda Wright-Lane, the great-grandniece of the Wright brothers, testified before the Resources Subcommittee on National Parks earlier this year, discussing the Wright's incredible history and the importance of Hawthorn Hill to the Wright's story.

Mr. Speaker, the addition of these sites to the existing park is critical to the park's purpose, which was outlined in the Dayton Aviation Heritage Preservation Act of 1992. The purpose is "to create partnerships among Federal, State and local governments and the private sector to preserve, enhance, and interpret for the present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio associated with the Wright brothers, the invention and the development of aviation, or the life and works of Paul Laurence Dunbar." Put plainly, the addition of these sites completes the Wright's story at the park.

Mr. Speaker, adding these sites to the national park enjoys a wide range of support from both local and national organizations, including the City of Dayton; Montgomery County; the State of Ohio; the Wright family; the Dayton Area Chamber of Commerce; the Dayton Development Coalition; the Ohio Historical Society; the Dayton Historical Society; Sinclair Community College; The University of Dayton; the Dayton Foundation, the National Cash Register Corporation; the Delphi Corporation; the National Conference of State Historic Preservation Officers; and the National Trust for Historic Preservation.

H.R. 4199 also includes the exact language from H.R. 4191, which passed the House by a voice vote earlier this year. This language would change the name of the Dayton Aviation National Historic Park to the Wright Brothers-Dunbar National Historic Park.

Changing the name of the park has been the result of a community-wide process, led by Federal Judge Walter Rice and the Dayton Aviation Heritage Commission. I want to thank Judge Walter Rice and the other commissioners for their time and dedication to making the name of our park a fitting salute to those for whom it is a tribute.

It is clear that this bill is an important priority to the Dayton region. It is also important to the Paul Laurence Dunbar and the Wright brothers' legacy.

Mr. Speaker, I want to thank you again for this opportunity, and I urge my colleagues to support H.R. 4199.

Ms. BORDALLO. I yield such time as he may consume to my colleague from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. I want to applaud Mr. TURNER for bucking his party in introducing a bill on something other than gas prices. I have frequently worked with Mr. TURNER on historic preservation issues. It has never been difficult to work across partisan lines. But rising to support this bill is somewhat more difficult for me.

Mr. TURNER described Dayton, Ohio, as the birthplace of aviation in his remarks a minute ago. Mr. Speaker, that is stretching the truth a bit. But after sitting on the floor for about an hour and hearing our energy problems blamed on environmentalists, not the fact that ExxonMobil made $40 billion in profits in the fourth quarter of 2007, it seems like a fairly minor stretching of the truth.

As every school child in America knows, with the exception of school children in Dayton, Ohio, the first powered flight was in Kitty Hawk, North Carolina, in December, 1903, or at least it was the first photographed, the first documented powered flight. There is still some dispute about where the actual first powered flight was. But the photograph of the Wright brothers plane above the dunes, just a few feet above the dunes at Kitty Hawk, was probably the most important photograph in history to that point, and remains one of the most famous photographs in all of history. That photograph, Mr. Speaker, was taken by a North Carolinian.

After that first flight, which lasted just 12 seconds, and even with the soft sands of Kitty Hawk to land in, the landing almost destroyed or badly damaged the balsa wood plane. Progress was very rapid. Within just a decade, the airplane proved to be a very effective weapon of war in the First World War, and in another decade, just another decade after that, Charles Lindbergh flew the Atlantic alone.

Mr. TURNER is correct, flight has been an important transformational invention in human history. We are now a connected world, largely because of flight. The Wright brothers and Dayton, Ohio, did have a role in that, Mr. Speaker. So I do rise to support adding Hawthorn Hill, the Wright family home, and the Wright Airplane Factory to the national park in Dayton, Ohio highly.

I do this, taking the lead of my party's nominee for President, who has urged that we put aside all the old animosities, that we reach across all divisions of society. In that spirit, Mr. Speaker, I rise in support of this bill.

Mr. HOBSON. Mr. Speaker, I rise today in support of H.R. 4199, which would expand the Dayton Aviation Heritage National Historical Park to include additional sites associated with the lives and work of Wilbur and Orville Wright.

Few technological advances have transformed the world or our nation's economy, society, culture, and national character as the development of powered flight. Therefore, it is important to preserve the historical sites associated the Wright brothers' achievements in the field of aviation. That is what this bill will do.

Over the years, the Ohio congregational delegation has worked together to preserve and promote Ohio's rich aviation history. A few years ago, I, along with Congressman Tony Hall, had the privilege of introducing the bill that later became law to designate eight Miami Valley counties and the Dayton Aviation Heritage National Historical Park as part of a National Aviation Heritage Area. Today, I commend my colleague, Congressman MIKE TURNER, for his leadership in sponsoring this bill to add two additional sites to the aviation park.

Specifically, H.R. 4199 will add Hawthorne Hill, which was Orville Wright's home in Oakwood, and several Wright Factory buildings in Dayton, where the brothers conducted research and testing. These sites would be part of the Dayton Aviation Heritage National Historical Park, which already includes such historic sites as: Huffman Prairie Flying Field, the Wright Cycle Company Complex, and the Paul Laurence Dunbar House. Together, these sites are an important part to nation's history, and Ohio's cultural heritage.

Again, I commend Congressman TURNER for his leadership to preserve and promote Ohio's aviation heritage with this legislation, and I urge my colleagues to join me in supporting H.R. 4419.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4199, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARITIME POLLUTION PREVENTION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 802) to amend the Act to Prevent Pollution from ships to implement MARPOL Annex VI.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Pollution Prevention Act of 2008".

SEC. 2. REFERENCES.

Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 3. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;";

(3) in paragraph (5) (as so redesignated) by striking "and V" and inserting "V, and VI";

(4) in paragraph (6) (as so redesignated) by striking "'discharge' and 'garbage' and 'harmful substance' and 'incident'" and inserting "'discharge', 'emission', 'garbage', 'harmful substance', and 'incident'"; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;".

SEC. 4. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

"(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

"(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

"(i) the navigable waters or the exclusive economic zone of the United States;

"(ii) an emission control area designated pursuant to section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

"(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

"(i) the navigable waters or the exclusive economic zone of the United States;

"(ii) an emission control area designated under section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

"(D) to any other ship, to the extent that, and in the same manner as, such ship may be boarded by the Secretary to implement or enforce any other law of the United States or Annex I, II, or V of the Convention, and is in—

"(i) the exclusive economic zone of the United States;

"(ii) the navigable waters of the United States;

"(iii) an emission control area designated under section 4; or

"(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "paragraph (2)," and inserting "paragraphs (2) and (3),"; and

(B) by adding at the end the following:

"(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

"(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.";

(4) in subsection (e), as redesignated—

(A) by inserting "or the Administrator, consistent with section 4 of this Act," after "Secretary";

(B) by striking "of section (3)," and inserting "of this section,"; and

(C) by striking "Protocol, including regulations conforming to and giving effect to the requirements of Annex V" and inserting "Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI"; and

(5) by adding at the end thereof the following:

"(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to restrict in a manner inconsistent with international law navigational rights and freedoms as defined by United States law, treaty, convention, or customary international law.".

SEC. 5. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

"(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

"(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.";

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

"(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior."; and

(3) by adding at the end of subsection (c), as redesignated, the following:

"(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.".

SEC. 6. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "Except as provided in section 4(b)(1), the Secretary";

(2) in subsection (b) by striking "Secretary under the authority of the MARPOL protocol." and inserting "Secretary or the Administrator under the authority of this Act."; and

(3) in subsection (e) by striking "environment." and inserting "environment or the public health and welfare.".

SEC. 7. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.";

(2) in subsection (b) by inserting "or the Administrator" after "Secretary";

(3) in subsection (e) by striking paragraph (2) and inserting the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.";

(4) in subsection (f)(1) by striking "Secretary is" and inserting "Secretary and the Administrator are"; and

(5) in subsection (f)(2) by striking "(A)".

SEC. 8. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

"(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

"(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

"(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.".

SEC. 9. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended—

(1) by striking "Annex I, II, or V" and inserting "Annex I, II, V, or VI"; and

(2) by inserting "or the Administrator as provided for in this Act," after "Secretary,".

SEC. 10. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking "Protocol,," each place it appears and inserting "Protocol,";

(2) in subsection (b)—

(A) by inserting "or the Administrator as provided for in this Act," after "Secretary," the first place it appears;

(B) in paragraph (2), by inserting ", or the Administrator as provided for in this Act," after "Secretary"; and

(C) in the matter after paragraph (2)—

(i) by inserting "or the Administrator as provided for in this Act" after "Secretary," the first place it appears; and *(ii) by inserting ", or the Administrator as provided for in this Act," after "Secretary" the second and third places it appears;*

(3) in subsection (c), by inserting ", or the Administrator as provided for in this Act," after "Secretary" each place it appears; and

(4) in subsection (f), by inserting "or the Administrator as provided for in this Act" after "Secretary," the first place appears.

SEC. 11. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

"SEC. 15. EFFECT ON OTHER LAWS.

"Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.".

SEC. 12. LEGAL ACTIONS.

Section 11 (33 U.S.C. 1910) is amended—

(1) by redesignating paragraph (3) of subsection (a) as paragraph (4), and inserting after paragraph (2) the following:

"(3) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary; or";

(2) by striking "concerned," in subsection (b)(1) and inserting "concerned or the Administrator,"; and

(3) by inserting "or the Administrator" after "Secretary" in subsection (b)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 802.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I smile because it's a delight to call the gentleman Mr. Speaker.

I rise in strong support of H.R. 802, as amended, the Maritime Pollution Prevention Act of 2008. The gentleman from Maryland (Mr. CUMMINGS) and I introduced this legislation at the outset of the 110th Congress to provide the Coast Guard and the Environmental Protection Agency with the legal authority they need to implement Annex VI of the International Convention for the Prevention of Pollution from Ships.

The House passed H.R. 802 on March 26, 2007, by a vote of 359–48. Notwithstanding that overwhelming vote of approval, the bill languished in the place we affectionately call the other body for more than a year. But recently they have passed, with minor changes, that legislation. With House passage today, the bill can go to the President for consideration and for his signature.

Global warming is a critical issue, not just for the United States, but for every Nation, for every person on the planet. The international maritime community has recognized their contribution to global warming and to ocean pollution and have developed an international convention to address air pollutants from diesel ships.

For many years, the International Maritime Organization of the United Nations has been developing international standards to prevent pollution from ships that traverse the oceans. Those standards are now embodied in the International Convention for the Prevention of Pollution from Ships of 1973. The U.S. has implemented these environmental laws by enacting and amending the legislation known as the Act to Prevent Pollution from Ships, and when I served on the Merchant Marine and Fisheries Committee, much of whose jurisdiction has now been absorbed by the Committee on Transportation and Infrastructure, we worked on early versions of those amendments and environmental laws to implement and amend the APPS.

Annex VI of the Convention for Prevention of Pollution from Ships limits the discharge of nitrogen oxides from large marine diesel engines; it governs the sulfur content of marine diesel fuel; prohibits the emission of ozone-depleting substances; it regulates the emission of volatile organic compounds in the transfer of cargoes between tankers and terminals. It sets standards for shipboard incinerators and fuel oil quality; and it establishes requirements for platforms and drill rigs at sea.

The Senate ratified this treaty by unanimous consent in April, 2006. But it doesn't go into effect until we enact implementing legislation. The bill we consider today will implement Annex VI of the convention. It will provide the Coast Guard and the Environmental Protection Agency the authority necessary to develop U.S. standards and to enforce those standards on the thousands of U.S. and foreign-flagged vessels that enter U.S. waters.

Recognizing the challenge that the world faces in combating worldwide climate change and global warming, we have to take every measure possible to contain and then reduce rising temperatures on this planet, and particularly the oceans that are deep reservoirs of oxygen but also reservoirs of carbon and of the acid that we are pouring into the atmosphere. And that combination of absorbing heat, acid, and carbon is having deleterious effects on the Nation's world coral reefs. There was a very enlightening program on this devastation of the coral reefs on the Science Channel just the other evening.

☐ 1530

It is something that I witnessed myself when I lived in Haiti and did snorkeling and exploring of the coral reefs. This was in the 1950s. You could see the dead reefs on the one side, and the vibrant, growing coral reefs and the abundance of life on those coral reefs, filtering out deleterious elements in the ocean water. But on the other side, the dead reef and a testament to the effects of pollution in our waters. And that was 50 years ago.

So the Senate amendments do not affect the application of MARPOL VI to the thousands of vessels that enter our ports. Their amendment clarifies that the United States can enforce MARPOL VI on vessels that are registered in countries which are not party to the convention when those vessels are in our 200 mile economic zone if the Coast Guard is on board of the vessel to enforce other annexes to the convention and to the extent that this enforcement does not violate international law.

In addition, the Senate amendment clarifies that an individual, a person, may bring a civil action if the Administrator of EPA has failed to perform any act or duty not discretionary under the act, and that is similar to civil action that may be brought under other provisions of law on application of other annexes to the convention.

The delay by the Senate, I regret, may have near term unfortunate consequences for the United States in the IMO negotiations that will take place this coming October to reduce emissions from ships. Under the terms of the convention, only parties to the convention may vote on those reduction measures, and a nation is not party to the convention until 90 days after its instruments of ratification have been deposited with the IMO. The Senate delay means we may not meet that deadline and the U.S. may not be able to vote to improve increased standards, even though delegates representing the United States chaired the working group that met over many sessions to negotiate these new, more rigorous standards.

So, given the importance of completing action on this legislation, I asked our majority leader, Mr. HOYER, to schedule this bill as quickly as possible immediately upon the House's return to session today. I thank the majority leader for his consideration, and I am hopeful we get the bill to the President's desk without delay.

I would also like to take the opportunity to thank our chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, who has devoted a great deal of energy to the work of the subcommittee and to this particular issue in developing this legislation, and to the gentleman from Florida (Mr. MICA), the ranking member of our committee, for his cooperation and support in moving the bill last year and expediting today's action considering the bill, and to the gentleman from Ohio (Mr. LATOURETTE), ever the thoughtful, considerate, legal expert of the committee. I am grateful for his contribution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to rise in support today of the Senate amendment to H.R. 802, the Maritime Prevention Pollution Act of 2008. I want to give credit and pay tribute to the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. CUMMINGS of Maryland, for their diligence in working this bill and working the will of the committee and today the will of the House. I join Mr. OBERSTAR in expressing my regret that the other body has not acted in as prompt a fashion, and therefore we may be too late with this legislation. Hopefully that isn't the case.

This type of legislation is exactly what our committee should be about. Those of us, as the current occupant of the chair who hails from the Great Lakes region, as does the chairman of the full committee, know the great work that has gone into the restoration of the Great Lakes over many, many years. I am reminded as I listened to the chairman talk about the action or inaction of the other body that Johnny Carson, before the restoration of Lake Erie in particular was in full swing, used to joke that Lake Erie was a place where fish went to die. I think it is appropriate to say that at this moment in time, the Senate, regardless of who is in charge, is a place where bills go to die.

This bill will implement international requirements to reduce air emissions from ships for purposes of U.S. law and will establish more stringent standards for the emissions of airborne pollutants from ships as well as the sulfur content of fuel oil used in United States waters.

As Members may remember, the House first passed this bill in March of 2007, again thanks to the splendid leadership of Chairman OBERSTAR and Chairman CUMMINGS, with a broad bipartisan majority. Since that time, the bill has languished in the other body, to the point where we may well be prevented from voting on proposed amendments to the underlying convention at the next meeting of the International Maritime Organization. As a result, our abilities to push for strengthened measures have been significantly weakened.

Nonetheless, this is important legislation. I am pleased we will be sending it to the President as a first step to improve environmental conditions in our ports and along our coasts. I urge all Members to join me in supporting this legislation.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the Chair of the Coast Guard and Maritime Affairs Subcommittee, my good friend, the very distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank Chairman OBERSTAR for yielding and for his tremendous leadership of our Transportation Committee and getting this bill to the floor and his cosponsorship. I also want to thank Mr. LATOURETTE for his leadership, and certainly our ranking member of our overall committee, Mr. MICA.

At the beginning of the 110th Congress, Mr. Speaker, Chairman OBERSTAR laid out an agenda for the Transportation and Infrastructure Committee focusing on three critical objectives: Ensuring the safety and security of transportation and infrastructure; supporting expanded investment; and combating global warming.

The measure before us today, the Maritime Pollution Prevention Act of 2008, H.R. 802, represents yet another step towards the achievement of this agenda, and I applaud Chairman OBERSTAR for his focused leadership on one of the most urgent transportation issues confronting our Nation.

As the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise in strong support of H.R. 802, which would institute the legal changes needed to bring the United States into compliance with Annex VI of the International Convention for the Prevention of Pollution From Ships, known as MARPOL.

This legislation passed the House of Representatives on March 26, 2007, by a vote of 359–48. The bill finally passed the Senate with a minor amendment at the end of last month, and that amended bill now returns to the House for our consideration.

MARPOL is a treaty negotiated by the members of the International Maritime Organization, the United Nations body responsible for developing the treaties that are essentially the sole international regulations for ocean shipping.

The MARPOL convention currently has six annexes limiting various forms of pollution from ships. Annex VI was negotiated to control air pollution and has been in force internationally since 2005. With the enactment of H.R. 802, the United States would finally align our Nation's laws to comply with this annex. Among other measures, Annex VI imposes limits on the sulfur content of the fuel utilized by ships, limits the emission of nitrogen oxides from ships' engines, and prohibits the deliberate release of substances that deplete atmospheric ozone.

In the United States, ships are essentially the last major non-regulated source of ozone depleting emissions and they are a growing threat to the world's air quality. In fact, some estimates suggest that the emissions of sulfur oxide from ships may now exceed the combined output from all the cars, trucks and buses in the world.

Unfortunately, the missions standards imposed by Annex VI are still very moderate. As a result, the United States has been actively working with our international partners to strengthen the annex's emissions controls through the development of new amendments. Among other changes, these proposed amendments which are now under consideration by the IMO would reduce allowable sulfur content in fuel from the current 4.5 percent to 3.5 percent in 2012, and require subsequent reductions through 2020.

A vote is scheduled on these new amendments by the current parties to Annex VI in October of this year. Critically, if the United States has not deposited with IMO its instrument of ratification of Annex VI at least 3 months prior to that vote, the United States will not be allowed to vote for the strengthened emission controls that we have worked to craft.

Mr. Speaker, implementation of the United States MARPOL Annex VI offers us the first opportunity to limit emissions from ships. Further, by joining this treaty now, we ensure that the United States can continue to lead the effort to achieve additional reductions in polluting emissions from oceangoing vessels.

I urge my colleagues to adopt H.R. 802 today, and I urge the President to sign this measure as quickly as possible.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that it will come as a surprise to the Speaker that I spend just a couple of minutes talking about energy today, and I want to talk about it in the context of our committee.

I think the chairman of the full committee, Mr. OBERSTAR, can probably cite the statistic, but every year I have been here, and this is my 14th year in the United States Congress, the Transportation and Infrastructure Committee, I think under both Republican and Democratic leadership, has distinguished itself in the bipartisan and efficient way in which we craft our legislation and actually get something done, when the other body is willing and when the chief executive is willing to sign it.

I thought I heard before our July 4th recess Mr. OBERSTAR talk about the many numbers of bills that we have actually moved through the House, through the Senate, that have been signed into law, and it far exceeds a lot of the work that some of the other more contentious committees in this body, by their nature, no criticism intended, can compile, and I think it is in direct correlation to and as a direct result of the respect that we have for each other on both sides of the aisle on that committee, and now the stern but fair leadership of the gentleman from Minnesota (Mr. OBERSTAR).

That brings me to a frustration that I found and encountered over the Fourth of July recess. I was talking to Mr. OBERSTAR. I didn't quite have the adulation poured upon me at parades that he had in his district in Minnesota. There were some people that thought that $4.10 was a little bit much to be paying at the pump.

But the message that I got pretty loud and clear is that they want us to resolve it. When you pull into the gas station, there isn't a Republican pump and there isn't a Democratic pump and there isn't an independent pump, there is just gas that costs a lot of money today, and someone making $8 an hour in Ohio for a $320 per week gross paycheck is struggling, with $60, $70 filling up the tank to go to and from work.

There are a lot of opinions, and I will get into those in just a second, but I was reminded for the 12 years we were in the majority I happened to be supportive of something known as Davis-Bacon, which is the Federal prevailing wage law, and our committee is responsible for producing the Water Resources Development Act.

We were stymied for years in getting necessary water infrastructure projects out to our communities because of the sort of Davis-Bacon problem, and that is the then majority leader believed that if it came to a vote on an amendment, at that time by one of our colleagues who is not with us anymore, Mrs. Kelly of New York, that that issue would prevail, and much to the dismay of Members in the then majority party, who happened to be a majority of the majority but were a minority of the House, if that vote were permitted to have taken place. That was a frustrating thing, and, sadly, I think we find ourselves there again on this energy question.

There are Members in this House who advocate additional exploration and drilling in the United States, both on and offshore, in the West, in Alaska, off the east coast and the west coast. There are some who say no. There are some who advocate a replenishment and an increased investment in renewable, wind and solar. The gentleman from Minnesota is an expert on photovoltaic electricity, and certainly he has passed legislation that would be supportive of increased research and development of that type of energy generation.

There are those who believe like the French we should add nuclear power back into our portfolio. France, I believe, generates about 80 percent of its power through nuclear power. We haven't had a nuclear power program in this country for a number of years. There are those in this House that object to that and don't think that that is a good idea as well.

But the point is that I think that at $4, $4.10, $4.11, we have reached the price point where the American public, who has to get up and buy food, send their kids to school, pay their bills, pay their taxes and fill up their gas tanks, don't really want to hear why we disagree and what we can't agree on.

□ 1545

I think that they are looking for a solution. And there are a lot of people in both parties who are bellicose on this issue, and I don't intend to do that. But I think I would say that the time to have this national debate is now. We need to determine what direction the country is going to go in. And like most issues, the Democrats aren't 100 percent correct, the Republicans aren't 100 percent correct. But we are expected to be the leaders of the Nation and we are expected to come up with solutions.

So I would hope, not in the spirit of the old Water Resources Development Act where we were not permitted to have the House work its will, that the current leadership of the House would let the Members of the House work their will on what the energy policy of this country should be to give some relief to our citizens.

And since I am in a commending mood, Mr. Speaker, I would nominate the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the Transportation and Infrastructure Committee, to be the designee of Speaker PELOSI to head up this effort and use the same bipartisan manner he uses on all other issues to get us out of this mess.

I reserve the balance of my time.

Mr. OBERSTAR. I yield myself 2 minutes.

I thank the gentleman for that promotion, I think. But I most sincerely thank him for his comments on the work of our committee and for his partnership in shaping that success story that we have enjoyed and in partnership with Mr. MICA as well. It is representative of the historical tradition of the committee to work in a bipartisan spirit. Perhaps it is so because of the nature of our committee jurisdiction, as the gentleman has suggested in his comments.

Indeed, as of the recess for Fourth of July, we had passed the 110th bill on that Thursday of the 110th Congress, the 110th bill from our committee, 64 of which have become public law or concurrent resolutions or House resolutions that were self-implementing; and that last measure, the 110th, was indeed to address the energy issue, to provide funding for transit and flexibility for transit authorities. And another bill that we passed by 311–104 was for the future of Amtrak, a bill that is now in House-Senate conference, and which I am confident we will bring to the House floor before the August recess to give Amtrak a new breath of life, incorporating some very significant Republican concepts and contributions that I think are important for the future of Amtrak. We did not operate in the committee on the principle of a majority of the majority, but rather on the principle of the best ideas that we could marshal and muster together and shape legislation that is beneficial for the future.

I now yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 802, the Marine Pollution Prevention Act of 2008. I also echo the comments of the ranking member in praise of the bipartisan nature of this legislation. I want to thank Chairman OBERSTAR and Mr. CUMMINGS for their leadership in bringing this very important bill to the floor of the House.

H.R. 802 authorizes the EPA and the Coast Guard to issue enforcement regulations for the MARPOL Treaty Annex VI, which was approved by the Senate 2 years ago, with the goal to reduce harmful emissions from large oceangoing ships.

Implementation of this treaty amendment is an important first step for the protection of the health of our citizens in coastal areas of the United States. We know, for example, that large oceangoing ships are a major source of soot, sulfur dioxide, and smog-forming pollution, strongly associated with premature deaths, hospital visits, and asthma attacks. The emission from these ships can cause serious heart and lung problems, and can contribute to an increased risk of lung cancer.

This is clearly important in my congressional district along California's South Central Coast. In 2005, more than 7,000 oceangoing transits were made along our coastline. As these ships come through the Santa Barbara channel, heading to the ports of Hueneme, Los Angeles, and Long Beach, it is the case that the prevailing wind conditions blow most of the air pollution onshore.

Currently, these vessels emit over 45 percent of all the emissions of nitrogen oxides in Santa Barbara County, more than all the road vehicles combined. If left unregulated, these ships will contribute almost 75 percent of the county's nitrogen oxide pollution by 2020. This forecasted increase in air pollution from large ships could wipe out the hard won air quality improvements achieved in the last 30 years on California's central coast.

It is very clear that action must be taken to reduce these emissions which are impacting the lives of thousands of people living in my district every single day. And as I address this situation so harmful to this particular part of the coastline, I am aware that every coastal district in this Nation, the Pacific Coast, Atlantic, Gulf, and the Great Lakes would be affected perhaps in similar ways. So would the people who wish to visit these beautiful coastal areas.

The IMO, Mr. Speaker, is considering adopting new, more effective emission standards for large ships, but the U.S. will only have influence on these new standards if our country completes ratification of the MARPOL Annex VI Treaty via this implementing legislation. So I certainly hope we can seize this unique opportunity where industry, ports, environmental organizations, and regulatory agencies are aligned in moving forward to reduce emissions from this very large source of air pollution.

Again, I want to thank the chairman for bringing this legislation to the floor of the House today which means so much to my constituents. I urge its immediate passage.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 3 minutes remaining. The gentleman from Ohio (Mr. LATOURETTE) has 13 minutes remaining.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the reason that I nominated the gentleman from Minnesota (Mr. OBERSTAR) as sort of the energy czar of the United States Congress is exactly the reasons that he indicated. If you look at the legislation that has effectively dealt in part with the difficulties we find ourselves in, the gentleman's transit legislation certainly gets people into mass transit and out of their automobiles and saves fuel.

The gentleman's Amtrak legislation is historic, and in the short run a robust Amtrak means good things for America in terms of jobs and moving people to and from work. I think I saw something on the news where they were tracking what has happened to people's behaviors since the price of gas has gone up, and I believe Amtrak has seen a 13 percent ridership increase since gas has increased, a testament to Amtrak, and also a testament to the gentleman's bill that made sure that Amtrak isn't operating hand to mouth as we move through this process.

Similarly, the gentleman's vision for intercity rail in this country is again something where we lag far behind our friends in Asia and Europe, and he has for the first time, at least since I have been here, put real money, $350 million a year for 5 years, into the notion of high-speed intercity rail connections principally in the Midwest of the United States. But all of us recognize that that piece at least is some years away in terms of it being a viable alternative and impacting the cost of gasoline.

So, again, I would make the suggestion that there are good ideas on both sides of this aisle. There are many gifted Members of Congress, both Republicans and Democrats. We should have a national debate. And, for the sake of the people that I represent and others represent, we should get something done and we should get them some relief today.

But, Mr. Speaker, I was talking to Mr. Rayfield and we were trying to remember whether it was General William Tecumseh Sherman who said: If asked, I will not run. If nominated, I will not serve. If elected, I will not serve.

I think that is what the gentleman from Minnesota said to my suggestion and I hope he in fact reconsiders that, because of all of the people in this body, he commands tremendous respect on both sides of the aisle. He has demonstrated again and again not only as the ranking member in previous Congresses of our committee but now as the chairman that he can put together the best ideas of both sides, and not only move forward ideas that he firmly believes in but find consensus and actually get bills done and signed into law. So I hope the gentleman, unlike my fellow Ohioan, General Sherman, reconsiders.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. OBERSTAR. And I thank the gentleman again for his ever thoughtful remarks, Mr. Speaker. If handed such a challenge, I would undertake it with vigor and with resolute purpose. But it hasn't been handed to me, although I appreciate the gentleman's offer.

I think our committee has been able very successfully to attack these issues of short-term as well as long-term importance to the Nation, and we intend to continue pursuing the best interests of the country in the legislation we move from this committee, and to incorporate the good ideas from all members of the committee regardless of their political stature or standing.

I recall so well during T–21, the shaping of the surface transportation legislation, Mr. SHUSTER, then the chairman, and I traveled the country to major points of congestion throughout America to advocate for more robust investment in surface transportation. And at one point, I believe it was in Atlanta at a news conference, the last question was, well, Mr. OBERSTAR, why are you traveling and participating in this news conference, you a Democrat, with Mr. SHUSTER, a Republican? And I said: Because I have never seen a Democratic bridge or a Republican road; but if we work together, we can build all-American roads and all-American bridges.

The reporter then turned to Chairman SHUSTER and said: Why are you travelling with Mr. Oberstar? And he said, Because JIM OBERSTAR and I are joined at the hip.

And I think if we could carry that spirit with vigor and honesty and with resoluteness of purpose, we can accomplish great things for this country and for this Congress. And I for that reason enjoy the participation of the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Florida (Mr. MICA), and in the current context Mr. CUMMINGS of Maryland, because there is a real sense of doing what is good for America and putting the country first and not our own personal agendas.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 802.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CPL. JOHN P. SIGSBEE POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5975) to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CPL. JOHN P. SIGSBEE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, shall be known and designated as the "Cpl. John P. Sigsbee Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cpl. John P. Sigsbee Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the author of this legislation, Representative ARCURI of New York.

Mr. ARCURI. I thank the gentleman.

Mr. Speaker, I rise today in strong support of H.R. 5975, to rename the post office in Waterville, New York in memory of Corporal John P. Sigsbee.

Mr. Speaker, it is with both incredible pride and sadness that I address the House today to speak on this bill that pays tribute to the life and sacrifice of one of this Nation's fallen soldiers, U.S. Army Corporal John Sigsbee.

On January 16, 2008, Corporal Sigsbee of Waterville, New York was killed in action 50 miles north of Baghdad during his second tour of duty in Iraq.

□ 1600

The family he left behind while in the line of duty will soon receive his second Military Purple Heart on his behalf. Corporal Sigsbee was only 21 years old when his life was taken in service of our country.

John Sigsbee graduated from Waterville Central School in 2004 and attended Mohawk Valley Community College. Upon completing his first year of college, John decided to join the U.S. Army to further finance his higher education and became wounded one month to the day during his first tour of duty in Iraq.

John was sent home to recover at the Brooke Army Medical Center, where he was visited by Army personnel who awarded him for his bravery. These officers told John that he needed time to heal properly from the burns he suffered when his tank drove over two IEDs, and that he needed time to consider his decision to return to service. However, John replied, with his mother at his side, "Give me one year and I'll be back." John did just that, and it was then that his mother started to know what "sacrifice" truly means.

John went back and gave all that he had to give. In his mind, there was no question that his place was back with his fellow troops in Iraq to fulfill his responsibilities as a young American soldier.

Corporal Sigsbee valiantly served as a member of the 32nd Cavalry Unit in the 101st Airborne Division, a dedicated young man who every day honored his responsibility to his country and his mission. Corporal Sigsbee's purpose and sacrifices will be remembered by the entire village of Waterville, county of Oneida and now, with passage of this bill, by the whole Nation.

During calling hours and funeral arrangements for Corporal Sigsbee, his family and loved ones received an outpouring of gratitude and support by the village of Waterville. Over 2,000 citizens attended calling hours to pay their respects for this young American, and 300 members from local veterans' organizations came to the local high school as a show of strength and unity for their fellow soldier. Additionally, a 50-car procession escorted his body from the Griffiss Airfield to Saratoga National Cemetery where he was laid to rest.

On that day, January 25, 2008, Corporal Sigsbee received a true hero's welcome from not only his family and friends, but from people who did not know him yet wanted to give their thanks, thanks to a man who paid the ultimate price for their safety and their freedom. The renaming of this post office may be considered by some as a simple act by Congress. But it will forever symbolize to the village of Waterville and the citizens of Oneida County, and to future generations, the deep appreciation that this legislative body has for this man's life and contributions, and for the actions of each and every member of our Armed Services.

Mr. Speaker, I urge my colleagues today to support this legislation renaming the Waterville, New York, Post Office after and in honor of Corporal John P. Sigsbee and to forever honor the life of this soldier, son, brother and American hero.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5975, designating the post office in Waterville, New York, as the Corporal John P. Sigsbee Post Office.

In October 2005, Corporal Sigsbee joined the 101st Airborne Division 32nd Cavalry Unit, based in Fort Campbell, Kentucky, famously known as the home of the Screaming Eagles. After being deployed to Iraq, he was injured by a roadside bomb in July 2006. For his action, he was honored with the Purple Heart. After recovering at Brooke Army Medical Center, he insisted on returning to Iraq. Steve English, one of Corporal Sigsbee's high school teachers, said, "John was doing something he knew was important. After being injured, he could have chosen to be assigned anywhere. He chose Iraq." English noted that it was indeed Corporal Sigsbee's commitment to his fellow soldiers that drove him to return to Iraq.

Sadly, during his second deployment, Corporal Sigsbee was killed in action on January 16, 2008, along with two other American soldiers when they came under small arms fire and grenade attack in Balad. He was posthumously honored with a bronze star for his service and a promotion to the rank of corporal.

Corporal John Patrick Sigsbee's life and tragic death have served as a rallying point for his community of Waterville, New York. By naming the new post office in his hometown after this brave young American, we will establish not only a permanent monument for this fallen soldier, but a permanent reminder of his example.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I rise to join my colleagues in the consideration and support of H.R. 5975, which renames a postal facility in Waterville, New York, after Corporal John P. Sigsbee.

The measure being considered was first introduced by Congressman MICHAEL ARCURI of New York on May 6, 2008, and is cosponsored by all members of the Empire State, the New York delegation. Upon introduction the measure was referred to the Committee on Oversight and Government Reform, and on June 12, 2008, our committee approved the bill by voice vote.

H.R. 5975 allows us to pay homage to the service of Corporal John P. Sigsbee who was tragically killed on January 16 while serving in Balad, Iraq. Corporal Sigsbee died as a result of wounds sustained from grenade and small-arms fire during combat operations.

Assigned to the 1st Squadron, 32nd Cavalry Regiment, 1st Brigade Combat Team, 101st Airborne Division out of Fort Campbell, Kentucky, Corporal Sigsbee joined the Army in October, 2005, and served his country valiantly up until the time of his death. For making the ultimate sacrifice of life, Corporal Sigsbee was awarded the Purple Heart which now rests with his parents, James and Susan Sigsbee, of Waterville, New York.

Mr. Speaker, as we pay tribute to this heroic American citizen, let us also take a moment and recollect on the thousands of men and women in uniform currently serving abroad in order to protect us here in the homeland. I ask that we all proudly commemorate both the life and the unfortunate death of Corporal John P. Sigsbee by passing H.R. 5975.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5975.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SERGEANT PAUL SAYLOR POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6092) to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT PAUL SAYLOR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, shall be known and designated as the "Sergeant Paul Saylor Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Paul Saylor Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues, particularly the gentleman from Georgia (Mr. GINGREY), in the consideration of H.R. 6092 which names the postal facility in Bremen, Georgia, after a fallen hero, Sergeant Paul Saylor.

Introduced on May 20, 2008, H.R. 6092 is sponsored by Congressman PHIL GINGREY, representative of Georgia's 11th Congressional District and cosponsored by the entire Georgia delegation and a total of 43 Members of Congress. H.R. 6092 was reported from the Oversight Committee on June 12, 2008, by voice vote.

Mr. Speaker, a native of Norcross, Georgia, Sergeant Paul Saylor lost his life while serving in Iraq. According to military records, Sergeant Saylor was assigned to the 1st Battalion, 108th Armor Regiment from the Georgia Army National Guard out of Calhoun, Georgia, when he was killed on August 15 as a result of his Humvee accidentally rolling over into a canal in Mahmudiyah, Iraq.

Described as a good-hearted, very dedicated and hardworking gentleman, Sergeant Saylor served his country proudly and with distinction. In honor of sacrifice, Mr. Speaker, let us also pay tribute to the life of Sergeant Saylor and pass H.R. 6092 and designate the Tallapoosa Street post office building in Bremen, Georgia, after this fine American soldier.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia (Mr. GINGREY), the author of H.R. 6092.

Mr. GINGREY. Mr. Speaker, I thank my colleague from Ohio (Mr. TURNER), the ranking member of the subcommittee, for yielding. I also, Mr. Speaker, want to thank my good friend from Illinois, Representative DAVIS, for the kind words that he just expressed toward Sergeant Paul Saylor and for allowing this bill to come forward today.

Mr. Speaker, I rise in strong support of H.R. 6092, a bill that I introduced to honor the life of Paul Anthony Saylor by designating the post office in Bremen, Georgia, in Haralson County, as the Sergeant Paul Saylor Post Office.

Mr. Speaker, thankfully we are at a point today where the Iraqi Government is proving to be more and more capable of securing its country and where al Qaeda terrorists are on the verge of being completely routed. But we can all agree that the road on which we have traveled has been anything but smooth. Indeed, we have lost 4,166 of our Nation's greatest treasures in Iraq, the lives of the patriotic, heroic men and women who have served there.

They are not just statistics, Mr. Speaker. There is a story behind each and every one of the brave men and women who have died serving our country in this global war on terror. I have come to know Paul's story very well over the last 3 years. You have heard the stories of other fallen heroes today who are being honored in the same way.

Paul Saylor's story is indeed one of courage, kindness, generosity, and devotion to his family and to his great country. Paul was a beloved son to his parents, Jamie and Patti; a beloved brother to Little Jamie, his big brother; and a beloved nephew to Linda Kirkland. He enjoyed playing high school football with his older brother, and was known for his smile and his caring heart. My colleagues, I want you to look at Paul Saylor in this poster. He is, indeed, a kind young man.

Since Paul's death, many have spoken of his penchant for standing up for others who were being bullied, for picking people up when they were down. It is a testament to the affection that others had for Paul that of the 5,000 citizens of Bremen, Georgia, his hometown, over 1,500 attended his funeral.

Mr. Speaker, it was Paul's sense of duty that led him to join the Georgia National Guard following his attendance at North Georgia College and State University. Upon joining, Paul probably had no idea he would be called upon to defend his country and our freedom in Iraq, but when he was, he bravely answered that call.

He served our Nation in Iraq as a member of the Georgia National Guard's 48th Infantry Brigade Combat Team. Paul lost his life on August 15, 2005, almost 3 years ago, while on patrol in Al Mahmudiyah, Iraq, when the vehicle in which he was traveling rolled down an embankment into a canal. He and two of his fellow scout team members died that day. Paul was 21 years old.

Sadly, Mr. Speaker, upon being returned to his family, Paul's remains were in a state of advanced decomposition and they were not able to see him that one last time for the final goodbye.

□ 1615

His family has worked tirelessly since then to assure that the improved treatment of the remains of all fallen soldiers would ensure that no family, no family would ever have to experience a similar fate of not being able to view their son or daughter one last time.

As I worked with Paul's family to address any potential shortfalls in our mortuary process, I have visited the mortuary facility at Dover Air Force Base in Delaware, as well as Mortuary Affairs Collection Point in Iraq, exactly where Paul fell, to try to evaluate the current processes and the procedures and identify any areas where improvements could be made. And those efforts led eventually to the inclusion of a provision last year in the National Defense Authorization Act for fiscal year 2007 requiring that all medical personnel be thoroughly trained not only in saving lives but also in remains preservation before they are deployed into the theater.

This training is currently being carried out in the medical training facilities at Fort Sam Houston and the Brook Army Medical Center in San Antonio, Texas. On a recent visit last month, I was able to determine that the Army is solemnly carrying out this duty, and I am proud to report that to my colleagues.

While we could never do enough to support and honor Paul's sacrifice, it is the least we can do to ensure that we honor the remains of our fallen heroes with the dignity and respect that they deserve. Our Nation will be forever indebted to Sergeant Paul Saylor. I know he is here with us today, and I would like to say to him, Thank you, Paul. Thank you for your service. And I want to thank his family. Paul, your spirit lives on, and you will never be forgotten.

Mr. Speaker, I ask all my colleagues to join me today in honoring Sergeant Paul Saylor. Vote "yes" on H.R. 6092.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this bill designating the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building."

Friendly. Dedicated. Hardworking. These are but a few of the magnificent words of praise that arise when friends and family speak of the memory of Sergeant Paul Saylor.

A native of Bremen, Georgia, Paul was a shining star in his community. A starter on the football team and committed thespian, Paul was voted "best personality" by his graduating class of 2002. After graduation, Paul attended North Georgia College and State University, a military college.

Tragically, on August 15, 2005, Sergeant Saylor lost his life while serving as part of the National Guard's 48th Infantry in Al Mahmudiyah, Iraq.

Described by his brother, Jamie, as the ". . . type who would help you, but he wouldn't let you know it," Sergeant Saylor served his family, community, and country with selfless devotion.

I rise today in honor of not only a tremendous patriot, but an outstanding citizen. I urge my colleagues to support this resolution in honor of a valiant life that should not, and will not, soon be forgotten by a grateful Nation.

I yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6092.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BERKLEY) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1286, WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–744) on the resolution (H. Res. 1317) providing for consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–745) on the resolution (H. Res. 1318) providing for consideration of the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3981, by the yeas and nays;

H.R. 1423, by the yeas and nays;

H.R. 4199, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESERVE AMERICA AND SAVE AMERICA'S TREASURES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3981, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3981, as amended.

The vote was taken by electronic device, and there were—yeas 360, nays 23, not voting 51, as follows:

[Roll No. 471]

YEAS—360

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)

Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—23

Barton (TX)
Bishop (UT)
Broun (GA)
Burgess
Campbell (CA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Hensarling
Hoekstra
King (IA)
Kingston
Lamborn
Manzullo
Marchant
Paul
Royce
Sali
Shadegg
Tancredo
Westmoreland

NOT VOTING—51

Abercrombie
Alexander
Andrews
Bachus
Bilirakis
Brown-Waite, Ginny
Calvert
Cannon
Carter
Cohen
Cubin
Delahunt
Dingell
Doolittle
English (PA)
Ferguson
Forbes
Fossella
Gilchrest
Hulshof
Johnson (IL)
Kaptur
Lampson
Levin
McMorris Rodgers
Meeks (NY)
Melancon
Murtha
Pearce
Peterson (PA)
Pickering
Poe
Pryce (OH)
Reynolds
Rohrabacher
Rush
Sánchez, Linda T.
Saxton
Schiff
Shuler
Simpson
Smith (TX)
Souder
Taylor
Towns
Udall (CO)
Udall (NM)
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

☐ 1856

Messrs. LAMBORN, BURGESS and HOEKSTRA changed their vote from "yea" to "nay."

Mr. HOBSON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF CLEM McSPADDEN

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Madam Speaker, I rise today to honor the life of a true Oklahoma statesman.

Clem Rogers McSpadden passed away on Monday, July 7, 2008, after a lengthy battle with cancer. Clem was the great nephew of Will Rogers and served as a Member of the U.S. House from 1973 until 1975.

If you ask Oklahomans about Clem, they will tell you about how he helped them during his time in elected office, how they remember him announcing rodeo championships, or how he gave them some great advice about life.

Clem was also a highly respected Member of this Chamber. He was honored with being the first freshman Member ever to be appointed to the Rules Committee. He also helped create the Rural Caucus, which I am honored to be a member of today.

Clem will not just be remembered as a former Congressman or President pro tem of the State Senate. As those of us from Oklahoma know, Clem had a positive impact on his community, his State, and the Nation in many ways, ranging from family, to military service, to rodeo, to business, and to ranching.

In keeping with a proud family legacy, Clem represented Oklahoma values on a daily basis: Hard work and personal responsibility. This is truly what helped make him one of Oklahoma's favorite sons, just like his great uncle, Will Rogers. There are very few people who have been such a great role model to us all.

Our thoughts and prayers are with Donna and the entire McSpadden family. Thousands of Oklahomans and rodeo fans across the Nation share the sadness of their loss.

I would like to yield at this time to the dean of our Oklahoma House delegation, FRANK LUCAS.

Mr. LUCAS. Thank you, Congressman BOREN.

Clem McSpadden was a child of the Great Depression. He was a veteran of the Second World War, a 1948 graduate of Oklahoma State University, an 18-year veteran of the State Senate of Oklahoma, and 2 years in this body. The tales, the stories, the insight, the history of all those institutions that he was a part of, he was a walking, living legacy.

Maybe I should put it this way: This Chamber was graced that Clem was a Member of this body for 2 years. We in Oklahoma are graced that Clem was a member of our State for 82 years. He will be missed. He will be missed.

With that I yield back to his successor in the Second District of Oklahoma, Congressman BOREN.

Mr. BOREN. Madam Speaker, I respectfully request Members to join me in a moment of silence to remember Clem's legacy.

The SPEAKER pro tempore. Members will please stand and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1423, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1423, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 11, not voting 47, as follows:

[Roll No. 472]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott

McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam

Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space

Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—11

Broun (GA)
Campbell (CA)
Flake
Foxx

Gohmert
Hensarling
Neugebauer
Paul

Royce
Sali
Stearns

NOT VOTING—47

Alexander
Andrews
Bilirakis
Brown-Waite, Ginny
Calvert
Cannon
Carter
Coble
Cubin
Delahunt
Doolittle
Ferguson
Forbes
Fossella
Gilchrest
Hulshof

Johnson (IL)
Kaptur
King (IA)
Levin
McMorris Rodgers
Meeks (NY)
Melancon
Murtha
Pearce
Peterson (PA)
Pickering
Poe
Pryce (OH)
Reynolds
Rohrabacher
Ros-Lehtinen

Rush
Sánchez, Linda T.
Saxton
Schiff
Shuler
Simpson
Smith (TX)
Souder
Towns
Udall (CO)
Udall (NM)
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.".

A motion to reconsider was laid on the table.

DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK EXPANSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4199, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4199, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 18, not voting 48, as follows:

[Roll No. 473]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle

Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney

Filner
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen

Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—18

Campbell (CA)
Duncan
Flake
Franks (AZ)
Goodlatte
Hensarling

Johnson, Sam
King (IA)
Kingston
Lamborn
Manzullo
Marchant

Moran (KS)
Neugebauer
Paul
Royce
Stearns
Tancredo

NOT VOTING—48

Alexander
Andrews
Bilirakis
Broun (GA)
Brown-Waite, Ginny
Calvert
Cannon
Carter
Coble
Conyers
Cubin
Delahunt
Doolittle
Ferguson
Forbes
Fossella

Gilchrest
Gutierrez
Hulshof
Johnson (IL)
Levin
McMorris Rodgers
Meeks (NY)
Melancon
Miller (NC)
Murtha
Pearce
Peterson (PA)
Pickering
Poe
Pryce (OH)
Reynolds

Rohrabacher
Ros-Lehtinen
Rush
Saxton
Schiff
Shuler
Simpson
Smith (TX)
Souder
Towns
Udall (CO)
Udall (NM)
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1916

Mr. KINGSTON changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Madam Speaker, I missed three recorded votes. Had I been present, I would have voted the following way:

H.R. 3981—To authorize the Preserve America Program and Save America's Treasures Program, and for other purposes, "yea."

H.R. 1423—To authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes, "yea."

H.R. 4199—To amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes, "yea."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE SECTION 60 MOTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, Section 60 at Arlington National Cemetery is a very special place. It holds the graves of soldiers killed in Iraq and Afghanistan. Section 60 also is the place where a group of remarkable women come together on a regular basis. They are the Section 60 mothers, the mothers of the soldiers buried in that hallowed ground.

The Section 60 mothers come to mourn their heroic children, and to honor their sacrifice. They also come to give each other support in their time of grief. They look to each other for comfort because the only person who can really understand a mother who has lost a child in war is another mother who has suffered the same loss.

Recently, National Public Radio broadcast two stories about the Section 60 mothers. In those stories, the Section 60 mothers talked about their children. They also described how they found each other and created a circle of support to help each other, to help each other make it through another day.

Their words are heartbreaking, yet also inspiring, because these mothers are American heroes, just like their children. I'd like to share some of their words with you today.

One mother placed flowers, balloons, and cards on her son's tombstone because it was his birthday. She said, "These are our babies. When they have a birthday, this is what you do for them, and this is what we still do for them."

Another Section 60 mother, whose son died 2 years ago, said, "This is my son, and I just cannot believe that he's gone. I don't want him to ever be forgotten. It's just in the last couple of months in fact that I have been able to say, 'My son's death,' and even that sends a chill through me."

Another mother described the impact of her son's death on her family. She said, "I look at my surviving children, and it's such heartache for me because they're in so much pain, and I can't do anything about it except just love them. I can't take their pain away. It's excruciating." This mother's son was killed on May 8, 2005. It was Mother's Day.

Another grieving mother said, "Our job is to protect our kids, and we would do anything to do that. I feel like I should have just jumped across the ocean and known that he was in trouble. It's irrational, but it's a mom."

A mother whose marine son was killed in Iraq in 2005 talked about how the mothers are supporting each other. She said, "We talk and we cry about the heartache. Our friendship has just been so incredible and different than any other friendship that I have ever known because our sons are side by side in that same soil."

Another mother whose son was killed in Iraq in 2005 said, "When we go to Arlington, sometimes we are holding the crying mother. And sometimes we are the crying mother. You never cry alone at Arlington. It's a refuge for me. You cannot be strong all the time."

Another mother described the first time she saw another mother in Section 60. She said, "She was just crying and saying, 'Our beautiful boys.' We just started walking toward each other and we were crying so hard."

A cousin of one of the soldiers told this story about her fallen hero. "He always wore a St. Christopher's medal around his neck. When he died, they couldn't find it. But on the day of the funeral, the colonel came up to my aunt and said that they had found the St. Christopher's medal. When his body was thrown back by the blast, the St. Christopher's and his dog tags were in the hole that the bomb was in."

Finally, one of the new mothers asked another mother if the pain of losing a child in war ever goes away. This mother had to say, "No."

Madam Speaker, we owe the Section 60 mothers our deepest respect and gratitude. They remind us that the war isn't something that takes place thousands of miles away. The wars in Iraq and Afghanistan are happening to our mothers and families right here in our own communities in America every single day.

So let us resolve to go to war only as a very last resort. Every possible alternative to war should always be completely exhausted before we send our great men and women into battle. That is the least we can do for them and the mothers they leave behind.

MOMENT OF SILENCE IN THE U.S. HOUSE OF REPRESENTATIVES TO HONOR FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, in May of this year I introduced H. Res. 1183, a resolution calling for the House to observe a moment of silence on the first legislative day of each month for those killed or wounded in the United States engagements in Iraq and Afghanistan. I am very grateful that last month the Speaker of the House initiated this moment of silence to honor America's fallen heroes. It is my understanding that the Speaker will continue this monthly observance during votes tomorrow.

I again thank Speaker PELOSI for making this tribute a part of the regular order of the House. This moment of silence will serve as a solemn reminder of the more than 4,000 killed and more than 30,000 wounded in Iraq and Afghanistan, and a thank-you from a grateful Nation. During the month of June, 56 United States servicemembers were killed; 27 in Afghanistan and 29 in Iraq.

Madam Speaker, I am sure every American shares my heart, which is heavy for the sacrifice of these fallen heroes. We are grateful to all of our men and women in uniform for their courage and for their selfless commitment to duty.

Again, I want to thank Speaker PELOSI and her staff for continuing to make this remembrance a reality for those who have sacrificed for our Nation and for their families. We, the House of Representatives, the People's House, should never forget those who have given their life for this great Nation.

May God continue to bless our men and women in uniform, and may God continue to bless the families of our men and women in uniform. And I ask God to continue to bless America.

☐ 1930

LEGISLATION TO REPEAL SECTION 14(b) OF THE TAFT-HARTLEY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, in about a week, I will introduce legislation to repeal the infamous section 14(b) of the Taft-Hartley Act and to rid this country once and for all of the so-called Right To Work statutes in 21 or 22 of our States.

Now, section 14(b) of the 1947 Taft-Hartley Act allows States to pass the so-called Right To Work laws, which strip unions of the right to charge fees even when they negotiate the contract that the employee works under.

Section 14(b) has been controversial from its inception. It was vetoed by President Truman. It became law only overriding that veto. What we have now is a network of different labor laws in different States that pits the workers in one State against another, that pits businesses in one State against another, that creates an unlevel playing field for businesses in one State as opposed to businesses in another State.

So-called Right to Work is union busting. It is that simple. Right to Work strips unions of their ability to require payment for the contract negotiation that they do. It is designed to encourage free riders and to weaken and destroy unions.

Every worker benefits from the union contract, but under so-called Right to Work laws, some pay absolutely nothing to the union that negotiates that contract. That encourages others to choose to pay nothing, and eventually the union unravels. That is exactly what has happened in the 22 so-called right-to-work States.

Now, Right to Work States have significantly lower unionization rates than do other States. The unionization rate in my State of California is 18 percent; in New York, 26 percent; in Washington State, 21 percent; in Wisconsin, 16 percent; in New Jersey and Michigan, 21 percent. None of those States have so-called Right to Work statutes. In contrast, such right-to-work States such as Texas, Arkansas, Utah and Georgia, have only 6 percent unionization rates, and North Carolina, with its Right to Work laws, has an only 4 percent unionization rate.

Now, it can be alleged that those who are in right-to-work States don't need unions. They enjoy great pay and great working conditions. Well, let's look at the facts. The average worker in a so-called Right to Work State makes $5,333 less per year than a worker in a free bargaining State. That is a comparison of $35,500 on the one hand, with $30,167 on the other. Some 21 percent more people lack health insurance in Right to Work States as compared with free bargaining States. And as for workplace and safety, workplace deaths are 51 percent higher in States with so-called Right to Work laws.

It is time that we repeal section 14(b). It is time that we let unions organize and time that we allow workers who want to have a union, to enjoy that right.

I serve as the Chair of the subcommittee of Foreign Affairs Committee with jurisdiction over trade issues, including the International Labor Organization. The ILO is the official international organization affiliated with the United Nations that sets labor standards. It is clear that our Right to Work laws violate international labor standards. The National Organization of Manufacturers acknowledged this just a few days ago when they pointed out that while Right to Work laws probably violate the ILO core conventions, we as a country have not ratified those core conventions. So a country that should be in the forefront of the world, in the forefront of human rights, civil rights and labor rights, has in 22 of its States laws that violate the ILO core convention.

It is time for America to stand in the forefront of human rights, civil rights and labor rights. It is time to end so-called Right to Work.

I urge my colleagues to contact me if they are interested in being original cosponsors of this legislation.

SAVE OUR HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, it is easy to be in Washington, DC, making bold predictions and promises and then ignore the realities right in front of our noses. Congress' failure to meet the July 1 deadline to prevent the scheduled fee reductions for Medicare providers is shameful and our failure to act has real consequences.

Seventeen percent of the people I represent are on Medicare, roughly 114,000 people. Many of these citizens live in communities where there are few doctors and few health care options. If the available doctors stop seeing Medicare patients, the health care access for all Kansans will be severely damaged. We must prevent the scheduled physician fee reductions from going into effect, and I encourage the Senate to take up necessary legislation now.

Just this week, I received a letter from a family physician back home. He, of course, expressed his frustration with our current Medicare system. Here are his words:

"It is with mixed emotion that I am writing to inform you of my intent to leave my family medicine practice. I have reached the point where I am no longer willing to expose myself or my family to the risk of having to rely upon an increasingly unreliable and poor source of income, Medicare. As a small business with 12 employees, I don't have the margin to absorb others' incompetence or our government's capricious reimbursement. I am not willing to be a pawn in an ideological chess match in Washington, and therefore as of today I will no longer accept Medicare patients.

"I am considering a position in an economically booming region in another State that is nearly 95 percent private pay. What physician worth their salt will continue in a system that undervalues the work they do for a patient population that is the most complex and the most time demanding?

"Congress and the Medicare system are taking advantage of good-intentioned physicians who are more interested in caring for patients and upholding and honoring the Hippocratic Oath than lining their pockets. Even now, writing this letter to you, I feel a sense of guilt as though I am betraying my Medicare patients. I have realized, however, that it is not I that have betrayed the elderly, rather Congress."

When doctors close their practices, it creates a gap that is almost impossible for us in rural communities to fill. Congress must understand that we have a responsibility in making physicians want to continue to practice medicine, to not give them the reason to walk out their clinic or hospital doors and never look back. Congress needs to look closely at our role in these trends and make sure we are not encouraging this situation by playing politics with people's health care and their lives.

I hope that the Senate will pass legislation this week that can keep our vital health care system in place and protect our most vulnerable citizens.

REMEMBERING THE LIFE OF SENATOR JESSE HELMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor the life of Senator Jesse Helms. Senator Helms, who passed away this past 4th of July at the age of 86, was renowned for his considerable personal warmth and his commitment to the good of his constituents. So it is no surprise that in the days after his passing, tales from his constituents across the State of North Carolina paid tribute to his decades-long track record of thoughtful constituent service.

But Senator Helms was so much more than a good public servant. He was a man of integrity, and over the course of his 30 years of service in the United States Senate, you could always count on one thing: You knew where Jesse Helms stood on the issue. An outspoken conservative who was never bashful about defending the conservative principles of small government and individual freedom, he was a man who refused to compromise on his principles.

Senator Helms knew a conservative when he saw one. This is why he helped propel Ronald Reagan to the national stage by orchestrating Reagan's North Carolina primary victory in 1976. In so doing, he helped prepare the groundwork for the eventual Reagan Revolution of the 1980s.

As we remember the life of Senator Helms, we know we have lost one of the finest conservative statesmen of a generation. Senator Helms believed that America was the greatest nation in the world, and that belief informed his principles and the policies that he ultimately pursued. For instance, he knew that a strong America would be a signpost of hope for millions during the uncertain times of global communist influence in the seventies and eighties. As a strident anti-communist, he fought to ensure America would be a bulwark against the forces of oppression and tyranny in the communist corners of the globe.

Senator Helms was also an indomitable champion of life. He believed in the dignity of the lives of the unborn and fought with heroic energy to see to it that they might receive the protection they deserve. His pro-life legacy is still with us today. In fact, Senator Helms successfully amended legislation 35 years ago to include what is today known as the "Helms amendment." This amendment, which is still in effect, mandates that no U.S. foreign aid money may be used to pay for or promote abortions.

Yes, Senator Helms fought for the innocent unborn, he condemned widespread corruption in the United Nations before it was popular to do so, and he staked out clear conservative positions without having to consult a pollster. He was a one-of-a-kind leader who passed on conservative principles to many, including me. But his crusades were never just about him. Rather, he fought for his country and the ideas that he knew made America great.

He said it best in his farewell address to the Senate: "Being remembered isn't important. What is important is standing up for what you believe to be right, hoping that you have done everything you can to preserve the moral and spiritual principles that made America great in the first place."

Senator Helms' death last Friday was a profound loss for America and for the State of North Carolina. He served his country well, dispatching his duty to stand up for what is right with unrivaled moral clarity. He will be missed, and today my thoughts and my prayers are with his family and loved ones as they grieve this loss and remember a life well-lived.

DECLARING ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, I would like to say to the gentlewoman who just spoke that I sure share her admiration for Jesse Helms. I had the honor to work with him on legislation known as the Helms-Burton law, and I want you to know he was a wonderful man, a titan and a real conservative, and the kind of man that everybody in America could be proud to say that he was a Senator in the august body on the other side of the building.

Let me just say briefly today that we just celebrated the 4th of July, known as Independence Day, and we celebrate that because we became an independent Nation after the Revolutionary War by winning that war and becoming not a colony of Great Britain, but a United States of America, an independent country. Our Declaration of Independence.

Now we are faced with another problem. It is called energy dependence. We are dependent on Saudi Arabia, we are dependent on other countries in the Middle East, we are dependent on countries in South America like Venezuela that are not friends of ours, and we ought to be moving toward energy independence.

Any of my colleagues who were out marching in parades during the 4th of July recess ought to know that the people they were talking to on those parade routes were saying, hey, we don't want gasoline at $4 or $5 a gallon. We don't need to have gasoline at $4 or $5 a gallon, because we can drill right here in the United States and get enough oil or gas or other energy products so we can be energy independent. All we have to do is start.

The problem is in this body and the other body on the other side of the building, they will not move, the majority will not move on drilling here in the United States. We could drill in the ANWR in Alaska and get 1 to 2 million barrels of oil a day. We could drill off the continental shelf and get 1 or 2 million barrels of oil a day. We have about a 400 or 500 year supply of natural gas. And we are not doing anything. We are not drilling.

We are sending $400 or $500 million a day over to Saudi Arabia and to Venezuela and South America for oil that we could produce right mere in America. It is costing us jobs, it is costing us energy, it is causing food price hikes, the price of anything else that you buy that is transported by truck in this country, and the people going to and from work or paying $4 or $5 a gallon or $70 or $80 or $90 for one tankful.

☐ 1945

They can't survive. The economy will continue to go down if we don't do something about these energy prices. And we are not going to do it until we allow this country to drill, this government to drill in places like the ANWR and off the Continental Shelf, and use the coal shale that we have here in abundance to produce our own energy. We can do it. The people of America by about an 80 percent margin say drill now, drill in America, lower those gas prices. And we are not doing it.

We just celebrated our declaration of independence from Great Britain. It is high time we had a declaration of independence regarding our energy. We need to drill here in America, we need to drill in the ANWR, we need to drill offshore and become energy independent. It is time. And I hope all of my colleagues will sign my good friend, Mr. WESTMORELAND from Georgia's petition over here that will let everybody know in this country, all of their constituents know that they are committed to drilling in America to get energy prices down.

He is going to take a one-hour special order here pretty quick telling everybody why we should be drilling here in America. So if I were talking to people across this country, Madam Speaker, I would say call your Congressman, call your Senator, and tell them to sign Mr. WESTMORELAND's petition so we can move toward energy independence. It is high time. We should do it now.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, in the last 2 days there have been two major stories about comments made by the prime minister of Iraq. In the first, he said that terrorism in Iraq has been defeated. In the second, the Iraqi prime minister said he wants to negotiate a departure date for U.S. troops.

Yet, because the Defense Department has requested more money for Iraq this year than any year of the war so far, you can rest assured that we will not be leaving any time soon. This war has always been more about money and power than about any real threat to the U.S. Saddam Hussein's total military budget was only a little over 2/10 of 1 percent of ours.

As the conservative columnist Charley Reese wrote a few years ago: We attacked a country that had not attacked us, that had not even threatened to attack us, and was not even capable of attacking us."

Now some are gloating about the success of the surge as if this somehow justifies all the deaths, all the injuries, and all the waste, fraud, and abuse of previous years. Well, surely with the expenditure of hundreds of billions of dollars, there would be a few successes along the way.

It is not criticism of the troops to say that this was a very unnecessary war that we should never have been in, in the first place. This war has meant massive foreign aid, huge deficit spending, and has put almost the entire burden of enforcing U.N. resolutions on our taxpayers and on our military. It has gone against every traditional conservative position I have ever known.

The Democrats recently passed a budget raising our national debt limit to $10.5 trillion. We are still borrowing staggering amounts of money, and this war has been our largest single expense. The Defense Department, like any giant bureaucracy, always wants more money, yet we simply cannot afford to keep spending at the rate our military leaders want.

Georgie Anne Geyer, the conservative foreign policy columnist, wrote a few months after the Iraqi war started that, "Americans will inevitably come to a point where they have to choose between a government that provides services at home or one that seeks empire across the globe."

This war has already become the most expensive and wasteful war in American history. There has not been anything fiscally conservative about the war in Iraq. In fact, there has been so much waste of money, so much fraud, so much excessive and lavish spending that fiscal conservatives should be the ones most upset about all this.

According to the Government Accountability Office, we already have $53 trillion to $54 trillion in unfunded future pension liabilities on top of our national debt, and this figure is going up every day. We are now spending at the rate of $500 million a day, every day, for our military ventures in Iraq and Afghanistan. In just a few short years we will not be able to pay our Social Security and veterans pensions and all the other things we have promised our own people with money that will buy very much.

Evan Thomas in the June 23 issue of Newsweek wrote, "American politicians have gone to extraordinary lengths to be seen as Churchill, not Chamberlain, with results that have not always been in America's best interest."

He wrote that Saddam Hussein and Slobodan Milosevic were frequently compared to Hitler. "But," Thomas wrote, "the only real Hitler was Hitler. Saddam and Milosevic were murderers, but at most local menaces."

Both parties are falling all over themselves trying to prove their patriotism, and thus are afraid to question any Pentagon expenditure. And the Defense Department seems to know that no matter how wasteful or inefficient it becomes, that Congress will keep on giving it huge increases.

Where are the fiscal conservatives? Where are those who will say that, since the surge has been successful, we need to spend less money in Iraq, not more? Where are those who supported this war who will not back up the Iraqi prime minister and say it is time to start bringing our troops home?

Surely conservatives, who have always been the biggest opponents of world government, are not going to say we should keep on running Iraq and simply stay there forever regardless of how the Iraqis themselves feel.

At some point we need to start putting our own people first once again. At some point, Madam Speaker, we need to stop borrowing hundreds of billions to spend in other countries, and take care of our own people.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. MATHESON) is recognized for 60 minutes as the designee of the majority leader.

Mr. MATHESON. Madam Speaker, I am very pleased to be able to organize a special order this hour on the part of the Blue Dog Coalition. The Blue Dogs wanted to take advantage of this opportunity tonight to speak about energy policy issues.

I think that there is no doubt that when it comes to domestic policy issues that this country faces, that energy policy is right at the top of the list. I think it is clear that this country should be looking for a comprehensive balanced energy policy, and I think that represents the type of politics the Blue Dogs in the House of Representatives have often supported.

We have a number of issues that we really want to work through tonight, and I have a number of my fellow Blue Dog colleagues who are going to join me during this hour to talk about various energy policy issues. And I would like to start right now by recognizing my colleague from the State of Louisiana, one of the newest Members of the House, and someone who is prepared to really contribute on this issue, Representative CAZAYOUX from Louisiana.

Mr. CAZAYOUX. Madam Speaker, I gladly join Congressman MATHESON in our discussion regarding a balanced comprehensive energy policy that the Blue Dogs such as Congressman MATHESON and others support.

I believe that the high price of gasoline is an immediate problem that requires both swift action and long-term planning. It is the number one issue facing America today. It is one that hits home every time that we fill up our vehicles to go to work, when we attempt to go on summer vacation, and even when we go to the store to buy food.

I support expanding domestic drilling in the Outer Continental Shelf and in ANWR. This will not only reduce our dependence on foreign oil and lower gas prices, it will help our economy and create jobs. In fact, in Louisiana it was recently announced that a new oil lease in the Gulf of Mexico would generate $78 million for Louisiana to restore its coast.

I believe that one of the root problems of the high price of gasoline is our outdated refining capacity. That is why I support building new and improved refineries and updating old ones. We haven't had a new refinery built since 1972. We have to do a better job at allowing companies to build these refineries and incentivizing companies to build refineries so that we can expand our refinery capacity and stop importing refined gas and refined oil.

In addition to the issue of supplying gas prices, a strengthening economy and subsequently a strengthened dollar will also go a long way to improving fuel prices. I believe, and the experts support this, deficit spending is one of the root causes of our reduced dollar, and that is playing a huge role, I believe, in the price of oil and the subsequent price of gas in our economy. If we can start spending within our means in Congress, we believe that the dollar will become a stronger dollar, we can buy more foreign oil, because we are now importing 60 percent of our oil, we can do that in a more effective way and, therefore, the price of gas should go down.

But the talk of drilling, we should not stop there. That approach is a narrow approach. It is an approach I support, but it is not the end all. We have to have a multi-pronged approach to reach energy independence and security in the long term as well as the short term. That is why we voted to increase the oil supply by temporarily diverting oil shipments from the Strategic Petroleum Reserve. Experts estimate this will lower gas prices anywhere from 5 cents to 24 cents, and this just went into effect this past week and hopefully we will see some real lowered costs at the pump very shortly.

Also, I personally voted for an amendment to the Congressional Budget Resolution that would open up drilling in ANWR and the Outer Continental Shelf.

We as a body passed the Gas Price Relief for Consumers Act, and that allows the Justice Department to investigate foreign oil companies who conspire to drive up prices for American consumers.

We passed the Renewable Energy and Job Creation Act of 2008, which will help reduce our dependence on foreign oil by providing tax credits for renewable energy, including solar, biomass, geothermal, hydropower, and wind. We need to be aggressive in making sure that we harness the technological energy of our Nation, and this bill goes a long way in doing that.

We passed the Energy Markets Emergency Act, which directs the Commodity Futures Trading Commission to use all its powers, including emergency powers, to determine whether excessive speculation in energy futures markets is driving the price of oil up.

We passed the farm bill, which included a strong provision for biofuel production. And we know, the experts suggest that, without the use of biofuels, we would see gas prices 15 percent higher than they are now.

The bottom line is we need to work hard to create energy independence. That work must start today. In the words of one of my constituents: These cars just won't run on hope.

So we need to act to continue to increase domestic drilling, to increase our ability to harness our technological energy that America has succeeded in solving most of our problems and all of our problems in the past. And so we need to bring relief to hardworking Americans by reducing gas prices now.

Mr. MATHESON. I thank my colleague. And I appreciate the fact that my colleague from Louisiana highlighted the notion that there is not a single action that we need to take; that in fact we need a comprehensive effort, we need to look at a series of different opportunities to try to address both the supply and the demand side. And I appreciate his leadership on the issue and want to thank him for joining us in the Blue Dog hour.

Right now I recognize my colleague from Kansas, a long-time Blue Dog, Congressman MOORE.

Mr. MOORE of Kansas. Madam Speaker, I thank the gentleman from Utah, thank you for presiding here. I want to talk for just a few moments about this energy crisis that our country faces.

Madam Speaker, I am the policy cochair for a group called the Blue Dog Coalition, which is using some of the time tonight, and I appreciate my colleagues being here to discuss the energy situation in our country.

Shortly after the last election when in fact there was a change in the majority in the House and the Democrats took control, the cochairs of the Blue Dog group and a group called the New Democratic Coalition, which I also belong to; I am not in the leadership there, but I have belonged to that since I have been in Congress for my tenth year now, we were invited over to speak to the President about policy. And this was the first time that we had been invited over to speak about policy. We had been invited for several other ceremonial things, but not about policy. So I really appreciated the opportunity to talk with the President.

In fact, the four leaders of the Blue Dog group met up in my office to talk about some ground rules since we only had a 45-minute meeting with the President. So we talked about how long we would take each if we had a chance to talk at all, and we decided we would each take about 2 minutes. And we talked and went through our items there.

But when we were leaving after this 45-minute meeting, the President was walking beside me. We were walking out the front door of the White House, and I said, "Mr. President, you have an opportunity to be a hero to people in this country and maybe a few people around the world." And he said, "Well, how is that?"

I said, "Mr. President, do you remember, a little more than 30 years ago there was a man on television one night talking to the American people about the long lines at the gas pumps. He had a cardigan sweater on sitting in front of the fireplace. His name was Jimmy Carter." And the President said, "I remember that." I said, "Mr. President, President Carter said what we need is a comprehensive energy policy."

And, you know, President Carter was right then, and I have faulted every Democratic and Republican President since President Carter for not doing what he said we needed to do back then, because that was the right thing. And what happened was President Carter made a few recommendations to Congress, and Congress passed a couple little things like the solar panels tax credit and a few other things. But a few months after President Carter talked to the American people, the long lines at the gas pumps went down, and I have said that every American adult in this country got attention deficit disorder and forgot about what he said.

□ 2000

And I wish we had done that back then, and I wish we had done that and had concentrated on that every year since then because we'd be in a whole different position as a Nation on the energy issue right now in this world.

I said, Mr. President, if you would do what President Carter said and appoint, I suggested to him, a commission, a bipartisan group of House Members, a bipartisan group of Senators and some experts on energy production and challenge them, Mr. President, to submit to you within 6 to 8 months a written recommendation of a comprehensive policy for developing energy to make us maybe not totally energy independent but to reduce by 60 percent, say, within 8 to 10 years our dependence on foreign oil, Mr. President, that would improve our national security. Right now, we are so dependent on nations in the Middle East to provide our security, our energy interests to us, that that is a security issue.

I said, Mr. President, I think drilling is an important part of this, but we cannot drill our way out of this problem. We have got to come at this from 40 different directions. I said, Mr. President, Kansas is in the top five States in the Nation in terms of potential for wind energy. We're not going to solve our energy problem by wind energy alone, but it can be a small part of a big solution to this problem. If we come at this from 40 different directions, including conservation, including just all kinds of different productions of energy, we could address this for the American people, and you would be a hero to people in this country.

He said that's a good idea. I'll think about that.

Well, unfortunately, he has got about 4, 5, 6 months left in his administration. I doubt seriously that anything is going to happen there now. He and the Vice President have been good friends, frankly, to oil companies, so I doubt anything is going to happen there now, but after this next Presidential election, whoever is elected, whether it's OBAMA or MCCAIN, we need to ask him to do what President Carter talked about 34, 35 years ago. That is to appoint a commission. Come back with a national plan for reducing our dependence on foreign oil.

We can drill, but that's not going to solve the problem in itself. If we do what I'm talking about here, what President Carter talked about, I think that would be the right thing for our Nation and the right thing for our world.

Mr. MATHESON. Well, I thank the gentleman from Kansas for his thoughts, and I appreciate again the introduction of the notion that we need a comprehensive approach.

There is just not one silver bullet that's going to solve this circumstance. It really is consistent with what the Blue Dog energy principles that were adopted at the start of the 110th Congress say about fuel diversity, the recognition that long-term U.S. energy independence is going to come from putting everything on the table, everything from conventional oil and gas and from alternative sources such as oil shale and tar sands, nuclear, hydroelectric, geothermal, coal, and biofuels. If we're really going to take this issue on, we've got to look at it in that comprehensive manner.

Again, the Blue Dogs have adopted a set of principles that recognize the value of a diverse fuel mix within this country as a long-term solution of creating energy security for this country.

With that, I now would like to welcome another fellow Blue Dog to speak, who is a fellow member of the Energy and Commerce Committee and who is cochair for communications for the Blue Dogs in this Congress—Congressman ROSS from Arkansas—who has in his years in Congress been a real leader on trying to address energy issues in this country. I welcome him to participate in this discussion.

With that, I will yield to him as much time as he would like to consume.

Mr. ROSS. I'd like to thank the gentleman from Utah for leading this discussion this evening on energy.

As the gentleman mentioned, I'm fortunate to serve on the House Energy and Commerce Committee and on the Energy and Air Quality Subcommittee. Through my work there, I've been working on ways to reduce our dependence on foreign oil and to address this energy crisis facing America and, quite frankly, facing the world, and I think there are several ways to do it.

There is no silver bullet. It's going to take a multifaceted approach. As Congress, we can't control the demand for oil in the world, but as a Congress, we can make an impact on the supply, and that's what I believe that this Congress needs to do.

Here is what we do know: In the next 8 years, there will be 100 million new cars on the road, 100 million new cars on the road in the next 8 years, not here but in China and in India.

Here is the other thing we know: If we do not change our current energy policy in this country, sometime in the next 12 to 20 years, depending on whose numbers you want to believe, we will go from being 60 percent dependent on foreign oil to being 100 percent dependent on foreign oil.

I've got a plan that, I believe, can go a long way toward fixing that. While we have a gasoline crisis today, in the next 35 years, it will be an electricity crisis. I've got a bill, H.R. 5437. It's called the American-Made Energy Act. It's 155 pages long. It's a multifaceted bill that takes a multifaceted approach to this energy crisis. Again, there is no silver bullet. Quite simply, my bill does this:

I propose that we drill in ANWR. There are 19 million acres in ANWR. My bill proposes to drill on 2,000 of them—one-sixth the size of the Dulles Airport. We've already got a pipeline going to Alaska, to ANWR, that can handle 2 million barrels a day; we're only putting 1 million in it. Let's fill it up and put the other 1 million barrels in it.

Additionally, we can drill off the coast. In fact, it was by executive order that Bush One chose to shut down drilling near the coast of Florida. That was a mistake. They're drilling much closer to the coast in Alabama than they are in Florida today because of an executive order issued by former President Bush, often referred to as Bush 41, I believe.

So this is not a Democrat or a Republican problem. I think both parties, quite frankly, have some blame to share here, but we don't have a Democratic energy problem or a Republican energy problem; we've got an American energy problem, and we need to fix it as a Congress. I think it would be most helpful if we did it, quite frankly, in a bipartisan way.

I'm not talking about drilling off the coast or in ANWR and utilizing 1940 or 1950 technology, not even utilizing 1990 technology. I'm talking about doing it while utilizing 21st century technology that can allow us to do it, to reduce our dependence on foreign oil and yet remain good stewards of this environment, of this land that God has given us to care after.

Then there are the lease and royalty payments from drilling in those areas. By drilling in those areas, we meet our short-term oil needs. We've got some great ideas. I've actually test-driven a hydrogen fuel cell car. You can drive it. It sounds like an electric golf cart, and it runs like a regular car, and when you stop, if you jump out and run to the tailpipe with a clean glass, in time, it'll pour you a half a cup of water. They tell me you can drink it. I didn't try, Madam Speaker, but they say you can.

I mean these are not Star Wars-ish ideas. These are not ideas of the next century or of the next generation. They're here, but we need an energy policy that embraces them and that moves them from the science lab to every street corner in America where you see a gas pump today.

So my bill does this: It says drill in ANWR, utilizing new environmental technology. Drill off the coast, utilizing new environmental technology. Then the revenue from the lease and royalty payments, it's estimated, will total $80 billion. I want to take that $80 billion and put every dime of it into alternative and renewable fuels to move these ideas from the science lab to the marketplace.

This year, this administration will spend less than $4 billion on alternative and renewable fuels. Now, for a country boy from Hope, Arkansas, $4 billion sounds like a lot of money, but to put it in perspective, we will spend that amount in Iraq in the next 10 days. Bill Gates will spend twice that amount on research and development for Microsoft Corporation alone this year. When President Kennedy said he was going to put a man on the Moon, he didn't just say it; we invested in it. In today's dollars, it was $90 billion, and we did so much more than put a man on the Moon. We grew a new generation of innovators in this country who have created and who have invented a lot of the technologies that we're now beginning to take for granted.

It's time for another President Kennedy "let's go to the Moon"-sized investment and, this time, with alternative and renewable fuels so we can reduce our dependence on foreign oil. That's exactly what I try to accomplish with the American-Made Energy Act, H.R. 5437.

I'd like to thank the gentleman from Utah for allowing me to come and to speak on my bill for a few minutes this evening, and I appreciate his leadership on these energy issues.

With that, I yield back to him.

Mr. MATHESON. Well, I thank my colleague from Arkansas for spending time with us this evening but also for trying to take a thoughtful and comprehensive approach. That's really what Blue Dogs are about. I think we really try to discuss items in the context of policy.

I'd just like to introduce one other factor into this discussion about the high gas prices that we face today and what we can do in terms of the price of oil, and it's consistent with what Blue Dogs talk about a lot. People probably didn't think I'd raise the issue of fiscal responsibility relative to oil prices, but it turns out that there is a significant relationship here. It has to do with the fact that, during the current administration, so much more money has been borrowed.

When our current President took office, the national debt was around $6 trillion. We're approaching $10 trillion now. $4 trillion just in the last 7½ years. Do you know what that has done among many other things? It has created a weaker dollar. Now, oil is a global commodity. It's traded all over the world, and it's traded under one currency, and that's the U.S. dollar. That weaker dollar means that oil costs even more for us in this country than it does for other countries with stronger currencies.

I've brought with me tonight this chart to graphically demonstrate the relationship, according to the Energy Information Administration, between the lower dollar—the weaker dollar—and how much the price has gone up in terms of dollars per barrel. It's pretty self-evident that we had a strong dollar for a number of years. Then in the early part of this decade, as the debt started to increase, the value of the dollar dropped precipitously, and the price of oil went up at the same time.

It's not the only factor associated with how expensive oil is in the world today, but clearly, in all of the discussion that we've been having about why the oil price is so high in the world, in my opinion, this particular issue has not received much attention.

The Blue Dog Coalition has this fundamental principle about balancing budgets and about living within our means. We tell people that you may not see the impact of this debt right away, but here is an impact because, with all of that increased debt, we've had to borrow so much money as a country that we've weakened our currency relative to the rest of the world. Therefore, because that's how it's traded all over the world, the price of oil on a dollar-per-barrel basis has gone up a lot.

So I wanted to introduce this concept, which is very appropriate within a Blue Dog Special Order hour here on the floor of the House of Representatives, to talk about the linkage between the need for fiscal responsibility and how it affects energy prices, which is something that, I think, ought to be part of this debate as well.

With that, I'd like to yield time to another one of my fellow Blue Dogs, another individual who is very thoughtful and measured in his approach, and that's the type of approach we need for a comprehensive energy policy. He is my colleague Mr. SCOTT from the State of Georgia.

Mr. SCOTT of Georgia. Thank you very much, Mr. MATHESON. I certainly want to thank the gentleman from Utah for allowing me to share a few thoughts on what, I think, is the most urgent issue facing, really, the survival of the world, not just that of our country. I'd like to talk about this from an additional perspective.

This issue is rolling along on about four or five major legs. One is supply. Another is the weakened dollar, of which you spoke. Another is do we do more drilling. Then this other of which we have not dealt as we should, of which I believe is that leg of which we have to deal if we are going to really address the issue facing the American people, is the high price of gasoline. That leg is called demand. We've got speculators who certainly need to be reined in, and we're doing that.

I serve on the Agriculture Committee. We've had the Commodity Futures Trading Commission under Chairman Lukken to come before our committee. We want to make sure that we give him the resources and all that he needs to bring title regulation and transparency. We need to look at issues like swapping where these traders use others' pension funds to trade among themselves with little oversight. We need to close the Enron loophole. We need to make sure that everything trading with oil is done in the light and not in foreign exchanges that have very little regulation. All of that needs to be done.

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Speculation and speculators play a vital role as well. So that we have to make sure that whatever approach we take there, that's a part of the infrastructure. And still we're not addressing the issue facing the American people until we address the issue of demand.

The only way we're going to bring down the price of oil, and subsequently the price of gasoline, is to reduce our demand and our dependency on oil. Oil's not in our future if we're going to have one. If we continue with oil, this earth is going to eventually burn up. We're getting to that point now. It is the oil and other matters that are causing global warming at such an epidemic rate that even if you drill for more, that creates more demand. And drilling is where we are now. That is not where we need to go for the future.

We have got to erase the high demand or else we're going to be in a footrace with China and India. If we continue at our pace on our current demand for oil, it will go up 22 percent in the next 10 years, China's will go up 160 percent, India 110, and developing countries in the Middle East will go up 125. Increase. The more oil you drill for, the more the demand, the higher the price.

Let me tell you something that happened. Just before we left, in Jidda in Saudi Arabia they had a conference. And at that conference, Saudi Arabia said, Okay. I tell you what. We're going to increase during the month of May by 300,000 barrels per day. Then in July and June, last month, they added another 200,000 barrels a day, increase, because we felt the more the supply, then we'd lower the price. No, no, no. Less than 24 hours. That happened on a Sunday. That very Monday, when the first market opened in Singapore, the price went up from $134 a barrel to $137, and now it's rolling along at $145. Does more oil, does more production, does it drive it up? It creates the demand.

So what do we do? We've got to move forthrightly on getting off of oil, getting off of dependency on it. We've got a great chance to do that. We have the means to do it. There is no country that has the technology, that has the smarts to be able to get alternative sources of energy to survival.

If Brazil can do it, why can't we? I went down to Brazil last year, spent a week down there going into the factories, into the production plants, and 85 percent of their automobiles are running on what is called flex fuel. In other words, ethanol made from sugarcane. Why can't we do that? No. We blindly want to go with ethanol, but we want to go make it on corn.

For every unit of energy that it takes to produce a unit of ethanol from sugarcane, they can only yield less—they yield 8 units of energy. That's a great yield. With corn, for every energy it takes to produce it they can only produce less than 2 units of energy. It's not efficient. Plus, it drives up the price on food because corn is the basic for livestock. So corn ethanol is not the future. Nor should it be on any basic food.

But now our technologies say we can make ethanol from kudzu, from pine straw, from pinecones, and yes, sugarcane.

Now I ask you, here is a question that we need to ask and the American people need to ask Congress. Why can't we begin to offset our demand for gasoline to run our automobiles, offset, removing our demand bit by bit from importing oil from the Middle East and on oil to making up for that by pouring in ethanol? And why is it that we have a 54 cents-per-gallon tariff on every gallon of ethanol we would import from Brazil? It doesn't make sense. Why would we not want to import ethanol made from sugarcane, the most energetic, the most productive kind of ethanol, into this country from Brazil to offset the loss from importing oil from there as we build up our own capacity for ethanol?

And let me just share with you what we're doing in my great State of Georgia. Georgia is at the leadership—and I would like to say, Mr. MATHESON, in my own district in Clayton County, for example, we have in Clayton County in Ellenwood, a plant that makes biodiesel fuel. And you know what they make it from? Not oil, not petroleum. They're making it from the fatty parts that you throw away from the chickens and from pork. And they're taking it. And this year, this plant, it's called the BullDog BioDiesel—you can tell we're from Georgia because it's the "Bull Dog"—but it's the BullDog BioDiesel plant in Ellenwood. They will produce 18 million gallons of biodiesel fuel.

And it is not going to have to go on the world market like oil would. That's another thing we need to clarify because people think if we were to drill and get oil, that that oil will come straight on back here and it stays in this country. No. That goes to the world oil market and comes out at $145 a barrel if it was today. The price is there.

So my point is this: We need to understand that we are at a critical point in our history, quite honestly, as a civilization, and America must lead in this direction, and that leadership means cutting this demand and dependency on oil and moving to renewable areas. We're already moving with the battery cell automobile. Why can't we put greater emphasis on those things and those items?

And as I said, we certainly have to look at ethanol as a future because it would make up for the shortfall we would get once we are able to cut our dependency on oil, especially from the Middle East.

So I think that among all of the other things that we've got to do, and there are many things we've got to do, but essentially it comes down to the bottom line: You want the price of gasoline to go down? You want the future of the world to go up? Then what you do is you've got to cut the demand on that petroleum as a base of energy and move to another base of energy that does not threaten our economy or our environment.

Mr. MATHESON. Well, I thank the gentleman from Georgia for his thoughtful comments tonight. And it is no surprise. He's always been someone who tries to understand issues well. His comments really reflect a couple of the basic principles. You know, as I mentioned earlier in my remarks, the Blue Dog Coalition published a set of energy principles at the start of this Congress, and I think my colleague, Mr. SCOTT, really touched on two of the important components of those principles.

The first is that the Blue Dogs believe in the value of technology development, and energy policy should build on American strengths. One of the great things about this country is its ability to innovate. Research and development capability of this country surpasses any place in the world. Whenever this country has applied itself to solve a problem, it succeeds so well. And that type of innovation is what is going to allow technology to take us to a different place than we are today.

And I think Mr. SCOTT discussed some of those potential technologies in which he's familiar, and there is no question in the long run, if we are going to get to a position where this country is not as dependent on foreign oil, we need technology to take us to a new place in terms of particularly how our transportation and infrastructure are going to operate.

And the second Blue Dog energy principle I think Mr. SCOTT touched on very well is this notion of efficiency. You know, if you can do more with less, we all win. We use less energy, we save money, it's good for the environment. Energy-efficient technologies and energy conservation are other pieces to this puzzle.

I think an overriding thing we've said throughout this discussion tonight is that there is no single option here. There is no silver bullet. We, as Blue Dogs, support the furtherance of energy-efficient technologies. We think that we can continue to make progress and push the envelope and that, again, as a country that leads the world in innovation, we can also lead in terms of continuing to be more efficient in how we use energy.

Again, I thank Mr. SCOTT for his comments. As usual, very consistent with Blue Dog principles, and again, it helps further this debate about how we ought to move ahead in our national energy policy.

With that, I would like to recognize another of my fellow Blue Dogs, someone who has invested a lot of time and effort to develop an understanding of the energy issues and is a real substantive contributor to the policy debate, and that is my colleague from South Dakota, Representative HERSETH SANDLIN.

I will yield her as much time as she may consume.

Ms. HERSETH SANDLIN. I thank the gentleman for yielding, and I thank him for his leadership on the Energy and Commerce Committee and in other capacities and with the Blue Dog Coalition on energy issues.

And in citing our energy principles that the Blue Dogs stand by, we have a number of those that have been addressed already this evening, but fuel diversity is certainly one that I think deserves emphasis.

The representative from the State of South Dakota, an at-large district, a very rural district, as many of the Blue Dogs represent rural districts, the impact of these high gas and oil prices are having a disproportionate effect in many respects on my constituents who have to drive great distances to work, who have to drive great distances to get children to school, who have to put nitrogen fertilizer on crops, and who have to use great amounts of diesel and gasoline to plant and harvest those crops to maintain a safe, abundant cheap food supply.

So much has been made in recent weeks of high commodity prices. We just recently passed the farm bill. Overrode the President's veto twice to pass a farm bill that preserves the safety net. And as people point to those high commodity prices and think that farmers and ranchers have never had it better, one thing that I would hope that my colleagues, Madam Speaker, would keep in mind is that nitrogen fertilizer, which depends on natural gas, is an essential ingredient, and the high cost of gas and diesel are the input costs that are dramatically higher than they've ever been, that cuts into any profits, dramatically, that farmers and ranchers may be experiencing now that they're finally getting decent commodity prices that are saving taxpayers dollars because those are higher than the target prices and loan rates that we've set into law. And therefore we aren't making countercyclical payments and loan deficiency payments to farmers across the country, because they have another buyer for that grain rather than just one buyer putting it on the export market at a lot less than the cost of production.

That other buyer is the local ethanol plant. And as my colleague from Georgia pointed out, we know that we're just maybe less than 2, 3 years away from the technology available to make commercially available not just corn ethanol and the dramatic increases we've seen in the improvements and the production process to make the efficiencies in the production process even better, but cellulosic ethanol. Cellulosic ethanol that can be developed in every region of the country given biomass sources, given other nonfood and feed crops that can be grown in every region of the country. And it's the importance of those technologies that can only be facilitated by the financing and some of the loan guarantees that we've recently passed, but the financing and the private market that are essential.

Which is why I strongly argue that, Madam Speaker, that it's not corn ethanol that should be blamed for high food prices; it is the high cost of energy, which is the focus of our discussion here tonight, and the transportation and the production and the marketing of the food to Americans across the country. We need corn ethanol as a bridge to cellulosic ethanol. And that is where the financing will follow, that's where the capital will follow to get us to second-generation ethanol production.

And we also have to look at other sources that currently aren't available. For example, woody biomass off the national forests which, in my opinion, should be able to be used for cellulosic ethanol production. It not only reduces the wildfire hazard based on the hazardous fuels that are lining the bottoms of our forests, but it is a proven technology for a use for cellulosic ethanol. If we don't use it, it sits there and rots and releases methane into the atmosphere, which is worse than carbon, or it burns and releases carbon into the atmosphere.

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So the bottom line—and I think this is back to the Blue Dog principle of diversity of fuels—we shouldn't be so quick to take energy sources available domestically off the table. We shouldn't be reluctant to reevaluate long-held positions on a particular energy source in light of new technologies that can help us extract resources in an environmentally sound way; new technologies that can facilitate wind energy development, biofuels development, a whole host of other technologies on the electricity side, whether it's clean burning coal, hydroelectric power, solar power; and of course, in the transportation side, with vehicle technology and engine technology for flex-fuel vehicles and hybrid vehicles.

Already this Congress we've taken a number of important steps, not the least of which is the renewable fuel standard that we passed in December that, by many analyses, shows that is moderating the price of gasoline at 15 percent less than it would be otherwise without that increased biofuels production. So biofuels production is saving consumers money at the pump.

But obviously, we know that consumers are suffering with $4 gasoline, higher in some areas. We know that there are ways that we need to get at speculation that may exist in the marketplace for oil and other commodities, that we have the weak dollar that my colleague from Utah pointed out at the top of the hour that is affecting the increased costs per barrel of oil.

We, in addition to the renewable fuel standard, passed CAFE standards that go to the heart of conservation energy efficiency and the additional technologies that we know exist to help maximize those efforts.

We have passed legislation to ensure that the President no longer adds oil to the Strategic Petroleum Reserve, and we know that that Strategic Petroleum Reserve is yet another tool that we need to consider using as we move forward to give some relief to consumers at the pump.

We passed a bill that looks at the issue of how many leases are currently outstanding and how many millions of acres perhaps where there is natural gas and oil where we can facilitate production of those sources on public lands.

But we also know, as I stated, that we can't be taking energy sources off the table, and we have to be looking at where else, whether it's in the deepwater gulf or other parts of the Outer Continental Shelf, elsewhere on public lands, where it can make sense both economically and from an environmental perspective to be able to extract those resources, particularly natural gas, which does not pose the same types of environmental problems in drilling on the OCS. Although I think that technology, again, has brought us to a point that can minimize those types of spills. The oil shales that we know exist in a number of States, whether it's in Utah, Wyoming, Colorado, and of course, the other States, working with our trading partners and allies to our north in Canada as it relates to a natural gas pipeline, as it relates to oil pipelines that are being sited and under construction across South Dakota, to be able to get more oil into the Midwest where we oftentimes are at a disadvantage in being at the end of the line.

So I think that it's important tonight that we focus on not only what we've already done but what more we are prepared to do to enhance the diversity of fuels, to enhance the diversity of options both in the transportation sector and the electricity sector to make us less dependent on foreign oil, to create jobs, to enhance technologies that create the jobs for the future, for the young men and women that are looking into careers in science and environmental engineering and mechanical engineering and a whole host of opportunities it affords to every region of the country, if we take the steps that we need to take, reevaluate those long-held positions, look at information with a fresh look and glance, and be willing to take some risks because that's what it's going to require to do right by our constituents.

And I thank the gentleman for yielding.

Mr. MATHESON. Well, I want to thank my colleague from South Dakota who is always a very substantive participant in any public policy discussion we have here in Congress, and I know she's invested a lot of time and effort when it comes to the energy issue. I really appreciate her participating in this Blue Dog discussion.

There are a couple of points that were raised by my colleague from South Dakota that I think merit one more mention. The discussion of what we've done in this Congress, there have been some actions that have been taken, and one of them is going to bear fruit in the long run. We're not going to see a result right now. It's a process that came out of the Science Committee, of which I'm a member.

The chairman of that committee, Mr. GORDON, another Blue Dog, pursued a really aggressive effort to invest in basic research, in R&D, tried to put Federal funding out there to really get things going in a more aggressive way than it has in the past. He created a program called ARPA–E. It's designed after a previously created program within the Defense Department that's called DARPA, which created a lot of research that's helped us with technology advancements in the defense arena. And this legislation created a comparable effort in the energy policy arena, and our Blue Dog colleague, Mr. GORDON, has been a real leader on that. And that is another action this Congress has taken that is an important step to take. And I know we're frustrated by $4 gas today, and that program, the ARPA–E program, is not going to reduce the price of gas next month. I understand that.

But the point is there are a series of steps we need to take. There's some short-term, some mid-term, some long-term strategies, but we need to put them all on the table now. We need to do what we can do to make progress on this issue.

The second point that my colleague from South Dakota said—and I just want to emphasize—is she talked about opportunities and activities that we can work with our partners, including in Canada. When she mentioned Canada, it reminded me of the fact that as a country Canada has placed a tremendous emphasis on developing their tar sands resources.

Now, I represent the State of Utah and a significant amount of the oil that is refined in refineries located right in the Salt Lake City area comes from Canada. It comes from the tar sand resource in Canada, and it is piped to the United States.

Now, we can do that here, too. We can maybe take a page out of the Canadian book on how they, as a country, made efforts to develop that resource. It's an unconventional resource, and they took the steps and they made a significant commitment. It has not been without costs. It has not been without setbacks. There are lessons to be learned there, too, which we as a country should do.

And I understand that the tar sand resource we have in the United States—and we have it in my own State of Utah—is a little bit different composition than the Canadian tar sands. I understand that there are differences, but there's so much that we can learn from that, and it's a viable source of production today in Canada.

And so I appreciate the mention of how we can learn from others and learn from our partners, and I don't know if you had something you wanted to add to that point.

Ms. HERSETH SANDLIN. Well, not specifically to that point, but I did want to mention—and I know you have the gentleman from Georgia who wants to make another point, too, so I will be quick.

The gentleman from Georgia (Mr. SCOTT) and I are both on the Agriculture Committee, and you may have mentioned this. One of the bills that we'll be taking up tomorrow is a bill that you have introduced, and so I think it's important for our constituents who, understandably, don't feel like they're getting a fair shake every time they go up and fill up their vehicle, that they understand that we are doing something here in Washington.

We are having a set of three different hearings in the Agriculture Committee this week. There are other committees having hearings. This is a complicated issue, and we are determined to get it right and to do what we can to get the speculation out of the market and to give the Commodities Futures Trading Commission the authority it needs and to understand this problem, whether it's over-the-counter, whether it's swaps, whether it's what's going on with the foreign exchanges, the issue of transparency, and your bill is one of those that we'll be taking a look at which we think makes an important step in addressing that issue.

Mr. MATHESON. I appreciate that. I'd like to hear from Mr. SCOTT.

Mr. SCOTT of Georgia. Absolutely. And I just wanted to complement what my colleague from South Dakota, Ms. HERSETH, has said because I serve on the Agriculture Committee with Ms. HERSETH.

And this agricultural farm bill, in my estimation, in my 6 years here I've dealt with many bills, but as far as our future and our domestic and international needs, this farm bill is by far one of the absolute, most impactful bills we've had that touches on this. And I think we would do well to share with the American people—and you have alluded to so much of that already, very eloquently I might add—but let me just also point out that what's in this bill because this is so important.

We've mentioned ethanol, but it's so important that the people of America know that we have $4.2 billion in loan guarantees in this bill for the construction of ethanol plants, and we are putting the emphasis, as you said, on cellulosic. This is why it's particularly, in my part of the Nation, in Georgia, we are so excited about this bill. We not only have the biodiesel plant in Ellenwood in Clayton County, but over in south Georgia, in Soperton we have a cellulosic ethanol plant that is producing energy off of wood chips, just what you talked about.

We have scientists and engineers and chemists working right now at the University of Georgia and Georgia Tech fine-tuning how we extract cellulosic ethanol from pine straw and pine trees. I mean, these are renewable areas, and we're putting the incentives in.

Also in the farm bill what we've done, we recognize, as she spoke so eloquent, too, about the corn pressure, that we wanted to also give some emphasis to the cellulosic ethanol. So we have increased the tax credits for ethanol made from cellulosic means, while we slightly decreased it from corn to take some of that pressure off.

So I did want to talk for a moment about the leadership of the Agriculture Committee in the future of our energy needs, particularly when it comes down to our renewable fuels, but I also wanted to talk for a moment about this is a world issue, and it's a complex issue.

The question that I'm pondering with and I think we all should is this one. Fifteen years ago, just 15 years ago, the price of oil was less than $15 a barrel. Now here we are, 15 years later, and it's busting at about $150 a barrel. Somewhere, somehow we need to ask the question, how and why, because clearly if we're going to find our way out of this mess we have got to examine how we got into this mess.

Well, I did a little bit of examining, and it comes down to this. Right now, the world uses 85.4 million barrels of oil per day. Now, I ask Mr. MATHESON, you might want to know, that's good, well, how much does the world produce? They produce 85.6 million barrels per day. And as I mentioned earlier, Saudi Arabia just like that said we can increase production just like that, 500 barrels a day.

Now, what I'm talking about here is that a lot has happened, but one of the most significant things that has happened has been China and India and the underdeveloped world that is putting tremendous pressure here and an OPEC cartel that tends to want to play like Russian roulette with us.

So this is why I am saying and I am concerned that if we move towards drilling, wherever it may be, I am just one voice here. There are all areas of leadership, and my leadership is going to be in trying to get alternative energies on the market, trying to bring down the 54-cent tariff that we have for keeping ethanol out so that we can have some competition.

Even as we're speaking, I believe the world is listening, and they're listening to what America is saying. And if America is saying we're making moves to get you out of the back pockets of the American people and we're going to move into a situation where we don't need you, we're going to bring that price down. You watch what we say. If it takes drilling, if it takes a threat of drilling, if it takes moving it and getting the oil companies finally to move on the 68 million acres that we've already leased to drill on—and that is the other question, Mr. MATHESON. Not only the other question about what happened in the 15 years, but why is it that we've given the oil companies 68 million acres to drill on and everybody is saying drill, drill, and not one drill has hit the ground in those 68 million acres?

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The American people ought to get an answer to that. If they want more drilling, why haven't the oil companies drilled on the 68 million acres that's there to drill? Those are some very serious questions that I think we need to ask and examine thoroughly.

But I will say this, this Congress is speaking with a loud, precise voice. And I believe the more energetic we speak with this voice, the more precise we speak with it, the more action-oriented we speak with it, both Democrats and Republicans, all of us speak in a loud voice together, saying enough of this, we're not going to take it anymore and move forward with some alternatives, that will get these oil folks out of our back pockets. That's what the American people want. And that's what is going to bring down these oil prices, shaking the demand.

Mr. MATHESON. I again thank my colleague for his comments. I think that he has helped describe the global picture. We haven't discussed that enough about we're part of a global market. And it's important for us to take the lead and develop fuel diversity and try to develop some level of greater independence, because outside of that, in some respects our actions are the tail wagging the dog. And we need to get beyond that as a country. That's not a comfortable position for this country to be in.

The first sentence of the Energy Principles Document that the Blue Dogs created at the start of this Congress is that energy independence is a matter of national security and economic security. This country faces so many great opportunities if technology does take us to a new place. We will be in such a better position in terms of our economy, in terms of our foreign policy, in terms of our position in the world. And we can make the world a better place with that technology development, too. That's the exciting opportunity for beyond our borders as well.

Blue Dogs supports promotion of a forward-looking, market-based comprehensive national energy strategy. As we've discussed many times tonight, there are short-term, mid-term and long-term issues. It's a complicated issue. In fact, each of the subissues on their own are complicated in their nature. And sometimes in the world of politics the rhetoric gets really simple. But on this one, it's time for us to roll up our sleeves and act in a way this body is supposed to act, in a deliberative, thoughtful way to generate comprehensive legislation that truly tries to solve problems and achieve progress. That's what we're elected to do. I think the Blue Dog Coalition approaches most issues in that way. I think we really don't care about if it's a Democratic idea or a Republican idea, we're trying to make progress.

And so as I close this hour and this discussion of energy issues, I suspect that we will be back talking about this again. This issue is not going away. It's something that we all need to learn more about and we all need to work together. None of us have all the answers, but we need to work together as a Congress to try to find solutions as best we can.

With that, I thank all of my Blue Dog colleagues for joining me tonight.

ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Madam Speaker, Lord, I don't even know where to start. I've sat here for the last 45 minutes and listened to the Blue Dogs. And I appreciate them very much because there's about 40 or so of them, I think, and they could do a lot to help us, Madam Speaker, with the energy problem. I just hope that they will stand fast.

I listened to my colleague from Arkansas (Mr. ROSS). And I'm on his bill because it brings about more energy independence for this country, Madam Speaker. And it's interesting that the Blue Dogs talked a lot about all the things that we have done thus far, at least that the Democrats have done thus far, the majority, Madam Speaker. And I don't even know how to start to unravel some of the facts that have been laid out here tonight. There were some facts that I agree with, but there are some facts that are very, very misunderstood, and hopefully during this hour sometime, Madam Speaker, we can put some truth into it.

It's interesting that I heard some of the Blue Dogs talking about increasing oil production. And I know that in May of 2007 there was an amendment that we passed that prohibits us from drilling shale oil, where there's two trillion barrels of oil. Two of the speakers here tonight voted for that amendment to keep us locked out of that acreage out west where the shale oil is.

And Madam Speaker, if people could see this chart, May of 2007 is when the biggest spike in the oil prices happened. And I think that's a time when the speculators saw that this Congress was not going to do anything about our own oil production. We refused to do it. And I think the speculators took great advantage of this and said this is a country that's not going to look to their own resources, they're going to be totally dependent on foreign oil, so we'll do with them as we wish.

What has happened over the past, I guess, 3 or 4 weeks is people have been calling our office and calling me, Madam Speaker, and asking me if I had signed a petition; there have been several of them on the web page about "drill here, drill now, lower prices." There's petitions on there from the Sierra Club and other environmental groups about not allowing people to drill. And as I got these petitions, and especially when I was at home, Madam Speaker, one day and I saw a petition on the counter of a gas station, and I guess the owner of the station had it there to give people something to do rather than talk bad to him about the price of gas, but it was a petition that said, "Sign here if you want to lower gas prices." And so I came up with an idea that what I would do is start a petition, Madam Speaker, in this House where the American people could know how their Congress person felt about increasing the oil production in this country to lower their price that they were paying for gas at the pump. And so we came up with this very simple thing. In fact, there is no legislation attached to this, there is no discharge petition, there is just a simple statement where Members of Congress can make a statement to their constituents, Madam Speaker, much like our constituents have been making their thoughts known to us by signing these petitions online and at local convenience stores. This simply says, "American energy solutions for lower gas prices. Bring onshore oil online. Bring deep water oil online. And bring new refineries online."

And I put everybody's district, all 435 and the seven delegates that we have that represent territories of the United States. It gave people the opportunity to sign. And it simply says, "I will vote to increase U.S. oil production to lower gas prices for Americans." And I don't care if it's the production of biodiesel fuel, biomass, oil, whatever it is, to make us less dependent on foreign oil.

And we've listened to a lot of the Blue Dogs tonight, but none of those Blue Dogs have signed this petition. And Madam Speaker, I have often learned in life that your walk has to match your talk. And some people say, well, this is just a political statement. It's not a political statement at all. We've had some Republicans sign it, we've had some not sign it. We've had some Democrats sign it, we've had some Democrats not sign it.

If you want to know if your Member has signed it, you can go to House.gov/westmoreland. And on that page we have those that have signed it and those that have refused to sign it. If you don't see their name in either spot, then we're going to take it that they did want to sign it, we've just not had a chance to talk to them personally, Madam Speaker.

But we believe that your walk should match your talk. And so we do have some Democrats on there, some people—NEIL ABERCROMBIE from Hawaii, a great leader, we have Mr. CAZAYOUX from Louisiana, Mr. MELANCON from Louisiana, some from Texas—that are on here because they believe that we need to increase our oil production to lower the gas prices, and we do. That's just a fact. We heard about all these biodiesel plants, and those are great. But you know what? Until we start using our own natural resources—we see what the speculators did when we voted not to.

Now, oil came down $4 a barrel. It came down, and I understand one of the reasons it came down is because Ms. PELOSI, the Speaker of the House, Madam Speaker, sent a letter to the President saying we need to get into the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is a reserve of our petroleum that we have, millions of barrels of oil that we would have in an emergency, in a crisis, in a disaster. She wants to release that, which means to me, Madam Speaker, that she realizes that we need more oil, we need more production. But because of the radical environmentalists that have controlled the majority, or at least influenced the majority greatly, they cannot afford to do what we need to do politically; it's not politically correct for them.

I think that the American people, Madam Speaker, are tired of us in this body being politically correct. They just simply want us to do what's right, the things that we swore, took an oath that we would do, and that is to protect the American people.

And as the Blue Dogs said tonight, this is not just an economic policy, this is a national security interest that we have. And we've got to own up to our responsibility and make sure that we live up to the challenges that our constituents have given us by electing us to this body. We have got to act. We've got to get out of the fetal position, and we've got to act and do some things that will bring about some relief at the pump.

A lot of them in the past 45 minutes or the last hour or so have talked about all the great things we've done. Well, with all the bills that have been passed, I haven't noticed the price of gas coming down one dime. It's almost like putting lipstick on a pig. You can make it look good, but it's only going to be a pig. So we can make things look good, we can make things look like we're doing something, but all we're doing is just making a nice window for people to view at. It's time that we got down to some hard decisions. And there are some hard decisions that have got to be made.

And there are things that we are doing. We have put up discharge petitions—and I say "we," I'm talking about the minority party—but they're there for everybody to sign. The week of June 9, we put a discharge petition, "No More Excuse Energy Act of 2007." What that would do is it would reduce the price of gasoline by opening new American oil refineries, investing in clean energy sources such as wind, nuclear, capturing carbon dioxide, and making available more home-grown energy through environmentally sensitive exploration of the Arctic Energy Slope and America's deep-sea energy reserves. Now, what that takes is 218 Members to sign that discharge petition. We hear a lot of talk, but we don't see a walk.

The week of June 16, H.R. 2279, Madam Speaker, Expand American Refining Capability of Closed Military Installations. It would reduce the price of gasoline by streamlining the refinery application process—which in 2005 was passed by a Republican Congress and later stripped out by the new majority—and by requiring the President to open at least three closed military installations for the purpose of siting new and reliable American refineries. A lot of people, Madam Speaker, might not realize that we import refined gasoline of almost seven billion gallons a year, almost the same amount of diesel fuel, Madam Speaker, that we bring into this country because we do not have the refining capabilities. Not a refinery has been built since 1978.

The week of June 23 it was H.R. 5656, the Repeal of the Ban on Acquiring Alternative Fuels; reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like shale oil, tar sands, and coal-to-liquid technology.

Do you realize in the energy bill, Madam Speaker, that was passed by this majority, that Federal agencies cannot use these alternative fuels? We heard a lot tonight from the Blue Dogs about using alternative fuels, increasing alternative fuels, but yet we will not let our agencies use it.

The week of July 7, this week, H.R. 2208, Coal-to-Liquid Fuel Act, which, Madam Speaker, happens to be authored by a Democrat, reduces the price of gasoline by encouraging the use of clean coal-to-liquid technology, authorizing the Secretary of Energy to enter into loan agreements with coal-to-liquid projects that produce innovative transportation fuel.

☐ 2100

There shouldn't be one Member of this body not on that discharge petition to say let our oil go.

The week of July 14, we are going to have H.R. 2493, Fuel Mandate Reduction Act of 2007. It will reduce the price of gasoline by removing fuel blend requirements and onerous government mandates if they contribute to unfavorable gas prices. Right now part of the problem that we have with the high gas prices in areas in California and other cities that don't meet the attainment is the boutique fuels that we have.

The week of July 21 brings H.R. 6107, the American Energy Independence and Price Reduction Act. It will reduce the price of gasoline by opening the Arctic energy slope to environmentally sensitive American energy exploration. The development footprint will be limited to 1/100 of 1 percent of the refuge, and revenue received from the new leases would be invested in a long-term alternative energy trust fund.

The week of July 28, right before we go on the August recess, H.R. 6108, Deep Ocean Energy Resources Act of 2008, reduces the price of gasoline by enabling the United States to responsibly explore its own deep ocean to produce American energy. The bill would grant coastal States the authority to keep exploration 100 miles from their coastlines, and it would also allow States to share in the revenues received. As Mr. CAZAYOUX said today, it helps Louisiana protect their vital coastline and all the great natural resources that they have there.

Mr. Speaker, I would like to now yield to my friend Mr. ROSKAM to hear his comments.

Mr. ROSKAM. I thank the gentleman for yielding. Thank you for the time.

I am absolutely convinced, Mr. Speaker, that this is a pivotal time in our public life and it's a pivotal time that doesn't come along very often, the sense of clarity that has emerged across the country when gasoline is now knocking on the door of $4.50 a gallon all across the country. Today as I left Wheaton, Illinois, $4.17 a gallon. As I'm out in town hall meetings, as I'm literally walking in the parades over the 4th of July, everybody is coming together and saying, look, let's do something about this. And rather than having this whole opportunity just be squandered away, we have got an opportunity to move forward. And, unfortunately, the orthodoxy that is developed on the other side of the aisle is what my predecessor, Henry Hyde, used to call "government by bumper sticker." "Government by bumper sticker" says put cute little phrases on the backs of cars and that's the policy that is going to drive our country. Well, that's great. Bumper stickers are nice and cute when it's at $2.50 a gallon. But in my district you know what people are saying? Rip the bumper stickers off and let's get serious about bringing a national policy as it relates to energy independence for the United States of America so that we're not creating the same elements of great risk where right now, as you know, we are funding both sides of the war on terror. When we go to the gas pump and the money that we are putting in and the taxes that we are paying, yes, we're protecting ourselves from terrorism. We are protecting ourselves with homeland security and domestic security efforts and our whole military infrastructure. But we are also putting money in the hands of regimes that are hostile, that are exporting terrorism and are being very provocative on the world stage.

So, Mr. Speaker, we have got a chance today in this Congress to bring together a wide-ranging coalition that has an interest and a desire to move forward on energy independence, and I think that the time is now. Part of it has to be exploring and continuing to unlock American resources. Part of it has to be that. You can't do the math. You can't ultimately come up with the types of solutions that are going to satisfy our energy needs and simply ignore the resources that are available in the Arctic, the resources that are available in the Outer Continental Shelf. So that has got to be part of it.

Part of it is we have got to put nuclear power back into this mix. We have had great obstacles in the past as it relates to nuclear energy. Look at France. They have done a tremendous job harnessing that energy, moving it in ways that don't have the same types of emissions problems that other elements do. Nuclear energy has to be a part of it.

The types of funding resources that would be available if we were to unlock those American resources that I talked about a minute ago could fund many of the R and D types of projects. Let me tell you about one in my district. I represent an institution called the Gas Technology Institute, GTI, in Des Plaines, Illinois. It's a wonderful program, a public/private partnership. They are the types of folks that are doing the R and D that looks into emerging technologies, and then they help hand that off to industry and applied science. They have got a technology that they are on the verge of that is an anti-idling technology. So here's what happens: If you're a commercial truck, if you're a commercial bus, they waste tremendous energy as they are idling, as they are at stoplights and moving and not moving in traffic. Well, the technology that GTI is developing moves this so that in a nutshell it's a solid-fuel oxide that literally saves us in terms of the amount of energy that's used, the emissions that are emitted. It's that type of R and D that can undergird the types of things that the gentleman from Georgia has been talking about, Mr. Speaker.

There is a whole host of opportunities here, and it's dynamic. The public knows it. The public is crying out for what? The public is crying out for this body to act, for this body to get over the nonsense of "government by bumper sticker," and to say, look, we can all come together. And we can get 218 Members, a majority of this House, to come together around commonsense ideas that strive for American energy independence. The gentleman from Illinois my colleague Mr. SHIMKUS has been a table pounder for clean coal technology. That can transform not only our region of the country in being an exporter, but it can literally transform how the United States begins to look in the future. So the opportunities are there.

I thank the gentleman for yielding. I'm very hopeful about what can come out of this. But it only comes out if there is a political will that develops that says we are going to put 218 votes up on that board and we're going to move the ball for the American public.

Mr. WESTMORELAND. I thank you for your comments. And just a couple of points that you made about the amount of money that we give to some of the people who are not friendly to us, even in our own hemisphere, we give Hugo Chavez $170 million a day.

I hear the other side complain about what Big Oil makes, and I don't know. Big Oil, according to the records and stuff I read, make about a 10 percent profit, and I am not saying if that's good or bad for their business. But what do they think Mr. Chavez is making off of $170 million of U.S. dollars every day? And, listen, he is not our friend.

And the other thing that the gentleman has brought up is a great point, and we heard it today and I heard it on the floor earlier today that we need to all work together. Well, I agree we do need to all work together. But when the majority party brings the energy bills to the floor, some under suspension, when there's only 20 percent of debate on each side, no amendments, no committee hearings, no subcommittee hearing, no regular process, how are we all working together, Mr. Speaker?

Mr. Speaker, you know if we are going to all work together, if we're going to all be part of the process, if all the people in this country—this is a republic. It is a representative form of government. And if I don't have an opportunity to amend or give input into the process, my people are shut out of the process. If there are no amendments, nobody on this side of the aisle and many people on this side of the aisle, the people they represent are shut out of the process.

So let's do all come together. Let's have an energy bill on the floor that can work, this open rule. We can have 435 plus the 7 delegates offer changes, offer solutions, as Mr. ROSKAM just did, about the people that have come up with solutions in his district; as Mr. SCOTT did previously about the biofuel in his district. We all have good ideas, but when we are shut out of the system, you can't work together. And I don't know what part of that the majority doesn't understand.

I would like to now yield to my colleague from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I appreciate very much my good friend and colleague from Georgia yielding, and I appreciate his taking the time and leading the time tonight to continue to talk about what I consider and what my constituents in the 11th district of Georgia, Northwest Georgia, feel is the most important, the single most important issue facing our Nation and, for that matter, political issue as well as we move toward these November elections.

People in my district told me on Monday, just yesterday, at a town hall meeting in Bartow County, Cartersville, Georgia, a great part of my district—a town hall meeting, Mr. Speaker, as you know, they are not partisan. You don't just invite Democrats or Republicans. You invite your constituents. And we probably had 50 people there. And I don't know if it was an equal mix. I guess since I won my election last time with 71 percent of the vote, it probably wasn't an equal mix, but there were some very bright young Democratic folks there who probably in November won't vote for me. But we had a great discussion about this issue and just what Congressman WESTMORELAND is talking about in regard to the need to come up with a solution and not continue to play politics over this.

I have a couple of posters, if my colleagues will bear with me. I want you to take a test, one of these tests that I always loved taking in high school and college and even medical school, a multiple choice question. Sometimes you can guess. But I'm going to hold up this slide for my colleagues and ask them this question. And I appreciate my good friend from Illinois for helping me do this.

Question: How do we bring down the price of oil? A pretty simple, straightforward question. Well, it's multiple choice.

A, open up oil exploration in ANWR and the Outer Continental Shelf. ANWR, of course, the Arctic National Wildlife Reserve. That would be one of the choices.

B, build new oil refineries. That might be a pretty good choice. We haven't made it in the last 25 years, unfortunately. All the oil refineries in the United States, unfortunately, are down along the gulf coast, and we know all too well how dangerous a situation that is, especially as we are coming into what could be a rather horrific hurricane season.

Maybe choice C, commercially develop renewable energy. Now, we are talking about wind and solar, two perfect examples of renewable energy. In this country our electricity grid, we generate about 1 to 2 percent of our power from those renewable sources. We can do better. I absolutely think we can do better when countries like Germany probably are producing 30 percent of their energy from renewables.

Well, maybe you would pick, let's see, D, if my colleagues could again refer to this slide, commission new nuclear power plants. I think since the mid 1970s, we have not commissioned a new nuclear power plant. I used to work in one as a co-op student in Barnwell, South Carolina, when I was attending Georgia Tech. Clean, efficient, safe, a great source of energy. Maybe when the price of gasoline was $1.50 a gallon, you might say, well, it's too expensive to start a nuclear power plant; but when it's $4.10 a gallon, I think it's time to consider strongly nuclear power. That could be a good choice as the perfect answer to this question, How do we bring down the price of oil? France, I believe, if I am not mistaken, and my colleagues can correct me if I'm wrong, I think, produces about 80 percent of their energy from nuclear power, as do some of the Scandinavian countries, and I have been there and I have visited.

☐ 2115

Let's see. How about choice number E, promote conservation? I think a lot of our colleagues on both sides of the aisle and the American people would agree we ought to conserve. We are 300 million people, and a world population of 6 billion. If my math is correct, and I took six quarters of calculus at Georgia Tech, that is not 25 percent of the world population, but we are using 25 percent of the world production of fossil fuel. That is too much. And we need to bring it down, and we can do that. I think maybe that would be a good choice.

Finally, Mr. Speaker, choice number F. That says: All of the above. I won't keep you in suspense too much longer as we move to my second and last slide. The answer clearly is F, all of the above. We have got a few pictures here kind of pointing that out. Oil and natural gas off of the Outer Continental Shelf, including the Gulf of Mexico, the eastern part of the Gulf of Mexico, where we are prohibited from drilling, where there are literally trillions of barrels, trillions of cubic feet of natural gas and billions of barrels of oil when you add that eastern Gulf of Mexico and the Pacific and Atlantic coasts of our country.

But the picture shows it all; nuclear power, wind and solar, drilling, of course, in the Arctic National Wildlife Reserve, which is a tiny portion, 2,000 acres out of 19 million, as depicted here in this corner of Alaska.

So this is basically, Mr. Speaker, and I appreciate very much Mr. WESTMORELAND letting me develop this point of argument that people in my district clearly yesterday let me know that this is what they want. They want a balanced approach, and all of the above is what we need to do. That is exactly what Mr. WESTMORELAND has been saying, and my colleagues, repeatedly.

We are ready, Mr. Speaker, and I turn to my colleagues on the Democratic side of the aisle, the majority, who has the ability, the power. They can control everything that comes to this floor. And it's time to worry less about monkey bites and more about the people of this country suffering.

I think Mr. WESTMORELAND earlier used the expression: Let my oil and gas flow. It made me think a little bit biblical. I don't want to get too biblical because I will get out of my lane in a hurry, Mr. Speaker. But it's like Moses said to Pharaoh: Let my people go. Moses wouldn't do it, he wouldn't do it. He promised time after time. He kept reneging, even though his own people were suffering tremendously. I don't know what he was betting on back there many thousands of years ago, but he was wrong. He finally did let the people go.

I don't know what game, Mr. Speaker, the Democratic majority is playing. I don't understand it. If they look at the polls, if that is the way they are making their decisions on legislation, people, Democrats, Republicans, independents by a wide majority want a solution. They want a comprehensive approach. We are ready. We are reaching out. We are literally begging. That is why we are here tonight, saying to our colleagues on both sides of the aisles, Let's get this done. Let's get it done ASAP, and that means as soon as possible, before we leave this town at the end of July and walk away from here for a month's break. Shame on us if we don't get this done.

I yield back to my colleague.

Mr. WESTMORELAND. I want to thank my colleague from Georgia. That was a great test. I think anybody, anybody in the United States should be able to pass that test, Dr. GINGREY. I am glad you put it up, because that simplified it.

This is something, this little simple petition, I will vote to increase U.S. oil production to lower gas prices for Americans; 435 lines. So far, we have 191 signatures. This is just telling the American people we are ready to do all of the above. If you want to find out if your Member has signed this simple petition, much like the petitions that many of these people have signed, Mr. Speaker, that are listening to us, have gone on the Internet and signed petitions saying, Hey, drill here, drill now, lower our prices, and bring the U.S. back to being dependent—back from being dependent on foreign oil, go to House.gov/westmoreland and you will find out if your Member has signed, refused to sign, or is in the category of not making a decision because, Mr. Speaker, I feel like the American people are going to have to make the majority party understand that they want some change.

See, in April of 2006, then minority leader, now Speaker PELOSI made a statement that the Democrats had a plan. They had a commonsense solution to the skyrocketing price of gas. Of course, gas was about $2.05 then. So we are still waiting on that solution. We are still waiting on that commonsense plan. It hasn't been unveiled yet.

Although, in January of 2007, H.R. 6, the Energy Independence and Security Act, Dr. GINGREY, was passed in this House. The Republicans called it the "no energy" policy. I will read you some of the key words. This was a 300-something page bill. Crude oil was mentioned five times in that bill. Mr. Speaker, gasoline was mentioned 12 times. Exploratory drilling was mentioned twice in a 316-page bill about energy independence.

Offshore drilling was mentioned zero; domestic drilling, zero; domestic oil, zero; domestic gas, zero; domestic fuel, zero; domestic petroleum, zero. Gas price or gas prices, zero. Common sense, zero.

Now what was mentioned was greenhouse, 103 times. Green building was mentioned 101 times; ecosystem, 24 times; climate change, 18 times; regulation, 98 times; environmental, 160 times; geothermal, 94 times; renewable, 333 times; swimming pool, 47 times, because there was a swimming pool safety bill in the Energy Independence and Security Act.

Lamp, CFL, the new fluorescent lamps, 350 times. Three-hundred fifty times. Contains mercury. Only produced in China. We can't even dispose of it. If you drop one, you need to put on a mask, evacuate the house, let it air out until you can clean up a broken light bulb.

This was the commonsense plan, I hope not, that then Speaker PELOSI, then Minority Leader PELOSI was talking about bringing up, because gas has almost doubled, or more; maybe doubled when this commonsense plan came out.

But I want to read you one thing before I yield to my friend from Illinois. This was a statement made on January 18, 2007, the day, Mr. Speaker, this bill was passed. It says, "It is sad to see the Republicans come to this. Now, they laughably say that this will lead to higher prices." That was Mr. PETER DEFAZIO from Oregon on how the Democrat's 2007 energy bill would affect gas prices. "It is sad to see the Republicans come to this. Now, they laughably say this will lead to higher prices."

Well, Mr. Speaker, I'd hate to say this, and I hate to say this, but we were right. It has led to higher prices. It has led to oil going out the roof because now the speculators in this world know that we, as a country, are not going to become energy independent as long as the leadership continues the course that they are on right now.

I'd like to yield to my friend from Illinois, a great leader in the energy battle and somebody that I think has made some real movement in the policy here, and that's Mr. SHIMKUS.

Mr. SHIMKUS. I thank my colleague.

Mr. Speaker, it's great to be on the floor tonight, coming back from a week's break, and I'm sure everybody is coming back with the number one issue on their mind, which is high energy prices. If they are not, they were traveling overseas and they were looking at the gas prices overseas. I mean if they were home, I don't think you could find anyone who wasn't talked to about high energy prices.

I learned a couple of things. I did a couple of radio shows. One, I just think because many of us have been talking about this issue for so long, we have to be careful that we don't become a little energy arrogant and continue to help educate the public on the basic economic principles of the law of supply and demand. That is what we are basically addressing tonight, and it's really difficult to understand how what students are taught in a basic economics course at the college level is not understood here on the floor of the House of Representatives.

The other thing I learned on a radio show yesterday, a person called in and said, When are you guys going to talk about drilling in the Outer Continental Shelf? I wanted to reach through the wires and grab that caller and say, What do you think we have been doing for 10 weeks straight on the floor of the House?

I want to encourage my colleagues to not give up, not lose hope. We have got to continue to talk about this. So I appreciate you grabbing the time, allowing us to come down on the floor.

I was going to ask how many folks have signed. You said 191 have signed the petition. I know we have some Democrats who have signed it. I saw one before the break. We know that we would like more. We know the challenges that they are under not to do that. But I think come election time, as we get closer, we have a production majority here on the floor of the House. I know it. I know who they are. If we can get a bill to the floor.

I wish my colleague, Mr. ROSKAM was here. I was up in Chicago with him today. He talked about the gas price in Wheaton, which is his hometown, his home area. But we had to drive to the airport. We drove past gas stations, $4.47 in the Chicago area. That is not including climate change, which would add another 50 cents. So you're already over $5 a gallon. That is what we are looking at. Because here's the basic problem. I have tried to be a little less rancorous in my debate.

When the Democrats took over, $58. Today, it's $140. When President Bush came in, it was $23 a barrel. All I am saying when I hold this chart up is the trend line is bad. It doesn't matter where you go, whether you go when Bush got sworn in or whether you go here when the Democrats took control or whether you look at the price today, that trend line is not positive, and it disproportionately hurts middle class, the lower middle class, rural, small town citizens of our country, which I represent.

I represent 30 counties in southern Illinois. We have to drive long distances to get to health care, we have to drive long distances to get to our schools. We have to drive long distances to get to our work. You know what? The poor can't afford the Priuses of the world right now. The poor are purchasing used cars off the lots because that is the only thing they can afford. So if that is the problem, the question is: What is the solution?

My colleague from Georgia did a great job. All of the above. Let's open up the Outer Continental Shelf, let's use fuel from coal, let's go wind and solar, let's do the renewal fuels. The great thing about our position is, and I got asked numerous times, Well, what about solar? I said, Great. What about wind? I am going to have a big wind generation field in my district. I'm happy about it, excited about it, and pledged to do all I can to help.

So I say, Bring it on. Any idea we have to help decrease our lives of imported crude oil by bringing on more supply, decreasing—we talked about conservation. Our citizens are conserving now. They are forced to conserve because of the high cost. So we are driving less miles this year than we were last year. Driving less miles and we are paying more. That is kind of the Democrat energy policy, drive less, pay more. I don't like that.

Mr. WESTMORELAND. If you would yield for just a minute.

Mr. SHIMKUS. I'd be happy to.

Mr. WESTMORELAND. When these energy bills have come to the floor, have you been able to offer an amendment for some of your ideas that you have had here to present it to see if your constituency and your ideas could possibly be heard on this floor?

□ 2130

Mr. SHIMKUS. Well, you know the best way for a bill to get passed and signed into law, especially with a Republican President, is to work through the committee process. A lot of this would start in my subcommittee, the Energy and Air Quality Subcommittee, chaired by a good friend of mine. In fact he is a cosponsor of the Boucher-Shimkus bill.

If allowed, we could move an energy security bill that would really address what Americans want, which is to decrease our reliance on imported crude oil from those countries that are enemies of our state or unstable; focus on North American energy, that means the deployment of all our energy resources; continues our great relationship with Canada and Mexico; do the renewables, do the efficiency standards, and move.

So the answer is no. All the bills have come to the floor without any committee hearings. The only thing we have been able to do is offer motions to recommit. We have done that numerous times on alternative fuel standards, which would bring in coal-to-liquid. We have done that on other generation issues. Of course, they are more of a party-line vote, and they all fail.

But historically, in votes that have been cast on this floor since 1994, the facts just speak for themselves: 90 percent of all Republicans support more supply; 90 percent of all Democrats do not support more supply. They vote against more supply, they vote against refineries. But there is 10 percent. The Speaker pro tempore is a friend of the fossil fuel area, I understand. They are there. We just need to help them help us help the country.

Mr. WESTMORELAND. So what I hear you saying is we need to take the politics out of this, and we need to put people in front of power, and we need to put process in front of politics and do something that will move this country toward energy independence, rather than just staying in the fetal position, so-to-speak, that we have been in, and being held hostage by radical environmentalists who the majority may feel is a big part of their base. I don't want to put words in your mouth.

Mr. SHIMKUS. One of the reasons why we are not in the Outer Continental Shelf is an oil spill I think that happened in 1969. I was 11 years old. I have changed a lot, maybe some good, maybe some bad. I was 11 years old. That is 39 years ago. Technology has improved greatly. Katrina is a perfect example. When Katrina came up the Western Gulf, tell me the major environmental disaster that occurred on the deep drilling, 5 miles deep, because of that massive hurricane? The answer is none.

Mr. GINGREY. If the gentleman will yield on that point, I think the gentleman was referring to the *Exxon Valdez* tanker.

Mr. SHIMKUS. No. No.

Mr. GINGREY. Well, that situation I think needs to be answered. A lot of people say, well, we don't want to drill on the Outer Continental Shelf, the coast of California, because we may contaminate the San Francisco Bay. As the gentleman from Illinois pointed out, and I will yield back quickly, even during the hurricanes, when these oil rigs were blown over, not one drop of oil was spilled. But this tanker that was coming from the Middle East with hundreds of thousands of gallons of petroleum, it cracks up and that is where you get the spills.

That is why I would say to the environmentalists, help us solve that problem, so we don't have to import all this raw petroleum from other countries.

Mr. SHIMKUS. Just let me address one thing. Of course, Speaker PELOSI made an announcement that she wants to now empty the Strategic Petroleum Reserve, a very foolish proposal. One is because that is there for our national security in case the sea lanes get closed. Since we don't have enough production on our own, like the farmers would say, it is like eating the seed corn. If you eat the seed corn, you have no seed to plant for the next year. Foolish. Foolhardy. A scary proposal. Versus moving in the discharge petition we will talk about coal-to-liquid technologies.

Better than to pump out the Strategic Petroleum Reserve, let's develop gas from our own coalfields. There is 250 years worth of supply in Southern Illinois. There are American jobs mining it, American jobs building the refinery, American jobs operating the refinery, American jobs building the pipeline to American jobs, wherever that goes. Whether it is diesel fuel, gasoline, or whether it is aviation fuel, we can do it.

Don't do something silly, which is take the Strategic Petroleum Reserve, pump all that oil out of there, and then you are done. You have no reserves.

Mr. WESTMORELAND. Right now, one of the reasons we are not being held hostage by our enemies, the people that supply us with our oil, is because we have the Strategic Petroleum Reserve. If it was zero, trust me, we would have a bad time getting any oil.

Mr. SHIMKUS. I want to thank you for the time. I know I have another colleague that would like some. I just think it is very telling. I know my good fossil fuel Democrats are starting to fight I think the good fight. But here is what a Democrat staffer said today: "Right now, our strategy on gas prices is drive small cars and wait for the wind."

My constituents will not put up with that. First of all, we drive big trucks to haul feed, to haul livestock, to move farm equipment around, and we can can't operate with a four cylinder electric engine on a major pickup truck.

Mr. WESTMORELAND. With a sail on the top of it.

Mr. SHIMKUS. I thank you for the time. I appreciate it.

Mr. WESTMORELAND. I am going to yield now to my classmate that we came in together, my colleague from Texas, where there are thousands of jobs every day where people go to work working in oil fields, and that is my friend MIKE CONAWAY from the great State of Texas.

Mr. CONAWAY. I want to thank my friend.

There was an interesting headline and a couple of sentences in today's Hill newspaper, one of the leading newspapers in all of Washington, DC, by the way. It says, "The Energy Bill is Out of Gas." The lead sentence is, "House Democrats are in a bind on the focal point of their energy plan. Worried that a floor vote on any energy related measure will trigger a Republican-forced vote on domestic drilling, the leadership has scrubbed the floor schedule of the energy legislation that it vowed to tackle after the 4th of July recess." Politics, Mr. Speaker.

I spent all week in West Texas and Central Texas, an area that is blessed with a lot of crude oil and natural gas production. There are an awful lot of folks that make a living in drilling and producing crude oil and owning the minerals and owning the land that it is produced from. And I heard every day, why are these prices so high? Why can't we do the logical, rational things to lower these prices.

So if I am hearing that from a district that is very pro oil and gas, very pro drilling, I can't imagine what my Democrat colleagues heard on the other side. I was able to look them in the eye and say, Mr. Speaker, I am for it. Let's drill ANWR. Let's drill Outer Continental Shelf. Let's do all those things, all five things that my colleague from Georgia talked about. Let's do all those things.

I can't imagine any of my colleagues going back and facing their constituents, their voters, and looking them in the eye and say no, it is really best that we keep these prices high. It is really in your best interests that we don't drill Outer Continental Shelf, we don't drill ANWR. It is really in the best interests of the United States to continue to buy crude oil from folks who hate our guts, from a clown in Venezuela. That is really the best public policy.

I am surprised we had 300 people voting here tonight, because had I gone home and done that, I'd have got lynched, and it wouldn't have been a new rope.

I am going to make two points. We have some natural allies in this fight, and they come down here almost every single night and rail about NAFTA and CAFTA, the anti-trade crowd. Where are they in this particular issue?

You know, they gripe about us exporting jobs to the other parts of the world. They gripe about the impact that NAFTA and CAFTA have, all the bilateral agreements. They vote against them. They just rail about them. Why aren't they down here screaming about this issue? Because every well that is drilled in the Outer Continental Shelf and ANWR, every plant that is an oil shale plant, the coal-to-liquid, those are American jobs. And that is what the anti-trade folks are all about, is American jobs. Every new refinery that is built, those are American jobs.

The other natural ally is most all of those refinery jobs are union jobs. Now, the domestic drilling, et cetera, isn't much unionized. But in the refinery world, those are union jobs. Where are those guys?

Mr. WESTMORELAND. If you will yield for just a second, every bill that has been passed through here has had Davis-Bacon, which is the union pay scale, attached to everything we have passed through here. So I am sure if they pass something, if they ever did about building a refinery, I am sure Davis-Bacon would be added to it.

Mr. CONAWAY. It would make it a little unpalatable for some of us who don't like Davis-Bacon.

Mr. WESTMORELAND. I understand, but I am sure it would be part of what they do.

Mr. CONAWAY. I am sure you are right. If the unions, for goodness sakes, could force a vote on card check, an absolute walk-the-plank vote across America, a 90 percent issue, if they could force our colleagues across the aisle to vote for a card check bill, why can't they force our colleagues to vote for an American refinery bill?

The other point I want to make is we hear this glib little smart aleck remark that, well, we can't just drill our way out of this problem. You know, that is shallow and insincere. I mean, it is just insulting, quite frankly.

The raw mechanics are that every well that is drilled, not only in the United States, but in the world, has a finite amount of crude oil and natural gas that will be produced out of that well. That is a finite resource. And so if we have got 86 million barrels of production today and we produce 86 million barrels, we have got to find 86 million new barrels to tack on to maintain just flat, where we are, because demand is continuing to grow.

Night after night, we come down and talk about demand growth in India, demand growth in China, demand growth in the United States. So in order to just stay flat, we have to continue drilling if we are going to use crude oil and natural gas as a source to drive automobiles and trucks and airplanes, which we are.

The real issue is not the ultimate end game of weaning ourselves off of crude oil, as an example. That is not going to happen in my lifetime, but it will happen one of these days. But we all agree where we are trying to get to.

The difference in our conversation between us and the guys on the other side of the aisle is, what do we do between now and then? We all want to get there, but how do we get between now and then?

Crude oil is a finite resource. It will always get more expensive. There will be ups and downs, but it is going to get more expensive. How we manage that growth, those increases in costs of crude oil, how we buffer against those increases is really in our best interests. And, quite frankly, the commonsense plan that the Speaker has either kept to herself or not, I can understand why she didn't roll it out in 2006, because we were in charge and we might try to steal the good idea and implement it and take credit for it. But we have been out here better than 18 months now and we still haven't seen that commonsense plan to address gasoline prices. Not the overall energy thing, but to address gasoline prices, which she spoke about.

So I heard it loud and clear all week long, on every stop, every town hall meeting, every coffee shop, every conversation that I had. "You know, what is the deal with drilling offshore? What is the deal with drilling in ANWR? What is the deal with oil shale, coal-to-liquid, all these kinds of things? Why is there a political issue going on?" Because these solutions don't wear party jerseys, you wouldn't think.

It is really what is in the best interests of America. This is not about Republicans. It shouldn't be about Democrats. This ought to be about a rational, thoughtful, straightforward energy policy for America that takes advantage all our natural resources and exploits those natural resources until we can move to whatever is next for the internal combustion engine that revolutionized America and the world coming out of the 19th century into the 20th century.

So I appreciate my colleague letting me get up here tonight and rant and rave a little bit and spit all over the folks sitting down here in front of us. But this is important stuff. And our cutesy little sayings, we use them, the guys on the other side of the aisle use them, we can't drill our way out of it, use it or lose it, all that little nonsense, is disrespectful for the seriousness of this particular policy. Emptying the Strategic Petroleum Reserve, I had not heard her say that.

□ 2145

As long as we can buy crude oil, let's buy it. Let's keep our savings or the Strategic Petroleum Reserve for that weird eventuality when we can't get it from anywhere else and we have got to try to figure out a way to survive in that environment. How we deal with the cost of crude oil, you, you don't take the savings out of the ground for that; you drill or do whatever you have to. But that is a really bad idea and one that is not a particularly thoughtful idea that seems to be rampant in this environment.

Mr. WESTMORELAND. I think it is interesting, you mentioned the Strategic Petroleum Reserve and the letter that Speaker PELOSI wrote to the President. It is interesting that oil came down $4 a barrel. Now, if it will come down $4 a barrel on just a letter going to the President asking him to take the crude out of the Strategic Petroleum Reserve, think of what it would do if we voted in this body to drill without even sticking a drill in the ground. These speculators would run for the hills. And so I think you make a great point. And trust me, if we didn't have the Strategic Petroleum Reserve, we would not be getting oil from our enemies because they would know that they had us down.

Mr. Speaker, in closing, we have got just a few more minutes here, let me just say this. I think what you have heard tonight is that this is an all-of-the-above solution. It is all of the above. But a very important part of this is this country producing oil, to increase our oil production.

RAHM EMANUEL on TV said, yes, increasing oil production is part of the solution. The Speaker has acknowledged that increasing oil production or at least having more oil is part of the solution. But as my colleague from Texas said, we don't need to take that out of our savings account. We need to bring it out of our natural resources, out of the ground.

Senator SCHUMER in the Senate about 3 weeks ago said that if we could just get Saudi Arabia to increase oil production 1 million barrels a day, it would drop the price of gas 50 cents a gallon. I don't know if that is true or not, but at least on the other side of this building some of the Democratic leadership understands that increasing oil production would bring down the price of gas.

I don't know why it is so hard to get a bill like that to this floor. I think the reason is strictly politics. It is strictly the radical environmental groups that has a grip or their claws into this majority.

And so I think what is happening is we are putting power above people, we are putting politics above process. Because as these gentlemen have talked tonight, with these ideas that they have shared they have not had one opportunity to offer one amendment on the energy bills because they have been brought either under suspension, under a closed rule, no committee hearings, no subcommittee hearings. The process has been broken. And so when the process is broken, the product is flawed.

Let me just close with this: www.house.gov/westmoreland. Mr. Speaker, go there, see if your Member has signed this simple petition that says I will vote to increase U.S. oil production to lower the gas prices for Americans.

ENERGY PRICES AND PRODUCTION

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to come to the floor tonight and I guess continue what has been a theme this evening on both sides of the aisle. The theme is energy. We are hearing a lot about energy as we go home to our districts, and I am no exception. I heard a lot about energy from my constituents, I heard a lot about energy from talk radio, I heard a lot about energy from newspapers back home.

I wanted to come to the floor tonight and talk a little bit about an event that I held in my district that dealt with energy more from the consumer angle, just from the basis of the average everyday constituent back in the district.

I have people talk to me and ask me, well, what is the real villain here? Where is the real problem here? Is it the oil companies? Is it the speculators? Is it the global demand? Where is the problem?

One of the real frustrations from people back home is that it is just very difficult for the average person to go out and increase production on their own. They can't do that. It is very difficult for the average person to do much about energy speculation. It is very difficult for the average person to do much about the global impact on supply and demand.

What they can do, what they can modify is their own behavior and reduce their own demand profile, perhaps only a small amount, but you multiply that over the 300 million people in the United States and suddenly you begin to talk about numbers that are in fact meaningful.

So the purpose of the event we did last week in the district was to provide constituents with some insights as to how to take some personal proactive steps to reduce energy consumption and, in the process, to save some money off their energy bills. And I was impressed, Mr. Speaker. This was a week ago last Saturday. It was a nice Saturday down in Texas. It hadn't gotten too hot just yet. And that morning, nearly 200 Texans, 200 of my constituents delayed their Saturday morning activities, whether it be mowing the lawn or just spending time with their families, because they were interested in hearing about what was available as far as energy savings.

Now, I have done this event for several years and it has grown in popularity year after year. It started out as a relatively small event in one of the hardware stores with some of the off-the-shelf energy efficiency products that were available. We had someone down from the Department of Energy to speak about those things. It was a very, very well attended event for as small as it was. And then the following year we did it on the campus of the university there. It was much more widely attended. And this year, we did it at one of the local high schools. And I am pleased to say that the attendance was larger this year than it was the year before. And each year at this event it becomes more and more important, and attendance increases, because more people feel the need to be smarter about their energy consumption. They want to take some control of this energy aspect, the stranglehold that it has on their lives and they want to start taking control of their energy costs.

Higher energy prices. Higher energy prices have a way of exerting a behavioral change. High prices at the pump, high prices with home energy, they have caused a slowdown in the economy. They have caused times to become much more stark, even for areas that are relatively blessed like North Texas with economic times that are not as bad as some other areas of the country. But still, in many homes across my district and indeed many homes across America tonight, these high energy prices really have a stranglehold on our American families.

Now, we have heard over and over again tonight. We have heard it from the Democratic side and we have heard it from the Republican side. The lack of congressional action has been underscored many times before, I am going to underscore it again. In the absence of congressional action to increase domestic sources of energy, I want people in my district to know about the tools that they have at their disposal right at their fingertips to help them conserve energy and save money today. This is not something that will happen years in the future. This is money that can be saved today.

So that is what we call the energy expo. That is what the energy expo is all about, learning how to save energy, learning how to reduce energy waste, and learning how to save money along the way.

First of all, we did have someone come down from the Department of Energy. We invited Leslie Drogin who is from the Office of Efficiency and Renewable Energy within the Department of Energy. She spoke about some of the alternative energy advancements that are occurring throughout the country, and particularly in some of my communities in North Texas.

Now, in Texas we are thought of as an oil State, an oil and gas State. Many people are surprised to find out that Texas is the number one State in electrical power generation from wind energy, and we are second in the number of alternative fueling stations. So Texas has been proactive about alternative sources of energy and alternative fuels.

Now, Leslie also stressed that setting goals for energy efficiency and working toward them is not always going to be easy, and it does take to some degree a personal commitment.

Now, in addition to some of the local and national speakers, I did have a moderated discussion focusing on ways that individuals can squeeze a few more miles out of a gallon and squeeze a few more cooling hours out of that kilowatt hour of electricity in their homes. So the first panel consisted of representatives from AAA Texas and the Alliance of Automobile Manufacturers and the Denton County Transportation Authority.

We first heard from a gentleman named Patrick O'Reilly of AAA Texas. He discussed many of the different maintenance tips and tricks consumers can use to ensure that their vehicles aren't only efficient but perhaps they are a little more safe as well.

Now, the one that everyone talks about and you hear it all the time and I will mention it again is tire pressure. Ensuring that tires are properly inflated can result in a 3 percent fuel economy benefit and equivalent gas savings of up to 12 cents a gallon. Properly inflated tires are safer and they last longer, so you will spend less money on your tires. So, in the long run, it is a real bargain.

Regular oil changes. Now, raise your hand if your dad ever told you to change the oil every 3,000 miles and how many of you let that slip a little bit. Well, keeping that oil changed every 3 months or 3,000 miles is the right thing to do. But we also learned that using the right grade of motor oil for the environment is important as well. For example, using a 10W–30 oil in an engine designed to use 5W–30 can lower gas mileage by 1 percent or 2 percent. And this again translates to 4 cents to 8 cents per gallon of gas savings. You add that 8 cents to the 12 cents of tire pressure, and now we are up to 20 cents savings on that gallon of gas.

Perhaps the most valuable tip that was reported that morning and one of which I was not completely aware, but changing the air filters regularly, which can increase energy efficiency up to 10 percent and save 41 cents per gallon. So now we have saved 20 cents by a combination of tire pressure and using the right grade of motor oil. Adding another 41 cents a gallon, and we are up to saving 60 cents a gallon of gasoline just with these three simple measures that anyone can do as far as automobile maintenance.

We also heard from a gentleman named Clinton Blair who spoke on behalf of the Automobile Alliance, and discussed some of the different concept vehicles and the innovations and technology that we might expect to see now, sooner rather than later. With gas prices being as they are, clearly there is a consumer demand and an impetus for the development of those types of vehicles. And most Americans already know about the hybrid electric vehicles, but that is just one of the many technologies that is going to be available to address both the environmental concerns and the rising fuel prices.

Now, several years ago I had to get on a waiting list, but I got on a waiting list and I purchased a hybrid vehicle. This was back in 2003. It was actually 2004 by the time I took delivery of the vehicle. And my main concern at the time was air quality issues in my area of North Texas. With hot summer sunshine and particulate matter in the air, we have a big problem with ozone, and I wanted to be part of the solution and not part of the problem. So I got in line and paid the extra money for a hybrid vehicle.

Well, now that gas prices are up to $4 a gallon, it looks like absolute genius to have done that several years ago. But the reality was, it was the right thing to do from the standpoint of air quality several years ago, and it is the right thing to do today from the standpoint of lowering the Nation's fuel consumption and lowering the amount of oil that has to be imported sometimes from areas of the world that don't particularly like us. And we heard about that extensively during the last hour.

But in addition to the hybrid technology, there are some other new technologies on the road today, and many, many more available just over the horizon. An innovation on the road today is the variable cylinder vehicle. Now, those of us who were around in the Arab embargo of the 1970s remember this type of technology was actually available back in the 1970s. I think it was the Cadillac car that came available with a button you could push for either running on all 8 cylinders, running on 6, or running on 4. And the theory was that when you got up to highway speeds and the engine did not need to develop the same amount of power just to simply maintain the speed, you could drop the cylinder usage to 4 from 6.

It wasn't particularly efficient and didn't really deliver on the promise. The technology at that time was largely mechanical rather than electronic, so it wasn't a big seller. But that concept is coming back, and now there are variable cylinder vehicles that sometimes run as a 6 cylinder vehicle, sometimes run as a 4 cylinder vehicle. And, again, it presents another option for consumers to save gas.

We did hear a lot about new car technology that is just over the horizon, and we hear about it frequently here on the floor of the House, we hear it frequently in the Energy and Commerce Committee, the concept of plug-in hybrids and plug-in cars.

That is an interesting development. In fact, just the other day someone was telling me about the fact that some of the hybrid cars that are now in production, the next generation of hybrid cars may very well have a solar panel on the roof. It is a wonderful, insightful idea, the way to charge that battery while the car is sitting in the parking lot, particularly in a State like Texas where you have got a lot of sunshine beating down on that car. And rather than just heating the interior of the car and making it unpleasant when you sit down, maybe you could use that energy to recharge the battery and drive farther on the battery then when you start that car up for the commute home, use less fuel in the process, and obviously have a positive impact on air quality as well.

☐ 2200

So I was very grateful to hear about that innovation because I've often wondered why it is someone hasn't done that yet when I drive my own hybrid vehicle.

As to other concepts, like the hydrogen fuel cells and the new engineering techniques like regenerative braking systems, some of the hybrids already do that. When you step on the brakes, some of the power then goes to the generator, which recharges the battery, but again, these are technologies that just a few years ago were in their infancy but that are now hitting their stride and are coming into their own, the concept of recovering energy that would be otherwise wasted during stop-and-go driving.

Now, Mr. Blair also discussed the impact of the Corporate Average Fuel Economy standards, which were passed as part of this Congress last year. It will be a few years before we see the impact of those. We can argue whether it's better to have those set by Congress or set by consumers in the market. I think the reality is $4-a-gallon gasoline is going to do a lot more as far as lowering the Corporate Average Fuel Economy than any act of Congress could have ever done, but we'll wait and see.

That raises an interesting point when people tell us that, if you start tomorrow with increased drilling, you're not going to have that product available to the American consumer for a number of years, maybe as much as 7- to 10-years' time. Yet, last fall, we enacted the increases in the Corporate Average Fuel Economy standards, recognizing that it was going to be—what?—5 years, 7 years, 10 years before those were fully implemented and were fully functional as far as reducing the number of gallons of gasoline consumed, and oh, by the way, you've also got to age out the older fleet, which is now still consuming gas at the older standard. So, if you want to talk about a process that consumes time when you're anxious to get things done quickly, again, the act of Congress to increase the Corporate Average Fuel Economy standards certainly, in my estimation, falls into that category.

That really was not the point that Mr. Blair made at the meeting, but it certainly has been my observation over time.

So hybrid vehicles and Alternative Fuel Vehicles are available. They are currently more expensive than traditional fuel models, and a consumer has to make that estimation and has to make that choice. It is a little bit difficult not knowing what the future is going to bring. Two years ago, if you looked at the price of gasoline and looked at the cost of a hybrid car or of an Alternative Fuel Vehicle, you might do the math and say, you know, it'll take me 7 to 9 years to recover the investment of the extra cost of this vehicle, and I just don't think it's worth it. Now that the price of a gallon of gasoline has doubled since January of 2007, maybe those mathematics work out more in favor of going ahead and of making the investment in an Alternative Fuel Vehicle or in a hybrid vehicle.

Also, as to the economies of scale as newer technologies are coming on line and as more and more of these vehicles are being produced, this does have the tendency of pushing down the overall cost of the production of those vehicles, and subsequently, the cost on the retail end drops as well.

All of the auto dealerships that attended the Energy Expo event were local, around in the area—James Wood Chevrolet from Denton, Bill Utter Ford from Denton, and Freeman Toyota from Hurst, Texas, which is just down the road.

To an individual, they reported that they could fill all of the orders for hybrid-type vehicles and for ultra-efficient vehicles. They could fill all of the orders and then some. If they had more of these vehicles in stock, they felt comfortable that they could, in fact, sell those vehicles. They have a significant backlog for fuel-efficient vehicle types. In fact, it is almost independent of the sticker price.

Another option for Americans, while they're waiting on Congress to act and while they're waiting on auto manufacturers to produce more fuel-efficient cars, trucks and SUVs, is another alternative altogether, one that I like to call rapid transit—the transit system that we have certainly here in Washington, DC. We don't have quite the same demographics. We don't have quite the same population densities back home as we do here in Washington. The fact remains that, with fuel prices as high as they are, more people now are looking towards transit as an option for cutting down a portion of their fuel bills during their commute.

Now, in Washington, the Metro's ridership is increasing. In fact, the Washington Times this morning was talking about the Metro's being somewhat constrained in adding more cars because they just simply cannot buy any more electricity during peak times. Well, there's an argument to be made for additional nuclear plants or for additional clean coal plants that are producing more electricity. We don't have the electrical generation capacity to actually run the rapid transit that we want to run even with today's numbers. What are we going to do as we add to that?

Still, transit is going to become increasingly important and not nearly as popular in my district, where we like to drive our big pickup trucks and our Dually pickup trucks. It's not nearly going to be as popular back home as it is here in Washington. The infrastructure, certainly, is not nearly as extensive and is not nearly to the maturational point that it is here in the Washington Metropolitan Area, but I did think it was important for people to hear about what options are going to be available in the future as far as transit is concerned.

We did hear along that line from Charles Emery, who is with the Denton County Transportation Authority, and he discussed some of the resources available to constituents living in the Denton County area, who might consider transit as an option as they go about their daily commute or, in some areas of the metroplex, even just traveling around to shops and to shopping venues much closer to home.

This was useful information. Again, the culture is a little bit different in North Texas than it is in the metropolitan areas. It's different in the suburban areas than it is in the urban areas. It's different in the rural areas than it is in the suburban areas where it's not really the norm to use transit, but at the same time, this is increasing in importance.

The Denton County Transportation Authority, interestingly enough, was formed as a result of authorizing a vote that was taken in the general election in 2002, the same year that I ran for Congress the first time. It was these individuals who had the vision to recognize that at some point, and at that time, it was purely based on congestion and not based on the price of fuel. It was simply to mitigate the problems that they saw down the road with congestion. These individuals had the foresight to go to the voters and to ask for the will of the voter, if you will, on whether or not rapid transit was going to be part of the future of mobility in Denton County. The question was answered with a resounding "yes," and over 70 percent of the electorate that night did vote in favor of starting that transit option in North Texas.

Texans love their independence. They love to have the independence provided by having their own vehicles, but with gas up to $4 a gallon, some of the worst congestion in the Nation exists in the Dallas-Fort Worth area. A lot of people are beginning to evaluate that tradeoff and are coming down on the side that maybe transit is an option that they need to investigate a little further.

In addition, the increase in food prices and other services has, unfortunately, driven some families to the point where they literally have to find an alternative method of transportation because they just simply cannot afford the cost of filling up the family vehicle for that commute to work. They're having to make the choice between filling up the automobile or feeding or sheltering their families. Clearly, transit does provide another option for that.

Now, this panel, the first panel that was convened, was educational. I have to compliment them on the fact that they were so thorough. These individuals presented a very professional discourse on energy and money savers. Certainly, I want to thank them for coming. Some of them did have to travel to the area. I want to thank them for coming and for participating in that symposium because I think it was, ultimately, very helpful to the end user—the consumer—and was helpful to, perhaps, devise ways to lower consumption, which will help in the supply-demand equation.

We did have a second panel, and the second panel focused on energy conservation in the home. We brought in individuals representing the Texas State Energy Conservation Office, the Home Builders Association, the Home Appliance Manufacturers, and the Home Energy Raters organization.

The first on that panel was Mr. Mike Myers, who currently serves as a project manager for the Texas Energy Partnership, a project of the State of Texas. Now, Mr. Myers previously served in the U.S. Department of Energy, in their program for affordable housing, and he has worked for both New York City and for the city of San Antonio. So he talked about some of the personal behaviors that individuals can adopt around the home that translate into savings when paying the utility bills.

Now, I was kind of surprised to learn about the cell phone charger. Even if your cell phone is not plugged into the charger, the charger still draws power as long as it's plugged in. Most of that power is going to be converted to heat. We're familiar with the fact that, even if a phone is not plugged into a charger and we unplug the charger from the wall, the charger is a little bit warm, but it's obviously drawing electrical energy to generate that heat, not a particularly useful exercise, especially in Texas in the summer. So, as long as the device is plugged in, it's going to draw energy. If you're not using it to charge the phone, perhaps it ought to be unplugged unless it's actually needed for charging.

We heard from several individuals about the importance of air-conditioning duct maintenance. Now, no one in Texas wants to climb in their attics in the summertime, where the heat is probably in excess of 140 degrees, to inspect their air-conditioning equipment and their air-conditioning ducts for leaks, but if there are leaks in the return system, in the system that brings air back to the cooling unit from the household, it pulls that super heated air in from the attic. Again, in a hot Texas summer, an attic's environmental temperature can easily be significantly in excess of 100 degrees. Not only that, you're pulling in dust and mold and, really, things that do not belong within the air-conditioning system. So, in addition to driving energy bills much, much higher, it also poses some health risks, so it is important to have those inspections done, and there are individuals who are capable and who will provide that service.

For all air-conditioning systems and for all air infiltration systems, this individual recommended a few simple steps: First off, when building a home, get the right sized unit for the house. Obviously, choose a high-efficiency model. There are many more models of higher efficiency that are available today than there were even just a few years ago. Indeed, some cities have ordinances as to the efficiency rating that can be installed in a house. I know my home city of Lewisville has such a requirement, but do get the right efficiency, the right sized unit for the area that's going to be cooled and the highest efficiency model that is available that will fit the budget, and then make certain that the duct right-of-way and the duct sealing is all done properly for the proper amount of energy conservation.

We then heard from another individual who had actually been at one of my previous summits, Mr. Dan Fette of the Home Builders Association. This individual has won numerous awards for not only building homes but for the design of homes, affordable homes, in an energy-efficient fashion. He talked about the ways that a home could be built to be friendlier to the environment and friendlier to the energy consumer's wallet.

In Texas, we've got a lot of big homes and a lot of big homes with a lot of big, open spaces that sometimes aren't protected from the elements. Now, Dan specializes in maximizing comfort and in minimizing environmental disruption and energy waste. He utilizes features in the design of the home that include relocating windows that are exposed to direct sunlight.

Now, in Texas, when I was a kid, we used to have things that were called cisterns. They collected rainwater off the roof of the house, and it ran through the gutters and into a holding tank into the ground. Now they're called rainwater catchment systems, and they're capable of meeting landscape and irrigation needs. Obviously, they're dependent upon rainfall to fill the reservoir up, but it is a way of holding water that is otherwise going to just simply go into the storm water drainage system, holding onto water to meet the water needs of landscaping, and of course, he recommended using native landscapes that are lower in their water usage.

He emphasized the importance of selecting proper plumbing fixtures and appliances that are appropriate for the household. Building energy efficiency into a home can reduce the need for expensive repairs in the future, and it can reduce the need for undergoing the expense of an energy audit in the future, but we'll kind of leave the discussion of energy audits to just a little bit later on.

Now, also participating in this panel was Mrs. Casey Hege. She was a representative from General Electric's Appliance Division. She discussed selecting the appliance options that would reward the homeowner with better performance and with lower bills.

One of the biggest energy users in anyone's home is of no great surprise—the refrigerator. Older model refrigerators use more energy. In fact, they are one of the largest consumers of energy within the household. So one way to reduce energy consumption, if it fits the family budget, is to replace the old refrigerator with a higher energy-efficient model.

Now, one thing that she found was that people who were buying the higher efficiency refrigerators were then coming back and were saying, "You know what? I'm, in fact, using more energy today than I was before I purchased this high-energy model." It took her a while to figure out what was happening.

In Texas, a lot of times what we'll do is we'll take that old refrigerator out to the garage, and we'll plug it in, and we'll use it for our excess capacity. Well, if you do that, obviously, you're not getting any energy savings from buying that more efficient, new refrigerator.

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So always dispose of the old refrigerator, dispose of it properly, dispose of it carefully. Many of these older models contain Freon, and there are going to be municipal requirements that are going to have to be met for their disposal, but obviously you're not going to save money in your home if you buy a new, highly efficient refrigerator and take the old one out to the garage and store whatever beverage you want to store in your garage. Having two refrigerators does ultimately cost more money and cost more energy.

Finally, that morning we heard from Mr. Steve Gleaves—he's a home energy auditor and a founding member of the Texas Home Energy Raters Organization—who talked about what to expect with a home energy audit. Now, when to seek an audit and what you can expect to find in your house were the topics of discussion for the home energy audit. He talked about how common it is—and again, this was a recurrent theme that we heard several times that morning—he talked about how common it is for home air-conditioning systems to have leaks in the intake system and around the ventilation grills.

Again, he emphasizes the point that one thing you can do from a heating and air-conditioning standpoint to improve energy efficiency in the home is to have those ducts inspected.

The other aspect that he talked about, and it was mentioned by one of our previous presenters, select the right size unit for house. A unit that is too big for the area that it is cooling will never come up to maximum efficiency. It's always turning on and off, and the unit will use its maximum of draw, its maximum amount of power when it switches on. So a unit that's switching on and off frequently will never achieve that high energy efficiency rating that was the reason you bought the larger unit in the first place. So it is important to have the architect or builder right size the equipment for the home that's being built.

And again, having the ability or having someone investigate the integrity of the air-conditioning ducts so that those leaks which draw in that superheated attic air into the return vents, so that that doesn't happen under the best of circumstances on a hot day; the best an air conditioner is going be able to achieve is a 20-degree difference between the outside air and the air inside. Well, if you're drawing in to the air-conditioning unit air that's heated to 140 degrees, it's going to be hard to get much measurable cooling off of that.

Now, in addition to the panelists, we had a number of local businesses and organizations who had set up displays around the area, and we did have good participation of the constituency that showed up that morning in looking at the displays, Home Depot, Lowe's Hardware, Peterbilt, which has a manufacturing plant in my district in Denton, NewCon Steel, which is located in Denton, the Agrilife Extension Office of Denton County, the Texas State Energy Conservation Office, obviously several automobile dealerships which I previously mentioned, and the Denton County Transportation Authority all had either booths or displays to help consumers understand about energy consumption and provide some information about energy-efficient products and services.

Peterbilt, for example, bought two trucks: one was an over-the-road model that we're all familiar with, a type of 18-wheeler that we see on our highways, but it was a diesel hybrid electric and, as a consequence, achieved about a 10 percent savings on the open road. The other model was, again, a diesel-electric hybrid, but this was more of a delivery truck, the type of truck you might see around town, the type of truck that might be in stop-and-go traffic, the type of truck that might be periodically caught in a traffic slowdown caused by congestion. And these vehicles actually achieved about a 25 percent overall savings.

So a significant savings in fuel for the company that was operating those vehicles, and I was very grateful to Peterbilt for having those units there.

Overall, I think the event was important. I think it was successful. I think each of us making a personal commitment to use energy wisely, to use energy efficiently is—it's not the entire solution to our energy problems, but it certainly can be a part of the solution. And most importantly in my mind, it puts the consumer back in control of some of these parts of the energy equation in which they feel entirely powerless to impact: the supply/demand curve, they feel entirely powerless to impact the globalization that has occurred; if speculators are causing a problem, the end consumer has very little they can do as far as modifying the behavior of the speculator, the futures trader. But they can modify their behavior, and they can become more savvy consumers, and they can become more efficient consumers.

So all of these were benefits that I witnessed at the local level, and I think I would classify this event as a successful event. Again, this was the third year that it has happened. It has grown in popularity each year that it has occurred. I have actually had other areas in my district, other than cities in my district, who have inquired about the possibility of having a second event in their locations. And the acceptance by the public and the enthusiasm with which the public approached this was, I found, particularly gratifying, and I don't think there is any question that we will repeat this next year.

I wish it wouldn't be necessary, that prices would be down so low that energy was no longer a consideration, but the reality is that's a world to which we probably will not return, at least during my natural lifetime.

Now, we ask our constituents to be more savvy consumers, and they will step up and do the job that is asked of them, but while we're asking them to make some of the personal changes in their energy demands, we've heard it again and again on the floor of this House tonight, we heard it a week ago before we went home for the break, the July 4th holiday, we in Congress have to take some action as well. And we, like any other hard problem, like any other complex problem, you need a short-term, mid-term, and long-term approach to how you're going to deal with this.

In the short term, we've got to make sure that our energy is traded in markets that are fair and transparent, that the proper oversight exists from the proper regulatory authorities and the proper Federal agencies, to the extent that that hasn't been happening, it has to happen. And I don't think there is anyone in this body that would want to go home and try to justify to their constituents why that is not important. To the extent that there is manipulation in the market, it has to be ferreted out, stopped, corrected.

Now, last month, on June 23 in our Committee on Energy and Commerce, our Subcommittee of Oversight and Investigations, we had an investigative hearing. The hearing was titled "Energy Speculation. Is Greater Regulation Necessary to Stop Price Manipulation?"

Now, it was really an interesting hearing, and there was a lot of information, some information that I was not aware of prior to the hearing. Some information that, yeah, we've all heard a lot for a long time. But I think one of the things that became very apparent during that hearing is that the scope and the magnitude of the number of dollars that are being invested in the energy futures markets is greater today than at any time in country's history. And that even if the motives are pure, it is just the sheer volume of dollars that are being invested that is driving the price of these futures contracts higher and higher, and that obviously impacts the cost of a barrel of crude oil. And it is driving the market much higher than you would see just based on the cost of—the marginal cost of production and certainly more than would be based on simply factors mediated by supply and demand.

Now, the shift into the futures market and the shift into oil speculation by institutional investors has been called the financialization of oil prices. Today, over 70 percent of the participants willing to buy and sell contracts for the West Texas intermediate crude on the New York Mercantile Exchange are speculators, and they're not participants looking to hedge changes in the price of oil before they take the physical delivery of the product. And often times these purchases on these contracts are made with what is called a margin, sometimes it's only pennies on the dollar, 5 percent down, and you own the futures contract until the time of delivery, but oh, by the way, you never intended to take delivery because you're going to sell the contract to someone else who will pay more money for it. Take your cash and run before you get to the end of that.

Now, there was a lot of discussion about some of the noncommercial traders who hold contracts only for a very short period of time. They don't have a place to store the product if they were to have to exercise the contract. And instead, they're simply riding that increase wave as it goes up to derive profit from the financial instrument itself, not from the actual product that was pumped out of the ground and put into a barrel and to be sold on the open market.

So we did hear from the Commissioner of the Commodities Future Trading Commission, Mr. Walter Lukken. That body is responsible for the oversight over the New York Mercantile Exchange, the NYMEX, and we heard from many of the participants how we could—well, the question that was asked of Mr. Lukken by myself is we see what some of the problems are here. What tools do you need that you don't have today, what tools do you need from Congress, what legislative activity do you need from Congress to stop this practice, to get your arms around this and to be more along the lines of a supply-demand market, not a frenzied financial futures trading market.

Certainly some of the advice we got was perhaps the margin investment needs to be increased. Five percent may be too low. Maybe it needs to be 30 percent, 35 percent. Some people even suggested 50 percent. I'm not an expert in petroleum financial futures, but clearly 5 percent as a margin does seem low to me, and I would certainly be willing to hear the discussion of should these margins be higher.

What about the person who buys the futures contract and never intends to take delivery? And we're not talking about an airline who's hedging against higher prices by speculating and buying on the market and could take delivery of that product if they were required to do so. We're talking about people who have no way. There is no storage tank anywhere near them that would allow them to put this oil in a tank and take delivery of the product.

So clearly, they are only dealing in the financial instrument. Again, they have no interest in the actual commodity that's being traded.

So could the Commodities Futures Trading Commission, could it increase margin requirements? Could it put in place a requirement that at least in a certain percentage of that futures contract there must be a place to store it if it were actually delivered to the person who had purchased that contract?

Now, Commissioner Lukken answered the question that the Commodities Futures Trading Commission does currently have the authority to increase margin requirements and add position limits. So they have them, but they're only to be used under emergency conditions. As I pointed out to Commissioner Lukken, just in the month of May we had three airlines go bankrupt in a weekend. We had a day where the price of crude rose $11 a barrel in one trading day. We had the Speaker of the House talking about pulling oil out of the Strategic Petroleum Reserve. Are we not in an emergency situation already? What other evidence do you need of an emergency to invoke these emergency powers that would allow you to rein in some of the—if there is cost that's being driven by speculation in the financial market, what other evidence do you need?

If you have the power to do it in an emergency situation, I submit you don't need another study. I submit you don't need another law. Go ahead and take the activity which you are empowered to do by virtue of the fact that the Federal agency has the ability under emergency conditions to exercise those powers, go ahead and do it and we will deal with the studies, we will deal with the cumulative effects afterwards. But the situation is so dire at this point, it's so important at this point that I think you ought to do it.

Now, Congress was poised to take some action on that to perhaps make it a little more authoritative that the Commodity Futures Trading Commission would in fact be required to do that, but we kind of fell short of that. And Thursday right before we all left for the week of the July 4th break, we passed a bill that was a sense of Congress, a sense of Congress telling the Commodities Futures Trading Commission that maybe you ought to look at exercising your emergency powers. I liken this to sending a "get well" card to the American energy consumer. We really didn't do anything. It made us feel better because, by golly, we passed a bill and we told the Commodities Futures Trading Commission what they need to do their job.

Well, the reality is they knew they need to do their job. They were told that in the committee hearing. I can't imagine why they haven't taken those steps already, but I certainly don't think that a sense of Congress resolution passed by this Congress 2 weeks ago was really going to impact them much one way or the other.

☐ 2230

Now, that's the short term. That's the short term to deal with some of the aspects of financial trading or futures trading.

What about the intermediate steps? We heard during that panel that some people believe there's a supply-demand problem today. Others say it's being overblown and it's really the futures market that is the problem; the supply-demand problem does not exist to the level at which it should drive the prices as high as we have seen them.

I don't know who's correct on that, but to a person throughout several panels that day, we heard over and over again, by the year 2015, demand is going to so vastly outstrip supply that we will be in serious trouble, serious trouble, not that we're not in serious trouble, but we'll be in real serious trouble by 2015 if we do not take the steps necessary to increase production to meet those increased demand requirements.

Now, we have heard it again tonight from both sides of the aisle. There are different approaches and different thoughts about it, and we're not talking about drawing oil from the Strategic Petroleum Reserve. That's a very short-term solution, if indeed it's a solution at all, and we've heard some discussion as to the wisdom of that particular exercise, but things like drilling in the Alaska National Wildlife Refuge, things like drilling on the Outer Continental Shelf, off the east coast, off the west coast, development of the oil shale in the inner mountain west.

Last December, on our so-called energy bill that really didn't have any energy in it, in our so-called energy bill last December, we prohibited recovering oil from Canada in the Alberta tar sands because we're worried about the effect of something down the road. Well, for goodness sake, Canada is probably our largest supplier of foreign oil. Here is a readily available source where they could increase their production, but we don't want any part of that because we don't know what that's going to do to our carbon footprint down the road.

Well, forget about down the road. The time is here and now that we need to get that increased production. So this so-called energy bill that we passed last December, in addition to banning the incandescent bulb, we also banned a type of petroleum from our neighbor to the north, Canada, which could result in an immediate increase in the amount of crude oil available to our markets here. So we really did ourselves double harm during that exercise, but nevertheless, what's past is past. Let's get beyond that point.

We have to look at where we're going to get the increased supply that demand is going to require by the year 2015, 7 years away. We hear it talked about on the presidential trail. Well, you're talking about drilling in ANWR; you're talking about drilling in the Outer Continental Shelf; you're talking about deepwater drilling in the Gulf of Mexico. That product is 7 years away. Well, yeah, that's right, it's 7 years away, and if we don't start today, guess where we're going to be in 7 years. We're going to be in tall grass because we haven't done what is necessary to affect that increased supply.

And we all know the demand is coming. We all hear it every day, China and India and all of the other components of the global economy that are drawing energy into their economies while we literally fiddle as Rome burns here in the United States.

It is time for us to get past that point, get on with the development of new supply. If it takes 7 years, that's about the timeline we've got, and if we don't start this year, we're going to be a year later than we should be, or we're going to be 2 years later than we should be.

It really begs the question: When is this Congress going to wake up and understand the importance, the dire importance of that day when demand vastly outstrips supply in 2015?

Now, that issue is pretty clear-cut to me, and I think it's pretty clear-cut to most Americans. I think any polling you do on that subject would show that most Americans are in tune with the fact that they understand that allowing the production of American energy within America's borders is important for our national security, it's important for the future and the sustainability of our economy.

What about the long term? What about some of things you have heard tonight on the development of the techniques for cellulosic ethanol? It will be a wonderful day when we get there, but we're not there yet, and we cannot let our enthusiasm for the technology get ahead of our ability to deliver that technology. For the foreseeable future, for the 7- to 15-year time frame, our energy needs are going to be met by petroleum-based products: natural gas, oil, coal. There's literally no other way around it without simply cratering the American economy.

And reality is, do we do anyone any good here in this country or around the world if we allow our economy to languish, if we allow our economy to falter, because we do not have the institutional courage to accept the fact that we're not quite ready to go on to all alternative types of energy? I wish we'd been building nuclear power plants for the last 10 years but we weren't. We should now because nuclear can provide that base load of electricity that you need.

Remember, Texas is the number one wind producing State in the Nation. That's a great thing for Texas. We're going to get to sell a lot of power, and it's power that comes from the wind. How cheap is that? But the reality is that even in West Texas, where the wind seems to blow incessantly, there are days when the wind doesn't blow. There are hours in the day when the wind blows less ferociously than other hours. And typically, those days that the wind doesn't blow or those hours when the wind production is diminished is summertime, late in the afternoon. But when is the number one electricity demand time in Texas because of air conditioning? It's summertime; it's late in the afternoon. So you can't depend on wind energy to deliver that constant load of electricity that's needed to keep the grid alive. You need something to deliver the base load.

Now, natural gas fills the bill for a lot of Texas right now. Natural gas electrical generation plants, so-called peaking plants, are present in my district. I've visited them. I think they provide a wonderful backstop to some of our energy requirements during the summertime in Texas, and I'm grateful that we have them. But many of these plants are older. They need to be refurbished. They're not nearly as efficient. We're not allowed to build anymore coal plants. That's off the table.

So where are the nuclear plants? And I ask my friends on the other side, when are we going to be serious about what we do with the development of nuclear in this country to allow that production, that base production of electricity? And yeah, we might be able to get over and above that from wind, we might be able to get over and above that from solar, but those sources of energy are not dependable enough. And we don't right now have the technology for the proper storage of electricity from those technologies that we're going to depend on something to provide that base load of electricity that we need to fire up the grid, certainly in the State of Texas and I suspect in other parts of the country as well.

You know, this is a situation where I think we've heard it eloquently from both sides of the aisle tonight. We need all hands on deck. We need all possible technologies that are available, we need them to be developed. We need them to be in the process of being developed. We need them to come online quickly. All hands on deck. And yet a lot of times, this Congress behaves like it's every man for himself. And the American people don't get that. And believe me, I heard that over and over and over again when I was home in the district this last week.

Now, growing and strong economies are better prepared to mitigate some of the effects of disease, hunger, natural disasters, but if we hurt our economy, if we devastate our economy by some of the policies that this Congress has pursued in the last 18 months, our ability to deal with those problems has become woefully constricted. And who's going to suffer? Who's going to suffer? It's going to be the American middle class, the lower middle class, America working poor are going to suffer disproportionately because of the lack of preparedness for dealing with those effects on our economy. This Congress has the responsibility to create the right type of environment to facilitate the right type of growth in the energy sector.

Now, I'm going to borrow a poster from some of the previous speakers. I had a copy of today's Politico that I was going to read a paragraph or two from. We've all heard this over and over again, how the cost of energy has risen since January of 2001, but if you really look at that line, if you look at that line on what's happened with energy prices, what you see is, yeah, there's some bumps and some ups and downs and a general upward tendency of that trend line. You see a big peak for Katrina, see a drop-off after the recovery from Katrina when the refineries came back online much more quickly than anyone anticipated. You see some peaks and valleys for the summer driving season.

But what really stands out when you look at those graphs is how the cost of energy has significantly risen since December of 2006, January of 2007. If you look at the number of futures contracts that have been sold, and yes, there are more dollars going into those future contracts today than in almost anytime in the Nation's past, when you look at how the numbers of futures contracts and when you look at the dollars invested in futures contracts, yeah, there's been a general trend line that goes upward from 2000 until about December of 2006, and then it goes straight up.

Well, quoting from Politico, one of the magazines that we all get in our offices up here in Washington, D.C., there's an article on the front page that's entitled: "New Boogeymen: Oil Speculators," and it has a picture of the Speaker of the House giving a talk and a quote here from the Speaker of the House. "'Oil speculators are making money by betting against the American consumers at the pump,' House Speaker NANCY PELOSI said before the Independence Day recess."

Well, wait a minute, let's go back to this. The price of crude, the price of gasoline, gradually drifting upward, but it really takes a spike upward December of 2006, January of 2007. The number of futures contracts really takes a spike up December of 2006, January of 2007. The number of dollars invested in the futures market really takes a spike up December of 2006, January of 2007.

Well, what happened between December of 2006 and January of 2007? Well, the 109th Congress ended and the 110th Congress started. So here we had a quote from our Speaker today: "Oil speculators are making money by betting against the American consumers at the pump."

Well, is that really the case? Maybe it is the speculators betting on Congress to continue to make dumb decisions about the energy policy in this country. And it looks like they started that about December of 2006 and January of 2007, and guess what. They bet right and they were rewarded.

So, until we do something that sends a signal to those speculators that Congress is through making the dumb decisions, the dumb decisions that it has been making in the past 18 months and is now going to make smart decisions for the American public and the American economy, we're likely not going to see that growth curve go anywhere but up.

So it is time. And I call on my friends on my side of the aisle and the other side of the aisle, we've got to approach this problem sensibly. We just cannot simply be blaming the current bogeyman du jour. We've got to face the fact that it's our policies, starting in about January of 2007, that have driven this market through the roof and, as a consequence, has damaged the purchasing power of the American consuming public.

And just going a little further into the article, a point I made a few minutes ago, "Before legislators left town, the House overwhelmingly approved legislation that would require a Federal regulatory agency to employ its rarely used emergency powers to crack down on any "excessive" speculation in domestic commodity markets." Again, that power already existed. I don't know why Commissioner Lukken did not equate that with the emergency with all of the signs and symptoms he had around him of an emergency in the American energy market.

Congress passed—not meaningful legislation last week. We sent a "get well" card to the American consuming public and hoped that someone wasn't paying attention and would perhaps mistake our activities a week ago Thursday for something meaningful. I somehow doubt that that occurred.

Let me finish up, Mr. Speaker. And I want to read a letter that was printed in the Dallas Morning News on July 4, 2008, "Oil Independence Day"—and again, this did run on Independence Day in the Dallas Morning News. "Tired of unfair laws and unreasonable taxes, American colonists proclaimed freedom. As we celebrate liberty today, it seems ironic that our country has evolved from declaring independence from foreign oppression to now dependence on oppression from foreign oil. In fact, a slow rebellion against reliance on foreign oil began when OPEC left Americans sitting in lines to buy gasoline from stations with dry tanks in the 1970s. Today the price stands at $4 a gallon for gasoline, and it shows up in everything from the food we eat and clothes we wear to the vacations we can no longer afford to take.

"We've proposed 15 ways to cut the cost of energy for working American families by giving them access to American energy, the American energy that they want and need. The problem is that the House Democratic leadership keeps blocking that legislation. There is no better time than America's Independence Day for Congress to stop arguing about the problem and to start fixing it."

Respectfully submitted, JOE BARTON, R–Arlington, MICHAEL BURGESS, R–Lewisville.

It is time that we can get past what was previously described as a bumper-sticker mentality and that we get to work about solving the serious problems that face the American consumers.

Mr. Speaker, you've been very generous with the time tonight.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills (of the House) of the following titles:

April 9, 2008:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

April 18, 2008:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

April 23, 2008:

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

April 30, 2008:

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

May 6, 2008:

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

May 7, 2008:

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

H.R.3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

May 18, 2008:

H.R. 6051. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

May 19, 2008:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

May 21, 2008:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

May 27, 2008:

H.R. 3522. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

June 3, 2008:

H.R. 2356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

June 6, 2008:

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

June 17, 2008:

H.R.6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

June 26, 2008:

H.R.3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

June 30, 2008:

H.R. 2642. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills (of the Senate) of the following titles:

April 18, 2008:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

April 23, 2008:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

April 24, 2008:

S. 1858. An act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

April 25, 2008:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

April 28, 2008:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

May 2, 2008:

S. 2954. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

May 8, 2008:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

May 13, 2008:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

May 23, 2008:

S. 3029. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

May 30, 2008:

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

June 3, 2008:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S.J. Res. 17. A Joint Resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

June 20, 2008:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

June 26, 2008:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

June 30, 2008:

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COHEN (at the request of Mr. HOYER) for today on account of a flight delay.

Mr. LEVIN (at the request of Mr. HOYER) for today on account of personal business.

Mr. MELANCON (at the request of Mr. HOYER) for today and until 5 p.m. on July 9 on account of election qualifying in the district.

Mr. BILIRAKIS (at the request of Mr. BOEHNER) for today on account of a delayed flight.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of an unavoidable family medical obligation.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of traveling back to Washington D.C.

Mr. POE (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today, July 9, 10, 11, 14 and 15.

Mr. JONES of North Carolina, for 5 minutes, today, July 9, 10, 14 and 15.

Mr. BURTON of Indiana, for 5 minutes, today, July 9, 10 and 11.

Mr. BONNER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 9 and 10.

Mr. MCHENRY, for 5 minutes, today, July 9, 10 and 11.

Ms. FOXX, for 5 minutes, today, July 9, 10 and 11.

Mr. WELLER of Illinois, for 5 minutes, July 9 and 10.

Mr. GARRETT of New Jersey, for 5 minutes, July 9 and 10.

Mr. DUNCAN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building"; to the Committee on Oversight and Government Reform.

S. 3082. An act to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; to the Committee on Oversight and Government Reform.

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by Speaker pro tempore, Mr. HOYER:

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on June 26, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 6327. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Lorraine C. Miller, Clerk of the House, reports that on June 27, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 2642. Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. To remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 9, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first and second quarters of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PORT A PRINCE, HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAY 16, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kimberly Rudolph	5/16	5/16	Haiti		80.00						80.00
Dr. Joe Leonard	5/16	5/16	Haiti		80.00						80.00
Keiana Barrett	5/16	5/16	Haiti		80.00						80.00
Nicole King	5/16	5/16	Haiti		80.00						80.00
Committee total					320.00						320.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Honorable CAROLYN C. KILPATRICK, Chairman, June 3, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 20, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	5/16	5/20	Israel		1,935.00	(3)					1,935.00
Hon. Steny Hoyer	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Rahm Emanuel	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. John Larson	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Henry Waxman	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Howard Berman	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Gary Ackerman	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Nita Lowey	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Alcee Hastings	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Jane Harman	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Ron Klein	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. David Dreier	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Adam Putnam	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hon. Wilson Livingood	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Michael Sheey	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Brendan Daly	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Reva Price	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Stacy Kerr	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Micaela Fernandez	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Mariah Sixkiller	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Hugh Halpern	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Steve Rusnak	5/16	5/20	Israel		1,365.00	(3)					1,365.00
Committee total					31,965.00						31,965.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Honorable NANCY PELOSI, Speaker of the House, June 20, 2008

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-U.S. INTERPARLIAMENTARY GROUP CONFERENCE IN SANTA FE, NEW MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Oberstar	5/16	5/19	USA		655.69						655.69
Hon. Marcy Kaptur	5/16	5/19	USA		658.69						658.69
Hon. Louise Slaughter	5/16	5/19	USA		655.69						655.69
Hon. Cliff Stearns	5/16	5/19	USA		655.69						655.69
Hon. Bart Stupak	5/16	5/18	USA		436.46						436.46
Hon. Mark Souder	5/16	5/19	USA		655.69						655.69
Hon. Tom Tancredo	5/16	5/19	USA		655.69						655.69
Hon. Daniel Lipinski	5/16	5/19	USA		655.69						655.69
Peter Quilter	5/16	5/19	USA		655.69						655.69
Melody Hamoud	5/16	5/19	USA		655.69						655.69
Robyn Wapner	5/16	5/19	USA		655.69						655.69
Marin Stein	5/14	5/19	USA		1,129.11		397.00		142.91		1,669.02
Ian Fergusson	5/16	5/19	USA		4.00						4.00
Delegation Costs									23,853.36		23,853.36
Committee total					8,129.47		397.00		23,996.27		32,522.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Honorable JAMES L. OBERSTAR, Chairman, June 16, 2008

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AZERBAIJAN, ARMENIA, PAKISTAN AND AFGHANISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Adam Schiff	5/23	5/30	Azer., Arm., Pak., Afg		2,105.00		7,010.00				9,115.00
Allyson Schwartz	5/23	5/30	Azer., Arm., Pak., Afg		2,105.00		7,294.00				9,399.00
Wayne Gilchrest	5/23	5/27	Azer., Arm., Pak		1,609.00		5,422.00				7,031.00
John Lis	5/23	5/27	Azer., Arm., Pak., Afg		2,105.00		7,010.00				9,115.00
Tommy Ross	5/23	5/27	Azer., Arm., Pak., Afg		2,105.00		7,010.00				9,115.00
Rachael Leman	5/23	5/27	Azer., Arm., Pak., Afg		2,105.00		7,010.00				9,115.00
Timothy Bergreen	5/23	5/27	Azer., Arm., Pak., Afg		2,105.00		7,010.00				9,115.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Honorable ADAM B. SCHIFF, Chairman, June 25, 2008

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C. Dent	1/7	1/7	London (layover)								12,832.66
	1/7	1/8	Pakistan		289.00						289.00
	1/9	1/10	Afghanistan								
	1/10	1/11	Pakistan		289.00						289.00

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/11	1/12	Kuwait		164.00						164.00
	1/12	1/13	Iraq								
	1/13	1/14	Kuwait		164.00						164.00
	1/14	1/15	Germany		366.00		12,832.66				366.00
Hon. Henry Cuellar	1/20	1/22	Mexico		600.00		1,051.44				1,651.44
Hon. M. McCaul	1/20	1/22	Mexico		600.00		1,051.44				1,651.44
Jessica Herrera-Flanigan	1/20	1/22	Mexico		600.00		1,051.44				1,651.44
Stephen Vina	1/20	1/22	Mexico		600.00		1,051.44				1,651.44
William Rubens	1/20	1/22	Mexico		600.00		1,051.44				1,651.44
Hon. B.G. Thompson	1/24	1/27	Kuwait		1,260.00		11,707.00				12,967.00
	1/25	1/25	Iraq				(3)				
Todd Levett	1/24	1/27	Kuwait		1,260.00		11,707.00				12,967.00
	1/25	1/25	Iraq				(3)				
Committee total					5,886.00		28,671.20				34,557.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Honorable BENNIE G. THOMPSON, Chairman, June 19, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C. Dent	1/7	1/7	London (layover)								12,832.66
	1/7	1/8	Pakistan		289.00						289.00
	1/9	1/10	Afghanistan								
	1/10	1/11	Pakistan		289.00						289.00
	1/11	1/12	Kuwait		164.00						164.00
	1/12	1/13	Iraq								
	1/13	1/14	Kuwait		164.00						164.00
	1/14	1/15	Germany		366.00		12,832.66				366.00
Hon. M. McCaul	1/14	1/15	Germany		600.00		1,051.44				1,651.44
Jessica Herrera-Flanigan	1/14	1/15	Germany		600.00		1,051.44				1,651.44
Stephen Vina	1/14	1/15	Germany		600.00		1,051.44				1,651.44
William Rubens	1/14	1/15	Germany		600.00		1,051.44				1,651.44
Hon. B.G. Thompson	1/24	1/27	Kuwait		1,260.00		11,707.00				12,967.00
	1/25	1/25	Iraq				(3)				
Todd Levett	1/24	1/27	Kuwait		1,260.00		11,707.00				12,967.00
	1/25	1/25	Iraq				(3)				
Committee total					5,286.00		27,619.76				32,905.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Honorable BENNIE G. THOMPSON, Chairman, June 9, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7339. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7340. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007-2008 Marketing Year [Docket No. AMS-FV-07-0150; FV08-982-1 FIR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7341. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Sweet Onions Grown in Walla Walla Valley of Southeast Washington and Northeast Oregon; Increased Assessment Rate [Docket No. AMS-FV-07-0157; FV08-956-1 FR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7342. A letter from the Administrator Housing and Community Facilities Programs, Department of Agriculture, transmitting the Department's final rule — Housing Preservation Grants (RIN: 0575-AC76) received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7343. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7344. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Requirements After Certain Conversions; Definition of "Corporate Reorganization;" Optional Conversions ("Oakar Transactions"); Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information (RIN: 3064-AD25) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7345. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hearing Aids; Technical Data Amendments [Docket No. FDA-2008-N-0148] received July 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-406,"Compensation and Holdover Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-410, "AED Installation for Safe Recreation and Exercise Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-411, "Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-418, "Street Sweeping Improvement Enforcement Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-404, "Noise Control Protection Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-405, "Financial Literacy Council Establishment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-407, "Wards 4, 7, and 8 Anti-Sale of Single Containers of Alcoholic Beverages Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-408, "Golden Triangle BID Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-415, "Affordable Housing Clearinghouse Directory Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-416, "Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-419, "Fiscal Year 2009 Budget Support Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-417, "Street Sweeping Improvement Enforcement Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7358. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7359. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7360. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7361. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7362. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7363. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7364. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7365. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7366. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7367. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7368. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead [Docket No. 051216341-5341-01; I.D. No. 052104F] (RIN: 0648-AR93) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7369. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean [Docket No. 051018271-6157-02; I.D. 101405C] (RIN: 0648-AT84) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7370. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon [Docket No. 050323081-6079-02; I.D. 031505C] (RIN: 0648-AT02) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7371. A letter from the Deputy Assistant Administrator for Operations, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Protective Regulations for Threatened Upper Columbia River Steelhead [Docket No. 060124013-6013-01; I.D. 052104F] (RIN: 0648-AU18) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7372. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Southern Resident Killer Whale [Docket No. 060228057-6283-02; I.D. 022206D] (RIN: 0648-AU38) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7373. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions (RIN: 3209-AA14) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7374. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 110-129); to the Committee on Standards of Official Conduct and ordered to be printed.

7375. A communication from the President of the United States, transmitting notification of his intention to designate the Republic of Serbia and the Republic of Montenegro as seperate beneficiary developing countries under the Generalized System of Preferences (GSP) and to terminate the designation of Trinidad and Tobago as a beneficiary developing country under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 110-130); to the Committee on Ways and Means and ordered to be printed.

7376. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — State Children's Health Insurance Program (SCHIP); Retrospective Adjustment for Additional Allotments to Eliminate Fiscal Year (FY) 2007 Funding Shortfalls; Final SCHIP Allotments for FYs 2008 and 2009; Redistribution of Unused SCHIP FY 2005 Allotments to Eliminate FY 2008 Funding Shortfalls; Additional Allotments to Eliminate FY 2008 Funding Shortfalls; and Provisions for Continued Authority for Qualifying States to Use a Portion of Certain SCHIP Funds for Medicaid Expenditures [CMS-2273-N2 and CMS-2265-N] (RIN: 0938-AO99 and 0938-APO7) Received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 415. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 110-735). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1286. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; with an amendment (Rept. 110-736). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1423. A bill to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; with amendments (Rept. 110–737). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3981. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; with an amendment (Rept. 110–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4199. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; with an amendment (Rept. 110–739). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5741. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; with an amendment (Rept. 110–740). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1485. A bill for the relief of Esther Karinge (Rept. 110–741). Referred to the Private Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 2760. A bill for the relief of Shigeru Yamada (Rept. 110–742). Referred to the Private Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 5030. A bill for the relief of Corina de Chalup Turcinovic (Rept. 110–743). Referred to the Private Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1317. Resolution providing for consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail (Rept. 110–744). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1318. Resolution providing for consideration of the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes (Rept. 110–745). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–746). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–747). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 6184. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes (Rept. 110–748). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on June 27, 2008]

H.R. 5541. Referral to the Committees on Agriculture and the Budget extended for a period ending not later than July 11, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCALISE:

H.R. 6428. A bill to provide for State enhanced authority for coastal and ocean resources, expansion of America's supply of natural gas and oil, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 6429. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER:

H.R. 6430. A bill to amend title 38, United States Code, relating to the health professional scholarship program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUYER:

H.R. 6431. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit to Congress reports in electronic form; to the Committee on Veterans' Affairs.

By Mr. PALLONE (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. DEAL of Georgia, and Mr. TOWNS):

H.R. 6432. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. DEAL of Georgia, and Mr. TOWNS):

H.R. 6433. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to generic new animal drugs; to the Committee on Energy and Commerce.

By Mr. FARR (for himself, Mr. BLUMENAUER, Mr. ANDREWS, Mrs. CAPPS, Ms. ESHOO, Mr. THOMPSON of California, Mr. STARK, Mr. FILNER, Ms. LEE, Mr. BACA, Mr. DICKS, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. DEFAZIO, and Ms. SLAUGHTER):

H.R. 6434. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself and Mr. CAPUANO):

H.R. 6435. A bill to relieve traffic congestion; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT:

H.R. 6436. A bill to combat international oil price fixing and to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least $1,000 to offset high 2008 gasoline and diesel fuel prices; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. CUELLAR, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MARCHANT, Mr. HENSARLING, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. POE, Ms. GRANGER, Mr. GONZALEZ, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. CULBERSON, Mr. GOHMERT, Mr. BARTON of Texas, Mr. MCCAUL of Texas, Mr. EDWARDS of Texas, Mr. BURGESS, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. REYES, Mr. SESSIONS, Mr. PAUL, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SALAZAR, and Mr. SKELTON):

H.R. 6437. A bill to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the "Corporal Alfred Mac Wilson Post Office"; to the Committee on Oversight and Government Reform.

By Mr. COURTNEY:

H.R. 6438. A bill to amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians; to the Committee on Armed Services.

By Mr. HARE (for himself, Mr. FILNER, Mr. MICHAUD, Mrs. DAVIS of California, Mr. WALZ of Minnesota, Mr. RODRIGUEZ, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HALL of New York):

H.R. 6439. A bill to amend title 38, United States Code to expand the authority of the Secretary of Veterans Affairs to provide counseling for family members of veterans receiving non-service-connected treatment; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 6440. A bill to provide for the transfer of certain Federal Property to the Galveston Historical Foundation; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 6441. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for replacing an automobile with a more fuel-efficient automobile; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 6442. A bill to amend the Trade Act of 1974 to require the Secretary of Labor to certify a group of workers in a subdivision of firm as eligible to apply for assistance under the trade adjustment assistance program if the subdivision is a seller of articles of the firm that employed a group of workers who received a certification of eligibility under such program and such sales are related to the article that was the basis for such certification; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. EHLERS, Mr. HUNTER, Mr. SMITH of Texas, Mr. COLE of Oklahoma, Mr. HAYES, Mrs. MILLER of Michigan, Mr.

MCCARTHY of California, and Mr. HELLER):

H. Con. Res. 388. Concurrent resolution expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H. Res. 1319. A resolution expressing support for the designation of Four Immortal Chaplains Day in remembrance of the 4 men who paid the ultimate sacrifice in the name of compassion for those of different races and faiths; to the Committee on Armed Services.

By Mr. JACKSON of Illinois (for himself, Mr. CASTLE, and Mr. DAVIS of Illinois):

H. Res. 1320. A resolution expressing support for designation of July 10, 2008, as "National Summer Learning Day"; to the Committee on Education and Labor.

By Mr. BLUMENAUER (for himself, Mr. WALDEN of Oregon, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WU):

H. Res. 1321. A resolution honoring the Oregon National Guard Youth Challenge Program for its outstanding achievements; to the Committee on Armed Services.

By Mr. FARR (for himself, Ms. PELOSI, Mrs. CAPPS, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. HONDA, Mr. ROYCE, Ms. SOLIS, Mr. GALLEGLY, Ms. MATSUI, Mr. BACA, Mrs. BONO MACK, Mr. COSTA, and Ms. LEE):

H. Res. 1322. A resolution commending the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires; to the Committee on Natural Resources.

By Mr. MITCHELL:

H. Res. 1323. A resolution commending the Arizona State University softball team for their victory in the 2008 Women's College World Series; to the Committee on Education and Labor.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H. Res. 1324. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAMP introduced a bill (H.R. 6443) for the relief of Carlos Espinal Castillo-Reynolds; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SARBANES.
H.R. 74: Mr. MOLLOHAN.
H.R. 303: Mr. MORAN of Virginia.
H.R. 410: Mr. HIGGINS.
H.R. 468: Ms. MATSUI.
H.R. 510: Mr. GOHMERT.
H.R. 552: Mr. FARR, Mr. WILSON of Ohio, Mr. TIERNEY, and Mr. BACA.
H.R. 636: Mr. SCALISE.
H.R. 643: Mr. CARSON.
H.R. 689: Mr. SCALISE.
H.R. 690: Mr. MORAN of Virginia.
H.R. 695: Mr. ANDREWS.
H.R. 777: Mr. ROTHMAN.
H.R. 1073: Mr. ANDREWS.
H.R. 1185: Mr. EMANUEL and Ms. SCHAKOWSKY.
H.R. 1193: Mr. MCNERNEY.
H.R. 1228: Ms. LEE.
H.R. 1295: Mr. MANZULLO and Mr. GOHMERT.
H.R. 1306: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1320: Mr. BRADY of Pennsylvania.
H.R. 1350: Mr. FOSTER.
H.R. 1363: Ms. MCCOLLUM of Minnesota.
H.R. 1390: Ms. FOXX.
H.R. 1428: Mr. MORAN of Virginia.
H.R. 1514: Mr. TOWNS.
H.R. 1606: Mr. WEXLER and Mr. HASTINGS of Florida.
H.R. 1619: Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mr. SPACE, and Mr. LATOURETTE.
H.R. 1653: Ms. DEGETTE.
H.R. 1671: Mr. BOSWELL.
H.R. 1707: Mr. BACA.
H.R. 1738: Mr. TIM MURPHY of Pennsylvania and Mr. CONYERS.
H.R. 1755: Mr. MARKEY.
H.R. 1889: Mr. SHERMAN.
H.R. 1912: Mr. SMITH of New Jersey.
H.R. 1926: Mr. CUMMINGS.
H.R. 2073: Mr. MCCOTTER.
H.R. 2169: Ms. VELÁZQUEZ.
H.R. 2208: Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. SOUDER, Mr. HASTINGS of Washington, and Mr. CRENSHAW.
H.R. 2303: Mr. WILSON of South Carolina.
H.R. 2332: Mr. NEUGEBAUER, Mr. FOSTER, Mr. GRAVES, Mr. PETERSON of Pennsylvania, and Mr. RYAN of Wisconsin.
H.R. 2493: Mr. CRENSHAW.
H.R. 2533: Mr. CANTOR and Mr. THOMPSON of California.
H.R. 2552: Mr. LINCOLN DAVIS of Tennessee.
H.R. 2558: Mr. MARCHANT and Mr. PLATTS.
H.R. 2604: Mr. SCHIFF.
H.R. 2670: Ms. PRYCE of Ohio.
H.R. 2694: Mr. JEFFERSON.
H.R. 2708: Ms. LEE.
H.R. 2712: Mr. SHUSTER.
H.R. 2731: Mr. LATHAM.
H.R. 2832: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2833: Mr. BLUMENAUER, Mr. BERMAN, and Ms. MCCOLLUM of Minnesota.
H.R. 2851: Mr. PASCRELL, Ms. ROYBAL-ALLARD, and Mr. SESTAK.
H.R. 2923: Mr. PLATTS.
H.R. 3001: Mr. CONYERS.
H.R. 3008: Mr. BOSWELL.
H.R. 3010: Mr. GUTIERREZ, Mr. STUPAK, Mr. ANDREWS, and Ms. KILPATRICK.
H.R. 3035: Mr. FILNER.
H.R. 3036: Mr. CONYERS.
H.R. 3089: Mr. TURNER, Mr. PITTS, and Mrs. CAPITO.
H.R. 3098: Mr. PAUL.
H.R. 3257: Mr. MCNULTY and Mr. BOUCHER.
H.R. 3289: Mr. CONYERS.
H.R. 3329: Mr. LEWIS of Georgia and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3334: Mr. INSLEE, Mr. WILSON of Ohio, and Mr. JOHNSON of Georgia.
H.R. 3339: Mr. BISHOP of Georgia.
H.R. 3507: Mr. OLVER.
H.R. 3579: Mr. JONES of North Carolina.
H.R. 3660: Mr. HONDA and Mr. MANZULLO.
H.R. 3679: Mr. PALLONE.
H.R. 3753: Mr. LAHOOD.
H.R. 3769: Ms. BORDALLO.
H.R. 3834: Mr. RAHALL.
H.R. 3844: Ms. JACKSON-LEE of Texas.
H.R. 3896: Mrs. MALONEY of New York.
H.R. 3916: Mr. SHAYS.
H.R. 3934: Mr. DELAHUNT, Mr. FLAKE, Mr. SALAZAR, Mr. PLATTS, Mr. ENGEL, Ms. ESHOO, and Mr. KLINE of Minnesota.
H.R. 3981: Mr. MURPHY of Connecticut.
H.R. 3995: Mr. CUMMINGS, Mr. PORTER, and Mr. WOLF.
H.R. 4114: Mr. ENGEL.
H.R. 4116: Mr. SHULER.
H.R. 4174: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4202: Mr. MORAN of Virginia.
H.R. 4248: Mr. TURNER.
H.R. 4296: Mr. CONYERS and Ms. CASTOR.
H.R. 4544: Mr. SESTAK, Mr. HALL of New York, Mr. UDALL of Colorado, Mr. LARSEN of Washington, and Mr. PALLONE.
H.R. 4838: Ms. RICHARDSON.
H.R. 4883: Mr. COHEN.
H.R. 4884: Mr. ALLEN.
H.R. 4900: Mr. CRENSHAW.
H.R. 4930: Mr. MCINTYRE.
H.R. 5056: Mr. LEWIS of Georgia and Mr. PAYNE.
H.R. 5161: Ms. HIRONO and Ms. LEE.
H.R. 5236: Mr. MICHAUD and Mrs. MCMORRIS RODGERS.
H.R. 5244: Ms. BERKLEY, Mr. LOEBSACK, Mr. COOPER, Ms. BORDALLO, Mr. KUCINICH, and Mr. NEAL of Massachusetts.
H.R. 5268: Mr. KUCINICH, Mr. CAPUANO, Mr. CROWLEY, Mr. ISRAEL, Mr. KILDEE, Mr. ACKERMAN, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. BUTTERFIELD, and Mr. FATTAH.
H.R. 5435: Ms. DEGETTE and Ms. GIFFORDS.
H.R. 5454: Ms. HERSETH SANDLIN and Mr. GUTIERREZ.
H.R. 5510: Mr. CONYERS and Mr. HINCHEY.
H.R. 5516: Mr. SOUDER, Mr. ALTMIRE, Mr. CHILDERS, Mr. TIM MURPHY of Pennsylvania, Mr. CARDOZA, Mr. HILL, and Mr. GORDON.
H.R. 5564: Mr. BOOZMAN.
H.R. 5573: Mr. CONYERS and Mr. ALTMIRE.
H.R. 5580: Mr. BERMAN.
H.R. 5590: Mr. SMITH of New Jersey.
H.R. 5635: Mr. WELLER.
H.R. 5662: Mr. STUPAK and Mr. SESTAK.
H.R. 5672: Mr. MOORE of Kansas.
H.R. 5673: Mr. GOHMERT.
H.R. 5698: Mr. CLEAVER.
H.R. 5709: Mrs. EMERSON.
H.R. 5723: Mr. ALTMIRE.
H.R. 5727: Mr. WAMP, Mr. SPACE, and Mr. ROGERS of Kentucky.
H.R. 5731: Mrs. DRAKE.
H.R. 5737: Mr. THOMPSON of Mississippi.
H.R. 5741: Ms. LEE.
H.R. 5752: Mr. GORDON, Mr. MCHENRY, and Mr. ALLEN.
H.R. 5756: Ms. HIRONO, Mr. DOGGETT, and Mr. FRANK of Massachusetts.
H.R. 5788: Mr. ROTHMAN.
H.R. 5793: Mr. ALTMIRE.
H.R. 5809: Mr. ALLEN.
H.R. 5842: Ms. NORTON.
H.R. 5854: Mr. ROGERS of Michigan and Mr. NEUGEBAUER.
H.R. 5864: Mr. COHEN.
H.R. 5882: Ms. GIFFORDS.
H.R. 5901: Ms. SUTTON and Mrs. MCCARTHY of New York.

H.R. 5913: Mr. LIPINSKI.

H.R. 5914: Mr. ALTMIRE and Mr. SHAYS.

H.R. 5924: Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, and Mr. KUHL of New York.

H.R. 5925: Ms. CLARKE.

H.R. 5942: Mr. WU, Mr. SALAZAR, and Mr. TAYLOR.

H.R. 5946: Mr. PAYNE and Mr. MCGOVERN.

H.R. 5954: Mr. HARE, Ms. WOOLSEY, Mr. COHEN, Mr. DOYLE, and Mr. LANGEVIN.

H.R. 5984: Mr. LATTA and Mr. POE.

H.R. 6032: Mr. TIM MURPHY of Pennsylvania and Mr. SPACE.

H.R. 6036: Mr. BLUMENAUER.

H.R. 6039: Ms. GIFFORDS.

H.R. 6078: Ms. SCHAKOWSKY and Mr. GRIJALVA.

H.R. 6091: Mr. PORTER and Mr. CULBERSON.

H.R. 6099: Mr. MCDERMOTT.

H.R. 6107: Mr. DAVID DAVIS of Tennessee, Mr. MACK, Mr. COBLE, Mr. WALBERG, Mr. HULSHOF, and Mr. FRANKS of Arizona.

H.R. 6108: Mr. WESTMORELAND and Mr. CRENSHAW.

H.R. 6129: Mrs. BLACKBURN.

H.R. 6159: Mrs. TAUSCHER and Mr. THOMPSON of California.

H.R. 6180: Mr. HIGGINS and Mr. GORDON.

H.R. 6198: Mr. LEWIS of Georgia.

H.R. 6199: Mrs. GILLIBRAND, Mr. ISRAEL, Mr. RANGEL, and Ms. SLAUGHTER.

H.R. 6205: Mr. JONES of North Carolina, Mr. GORDON, Ms. LEE, and Mr. HALL of New York.

H.R. 6214: Mr. BOOZMAN.

H.R. 6219: Mr. BRADY of Texas, Mr. SALI, and Mr. MCCAUL of Texas.

H.R. 6258: Mr. TERRY.

H.R. 6285: Mr. THOMPSON of California.

H.R. 6287: Mr. FOSTER and Mr. HODES.

H.R. 6288: Mr. BOOZMAN.

H.R. 6321: Mr. WALSH of New York, Mr. RUSH, and Mr. BRADY of Pennsylvania.

H.R. 6326: Mr. BACA, Ms. KAPTUR, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. FILNER, Mr. STARK, Mr. GRIJALVA, Ms. LEE, Mr. HONDA, and Ms. MOORE of Wisconsin.

H.R. 6330: Mr. WU.

H.R. 6338: Mr. PUTNAM.

H.R. 6341: Mr. CARNAHAN, Mrs. LOWEY, Mr. CONYERS, and Mr. DOGGETT.

H.R. 6355: Mr. THOMPSON of California.

H.R. 6368: Mr. RAMSTAD and Mr. CHABOT.

H.R. 6371: Mr. GONZALEZ and Ms. SCHAKOWSKY.

H.R. 6373: Mr. PAUL.

H.R. 6375: Mr. WAXMAN.

H.R. 6398: Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. MORAN of Virginia.

H.R. 6407: Mr. ETHERIDGE, Mr. SARBANES, Ms. DELAURO, Mr. MICHAUD, Mrs. NAPOLITANO, and Mr. UDALL of Colorado.

H.R. 6410: Mr. PAUL.

H.J. Res. 39: Mr. WALBERG and Mr. BOUCHER.

H.J. Res. 93: Mr. ANDREWS.

H.J. Res. 96: Mr. JORDAN, Mr. ENGLISH of Pennsylvania, and Mr. BURGESS.

H. Con. Res. 33: Mr. LEWIS of Georgia.

H. Con. Res. 73: Mr. RYAN of Ohio.

H. Con. Res. 223: Mr. DEFAZIO, Mrs. MYRICK, and Mr. ROSS.

H. Con. Res. 244: Mr. BISHOP of New York.

H. Con. Res. 276: Mr. CARSON.

H. Con. Res. 341: Mr. SHUSTER.

H. Con. Res. 356: Mr. HINCHEY.

H. Con. Res. 358: Mr. AKIN and Mr. BOOZMAN.

H. Con. Res. 360: Mr. PAYNE, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. MCGOVERN, and Mr. ELLISON.

H. Con. Res. 371: Mrs. LOWEY.

H. Con. Res. 381: Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. GRIJALVA, and Mr. SCHIFF.

H. Con. Res. 382: Ms. SLAUGHTER and Ms. SCHAKOWSKY.

H. Con. Res. 385: Mr. WEINER, Mr. SHERMAN, Mr. MCCOTTER, and Mr. SCOTT of Georgia.

H. Res. 102: Mr. SMITH of New Jersey.

H. Res. 556: Mr. CLEAVER and Mr. TERRY.

H. Res. 565: Mr. GOHMERT.

H. Res. 655: Ms. WATERS.

H. Res. 672: Mr. CAPUANO, Mr. ANDREWS, Mr. MEEKS of New York, and Mr. GONZALEZ.

H. Res. 757: Mr. WEXLER.

H. Res. 758: Mr. GERLACH.

H. Res. 870: Ms. KILPATRICK, Mr. TOWNS, Mr. MCDERMOTT, Mr. HOYER, Mr. RUPPERSBERGER, Mr. MOORE of Kansas, Mr. RANGEL, Ms. EDWARDS of Maryland, and Ms. BORDALLO.

H. Res. 1006: Mr. CHANDLER and Mr. COSTELLO.

H. Res. 1012: Mr. SHIMKUS.

H. Res. 1042: Mr. REYES.

H. Res. 1045: Ms. MOORE of Wisconsin.

H. Res. 1069: Ms. ROS-LEHTINEN and Mr. BILIRAKIS.

H. Res. 1076: Mr. BURTON of Indiana.

H. Res. 1088: Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. COHEN, Ms. LEE, Mr. PAYNE, and Mr. ENGEL.

H. Res. 1115: Mr. PALLONE.

H. Res. 1179: Ms. FALLIN.

H. Res. 1182: Mr. HODES.

H. Res. 1200: Ms. BORDALLO, Mr. MORAN of Virginia, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, and Mr. SESTAK.

H. Res. 1202: Mr. CAMP of Michigan, Mr. SHULER, Mr. WALDEN of Oregon, Mr. COLE of Oklahoma, Mr. WESTMORELAND, Mr. HAYES, and Mr. SIMPSON.

H. Res. 1227: Mr. PAYNE.

H. Res. 1232: Mr. KUHL of New York, Ms. ROYBAL-ALLARD, Mr. RAMSTAD, Mr. NADLER, and Mr. JACKSON of Illinois.

H. Res. 1254: Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. CONYERS, and Mr. SNYDER.

H. Res. 1258: Mr. TOWNS.

H. Res. 1266: Mr. SHIMKUS and Mr. ROGERS of Kentucky.

H. Res. 1273: Mr. COSTA and Mr. SHAYS.

H. Res. 1279: Mr. DOYLE, Mr. TOWNS, Mr. SMITH of Nebraska, Mr. TANCREDO, Mr. PITTS, Mr. BURGESS, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. LATOURETTE, Mr. TIBERI, Mr. UPTON, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mr. WALBERG, Mr. CHABOT, Mr. MARCHANT, Mr. MCHENRY, Mr. DAVID DAVIS of Tennessee, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Mr. BILBRAY, Mr. HOBSON, Mr. GALLEGLY, Ms. FOXX, Mr. WILSON of South Carolina, Mr. MACK, Mr. BOUSTANY, Mr. PENCE, Mr. KENNEDY, Mr. FORTENBERRY, Mr. SHERMAN, Mr. RYAN of Ohio, Mr. WU, and Mr. MCCAUL of Texas.

H. Res. 1282: Mr. KUHL of New York and Mr. SOUDER.

H. Res. 1286: Mr. CLAY, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. RUSH, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. HINCHEY, Mr. CLEAVER, and Mr. FILNER.

H. Res. 1287: Mr. BOOZMAN.

H. Res. 1296: Mr. COHEN and Ms. BORDALLO.

H. Res. 1311: Mr. DEFAZIO, Ms. BORDALLO, Ms. SUTTON, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. MICHAUD, Mr. REYES, Ms. HIRONO, Mr. EDWARDS of Texas, Mr. WEXLER, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. LEE, Mr. JACKSON of Illinois, Mrs. MALONEY of New York, Mr. ENGEL, Mr. HINCHEY, Mr. ETHERIDGE, Mr. JEFFERSON, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Mr. SESTAK, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. DAVIS of Alabama.

H. Res. 1312: Mr. CALVERT.

H. Res. 1313: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. CHANDLER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. HINOJOSA, Mr. TOWNS, Ms. HIRONO, Mr. CALVERT, and Mr. AL GREEN of Texas.

H. Res. 1315: Mr. HARE, Mr. CAMPBELL of California, Mr. HALL of Texas, Mr. WALSH of New York, Mr. ROHRABACHER, Mr. MAHONEY of Florida, Ms. EDWARDS of Maryland, Mrs. MILLER of Michigan, Mr. BROWN of South Carolina, Mr. SCOTT of Virginia, Mr. DREIER, Mr. MORAN of Virginia, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. DOYLE, Ms. BORDALLO, and Mr. GORDON.

H. Res. 1316: Ms. LORETTA SANCHEZ of California, Mr. SESTAK, Ms. BORDALLO, Mr. TOWNS, and Mr. MCDERMOTT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative BISHOP of Utah, or a designee, to H.R. 1286, the Washington Rochambeau Revolutionary Route National Historic Trail Designation Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

HONORING THE WESTERN WAYNE COUNTY CONSERVATION CLUB

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the Western Wayne County Conservation Club, a group dedicated to the preservation and continuation of outdoor sporting for all generations, upon reaching their 70th anniversary of the club's establishment.

The Western Wayne County Conservation Club provides many services to the Michigan community. The Club has created more opportunities for outdoor sporting with their sponsorship of a launching trap and skeet fields, a 3–D walk-thru archery range, and a black powder group with a walk-thru range. Additionally, The Wayne County Conservation Club has fundraisers for the Pinkerton School for the Blind, the Rouge River Clean-up, hunter education classes, Girl Scout and Boy Scout camping activities, and for the University of Michigan Burn Center.

The Western Wayne County Conservation Club has been recognized for their dedication to outdoor sports. The Club has received prominent awards including the President's Award from the National Wildlife Federations, North American Hunter's Safety Award, and the National Rifle Association President's Award. To the Michigan community, the Wayne County Conservation Club is an organization dedicated to their goals, committed to serving their community and defending Americans' Second Amendment Rights.

Madam Speaker, the Western Wayne County Conservation Club is a group which has mastered outdoor sporting and has excelled in using their mission to help other community organizations. I ask my colleagues to join me in congratulating the Western Wayne County Conservation Club for reaching 70 years as an organization and honoring the group's devoted service to the community and our country.

CONGRATULATING BRIAR BUSH NATURE CENTER ON ITS 100TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Ms. SCHWARTZ. Madam Speaker, I rise before you today to congratulate Briar Bush Nature Center on the occasion of its 100th anniversary. Briar Bush Nature Center is a true testament to community outreach and wildlife preservation, both in its work over the past century and in its very roots.

In 1908, a Quaker couple, Everett and Florence Griscom, fell in love with a twelve acre plot in the heart of Abington, Pennsylvania. They found the area so beautiful that they began inviting friends and family to spend days with them in the tranquil area and soon, local children and adults began flocking to the refuge that the Griscoms had fondly named "Briar Bush."

After the Griscoms passed away, area residents led by T. Russell Frank established the "Friends of Briar Bush" organization, which was instrumental in encouraging the Township to acquire the land in 1962. The Friends of Briar Bush carried on the Griscoms' mission by offering the woodland retreat as a Natural Education Center for local children and adults.

Over the years, Briar Bush has become an important facet of the Abington Community. In 2000, the Center implemented a renovation project to make the Center even more visitor-friendly and expanded their education programs, which has enabled the Center to serve over 47,000 visitors annually.

Briar Bush programs have received numerous awards, including "Best of Philly." The Briar Bush day camp is currently in the running for a Nickelodeon "Parents Pick Award" for the best day camp for small children.

The Briar Bush Nature Center is a true Abington community treasure. It is my pleasure to stand before you to honor this special organization for achieving its' 100th anniversary milestone. It is my most sincere hope that Briar Bush will continue to educate our community about the joy of nature for many years to come.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN DEARBORN COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners, County Council, and all the other outstanding individuals in Dearborn County who rose to the occasion during these difficult times. This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Dearborn County will be well served by these officials.

RECOGNITION OF ENERGY, CITIZENS, AND ECONOMIC TRANSFORMATION FOR INDIANA AND AMERICA EVENT AT THE UNIVERSITY OF NOTRE DAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. VISCLOSKY. Madam Speaker, I rise today to recognize the Energy, Citizens, and Economic Transformation for Indiana and America event held on July 7, 2008, sponsored by the University of Notre Dame Energy Center. This conference brought together leaders in energy research from the University of Notre Dame, the U.S. Department of Energy, Oak Ridge National Laboratory, Purdue University, the state of Indiana, and academic think tanks.

The University of Notre Dame Energy Center was established in 2005 to develop new technologies for energy efficiency, safe nuclear waste storage, clean coal utilization, CO$_2$ separation and sequestration, and alternative renewable energy sources. The Center also plays a key role in energy education and literacy, affecting energy policy and exploring the ethical implications associated with energy sources, availability and policy. It involves approximately 25 faculty members in the Colleges of Engineering, Science, Arts & Letters and Business. The Notre Dame Energy Center and its faculty members have funding support from the U.S. Department of Energy and extensive collaborations with researchers at Sandia, Argonne National Labs and the National Energy Technology Laboratory.

Meeting U.S. energy needs in an environmentally sustainable manner without jeopardizing economic growth or national security interests through undue reliance on foreign energy sources is arguably our most demanding challenge. Achieving this goal will require multiple solutions and strategies. To meet this challenge, the University of Notre Dame, through their Energy Center and conferences such as this, combines existing research expertise and new research infrastructure with visionary thinkers from both Indiana and the federal government.

A collaboration also is currently being undertaken by the Notre Dame Energy Center that addresses the Indiana Dunes National Lakeshore, which is a resource that is very important to the Northwest Indiana community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This project seeks to provide energy-related consulting services to the park during the coming summer months that will promote the responsible use of an irreplaceable national treasure. As part of the project, students will track and quantify the cost savings related to energy use reduction and lower greenhouse gas emissions. This collaboration will help preserve the unique ecosystem of the Indiana Dunes National Lakeshore and will allow future generations to enjoy this tremendous natural, educational, and recreational asset of Northwest Indiana.

I would like to thank Dr. Joan Brennecke and Dr. Paul Bohn for organizing the July 7th event and for their tireless work in addressing our nation's energy problems. The conference will offer Hoosiers the opportunity to hear from state and national leaders in energy research. While prices at the gas pumps may be getting most of the attention now, the energy crisis is about more than just oil. As a nation, with the help of our research universities, we need to continue efforts in examining our entire mix of energy sources and how to go about changing that mix over the long term in order to increase our economic and national security.

The state of Indiana and its industries can benefit from this type of research and discussion, and I believe that Indiana will be at the forefront of this nation's energy revolution. The sluggish economy and increasing energy costs have left families struggling to make ends meet. The work being done by those involved at this event seek to ease their burden and create the next generation of energy-related jobs in Indiana.

COMMEMORATING THE 100TH ANNIVERSARY OF THE CITY OF RIVERDALE, GEORGIA

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise today to offer my congratulations to the City of Riverdale, Georgia for reaching its 100th anniversary this July. Home to over 15,000 people, this great city, on the outskirts of the bustling city of Atlanta, is known for its close knit communities, beautiful landscapes and abundant resources. With a rich history of vibrant festivals and community building activities, Riverdale prides itself on promoting the well-being of its residents. This city was formally founded in 1908 as a railroad depot. However, its history traces back to before the Civil War and owes much of its early success to a generous donation of land by Mr. and Mrs. W.S. Rivers, who wanted to see the area and its businesses thrive and prosper.

The City of Riverdale will mark the occasion by holding a Centennial Celebration. This celebration will include a full commemoration of the centennial year as well as a tribute to Riverdale's rich history. Additionally, the Centennial Celebration will strive to educate the public on the history of Riverdale, encourage community involvement and recognize organizations, businesses, and institutions that have been a part of this city for 100 years. Among the events planned for this celebration are a Centennial Parade, concerts and picnics, a Centennial Gala and a Tree Planting, as well as other activities designed to further foster a greater sense of involvement among the city's residents.

I would like to recognize Dr. Evelyn Wynn-Dixon, Mayor of Riverdale, along with City Council members Rick Scoggins, Wayne Franklin Hall, Wanda Wallace, and Kenneth Ruffin for their hard work and dedication to this community. And congratulations are certainly due to the great residents of this city who are the true heart of this community. Their hard work, family values, and commitment contribute to the daily growth of Riverdale. I look forward to seeing the continual development and prosperity of this city and it is an honor to represent them in the United States Congress.

In closing, I would like to extend my congratulations to the city of Riverdale for marking its 100th Anniversary and I wish them a healthy and prosperous one hundred more.

TRIBUTE TO LISA KOLL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by the Fort Dodge, Iowa native and current member of the Iowa State University women's track team, Lisa Koll. Lisa earned a national championship in the NCAA women's 10,000 meter race.

Although Lisa never won a state championship in her career at Fort Dodge High School, as a collegiate sophomore, she won a national title on the same blue track at Drake University where the Iowa High School State Championships are held. She is the first Iowa State track athlete to win a national championship since 1984 after completing the over six mile race in 32:44.95—short of her own American collegiate record of 32:11.13 set earlier this spring, but good enough for a Drake Stadium Record and national championship.

Lisa's impressive feat demonstrates the reward for hard work, dedication and determination. I am honored to represent Lisa Koll in the United States Congress, and I know that all of my colleagues join me in congratulating her on her national championship and wish her success in her future running career.

IN COMMEMORATION OF THE 75TH ANNIVERSARY OF THE UKRAINIAN GENOCIDE ON THE OCCASION OF THE WALK AGAINST GENOCIDE IN NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to commemorate the 75th anniversary of the genocide perpetrated on the Ukrainian people by Joseph Stalin's murderous Soviet regime. This month, countless Ukrainian-Americans and persons of goodwill, including members of the Ukrainian Congress Committee of America and the United Ukrainian American Organizations of New York, join together in a Walk Against Genocide in New York City in remembrance of the terrible events in the Ukraine in 1932–33 that took the lives of millions. Participants in the Walk are honoring the Ukrainians who perished in the famine by observing a moment of remembrance.

Three quarters of a century ago, the Ukrainian genocide, also referred to as the Holodomor, or "Death by Starvation," was consciously inflicted upon the Ukrainian people by the totalitarian tyranny of dictator Joseph Stalin. With its radical agricultural collectivization policies, Stalin's brutal Soviet regime caused widespread famine and mass starvation, systematically murdering millions of innocent men, women and children.

The Holodomor was an intentional act perpetrated against the Ukrainians as punishment for their resistance to Soviet control. Evidence in the form of recently released KGB archival documents reveal the Soviet government's ruthless plans. The Commission on the Ukraine Famine created by the United States Congress in 1985 issued a report 3 years later confirming the existence of a deliberate policy to starve the Ukrainian people and concluded in 1988 that "Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933."

In sheer numbers, this genocidal tragedy ranks among the worst examples of man's inhumanity towards man, and offers one of history's starkest examples of the devastation that is wrought by oppressive governments when they use food as a weapon. The Holodomor was perhaps the greatest national catastrophe in the history of the Ukraine, and its emotional repercussions still affect the Ukrainian people to this day.

By remembering that horrific period, we work towards a day when such atrocities will never again occur in the world. This year, the 75th anniversary of the famine was commemorated in Kiev and indeed throughout the world. All Americans should join in remembering this historical atrocity and resolve to act against future crimes against humanity. The Walk Against Genocide not only serves to commemorate the innocent men, women and children of the Ukraine who lost their lives, but also to take a stand against acts of genocide that still occur in the world today. The Walk Against Genocide is thus an uplifting manifestation of the enduring resilience of the human spirit.

Madam Speaker, I ask that my distinguished colleagues join me in saluting the participants in the Walk Against Genocide and in recognizing the Ukrainian Congress Committee of America and the United Ukrainian American Organizations of New York on the occasion of the 75th anniversary commemorating the Ukrainian genocide.

BIRTHDAY WISHES FOR LOUIS E. TESSIER, THE SUPERVISOR OF THE TOWN OF LAKE GEORGE, NY

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. GILLIBRAND. Madam Speaker, it is my honor to rise today on behalf of Louis E. Tessier, the Supervisor of the Town of Lake George, in recognition of his 80th birthday on July 19, 2008. I extend my congratulations on this special occasion to Lou, his wife Mary, his daughter, Rene, and to his entire family.

Mr. Tessier has a distinguished career in public service. He was elected into and has held his office since 1984. He served as the Warren County Budget Officer from 1992 through 1995 and as the Warren County Chairman of the Board of Supervisors from 1996 through 2000. He has served on a long list of many of the county's committees—everything from Airport to Youth Programs. During his career, he has also been appointed to the following:

Board of Directors of the Warren-Hamilton Counties Action Committee for Economic Opportunity, Inc.; Warren County Sewer Commission; County Jury Board Member; Advisory Council for Warren-Hamilton Counties Office for the Aging; Warren County Traffic Safety Board; Warren County Deferred Compensation Program; Warren County Representative of the Adirondack Park Centennial Committee; Industrial Development Agency; Warren County Labor/Management Committee; Inter-County Committee of the Legislative Bodies of the Adirondack Representatives; Adirondack/Glens Falls Transportation Council; Warren County Local Development Corporation (LDC); Warren County LDC—Executive Committee of the Board of Directors; Inter-County Solid Waste Coordinating Committee; Bi-County Ad Hoc Committee for Burn Plant Negotiations; Negotiating Committee for Burn Plant Acquisition; Warren County Criminal Justice Advisory Board, Alternatives to Incarceration Service Plans; Sub-committee on Revenue Enhancement; Airport Consultant Selection Board; Lake Champlain—Lake George Regional Planning Board; Bi-County Ad Hoc Committee for Hartford Landfill Negotiations.

Please join me, the Town of Lake George, the people of Warren County and New York's 20th Congressional District in wishing Supervisor Lou Tessier a very happy 80th Birthday.

PAYING TRIBUTE TO NEVADA AIPAC DELEGATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor the Nevada delegation from the American Israel Public Affairs Committee. I am delighted to have my colleagues in the Nevada Congressional Delegations, Representatives SHELLY BERKLEY and DEAN HELLER, join me in recognizing the advocacy efforts of the AIPAC delegation.

The Nevada delegation from the American Israel Public Affairs Committee (AIPAC) recently visited Washington, DC to advocate on behalf of Israel and ensure that American support for Israel remains strong. AIPAC is working to promote strategic cooperation between the two nations, to develop sound U.S. anti-terrorist policies, to share homeland security techniques and technologies, and to stop rogue nations such as Iran from acquiring weapons of mass destruction.

Following several days of meetings and speakers, the Nevada delegation visited with their Congressional Representatives to advocate on behalf of these ideals and share their views with the Nevada Congressional delegation. It is truly an honor to meet with such dedicated advocates. AIPAC has a strong record of creating citizen advocates who are passionate about pro-Israel issues and are dedicated to learning how they can affect Israel's future and security by promoting strong ties with the United States.

This years Nevada AIPAC delegation included: Ms. Ariel Shalin, Miss Heather Brown, Ms. Adriel Espinoza, Mr. Michael Roitman, Mr. Andrew Spivak, Mr. Michael Thomas, Ms. Sara Kantor, Mr. Max Berkley, Dr. Stanley Ames, Mrs. Georgia Ames, Mr. Allen Anes, Mrs. Eileen Anes, Mr. Eli Applebaum, Ms. Vanessa Aragonez, Mr. Jerome Blut, Mrs. Arlene Blut, Rabbi Hershel Brooks, Ms. Diane Brounstein, Mr. Jonathan Craft, Mr. David Dahan, Mr. Bob Dubin, Mrs. Shelley Dubin, Mr. Peter Dubowsky, Mr. Leslie Dunn, Mrs. Joan Dunn, Mrs. Liz Goodman, Mr. David Jacobson, Mrs. Jewell Jacobson, Ms. Eva Kallick, Ms. Stephanie Lehrner, Dr. Larry M. Lehrner, Dr. Marc Leitner, Ms. Terri Greer, Ms. Vivian Perlmutter, Mr. Brett Primack, Mrs. Christina Primack, Mr. Joshua J. Primack, Mr. Jordan Primack, Mrs. Deborah Primack, Mrs. Laurie Robinson, Dr. Joseph Shalev, Mrs. Batsheva Shalev, Ms. Lisa Skurow, Ms. Nicole Steiner, Mr. David Stone, Mr. Steven Strasser, Mrs. Sharon Strasser, Mr. Stuart Blake Tener, Mr. Sam Ventura, Mrs. Rachael Ventura, Mr. Michael Werner, Mrs. Dana Werner, Mrs. Lynn Wexler, Rabbi Yitzack Wyne, Mr. Benny Yerushalmi, Mr. Elad Yerushalmi, Mr. Jeff Zucker, Mr. David-Jacques Farahi, Ms. Parinaz Farahi, Mr. Hy Kashenberg, Ms. Brenda L. Nelson, Ms. Tali Farahi, and Mr. Faramarz Yousefzadeh.

Madam Speaker, I am honored to recognizes the Nevada AIPAC delegation. These individuals have dedicated themselves to a very worthy cause, and I applaud their efforts and wish them the best in their future endeavors.

HONORING HANK THOMPSON'S SERVICE TO SUMNER COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor my friend, Hank Thompson, who passed away July 6.

As a County Commissioner, Mayor of Hendersonville and Sumner County Executive, Hank served the people of Sumner County for more than 25 years.

Hank always sought what was best for the people he represented. He was a very forward-thinking public servant and a good friend and adviser to me. I worked with him for many years and always admired his passion and love for his community.

Following the devastating Gallatin tornado in 2006, Hank was the first person to contact me to get federal assistance for storm victims. He also led the local assistance effort, helping people put their lives back together and rebuild their communities.

He was a tireless advocate for the people of Sumner County and his contributions to the families there are countless. Whether it was building bridges, expanding highways, creating greenways or building new baseball and soccer fields, Hank was always Sumner County's number one advocate. I spent many hours in his car, driving from community to community while he showed me projects he envisioned for the area.

He served on the boards of numerous organizations, including Children Are People, Inc.; the Jason Foundation and Youth Inc. Hank was a member of the Homeland Security Region Executive Board, Regional Transit Authority Board, Tennessee Municipal League Board, Sumner County Resource Agency, U.S. Conference of Mayors, Hendersonville and Gallatin Chambers of Commerce, Civitan Club and Rotary Club.

Hank served his state and nation as a first lieutenant in the Tennessee National Guard.

Hank will be missed by his wife, Nancy, his children Nick, Lance and Amanda and his many friends in Sumner County and across Tennessee.

TRIBUTE TO GENERAL ROBERT MAGNUS, USMC

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SKELTON. Madam Speaker, it has come to my attention that a distinguished military career is coming to an end. General Robert Magnus, U.S. Marine Corps, is retiring from active duty after serving our nation for 40 years.

General Magnus enlisted in the Navy in February 1968. He graduated from the University of Virginia in 1969 with a bachelor of arts degree in history and received a masters of science in business administration from Strayer College in 1993. He received a commission in June 1969 and completed the following military training schools: Naval Aviation flight training, nuclear safety officers course, survival evasion resistance and escape course, weapons and tactics instructors course, aviation safety command course, Marine Corps Command and Staff College, National War College, CAPSTONE Course, Joint Force Air Component Commanders Course, Executive Business Course.

During his 40 years of service, General Magnus has served during several operation tours and held many squadron assignments. These include intelligence officer, HMM-264; operations officer, H&MS–15 SAR Detachment, Task Force Delta, Nam Phong, Thailand; training officer, Station Operations and

Engineering Squadron, MCAS Quantico; aviation safety officer, MAG–26 and HMM–263; weapons and tactics instructor, MAG–26 and HMM–261; operations officer, MAG–29; executive officer, HMM–365, MAG–29; commanding officer HMM–365, MAG–29; commander, Marine Corps Air Bases Western Area; and deputy commander, Marine Forces Pacific.

General Magnus also has served in several staff assignments, including aviation assault medium lift requirements officer; chief, Logistics Readiness Center, joint staff; executive assistant to the director of the Joint Staff; head, Aviation Plans and Programs Branch; Assistant Deputy Chief of Staff for Aviation; Assistant Deputy Commandant for Plans, Policies, and Operations; and Deputy Commandant for Programs and Resources.

General Magnus's decorations and awards include: Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit Medal, and the Navy Achievement Medal.

General Magnus is concluding his career having served as the Assistant Commandant of the Marine Corps. In this capacity, he has been the principal adviser to the Commandant of the Marine Corps on all decisions affecting the readiness and future health of the Marine Corps. I am certain that the Members of the House will join me in honoring General Magnus and his family for their outstanding service to our country.

HONORING ANNE RAGSDALE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. BLACKBURN. Madam Speaker, as I come to the floor today to speak, friends and colleagues of Anne Ragsdale are gathering in Nashville to celebrate her life and her many contributions to her city and to her country. Anne Ragsdale was an extraordinary woman who chose to spend her life encouraging others and inspiring those of us who knew her to give selflessly of our time and talents. Anne Ragsdale believed in this great nation and its goodness and felt that every child who called America home should be able to dream big dreams and have those dreams come true. She embodied the spirit of philanthropy, never giving for any reason other than knowing that her gifts would make a positive difference in the lives of others. She did not focus on herself. She focused on the people around her: her family, her friends, her charitable causes, and her church. As a matter of fact, if she were standing here on this floor with me today, she would probably tell me to use the time focusing on a cause for human good and not to use the time talking about her. Those of us who called her our friend loved this trait in Anne.

Anne held a deep and abiding faith and was an active member of First Southern Methodist Church of Nashville and was a member of St. Paul Southern Methodist Church for 25 years. In the community, her true passion involved helping children in need and providing them with education in a safe and loving environment. She and her husband, Dick, have been wonderful supporters of scholarships and educational opportunities for children at schools throughout Tennessee.

She was a small businesswoman, homemaker, and activist for many charitable causes. She was also co-founder and board member of Birthright of Nashville, YMCA Community Action Programs and East Academy. She served on the board of directors of the Salvation Army, Nashville for 15 years and also on the board of Alive Hospice. She was a founding member of the Nashville Symphony's Schermerhorn Symphony Center. She especially enjoyed serving as the costume designer for the Nashville Children's Theatre.

Anne Ragsdale will be missed. Her participation and support will be missed by the schools, churches and organizations to which she provided leadership and support. She will be missed by her friends who leaned on her for support and comfort. She will be missed by the family she adored and cherished.

Madam Speaker, I ask my colleagues to join me in appreciation of a life well lived.

EARMARK DECLARATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. WALSH of New York. Madam Speaker consistent with Republican transparency standards, the following is a disclosure for each of my requested projects in the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, H.R. 5658:

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Army Account.

Legal Name of Requesting Entity: Syracuse Research Corporation.

Address of Requesting Entity: 6225 Running Ridge Rd., Syracuse, NY 13212.

Description of Request: Include $4 million in H.R. 5658—Army Account RDT&E—Advanced Tactical Computer Science and Sensor Technology—to assist transition of the Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER) prototype to an operational configuration adding User specific capabilities.

The FORESTER Program is on-going with radar integration and testing continuing through the remainder of FY08 on the A160 Hummingbird. The Program objectives are being met, namely to detect and track moving dismounted soldiers and vehicles under foliage to a range of at least 30 km, and to detect and track people and vehicles in the open or through foliage to a range of at least 50 km. FORESTER can also detect and track moving low-altitude air vehicles such as helicopters, small Unmanned Aerial Vehicles, and aircraft to a range of 75 km. Additionally, FORESTER has a real-time radar mode to image targets concealed in the foliage. The FY09 request will provide funding necessary to transition FORESTER to the User community and apply the technology to additional platforms.

Currently, U.S. Forces have no radar capability to detect and track activity under foliage. FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. Designed and developed to fly on the A160 Hummingbird unmanned helicopter, FORESTER is one-of-a-kind technology providing the warfighter with all-weather, day-night target detection and tracking capability in real-time. This request would leverage the existing technology to accommodate other platforms and border surveillance applications. Specifically, transition the FORESTER prototype to an operational configuration adding User specific capabilities, including: performance improvements, platform integration, flight test execution, and demonstration of the system on new platforms.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN ADAMS COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners, County Council, and all the other outstanding individuals in Adams County who rose to the occasion during these difficult times. This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Adams County will be well served by these officials.

TRIBUTE TO SFC GREG HUBBY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize SFC Greg Hubby, a native of Boone, Iowa, as a recipient of a Bronze Star Medal for heroic achievement during combat operations in support of Operation Iraqi Freedom. The Bronze Star is the fourth highest award that the Department of Defense gives for bravery, heroism, and meritorious service.

SFC Hubby earned the Bronze Star while he was a retention NCO with the 3rd Infantry Battalion, stationed in Mosul. During one of his helicopter trips to another outpost, their helicopter came under fire.

SFC Hubby's bravery goes above and beyond what we are asked of as citizens of this country. Although recruiters are typically nondeployable, SPC Hubby reached out to share in the sacrifices of our other brave men and women who have served in Iraq and Afghanistan by volunteering his service at a time of need. His heroism illustrates the compassion of Iowans; willing to risk their own lives for their country. For this I offer him my utmost congratulations and thanks for his service and sacrifice for this great nation.

I commend SFC Greg Hubby's courageousness and service, and I am honored to represent him in the United States Congress. I know my colleagues join me in recognizing his service and wishing him and his family the very best in their future endeavors.

IN RECOGNITION OF THE FORT TICONDEROGA ASSOCIATION ON THE OCCASION OF THE GRAND OPENING OF THE DEBORAH CLARKE MARS EDUCATION CENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise today along with my colleague, the Honorable KIRSTEN GILLIBRAND to pay tribute to the Fort Ticonderoga Association, the non-profit organization chartered by the State University of New York Regents to administer the great National Historic Landmark at Fort Ticonderoga. This July, the Association will open the Deborah Clarke Mars Education Center, which will house an authentic re-creation of the magasin du Roi, or "King's Warehouse", that stood on the Fort's parade ground from 1756 to 1759, as well as facilities for educational programs, lectures, and symposia. This month, the Fort Ticonderoga Association also observed the 250th anniversary of one of the bloodiest conflicts of the French and Indian War, the Battle of Carillon, by staging a two-day re-enactment of the conflict.

The Fort Ticonderoga Association was organized in 1931. It has carried on the stewardship of the historic site by the Pell family, whose members have maintained the Fort since the early 19th century. William Ferris Pell, a noted businessman and preservationist, originally purchased Fort Ticonderoga and the surrounding lands to prevent the stripping of precious materials from the legendary stone forts that rest on the site. He established his summer home-turned-hotel, the Pavillion, on the beautiful grounds, offering affordable accommodations to travelers visiting the historic ruins for nearly six decades. Stephen Pell, his great-grandson, began restoration of the Fort and the Pavillion in 1908; subsequently, the site became a popular tourist destination and was added to the National Register of Historic Places.

Fort Ticonderoga and the surrounding grounds have a rich history. Its site was originally chosen for its strategic location on the Ticonderoga peninsula on the shore of Lake Champlain that protected the portage to nearby Lake George. At the time, it was the French Empire's southernmost fort in the New World and a sensitive and strategic military installation coveted by the world's two largest empires, the British and the French. This July will mark the 250th anniversary of the Battle of Carillon, a major battle in the French and Indian War in which outnumbered French troops led by Louis-Joseph le Marquis de Montcalm successfully and valiantly defeated a British attacking force. On July 8, 1758, British General James Abercromby led a British and colonial army of 16,000 men against a small French force of 3,200 entrenched at Fort Carillon (the original name of Fort Ticonderoga). Despite being outnumbered by more than 4 to 1, the French forces prevailed and forced the British to retreat. In honor of their victory, the French erected a cross on the battle site, of which a reproduction still stands at the "French Lines" even today. A year later, British forces under Lord Jefferey Amherst successfully conquered the Fort.

Fort Ticonderoga retained its strategic significance during the American Revolution. On May 10, 1775, American soldiers won their first victory in the Revolution when they captured Fort Ticonderoga in a surprise attack at dawn. The cannons from Ticonderoga were then hauled all the way across the Commonwealth of Massachusetts by troops led by Henry Knox, and used to successfully prosecute the Siege of Boston, driving the Redcoats away from the Massachusetts Bay.

Today, the Fort Ticonderoga Association strives to engage, educate, and entertain visitors by sharing the authentic stories of diverse cultures that met at the Ticonderoga peninsula in war and peace over the last 250 years. Its members achieve this goal through accurate historical interpretations, high standards of preservation, and able management of the Fort's world-class collections of scholarly works, through innovative educational offerings, and with operational excellence.

Under the diligent care of the Association, Fort Ticonderoga has earned numerous awards, including the Upstate History Alliance Award of Excellence, the Adirondack Architectural Heritage Award of Excellence for the Kings' Garden Restoration, and the Preservation League of New York State Award of Excellence. Fort Ticonderoga also received a State and Local History Certificate of Commendation from the American Association for "America's First Victory." Clearly, its role in American history left an important legacy for Fort Ticonderoga that resonates even today.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to the preservation and stewardship of American history performed by the Fort Ticonderoga Association.

PAYING TRIBUTE TO FATHER JOSEPH P. ANNESE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Father Joseph P. Annese by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Father Joseph P. Annese for his years of dedicated service to the Boulder City community.

Father Joe has dedicated himself to the St. Andrew Catholic Community for thirty years. His passion for helping the community and his dedication to his calling has made Father Joe an essential part of the community.

Father Joe started his seminary years in the Divine World Seminary and was ordained in 1962. He then taught high school seminary in Erie, Pa., then in Bordertown, New Jersey, and finally in Verbum Dei High School in Watts, California. Before coming to Boulder City, Father Joe joined the Diocese of Reno/Las Vegas in 1971. He then became an associate pastor at St. James Parish in Las Vegas in 1971, where he served for one year, and was named an associate pastor at St. Christopher's Parish in North Las Vegas for five years. In 1978, Bishop McFarland assigned Father Joe as Pastor of the St. Andrew Catholic Community in Boulder City, Nevada to build an entirely new complex of church offices, parish halls, multi-purpose classrooms, and a pastor's residence. The entire parish center was built and dedicated in 1981.

Madam Speaker, I am proud to honor Father Joe for his thirty years of service. Words cannot express how much Father Joe has done for the people and the city of Boulder City. His quest to touch the lives of and help as many people as possible, his devotion to his work, and his zeal to better the community are truly commendable and I applaud all his efforts.

FAIRFAX COUNTY PLANNING COMMISSION MARKS ITS 70TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to commemorate the 70th anniversary of the Fairfax County Planning Commission.

The Fairfax County Planning Commission's goal has been to advise the Board of Supervisors on all matters related to the orderly growth and development of Fairfax County. This includes the preparation of a comprehensive plan for the physical development of the county in addition to amending zoning and subdivision ordinances. The Commission provides citizens with an opportunity to voice their support for or opinion on developments in and around their community.

The Fairfax County Planning Commission was founded on Wednesday, July 6, 1938. Throughout the past 70 years, the Fairfax County Board of Supervisors has appointed a total of 121 citizens to serve as commissioners. The Planning Commission consists of two standing committees, the Personnel and Budget Committee and Policy and Procedure Committee. Additionally, there are seven subcommittees honing their focus towards capital improvement, the environment, parks, redevelopment and housing, land use process review, school facilities, transportation, and Fort Belvoir. The Planning Commission and staff have held thousands of public hearings, hundreds of committee meetings, and have forwarded thousands of recommendations to promote orderly, balanced and equitable growth.

Fairfax County is a thriving, urban county with a population that exceeds that of seven States. The median household income is one of the highest in the Nation. Over half of the adult population has at least a bachelor's degree. His also home to George Mason University. With an enrollment of over 30,000 students, GMU is a leader in science, technology and a variety of other fields. These are all signs of the county's strength. This strength has been nurtured and spurred along by the Planning Commission's foresight and vision.

Their work is not done, however; they have set an ambitious 2009 agenda. This year they will address green building, recycling and issues related to Fort Belvoir in addition to their regular duties. The actions this group takes today will continue to shape and direct this county in the years to come.

Madam Speaker, in closing, I would like to thank and send appreciation to the Fairfax County Planning Commission and their staff for their hard work and dedication to Fairfax County. Their untiring, dynamic efforts have made Fairfax County a wonderful place to live and raise a family. I call upon my colleagues to join me in commending and congratulating the Fairfax County Planning Commission on 70 years of excellence.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall no. 470, H. Res. 1098, Supporting the goals and ideals of the Year of the American Veteran, had I been present, I would have voted "yes."

HONORING THE FRATERNAL ORDER OF EAGLES AERIE #1801

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SHUSTER. Madam Speaker, it is with great pleasure that I offer my congratulations to the members and leadership of the Fraternal Order of Eagles Aerie #1801 in Somerset, Pennsylvania, who will celebrate their 100th anniversary on July 30, 2008.

Originally founded in 1898 by a group of theatre owners, the Fraternal Order of Eagles was created to act as a social haven for the like-minded. As the Fraternal Order of Eagles spread throughout the United States, they sought, as they continue to do so today, to establish a fraternal system to encourage and provide assistance to members and their families through a system of mutual insurance which provided death benefits. In 1908, the citizens of Somerset organized the Fraternal Order of Eagles Aerie #1801. Over the past one hundred years Aerie #1801 has focused on achieving their original objective, to "make human life more desirable by lessening its ills and promoting peace, prosperity, gladness, and hope." They have truly succeeded in their quest.

Throughout its history, the Fraternal Order of Eagles has sought to leave a truly memorable past on the pages of history. Not only does the Eagles' historical participation consist of seven U.S. presidents, including Theodore Roosevelt, Franklin Roosevelt, Jimmy Carter and Ronald Reagan, but they have also been incredibly charitable. Across the United States the Eagles donate more than $100 million every year to charities. Members of Aerie #1801 lift up their community as well as surrounding communities by raising funds for a multitude of local and national charities. These charities include the Golden Eagles Fund, Robert Hansen Diabetes Fund, and the Jimmy Durante Children's Fund. Through actively pursuing lifting up those around them, the Eagles Aerie #1801 has truly been an integral part of Somerset, Pennsylvania. The leadership and members of Aerie #1801 have continuously provided Somerset with examples of civic leadership, charitable giving, and improving the borough in ways great and small. The Eagles have made Somerset an immeasurably enhanced place to live, work, and raise families.

The Somerset Fraternal Order of Eagles has provided a trustworthy atmosphere which has worked to help a multitude of men, women, and children throughout its history. I would like to congratulate the members and leadership of Aerie #1801 and Eagles who have assembled from across the country to be in Somerset on this occasion. I look forward to celebrating the one hundredth anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community.

COMMENDING LIEUTENANT ANDREW PATE FOR HIS SERVICE TO THE U.S. HOUSE OF REPRESENTATIVES AND THE UNITED STATES COAST GUARD

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to honor Lieutenant Andrew Pate for his service to the U.S. House of Representatives and the United States Coast Guard.

As some of you may know, Lieutenant Pate was detailed to the Coast Guard's House Liaison office in July of 2006, and I am proud to have had the opportunity to work closely with him over the past two years. My colleagues, staff, and I have valued his knowledge and understanding of the Coast Guard's operational missions, day-to-day challenges, and roles and responsibilities.

Lieutenant Andrew Leigh Pate is a native of Wesley Chapel, Florida. In the summer of 1998 he enrolled at the United States Coast Guard Academy, with summer duty assignments onboard Coast Guard cutters *Northland, Eagle* and *Drummond.* First elected as Treasurer of his Academy Class in 1998, Lieutenant Pate has served continuously as President of his Academy Class since the spring of 2000.

In May of 2002, Lieutenant Pate graduated from the Academy with a Bachelor's degree in Government. His first assignment was onboard the High Endurance Cutter USCGC *Gallatin* (WHEC 721) home ported in Charleston, South Carolina. While onboard *Gallatin,* Lieutenant Pate served in a variety of positions including Assistant Operations Officer, Combat Information Center Officer, and Maritime Law Enforcement Boarding Officer. His tour highlights include the interdiction and repatriation of over 570 Haitian migrants during Operations Able Manner and Able Sentry.

In June of 2004, Lieutenant Pate transferred to Fort Myers Beach, Florida as the fourth Commanding Officer of the 87-foot Coastal Patrol Boat USCGC *Marlin* (WPB 87304). From June 2004 to July 2006, *Marlin* successfully conducted over 250 law enforcement boardings in an operational area covering more than 108,000 square miles. These efforts resulted in the apprehension of 10 wanted fugitives, the voyage termination of 18 commercial fishing vessels for hazardous safety conditions and the interdiction and repatriation of over 150 Cuban migrants attempting to illegally enter the United States. Under Lieutenant Pate's command, *Marlin* safely evaded six major Hurricanes and conducted a total of 21 Search and Rescue cases saving the lives of 50 people.

Two years ago, Lieutenant Pate reported to the Hill as an Assistant House Liaison Officer for the Coast Guard. Since arriving in 2006, Lieutenant Pate has worked tirelessly to provide Members of Congress and their staff with timely, accurate, and detailed information needed to fulfill their duties. Through his careful planning and execution of dozens of Congressional Delegation trips and hundreds of briefings, Lieutenant Pate clearly articulated Coast Guard views in support of needed authorities and appropriations, working constructively with the Congress to ensure careful stewardship of resources.

On July 14, 2008, Lieutenant Pate will leave his post in the House Liaison Office and report to the Office of Senator ROGER WICKER (MS) for a one-year assignment as a Military Fellow.

I am proud to know and pay tribute to him in the United States Congress. On behalf of the Representatives and staff who have been fortunate enough to know and work with Andrew, I wish him, his wife Kristen, and their son Aidan, clear skies and following seas.

NISEI BASEBALL

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Ms. MATSUI. Madam Speaker, I rise today in tribute of Nisei Pioneer Day and the past generations of Japanese American baseball players, coaches, and teams. For over a century, Japanese American baseball has been a strong bond that brought communities and cultures together while also teaching good sportsmanship. As the Japanese American community and baseball fans gather to celebrate the Nisei Pioneer Day Program in Sacramento, I ask that all my colleagues join me in honoring Nisei baseball.

Baseball has been an important sport in the Japanese community since it was first introduced in Japan in 1872 by American school teacher Horace Wilson. By the turn of the century baseball had become the Nation's most popular sport and in 1905 Japan's national champion Waseda University team toured the United States competing against various American colleges. Unfortunately, during this same time, anti-Japanese movements were on the rise in the United States. During this difficult time, Nisei baseball was able to bring Japanese Americans into the Nation's mainstream.

The 1920s and 1930s are often referred to as the "Golden Age" of Japanese American baseball. During this time many Japanese American communities across the West Coast were organizing teams and leagues. This brought the Japanese American community together in the wake of increasing anti-Japanese legislation. While laws such as the Immigration Act of 1924 were effectively ending Japanese immigration into the United States, baseball was providing a valuable bridge between the East and West Coast cultures for Issei and Nisei here in the United States. It continued to play an important role in defining and developing a cultural identity throughout the 1930s.

After the bombing of Pearl Harbor and President Roosevelt's Executive Order initiating the removal and incarceration of Japanese Americans, the tradition of baseball resonated within these communities. Daily baseball games not only served as a distraction from the monotony of the internment camps, but it also provided them with a sense of normalcy and community. Today we celebrate the historical impact Nisei baseball has had not only on the Japanese American community in the United States, but across our Nation as a whole. It provided a sense of community during one of the darkest periods of our Nation's history.

In recent years Japanese ballplayers have helped transform the game of baseball at the highest levels. Japanese players competing at the major league level, such as Ichiro Suzuki, Hideki Matsui and Hideo Nomo, have been instrumental in attracting new fans to the sport. The success of these major leaguers and the strides made by past Nisei and Issei ballplayers have led to a rich and rooted history that can be celebrated for generations to come.

I am honored to pay tribute to a century of Japanese American baseball and the enduring effect it has had on the Japanese American community. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in commemorating the past and present Japanese American baseball pioneers and their lasting legacy on our country.

HONORING SANDRA M. BODIN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. CAPPS. Madam Speaker, today I rise to honor Sandra M. Bodin, who just completed her services as President of the American Nephrology Nurses' Association, ANNA, for her dedication and contributions to nephrology nursing and kidney patients across the country.

ANNA is one of the largest and most prestigious nursing associations in America. The organization is the recognized leader in nephrology nursing practice, education, research, and advocacy. ANNA's members are registered nurses and health care professionals at all levels of practice. They care for patients of all ages who are experiencing, or are at risk for, kidney disease. The organization's mission is to advance nephrology nursing practice and positively influence outcomes for patients with kidney or other disease processes requiring replacement therapies through advocacy, scholarship, and excellence.

As an active member of ANNA, Sandra has served as President, Vice President, and as a member of the Board of Directors. Also, she received the Ron Brady Memorial Award for Excellence in Volunteer Leadership from ANNA in 2002.

As ANNA's president Sandra has inspired nephrology nurses to reach the highest levels of practice and patient care. She is a visionary leader who has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments.

Professionally, Sandra graduated with a Bachelor of Arts and a Master of Arts in Nursing from the College of Scholastica in Duluth, Minnesota. She became a Registered Nurse in 1977 and a Certified Nephrology Nurse in 1992. Sandra currently is the lead Clinical Informatics Analyst and Application Coordinator at the SMDC Health System in Duluth Minnesota. Sandra has also worked at the Miller-Dawn Medical Center and St. Mary's Hospital, both in Duluth.

I honor her efforts to promote the care of those suffering from kidney disease. I recognize her achievements as a nurse, patient advocate, and healthcare leader. I commend Sandra on her service to the American Nephrology Nurses' Association and our country.

Please join me in commending Sandra M. Bodin for her years of vision, leadership, and commitment.

TRIBUTE TO THE MISSOURI NATIONAL GUARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SKELTON. Madam Speaker, let me take this means to recognize the brave men and women of the Missouri National Guard, for their commitment to providing flood relief.

The Missouri National Guard Citizen-Soldiers and Airmen have been mobilized by Missouri government leaders to assist in the Missouri emergency flood response. The members have been mobilized in the communities of Clarksville, Hannibal, Canton, West Quincy, LaGrange, Winfield, Alexandria, St. Charles City, and St. Charles County. Those supporting the flood response are assisting in missions that include sandbagging operations, levee monitoring, and manning traffic control points. Since the mobilization of forces, more than 1,000 Guard members have responded to the call to duty. With force rotations, there are currently around 700 members on active duty.

Personnel have come from across the state to aid Missouri towns during this emergency. These units include the 7th Civil Support Team from Fort Leonard Wood; the 135th Military History Detachment from Jefferson City; the 835th Combat Support Sustainment Battalion from Jefferson City; 735th Quartermaster Company with detachments in DeSoto, Jefferson City, Rolla, Cape Girardeau and Jefferson Barracks; the 1138th Transportation Company from Jefferson Barracks; the 1035th Maintenance Company from Jefferson Barracks; 3175th Chemical Company from St. Peters; the 1438th Engineer Company from Macon and Kirksville; the 220th Engineer Company from Festus; the 880th Haul Team from Perryville; the 1137th Military Police Company from Kennett, Jackson and Doniphan; the 1138th Military Police Company from West Plains and Springfield; the 1175th Military Police Company from St. Clair and St. Louis; 1140th Engineer Battalion from Cape Girardeau; the 205th Military Police Battalion from Poplar Bluff; the 203rd Engineer Battalion from Joplin; the 131st Fighter Wing from St. Louis; the 1138th Engineer Company (Sapper) in Farmington; and the 70th Troop Command from Jefferson Barracks.

I know the Members of the House will join me in recognizing the outstanding dedication of the Missouri National Guard, and in wishing them luck throughout this emergency operation.

INTRODUCTION OF THE NATIONAL GUARD TECHNICIAN RECRUITMENT AND RETENTION ACT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. COURTNEY. Madam Speaker, I am proud to introduce legislation today that will restore fairness for our military technicians, who work every day in Connecticut and across the Nation to support our National Guard.

If the National Guard serves as the backbone of our military, then our military technicians serve as the backbone of our National Guard. They play a critical role in ensuring that our National Guard is ready to respond and deploy in support of military operations abroad by supporting the training, equipment repair and restoration, logistics and other critical functions.

Military technicians are known as "dual-status" employees, through which they must retain membership in the Air or Army National Guard in their State in order to maintain full-time employment as a technician. Dual-status military technicians are subject to the restrictions of the Technician Act of 1969, 32 USC 709, and other provisions of the law under which they are specifically prohibited from receiving certain benefits and rights available to them as members of the National Guard, such as reenlistment bonuses and student loan repayment assistance. In addition, if a member of the National Guard becomes a technician within 6 months of receiving an enlistment or reenlistment bonus, the Department of Defense can, and often does, require them to pay back those bonuses.

The law also fails to fairly compensate technicians for the increased overtime hours that technicians must work to fulfill their mission by providing technicians compensatory time, rather than monetary compensation, in return for overtime work. Many technicians cannot use the compensatory time without impacting time-sensitive military work schedules and, with the military's current "use it or lose it" policy under which such time is lost if unused within 21 pay cycles, many technicians face the prospect of losing the time off they have earned.

Last summer, I had the chance to visit the 1109th Aviation Classification and Repair Depot, AVCRAD, in Groton and see first hand the work they were doing to support of our National Guard. There, nearly 300 military technicians provide maintenance and logistics for aircraft and equipment for 14 States across the northeast and supports Connecticut's fleet of Black Hawk helicopters. During my visit, the leadership of the unit described how busy the facility has been over the past several years. They've literally been burning the midnight oil in trying to keep up with the demand of keeping equipment repaired and ready to deploy. It's an incredible operation, and one that is just so important to our military serving in harm's way.

Just recently, about 150 members of the AVCRAD—many of them military technicians—deployed just last week in support of Operation Iraqi Freedom. Yet, as these technicians deploy abroad side by side with their fellow guardsmen, they are not treated equally because of their full time employment as a military technician. At a time when we rely on military technicians more than ever to ensure that our Armed Forces are ready to serve, I strongly believe that we must do more to support, recruit and retain both our skilled military technicians and dedicated members of the National Guard. We must update outdated 30-year-old laws to ensure that they adequately reflect the challenges and needs of today's military technician.

The bill I am introducing today, the National Guard Technician Recruitment and Retention Act, would restore fairness for our National Guard technicians. The bill ensures that no military technician is denied the opportunity to receive an enlistment or reenlistment bonus for their service in the National Guard, that they are given the opportunity to participate in a student loan repayment program and are not required to repay bonuses they receive for their service in the National Guard if they accept a position as a military technician. And, the bill will repeal the overtime prohibition against overtime pay for National Guard technicians and instead provide for flexibility in overtime compensation by allowing military technicians to chose between compensatory time or overtime pay at one and a half times their basic rate of pay—whatever suits their individual situation and needs.

Madam Speaker, if a military technician can train, serve and deploy as a member of the National Guard, I do not think it is too much for them to ask to keep the benefits they deserve for their service in the National Guard. With all we ask of them today, I simply disagree with the notion that a member of the National Guard has to give up the benefits they are entitled to because they chose to serve their Nation as a military technician. Military technicians are the ones that keep the National Guard ready to serve—and it is time that we serve them.

I urge my colleagues to join me in supporting this important legislation.

TRIBUTE TO COURTNEY RAYLE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. HOYER. Madam Speaker, today I rise to offer my congratulations to Courtney Rayle, the winner of the Masters Division of the 67th Greater Washington Soap Box Derby held in our Nation's Capital on June 22.

I am very pleased that Miss Rayle, who is a resident of Mechanicsville, Maryland and my constituent, has now earned the right to compete in the 71st Annual All-American Soap Box Derby national championship on July 26 in Akron, Ohio. Courtney has worked tirelessly to earn such a noteworthy win; due to her hard work, the victory marks the seventh time someone from the Rayle family has won the Greater Washington Soap Box race. This year will be the 19th time a member of the Rayle family will race in Akron. Courtney joins Jimmy Rayle Sr., Billy Rayle, Jimmy Rayle Jr., and Jeff Rayle in a long tradition of excellence in this sport. As Courtney now looks to compete for the national soap box title, I, along with the people of Maryland, wish her the best of luck.

The origin of soap box derby racing dates back to 1934 when a photographer for the Dayton Daily News in Ohio, Myron E. Scott, saw boys racing engineless cars down a hill, inspiring him to organize a race and award the winner with a "loving cup." The venue was later moved to Akron—the site of today's national derby championship—on account of the numerous hills. With the hard work of countless civic organizations, a permanent track site for the youth racing classic was created in Akron with the assistance of the Works Progress Administration (WPA).

The All-American Soap Box Derby is the second-oldest racing event in the Nation—second only to the Indianapolis 500. This event has been called the greatest amateur racing competition in the world, and it is an excellent opportunity for contestants from all around the country to learn building skills while gaining a real sense of accomplishment. Congratulations to all of this year's competitors, and congratulations once again to Miss Courtney Rayle.

HONORS THE SOCIETY OF ST. TROFIMENA AS THEY CELEBRATE THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Ms. DELAURO. Madam Speaker, it is my great pleasure to rise today to join my neighborhood, Wooster Square in New Haven, Connecticut, and the Italian-American community in celebrating the 100th anniversary of the Society of St. Trofimena. Founded in a home on Wooster Street in December of 1908, 100 years later, the Society of St. Trofimena continues to play an integral role in the lives of many of the families of Wooster Square.

Immigrating to the United States in 2004, a group of Minoresi, families from the town of Minori, Italy, came to America in search of work and made New Haven their home. In an effort to provide mutual aid and comfort to each other they decided to form a fraternal group—the Society of St. Trofimena, Virgine & Martine. According to its original by-laws, its primary purpose was to unite all descendents of the town of Minori and to increase and spread the devotion of St. Torfimena. As a tribute, Antonio Esposito commissioned and donated to the society a statue of St. Trofimena that was made in Italy and shipped to New Haven. This statue has been used in all of the festivals honoring her and has been paraded through the streets of Wooster Square.

The society flourished for more than 50 years before membership began to wane, however, in 1980 a group of descendents, spearheaded by Frances D'Amato Crisci and her brother Anthony D'Amato met to reorganize. In the years since its inception, members of the Society of St. Trofimena assumed a critical responsibility—maintaining the Italian heritage that thousands of Greater New Haven residents share. Each year, the Society of St. Trofimena keeps our community spirit alive honoring St. Trofimena on her feast day of July 13 and at a mass in memory of her deceased members in November. It is through efforts such as these that we renew our history and help pass it along.

Forged through the bonds of family, the members of the Society of St. Trofimena continue to be active in the community—enriching our neighborhood and ensuring that our rich history is not forgotten by new generations.

The original mission of the society is still apparent today as we gather to celebrate their centennial anniversary. It is with great pride that I stand today to extend my deepest thanks and warmest congratulations to the members of the Society of St. Trofimena on their 100th anniversary.

PAYING TRIBUTE TO ROBERT JAMES GARLOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Mr. Robert James Garlow by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today, I honor Mr. Garlow for his extensive service to both our country and community.

Mr. Garlow joined the U.S. Air Force on October 19, 1966. He graduated Officer's Training School in 1967 and earned his Master's in Engineering Facilities in 1974. Mr. Garlow's service as an engineer in the Air Force took him and his wife Susan around the globe, with assignments in Texas, New Mexico, Japan, North Dakota, Ohio, Germany, Panama City, and Spain before his arrival at Nellis Air Force Base in Las Vegas, Nevada in July of 1983. Since that time, Robert and Susan have called Boulder City, Nevada home. During this time, Mr. Garlow received his Nevada registration as a Professional Civil Engineer.

In 1986, Robert retired from the Air Force as a Civil Engineer Officer with the rank of Major after 20 years of service. Since his retirement from the military, Robert has worked in the Las Vegas Valley as a Director of Facilities for numerous companies and most recently retired from the City of North Las Vegas where he worked as a Senior Project Manager.

Mr. Garlow is a member of the Veterans of Foreign Wars (VFW), Military Order of the Cootie (MOC), Vietnam Veterans of America, and Scottish American Military Society (SAMS). He has served as Chairman of the Nevada Veterans Assistance League and the Veterans Cemetery Volunteer Group. Mr. Garlow volunteers a great deal of his time to these two organizations and has been an advocate and supporter to our veterans in Southern Nevada.

Madam Speaker, I am proud to honor Mr. Robert James Garlow for his most recent retirement, his continued volunteerism in the community, and wish him the best in his future endeavors.

IN HONOR OF DR. J. FREDERICK GRASSLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Dr. J. Frederick Grassle on his retirement from the Institute of Marine and Coastal Sciences at Rutgers, the State University of New Jersey. Dr. Grassle served as director of the Institute for 19 years.

Under Dr. Grassle's direction, the Institute gained a national and international reputation for excellence in marine and coastal research, education and service.

Dr. Grassle's creativity and vision led to establishment of the world's first undersea observatory, commonly known as LEO–15. This achievement enabled development of the Nation's Integrated Ocean Observing System that now supports critical national missions associated with saving lives at sea, enhancing homeland security, and forecasting effects of natural disasters.

Dr. Grassle is known for his innovative thinking and many scientific achievements, which are highlighted by his pioneering work on the biology of hydrothermal vents, biodiversity, and effects of waste disposal in deep sea systems. He devoted his time and effort to ensure that the results of science were transferred in a timely manner to environmental managers and policymakers. His work on waste disposal culminated into a national policy change based on his scientific findings and testimony before Congress.

Serving the state of New Jersey, Dr. Grassle advanced novel approaches for disposal and management of contaminated sediments that helped to preserve the region's port industry and coastal-based economy. He also fostered new approaches to science education that have enriched the critical thinking skills of youth in New Jersey and throughout the Nation.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the service of Dr. J. Frederick Grassle, a man whose deep commitment to excellence in marine and coastal research, education for all ages, and services to resource managers have enabled New Jersey to be a national and international leader in these fields.

HONORING FORMER VICE MAYOR MICKEY NOVACK OF SURFSIDE ON HER 90TH BIRTHDAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I rise to honor one of South Florida's most outstanding citizens, the Honorable Mickey Novack, who recently turned 90. In the aftermath of the Second World War; former Surfside vice mayor Novack left London, where she was born, and came to this country. Having arrived in New York, she later moved to Surfside, Florida, where she established herself as an exemplary citizen both in her public and family life.

Former vice mayor Novack has contributed to many different types of organizations in her community, in several different capacities. She has consistently played a proactive role in Surfside and was both the vice mayor and the commissioner of the city's government. She has also utilized her financial expertise in her positions of president of the Surfside Taxpayers Association and as the treasurer of numerous other organizations. These range from the PTA to Women in Government Service. Professional life aside, she has been the cornerstone of a family dedicated to public service, education and the improvement of their community.

The fervor and ardor with which former vice mayor Novack devoted herself to the community and her family in conjunction with her life achievements are truly inspirational. I am proud to represent her as her Congresswoman and delighted to share with you her achievements.

HONORING MR. DICK DEITZ

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to congratulate and honor Mr. Dick Deitz of McLeansboro, Illinois.

Mr. Deitz is to be inducted into the 2008 National High School Hall of Fame, the highest honor that an individual associated with high school sports can receive. This Hall of Fame honors athletes, coaches, officials, and administrators for their extraordinary achievements in high school sports.

Mr. Deitz has been working as a football, basketball, and baseball official in Illinois since 1958 and has been the state's rules interpreter in basketball and baseball since 1976. He is the head official for the Illinois High School Association (IHSA) football playoffs, and he is an IHSA clinician in both football and basketball.

Mr. Deitz officiated state tournaments in boys basketball and state finals in football; making him one of a select few in the State to work finals in both major sports. He was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1998, and since 1993, he has been mayor of McLeansboro, Illinois.

I extend my congratulations to Dick Deitz and his family for his impressive accomplishments and his induction into the National High School Hall of Fame.

ALTERNATIVE MINIMUM TAX

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. MAHONEY of Florida. Madam Speaker, as I stated for the RECORD on June 26, 2008, I missed votes on June 25, 2008, due to the funeral of my friend, Mason Smoak.

One of the votes I missed was a vote on the Alternative Minimum Tax (AMT). I applaud our leadership for its work to ensure that the AMT does not hit middle- and working-class families in a way that would not increase our national debt. I have voted against the AMT in the past—and, had I been able to vote on June 25, 2008, I would have voted "no"—because changing the taxation on carried interest sends the wrong message that Congress values money more than ingenuity, with the unintended consequences potentially being a constriction of private capital to America's small businesses. It is my hope that Congress will continue to address this vital issue responsibly and in a bipartisan manner.

VETERANS HEALTH SCHOLARSHIP ACT OF 2008

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. BUYER. Madam Speaker, today I am introducing the Veterans Health Scholarship Act of 2008. This legislation would extend the authority of the Department of Veterans Affairs, VA, to reinstate the Health Professional Scholarship Program and give priority to veterans in awarding these scholarships.

VA is known for its high quality health care. However, the supply of highly trained medical personnel is not growing as fast as the demand, and VA struggles to recruit highly trained health care professionals critical to providing veterans the care and services they need.

The Health Professional Scholarship Program was originally established to improve recruitment and retention and help reduce the national nursing shortage. VA lost an important tool to meet their current and anticipated staffing needs when the program expired in 1998 and was not reinstated. As concerns over recruitment and retention of health care professionals increase, it is especially important that we enhance opportunities to educate a new generation of VA health care providers. Reinstating the authorization for this program will provide VA another tool to attract qualified health professionals to care for our nation's veterans.

Even as VA is experiencing recruiting difficulties, many servicemembers from Operation Iraqi Freedom and Operation Enduring Freedom are trained combat medics responsible for providing frontline trauma care on the battlefield. When they come home, we can provide the opportunity for these new veterans to continue their medical education, and use their knowledge and experience to provide needed services to their fellow veterans.

Madam Speaker, the quality of health care available to our veterans is dependent on the ability of VA to recruit and retain qualified health care personnel. I hope my colleagues on both sides of the aisle will join me in this effort to build a new generation of health care professionals and cosponsor the Veterans Health Scholarship Act of 2008.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN WAYNE COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners, County Council, and all the other outstanding individuals in Wayne County who rose to the occasion during these difficult times. This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Wayne County will be well served by these officials.

PAYING TRIBUTE TO MARY EATON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Mary Eaton by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today, I pay tribute to Mary Eaton of Boulder City, who celebrated her 100th birthday on April 14, 2008.

Mary moved to Boulder City with her husband, Bruce Eaton, on July 4, 1932, where Bruce worked on the Hoover Dam project. Mary cared for their children and stayed home until Bruce enlisted in the Army in 1942. Mary stayed in Boulder City and began working as a home economics teacher, and continued to teach middle school and high school for 13 years. She eventually became the first president of the classroom teachers, the union at the time, and also participated in many groups, such as Volunteers of America, Eastern Star, Rainbow Girls. She was a charter member of Grace Community Church.

Madam Speaker, I am proud to honor Mary Eaton for her achievements and dedication to the Boulder City community. I applaud her efforts. I wish her a happy centennial and all the best in her future endeavors.

REGARDING H.R. 6381, THE MEDICAL DEVICE SAFETY ACT OF 2008

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise in support of H.R. 6381, the Medical Device Safety Act of 2008. I am proud to be an original cosponsor of this legislation, which will address the Supreme Court's flawed decision in Riegel v. Medtronic that completely ignored Congressional intent regarding the ability of injured patients to hold medical device manufacturers accountable for their injuries. This bill will restore Congress's original intent to allow injured patients to seek recourse for their injuries suffered at the hands of negligent device manufacturers.

American patients need the Medical Device Safety Act of 2008 to ensure that they have the ability to hold negligent device manufacturers accountable for injuries caused by unsafe products. It also would prevent these manufacturers from receiving total immunity from any claims simply by virtue of receiving a Food and Drug Administration device approval.

It is important for Congress to quickly make its intent clear, as the Supreme Court will likely take up a parallel issue this fall regarding accountability for pharmaceutical manufacturers. Earlier this year, I was proud to participate in a hearing in the Committee on Oversight and Government Reform which looked deeper into this issue. Witness testimony made it clear that when we allow the FDA to have the final say on device safety, patient safety is compromised. Strong State laws are critical to maintaining accountability for device manufacturers, and allowing the FDA to preempt these State laws is a surefire way to lead to negligence and the production of unsafe products.

The civil justice system and the Federal regulatory system were always meant to complement each other. Both are necessary to adequately protect Americans. The FDA simply cannot do it alone. The agency is understaffed and underfunded, and I support additional funding to help this critical agency. However, allowing the buck to stop solely with the FDA on issues of life and death is simply contradictory to our system of checks and balances. This is just one more reason that it is vital that Congress pass the Medical Device Safety Act of 2008 to restore the balance between the civil justice system and the Federal regulatory system that Congress intended when it passed the Medical Device Amendments of 1976.

HONORING GENERAL T. MICHAEL "BUZZ" MOSELEY'S CAREER OF PUBLIC SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to pay special tribute to

General T. Michael "Buzz" Moseley, 18th Chief of Staff of the U.S. Air Force, an exemplary patriot and extraordinary leader, who, on July 9, 2008, completed 37 years of distinguished service to our Nation.

General Moseley began his accomplished career at Texas A&M and Webb AFB, where he earned his wings in 1973. He proceeded to a series of demanding assignments as flight instructor, test pilot and mission commander. His peerless operational skills were honed by the most prestigious positions, to include command at every level—most notably the Air Force Fighter Weapons School, the 9th Air Force, and the U.S. Central Command Air Forces. General Moseley led airmen in peace, crisis, and war—from Operation Southern Watch, through the harrowing days in the wake of September the 11, 2001, to engaging the Taliban in Operation Enduring Freedom and the destruction of Saddam Hussein's war machine in Operation Iraqi Freedom.

The breadth of General Moseley's assignments and the professionalism with which he has carried them out, reflect a keen intellect and unrivaled grasp of national security policies and air power's role in implementing them. Equally impressive, has been General Moseley's staunch, consistent advocacy of inter-Service and international cooperation as the most effective way of assuring allies, dissuading and deterring adversaries, and defeating implacable foes.

A brilliant speaker with a sharp wit and endearing style, General Moseley has frequently testified before the Congress on a wide variety of issues critical to the Air Force's—and the Nation's—readiness to face an uncertain future. However controversial the topic or pointed the questioning, he has always been a most poised, eloquent proponent of balancing current exigencies with future requirements. His focus has remained unwavering: assure that USAF remains America's asymmetric advantage—our Nation's multidimensional, global maneuver force—the force of first and last resort.

As the 18th Chief of Staff and a member of the Joint Chiefs of Staff from September 2005 to August 2008, General Moseley has been a trusted advisor on all aspects of airpower and its key role in promoting and defending America's interests at home and abroad. His 37 years of distinguished service epitomize bold leadership, strategic vision, intellectual flexibility, innovation, honor, integrity, dignity and selfless devotion.

His exceptional grasp of war-fighters' needs, born of his own combatant experience, has enabled the Air Force to provide unprecedented Global Reach, Global Vigilance and Global Power for both traditional and non-traditional missions. Under his leadership, the Air Force spread its wings over America's cities, delivered relief to victims of tsunamis and hurricanes, expanded international ties to reassure allies and deter enemies—all while flying and fighting as an indispensable part of the Joint force in Iraq, Afghanistan and other theaters of the Global War on Terror.

His commitment to his Airmen has been peerless. In a constrained fiscal environment—and with lives in the balance—General Moseley's uncommon courage, expertise and foresight have forged a set of transformational initiatives designed to spark an intellectual renaissance while recapitalizing an aging air fleet, worn down by 18 years of continuous combat. He has sought to provide his Airmen with the quality of life they deserve, while seeing to their training, education and leadership. He has refocused the Service on a single core mission: bolstering warrior ethos and fostering joint and combined synergies.

He has worked tirelessly to reinvigorate the innovation, flexibility, and creative, strategic thinking that have been Airmen's hallmarks since the dawn of aviation. In the context of this conceptual, organizational and technological transformation, General Moseley has redefined the Air Force for the 21st Century, ensuring that America's guardians will continue to fly, fight and win in both today's battles and in tomorrow's crucibles.

While many distinguished awards and decorations adorn his uniform—from his own grateful Nation as well as from such staunch allies as Britain, France, Korea, Brazil, Singapore, and the UAE—what stands out most and what we honor him for today is his unflinching commitment to the cause of freedom and justice. General T. Michael "Buzz" Moseley has earned the deepest respect from all whom he has served during his illustrious career—most notably this Congress and a grateful Nation.

PROMINENT CARIBBEAN AMERICANS RECOGNIZED DURING CARIBBEAN AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize the profiles of four prominent members of the Caribbean Diaspora during Caribbean-American Heritage Month that were featured in a special section of CaribNews, a New York based publication that serves as the voice of the Caribbean Diaspora community.

Jamaican American, Beryl Levi, is the President of a successful frozen food company. Mrs. Levi and her husband started the company with high hopes and countless well-wishers. Today, Tower Isle Frozen Foods is considered "the pioneer Jamaican food processing company in the U.S."

Rosemonde Pierre-Louis is a Haitian American and the Deputy Borough President of Manhattan. Ms. Pierre-Louis completed her undergraduate studies at Tufts University in Massachusetts and obtained her law degree from Case Western University School of Law.

Justice Sylvia Hinds-Radix sits on the Supreme Court of New York and is the first Barbados national to serve in that capacity. Justice Hinds-Radix has been an advocate for the poor since the beginning of her career. She credits her family for her success and for her motivation to be a voice to the voiceless in her community.

Michael Flanigan is the Community Relations Director for Citi Bank in the Brooklyn and Staten Island region and serves on several boards of directors. Mr. Flanigan started his education at Jamaica College and went on to earn a masters in finance and marketing from New York University. Mr. Flanigan believes that "hard times shouldn't dissuade us from our goals" and wants to help others achieve their goals by becoming more involved in philanthropy.

Many more Caribbean Americans have contributed to the American fabric than those that were mentioned today. I would like us as a nation to recognize the struggles and victories of the Caribbean community and how important their work is to the history and continued triumph of America. I would like to take this opportunity during Caribbean-American Heritage Month to celebrate the contributions of all Caribbean Americans to our Nation.

IN RECOGNITION OF SYRACUSE BROADCASTER MIKE PRICE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to honor Mike Price, a Syracuse broadcasting legend, as he retires after 46 years at NewsChannel 9 WSYR.

Mike began his career with Channel 9, then WIXT–TV, on September 2, 1962 just before the station went on air for the very first time. He quickly grew to earn a reputation for being an honest and good natured broadcaster who treated all people with deep respect. Mike rose to fame through his portrayal of the character "Baron Daemon," a vampire that hosted late night horror shows. His character became so popular that the station added a late afternoon show titled "Barron and his Buddies." Additionally, Mike recorded a popular single called "The Transylvania Twist," which is played every Halloween. For 25 years, Mike was the anchor of "Good News" on NewsChannel 9, which recognized community happenings and school groups across the Syracuse area. Mike's hard work and dedication to NewsChannel 9 helped the station to reach the number one spot in local ratings.

Mike Price valiantly served his country for 30 years as a Chief Petty Officer in the U.S. Coast Guard Reserve, serving in the Persian Gulf War in 1991. He went on to produce a documentary about his experiences during this time that received several awards. Mike is a Syracuse native, attending Onondaga Valley Academy and Syracuse University. Additionally, he is the recipient of the Syracuse Press Club's Career Achievement Award. After undergoing open-heart surgery in 2001 and sharing his recovery with viewers, Mike has been an inspiration and a valuable resource to many who undergo the same treatment.

On behalf of the people of the 25th District of New York, I congratulate Mike on a wonderful career and wish him the best as he retires. I thank him for his many decades of serving the Syracuse community.

HONORING WASHINGTON POST EXECUTIVE EDITOR LEONARD DOWNIE JR.

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Leonard Downie Jr. for 17 years of service and dedication as the executive editor for The Washington Post. Leonard is widely recognized as one of the great editors of our time.

Mr. Downie began his career for The Washington Post as a summer intern in 1964. He soon established himself as a well-known local investigative reporter in Washington, specializing in crime, courts, housing and urban affairs. To honor his superior reporting, Mr. Downie received two Washington-Baltimore Newspaper Guild Front Page awards, The American Bar Association Gavel Award for legal reporting, and the John Hancock Award for excellent business and financial writing.

Mr. Downie then worked on the Metropolitan staff for 15 years, where he earned the title of deputy metropolitan editor. In 1979, he was named London correspondent. 3 years later, he returned to Washington as national editor, and, in 1984, became the managing editor and director of The Los Angeles Times-Washington Post News Service.

On September 1, 1991, after 7 years as managing editor, Mr. Downie was named executive editor of the Washington Post. Under his guidance, the Post developed into a major online force. His immense talent for investigative journalism was also apparent as the Post won numerous prizes for high-profile expositions, including the secret CIA prisons in Eastern European and the Watergate Scandal. His excellent leadership was rewarded; the post won 25 Pulitzer Prizes under his tenure. Mr. Downie announced his last day at The Washington Post will be on September 9, 2008. Leonard, always modest, summed up his management philosophy in one sentence: "You hire people smarter and more talented than you and enable them to do their best work."

Madam Speaker, in closing, I would like to thank Mr. Downie for molding The Washington Post into a dominant news outlet, for his contributions to journalism, and for doing his part to keep our world honest. I ask my colleagues to join me in congratulating him on his many successes and in wishing him the best of luck in all future endeavors.

TRIBUTE TO THE HISTORIC PRESERVATION GROUP OF ARROW ROCK, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate the historic preservation group of Arrow Rock, Missouri. In April 2008, Arrow Rock was designated as a Preserve America Community.

Arrow Rock is one of 600 nationwide sites that have earned the designation of being a Preserve America Community. This Federal designation helps in the historic preservation work for communities throughout the United States. Preserve America is focused on providing financial support systems for the nonphysical work done in historic preservation communities. The Arrow Rock community will now be able to apply for Federal grants, awards, and other help in research, planning, and training efforts to help in the preservation of their village. First Lady Laura Bush said, in a written statement, "Preserve America Communities demonstrate that they are committed to preserving America's heritage while ensuring a future filled with opportunities for learning and enjoyment."

I am certain that the Members of the House will join me in congratulating the historic preservation group of Arrow Rock for their accomplishments and in wishing them luck in all there future endeavors.

INTRODUCTION OF H.R. 6431, DEPARTMENT OF VETERANS AFFAIRS ELECTRONIC REPORTING ACT

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. BUYER. Madam Speaker, today I am introducing the Department of Veterans Affairs, VA, Electronic Reporting Act. This legislation would require VA to submit to Congress reports required by law in an electronic form.

VA is required to submit numerous reports to Congress on issues ranging from assistance provided to homeless veterans to the establishment of new cemeteries. This fiscal year we will receive over forty reports mandated in title 38, United States Code.

Requiring VA to submit these reports electronically would be more efficient and reduce paper waste. It would also maximize the utility of the information created, collected, and provided to Congress in these reports.

Madam Speaker, VA submits thousands of pages of reports to Congress each year and I hope my colleagues on both sides of the aisle will join me in this effort to improve the efficiency and effectiveness of government information management.

HONORING THE GARDEN CITY COUGARS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Garden City Cougars, champion women's high school softball team, upon reaching Garden City High School's first team State title.

The Cougars, a MHSAA Division 1 team, were determined to achieve victory this season. Led by Head Coach, Barry Patterson and Assistant Coaches, Al Russell, Mark Minch, and Chuck Drewicz, the Cougars were on the prowl; knocking teams out of the tournament bracket left and right. The final game was a nail-biter. With two outs and a 2–2 count, senior Hallie Minch slammed the game winning hit, driving in teammate Katie Torok to make the final score 2 to 1.

The Cougars season rounded out to 32 wins and 6 losses after the championship game on June 14, 2008. To seniors, Hallie Minch, Christina Seward, Katie Torok, Stacey Brickan, Kristina Susalla, Tricia York, Breannea King, and Karen Greficz; juniors, Shannon Pietruska, Katelyn Shattleroe, Jenniger Leone, Melissa Dimitrijevich, Amanda Quartz; sophomore Allison Chiti, and Freshmen, Carley Shattleroe and Naomi Oxendine, the thrill of softball will have given them an unforgettable day on Bailey Field.

Madam Speaker, the Garden City Cougars deserve to be recognized for their determination, achievement, and spirit. I ask my colleagues to join me in congratulating the Garden City Cougars for obtaining this spectacular title and honoring their devotion to our community and country.

RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN MADISON COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners, County Council, and all the other outstanding individuals in Madison County who rose to the occasion during these difficult times. This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Madison County will be well served by these officials.

TRIBUTE TO BARBARA TRIEFF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize Mrs. Barbara Trieff, an English and journalism teacher at Interstate 35 High School in Truro, Iowa, on the occasion of her retirement. I also wish to express my appreciation for Barbara's dedication and commitment to the youth of Iowa.

For the past 34 years, Mrs. Trieff has contributed her time and talents to improving youths' lives through education and mentoring. She grew up on a farm and graduated from Orient Macksburg High School in 1970 before attending Simpson College in Indianola, Iowa. In 1975 she started her career in education by teaching junior high English at Westwood in Sloan, Iowa. After her first year of teaching, she applied for, and obtained a high school English teaching position at Interstate 35 High School where she remained for the next 32 years. Mrs. Trieff certainly left a positive mark at I-35 High School, playing a crucial role in many school programs including the development of the Life Skills course, Career Planning, Career Day, the job shadowing program, and instating a reading program as well as the Advanced Placement English literature class.

Mrs. Trieff has truly made a lasting impact on students, family and faculty throughout her illustrious career, and her leadership at I-35 will certainly be missed by everyone. I consider it an honor to represent Mrs. Barbara Trieff in the United States Congress, and I wish her and her husband Richard a happy and healthy retirement.

IN RECOGNITION OF WPIX-TV ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to WPIX–TV, the award-winning and groundbreaking New York City television station historically known to millions of New Yorkers as Channel 11. This month, the first independent television station in our nation's greatest city is celebrating its 60th anniversary. All Americans should pay tribute to its remarkable success in bringing thoughtful, newsworthy and entertaining programming into our homes over the course of the past six decades.

Since its founding, WPIX–TV has been a leader in the field of television broadcasting. A pioneer, it established a standard of innovative, visionary programming that other TV stations have sought to emulate. It never lost sight of its mission to deliver the most accurate, timely, and pertinent issues of the day. Even as the television industry has undergone huge changes, WPIX–TV's originality, creativity, and understanding remain its hallmarks today.

The flagship station of the CW Television Network, WPIX–TV is seen in more than 10 million homes. It has come a long way from the humble origins of its launch. The station's top-rated CW network programming, the award-winning CW11 News at Ten, the CW11 Morning News, its extensive library of hit movies, first-run programs, off-network sitcom favorites, quality children's programming and public affairs shows, and outstanding event coverage have contributed immensely to the station's success. Under the leadership of News Director Karen Scott and with outstanding reporting by veteran broadcast journalists like the Emmy Award-winning Marvin Scott, WPIX–TV's news programming remains widely respected, not just in the nation's largest media market, but around the country, and at the able direction of Vice President and General Manager Betty Ellen Berlamino, WPIX–TV continues to maintain its distinctive flair and brand identity.

WPIX–TV has earned more than 150 Emmy Awards, including for Outstanding Morning News Program and for its News at 10. In addition, the CW11 has been honored with numerous Edward R. Murrow Awards, New York State Broadcasters Awards, New York State Associated Press Broadcasters Awards, New York Press Club Awards, and Deadline Club Awards for excellence in reporting, news coverage, public affairs, news specials, and features.

Over the course of six decades, WPIX has marked numerous milestones in TV history, including the first use of instant replay, which took place on July 17, 1959 during its broadcast of a ballgame between the New York Yankees and the Chicago White Sox. WPIX also aired the first appearance on New York television of the Rolling Stones on "The Clay Cole Show" in 1964. From the Giants to the Yankees to the Mets, from Cap'n Jack McCarthy to Officer Joe Bolton, WPIX has enjoyed a rich and illustrious history. The little station that could, WPIX and its talented and hard-working employees have richly earned the right to celebrate the station's 60th anniversary. Its success derives from the resilience and drive required to realize the American dream.

In addition to its broadcasting excellence, WPIX has dedicated itself to community service. In 1981, it partnered with the McCormick Tribute Foundation to create the CW11 Care for Kids fund. Since its creation, the fund has provided more than $7 million in grants to outstanding nonprofit organizations in the Tri-State area that address the unmet needs of kids and their families, including AIDS support services, drop-out prevention, drug abuse prevention/treatment, and child abuse prevention/treatment programs. These interests address a wide range of children's needs and the goal of this fund is not only to provide grants, but also significant programming that is important to families with children and teenagers.

Madam Speaker, I ask that my colleagues join me in recognizing the enormous contributions to our lives made by WPIX–TV Channel 11 New York.

PAYING TRIBUTE TO BOB STOLDAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Bob Stoldal by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today, I honor Bob Stoldal for his devoted service to the Las Vegas community and congratulate him on his retirement.

Bob has been an institution in journalism circles in Las Vegas for five decades, most recently as the top news executive for KLAS–TV Channel 8. Bob began his career in journalism as a typesetter for the Las Vegas Review Journal in 1960, and later moved from print media to radio working as a reporter for KLAS radio in the early 1960s. In 1966, Bob moved to what is now KNTV Channel 13 as a part time sports reporter and weatherman and later moved to KLAS–TV as a reporter and anchor. Over the course of his career, Bob has been dedicated to providing accurate reporting on important events and correcting historical inaccuracies about the Las Vegas area. Bob's knowledge of history and events in Las Vegas are irreplaceable, and the passion and ethics he brought to the field has shaped hundreds of journalists.

Bob also serves as the Chairman of the Nevada State Museum and Historical Society as well as the Las Vegas Historical Preservation Commission. Additionally, Bob served as a historian for Las Vegas' centennial celebration in 2005.

Madam Speaker, I am proud to honor Bob Stoldal. His journalistic practices serve as an example for the next generation, and I applaud him on his success. I also commend Bob for his dedication to history and his efforts to ensure its accuracy for posterity. I wish him the best in his retirement and with his future endeavors.

THE DAILY 45: WILLIS GRAHAM

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. Too many lives are cut short unnecessarily.

Just yesterday, in Chicago, 29-year-old Willis Graham was found suffering gunshot wounds. He was dead upon arrival at the hospital from multiple gunshot wounds, according to police. This shooting occurred on Chicago's south side in the Englewood community. Another family grieves. Another gun became the tool used to take the life of a human being. I could stop speaking on this issue, but am I not my brother's keeper? Are you not your brother's keeper?

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

IN RECOGNITION OF JUDY NEWBILL BURNS AS SANTA ROSA COUNTY, FLORIDA'S POINT OF LIGHT RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Judy Newbill Burns as Santa Rosa County, Florida's Point of Light Recipient.

For the past 6 years, Ms. Burns has volunteered her time to help autistic children. Through the Autism Society of the Panhandle, Ms. Burns has vigorously worked to expand educational opportunities for children with autism. The Kids for Camp Program, spearheaded by Ms. Burns and the Autism Society of the Panhandle, provides 6 weeks of education for over 50 children with autism and provide instructional workshops for local special education teachers. Daily activities at the camp include arts and crafts, swimming, canoeing, and other therapeutic activities. The camp is intended to provide a normal summer vacation for those afflicted with autism.

The Point of Light Award recognizes a Florida resident who demonstrates exceptional service to the community. Recipients are announced each week and prior to their selection are reviewed by a panel of judges that are considered leaders in the areas of volunteerism and service. Volunteers play a vital role in the extension of education. Ms. Burns has exceeded the expected duties of a volunteer and her recognition as Santa Rosa County, Florida's Point of Light is evidence of her immense philanthropy. Ms. Burns' dedication and devotion to autistic children benefits the entire community and her outstanding accomplishments have distinguished her as one of the great people in Northwest Florida. Santa Rosa County is greatly indebted to her service and is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Judy Newbill Burns on this outstanding achievement.

HONORING THE KOSHARE INDIAN DANCERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the Koshare Indian Dancers, who are celebrating 75 years of history and culture.

The Koshare Indian Dancers offered refuge, hope, and a spirit of camraderie to boys during Depression-era America. In 1933, a group of young boys from southeastern Colorado decided to study the heritage of their area. They formed an archaeology and Indian club where they could study the history, culture and artifacts of the lower Arkansas Valley. Soon, with the help of their young Scout master, J.F. "Buck" Burshears, they were meeting with elders representing both the Plains Indians and many different Pueblos across New Mexico and Arizona. The elders embraced the youthful enthusiasm of these boys, teaching them dances, songs, and many different aspects of the ways of their ancestors. Buck dubbed the new club Koshares, the Hopi word for "clown" or "fun maker," and the Koshare Indian Dancers have been going strong ever since.

"The club grew beyond anything we ever thought it would be," said Dr. William Sisson. He and his friend Robert Inman held the first meeting of the Koshare Club. Soon it was an organization of hundreds of boys, who continued to pass on their knowledge from generation to generation. An important part of what they passed on was love for, and protection of, the land, living honestly and with integrity, and learning how to be a leader who embraces community service. That sense of service grew from a community focus to a nationwide focus, as hundreds of Koshares served in every war in which the United States has fought since World War II.

"Doing those dances was demanding and required hard work," said one of the original organizers, Jimmy Taylor. "The dances were important to learn, but it was more important what you took with you throughout your life from the experience. It gave young boys an outlet for their energy, gave them a sense of accomplishment, and it trained their minds to analyze and complete a project." Mr. Taylor went on to West Point and served his country during World War II with honors.

The loss of Koshares during World War II spurred their vast collection of art and artifacts. In memory of their fallen comrades, they originally bought three paintings. By continuing to gather pieces over the years, the Koshares amassed one of the most extensive collections of southwestern art and artifacts in the West.

Service remains a large part of the meaning of the organization. The Koshares continue to foster leadership skills and to provide an environment for young people to learn about the heritage of Southeastern Colorado. They also persist in sharing that heritage with others through their museum and performances. Boys, and now girls, benefit from the program, and the Arkansas Valley is richer because of the history and culture provided by the Koshare Indian Dancers. It is my distinct honor to recognize the Koshares and to wish them continued success.

COMPTROLLER RECOGNIZES THE SIGNIFICANCE OF RELATIONSHIP WITH THE CARIBBEAN DURING CARICOM CONFERENCE IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. RANGEL. Madam Speaker, I rise today to bring your attention to remarks made by New York City Comptroller William C. Thompson, Jr. during the CARICOM Conference luncheon at the Brooklyn Marriott Hotel on Thursday the 19th of June.

Bill spoke first and foremost to the uniqueness of the New York Caribbean relationship. He mentioned, "While Caribbean Americans made up only 5 percent of the United States" foreign-born population in the 2000 Census, over one in five foreign-born residents of New York City came from the Caribbean. He also recognized the tremendous economic potential that the New York Caribbean population has; "Caribbean Americans are creating jobs and stimulating the economy with businesses across the city . . . [and] helping to insulate us from the cyclical highs and lows in our finance and real estate sectors."

Most importantly, Mr. Thompson spoke of the increasingly influential role that emerging markets are having on the world economy. "Since 2002, emerging markets have outperformed many developed markets" and "It is estimated that forty-five percent of the aggregate Gross Domestic Product in the world comes from emerging markets today." He made it clear that he will be considering the Caribbean as, a place to invest funds under his control as New York City Comptroller.

The CARICOM Conference was crucial to address key issues of enterprise in the Caribbean but also to recognize the substantial economic influence of Caribbean nations as well as their enormous potential for growth.

TRIBUTE TO CASSIE KEITT WEEKS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a wonderful constituent on the occasion of her 100th birthday. Mrs. Cassie Keitt Weeks of Fort Motte, South Carolina will become a centenarian on August 5, 2008. This is a remarkable milestone that few of us are ever able to achieve.

Cassie Keitt is the daughter of the late Hattie Young and Elijah "Bub" Keitt of Fort Motte. She was married to the late Jesse Weeks, Sr.

Mrs. Weeks can trace her ancestry to slaves on the Lang Syne Plantation and the Goshen Plantations in Fort Motte. Both Mrs. Weeks and her husband were employed by the Peterkin family at the Lang Syne Plantation until their retirement.

The church is a central part of Mrs. Weeks' life. Her great-grandfather is on the original deed as an organizer of Mt. Pleasant Baptist Church in Fort Motte. It was the first church organized by former slaves in the community, and Mrs. Weeks attends that church today. She is among the church's staunchest supporters and serves in a number of capacities. She is a Church Mother, a member of the Senior Choir and Sunday school class, and serves as a pastor's aide. She is an avid fundraiser, a homecoming and friends and family day captain, and a member of the building and kitchen committees. She also serves as the church historian. When asked about the secret to her longevity, Mrs. Weeks replies, "trusting in the Lord." She also adds, "I like it on this side. This is all I know, so I will stay as long as I can."

Among her other pleasures when she was able were making lye soap and quilting bees.

The Weeks home was always the gathering place for friends and family. Today she still enjoys sitting on the porch and entertaining visitors. She is also a very avid voter, and never misses the opportunity to cast her ballot.

Mrs. Weeks family provides her tremendous strength and joy. She is the mother of four children: daughters Rebecca Weeks Brown and Hattie Belle Weeks Scott and sons Jesse Weeks, Jr. (deceased) and Julius Weeks.

She is the grandmother of eight; great grandmother of eighteen; and the great, great grandmother of three. In addition she has a host of nieces, nephews, cousins and many, many friends.

Madam Speaker, I invite you and my colleagues to join me today in wishing a happy 100th birthday to Cassie Keitt Weeks. This strong matriarch remains independent and active, and serves as an example to us all. I wish her health, happiness and Godspeed on this momentous occasion!

COMMENDING NAHRO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. MCDERMOTT. Madam Speaker, I rise today to commend the National Association of Housing and Redevelopment Officials (NAHRO) and their partners in the non-profit, governmental, and private sectors for embarking on their 2008 Housing America Campaign.

The affordable housing issues that the Housing America Campaign raises affect every Congressional district in this country. The statistics are grim: 750,000 Americans are homeless on any given night and 3½ million experience homelessness at some point in each year. I'm worried that these numbers will only increase as the foreclosure crisis continues.

More than 15 million American families now pay more than half of their income for housing. Too many of these families also make less than 50 percent of their area's median income and yet still are stuck on waiting lists for government assistance. Where I live in Seattle there are thousands of families on waiting lists for Section 8.

In Seattle the "fair market rent" established by HUD is over $900 a month for a 2-bedroom apartment. In order to be able to afford this, without paying more than 30 percent of their income on rent, someone in Seattle would have to be making $37,000 a year or about $18/hour, which is more than double the minimum wage in Washington State and about triple the current Federal minimum wage.

I am relieved that the House has taken meaningful action to address the affordable housing shortage by passing legislation to create an Affordable Housing Fund. This critical fund will provide about $500 million per year to finance construction, maintenance, and preservation of affordable housing throughout the country.

In addition, the House has passed legislation that increases the loan limits for government-backed loans, helps homeowners in trouble refinance their home loans and to provide funding to revitalize neighborhoods where foreclosures have been rampant, and to modernize and expand the Low-Income Housing Tax Credit.

We have more work to do in Congress and it will probably require an administration with a greater commitment to addressing the affordable housing crisis in the U.S. But we should all be grateful to NAHRO and their partners for sounding the alarm and raising awareness both in the Congress and around the country. They make our jobs much easier.

I look forward to continuing to work with the Housing America Campaign as we fight for affordable housing opportunities for every family in this country.

RECOGNIZING MR. JACK HOPKINS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. UPTON. Madam Speaker, I rise today in recognition of Mr. Jack Hopkins of Kalamazoo, Michigan, for his 25 years of distinguished service to the Kalamazoo Community Foundation and the greater Kalamazoo area.

Jack began working with the Kalamazoo Community Foundation in 1983 and was named its president/CEO in 1994. Under his esteemed leadership, the foundation's assets have grown exponentially, allowing millions to be invested in the local community. At the same time, Jack has volunteered with more than 30 local nonprofit organizations dedicated to enhancing the economic vitality and cultural richness of the Kalamazoo region. Further accomplishments include his work to help create the Arts Fund of Kalamazoo County, establish an active Youth United Way program, and initiate the Community Foundation's BetterTogether/Kalamazoo social capital initiative.

Apart from his work in Kalamazoo, Jack has also been a leader at the regional and national levels. He was the first chair of the Council on Foundations' Community Foundation Leadership Team and board vice chair of the Council of Michigan Foundations. He has also served on the board of the Community Foundations of America and was former chair of Michigan Community Foundations Ventures.

The Kalamazoo Community Foundation was established for the betterment of the greater Kalamazoo community. Jack's personal and professional legacy is one that exemplifies this mission. Jack Hopkins has been a truly exceptional asset to the Kalamazoo community.

Once again, I would like to personally congratulate and thank Jack for his many years of service. Southwest Michigan is and will forever be a better place to live and work because of his contributions.

IN HONOR OF JASON DALE LEWIS

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to celebrate the life of Jason Dale Lewis, who was killed in combat just over a year ago on July 6, 2007, in Baghdad. Petty Officer 1st Class Lewis called Brookfield, Connecticut, his home, along with his wife Donna and their three children.

Just 30 years old, Petty Officer 1st Class Lewis was a uniquely skilled member of an elite Navy SEAL unit. Highly decorated, he earned the Navy and Marine Corps Commendation Medal, the Navy and Marine Corps Achievement Medal, the Navy "E" ribbon, two Good Conduct Medals, the Navy and Marine Corps Overseas Service ribbon, the Expert Rifleman Medal, and the Expert Pistol Shot Medal. Petty Officer 1st Class Lewis was truly an elite among elites.

A year has passed since Jason left us. But the example he set, for his family, for his community, and for his Nation, will last forever. Our society is beset by those who live lives defined by unmet, wasted potential. That wasn't a problem for Jason. He knew how great he could be, as a man, as a father, and as a SEAL. And in 30 short years, he achieved that greatness.

As Americans, we hold dear the values of honor, courage and commitment. Petty Officer 1st Class Lewis embodied those characteristics on and off the battlefield. His valor in defense of his country and his unceasing love for his community and family lend credence to the notion that the fullest lives are those lived for the greater good.

INTRODUCING THE ENERGY EFFICIENT AND ENVIRONMENTALLY FRIENDLY AUTOMOBILE TAX CREDIT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. PAUL. Madam Speaker, I rise today to introduce the Energy Efficient and Environmentally Friendly Automobile Tax Credit Act, legislation that will help Americans reduce pollution and the amount they pay for gas. My legislation accomplishes these important goals by providing Americans a tax credit of up to $2,000 when they sell or trade in a car and obtain a vehicle that has at least a 20 percent higher average fuel economy than the sold or traded-in car. The bill also creates a Federal tax deduction for any State or local taxes paid on the purchase of the more fuel-efficient automobile and makes interest on loans to purchase the more fuel-efficient automobile tax deductible.

This legislation will help Americans cope with high gas prices by making it easier for them to obtain more fuel-efficient cars. I hope my colleagues would agree that Congress should provide free market incentives to make it easier for Americans to exchange their current cars for cars that create less pollution.

Providing tax deductions and tax credits to make it easier for Americans to purchase fuel-efficient automobiles is a win for American consumers, a win for the environment, and a win for those of us who favor free market solutions to pollution and high gas prices. I urge my colleagues to support this legislation.

A TRIBUTE TO MATTIE STEPANEK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. VAN HOLLEN. Madam Speaker, I am honored to pay tribute today to Mattie Stepanek, an extraordinary young man who touched thousands of people with his messages of hope and peace.

Mattie was afflicted with dysautonomic mitochondrial myopathy, a form of muscular dystrophy, which took his life at age 13 in 2004. Despite his illness, Mattie dedicated his life to promoting hope, peace and tolerance through his role as a national goodwill ambassador for the Muscular Dystrophy Association and through his advocacy for people with disabilities through his inspiring words of poetry.

Mattie is remembered for his kindness, grace and vitality. He saw his disease not as a hindrance but as a vehicle to reach out to the hearts of many. He shared his message of peace and tolerance with school children, business leaders, medical personnel, religious groups and so many others throughout the world. Indeed, his message touched people of all ages, races, nationalities, faiths, abilities and aspirations. He lived by the words of his timeless philosophy, "Remember to play after every storm."

Mattie is being remembered in my congressional district this week, which has been proclaimed "Mattie Stepanek Week" by the city of Rockville, Maryland. The week's primary event is the second annual Heartsongs Swim, hosted by the Rockville Municipal Swim Center, which will raise money to expand the handicapped accessibility of the Mattie J.T. Stepanek Park in Rockville and for the completion of statues of Mattie and his service dog Micah, which will be installed and dedicated this fall in the park.

Madam Speaker, I am honored to remember with fondness and humility Mattie Stepanek, an ambassador of peace for all humanity, and to join my constituents in commemorating Mattie Stepanek Week in Rockville, Maryland.

IN RECOGNITION OF REVEREND CLANSTON SEYMORE UPON HIS 40TH ANNIVERSARY AS PASTOR OF GREATER PEACE MISSIONARY BAPTIST CHURCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Reverend Clanston Seymore upon his 40th anniversary as pastor of Greater Peace Missionary Baptist Church.

For the past 40 years, Reverend Seymore has been passionately committed to his community. Prior to serving as the fourth pastor of Greater Peace Missionary Baptist Church, Reverend Seymore had already ministered five other churches. He was ordained in 1965 and immediately began what he knew was his calling.

His dedication to the area has resonated in leadership positions in civic activities as well as community service projects. From 1975 to 1977, Reverend Seymore served as president of the Okaloosa County branch of the National Association for the Advancement of Colored People, NAACP. Additionally, multiple community outreach organizations have taken root through the efforts of Reverend Seymore, including Community Love Center of Fort Walton Beach, Florida, and Positive Encouragement and Character Enhancement, PEACE. Reverend Seymore also serves as an advisor to the Martin Luther King Holiday Celebration Committee.

The civic duties Reverend Seymore has performed, as well as his outstanding tenure as pastor of Greater Peace Missionary Baptist Church, is a reflection of his dedication to the First District of Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Reverend Seymore for his enduring allegiance to our great Nation and the State of Florida.

HONORING ALBERT CAREY CASWELL

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Albert "Burt" Carey Caswell, who for 22 years has been giving tours of our Capitol building.

Burt Caswell was born in Baltimore, MD, in 1953. He graduated from the University of Maryland and obtained a master's degree in education from Bowie State. Mr. Caswell went on to teach physical education, health, and science to K–6th graders in a private school in Washington, DC. He also served as the assistant lacrosse coach at the University of Maryland for 5 years.

In 1986, Mr. Caswell joined the Capitol Guide Service. Burt is well known by members and staff for the enthusiasm he brings to his work, and for his love for members of the United States military. For approximately 14 years, he has given personal Capitol tours to injured soldiers from Walter Reed Army Hospital. Several times each week, Burt picks up soldiers in the evenings to give them tours in his free time.

Another demonstration of Mr. Caswell's love for his country is his poetry. He has written numerous works on various patriotic themes. His poems pay homage to soldiers, Members of Congress, and the Capitol building. His eloquent tribute to Martin Luther King, titled "A King Among Men," was printed in the CONGRESSIONAL RECORD in 2002.

Mr. Caswell's enthusiasm for the Capitol is an extension of his passion for life. He is the proud father of Jennifer Maxine Caswell, and according to him, "The greatest thing in my life is my daughter."

I want to thank Burt for 22 tears of service to our Capitol, and for his sacrificial love for the men and women of our armed services.

HONORING MERCY SISTERS ON 10TH ANNIVERSARY OF CASA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor the Sisters of Mercy on the 10th anniversary of their establishment of Casa de Misericordia (CASA), a shelter that provides safety, planning, education, and support for victims of domestic violence and their children.

In 1997, Sister Rosemary Welsh and her staff of health care providers from Mercy Primary Health Care Programs recognized the lack of existing community support for victims of domestic violence and their children in Laredo, Texas. A starting grant and local community support enabled them to open the doors of Casa de Misericordia. The shelter provides court accompaniment, assistance with VAWA (Violence Against Women Act) applications, and takes in victims of domestic violence and their children, not just from Webb County, but from other counties and states as well.

CASA obtained independent non-profit status by becoming a 501(c)3 in 1999, and became an annual contracting agency with the State (TDHS) in 2001. CASA received funds from the United Way and from the Office of the Attorney General. It is due to the efforts of Sisters of Mercy and to the hardworking staff that CASA has been able to help thousands of victims of domestic violence and their children. CASA is committed to involving the community in changing the perception of domestic violence, and has dozens of volunteers from Laredo Community College, Texas A&M International University, and local high schools in raising awareness about the mission behind CASA through the new Lamar Bruni Vergara Education Center, which was opened in 2004. The Education Center provide counseling, support groups, educational classes, and summer activities to members of the community who suffer from domestic violence but do not need shelter services.

Madam Speaker, I am honored to have had this time to recognize the dedication of Sister Rosemary Welsh and the Sisters of Mercy, and their staff, on the 10th anniversary of the establishment of Laredo's only domestic violence shelter, Casa de Misericordia.

A TRIBUTE TO THE LIFE OF YOSHITO TAKAHASHI

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of a special man, Yoshito Takahashi of Fresno, California. Yoshito recently passed away at the age of 88 years old. He leaves behind his loving wife of 61 years Yoshiye, three children and three grandchildren.

Mr. Takahashi was born on June 16, 1920 at his family farm in Clovis, California where he lived all his life. He was the eldest son of eight children of Yoshibei and Shizuyo Takahashi, Issei immigrants from Japan. He attended Clovis Grammar School and graduated from Clovis High School.

During the outbreak of World War II, Yoshito and his family were sent to a U.S. Internment camp in Poston, Arizona, where they remained until 1945. Upon returning home to Clovis, Yoshito and his brother Ted went into farming together. Takahashi Farms was born, becoming a recognized brand in the Fresno-Clovis metropolitan area. In addition to raising stone fruit, melons, vegetables, and berries, the brothers were also engaged in a custom grape harvesting business. Yoshito continued to farm with his brother until 1992 when he retired. Yoshito was a member of the Fresno County Farm Bureau, the Central California Freestone Peach Association and Treasurer of the Nisei Farmers' League. He was also a supporter of the Central California Nikei Service Center for seniors.

Yoshito was an active member of his church, the community, and many professional and civic organizations. He served as president of the Fresno Buddhist Church, Secretary-Treasurer of the Clovis District Coordinating Council, the Clovis High School Agriculture Advisory Committee, Director of the Clovis Chamber of Commerce, and he served on the Board of Directors with the Fresno County Cancer Society, Fresno Community Hospital, Community Medical Foundation and the Clovis Rotary Club. He was the Founding Director of the Community Hospitals of Central California and Co-Chairperson of the Clovis Unified School District Foundation.

Yoshito's community involvement was felt throughout the valley and was recognized by many. In 1977, he was named Clovis "Citizen of the Year" and, in 1979 he was inducted in the Clovis Hall of Fame for his longstanding support and service to the community at large. Yosihto's strong community ties and service-centered activities led him to receive regular recognitions by numerous local leaders as well as state and federal representatives.

It goes without saying that Mr. Yoshito Takahashi was a humble man and as well as a forever farmer at heart. His love for the outdoors led him to places such as the nearby Sierras and many destinations abroad. I am honored and humbled to join his family in celebrating the life of this amazing man. His presence will be missed in our community and by many others whose lives he so graciously touched.

HONORING THE LIFE AND SERVICE OF KATHLEEN CEPEDA SARMIENTO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor Kathleen Cepeda Sarmiento for her lifelong service to Guam's community. Kathleen, daughter of Jose Babauta Sarmiento and Maria Cepeda Sarmiento, was an educator who influenced many young people in Guam since 1981. We honor her for her dedication to her religious community and service to our community.

In 1976, Kathleen graduated from the Academy of Our Lady of Guam, and subsequently attended the College of San Mateo in California. She returned to Guam to begin her career as an educator. At this time, she also made the decision to become a member of the Catholic religious order of the Sisters of Mercy as Sister Mary Kathleen Cepeda Sarmiento.

Kathleen pursued a Bachelor of Arts degree in Education from the University of Guam, and graduated Magna Cum Laude in 1986. In 1995, she graduated from the University of San Francisco with a Master of Arts degree in School Administration.

Kathleen served in several positions within Guam's private Catholic school system, all culminating into her role as a leader to both teachers and students. She taught Theology and Art at the Academy of our Lady of Guam, Bishop Baumgartner Junior High School, and finally at Saint Anthony School. During the latter part of her life, Kathleen served as Vice Principal and Principal of St. Augustine School in Laredo, Texas.

Kathleen was an innovator. At Saint Anthony School on Guam, she initiated the After School Extended Care Program allowing students greater opportunities for enhancing their educational interests. She implemented the Rainbows Program to help students with social and emotional difficulties. She also promoted the Student Cultural Exchange Program with students of Ako City, Japan and the Chamorro language and culture program.

Kathleen helped to develop the academic strengths of students by encouraging their participation in extracurricular activities. Under her guidance, her students excelled in the Academic Challenge Bowl, Spelling Bee, Geography Bee, Math Olympiads, Best of Carols Program, and several competitions in art, essay, and speech. Her leadership and emphasis on academic performance contributed to the accreditation of Saint Anthony School by the Western Association of Schools and Colleges. At St. Augustine High School, Kathleen was credited for enhancing the fine arts program. She helped to advance information technology at the school by implementing a laptop "lease-to-own" program for high school students and by encouraging teachers to integrate more technology into their lessons.

Kathleen was blessed with many talents. Her artistic and musical abilities were appreciated throughout the community. As a visual artist, her work was featured in numerous displays such as the American Cancer Society Art Auction, Guam Micronesia Island Fair, and displays by the Guam Council on the Arts and Humanities. She was also talented in playing the guitar. Her music was an important part of her ministry and a means for reaching out to young people and senior citizens.

Kathleen has been recognized for her many achievements. She has been honored through the Marquis Who's Who Publications Board; Who's Who in American Education; 1991 Outstanding Young Women of America; 1990 Governor's Art Awards Program; Service Award from the Department of Parks and Recreation; and the Special Olympics.

Kathleen Cepeda Sarmiento will be remembered for her dedication and commitment to young people and her service to our community. The people of Guam join her religious community, her family and friends in honoring her and remembering her contributions as an educator and community leader.

INTRODUCTION OF RESOLUTION HONORING THE OREGON NATIONAL GUARD YOUTH CHALLENGE PROGRAM

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. BLUMENAUER. Madam Speaker, I am introducing this resolution to honor an organization committed to the Oregon ideals of leadership, self-reliance, and fortitude. For nearly 15 years the Oregon National Guard Youth Leadership Challenge Program has served the State by promoting self-confidence and fellowship among at-risk youth. More than 3,500 Oregonians likely to drop out of high school or engage in destructive behavior have entered this free and voluntary program. I'm pleased to say that the majority of these cadets have gone on to graduate the program and earn a high school degree or its equivalent.

This program has made a positive difference in countless lives and communities. This tremendous success has garnered the Oregon Program high praise, including the United Service Organizations' (USO) award for "Best Overall Program" in 2007, 2003, and 2001.

Oregonians have a great deal to be proud of. We are proud of these cadets, who are determined to succeed despite adversity, and of our National Guard, which draws strength from our communities and gives back so much. It is my hope that our Nation will learn from the example provided by the Youth Challenge Program and will be inspired by Oregon's success.

HONORING COLONEL PAUL J. KENNEDY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. DREIER. Madam Speaker, today I would like to honor Colonel Paul J. Kennedy.

Colonel Kennedy is taking command of the Second Marine Regiment, Second Marine Division, Camp Lejeune North Carolina on July 17, 2008 after serving two years as the Director of the Marine Corps House Liaison Office. Since June 2006, he has very ably served as a direct link between the Marine Corps and the House of Representatives, providing Members of this body the information necessary to effectively equip, maintain and support the United States Marine Corps, and ultimately provide and ensure the nation's security. I know that everyone of my colleagues who had the pleasure of working with him shares the deep respect I have come to hold for Colonel Kennedy, and has trusted his straightforward and dependable assistance. His candor and knowledge have been key in maintaining superb relationships on both sides of the Potomac. He has demonstrated a unique ability to translate the language of the House of Representatives to the language of the Marine Corps and vice versa, enabling him to provide Members of Congress with a keen understanding of the issues that affect the men and women who wear a Marine uniform.

Over the course of two very busy years, Colonel Kennedy successfully planned, coordinated and escorted over 30 international and domestic Congressional and Staff Delegations. I had the opportunity to work closely with the Colonel on many of these Congressional Delegations as part of the House Democracy Assistance Commission, as we have worked to strengthen legislatures in emerging and re-emerging democracies around the world. HDAC works directly with the Members and staff of these institutions, and our Members must travel to places as diverse as Afghanistan, Mongolia and East Timor to conduct these programs. The technical and logistical support he provided in traveling often to remote or dangerous regions ensured that our delegations were always conducted safely; professionally and effectively, and afforded us the ability to focus entirely on the quality of our programs with these legislatures in burgeoning democracies. But just as important were his insights into conflict and post-conflict regions, based on his first-hand observations from the field. They were an invaluable asset to our delegations.

Colonel Kennedy also took a number of delegations to Iraq and Afghanistan, helping to educate Members of Congress on the successes and challenges facing our service men and women who are currently in harm's way. Due to his professionalism, dedication, experience and knowledge, Colonel Kennedy became the most sought-after military escort for delegations traveling into Central Command. He has made lasting contributions to the House of Representatives. I wish the Colonel the very best as he pursues other duties within the Marine Corps. He will be missed tremendously.

Colonel Kennedy's 23 years of service have included: Executive Officer of a Weapons Company; Instructor at The Basic School and the Infantry Officer Course in Quantico, Virginia; a Weapons Company Commander and Battalion Operations Officer in Camp Pendleton; Recruiting Station Commander in San Francisco, California; Plans Officer for Pre-Operation Iraqi Freedom and Plans/Future Operations Officer for the First Marine Division during Operation Iraqi Freedom; Battalion Commander for Operation Iraqi Freedom II; and Director of the House of Representatives, Marine Corps Liaison Office. Colonel Kennedy has received the Legion of Merit with combat "V", Bronze Star, two Meritorious Service Medals, two Navy and Marine Corps Commendation Medals and the Combat Action Ribbon.

HONORING CAPTAIN SILVESTER R. DEL ROSARIO, THE HIGHEST RANKING DOMINICAN AMERICAN IN THE UNITED STATES NAVY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Silvester R. Del Rosario for becoming the first Hispanic Aviation Limited Duty Officer in the United States Navy to achieve the rank of Captain. This promotion makes Mr. Del Rosario the highest ranking Dominican American in the United States Navy.

Captain Del Rosario was born and raised in Santo Domingo, Dominican Republic. He moved to Queens, New York at the age of 17 and enlisted in the U.S. Navy in 1976. After basic training, he was rapidly promoted from "striker" to Aviation Structural Mechanic Chief Petty Officer. His first assignment was to Naval Air Station Keflavik, Iceland where he trained in structures, hydraulic, and flight control systems. Mr. Del Rosario was subsequently moved to the prestigious Navy Flight Demonstration Squadron "Blue Angels" Naval Air Station in Pensacola, Florida.

In 1990, Captain Del Rosario was selected to serve as Officer-in-Charge for the VP–45 Detachment at Cecil Field, Florida where he earned distinction when he was honored as "1990 Maintenance Officer of the Year" by the Association of Naval Aviation. Over the course of two tours to the Mediterranean and North Arabian Gulf, he was awarded the "LTJG Clint Neidecken" award for leadership, selected by Strike Fighter Wing, U.S. Atlantic Fleet as the "1993 Maintenance Officer of the Year" and honored as the 1994 COMNAVAIRLANT "Capt. Charles J. Nechvatal Aviation Maintenance Officer of the Year". Under Captain Del Rosario's management, the Naval Air Maintenance Training Unit Norfolk won the 2002 Bronze Hammer Award, the 2002 NETC Training Excellence Award, and the 2002 NETC Retention Award. In 2003, his command was recognized by the U.S. Secretary of Education as a nationally accredited institution.

Over his long career Captain Del Rosario has won many awards, including four Meritorious Service Medals, five Navy Commendation Medals, four Navy Achievement Medals, three Navy Good Conduct Medals, Navy Rifle and Pistol Expert Medals, and various service campaign and unit decorations. In light of his considerable achievement, it is fitting that Mr. Del Rosario was promoted to the rank of Captain on Thursday, July 3rd, 2008. Captain Del Rosario is an exceptional role-model for young Americans considering a career in the United States Armed Forces. I congratulate him on this achievement and wish him the best of luck in his future endeavors.

IN RECOGNITION OF NATIONAL HIV TESTING DAY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today in recognition of National HIV Testing Day, celebrated on Sunday, June 27th, 2008. Every year, the National Association of People with AIDS (NAPWA) and the Center for Disease Control (CDC) work in conjunction to sponsor National HIV Testing Day. This year, National HIV Testing Day used the slogan: "Take the test, take control". National HIV Testing Day is used to provide vital information about the HIV/AIDS epidemic, educate people on the affect it has on an individual and on the community, help decrease the number of newly infected Americans with HIV/AIDS by increasing the availability of HIV tests and encourage individuals to seek voluntary counseling.

Worldwide, there are 14,000 new HIV/AIDS cases daily and a total of 22 million people who have died from the epidemic. As the number of people living with HIV/AIDS in the U.S. today increases, it is crucial to acknowledge the significance of knowing your HIV/AIDS status. Every year, 40,000 Americans are newly infected with the disease and approximately 1,200,000 people in the U.S. are living with HIV/AIDS. Twenty-five percent of them are unaware of their positive status.

Over time, as scientific developments around HIV/AIDS have progressed, HIV/AIDS is no longer a death sentence, but can be treated with proper medical care. Although the positive diagnosis of HIV/AIDS is life altering, everyone deserves to know their status—for themselves, their partner, and their family. Worldwide, the HIV/AIDS epidemic carries a negative stigma that results in societal disapproval and rejection. As a country and community, we need to stand together and fight this disease to provide a healthier America for generations to follow.

On behalf of the people of the 11th Congressional District in Ohio and the United States Congress, I extend my condolences to the friends and family of people who have lost a loved one to the disease. As we stand together as Americans, we can make a difference, we can save a life.

A TRIBUTE TO TIMOTHY RUSSERT BY WILLIAM O'SHAUGHNESSY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mrs. LOWEY. Madam Speaker, I rise today to honor Timothy Russert by submitting for the RECORD a tribute to him by the Buffalo, New

York native, William O'Shaughnessy on June 16, 2008. "A Death in the Family" was broadcast on WVOX and WVIP in New York.

A DEATH IN THE FAMILY

And although we were in the care and keeping of the German Jesuits some ten years apart, Russert and I both got whacked upside the head by the same worn old leather prayer book belonging to the Reverend John Sturm, S.J., who took most seriously his title and high estate: Prefect of Discipline.

Father John was built like a fireplug. And although an equal opportunity disciplinarian, he made Timmy Russert his favorite charge almost from the minute he first encountered the personable Irish youngster from South Buffalo with the bright eyes and easy smile. That was back in the 60's and they have been friends ever since. Canisius has turned out federal judges named Crotty and Arcara, political power brokers like Joe Crangle, big car dealers, stellar athletes including a few Holy Cross and Notre Dame quarterbacks, and doctors and lawyers of great renown. The Jesuits spotted Russert's beguiling potential early on. Even then they knew.

He would go back to Buffalo over the years to see his father and during summers better than this one Tim Russert would sit at Cole's bar in the Elmwood section to talk sports over a beer and a "beef on a weck," Buffalo's legendary version of roast beef, a steamship round of which was personally carved by the bartender and then piled on a Kimmelweck roll covered with salt to be dipped in Heinz Ketchup. The music in the air on those nights was provided by ancient tapes of Fred Klestine's old radio programs from the 50's and 60's which survive to this day at Cole's.

They would order another Simon Pure beer or a Carling's ale and talk about the rich girls who went to "The Mount," a boarding school, and about Johnny Barnes, the old Canisius High football coach and sometimes about Cornelius MacGillicudy, a favorite teacher who owned a bar in the Parkside section over near Delaware Park.

He never lost touch with the Jesuits. And just a few weeks ago, Father Sturm, now in his 90's, sent out invitations to a scholarship luncheon in his own honor with the obligatory picture of his protégé Tim Russert on the cover.

Before his dazzling work on television which made him famous, Tim labored in the service of the two brightest minds in public life during our time: Daniel Patrick Moynihan and the estimable Mario M. Cuomo.

Someone said yesterday on television: "He wasn't exactly a pretty boy." With his cheeks and jowls, Russert was the complete antithesis of all the hyper, vacuous "talking heads" and all the bimbos—male as well as female—who sit each day in those anchor chairs praying the teleprompter doesn't fail lest they be forced to utter something more profound than "absolutely!"

Only Chris Matthews was his equal in terms of depth and intelligence. And maybe Jon Meacham or Lawrence O'Donnell or Peggy Noonan. George Stephanopoulos can hold his own in front of a camera (and in front of George Will). And classy Deborah Norville has a brain. While among the youngsters coming up—William "Billy" Bush and Chris Cuomo are bursting with intelligence and promise. Ditto Bill Geist's kid Willy. And David Gregory and Tucker Carlson are easy to take. Barbara Walters and Diane Sawyer are class acts in any season.

We've always liked Bob Scheiffer and Judy Woodruff. And how can you not like Mike Barnicle and Joe Scarborough (but not the girl with him, the one with the famous father, who talks over everybody). And I hope Larry King, like Paul Harvey on the radio, goes on forever. Plus I still take pleasure in our infrequent sightings of Rather and Brokaw.

Russert, however, operated on a level far beyond most of them. And he didn't need high tech production values or fancy overhead lighting in an ultra-modern studio to enhance and amplify his unique genius. He was to network news what Mario Cuomo is to public discourse. And as the great Cuomo himself reminded us, "Tim never forgot where he came from and he never let us forget it either . . . and we loved him for it."

He would summer on Nantucket and go to parties at Sally Quinn's in Washington. But Russert never denied his roots in Buffalo. There was a realness about him, a genuineness, on and off the air.

A few summers ago, Russert was the main speaker at an important conference of the New York State Broadcasters Association up at Bolton Landing on Lake George. After his talk he was persuaded by our mutual friend Joe Reilly, the head of the broadcasters in the Empire State, to linger and give out the Association's Awards for Excellence . . . even as an NBC plane waited on the tarmac at the nearby Glens Falls airport to rush him back to Washington.

There were many awards and citations in every category. But Russert was his usual generous self and so he stayed late into the night as the awards presentations wore on. And when it was announced that your own WVOX had won the designation for "Best Editorials in New York State" (which we clearly did not deserve), Russert arched his eyebrows and the Irish eyes twinkled as my son David and I advanced to the front of the ballroom to receive our award.

As we posed for the cameras and the flashbulbs popped, Tim asked, sotto voce, "How's Mario? . . . how's Nancy? . . . how are the kids? . . . how's the station?" And now as my mind drifts back on this weekend after he died, I wonder if I remembered to inquire about his own welfare? I hope so, but I doubt it, given that heady moment in the spotlights. But he remembered.

Russert then thoughtfully pulled away my son David for a shot with just the two of them . . . and said, again on the QT, while still smiling for the cameras, "How the hell did your old man win this damn thing . . . it must have been by shear guile! Or did Cuomo write it for him?" As the two of them cracked up with laughter, no one in the audience of more than 500 had a clue what they were chuckling about.

James O'Shea, who owns The West Street Grill, a high class saloon in Litchfield, Connecticut (he much prefers the designation "fine dining establishment") called while I was thinking about all this. According to O'Shea, "Russert possessed the genius of the Irish. Just say he was Irish. People will know what that means. He was Irish!" As O'Shea provides libation and sustenance for the likes of Philip Roth, Rex Reed, Jim Hoge, Bill vandenHeuvel, Rose Styron, George Clooney, Peter Duchin and Brooke Hayward . . . I will bow to his wisdom. Russert did indeed have the genius of the Irish.

Nancy and I would see him around town of an evening, when he would come up from Washington to do some business at the NBC Universal mother ship at Rockefeller Center or if one of us had to emcee a dinner. And no matter how late the hour or how tired and rumpled he appeared, it was always the same: "How are the kids? . . . how are the stations doing? . . . how's the gov?"

NBC delayed the news of his passing and actually got scooped by the New York Post and the Times until someone from their shop was retrieved to go and inform his wife Maureen Orth, their son Luke, and his beloved father Big Russ. But who, I wonder, had to knock on the door of the old priest in the Jesuit retirement house on Washington Street up in Buffalo to tell Father John Sturm, S.J. Timmy Russert was gone?

I always thought Russert would have made a wonderful politician himself or a great teacher. Or even a priest. And with his sudden, untimely departure at 58, he probably taught us one more lesson learned from the old Jesuits: "You know not the hour . . . or the moment."

The newsman-journalist known as Tim Russert has been mourned by millions and eulogized in all the journals and periodicals in the land. But the most exquisite tribute, and probably the one he would have liked the most came from Michelle Spuck, a waitress at Bantam Pizza in the Litchfield hills, who told a customer over the weekend, "I'm so sad about this . . . I never met him . . . but I knew him."

He died in front of a microphone.

This is Bill O'Shaughnessy.

RECOGNIZING ACCOMPLISHMENTS OF TOMMIE ANN GIBNEY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I want to bring to the attention of my colleagues the important accomplishments of Tommie Ann Gibney. Ms. Gibney is a shining example of a woman who tries hard and succeeds brilliantly. She does it all. She is a professional, a distinguished attorney, friend of many, wife, mother, and in June of this year Ms. Gibney will add president. She will be one of only three women to ever hold the prestigious position as president of the Association of Trial Lawyers of America/New Jersey, an organization of over 2100 attorneys, paralegals, law clerks and law school graduates who protect New Jersey families by advocating for safer products and workplaces, a cleaner environment, and quality health care.

Ms. Gibney attended Seton Hall University for her undergraduate, graduate, and law school degrees. As an associate at Andres and Berger in Haddonfield, New Jersey, Ms. Gibney fights tirelessly for victims of nursing home abuse and neglect. She volunteers her services and vast legal knowledge to Trial Lawyers Care, 9–11 Legal Assistance, and to the Hyacinth Aids Foundation. She is a role model for all law professionals both in and outside of the courtroom. My congratulations to Tommie Ann Gibney and her family.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 8, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,951 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,951 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is July 8, 2008, 12,951 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE—*Wednesday, July 9, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, in whose keeping are the destinies of people and nations, You have worked wonders on sea, land, and air. You rule forever and judge the universe from Your throne.

Lord, come into this Chamber and throughout this Senate and endue our fallible minds with Your higher wisdom. Give our Senators the greatness of soul to match the magnitude of our national concerns. Be their fortress in times of trouble. May the critical decisions first be formed in their inmost being before being made in the public forum. Redeem their failures, reward their integrity, transform their tasks into service for You, and crown this day with the benediction of Your peace.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the FISA legislation. There will be about 2 hours of debate prior to a series of votes; therefore, Senators should expect a series of up to five votes beginning about 11:15 or 11:30 today.

We have a series of extremely important votes today. Every one of these FISA votes is very important. Likely, most of them will not be very close. That is what I have been told by my staff, but I really don't know whether that is the case. But on these votes, everyone should be here on time. We are getting a little out of the habit of being here on time. If there is a close vote, the Republican leader knows that we hold that open to make sure a vote is not decided because someone is not here if they are in the area. But that is rarely the case. Of all the many votes we have here, there are not too many that are that close. So everyone today should understand that we are going to enforce the 15-minute rule and the 10-minute rule. I hope everyone will be here ready to vote when the time comes.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the vote sequence for amendments with respect to H.R. 6304 be as follows: Dodd, Specter, Bingaman; with all other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6331

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 6304; that is, the FISA legislation, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6331 be agreed to, the motion to reconsider be agreed to, and the time until 4 p.m. be for debate prior to a vote on the motion to invoke cloture on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that at 4 p.m., with no intervening action or debate, the Senate proceed to vote on the motion to invoke cloture.

Before the Chair rules on my request, I would like to make a parliamentary inquiry with reference to an agreement of June 26 with respect to H.R. 6331. Am I correct that if cloture is invoked on the motion to proceed to H.R. 6331, all postcloture time is yielded back and the Senate will then vote on passage of the bill with no intervening action or debate?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Is there objection to the request of the majority leader? Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA AMENDMENTS

Mr. McCONNELL. Mr. President, the one point that I would like to make before we vote later this morning on the various amendments to the Foreign Intelligence Surveillance Act—a law that is aimed at helping us stop terrorists before they can hurt us—is the most important point of all. It also happens to be a fairly straightforward one: adopting any one of these three amendments would kill the underlying bill.

It would risk putting us right back where we were last July, with the August recess approaching, and the authorizations for monitoring foreign terrorist targets set to expire. In that case, if a member of al-Qaida were to call, our ability to monitor his communications would be seriously handicapped, and it may even be impossible for us to do so, at least on a real-time basis.

So the question before the Senate is really quite simple: we either pass this delicately balanced bipartisan bill which gives our intelligence officials the tools they need to find foreign terrorists overseas—which is itself a compromise on the bill the Senate already passed this year by a vote of 68-29, and which will garner a Presidential signature—or we scrap it altogether and end up right back where we were a year ago.

That is our choice. Fix the problem now—finally—or allow the problem that intelligence officials alerted us to more than a year ago continue indefinitely, regardless of the threat.

Just yesterday the White House reiterated its intention to veto any FISA bill that is amended to strip or weaken liability protection for the telecommunication companies that may have helped the Government in the wake of the September 11 attacks.

This means that the adoption of any one of these amendments will take down the entire bill, unraveling more

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

than a year of delicate bipartisan negotiations.

We're not doing these companies any special favors. The U.S. Government wouldn't even have a foreign surveillance program without them. The intelligence community relies on their cooperation to do its job. And any law that makes it less likely that these companies cooperate with us in the future is a law that makes it harder to protect Americans from terrorist attacks.

That is not just my view or the view of Senator BOND on the Republican side. Let me remind my colleagues of what the chairman of the Intelligence Committee told us, quite bluntly, about our responsibilities in this area on the floor of the Senate last February. This is what Senator ROCKEFELLER said:

> What people have to understand around here, he said, is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest. Everybody tosses that around and says: Well, what do you mean? I say: Well, what are they making out of this? What is the big payoff for the telephone companies? Do they get paid a lot of money? No. They get paid nothing. What do they get for this? They get $40 billion worth of suits, grief, trashing, but they do it. But they don't have to do it, because they do have shareholders to respond to, to answer to.
>
> There is going to be a degrading of intelligence in some very crucial areas, because we will go right back to where we were last August, and that will be a further jolt to the telecommunications companies, because they will understand that you cannot count on the Congress, you cannot count on us to make policy which will give [them] stability.

Those are the words of the Democratic chairman of the Intelligence Committee. And I would only add to them that it is our job to make policy in this area. The Senate—and especially its Intelligence Committee—has been examining this issue for over a year. The committee of jurisdiction conducted extensive oversight and concluded that the telecommunications companies acted in good faith in answering the administration's call to help protect the country from terrorist attack.

The Intelligence Committee then passed an overwhelmingly bipartisan bill, 13-2, that protected these companies from potentially crippling lawsuits, which would terminate the program. The full Senate made the same policy judgment, defeating the Feingold-Dodd amendment to strike immunity 67-31, as well as the Specter-Whitehouse substitution amendment 68-30, on its way to passing the bill by a lopsided vote of 68–29.

Further modifications were made to the bill in negotiations with the House, including to the liability provisions. The House leadership—which had been holding up enactment of a FISA modernization law because of the liability question—then voted for this compromise bill, and the compromise cleared the House with almost 300 votes.

Now, after all this legislative time and effort and contemplation, the Bingaman amendment would have us say, "Just kidding." This amendment would punt our oversight and legislative responsibilities over to inspectors general in the executive branch so they can look at the same program that the Intelligence Committee and the Congress have been considering for over a year.

It is ironic that those who are concerned about preserving congressional prerogatives and congressional responsibilities, especially in relation to the executive branch, would have us rely on the judgment of employees of the executive branch before we can make policy, especially after all the work that Congress has done on this subject. We should not kick the can down the road for another 15 months and in the process abdicate our role in this area.

An acceptable bipartisan solution to our intelligence problem has already been reached. That solution has been endorsed by majorities in both houses of Congress. If that solution is compromised by adopting any of these amendments, this bill would not become law, current targeting orders would expire, and the Senate would fail today to do its basic duty of protecting Americans to the fullest extent possible from terrorist attack.

Americans have a right to expect Congress to give our intelligence officials what they need to do their jobs. And the only way we fulfill that trust is by voting against each of these amendments to the FISA modernization bill.

Mr. President, before turning to another subject, I wish to particularly commend the Senator from Missouri, Mr. BOND, who has done an incredibly effective job at trying to traverse the various currents that have surrounded this extraordinarily difficult piece of legislation.

First he established a very good working relationship with Senator ROCKEFELLER, the chairman of the Intelligence Committee. He was an integral part of negotiating and, as I say, kind of dealing with the currents that were going on through the last year.

I just wish to say through the Chair to him how much America owes the Senator from Missouri for his extraordinary work on this subject. America will be safer in the future as a result of the work of the Senator from Missouri. We here in the Senate are deeply grateful for his extraordinary job, and the people of Missouri have every right to be very proud of him.

Mr. BOND. I thank the Senator.

MEMORIAL SERVICE OF SENATOR JESSE HELMS

Mr. MCCONNELL. Mr. President, on one other item, yesterday we said goodbye to our former colleague, Senator Jesse Helms. A significant number of our colleagues were in attendance at the funeral in Raleigh. Since his passing was expected, we certainly did not suffer from shock. It was anticipated that our friend and colleague would soon pass away, so in many respects it was a celebration of the life of a unique and great American.

I was honored by Mrs. Helms to be asked to do one of the eulogies at the funeral yesterday. I ask that my remarks be printed in the RECORD for any of our colleagues who might want to see what I had to say on behalf of our friend and colleague yesterday as we bid him farewell.

I ask unanimous consent to have those remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MEMORIAL SERVICE OF SENATOR JESSE HELMS

REMARKS OF U.S. SENATE REPUBLICAN LEADER MITCH MCCONNELL, JULY 8, 2008

Dot, Jane, Nancy, Charles, members of the Helms family, Mr. Vice President, Senate colleagues, Reverend Bodkin, distinguished guests, and friends of Jesse Alexander Helms.

Many good things have been said about Jesse Helms since he left us early Friday morning. And none, I think, was more true than a note that was sent to the Helms Center over the weekend. "He was caring about those he knew and didn't know," it said. "He wanted others to succeed."

In the Senate, he always sought them out. Whether it was the schoolchildren that he met with by the thousands; the staff members he didn't call staff, but family—the Helms Senate family; or the Senate pages he would always stop to talk to, and who would send him notes later on in life to thank him for a kindness, a word of encouragement, or to show him pictures of a newborn baby.

Over the years, anyone who passed by Jesse Helms in the Capitol, or worked in his office, would remember him as one of the kindest men they ever knew. No matter who you were, he always had a thoughtful word and a gentle smile. He put duty above all else—duty to God, to country, and to family, yes—but also a duty that's often overlooked: the simple duty of treating other people well.

He never let the seriousness of his job in the Senate become an excuse for pretense.

Just ask the Senators who always had to make room for Jesse's constituents on the senators-only elevators. Or the tourists from all the other states who noticed that Senator Helms always put visitors from North Carolina at the front of the Senate subway car when he rode with them. Or the constituents who weren't even from North Carolina, but who could always count on the Helms Senate family to help if their own representatives didn't. Their boss always made sure of it.

One of the more notable features of being a member of the U.S. Senate is that you get to see how different the public image of certain well-known senators is from the men and women you actually get to know as colleagues and as friends. No one seemed to suffer more from this peculiar disconnect than

Jesse Helms. And no one seemed to care about it less.

I remember walking into his office for the first time and being disarmed by his kindness, and then stepping into his private office and being disarmed again at seeing an entire wall covered with some of the nastiest political cartoons I'd ever seen. Every one was critical of Jesse. And he loved them. Visitors would come into his office, look at the wall, look back at Jesse, and he'd just smile.

There was a lesson here: you can let your adversaries beat you down, or you can let it roll off your back. Jesse taught many of us to do the latter, and we were grateful for the advice.

Staffers learned how to deal with the critics too. One time, after a particularly harsh editorial in the New York Times, a new Helms staffer dashed off a harsh response and brought it in to the boss for his review. Jesse read it, patted the young man on the shoulder, and said, "Son, just so you understand: I don't care what the New York Times says about me."

He had a kind of preternatural calm about what other people said. But for Jesse, standing on principle and fighting back in defense of one's views was never to be confused with animosity for ones adversaries. Political disagreements were never a reason to treat others badly. As one of his Democratic colleagues put it over the weekend: "He was always a gentleman."

When he fought back, he did it in the most effective way he knew how. Nobody knew the rules of the Senate better than Jesse Helms, and no one used them against his adversaries to more frustrating effect. There's a saying in Washington: Whenever a member of Congress looks into the mirror, he sees a future president. But Jesse Helms was always an exception to the rule. He never saw himself as anything other than a senator. And he played the role masterfully.

Of course, there was one person whose opinion did matter. And, as I recall, she was never one to hold back. If Jesse gave a speech that was a little too long, he'd be sure to hear about it in the car ride home. And, unlike the editorial writers, Jesse always took Dot's wise counsel to heart.

It's ironic, of course, that Jesse Helms would find his wife in a newsroom—ironic that someone who had so little use for newspapers would have started out at one. But he always remembered those early days at the News & Observer fondly. He remembered that the best path to his desk was the path that led him past Dorothy Coble's [COE-BULL] desk.

He took that path often. And soon enough, he and Dot were covering the news together, and becoming close friends over late-night steak dinners at the Hollywood Café. Decades later, looking back on all the state dinners and all the visits from various dignitaries and world leaders, Jesse would say those dinners with Dot at the Hollywood Café were, for him, the most memorable.

Dot, you had the perfect partnership. We miss you in Washington. And we honor you today too, for your devotion and your strength, especially in these last years, which haven't been easy, we know.

Jesse Helms was not above sharing the secret of his success with anyone who asked.

One time, a college student who admired him called his office on a whim to see if Senator Helms would be willing to speak to a college group he ran. The boy was shocked when Senator Helms himself cut in on the phone line and said, "I'll do it." But he was shocked even more when, on the day of the speech, he asked Senator Helms for the one piece of advice he'd give a young man just starting out in politics. "Son, find yourself a good wife."

It has been noted by many others how fitting it should be for a man who spent his entire adult life talking about the "Miracle of America" to pass away on Independence Day. It was no less fitting, I should think, for a man who did so much to promote the vision of the American Founding to have come from as modest a background as so many of the men who secured it in battle.

That too, of course, has always been a part of the Miracle of America: that an army of castaways, one third of whom didn't even have shoes, could defeat the British Army. That a boy from Kentucky whose father couldn't even sign his own name would go on to write the words of the Gettysburg Address. Or that a policeman's son from Monroe, North Carolina, could, in his own time, have such a powerful effect on the course of human events. Jesse Helms rose the way so many others in our country have from its earliest days, not by inheriting something, but by building something.

He was a product of the public schools, but his most important education came from the home. In the Helms household, Jesse said, it was not uncommon for him to wake up and find his mother cooking breakfast for the hobos that his father had rounded up the night before. And on Sundays, the whole family would worship together at the First Baptist Church on Main Street in Monroe.

It was the kind of home where a young boy could learn a boundless hope in the promise of America. It was the kind of place where a young boy could learn about the importance of strong principles, and the importance of fighting for them, regardless of the personal cost.

I remember once, as a young senator, walking into the Republican cloakroom, and seeing what that kind of tenacity looked like: a lone senator, sitting in the corner. Jesse had put the rest of us in some parliamentary tangle about one thing or another. He'd ground the place to a halt. And he was completely comfortable with the whole situation. It was truly something to behold.

Once, after a disastrous early battle in the Revolutionary War, John Adams was asked for an explanation. "In general," he said, "their generals outgeneralled our generals." For the last three decades of the 20th Century, the same would never be said of a certain North Carolina lawmaker whenever he decided to take on an issue in the U.S. Senate. Jesse Helms always held his ground.

Many others who never saw Jesse Helms on the Senate floor have noted with admiration the same qualities over these past days. One man from Florida wrote that Cuban Americans will never forget his staunch opposition to the Castro Regime. And one of Jesse's many unlikely friends on the international stage, Bono, left a tribute at the Helms Center that many men could only dream of.

"Give Dot and the family my love," it said. "And tell them there are two million people alive today in Africa because Jesse Helms did the right thing."

Today, we are sad at the passing of our friend, but we are consoled by the promises of a God he loved. Jesse Helms was once asked whether he had any ambitions beyond the Senate. "The only thing I am running for," he said, "is the Kingdom of Heaven."

Now that day which comes to all of us has come for Jesse Helms. And we are confident that he has heard those words he longed to hear: "Well done, good and faithful servant . . . Come and share in your Master's joy."

The ACTING PRESIDENT pro tempore. The majority leader.

FISA

Mr. REID. Mr. President, I wanted to build upon the remarks of the Senator from Kentucky. He commended and applauded Senator BOND, and that certainly is appropriate. But I also want to recognize, as the Republican leader did, the work they have done together. I may disagree with the result of what we have on the floor today, and the outcome of what is going to happen today, but I want everyone to know that Senator ROCKEFELLER is a man who works hard. There is no Senator who works any harder than JAY ROCKEFELLER. He spends, with his counterpart and counterparts, Members of the Intelligence Committee, days, days each week in a place that is secure, away from the press, staff, and the rest of the Senate, in trying to figure out what is going on in the world as it relates to bad people trying to do bad things.

They also have to keep on top of what is going on around the world as the administration advises them. So when the history books are written about this institution, one of the people they will have to write about is the good man of West Virginia, a man of wealth who decided to be a public servant. He has done that for the people of West Virginia for decades. There are a lot of great Senators who have come from the State of West Virginia, and two of them are serving now, but I want everyone to know that my appreciation, my affection, and my total admiration for JAY ROCKEFELLER is like no other Senator. He is a wonderful human being. I so appreciate his willingness to do this job. Not everyone runs and tries to get to be chairman of the Intelligence Committee, but he does it because he thinks it is the right thing to do for the country. We in the Democratic caucus think there is no one better to lead us in that behalf.

I will simply say that the relationships with Senator BOND and Senator ROCKEFELLER have been extremely pleasant, and that makes this most difficult job better for all of us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Pending:

Bingaman amendment No. 5066, to stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the inspectors general on the President's surveillance program is submitted to Congress.

Specter amendment No. 5059, to limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional.

Dodd amendment No. 5064, to strike title II.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak on my time, followed immediately by Senator HATCH, who will speak for 10 minutes, and that my remaining time be reserved after that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request?

Mr. BOND. The request was that I speak on my time and that Senator HATCH be given 10 minutes.

Mr. REID. Mr. President, is that additional time to what we have?

Mr. BOND. No. That is off of my time.

Mr. REID. I appreciate that. But should we not be going back and forth? Because Senator FEINGOLD has been here waiting.

Mr. BOND. How long will Senator FEINGOLD speak?

Mr. REID. My understanding is 30 minutes.

Mr. BOND. Responding to the distinguished leader, Senator HATCH had to leave a Judiciary Committee hearing. He was only going to speak 10 minutes. And I am going to be about 10 minutes.

Mr. FEINGOLD. As long as my 30 minutes is blocked.

The ACTING PRESIDENT pro tempore. The Senator's time is locked in under the unanimous consent.

Is there objection to the sequence of speakers?

Mr. FEINGOLD. As long as my 30 minutes is reserved so I can speak following the time of the Senator from Utah.

The ACTING PRESIDENT pro tempore. Is there objection to the request as modified?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished leader who has done a remarkable job of helping us to get to this point in what has been, let us say, a challenging 15-month debate. And I concur with him in the very kind and generous words he said about my friend and colleague, the chairman of the committee, Senator ROCKEFELLER.

I expressed my appreciation to the Republican leader for his very kind words, and I agree with him that it is absolutely essential that we defeat these amendments today. But, finally, after sporadic filibuster attempts over a period of 15 months by several Members, Members whom I respect for their tenacity and conviction in this matter, we are poised today to conclude work on the FISA Amendments Act of 2008.

Yesterday I detailed my views on aspects of this legislation, and I walked through six tweaks to the legislation that were made to the bipartisan Senate bill that the Senate passed in February, earlier this year, that have resulted in the bill before us today.

I am happy that the tweaks to the bill did not change the bill much. I am proud to negotiate with the House to bring back to the Senate essentially the same bipartisan bill today that both the chairman and I crafted with the help of an overwhelming bipartisan majority of our Intelligence Committee.

This ensured that today we have a major bipartisan victory of which all sides can be proud, exemplifying what can be accomplished in Washington when there is bipartisan negotiation.

I thank all of those who worked so hard to bring us to the cusp of sending this legislation to the President. I appreciate the hard work of House Majority Leader STENY HOYER, who was critical in the House; Republican Whip ROY BLUNT, and Congressmen PETE HOEKSTRA and LAMAR SMITH, as well as the efforts of my colleagues in the Senate, Senators ORRIN HATCH, SAXBY CHAMBLISS, Senate Republican Leader MITCH MCCONNELL, and Chairman ROCKEFELLER for his strong support and leadership.

Further, we could not be here today without the hard work of staff, from the House, Jen Stewart from House Minority Leader BOEHNER's office; Brian Diffel from House Minority Whip BLUNT's office; Chris Donesa from Mr. HOEKSTRA's office; Caroline Lynch from Mr. SMITH's office; Mariah Sixkiller with the House Majority Leader's office; and Jeremy Bash from Mr. REYES' office, along with an assortment and large number of deputies and others who assisted them in producing the language that their Members would support.

As to my own staff, I thank my staff director Louis Tucker and staffer Jacqui Russell from the Intelligence Committee; a very special thanks to two FISA counsels, Jack Livingston and Kathleen Rice, who brought invaluable expertise into this process as lawyers who participated in the FISA process from the executive branch perspective while working in the FBI.

Thanks to Senator ROCKEFELLER's counsels, Mike Davidson, Christine Healey, and Alissa Starzak, as well as to Jesse Baker with Senator HATCH; to Tom Hawkins and John Abegg with Leader MCCONNELL's office; and to the many other staff who helped make this happen, too many to name now in the short time we have before we vote on the upcoming amendments.

I believe it is necessary to reinforce a few points that Senator ROCKEFELLER and I made yesterday in urging our colleagues to defeat the three amendments before us that would kill this bill by altering the title II liability protections, and potentially putting us in the disastrous situation we faced a year ago.

First, yesterday we heard from supporters of these amendments that decimating the title II civil liability protections for our telecommunications providers would have no effect on the title I portion of the bill that modernizes FISA collection methodologies because title I contains directives that are enforceable by court order.

Such statements demonstrate a lack of understanding about the intelligence community's dependence upon our third-party partners. We know from our experience when the Protect America Act expired in February that is simply not the case. We lost days' worth of intelligence while the partners ceased cooperating momentarily until they were assured that authorizations and corresponding immunity tie would last until August. If we do not have their voluntary cooperation by giving them liability protection, then it is much harder and we get much less in trying to compel them.

Second, we heard yesterday that it is "bad lawyering" to apply the substantial evidence standard to the title II liability. The Senate's bill had an abuse of discretion standard for title II liability, which I believe was the appropriate standard, but House Democrats offered this other standard.

It is an appellate standard, not a factual standard, as my colleague from Rhode Island asserted yesterday. The court will not be holding a trial or hearing from witnesses. There is no adversarial process in the true sense of the word. These steps and safeguards are necessary to ensure that our intelligence sources and methods remain protected.

Third, while my colleague from Rhode Island asserted that the TSP is a cause for deep anger at the administration, I submit that deep anger should be redirected away from tearing down experienced, dedicated American officials and toward tearing down our foreign enemies who are intent on destroying our Nation and our way of life.

The TSP enabled our intelligence community to prevent further attacks on our homeland, and I and the leaders of the intelligence community believe it is the key reason why we have not been attacked for nearly 7 years since September 11.

Despite what some far-left editorial writers say, the TSP only allowed warrantless interception of phone calls from terrorists reasonably believed to be overseas.

Intercepts of Americans and other U.S. persons in the United States required a warrant from the FISA Court.

To suggest yesterday, as was suggested on the floor, that it enabled collection of communications among innocent American citizens is flat wrong. The bill before us will keep us safe and protect civil liberties. So it should not be a moment of anger but, rather, one of bipartisanship and pride that we worked together to produce the best legislation possible to keep America safe and to protect her rights further.

Others assert that leaking the program was good. Well, I dispute that. The intelligence agencies noticed a significant drop in collection when the terrorists found out we could listen in on them. The CIA Director, at his confirmation hearing, when I asked him how badly the intelligence community had been hurt, said: We are applying the Darwinian theory to terrorists; we are only intercepting the dumb ones.

Both Democratic and Republican leaders were read in on this program early on, the Big Eight, and had the opportunity through congressional options to delay or scrutinize the program, if necessary.

I understand they advised the administration it would take too long to go through the legislative process to modernize FISA. From what I have seen over the past 15 months in how long it has taken us to get here today, that seems to have been very good advice.

My colleague from Pennsylvania asserted earlier that only 30 Senators have been read in. But the chairman did a little quick math and said 37 have been read in. It is unusual to have more than one-third of the Senate briefed on some of our most sensitive intelligence collection strategy.

Oversight of these areas is why the Senate created the Senate Select Committee on Intelligence. We on the committee oversee hundreds of programs that the rest of our colleagues know little about. And even though we invite them over for briefings, they usually have too many other responsibilities to have time to accept our invitation.

Finally, my colleague from Pennsylvania asserted we do not know what we are granting immunity for, and only courts can decide that matter. That is simply not true. The committee's bipartisan review makes it clear to whom retroactive civil liability protection is being granted. And the courts are not the appropriate standard to make those judgments.

The Senator's statements clearly indicated that he wants to challenge the Government, the President's use of the TSP. Well, we do not block suits against the Government, against Government employees or officials. It would be unfair and potentially disastrous to use the patriotic electronic carriers as punching bags to try to get at the administration. That will destroy our intelligence community's ability to collect with their assistance, and it would potentially lead to a serious gap in the program. It would put the people of the collecting agencies at great risk, civilians who do not go into battle with protection, with gear and with training.

That is an absolutely outrageous assertion that they should be willing to undergo the hazards of war in matters of national security. It is appropriate and imperative that the oversight committees act as they have in reporting such legislation to the entire body.

My friend repeatedly inquired if Congress had ever done anything such as this before. But, in fact, we only need to look back to 2005 when Congress passed the Protection of Lawful Commerce in Arms Act. It essentially granted immunity to gun manufacturers, distributors, dealers, and others against lawsuits seeking money damages and other relief for harm caused by misuse of firearms.

It still allowed those defendants to be sued for their own negligence, violation of sale and marketing statute, breach of contract or warranty, design defect, et cetera. The immunity provision was held to be constitutional, not a violation of due process, equal protection, or takings, in Ileto v. Glock, a 2006 California court case. So beyond the rhetoric in opposition to the legislation before us, I believe Senators need to take a fair look at what is before us today.

I strongly encourage my colleagues to vote down the three amendments before us and to support this bill. This bill gives our intelligence operators and law enforcement officials the tools they need to conduct surveillance on foreign terrorists in foreign countries planning to conduct attacks inside the United States against our troops and allies. It is the balance we need to protect our civil liberties without handcuffing intelligence professionals. Let's do the right thing, pass this bill without amendments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, it was Kierkegaard, a number of years ago, who said that venture causes anxiety, but not to venture is to lose one's self.

From the outset let me be crystal clear in voicing my strong opposition to all three pending amendments to H.R. 6304. But before I discuss these amendments, let me address a few things said on this floor yesterday. One of my colleagues said the Congress shouldn't "jam this bill through." If working on a bill for over 440 days is jamming it through, then Webster's dictionary should prepare a new definition for the word. We also heard comments yesterday which were critical of the fact that not every Senator has been fully briefed on the activities of the intelligence community. I guess since this same argument didn't stick the first time it was offered back in December, more desperate attempts would be made. If at first you don't succeed, try, try again.

Memories are short around here, and we should appreciate that the very creation of the Intelligence Committee was controversial. The committee was created so a limited number of Members would have oversight of our intelligence agencies. During the 10 days of debate on the resolution creating this committee, numerous Senators openly worried about possible leaks in providing highly classified material to a large number of individuals. Here is what Senator Milton Young said in May of 1976:

> It is my understanding that on this new committee, staff would have access to the most sensitive information. Human nature is such that when too many people have access to this information, someone is bound to leak parts of it to an ambitious and inquisitive press.

Also, in 1976, here is what another Senator said. This is Senator Walter Mondale on the need for a Senate Intelligence Committee on May 13, 1976:

> We have the worst possible system for congressional oversight of intelligence. Responsibility and authority are fragmented in several cases; it is impossible to look at intelligence as a whole; because authority and responsibility are not welded together, we are incapable of dealing with problems privately, and there is the inevitable temptation to deal with them through leaks.

Thirty-two years later, these statements contain points that are still vitally important to this discussion. Is this the system of oversight that we should go back to? Those that argue that we should not vote until every Member gets some sort of vague access are essentially saying that all 535 Members of Congress, plus hundreds of cleared staff, should be read into all highly classified programs whose jurisdiction is otherwise limited to the Intelligence Committees. If you want to guarantee future leaks, this would be a good approach.

This sort of logic begs the question: Why do we have the Intelligence Committee? The answer is obvious, and I urge my colleagues to remember the extensive efforts of our predecessors which created a committee with the authority to review these materials.

While the issue of civil liability protection for telecoms has been debated extensively over the last 9 months, the three final amendments before us all attempt to alter or remove the carefully crafted bipartisan civil liability provision. I agree with the comments from both sides of the aisle in opposition to these amendments.

The Bingaman amendment, for example, would needlessly delay the liability provision. I believe the amendment is unwise, as its purpose disregards the extensive work that Congress has already conducted on this issue. By my last count, Congress has conducted over 27 hearings on the TSP and FISA over the last few years.

Let there be no doubt; the IG review will not, and cannot, determine the legality of the terrorist surveillance program. Any suggestion that the review will do so is absolutely incorrect. Inspectors general are not qualified and lack jurisdiction to review the legality of intelligence programs. As further evidence of this obvious point, let's look at this quote by the DOJ inspector general on conducting legal analysis:

> That's not our role as the Inspector General.

In addition, the IG review will not publicly reveal which companies elected to participate in this program, as that information remains highly classified. Simply put, attempts to alter the FISA compromise based on a misperception of the eventual IG review should be strongly rejected, and we should do so this morning.

Close inspection of the lawsuits against the telecoms reveals quite dubious claims. As has previously been stated, the plaintiffs persistently confuse speculative allegations and untested assertions for established facts.

It is very simple, Congress should not condone oversight through litigation.

The lawsuits seize on the President's brief comments about the existence of a limited program to go on a fishing expedition of NSA activities. But this is really worse than a fishing expedition; this is draining the Loch Ness to find a monster. Sometimes what you are looking for just doesn't exist.

Yet we consistently hear as justification for the apparent paranoia that some wiretaps were warrantless. But lest we forget, the fourth amendment does not proscribe warrantless searches, it proscribes unreasonable searches.

Here's a quick example from a few blocks from here: Waiting for warrantless searches at the National Archives; waiting to be served before viewing the fourth amendment itself. That is a warrantless search.

The fact is that the President created an early warning system to prevent future attacks; essentially a terrorist smoke detector. But rather than appreciate the protection it offered, critics rushed to pull out the batteries so that it could not work.

My feelings of admiration and respect for the companies who did their part to defend America are well known. As I have said in the past, any company who assisted us following the attacks of 9/11 deserves a round of applause and a helping hand, not a slap in the face and a kick to the gut.

When companies are asked to assist the intelligence community based on a program authorized by the President himself and based on assurances from the highest levels of government that the program has been determined to be lawful, they should be able to rely on those representations.

In the over 40 outstanding civil lawsuits, is there any proof that any litigant was specifically targeted by the government? Can any of the plaintiffs show that they are "aggrieved persons" under the definition of FISA? The answer to both questions is no. Rather, many of the lawsuits utilize the following logic: I have long distance service, so I am going to sue because I think you listened to my calls. Even though they have no proof; even though the government has more important things to do than listen to their random phone calls, they push on in their desire to justify their view of self-importance and irrational belief in government conspiracy. I don't want to bruise anyone's ego, but if al-Qaida is not on your speed dial the government is probably not interested in you.

The possible disclosure of classified materials from ongoing court proceedings is a grave threat to national security, and the very point of these lawsuits is to prove plaintiffs' claims by disclosing such classified information. Simply put, you do not tell your enemies how you track them. This is why the NSA and other government agencies will not say what they do, how they do it, or who they watch. Nor should they. To confirm or deny any of these activities, which are at the heart of the civil lawsuits, would harm national security. We should not discuss what our capabilities are.

If the identities of the companies are revealed and officially confirmed through litigation, they will face irreversible harm; harm in their business relations with foreign governments and companies, and possible physical harm to their employees both here and abroad, who are truly soft targets for attackers.

I have come to this floor on numerous occasions during the last year to discuss the issue of FISA modernization and am hopeful that the need to continue to do so will finally end tomorrow. I am confident that when the Congress considers this issue, we will finally send this vitally important legislation to the President to be signed into law.

I compliment the distinguished chairman and vice chairman of the committee, Senators ROCKEFELLER and BOND. They have had to handle this matter through all kinds of vicissitudes and false logic. They have done an exceptionally good job. They and their staff have stood and tried to let America know what is involved.

The fact is, these two leaders have done a great job on this committee. They have previously passed bipartisan legislation overwhelmingly. This original Senate FISA modernization bill would have passed the House pretty much overwhelmingly, had it been brought up, and, of course, hopefully this version will be passed today without any of these three amendments which would cause a veto.

I thank those who vote for this bill and those who have been considerate enough to look at all the important arguments and support this legislation which is much needed, certainly much needed before August and should have been passed a long time ago.

I thank all those who have stood up on this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator LEAHY be recognized following my remarks, to be followed by Senator SPECTER for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield myself such time as I may consume. Before I get into my formal remarks, let me react a bit to the remarks of the Senator from Utah. He is a great colleague, a very cordial man. I have enjoyed the 16 years I have served with him, especially on the Judiciary Committee. But I will use an unsenatorial word for one of the arguments he made. The word is "wow." The notion that roughly 70 Senators would not be briefed on something we are voting on and the notion that the briefing of the Intelligence Committee, which, of course, I am a member of and which I support, is a justification for having 70 Senators not knowing what they are voting on is a very bizarre interpretation of why the Intelligence Committee was created. It was not created as a replacement for the Senate when it comes to voting on the laws governing the fundamental rights of the American people. If that is the best they can come up with, when 70 Senators don't even know the fundamentals of the program that this immunity issue is addressing, it is incredible. Let me get into the merits, but first I should also address that we have apparently been lumped in as part of the black helicopter crowd. I assure you the coalition in this country that has concerns about this bill is much broader than any such characterization.

A number of Senators came to the floor prior to the Fourth of July recess to debate the FISA legislation, and more debate has occurred this week. We heard arguments for and against this legislation, and Senators have cited a variety of reasons for their positions.

Several have defended the bill by arguing the legislation includes improvements compared to the Senate bill we passed earlier this year. Of course, I was not surprised to hear that line of argument. I agree, there are some improvements to the Senate bill contained in the legislation we are now considering. But Mr. President, those changes, as you well know, are not nearly enough to justify supporting the bill, as I will explain in a few moments.

I was, however, surprised to hear several Senators still defending the legality of the President's warrantless wiretapping program and still arguing that Congress had somehow signed off on this program years ago because the so-called Gang of 8 group was notified.

I thought we were well past these arguments. Two and a half years after this illegal program became public, I cannot believe we are still debating the legality of this program on the Senate floor and that anyone—anyone—seriously believes that merely notifying the Gang of 8—eight Senators and Congressmen—while keeping the full Intelligence Committees in the dark, somehow represents congressional approval.

It could not be clearer that this program broke the law and that this President—this President—broke the law. Not only that, but this administration affirmatively misled the Congress and the American people about it for years before it finally became public. So if we are going to go back and discuss these issues that I thought had long since been put to rest, let's take a few minutes to cover the full history.

Here is the part of this story that somehow seems to have been forgotten. In January 2005, 11 months before the New York Times broke the story of the illegal wiretapping program, I asked then-White House Counsel Alberto Gonzales at his confirmation hearing to be Attorney General whether the President had the power to authorize warrantless wiretaps in violation of the criminal law. Neither I nor the vast majority of my colleagues knew it then, but the President had authorized the NSA program 3 years before, and Mr. Gonzales was directly involved in that issue as White House Counsel.

At his confirmation hearing, he first tried to dismiss my question—if you can believe it—as "hypothetical," though he knew exactly what was going on. He then testified:

> [I]t's not the policy or the agenda of this President to authorize actions that would be in contravention of our criminal statutes.

The President's wiretapping program was in direct contravention of our criminal statutes. Mr. Gonzales knew that, but he wanted the Senate and the American people to think the President had not acted on the extreme legal theory that the President has the power as Commander in Chief to disobey the criminal laws of this country.

The President, too, misled the Congress and the American public. In 2004 and 2005, when Congress was considering the reauthorization of the USA PATRIOT Act, the President went out of his way—I remember this very clearly—to assure us that his administration was getting court orders for wiretaps, all the while knowing full well that his warrantless wiretapping program was ongoing.

Here is what the President said on April 20, 2004:

> Now, by the way, any time you hear the United States government talking about [a] wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.

Those are the words of the President of the United States to the American people.

Again, on July 14, 2004:

> The government can't move on wiretaps or roving wiretaps without getting a court order.

And listen to what the President said on June 9, 2005:

> Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, a federal judge's permission to track his calls, or a federal judge's permission to search his property. Officers must meet strict standards to use any of these tools. And these standards are fully consistent with the Constitution of the U.S.

So please, let's not pretend that the highly classified notification to the Gang of 8, delivered while the President himself was repeatedly presenting a completely different picture to the public, suggests that Congress somehow acquiesced to this program. As the Members of this body well know, several Members of the Gang of 8 at the time raised concerns when they were told about this, and several have since said they were not told the full story. And, of course, all of them—all of them—were instructed not to share what they had learned with a single other person.

I also cannot leave unanswered the arguments mounted in defense of the legality of the NSA program. I will not spend much time on the argument that the authorization for use of military force that Congress passed on September 18, 2001, authorized this program. That argument has been thoroughly discredited. In the AUMF, Congress authorized the President to use military force against those who attacked us on 9/11, a necessary and justified response to the attacks. We did not authorize the President to wiretap American citizens on American soil without going through the judicial process that was set up nearly three decades ago precisely to facilitate the domestic surveillance of spies and terrorists.

Senators have also dragged out the same old, tired arguments about the President's supposed inherent Executive authority to violate the FISA statute. They argue that a law passed by Congress cannot trump the President's power under the Constitution. Now, that argument may sound good, but it assumes what it is trying to prove—that the Constitution gives the President the power to authorize warrantless wiretaps in certain cases. You cannot simply say that any claim of Executive power prevails over a statute—at least, not if you are serious about the rule of law and about how to interpret the Constitution.

The real question is, when a claim of Executive power and a statute arguably conflict, how do you resolve that conflict?

Fortunately, this is not something the Supreme Court has been silent about. The Supreme Court has told us how to answer that question. We are talking about the President acting in direct violation of a criminal statute. That means his power was, as Justice Jackson said in his famous and influential concurrence in the Steel Seizure cases half a century ago, "at its lowest ebb." The Presidential power, Justice Jackson said, in that circumstance was "at its lowest ebb." In other words, when a President argues that he has the power to violate a specific law, he is on shaky ground.

That is, obviously, not just my opinion. It is what the Supreme Court has made clear. No less an authority than the current Chief Justice of the United States, John Roberts, repeatedly recognized in his confirmation hearings—over and over again—that Justice Jackson's three-part test is the appropriate framework for analyzing questions of Executive power.

In early 2006, a distinguished group of law professors and former executive branch officials wrote a letter pointing out that "every time"—every time—"the Supreme Court has confronted a statute limiting the Commander-in-Chief's authority, it has upheld the statute." It has upheld the act of Congress over the claims of Executive power that overreach and conflict with the power of this Congress to make the laws in this country.

The Senate reports issued when FISA was enacted confirm the understanding that FISA overrode any preexisting inherent authority of the President. The 1978 Senate Judiciary Committee report stated that FISA "recognizes no inherent power of the President in this area" and "Congress has declared that this statute, not any claimed Presidential power, controls."

Contrary to what has been said on this floor, no court has ever approved warrantless surveillance in violation of FISA based on some theory of article II authority. The Truong case that is so often hauled out to make this argument was a Vietnam-era case based on surveillance that occurred before FISA was enacted, so it could not have decided this issue. And the issue before the FISA Court of Review in 2002 had nothing to do with inherent Presidential authorities. Yet these cases are repeatedly cited by supporters of the President, complete with large charts of the supposedly relevant quotations. But the fact is, not a single court—not the Supreme Court or any other court—has considered whether, after FISA was enacted, the President nonetheless somehow has the authority to bypass it and authorize warrantless wiretaps.

In fact, as the Senator from Pennsylvania and I discussed on the Senate floor yesterday, just last week a Federal district court strongly indicated that were it to reach that issue, it would find that the President must in fact follow FISA. The court was considering whether the state secrets privilege applies to claims brought under the FISA civil liability provisions, and it found that it does not. Its reasoning was based on the conclusion, again, that Congress had spoken clearly that it intended FISA and the criminal wiretap laws to be the exclusive means—the exclusive means—by which electronic surveillance is conducted, and it fully occupied the field in this area, replacing any otherwise applicable common law.

Now, here is what the court said:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the Executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities . . .

And another court, a district court in Michigan, has also held that the President's wiretapping program was unconstitutional, although that decision was reversed on procedural grounds by the Sixth Circuit. So to the extent there is any case law that actually addresses this issue, it totally undercuts the administration's arguments. And, of course, it certainly does nothing to support those arguments.

We have also heard that past American Presidents have cited Executive authority to order warrantless surveillance. But, of course, those past Presidents—Presidents Wilson and Roosevelt are often cited—were acting before the Supreme Court decided in 1967 that our communications are protected by the Fourth Amendment and before Congress decided in 1978 that the executive branch can no longer unilaterally decide which Americans to wiretap. So those examples are simply not relevant to this debate.

In sum, the arguments that the President has inherent Executive authority to violate the law are baseless. It is not even a close case. And the repeated efforts in the Senate to pretend otherwise are very discouraging.

It may seem that I am going over ancient history because this program is no longer operating outside the law. But this is directly relevant to the current debate. The bill the Senate is considering would actually grant retroactive immunity to any companies that cooperated with a blatantly illegal program that went on for more than 5 years and about which the administration repeatedly misled Congress.

So if Congress short-circuits these lawsuits, we will have lost a prime opportunity to finally achieve accountability for these many years of lawbreaking. That is why the administration has been fighting so hard for this immunity. It knows that the cases that have been brought directly against the Government face much more difficult procedural barriers and are unlikely to result in rulings on the merits that would allow us to get to this direct question of the legality of the President's warrantless wiretapping program.

These lawsuits involving the telephone companies may be the last chance to obtain a judicial ruling on the lawfulness of the warrantless wiretapping program. It is bad enough that Congress abdicated its responsibility to hold the President accountable for breaking the law. Now it is trying to absolve those who allegedly participated in his lawlessness. This body should be condemning this administration for its lawbreaking—not letting the companies that allegedly cooperated off the hook.

This body certainly should not grant the Government new, overexpansive surveillance authorities, which brings me now to the part of the bill that in some ways concerns me even more than the immunity provision. Let me explain why I am so concerned about the new surveillance powers granted in this bill and why the modest improvements made to this part of the bill do not even come close to going far enough.

First, the FISA Amendments Act would authorize the Government to collect all—all—communications between the United States and the rest of the world. Now, that could mean millions upon millions of communications between innocent Americans and their friends, families, or business associates overseas could be legally collected. Parents calling their kids studying abroad, e-mails to friends serving in Iraq—all these communications could be collected, with absolutely no suspicion of any wrongdoing at all, under this legislation.

Second, like the earlier Senate version, this bill fails to effectively prohibit a practice known as reverse targeting; namely, wiretapping a person overseas when what the Government is really interested in doing is listening to an American here at home with whom the foreigner is communicating. This bill does have a provision that purports to address this issue. It prohibits intentionally targeting a person outside the United States without an individualized court order if "the purpose" is to target someone reasonably believed to be in the United States.

But this does not do the job. At best, this prevents the Government from targeting a person overseas as a complete pretext for getting information on someone in the United States. But this language would allow a lot more. The language would permit intentional and possibly unconstitutional warrantless surveillance of an American so long as the Government has any interest—any interest at all—no matter how small, in the person overseas with whom the American is communicating. The bill does not include language that had the support of the House and the vast majority of the Senate's Democratic caucus that would have required the Government to obtain a court order whenever a significant purpose of the surveillance was to acquire the communications of an American in the United States. The administration's refusal to accept that reasonable restriction on its power is quite telling.

Third, the bill before us imposes no meaningful consequences if the Government initiates surveillance using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners outside the United States rather than Americans at home. Under this bill, all that illegally obtained information on Americans can be retained and used. Once again, as seems to recur over and over again in this sordid tale, there are no consequences for illegal behavior by the Government of the United States. That is just wrong.

Unlike the Senate bill, this new bill does generally provide for FISA Court review of surveillance procedures before surveillance begins, and that is one of the changes that has been touted by supporters of the bill. But the bill also says if the Attorney General and the Director of National Intelligence certify they don't have time to get a court order, and that intelligence important to national security may be lost or not timely acquired, then they can go forward without traditional approval. This is a far cry from allowing an exception to FISA Court review in a true emergency because, arguably, all intelligence is important to national security and any delay at all might cause some intelligence to be lost. So I am concerned that this so-called "exigency" exception could very well swallow the rule and undermine any presumption at all of prior judicial approval. That could result in no prior court review. No prior judicial review. Let's just trust an administration—including this administration—rather than having the checks and balances that clearly the Founders of our country understood to be central in any situation such as this.

Fourth, this bill doesn't protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: Don't worry, we have minimization procedures. But minimization procedures are nothing more than unchecked executive branch decisions about what information on Americans constitutes "foreign intelligence." That is why on the Senate floor I joined with Senator WEBB and Senator TESTER earlier this year to offer an amendment to provide real protections for the privacy of Americans, while also giving the Government the flexibility that it needs to wiretap terrorists overseas.

This bill relies solely on inadequate minimization procedures to protect innocent Americans, and they are simply not enough.

As I said at the outset, some supporters of this bill have pointed to improvements made since the Senate passed the bill earlier this year. I appreciate that some changes have been made, but those changes are either inadequate or they do not go to the core privacy issues raised by this bill. In fact, as the distinguished Senator from Missouri, the vice chairman of the Senate Intelligence Committee, said just yesterday, the bill before us is "basically the Senate bill all over again" with only "cosmetic fixes." That is what the Republican vice chairman of the committee said. Any Democrat who suggests that this is somehow a big change, I don't think they read the bill, because it doesn't do the job.

For example, I am pleased the bill provides for FISA Court review of targeting minimization procedures, but as I mentioned, there is a potentially gaping loophole allowing the executive branch to go forward with surveillance without court review—an exception that could swallow the rule. The bill also now explicitly directs the FISA Court to consider whether the Government's procedures comply with the fourth amendment, but that is an authority it should have had anyway.

The bill includes an inspector general review of the illegal program, which is a positive change, but that doesn't make up for the lawsuits that are going to be dismissed as a result of this legislation. I strongly support the strengthened exclusivity language which, perhaps, may defer a future administration from engaging in lawless behavior, but let's not lose sight of the fact that FISA, as originally enacted, clearly stated already that it and the criminal wiretap laws were the exclusive means for conducting electronic surveillance. This was confirmed in the strongest terms possible by a Federal district court just last week.

The idea that we would simply trust this administration, especially, to follow this exclusivity language when they have taken such a dismissive attitude with respect to the current exclusivity language is absurd. Only under the unprecedented legal theories of this administration could that clear language be ignored, requiring Congress to pass language that effectively says: No, we really mean it. If this bill is enacted, I am by no means reassured that this administration, which repeatedly broke the law and misled the public over the past 7 years, will now respect the exclusivity of FISA.

Now, the bill does contain a key protection for Americans traveling overseas. It says if the Government wants to intentionally target Americans while they are outside of the country, it has to get an individualized FISA Court order based on probable cause. That is a great victory, and it is one we should be proud of, but it does not override the greatly expanded authorities in this bill to collect other types of communications involving Americans.

In sum, these improvements are obviously not enough. They are nowhere close. So I must strongly oppose this bill.

When you consider how we got here, this legislation is particularly discouraging. We discovered in late 2005 that the President had authorized an illegal program in blatant violation of a statute and that Congress and the public had been misled in a variety of ways leading up to this public revelation. Congress, to its credit, held hearings on the program, but was largely stonewalled by the administration for many months until the administration grudgingly agreed to brief the intelligence committees and, more recently, the judiciary committees. Nonetheless, the vast majority in the House and Senate have never been told what happened. In 2006, when the Republicans tried to push through legislation to grant massive new surveillance authority to the executive branch, we stopped it. But now, in a Democratic-controlled Congress not only did we pass the Protect America Act, but we are now about to extend for more than 4 years these expansive surveillance powers, and we are about to grant immunity to companies that are alleged to have participated in the administration's lawlessness.

I sit on the Intelligence and Judiciary Committees. I am one of the few Members of this body who has been fully briefed on the warrantless wiretapping program. Based on what I know, I can promise that if more information is declassified about the program in the future, as is likely to happen either due to the inspectors general report, the election of a new President, or simply the passage of time, Members of this body will regret that we passed this legislation. I am also familiar with the collection activities that have been conducted under the Protect America Act and will continue under this bill. I invite any of my colleagues who wish to know more about these activities to come speak to me in a classified setting. Publicly, all I can say is that I have serious concerns about how those activities may have impacted the civil liberties of all Americans. If we grant these new powers to the Government and the effects become known to the American people, we will realize what a mistake it was. Of that, I am sure.

So I hope my colleagues will think long and hard about their votes on this bill and consider how they and their constituents will feel about this vote 5, 10, or 20 years from now. I am confident that history will not judge this Senate kindly if it endorses this tragic retreat from the principles that have governed government conduct in this sensitive area for 30 years. I urge my colleagues to stand up for the rule of law and defeat this bill.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I applaud the Senator from Wisconsin for his statement. I concur with it.

The Senate has before it three amendments to bring accountability to this legislation: the Dodd-Feingold-Leahy amendment, the Specter amendment, and the Bingaman alternative. I intend to vote in favor of each of these three amendments.

As I noted at the outset of this debate and consistently throughout the course of Senate consideration of these matters, I oppose legislation that does not provide accountability for the 6 years of illegal, warrantless wiretapping initiated and approved by the Bush-Cheney administration. The bill, if it is adopted without amendments, seems intended to result in the dismissal of ongoing cases against the telecommunications carriers that participated in the warrantless wiretapping program without allowing a court ever to review whether the program itself was legal. None of us are out to punish the telecommunications carriers, but we worry if anybody is going to be held accountable. As it is now, the bill would have the effect of ensuring that this administration is never called to answer for its actions and never held accountable in a court of law. I do not support a result that says the President of the United States, whomever he or she is, is above the law and, therefore, I would not support the bill unless it is amended.

It is now almost 7 years since this President began efforts to circumvent the law. In violation of the provisions of the governing statute, the Foreign Intelligence Surveillance Act, this President and his administration engaged in a program of warrantless wiretapping. I believe that conduct was illegal. In running its program of warrantless surveillance, the administration relied on ends-oriented legal opinions prepared in secret and shown only to a tiny group of like-minded officials.

Basically, the administration said: This is what we want for legal advice, now give it to us. This is what we want to do to step outside the law; now you go tell us we can do that. As chairman of the Senate Judiciary Committee, of course I oppose that.

A former head of the Justice Department's Office of Legal Counsel described this program as a "legal mess." This administration wants to make sure that no court ever reviews that legal mess. The bill before us seems to guarantee they get their wish.

As Senator SPECTER and I have both confirmed during the course of this debate, the administration worked hard to ensure that Congress could not effectively review the legality of the program. Since the existence of this program became known through the press, the Judiciary Committee repeatedly tried to obtain access to the information its members needed to evaluate the administration's legal arguments. Indeed, Senator SPECTER, when he was chairman of the Judiciary Committee, prepared subpoenas for the telecommunications carriers to obtain information, simply because the administration would not tell us directly what it had done, but those subpoenas were never issued; Vice President CHENEY intervened to undercut Senator SPECTER and prevent the committee from voting on them.

There are public reports that at least one telecommunications carrier refused to comply with the administration's request to cooperate with the warrantless wiretapping. Surely that objection raised a red flag for all involved. It is clear that the administration did not want the Senate to evaluate the evidence and draw its own conclusions. Again, it sought to avoid accountability.

If we look at the publicly available information about the President's program, it becomes clear that title II is designed to tank these lawsuits, pure and simple, and allow for the administration to avoid accountability. The Senate Intelligence Committee said in a report last fall that the providers received letters from the Attorney General stating that the activities had been "authorized by the President" and "determined to be lawful." Guess what. These are precisely the "magic" words that will retroactively immunize the providers under title II of this bill. So the fix is in. The bill is rigged, based on what we already know, to ensure that the providers get immunity and the cases get dismissed.

So what if Americans' rights were violated. So what if laws were violated. This bill makes the Federal courts the handmaiden to a coverup. That is wrong.

Make no mistake. If title II becomes law, we would take away the only avenue for Americans to seek redress for harms to their privacy and their liberties, and there will likely be no judicial review of this administration's illegal actions. Those who claim that American citizens can still pursue their privacy claims against Government, they know that sovereign immunity is a roadblock. They know that cases against Government have been dismissed for lack of standing. They know about the Government's ability to assert the state secrets doctrine. They know the Michigan case that held the President's warrantless wiretapping program illegal was later vacated on appeal for lack of standing. Indeed, for all of the talk about holding the Government accountable, they have chosen to do nothing to make any case against the Government more viable. This is a red herring if ever there was one. We are telling Americans we are closing the door. We are telling Americans—law-abiding, honest, good, hard-working Americans—that we are closing the courthouse door in their face because we have to protect the President and those around him who may have done something illegal.

Last week, a Federal judge in San Francisco ruled that FISA's provisions trump the state secrets privilege. But that same judge was constrained to hold that plaintiffs still must prove that they are "aggrieved" under FISA to maintain standing to sue the Government. It is not at all clear whether these plaintiffs, or any others, can make this showing. Absent congressional action to facilitate judgments on the merits, these cases against the Government are unlikely to survive.

The report of the Senate Committee on Intelligence in connection with its earlier version of the bill that also included retroactive immunity is telling. The committee wrote:

> The Committee does not intend for this section to apply to, or in any way affect, pending or future suits against the Government as to the legality of the President's program.

And later wrote:

> Section 202 makes no assessment about the legality of the President's program.

But neither that bill nor this one makes any allowance for such suits against the government to proceed to a decision on the merits. That is precisely what is lacking in this measure—an avenue to obtain meaningful judicial review and accountability.

Those who support retroactive immunity for the telecommunications carriers without providing an effective avenue to challenge the program or obtain judicial review of its legality, support unaccountability, pure and simple. I would have supported the efforts of the Government to indemnify the telecommunications carriers if we could substitute the Government to have accountability. I also support alternative efforts by Senator SPECTER and Senator WHITEHOUSE to substitute the Government in those cases so that the cases could proceed to a judgment on the merits. That would have allowed judicial review and provided for accountability.

The Senate is going to vote on a bill today which does not allow that. All the years I was growing up in Vermont we were told nobody is above the law. All my time in law school we were told nobody is above the law. We take an oath of office when we are sworn into this body where there are only 100 of us to represent 300 million Americans, but we are also told no one is above the law. We are about to vote on a bill that says, well, the President and those people around him are above the law.

Just as Vice President CHENEY is not supposed to control the Congress, the administration is not supposed to control the Federal courts. In this democracy of coequal branches in which not even the President is above the law, judicial review is an important mechanism to correct the overreaching and excesses of the Executive. Since the landmark case of Marbury v. Madison, the principle of judicial review has been firmly established. Unfortunately, that principle is being sacrificed to this administration's claim that it, outside of all other administrations in this Nation's history—this administration, the Bush-Cheney administration—should be able to act with absolute impunity and act outside the law.

On the other hand, I believe a Federal court could well find that the limitations this bill, if enacted, would place on the courts' ability to rule on the legality of this program are themselves unconstitutional.

Under the strictest read of the language of the bill, the cases in question will most certainly be dismissed. Attorney General Mukasey must simply certify to the court that the "alleged" activity was the subject of a written request from the Attorney General, which indicated that the activity was authorized by the President and "determined to be lawful." This process gives me, and I would hope the Federal courts, pause.

If the judicial review provided by the bill is intended to be meaningful, the only way for that to happen is if the courts, in fact, review the legality of the warrantless wiretapping program. Surely, a court might find that it cannot dismiss an American's claim of a deprivation of rights based on the mere assertion by a party in interest that it told another party that what they were doing was "determined to be lawful." In this setting, in fact, the current Attorney General is not certifying or representing to the court that the warrantless wiretapping program was lawful. All the bill requires is that the Attorney General certify that the phone company acted at the behest of the administration and that the administration "indicat[ed]" that the activity was "determined to be lawful"—by somebody, at some time.

A court might reason that Congress could not have intended for the court to abdicate its judicial review role and become a mere rubber stamp. The court might nevertheless engage in "meaningful" judicial review. Wouldn't that be great.

How else, the court might reason, is it to assure itself that the Attorney General's certification is valid and worth affirming as a justification for closing the court house doors to Americans claiming deprivation of their constitutionally guaranteed rights? That is the only way to provide any real meaningful judicial review.

Indeed, the reasoning would go, any other reading would be an unconstitutional rule of decision. See United States v. Klein, 13 Wall. 128 (U.S. 1872). Congress simply does not have authority to tell the courts, a coequal branch, how it must decide a case. So, in order not to reach that constitutional predicament, the court could interpret the statute to allow it to review the legality of the President's warrantless wiretapping program.

Another recent model for such meaningful review is that of the Court of Appeals for the District of Columbia in the Parhat v. Gates case. There, the appellate court invalidated a Combatant Status Review Tribunal's decision that petitioner Huzaifa Parhat, a member of a Chinese Muslim minority group called Uighurs, was properly designated as an "enemy combatant."

Under the restrictive language of the Detainee Treatment Act, the court's review in the Parhat case was expressly limited to consideration whether the status determination of the CSRT was "consistent with the standards and procedures" specified by the Secretary of Defense for CSRTs, and whether "to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States."

The Parhat decision shows that in order to make its review meaningful, the court interpreted its role as reviewing the probity and reliability of the evidence in order to reach its conclusion on the validity of CSRT's designation of Parhat as an "enemy combatant." In so doing the court noted that to do otherwise would be "perilously close to suggesting that whatever the government says must be treated as true, thus rendering superfluous both the role of the Tribunal and the role that Congress assigned to this court." It noted that "[t]o do otherwise would require the courts to rubber-stamp the government's charges" rather than engage in meaningful judicial review.

I believe that independent judicial review would reject the administration's claims to authority from the Authorization for the Use of Military Force to engage in warrantless wiretapping of Americans in violation of FISA. I believe that the President's claim to an inherent power, a Commander-in-Chief override, derived somewhere from the interstices or penumbra of the Constitution's Article II, would not prevail over the express provisions of FISA.

Indeed, Chairman ROCKEFELLER seemed to concede as much yesterday morning when he asserted that nothing in his bill should be taken to mean "that Congress believes that the President's program was legal." He characterized the administration as having made "very strained arguments to circumvent existing law in carrying out the President's warrantless surveillance program."

At various points, Senator ROCKEFELLER alluded to the administration's argument that the Authorization for the Use of Military Force was some sort of statutory override authority and the administration's claim that the President has what Senator ROCKEFELLER called "his all-purpose powers," which I understand to be the administration's argument that inherent authority from Article II of the Constitution creates a commander-in-chief override, and said that these are not justifications for having circumvented FISA.

Consistent with Justice Jackson's now well-accepted analysis in the Youngstown Sheet & Tube case, when the President seeks to act in an area in which Congress has acted and exercised its authority, the President's power is at it "lowest ebb." So I believe that the. President's program of warrantless wiretapping contrary to and in circumvention of FISA will not be upheld based on his claim of some overriding Article II power. I do not believe the President is above the law.

What is most revealing is that the administration has worked so feverishly to subvert any judicial review. That sends a strong signal that the administration has no confidence in its supposed legal analysis or its purported claims to legal authority. If it were confident, the administration would not be raising all manner of technical legal defenses but would work with Congress and the courts to allow a legal test of its contentions and of its actions.

One Federal district judge in Detroit has already declared the President's warrantless wiretapping program to have been unconstitutional. Another in San Francisco just last week cast grave doubt on the legality of the President's warrantless wiretapping program, finding that the exclusivity provisions in FISA left no doubt that operating outside of the statute's framework was unlawful.

I urge the courts to exercise their rightful role to ensure justice is done.

As I have said, I recognize that this legislation also contains important surveillance authorities. I support this new authority, and have worked for years to craft legislation that provides that important authority along with appropriate protections for privacy and civil liberties. The Judiciary Committee reported such a bill last fall. I commend House Majority Leader HOYER and Senator ROCKEFELLER, who negotiated this legislation, for incorporating several additional protections that bring the bill the Senate previously passed closer to the Judiciary Committee's bill. While I would seek even greater civil liberties protections in Title I, there is no doubt that this bill provides stronger protections than the Senate bill I previously opposed.

I note, in particular, the requirement of an Inspector General review of the President's warrantless wiretapping program. It is a provision I offered and insisted upon when the Judiciary Committee reported its version of the FISA legislation. I had previously sought to add this provision to the Senate Intelligence Committee's bill. This review will provide for a comprehensive examination of the facts of that program and should prove useful to the next President.

I believe still more protections for privacy and civil liberties are necessary, and if this bill becomes law, I will work with the next administration on additional protections.

I should emphasize that while the Inspector General provision serves important purposes, its inclusion in this bill is no substitute for a legal review of the President's warrantless wiretapping program. Federal judges and Inspectors General perform different functions. Inspector General reviews can be very useful for factual review of past actions, and I expect the inspectors general to undertake a probing and comprehensive review. But Inspectors General are not well-suited to determine whether the President's warrantless wiretapping program was legal. In fact, this bill prevents the Inspectors General from engaging in that kind of legal review.

Courts, on the other hand, are well-suited to make these kinds of legal determinations. They do it all the time. Federal judges make conclusions of law every day in this country based on facts found by a jury or, if the right to jury trial is waived, based on their own factual conclusions. But this administration doesn't want this kind of review. It has fought for years to avoid a determination by our courts of the legality—or more precisely the illegality—of the President's program. If the administration gets its wish through passage of this bill, there will likely be no conclusive judgment on the lawfulness of the President's program—ever—and no accountability.

I, therefore, cannot support this legislation without amendment. I do not believe Congress should seek to take away the only viable avenue for Americans to seek redress for harms to their privacy and liberties, and the only viable avenue of accountability for the administration's lawlessness. This administration violated FISA by conducting warrantless surveillance for more than five years. They got caught. The apparent purpose of this bill is to ensure that they will not be held to account. That is wrong. I will vote to support the amendments before us today to bring accountability to this legislation, but I will vote no in opposition to the effort to secure immunity for this administration's illegal activity.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has 30 seconds remaining.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to make the final argument in support of my amendment pending on a very vital issue facing this body.

We are asked today to do two things that I believe are unprecedented in the history of the Senate. First, we are called upon to vote on legislation where most of the Members admittedly don't know what we are voting on; second, we are stripping the Federal court of jurisdiction on some 40 cases that have been pending for more than 3 years and are in the process of litigation.

On point 2, we are flying in the face of the most fundamental decision in the history of the United States on constitutional law, Marbury v. Madison, going back to 1803, 205 years, and Chief Justice Marshall saying that it is emphatically the province and duty of the judicial department to say what the law is.

But the Congress is now being asked by the administration to grant retroactive immunity to the telephone companies, where the judge who is presiding on the case, Chief Justice Vaughn Walker, in the Federal court in San Francisco, has declared that the terrorist surveillance program put into effect by the President violates the Constitution and exceeds his constitutional authority in directly violating the statutory provision that the exclusive way to wiretap is with court approval.

Here we have a situation where it is admitted that most Members of the House of Representatives, according to the House leadership, have not been briefed on the program. What we have are allegations in the legal papers as to having the telephone companies act at the request of the Government to invade privacy, without going through the customary judicial process of securing a warrant.

On the floor yesterday, after extended argument, it is plain that most Members of the Senate have not been briefed on this program. There is an old expression, "buying a pig in a poke." It means buying something and you don't know what it is you are buying. Well, that is what the Senate is being asked to do today—to grant retroactive immunity to a program where the Members don't know what the program is. How does that comport with our reputation that we in the Senate so pride ourselves on, being the world's greatest deliberative body?

I suggest that this may be a historical embarrassment, where we are voting on matters where everybody knows we don't know what we are voting on. The fact may be that we vote with some frequency on matters that we don't know what we are voting on, where we have voluminous reports that are impossible for any Senator to go through. But here we are caught redhanded. Everybody knows we don't know what this program is; yet we are granting retroactive immunity to the telephone companies.

I believe the telephone companies have been good citizens. There is a way to have the telephone companies protected without giving up the program. That would be by substituting the Government as a party defendant, so you could both have the program and have the telephone companies protected.

Yesterday, in an extended discussion with the chairman of the Intelligence Committee and other Members on the floor, I pressed to see if anybody knew of any case that had been pending for more than 3 years, where Chief Judge Walker has handed down a lengthy opinion, running some 27 pages, on the issue of state secrets on this electronic surveillance. Just a week ago today, he handed down a 59-page opinion declaring that the Presidential power exceeded the constitutional authorization of article II. The first opinion is on appeal to the Court of Appeals for the Ninth Circuit. And here we are stripping the court of jurisdiction. I posed the question, Has that ever happened before? And it hasn't happened before.

I intend to support the amendment and cosponsor the amendment by Senator BINGAMAN, which would follow up on what the inspectors general do, to have it returned to Congress to see if the program is working. That is a good remedial step, but it doesn't go far enough. It has too many ifs, ands, and buts in it. I think it is a good fallback position, and I will support it. I urge my colleagues not to take Senator BINGAMAN's amendment as a substitute for my amendment because it doesn't go as far and it doesn't reach the constitutional issues.

We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority. The President disregards the National Security Act of 1947 mandating notice to the Intelligence Committee; he doesn't do it. The President takes legislation that is presented by Congress and he signs it, and then he issues a signing statement disagreeing with key provisions. There is nothing Congress can do about it.

The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was affirmed by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the act unconstitutional.

The Congress ought to let the courts fulfill their constitutional function. It is understandable that Congress continues to support law enforcement powers because of the continuing terrorist threat. No one wants to be blamed for another 9/11. My own briefings on the telephone companies' cooperation with the Government have convinced me of the program's value, so I voted for it even though my amendment to substitute the Government for the telephone companies was defeated in the Senate's February vote.

Similarly, with great reluctance, I am prepared to support it again as a last resort, even if it cannot be improved by providing for judicial review. However, since Congress has been so ineffective in providing a check and balance, I am fighting hard today again to secure passage of my amendment to keep the courts open.

When the stakes are high, as they inevitably are, when Congress addresses civil liberties and national security, Members frequently must choose between the lesser of two imperfect options. Unfortunately, we too often back ourselves into these corners by deferring legislation until there is a looming deadline. Perhaps this is why so many of my colleagues have resigned themselves to accepting the current bill without seeking to improve it further.

Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better. Perhaps the Fourth of July holiday will inspire the Senate to consider its independence from the executive branch now that we have returned to Washington.

These issues are extraordinarily complex. It is my hope that my colleagues will focus on these two unprecedented acts where we are called upon to vote for something we admittedly do not know what we are voting for because we don't know what this program is; secondly, to take the unprecedented step of intervening in the judicial process on a case pending for more than 3 years in the Federal courts.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont is recognized.

Mr. SANDERS. Senator LEAHY has yielded me his remaining time.

The PRESIDING OFFICER. Senator LEAHY only has 30 seconds.

Mr. SANDERS. Yes. Mr. President, international terrorism is a serious issue, and every Member of this body has pledged to protect the American people, and we will do that. But we will and must do it within the context of the Constitution of the United States and the law of the land. No individual, no President, is above the law. This President, perhaps more than any other in history, has abdicated the Constitution of the United States. The time is now to stand up and say: No more.

Let's defeat this legislation. Let's assure the American people that in fact we are a nation of laws, not individuals.

Thank you.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to speak for up to 10 minutes. I don't expect to use all that time. And then my colleague from Connecticut, Senator DODD, be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. That is part of the previous order.

Mr. BINGAMAN. Mr. President, first, let me comment on the statement Senator SPECTER of Pennsylvania made about his own amendment. I support his amendment. I wish to make it very clear that the amendment I am offering is not intended as a substitute for his amendment. I favor his amendment. I favor the amendment I am offering as well. And, of course, I favor Senator DODD's amendment as well, which he is going to speak about in a few moments. I wished to make that clear.

Let me describe the amendment very briefly. I did that yesterday. This amendment is cosponsored by Senators CASEY, SPECTER, CLINTON, and NELSON of Florida. It is based on the simple proposition that we ought to conduct a thorough investigation before we grant any retroactive immunity to telecom companies.

In my view, the structure of this bill has it backward. As currently drafted, it would grant immunity first, and then after those companies are shielded for any potential liability for their past actions, the legislation requires a comprehensive investigation regarding the company's participation in the President's warrantless surveillance program.

The amendment I am offering would fix the problem by putting in place what I believe is a more logical process.

As I discussed yesterday, the amendment would do three things. First, it would stay all the civil cases against the telecom companies as soon as the legislation is signed into law. Second, it would allow time for the inspectors general to investigate the circumstances surrounding this warrantless surveillance program. And third, it would give Congress 90 days to review the findings of that investigation before the companies could ask a court to dismiss the cases pending against them.

I believe this is a very modest proposal. It would not change any of the substantive provisions in the immunity title. The amendment only modifies the timing of when these companies may seek immunity.

The amendment would not prejudice or harm the telecom companies while the investigation is being conducted. All the civil cases would be on hold and neither side would be incurring litigation expenses.

It would not create any risk whatsoever of sensitive information being leaked during the remainder of the litigation process. There would be no evidence submitted to the court during this period of stay. There would be no discovery. There would be no classified information being discussed. As I have stated, the cases would be stayed, would be on hold.

Lastly, the amendment would not hamper our Nation's ability to collect necessary intelligence. The amendment does not limit any of the authority being provided to the Government under this legislation to conduct foreign intelligence gathering. It would not discourage telecom companies from assisting the Government in the future. Under this legislation, companies would still be required to comply with lawful directives and would receive liability protection for any help they provide.

But the amendment does do something that I believe is very important. It would ensure that before these cases may be dismissed, Congress has an opportunity to know exactly what illegal acts, if any, it is forgiving. The Senator from Pennsylvania made a very strong case that Members of the Senate do not know what it is we are granting immunity for at this stage.

I believe the American people expect Congress to act in an informed manner. Quite frankly, other than select members of the Intelligence and Judiciary Committees, this Congress has not been fully informed about the circumstances surrounding this program. That is precisely why the investigation that is required under the legislation is so important and precisely why it is so important that we get the results of that investigation before we proceed.

We are talking about a program that was not conducted in accordance with the law and from what we do know may have violated the constitutional rights of many innocent Americans. I hope my colleagues will agree it is reasonable to keep these suits from being dismissed until at least we have a complete picture of what actions we are shielding from liability.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first, as I did last evening, begin by commending our colleague from West Virginia, Senator ROCKEFELLER, who has the unenviable task of chairing the Intelligence Committee, a complex committee with very serious issues before it. Whatever differences we have should not in any way suggest a lack of appreciation for what he and his staff and others do to try and bring forth legislation to allow us to balance the needs of our security as well as our rights as citizens.

It is that very question which draws me to this amendment I offered which will be subject to a vote in a few minutes. This is a debate that has gone on for the last 7 months, beginning with the Judiciary Committee's reports of last fall, a debate last December and that continued into January and has been going all winter and spring and about to be culminated with the decisions we are about to make over the next hour or so, including the amendment being offered by Senator SPECTER and Senator BINGAMAN, both amendments I intend to support.

The amendment I have offered, along with Senator FEINGOLD and a number of our colleagues, simply strikes title II of this bill. Title II of this bill is the title that grants retroactive immunity to the telecommunications industry.

The facts are very clear. The telecommunications industry, based on some documents, possibly a letter or others, decided it was appropriate for them to gather virtually all the e-mails, telephone conversations, and the like, of millions and millions of Americans, over a period of 5 or 6 years in the wake of 9/11. As I said repeatedly, had this gone on a month or a year or so, I would not have raised objections, given the emotion surrounding the attack on our country. But this program, I suggest, would still be ongoing had it not been for a whistleblower who helped identify the program.

This is not an issue of whether we disagree at all with revising the Foreign Intelligence Surveillance Act to comply with the needs as our enemies gather more sophisticated means by which they can do us harm. It is the age-old question which has confronted this Republic of ours for 232 years. And that is: How do we balance security with simultaneously protecting the rights under our Constitution? Every generation who has preceded us has wrestled with this question.

The one issue we do not subscribe to is the notion that to be more secure, you have to give up rights. That is a fundamentally flawed idea. Every generation who has suggested and adopted it has regretted it in one case after another. Whether it was internment of Japanese Americans out of fear and other such cases, in every instance when we abandoned rights for security, we have come to regret it deeply.

I come, again, to offer this idea to allow the judiciary to do their job. That is what they exist for, that is why the Founders created three coequal branches of Government—the executive, legislative, and judicial branches.

We are not deciding the case. We are merely saying the courts ought to do that. Retroactive immunity for companies that may have broken the law may well soon become the law. That is the danger. As certain as it appears the outcome of the votes will be, equally certain, in my view, is that this matter will not end today regardless of what we do. This will end up in the courts, and there, not only the wisdom of granting retroactive immunity to these companies will be questioned but the constitutionality of that decision.

I have spoken at length about this legislation. It subjugates the role of the courts. But even as this body moves forward with this bill, opponents of retroactive immunity can take some solace in knowing it will still ultimately be the judiciary that decides the constitutionality of this action, as the Framers intended.

I can hardly see how it would have passed muster with our Founders. It was, after all, James Madison who said:

> I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.

He spoke those words at the Virginia Convention to ratify the U.S. Constitution.

I can hardly see how men who did not simply utter such sentiments, but rather sacrificed everything in the name of them, could have envisioned America ceding her hard-fought liberty in a moment of fear or weakness.

Is this bill constitutional? This is not for me or any one of us to decide. I am not a judge. None of us are. We are not a jury in this case. None of us are. We are Senators who treasure the document we have sworn to uphold. I have kept a copy with me every day, going back the 27 years I have served in this body.

What is for this body is to decide how we best safeguard our Nation's security. Greater security for our citizens is what, of course, all of us want from this bill. But if we have learned anything from this administration, it is that there is a right way to protect our Nation and a wrong way.

We learned that when even those of us in this body act with the best of intentions, we can still do lasting damage because we are not acting with foresight and prudence but with an impulsiveness and, in too many cases, out of fear.

No one doubts for a moment the gravity of the threats we face or continue to face. No one suggests we do not have an obligation to monitor terrorists' communications with the utmost of vigilance. I wish to make sure the Government has every tool it needs to do so. I have no interest whatsoever in denying our Government what it needs to make our country safe. I want our President to have the capabilities to stop terrorists before they act, before they inflict harm on our country, our communities, and our families. I think we can and must do that in a way that balances national security with our rights and liberties.

But for reasons I have described at length in previous debates, this so-called compromise strikes no balance at all, in my view.

Let us be very clear, the courts have continuously shown an ability to handle cases with sensitive security issues. Chief Judge Vaughn Walker, a Ronald Reagan appointee to the District Court to the Northern District of California, who has virtually overseen all the cases challenging the NSA's warrantless wiretapping program, demonstrated this once again.

In a case against the Government, Judge Walker recently ruled "FISA preempts the state secrets privilege in connection with electronic surveillance for intelligence purposes . . . ." This ruling suggests that in suits against the telecommunications companies, they will be able to defend themselves and not be hamstrung by the state secrets privilege. At the very least, this decision highlights how premature it would be for Congress to grant retroactive immunity at this time.

The sum and substance of our argument is very simply this: Now is not the time to close the courthouse doors on this issue. I cannot say it enough. My trust remains in the courts in cases argued openly and judges presiding over them and juries of American citizens who decide them. Our courts should be a source of our pride, not our embarrassment. They deserve the chance to do the job the Framers intended them to do.

As complex, as diverse, as relentless as the assault on the rule of law has been, our answer to it is a simple one. Far more than any President's lawlessness, the American way of justice remains deeply rooted in our character as a people that no President can disturb. That is why, even on this day, I remain full of hope and faith that we can unite security and justice because we already have over the generations.

I harbor no illusions about what is about to happen with this legislation or its consequences. But even as this long fight draws to a close, it is worth pausing for a moment to recognize those who have joined us in writing its many chapters. They have not been written by any one hand alone.

Senator RUSS FEINGOLD of Wisconsin has fought this battle with me from the very beginning. His leadership has been articulate, his commitment unwavering and unyielding.

The Senator from Vermont, Mr. LEAHY, the chairman of the Judiciary Committee, fought valiantly to bring the Senate Judiciary Committee version of this bill that he crafted to the floor of this body. He has been a staunch opponent of retroactive immunity.

The majority leader, HARRY REID of Nevada, has stood with us on this fight. I thank him for it as well. It has not been easy to have been the majority leader taking the position he has and also managing this bill to move forward. Even as he fought and sought to balance his personal opposition to retroactive immunity with his responsibility to move this legislation as leader, he has given us every opportunity to speak out against this legislation. He has worked hard to make sure the world's foremost deliberative body, as it is often called, would, indeed, be given a chance to deliberate over a matter that goes to the very core of who we are as a republic. In Congresses past, I cannot say, with certainty, that my colleagues and I would have been afforded the opportunity the majority leader has given each and every one of us, and I thank him for it.

Lastly, I thank the thousands who joined with us in this fight around the country, those who took to the blogs, gathered signatures for online petitions, created a movement behind the issue, men and women, young and old, who stood up, spoke out, and gave us the strength to carry on in this fight. Not one of them had to be involved, but they chose to be involved for one reason and one reason alone: their deep love for this country, the Constitution, and its liberties. They remind that the silent encroachment of those in power, as Madison spoke of, can, in fact, be heard if only we are willing to listen.

All of us, my colleagues and citizens around the country, share a fundamental belief in our Constitution. We believe our constitution isn't incidental to our security, rather it is its very foundation. This notion that it is the rule of law that keeps us safe should not be controversial. There should not be a partisan divide. I take no backseat, as no one does, when it comes to protecting America's safety and security. But if history has taught us anything, it simply doesn't require sacrificing our freedoms to do that.

I do not believe history will judge this President kindly for his contempt of the rule of law. But will history be any kinder to those of us who have served as these transgressions have occurred on our watch? I have two young daughters. Their generation is going to ask their parents and grandparents some very pointed questions:

Where were you when the President asked you to repudiate the Geneva Conventions and strip away the rights of habeas corpus? Where were you when stories of secret prisons and outsourced torture first began to surface and then became impossible to deny? And of today, they will ask: Where were you when Congress was persuaded to shield wealthy corporations that may well have knowingly acted outside of the law to spy on our fellow citizens? Where were we in that debate?

History will not forget. It will not forget our role in any of this. And just as surely as subsequent generations will ask all of us those questions, what will be clear is that we will have failed to ask ourselves one very fundamental question: Does America stand for the rule of law or for the rule of men? That question never goes away. It has been the same question asked for more than two centuries. It has been with us, of course, these past 7 years in very strong and poignant ways. It will haunt us long after this bill passes, long after this administration recedes into history, long after we all have passed into history ourselves. Indeed, generations of leaders and free societies have struggled to answer the question for thousands of years.

That is the question every generation must answer for themselves. It is a battle for the American soul, waged between our better angels and our worst fears. Our Founders answered the question correctly. I ask the question: Will we?

Mr. President, allow me to close with one of my favorite quotations, one I have recited many times on the floor of this Chamber. It is from Justice Robert Jackson's opening statement at the Nuremberg trials in the summer of July of 1945. He said . . .

> That four great nations, flushed with victory and stung with injury, stay the hand of vengeance by voluntarily submitting their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

The tribute that Power owes to Reason is as clear today as it was when those words were spoken more than half a century ago. That America stands for a transcendent idea; the idea that laws should rule, not men; the idea that the Constitution does not get suspended for vengeance; the idea that when this Nation begins to tailor its eternal principles to the conflict of the moment, it risks walking in the footsteps of the very enemies we despise. As Margaret Thatcher said: "When law ends, tyranny begins."

Today, let us pay the tribute that Power owes to Reason today—in this moment, with these votes. I implore my colleagues to vote against retroactive immunity, against cloture, and above all, for the rule of law.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, yesterday, we heard some discussion of last week's decision in the district court in California. In that case, the court ruled that FISA limits the power of the executive branch to conduct foreign intelligence surveillance activities and limits the executive branch's authority to assert the state secrets privilege. That opinion, however, is only minimally relevant to the debate before us today for three reasons.

First, the decision was in a case against the U.S. Government. In contrast, title II applies only to cases against telecommunications companies, not to suits brought against the Government. The case will therefore be unaffected by title II.

Furthermore, because a provider could be entitled to protection from suit under existing law even if the Government acted unconstitutionally, this decision does not resolve the question of whether telecommunications companies acted lawfully or should be entitled to immunity.

Second, the decision in the case is only one step in a lawsuit that may continue in the district court and which will likely be appealed. This decision, which is a long way from being final, does not affect the need for the Congress to act on this legislation.

Third, the court found that the civil liability provisions of FISA trump the state secrets privilege only to the extent that those civil liability provisions apply. This is not a broad exemption to the state secrets privilege. The opinion does not change the fact that the companies are and, unless we pass title II, will continue to be unable to assert their statutory defenses because of the Government's assertion of the state secrets privilege.

The one thing that the decision shows us is that the court can consider the issue of constitutionality in those suits being brought against the Government. Congress therefore does not need to require the courts to consider that issue in suits against private companies.

The PRESIDING OFFICER (Mr. CASEY). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, is there a time set for the beginning of the votes?

The PRESIDING OFFICER. There is not. There is approximately 30 minutes of debate remaining.

Mr. ROCKEFELLER. This Senator wanted to be clear about that because Senator BOND will be coming. I will speak shortly, and then he will come down to speak also.

Mr. President, we are at quite a remarkable period now, because we are actually closing the debate on something which we have been discussing in this Chamber, in committees, around the Congress, in the press, in general, for quite a long time. It has been an amazing debate, and today we close debate on the Foreign Intelligence Surveillance Act Amendments of 2008.

I wish to thank all of my colleagues for engaging in this critically important debate, both on and off the Senate floor, whether for or against whatever amendments we will be voting on today. People have expressed their principles, they have been articulate, they have spoken with restraint and dignity and eloquence, and I respect that very much. I think that is the essence of senatorial behavior. We have vigorously debated the appropriate controls for electronic surveillance to collect foreign intelligence information since the disclosure was made 2½ years ago about the President's wireless surveillance program, which is a travesty—a travesty from 2001 to 2007. An absolute travesty. And because of the contributions not only of those who have supported earlier versions of this legislation but also of those who have opposed various provisions to deal with those issues, we have moved forward to craft, in this Senator's judgment, a strong bipartisan, bicameral compromise that is supported not just by the Senate but also by the House, which was unwilling to support it before at all, but also by the Attorney General and the Director of National Intelligence, both of whom are entirely relevant to what is in this bill and what is to be said about what is in this bill.

This final product is critical to the Nation's security. I am aware of both our rights and our security. In my job as chairman of the Intelligence Committee, I have to look at both. I was brought up in a tradition, in a family which worried about rights, and I have fallen into a position where I am in a position to see what goes on in this world. In a post-9/11 situation, it is very different. It is like comparing fighting wars against the Soviets as opposed to against al-Qaida, the Taliban, or whatever it is. It is a very different world. You can't tell who anybody else is, you can't tell what their intentions are, you can't tell what is in a suitcase which might be lying anywhere in this building or anywhere else.

When you walk around this Capitol, you see levels of security which you have never seen before. We frequently evacuate this building and our offices, all because of what happened on 9/11, and what had been planned well before that. So it is serious. And not that it makes any difference—it makes us no more important than any other citizen in the United States—but we do know that United Airlines 93 was headed for this building and for this complex. So there is an instinct to understand that those who oppose us and who would have us change our way of life and punish us for what they see as our sins are very serious in their work, patient in their work, and willing to wait to continue their work.

The final product is, therefore, critical to the Nation's security, and it sets forth a legal framework to reflect the enormous changes in telecommunications technology over the last 30 years. The bill couples this improvement in foreign intelligence collection against foreign targets overseas with important protections for civil liberties, including the review by the Foreign Intelligence Surveillance Court of the targeting and minimization procedures governing these collection activities.

In addition, the bill ensures that when Americans overseas are the target, that a FISA Court judge, rather than the Attorney General—in a very important change—decide that there is clear authority and probable cause for intelligence agencies to target such an individual.

The bill also requires the Attorney General to develop guidelines to prevent prohibited activities, such as reverse targeting. That was put before us by Senator FEINGOLD, who is in opposition to this bill but who made that contribution to this bill, along with others, to ensure individual FISA Court orders are obtained, when required.

You can't do anything these days without a FISA Court review if you are in the Government. You can't do anything. That is only title I of the bill, not title II.

There are new oversight and reporting requirements to Congress in the agreement and a sunset date that means these issues will be addressed during the next administration. And I think that is very important, because some people said: Well, let this law be permanent and forever.

There were those of us who didn't want that to happen. We said: We are in new territory here. It is a post-9/11 world. It is very different. So we need to put down into law what we believe, but we also need to go back and review that, to make sure we have done it correctly. So in a period of 4½ years, during the administration of the next President, he will be able to review, along with us, what we have done and decide if we need to make any changes. I like that. I think that is fair. I think that is democratic.

Certainly the most controversial aspect of this legislation has been those provisions that set standards and procedures that allow the courts to find limited immunity protection for electronic communication service providers alleged to have assisted the Government in the President's warrantless surveillance program. Under this agreement, however, these provisions are not the blanket immunity that the administration first proposed, nor are they a statement by the Congress either pro or con on the legality of the program.

We have debated these liability protection provisions in great depth over the past 2 days—over the past 2 years, really. As I have said in opposition to the amendments that were offered to strike or amend the limited liability provisions, I am convinced the bill takes the right approach. We did have efforts to have substitution rather than immunity, and they were defeated. They were defeated in the Judiciary Committee, they were defeated on the floor of the Senate, and it was thought if they would be brought up again, they would have been defeated again. So we have been through this. The Senate has worked its judgment on that approach.

I believe the requirement in the bill for the inspectors general to complete a comprehensive review of the President's program is much more likely to provide the American people a complete set of facts about the program on a timely basis, to the extent that classification permits, than would continuation of the pending litigation. In other words, we have improved it.

And to be quite honest, we passed this 13 to 2 in committee, and then with 68, 69 votes, whatever it was in the Senate, we passed the Senate bill that came out of the Senate Intelligence Committee, but the House had not. They were not happy. They had their reasons. And so we went to them, the vice chairman, CHRISTOPHER BOND, and myself and our staff, and we worked with them endlessly. We worked with the White House, to some extent; with the DNI, the Director of National Intelligence, the Attorney General's office, extensively working through individual ways of compromising to make sure that we could protect companies that provide the intercept and the collection of communications we need to get, but to do so in a way which made it clear that the Government was the issue, not them. And we have done that.

Finally, with this agreement, we settle the issue of whether past or future congressional authorizations for the use of military force that do not include a reference to surveillance may be used to justify the conduct of warrantless electronic surveillance. This was an extraordinarily important thing to do, and Senator FEINSTEIN deserves a lot of credit for that—the exclusivity amendment. We have said you cannot conduct any of this collection outside of FISA. You have to have a warrant. You cannot go outside. You cannot use what the President likes to refer to as inherent powers to do anything he wants. You can't do that. You have to have authorization from the Congress in order to do that. That is clear—for the first time in this bill. That is huge. That restricts some of the comments we have been hearing earlier.

FISA remains the exclusive means by which electronic surveillance or interception will be conducted from this point forward unless the Congress sees some reason to make it either stronger or whatever. With enactment of this bill, there will be no question that Congress intends that only an express statutory authorization for electronic surveillance or interception may constitute an additional exclusive means for that surveillance or interception. In other words, you cannot do anything more without congressional authorization. That is oversight. That is what we ought to be doing. It is what we should have done but we didn't do. The world changed. We didn't change quickly enough. But we have changed enormously in this bill.

This is buttressed further with the clarification that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or specifically listed provisions of title 18.

In closing, I would like to address my colleagues who would have preferred a different result than the agreement before us today. I urge them not so much now—there being not much time—but I urge them in the coming days, weeks, and months to look at this legislation in its entirety; not to think about a single point here or a single point there but to look at the whole texture of it. This is what we are doing. That is why we have a sunset date, so we will again be looking at it, looking at the larger picture, seeing what the balance really is and are we keeping it properly as between safety and civil rights, individual rights. That is very important.

This is a bill which provides a framework and stability within the Foreign Intelligence Surveillance Act for a collection system that will work well for national security. That is very important to this Nation. That is very important to this body and to every single American. This bill is vastly better than the Protect America Act, obviously, enacted last August, and much preferred to any additional short-term extension of that flawed statute—which was one approach. This is a bill which contains important safeguards for civil liberties and effective mechanisms for oversight.

I do not think any of the committees that deal with these measures will ever be the same again, nor have they been in the last year and a half with respect to oversight. The vigor, the passion with which we sought, leveraged, coerced in some cases, the administration to make more people read into the program, to make more people a part of the discussion, make more people a part of the knowledge which they held so closely to themselves—I remember at one point I was one of 4 out of 535 people who were briefed on the program, and they kept saying on television: The Congress is briefed. And this was a joke, this was a farce. I will not go into it further but, believe me, it was. They did not do that, they did not want to do that. That is their nature. Now it is different. Now we are all over them. And we have a lot more to do before this Congress gets out with respect to the oversight factor of Congress, which is so important to us and to the Nation.

Support for the agreement says to the intelligence professionals who will implement the new authority that Congress takes seriously its oversight responsibilities. Some of them do not like that fact. They do not want us to. They want to be able to do what they have always done because they could do what they always wanted to do—before the world changed. Now they cannot. Yes, we have had intelligence committees for a long time, and, yes, they have done work for a long time, but there has never been a greater need for tough oversight.

Sometimes when the Director of the CIA calls me—and I don't think I am saying anything privileged here—and he wants to tell me about something good that has happened—it is a secure conversation on a secure phone—I say: Look, when I hear from you, I want to hear what you want to tell me that is good, and I also want to hear from you about something that is not working right.

That is the pattern which is developing. They are a little more timid about coming up to us. We have to negotiate more to have them come before us, but we do it because we need them and they need our oversight. They are not free to do entirely what they want to do, but we have to give them the full right to keep us safe, yet balance, as I believe we do in this bill, civil liberty protections.

I simply close by congratulating all people involved. I think for a subject which was meant to be understood by so few in this body, many people have expressed views on the floor and to many of us in private. It has been the subject of caucus discussions.

It is a major piece of legislation, and I urge my colleagues to oppose the three remaining amendments, and I urge my colleagues to vote yes on final passage. They will serve their Nation well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is there an order established here under unanimous consent?

The PRESIDING OFFICER. There is 3 minutes remaining for the Senator from Wisconsin, Mr. FEINGOLD, and 9 minutes for the Senator from Missouri, Mr. BOND.

Mr. NELSON of Florida. Will the Senator allow me to have a couple of moments?

Mr. BOND. Off Senator FEINGOLD's time.

Mr. NELSON of Florida. What is the procedure? Since Senator FEINGOLD is not here, is that locked in as such for him?

Mr. ROCKEFELLER. Mr. President, might I inquire whether that was entirely necessary—or, rather, of the Parliamentarian—is that entirely necessary? The Senator does wish to speak. We are not starting votes quite yet. There does not seem to be a total limit on that, a time set for that, and the Senator has been wanting to speak for a number of days. I would be happy if he would be able to do that.

The PRESIDING OFFICER. There is only 3 minutes on the majority side for Senator FEINGOLD. It would require unanimous consent.

Mr. ROCKEFELLER. What about leader time?

The PRESIDING OFFICER. Only the leader has leader time.

Mr. ROCKEFELLER. And that is correct.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to express my strong disappointment with the FISA Amendments Act of 2008, H.R. 6304. While proponents of this bill have claimed this bill was designed to monitor foreign-to-foreign communications that pass through the U.S. without a warrant, the bill actually goes much further—providing a broad expansion of authority to conduct domestic surveillance.

We all want to protect our country's national security interests and protect Americans from those who would do us harm, but to do so without accountability or without adequate checks and balances is contrary to the vision of our Founding Fathers.

I recognize that some changes have been made to this bill over the past 6 months but those cosmetic changes have failed to adequately protect the privacy rights of innocent Americans.

This bill permits the Government to collect all Americans' international communications, even communications of innocent Americans with no connection to terrorism or other national security concerns. This bulk collection of innocent Americans' private communications is unacceptable and contrary to American values and fundamental Constitutional protections.

While this administration has ignored the congressional mandate that the Foreign Intelligence Surveillance Act is the exclusive means for conducting wiretapping activities on American citizens, Congress can not ignore the weighty constitutional issues being decided here today.

I am also very troubled that telecom companies will not be held accountable for participation in the Bush administration's warrantless surveillance program. Congress should not be providing blanket immunity for telecommunications companies that cooperated with the administration's warrantless wiretapping programs. We don't know precisely what those companies did or the full extent of what they did.

This bill effectively grants retroactive immunity to companies that aided the Bush administration's warrantless wiretapping over the last 7 years. It would effectively dismiss 40 cases pending against the telecommunications companies that are undergoing judicial review. Judicial review is a critical component of our Government to check potential overreaching by the executive branch.

This administration wants to ensure that no court has the opportunity to review potential illegal activity, effectively slamming the door shut before the judicial system can determine whether American citizens' rights were violated.

This is why I voted in support of Senator DODD's amendment to strike the immunity provision today, and I am disappointed that it was not adopted. Congress should respect judicial review and not take away the only opportunity for redress available to American citizens for potential overreaching by this administration.

According to public documents and media reports, a telecom company allegedly split off a copy of the Internet traffic transported over fiber-optic cable running though its San Francisco office and diverted it to another room under the supervision of a Federal Government agency, where the copy was transported to equipment that could review and select out the contents and data mine call patterns of communications.

The reason I say allegedly is because all the details are classified, sources and methods, and those who do not know can at best only make educated guesses while those who do know can not or will not say.

Now the Electronic Frontier Foundation believes that the telecom company has deployed similar facilities in 15 to 20 different locations around the country, implying a significant fraction of the communications to and from the telecom firm's domestic customers could have been examined illegally. And it is critical that we get to the bottom of this.

Congress would be acting even though only last week Judge Walker issued a key ruling holding that held that the government could not prevent plaintiffs from submitting unclassified evidence to support their claims against telecommunications companies. Congress should respect the judiciary's role and allow it to move forward with these cases.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, how much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. BOND. I yield a minute and a half to my distinguished colleague from Florida.

Mr. NELSON of Florida. I am grateful to the vice chairman. I wish to say—and I will do it in a minute and a half—how much I appreciate the chairman and vice chairman being able to come up with a product that we need so we get some certainty about the court review of this process so we can balance this interest of going after the terrorists but at the same time protecting the civil liberties of American citizens and American persons who are here legally in the country. I think the bill does that. We have struggled with it for a year and a half in our committee. I am certainly going to support the final product.

There are obviously some matters we have had in the Intelligence Committee that we are not able to discuss here. I am sure the people listening understand that. I just want to say on the controversial issue of immunity that I do not believe in blanket immunity for the phone companies, and that is why, when this issue was in front of our Intelligence Committee, I offered language to deny them immunity. But it failed, my amendment, and it failed miserably. So when it came to the floor, I offered a compromise to the full Senate, along with Senator FEINSTEIN, that would have required a special court to review the phone companies' action, but that failed as well.

Now I am backing an amendment by Senator BINGAMAN that would at least delay immunity until the inspectors general of the U.S. Government complete their investigation of the President's warrantless wiretapping program. Upon completion of the report, the Senate will have 90 days to act before immunity is granted to the telecommunications companies. This will allow us time to change some minds if real wrongdoing is found.

Overall, I believe this legislation significantly improves civil liberties protections for Americans while enabling our intelligence community to listen in on terrorists. This is an important step forward and I will support this legislation.

Mr. BOND. Mr. President, I thank the distinguished Senator from Florida, who has been a hard-working member of the Intelligence Committee and has been a great contributor. I am sorry he does not agree with the compromise we reached with the House to have the district courts make a review. I think that is important. That satisfies our needs.

Several points made on the floor today and previously need to be answered. It has been said that the new surveillance powers allow the Government to collect all communications between the United States and the rest of the world, millions and millions of communications between innocent Americans, parents calling children abroad, people serving in Iraq. There is no prohibition on reverse targeting.

A plain reading of the bill shows us that this statement is simply inaccurate. As the Senator from Utah said earlier today: Unless you have al-Qaida on your speed dial, you are not going to be collected against. There are safeguards in place to ensure that any conversations that do not have foreign intelligence information will not be kept or shared, they will be minimized or suppressed.

Americans either inside or outside the United States may not be targeted without court order. That "outside of the U.S." protection was something we added on a bipartisan basis in the Senate Intelligence Committee.

In addition to approving any collection against Americans, anybody in the United States, an American overseas, the FISA Court will review all procedures used to target foreign communications and make sure that communications with innocent Americans are minimized or suppressed.

As far as reverse targeting goes, I refer my colleagues to section 702(B) of the bill which says:

> An acquisition authorized under subsection 8 may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular known person reasonably believed to be in the United States.

I can assure you that I and other members of the Intelligence Committee have reviewed the procedures, have seen the operations, know the supervision, and know the very tight constraints under which these professionals operate. They are overseen by supervisors, by higher level authorities, by inspectors general, by lawyers, their own lawyers, and lawyers from the Department of Justice. Somebody made an error and collected some criminal information a year or so ago and that was dealt with appropriately. There is no ability for somebody, even a rogue who happens to get in, to get away with targeting innocent American communications.

There has been a lot of debate also about the Senators having access to all of the information. As I pointed out earlier, we set up the Senate Select Committee on Intelligence to provide the most highly classified information to members of the committee. I have worked hard with the chairman, and we have opened to the full Intelligence Committee far more information than we ever got before, because I believe the Intelligence Committee has a heavy responsibility to make sure that what is being done stays within the law, stays within the guidelines, and protects the rights of American citizens.

But if you say that every intelligence matter should be briefed to the entire Congress, where does that stop? Should we then brief the New York Times directly so they can publish a story and decide whether the intelligence activity is acceptable? I think not. I think we have seen the problems that occur when leaks have compromised our intelligence. They have done it too often.

Some people still want to debate the legality of the TSP, saying it is blatantly illegal. Well, they persist in their belief that the President lacks the constitutional authority to conduct warrantless foreign intelligence surveillance, even though article II has not changed in over 200 years.

The FISA Court itself, en banc, In re: Sealed Case, has noted the President has that authority, and if the Congress tried to pass a law saying the President does not have that authority, it would be found to be unlawful.

The intelligence community has been overseen by the Intelligence Committee, and we have found clearly that the companies acted in good faith. Regardless, however, of the legality of the President's TSP, it is a matter of fundamental fairness. These providers should not be punished by forcing them to litigate frivolous claims or by delaying this much needed relief.

Without these companies, without their active participation on this and many other matters, the intelligence community is fearful and has lost cooperation in the past. They are taking risks by being good patriotic Americans, and there are some who want to punish them. They want to kick them to get at the administration. Well, this bill does not prohibit lawsuits against the Government or Government officials.

I believe the time has come for us to pass a bill after 15 months. We now know that we have before us the ability to give clear authority, direction, and guidelines to the intelligence community to operate to keep us safe. We have added new protections, and if the President had not followed the advice of the "gang of eight" and had tried to reform the FISA rather than using article II, we would not only be debating September 11, there would be many others.

I urge my colleagues to vote down all these amendments and pass this badly needed modernization of intelligence collection, electronic surveillance, and the provisions of the additional privacy rights and protections for American citizens.

I yield the floor.

AMENDMENT NO. 5064

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on the amendment offered by the Senator from Connecticut, Mr. DODD.

Mr. ROCKEFELLER. All time has been yielded. I ask unanimous consent, en bloc, that the vice chairman and I ask for the yeas and the nays on all of the upcoming votes.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on all three amendments.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Connecticut.

Mr. DODD. There is 2 minutes equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, this has been a long debate. It started last fall. Again, let me commend the two members here, the chair and ranking member of the committee. I respect their efforts. But my friend from Missouri has made my case. This is a matter for the courts to decide, not for the legislative branch to decide. It is why we have three coequal branches of Government.

It is not our business as a juror and judge to determine the legality of what occurred here. This much we do know through published reports: Since 1978, 18,748 requests for warrants from the FISA Court have been granted; 5 have been rejected.

Why did this administration not proceed with the normal course of events here and seek justification and legal authority for the vacuuming up of private information of American citizens? All of us here want our agencies to do everything they can to protect our security. But all of us equally care about the liberties of our country.

The false dichotomy that is being suggested by what is in this bill, that in order to be more secure we have to give up rights, is a dangerous dichotomy. It is a false choice.

Previous generations have made it. We should not. Let's strike this title, allow the courts to determine whether what occurred was legal and then proceed.

Some of the companies did not do what others did because they felt it was not legal, what they were being asked to perform. Clearly there was some doubt in the minds of people as to justification. So I happen to believe the best way to proceed, as did Judge Walker, appointed by Ronald Reagan to the district court which has handled most of these NSA cases in the past, that the secret privilege will be protected, the court can do its job and determine the legality here. It is not the place for the Senate to act as the judicial branch of Government. That is why the Founders created three coequal branches of Government. That is what the issue is, the rule of law or the rule of men. That is what this amendment does by striking this title and allowing these matters to go before the court. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Permit me to relieve the Senator from Connecticut, a good friend and a good legislator, of some of his concerns. No. 1: During the President's terrorist surveillance program, even though it was operating under article II, he went to the FISA Court to get warrants for listening in on American communications, the same procedure we have outlined in this bill today. But what he was able to do was to listen in on terrorists reasonably believed to be abroad, which is now included in our bill.

Article II is clear that he has that right. Article II was used by President Bill Clinton for a physical search, a physical search of Aldridge Ames' home; and the Congress responded by giving him more power.

Secondly, it is said that the article II should be challenged. I point out that there is no ban, no ban on lawsuits such as a lawsuit before Judge Walker, on lawsuits going forward against the Government or Government officials.

The Intelligence Committee conducted a comprehensive review of the TSP. We determined, on a strong bipartisan basis, that the providers acted in good faith pursuant to representations from the highest level of the Government that the TSP was lawful. It is not right to punish patriotic Americans who step forward and help their Government by subjecting them to harassment of lawsuits.

I urge the defeat of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—32

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Harkin
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Obama
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Whitehouse
Wyden

NAYS—66

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wicker

NOT VOTING—2

Kennedy
McCain

The amendment (No. 5064) was rejected.

AMENDMENT NO. 5059

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate, equally divided, prior to a vote on the amendment offered by the Senator from Pennsylvania, Mr. SPECTER.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. Please take your conversations out of the Senate.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote for the pending amendment to avoid two unprecedented actions. One is that the Senate is being called upon to vote on retroactive immunity for a program that most of the Members do not know and have not been briefed on. We frequently vote on matters that we do not know about but not when it is so blatant, when it is on the record that we do not know about it, we are caught red-handed. We ought not to be giving retroactive immunity on a program where most of the Members have not been briefed.

The second unprecedented act would be to intervene in a court decision which has been pending for 3 years, where a judge has found the terrorist surveillance program unconstitutional, where it is on appeal to the Ninth Circuit. And Marbury v. Madison, which is the cornerstone of this democracy, says the courts have to interpret the Constitution.

Mr. BYRD. Right.

Mr. SPECTER. Vote for this amendment.

I thank the Chair, especially for securing order. It is unprecedented. There is another unprecedented act today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I oppose this amendment, which would require the district court to assess the constitutionality of the President's program—which is not what this is about—before it could dismiss cases against any telecommunications companies which participated in it.

The amendment unnecessarily puts the burden of constitutionality—a burden that lies squarely on the shoulders of the Government—on the shoulders of telecommunications companies that cooperated with the Government in good faith. This is unfair.

Because the Government requires prompted cooperation from telecommunications companies, we do not ask those companies to make detailed legal assessments prior to cooperating with the Government. Their protection from suit should not be limited based upon constitutional questions they had no obligation to assess.

The significant constitutional question of whether the President's program was constitutional or lawful is properly addressed in cases against Government officials who are not immune. These cases can and should continue, without regard to this legislation.

I ask that people oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—37

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Harkin
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Murray
Obama
Reed
Reid
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—61

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Kennedy
McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 5066

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on the amendment offered by the Senator from New Mexico, Mr. BINGAMAN.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, the bill that is pending before us has the sequence of events in the wrong order. It provides that once the bill is enacted, companies can go into court and get the lawsuits dismissed. After that, there is an investigation provided for by the inspectors general to determine what was going on in this program and what, in fact, we are providing immunity for. That is the wrong sequence.

What we ought to do is to stay the cases, stay any proceedings on these cases, keep them in court, have the investigation done—a 1-year investigation, which is provided for in the bill, and then have 90 days in which Congress can review that investigation and the results of it. Only after that would the companies be able to go into court and seek immunity. That is a much more realistic way to proceed. I am glad we have cosponsors of this amendment who support the final bill, we have cosponsors who oppose the final bill.

I hope all Senators will look at this and see this as something they can support. It would improve the legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. Mr. President, the simple fact is, the IGs have already reviewed this bill. I agreed to a limited inspectors general overall review, even though the Senate Intelligence Committee has reviewed the program on a bipartisan basis. At a time when we are urging more congressional oversight, why would we again turn over the question of the executive branch's actions to an executive branch agency when the committee has clearly said there is no reason to deny retroactive liability protection to these areas?

Now, there are some who don't like the program at all. There are some who don't like the administration. They want to kick the administration by penalizing the companies, by dragging the companies through a continuing stretch of frivolous lawsuits. The Senator from Pennsylvania admitted that there is going to be no recovery. The lawsuits are designed to kill it. This amendment would get a veto, and we would have to start all over. Please vote no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, for Members here, we are going to do this vote now, and then the Republican caucus—because of Senator Helm's funeral—is going to be today. So when the Republican caucus is completed, at 2, 2:15, we will have the final two votes before a 4 o'clock vote today on Medicare. So we will have two votes this afternoon starting at about 2 or 2:15.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—56

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lieberman
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Kennedy
McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

FISA AMENDMENTS ACT OF 2008—Continued

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 6304, the FISA Amendments Act of 2008.

E. Benjamin Nelson, John D. Rockefeller IV, Thomas R. Carper, Mark L. Pryor, Bill Nelson, Dianne Feinstein, Robert P. Casey, Jr., Barbara A. Mikulski, Claire McCaskill, Kent Conrad, Daniel K. Inouye, Mary L. Landrieu, Joseph I. Lieberman, Sheldon Whitehouse, Evan Bayh, Ken Salazar.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

There is 2 minutes of debate evenly divided. Who yields time?

Mr. BOND. I yield myself 1 minute in support of cloture.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, some opponents of this legislation claim that Congress is usurping the authority of the courts and that their trust lies in single, lifetime appointed judges in the judicial branch. I strongly disagree.

The Constitution set up three coequal branches of Government. Our Constitution gives Congress the ability to determine the jurisdiction of Federal courts. This power is particularly important and necessary today in sensitive matters of national security.

Further, the courts, including the FISA Court, have recognized the executive branch's expertise in matters of national security. They have stated that national security matters are not within their purview. It is entirely appropriate for this Congress to end this litigation and not entrust this matter any further to the courts with respect to the liability of particular participants in the program in the private sector. They can still sue the Government. We think a matter of fairness requires we protect those who assisted.

The ACTING PRESIDENT pro tempore. Does anyone seek time in opposition? If not, all time is yielded back.

The question is, Is it the sense of the Senate that the debate on H.R. 6304, the FISA Amendments Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—72

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker

NAYS—26

Akaka
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Clinton
Dodd
Durbin
Feingold
Harkin
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Wyden

NOT VOTING—2

Kennedy
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 72, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is on third reading of the bill.

The bill (H.R. 6304) was ordered to a third reading and was read the third time.

ELECTRONIC COMMUNICATION SERVICE PROVIDER

Mr. BOND. Mr. President, I rise to engage the distinguished chairman of the Select Committee on Intelligence in a brief colloquy.

Mr. ROCKEFELLER. I yield to the Senator.

Mr. BOND. I thank the Senator. Today we have been debating the merits of title II of this bill, the title that contains the carrier liability protection provisions. I know that we both agree that title II is critically necessary to protect our national security.

I would like us to focus for a moment on a small but important point related to the meaning of the term "electronic communication service provider" in title II. This is a term that was contained in the bipartisan Senate bill and was carried over in the current compromise bill.

The term "electronic communication service provider" was intentionally drafted to encompass the full spectrum of entities being sued in a covered civil action. For example, if a provider received a written request or directive and the only assistance provided to the Government by that provider's related corporate entities was pursuant to that written request or directive, the related corporate entities should be entitled to the protections of section 802 as long as any assistance they provided meets the requirements of that section.

Senator ROCKEFELLER, do we share this common understanding of the meaning of the term "electronic communication service provider"?

Mr. ROCKEFELLER. Thank you. Senator Bond. I completely agree with your description of the meaning of "electronic communications service provider."

The definition itself makes clear that the term is intended to include entities that are telecommunications carriers, providers of electronic communications service, providers of remote computing services, and any other communication service provider that has access to transmitted or stored wire or electronic communications. Significantly, the definition also includes any parent, subsidiary, affiliate, successor, or assignee of such entities, as well as any officer, employee or agent of such entities.

Mr. BOND. Thank you Mr. Chairman.

Mrs. FEINSTEIN. Mr. President, as the debate over the FISA legislation comes to a conclusion, and as a member of the Intelligence Committee for 7½ years, I would like to comment once again on why I support this bill.

Let there be no doubt: 7 years after 9/11, our country continues to face serious threats. There are some who seek to do us grave harm.

So there is no more important need than obtaining accurate, actionable intelligence to help prevent such an attack.

At the same time, there have to be strong safeguards to ensure that the Government does not infringe on Americans' constitutional rights.

I believe this bill strikes an appropriate balance. It protects Americans and their privacy rights.

This legislation is certainly better than the Protect America Act in that regard and makes improvements over the 1978 FISA law.

This bill provides for repeated court review of surveillance done for intelligence purposes. It ends, once and for all, the practice of warrantless surveillance. It protects Americans' constitutional rights both at home and abroad. It provides the Government flexibility to protect our Nation. It makes it crystal clear that FISA is the law of the land—and that this law must be obeyed.

For more than 5 years, President Bush ran a warrantless surveillance program—called the terrorist surveillance program—outside of the law.

The administration did not have to do this. This specific program could have been carried out under FISA—and I believe it should have been.

With this bill, we codify and clarify that this limited, intelligence program will be carried out under the law.

This legislation allows the Government to collect information from members of specific terrorist groups or specific foreign powers. It is focused on collecting the content of communications from specific people. If those people are Americans, a warrant is required. Period.

So today, we are faced with three options:

No. 1. We can pass this bill. It is comprehensive and improves protections for U.S. persons and updates the FISA law to meet today's national security challenges; or

No. 2. We can extend the Protect America Act. This bill was a stop-gap measure passed last August for a 6-month temporary period to provide time to develop this legislation. It was meant to be temporary, and it should be only temporary.

No. 3. We can do nothing. If we do not pass legislation before mid-August, America will essentially be laid bare—unable to gather the critical intelligence that we need.

We will lose the ability to collect information on calls into and out of the United States from specific terrorist groups. The fact is, like it or not, the collection of signals intelligence is indispensable if we are to prevent another attack on our homeland.

Given these three options, I think the choice is clear.

The legislation is a significant improvement over the Protect America Act and over the 1978 FISA legislation.

Let me indicate certain substantial improvements:

This bill ends warrantless surveillance. Except in rare emergency cases, all surveillance has to be conducted pursuant to a court order.

The FISA Court reviews the Government's procedures and applications before surveillance happens.

This bill strengthens the court's review. Not only must the FISA Court approve any surveillance before it is started, this court is given more discretion, with a higher standard of review, over the Government's proposals. The Protect America Act limited the court to a rubberstamp review. This bill changes that.

This bill requires that surveillance be subject to court-approved minimization.

In 1978, Congress said that the Government could carry out surveillance on U.S. persons under a court warrant but required the Government to minimize the amount of information on those Americans who get included in the intelligence reporting. In practice, this actually means that the National Security Agency only includes information about a U.S. person that is strictly necessary to convey the intelligence. Most of the time, the person's name is not included in the report. That is the minimization process.

If an American's communication is incidentally caught up in electronic surveillance while the Government is targeting someone else, minimization protects that person's private information.

Now, the Protect America Act did not provide for court review over this minimization process at all. But this bill requires the court in advance to approve the Government's minimization procedures prior to commencing with any minimization program. That is good. That is the third improvement.

This bill prohibits reverse targeting. There is an explicit ban on reverse targeting. Now, what is reverse targeting? That is the concern that the National Security Agency could get around the warrant requirement.

If the NSA wanted to get my communications but did not want to go to the FISA Court, they might try to figure out who I am talking with and collect the content of their calls to get to me. This bill says you cannot do that. You cannot reverse target. It is prohibited. This was a concern with the Protect America Act, and it is fixed in this bill.

This bill goes further than any legislation before it in protecting U.S. person privacy rights outside of the United States. It requires the executive branch to get a warrant anytime it seeks to direct surveillance of collected content from a U.S. person anywhere in the world. Previously, no warrant was required for content collection outside the United States.

Finally, there are numerous requirements in the bill for various review of the surveillance activities by agency heads and by inspectors general. The FISA Court and the Congress will be kept fully informed on the operations of this program in the future.

Finally, exclusivity. Mr. President, I have spoken multiple times on this floor about the importance of FISA's exclusivity provisions.

Before 1978, there was no check on the President's ability to conduct electronic surveillance. However, in 1978, Congress passed FISA, intending it to be the only way. Congress intended that FISA would be the only way—the exclusive means—to conduct surveillance on U.S. persons in the United States for foreign intelligence purposes. President Carter acknowledged that when he signed the bill.

Nonetheless, this administration took the position that FISA was not exclusive. First it stated that FISA didn't apply to these particular surveillance activities. Then it said that Congress gave it authority through the Authorization for the Use of Military Force in Afghanistan. Then it said that the President couldn't be bound by an act of Congress because he had his own authority under the Constitution.

I reject all of these arguments. And now a Federal court has addressed the subject of exclusivity head-on.

On July 2, Chief Judge Vaughn Walker of the U.S. District Court for the Northern District of California delivered a decision in a case brought against the U.S. Government for its surveillance. Judge Walker wrote:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities and it limits the executive branch's authority to assert the state secrets privilege in response to challenges to the legality of its foreign intelligence surveillance activities. (M:06-cv-01791-VRW, p. 23)

These are powerful words in the opinion.

So it is not just clear legislative intent, it is the current judicial position that FISA was and is exclusive.

Yet, before the recess, it was asserted on the floor that the President has authority under article II of the Constitution to go around FISA. He does not, in my view.

Moreover, they claim that the exclusivity language in the bill acknowledges the President's constitutional authority to conduct electronic surveillance outside of FISA. It does not.

As the author of this language, let me state emphatically that the clear intent of the language is to bind the Executive to this law.

Now, certain Senators are contending that this exclusivity language would allow the President to go outside of FISA.

Let me be clear: this provision is not intended to, nor does it, provide or recognize any new authority to conduct electronic surveillance in contravention of FISA.

It was drafted very carefully with input and agreement from people from both sides of the Intelligence Committee and the Judiciary Committee, the Department of Justice, and the Office of the Director of National Intelligence.

The only way the President can move outside of FISA will be with another specific statute, passed by both Houses and signed by the President.

In summary, the exclusivity language in this bill absolutely does not recognize the President's claimed "Article II" authorities to conduct surveillance in contravention of FISA or any other law.

The bottom line is that FISA has always been the exclusive means to conduct electronic surveillance, and it continues to be the exclusive means. And no President, now or in the future, has the authority to move outside the law.

Finally, Mr. President, I want to set straight who in Congress was notified about the program and when. Some are saying that the Congress was briefed.

This is not true.

Eight Members of the House and Senate were briefed on the program around the time of its inception, shortly after September 11, 2001: the House and Senate leadership and the chairmen and ranking members of the Intelligence Committees.

The 13 rank-and-file members of the Senate Intelligence Committee, who by law are to be kept "fully and currently informed" of intelligence activities, were not briefed until well after the program was publicly disclosed in the New York Times in December 2005—4 years later. I want to make this crystal clear.

The chairman and the ranking member of the Judiciary Committee—which shares jurisdiction over FISA—were not briefed until a significant period of time after the full membership of the Intelligence Committee was notified.

Finally, I want to say a few words about immunity.

Let me be clear, this particular immunity language is not ideal. I would have approached this issue differently.

When the legislation was before the Senate in February, I moved an amendment to require that the FISA Court conduct a review of whether the telecommunications companies acted lawfully and in good faith. Unfortunately, my amendment was not adopted, but I continue to believe it is the appropriate standard.

I have cosponsored an amendment by Senator BINGAMAN that would stay action on all pending lawsuits until 90 days after Congress receives a report, required elsewhere in this bill, by the relevant inspectors general on the President's surveillance program. That would give Congress a chance to decide on immunity based on a third-party review. If lawmakers took no action within 90 days, the provisions would go into effect.

I have spent a great deal of time reviewing this matter. I have read the legal opinions written by the Office of Legal Counsel at the Department of Justice. I have read the written requests to telecommunications companies. I have spoken to officials inside and outside the Government, including several meetings with the companies alleged to have participated in the program.

The companies were told after 9/11 that their assistance was needed to protect against further terrorist acts. This actually happened within weeks of 9/11. I think we can all understand and remember what the situation was in the 3 weeks following 9/11.

The companies were told the surveillance program was authorized and that it was legal.

I am one who believes it is right for the public and the private sector to support the Government at a time of need. When it is a matter of national security, it is all the more important.

I think the lion's share of the fault rests with the administration, not with the companies.

It was the administration who refused to go to the FISA Court to seek warrants. They could have gone to the FISA Court to seek these warrants on a program basis, and they have done so subsequently.

So I am pleased this bill includes independent reviews of the administration's actions to be conducted by the inspectors general of the relevant departments.

This bill does provide a limited measure of court review. It is not as robust as my amendment would have provided, but it does provide an opportunity for the plaintiffs to be heard in court, and it provides an opportunity for the court to review these request documents.

Mr. President, this is not a perfect bill. It is the product of compromise designed to make sure that it provides the needed intelligence capabilities and the needed privacy protections.

I think the bill strikes that balance and that the Nation will be made more secure because of it.

Mr. BIDEN. Mr. President, I rise today in opposition to the Foreign Intelligence Surveillance Amendments Act of 2008. As one of the cosponsors of FISA in 1978, I am fully aware of the importance of giving the administration the surveillance tools it needs to keep us safe. This is a very difficult vote and I do not question the judgment of those who have chosen to support the bill. But because I am concerned that this bill authorizes surveillance that is broader than necessary to protect national security at the expense of civil liberties and because it gives blanket retroactive immunity to the telephone companies, I have decided not to support it.

One of the defining challenges of our age is to combat international terrorism while maintaining our national values and our commitment to the rule of law and individual rights. These two obligations are not mutually exclusive. Indeed, they reinforce one another. Unfortunately, the President's national security policies have operated at the expense of our civil liberties. The examples are legion, but the issue that prompted the legislation before us today is one of the most notorious—his secret program of eavesdropping on Americans without congressional authorization or a judge's approval.

After insisting for a year that the President was not bound by the Foreign Intelligence Surveillance Act's clear prohibition on warrantless surveillance of Americans, the administration subjected its surveillance program to FISA Court review in January of 2007.

Then, last August, citing operational difficulties and heightened threats that required changes to FISA, Congress passed the Protect America Act—over my objection and that of many of my colleagues. I am submitting with this statement the objections I made at that time.

The Protect America Act, which sunset last February, amended FISA to allow warrantless surveillance, even when that surveillance intercepted the communications of innocent American citizens inside the United States.

The administration identified two problems it faces in conducting electronic surveillance under FISA. First, the administration wanted clarification that it did not need to obtain a FISA warrant in order to conduct surveillance of calls between two parties when both of those parties are overseas. Because of the way global communications are now transmitted, many communications between people all of whom are overseas are nonetheless routed through switching stations inside the United States. In other words, when someone in Islamabad, Pakistan calls someone in London, that call is likely to be routed through communications switching stations right here in the United States. Congress did not intend FISA to apply to such calls, and I support a legislative fix to clarify that point.

The second problem the administration identified is more difficult. Even assuming that the Government does not need a FISA warrant to tap into switching stations here in the United States in order to intercept calls between two people who are abroad—between Pakistan and England, for example—if the target in Pakistan calls someone inside the United States, FISA requires the government to get a warrant, even though the government is "targeting" the caller in Pakistan.

The administration wants the flexibility to begin electronic surveillance of a "target" abroad without having to get a FISA warrant to account for the possibility that the "foreign target" might contact someone in the United States. I agree with the administration's assessment of the problem, but this bill would go far beyond what is necessary to meet these new technological challenges.

This bill's approach would significantly expand the scope of surveillance permitted under FISA by exempting entirely from the warrant requirement any calls to or from the United States, as long as the Government is "targeting" someone reasonably believed to be located outside the United States.

The Government could acquire these communications regardless of whether either party is suspected of any wrongdoing and regardless of how many calls to innocent American citizens inside the United States were intercepted in the process.

Although the bill gives the FISA Court a greater role than earlier bills did, it still fails to provide for a meaningful judicial check on the President's power. The FISA Court's role would be limited to reviewing the Government's targeting procedures and its minimization procedures—the procedures it uses to limit the retention and dissemination of information it has required. But it would be required to approve them as long as they met the general requirements of the statute, which is written broadly.

In addition, unlike the Judiciary Committee version of the bill I supported earlier this year, this bill neither limits the Government's use of information collected under procedures the FISA Court later deems inadequate, nor does it expressly give the FISA Court authority to enforce compliance with orders it issues.

I am concerned that because of the way this bill is drafted, it could be interpreted to preclude the FISA Court from ordering the Government to destroy all communications of innocent Americans that it incidentally collects during its surveillance. If I were certain that the FISA Court had the power to order the destruction of the communications of innocent Americans, it might tip the balance in favor of my supporting the bill, even though I oppose blanket retroactive immunity.

As for immunity, although I can understand why in the immediate aftermath of the attacks on September 11 the telephone companies would have cooperated with the Government, I believe it is inappropriate for Congress to grant blanket retroactive immunity without knowing what it is granting immunity for.

Furthermore, cases against the carriers are already making their way through the courts and I have every confidence in the court's ability to interpret and apply the law. Retroactive immunity would undermine the judiciary's role as an independent branch of government.

When the Senate passed FISA, after extensive hearings, thirty years ago by a strong bipartisan vote of 95 to 1, I stated that it "was a reaffirmation of the principle that it is possible to protect national security and at the same time the Bill of Rights." I still believe that is possible, but not if we enact this bill.

Mr. President, I am in support of Senator ROCKEFELLER's proposal to address shortcomings in our intelligence collection authorities. I have studied Senator ROCKEFELLER's bill closely and believe that it is an appropriate, temporary fix that adequately protects both our national security and Americans' privacy and civil liberties. It includes important safeguards against executive abuse—safeguards that are essential for an administration that has demonstrated so frequently that it simply cannot be trusted.

The Rockefeller bill is narrowly tailored to address the two problems the administration has said it faces in conducting electronic surveillance under the Foreign Intelligence Surveillance Act, as that law is currently written.

First, the administration wants clarification that it does not need to obtain a FISA warrant in order to conduct surveillance of calls between two parties when both of those parties are overseas. Because of the way global communications are now transmitted, many communications that take place entirely overseas are nonetheless routed through switching stations inside the United States. In other words, when someone in Islamabad, Pakistan, calls someone in London, England, that call may well be routed through communications switching stations right here in the United States. FISA was never intended to apply to such calls, and I support a legislative fix to clarify that point.

The second problem the administration has identified is more difficult. Although neither FISA nor the Constitution requires the President to get a warrant if the target of surveillance is in Pakistan calling London, or anywhere else outside the United States, if the target in Pakistan calls someone in the United States, FISA requires the Government to get a warrant, even though the Government is "targeting" the caller in Pakistan.

Senator ROCKEFELLER's bill would give the Government great flexibility to conduct surveillance of targets abroad, with prior approval of the FISA Court, while protecting the privacy of innocent Americans in the United States.

Under this bill, the FISA Court would be required to issue a warrant upon a minimal showing that the targets of surveillance are overseas and not in the United States. The bill provides protection for innocent Americans in the United States—if the foreign target's communications began to involve a significant number of calls into the United States, the Government would be required to end surveillance pending receipt of a new FISA Court order that the target overseas was a suspected terrorist.

Senator ROCKEFELLER's approach also ensures robust oversight. Congress would get the actual FISA Court orders, and, every 60 days, Congress would receive the list of targets who turned out to be in the United States and the number of persons inside the United States whose communications were intercepted. This is more information than Congress receives today, and it would enable us to verify the administration's claim that they are targeting suspected terrorists without unnecessarily violating the privacy of law-abiding Americans.

Senator ROCKEFELLER's bill sunsets in 6 months, at which point Congress can, if necessary, craft a permanent, sensible, and Constitutional fix to FISA that ensures the American people are protected from terrorism and from encroachments on their civil liberties and individual freedoms. The President has asked that we go further, that we give him more unchecked power and discretion to eavesdrop on Americans' conversations without a warrant and without congressional oversight. His request raises many concerns, and Congress should deny it.

The President's proposal would significantly expand the scope of surveillance permitted under FISA by exempting entirely any calls to or from the United States, as long as the Government is directing its surveillance at someone reasonably believed to be located abroad. The Attorney General and the Director of National Intelligence would make this determination on their own, and they would merely certify, after-the-fact, to the FISA Court that they had reason to believe the target is outside the United States, regardless of how many calls to innocent American citizens inside the United States were intercepted in the process. This would be a breathtaking and unconstitutional expansion of the President's powers and it is wholly unnecessary to address the problems the administration has identified.

Furthermore, the administration would not even limit this unchecked surveillance to persons suspected of involvement in international terrorism—it would cover the collection of any foreign intelligence information, which can include the collection of trade secrets and other information unrelated to the threat posed by al-Qaida.

I have said before that one of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, individual rights, and civil liberties. Unfortunately, the President has attempted to protect America by unnecessarily betraying our fundamental notions of constitutional governance and individual rights and liberties.

I will support giving the administration the tools it needs to track down terrorists, but I will not give the President unchecked authority to eavesdrop on whomever he wants in exchange for the vague and hollow assurance that he will protect the civil liberties of the American people. This administration has squandered the trust of Congress and the American people.

The administration's approach is constitutionally infirm and it is unnecessary to address the specific problems it has identified. The Rockefeller bill is a carefully calibrated approach that protects the American people from both terrorism and violations of their civil liberties.

I urge my colleagues to join me in supporting it.

Mr. BYRD. Mr. President, in 1771, Samuel Adams observed:

> The liberties of our country, the freedom of our civil Constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors; they purchased them for us with toil and danger and expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or to be cheated out of them by the artifices of false and designing men.

Under the artifice of defending our nation from terrorists, President Bush would have Congress surrender our liberties and the freedom of our civil Constitution. This bill, the Foreign Intelligence Surveillance, FISA, Amendments Act of 2008, is supposed to correct unconstitutional authorities contained in last year's "Protect America Act" that permitted widescale warrantless Government surveillance of innocent Americans' private international communications, much of it facilitated by telecommunications companies in a manner that is under court review. However, this bill undercuts that judicial review and, in effect, grants complete retroactive immunity to those companies for anything illegal they might have done for the last 6 years. That provision undermines the Constitution's fourth amendment protections.

This bill continues Government surveillance of communications coming into and out of the United States without full fourth amendment protections. Remember the fourth amendment? It reads:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The President would have you believe that this bill would provide additional powers to prevent another 9/11. But 9/11 did not happen for want of these powers. It was not a failure of Government to monitor private communications. Rather, it was a failure of the Government to monitor the reports of the FBI and of the intelligence community. It happened because the administration did not take seriously reports suggesting that what actually happened was being planned by al-Qaida. Just as he exploited 9/11 to lead us to war in Iraq, President Bush now wants to exploit his failures to attack our fundamental freedoms—freedoms that formed the foundations of this Nation.

There is no doubt that certain accommodations need to be made to address advances in technology. However, this bill goes too far. If the Government can collect all communications coming into or out of the United States, using powerful computers to shop among them without probable cause that the person making or receiving the communication is involved in anything illegal, and without any court providing a check upon the abuse of that power, that does not meet my "reasonable man's" definition of fourth amendment compliance. And that is not the "fair inheritance" won for us by our Founders at such a great price.

Mrs. CLINTON. Mr. President, one of the great challenges before us as a nation is remaining steadfast in our fight against terrorism while preserving our commitment to the rule of law and individual liberty. As a Senator from New York on September 11, I understand the importance of taking any and all necessary steps to protect our Nation from those who would do us harm. I believe strongly that we must modernize our surveillance laws in order to provide intelligence professionals the tools needed to fight terrorism and make our country more secure. However, any surveillance program must contain safeguards to protect the rights of Americans against abuse, and to preserve clear lines of oversight and accountability over this administration. I applaud the efforts of my colleagues who negotiated this legislation, and I respect my colleagues who reached a different conclusion on today's vote. I do so because this is a difficult issue. Nonetheless, I could not vote for the legislation in its current form.

The legislation would overhaul the law that governs the administration's surveillance activities. Some of the legislation's provisions place guidelines and restrictions on the operational details of the surveillance activities, others increase judicial and legislative oversight of those activities, and still others relate to immunity for telecommunications companies that participated in the administration's surveillance activities.

While this legislation does strengthen oversight of the administration's surveillance activities over previous drafts, in many respects, the oversight in the bill continues to come up short. For instance, while the bill nominally calls for increased oversight by the FISA Court, its ability to serve as a meaningful check on the President's power is debatable. The clearest example of this is the limited power given to the FISA Court to review the government's targeting and minimization procedures.

But the legislation has other significant shortcomings. The legislation makes no meaningful change to the immunity provisions. There is little disagreement that the legislation effectively grants retroactive immunity to the telecommunications companies. In my judgment, immunity under these circumstances has the practical effect of shutting down a critical avenue for holding the administration accountable for its conduct. It is precisely why I have supported efforts in the Senate to strip the bill of these provisions, both today and during previous debates on this subject. Unfortunately, these efforts have been unsuccessful.

What is more, even as we considered this legislation, the administration refused to allow the overwhelming majority of Senators to examine the warrantless wiretapping program. This made it exceedingly difficult for those Senators who are not on the Intelligence and Judiciary Committees to assess the need for the operational details of the legislation, and whether greater protections are necessary. The same can be said for an assessment of the telecom immunity provisions. On an issue of such tremendous importance to our citizens—and in particular to New Yorkers—all Senators should have been entitled to receive briefings that would have enabled them to make an informed decision about the merits of this legislation. I cannot support this legislation when we know neither the nature of the surveillance activities authorized nor the role played by telecommunications companies granted immunity.

Congress must vigorously check and balance the president even in the face of dangerous enemies and at a time of war. That is what sets us apart. And that is what is vital to ensuring that any tool designed to protect us is used—and used within the law—for that purpose and that purpose alone. I believe my responsibility requires that I vote against this compromise, and I will continue to pursue reforms that will improve our ability to collect intelligence in our efforts to combat terror and to oversee that authority in Congress.

Mr. REED. Mr. President, I wish to spend a few minutes discussing why I vote against final passage of H.R. 6304, the House companion to S. 2248, the FISA Amendments Act of 2008. I would like to begin by commending Senators ROCKEFELLER and BOND who have negotiated this bill, literally for months, in order to reach the compromise that we voted on today.

I believe that many aspects of this bill are an improvement, not only to the Protect America Act which passed last August, but also to S. 2248, the bill we voted on in February. I opposed both of those bills. This compromise bill specifies that FISA and certain other statutes are the exclusive means for conducting surveillance on Americans for foreign intelligence purposes. It requires the inspectors general of the Department of Justice, the Department of Defense, the National Security Agency, and the Director of National Intelligence to conduct a comprehensive review and issue a report on the President's surveillance program. It requires the intelligence community to create reverse targeting guidelines so that the National Security Agency cannot conduct surveillance of a U.S. citizen without a warrant by targeting a foreigner. Finally, it sunsets this legislation in 4½ half years rather than the 6 years called for in the original bill. All of these measures increase oversight and help protect civil liberties and are helpful changes.

However, title II of this bill still grants retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. As I have stated before, the administration has had years to provide the written legal justification that they gave the telecommunications companies when they requested their cooperation in the aftermath of September 11. A few of my colleagues on the Judiciary Committee and Intelligence Committee were allowed to read certain documents related to this matter after extensive negotiations with the administration. However, I, and the rest of my Senate colleagues who are not on those committees, were denied access to those documents. In addition, the telecommunications companies who have been named in several lawsuits have been prohibited by the administration from providing any information regarding this issue to the courts, to the plaintiffs, to Members of Congress, or to the public. In good conscience, I could not simply trust with blind faith that the administration and telecommunications companies took proper, lawful actions.

I therefore supported three attempts to strip or limit this immunity during today's debate. First, Senator DODD offered an amendment to strike title II. When that failed, Senator SPECTER offered an amendment to require a Federal district court to assess the constitutionality of the terrorist surveillance program before granting retroactive immunity to the companies alleged to have assisted the program. This amendment also failed. As a final effort, Senator BINGAMAN offered an amendment which would have stayed all pending cases against the telecommunication companies related to the Government's warrantless surveillance program and delayed the effective date of the immunity provisions until 90 days after Congress receives the required comprehensive report of the inspectors general regarding the program. If Congress took no action in that time, the telecommunications companies would receive immunity. Unfortunately, that amendment also failed.

The Senate had three opportunities to implement sensible measures to ensure that the grant of immunity to the telecommunication companies was appropriate. But these amendments were voted down. I believe the result sets a dangerous precedent. We must take the steps necessary to thwart terrorist attacks against our country, but these steps must also ensure that the civil liberties and privacy rights that are core to our democracy are protected. This bill fails to meet this threshold. For these reasons, I oppose the passage of this bill.

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate equally divided.

Who yields time?

Mr. ROCKEFELLER. Mr. President, we have been on this bill now for in effect a year.

The ACTING PRESIDENT pro tempore. The Senator will suspend. Will Senators please take their seats.

Mr. ROCKEFELLER. And we have improved enormously the Senate bill that we voted out last year with a veto-proof majority. The House had not reacted to this bill well, particularly the immunity part, as well as the title I part. We went at them aggressively, Vice Chairman BOND and myself, to try to get the Senate to move toward the House position. We were successful in that.

As I have said, Speaker PELOSI, who didn't want anything to do with the bill at the beginning, actually went to the floor of the House before they voted on it to pass it out and said: This may not be a perfect bill, but it is a bill that I certainly am going to vote for, and that is why I am here asking you to join me in so doing.

I, in my lesser role, am doing the same thing.

This is a historic bill. It has the particular virtue that over the course of the next 4 years, the next President of the United States will have a chance to review the bill and see if any changes need to be made.

I strongly hope, on what I consider to be a very major piece of national security and civil liberties legislation, that my colleagues will vote to support the bill.

The ACTING PRESIDENT pro tempore. Does anyone seek time in opposition?

Mr. BOND. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—69

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Rockefeller
Salazar
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker

NAYS—28

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Clinton
Dodd
Dorgan
Durbin
Feingold
Harkin
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Wyden

NOT VOTING—3

Kennedy
McCain
Sessions

The bill (H.R. 6304) was passed.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT—MOTION TO PROCEED

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion previously entered to reconsider the vote whereby cloture on the motion to proceed to H.R. 6331 was not agreed to, is agreed to and the time until 4 p.m. will be evenly divided before the cloture vote.

Mr. REID. I ask unanimous consent that there be 1 hour prior to the vote, which is now set for 4 o'clock, that the time be divided, with the last 20 minutes for Senator McCONNELL and Senator REID of Nevada; that I have the last 10 minutes; that the other 40 minutes be equally divided and controlled between the chairman of the Finance Committee, Senator BAUCUS, and the ranking member of the committee, Senator GRASSLEY.

That means there will be 20 minutes for Senator McCONNELL and me, and there will be 40 minutes remaining, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BAUCUS. Madam President, may I inquire, what is the pending business before the Senate?

The PRESIDING OFFICER. On reconsideration of cloture on the motion to proceed to H.R. 6331.

Mr. BAUCUS. Madam President, the Prophet Isaiah urged:

> Cease to do evil,
> learn to do good;
> seek justice,
> correct oppression;
> defend the fatherless,
> plead for the widow.

Since 1965, Medicare has been about defending the disabled. Medicare has been about providing for the elderly. From its beginning, Medicare has been about doing good. Before Medicare, old age was very much about widows.

In 1960, a man could expect to live a little more than 66 years, whereas a woman could expect to live past 73. Now, with the help of Medicare providing health care for the elderly, men can expect to live beyond 75 and women can expect to live beyond 80.

Before Medicare, in 1959, more than 35 percent of the elderly lived in poverty. When President Johnson signed the Medicare Act into law, he said of the elderly:

> Most of them have low incomes. Most of them are threatened by illness and medical expenses that they cannot afford.

Thus, before Medicare, the elderly received poorer health care. They endured more pain. They met early death. But then, 43 years later, in July 1965, with my fellow Montanan Mike Mansfield looking on, President Johnson signed the Medicare Program into law. This chart to my left shows the picture of that day.

That day President Johnson said:

> No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings they have so carefully put away over a lifetime so they might enjoy dignity in their later years. No longer will young families see their own hopes eaten away simply because they are carrying out their deep moral obligations to their parents.

Further quoting President Johnson:

> And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this country.

Thus, from its beginning, Medicare has been a moral issue. Medicare has been about doing good, about doing what is right. I come to the floor today to speak in defense of Medicare. I come to plead for the widow. I come to fight for the disabled.

Today Medicare is threatened. Health care costs have been growing rapidly. Federal Reserve Chairman Bernanke told the Finance Committee's health care summit:

> Health care has long been and continues to be one of the fastest growing sectors in the economy. Over the past 4 decades, this sector has grown, on average, at a rate of about 2.5 percentage points faster than the gross domestic product.

But the fruits of the 1997 law threaten to cut—yes, cut—payments to doctors who treat Medicare beneficiaries unless we act. If we do not act, the law will force cuts in payments to doctors by 10.6 percent. We have to stop that cut.

That cut threatens access to care for America's seniors. Already some providers are declining Medicare patients. My colleagues hear that constantly. Fewer and fewer doctors are taking Medicare; more and more are dropping. Why? Because reimbursement rates are already too low, and unless we act today, those reimbursement rates will be much lower.

Doctors know about these cuts. My colleagues in their home States hear this constantly. I am sure, over the July 4 break, they heard over and over that the doctors are very concerned about Medicare reimbursement. The share of doctors accepting new Medicare patients has been falling. It is falling for those who accept and do not accept Medicare. It is falling for those military personnel in TRICARE who seek services from doctors as well because TRICARE payments are tied to Medicare.

Unless we act, those patients in the TRICARE system, our military service men and women, will also find that their doctors are not treating them either. That trend will accelerate if we do not act. An American Medical Association survey found if the scheduled cuts stay in effect, 60 percent of doctors will have to limit the number of new Medicare patients whom they treat; 60 percent would have to limit, unless we restore these cuts.

These cuts also threaten access to health care for our military men and woman. As I mentioned, TRICARE uses the Medicare formula to pay their doctors. Those cuts could endanger health care for military retirees and even for those on Active Duty.

I do not think that is well understood, that TRICARE is tied to Medicare. If we cut Medicare, we cut TRICARE. That means about 9 million American service men and women, Active Duty and retirees, the doctors who service them will no longer provide that service; a 60-percent reduction.

The Military Officers Association of America reports that declining participation of providers due to low reimbursements is already one of the most serious health care problems facing military families.

Real and threatened cuts in the level of Medicare reimbursements have caused many providers to stop accepting new TRICARE patients.

Since 1965, there have been those few who did not think that Medicare was good. There have been those who have sought to call it evil. In the 1960s, there were those on the fringe who called it socialized medicine. In 1995, there were those who said it was going to wither on the vine, those who wanted to do away with Medicare. But the truth is, from the start Medicare has had broad, very broad, bipartisan, very bipartisan, support. The original Medicare Act passed the House of Representatives with a vote of 307 to 16. It passed the Senate by a vote of 70 to 24. That broad support was evident again on June 24 of this year before the break. That day the House of Representatives passed the Medicare Improvements for Patients and Providers Act. That bill would stop those cuts in doctors' payments. The House passed that bill with an overwhelming vote of 355 to 59; 355 House Members voted for it. That is better than a 6-to-1 margin. Even among Republican Members of the House, more than twice as many voted for it than against it.

On June 26, the Senate fell one vote short of invoking cloture on the motion to proceed to that bill. But today the Senate will reconsider that vote, and we should. The Senate should take up and pass this Medicare bill. The Senate should pass this Medicare bill because there is no alternative. If we fail to enact this bill, millions of America's seniors will be worse off. We cannot let that happen. This bill can prevent that. The House-passed bill is very similar to the Baucus-Snowe bill the Senate considered earlier in June, but the House made three noteworthy changes. First the House-passed bill includes legislation to delay the competitive acquisition program for durable medical equipment. Congress needs to ensure that these savings do not harm beneficiary access to care. We need to take a closer look at competitive bidding before it goes forward. Passage of this Medicare bill would allow that. The House-passed bill also does not include cuts in funding for oxygen supplies and equipment, and it does not include cuts in funding for powered wheelchairs. Those who support these reforms make a good case. But ultimately, the cuts could not be included as part of this must-pass legislation.

This bill is a balanced package. It is a compromise. It makes modest changes. When the House passed its children's health bill last year, the House made major changes to the

Medicare Advantage Program. Last year's House CHIP bill would have significantly restructured the program. This House Medicare bill, however, would not do that. This bill includes a reduction in the double payment for medical education costs to private plans in Medicare, and this bill would protect seniors from unscrupulous marketing practices by private health plans. This bill would require so-called private fee-for-service plans to form provider networks. It would make sure that there are doctors behind those plans. Currently, those private fee-for-service plans do not have to do that. By fiat, they deem it to be the case. But it is not accurate. This bill would make sure there will be doctors behind those plans.

This bill does not include deep cuts due to the Medicare Advantage Program. Some suggest it does. It does not at all. It does not cut private fee-for-service plan payments at all. I wish to go further on Medicare Advantage. I think we should do more. But this is not the time, and this is not the legislation on which to do so. This, however, is the time to avert the pending cut in payments to doctors. That payment cut would devastate access to care for America's seniors. We cannot let that happen.

For Medicare beneficiaries, this Medicare bill would expand access to services. We all talk about greater access to preventive services. It would eliminate the discriminatory copayment rates for seniors with mental illnesses. We all talk about that. We want mental health parity. We do it in this Medicare legislation. And it will provide additional needed help for low-income seniors. We all talk about that need too.

This Medicare bill would take important steps to shore up our health care system in rural areas. It includes provisions from the Craig Thomas Rural Hospital and Provider Equity Act. Let's do this for Craig Thomas.

This bill also includes important relief for ambulance providers, community health centers, and primary care physicians. Primary care doctors represent the backbone of our health system. We all hear from home that primary care doctors are especially vulnerable and we give additional help to them. This Medicare bill would make important improvements in pharmacy payments. It would make payments under the Part D drug benefit fairer and more timely to those who dispense drugs to our Nation's senior citizens. We have all heard that pharmacists need this help because they are in a disadvantageous position in dispensing Part D drugs.

This bill would save money by providing a single bundled payment for all the services related to treating end-stage renal disease, and that will help reduce costs. For the first time, dialysis facilities would receive a permanent, market-based update to their payments each year, giving them a little bit of predictability. This would ensure that Medicare payments keep up with costs.

The bill would expand emergency health care for veterans in rural areas. It would increase payments for doctors who work in rural areas. It would stop the payment cut to providers. It would give them a decent increase in reimbursement. All of this would help to ensure that seniors and military families would be able to keep seeing the doctors they need to see.

On July 30, 1965, President Truman watched President Johnson sign the Medicare Act. That is what is shown in this photograph to my left. President Truman at that point said:

> Mr. President, I am glad to have lived this long and to witness today the signing of the Medicare bill, which puts this Nation right where it needs to be, to be right.

Yes, from its beginning, Medicare has been a moral issue. Medicare has been about doing good. So let us defend the elderly. Let us defend the disabled. Let us provide for our military families, and let us enact this important Medicare bill.

I know others are waiting to speak on the other side of the aisle. In a moment I will yield the floor, but before doing so, I yield half of the time remaining under my control to Senator SCHUMER and half of the time to Senator DURBIN for their use when they are recognized.

The PRESIDING OFFICER. Duly noted.

Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise to oppose cloture on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

I am beginning to feel like the character from the movie "Groundhog Day" who wakes up every morning to the same day. Here we are again, having the same debate about the same Medicare bill that will not be signed into law.

I believe that our time would be better spent working on a bill to restore physician payments instead of having a partisan vote just to make some political points. It would be better to work in a bipartisan way. We could do it in 10 minutes, if we just sit down and do it. I know the distinguished chairman and ranking member could do it.

But it is obvious that some in this body would rather have a political battle and put Medicare beneficiaries and their doctors at risk.

In the last month, I stood on the Senate floor, not once, but twice emphasizing that I want to work on a bipartisan Medicare bill that will be signed into law. In fact, we had a bipartisan agreement in the Senate.

Unfortunately, Senate Democrats are still not permitting a vote on a compromise measure or even the Republican alternative.

The bipartisan compromise bill would have passed overwhelmingly, and this issue would be behind us.

And, quite frankly, H.R. 6331, essentially, the Baucus Medicare bill, contains many provisions that both sides strongly support.

It is troubling that only the Democrat Medicare bill is being given a vote on the Senate floor, especially when there is a Republican alternative that restores physician payments as well, especially since I believe Senators BAUCUS and GRASSLEY would have worked it out long before now without all the hoopla and politicization.

In addition, when the Democrat Medicare bill failed to get cloture a few weeks ago, the minority leader asked for unanimous consent to pass a 31 day extension of the December Medicare law. The purpose of this extension was to prevent the Medicare physician cuts from going into effect until we were able to work out our differences.

But Senator REID objected to this unanimous consent request for political reasons and told the Senate that he wanted the Republicans who voted against cloture to feel the heat when they went home for the Fourth of July recess. I was a little shocked at that.

Fortunately, the Centers for Medicare and Medicaid Services, CMS, is delaying the Medicare reduction for physicians for 10 business days to give us more time. Unfortunately, we do not agree on one key issue—the Medicare Advantage Program. This program was created in the Medicare Modernization Act of 2003. I was on the conference committee and spent months working on Medicare Advantage.

Today, Medicare Advantage provides beneficiaries with many health care choices in addition to traditional Medicare.

Medicare Advantage plans are very similar to private health plans offered to those under 65 years of age. One out of five people in Medicare are on Medicare Advantage, and they love the program.

The Democrat Medicare bill includes reforms to the Medicare Advantage Program that are unacceptable to both the White House and many of us who support the Medicare Advantage Program.

Those of us who support Medicare Advantage feel that the provision in the Democrat Medicare bill will limit plan choices currently offered to beneficiaries.

Beneficiaries participating in the Medicare Advantage Program are happy with their health care coverage.

Every month, I receive hundreds of letters from my constituents telling me how much they like their Medicare Advantage plans.

Medicare Advantage is working across the country.

On the other hand, the Medicare+Choice program, which was the precursor to the Medicare Advantage Program, did not work very well, especially in rural areas.

That was because the Federal Government did not pay plans enough money to operate in rural areas.

The Utah Medicare+Choice plans left our State because plans could not function and they were losing money.

At that point, Utah Medicare beneficiaries only had one choice—traditional Medicare. And once we start disassembling the Medicare Advantage Program, as some in this body want to do, I believe that health care choices for beneficiaries will diminish. Through the Medicare Modernization Act, we finally figured out how to provide choice to Medicare beneficiaries in both rural and urban areas and how to pay plans appropriately.

But my friends on the other side cannot leave a good thing alone and insist on making changes to a program that works well today and that 90 percent of beneficiaries in Medicare Advantage are satisfied with.

The Democrat Medicare bill, if signed into law, will no longer allow private fee-for-service plans to deem.

Deeming allows beneficiaries in private fee-for-service plans to see any Medicare provider.

Deeming has been important to those living in rural areas where it is difficult for network-based plans to persuade providers to contract with them. It is also helpful to employer groups which provide retiree health coverage to those living in rural areas across the country.

The elimination of deeming could take away health care coverage choices for Medicare beneficiaries living in rural States.

In addition, the elimination of deeming could cause some retirees to lose their health benefits because the retirement plan cannot establish networks in all 50 States.

According to America's Health Insurance Plans, known as AHIP, 21,000 Utah beneficiaries may be dropped from their current Medicare Advantage private fee-for-service plans if the provision to eliminate deeming becomes law.

In fact, AHIP believes that 1.7 million seniors across the country could lose their existing health coverage if H.R. 6331 becomes law.

A few weeks ago, I mentioned that one Utah employer has said that the elimination of deeming will force the company to stop offering health care coverage to almost 12,000 retirees, and that is probably the tip of the iceberg.

I fear that the impact of this provision could be devastating, especially to beneficiaries living in rural States.

We truly do not know the full effect of this policy and how it will affect Medicare beneficiaries across the country.

Therefore, I simply cannot support this policy and it is the main reason that I am going to vote against cloture.

Do not be fooled—the bill we are considering today will not be signed into law.

The President has said he will veto the bill and there will not be enough votes to override his veto. I suppose some on the other side think they have a great political advantage if he vetoes the bill and we can't override it. They can use that against Republicans.

This motion must be defeated for the third time. We should not have had to go to three votes.

Hopefully, my colleagues on the other side of the aisle will want to work with us on a bill that can be signed into law because it would be bipartisan.

We must move forward so Medicare beneficiaries will no longer worry about their doctors dropping out of the Medicare Program.

We must move forward so physicians participating in the Medicare Program will not be cut by 10.6 percent. I don't think anybody in this body believes that we will allow that cut to occur; certainly, I will not.

We must move forward because the American people are getting tired of a do-nothing Congress where Members are not able to work out their differences.

Why don't we put all our differences aside? We could solve this in 10 minutes without making it a political fiasco which is what it has become. I think in the end everybody would be better off. Certainly, seniors who are on Medicare Advantage would continue to be better off than they would be if this very partisan bill passes through this body and is vetoed by the President and that veto is sustained.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on the Democratic side?

The PRESIDING OFFICER. There is 7 minutes.

Mr. DURBIN. I yield myself 3½ minutes and reserve 3½ minutes for the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, this debate is about an important bill for 40 million Americans. It is about Medicare. It is about whether the doctors who provide benefits under Medicare will have a 10.3 percent cut in their reimbursement. Those of us who are for Medicare don't want to see that happen. It means fewer doctors treating senior citizens. It means fewer doctors who will be part of the program. So we are trying to stop this cut from happening. But we are running into resistance from the Republican side of the aisle.

The bill before us is a bipartisan bill that passed the House of Representatives by a margin of 6 to 1. Two-thirds of the Republicans in the House voted for this measure. It is a very bipartisan approach. But unfortunately, on the other side of the aisle, the Republicans are determined to oppose this bill.

Why? Why would they want to see fewer senior citizens with doctors they need under Medicare? Why would they want to see fewer doctors in the program? Because the way we pay for the doctors' compensation is by cutting back on the private health insurance companies currently trying to offer Medicare benefits. Now, why would we do that? Because, unfortunately, they are overcharging the Government—from 12 to 17 percent more than what the Medicare Program is charging for the same services. We believe they can cut back on their profits, they can reduce their costs, and they can still help seniors.

Remember when we started with private health insurance companies? The Republicans said: We want them to be able to play in Medicare. They can do a much better job than the Government. They will cut the costs dramatically. They will bring it down to 95 percent of what the Government charges. Exactly the opposite has occurred. The private health insurance companies have increased their costs over the years, and the Republicans who oppose this bill want to protect those companies. They do not want to see those private health insurance companies take a hit, get a reduction in the amount of money paid by the Government. So they continue to refuse to vote for this measure to help Medicare physicians.

The last time we had this vote, we had 59 Senators who voted for it. What do we need today at 4:05 to strengthen Medicare? We need one more Republican vote, one more Republican Senator. Madam President, 9 of the 49 voted with us last time. With 10, we have the 60 votes, and Medicare will have a bright future.

For those who argue, well, President Bush just might not like the bill, I am sorry, but this bipartisan bill which passed overwhelmingly in the House should pass overwhelmingly in the Senate, and we should say to President Bush: It is much more important for us to protect 40 million seniors under Medicare and, incidentally, about 9 million military families under TRICARE from these kinds of cuts in physician reimbursement.

I have listened to the debate on the other side of the aisle, and it really comes down to a difference of philosophy. When Medicare was created, the Republicans, by and large, opposed it: Oh, it is a big Government program. It is socialized medicine. What did Medicare do for America? It gave peace of mind to seniors that the next illness would not wipe out all their savings. It gave them access to the best doctors and the best hospitals.

Do you know what? Seniors are living longer today than when they signed that Medicare bill into law in 1965. That is the proof of its success. But many on the Republican side of the aisle have never accepted it. They always want to go to the private health insurance companies, even when it costs too much for the seniors and for our Government.

This is our chance. One more Republican vote means the Medicare Program will be strong for years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 12 minutes 20 seconds.

Mr. CORNYN. Madam President, will you tell me when 5 minutes is consumed?

The PRESIDING OFFICER. I would be happy to.

Mr. CORNYN. Madam President, Congress should be embarrassed to have doctors and seniors come hat in hand every 6 months, every 12 months, every 18 months, and say: Please don't cut reimbursement rates for physicians. It is just a terrible way to do business. It puts people in fear that Congress will not act. It also provides opportunities for political gamesmanship that we have seen in an abundance on this particular temporary patch.

The fact is, Congress has only on one previous occasion allowed these cuts to go into effect, in 2002. Every year since it has acted. The fact is, we will. But what we need is a permanent solution, not a temporary patch. This is a terrible way to do business. The fact is, Medicare is a deeply troubled program. In fact, it will go bankrupt—parts of it—by the year 2019. But Congress is just whistling past the graveyard—whistling past the graveyard.

We need a permanent solution to this broken Medicare system. The fact is, many Medicare beneficiaries, many seniors cannot even find a doctor who will accept new Medicare patients because reimbursement rates are below market in many parts of the country. The fact is, the majority leader, by objecting to a 30-day extension of current law to allow a bipartisan compromise between the chairman and ranking member of the Finance Committee, is doing nothing but playing partisan politics with something that should be above partisan politics. We need a permanent solution.

UNANIMOUS CONSENT REQUEST—S. 2729

That is why, Madam President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 2729, the Ensuring the Future Physician Workforce Act, and that the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Madam President, reserving the right to object, I have looked at the Senator's bill, and I must say that any objective observer would know that this is not a serious effort. It is a big warm kiss on doctors to show to them that they love doctors when, in fact, this is going nowhere. It is a $380 billion bill unpaid for. It is not a serious effort whatsoever. I regret the Senator from Texas has the audacity to bring this up.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I take exception to the chairman of the Finance Committee's insulting remarks. I would say to him that on this bill I have worked in consultation with the Texas Medical Association, which has endorsed it heartily, and what people should be insulted by are these temporary patches every 6 months that do nothing to solve the problem, that provide a political football for the majority party to play to try to take advantage in the next election, to put seniors in doubt as to our seriousness at keeping our commitment for Medicare.

I think it is the chairman of the Finance Committee and the majority leader who should be embarrassed by their objection to sensible and good-faith efforts to try to fix on a permanent basis this broken system. I regret Congress, once again—no wonder the U.S. Congress has a single-digit approval rating, with only 9 percent of the country believing it is doing a good or excellent job.

It is no secret that people are absolutely disgusted with the partisan politics that do not permit real solutions to serious problems, such as fixing Medicare once and for all, and particularly this part that is broken, the payment reimbursement system.

So I take very grave exception to the remarks of the chairman of the Finance Committee. It is he who is not serious about solving the problem. It is he who insists on partisan gamesmanship rather than real solutions. And I think it is a very sad day for the Senate.

Mr. DODD. Madam President, I rise in support of this legislation and want to thank the senior Senator from Montana for his leadership and commitment to ensuring a strong Medicare Program.

Medicare is one of the twin pillars of the retirement security compact we have with our seniors. It says that after a lifetime of hard work and paying taxes, seniors deserve the dignity of a secure retirement. That includes quality, accessible health care. At a time of skyrocketing health care and prescription drug costs, this bill strengthens our commitment to our seniors by eliminating the scheduled 10.6 percent fee cut for Medicare physicians while providing a 1.1-percent update in payments. Why is that so important, Mr. President? Because it directly impacts how we care for seniors. Because doctors are already facing this payment cut because we were prevented from acting on this legislation before recess. Because my State of Connecticut could be looking at a loss of $190 million over the next 18 months—funds that would otherwise help pay for the care of elderly and disabled patients. Nearly a half million seniors in my State alone would be affected. And because military families will also benefit from this bill because they rely on TRICARE which ties its payments to Medicare. Indeed, absent this action, we could be putting at risk health care for not only military retirees but even for those on Active Duty. For all they have given to this country, we absolutely cannot let that happen. More than 50,000 TRICARE patients in Connecticut alone are depending on us.

There are other components of this bill I strongly support as well. Included among the $4 billion in improvements for Medicare beneficiaries is assistance for low-income seniors, who need this assistance the most. This legislation also protects access to therapy services, reduces out-of-pocket costs for beneficiaries who seek mental health care, and provides important improvements for our Nation's pharmacies and rural providers.

Ultimately, this legislation sends a message to our seniors and those who serve our country—it says that a promise made will be a promise kept. With this bill, we are keeping our word to these men and women that there is no higher priority than ensuring our seniors and military families receive the quality health care they deserve.

Lastly, it is particularly appropriate that we move to deepen our commitment to Medicare on the day one of its biggest champions returns to the Senate. Throughout our history, there has been no greater advocate for our seniors and for health care than Senator KENNEDY. He is a friend to me, but more importantly he is a friend to every American who struggles to receive the affordable, quality health care they deserve, and we are thrilled to welcome him back.

Again, I want to thank Chairman BAUCUS as well as the majority leader for their leadership and dedication.

Mr. LEVIN. Madam President, the Medicare Improvements for Patients and Providers Act, H.R. 6331, makes a number of needed changes related to

Medicare reimbursement, including reimbursement for physicians' services. Due to the unwise filibuster by the minority, we missed our chance to pass this legislation before July 1, when reimbursement cuts were scheduled to take place. We now have another opportunity to do the right thing. I strongly urge the Senate to pass this legislation promptly.

Medicare physician fee schedule payments are updated each year according to a complex formula based on a Sustainable Growth Rate—SGR. Unfortunately, because of the way the formula is calculated, even if Congress prevents the cuts in a given year, scheduled reimbursements cuts are likely to increase in subsequent years unless Congress takes additional action, such as developing a permanent alternative to the SGR formula.

I support efforts to ensure that physicians receive adequate reimbursement for their services. If they do not, some physicians will not continue to provide services to Medicare beneficiaries. As a result, allowing reimbursement cuts to go into effect could pose significant access problems for many Medicare beneficiaries.

While I believe past measures to alleviate this burden on physicians have been helpful, I know from my discussions with health care providers throughout Michigan that Congress must find an alternative to the SGR. The SGR is linked not to the cost of providing health services, but to the performance of the overall economy. The cost of health care has been rising much faster than inflation. Our nation should address the rising costs of health care as part of a larger discussion on health care reform. Until and unless we discover a way to contain health care costs to inflation, we should decouple Medicare reimbursement for physicians' services from the performance of the overall economy. Reimbursement should more accurately represent the cost of providing services.

In the meantime, we need to pass this legislation, which includes, among other important provisions, an 18 month delay on Medicare reimbursement cuts for physicians' services and replaces the cut with a 1.1 percent increase in 2009. I am hopeful that the minority will end their filibuster, that the Senate will pass this legislation, and that the President will heed the will of Congress and the American people and sign this bill into law before the cuts are implemented and cause many Medicare beneficiaries to lose access to health care providers.

Mr. SPECTER. Madam President, this Medicare legislation is very important. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about Majority Leader REID's practice of employing a procedure known as filling the tree, which precludes Senators from offering amendments. This undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

On June 12, 2008, I voted in favor of cloture on the motion to proceed on S. 3101, legislation similar to H.R. 6331, the Medicare Improvements for Patients and Providers Act, to prevent the reduction in Medicare payments to physicians. At that time, I was assured by Majority Leader REID that he would not make a procedural motion to fill the tree. Following the failure to obtain cloture on the motion to proceed to S. 3101, Finance Chairman BAUCUS and Ranking Member GRASSLEY began to negotiate a bipartisan bill that could be brought before the Senate. I have concerns with some provisions that may have been contained in such an agreement. However, the prospect of the Senate working its will and allowing other Senators and me to offer amendments to such a bill is more favorable than filling the amendment tree.

On June 26, 2008, the majority leader brought up H.R. 6331. The posture of the Senate was such that for the majority leader to complete action on H.R. 6331 and send it to the President before the physician payment reduction was scheduled to go into effect at the end of June, the Senate must pass the same legislation the House of Representatives passed. This is the case because the House of Representatives adjourned for the Independence Day recess prior to the Senate vote on cloture on the motion to proceed to H.R. 6331. Since the House went out of session, there was no possibility for the House to consider a Senate-amended Medicare bill. To guarantee that the same Medicare legislation would be passed by the Senate, no amendments to the legislation were permitted. By bringing this legislation up at the last minute after the House of Representatives adjourned, the majority leader prevented the opportunity to offer amendments and undermined Senate procedure.

If cloture were to have been obtained on the motion to proceed to H.R. 6331 the legislation would have been vetoed by President Bush. That veto would have resulted in a further delay, since the House would not be in session to override the veto and the scheduled physician payment reductions would go into effect at the end of June. There was an expectation that the Senate would extend the current physician payment rate for 30 days and prevent the pending reduction from going into effect. However, when this legislative extension was offered by Senate Republican Leader MCCONNELL it was objected to by Majority Leader REID. The majority leader was aware of this issue for some time and scheduling should have accommodated the amendment process. I voted against cloture because there was no opportunity to amend the legislation that came before the Senate.

On June 28, 2008, I wrote to President Bush requesting that he use his constitutional authority to call the Congress back into session so that the Senate could act on H.R. 6331 with appropriate amendments and send it back to the House for its concurrence. This would have allowed for prompt action on this important matter and prevented the payment reduction from going into effect.

On Monday, Tuesday and Wednesday of this week, I spoke with Majority Leader REID regarding today's vote on cloture on the motion to proceed to H.R. 6331. During those conversations I requested that he allow Senators to offer amendments to the legislation. On those occasions he said he would not allow amendments. During the vote, when more than 60 Senators had voted for cloture, it was not possible to preserve the principle of Senators' rights to offer amendments so I voted for cloture because I agreed with the objectives of this legislation.

I have a strong history of preventing reduced payments to physicians. In April 2003, as Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee; I worked to reverse a 4.4 percent cut in physician fees which had gone into effect in January of that year. This $54 billion effort also provided a 1.6 percent increase. In June 2003, I introduced an amendment to the Medicare Modernization Act to provide an increase in physician payments for 2 years. This provision was agreed to and was included in the bill. This prevented decreases in physician payments in 2004 and 2005, and increased payments by 1.5 percent in each of those years. I have consistently voted in favor of increasing Medicare physician payments and will continue to support the policy, but Senators must be allowed to offer amendments and let the Senate work its will.

Mrs. FEINSTEIN. Madam President, I rise to discuss the Medicare Improvements for Patients and Providers Act, H.R. 6331. This bill makes much needed changes to the Medicare program, and will pay doctors at a rate that will allow them to continue to participate in this vital program.

Medicare is a great success story, providing retirees with a health care safety net, but the formula that determines physicians' payment levels is seriously flawed. Unless Congress takes action immediately, doctors will receive a 10.6 percent cut in their reimbursements.

The consequences of such cuts would be dire. According to the California Medical Association, more than 60 percent of California physicians say they would be forced to either stop taking new Medicare patients or leave the Medicare program altogether if these reductions occur.

The same payment rate reductions will apply for health care provided to our servicemembers and their families who receive coverage through the TRICARE program. Over 870,000 Californians and at least 8.9 million Americans depend on TRICARE for their health care. We owe these families, who have sacrificed so much for our country, access to physicians and medical care when they need it.

I voted to consider and pass this bill, because we need to block these cuts and make improvements for beneficiaries.

However, much to my dismay, this bill contains a delay on a program to competitively bid for durable medical equipment. Can you believe it? A block on competitive bidding of commonly available medical goods.

Let me tell you what this means. Medicare began a competitive bidding program for durable medical equipment on July 1 in 10 metropolitan areas across the country—including the Riverside-San Bernardino area in my home State of California.

The program enabled medical supply companies to bid on 10 products, including wheelchairs, diabetic supplies, oxygen concentrators, walkers and hospital beds, in those 10 metropolitan areas. Companies that offered the best prices were awarded contracts to supply Medicare beneficiaries with medical equipment.

As a result, seniors on Medicare in these areas can expect to pay a lot less for some of their medical supplies.

In Riverside, CA, diabetic test strips, once $37 will now be $18, and portable oxygen, which cost Riverside Medicare patients $77 per month, can now be bought for $61.

The bid prices are an average of 26 percent lower than prices set by the Centers for Medicare and Medicaid before the enactment of the competitive bidding program.

Because beneficiaries pay copayments equal to 20 percent of the cost of their healthcare and medical equipment, that savings is also felt by the elderly and disabled Americans who rely on Medicare.

Competitive bidding makes sense, because there is no good reason why Medicare or seniors should pay above-market prices for medical equipment—especially as other health care costs continue to skyrocket.

The Centers for Medicare and Medicaid discovered that it was paying $1,825 for a hospital bed that can be bought for $754 online. On the Internet, you can purchase a power wheelchair for $2,174—far less than the $4,023 Medicare pays out for the same product.

Competitive bidding forces Medicare suppliers to compete for their customers—much like retailers do. It also helps to control costs while providing the elderly and the disabled with quality healthcare and medical supplies. Participating companies must be accredited, to ensure that Medicare beneficiaries receive high quality equipment and service.

Allowed to continue, the program is expected to save $125 million in its first year. Expanded nationwide, that number would grow to $1 billion in savings for taxpayers and Medicare beneficiaries.

But just as this pilot program gets off the ground—another 70 metropolitan areas are expected to be added in 2009—this bill endangers the program's future.

Losing bidders have complained that the selection process was flawed and have convinced some of my colleagues to support a delay of the program for another 18 months and start the selection process over.

The bill before us today would terminate the existing competitively-bid contracts and delay the program launch for a year and a half.

This should not be permitted to happen. Seniors and taxpayers deserve to pay fair prices for their medical equipment. Medicare beneficiaries in Riverside, in Cleveland, in Dallas, learned about this new program, selected new providers, and are already saving money. Stopping this new effort midstream will only lead to confusion.

We all agree that entitlement programs like Medicare need to be reformed, but if we can't change a small portion of this sprawling entitlement program, how will we ever succeed in making major reforms?

Competitive bidding is a smart way to ensure that Medicare pays reasonable rates for medical equipment at a time when medical costs are soaring. We should not ask taxpayers to fund someone else's cash cow.

While I will vote to consider and pass this bill today, I will continue to work to see that competitive bidding moves forward, and I urge my colleagues do the same. This is a matter of common sense.

Mrs. CLINTON. Madam President, today we are voting on a piece of legislation that has the potential to make a real difference for seniors, Americans with disabilities, physicians, hospitals, and pharmacies. We are voting to ensure that doctors who care for the 44 million people in Medicare and the millions of people who rely on TRICARE, the military health care system, do not see a sudden and dramatic cut in reimbursements. And we are voting to implement a series of reforms to improve our capacity to provide preventive care, to use more health information technology in our medical system, and to measure the quality of care patients receive.

We hear a lot of talk about our broken health care system in this Chamber—and on the campaign trail—by Members on both sides of the aisle. However, all too often, there have been some all too willing to lament the crisis until it comes time to address it. But the fact is, all that matters—to seniors, to people with disabilities, to our men and women in uniform—is whether we deliver on the rhetoric. That is our test in this Chamber. And that is our test with this vote.

The choice is simple. How will we address the crisis in our health care system, as costs skyrocket, coverage declines, and quality suffers? Do we continue in this race to the bottom—or do we choose a new course?

I believe we must take immediate steps to modernize and reform our health care system to control costs, increase coverage, and improve care. The goal—as I have proposed, advocated, and championed my whole adult life—is quality, affordable health care for everyone, no exceptions, no excuses. And we all look forward to the return of our friend, Senator KENNEDY, one of America's great health care champions, to help us reach this goal.

The solution will not be to cut corners while cutting funding that will drive more and more people and providers out of the health care system. The solution has not been and will never be to stick our heads in the sand to avoid the tough work of dragging our system of care into the 21st century.

The solution is tougher—and more complex—but no less real: comprehensive reform to provide coverage for every American that emphasizes prevention, measurable improvements in quality, and a modernized system to dramatically improve efficiency and reduce errors. And we will achieve it by asking everyone to be part of this solution: patients, providers, insurance companies, employers, and, yes, the government.

That is why I hope more of my Republican colleagues will join the growing bipartisan majority in the House and Senate to support this legislation and end this Medicare blockade—an obstruction that survived by a single vote—which stands between patients and their physicians, and between this chamber and demonstrable progress in Medicare.

Here is why this legislation is so critical. First, unless we act, the 10.6 percent cut in payment to physicians will compromise care for seniors, Americans with disabilities and—though this is largely unknown—men and women who have served in our Nation's military. TRICARE sets its physician reimbursement rates according to Medicare. So a 10.6-percent cut in Medicare is a 10.6-percent cut in TRICARE.

The consequences may be catastrophic. A recent survey by the American Medical Association found that 60 percent of physicians would limit new Medicare patients if this cut is allowed. Almost 9 million people who have served in the military would face the prospect of newly limited access to medical care, including more than 180,000 in New York.

The answer is not haphazard cuts and temporary formula fixes. The answer is a comprehensive, permanent solution which reflects the costs of doing business for providers—as well as the goals we all share for fixing the incentives in the health care system and controlling costs by improving care—not limiting it.

And preventing this cut is only the beginning. I am proud that we have included a number of important reforms I have championed that will help us chart a new course for Medicare and our health care system: We have included a provision to cover new preventive care recommended by the U.S. Preventive Services Task Force, a proposal for which I have advocated and which I believe should be part of our solution to achieve health care for everyone. Coverage for screenings for osteoporosis, breast cancer, or high blood pressure, for example, will help detect illness at the earliest stages, before becoming life-threatening and more costly.

I am proud that we have taken an important step in health information technology, requiring electronic prescribing by 2011. That will reduce errors dramatically. If all hospitals used a computerized order entry system we would reduce adverse drug reactions by an estimated 200,000 each year and save $1 billion annually. Health information technology, which I have proposed and hope to pass through the Senate soon, will allow us to make giant leaps in our health care system to cut errors, improve care, and discover new treatments—while protecting patient privacy and safety and dramatically reducing costs.

The bill also extends the Medicare Physician Quality Reporting Initiative and provides for the endorsement of quality measures, as I have long championed. In fact, the first bipartisan health IT legislation I introduced with Senator Bill Frist in 2005 included this idea and it remains in the legislation that I have cosponsored with Chairman KENNEDY, Senator ENZI, and Senator HATCH. Linking quality with coverage is essential. Today, we don't know what we don't know. With new data we can find new ways to treat illnesses and new ways to improve the care we provide.

We have previously failed by one vote. One vote between improving care or undermining it. One vote that can make the difference between solving problems in our health care system or making matters worse. This is not about politics. This is about the real people whose health and lives will be affected by our votes today. This is about the far reaching consequences of our decision in this Chamber.

I have met people across New York and our country who cannot find the medical care—or afford the health care—they need.

Mothers who whisper to me in tears, terrified that their children will get sick because they lost their insurance. Nurses who feel like each day is a deluge, as patient loads rise. Doctors forced to see more and more patients—with less and less time to do their jobs and more and more paperwork piling up. Seniors with multiple chronic illnesses who have trouble juggling the recommendations and medications from multiple health care providers.

And hospitals like A.O. Fox Memorial Hospital in Oneonta, NY, which stands to lose hundreds of thousands of dollars it cannot afford to lose. Or Bassett Healthcare in Cooperstown, NY, that stands to lose about a million dollars.

These are local hospitals struggling to provide care as that care is assaulted on all sides: rising costs, declining reimbursements, more uninsured patients walking through the emergency room doors. It would be a disgrace if these hospitals looked to us for solutions—and found that with these cuts, we were part of the problem.

These are the stakes and this is our test. I am grateful to my colleagues who have labored on this legislation and I urge my Republican colleagues to join us. And I will continue to do all I can to be champion for the people across New York and the country who feel like they do not have a voice, who look to us, who are counting on us, who depend upon us. I will always stand with them—and I urge my colleagues to stand with us.

Mr. AKAKA. Madam President, we must enact the Medicare Improvements for Patients and Providers Act of 2008. This legislation is vital to ensuring that Medicare and TRICARE beneficiaries have continued access to health care. The bill will also enhance Medicare benefits. In addition, the legislation will provide additional support for Hawaii hospitals that care for the uninsured and Medicaid beneficiaries.

I hope that my colleagues who previously opposed this legislation had an opportunity to meet with their physicians, beneficiaries, and military families during the recess. If so, I hope my colleagues now understand how tremendously important it is to seniors, individuals with disabilities, and members of our armed services and their families that this legislation be enacted to protect their access to health care.

The act will maintain Medicare physician payment rates for 2008 and provide a slight increase in 2009. If this legislation again fails to pass, doctors will be subject to a 10.6 percent cut in Medicare reimbursements for the rest of the year. This dramatic cut could severely limit access to health care for our troops and their families because TRICARE reimbursement rates are linked to Medicare reimbursement rates. Rising costs and difficulty in recruiting and retaining qualified health professionals make it essential that we improve reimbursements to ensure that Medicare and TRICARE beneficiaries have access to health care services.

The act will enhance Medicare benefits. It increases coverage for preventive health care services and makes mental health care more affordable. In addition, the act provides additional help for low-income seniors to obtain the health care services that they need.

Finally, the legislation will provide much needed relief for Hawaii hospitals. The legislation will extend Medicaid Disproportionate Share, DSH, allotments for Hawaii until December 31, 2009.

Hawaii hospitals are struggling to meet the increasing demands placed on them by a growing number of uninsured patients and rising costs. Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for FY 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes to the DSH program. This included an increase in DSH allotments for low DSH States. Again, States lacking allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 extended the DSH allotments for Hawaii and Tennessee until June 30, 2008. This provided an additional $7.5 million for a Hawaii DSH allotment.

This additional extension in the Medicare Improvements for Patients and Providers Act of 2008 authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program. This act will provide $15 million for Hawaii DSH allotments through December 31, 2009.

These DSH resources will strengthen the ability of our providers to meet the increasing health care needs of our communities. All States need to benefit from the DSH program. This legislation will make sure that Hawaii and Tennessee continue to have Medicaid DSH assistance.

I will continue to work with Chairman BAUCUS, Ranking Member GRASSLEY, Senators ALEXANDER, CORKER and INOUYE to permanently restore allotments for Hawaii and Tennessee. However, we need to enact this legislation to continue to help our struggling hospitals.

We must enact this legislation. It will protect access to health care for seniors, individuals with disabilities, and members of our armed services and their families. The bill will improve Medicare benefits and provide much needed financial assistance for hospitals in Hawaii that care for the uninsured and Medicaid beneficiaries.

Mr. CARDIN. Madam President, our vote today on H.R. 6331 carries real and immediate consequences for people who depend on Medicare. Action on this legislation is mandatory now because, 8 days ago, the temporary fix we passed at the end of last year expired. The cuts are in effect.

Next Tuesday, when the Centers for Medicare and Medicaid Services begins paying claims for services rendered after June 30, 2008, payments will be cut unless we pass this measure.

Because I return home every evening to my State, I interact frequently with Maryland providers. They cannot sustain a nearly 11-percent cut in their Medicare payments; they and many of their colleagues will stop accepting new Medicare patients unless we pass this bill.

The pending cuts are the result of a flawed system that pegs provider reimbursement to the growth of the Nation's GDP. It was created by the 1997 Balanced Budget Act as a way to rein in dramatic growth in Medicare spending on physician services. But this system, known as SGR, has not worked as intended. In fact, every year since 2001, Congress has had to act to prevent the cuts from going into effect. We know that the SGR formula must be repealed.

I have introduced legislation in past years to eliminate SGR and replace it with a system that reimburses based on the actual reasonable costs of providing care. The bill that was passed overwhelmingly by the House, H.R. 6331, provides another temporary fix through December 31, 2009. That is sufficient time for the next Congress, working with a new administration and the provider community, to develop a new mechanism.

But although "doctor fix" is the shorthand often used, this bill is far more than that, and our failure to pass it has repercussions far beyond physician offices. Another provision that expired on June 30 is the exceptions process for outpatient rehabilitation services. The 1997 Balanced Budget Act imposed dollar limits of $1,500 on Part B therapy services—one cap for physical and speech-language therapy, and another for occupational therapy. They are adjusted annually for inflation and are now at $1,810. I was a member of the Ways and Means Health Subcommittee at the time. Congress held no hearings on this issue to examine how the caps might affect patient care. The authors of the provision had no policy justification for imposing them, and the dollar amount was arbitrary. These caps were imposed for purely budgetary reasons. They were a crude budget-cutting measure designed to deliver savings—$1.7 billion over 5 years.

This misguided policy ignored clinical needs and it restricted care for the most frail patients—such as those who are recovering from stroke or hip fracture, and those with multiple injuries in a given year.

And because the dollar limits are not adjusted for cost variations across the country, seniors in high cost areas reach their caps even sooner.

The University of Maryland's Shock Trauma Center was the first such unit in the Nation. It is a world-renowned leader in caring for critically injured patients. They see patients with extensive fractures, severe burns, spinal cord and brain injuries, and other debilitating conditions. These patients require lengthy therapy sessions to restore basic functioning. They cannot be rehabilitated for $1,810 a year.

The therapy caps actually went into effect once before, on January 1, 1999, and they had serious consequences for beneficiaries. By April, many patients in skilled nursing facilities had exceeded the limits and were unable to receive necessary care. The administration recognized the danger of this provision, stating:

> The limits will reduce the amount of therapy services paid for by Medicare. The patients most affected are likely to be those with diagnoses such as stroke and amputation, where the number of therapy visits needed by a patient may exceed those that can be reimbursed by Medicare under the statutory limits.

That year, I joined the now-junior Senator from Nevada, JOHN ENSIGN, to introduce a bill to repeal the caps. We had significant bipartisan support and at the end of 1999, Congress delayed implementation for 2 years. Since that time, Congress has acted several times to prevent the caps from taking effect.

In 2006, Congress created an exceptions process that would allow beneficiaries needing care above the statutory caps to receive those services. It was the right thing to do. This process has worked well. Medicare is saving money and patients are getting needed care. In February, the Centers for Medicare and Medicaid Services released a study concluding that:

> The exception process that allows beneficiaries who need therapy to get that therapy, even if the cost goes beyond the cap, has worked to control cost growth. This study reveals that from Calendar Year 2004 through 2006, although the total number of therapy users continued to increase by 3.5 percent the overall expenditures actually decreased by 4.7 percent.
>
> This suggests that the exceptions process in CY 2006 may have satisfied to some extent the Congressional intent to assure access to medically necessary services while controlling the growth in expenditures.

The CMS study shows that the exceptions process works to control costs, yet still assures access for the more than 4.4 million beneficiaries who need additional care. The exceptions process allowed them to get the therapy they need to recover, function optimally, and live more productive lives. It allowed them to learn to cook, clean, and care for themselves after a stroke, to walk correctly and strongly after a hip replacement, and to speak and communicate after cancer surgery. But as of Tuesday, July 1, the process has expired. Section 141 of the bill we are voting on today continues the exceptions process through December 31, 2009.

This provision takes up just two lines of the bill. It is a small provision, but it has a major impact on seniors.

The story of Steve Kinsey and his patients illustrates why we must pass this bill without further delay.

Steve operates Hereford Physical Therapy in Baltimore County. He is anxious to know what the Senate will do this afternoon and so are the seniors he cares for. Steve's practice has about 9,500 patient visits each year, and one-fifth of them are covered by Medicare. He told me about two patients who are waiting for the Senate to act.

The first is a 72-year-old gentleman. He is a wheelchair-bound quadriplegic who needs physical therapy to keep up his strength. He qualified through the exceptions process, and so, although he exceeded the $1,810 cap in March, he has been able to receive therapy 2 days every other week to maintain his level of function.

The second patient is an 83-year-old woman who had a total knee replacement earlier this year. She received 20 visits and was under the cap, until a few weeks later when she fell and fractured her hip.

The cost of her care exceeded the cap 6 weeks ago, but after qualifying through the exceptions process, she has been able to continue treatment.

Because of the actions of a few Senators, as of Tuesday, July 1, these two Medicare beneficiaries can no longer receive care.

On July 1, CMS told providers: (1), that the exceptions process expired on June 30, 2008; (2), not to submit any claims with the code for exceptions because they will be automatically rejected; (3), that providers can check a CMS Web site to determine the amount of services their patients have received so far this year; and; (4), that patients who have reached the caps can go to an outpatient hospital department for care or pay out-of-pocket.

Because the exceptions process was in place for the first 6 months of this year, patients who have already gone beyond the cap—the patients most in need of care—must stop therapy or pay for it themselves. The average charge is about $80 for a 45-minute session. This is wrong.

If we do not reinstate the exceptions process as the bill before us would do, these individuals who need more care will be harmed. They received appropriate therapy under appropriate rules, but that does not matter: On July 1, they were effectively cut off from services that 8 days ago they were deemed eligible for. This is unfair and it is harmful.

Let's not forget that therapy services are also paid under the Medicare fee schedule, so the 10.6 percent cut will also apply to these services as well.

Now, as CMS stated, there is a last resort—to go to the outpatient department of a hospital for additional care. But Steve has learned that the two hospitals near his practice—GBMC and St. Joseph's—are turning away new patients because they don't have the capacity to see them.

Because of the shortage of therapists in Maryland and in other States, hospitals are already overloaded. So, Steve has 10 patients who are waiting at home for him to call and say they can come back in for therapy. They have no where else to go for treatment unless they pay out-of-pocket. They can't afford that.

Outpatient therapy services are paid under Medicare Part B. The people waiting for Steve's call are seniors who worked hard to qualify for Part A coverage and who are paying premiums for Part B. Working Americans—taxpayers—who do not yet qualify for Medicare, are paying to subsidize Part B premiums. The American people as a whole, not only providers and beneficiaries, should be outraged that a minority of the Senate is preventing us from moving forward on this legislation.

The 43 million seniors and persons with disabilities who rely on Medicare deserve a program that meets their health care needs. Our goal should be to ensure that Medicare provides comprehensive, affordable, quality care.

The bill also includes important beneficiary improvements. In 1997, I worked in a bipartisan way to add to the Balanced Budget Act the first-ever package of preventive benefits to the traditional Medicare Program. That was 11 years ago. At that time, the members of the Ways and Means Committee recognized what medical professionals had long known—that prevention saves lives and reduces overall health care costs.

Preventive services such as mammograms and colonoscopies are vital tools in the fight against serious disease. The earlier that breast and colon cancer are detected, the greater the odds of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, the survival rate drops to 26 percent. If colon cancer is detected in its first stage, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Seniors are at particular risk for cancer. In fact, the single greatest risk factor for colorectal cancer is being over the age of 50—when more than 90 percent of cases are diagnosed.

Sixty percent of all new cancer diagnoses and 70 percent of all cancer-related deaths are in the 65 and older population. Cancer is the leading cause of death among Americans aged 60 to 79 and the second leading cause of death for those over age 80. So preventing cancer is essential to achieving improved health outcomes for seniors. Screenings are crucial in this fight.

In addition to improving survival rates, early detection can reduce Medicare's costs. Under Chairman CONRAD's leadership on the Budget Committee, we have had fruitful debates about the long-term solvency of Medicare. A more aggressive focus on prevention will help produce a healthier Medicare Program.

Medicare will pay on average $300 for a colonoscopy, but if the patient is diagnosed after the colon cancer has metastasized, the costs of I care can exceed $58,000.

There is no question that these vital screenings can produce better and more cost-effective health care.

The 1997 law established place improved coverage for breast cancer screenings, examinations for cervical, prostate, and colorectal cancer, diabetes self-management training services and supplies, and bone mass measurement for osteoporosis. Since then, Congress has added screening for glaucoma, cardiovascular screening blood tests, ultrasound screening for aortic aneurysm, flu shots, and medical nutrition therapy services. In addition, in 2003, a Welcome to Medicare Physical examination was added as a one-time benefit for new Medicare enrollees available during the first 6 months of eligibility.

But we can only save lives and money if seniors actually use these benefits. Unfortunately, the participation rate for the Welcome to Medicare physical and some of the screenings is very low. I have spoken with primary care physicians across my State of Maryland about this. One problem is the requirement to satisfy the annual deductible and co pays for these services.

Most colonoscopies are done in hospital outpatient departments, where their copay is 25 percent or approximately $85. Our seniors have the highest out-of-pocket costs of any age group and they will forgo these services if cost is a barrier.

The other barrier to participation is the limited 6-month eligibility period for the one-time physical examination. By the time most seniors become aware of the benefit, the eligibility period has expired. In many other cases, it can take more than 6 months to schedule an appointment for the physical exam and by that time, the patients are no longer eligible for coverage.

I have introduced legislation to eliminate the copays and deductibles for preventive services and to extend the eligibility for the Welcome to Medicare physical from 6 months to 1 year. My bill would also eliminate the time consuming and inefficient requirement that Congress pass legislation each time a new screening is determined to be effective in detecting and preventing disease in the Medicare population.

It would empower the Secretary of Health and Human Services to add "additional preventive services" to the list of covered services. They must meet a three part test: (1) they must be reasonable and necessary for the prevention or early detection of an illness; (2) they must be recommended by the U.S. preventive Services Task Force, and (3) they must be appropriate for the Medicare beneficiary population.

H.R. 6331 incorporates several elements of my bill in the very first section. It will waive the deductible for the physical examination, extend the eligibility period from 6 months to 1 year, and allow the Secretary to expand the list of covered benefits.

This bill will also help low income seniors by raising asset test thresholds in the Medicare savings programs and targeting assistance to the seniors who most need it. It extends and improves assistance programs for seniors with incomes below $14,040 a year, including the QI program, which pays Part B premiums for low-income seniors who don't qualify for Medicaid.

As this Congress continues to make progress toward passing a comprehensive mental health parity bill, this bill provides mental health parity for Medicare beneficiaries, moving their copayments from 50 percent to 20 percent gradually over 6 years. Depression, bipolar disorder, and other mental illnesses are prevalent among seniors, and yet fewer than half receive the treatment they need. This provision will help them get that treatment.

It will also ensure that a category of drugs called "benzodiazepines" are covered by Medicare Part D. When Part D took effect on January 1, 2006, millions of beneficiaries found that the medicines they took were not covered by the new law. A little-known provision in the bill actually excluded from coverage an entire class of drugs called benzodiazepines. These are anti-anxiety medicines used to manage several conditions, including acute anxiety, seizures, and muscle spasms. The category includes Xanax, Valium, and Ativan. Most are available as generics.

The current-law exclusion has led to health complications for beneficiaries, unnecessary complexity for pharmacists, and additional red tape for the States. Beneficiaries who are not eligible for Medicaid have had to shoulder the entire cost of these drugs or substitute other less effective drugs. In 2006, I first introduced legislation that would add benzodiazepines to the categories of prescription drugs covered by Medicare Part D and Medicare Advantage plans.

This provision is essential for our seniors; without it, dual eligibles would have to rely on continued Medicaid coverage for benzodiazepines. Medicare beneficiaries who are not eligible for Medicaid will have to continue to pay out-of-pocket for them. For those who cannot afford the expense, their doctors would have to use alternative medicines that may be less effective, more toxic, and more addictive. This is a significant improvement for our seniors who are enrolled in Part D and for the fiscal health of our States.

This bill will also help our community pharmacies. I have heard from pharmacies throughout Maryland who cannot receive prompt reimbursement from private plans. This bill requires plans to pay them within 14 days of receiving a clean claim. It also requires plans to update their price lists weekly so that pharmacies have accurate data about what they should be reimbursed.

H.R. 6331 is paid for by small reforms to the Medicare Advantage program, in particular to private fee-for-service plans. The nonpartisan Medicare Payment Advisory Commission, MedPAC, has recommended that we equalize payments between Medicare Advantage and traditional Medicare.

As we discuss the solvency of the Medicare Program, we must take note that private health plans are not saving the Federal Government money. In fact, they are costing us money. I was a member of the Ways and Means Committee when health plans approached us with an offer.

If the Federal Government would pay them 95 percent of what we were spending on the traditional Medicare Program, they would create efficiencies through managed care—efficiencies that they said were lacking in traditional Medicare—that would save the Federal Government billions of dollars each year. They promised to provide enhanced coverage, meaning extra benefits as well as all the services covered by traditional Medicare, for 95 percent of the cost of fee for service. Congress gave them a chance to do just that.

Instead, what we saw across the country was cherry-picking of younger, healthier seniors. Each time Congress indicated that it would roll back their overpayments to a more reasonable level, they responded by pulling out of markets. In Maryland, the number of plans declined over a 3-year period from eight to one, abandoning thousands of seniors. Since 2003, when payments were substantially increased, the number of plans has steadily increased as well, but at too high a cost to beneficiaries, taxpayers, and the future of the Medicare Program.

Right now, these plans are paid up to 19 percent more than the amount that we would pay if these seniors were in fee-for-service Medicare. Over 10 years, we are overpaying them by more than $150 billion.

That is enough money to fund significant valuable improvements in the overall Medicare Program, or to permanently repeal the sustainable growth rate formula. It is time, for the health of the Medicare Program, to pay these plans appropriately. This bill would make small adjustments to these overpayments as well as prohibit the abusive marketing practices, such as cold calling, door-to-door sales, and offering incentives such as free meals, which have led to many seniors being enrolled in private plans without their knowledge or consent.

Mr. President, this is a balanced and responsible bill that addresses immediate reimbursement concerns while setting the foundation for a higher quality, more cost-effective Medicare Program.

The time to act is now. With the support of just one more Senator, we can pass an urgently needed bill and restore the promise of improved access, adequate reimbursement, low-income assistance, and additional needed benefits to the seniors who depend on Medicare. I urge my colleagues to support this legislation.

MEDICAL HOME DEMONSTRATION

Mr. BINGAMAN. I rise today in support of legislation that will avert a 10.6 percent reduction in payments to providers who care for our Nation's Medicare beneficiaries. It is critical that we pass this legislation today in order to ensure that seniors, who rely on Medicare, will continue to have access to high quality health care.

I also wanted to take this opportunity to engage briefly in a colloquy with Senators HARKIN, MURKOWSKI, and COLLINS about a provision in this bill relating to an expansion of the medical home demonstration.

This bill contains a provision that gives the Secretary of Health and Human Services discretion to expand the Medicare medical home demonstration initially enacted as part of the Tax Relief and Health Care Act of 2006. I am troubled that the current demonstration does not permit nurse practitioners and other non-physician providers to lead medical home demonstrations. I believe Congress must include these providers in the demonstration.

In my home State of New Mexico, nurse practitioners have been able to practice independently and with full prescriptive authority since 1993. This recognition of their ability to function as independent primary care providers has allowed them to provide care for the most needy of our citizens. New Mexico is a very rural State. In some parts of my State, nurse practitioners are the only primary care providers available. They already serve as medical home providers for many of our citizens and without them many families would have no health care at all.

A June 2008 MedPAC report on primary care includes a discussion of the value of medical home demonstrations, stating "Medical practices led by physicians, nurse practitioners, and physician assistants are a logical place to turn for these services, particularly practices with strong nursing and other dedicated staff support . . ." In that report, MedPAC recommended seven requirements for a primary care provider wishing to lead a medical home demonstration. The provider must: furnish primary care, including coordinating appropriate preventive, maintenance, and acute health services; conduct care management; use health information technology for active clinical decision support; have a formal quality improvement program; maintain 24-hour patient communication and rapid access; keep up-to-date records of beneficiaries' advance directives; and maintain a written understanding with each beneficiary designating the provider as a medical home.

I firmly believe that nurse practitioners, or other non-physician providers meeting these standards should be able to lead a medical home demonstration. Furthermore, nurse practitioners epitomize the delivery of high quality, cost-effective primary care that is crucial to the medical homes model.

At a time when primary care providers are so greatly needed, the exclusion of more than 700 nurse practitioners in New Mexico—and more than 137,000 nurse practitioners across this country runs counter to the need for more qualified primary care providers.

Mr. HARKIN. I want to thank my distinguished colleague for raising this issue, which is also a great concern of mine. I am also pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their health care professionals. Iowa, like New Mexico, is a rural State where approximately 1,300 nurse practitioners provide critical access to care in Iowa's underserved areas. As you know, rural America has a higher proportion of elderly Americans than nonrural areas. In addition, Medicare providers face several unique challenges in rural America that make ensuring access to health care even more difficult. As part of our expansion of the Secretary's authority, I would encourage the Secretary to allow nurse practitioners to fully participate and lead medical home demonstrations.

Approximately 90 percent of nurse practitioners in rural areas do primary care. Approximately one-third of nurse practitioners have practices where more than 50 percent of patients would be classified as "vulnerable populations".

This year, Iowa's State legislature passed legislation to use the medical home model to reduce disparities in health care access, delivery and health care outcomes and, ultimately, allow each Iowan to have access to health care. This legislation includes nurse practitioners as medical home leaders who are responsible for providing for appropriate patient care, coordinating specialty care and guaranteeing a quality of care based in evidence, and fully coordinated with patient and family.

Ms. MURKOWSKI. I want to thank my colleagues for engaging in this colloquy and raising this issue, which is also of importance to my home State of Alaska. Like New Mexico and Iowa, Alaska is a rural State where approximately 600 nurse practitioners provide critical access to care in Alaska underserved areas. As a matter of fact some areas of Alaska are so rural and isolated they are primarily served by providers who use airplanes as their mode of transportation. Among these providers are nurse practitioners, who often are the most accessible providers in certain areas in Alaska.

Alaska has one of the highest numbers of nurse practitioners per capita of any other State. Nurse practitioners function as partners in the healthcare of their patients, so that, in addition to clinical services, nurse practitioners focus on health promotion, disease prevention and health education and counseling, guiding patients to make smarter health and lifestyle choices.

NPs provide healthcare to people of all ages, all over the State of Alaska, in diverse healthcare settings such as private offices, community clinics, hospitals, long-term care facilities, schools, and health departments, and about 40 percent of nurse practitioners in Alaska practice in rural settings, outside the major cities in Alaska, and an estimated 25 percent practice in medically underserved areas of Alaska.

For these reasons and to allow Alaskans the easiest access to a provider in the medical home demonstration, I would encourage the Secretary to allow nurse practitioners to fully participate and lead medical home demonstrations.

Ms. COLLINS. Madam President, I rise in strong support of the outstanding work of our Nation's nurse practitioners—most especially the 850 or so nurse practitioners in Maine who have practiced independently since the mid-1990s. Nurse practitioners in Maine are credentialed as participating providers and serve as primary care providers in managed care organizations in my State.

Similar to my colleagues from New Mexico, Iowa and Alaska, a large percentage of Mainers live in rural areas. As such, residents are often a considerable distance from health care facilities and may be hindered from getting care because of transportation and other obstacles. Nurse practitioners fill the void for high quality primary health care in our underserved areas.

We need to encourage medical home demonstrations that allow nurse practitioners to fully participate in these models.

Mr. BINGAMAN. I thank my fellow Senators for joining me to discuss this important issue.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I will yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. COBURN. Madam President, as a practicing physician in the Senate, I remember the last time a Medicare fix came through and we had the problems associated with it. I would make four points about what is going on here.

No. 1, if this bill goes through, 2.3 million senior citizens who are on Medicare Advantage will lose Medicare Advantage. Madam President, 2.3 million will lose. Not only will that happen, but also all Medicare patients will pay $200 million more per year in copays for durable medical equipment. So we have a bill that is supposedly going to do the doctor fix, but under the sleight of hand in the dark of night we are going to raise the fees on Medicare patients by $200 million for durable medical equipment, and we are going to tell 2.3 million Medicare patients who are very pleased with the program they have now that they cannot have that anymore.

We have two choices in health care in this country. We can let the Government run it all—which this is a step toward moving toward that—or we can allow the ingenuity and creativity of this country through a market-based phenomenon—which is what Medicare Advantage is going to—to create an allocation of scarce resources on the basis of quality, great outcome, and patient choice. There is very limited patient choice now because doctors do not want to take Medicare patients because the reimbursements are so low. Well, guess where they will take it. Where the reimbursements are higher because their costs are going like this, and their reimbursements are going down.

So remember this: If, in fact, you vote for this bill, 2.3 million Medicare patients on Medicare Advantage will lose that coverage, and $200 million in additional copays will fall to all Medicare patients across the board in terms of their copay for durable medical equipment.

We can fix this problem. We ought to fix it right. This is not the way to fix it.

I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not.

Mr. SCHUMER. Madam President, I rise in strong support of this legislation vitally needed from one end of the country to the other. Ask doctors who will face a significant cut, ask pharmacists who are going bankrupt because they are not being paid appropriately, and ask, most of all, our Medicare patients who will not have the ability to visit doctor after doctor after doctor.

This legislation is essential, and it is compromise legislation. The other side says "compromise"? Sixty percent of the cuts come from medical education—something near and dear to me and my State. Only 40 percent comes from fee for service. Yet they say: Compromise. Do you know what compromise is to the other side, those opposed here? They want it all. All the money should come out of IME, none out of fee for service, or they will not budge.

Who is hurt when they play this political game? Millions of senior citizens. I would prefer to have all the money come out of fee for service. So would Chairman RANGEL. So would many others from States such as mine that have medical education. But we are willing to go part of the way for the seniors.

I say to my colleagues on the other side of the aisle: Substantively and politically, this is among the worst votes that you will take if you oppose this legislation; among the very worst both substantively because it hurts our seniors and cripples Medicare, and politically because people really care about this. I have never seen organizations such as the AMA, the pharmacists, and the AARP in unison.

So I would urge at least one of my colleagues from across the aisle to reconsider for the sake of those who work so hard in the health care field and, most of all, for the sake of our senior citizens.

This bill is essential to keep things going in Medicare. I know there may be some who want to get rid of Medicare, but most of us want to fight to preserve it. If you care about Medicare, if you care about seniors, if you care about fair pay for pharmacists and doctors, the only vote is yes.

I yield the floor.

Mr. McCONNELL. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 4½ minutes left of the initial time that was designated for the chair and ranking member of the Finance Committee. Then there is 20 minutes of time divided between the minority leader and the majority leader following that time.

Mr. McCONNELL. All right. Madam President, I ask unanimous consent that the Senator from Florida have 4 minutes of my time that is remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Madam President, this is indeed an important debate we are having about a very important issue to many in my State of Florida. There is no doubt that my State has a large population of people who depend on Medicare for their health care. This is an important matter to them.

We also have, of course, the doctors who deliver health care who also have a concern, a great concern, about a potential cut at a time when everything else in their lives is rising—an unfair cut. The fact is, we know doctors are tremendously stressed today because of many issues in their practice. The fact is that hard-working doctors do not deserve a pay cut. I know whoever created this condition years ago was well-intentioned, but it has not worked and it does not work. Doctors should not be expected to come before the Congress hat in hand each and every year or 18 months to ask for yet another extension or a deferral of a pay cut. The next cut in pay, which would come 18 months from when we do the right thing and move beyond the politics and get something done, will be a 20-percent cut—unsustainable.

I would say the real answer for the long term is to fix Medicare and to fix the doctors' pay problem. Unfortunately, we have not been able to come to an agreement. I daresay I don't believe we will today either. So I believe the real answer to the issue is to extend the program temporarily. We have not done so in the past, even though it has been requested. I wonder why.

The fact is that to date, the Congress has passed 28 temporary extensions for programs where agreement has yet to be reached so these programs can continue without interruption during the time those differences are ironed out. These extensions are commonplace, as demonstrated by the 28 temporary extensions during this Congress alone. In fact, at the time the majority objected to the first request for a short-term extension, Medicare payment rates were already operating under a 10-month temporary extension from last December.

So I would say it is time for us to stop the political "gotcha" games and allow the doctors to be assured that they will not be suffering a pay cut while we get to a bipartisan agreement because it is important that this be a bipartisan effort and that we come at it in a bipartisan way with ideas from both sides of the aisle. We can do that. While that takes place, I believe the only way to proceed would be for there to be a 30-day extension that can allow uninterrupted payments to continue. The differences can be worked out, as they always are in this environment, although not always on a timely basis, and then we can move forward.

UNANIMOUS CONSENT REQUEST

At this time, I ask unanimous consent that if cloture is not invoked on the motion to proceed to the House-passed bill, the Senate proceed to the immediate consideration of a Senate bill which I will send to the desk, and it is clean, a 1-month extension of the Medicare payments bill. I further ask unanimous consent that there be 15 minutes of debate equally divided and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

Mr. REID. Madam President, reserving the right to object, in the 10 minutes I have before the vote, I will address in some detail why this is such a fallacious idea, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Madam President, the issue before us is the physician payment update, and on that point we don't disagree at all. Everyone agrees we should prevent the cut and preserve seniors' access to care under the Medicare Program.

Republicans have been flexible on finding a solution. When it was clear that the Senate wouldn't move to the last partisan bill that was proposed, I asked my friends on the other side to work with us on a bipartisan compromise with Senator GRASSLEY and Senator BAUCUS. Both have a long history on finding workable compromises on very tough issues. If that wasn't possible, we proposed an 18-month extension of current law. Then we proposed a 1-month extension. There is no good reason patients and physicians should suffer while Congress works out its disagreements. The majority objected to all of these proposals out of hand. They weren't interested. They even rejected the opportunity to have a single amendment on the bill—no amendments.

So now, rather than resolving the problem in a way that is acceptable to everyone and in a form the President will sign, we are no closer to a solution for seniors and their doctors than we were 2 weeks ago. Rather than passing a short-term safety net bill while we get a good, bipartisan bill to protect 2 million seniors from losing their private Medicare Advantage plans, the majority chose an all-or-nothing approach.

It seems to me that if we can't resolve policy issues today, we should at least agree to a short-term extension of existing law, which my good friend from Florida just offered, including a bipartisan proposal to delay competitive bidding that is identical to a provision in the House bill that the other side has already voted for.

So let's sum it up. The Democrats don't want a bipartisan compromise. They don't want a long-term extension of current law. They don't want a short-term extension of current law. Yet they are not to blame for this Medicare cut going into effect? We know how to prevent this cut from going into effect, but we can't stop it. We can't protect the doctors, and we can't protect access of choice for seniors if the Democrats won't let us.

How much time remains on this side?

The PRESIDING OFFICER. There is 8 minutes 14 seconds remaining.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to review some facts.

At the end of last year, we agreed to a short-term Medicare extension so that we could complete work on a bipartisan Medicare package this year that would fill out the 2 years that we previously had planned to do it. We were very close to a deal then and needed time to finish that work, so that is why we did the short-term extension. Both sides agreed that we would work quickly to get a bill that could be signed into law. Unfortunately, that effort has been intentionally derailed by the majority's desire to play politics with Medicare.

The fact is that the majority has twice walked away from good-faith, bipartisan negotiations. The fact is that we had been working for months before the rug was pulled. The fact is that we had actually completed that bipartisan deal 2 weeks ago yesterday, about 11 o'clock in the morning. It was a deal that would be signed into law—in other words, not be vetoed by the President of the United States. But the other side thought they saw a political advantage, and they have taken that into consideration. So they scuttled the deal in favor of a bill that would, in fact, be vetoed by the President of the United States, and that is where we are again right now. Now they have spent the last 2 weeks engaged in an effort to scare seniors and providers, and the worst thing yet is that it has been aided and abetted by the American Medical Association.

The bill is riddled with problems and missed opportunities. First and foremost, the bill we are going to be voting on would do serious harm to Medicare drug benefits on which millions of seniors have come to depend. It would tie the hands of Medicare Part D plans, resulting in higher drug prices and higher premiums for seniors.

Let me quote from a communication I received today from the Medicare Office of the Actuary. Their conclusion is that it would "very likely result in additional Federal spending for the Part D program." Also, outside analysts have likewise concluded that this provision has the potential to undermine the long-term financial sustainability of the Medicare drug benefit.

This provision, which is tucked away in a seemingly harmless provision intended to clarify what classes of drugs might be protected under Part D, is a perfect example of why we work best in this body when we work together and when we do it in a bipartisan way. When we work together, we catch these little landmines tucked away in House-passed bills that could do real harm to a program seniors rely on for their drug coverage.

Instead of writing a bipartisan bill, the majority twice walked away from the table, and now we are in a position of "take it or leave it." The process here today does a disservice to the purpose of the Senate, but more than that, it does a disservice to seniors, to doctors, and everyone who depends on Medicare.

There is a deal to be reached here. We could vote on a deal today that includes many of the policies in the underlying bill but fixes glaring problems. We could vote today on a bill that would provide a 1.1-percent update for physicians. We could vote on a bill today that would not be vetoed.

To my colleagues today, I say we should vote no on this motion so we can get back to something the President will sign and get it done and get it done quickly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Madam President, I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, thank you very much.

My distinguished counterpart, the Republican leader, has often said there is a right way and a wrong way to get things done here in the Senate. The right way, he says, is through bipartisanship. I agree with my colleague.

Before the Fourth of July break, we saw such a stunning moment of bipartisanship in the House of Representatives. Democrats and Republicans saw the harm our country could face if Congress did not take action to pass the doctors fix. Members of Congress knew that without bipartisan leadership, doctors would face cuts in the payments they receive, which would cause them to drop patients and even drop out of Medicare completely. Members of the Senate knew that if they sat on their hands, nothing would be done, obviously, but the House of Representatives knew that if they sat on their hands, millions of senior citizens, people with disabilities, Active Duty, retired military, and their families could all face a reduction in the quality of their care. So the Democrats and Republicans in the House of Representatives passed an identical bill that is now before us, the so-called doctors fix—listen to this—by a bipartisan majority of 355 to 59. Every single Democrat voted for the measure. Two-thirds—two-thirds—of the Republicans joined them.

This is bipartisanship at its very best. When the House, by a vote of 359 to 55, votes as they did, this is bipartisanship at its best. In fact, one of the small number of Republicans who voted no felt so badly after the vote took place that he wrote a letter to all the physicians in his district and all the senior citizens in his district and said: I am sorry. I am sorry. I made a mistake. I didn't know it was so important. He said: If I ever have a chance to vote on it again, I will vote with the vast majority of the Members of the House of Representatives.

If Senate Republicans are looking for bipartisanship, they need to look no further than the bipartisan breakthrough we saw on Medicare in the House of Representatives. Republicans in the Senate should have seen the overwhelming support for this critical legislation from both sides of the aisle in the House and joined the effort here in the Senate.

As I look across this body, I see a number of us who have served in the House of Representatives: the ranking member of the Finance Committee, the Senator from Michigan, the Senator from Illinois, the chairman of the Finance Committee, and others. The House of Representatives is known as a partisan body. We are not. They showed that, for the good of the American people, they could set their partisanship aside and vote, and they did that.

If, in fact, the Republicans here in the Senate had looked and studied what took place in the House of Representatives, this bill would have passed before the break we took before Fourth of July and it would have been sent to the President and we would be spending our time today focusing on other critical priorities for the American people such as gas prices, such as housing, and issues on which Republicans have done a lot of talking but no legislating. Instead, though, Senate Republicans have once again chosen the side of delay and obstruction.

The Republicans may talk about bipartisanship—and when they do, we agree with every word they say—but words alone won't solve the Medicare problem today. Words won't support doctors. Words won't keep senior citizens healthy or veterans or Active military and their families getting proper health care. This critical problem calls not for words but action, and the only action the Republicans have taken on this Medicare issue is delay, delay, delay.

What can the American people conclude, except that the Republicans have chosen the side of the insurance companies—the insurance companies—and the HMOs that are already making untold fortunes. Last year, the so-called Medicare Advantage, they made $15 billion. How did they make it? They made it at the expense of millions of senior citizens who rely on Medicare to stay healthy.

This morning in the Senate, the Republican leader made a very interesting point, and all should listen to the point he made. He said that with more than 300 Members of the House of Representatives having voted in favor of the legislation, the Senate should follow suit and pass it immediately.

He argued that delaying or trying to amend a bill with such strong, bipartisan support from the House would serve no purpose but to delay its implementation. Senator McCONNELL was talking about the Foreign Intelligence Surveillance Act, FISA. But it appears that the Republican leader and his colleagues on the other side of the aisle want to have a different set of rules for each piece of legislation. On FISA, having an overwhelming 300 votes meant don't delay it and vote for it here. It means something different on Medicare, when even more voted for it.

If the 300-plus vote in the House was good enough on the FISA bill, shouldn't the 355 votes for Medicare be good enough as well? I would hope so.

In their effort to block this critical legislation, the Republicans have now concocted an argument that their opposition lies in their inability to offer amendments.

Think about that. Their opposition lies in the fact that they cannot offer amendments.

If only the majority would allow amendments, they say, this bill would sail through passage. But the facts are clear. The Senate Republican leadership was at the table when the process of the bill was discussed. The Republican leader agreed to the process about which we are now engaged. This process was agreed to unanimously by every single Senator, Democratic and Republican alike. We are here today because of that unanimous consent agreement.

The process—to which, I repeat, all Republicans agreed and all Democrats agreed—was that after a 60-vote margin on a motion to proceed, the bill would go directly to the President. There was ample opportunity to make the case for amendments prior to the unanimous consent agreement.

I have gotten to know MAX BAUCUS, of Montana, very well in my 26 years in the Congress. I don't know of a Senator who has more of a reputation for bipartisanship than the Senator from Montana. He is known as a person who works with Republicans. That is why we, on the Democratic side, so admire him and support his chairmanship of the Finance Committee. But even MAX BAUCUS has had enough. He has had enough. He knows he has tried. He knows this is stalling and that this is obstruction. Even MAX BAUCUS—I believe the most bipartisan Member of the 100 Senators here—said that is enough.

Well, I made it clear a long time ago to Senator BAUCUS and others that we would have considered any reasonable proposal. But that time has long since passed. If Republicans were serious about passing this legislation and amendments were the only thing standing in the way, that would be one thing. They would have negotiated for amendments long before the 59-vote debacle of 2 weeks ago and certainly long before now.

It could not be clearer that the amendment argument is the latest thinly veiled excuse for opposing this legislation to provide for doctors, senior citizens, and veterans.

These excuses for voting the wrong way aren't convincing anyone. Doctors, senior citizens, military families who rely on TRICARE, and all Americans see these Republican tactics for what they are. The Republican call for a 31-day extension is another duck and dodge. Let's think a minute. Where are we going to be in 31 days? Do you think there might be conventions going on, where OBAMA is being nominated and MCCAIN is being nominated? We are out of session. That shows how fallacious and foolish a 31- or 30-day extension is. What would happen when that time runs out? We would be out of session. Well, of course, that would lead to nothing but redtape and confusion for Medicare providers during the next 30 days.

This legislation that is before this body is the very same that passed the House of Representatives, with all the Democrats and two-thirds of the Republicans voting for it, and it is supported not by a bunch of fringe groups. For example, AARP supports this. The physician community, including the American Medical Association, and all the specialist groups, such as the internists, orthopedic surgeons, and brain surgeons, all support this legislation.

The pharmaceutical industry supports it. My friends say this is very bad for seniors as it relates to pharmaceuticals. Why in the world would the pharmaceutical industry support what we are trying to do? Hospitals, the American Hospital Association, patient groups such as the American Heart Association, American Cancer Society, and hundreds and hundreds of other organizations support this.

Who opposes this bill? I will tell you who. Not hundreds of organizations, not AARP, not the American Cancer Society. Only two organizations: the insurance industry, that always has the best interests of the American people in mind. They always look out for us, as you know. Who is the other special interest group that supports doing nothing? The HMOs. How many of you remember that Jack Nicholson movie, when they brought up HMOs and whole theaters booed all over America when that provision came up?

The American people are booing the Republicans today because they have sided with the insurance industry and the HMOs. We have sided with senior citizens and with the veterans and their families. We know President Bush opposes this legislation and he threatened to veto it. Some Republicans said: Why pass a bill now when the President is going to veto it? Think about this. First of all, talk to my colleagues on the other side of the aisle. We have a government that is founded by our Constitution as three separate and equal branches. We have to do the right thing. That is how checks and balances work.

We should pass this bill because we owe it to senior citizens, veterans, the doctors who are working hard. I remind our Republican friends that the House of Representatives has more than enough votes to override the veto. There is no reason we cannot do the same in the Senate. I also remind our colleagues of what happened to the GI bill of rights, one of the landmark pieces of legislation to pass this country in the last 50 years. When Senator WEBB and others introduced that legislation to give something back to our troops in the form of educational opportunities to help them succeed when they return home, President Bush and many Republicans, including JOHN MCCAIN, declared the bill was too generous. The President vowed he was going to veto the bill.

Surely then, some Republicans said that if the President opposes the bill, the Senate has no business debating and passing it. But we did our job. We did what was right for our troops and veterans, and we passed the GI bill overwhelmingly. To his credit, President Bush acquiesced.

I believe that if the Senate Republicans follow the lead of their House counterparts by voting for cloture today and sending the Medicare doctors fix bill to the President's desk with an overwhelming bipartisan majority, President Bush will heed the calls of the House and the Senate, of doctors, of patients, of advocacy groups, and of our troops.

I, personally, support this legislation on behalf of the 320,000 Medicare patients in Nevada and Dr. Edward Kingsley, a cofounder of the Comprehensive Cancer Centers in Las Vegas, who said:

> Some physicians are not going to be able to afford [to continue taking Medicare patients]. . . . That's ultimately what we all fear—these patients are not going to have access to the care they need.

I support this legislation also on behalf of the approximately 320,000 Nevadans who are Medicare patients.

I support this on behalf of the almost 9 million service men and women and families enrolled in TRICARE.

I support this legislation on behalf of the 44 million senior citizens and the people with disabilities who rely on Medicare to stay healthy and live their golden years to the fullest. That is what Medicare is about.

Since President Lyndon Baines Johnson signed the Medicare law more than 40 years ago, the Congress and Senate has always worked to improve and maintain it. Congress has never seriously threatened Medicare or the benefits our senior citizens have earned.

Before the July 4 recess, 59 Senators voted to move toward passage of the doctors fix. All Democrats voted yes—every one of us. We were joined by a small group of exemplary Republicans who were willing to stand up to the insurance companies and HMOs and the veto threats of the President.

We needed 60 votes to pass this. We came up one short. Today, we remain one Republican vote away from passing this bill. As I look across the aisle to my Republican friends, the 60th vote is there.

I urge my colleagues to vote for cloture so we can send this legislation to the President with an overwhelming bipartisan vote to reflect overwhelming support for it among the American people.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—69

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—30

Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lugar
McConnell
Sessions
Shelby
Sununu
Thune
Vitter
Wicker

NOT VOTING—1

McCain

The PRESIDING OFFICER. Upon reconsideration, on this vote the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back and the Senate will proceed to consideration of the bill.

Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is passed and the motion to reconsider is considered made and laid upon the table.

The bill (H.R. 6331) was passed.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Pending:

Reid amendment No. 5067 (to the motion to concur in the amendment of the House adding a new title to the amendment of the Senate), to change the enactment date.

Reid amendment No. 5068 (to amendment No. 5067), of a perfecting nature.

Mr. REED. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATIONS OF VOTES

Mr. SESSIONS. Madam President, I missed the final vote on the FISA final passage that occurred earlier this afternoon. Had I been present for the vote, I would have voted in favor of the bill. This position is consistent with all my previous votes on the matter, and with my considered judgment that this legislation is critical to protecting our country from future terrorist attacks.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I wish to say that we have had a very dramatic moment here on the floor of the Senate, and I think there wasn't a person in the room or the gallery who wasn't thrilled to see Senator KENNEDY back and looking so good, to do what he always does, and that is have the commitment and go the extra mile to keep that commitment.

I wanted to say, though, that I don't think this was the Senate's finest hour. I want us to all remember that in the Senate we have had a long tradition of bringing up legislation, having amendments, and then voting on legislation. That was not the case in the bill that was before us today. There was an attempt to pass a bill that had no ability for amendments—not one.

I voted for the bill. It is not the way I would have written it, but I thought the risk was so great that the doctor fix in Medicare might actually lapse and the upheaval for our senior citizens and voters would be a risk too great to take. But it didn't have to be that way. It did not have to be a shutout of Republicans in order to ram something through, when 100 percent of us wanted to fix the doctors; when 100 percent of us had an agreement on 90 percent of the bill that was before us. But there were legitimate differences.

Although I chose to make sure there would not be a cut in service to our seniors and our veterans, I don't think we had to do it that way. Any of my colleagues who didn't vote that way were voting conscience, and it was a tough vote for them as well. They had no input. Several of us who voted "yes" believed we could have changed the bill for the better, or at least if we had the opportunity for an amendment we would have known that we had our say and the majority would have ruled, and the result would have been the same.

I do not think this is the way we want to continue proceeding in the Senate, and though it was a great victory for the Democrats, and it was certainly something that is going to save a cataclysmic event, I hope that going forward we will not allow this kind of tension to be in this body because it is not necessary. This is not the House. The House does operate that way. I do not want that to happen in the Senate.

It is my plea to the majority leader that he is the leader of the Senate, not just the leader of the Democrats. I hope going forward he will give us the opportunity for bipartisan solutions. That is something I think all of us would feel better about.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. DOLE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. DOLE. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JESSE HELMS

Mrs. DOLE. Madam President, yesterday, hundreds of people from all walks of life and across the political spectrum traveled from near and far to Hayes Barton Baptist Church in Raleigh, NC, to pay their final respects to

United States Senator Jesse Helms and to express condolences to his beloved wife, Dot, and their family.

In the days since Jesse's July 4 passing, we have heard it said by many: You knew where Jesse Helms stood. As my husband, Bob Dole said, "You didn't have to look under the table. You always knew where Jesse was."

Even those who disagreed with Jesse on an issue could respect the fact that he always stood tall and firm—for his convictions, his faith, his family, his home State of North Carolina, and the United States of America.

When I announced that I was running to succeed Senator Helms—and I have always said "succeed" him because no one could replace him—I pledged to continue his commitment to constituent service that was second-to-none. He helped thousands upon thousands of North Carolinians, Democrats, Republicans, and Independents alike. No problem was too small or too great for Jesse and his staff to take on during his 30 years of service for the people of our State and the Nation.

I can still hear my father saying, "Jesse Helms is our watchdog. He's a relentless watchdog for North Carolina and for America!" And Jesse often recalled that my mother was on the front row at his very first rally in Rowan County. Through the years, Jesse unfailingly phoned my mother on her May 22 birthday, and she lived to be just 4 months short of 103 years old. In fact, Jesse would often stay late at his Senate office, making thoughtful phone calls and writing personal letters to constituents, colleagues, and friends.

For all his small gestures of kindness and his great acts of service, Jesse Helms was not driven by self-serving motives. He did not seek recognition for good deeds, or public acclaim for success. Jesse shunned the spotlight of the Sunday morning talk shows. The people he served from North Carolina, he said, weren't watching, they, like he and Dot, were in church.

In 1997, Fred Barnes wrote a piece in the Weekly Standard that proclaimed: "Next to Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years . . . and the most inner-directed person in Washington." And Fred adds, "No conservative save Reagan comes close to matching Helms' influence on American politics and policy in the quarter century since he won a Senate seat in North Carolina." Of course many have said that President Reagan might never have been elected at all without the help of Jesse Helms in the 1976 North Carolina primary—a win most pundits credit with rejuvenating the Reagan campaign—and setting Ronald Reagan up to win the nomination 4 years later.

On the national political stage, Jesse Helms was known by both fans and critics as a tough-as-nails Senator who was a relentless fighter for the causes he believed in. A master of the Senate rules, he would use them to call up votes that required his colleagues to go on the record on difficult issues. He believed the American people were entitled to know their representatives' positions. But it was Jesse's kindness to Senate employees, his pride in his staff and his love for helping youngsters that made him absolutely legendary. He would ask the Senate pages, "Would you like to go down and have some ice cream in the Senate Dining Room?" Imagine the thrill for these young people when the renowned chairman of the Senate Foreign Relations Committee took time out to sit down and talk with them over ice cream.

A gentleman always, Jesse was known for his civility, among his colleagues, the elevator operators, the Capitol Hill police, and all who worked throughout the Capitol.

This past Monday evening, the Senate approved a resolution—cosponsored by all 100 Senators—honoring the life, career and great achievements of Jesse Alexander Helms, Jr. His public career certainly yielded many notable accomplishments as a leader in the fight against communism, as a staunch protector of U.S. sovereignty, as a reformer of the United Nations, and as the first legislator of any nation to address the United Nations Security Council.

That said, in keeping with Jesse's character and his own commitment to himself not to become a "big-shot senator," he would probably like for us to consider that his greatest accomplishments were in his roles as husband, father, grandfather, and friend.

My husband Bob and I are forever grateful that we were able to call Jesse Helms a friend and colleague for so many years, and we extend our deepest sympathies to the Helms family in this difficult time.

Mr. BURR. Madam President, I rise to honor a friend, a mentor, and a colleague I thought was a true statesman. I mourn the passing of one of North Carolina's greatest sons, Senator Jesse Helms. Senator Helms passed away last Friday, the Fourth of July, a very fitting day for Senator Helms to leave because of his deep belief in the independence of this country, in the liberties and freedoms we have.

It says a lot when you can simply mention a man's first name in his home State and everyone knows exactly who you are talking about. Jesse, as most North Carolinians referred to him, was a true gentleman. He was a good man who fought hard for what he believed in. Some core principles—free enterprise, traditional values, and a strong national defense—guided his 30 years of service in this institution, the Senate. He never relented in his pursuit to defend his beliefs or to stand up for his constituents, and he wouldn't shy away from an unpopular idea. Jesse Helms was a fearless, honest man who was considered by all who actually knew him as a true patriot. Those he served with on both sides of the aisle considered him one of the most influential Members to enter service in this body. You may not have agreed with him on every issue or any issue, and you may have been disappointed by some of the positions he took, but he was respectful, a soft-spoken man with an impeccable character and a professional and personal integrity that could never, ever be challenged.

It speaks volumes that one of his closest friends among his colleagues was the late Paul Wellstone of Minnesota. Both men were, to borrow from Senator Helms' description of Senator Wellstone, "courageous defenders of what they believed."

Senator Helms harbored honored qualities that today too often are taken for granted. If Jesse Helms looked you in the eye and gave you his word, you could count on him to deliver. Jesse's word was better than any written agreement or signed contract. He was a man you could trust when you shook his hand.

Certainly, a contributor to these qualities was his humble origins in the small town of Monroe, NC. I can speak for days attempting to describe the full impact that Senator Helms had on my home State of North Carolina and the impact he had on this great Nation. But Jesse Helms was more than a champion of one State or one nation. He was a global force and was always willing to stand up to oppressive governments, dictatorships, and ineffective international organizations. Some of the more controversial positions he voiced during the course of his career might have clouded the mammoth change his service to our Nation brought to the entire world.

As chairman of the Foreign Relations Committee, he wasn't afraid to boldly speak his mind in the interest of defeating international tyranny, promoting U.S. sovereignty, and solidifying our Nation's place as the leader of the free world. His global influence is still noticeable in many ways within the international arena.

Among his historic accomplishments were his tireless efforts toward the much needed reforms of the United Nations. For a legislator, Jesse wielded a unique international prominence that was proven when he was invited to be the first legislator from any nation to address the United Nations Security Council. Through his service, Jesse made our country safer. But his passion for protecting our national security, assuring our global distinction, and preserving our valuable individual democratic freedoms ran much deeper than his broad foreign policy work might suggest.

One of Jesse's most impressive qualities was that he never lost sight of his role in Washington. He knew that as Senators, we are sent here to serve the constituents of our home States, not with the power of the position. Jesse Helms focused his most unwavering efforts toward seeing every single one of the constituents who contacted his office. It is a path I have endeavored to follow, and I am grateful to him for having provided that model. If you were from North Carolina and you had a question you wanted answered by the Federal Government, Jesse would get you the answer. It didn't matter what your political affiliation happened to be or who you supported in an election. Jesse Helms mastered the art of constituent service. It wasn't unusual for him to pick up the phone himself, call a civil servant at a Federal agency working on a particular piece of case work that was lingering unresolved, and directly ask for an answer himself. That is the kind of man Senator Helms was. He wasn't interested in the rank-and-file bureaucratic hierarchy of the Federal Government. He wanted answers to questions, questions that his hard- working, Federal taxpaying constituents had. So in his gentle and respectful tone, he would simply ask for an answer.

Constituents knew they could turn to their home State Senator to solve their problems. Even if they disagreed with Jesse's politics, they knew he would help them. It will surprise no one who reads his memoirs that he dedicates an entire chapter to constituent service. I read it as a tribute to those who worked for Senator Helms on behalf of North Carolina for so many years. The stories about his focus on constituent service sound almost legendary. I am sure many of my colleagues, and no doubt a number of North Carolinians, have heard the one about two liberals chatting about the problem one of them was having in getting a Federal agency to respond to a question of one kind or another. It could have been about a problem with a Social Security check or a disability payment or any of the hundred other things that congressional offices deal with on behalf of their constituents on a daily basis.

One was complaining to the other that they were at the end of their rope. They are tired of everything, including their congressional representative. The other one listened intently, nodding in sympathy with the plight of their friend. When the friend was done talking, the other thought for a moment and finally said: I hate to say it, but it is time for you to call Jesse.

When it came to constituent service, "Senator No," as he was often referred to by his critics, was more often than not actually "Senator Yes."

John Wooden, the great basketball coach, once said:

> You can't live a perfect day without doing something for someone who will never be able to repay you.

Jesse Helms lived his days in the Senate by that creed.

Senator Helms proved that you do not need to win by a landslide to make policy or to make a difference. As he might put it, he campaigned and legislated based upon his principles rather than his preferences. Those principles and his constituents guided his public service. He was successful in his work, however, because of his willingness to take a stand.

Much has been made, of course, about Jesse Helms's stands against programs and spending that he felt were misguided or were not a proper responsibility of the Federal Government. Those stands had a tendency to be misunderstood. If you did not know where Senator Helms stood on an issue, it was probably because you did not ask.

Madam President, today I thank Jesse Helms. I thank Senator Helms for his service, for his leadership, for the fact that he was willing to take a stand, a stand that was not popular every time, a stand that he believed was right, not because of any political influence but because of what he understood this job to be about.

Jesse Helms today enters a house that I think he looked forward to being in. It is not the House of Congress. But truly, Jesse Helms was greeted with the sound of angels and the words "good job."

Today, our thoughts and prayers are with his wife Dot and their entire family. His Senate colleagues miss him. But the Senate is a much better institution today for the 30 years of service of Senator Jesse Alexander Helms, Jr.

Madam President, I yield the floor.

Mr. BYRD. Madam President, back in the 1960s, Jesse Helms was the commentator for WRAL radio in North Carolina, and on his radio program, he offered me support and comfort for some controversial views which I held at the time.

Although Helms had worked as a staffer for two different Senators, as far as I knew, Jesse Helms and I had never met. But there he was, in Raleigh, NC, in a series of radio commentaries, defending my right to take positions based on my personal convictions and values. He said I was a Senator whose "greatest strength" was my "dedicated independence of thought and action." I was a Senator who was "neither easily frightened nor intimidated." A Senator who always stood "up for what he regards as important."

I appreciated his support during those trying times. I never forgot it.

Therefore, when Jesse Helms was elected to the Senate in 1972, it seemed that we were already well acquainted. We became friends as we came to know each other, and to respect each other.

Jesse Helms was a courtly Southern gentleman of the first order, a product of the South and his beloved North Carolina, which happens to be my native State. Jesse Helms was also a deeply religious man of integrity, honesty, and patriotism.

He believed in the Constitution. He believed in the Senate as an institution and in its premier place in our government. Senator Helms was one of those rare Senators who was never looking for another office. He wanted to be a Senator. He was grateful to be able to serve the people of North Carolina and the United States in this Chamber.

And he certainly made his presence felt here in the U.S. Senate. During his years in the Senate, he served as chairman of the Senate Agricultural Committee and the Senate Foreign Relations Committee.

More than once, Senator Helms was the singular "no" vote on a particular matter, i.e, the Frank Carlucci nomination as Secretary of Defense, November 20, 1987, 91–1: Elementary and Secondary Education Improvement Act of 1987, December 1, 1987, 97–1, S. 373. He proudly wore his well earned title of "Senator No."

No matter what the press said, no matter what the pundits were saying, no matter what even his colleagues were saying, he never wavered in his convictions. The "paramount thing" for political leaders, Senator Helms once explained, "is whether a man believes in [his] principles . . . and whether he is willing to stand up for them, win or lose."

Consequently, we always knew where Senator Helms stood. Take an issue—abortion, prayer in school, presidential nominations, reducing the deficit, taxes, government waste, the future of this country—if you did not already know where he stood, he was always ready to tell you.

Some of his positions were unpopular. Some of them seemed extreme and doomed from the start.

But, his differences with his Senate colleagues were always political, not personal. They were differences of opinions, not of heart.

Madam President, I express my most heartfelt condolences to the family and friends of this extraordinary Senator.

Mrs. HUTCHISON. Madam President, I wish to pay tribute to the memory of our former colleague, Senator Jesse Helms, who passed away, fittingly on Independence Day, a day which meant so much to him.

A great deal has been written and said about Senator Helms. He was a man who provoked strong feelings—both pro and con—and he enjoyed being the subject of spirited discussions.

It is well known and well told that Senator Helms could be, and often was, a tough opponent but also could be and often was an invaluable ally.

He was a man of strongly held, deeply held views and was never hesitant to share those views with the rest of the Senate.

But it is less well known that Jesse Helms was a kind and considerate colleague. Fifteen years ago, he welcomed a new Member from Texas into the Senate. I always appreciated his advice and his love of the Senate as an institution.

Jesse Helms began as an editor at a newspaper in North Carolina and then went to a television station in Raleigh. It was the notoriety which he gained from being a TV commentator which led him to the U.S. Senate.

Today we have many former colleagues who started in the U.S. Senate and are now TV commentators. It was typical of Jesse to do it the opposite way.

He once said of his career in the Senate, "I would like to be remembered as a fella who did the best he could and didn't back down when he thought he was right."

Jesse Helms was a man who had the courage to stand against the often transient winds of political convenience. He wasn't always right. He was right a good part of the time, but he was always Jesse.

Mr. FEINGOLD. Mr. President, everyone in this Chamber is saddened by the loss of our former colleague from North Carolina, Jesse Helms. Many of us served with him, and know how dedicated a public servant he was. I didn't always agree with him; in fact, we disagreed much of the time. But one of the many wonderful things about working in the Senate is finding ways to work together with colleagues who have very different beliefs and goals for the good of the country.

Senator Helms and I shared a commitment to ensuring that the U.S. only entered into trade agreements that are fair to the hard-working men and women of this country. I appreciated his commitment to that issue, and I was pleased to work with him to support fair trade.

I also served with Senator Helms as a member of the Senate's Foreign Relations Committee. He served as chairman for many years, and during that time we also found common ground on the issue of most favored nation, MFN, status for China. Senator Helms and I worked together in opposition to granting MFN status to a country with such gross human rights violations. Together, we led the fight against MFN because it ignored the appalling human rights abuses in China, and abdicated the Senate's responsibility to exert pressure on the Chinese government to improve its record on human rights.

In the wake of Senator Helms' passing, people will remember him for the many different things he accomplished in his lifetime. I add these memories to those remembrances of Senator Helms, who led such a full life inside and outside of public service. My thoughts are with his family, and the people of North Carolina he served with such dedication for 30 years.

Mr. BUNNING. Madam President, I would like to pay tribute to a friend and great American Senator who, fittingly, left us on the Fourth of July—the same day as two of our Nation's Founders: Thomas Jefferson and John Adams—at the age of 86.

In terms of a U.S. Senator, Jesse Helms was a heavyweight. Jesse Helms was relentless in his fight to defend the ideals that embody America. And no matter what policy Jesse Helms was defending during a debate, everyone could agree on one thing: you always knew where he stood and that he was a man of his word. A devoted and outspoken conservative, his principles of small government and individual freedom served as an international microphone for American creed during the Cold War and beyond.

While Jesse's political life was open to everyone, I had the distinct honor of knowing him on a personal level. In 1998, after serving in the U.S. House of Representatives for over a decade, I came to the Senate and was quickly greeted by Senator Helms—apparently Senator Helms knew a conservative when he saw one. As someone who shared many of the same philosophical views as Jesse Helms, we would often discuss contentious issues that arose before the Senate. During these moments I realized that, behind his hard public image, Jesse Helms was one of the most compassionate and sincere men I had ever met. This affectionate and friendly attitude brought out the southern gentleman whom we all loved.

I will miss Senator Helms's political leadership, but I am happy his impact on our country lives on. Mary and I send our thoughts and prayers to his wife Dot and their family as they mourn for their loss and remember an extraordinary life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2731, at a time to be determined by the majority leader, following consultation with the Republican leader; and that the only amendments in order, other than the committee-reported substitute, be the Biden-Lugar managers' package substitute amendment; two amendments from each side that are germane to the Senate bill, the committee-reported substitute and the Biden-Lugar substitute; with second-degree amendments in order to the four amendments listed above, two per side, that are germane to the amendment to which they are offered; that general debate time on the bill be limited to 2 hours, equally divided and controlled between the leaders or their designees; that the debate time on any first-degree amendment be limited to 60 minutes, equally divided and controlled in the usual form; that any second-degree amendments be limited to 30 minutes equally divided and controlled in the usual form; that upon the disposition of all amendments, and the use or yielding back of time, the substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged of H.R. 5501, the House companion, and that all after the enacting clause be stricken and the text of S. 2731, as amended, be inserted in lieu thereof, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 5501, as amended; that the provisions of this agreement become effective only after each of the amendments covered in this agreement have been available for 24 hours for review and printed in the RECORD; and each leader notifies the legislative clerk that they have no objections, and places a statement in the RECORD; further that S. 2731 then be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is, and I would like to make a brief statement. The majority leader's long unanimous consent agreement pertains to an important bill that the President would like to get passed through this body.

I think there is strong support for a bill along these lines. The consent itself, if one listened carefully, contains quite a few restrictions on the number of amendments, the time for debate, and so forth.

Since there are ongoing negotiations—I am personally involved in some of them—with regard to provisions of the legislation, the unanimous consent agreement is too restrictive at this time. I would hope that we could work out an agreeable substance of the provisions as well as an agreeable procedure at a subsequent time.

In fact, I think if we can reach an agreement on the substance, the procedure will be very easy to work out.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have spoken today to my staff, and they have been in touch with Senator BIDEN's staff. Senator BIDEN also thinks that something can be worked out.

We have been hearing for a long time that is the problem. In conversations in the past with the President's people, this is important to him. It is an important piece of legislation. I would hope that Senator KYL and others, working with Senators LUGAR and

BIDEN, can get an agreement worked out.

This is a bill that should have wide-ranging support. I am going to file cloture, I say to my friend, so that we can have a cloture vote on this on Friday. You might want to check with your people and see if we could perhaps have it tomorrow. But that is a decision that people can reach. If cloture is invoked, we will see if we can work out a procedure for working with the amendments. Hopefully, we can do that.

In fact, to be candid, my staff said Senator BIDEN wants to hold this off for a couple more days. I think we are going to have to go ahead and try to move with this. So maybe with what Senator BIDEN and you have said, maybe if we take a look at this either tomorrow or Friday—that is, the motion to proceed—perhaps we can work something out to have some way of moving forward.

I hope so, otherwise I would hope this will not go in the barrel of things that we cannot do this year. That would be a shame. This is a cloture petition. I could have gotten signatures on both sides of the aisle. So I appreciate the manner in which my friend has spoken. I hope this is something we can work out.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT of 2008—MOTION TO PROCEED

Mr. REID. Mr. President, in view of the objection lodged against the request I made, I now move to proceed to Calendar No. 698, the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 698, S. 2731, the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Harry Reid, Joseph R. Biden, Jr., Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Bernard Sanders, Benjamin L. Cardin, Jack Reed, John F. Kerry, Patty Murray, Jon Tester, Thomas R. Carper.

Mr. REID. I would say, before I ask that the mandatory quorum be waived, that I had the good fortune, as did my colleague, to serve with both Tom Lantos and Henry Hyde. Both of these gentlemen, while serving in the House of Representatives, came to Nevada and did campaign events for me; one was a Democrat, one was a Republican.

I have great respect for both of these tremendous House Members, both chairmen—Congressman Hyde was chairman more than once. So it will be good if we can pass this legislation.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Mr. ISAKSON. Mr. President, I rise for a moment to talk about the pending housing stimulus bill which we will vote on tomorrow and then, hopefully, it will quickly be delivered to the House where any differences we have can be worked out and agreed to. I come to talk about this issue because America faces a pending financial crisis that is founded in the housing market, with the troubled mortgages in the financial services sector, so much trouble that the current economic decline we have experienced and the current difficulties the stock market is experiencing are, in large measure, tied to the state of housing.

I commend Senators SHELBY and DODD. I actually thank the distinguished Senator from New York for the help he gave me on the tax credit on this bill.

This bill is not perfect, but it certainly improves tremendously the climate in the United States for housing. For a second I want to try and impress upon my colleagues how important this issue is and dispel some of the myths that have been put out there about this issue. First, unless we pass GSE reform, which means Fannie Mae and Freddie Mac, there is going to be little, if any, liquidity in the conventional mortgage market. This legislation is a good reform piece for Fannie and Freddie. It also provides provisions that will allow for forward commitments so that mortgage companies can make mortgages and fund them through Fannie and Freddie and get housing moving in the marketplace.

Second, it changes the loan limits on conventional and conventional jumbo loans to levels that are reflective of the values of housing.

Third, it provides for a housing tax credit, something I was proud to be a part of. I proved in 1974, the last time we had a crisis like this, that it is the one single thing we can do as a catalytic agent to drive buyers back to the housing market. So the solution is not a bailout but a stimulus to get buyers in there buying the inventory that was built over the last 12 months.

Fourth, there is a significant reform of FHA. Within that provision there is the creation of moneys for the refinance of troubled subprime loans. There has been a lot of misinformation in the news media and misinformation in speeches on this floor, frankly, on whether this is a bailout or whether it is a good thing to do.

For a second I want to explain why it is absolutely not a bailout and why it is absolutely the right thing to do. Any loan that is refinanced, any subprime loan in trouble that is refinanced has to meet the following qualification: Its equity has to be negative, meaning the house is worth less than what is owed against it; No. 2, the lender who holds the loan against that house has to agree to take the discount or take the hit on whatever the differential is in that negative value; No. 3, FHA will underwrite the new loan to refinance out the discounted balance of the loan to the lender, provided the individual is somebody who can qualify to amortize the loan. It forces the lender to take the hit which they are going to take eventually in a foreclosure, and it prevents the foreclosure. For the person in trouble, it gives them a chance to pay back over time and get their credit established and improve themselves and build equity in the house.

Most importantly, it benefits the next-door neighbor. I have heard so many people say we should not be helping somebody in trouble on a subprime loan. What do we say to the people who are making their payments and are not in trouble? The answer is, in most neighborhoods today where there is a foreclosure, values are going down, not up. You have John Q. Public who has made the monthly payments, has good credit. The house next door to him is foreclosed on. The grass grows. The lender sells at a deep discount. What happens, his equity is gone or is greatly reduced.

The combination of the housing stimulus in terms of the tax credit, combined with the ability to refinance out of the difficult subprime loan and the requirement that the lender take the deep discount they are going to ultimately have to recognize anyway, is a formula for rebuilding the housing market.

I know everybody here has a difficulty. There was one amendment—we will not be allowed any amendments—that I was very interested in offering in terms of the tax package. But I know the tree is filled up. There will be a managers' amendment. We will not be able to get to it. But you don't get everything you want in the Senate.

One thing we have to do is to improve the plight of the American people economically. There are two things overriding the average American and two things only: One is what they are paying at the pump for gasoline and, secondly, is the declining value of equity in their house. With passage of this bill, we can show hope for the housing market. We may stimulate the buying public to come back and solve it with good marketplace-based solutions rather than subsidies or a bailout and, most importantly, return to a more healthy mortgage market and a more disciplined mortgage market and a better underwritten mortgage market. Then secondly and most importantly, we can change attitudes. The attitudes of the buying public are pretty negative right now because the lenders can't make a loan. House values are going down. They want to buy, but they want to buy at the bottom. We have to send a signal that the lenders are back in business making loans. Freddie Mac and Fannie Mae are back in business in terms of securitizing mortgage money and putting liquidity into the market, and values are stabilizing. So for whatever differences some Members have over the bill they would like to have versus the bill we do have, we should be reminded that every day we wait is a protraction of the current economic difficulty in the housing market. We cannot afford to leave this week without agreeing to the motion tomorrow and sending it to the House so the House, when they come back next week, can pass the legislation and the President can sign it and, by the middle to the end of July, the mortgage market, the housing market, and the buying public's attitude will be turned around. By doing that, we can hopefully have a light at the end of the tunnel that is not a locomotive but, rather, is a prosperous, healthy housing market and a disciplined, well capitalized, and liquid mortgage market.

It is critical that we pass this legislation. I urge my fellow Senators to come to the floor, vote for the motion, and then let us get it to the House and encourage House Members to do precisely the same thing. It is getting too late. If we wait too long, it won't matter what we do.

I yield the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 221(f) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels in the resolution for legislation providing economic relief for American families, including reauthorizing the Temporary Assistance for Needy Families program. In addition, section 227 authorizes the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels in the resolution for legislation making improvements in health care, including within Medicare (subsection (b)), Medicaid (subsection (e)), and other health areas (subsection (f)). The revisions are contingent on certain conditions being met, including that such legislation not worsen the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

I find that H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, satisfies the conditions of the reserve funds to provide economic relief for American families and improve America's health. Therefore, pursuant to sections 221(f) and 227, I am adjusting the aggregates in the 2009 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009–S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221(f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875.401
FY 2009	2,029.653
FY 2010	2,204.695
FY 2011	2,413.285
FY 2012	2,506.063
FY 2013	2,626.571
(1)(B) Change in Federal Revenues:	
FY 2008	−3.999
FY 2009	−67.746
FY 2010	21.297
FY 2011	−14.785
FY 2012	−151.532
FY 2013	−123.648
(2) New Budget Authority	
FY 2008	2,564.247
FY 2009	2,538.301
FY 2010	2,566.665
FY 2011	2,692.500
FY 2012	2,734.141
FY 2013	2,858.583
(3) Budget Outlays	
FY 2008	2,466.678
FY 2009	2,573.384
FY 2010	2,625.623
FY 2011	2,711.441
FY 2012	2,719.543
FY 2013	2,851.826

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009–S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221(f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,100,859
FY 2008 Outlays	1,102,857
FY 2009 Budget Authority	1,085,721
FY 2009 Outlays	1,087,208
FY 2009–2013 Budget Authority	6,165,556
FY 2009–2013 Outlays	6,172,365
Adjustments	
FY 2008 Budget Authority	1,942
FY 2008 Outlays	1,924
FY 2009 Budget Authority	6,633
FY 2009 Outlays	6,516
FY 2009–2013 Budget Authority	−3,859
FY 2009–2013 Outlays	−2,070
Revised Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,102,801
FY 2008 Outlays	1,104,781
FY 2009 Budget Authority	1,092,354
FY 2009 Outlays	1,093,724
FY 2009–2013 Budget Authority	6,161,697
FY 2009–2013 Outlays	6,170,295

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can

do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Crapo, Thank you so much for all you are doing for the citizens in Idaho. Most of all, thank you for your assistance with my disability issues. I would like to share my story. I have been a Registered Nurse for 28 years working fulltime and overtime. In 2005, I developed some heart issues, but, at that time, was able to return to work. In August 2007, the heart condition deteriorated to the point I can now no longer work. I have been denied disability twice thus far. My physician has wanted me to attend cardiac rehabilitation, which we do not have available in Lewiston or Clarkston. The nearest is Moscow, Idaho, 30 miles away. Due to being turned down on disability and the rising cost of gasoline, I can no longer afford to drive to Moscow for the cardiac rehabilitation I need.

Thank you again. You truly seem to care more about your constituents than any other legislator I have ever encountered. I will be campaigning very strongly for you when the time comes.

JOY, *Lewiston.*

Senator, fuel is a big issue here in Idaho. As a lifelong Republican, I am wondering why, after six years with a Republican President, Senate and House, nothing was done then. What we are seeing now is a result from a lack of activity back then. I watched Bill Gates and the oil company execs totally dominate our Congressional folks. You have authorized spending billions for Iraq, but did nothing to promote hydrogen fuel cell development here. I think you are pandering to the oil companies. It is said that fuel for the hydrogen vehicles would be too hard to dispense. Why not use it for schools where the vehicles could be fueled at the home base? We burn literally hundreds of thousands of gallons of fuel a year just in our local school districts. When you decide to act for the "real" future, then we will support you. At this house, Obama is looking better and better every day. Obama has earned his way this far. McCain has no answers other than a few pennies off the gas tax. Get real, Senator.

CHARLIE, *Caldwell.*

You asked what these fuel prices are doing to us. I live on a fixed income of $650.00 a month, pay $450 a month just for rent. So guess what? By the time you buy food, it is gone and I cannot afford to drive 80 miles a day and make $7.00 an hour. I would spend it all just for gas, but I'm sure everybody else is in the same boat. But thanks for listening to an old man moan. I used to like to go fishing sometimes, but not this year, I guess. Thanks again.

MARCELLUS, *Rupert.*

Senator Crapo, I would love to share my story with you. I have a small business that takes me out of state a lot. I work on X-ray machines in hospitals around the country. It has gotten to where most hospitals cannot afford to replace their equipment, and my prices are going up due to travel. The higher my prices go, the less work I get due to short budgets, and so on. It has gotten to the point that I only have one job scheduled so far this year. I do not know how I am going to stay in business much longer.

I cannot understand how Congress can sit on their butts and say we cannot pump our own oil due to environmental concerns while China pumps 50 miles off of our cost. It is time we put the few liberals in their place and start taking care of our own before we have our own revolution, and the people take back our country from the do nothing government. I hope you act fast.

TODD.

Mike, Thank you for the opportunity to share my views on the energy crises.

First of all, I think the ethanol program is the biggest boondoggle the United States has ever supported. It takes almost as much energy to produce a gallon of ethanol as the gallon gives back. It cost more per gallon than gasoline, and gives far fewer miles per gallon than gasoline. It takes the food away from the livestock and poultry that we need to eat, or at least makes the feed for them more expensive. Are we not going backwards here?

I fully support nuclear energy. It is the only way to go for dependable electrical power generation. Unlike coal and natural gas, there is no fuel to mine or drill for, no transportation cost for that fuel and no air pollution resulting from burning that fuel.

Wind power electrical generation is a fine resource to pursue. It is very valuable in reducing the electrical load on the base loaded electrical generators. The more we can reduce the load on the base generators, the more energy we save.

We also need to expand our domestic oil production. We need to drill and get into production, ANWR in northeast Alaska. We need to get this done before Prudoe Bay is depleted so we can utilize the existing Trans-Alaska pipeline. If I recall correctly, that pipeline and all related equipment has to be removed once it becomes inactive.

While on the subject of Alaska, I understand that some of the contention of the Iraqi people is how to divide up their oil wealth. How about looking at the system the state of Alaska uses to divide up their oil wealth? Every man, women and child receives a check for the same amount as everyone else. The oil fund is inflation-proofed before the amount of the checks is determined. Why do people think they always need to reinvent the wheel? Alaska's system is fair, simple and it works.

With the profits the oil companies are reporting, I see no need for tax credits for any oil company. If they cannot get done what they need to do with those kinds of profits, the tax credits are not going to make the difference. I really think it is time for the oil companies to be subject to a pricing commission, like the electrical utilities are, only on the federal level. Other commodity producers that produce things that the people of the United States have to have are subject to pricing commissions i.e. Public Utilities Commissions, why not the oil companies? The whole United States would grind to halt and a lot of our population would freeze to death in the winter without oil. I would say that constitutes a need for a product that should be subject to a pricing commission.

RUSS, *Payette.*

On a fixed income and maybe only a few years to live due to chronic asthma and advancing COPD, it is already making it hard—doctor appointments, and to go see and help my 93-year-old mother. I am 65 and have maybe 2 more years to live. What kind of quality of life can I expect with the price of gas going up so fast that before you can finish filling your car the station attendants are out changing the price of gas? This has happened twice in the last month. I have a 10-gallon tank and get 35 miles to the gallon on a 1988 Toyota Corolla. It takes about three tanks a month for all the running I have to do. It used to cost me $55.00 a month to fill car; now it cost $123.00 a month. If gas goes up to $7.00 a gallon, it will cost $210.00 a month just for gas. What do I do? Do I not eat so I can go to doctor's appointments or do I eat and die sooner because I cannot afford to put gas in my car? Thousands of people are in the same boat as I am—we either forget about health concerns or eating. I knew one lady a few miles from where I live that was shop lifting dog food and eating it just to survive. She has died now, but there is going to be a lot more of this going on. It is a shame that the Congress has not got off their butts and allowed more domestic drilling for oil in our country. We know where the oil is; let us get to drilling and tell the oil cartels to stuff it where the sun does not shine. Something else I do not understand is, the other day we drove to Salt Lake City and the refineries were not even working, there was no steam or smoke coming from the cracking towers. Come on—get this mess worked out. We are going to start dropping like sprayed flies out here if Congress does not do something.

RUSSELL, *Heyburn.*

Senator Crapo, A year ago I was spending around $85 a month for fuel; now my monthly costs are twice that! Thirty percent of the current cost for oil is due to speculation in the unregulated Wall Street venue; the Enron Loophole from 2001 allows this!! First, fix this problem! Next, higher fuel mileage per gallon in a shorter period of time needs to be mandated!! Third, a major emphasis on alternative renewable fuels; not more drilling in our country or off shore for oil and gas; including blowing the tops off of mountains for coal!! In addition, no more nuclear reactors as they use too much water and generate radioactive waste that lasts for hundreds of years!! We can do this and most Idahoans and Americans are demanding such a plan from our government leadership! Brazil did it in five years and are we any less capable than they are? I think not! You Republicans, especially, are under too much influence by the oil, gas and coal companies to continue doing business as usual!! We need truly green changes in our country, not more of the same.

JOY, *Hayden.*

I, like most Americans, have been affected by the rising fuel prices. My budget cannot sustain the $60 per tank cost to fill my car with gas. Instead of sitting back and complaining about high gas prices, I have chosen to find alternate forms of transportation whenever possible. I ride my bicycle to work every day, and use the public transportation and carpooling whenever possible for longer trips. When I am conscious of my transportation choices, I can make a tank of gas last a month.

Our country needs to step up and take responsibility for our energy choices. We need to become less dependent on foreign oil, yes; but we need to do so by changing the root of the problem instead of implementing a temporary band-aid on our problems by drilling for oil in our country's pristine and sensitive environmental areas. We need to concentrate our resources on developing cleaner energy rather than looking for ways to sustain our irresponsible use of energy. Better public transportation options, fuel conservation incentives, and increased research and investment in cleaner energy are the sustainable answers. Drilling in ANWR is not. The change will be a bit painful in the short term, but we need to have the foresight as a country to understand that long term solutions are the right ones.

Sincerely,

ROSS.

My son-in-law works for a large gas station corporation, routing trucks to different stations and flies almost weekly to Houston and Atlanta and says THERE IS NO GAS SHORTAGE, just manipulation. Please tell people the truth about the oil and gas reserves we could have available (example: South Dakota, etc.). Our story personally: We live in a rural area, 13 miles from the nearest town and 2 hours from a city big enough to purchase from larger retailers. Our fuel cost is $35.00 to go to WalMart, round trip! We recently purchased an economy car (that we couldn't really afford), and now the trip will cost around $20. This is if fuel stays at $4. Our daughter has Prader-Willi Syndrome, and we travel 2–4–8 hours one way for medical appointments about eight times a year. We do not feel the ten cents a mile from Medicaid is worth the hassle for reimbursement. We are drowning in fuel extortion costs. Must we be forced to move from a rural setting to the city? Please help.

MARGARET.

Senator Crapo, I want to thank you for taking the initiative on helping Idahoans with the increasing energy costs. I am fortunate enough to only have a two-mile commute to and from work, but I have still noticed a considerable change in the fuel cost's impact on my finances.

I was recently in Salt Lake City where I stopped at a gas station to fill up. I noticed a different-looking pump there which said "natural gas" on it. I had never seen such an option at a fueling station before. Just as I was in awe at the different option, a gentleman drove up in a vehicle and began filling up with this natural gas pump. I struck up a conversation with this man and discovered that natural gas is a growing phenomenon in vehicles there in the Salt Lake City area. The car prices are very similar to those of petroleum fueled vehicles, but the cost of natural gas was about 63 cents per gallon versus the $4 I was paying. This experience, of course, made me consider other fueling options.

I know that there are many alternatives to using gasoline to power vehicles such as natural gas, electric, water, and others. Granted, some of these options are not feasible to implement in Idaho. Is it possible to make natural gas an option in this area? I do not know if it is legislation that drives such changes, but I, for one, am ready for some feasible alternatives. I am considering getting a Segue or a GEM (global electric motorcar) as an alternative to relying upon gas powered vehicles. I would appreciate any help in this area, or other incentives to alternative power options for the home. Thank you again for your help on our behalf. Let me know if I can help in any other way.

SETH.

Dear Senator Crapo: Regarding energy prices. We drive less, plan our trips to town with lists, etc. so we know exactly where we are going and in what order to make our trips more efficient. We will not be taking a vacation this year. We will be forced to sell (or give away) our livestock because we cannot afford to pay the price of hay to sustain them over the winter. We will have to buy a different furnace as our current one is oil, or turn down the heat to 55 degrees most of the winter and bundle up (which is what we did last winter).

I do not like government intervention, but some tax credits for alternative energy sources would be nice—credits for wind power, solar power; both of which are in plentiful supply in Idaho. The state government could do a lot to encourage alternative energy sources as well. We all agree that we need to use alternatives, but no one wants a wind generator in their neighborhood. What is wrong with us? Can we not see the future benefits versus our temporary eye appeal?

Also, the government could give some large tax incentives to encourage recycling of plastics, which to my understanding, use over twice the percentage of our oil imports than the manufacture of gasoline. In Texas, the Texas Disposal Company has a recycling center set up in a lot next to the local post office in Alpine (population 6,500) every Saturday. They take all kinds of newspaper, magazines, junk mail, plastics, metal cans, etc. There was even a man who brought his pickup truck down every week to collect glass for recycling. The cost of transporting all of this recycling in Texas would be greater than in Idaho, so why cannot we do that here? Or nationwide?

I noticed in Costco the last few weeks that each swimsuit is set up on these clear plastic molded sheets, which are then stacked one on top of the other. We are overusing plastic! All of this ends up as waste in our landfills. Encouraging a national recycling program would do many positive things, less oil imports would be the biggest and then less waste in our landfills, a huge concern as well.

Seems to me that recycling and a greater usage of alternative energy sources is something that Republicans and Democrats, conservatives and liberals could and should agree upon.

Sincerely,

LISA.

I have four children, and my husband and I have good-paying jobs, probably better than most. We have a low debt load, have stayed away from credit cards and buy things when we have the money. We have never had a vacation in the 24 years that we've been married because we had other places that money needed to go.

Now, even though we have stayed out of debt and only have $3,000.00 left to pay on our car, we are afraid. Food prices have risen so that last year, my family of six was eating and maintaining a household on $300.00 per week, and that included gas for the drive my husband has to work. That budget has now increased to $500.00 per week.

My son, a second-year electrical engineering student at ISU, may not be able to go back to college this year because the gas to get there is just too much on top of the increased cost of tuition. My daughter, a senior this year, cannot get a job because the cost of driving to work would eat up her minimum wage paycheck.

Those of us who work hard, stay out of debt and invest our money in the American way of life are now told to move our money away from U.S. investments and go elsewhere where the economy is more stable, but what does that say about the country that we live in? We do not feel secure, we do not feel safe and we do not feel any comfort in the Senate, Congress or the Presidency. This is summer; when the demand for fuel goes up in the winter and we do not have enough money to pay for gas to go to work, let alone food for our children to eat, how are we going to keep warm or live? This winter, I think this country is going to see many people pushed to the brink of chaos because there is no other choice. Oil needs to be taken off the speculation market. This doesn't just affect our way of life here in the U.S.; it is also affecting world markets and food prices around the globe.

D.S., *Rigby*.

JOINT ISRAELI-PALESTINIAN VENTURE

Mr. LEVIN. Madam President, the New York Times recently published an article entitled "Web Start-up a Joint Israeli-Palestinian Venture" and, as the title suggests, it is a story about a group of Israeli and Palestinian entrepreneurs that have joined forces to start an internet business venture. Mr. President, I will ask to have the New York Times article printed in the RECORD. What is impressive about this story is that technology, in the form of Internet-based video teleconferencing, has been able to jump boundaries to allow people to work together while apart by enabling this business, G.ho.st, to use the Internet to complete many of the day-to-day tasks that ordinarily require actual face-to-face contact. More importantly, this business venture is yet another example of the good will that exists on both sides of the Israeli-Palestinian divide.

In March 2005, I had the opportunity to travel with six Michiganders, three Palestinian-Americans and three Jewish-Americans, to Israel and the Palestinian territories to study the possibility of joint Israeli-Palestinian business ventures. During this visit, we met with entrepreneurs active in a full range of industries, from agriculture to textiles to software development to manufacturing. While these joint business ventures cannot make peace, they do help foster good will, and they demonstrate the potential for effective, economic coexistence if a final peace agreement can be reached.

More recently, during a trip to Israel to present the Senate resolution commemorating the 60th anniversary of the State of Israel, I learned of what I hope will be a major joint economic venture. During my meeting with President Shimon Peres, I learned about the Valley of Peace Initiative, a large-scale undertaking to construct a tourism corridor. The Valley of Peace is envisioned to stretch over the 500 kilometers along the Israeli-Jordanian border, from the Red Sea to the Yarmuk River. Under the current plan, the Valley of Peace initiative includes several projects, ranging from a water conduit connecting the Red Sea and the Dead Sea in an attempt to prevent the latter from drying up, to an Israeli-

Jordanian airport near Eilat and Aqaba, to a connection of the Jordanian and Israeli railway systems and a mutual Israeli-Palestinian Authority industrial zone. While the initiative is still in the idea stage, it could offer a major opportunity for joint economic cooperation between Israelis, Palestinians, and, in this case, Jordanians.

Employment and economic growth are critical to fostering stability for Israelis and Palestinians alike. G.ho.st is another example of a promising partnership that can benefit the region in ways that surpass the positive economic impact. Should their business model prove to be a success, it would bode well for building additional partnerships and fostering further much-needed goodwill in the region.

Madam President, I ask unanimous consent to have The New York Times article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 29, 2008]

ISRAELIS AND PALESTINIANS LAUNCH WEB START-UP

(By Dina Kraft)

RAMALLAH, WEST BANK.—Nibbling doughnuts and wrestling with computer code, the workers at G.ho.st, an Internet start-up here, are holding their weekly staff meeting—with colleagues on the other side of the Israeli-Palestinian divide.

They trade ideas through a video hookup that connects the West Bank office with one in Israel in the first joint technology venture of its kind between Israelis and Palestinians.

"Start with the optimistic parts, Mustafa," Gilad Parann-Nissany, an Israeli who is vice president for research and development, jokes with a Palestinian colleague who is giving a progress report. Both conference rooms break into laughter.

The goal of G.ho.st is not as lofty as peace, although its founders and employees do hope to encourage it. Instead G.ho.st wants to give users a free, Web-based virtual computer that lets them access their desktop and files from any computer with an Internet connection. G.ho.st, pronounced "ghost," is short for Global Hosted Operating System.

"Ghosts go through walls," said Zvi Schreiber, the company's British-born Israeli chief executive, by way of explanation. A test version of the service is available now, and an official introduction is scheduled for Halloween.

The Palestinian office in Ramallah, with about 35 software developers, is responsible for most of the research and programming. A smaller Israeli team works about 13 miles away in the central Israeli town of Modiin.

The stretch of road separating the offices is broken up by checkpoints, watch towers and a barrier made of chain-link fence and, in some areas, soaring concrete walls, built by Israel with the stated goal of preventing the entry of Palestinian suicide bombers.

Palestinian employees need permits from the Israeli army to enter Israel and attend meetings in Modiin, and Israelis are forbidden by their own government from entering Palestinian cities.

When permits cannot be arranged but meetings in person are necessary, colleagues gather at a rundown coffee shop on a desert road frequented by camels and Bedouin shepherds near Jericho, an area legally open to both sides.

Dr. Schreiber, an entrepreneur who has already built and sold two other start-ups, said he wanted to create G.ho.st after seeing the power of software running on the Web. He said he thought it was time to merge his technological and commercial ambitions with his social ones and create a business with Palestinians.

"I felt the ultimate goal was to offer every human being a computing environment which is free, and which is not tied to any physical hardware but exists on the Web," he said. The idea, he said, was to create a home for all of a user's online files and storage in the form of a virtual PC.

Instead of creating its own Web-based software, the company taps into existing services like Google Docs, Zoho and Flickr and integrates them into a single online computing system.

G.ho.st also has a philanthropic component: a foundation that aims to establish community computer centers in Ramallah and in mixed Jewish-Arab towns in Israel. The foundation is headed by Noa Rothman, the granddaughter of Yitzhak Rabin, the Israeli prime minister slain in 1995.

"It's the first time I met Palestinians of my generation face to face," said Ms. Rothman, 31, of her work with G.ho.st. She said she was moved by how easily everyone got along. "It shows how on the people-to-people level you can really get things done."

Investors have put $2.5 million into the company so far, a modest amount. Employing Palestinians means the money goes farther; salaries for Palestinian programmers are about a third of what they are in Israel.

But Dr. Schreiber, who initially teamed up with Tareq Maayah, a Palestinian businessman, to start the Ramallah office, insists this is not just another example of outsourcing.

"We are one team, employed by the same company, and everyone has shares in the company," he said.

At G.ho.st's offices in Ramallah, in a stone-faced building with black reflective glass perched on a hill in the city's business district, employees say they feel part of an intensive group effort to create something groundbreaking. Among them are top young Palestinian programmers and engineers, recruited in some cases directly from universities.

The chance to gain experience in creating a product for the international market—a first for the small Palestinian technology community—means politics take a backseat to business, said Yusef Ghandour, a project manager.

"It's good we are learning from the Israeli side now," Mr. Ghandour said. The Israelis, he said, "are open to the external world, and there is lots of venture capital investment in Israel, and now we are bringing that to Palestine."

The departure of educated young people mostly to neighboring Jordan and the Persian Gulf states is a major problem for the Palestinian economy and has been especially damaging to its technology industry. Since the Oslo peace process broke down in 2000, a wave of Israeli-Palestinian business ties have crumbled as well.

Political tensions make it somewhat unpopular for Palestinians to do business with Israelis, said Ala Alaeddin, chairman of the Palestinian Information Technology Association. He said the concept of a technology joint venture across the divide was unheard-of until G.ho.st opened its doors. A handful of Palestinian tech companies handle outsourced work for Israeli companies, but most focus on the local or Middle Eastern market.

"It's much easier to have outsourcing than a partnership," Mr. Alaeddin said. "A joint venture is a long-term commitment, and you need both sides to be really confident that this kind of agreement will work."

Benchmark Capital, a Silicon Valley venture capital firm with offices in Israel, invested $2 million in G.ho.st. Michael Eisenberg, a general partner at the firm, said Benchmark was "in the business of risky investments," but that G.ho.st presented entirely new territory.

Recalling his discussions with Dr. Schreiber, Mr. Eisenberg said: "Frankly, when he first told me about it I thought it was ambitious, maybe overly ambitious. But Zvi is a remarkable entrepreneur, and I started to feel he could actually pull this off."

The video hookup runs continuously between the offices. Chatting in the Ramallah conference room, two Palestinian programmers wave hello to Israeli colleagues conferring over a laptop in the Modiin office.

"We are doing something across cultures and across two sides of a tough conflict," Dr. Schreiber said. "I was prepared for the possibility that it might be difficult, but it hasn't been."

ADDITIONAL STATEMENTS

EAGLE'S STORE 100TH ANNIVERSARY

• Mr. BAUCUS. Madam President, there is a little general store in West Yellowstone, MT, that has been there for 100 years. Built in 1908 when only the bravest and most determined Americans were settling the West and the State of Montana was barely 20 years old, Sam and Ida Eagle set up shop.

When Sam and Ida Eagle established Eagle's Store just outside Yellowstone Park's west entrance, they were also establishing, along with three other families, the town that we now call West Yellowstone, MT. The Eagles spent their lives in the town they helped found. They raised a family of 10 children, built their business and played a pioneering role in the community.

Sam served as the postmaster for 25 years and helped create the West Yellowstone airport. He also led the town's struggle to gain title to the properties they had settled.

The Eagle family still owns and operates Eagle's Store today on the land their ancestors received as a Presidential land grant, in a vintage store on the National Register of Historic Places.

A lot has happened in these last 100 years, and Sam and Ida Eagle and their neighbors probably could not have imagined some of the luxuries we take for granted today—coast to coast flights, television, or the Internet.

Our world is still changing, but we have got to make sure we are doing what is right for small towns everywhere. Creating good paying jobs, keeping our economy strong, and ensuring the vitality of places like West Yellowstone, is essential to who we are as Americans.

Of course, some things have not changed all that much in West Yellowstone. The sense of community, the small town values, and the commitment to a job well done still radiate from West Yellowstone's residents. They are timeless qualities still apparent everywhere around town, and they represent the very best of America.●

CONGRATULATING LEWIS-CLARK STATE COLLEGE

● Mr. CRAIG. Madam President, today I honor and congratulate one of the most successful athletic programs in the Nation that few people outside of my home State know about: The Lewis-Clark State College baseball team of Lewiston, ID.

This year, head coach Ed Cheff led the LCSC Warriors to yet another NAIA World Series championship. This year's victory makes three championships in a row for the Warriors and 16 overall, all coming in the last 25 years. Those 16 titles are far and away the most in NAIA history, with the second place school having just four.

Despite having only 3,500 students, Lewis-Clark has grown into a national baseball powerhouse under Coach Cheff's tutelage. Since Coach Cheff took over in 1977, the Warriors have put together a winning percentage of 79.8 percent. This year's 58–6 record is the latest and greatest example of his leadership.

And this success isn't just by smaller school, NAIA standards; more than a hundred of Coach Cheff's players have gone on to be drafted by Major League Baseball teams, including four this year.

Idaho does not have a franchise in any of the major sports leagues. We are known for potatoes, not winning championships. But thanks to Lewis-Clark State College baseball—and another successful Idaho college program, Boise State Bronco football—that is changing. LCSC baseball has given Idahoans a team that we can hang our hat on and be proud to call our own.

While sports are perhaps the quickest way for a school to capture headlines, a college or university can thrive only with sustained, high-quality education. Athletics alone do not make a school. The classroom must always be the foundation, and Idaho schools—from Lewis-Clark to Boise State to my alma mater, the University of Idaho—are all institutions of exceptional academic quality.

Madam President, I am proud to see more young Idahoans enjoying success, and I wanted the Senate to be aware of the achievements of the Warrior baseball team. Congratulations to Coach Cheff's team once again.●

TRIBUTE TO GEN T. MICHAEL MOSELEY

● Mr. INHOFE. Madam President, today I pay special tribute to GEN T. Michael Moseley, 18th Chief of Staff of the U.S. Air Force, who, completed 37 years of distinguished service to our Nation today. He is an exemplary patriot, extraordinary leader, and a close friend.

General Moseley began his accomplished career at Texas A&M and Webb AFB, where he earned his pilot's wings in 1973. He proceeded to a series of demanding assignments as flight instructor, test pilot and mission commander. His peerless operational skills were honed by the most prestigious positions, to include command at every level—most notably the Air Force Fighter Weapons School, the 9th Air Force, and the U.S. Central Command Air Forces. General Moseley led Airmen in peace, crisis and war—from Operation Southern Watch, through the harrowing days in the wake of 9/11, to victory over the Taliban in Operation Enduring Freedom and the destruction of Saddam Hussein's war machine in Operation Iraqi Freedom.

The breadth and depth of General Moseley's assignments and the professionalism with which he has carried them out, reflect a keen intellect, and an unrivaled grasp of national security policies and air power's role in implementing them. General Moseley tirelessly worked to reinvigorate the innovation, flexibility, creativity, and strategic thinking that have been hallmarks of America's Airmen since the dawn of aviation. In this context, General Moseley redefined the Air Force for the 21st Century, ensuring that America's guardians will continue to fly, fight and win in both today's and tomorrow's conflicts.

General Moseley has frequently testified before Congress on a wide variety of issues critical not only to the Air Force but to this Nation and its ability to meet uncertain challenges in the future. However controversial the topic or pointed the questioning, he has always provided the Members with his honest evaluation, balancing current crises with future requirements. I have been impressed by his unwavering focus on this Nation's security and ensuring that the U.S. Air Force remains the preeminent Air Force in the world, preserving America's asymmetric advantage in the air.

It was General Moseley's exceptional grasp of warfighters' needs, born of his own combatant experience, that enabled the Air Force to provide unprecedented Global Reach, Global Vigilance and Global Power for both traditional and nontraditional missions. Under his leadership, the Air Force spread its wings over America's cities, delivered relief to victims of tsunamis and hurricanes, expanded international ties to reassure allies and deter enemies—all while flying and fighting as an indispensable part of the Joint force in Iraq, Afghanistan and other theaters of the global war on terror.

His commitment to his Airmen has been peerless. In a constrained fiscal environment—and with lives in the balance—General Moseley's uncommon courage, expertise and foresight forged a set of initiatives transforming the Air Force while simultaneously recapitalizing an aging air fleet, worn down by 18 years of continuous combat. He sought to provide his Airmen with the quality of life they deserve, while seeing to their training, education and leadership. He has refocused the Service on a single core mission: bolstering warrior ethos and fostering joint and combined synergies.

While many distinguished awards and decorations adorn his uniform—from his own grateful Nation as well as from such staunch allies as Britain, France, Korea, Brazil, Singapore, and the UAE—what stands out most and what we honor him for today is his unflinching commitment to the cause of freedom and justice. As the 18th Chief of Staff and a member of the Joint Chiefs of Staff from September 2005 to August 2008, General Moseley has been a trusted advisor on all aspects of airpower and its key role in promoting and defending America's interests at home and abroad. He remains to this day a staunch and consistent advocate of inter-Service and international cooperation as the most effective way of assuring allies, dissuading and deterring adversaries, and defeating implacable foes.

General T. Michael "Buzz" Moseley's 37 years of distinguished service epitomizes bold leadership, strategic vision, intellectual flexibility, innovation, honor, integrity, dignity and selfless devotion. He has earned the deepest respect from all whom he has served during his illustrious career—most notably this Congress and a grateful Nation.

I offer my sincere thanks and appreciation to GEN Buzz Moseley for his leadership, compassion, and service to the men and women of the Air Force and our country. I am honored to call you friend and pray that the Lord guard and guide you and your family as you begin the next chapter of your life.●

TRIBUTE TO COL DONALD A. PERSON

● Mr. INOUYE. Madam President, I would like to recognize a great American and true military hero who has honorably served our country for 49 years.

Colonel Person was born in Fargo, ND, and entered the Army as part of the "Doctor Draft" in 1964 after earning his MD from the University of Minnesota School of Medicine. He served as Chief, Preventive Medicine, Professional Standards, and Aviation Medicine, Headquarters, U.S. Army Southern Command and Officer in Charge of U.S. Army Dispensary, Fort Clayton, Panama. For the next 20 years, Dr. Person remained active in the U.S. Army Reserve. During that time, he completed neurosurgical training, and a postdoctoral fellowship in microbiology, immunochemistry, and virology at the Mayo Clinic in Rochester, MN. Subsequently he served on the faculty in internal medicine and virology and epidemiology at Baylor College of Medicine in Houston, TX. He also trained in pediatrics while at Baylor.

Colonel Person reinterred active duty in 1987 and was assigned as chief and program director in pediatrics, and chief, department of clinical investigation at Tripler Army Medical Center. He has 265 publications in the medical literature and has spoken at more than 400 meetings and seminars throughout the world. He is also a member of 60 medical, scientific, and professional organizations. He deployed to much of Central and South America, Alaska, Papau New Guinea, the Republic of the Maldives, South Korea, Micronesia, and served in Operation Desert Storm.

Additionally, Colonel Person was professor of clinical pediatrics and clinical public health, John A. Burns School of Medicine, University of Hawaii at Manoa. For his leadership in the development and sustainment of the Pacific Island Health Care Project, he was recognized by the Pacific Basin Medical Association by the indigenous people of the U.S. Associated Pacific Islands and by the legislatures of the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands.

Throughout his career COL Donald A. Person has served with valor and profoundly impacted the entire Army Medical Department. His performance reflects exceptionally on himself, the U.S. Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to Colonel Person on behalf of a grateful Nation for his more than 49 years of dedicated military service.●

100TH ANNIVERSARY OF SMART MOTORS, INC.

● Mr. KOHL. Madam President, I would like to acknowledge the 100th anniversary of Smart Motors, Inc., a family-owned business in Madison, WI. Smart Motors, Inc. began in 1908 when founder O.D. Smart sold his first car, an Apperson-Jackrabbit. A far cry from today's complex automobile business, the operation O.D. began was very straightforward—involving little more than a handshake, a cash payment and a bill of sale.

Since those early days, Smart Motors has successfully added services such as finance and insurance as well as a service and parts department to satisfy their customers and to remain competitive in today's competitive car sales industry.

Madam President, 2008 marks a milestone for Smart Motors which not even O.D. Smart could have anticipated when he made his first car sale in 1908. But his guiding principle to "treat people with respect, honesty, equality, and integrity" has served the company well. I am proud to have such a hardworking and respected family business in Wisconsin. I congratulate their high level of performance over the past 100 years and wish them all the best as they enter their second century of business.●

U.S. MATHEMATICAL OLYMPIAD

● Mr. LEAHY. Madam President, I would like to pay tribute to two outstanding Vermont students, Colin Sandon, of Essex, and David Rolnick, of Rupert. These two high school students both placed in the top 12 finishers in this country's highest precollegiate math competition, the U.S. Mathematical Olympiad, which took place in May. In the 34-year history of the Olympiad, this is the first time any Vermonter has made it this far and this year my state had two students accomplish this incredible achievement.

Colin and David, at the ages of 18 and 16 respectively, have been preparing to compete at this level of mathematical competition their entire educational careers. They have achieved this goal through their own hard work and perseverance, and also through the support of their parents and teachers. David benefited from being homeschooled by his parents. The Vermont State Math Coalition identified Colin in the first grade, and he began tutoring outside of the classroom by engineers and physicists at IBM. Three years ago, he began taking high-level math classes at the University of Vermont.

Both students have also benefited from the dedication of Anthony Trono, who retired from teaching at Burlington High School in 1992, but has played a key role in training Vermont's talented math students. Anthony directs the Governor's Institute in Mathematical Sciences, a week-long residential program for students held every year at the University of Vermont that both Colin and David attended. Anthony also runs the Vermont State Mathematics Coalition Talent Search. He will retire this year and Colin and David's success this year is a testament to the many years he has invested in Vermont's students.

This month, Colin will compete on a six-student team which will represent the U.S. in the 49th annual International Math Olympiad. In the fall, both Colin and David will attend the Massachusetts Institute of Technology. I congratulate them and their families on their accomplishments and I wish them the best of luck in what I am sure will be bright futures.

Madam President, I ask to have an article from the Burlington Free Press detailing their accomplishments be printed in the RECORD.

The material follows:

TWO REACH APEX IN MATH COMPETITION, ESSEX, RUPERT TEENS AMONG NATION'S BEST

(By Matt Ryan)

Six congruent circles are arranged inside a larger circle so that each small circle is tangent to two other small circles and is tangent to the large circle. The radius of the large circle is 2007 centimeters. Find the radius of the small circles.

For Colin Sandon of Essex and David Rolnick of Rupert, this problem was preparation for a series of increasingly selective math competitions. The two high schoolers placed in the Top 12—Sandon tied for first place—in the country's highest pre-collegiate math competition last week. They will try out in June for a national, six-person math team that will compete internationally in Madrid.

Sandon, 18, and Rolnick, 16, are the first Vermont students to place in the Top 12 at the U.S. Mathematical Olympiad in at least a decade, according to the Mathematical Association of America. Anthony Trono, who has been training Vermont's math prodigies since he retired from teaching at Burlington High School in 1992, said, as far as he knew, they were the state's first students to accomplish the feat. The Olympiad began in 1974.

Trono, 80, of Colchester conceived the sample problem above and provided The Burlington Free Press its solution: 669 centimeters. Four times a year, he mails a sample exam with eight such problems to Vermont's high schools to test the waters for up-and-coming whizzes. The problems, like those found on exams for the American Math Competition, the American Invitational Math Exam and the Olympiad—the three tiers of the national math tournament through which Sandon and Rolnick advanced—involve applications up to pre-calculus.

"Some of these problems aren't even algebra, it's just arithmetic, but you gotta use your head to solve them," Trono said. "They usually have to prove something is true, derive some kind of formula, or solve a very, very complex problem."

During the course of the tournament, the field narrowed from 500,000 students—including some from Canada—to the 500 who competed in the Olympiad.

Students in the competitions generally take the exams at their high schools. Sandon took his at Essex High School and Rolnick, who is homeschooled, took his at Middlebury College. Students were allotted 4 1/2 hours on two consecutive days to complete the Olympiad's six problems. The highest scorer, Sandon, a senior, and Rolnick, a junior, have been accepted to and plan to enroll at the Massachusetts Institute of Technology in the fall.

"I'm kind of nervous, because I've never been away from home for more than a month, and MIT will be my home for the next four years," Sandon said. "On the other hand, I'll get to meet new people there and take more challenging classes."

Sandon has sought more challenging classes since elementary school.

The Vermont State Math Coalition discovered Sandon when he was in first grade. Engineers and physicists from IBM tutored the boy for the next few years, as his capacity for math exceeded that of his teachers. He finished pre-calculus in sixth grade, and began taking courses at the University of Vermont three years ago. His course load includes calculus III, linear algebra, graph theory and number theory.

His goal was to crack the Top 12 in the Olympiad.

"I felt like I had done pretty well, but I didn't think I had done that well," Sandon said.

His parents, Peter and Maureen Sandon, an engineer at IBM and a retired home economics teacher, respectively, said the announcement surprised them, too.

"We had a message on our answering machine," Maureen Sandon said. "I said, 'Wait a minute, what did this message say?' I must have replayed it three times."

Peter Sandon said his son left him behind "quite a while ago" in math.

"I used to play chess with him, too, and I used to be able to beat him," Peter Sandon said. "And now I can't."

Colin Sandon said he enjoys strategy games, and also likes to read science fiction and fantasy.

THE RENAISSANCE MAN

Rolnick said he also enjoys strategy games—as well as hiking; tennis; word play; reading; writing; talking; listening to classical composers, such as Bach, Beethoven, Haydn, Schubert and Tchaikovsky; and studying moths.

Tiny white moths are boring, Rolnick said. He prefers the variety of larger moths with scarlets, violets, yellows, greens, silvers and golds.

"I have had the fortune to grow up in a household with parents who did not cause me to be afraid of insects," Rolnick said. He blasted the "societal prejudice against insects" that assumes all bugs "bite, sting or eat furniture."

Rolnick sees beauty in moths and math.

"Geometry I find easier to talk about," Rolnick said. "I love the way that things that are true, really are true."

"If you have a triangle, and you join the vertices to the midpoints of the opposite side, you come up with three lines. Those lines will come to a point—those three lines will always meet—and I find that very beautiful."

Problem solving becomes increasingly important as students advance through the competitions, Rolnick said.

"For all the problems, there is a certain amount of thinking and puzzling that is absolutely necessary," Rolnick said.

"It is absolutely hard," he said of the Olympiad. "It is meant to be hard, even for professional mathematicians."

TRONO RETIRES

Sandon and Rolnick attended the Governor's Institute in Mathematical Sciences, a week-long residential program for students held at UVM during the summer.

Trono has directed the institute and run the Vermont State Mathematics Coalition Talent Search—for which he mails high schools his sample exams—since the early 1990s. He said he will retire from the institute this year.

"This has been a terrific year for me to go out," Trono said.

He said he has 10,000 "super, very good problems"—those that did not make the cut for previous sample exams—to give his successors a head start.●

REMEMBERING ROBERT LEENEY

● Mr. LIEBERMAN. Madam President, New Haven has lost a friend, a neighbor, and a teacher, with the passing of Robert Leeney, the longtime editor of the New Haven Register. In his career at the Register, Bob informed, educated, and entertained us in many roles, including as an editorial writer, reporter, book editor, Broadway columnist, and theatre critic.

Bob's weekly column in the paper, the "Editor's Note"—which he remarkably wrote from April 6, 1974 to April 7, 2007, without missing even a single week—was a must-read column that brightened up our Saturday mornings. Evident in his writing was his love of New Haven, often reminding us what we may have missed, and through him it is true to say that our love of New Haven increased.

In his columns, Bob rarely strayed from local nonpolitical topics, but when he did it was often to remind us about the greatness of our country, the value of service, or to urge politicians to look beyond partisan politics. And Bob always did this with a grace and delivery that ensured his words made their impact.

His writing often brought to life, and made us yearn for, an earlier age. In his last July 4th column, published on June 30, 2007, for instance, Bob wrote about the celebrations in the 1920s. It was a time, he wrote, when: "In every family, the youngsters were chipping in long-saved nickels and dimes to build a fireworks fund for the front porch displays that illuminated streets and lawns, beaches and boat docks in salute to American independence and the personal freedom it signified for all the world."

Just as Bob's professional life was marked by his scholarship and talented writing and reporting, his personal life, too, was marked by his dedication to New Haven and to his being the consummate gentleman. His service to our community did not end with his journalism, and in his spare time he served our community in many roles. Indeed, his life was twinned with that of New Haven, especially in its artistic and religious life.

To give just a few examples of his extensive public service, Bob served as vice president of the New Haven Arts Council and on the city committee that worked to reopen the Shubert. Once the theatre was reopened, he served on its board.

His interests and service was not limited to the arts. Bob served as a director of the Greater New Haven Chamber of Commerce and was a member of the State Education Commission's Connecticut Education Council. He also sat on the committee tasked with establishing a Holocaust memorial, as well as on other committees.

Bob was a religious man, and in recognition for his service to the Catholic Church, Pope John Paul II appointed him a Knight of St. Gregory. Bob also received numerous other awards, including Connecticut Anti-Defamation League's First Amendment Freedoms Award—of which he was the first ever recipient.

It can be said about Bob that he left our society better off for the wisdom and humanity he taught us both in his writings, in his personal life of honor, and in his public service.

Bob's wife Anne passed away in 1990. I remember him writing, after he had a heart attack in 2003, he "touched the pillow where the moonlight and the memory fused and whispered, 'Much ado about nothing, old girl'—and went to sleep." Hadassah and I extend our condolences to his family, the Register, and the entire community. We will miss you, Bob.●

RECOGNIZING NATIONAL LIFE GROUP OF VERMONT

● Mr. SANDERS. Madam President, I would like to recognize the National Life Group of Vermont for the impact this company is having in the field of renewable energy, energy efficiency, and environmental stewardship in my State of Vermont. National Life, a Fortune 1000 financial services and insurance firm based in Montpelier, is actively moving forward with a significant solar project at its headquarters.

National Life announced in May that it will install 240 300-watt solar panels on the roof of its Montpelier headquarters. This will be one of the largest, if not the largest, solar electric installations in Vermont. The solar panels are expected to be installed and running by September, and they estimate that the system will generate 77,767 kilowatt-hours a year. The 72 kW Photovoltaic, PV, system will generate enough electricity to power 13 average Vermont homes.

The $500,000 project will be financed in part through a $200,000 grant from the State of Vermont's Clean Energy Development Fund, which is administered by the Department of Public Service.

National Life has contracted Solar Works of Montpelier to handle the installation. Solar Works is the leading solar electric systems provider in the Northeast.

National Life is also working on a separate proposal to install a solar hot water system at the building. Both solar projects are part of a larger plan, begun 5 years ago, to transform the company's Montpelier headquarters into a "green" campus. An important plan objective will be realized at the end of 2008, when the company expects to win a coveted LEED certification.

LEED—Leadership in Energy and Environmental Design—is the nationally accepted benchmark for the design, construction, and operation of high-performance green buildings. Impressively, experts say LEED certification for National Life's headquarters would be the first for a 50-year-old facility anywhere in the Nation.

Tom MacLeay, the CEO of National Life, has driven this entire green initiative. A Vermont native who has worked at National Life for 32 years, Tom recently announced that he would be retiring at the end of this year. It is certainly worth noting that the company's commitment to environmental leadership is a testimony to his vision of the ways in which business can help achieve a secure environmental future for this Nation.

Solar is not the only area in which National Life has shown its environmental stewardship. Every 10 days National Life sends its shredded paper to Fairmont Farms, a dairy farm in East Montpelier, to be used as bedding for the cows and mixed into fertilizer for the fields. In 2007 they recycled 64 percent of their waste, including paper, plastic, shredded material, aluminum, metal, food composting, and computer equipment.

In 2007 National Life transformed the offices of its Human Resources Department into a showcase for leading-edge green technology, using carpet with no volatile organic compounds, VOC, occupancy sensors, glass walls and automatic window blinds that allow light to pass through while keeping the heat out in the summer and the cold out in the winter. The new lighting technology put in place at its headquarters—with fixtures that are 95 percent efficient compared to the 50-percent efficiency of existing fixtures—will cut the company's electric bill in half.

The company's Alternate Transportation Program offers incentives such as free bike tuneups, gas cards, free bus passes, and shoe discounts for those who carpool, bike, use bus service, or walk or run to and from work.

These accomplishments are not just environmentally sound, they illustrate smart business decisions. By reducing its greenhouse gas emissions, Vermont Life is cutting its electric bills and saving serious money too. And by pushing the boundaries of what can be done, it is setting an example for other companies.

What they are accomplishing with solar energy in Vermont, which is not a particularly sunny State, demonstrates what is possible to achieve right now if the will is there to carry it through.

Mr. President, I look forward to the day when renewable energy and conservation have become so commonplace in our society that they are no longer looked upon as being unusual or path-breaking but are seen as totally ordinary, a normal part of the landscape. When that day comes, and I believe that it will, we will be able to look back to a handful of environmentally aware companies, such as National Life, that helped show us the way toward our sustainable energy society.•

HONORING RAYE'S MUSTARD MILL

• Ms. SNOWE. Madam President, today I wish to recognize a small business from my home State of Maine whose roots spring from both our State's seafaring heritage and agricultural legacy. Raye's Mustard Mill in Eastport has long provided locals with the perfect condiment to top almost any meal from the once traditional sardine to the timeless summer classic of burgers and hot dogs.

Raye's Mustard, founded in 1900 by J. Wesley Raye, has been operating at its current location in Eastport, America's easternmost city, since 1903, when a young Wes Raye decided to move out of the family smokehouse and into a more commercially viable location. When the company's mustard was first produced, it provided the perfect complement to the sardines being caught and consumed by Maine fishermen. While times have changed, Raye's mustard has consistently remained a Maine culinary staple. It has continued to accompany new dishes while it is still made using many of the same techniques that Mr. Raye employed over 100 years ago. Indeed, Raye's is the only remaining traditional stone ground mustard mill in America, and the firm uses a time-honored cold grind method for preparing its product, slowly grinding mustard seeds and other ingredients together using massive pieces of stone.

Raye's distinctive technique has succeeded in producing numerous award-winning mustards that have been recognized by culinary organizations nationwide. Raye's 21 mustard varieties have been featured in publications, including "Martha Stewart Living" and "Yankee Magazine." With varieties ranging from the Downeast Schooner, Raye's classic yellow mustard; to more innovative flavors, like the spicy Heavenly Jalapeno, the firm has managed to produce mustards to satisfy any palate. Furthermore, its special line of select mustards provide a hint of Maine in every jar, as the company has partnered with local restaurants and breweries to produce signature items such as Raye's Jameson Tavern Style and Raye's Sea Dog Beer Mustard.

While Raye's Mustard is sold in stores regionally and worldwide via the internet, just as unchanging as the mustard itself are the Mustard Mill and The Pantry Store, Raye's on-site retail location. In fact, in 2006, these Eastport institutions garnered the Maine Tourism Association's Down East and Acadia Regional Tourism Award. Tours of the mill give visitors the opportunity to learn about the history of one of the most universal food products in the world and to see first hand the valiant spirit and commitment to quality that have driven Raye's to the impressive heights that it has achieved.

In addition to the respect that I have for Raye's Mustard Mill as a small family-owned business, I also have a great personal esteem for its fourth generation of owners. I have long known Kevin and Karen Raye as friends and colleagues, and I have been particularly pleased to see the successes they have achieved since Kevin left Capitol Hill after serving as chief of staff for many years. It is with great admiration that I wish Raye's Mustard the best of luck as it continues to excel at making distinct products that have earned accolades from discerning clients and culinary greats alike.•

MESSAGE FROM THE HOUSE

At 5:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1423. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

H.R. 3981. An act to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

H.R. 4199. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

H.R. 5741. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office".

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1423. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4199. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5741. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Commerce, Science, and Transportation,

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3981. An act to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7027. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Hospital Mortgage Insurance Program: Technical and Clarifying Amendments Final Rule" ((RIN2502-AI22)(FR-4927-F-03)) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7028. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 35953) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7029. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 35958) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7030. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 35077) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7031. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 35079) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7032. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 35083) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7033. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Understandings Reached at the April 2008 Australia Group Plenary Meeting; Additions to the List of States Parties to the Chemical Weapons Convention" (RIN0694-AE36) received on July 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7034. A communication from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's management reports for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-7035. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled, "2007 Status of U.S. Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC-7036. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 2 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan" (RIN0648-AU89) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7037. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.80(b) of the Commission's Rules: Adjustment of Forfeiture Maxima to Reflect Inflation" (FCC 08-159) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7038. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Harper, Texas" (MB Docket No. 07-211) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7039. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order" (FCC 08-147) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7040. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Dededo, Guam" (MB Docket No. 08-12) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7041. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Scallop Dredge Exemption Areas; Addition of Monkfish Incidental Catch Trip Limits" (RIN0648-AW31) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7042. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska" (RIN0648-XI39) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7043. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XI37) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7044. A communication from the Acting General Counsel, Department of Commerce, transmitting a legislative proposal to reauthorize the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

EC-7045. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report on the Commission's proposed systems of records subject to the Privacy Act; to the Committee on Commerce, Science, and Transportation.

EC-7046. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update" (STB Ex Parte No. 542) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7047. A communication from General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Promotion of a More Efficient Capacity Release Market" (RIN1902-AD48) received on July 2, 2008; to the Committee on Environment and Public Works.

EC-7048. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on a feasibility study that was undertaken to evaluate flood damage reduction opportunities for the May Branch at Fort Smith, Arkansas; to the Committee on Environment and Public Works.

EC–7049. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ammonium Soap Salts of Higher Fatty Acids (C8–C18 saturated; C8–C12) unsaturated; Exemption from the Requirement of Tolerance" (FRL No. 8372–2) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7050. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirotetramat; Pesticide Tolerances" (FRL No. 8367–1) received on July 8 2008; to the Committee on Environment and Public Works.

EC–7051. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District, Including Nevada County Air Pollution Control District Portion, Plumas County Air Pollution Control District Portion, and Sierra County Air Pollution Control District Portion" (FRL No. 8569–6) received on July 8 , 2008; to the Committee on Environment and Public Works.

EC–7052. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Gamma-Cyhalothrin; Pesticide Tolerances" (FRL No. 8372–6) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7053. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plants; Texas; Control of Air Pollution from Volatile Organic Compounds" (FRL No. 8689–7) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7054. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azocystrobin; Pesticide Tolerances" (FRL No. 8371–9) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7055. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerances" (FRL No. 8370–9) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7056. A communication from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement an important new treaty for the protection of aquatic life and the marine environment; to the Committee on Environment and Public Works.

EC–7057. A communication from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter to the Committee on Environment and Public Works.

EC–7058. A communication from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on the Safe, Accountable, Flexible, Efficient Transportation Equity Act; to the Committee on Environment and Public Works.

EC–7059. A communication from Chairman, Nuclear Regulatory Commission, transmitting proposed legislation which authorizes appropriations fiscal year 2009; to the Committee on Environment and Public Works.

EC–7060. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Auction Rate Preferred Stock—Effect of Liquidity Facilities on Equity Character" (Notice 2008–55) received on July 7, 2008; to the Committee on Finance.

EC–7061. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications to Subpart F Treatment of Aircraft and Vessel Leasing Income" ((RIN1545–BH03)(TD 9406)) received on July 8, 2008; to the Committee on Finance.

EC–7062. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revised Coordinated Issue: Employee Tool and Equipment Plans" (LMSB–04–0608–037) received on July 8, 2008; to the Committee on Finance.

EC–7063. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Wisconsin" (Notice 2008–61) received on July 8, 2008; to the Committee on Finance.

EC–7064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Iowa" (Notice 2008–58) received on July 8, 2008; to the Committee on Finance.

EC–7065. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Indiana" (Notice 2008–56) received on July 8, 2008; to the Committee on Finance.

EC–7066. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update to Revenue Procedure 2008–12" (Rev. Proc. 2008–35) received on July 8, 2008; to the Committee on Finance.

EC–7067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Puerto Rican Plans" (Rev. Rul. 2008–40) received on July 8, 2008; to the Committee on Finance.

EC–7068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on the Application of Section 457(f) to Certain Recurring Part-Year Compensation" (Notice 2008–62) received on July 8, 2008; to the Committee on Finance.

EC–7069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Section 7216 Regulations—Disclosure or Use of Information by Preparers of Returns" ((RIN1545–BI01)(TD 9409)) received on July 8, 2008; to the Committee on Finance.

EC–7070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dependent Child of Divorced or Separated Parents or Parents Who Live Apart" (TD 9408) received on July 8, 2008; to the Committee on Finance.

EC–7071. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for the export of defense services to support the manufacture of baseline "green" configured Sikorsky S–70i Blackhawk Helicopters; to the Committee on Foreign Relations.

EC–7072. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the Emirates Air Defense Ground Element and TPS–78 Radar Systems for the United Arab Emirates Low Altitude Surveillance System Program; to the Committee on Foreign Relations.

EC–7073. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of the fact that no United Nations organization or affiliated agency grants any official status to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC–7074. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, texts of Conventions and Recommendations that were adopted by the International Labor Conference at Geneva; to the Committee on Foreign Relations.

EC–7075. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–419, "Fiscal Year 2009 Budget Support Act of 2008" received on July 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7076. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–407, "Wards 4, 7, and 8 Anti-Sale of Single Containers of Alcoholic Beverages Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7077. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–406, "Compensation and Holdover Clarification Amendment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7078. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on

D.C. Act 17-405, "Financial Literacy Council Establishment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7079. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-404, "Noise Control Protection Amendment Act of 2008" received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7080. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory Summary as of June 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7081. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification of the fact that the cost of response and recovery efforts for FEMA-3283-EM in the State of Illinois has exceeded the limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7082. A communication from the Acting Administrator, General Services Administration, transmitting notification that the Administration has made public its approval letter relative to its Commercial and Inherently Governmental Activities Inventories for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7083. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled, "2007 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC-7084. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's Other Transaction Authority; to the Committee on Homeland Security and Governmental Affairs.

EC-7085. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Customs and Border Protection Regulations" (CBP Dec. No. 08-25) received on July 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7086. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Use of Meeting Rooms and Public Space" (RIN3095-AB33) received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7087. A communication from the Secretary of Labor, transmitting a draft bill intended to establish authority for the Secretary to impose a fee on employers submitting applications to the Department for the certification of temporary employment of non-immigrant aliens under the H-2B nonagricultural worker visa program; to the Committee on the Judiciary.

EC-7088. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Beneficiary Travel Under 38 U.S.C. 111 Within the United States" (RIN2900-AM02) received on July 2, 2008; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Agriculture, Nutrition, and Forestry.

*Walter Lukken, of Indiana, to be Chairman of the Commodity Futures Trading Commission.

*Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013.

*Scott O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 3234. A bill to amend the Internal Revenue Code of 1986 to provide a temporary income tax credit for commercial fisherman to offset high fuel costs; to the Committee on Finance.

By Mr. VITTER:

S. 3235. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Foreign Relations.

By Mr. McCONNELL (for himself, Mr. GRASSLEY, and Mr. KYL):

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 991

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1795

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2668, supra.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2957

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 3108

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3108, a bill to require the President to call a White House Conference on Food and Nutrition.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3177

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3177, a bill to develop a policy to address the critical needs of Iraqi refugees.

S. 3191

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3191, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 3209

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3209, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 3223

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S.J. RES. 43

At the request of Mr. WICKER, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 607

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 607, a resolution designating July 10, 2008, as "National Summer Learning Day".

S. RES. 609

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 609, a resolution recognizing the need for rapid recapitalization of the KC-135 aerial refueling fleet through re-competition of the United States Air Force's KC–X solicitation.

AMENDMENT NO. 5066

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 5066 proposed to H.R. 6304, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 3234. A bill to amend the Internal Revenue Code of 1986 to provide a temporary income tax credit for commercial fishermen to offset high fuel costs; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help commercial fishermen in Alaska and all over the United States offset high fuel prices by providing a temporary income tax credit for excessive fuel costs. I am pleased to have Mr. STEVENS join me in introducing this important legislation.

Diesel fuel prices in Alaska and across the Nation have increased more than 50 percent over the past year. Some fishermen are reporting that they are now spending up to 70 percent of their income for fuel. This is having a devastating impact on this industry as fishermen do not have the option of passing the cost of fuel onto clients or customers, turning to alternative modes of transportation to do their jobs, or selling their product for a higher price. They can't simply increase the price of fish to offset higher fuel costs. Fish prices, in most cases, are set by the seafood processing sector and are tied to prices in the global seafood market in which Alaskan and American seafood compete.

All around the world, fishermen are responding to this crisis. They are blockading harbors in Ireland and France, protesting at the European Union headquarters in Belgium, rioting in Italy and Spain, burning fishing boats in Thailand, and striking in Japan.

Fishermen all over the United States are staying tied to the dock, unable to make enough money from their catch to pay for the fuel. In Gloucester and

Biloxi, Key West and Honolulu, Point Judith and Kodiak, fishermen simply can't afford to go fishing. And some U.S. vessels are running all the way from the Gulf of Mexico and California to Mexico to buy fuel. Even the Federal Government is cancelling fishery stock assessment surveys due to the high cost of fuel. As you can see, fishermen are getting hit from all sides right now.

When fishermen can't go fishing, they can't make their boat and permit payments. Many are simply going out of business. Fishermen are not the only ones who are concerned about the high price of fuel. The seafood processing sector also is facing higher costs for energy and many other inputs and is worried about the industry's ability to maintain a steady supply of fish. When fishermen don't leave the dock, the processors don't get their fish and a major seafood supply shortage could occur in the near future.

Some people might say that if fish stocks were healthier or fewer boats were fishing, that the industry could better deal with the increased price of fuel. But even in Alaska, where we have abundant, sustainably managed fish stocks that supply over 50 percent of the seafood in the United States, we are still suffering. The price of fuel has increased from an average of $1.80 per gallon in 2004 to $2.80 last year and diesel is now $4.50 on average.

In Alaska, we have already limited the number of vessels in most fisheries, so they are not over capitalized. We also have established many limited access privilege programs such as limited entry, individual fishing quotas, and coops, where fishermen can make choices to harvest in the most efficient and economic way. So, even though we have tried to make the fisheries much more economical, we still are being severely impacted by these high fuel prices. We are much more able to withstand these high fuel prices than regions and fisheries that have not limited the number of vessels or slowed the race for fish. But, many fisheries in Alaska, including our salmon fisheries, where over 150 million fish likely will be caught in a 2½ month season, fishermen must catch the fish while they are available. In other parts of the country, where fishermen are still racing for fish and have not limited the number of vessels participating, things must be far worse.

In order to provide temporary relief to the commercial fishermen across the country, I am introducing this legislation. If we allow the fishermen in this country to stay tied to the dock, or go out of business, we may lose a large portion of the industry. Since over 80 percent of the seafood Americans eat is imported, we simply can't afford for this to happen. We must try to assist this industry weather this storm. I believe this legislation will help us do that.

By Mr. McCONNELL (for himself, Mr. GRASSLEY, and Mr. KYL):

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare and Medicaid Extension Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Extension of physician payment update.
Sec. 102. Extension of floor on Medicare work geographic adjustment under the Medicare physician fee schedule.
Sec. 103. Extension of treatment of certain physician pathology services under Medicare.
Sec. 104. Extension of exceptions process for Medicare therapy caps.
Sec. 105. Extension of payment rule for brachytherapy and therapeutic radiopharmaceuticals.
Sec. 106. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 107. Delay in and reform of Medicare DMEPOS competitive acquisition program.

TITLE II—MEDICAID

Sec. 201. Extension of qualifying individual (QI) program.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Medicaid DSH extension.

TITLE III—CONTINGENCY

Sec. 301. Contingency.

TITLE I—MEDICARE

SEC. 101. EXTENSION OF PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d)(8) of the Social Security Act (42 U.S.C. 1395w–4(d)(8)), as added by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A), by striking "June 30, 2008" and inserting "July 31, 2008"; and

(2) in subparagraph (B), by striking "July 1, 2008" and inserting "August 1, 2008".

(b) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—Section 1848(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)(i)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and by section 7002(c) of the Supplemental Appropriations Act, 2008, is amended—

(1) in subclause (III), by inserting " reduced by $600,000,000" before the period at the end; and

(2) in subclause (IV), by inserting " increased by $220,000,000" before the period at the end.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in such provisions and amendments, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $20,000,000.

SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 103 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "before July 1, 2008" and inserting "before August 1, 2008".

(b) TECHNICAL CORRECTION.—Section 602(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2301) is amended to read as follows:

"(1) in subparagraph (A), by striking 'subparagraphs (B), (C), and (E)' and inserting 'subparagraphs (B), (C), (E), and (G)'; and".

SEC. 103. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), and section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "the first 6 months of 2008" and inserting "the first 7 months of 2008".

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 105 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "June 30, 2008" and inserting "July 31, 2008".

SEC. 105. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY AND THERAPEUTIC RADIOPHARMACEUTICALS.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 106 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "July 1, 2008" each place it appears and inserting "August 1, 2008".

SEC. 106. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by section 116 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "July 1, 2008" and inserting "August 1, 2008".

SEC. 107. DELAY IN AND REFORM OF MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) TEMPORARY DELAY AND REFORM.—

(1) IN GENERAL.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)(i), in the matter before subclause (I), by inserting "consistent with subparagraph (D)" after "in a manner";

(ii) in subparagraph (B)(i)(II), by striking "80" and "in 2009" and inserting "an additional 70" and "in 2011", respectively;

(iii) in subparagraph (B)(i)(III), by striking "after 2009" and inserting "after 2011 (or, in the case of national mail order for items and services, after 2010)"; and

(iv) by adding at the end the following new subparagraphs:

"(D) CHANGES IN COMPETITIVE ACQUISITION PROGRAMS.—

"(i) ROUND 1 OF COMPETITIVE ACQUISITION PROGRAM.—Notwithstanding subparagraph (B)(i)(I) and in implementing the first round of the competitive acquisition programs under this section—

"(I) the contracts awarded under this section before the date of the enactment of this subparagraph are terminated, no payment shall be made under this title on or after the date of the enactment of this subparagraph based on such a contract, and, to the extent that any damages may be applicable as a result of the termination of such contracts, such damages shall be payable from the Federal Supplementary Medical Insurance Trust Fund under section 1841;

"(II) the Secretary shall conduct the competition for such round in a manner so that it occurs in 2009 with respect to the same items and services and the same areas, except as provided in subclauses (III) and (IV);

"(III) the Secretary shall exclude Puerto Rico so that such round of competition covers 9, instead of 10, of the largest metropolitan statistical areas; and

"(IV) there shall be excluded negative pressure wound therapy items and services.

Nothing in subclause (I) shall be construed to provide an independent cause of action or right to administrative or judicial review with regard to the termination provided under such subclause.

"(ii) ROUND 2 OF COMPETITIVE ACQUISITION PROGRAM.—In implementing the second round of the competitive acquisition programs under this section described in subparagraph (B)(i)(II)—

"(I) the metropolitan statistical areas to be included shall be those metropolitan statistical areas selected by the Secretary for such round as of June 1, 2008; and

"(II) the Secretary may subdivide metropolitan statistical areas with populations (based upon the most recent data from the Census Bureau) of at least 8,000,000 into separate areas for competitive acquisition purposes.

"(iii) EXCLUSION OF CERTAIN AREAS IN SUBSEQUENT ROUNDS OF COMPETITIVE ACQUISITION PROGRAMS.—In implementing subsequent rounds of the competitive acquisition programs under this section, including under subparagraph (B)(i)(III), for competitions occurring before 2015, the Secretary shall exempt from the competitive acquisition program (other than national mail order) the following:

"(I) Rural areas.

"(II) Metropolitan statistical areas not selected under round 1 or round 2 with a population of less than 250,000.

"(III) Areas with a low population density within a metropolitan statistical area that is otherwise selected, as determined for purposes of paragraph (3)(A).

"(E) VERIFICATION BY OIG.—The Inspector General of the Department of Health and Human Services shall, through post-award audit, survey, or otherwise, assess the process used by the Centers for Medicare & Medicaid Services to conduct competitive bidding and subsequent pricing determinations under this section that are the basis for pivotal bid amounts and single payment amounts for items and services in competitive bidding areas under rounds 1 and 2 of the competitive acquisition programs under this section and may continue to verify such calculations for subsequent rounds of such programs.

"(F) SUPPLIER FEEDBACK ON MISSING FINANCIAL DOCUMENTATION.—

"(i) IN GENERAL.—In the case of a bid where one or more covered documents in connection with such bid have been submitted not later than the covered document review date specified in clause (ii), the Secretary—

"(I) shall provide, by not later than 45 days (in the case of the first round of the competitive acquisition programs as described in subparagraph (B)(i)(I)) or 90 days (in the case of a subsequent round of such programs) after the covered document review date, for notice to the bidder of all such documents that are missing as of the covered document review date; and

"(II) may not reject the bid on the basis that any covered document is missing or has not been submitted on a timely basis, if all such missing documents identified in the notice provided to the bidder under subclause (I) are submitted to the Secretary not later than 10 business days after the date of such notice.

"(ii) COVERED DOCUMENT REVIEW DATE.—The covered document review date specified in this clause with respect to a competitive acquisition program is the later of—

"(I) the date that is 30 days before the final date specified by the Secretary for submission of bids under such program; or

"(II) the date that is 30 days after the first date specified by the Secretary for submission of bids under such program.

"(iii) LIMITATIONS OF PROCESS.—The process provided under this subparagraph—

"(I) applies only to the timely submission of covered documents;

"(II) does not apply to any determination as to the accuracy or completeness of covered documents submitted or whether such documents meet applicable requirements;

"(III) shall not prevent the Secretary from rejecting a bid based on any basis not described in clause (i)(II); and

"(IV) shall not be construed as permitting a bidder to change bidding amounts or to make other changes in a bid submission.

"(iv) COVERED DOCUMENT DEFINED.—In this subparagraph, the term 'covered document' means a financial, tax, or other document required to be submitted by a bidder as part of an original bid submission under a competitive acquisition program in order to meet required financial standards. Such term does not include other documents, such as the bid itself or accreditation documentation."; and

(B) in paragraph (2)(A), by inserting before the period at the end the following: "and excluding certain complex rehabilitative power wheelchairs recognized by the Secretary as classified within group 3 or higher (and related accessories when furnished in connection with such wheelchairs)".

(2) BUDGET NEUTRAL OFFSET.—

(A) IN GENERAL.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(i) by striking "and" at the end of subparagraphs (H) and (I);

(ii) by redesignating subparagraph (J) as subparagraph (M); and

(iii) by inserting after subparagraph (I) the following new subparagraphs:

"(J) for 2009—

"(i) in the case of items and services furnished in any geographic area, if such items or services were selected for competitive acquisition in any area under the competitive acquisition program under section 1847(a)(1)(B)(i)(I) before July 1, 2008, including related accessories but only if furnished with such items and services selected for such competition and diabetic supplies but only if furnished through mail order, –9.5 percent; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2008;

"(K) for 2010, 2011, 2012, and 2013, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year;

"(L) for 2014—

"(i) in the case of items and services described in subparagraph (J)(i) for which a payment adjustment has not been made under subsection (a)(1)(F)(ii) in any previous year, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013, plus 2.0 percentage points; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013; and".

(B) CONFORMING TREATMENT FOR CERTAIN ITEMS AND SERVICES.—The second sentence of section 1842(s)(1) of such Act (42 U.S.C. 1395u(s)(1)) is amended by striking "except that" and all that follows and inserting the following: "except that for items and services described in paragraph (2)(D)—

"(A) for 2009 section 1834(a)(14)(J)(i) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

"(B) for 2014, if subparagraph (A) is applied to the items and services and there has not been a payment adjustment under paragraph (3)(B) for the items and services for any previous year, the percentage increase computed under section 1834(a)(14)(L)(i) shall apply instead of the percentage increase otherwise applicable.".

(3) CONFORMING DELAY.—Subsections (a)(1)(F) and (h)(1)(H) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by striking "January 1, 2009" and inserting "January 1, 2011".

(4) CONSIDERATIONS IN APPLICATION.—Section 1834 of such Act (42 U.S.C. 1395m) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (F), by inserting "subject to subparagraph (G)," before "that are included"; and

(ii) by adding at the end the following new subparagraph:

"(G) USE OF INFORMATION ON COMPETITIVE BID RATES.—The Secretary shall specify by regulation the methodology to be used in applying the provisions of subparagraph (F)(ii) and subsection (h)(1)(H)(ii). In promulgating such regulation, the Secretary shall consider the costs of items and services in areas in which such provisions would be applied compared to the payment rates for such items and services in competitive acquisition areas."; and

(B) in subsection (h)(1)(H), by inserting "subject to subsection (a)(1)(G)," before "that are included".

(b) QUALITY STANDARDS.—

(1) APPLICATION OF ACCREDITATION REQUIREMENT.—

(A) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(i) in subparagraph (E), by inserting "including subparagraph (F)," after "under this paragraph,"; and

(ii) by adding at the end the following new subparagraph:

"(F) APPLICATION OF ACCREDITATION REQUIREMENT.—In implementing quality standards under this paragraph—

"(i) subject to clause (ii), the Secretary shall require suppliers furnishing items and services described in subparagraph (D) on or after October 1, 2009, directly or as a subcontractor for another entity, to have submitted to the Secretary evidence of accreditation by an accreditation organization designated under subparagraph (B) as meeting applicable quality standards; and

"(ii) in applying such standards and the accreditation requirement of clause (i) with respect to eligible professionals (as defined in section 1848(k)(3)(B)), and including such other persons, such as orthotists and prosthetists, as specified by the Secretary, furnishing such items and services—

"(I) such standards and accreditation requirement shall not apply to such professionals and persons unless the Secretary determines that the standards being applied are designed specifically to be applied to such professionals and persons; and

"(II) the Secretary may exempt such professionals and persons from such standards and requirement if the Secretary determines that licensing, accreditation, or other mandatory quality requirements apply to such professionals and persons with respect to the furnishing of such items and services.".

(B) CONSTRUCTION.—Section 1834(a)(20)(F)(ii) of the Social Security Act, as added by subparagraph (A), shall not be construed as preventing the Secretary of Health and Human Services from implementing the first round of competition under section 1847 of such Act on a timely basis.

(2) DISCLOSURE OF SUBCONTRACTORS UNDER COMPETITIVE ACQUISITION PROGRAM.—Section 1847(b)(3) of such Act (42 U.S.C. 1395w–3(b)(3)) is amended by adding at the end the following new subparagraph:

"(C) DISCLOSURE OF SUBCONTRACTORS.—

"(i) INITIAL DISCLOSURE.—Not later than 10 days after the date a supplier enters into a contract with the Secretary under this section, such supplier shall disclose to the Secretary, in a form and manner specified by the Secretary, the information on—

"(I) each subcontracting relationship that such supplier has in furnishing items and services under the contract; and

"(II) whether each such subcontractor meets the requirement of section 1834(a)(20)(F)(i), if applicable to such subcontractor.

"(ii) SUBSEQUENT DISCLOSURE.—Not later than 10 days after such a supplier subsequently enters into a subcontracting relationship described in clause (i)(II), such supplier shall disclose to the Secretary, in such form and manner, the information described in subclauses (I) and (II) of clause (i).".

(3) COMPETITIVE ACQUISITION OMBUDSMAN.—Section 1847 of such Act (42 U.S.C. 1395w–3) is amended by adding at the end the following new subsection:

"(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The Secretary shall provide for a competitive acquisition ombudsman within the Centers for Medicare & Medicaid Services in order to respond to complaints and inquiries made by suppliers and individuals relating to the application of the competitive acquisition program under this section. The ombudsman may be within the office of the Medicare Beneficiary Ombudsman appointed under section 1808(c). The ombudsman shall submit to Congress an annual report on the activities under this subsection, which report shall be coordinated with the report provided under section 1808(c)(2)(C).".

(c) CHANGE IN REPORTS AND DEADLINES.—

(1) GAO REPORT.—Section 302(b)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(A) in subparagraph (A)—

(i) by inserting "and as amended by section 2 of the Medicare DMEPOS Competitive Acquisition Reform Act of 2008" after "as amended by paragraph (1)"; and

(ii) by inserting before the period at the end the following: "and the topics specified in subparagraph (C)";

(B) in subparagraph (B), by striking "Not later than January 1, 2009," and inserting "Not later than 1 year after the first date that payments are made under section 1847 of the Social Security Act,"; and

(C) by adding at the end the following new subparagraph:

"(C) TOPICS.—The topics specified in this subparagraph, for the study under subparagraph (A) concerning the competitive acquisition program, are the following:

"(i) Beneficiary access to items and services under the program, including the impact on such access of awarding contracts to bidders that—

"(I) did not have a physical presence in an area where they received a contract; or

"(II) had no previous experience providing the product category they were contracted to provide.

"(ii) Beneficiary satisfaction with the program and cost savings to beneficiaries under the program.

"(iii) Costs to suppliers of participating in the program and recommendations about ways to reduce those costs without compromising quality standards or savings to the Medicare program.

"(iv) Impact of the program on small business suppliers.

"(v) Analysis of the impact on utilization of different items and services paid within the same Healthcare Common Procedure Coding System (HCPCS) code.

"(vi) Costs to the Centers for Medicare & Medicaid Services, including payments made to contractors, for administering the program compared with administration of a fee schedule, in comparison with the relative savings of the program.

"(vii) Impact on access, Medicare spending, and beneficiary spending of any difference in treatment for diabetic testing supplies depending on how such supplies are furnished.

"(viii) Such other topics as the Comptroller General determines to be appropriate.".

(2) DELAY IN OTHER DEADLINES.—

(A) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—Section 1847(c)(5) of the Social Security Act (42 U.S.C. 1395w–3(c)(5)) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(B) SECRETARIAL REPORT.—Section 1847(d) of such Act (42 U.S.C. 1395w–3(d)) is amended by striking "July 1, 2009" and inserting "July 1, 2011".

(C) IG REPORT.—Section 302(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended by striking "July 1, 2009" and inserting "July 1, 2011".

(3) EVALUATION OF CERTAIN CODE.—The Secretary of Health and Human Services shall evaluate the existing Health Care Common Procedure Coding System (HCPCS) codes for negative pressure wound therapy to ensure accurate reporting and billing for items and services under such codes. In carrying out such evaluation, the Secretary shall use an existing process, administered by the Durable Medical Equipment Medicare Administrative Contractors, for the consideration of coding changes and consider all relevant studies and information furnished pursuant to such process.

(d) OTHER PROVISIONS.—

(1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

"(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not apply to the following:

"(A) CERTAIN OFF-THE-SHELF ORTHOTICS.—Items and services described in paragraph (2)(C) if furnished—

"(i) by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service; or

"(ii) by a hospital to the hospital's own patients during an admission or on the date of discharge.

"(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in paragraph (2)(A)—

"(i) that are furnished by a hospital to the hospital's own patients during an admission or on the date of discharge; and

"(ii) to which such programs would not apply, as specified by the Secretary, if furnished by a physician to the physician's own patients as part of the physician's professional service.".

(2) CORRECTION IN FACE-TO-FACE EXAMINATION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended by striking "1861(r)(1)" and inserting "1861(r)".

(3) SPECIAL RULE IN CASE OF NATIONAL MAIL-ORDER COMPETITION FOR DIABETIC TESTING STRIPS.—Section 1847(b) of such Act (42 U.S.C. 1395w–3(b)) is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

"(A) IN GENERAL.—With respect to the competitive acquisition program for diabetic testing strips conducted after the first round of the competitive acquisition programs, if an entity does not demonstrate to the Secretary that its bid covers types of diabetic testing strip products that, in the aggregate and taking into account volume for the different products, cover 50 percent (or such higher percentage as the Secretary may specify) of all such types of products, the Secretary shall reject such bid. The volume for such types of products may be determined in accordance with such data (which may be market based data) as the Secretary recognizes.

"(B) STUDY OF TYPES OF TESTING STRIP PRODUCTS.—Before 2011, the Inspector General of the Department of Health and Human Services shall conduct a study to determine the types of diabetic testing strip products by volume that could be used to make determinations pursuant to subparagraph (A) for the first competition under the competitive acquisition program described in such subparagraph and submit to the Secretary a report on the results of the study. The Inspector General shall also conduct such a study and submit such a report before the Secretary conducts a subsequent competitive acquisition program described in subparagraph (A).".

(4) OTHER CONFORMING AMENDMENTS.—Section 1847(b)(11) of such Act, as redesignated by paragraph (3), is amended—

(A) in subparagraph (C), by inserting "and the identification of areas under subsection (a)(1)(D)(iii)" after "(a)(1)(A)";

(B) in subparagraph (D), by inserting "and implementation of subsection (a)(1)(D)" after "(a)(1)(B)";

(C) in subparagraph (E), by striking "or" at the end;

(D) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(E) by adding at the end the following new subparagraph:

"(G) the implementation of the special rule described in paragraph (10).".

(5) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of, and amendments made by, this section, other than the amendment made by subsection (c)(1) and other than section 1847(a)(1)(E) of the Social Security Act, the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of $20,000,000 for fiscal year 2008, and $25,000,000 for each of fiscal years 2009 through 2012. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of June 30, 2008.

TITLE II—MEDICAID

SEC. 201. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "June" and inserting "July".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2)(I) of the Social Security Act (42 U.S.C. 1396u-3(g)(2)(I)) is amended—

(1) by striking "June 30" and inserting "July 31";

(2) by striking "$200,000,000" and inserting "$250,000,000".

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244), section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), and section 202 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) by striking "June 30" and inserting "July 31";

(2) by striking "the third quarter of fiscal year 2008" and inserting "July 31, 2008"; and

(3) by striking "the third quarter of fiscal year 2007" and inserting "July 31, 2007".

SEC. 203. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in subparagraph (A)(i), in the second sentence—

(A) by striking "June 30" and inserting "July 31"; and

(B) by striking "¾" and inserting "⅚"; and

(2) in subparagraph (B)(i)—

(A) in the first sentence, by striking "June 30" and inserting "July 31"; and

(B) by striking "$7,500,000" and inserting "$8,333,333".

TITLE III—CONTINGENCY

SEC. 301. CONTINGENCY.

If a bill entitled the "Medicare Improvements for Patients and Providers Act of 2008" is enacted, before, on, or after the date of enactment of this Act, except for sections 101(c), the provisions of, and amendments made by, this Act are repealed and any Act amended by such amendments shall be administered as if such provisions and amendments had not been enacted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 9, 2008 at 12 p.m., in S–241 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Oversight of the U.S. Department of Justice" on Wednesday, July 9, 2008, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, July 9, in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, July 9, 2008. The Committee will meet off the Senate Floor in the Reception room.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 10 a.m. to conduct a hearing entitled "Medicare Vulnerabilities: Payments for Claims Tied to Deceased Doctors."

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES, INSURANCE, AND INVESTMENT SUBCOMMITTEE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 9, 2008 at 2 p.m., to conduct a hearing entitled "Reducing Risks and Improving Oversight in the OTC Credit Derivatives Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, July 9, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. I ask unanimous consent that the following Finance Committee staff be allowed floor privileges during the consideration of the Medicare bill: Mel Hanes, Adam Lythgoe, Ashleen Williams.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that on Thursday, July 10, at a time to be determined by the majority leader, following consultation with the

Republican leader, notwithstanding rule XXII, if applicable, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 665 and 666; that there be 20 minutes of debate to run concurrently on both nominations, with the time equally divided and controlled between the chairman and the ranking member of the Armed Services Committee; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed here, with the second vote in the sequence limited to 10 minutes in duration; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, the Senate then resume legislative session, and that any time utilized during executive session count postcloture, if applicable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This is GEN David Petraeus and LTG Raymond Odierno.

MEASURE READ THE FIRST TIME—S. 3236

Mr. REID. Madam President, it is my understanding that there is a bill at the desk due for a first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3236) to amend titles XVIII and XIX of the Social Security Act to extend provisions under the Medicare and Medicaid programs, and for other purposes.

Mr. REID. Madam President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 10, 2008

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Thursday, July 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform bill; that the hour prior to the cloture vote be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with Senator DODD controlling the final 10 minutes prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow there will be 1 hour for debate prior to a cloture vote on the motion to disagree to the amendments of the House with respect to the housing reform bill. Therefore, Senators should expect the first vote of the day to begin as early as 10:30 a.m. There will be no morning business.

Today we were unable to reach an agreement to proceed on the Global AIDS legislation. We have tried to do that for weeks now. As a result of attempting to work something out, I was forced to file cloture to proceed to the bill, but I am hopeful we will be able to reach an agreement to consider the legislation. I certainly hope that is the case. We also hope to be able to complete the housing legislation tomorrow, but that is up in the air. We still understand there is a Republican Senator objecting to allowing us to finish this legislation.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it stand in recess under the previous order.

There being no objection, the Senate, at 6:20 p.m., recessed until Thursday, July 10, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 9, 2008*

The House met at 10 a.m.

Rev. John Crosby, Christ Presbyterian Church, Minneapolis, Minnesota, offered the following prayer:

God of the heavens and Earth, thank You for the opportunity to gather in this place this morning, in freedom of body, mind and spirit. Just as we have celebrated the birth of our freedom, we ask that You help us offer that same freedom to others.

You have said that if any of us lacks wisdom, we should ask and You will be generous, and so we ask, not only to discern the right but for the will to act on what we discern.

I ask that You give grace to those who lead us, whether they are security guards or Senators, cafeteria workers downstairs or the Representatives on the floor. Whether it is the ladies who clean the toilets at night or the staff who work so hard behind the scenes, I pray that they might be becoming men and women of humility and courage, principle and generosity, even in the middle of trials. We keep before us the welfare mom who looks for any kind of help, the teacher who can't afford $4 for gas, the banker who has to figure out how not to foreclose on a friend, the farmer who looks out at his fields and wonders where help will come from. We pray that this will be a place of that help.

I thank You for those who have served here faithfully on the field of battle, in the fires of the forests, or in these Halls; and in a special way, I ask You to give special peace to those who have served and now return home, as our brother JIM RAMSTAD. May he return with the thanks and blessing of a grateful people, and may he hear Your voice saying to him and so many others, "Well done; well done, good and faithful servant."

For all who gather here this day, we ask Your wisdom and Your blessing. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. KIRK) come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. JOHN CROSBY

The SPEAKER. Without objection, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 1 minute.

There was no objection.

Mr. RAMSTAD. Madam Speaker, it is my special privilege to welcome today's guest chaplain, Senior Pastor John Crosby of Christ Presbyterian Church in Edina, Minnesota.

On behalf of the entire House of Representatives, thank you, John, for your moving and timely prayer, and for serving as guest chaplain today.

Madam Speaker, the Reverend John Crosby is a true servant-leader who personifies faith, compassion and service to those less fortunate. He is a true man of God.

Pastor Crosby has been at Christ Presbyterian Church, one of the most dynamic and vibrant faith communities in the Twin Cities, since 1989.

John and his wife, Laura, came to Minnesota from Washington, DC, where they ministered at the National Presbyterian Church. They have two daughters, Maggie, who is a junior at Denver University, and Katy who worked as a congressional intern in my Washington office and is now working here in Washington for Bread for the World. Knowing Katy as I do, I can personally testify to the wonderful job John and Laura have done in raising their outstanding daughters, and I am pleased that Laura and Katy are here today in the Speaker's gallery to see their husband and father deliver the opening prayer.

Madam Speaker, Pastor Crosby is a thoughtful and caring person who applies his faith to daily life and the major issues of the day. He is very interested and involved in policy matters, and he has been a trusted adviser throughout my 18 years here in Congress. John Crosby also has experience working in the United States Senate for former Chaplain Richard Halvorsen.

Our Twin Cities community is truly blessed by Pastor Crosby's strong and principled leadership, as well as his inspiring commitment to help people in need.

Under Reverend Crosby's tenure, the youth program and community outreach at Christ Presbyterian Church have grown exponentially, and have been a great asset, a great resource for our community at large. Over a thousand young people are involved in the youth program at Christ Presbyterian Church. And I will never forget when that youth group lost one of its own in a car accident a number of years ago, a beautiful young woman whose family I knew well, and a thousand young people from that church gathered spontaneously that Sunday night at the church, and John led them in prayer.

Pastor Crosby is a man of God who lives out the Biblical command to love God, love others and serve the least amongst us, and I am proud and grateful to call him my friend.

Thank you again, John, for serving the House of Representatives today and for doing the Lord's work here on the Earth each and every day.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute requests from each side of the aisle.

ENERGY FACTS VERSUS FICTION

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, here is today's energy Facts versus Fiction, Volume II.

According to Gal Luft of the Institute for the Analysis of Global Security, at $137 per barrel of oil, OPEC could potentially buy the Bank of America within 5 weeks of production revenues; Apple Computer within 12 days; General Motors within 5 days, and it would take 2.5 years for OPEC to buy a 20 percent blocking vote in every S&P 500 company.

Fact: The administration's budget slashes $467 million from energy efficiency and renewable energy accounts. The House Appropriations Committee added $1.2 billion. It is a much better investment, Madam Speaker, to add $1.2 billion than to give away the Bank of America, Apple Computer and General Motors to the Saudis.

We need an energy policy that invests in American ingenuity, not Saudi Arabia oil profits.

BALLISTIC MISSILE DEFENSES FOR ISRAEL

(Mr. KIRK asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, hours ago Iran fired nine long-range missiles, including the improved Shahab-III that can hit the State of Israel. It is time for the United States to offer full ballistic missile defenses for Israel.

Democracies are best when they stick together. We joined 10 years ago with the U.S. Army and Israeli military to build the medium-range Arrow missile defense system. While good, it offers Israel only a defense in the last minute. Three years ago we gave Israel "Eyes in the Sky," early warning data that gave her warning time an increase from 1 minute to 11 minutes.

Now, in the face of the rapidly growing Iranian threat, the G8 should think about sanctions, like a gasoline quarantine because Iran is totally dependent on half its gas from foreign tankers, most insured by Lloyds of London, and we can work with the British on that.

But most importantly, we should follow the direction of 70 Democrats and Republicans in the Kirk-Harman letter to offer full ballistic missile defenses for Israel. Our defenses have five times the range of Israel's and can do the most to lower the rising tensions in the Middle East.

MIDDLE CLASS SQUEEZE

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, middle-income Americans are paying a high price for the Bush economic policies that have taken us deep into debt and to economic recession. While the prices of groceries, gas, education, and health care have all gone up, the purchasing power of a middle-income salary has actually fallen over the last 7 years.

Unfortunately, Republicans and President Bush continue to defend the status quo, refusing to support our efforts to help middle class families feeling the economic squeeze. House Democrats are working on new solutions to deal with this immediate economic crisis, and for long-term economic recovery. We have taken action to extend unemployment benefits, insurance benefits, and also so that workers can continue to receive important financial assistance while they look for jobs in these trying economic times. We have also passed legislation to address the Nation's housing crisis so that millions of Americans will not be forced into foreclosure this coming year.

Mr. Speaker, House Democrats also support a second economic recovery plan, and we hope we can gather Republican support for it.

□ 1015

WE NEED TO FIX THE ENERGY PROBLEMS OF THIS COUNTRY IN THIS HOUSE NOW

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today to talk about gas prices and energy, specifically, the lack of action here in Congress on this issue. Our constituents want us to do something, and the reality is that we have the ability to do something but we're not.

Mr. Speaker, according to media reports, the House leadership is doing everything possible to stop a vote on opening more of the oil and gas reserves available in this Nation. It sounds like the entire appropriations process might be stopped rather than having a vote on using our resources so we aren't so dependent on OPEC. I really don't understand why. Maybe it's being captive to the extreme environmental lobby, or maybe it's a completely different philosophy that says we should not do everything possible to bring gas prices down.

What I do know, Mr. Speaker, is that we are not going above and beyond to fix this problem. This House is going above and beyond to stop a viable solution. That's wrong. I implore the Democrat leadership to let real energy solutions come up for a vote and get gas prices down.

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, gas prices are hovering around $4 a gallon now. Americans are having difficulty just finding the money to drive to the store. The energy policies of the Bush administration over the past 7 years have helped only one group, Big Oil. They're doing just fine, thank you very much.

House Democrats are moving America in a new direction towards energy independence. We raised the miles-per-gallon requirement for the first time in over 30 years. We are putting money into research and development. We're requiring energy-efficient appliances, and we are creating green jobs, among other things.

We're also demanding that oil companies drill now. They have 68 million acres of land that they could drill on. They have their permits. They need to get to work now. Last month, House Republicans could have joined us in sending a strong message to oil companies that they need to start drilling on already approved lands. But instead, House Republicans once again sided with both Big Oil and President Bush.

Mr. Speaker, the oil companies need to use those permits or lose those permits. America wants oil companies to get to work now and stop playing politics.

HOUSE REPUBLICANS STAND READY TO HELP AMERICANS COMBAT INCREASED ENERGY COSTS

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, House Republicans set forth an energy agenda that addresses the number one concern facing American families today: the high price of gasoline. The high price of gas is costing hardworking families an average of $4.11 a gallon. That's $1.70 more a gallon than it was in January 2007 with no relief in sight.

Skyrocketing gas prices have taken a dramatic toll on almost every area of our lives. Families are having to adjust by tightening budgets and trimming back family vacations. Small businesses, like the ones in my district, are watching their profits shrink while making tough decisions about expanding their companies or being able to make their payroll.

House Republicans have a plan that will increase production of American-made energy in an environmentally safe way. Our plan will promote new, clean, and reliable sources of energy while cutting red tape and increasing the supply of American-made fuel and energy. Our plan also encourages greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and businesses more energy efficient.

House Republicans stand ready and willing to help American families combat the increased costs of energy. I invite my colleagues on the other side of the aisle to join us:

CALLING ON THE PRESIDENT TO RESCIND HIS VETO THREAT OF MEDICARE IMPROVEMENTS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today to urge the President to reconsider his veto threat of H.R. 6331, the broadly supported Medicare improvement legislation that was passed by this House on June 24. It is my hope that the other body takes quick action to pass this responsible legislation. The Medicare beneficiaries and veterans who are enrolled in TRICARE are depending on this physician payment fix becoming law.

If this legislation is not passed into law, millions of Americans will no longer be able to visit their physicians and receive the regular quality care that they rely on. I understand that some Members of the Congress have concerns about the pay-for in this legislation. However, this Congress and this government cannot continue to pass the buck on fiscal responsibility whenever we are faced with difficult choices.

I believe we have found a responsible way to pay for the physician payment fix that is in the best interest of all Medicare beneficiaries. And again, I urge the President to rescind his veto threat.

A FEW FACTS ON ENERGY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, here are a few facts on energy I would like to share. America currently has an estimated 175 trillion cubic feet of natural gas and 1.1 trillion barrels of oil that is off-limits to exploration. In ANWR alone, there is an estimated 10.4 billion barrels of oil. Currently 85 percent of the lower 48 Outer Continental Shelf energy resources remain under the lock and key of the Federal Government. Only 6 percent of the 700 million acres of federally owned subsurface mineral estate has been leased for oil and glass exploration.

The estimated Federal revenue that would be generated by opening up these lands that are currently off-limits to leasing is upwards of $60 trillion. Americans support exploring for these resources and breaking America's dependence on foreign oil. The American people are demanding Congress take action. That is why House Republicans will continue to fight for an all-of-the-above energy plan that will produce more American-made energy while investing in alternative fuels and promoting conservation.

In conclusion, God bless our troops, and we will never forget September the 11th.

RECOGNIZING THE POSITIVE CONTRIBUTIONS OF IMMIGRANTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, Congress came back this week from celebrating our Nation's Independence Day. This is a special time to reflect on America's difficult history and the true essence of what she stands for. Since the beginning, America has thrived on the contributions of its immigrant labor force. Sadly today, the positive contributions of the immigrant labor force to our society are too often unnoticed.

Hardworking families contribute daily and pay their share into the American system. Hardworking mothers sometimes work three jobs, give up their weekends, and take overtime and night shifts to feed and clothe their children. Hardworking fathers wake up at 4 a.m. to go to work, earn below minimum wages, and manage to provide for their families.

Immigrants contribute in taxes from their paychecks just like the next person through shopping at a variety of stores, restaurants, and gas stations. In fact, the IRS reported that between 1996 to 2003, immigrants contributed $50 billion in Federal taxes.

We cannot afford to ignore the figures, and more importantly, we cannot afford to ignore the positive contributions of immigrants in America. We need comprehensive immigration for the security of our Nation.

MORE CONSERVATION AND MORE DRILLING IS NEEDED FOR OUR ENERGY PROBLEM

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Mr. Speaker, I rise today to address the problem of skyrocketing gas prices. We must reduce our dependence on foreign oil. Our constituents deserve straight talk on this issue and here it is: The main component of the price of gasoline at the pump is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must reduce our demand and increase our supply.

We should reduce our demand by having tax incentives for hybrids, raising fuel efficiency standards, and investing in alternative renewable energy sources like wind, solar, biomass, and nuclear. We must also increase our domestic supply of oil. We can do that by drilling in Alaska, drilling in the gulf of Mexico, and building more refineries.

The straight talk is we need a comprehensive approach of more drilling and more conservation to achieve long-term energy independence.

JOB LOSSES CONTINUE FOR SIX CONSECUTIVE MONTHS AS ECONOMY GETS WORSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, every month this year the Bush economy has lost more jobs than it has created. In June, 62,000 jobs were lost bringing the total number this year to 428,000 jobs lost. Yet President Bush and some Washington Republicans continue to contend that our economy is not in a recession. These job numbers were particularly devastating to the 3.8 million workers who have lost their jobs and continue to struggle to find new work. It's difficult to find a job when the economy is simply not producing them.

That's why the Democrats fought hard to pass legislation to extend unemployment benefits for an additional 13 weeks to more than 1.6 million Americans who have been hurt by President Bush's economic policies. This money will allow workers in my home State of New Jersey and throughout the Nation to pay their bills and put food on the table while they continue to look for a job.

Extending unemployment insurance is just another example of how Democrats are changing the way business is done in Washington. No longer are the needs of working families forgotten in this Congress.

SAME OLD EXCUSES WON'T WORK ANY LONGER

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, in spite of the fact that the American people have been begging, literally begging this Congress to act on the energy crisis, all we've heard from the majority are excuses for why we cannot access our own domestic supplies of energy. They say that we cannot drill in the ANWR because it will adversely affect the caribou. This despite the fact that the caribou have literally flourished along the north slope of Alaska since the introduction of the pipeline.

They say we cannot drill offshore because of environmental threats. This despite the fact that offshore platforms in the Gulf of Mexico have survived both Hurricanes Katrina and Rita with very limited or no environmental damage.

The majority continues to offer excuse after excuse but offers nothing to the American consumers who want some relief at the pump. With gas prices crashing through $4 per gallon now and rising at an alarming rate, the time for excuses is over. It is time for action. Many of us saw this coming and have tried to expand supply here at home.

It is time for the majority to recognize this fact and show more concern for the American consumers than for the caribou.

DEMOCRATIC SOLUTIONS ARE NEEDED FOR OIL CRISIS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, yesterday on the "Lee Elci Show," in New London, Connecticut, Bill from Groton called in while I was on and informed us that to lock in for next winter in Connecticut, it costs now $5.80 a gallon.

Mr. Speaker, we've heard a lot about the hardship of high gas prices. If home heating oil stays at those levels, there will be a catastrophe this winter in terms of keeping people alive because they cannot afford those prices. All of the proposals we've heard from the other side are going to take 20 years, even if it goes perfectly according to plan. People need relief now.

President Bush, with one stroke of the pen, could release oil from the Strategic Petroleum Reserve. We would have more oil into the market in 13 days. That's the type of short-term relief that consumers, particularly in the northern parts of this country, need if they are going to survive this winter.

We doubled the size of energy assistance in the Democratic budget. The Bush plan would have cut energy assistance incredibly given the fact that these prices are going through the roof. We need Democratic priorities to provide short-term relief and long-term solutions for the American consumer.

AMERICA NEEDS TO DRILL NOW

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today to express the frustration my constituents feel with a Congress that refuses to address the current energy crisis. I have heard they can't fill their tanks, they're not doing any extras, they're not going out to eat or to movies or on vacation. And last week, a young woman serving in Afghanistan asked me to make sure that gas is not $5 a gallon when she returns home.

Repeatedly, people have asked me to drill now. And yet with all this frustration and economic hardship, the Democratic leadership of this Congress refuses to bring legislation to the floor that addresses the number one concern of our constituents: increasing domestic supply now, dropping gas prices now while we move to the alternative energies of the future.

This week Congress will consider dozens of suspensions, a bill concerning the preservation of White House e-mails, a bill creating a national historic trail in New York, and a bill creating a new section of national wild and scenic rivers in Massachusetts. But nothing to lower gas prices.

CONGRESS WILL CONTINUE TO FIND REAL SOLUTIONS INSTEAD OF CASTING BLAME

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, Congress continues to take action and do everything we can to reduce the price of gas at the pump. Because of legislation this Congress passed last week, as of last week there are over 70,000 more barrels of oil per day every day that are going into the market instead of the Strategic Petroleum Reserve. And during the last week, the price of oil per barrel went down.

We also approved legislation that gives U.S. authorities the ability to prosecute anti-competitive conduct committed by international cartels like OPEC that manipulate the price of oil.

We passed legislation that would invest in biofuels rather than corporate welfare for Big Oil. Energy experts estimate that biofuel blends are keeping the price of gas approximately 15 percent lower than it would otherwise be right now.

This Congress has taken action to address the skyrocketing price of gas, and we will continue to find real solutions rather than pointing fingers and casting blame.

□ 1030

AMERICANS HELD HOSTAGE IN COLOMBIA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, for the last 5 years, civilians Keith Stansell, Thomas Howes, and Marc Gonsalves have been held hostage and bound by chains in the jungles of Colombia. Their captors were the Communist thugs: FARC.

The three American captors lived in constant fear and squalor along with hundreds of other hostages, mostly Colombians. These three men were held longer than any other American citizens currently being held captive in the world.

They also had 5 years of their lives stolen from them. During the last 5 years, they were unaware of most world events, including the birth of Stansell's twins, the invasion of Iraq, Hurricanes Katrina and Rita, the Red Sox breaking the curse and winning the World Series, gasoline prices tripling, and the University of Texas defeating Southern Cal in the Rose Bowl for the National Championship.

FARC is an insurgent terrorist group that funds its activities by working with the drug cartels and kidnapping people and holding them for ransom.

But thanks to the people and the Government of Colombia, the three Americans and 20 others were rescued from the outlaws in a stealth, covert operation. We are glad the Americans are home, and our gratitude goes to the people of Colombia.

And that's just the way it is.

ACKNOWLEDGE THE CONTRIBUTIONS OF STAND DOWN HOUSE

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to acknowledge the contributions of an extraordinary organization in my congressional district: the Stand Down House.

The Stand Down House and its dedicated staff provide support and services for homeless veterans, including transportation, counseling, and job training. These honorable servicemen have fallen on hard times and need a place to stay and a chance to get their lives back on track.

The Stand Down House provides exactly that chance, and it is a lifesaver for many of our veterans.

Mr. Speaker, there are over 200,000 homeless veterans in America today, and up to 2,000 in Palm Beach County alone where I live.

We must never turn our backs on a single one of our servicemembers, and I commend the Stand Down House for serving those who have served our Nation.

ENERGY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in a story from The Hill newspaper yesterday, a Democrat staffer is quoted as saying House Democrats' strategy on the issue of skyrocketing gas prices is to "drive small cars and wait for the wind."

What a terribly insulting idea to the American people who continue to suffer as the price of gas soars over $4 a gallon.

The truth is, I know there are plenty of my colleagues on the other side of the aisle who would support reasonable bipartisan legislation to increase American production of oil here at home.

Unfortunately, the Democrat leadership controls the floor agenda, and the same article notes that Democratic leadership is terrified their Members might actually support legislation that would open up exploration in the deep waters off our coasts or in ANWR.

It's time for the Speaker to let the Members of this body do their job and represent their constituents' desires and drill for American oil.

When will the Speaker's office hear the cries from the American public?

MEDICARE

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, we've been working diligently to improve Medicare for America's seniors. In fact, on June 24, the Democratic-led House of Representatives passed by a large bipartisan margin, 355-59, critical Medicare legislation. Unfortunately, it's being blocked by the White House and Republicans across the Capitol.

I urge the White House and Republicans in the other body to stop siding with private health insurance companies and, instead, join us in standing up for families who rely on Medicare.

Our Medicare bill is critical to the health of our neighbors. It helps ensure that seniors have access to high quality health care and the doctor of their choice.

Health care for our military families and retirees is also linked to our Medicare bill, and the Military Officers Association is calling on the White House and Republicans to end their opposition.

Our legislation cuts overpayments and wasteful subsidies to private managed-care insurance companies and redirects these resources to where they belong: the health of our seniors.

IT'S TIME FOR REAL SOLUTIONS, NOT MORE BROKEN PROMISES FROM THE DEMOCRATS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, more than 2 years ago, then-Minority Leader NANCY PELOSI promised the American people that Democrats had a "commonsense plan to lower gas prices." Well, we're now over $4 a gallon, up more than 76 percent since Democrats took Congress. It's clear that plan never materialized.

American families, truck drivers, and small business owners deserve action from Washington, not more broken Democrat promises. They deserve real solutions, and that's exactly what we Republicans have to offer, initiatives that will make us less dependent on foreign Nations for energy, will create jobs here at home, and will grow the American economy.

In order to put us on a path to energy independence, we must increase the production of our vast amount of resources in an environmentally sound manner, while encouraging conservation. We must continue to invest in renewable energy resources. We must also increase our nuclear capacity, too.

It's time for real solutions, Mr. Speaker, not more broken promises from the Democrats.

RISING COST OF FOOD

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, this fall, the rising cost of food will be felt by schools from Massachusetts to Hawaii, an impact that will severely strain the budgets of school districts across this great land.

Today, Chairman GEORGE MILLER and the Education and Labor Committee will hold a hearing on the rising cost of food and the impact on the school meal programs. Sadly, healthier food choices may be scrapped for cheaper, less nutritious food. After-school meal programs may be scaled back or eliminated. Our kids will pay the price.

There is no easy answer to this problem, but we can all agree that we cannot let this food price crisis result in our school-aged children going without food simply because school districts are struggling with these rising prices.

I commend Chairman MILLER for holding this hearing, and I look forward to working with him on this important issue.

LET'S TAKE ACTION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it's good to be back. I had a wonderful week in my Seventh Congressional District in Tennessee, a great district that has rural areas, suburban and metropolitan areas. And everywhere I went, people were saying: What is Congress going to do right now to get the price down at the pump?

Well, my constituents know this affects every family every day, the price at the pump. They also know it is an energy independence issue, and yes, indeed, they do know that this is an issue of national security.

Yet the Democrat leadership of this House doesn't want to do one thing on debating this issue. Well, we have some bills that are in there.

How about, Mr. Speaker, if we debate H.R. 3089, a bill to promote domestic oil, natural gas, and nuclear energy production? Or there's H.R. 5984, to offer incentives for clean energy production and energy efficiency?

The Democrat solution seems to be simple and ill-advised: just drive a smaller car, take the bus, or walk if you can.

These may not be bad things, but they are often impossible for Tennesseans in my Seventh Congressional District. They want real solutions now.

BIG OIL DOESN'T NEED MORE LAND TO DRILL—THEY SHOULD USE IT OR LOSE IT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Americans continue to suffer pain at the gas pump due to 7 years of missed opportunities and outdated policies. President Bush's energy strategy was literally written by the oil companies—give more public resources to the same oil companies that are raking in record profits while Americans are reeling from record prices.

Every day we hear House Republicans demanding the need for more domestic drilling in order to reduce gas prices. What we don't hear is anyone on that side of the aisle demanding that Big Oil drill on the 68 million acres of land they are sitting on, refusing to develop.

Legislation on the floor today will force those oil companies to produce oil and gas or diligently develop the 68 million acres of public land they already have, otherwise they will lose the leases. Experts estimate that these reserves could produce an additional 4.8 million barrels of oil.

THE COOPER-WOLF SAFE COMMISSION: A BIPARTISAN SOLUTION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, Dietrich Bonhoeffer, the German pastor who stood up to the Nazis, said, "The ultimate test of a moral society is the kind of world that it leaves to its children." And this Congress is failing to serve the American people and failing to serve our children.

We have more than $53 trillion in unfunded liabilities and $9 trillion of debt. China, who violates human rights and religious freedom, holds our debt. The Saudis, who fund radical Wahhabism all over the world, hold our debt.

Standard and Poor's Investment Service predicts loss of AAA bond rating as early as the year 2012.

Is this bleak scenario what the 110th Congress wants to leave our children and grandchildren? If the ultimate test of a moral society is the kind of world it leaves to its children and grandchildren, this Congress is failing miserably.

Congressman COOPER and I have a bill, the SAFE Commission Act that has 105 cosponsors, that would put everything on the table, entitlements and tax policies, in order to rein in Federal spending. If we could come together, both sides of the aisle, we can ensure that our children and our grandchildren don't have to worry about the day when China and Saudi Arabia decide to call in our debt.

ENERGY POLICY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, it's amusing to listen to my friends on the other side of the aisle decrying Democrats as somehow responsible for the problem of the current high energy prices.

The fact is our friends on the Republican side controlled everything, by and large, for the last 7 years. They passed an energy bill in 2005 which was a perfect energy bill for the 1950s.

Nothing that they are proposing in terms of draining America dry by opening up more drilling is going to make any difference for 8 to 20 years, according to all the experts, and oil companies already have 68 million acres available for exploration now that we're encouraging them to use.

It's interesting that after the Republicans blocked even a study of improved fuel efficiency standards for our vehicles, the Democrats for the first time in 30 years have improved those efficiency standards. We're stopping Government competition with the oil companies by suspending Federal purchase of oil for the Strategic Petroleum Reserve. We had to pass legislation to force the administration to do that.

Now, we're looking at squeezing speculators a little bit, and there are a range of choices to help commuters compete now.

It is time for us to talk honestly about the options and what's going to make a difference, not pretending that turning our energy future over to oil companies will make any difference in price or supply for years to come.

FLUOR'S IMPACT IN THE GREENVILLE COMMUNITY

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. INGLIS of South Carolina. Mr. Speaker, you know, there's plenty of economic bad news around, coupled here and there, and we've had our share of those in the upstate of South Carolina, but there's also some bright spots, and those are very much worth celebrating.

Fluor Corporation's employment in Greenville, South Carolina, has gone from 2,500 in 2003 to 5,400 today. An additional 3,200 project-based workers help in projects around Greenville. Fluor is currently looking for 2- to 300 engineers to come help with significant new projects that they've won all around the world.

In fact, their growth has been so significant they've been a major cause of the drop in the vacancy rate in class A office space in downtown Greenville, going from 24 percent down to 11.9 percent in the central business district.

That's impressive, Mr. Speaker. It's worth celebrating, and especially worth celebrating is the fact that Fluor will now be taking over the contract at the Savannah River Site, where for 50 years, we've been producing and storing tritium, a radioactive isotope of hydrogen that will give us the opportunity to learn how to store hydrogen and break through to a hydrogen economy.

THE ENERGY DEBATE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I actually think that we're at a refreshing point of clarity in the energy debate, because the one thing that we have learned is the only thing standing between the American people and lower energy prices at the pump is the Democrat-controlled Congress.

They've made their position very clear. It is drive less and pay more. Or, as we heard yesterday, drive small cars and wait for the wind. Or, the other suggestion we've heard is the Congress has done such a wonderful job running a railroad, now let's have Congress take over the energy industry and we can run that, too.

It's only been in the last 18 months that we have seen energy prices increase a dramatic 76 percent. At 9 percent approval rating, I don't think we're hearing a clamoring from the American people for Congress to take over and run anything.

The Republican Party now has become the party of the little guy. We want to open up energy exploration, permit expediting so that we can get this online. We don't have to wait 20 years. That's Congress that caused those barriers. Congress can unlock those barriers and bring clarity back to the issue.

☐ 1045

ENERGY CRISIS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, here is the problem: When President Bush took over as President the price of a barrel of crude oil was $23. When the Democrats became the majority, the price of a barrel of crude oil was $58. Today, it's hovering around $140 per barrel of crude oil. All we're trying to do on this side is bring forth some solutions. We're doing that today with a discharge petition on one such technology, coal-to-liquid technologies, H.R. 2208. It's not my bill. It's my Democrat colleague, RICK BOUCHER's, bill.

The United States has the largest coal reserves in the world, 250 billion tons of recoverable coal. China has invested $24 billion in coal-to-liquid technologies. We, in the United States, have invested zero. The largest reserves, zero investments.

This is how it works: We operate a U.S. coal mine, U.S. jobs. We build a coal-to-liquid refinery, U.S. jobs. We have liquid fuel to compete with crude oil fuel, we pipe it in a pipeline, U.S. jobs. We go to our aviation industry with jet fuel. All these budget airlines are going broke because of high cost fuels. This is "a" solution, not one, but one of many.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1318

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5811 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1318 provides a closed rule for consideration of H.R. 5811, the Electronic Message Preservation Act. The resolution, as you know, provides 1 hour of debate controlled by the Committee on Oversight and Government Reform. The rule makes no amendments in order because no amendments were submitted for consideration.

H.R. 5811 is an important bill introduced by Chairman WAXMAN that modernizes the requirements of the Presidential Records Act and Federal Records Act to ensure that vital government records are preserved for historical posterity.

The Electronic Message Preservation Act will make certain that we retain important Presidential records by directing the Archivist to establish standards for the capture, management, and preservation of White House and Federal agency e-mails. The Archivist of the U.S. will set new standards for tracking Federal e-mail records and annually will certify whether the records management controls put in place by the President meet those standards and comply with the act.

The bill will protect American history so that we will not lose important records in an antiquated record system that exists now, but it will also guide and enforce document retention policies within the executive branch.

The bill is very necessary. Through its investigations, the Oversight and Government Reform Committee discovered that in one instance the current White House had lost hundreds of days of e-mail, and in other instances allowed numerous White House officials, including Senior Advisor Karl Rove, to use Republican National Committee e-mail accounts for government business—improper, obviously. E-mails sent by White House officials over these RNC accounts related to official government business, and potentially hundreds of thousands of these e-mails have been destroyed.

In addition, the White House did grossly mismanage its own e-mail records and ignored concerns that were raised not by Congress, but by the National Archives, about the way it was storing e-mails.

Further, the current print-and-file record retention systems are both unreliable and not in step with modern advances in technology. For example, when President Bush came into office, the White House had an automated system in place for archiving e-mails, but in 2002, the White House decided to abandon this archiving system and replace it with an ad hoc manual system, doing so in an electronic age. White House officials were warned by the technical staff of their own White House staff and by National Archives that this ad hoc manual system for managing e-mails presented an obvious threat and serious threat of losing records. And the White House's own technical expert said the system was, to use the word of that expert, "primitive" and carried a high risk that "data would be lost." Yet, despite these warnings, the White House has still not put into place a reliable, up-to-date system for preserving e-mails.

This bill will change that. It will require the Archivist to establish specific standards for the management and preservation of electronic messages, including the capability to retrieve messages through electronic searches. These standards will help prevent a situation like what is happening under this administration. H.R. 5811 directs e-mail records to be stored electronically and removes ambiguity in the current law that was established before we even had e-mail.

The bill and the manager's amendment were approved by voice vote in the committee because it is timely and it's necessary. I urge the passage and a "yes" vote on the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Vermont (Mr. WELCH), for the time; and I yield myself such time as I may consume.

During an interview last week, the distinguished majority leader, Mr. HOYER, said that he is opposed to a lame-duck session, and that he is committed to adjournment sine die by the previously announced date of September 26. If the majority decides to follow that commitment to adjourn the 110th Congress on September 26, then Congress has only 7 weeks of session left to complete its work for the year.

And so as Congress begins its last 7 weeks of work before recessing, what important pieces of legislation are at the top of the majority's priority list? Well, maybe it's passing the 12 appropriations bills before the end of the fiscal year, or maybe energy legislation to deal with the record gasoline prices consumers are paying each day. No, Mr. Speaker, they've decided that those problems can wait for another day, for another Congress. Instead, their legislative priorities are to designate a 600-mile historic trail and to require preservation of electronic records.

I spent most of last week meeting and speaking with constituents in my district about the issues that matter to them; and, Mr. Speaker, no one mentioned anything closely related to these two bills. These bills may be important in their own right, but there certainly are other issues that are much more pressing issues that we should be debating, that we should be dealing with.

When Americans are paying over $4 per gallon for gasoline, we should be working on legislation to lower gasoline, increasing domestic energy exploration, and reducing our reliance on unstable foreign energy. France produces approximately 80 percent of its electricity from nuclear power, and yet the United States has not built a new nuclear plant in about 30 years.

Why does the majority refuse to consider legislation to deal with our energy and other serious problems? According to an article published in the newspaper The Hill on Tuesday, the majority, and I quote, "has scrubbed the floor schedule of the energy legislation that it vowed to tackle after the Fourth of July recess."

Why doesn't the majority schedule energy legislation for debate? Maybe it's because they don't have a real plan. If you read the rest of The Hill article, you find out what a Democratic aid called the majority's plan: "Right now, our strategy on gas prices is to drive small cars and wait for the wind." That's most unfortunate. That "non-plan" ignores the urgent call of Americans for Congress to pass serious energy legislation.

I know the majority will claim that they expect to take up energy legislation soon and the committees of jurisdiction are considering possible legislation, but they already pulled legislation they expected to consider after the July 4 recess, and we still have to consider 12 appropriations bills, housing legislation, the Medicare payment fix for physicians, an alternative minimum tax fix, and numerous conference reports. That doesn't leave much time for energy legislation. Maybe if the majority had different priorities, we would be considering energy legislation today instead of legislation designating a 600-mile historic trail and legislation requiring promulgation of regulations to preserve electronic records.

I wish to take this occasion to congratulate the majority on breaking their own record of most closed rules. The proposed rule we are considering now marks the 59th closed rule of this Congress, the most of any Congress in the history of the Nation. It didn't have to be that way.

Before the new majority took over control of the House they laid out their promises for a more civil, more open, and more transparent House in a document entitled "The New Direction for America." The document provides clear guidelines for how legislation should move through the House. One of the promises made in the document is that "bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute," yet here we are with a closed process that doesn't allow Members from either party the ability to offer amendments.

The majority continues to break their promise on allowing an open, full, and fair debate and their promise to consider energy legislation after the July 4 recess. So much for their promises.

ENERGY BILL OUT OF GAS

(By Jared Allen and Mike Soraghan)

House Democrats are in a bind on the focal point of their energy plan.

Worried that a floor vote on any energy-related measure would trigger a Republican-forced vote on domestic drilling, the leadership has scrubbed the floor schedule of the energy legislation that it vowed to tackle after the Fourth of July recess.

Just before leaving for their districts, a number of House Democrats called a press conference to declare victory on a number of energy bills—including overwhelming passage of a bill to rein in excessive oil market speculation.

Democrats declared victory on a bill they failed to pass on the suspension calendar—their "use it or lose it bill" to force energy companies to either start drilling on their federally leased land or give it back—saying they had put 176 Republicans on record as siding with the oil companies over consumers.

And they vowed that the bill, the centerpiece of their energy message, would be back.

"We've taken some bold steps this week, and we're going to build on that [after recess] with the bills we take up," Democratic Caucus Vice Chairman John Larson (Conn.) said at the press conference.

But, as of Monday afternoon, neither "use it or lose it" nor any other energy measure had been scheduled for floor action this week.

Democrats said they were simply taking a different approach to passing their top energy-related priorities.

Nadeam Elshami, spokesman for House Speaker Nancy Pelosi (D–Calif.), said energy activity this week is taking place at the committee level, noting that there are four hearings planned on the issue of speculation in oil trading.

"Different members have different ideas," Elshami said. "We'll bring forward the best piece of legislation based on the recommendations and hearings we are having this week."

Republicans pounced, saying Democrats were backtracking after realizing they would be unable to defeat a Republican vote on increased domestic oil drilling in new areas.

"It's panic time for Democrats," said a senior Republican aide. "They are on the wrong side of three-quarters of the American people who support increased production of American-made energy."

While Democrats were in their districts advocating their plans to end gas price-gouging, rein in speculation, pass "use it or lose it" and even call for President Bush to release millions of barrels of crude oil from the Strategic Petroleum Reserve (SPR), Republicans were touting polls showing that a healthy majority of Americans now support increased domestic energy production.

That is proving to be a particular concern for Democrats in that any non-suspension-calendar energy vote would be subject to a Republican alternative, almost certainly calling for offshore and Arctic drilling, that would very likely pass.

"If we could send deepwater drilling over, it would pass the Senate," said a Republican leadership aide, highlighting just how much an energy vote could backfire on Democrats.

A senior Democratic leadership aide acknowledged this week that there are plenty of members of the majority caucus "who want to drill and want to drill where Republicans want to drill."

Even if Democratic leaders could beat back a GOP motion on drilling, the vote could be used as political ammunition against their vulnerable members this fall.

The Democratic setbacks come after they scored a political victory this spring when they overwhelmingly passed an SPR bill over initial White House objections. But Republicans now claim they have the upper hand, noting that Sen. John McCain (R–Ariz.) is citing drilling repeatedly on the campaign trail.

Further complicating matters for Democrats is the growing number of pro-drilling Democrats who are becoming increasingly worried that voters might throw them in with their anti-drilling leadership.

One pro-drilling Democrat predicted that the backlash against Congress for gas prices could rival the outrage voters felt about the Jack Abramoff lobbying scandal.

Another, Rep. Charlie Melancon (D–La.), is frustrated at not being listened to.

"My concern with my leadership is that they're not letting all the people in the room to present the facts," said Melancon, a proponent of more offshore drilling. "Where are all the pro-oil legislators? I'm not in the room. I don't know who is. My feeling is we are not being all-inclusive to pass legislation that can get through the Senate and avoid a veto."

For now, though, there will be no legislation to pass, as the only energy-related action this week will occur at the committee level.

Republicans may try to continue a strategy they demonstrated before recess by forcing drilling votes as energy amendments to bills being considered at the committee level, including appropriations bills.

And Republicans may go one step further by trying to get amendments added to the energy and water appropriations bill, a likely contender to see the floor this week.

"We're going to demand a pro-production energy vote before Congress goes home for the month of August," said House Republican Conference Chairman Adam Putnam (Fla.). "We've tried to highlight efforts to solve America's energy problem a thousand ways to Sunday, and [Democrats] keep pulling them from committee, pulling them from the floor and kicking the can down the road."

Exactly when Democrats will change their present course and bring an energy bill to the floor remains uncertain.

"Right now, our strategy on gas prices is 'Drive small cars and wait for the wind,'" said a Democratic aide.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we're talking about e-mails. We're talking about the rule on e-mails for Federal agencies, for the White House. But the truth is, the e-mails that keep coming in are desperate. What we saw in the last week were people running out of gas in greater numbers than ever before.

The Democratic Party, the once proud party, always talked in terms of helping the little guys. The little guys are suffering. The little guys are hurting. We're losing union jobs because our energy has gotten so expensive in this country and we're overtaxing some of the people providing the jobs.

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Gas is going from $4 to $5, and this Congress could make a huge difference, and we're talking about e-mails. The e-mails say we need help, do something. And we can. And I know that we have some courageous Democratic friends across the aisle that want to do something and could do something, but the Democratic leadership seems vested in this idea that really we won't say it publicly but $20 a gallon for gas would be a good thing because people would quit driving and that would save the planet, not realizing when you tank an economy, people quit caring about the environment, as they should, because they're worried about having food, having shelter, taking care of their families. And we could help them if we bring the right bills to drill now, to mine what we have.

Those of us who believe in God have got to believe God is sitting there going, Look at what all I gave you in the way of natural resources. And yet the last bill to come out of our Natural Resources Committee this last month was to put our last best source of uranium off-limits for some made-up, contrived emergency that doesn't exist. I think the bill will end up being unconstitutional, but it still shows we're still putting our resources off-limits.

If you're worried about killing caribou, we have seen that when we put a warm pipeline out there in the middle of the Alaskan wilderness area, then the caribou thrive. They go mate around the pipeline. We're up over ten times the number of caribou we used to have. If you're worried about killing fish off the coast by drilling, we have seen in Texas it creates artificial reefs, and that's where people go fish now.

We can help the people and the environment if we will use what we have got because in the years to come, the archivists are going to come pull e-mails and see that the number one concern of people right now in this country was energy and all we wanted to talk about was e-mails and scenic trails when they haven't got gasoline to drive to those trails.

Let's help Americans where they need help. Let's do the right thing. Let's work on energy and producing what we have got.

Mr. WELCH of Vermont. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I want to follow up with my colleague from Texas since we are talking about e-mails, and I, in essence, concur with him. The number one message we are getting back from our constituents is high energy prices. And when the historians go back to reclaim our files to write some analysis on what this Congress did at its hour of need and we make sure they can pull our e-mails, they are going to find us inundated with "energy prices are too high," and then they're going to look at the record and ask, well, how did Congress respond? And for the first 18 months of this Congress, and we only have about half a year left, we have done nothing.

This is the problem: $23 a barrel when Bush came into office, $58 a barrel when the Democrats assumed the majority. I didn't check the market today yet. As of yesterday, it was $140 a barrel. What we are saying here is the trend line is bad, and what we are saying is the trend line is not sustainable if we want a middle class in this country, if we want people in rural America to live in rural America.

In rural America I represent parts of 30 counties of Southern Illinois. We have to drive many miles to get to health care. We have to drive many miles to get to our primary schools, our secondary schools. We have to drive big trucks because we're hauling seed, we're hauling feed, we're hauling livestock. They're working trucks. They can't operate on an electric engine, a plug-in type of vehicle. Now, that may be good for some parts of the country. It's not good for rural Southern Illinois.

So here we are on the floor just back from a week at home, the 4th of July break, thinking that it's time to roll up our sleeves and work to help address the concerns because we know they are going to take a while to fix. It's not like we can snap our finger. A lot of times we get asked, what can we do immediately? What can we do immediately? One of the answers is to lower the Federal gas tax. That's something we can do immediately. What is another thing we can do immediately? Well, the public has to conserve. The individual has to do something immediately, and they're doing it. We are driving fewer miles today but we're paying more. Does that make sense? Drive less, pay more? That's as bad as drive small cars and wait for the wind. The other policy is drive less, pay more. That's not a good energy policy.

So we're ready to come back. We're ready to be open. We are ready to be accessible. Compromise on this floor. Bring some supply to the debate. Bring some efficiency. Bring some renewables. Let's strike an agreement.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. SHIMKUS. There is a great example of that, Mr. Speaker. My friend PETER ROSKAM from Chicago, he has a bill called the Vision Act, which uses the royalties of the Outer Continental Shelf, uses the Federal money and then plows it into renewables—solar, wind, electric—because it's all going to cost money.

So here's the problem. Here's the solution: The Outer Continental Shelf, coal to liquid, solar, wind, renewable fuels. All the above, that's our policy. American-made energy translates into American-made jobs, which lowers prices for everyone. And the point should be made. It's the middle class, the lower middle class who are exponentially harmed by higher energy prices. They can't afford the new technology. They can't afford the new cars. They have to buy the used car off the lot that gets poor gas mileage because they are trying to make ends meet.

We are on the right side of this issue.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. SHIMKUS. I thank my colleague.

Today, Mr. Speaker, another great opportunity, and I will mention it in 1 minute. The United States has the largest reserve of recoverable coal in the world. Why not take that coal, create United Mine Worker jobs recovering the coal, build a coal-to-liquid refinery, turn that into jet fuel, gasoline, diesel fuel, build it in the central part of the country where the coal fields are so it's not disrupted by the storms in the gulf coast, pump it to our airports so that they have a competitive product versus crude oil jet fuel so that we don't lose our budget airlines.

Four budget airlines have got bankrupt. Four budget airlines. That means ticket takers, stewardesses, pilots, baggage handlers now without a job. Why? High energy costs. And we come to the floor with a national historic trail and protecting e-mails and 15 suspension bills.

Mr. WELCH of Vermont. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend from Vermont for his courtesy in yielding the time.

Mr. Speaker, Americans are now paying over $4 a gallon for gasoline; yet the majority fails to bring legislation to the floor to lower gas prices or decrease our dependence on foreign sources of energy. It is time for the House to debate ideas for lowering prices at the pump and addressing the skyrocketing cost of gasoline. So today I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 2208, the Coal-to-Liquid Fuel Act. This legislation would encourage the use of clean coal-to-liquid technology, authorizing the Secretary of Energy to enter into loan agreements with coal-to-liquid projects that produce innovative transportation fuel.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by voting "no" on the previous question, Members can take a stand against these high fuel prices and for doing something about them. I encourage a "no" vote on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself the balance of my time, and I'm going to approach the podium to use some charts.

Mr. Speaker, this bill is about the preservation of electronic records. The debate has turned into a discussion of our energy policy. And there are two reasons why we would be discussing energy instead of the substance of the actual bill. One is that our friends on the other side don't have anything to say about the importance of the preservation of electronic records. Two is they want to use the opportunity of floor time to make a case, their case, about energy. I intend to respond to both of those issues.

First of all, I want to go back to what this legislation is about. It's about the preservation of the historical record for the American people. It's also about the preservation of the records of the administration so that in the future when any Congress wants to hold any President accountable, there will be documentation of what has happened in that administration.

It is extraordinarily important that this Congress restore its constitutional function of insisting on accountability for the American people. We have three branches of government, and one of them has been asleep for the 6 years going into the year 2006, and that was Congress, the legislative representative of the people of this country, who demand and are entitled to accountability. If you do not have the preservation of the records of their government—these are not records belonging to the President. They're not records that belong to the executive branch. It's not for them to decide "yes" or "no" that we will preserve these records. This is a right of the American people. It's their property. And what this electronic records preservation does is say that you cannot use the paper system that doesn't work in an electronic age in effect to conceal from the American people what you did. It is overdue. And to take this debate and inject into it another topic, as important as energy is, is to trivialize the fundamentally important responsibility that this Congress has to the American people to restore oversight and accountability.

This government has make enormous mistakes and justified them by concealing information from the American people. What do you need to know more than what happened in the pathway to the war in Iraq? If the truth had been out there for the American people and for many in this body to know what the President knew and when the President knew it, what the administration knew and when they knew it, we would not be in this catastrophe for the American people called the war in Iraq.

So this legislation that says that e-mail records are going to be restored and retained electronically is of profound constitutional importance to the continuation of Congress in its role as the overseer and protector of the American record and the American taxpayer. So on its merits, this legislation should be considered as of absolute vital importance to the people of this country. And we have heard no objections, and, indeed, this legislation was passed by voice vote.

Now, since the issue was raised, since the debate on this profoundly important question of constitutional oversight has been hijacked to turn it into an energy debate where it really doesn't belong, I am nevertheless going to respond to the arguments.

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You start by this proposition. Implicit in many of the arguments that my friends on the other side made was that those of us on the Democratic side somehow don't understand the pain that the American consumer is experiencing with these record high gas prices.

I have got to just speak about Vermont. What I hear about from Vermonters is fear. I've never heard this. And gas prices are tough. They are trying to figure out how to get from here to there and pay for it. They've got cars that they don't get great mileage. They are doubling up. They are doing what they can. But, bottom line, the thing they are terrified about and they have real anxiety is how are they going to heat their homes next year.

We have to heat our homes there. And, folks, when they see that gas delivery truck show up, and last year it was like $2.50 a gallon, it's going to be $5 a gallon next year, and these families don't have the money to pay $1,000, $1,500, $2,000 to fill up a tank. They don't know what they're going to do. And we are going to see Vermonters who are doubling up. Generations are going to be living together because they don't know how they are going to pay that bill.

So, believe me, there's not a single Member in this House, Republican or Democrat, who doesn't profoundly understand the impact that this is having on everyday people, on our small businesses, on our economy.

So we can go back and forth with the accusations and we can go back and forth with the slogans, or we can acknowledge the obvious. The obvious is we have to do everything that we can in the short term to try to bring relief at the pump, to try to bring pressure off the small business and the consumer. Anything in the short-term that we can do, we should do, and we should do it together. But we also have to move to a long-term energy policy that no longer allows oil to have an iron grip on our future. That is what Americans know.

Short-term, what are some of the things we can do? We have done them. We stopped filling up the Strategic Petroleum Reserve. It will reduce demand by 70,000 to 90,000 barrels a day. Second, we are considering legislation for the oil companies to use the leases they have, or lose them.

There's this debate about bringing production online. Obviously, supply is an issue here. In the world, we pump about 86 billion barrels a day. We consume about 87 billion barrels a day. But the fact is that the slogans that I am hearing about just opening up other offshore areas in ANWR totally ignores the current reality, and that is that the oil companies, that are very good at what they do, have leases, existing leases that they pay good money on, on 68 million acres of land. That land, their leases, their leases exceed by 2½ times the area of the State of Ohio, the Minority Leader BOEHNER's district; 2 times the State of Illinois; 2½ times the size of Pennsylvania. These are leases on Federal lands, onshore and offshore.

What are the oil companies doing? Not much. They are producing oil on a fraction of the leaseholds that they have.

Mr. SHIMKUS. Would the gentleman yield?

Mr. WELCH of Vermont. No, I won't.

In reality, if there was full production on all the areas under lease, it could produce 4.8 million barrels of oil a day.

Mr. SHIMKUS. Would the gentleman yield for debate on these lease issues?

Mr. WELCH of Vermont. I am going to take my time. Thank you.

Mr. SHIMKUS. So you don't want to debate the lease issue.

The SPEAKER pro tempore. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

That could produce 4.8 million barrels of oil a day. Yet the oil companies are not drilling where they have leases to do so. Instead, we are turning this argument into the prospect that we may be able to drill in the future on other places where there aren't leases, waiving away what will be the long-term problems of trying to make that come online, and the fact that it would probably save about a penny and a half a gallon in 10 to 20 years. That is not fair, direct honesty in the debate for the American people.

Mr. SHIMKUS. Would the gentleman yield to debate? You are talking about debate.

Mr. WELCH of Vermont. I thank the gentleman, but I intend to finish. I control the time.

Mr. SHIMKUS. So you don't want to debate the lease issue.

The SPEAKER pro tempore. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. So what do we have? We have a situation where the oil companies are not drilling where they can, and we are saying to them, Drill where you can. We also have a situation where the oil companies, the longer they wait, the more they make. If you're sitting on leases and oil in the ground, under the sea was $35 a barrel when you bid that lease, then it went to $75, then it went to $100, and now it's $140 a barrel, you're making money just having that in the bank. So the oil companies, the longer they wait, the more they make.

We know that oil company profits are exploding.

Mr. SHIMKUS. Would the gentleman debate the oil profits issue? Will you debate me on the energy debate?

The SPEAKER pro tempore. The gentleman from Illinois is not recognized. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

The oil companies have made $125 billion. Record profits again this year. How are they spending that money? Are they investing in refineries, are they investing it in renewable energy, are they investing in drilling rigs or offshore facilities to drill in those areas? No. They are buying back their stock.

The oil companies, energy producers, should be part of the solution, and they should be using the technical ability that they have, the extraordinary skills that they have and the extraordinary profits that they have to help us find a way to an energy independent future, and it's not happening.

We know that, bottom line, everything we can do short-term, we can do, but the idea that we can do instantly something is a stretch. But what we can do, we should do.

On speculation, we are considering legislation now, and as we speak, the Chair of the Agriculture Committee, Mr. PETERSON, is conducting 3 days of hearings to try to squeeze the speculator instead of having the speculators squeeze us; on not filling up the Strategic Petroleum Reserve and topping it off.

I am demanding of the oil companies that they start producing oil in those 68 million acres where they actually have leases and the right to be producing that oil. They could produce 4.8 million barrels of oil a day. Do you know what we produce domestically right now? Five million barrels of oil a day. It could lead to a doubling of the production.

So the fact is there are things that can be done that we are promoting that they be done aggressively. We are insisting that the oil companies be accountable to use and produce on the leases that they have, yet they refuse to do it. And we have been consistently and aggressively moving for a new energy policy that is going to create green jobs, that is going to give us much greater independence in foreign affairs, and is going to help us clean up our environment.

A confident nation is one that faces directly the problems that it has. And when it comes to the question of energy, what symbolized for me the energy policy that this country has had was a front page picture of the President of the United States, hand-in-hand with King Abdullah of Saudi Arabia as they were about to go into a meeting. In the custom of the Arab States, they walked into that holding hands. The purpose of that meeting was for the President of the United States, the greatest country on Earth, to implore the King to increase production of oil.

You know what? A confident nation, a nation that takes on the challenge of solving its own problems, does not go hat in hand to others and ask them, who are not our friends, incidentally, to solve our problems. We take that challenge on ourselves. We take it on because it's our responsibility. We also take it on because we know that in the doing of it, we are going to create jobs, clean our environment, and give us much more latitude in foreign policy.

So this debate on energy, misplaced as it is in this matter of electronic records and restoring the responsibility of Congress to the American people to conduct oversight and to preserve a historical record, important as that is, the argument on energy, the question of energy is the profound question that this country faces economically for the next generation, and the challenge will be whether we are willing to face that squarely and take it upon ourselves to solve our problems, or we are going to continue to be dependent on oil companies that have not played on behalf of the American people and on foreign countries that are not our friends; Venezuela, Middle East States, Russia. We have to take on this challenge ourselves.

Mr. Speaker, I will just close by saying, going back to this bill, that it's an extraordinarily important bill, not just so that we can preserve records, but that we in Congress can restore confidence to the American people that we are a cop on the beat.

This bill makes significant and long overdue changes to document retention systems that were outdated and inefficient. The vast amount of government business that is currently conducted over e-mail requires that we update the law regulating record retention. Government e-mails should not be deleted or destroyed, as they are as important in revealing to the public and historians as paper documents, and we all know that.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1318 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2208) to provide for a standby loan program for certain coal-to-liquid projects. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Science and Technology; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WELCH of Vermont. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2008

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6382) to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the "Pension Protection Technical Corrections Act of 2008".

(b) REFERENCES TO ACTS.—For purposes of this Act:

(1) AMENDMENT OF 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term "2006 Act" means the Pension Protection Act of 2006.

TITLE I—TECHNICAL CORRECTIONS RELATED TO THE PENSION PROTECTION ACT OF 2006

SEC. 101. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking "the plan is" and inserting "the plan are".

(B) Section 302(c)(7) of ERISA is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking ", the valuation date,".

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking "the plan is" and inserting "the plan are".

(B) Section 412(c)(7) of the 1986 Code is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking ", the valuation date,".

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section:

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting "beginning" before "after 2008".

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 303(f)(4)(A) of ERISA is amended by striking "paragraph (2)" and inserting "paragraph (3)".

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking "section 205(g)(3)(B)(iii)(I)) for such month" and inserting "section 205(g)(3)(B)(iii)(I) for such month)", and

(ii) by striking "subparagraph (B)" and inserting "subparagraph (C)".

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.",

(ii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iii) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 303(k)(6)(B) of ERISA is amended by striking ", except" and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section:

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting "beginning" before "after 2008".

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking "as of the first day of the plan year" the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking "paragraph (2)" in paragraph (4)(A) and inserting "paragraph (3)",

(iii) by striking "paragraph (1), (2), or (4) of section 206(g)" in paragraph (6)(B)(iii) and inserting "subsection (b), (c), or (e) of section 436",

(iv) by striking "the sum of" in paragraph (6)(C), and

(v) by striking "of the Treasury" in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting "and target normal cost" after "funding target" in subparagraph (B),

(ii) by striking "liabilities" and inserting "benefits" in subparagraph (B),

(iii) by striking "section 417(e)(3)(D)(i)) for such month" in subparagraph (F) and inserting "section 417(e)(3)(D)(i) for such month)", and

(iv) by striking "subparagraph (B)" in subparagraph (F) and inserting "subparagraph (C)".

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.",

(ii) by striking "section 302(c)" in subparagraph (D)(ii)(II) and inserting "section 412(c)",

(iii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iv) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting "(as provided under paragraph (2))" after "applies" in paragraph (1), and

(ii) by striking ", except" and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking "section 206(g)(4)(B)" and inserting "section 206(g)(4)(A)"; and

(ii) by adding at the end the following: "The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.".

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking "a funding" and inserting "an adjusted funding".

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting "BENEFIT" after "EVENT".

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.".

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting "adjusted" before "funding".

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking "without regard to this subparagraph and" in clause (i), and

(ii) in clause (iii)—

(I) by striking "without regard to this subparagraph" and inserting "without regard to the reduction in the value of assets under section 303(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.".

(H) Section 502(c)(4) of ERISA is amended by striking "by any person" and all that follows through the period and inserting "by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking "section 303" and inserting "section 430" in the matter preceding subparagraph (A), and

(ii) by striking "a funding" and inserting "an adjusted funding" in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting "BENEFIT" after "EVENT" in the heading, and

(ii) by striking "any event" in subparagraph (B) and inserting "an event".

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.".

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting "adjusted" before "funding" in paragraph (1)(D), and

(ii) by striking "prefunding balance under section 430(f) or funding standard carryover balance" in paragraph (2) and inserting "prefunding balance or funding standard carryover balance under section 430(f)".

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking "without regard to this paragraph and",

(II) by striking "section 430(f)(4)(A)" and inserting "section 430(f)(4)", and

(III) by striking "paragraph (1)" and inserting "paragraphs (1) and (2)", and

(ii) in subparagraph (C)—

(I) by striking "without regard to this paragraph" and inserting "without regard to the reduction in the value of assets under section 430(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

"(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

"(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.".

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking "subsection" and inserting "section", and

(B) by striking "subparagraph" and inserting "paragraph".

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking "the normal costs, the accrued liabilities" and inserting "the normal costs or target normal costs, the accrued liabilities or funding target", and

(ii) by striking paragraph (7) and inserting the following new paragraph:

"(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.".

(B) Section 4071 of ERISA is amended by striking "as section 303(k)(4) or 307(e)" and inserting "or section 303(k)(4),".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking "ON PLANS IN AT-RISK STATUS" in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking "section 430(j)" and inserting "section 430(j)(3)", and

(ii) by striking "paragraph (5)(A)" and inserting "section 430(j)(4)(A)".

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subparagraph (B)(iii) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(b)(2) (without regard to subparagraph (B) thereof)" in subparagraph (D) and inserting "section 412(b)(1), without regard to section 412(b)(2)".

(D) Section 411 of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subsection (a)(3)(C) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(e)(2)" in subsection (d)(6)(A) and inserting "section 412(d)(2)".

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

"(I) the sum of the funding target and target normal cost determined under section 430, over".

(F) Section 4971 of the 1986 Code is amended—

(i) by striking "required minimum" in subsection (b)(1) and inserting "minimum required",

(ii) by inserting "or unpaid minimum required contribution, whichever is applicable" after "accumulated funding deficiency" each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking "section 412(a)(1)(A)" in subsection (e)(1) and inserting "section 412(a)(2)".

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

"(g) EFFECTIVE DATES.—

"(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

"(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.".

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting "to an applicable covered employee" after "under the plan".

SEC. 102. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking "has not used" and inserting "has not adopted, or ceased using,".

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking "the plan adopts" and inserting "the plan sponsor adopts".

(B) Section 305(b)(3)(C) of ERISA is amended by striking "section 101(b)(4)" and inserting "section 101(b)(1)".

(C) Section 305(b)(3)(D) of ERISA is amended by striking "The Secretary" in clause (iii) and inserting "The Secretary of the Treasury, in consultation with the Secretary".

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking "to agree on" and all that follows in subparagraph (A)(ii) and inserting "to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,", and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.", and

(iii) by adding at the end the following new subparagraph:

"(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.".

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows "to adopt a" in clause (i)(II) and inserting "to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),",

(II) by striking clause (ii) and inserting the following new clause:

"(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.", and

(III) by adding at the end the following new clause:

"(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.",

(ii) in paragraph (4)—

(I) by striking "the date of" in subparagraph (A)(ii), and

(II) by striking "and taking" in subparagraph (B) and inserting "but taking",

(iii) in paragraph (6)—

(I) by striking "paragraph (1)(B)(i)" and inserting "the last sentence of paragraph (1)", and

(II) by striking "established" and inserting "establish",

(iv) in paragraph (8)(C)(iii)—

(I) by striking "the Secretary" in subclause (I) and inserting "the Secretary of the Treasury, in consultation with the Secretary", and

(II) by striking "Secretary" in the last sentence and inserting "Secretary of the Treasury", and

(v) by striking "an employer's withdrawal liability" in paragraph (9)(B) and inserting "the allocation of unfunded vested benefits to an employer".

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: "to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,".

(G) Section 305(g) of ERISA is amended by inserting "under subsection (c)" after "funding improvement plan" the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking "101(b)(4)" and inserting "101(b)(1)".

(I) Section 502(c)(8)(A) of ERISA is amended by inserting "plan" after "multiemployer".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking "section 101(b)(4)" and inserting "section 101(b)(1)".

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking "The Secretary of Labor" and inserting "The Secretary, in consultation with the Secretary of Labor".

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking "section 304(d)" in subparagraph (A)(ii) and inserting "section 431(d)", and

(ii) in paragraph (7)—

(I) by striking "to agree on" and all that follows in subparagraph (A)(ii) and inserting "to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,", and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.".

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows "to adopt a" in clause (i)(II) and inserting "to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),", and

(II) by striking clause (ii) and inserting the following new clause:

"(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.",

(ii) in paragraph (4)—

(I) by striking "the date of" in subparagraph (A)(ii), and

(II) by striking "and taking" in subparagraph (B) and inserting "but taking",

(iii) in paragraph (6)—

(I) by striking "paragraph (1)(B)(i)" and inserting "the last sentence of paragraph (1)", and

(II) by striking "established" and inserting "establish",

(iv) in paragraph (8)—

(I) by striking "section 204(g)" in subparagraph (A)(i) and inserting "section 411(d)(6)",

(II) by inserting "of the Employee Retirement Income Security Act of 1974" after "4212(a)" in subparagraph (C)(i)(II),

(III) by striking "the Secretary of Labor" in subparagraph (C)(iii)(I) and inserting "the Secretary, in consultation with the Secretary of Labor", and

(IV) by striking "the Secretary of Labor" in the last sentence of subparagraph (C)(iii) and inserting "the Secretary", and

(v) by striking "an employer's withdrawal liability" in paragraph (9)(B) and inserting "the allocation of unfunded vested benefits to an employer".

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking "section 411(b)(1)(A)" and inserting "section 411(a)(9)"; and

(ii) by inserting at the end the following: "to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,".

(F) Section 432(g) of the 1986 Code is amended by inserting "under subsection (c)" after "funding improvement plan" the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking "section 412(a)" in paragraph (3) and inserting "section 431(a)", and

(ii) by striking paragraph (9) and inserting the following new paragraph:

"(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g):

"(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

"(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).".

(H) Section 412(b)(3) of the 1986 Code is amended by striking "the plan adopts" and inserting "the plan sponsor adopts".

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking "first day of" and inserting "day following the close of", and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

"(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).".

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking "Section 4971(c)(2) of such Code" and inserting "Section 4971(e)(2) of such Code".

(B) Section 212(e)(1) of the 2006 Act is amended by inserting ", except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year" before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking "section 305(b)(3) of the Employee Retirement Income Security Act of 1974" and inserting "section 432(b)(3) of the Internal Revenue Code of 1986".

SEC. 103. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking "2008" and inserting "2009".

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking "section 205(g)(3)(B)(iii)(II)" and inserting "section 205(g)(3)(A)(ii)(II)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking "clause (ii)" and inserting "subparagraph (C)".

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

"(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).".

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

SEC. 104. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking "1990" and inserting "2005".

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking "commercial airline" and inserting "commercial".

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)".

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking "and" at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

"(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

"(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and".

SEC. 105. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking "for which the latest annual report filed under section 104(a) was filed" in subclause (I)(aa) and inserting "to which the notice relates", and

(2) by striking subclause (II) and inserting the following new subclause:

"(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),".

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

"Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).".

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking "section 103(f)" and inserting "section 101(f)", and

(ii) striking "the administrators" and inserting "the administrator".

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting "funding" after "plan's".

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking "section 101(f)" and inserting "section 104(d)".

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking "section 302(d)(2)" and inserting "section 303(d)(2)".

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking "subsection (a)(2)" the second place it appears and inserting "subparagraph (A) or the regulations under subsection (a)(2)".

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking "and plan sponsor" and inserting ", the plan sponsor, or the corporation", and

(B) by striking "subparagraph (A)(i)" and inserting "subparagraph (A)".

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking "regulations prescribed by the Secretary" and inserting "such regulations as the Secretary may prescribe", and

(B) by striking the last sentence and inserting "The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).", and

(2) by striking paragraph (2) and inserting the following:.

"(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).".

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

"(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

SEC. 106. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking "subsection (b)(14)(B)(ii)" and inserting "subsection (b)(14)(A)(ii)".

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking "financial adviser" and inserting "fiduciary adviser".

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking "the participant" each place it appears and inserting "a participant", and

(ii) by striking "section 408(b)(4)" in clause (ii) and inserting "subsection (b)(4)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking "and that permits" and inserting "that permits".

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking "subsection (b)(14)" and inserting "subsection (d)(17)",

(ii) in subparagraph (C)(iv)(II), by striking "subsection (b)(14)(B)(ii)" and inserting "(d)(17)(A)(ii)",

(iii) in subparagraph (F)(i)(I), by striking "financial adviser" and inserting "fiduciary adviser,",

(iv) in subparagraph (I), by striking "section 406" and inserting "subsection (c)", and

(v) in subparagraph (J)(i)—

(I) by striking "the participant" each place it appears and inserting "a participant",

(II) in the matter preceding subclause (I), by inserting "referred to in subsection (e)(3)(B)" after "investment advice", and

(III) in subclause (II), by striking "section 408(b)(4)" and inserting "subsection (d)(4)".

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking "section 4975(c)(3)(B)" and inserting "section 4975(e)(3)(B)".

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking "or less".

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking "party in interest" and inserting "disqualified person", and

(ii) by striking "subsection (e)(3)(B)" and inserting "subsection (e)(3)",

(B) in paragraphs (19), (20), and (21), by striking "party in interest" each place it appears and inserting "disqualified person", and

(C) by striking "or less" in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting "of the Employee Retirement Income Security Act of 1974" after "section 407(d)(1)", and

(2) inserting "of such Act" after "section 407(d)(2)".

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking "participant" each place it appears and inserting "participant or beneficiary".

SEC. 107. AMENDMENTS RELATED TO TITLE VII.

(a) AMENDMENTS TO ERISA.—

(1) Section 203(f)(1)(B) of ERISA is amended to read as follows:

"(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,".

(2) Section 204(b)(5) of ERISA is amended—

(A) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(B) by inserting "otherwise" before "allowable" in subparagraph (C).

(3) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(b) AMENDMENTS TO 1986 CODE.—

(1) Section 411(b)(5) of the 1986 Code is amended—

(A) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(B) by inserting "otherwise" before "allowable" in subparagraph (C).

(2) Section 411(a)(13)(A) of the 1986 Code is amended—

(A) by striking "paragraph (2)" in clause (i) and inserting "subparagraph (B)",

(B) by striking clause (ii) and inserting the following new clause:

"(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,", and

(C) by striking "paragraph (3)" in the matter following clause (ii) and inserting "subparagraph (C)".

(3) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(c) AMENDMENTS TO 2006 ACT.—

(1) Section 701(d)(2) of the 2006 Act is amended by striking "204(g)" and inserting "205(g)".

(2) Section 701(e) of the 2006 Act is amended—

(A) by inserting "on or" after "period" in paragraph (3),

(B) in paragraph (4)—

(i) by inserting "the earlier of" after "before" in the matter preceding subparagraph (A), and

(ii) by striking "earlier" and inserting "later" in subparagraph (A),

(C) by inserting "on or" before "after" each place it appears in paragraph (5), and

(D) by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

"(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

"(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.".

SEC. 108. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking "430(g)(2)" in paragraph (2)(A)(ii) and inserting "430(g)(3)", and

(B) by striking "412(f)(4)" in paragraph (4)(B) and inserting "412(d)(3)".

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking "the plan's funding shortfall determined under section 430" in the last sentence and inserting "the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))".

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking "431(c)(6)(C)" and inserting "431(c)(6)(D)".

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

"(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

"(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

"(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.".

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second "an" before "eligible",

(B) by striking "other than a Roth IRA", and

(C) by adding at the end the following new flush sentence:

"This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)."

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking "(other than a Roth IRA)" and by inserting at the end the following new sentence: "This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)".

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting "on or" before "before".

(f) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting "described in paragraph (8)(B)(iii)" after "eligible retirement plan" in subparagraph (A), and

(B) by striking "trust" before "designated beneficiary" in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: "Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied."

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking "for purposes of this subsection".

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking "subparagraph (C)(ii)" and inserting "subparagraph (B)(ii)".

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: "In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C)."

(2) Section 420(f)(2) of the 1986 Code is amended by striking "such" before "the applicable" in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any transfer described in section 420(f)(2)(B)(ii)(II).".

(j) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting "maintained by the employer described in paragraph (4)(B)" after "an eligible retirement plan", and

(ii) by striking "of the employee, his spouse, or dependents (as defined in section 152)" ,

(B) in paragraph (4)(D), by—

(i) inserting "(as defined in section 152)" after "dependents", and

(ii) striking "health insurance plan" and inserting "health plan", and

(C) in paragraph (5)(A), by striking "health insurance plan" and inserting "health plan".

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking "all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking "or special trial judge".

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking "or special trial judge".

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking "Reconciliation".

SEC. 109. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

"(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking "such compensation as exceeds 1 percent but does not" and inserting "such contributions as exceed 1 percent but do not".

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking "an erroneous automatic contribution" and inserting "a permissible withdrawal", and

(B) by striking "ERRONEOUS AUTOMATIC CONTRIBUTION" in the heading and inserting "PERMISSIBLE WITHDRAWAL".

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting "through the end of such taxable year" after "such amount".

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting "and" after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

"(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

"(E) a simple retirement account (as defined in section 408(p)).".

(6) Section 414(w)(6) of the 1986 Code is amended by inserting "or for purposes of applying the limitation under section 402(g)(1)" before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately."

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.", and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking "paragraph (1)" and inserting "paragraph (10)".

(2) Section 4021(b) of ERISA is amended by inserting "or" at the end of paragraph (12), by striking "; or" at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 110. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

"(3)(A) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

"(i) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

"(ii) The spouse or former spouse attains age 62.

"(iii) The employee attains age 62 (or if deceased, would have attained age 62).

"(B) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

"(C) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.".

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 111. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking "Act" the first place it appears and inserting "section".

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting ", and",

(D) by striking "(15)" and inserting "(15)(A) subject to subparagraph (B),", and

(E) by adding at the end the following:

"(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;", and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking "paragraph" each place it appears in clauses (ii), (iii), and (v)(I) and inserting "subparagraph",

(2) striking "subclause (i)(II)" in clause (iii) and inserting "clause (i)(II)",

(3) striking "subparagraph" in clause (v)(II) and inserting "clause", and

(4) by striking "section 101(b)(4)" in clause (v)(III) and inserting "section 101(b)(1)".

SEC. 112. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

TITLE II—OTHER PROVISIONS

SEC. 201. AMENDMENTS RELATED TO SECTIONS 102 AND 112 OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.".

(b) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

SEC. 202. MODIFICATION OF INTEREST RATE ASSUMPTION REQUIRED WITH RESPECT TO CERTAIN SMALL EMPLOYER PLANS.

(a) IN GENERAL.—Subparagraph (E) of section 415(b)(2) of the 1986 Code (relating to limitation on certain assumptions) is amended by adding at the end the following new clause:

"(vi) In the case of a plan maintained by an eligible employer (as defined in section 408(p)(2)(C)(i)), clause (ii) shall be applied without regard to subclause (II) thereof.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2007.

SEC. 203. DETERMINATION OF MARKET RATE OF RETURN FOR GOVERNMENTAL PLANS.

(a) AMENDMENT OF ADEA.—Section 4(i)(10)(B)(i)(III) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)(III)) is amended by adding at the end the following: "In the case of a governmental plan (as defined in the first sentence of section 414(d) of the Internal Revenue Code of 1986), a rate of return or a method of crediting interest established pursuant to any provision of Federal, State, or local law (including any administrative rule or policy adopted in accordance with any such law) shall be treated as a market rate of return for purposes of subclause (I) and a permissible method of crediting interest for purposes of meeting the requirements of subclause (I), except that this sentence shall only apply to a rate of return or method of crediting interest if such rate or method does not violate any other requirement of this Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

SEC. 204. TREATMENT OF CERTAIN REIMBURSEMENTS FROM GOVERNMENTAL PLANS FOR MEDICAL CARE.

(a) IN GENERAL.—Section 105 of the 1986 Code (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULE FOR CERTAIN GOVERNMENTAL PLANS.—

"(1) IN GENERAL.—For purposes of subsection (b), amounts paid (directly or indirectly) to the taxpayer from an accident or health plan described in paragraph (2) shall not fail to be excluded from gross income solely because such plan, on or before January 1, 2008, provides for reimbursements of health care expenses of a deceased plan participant's beneficiary.

"(2) PLAN DESCRIBED.—An accident or health plan is described in this paragraph if such plan is funded by a medical trust that is established in connection with a public retirement system and that—

"(A) has been authorized by a State legislature, or

"(B) has received a favorable ruling from the Internal Revenue Service that the trust's income is not includible in gross income under section 115.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments before, on, or after the date of the enactment of this Act.

SEC. 205. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ROTH IRAS.

(a) GENERAL RULE.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a Roth IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a qualified rollover contribution described in section 408A(e) of the Internal Revenue Code of 1986, and the limitations described in section 408A(c)(3) of such Code shall not apply to any such transfer.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term "airline payment amount" means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term "qualified airline employee" means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more airline payment amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary of the Treasury, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary may prescribe.

(c) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. 206. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

Section 6698 of the 1986 Code is amended by adding at the end the following new subsection:

"(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by $4.".

SEC. 207. MODIFICATION OF PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

Section 6699 of the 1986 Code is amended by adding at the end the following new subsection:

"(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by $4.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by Mr. ANDREWS of New Jersey of the Education and Labor Committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in favor of moving this bill, H.R. 6382, the Pension Protection Technical Corrections Act, forward in an expedited manner. This bill is important to workers so that their retirement years will be more secure, and to employers so that the cost of the defined benefit pension which they are committed to offering their employees will be more predictable.

The Tax Code and the Employee Retirement Income Security Act, known as ERISA, are complex and broad reaching laws. When Congress enacts laws to change them, such as in the Pension Protection Act, the interactions between the Code and ERISA are difficult, and we need to make corrections of drafting areas in other aspects of the law that come to light after the bill is passed. That is why we are here today.

We need to act quickly. The Pension Protection Act became effective more than 6 months ago, imposing sweeping reforms that affect how employers fund the promises that they make to their employees in the defined benefit pensions. In addition, the bill includes many significant reforms to multi-employers' pension plans that cover union workers.

Three months ago, this House unanimously passed a bill that included many of the provisions that are before us this morning, but that bill did not address several key issues of special importance to those employers who continue to weather the storm and are persistently committed to providing a secured lifetime pension benefit to workers.

At that time, there was a bipartisan agreement that Congress needed to take further action. It is important that we are here today to complete our work because American workers are anxious about their retirement security.

In April, the Employee Benefit Research Institute reported that worker confidence in their financial prospects for retirement have reached a 7-year low. Their 2008 Retirement Confidence Survey found only 18 percent of workers very confident they will have enough money to live comfortably through their retirement years. This is down from 27 percent 1 year ago, a drop of nearly a third.

I commend the Chairman of the Ways and Means Committee, the Chairman of the Education and Labor Committee for bringing a bill to the floor that gives both public and private sector defined benefit plans the added clarity they need to comply with the Pension Protection Act.

□ 1130

Let me also extend thanks to the staff of the Ways and Means Committee, the Education and Labor Committee and their counterparts in the Senate. Their hard work brings us to this point with a bill that provides the needed clarifications of congressional intent that the Treasury Department and Internal Revenue Service need to implement the provisions of the Pension Protection Act.

Today we also have an opportunity to pass a bill that will help the beneficiary of a 401(k) plan who would like to keep the money for retirement savings since the bill before us clarifies the application of a non-spousal rollover provision and the construction worker whose pension may experience underfunding since this bill also clarifies how the notice he or she will get alerts him or her to any benefit reductions.

I want to speak for a minute about the asset smoothing provision of this bill, which I believe is substantively very important. Importantly, H.R. 6382 does not leave the gaps that were not included in this bill in this body when it passed a few months ago, because the bill before us today gives relief to plan sponsors from volatility in plan costs faced by employers who provide defined benefit pensions.

It allows plan sponsors to use a tool called "asset smoothing" to balance out the ups and downs that occur with investments. Several months ago, one of my colleagues from the other side of the aisle called on this body to pass asset smoothing quickly. Today we have that opportunity.

As we have seen a sharp market downturn occur in the stock market, this tool becomes even more important to help employers plan for pension expenses. With this clarification of congressional intent, employers will not be forced to base pension plan contributions on shifting marked-to-market values. For some large employers, this can mean a difference of several million dollars. Our economy has gone through a patch where over 400,000 jobs have been lost in the last 6 months alone. We do not want to put employers in this pinch between providing pensions or keeping employees on their jobs.

Some might think if the employer has to put more money in the pension, it is really a great thing for workers. But there is an important hitch to this consideration. Our Nation's pension plan is a voluntary system and employers can decide that offering a pension simply no longer makes good business sense.

We have businesses struggling in this recession. Many plans have been frozen as employers ask, can we continue to provide pension plan coverage? 3.3 million workers have seen their benefit plans frozen in some way, and, unfortunately, when the Department of Labor analyzed the Pension Protection Act, they conducted no research on whether the new stringent funding requirements would accelerate the freezing of pension plans. I believe there is no question the Pension Protection Plan has accelerated the freezing of pension plans, and if we don't pass this act and that smoothing provision in this technical corrections bill, more plans will be frozen.

Another important fix included in this bill is the defined benefit pension plans that State and local governments offer their employers. These public plans were caught in the provisions of a Pension Protection Act designed only to cover cash balance conversions. It was never intended to apply to public pension plans. But, unfortunately, the Treasury Department has held that the credited interest provision of public pension plans is limited to a rate no greater than a market rate of return.

Under long-existing law that has been in place for decades, the public plans themselves and the political subdivisions or States that sponsor those plans determined what the credited interest rate would be. As a former employee of the State of North Dakota, for example, I have a credited rate of interest on a pension accrual that I had, a vested pension benefit that I have, of 7.5 percent that was determined by the State of North Dakota. It ought to be recognized, as it has been in the past. But under the Treasury provision, no greater than market rate of return would be allowed.

Well, public plans not subject to ERISA, but with their unique protections and plan designs, should benefit from this clarification to ensure rates of interest provided by State and local governments. Who in the world are we in Congress, without even thinking that this applied to public pension plans in the first place, to say what the credited rate of interest should be? We have got to trust State and local political subdivisions with this call, and this bill fixes that problem.

In conclusion, just let me say that American workers are anxious about their retirement security. Today, Congress can act to address and reduce this uneasiness. It is a very important technical fix before us, and I urge its adoption.

I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6382, the Pension Protection Technical Corrections Act. Pension technical corrections, Mr. Speaker, are hardly considered glamorous bills. The Tax Code and ERISA which govern pension plans are complicated, to say the least, and the interaction between the two sets of laws is very complex. So it is no surprise that a pension technical corrections bill is, as named, highly technical.

But that doesn't detract from the importance of this bill. Because of the complexity of this area of law, a number of glitches have been discovered that prevent pension laws from operating the way Congress has intended. This bill will fix those glitches, will correct those errors, whether they are drafting or other errors. This will give much-needed certainty to plan administrators, government regulators, and, most importantly, the people who depend on pensions for their financial security in retirement.

That is the bottom line. This is all about making these corrections so that the people who depend on pensions for their financial security in retirement will have certainty and security.

Mr. Speaker, I realize some people do not fully appreciate what a difficult and painstaking process is involved in technical corrections. In fact, until I got involved directly, I didn't realize how complex a process this was, involving both caucuses, five committees in both bodies of Congress and three executive branch agencies.

In the case of the bill before us today, the process is led by the staff of the Joint Committee on Taxation, which did a marvelous job, and includes collaboration from the bipartisan staff of the Ways and Means Committee and Education and Labor Committee, as well as their counterparts from the Senate Finance and Senate Health Committees. All of those staffers should be commended, Mr. Speaker, for the excellent work they did on this legislation. Also involved were representatives from the Treasury and Labor Departments and the Pension Benefit Guaranty Corporation.

Sometimes, Mr. Speaker, there are disagreements about what should and should not be considered technical. Each participant in the process has a veto. Thus, only items that were unanimously viewed as correcting a drafting mistake are included in the technical title of the measure before us. Getting all these players to agree that the sky is blue is certainly not an easy task, so I can't overstate how monumental it is that we now have a bill that survived that rigorous process.

There is also another title in the bill containing a few other pension-related items that are not purely technical. I want to thank Chairman RANGEL and his staff, as well as the Members here before us today, the outstanding Members on the other side the aisle from the committee, Mr. POMEROY and also the gentleman from New Jersey, for their cooperation and collaboration on the bill.

I also want to thank Mildeen Worrell from Chairman RANGEL's staff for working to include the provision that I authored that solves an urgent problem for State employees back home in Minnesota, including many, many first responders, police, firefighters and other first responders, as well as teachers. I am also grateful to Ranking Member McCRERY and his excellent staff for their assistance.

Mr. Speaker, let me conclude by saying it is time to provide much-needed certainty to our Nation's pension plans and the people who rely on them. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I rise to claim the 10 minutes of the Committee on Education and Labor.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 10 minutes.

Mr. ANDREWS. Mr. Speaker, I rise in support of the legislation and would like to echo the comments of my friend from Minnesota in thanking the efforts of so many people to make this bill possible, beginning with Chairman RANGEL, Mr. McCRERY, Chairman MILLER of the Education and Labor Committee, Ranking Member McKEON, Subcommittee Chair POMEROY, Mr. RAMSTAD and others. This has been a very cooperative and good effort.

Healthy pensions are healthy for the economy of the United States. When the tens of millions of people who are covered by pension funds feel more confident about the security of their money and the likelihood that it will continue on into the future, they are more likely to be consumers and investors and engines of economic opportunity for the rest of us in the economy.

This act makes a number of important corrections that will strengthen and therefore make more healthy the pension funds of our country. I embrace and support each of those changes. I would like to highlight three of them that I believe are of significant and important relevance.

The first has to do with the so-called smoothing provisions, which will particularly benefit the larger employers. We have significant and rigid new standards under the 2006 act which require underfunded plans to catch up so that they are fully funded as soon as reasonably possible. But it is important that those rigid standards do not choke off the economic activity of the plan sponsor, and when they are too rigid, they run that risk. So these smoothing provisions give the plan sponsor, the employer, the flexibility to make a rational judgment about how much money is needed to be put into the fund to catch it up how soon.

In my view, this reform is a win for the taxpayers, it is a win for the pensioners and employees and a win for the employer. It is a win for the taxpayers in that a plan that is caught up in a rational way by a successful employer is qualitatively less likely to go into default, to go into insolvency and to call for a bailout by the Pension Benefit Guaranty Corporation. Ultimately, the taxpayers of the country stand behind the PBGC. The fewer claims of insolvency, the less risk to the taxpayer.

Second, I believe that these provisions are very good for pensioners and employers because these provisions substantially increase the likelihood that the pension fund will be stable, permanent and a source of income for the person for the rest of his or her life.

Finally, this is most certainly an advantage for all those who benefit from the pension system. So I think that this is a very important change.

This is an important change for small business as well. One particular change that lets small businesses rely upon a fixed 5.5 percent rate of interest in their pension calculations means that the person running a dental practice or a small manufacturing plant does not have to incur unnecessary legal or accounting or actuarial fees to calculate and recalculate changing assumptions. The matter of a few thousand dollars for that plan sponsor is very important, and it leads to the result that more employers will keep these plans, as my friend Mr. POMEROY expressed concern about earlier on.

Finally, I would join with the comments of Mr. POMEROY and Mr. RAMSTAD about the very significant importance of the public employee pension fund provisions in this bill. The history of public employee pension funds in this country is a very stable and positive one. With a few rare exceptions, fund trustees around this country have made proper fiduciary choices with the investment decisions for the men and women who rely upon those decisions, and one of those decisions they make is the credit interest rate that ought to be used in calculating certain distributions to retired firefighters, teachers, police officers and other public employees.

There is a saying that is not unique to pension law, but unique to common sense, which is if it ain't broke, don't fix it. Public employee trustees around the country have done an excellent job in managing their funds, by and large. This bill has a provision in it that assures that those trustees will continue to have the freedom and flexibility to make their own determination as to what that credit interest rate ought to be and that that determination should not be supplanted by the judgment of any Federal agency or by this Congress.

You might say, well, what about the issue of exposure of the Federal taxpayer? Aren't we subjecting the Federal taxpayer to risk if the State and local trustees make the wrong decision?

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Mr. Speaker, we are most emphatically not, because the plans about which I speak are not backed by the Pension Benefit Guaranty Corporation. So the idea of Federal regulation imposing itself upon the decisions of these trustees is without any merit or justification. This will mean that police officers and firefighters and teachers and other public employees will get the fair pension for which they bargained and to which they are entitled.

I would like to express my appreciation to the minority and majority staff for their hard work on this bill. I think it well serves the country. I would urge my colleagues on both sides of the aisle to support it.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, my colleague on the Ways and Means Committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend Mr. POMEROY for yielding.

Mr. Speaker, people are suffering, people are barely getting by. Some people are using their retirement savings today to pay their credit card bills or to avoid foreclosure on their home. This is a choice people should not have to make. Today, we offer just a little bit of help.

Mr. Speaker, after a lifetime of hard work, people need to know that they can retire and their pensions will be there for them. This bill will help thousands of Delta employees who live and work in my district, thousands of pilots and airline workers, whose retirement savings slipped away when the airline went bankrupt.

The payments they are receiving through the bankruptcy agreement are not going to make up for that loss. This bill will allow these workers to take their bankruptcy payment and put their money into a retirement account. Pilots and airline workers are asking for this help so they can help put their money back where it belongs, growing into a nest egg for retirement.

Mr. Speaker, I want to thank Chairman RANGEL and the great staff of the Ways and Means Committee and my own staff who worked with me to help pilots and airline workers in this bill today. We must do more to help people earn enough money and save enough money so they can live well when they retire. We must protect the hopes and dreams of America's workers.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Just briefly, I rise again in strong support of the Pension Protection Technical Corrections Act. It truly is a vital piece of legislation for the people of America. I want to again thank Chairman RANGEL, Chairman MILLER, Ranking Member McCRERY, Mr. POMEROY, and Mr. ANDREWS for their collaboration on this legislation, and last but not least the unsung heroes who worked tirelessly to put this product together, all the staff members of the respective committees.

I urge passage of the bill.

I yield back the balance of my time.

Mr. ANDREWS. I would just reiterate that we urge passage of this well-thought-out bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from North Dakota has 30 seconds remaining.

Mr. POMEROY. Mr. Speaker, I just want to thank Mr. RAMSTAD, a committee member who meant so much to the Ways and Means Committee, Mr. LEWIS for his work with the Delta pilots and the provision he speaks to, as well as Mr. ANDREWS, the pension retirement benefits expert on the Ways and Means and the Ed and Labor Committee.

I would like to think that, as we get this finished today, this sets the stage for joint collaboration further as we work on pension and advancing retirement security.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the Ways and Means Committee for sheparding this bill, the Pension Protection Technical Corrections Act, to the floor.

The Pension Protection Act contained major changes to the funding rules for defined benefit pension plans. The final bill was over 900 pages long.

As can be expected with any massive legislative vehicle, the final law contained dozens of mistakes, some technical and some not so technical.

The bill before us today primarily fixes only the technical errors that have been found in the bill. It does not seek to make any changes in pension policy.

The bill was put together by the staffs of all the committees of jurisdiction, both in the

House and Senate and on both sides of the aisle. The bill has been vetted by the key regulatory agencies—the Department of Labor, Treasury Department, and the Pension Benefit Guaranty Corporation (PBGC).

The bill mostly fixes incorrect punctuation and citations. It also contains a few substantive changes in places where the language of the PPA was unclear and clarification was needed for the agencies to be able to carry out the purposes of the law.

I would like to address some confusion created by the Treasury Department, in which it, as part of its PPA interpretation, provided guidance on the wear-away of workers' accrued pension benefits in cash balance plans.

An important part of the Pension Protection Act was to make clear that the wear-away of workers' benefits was illegal in cash balance plans, not only with respect to normal retirement benefits, but also with respect to early retirement benefits. As a political compromise, Congress made this rule prospective only, with the question of wear-away under the pre-PPA law to be decided by the Federal courts.

The Treasury Department issued a first ruling last year that undermined this carefully crafted compromise. Treasury recently issued new rules in which it indicated it will not rule on pre-PPA wear-away. There are many court cases pending on this matter and it must remain solely to the courts to decide whether pre-PPA pension law permitted employers to wear-away workers' otherwise legally protected accrued benefits.

Although I did not support the PPA, I hope that the House can pass these technical changes and then move on to the more pressing retirement issues of the day.

With the faltering economy and housing market crisis, more and more individuals are withdrawing their 401(k) pension monies in order to pay their mortgages and other bills.

These families are being forced to sacrifice their retirement security in order to survive day to day.

The Congress needs to address the real retirement security crisis facing working families.

The Pension Protection Act only made the problem worse. The law forced companies to speed up pension plan funding regardless of the financial status of the company or the pension plan. While faster funding had some superficial appeal, the real result is to encourage employers to terminate their pension plans or seek access to the accumulated assets.

Workers are increasingly dependent on 401(k) savings plans for their retirement security.

But as my Committee has found over the past year, 401(k) plans are being decimated by below average investment returns and excessive fees.

The Congress needs to start thinking about these more pressing issues.

Mr. POMEROY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 6382.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 6382.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

HONORING THE GOAL OF THE INTERNATIONAL YEAR OF ASTRONOMY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 375) to honor the goal of the International Year of Astronomy, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 375

Whereas the year 2009 represents the 400th Anniversary of Galileo's astronomical use of the telescope;

Whereas the year 2009 has been designated the International Year of Astronomy (IYA) by the United Nations and UNESCO;

Whereas astronomical observations and discoveries have profound implications for the development of science, philosophy, culture, and our general conception of our place in the Universe;

Whereas astronomy is one of the oldest basic sciences and contributes fundamentally to the ultimate context of all other sciences;

Whereas astronomy and astronomical discoveries continue to capture the imagination of the American people;

Whereas the United States is the home of the most advanced astronomical research in the world;

Whereas the many creative programs and activities planned in the United States for IYA 2009 are strongly supported by the staff, missions, and observatories of the National Science Foundation and the National Aeronautics and Space Administration;

Whereas science and technology awareness and education play a critical role in the economic success of the United States; and

Whereas the astronomical sciences inspire students to study science, mathematics, engineering, and technology: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goal of the International Year of Astronomy to celebrate astronomical discoveries;

(2) encourages the public to participate in IYA celebrations and activities and discover more about the Universe and the science of astronomy; and

(3) applauds the efforts of the employees, centers, and laboratories of the National Aeronautics and Space Administration and the National Science Foundation in promoting public understanding of the astronomical sciences during the celebration of the International Year of Astronomy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 375, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 375, honoring the goal of the International Year of Astronomy. Astronomy seems to capture the imagination of the public more than almost any other discipline of science. Children everywhere gaze with wonder and amazement at the night sky. Images from the Hubble telescope grace the screensavers and wallpaper of our computers.

Millions of people every year visit the many planetariums around the country, including the historic Adler Planetarium in Chicago, and the Burke Baker Planetarium in Houston, which is also used to train space shuttle astronauts in identifying starfields.

The International Year of the Astronomy Committee is taking advantage of the public's enthusiasm by engaging ordinary citizens in real scientific projects, such as tracking binary stars and their eclipses from many different locations. In fact, three of the major goals for IYA 2009 are: One, increase scientific awareness; two, promote widespread access to new knowledge and observing experiences; and, three, support and improve formal and informal science education. These are also priorities for the Science and Technology Committee as reflected in last year's landmark COMPETES Act.

I applaud the astronomy community for making the 2009 International Year of Astronomy not just a celebration of science by scientists but an opportunity to share the wonders and relevance of science with all citizens across the globe.

As a Texan, I am particularly proud of the role that NASA and NASA centers, including the Johnson Space Center in my district, will have in celebrating the International Year of Astronomy and in promoting astronomy and space exploration. I thank Ms. GIFFORDS for offering this resolution to recognize these important efforts and honor the goals of the International Year of Astronomy.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of House Concurrent Resolution 375, to honor the goal of the International Year of Astronomy, along with the gentleman from Texas.

In 1609, Galileo Galilei turned a telescope to the night sky and saw an amazing array of astronomical wonders. From that point on, mankind has been fascinated by the secrets of the universe and has been committed to understanding Earth and everything beyond through extraordinary scientific leaps.

In honor of the 400th anniversary of Galileo's discovery, the United Nations has designated 2009 the International Year of Astronomy. The purpose of the International Year of Astronomy is to help citizens of the world discover the impact astronomy has had on their daily lives and create a greater knowledge of what the universe has to offer. The International Year of Astronomy will be a worldwide celebration aiming to stimulate interest in astronomy and science, particularly in younger generations, coalescing around the central theme of, "The Universe, Yours to Discover."

There are eight major goals of the International Year of Astronomy. They include:

Increasing scientific awareness in the general public through the communication of scientific breakthroughs;

Promoting widespread access to the universal knowledge of fundamental science through astronomy and sky-observing experiences;

Empowering astronomical communities in developing countries by engaging in international collaboration;

Supporting and improving formal and informal science education in schools and science centers;

Providing a modern image of science and scientists to reinforce the connection between science education and science careers;

Facilitating new and strengthen existing astronomical networks by connecting amateur astronomers with educators and scientists on a local, regional, and national level;

Improving the gender balance of scientists at all levels and promote greater involvement by underrepresented minorities in scientific and engineering careers; and, finally

Facilitating the preservation of the world's dark skies in places such as national parks and astronomical sites.

The U.S. is taking a lead role in the International Year of Astronomy by heading up four of the 11 cornerstone projects outlined by the International Astronomical Union. They include the Galileoscope initiative, which aims to provide millions of people with an inexpensive telescope in order to make their own discoveries just as Galileo did so many years ago; and Dark Skies Awareness, a wide-ranging effort to preserve and protect the world's heritage of Dark Night Skies in astronomical observation sites.

The U.S. is also taking part in From the Earth to the Universe, an exhibit of astronomical photographs from ground and space-based observatories to be displayed in public locations accessible to all. These projects are designed to help achieve one or more of the eight main goals that I went through before.

The International Year of Astronomy is an effort in which the United States is pleased to take a leading role, and I applaud the efforts of the United Nations and the International Astronomical Union. Therefore, I am pleased to join today with the gentleman from Texas, and I urge all of my colleagues to support House Concurrent Resolution 375.

I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield such time as the gentlelady from Arizona (Ms. GIFFORDS) would consume.

Ms. GIFFORDS. I thank the gentleman.

Next year will be the 400th anniversary of when the Italian astronomer Galileo Galilei first pointed a telescope into the night sky. Galileo did not invent the telescope, but he was the first one to use it for astronomy. The observations he made ultimately revolutionized humanity's understanding of the solar system and of the universe.

Though his telescope was crude, certainly by modern day standards, he was able to see craters and shadows and mountains on the Moon. He also saw the planet Venus go through phases just like our moon does. And he saw moons orbiting the planet Jupiter. He saw all of this at a time when conventional wisdom held that all celestial objects orbited our planet, the planet Earth. These discoveries marked the beginning of modern astronomy.

It is because of the importance of these discoveries that countries all around the world have chosen to recognize the 400th anniversary year, 2009, as the International Year of Astronomy. This celebration of astronomical discoveries is designed to increase interest in astronomy and science. Throughout next year, a wide variety of events and activities and meetings at parks and museums and other public spaces will promote a greater understanding and appreciation of astronomy and science throughout the United States and throughout the world.

It is only befitting that the United States is taking a lead role in this international celebration, because today the United States is at the forefront in astronomical research. We have built telescopes that would astound Galileo and his contemporaries. We have telescopes on earth with mirrors 400 inches across. We also have telescopes that orbit our planet far above the earth's surface. Indeed, NASA's space-based telescopes, including Hubble Space Telescope, Spitzer, Chandra, and many others, regularly produce images that amaze and inspire people around the world and yield scientific discoveries on everything from the formation of stars and the solar systems to the fate of our universe itself.

Now, I am particularly excited about the opportunity to use the International Year of Astronomy to engage and inspire young people in mathematics and science generally and particularly. I am pleased that the 110th Congress has come to great lengths to increase our Nation's emphasis on science and math, most notably by passing the America COMPETES Act last year. But we can always do more. And nothing captures and engages the mind of students, young and old alike, than the process of discovery. This is the fundamental essence of astronomy, and it is my hope that the events and the activities sponsored by the International Year of Astronomy will inspire many new young people to embrace worlds that will open them through the study of math and science.

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Astronomy has a strong history in my southern Arizona district, and one of the brightest stars we have is Dr. Roger Angel, a professor of astronomy and recipient of a MacArthur Foundation genius award. In Dr. Angel's own words, "from the study of astronomy, students today can learn about energy in all of its forms, as well as gain an appreciation for the beauty of the universe. They learn practical tools needed to address the energy and climate crisis. Astronomy know-how even has practical value. I am using it to figure out good ways to harness the sun's energy on Earth with big, telescope-like mirrors."

Thus, we see an example of how students today can build a foundation, and exactly the kind of scientific understanding and technological skill that we need to solve some of society's most pressing problems, climate change, global warming, and our energy needs in the future.

In the United States, some key organizations sponsoring, promoting and organizing events and activities for the International Year of Astronomy include the American Astronomical Society, the Astronomical Society of the Pacific, the Astronomical League, the American Association of Variable Star Observers, NASA, and the National Science Foundation.

Ultimately, astronomy is the study of everything that is not on Earth. It appeals to our sense of wonder and curiosity and our place in the vast cosmos. The German astronomer Johannes Kepler, whose laws of planetary motion are still used today said, "The treasures hidden in the heavens are so rich that the human mind shall never be lacking in fresh nourishment."

It is those treasures of the heavens, and the men and women who study them, that we will celebrate and honor and discover in 2009 with the International Year of Astronomy.

Mr. FEENEY. Mr. Speaker, I want to thank again the gentleman from Texas. All humanity has a common interest in what astronomy can provide to us, and I encourage all of my colleagues to support the bill.

I want to thank staff on both sides for their work on this bill, including a young woman named Susan Gleiser. This is one of the first bills she has had a chance to work on. I urge unanimous adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no further speakers, and I concur with Mr. FEENEY and would ask that this bill pass.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 375.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING THE 25TH ANNIVERSARY OF THE FIRST AMERICAN WOMAN IN SPACE, DR. SALLY K. RIDE, AND HONORING HER CONTRIBUTIONS TO THE SPACE PROGRAM AND TO SCIENCE EDUCATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1313) celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1313

Whereas Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration (NASA) astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class;

Whereas on June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle Challenger as part of the STS–7 crew, making her the first American woman in space;

Whereas the STS–7 crew launched two communications satellites from the Shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the Shuttle's robotic arm, the first demonstration of a Shuttle's flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the Shuttle, as well as the conduct of other science experiments;

Whereas on October 5, 1984, Dr. Ride made her second spaceflight as a mission specialist on STS 41–G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA's Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth's absorption and re-radiation of solar energy;

Whereas when training for Dr. Ride's third spaceflight assignment ceased after the tragic loss of the Space Shuttle Challenger and her crew in 1986, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident;

Whereas Dr. Ride has continued to serve the Nation's space program with distinction, authoring the 1987 report, Leadership and America's Future in Space, and serving on the Columbia Accident Investigation Board;

Whereas, as an educator, author of children's books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride's work has contributed to the wellbeing of our youth; and

Whereas Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 25th anniversary of Dr. Sally K. Ride as the first American woman in space; and

(2) extends its appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1313, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H. Res. 1313 which celebrates the 25th anniversary of the first American woman in space, Dr. Sally K. Ride. I was pleased that the gentlewoman from California (Mrs. DAVIS), the gentleman from Florida (Mr. FEENEY), and the gentleman from Colorado (Chairman UDALL), joined me as original cosponsors and I want to thank them for their support. This is a very special woman who has done something significant for the United States of America and a project which has touched this world.

On June 18, 1983, Dr. Sally Ride made history with her groundbreaking space shuttle flight. However, that has been by no means her only accomplishment. Dr. Ride has had a distinguished career of service to America as a veteran NASA astronaut and as an unwavering advocate for the next generation of women in space, mathematics and engineering.

She first flew as a member of the STS–7 crew, which achieved several firsts for the United States space program, including the first release and capture of a satellite using the orbiter's robotic arm and the first demonstration of a shuttle flying in formation with a free-flying satellite. And she then flew again in 1984.

She has served the space program in other ways as well. In 1987, she wrote the thoughtful report on future directions of the U.S. space program, entitled "Leadership and America's Future in Space." And when tragedy struck the human space flight program, she served with distinction on both the *Challenger* and *Columbia* accident investigation boards.

In addition, Dr. Ride has worked tirelessly to encourage young women to pursue careers in science, engineering and mathematics through her science festivals and camps. She also has sought to engage young people through other creative approaches such as the EarthKAM program she established to allow middle school students to participate directly in the excitement of space exploration. That is one of the programs that we have seen dwindle and we hope to have a rekindling of support because it is a magnificent one to encourage students to stay involved and become involved in math and science and engineering courses.

As many of you know, I am passionate about the need to get our kids interested in math and science, and I think the Nation owes Dr. Ride a debt of gratitude for her efforts in that regard.

So to sum up, Dr. Sally Ride has done much to serve our Nation since she rode the shuttle into space 25 years ago. I urge my colleagues to join me in saluting her on this 25th anniversary of her first flight.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join Mr. LAMPSON in cosponsoring House Resolution 1313 which honors the life and accomplishments of an amazing woman, astronaut Dr. Sally K. Ride.

Sally Ride was born in Los Angeles, California, on May 26, 1951, and is perhaps best known as the first American woman in space. She was selected for NASA's astronaut program in January 1978, and became a mission specialist on the seventh space shuttle mission, which launched from the Kennedy Space Center, Florida, on June 18, 1983. This was the second flight of the space shuttle *Challenger*, and the first mission with a five-person crew. During the mission, Dr. Ride operated the shuttle's remote manipulator arm to perform the first deployment and retrieval exercise from the shuttle's cargo bay. These early demonstrations paved the way for routine, yet vitally important, operations necessary to build the International Space Station.

Prior to her service with NASA, Sally Ride received a bachelor of science in physics and a bachelor of arts in English, and went on to receive a master of science and doctorate degree in physics from Stanford University.

What is perhaps less well known about Sally Ride is the work she has done to motivate girls and young women to pursue careers in math and science and technology. She has written five science books for children, and initiated and directed education programs to encourage a fascination with science among middle school students.

Dr. Ride also served the Nation in other capacities, including as a member of the Presidential Commission investigating the Space Shuttle *Challenger* accident, and later the *Columbia* Accident Investigation Board. She has been a member of the President's Committee of Advisers on Science and Technology, and the National Research Council's Space Studies Board, as well as served on the Boards of Congressional Office of Technology Assessment.

Indeed, our country does owe a great debt of gratitude to this amazing woman, Dr. Sally Ride.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I recognize the gentlewoman from California (Mrs. DAVIS) and grant her as much time as she may consume.

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor the 25th anniversary of Dr. Sally K. Ride's historic journey as the first American woman in space.

Dr. Ride also happens to be one of my constituents, and I have had the pleasure of meeting her. Twenty-five years ago, Dr. Ride and the STS–7 crew of the Space Shuttle *Challenger* were propelled into space. It had been over two decades since Neil Armstrong took one giant leap for mankind. But on June 18, 1983, Sally K. Ride took a large stride for women everywhere by becoming the first American woman in space.

A gifted athlete, Dr. Ride had opted out of a promising tennis career to pursue college degrees in physics and English at Stanford University.

In 1977, Dr. Ride's interest was piqued by a NASA announcement seeking young scientists to serve as mission specialists on shuttle flights. Hers would be the first NASA class ever to accept women.

Out of thousands of applications, NASA selected Dr. Ride to be one of six women out of 35 new astronauts, and the class became known as the "35 New Guys."

To be sure, Mr. Speaker, on her historic space mission, Dr. Ride wasn't simply along for the ride. She was the mission's flight engineer, tested a robotic arm which deployed and retrieved satellites, and assisted the commander and pilot during flight.

Six years later, Dr. Ride flew into space again. Her experience and success earned her the respect of our Nation and her colleagues.

In 1986, she was asked to served on the Presidential Commission investigating the tragic *Challenger* explosion. Dr. Ride left her position at NASA in 1987, but has never stopped inspiring and encouraging the next generation to explore the world of science and space. Her impact on young women has been particularly profound.

She is a professor of physics at the University of California, San Diego and director of the University of California's California Space Institute. And she has also founded her own company, Sally Ride Science, which encourages students and their parents and teachers to learn about and enjoy the field of science. And I know from personal experience that at the science and math fairs, she is the hit. She is the highlight, and all of the young people really line up to talk with her.

Capturing the essence of Dr. Ride's life work, her company's motto is "All Science, All the Time."

It is this undying dedication to her field and to informing and inspiring young people that has been so characteristic of Dr. Ride since her barrier-breaking space mission a quarter of a century ago. With women like her leading the way, it is no wonder that the number of females to obtain degrees in science and engineering has increased dramatically in the last 30 years.

Ensuring that women are equitably represented in science and technology fields will mean a new level of global competitiveness for our country. This is something we need as we continue to fall behind as a Nation in math and the sciences.

While Dr. Ride's mission landed safely 25 years ago, the task of achieving gender parity in her field is far from over.

As Dr. Ride's Congresswoman and as the grandmother to a young and curious granddaughter, I urge my colleagues to support this resolution.

Mr. FEENEY. I have no further speakers, and again, I am pleased to be an original cosponsor of Mr. LAMPSON's resolution honoring a great American. I urge its adoption by the House.

I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, it has been an honor to work with those who have believed so very much in helping change young people's lives across this country of ours. Mr. FEENEY, Mrs. DAVIS and Mr. UDALL all saw the impact that Dr. Sally Ride had on so many young minds across this Nation to encourage them to study science and math and engineering-related classes. I think this is a wonderful way of saying thank you to another pioneer who has made a difference in so many people's lives.

I thank the gentleman for working with us on the resolution. I ask support for the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1313, Celebrating the 25th Anniversary of the first American Woman in Space, Dr. Sally K. Ride. This legislation gives us the opportunity to extend our appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers. I would like to thank my distinguished colleague from Texas, Congressman LAMPSON, for introducing this important legislation.

Mr. Speaker, Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration, NASA, astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class. On June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle *Challenger* as part of the STS–7 crew, making her the first American woman in space. As a representative from "Space City Houston", I am personally inspired by Dr. Ride's accolades and triumph over the status quo.

The STS–7 crew launched two communications satellites from the shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the shuttle's robotic arm, the first demonstration of a shuttle's flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the shuttle, as well as the conduct of other science experiments.

On October 5, 1984, Dr. Ride courageously made her second spaceflight as a mission specialist on STS 41–G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA's Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth's absorption and re-radiation of solar energy. However, training for Dr. Ride's third spaceflight assignment ceased after the tragic loss of the Space Shuttle *Challenger* and her crew in 1986. Following this, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident.

Refusing to let the tragic loss of her crewmen deter her from her passion, Dr. Ride continued to serve the Nation's space program with distinction, authoring the 1987 report, Leadership and America's Future in Space, and serving on the Columbia Accident Investigation Board. As an educator, author of children's books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride's work has contributed to the wellbeing of our youth.

Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science.

Mr. Speaker, I encourage my colleagues to join me in recognizing Dr. Sally K. Ride. This legislation gives us the opportunity to extend our appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

☐ 1215

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1313.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE 25TH ANNIVERSARY OF THE SPACE FOUNDATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1312) commemorating the 25th anniversary of the Space Foundation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1312

Whereas, on March 21, 1983, the United States Space Foundation was founded by a small group of pioneering individuals in Colorado Springs, Colorado;

Whereas 2008 marks the 25th year of excellence and service of the Space Foundation;

Whereas the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;

Whereas the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

Whereas the Space Foundation embraces all aspects of space including commercial, civil, and national security;

Whereas the current national security environment requires extensive use and advancement of space-based assets;

Whereas the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;

Whereas the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and

Whereas the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions made by the Space Foundation; and

(2) commemorates the Space Foundation's 25 years of excellence and support to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1312, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 1312 which commemorates the 25th anniversary of the Space Foundation. The Space Foundation was founded in 1983 in Colorado Springs, Colorado, with the purpose of helping to advocate the Nation's space-related endeavors. Over the past 25 years, it has carried out that mission in an impressive fashion. It has grown to the point where it now undertakes space advocacy and space education initiatives in all 50 States.

As someone who feels passionately about the importance of getting our young people interested and educated in math and science, I want to call particular attention to the foundation's educational activities. The Space Foundation has recognized that space exploration is something that can really inspire kids and propel them to study hard so that some day they, too, can be a part of the Nation's endeavors in space. The foundation is doing work, important work in promoting science education, and I salute them for it.

In addition, the Space Foundation has involved itself in seeking the best path forward for the Nation across a range of commercial, civil, and national security space issues, and it consistently provides a respected forum for policy discussion and debates. In short, the Space Foundation is at the forefront of promoting the development and use of space for all humankind.

I want to join Mr. LAMBORN and other Members in congratulating the Space Foundation on 25 years of accomplishment and in wishing the foundation all the best for another 25 years of service.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1312 which commemorates the 25th anniversary of the Space Foundation. I want to thank its sponsors, Mr. LAMBORN of Colorado and Mr. LAMPSON from Texas, for this very important resolution honoring the Space Foundation.

The Space Foundation was established in Colorado Springs in 1983 to provide a nonpartisan source of credible information to a wide variety in the space community, from professionals to the general public.

Over the last 25 years, the Space Foundation's mission has been to advance space-related endeavors to inspire, enable, and propel humanity. The Space Foundation has developed alongside the space community by fostering and promoting a greater understanding and awareness and practical uses of space for the benefit of civilization in all aspects of space: commercial, civil, and national security.

Perhaps the most notable has been the Space Foundation's commitment to space education programs. Since its inception, the Space Foundation has been a leading champion for bringing space science into the classroom. The Space Foundation's Summer Institute provides a unique educational environment in which teachers can continue their space studies and help enhance their students' classroom experience.

In addition to the Summer Institute, the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, two of the top three conferences for space professionals worldwide. I might say I had the honor of attending a recent conference in Colorado Springs. The Space Foundation has been useful in efforts to bring together all aspects of the space industry and has established itself a crucial member of the space community.

I'm proud to support this resolution honoring a significant organization, and I urge my colleagues to also support House Resolution 1312.

With that, I would reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I will reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would like to yield 4 minutes to the sponsor of the resolution, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague from Florida.

I rise today, Mr. Speaker, in support of this resolution, H. Res. 1312, commemorating the 25th anniversary of the United States Space Foundation. Founded in March of 1983 by a small group of pioneering individuals in Colorado Springs, Colorado, the Space Foundation serves to advance America's space-related endeavors to inspire, enable, and propel humanity.

This nonprofit organization is a leader in advancing space exploration, development, and use of space and space education for the benefit of all humankind and embraces all aspects of space including commercial, civilian, and national security components.

The Space Foundation's leadership in international space advocacy has led to their membership in the United States Delegation to the United States Committee on the Peaceful Uses of Outer Space.

I urge my colleagues to support this resolution and recognize the contributions made by the Space Foundation and commemorate their 25 years of excellence in support of this Nation.

Mr. FEENEY. I have no further speakers. I am prepared to close.

With that, I want to thank Mr. LAMBORN and urge the resolution's adoption by the full House.

I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I, too, want to congratulate Mr. LAMBORN for his recognition of this legislation, and I encourage my colleagues to support it. The most important thing that I saw as a physical science teacher in high school for many years, particularly during the years of the Apollo missions to and from the Moon, was the excitement of young people, and this is exactly what this resolution is about and what the space advocacy has been about.

I urge support of House Resolution 1312.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1312, "Commemorating the 25th anniversary of the Space Foundation". I would like to thank my colleague DOUG LAMBORN of Colorado for putting forth H. Res. 1312. I urge my colleagues to join me in supporting this legislation, and to commemorate the 25 years that the Space Foundation has spent endeavoring to advance our knowledge and understanding of space.

This deserving piece of legislation will (1) recognize the contributions made by the Space Foundation; and (2) commemorate the Space Foundation's 25 years of excellence and support to the Nation.

This resolution not only draws attention to the Space Foundation's many years of excellence and service, but it also recognizes the profound effect that a group of nonpartisan, pioneering individuals has had in helping to inspire, enable, and propel humanity to greater heights. For as a great pioneer, Neil Armstrong, once said, "That's one small step for man; one giant leap for mankind."

The Space Foundation has played a significant positive role in exploring, advancing and developing our understanding of space. The nonprofit foundation has done this by embracing all aspects of space including commercial, civil, and national security. In the current national and commercial environment in which space is often at the forefront of security or innovation, the work that the foundation does in promoting space education programs in all 50 States is critical. Furthermore, the Space Foundation's advocacy of peaceful and positive uses of outer space is crucial. Indeed, as John F. Kennedy, speaking in Houston, noted, "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people."

Houston has long been at the center of the American exploration of space. The Lyndon B. Johnson Space Center in Houston has been NASA's center for human spaceflight activities. Houston has served as the Mission Control Center for every space mission since *Gemini IV* and directs all space shuttle and International Space Station Missions. The Johnson Center is also home to astronaut training, and Houston is a hub of scientific and space-related research. Houston's connection to space exploration has made evident to me the potential for growth and discovery that space holds. This connection has also inspired in me a great amount of respect and support for those organizations and individuals who pursue an awareness of space for the fostering of a peaceful and prosperous world.

I urge my colleagues to support this legislation with me. I believe that what the Space Foundation has accomplished through more than 25 years of diligent service is more than deserving of such a commemoration. Through their efforts in improving our commercial, national, and theoretical uses and understanding of space they have undoubtedly helped better our Nation.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1312.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1315) commemorating the 50th Anniversary of the National Aeronautics and Space Administration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1315

Whereas the National Aeronautics and Space Administration was established on July 29, 1958;

Whereas on May 5, 1961, NASA successfully launched America's first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

Whereas in July of 1969 President John Kennedy's vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin "Buzz" Aldrin, Jr., and Command Module pilot Michael Collins;

Whereas on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. "Bob" Crippen;

Whereas NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;

Whereas, during the Cold War, NASA's achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;

Whereas NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;

Whereas thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;

Whereas NASA space probes have landed on or flown by eight of the planets in our solar system;

Whereas the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;

Whereas the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;

Whereas in the last fifty years, NASA has positively impacted almost every facet of our lives; and

Whereas, thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all men: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;

(2) acknowledges the value of NASA's discoveries and accomplishments; and

(3) pledges to maintain America's position as the world leader in aeronautics and space exploration and technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON).

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1315, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I rise today to commemorate the 50th anniversary of the National Aeronautics and Space Administration, whose many outstanding achievements have provided many immeasurable benefits for the United States and the world.

It was 50 years ago this month, specifically July 29, that President Eisenhower signed the National Aeronautics and Space Act of 1958 that established NASA. At that time, the American public was still reeling from the impact of the Soviet Union's successful launch of Sputnik 1 in late 1957 which led to the space race with the Soviets. That race came to an end less than 12 years later when American astronauts successfully landed on the Moon and returned safely to Earth. NASA was the agency that led the effort to create a human space flight program from scratch and make America preeminent in space.

Yet as remarkable as NASA's achievements were in getting America to the Moon as well as to building the Shuttle and Skylab and the International Space Station, NASA has excelled in many other areas. NASA's aeronautics research and development activities over the past half century have led to significant advances in both civil and military aircraft. NASA's aeronautics programs have also helped to make America's aviation system a world leader in safety and have improved our quality of life in numerous ways.

In addition to human space flight and aeronautics, NASA has created space and Earth science programs that are second to none in the world in terms of advancing knowledge of our planet and of our universe. One only has to look at the ways in which the Hubble telescope, for example, has rewritten the astronomy textbook since its launch in 1990 to know that NASA's space-based science programs are really some of the Nation's premier research endeavors.

In addition, NASA's technology developments have rippled through our economy in countless ways, delivering new materials, new processes, and new systems that have had a major impact on things as diverse as health care and weather forecasting.

And finally, NASA continues to be a source of inspiration to our young people and a symbol to the world of America's technological and scientific preeminence. These are important realities that we should not overlook when we debate funding for NASA.

Mr. Speaker, investing in NASA has been and continues to be an investment in our future. I'm proud to be an original cosponsor of this resolution along with Mr. MCCAUL. I urge all of our Members to support it.

I reserve the balance of my time.

Mr. McCAUL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague and friend from the Houston area for his support in this resolution.

I rise today in support of H. Res. 1315, to commemorate the 50th anniversary of the National Aeronautics and Space Administration, otherwise known as NASA. NASA was founded on July 29, 1958. On May 5, 1961, the first American was launched into space on Freedom 7, and that was Alan Shepard. On July 20, 1969, President Kennedy's dream was fulfilled when Apollo 11 landed on the Moon. Neil Armstrong became the first man to walk on the Moon at that time, and the first space shuttle Columbia launched on April 12, 1981.

NASA has inspired generations of interest in science and engineering in young people. I remember taking one of the astronauts through my school district all the way from Houston to Austin, Texas, and just the hope and the dreams that she and NASA's program inspires in our young people, particularly in the fields of math and science, is truly an inspiration, I think, for all of us as Members of Congress.

NASA's work has really led to technological and scientific advantages that benefit everyone in society, including satellite communications. We all use cell phones. Lord knows we all use our BlackBerrys here in Congress and elsewhere. We have a great understanding of the human body because of the knowledge gained during man's space flight.

☐ 1230

This program, based at the Johnson Space Center in Mr. LAMPSON's district and not too far from mine, is an important part of the Houston area economy. More than 15,000 people are employed at the Johnson Space Center, and NASA's work is an example of how the government and the private sector can work together to make this world a better place.

It's vital that the Congress act, in my view, to minimize the gap between the retirement of the space shuttle and the start of Orion, to maintain our leadership role in space exploration. And through the International Space Station, NASA currently serves as a model of international cooperation.

NASA's work has greatly expanded our knowledge of our universe. The Hubble Telescope, as my colleague from Houston talked about, launched in 1990, is still providing us with useful data and bringing the schoolchildren the wonders of space. NASA has sent probes to eight different planets in the solar system.

We can't think about the space program without the President who launched it, President Kennedy, and when he explained why space exploration is so important and so necessary, he said, "The exploration of space will go ahead, whether we join it or not, and it is one of the greatest adventures of all time, and no Nation which expects to be the leader of other Nations can expect to stay behind in this race for space . . . We set sail on this new sea because there is new knowledge to be gained and new rights to be won, and they must be won and used for all people."

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, at this time, I yield 5 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H. Res. 1315, commemorating the 50th anniversary of NASA.

With the exception of apple pie and baseball, few reflections resonate across America of how proud we are of all of the work that NASA has done.

Since its inception in 1958, NASA has been the leading agency for American and global innovation. Indeed, the creation of NASA was responsible for introducing a whole new generation of scientists, engineers, and mathematicians here in the United States.

Likewise, as we celebrate the 50th anniversary of the creation of NASA, it is important to adhere to the continuing commitment we should make as a Nation to embrace innovation, and reach the unachievable, but we, as Members of Congress, must back that up with funding.

As a member of the Science and Technology Committee, I was fortunate to view in person the launch of the Space Shuttle Endeavor on March 10, 2008, where I witnessed at night the best and the brightest orchestrated through its operations and through its making history.

From making commercial aviation safer, to studying climate change, and strengthening international partnerships, which we desperately need at this time, the scientists at NASA continue to do advanced research on the issues that affect our daily lives.

I would like to applaud my colleague on the Science and Technology Committee, Representative MCCAUL, for bringing this thoughtful resolution to the floor and also to Mr. LAMPSON for his commitment to this issue.

I urge all of my colleagues to support H. Res. 1315, commemorating the 50th anniversary, and we hope that there will be many to come.

Mr. McCAUL of Texas. Mr. Speaker, at this time, I yield to the distinguished gentleman from Georgia (Mr. GINGREY) for 4 minutes.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this resolution, H. Res. 1315, honoring NASA on its 50th anniversary.

As an original cosponsor of this resolution, I'd like to commend my colleagues from the Science Committee, the chairman of the subcommittee, Mr. LAMPSON, the ranking member, Mr. MCCAUL of Texas, for introducing the thoughtful resolution commemorating NASA on this important milestone for our country.

Mr. Speaker, over the years, NASA has not only been the leader in human space exploration, but has successfully used technological capabilities like, as mentioned by my colleagues, the Hubble Telescope and GPS systems. I anticipate the men and women of NASA, they will continue being the true leaders and innovators in the years to come.

Mr. Speaker, as we speak today, NASA is undergoing aggressive research to convert domestic energy sources, coal, natural gas, biomass, oil shale, into cleaner and more economical alternatives to traditional jet fuel. Now, why is that important? It's important, Mr. Speaker, because in the year 2003, the NASA agency spent $4.5 million on their jet fuel, 4.6 million gallons. In 2007, 4 years later, they spent $18.3 million. So they're doing this research in conjunction with the Department of Defense and the United States Air Force to try to find alternative sources of fuel to lower the costs to the government.

And everybody in this chamber, everybody in this Nation, knows that we are suffering tremendously from a lack of supply and a tremendous demand, and that's why we're paying $4.11 a gallon for regular gasoline.

We can solve this problem, but there's one little glitch, and that's the Democrat Energy Independence and Security Act of 2007, which absolutely prohibits NASA and the Department of Defense from utilizing any petroleum source other than conventional petroleum if it's not as clean.

Well, in times like these, when the country's on the verge of bankruptcy, I think the first priority, Mr. Speaker, should be to lower the price of gasoline, and let NASA continue to research so that we can make the conversion of shale which has something like 1.3 trillion barrels of petroleum embedded in that rock and that we can convert coal to liquid, to petroleum. We have 1.5 trillion tons of coal in this country, and we only use about 1 billion tons a year. We have a tremendous excess amount of coal right here in River City, and yet, this energy bill the Democrats passed last year prohibits us from going after this source, increasing the supply so that the price of gasoline at the pump goes down.

And I would implore my colleagues to bring these bills to the floor. They're over there. There's a discharge petition. Republicans have signed them, just a handful of Democrats. We need to bring these issues to the floor, have an up-or-down vote. At least give NASA and the Department of Defense a waiver of section 526 so that we can solve this problem and we're not so dependent on these foreign Nations that hate our guts, countries such as Venezuela and countries in the Middle East.

It's time to act. I commend the committee for bringing this resolution. It's a great resolution honoring NASA on its 50th anniversary. I support it fully, but I also support a balanced approach to solving our energy needs.

Mr. Speaker, I rise in strong support of H. Res. 1315 honoring NASA on its 50th anniversary. As an original cosponsor of this resolution, I would like to commend my colleague from the Science Committee, Mr. MCCAUL of Texas, for introducing this thoughtful resolution to commemorate NASA on this important milestone for our country.

Mr. Speaker, there is no Federal agency that has risen to the challenge of innovation over the last 50 years like NASA. We, as a nation, are today the fortunate heirs of NASA's legacy: conviction, resolve, achievement.

When the Soviets put a man into orbit, NASA was challenged by President Kennedy—in the truest form of the American competitive spirit—to put men on the moon. Many of our NASA pioneers paved the way for the crew of *Apollo 11*—Neil Armstrong, Buzz Aldrin, and Michael Collins—to reach that once unattainable goal. Now, those famous words, "One small step for a man, one giant leap for mankind" exemplify the legacy that NASA has established.

Over the years, NASA has not only been the leader in human space exploration, but has successfully used technological capabilities like the Hubble Telescope to explore the far reaches of our galaxy. Given the precedent of achievement that NASA has set, I anticipate the men and women of NASA to continue being among the true leaders and innovators in the years to come.

While this resolution represents a time for us to celebrate the achievements of NASA over the past 50 years, this is also a time to reflect and memorialize those who gave their lives in their service to NASA and the Nation—particularly the crews of *Apollo 1* in 1967, the *Challenger* in 1986, and the *Columbia* in 2003. The sacrifices that these men and women made in the service of our country will always remind us of the fragile nature of human life, and the risks associated with successes that NASA has accomplished.

With that, Mr. Speaker, I ask all of my colleagues to take this time to think about the impact and legacy that NASA has left our great Nation over the last 50 years, and I urge all of my colleagues to support H. Res. 1315.

Mr. LAMPSON. Mr. Speaker, I will reserve the balance of my time for right now.

Mr. McCAUL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentleman from Texas, and I'm thrilled to be part of the celebration of NASA's 50th anniversary with this House Resolution 1315.

NASA was created 50 years ago in the wake of the former Soviet Union's launch of Sputnik. Sputnik provided the perception of Soviet superiority in military power and scientific achievement.

To counter that challenge, the National Aeronautics and Space Administration was founded for conducting America's civilian space program.

NASA actually succeeded the National Advisory Committee for Aeronautics, a splendid organization founded in 1915 that produced gems of aeronautical research. Now the task was to extend America's reach from the air to space.

NASA did so. Satellites were launched to monitor the weather, relay communications, and explore our solar system. America's human spaceflight program, Project Mercury, began. Astronauts were selected in 1959, and in 1960, NASA began planning a manned lunar landing.

The rest became an integral part of the American identity, not just for us but for how the rest of the world views the American experience: our journeys to the Moon; the space shuttle; the International Space Station; *Apollo 13*'s harrowing journey; the tragedies of *Apollo 1*, the Shuttle *Challenger*, and the Shuttle *Columbia*; the Hubble Space Telescope; the robotic exploration of other planets; the monitoring of our dynamic Earth; and of course, the wonder of flight itself. All done in the full view of the world.

Today, America is the world's premier spacefaring Nation. For 50 years, the men and women of the NASA family have brought great honor and prestige to this country. Today, the House of Representatives honors those people, past and present.

We will continue that legacy. Last month, this House overwhelmingly passed a NASA reauthorization bill that lays out a comprehensive blueprint for sustaining a healthy and vigorous NASA. Considerable care has been devoted to all elements of NASA's portfolio, human spaceflight, Earth and space sciences, and aeronautics. We must never relinquish our leadership in space.

And yet, today in the Washington Post, the Washington Post points out that just like competition on Earth, space is now a global competitive environment, and I quote the Washington Post from today's edition. "Space, like Earth below, is globalizing. And as it does, America's long-held superiority in exploring, exploiting and commercializing 'the final frontier' is slipping away, many experts believe."

I agree with that assessment. Slowly but steadily, we are allowing our historic lead in space to slip away, and this House and the Senate and the next administration needs to step to the forefront. We're experiencing increasing competition from China, from India, from Japan, from Russia, from the European Space Agency, and increasingly, many others.

In the aftermath of the Shuttle Columbia accident, America rededicated itself to human spaceflight. We vowed to resume flying the shuttle, complete the International Space Station, and then build and fly a new generation of spacecraft that will take America beyond orbiting the Earth. The Moon will be the first of many destinations.

When this vision was announced, one of the first responses came in an editorial in The Daily Telegraph. Sometimes those living "across the pond" are the best way to observe the American people. Here's what the editorial said. "Americans, thank Heaven, are a restless, inquisitive, pioneering people. The concept of exploration, of an ever-expanding frontier, is central to their identity in a way that some Europeans find hard to understand."

As the world watches, NASA displays this fundamental part of our American character, and that is appropriate. For we explore space not just for ourselves, we do so for all of humankind.

Mr. LAMPSON. I yield myself 2 minutes, Mr. Speaker.

I've listened with interest to Congressman GINGREY's comments a few minutes ago about the advancements that NASA has made with regard to its energy usage. It has been tremendous.

On last Tuesday, I happened to have been at the Johnson Space Center watching the operation of the new lunar rover. It is a six-wheeled, actually double wheels, vehicle that runs entirely on battery power and has a magnificent amount of strength and longevity. It's the research that NASA has done in the development of better batteries, longer life for batteries, and the fact that they have been able to develop solar power to the extent that the International Space Station is entirely powered with solar collectors that are on that station, and the research that they are doing to increase the opportunity for us to be able to gather solar power in space and beam it down to Earth for our use, that continues to show the technological advancements and capabilities of our NASA, of our National Aeronautics and Space Administration.

The work that they have done on the development of fuel cells and hydrogen, all of these magnificent technologies have come because of the commitment that they have had to look at new and different and better ways of doing things. And thank goodness they have looked at it in exactly the way Dr. GINGREY was saying, balanced.

We've got to find a way to make sure that we're looking at all sources of energy, and NASA is showing exactly how to accomplish that task.

I reserve the balance of my time.

Mr. MCCAUL of Texas. Mr. Speaker, let me say once again how proud I am have to have introduced this resolution. I appreciate the support of the gentleman from Texas, my friend and colleague, and the support of the colleagues on my side of the aisle as well.

The NASA space program has proven to provide a great return on our investment in terms of Federal research and development dollars, and I would urge this Congress to continue that investment.

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A recent article in The Washington Post today outlined that the U.S. finds it's getting crowded out in terms of dominance in space as other nations step up their efforts. China plans to conduct its first spacewalk in October. The European Space Agency is building a roving robot to land on Mars. And India recently launched a record 10 satellites into space on a single rocket. We cannot fall behind. That is not the intent, the purpose, the vision of NASA.

"Space, like Earth below, is globalizing. And as it does, America's long-held superiority in exploring, exploiting and commercializing the final frontier is slipping away," according to this article, "many experts believe."

And although the United States remains dominant in most space-related fields and owns half the military satellites currently orbiting Earth, experts say the Nation's superiority is diminishing and many other nations are expanding their civilian and commercial space capabilities at a far faster pace.

Michael Griffin said, "We spent tens of billions of dollars during the Apollo era to purchase a commanding lead in space over all nations on Earth." However, this agency's budget is down 20 percent since 1992. According to Mr. Griffin, "We've been living off the fruit of that purchase for 40 years and have not chosen to invest at a level that would preserve that commanding lead."

We have authorized funding for NASA. I was proud to support that; I think we can do better. We need to continue to support this very important program which provides not only great scientists and engineers for this country, but allows us to be competitive globally in all areas, including science and technology and energy, but also in the wonders of space.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas (Mr. MCCAUL) for his work on this legislation to bring attention to the wonderful work of the people who have run our National Aeronautics and Space Administration. Mr. MCCAUL made reference earlier to teachers and students going and visiting the Johnson Space Center in Houston. I remember taking students and classes myself back around 1970—actually, before we stepped foot on the Moon in 1969—and the wonderment, the excitement that all of the people who have had anything at all to do with NASA have been able to instill in young people, causing them to want to go and study math and science and engineering. What a great thing to do. And what a great day to be able to stand and say congratulations on 50 years of service and operation and advances in technology for our country and for the world.

So this is fitting that we support House Resolution 1315 in commemoration for NASA in its 50 years of operation. I ask all of my colleagues to support the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 1315, commemorating the 50th anniversary of the National Aeronautics and Space Administration.

NASA has made a major impact on our national competitiveness in space and aeronautics research.

Since the Sputnik era of the late 1950s, the United States has established world leadership in space flight. Along with that accomplishment, our Nation's investments in NASA have created a strong aeronautics and engineering workforce. This intelligent, talented, well-prepared workforce is one of NASA's most powerful legacies.

NASA is of great economic importance to Texas. Johnson Space Center employs 15,000 civil servants and contractors. An untold number of small spin-off companies have been formed as a result of good ideas from the brain power at NASA.

Research discoveries from our time in space have also greatly benefited our populace.

Each year since 1976, NASA has published a list of every commercialized technology and product linked to its research.

The NASA journal "Spinoff" highlights these products, which have included things like improved pacemakers, state-of-the-art exercise machines and satellite radio.

All of these everyday products have stemmed from NASA-funded research: Invisible braces; scratch-resistant lenses; memory foam; the ear thermometer; shoe insoles; long-distance telecommunications; adjustable smoke detectors; cordless tools; and water filters.

During my 15 years on the House Committee on Science and Technology, I have proudly advocated for strong support of NASA.

Its education activities, particularly its efforts to encourage under-represented minorities to pursue engineering and science careers, are exemplary.

I want to congratulate the great work that NASA has done in its 50 years of existence to conduct research that benefits all members of our society.

May the next 50 years be as productive and as successful as the first.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1315, Commemorating the 50th Anniversary of the National Aeronautics and Space Administration, NASA. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman MCCAUL for introducing this important legislation, as well as the Science Committee Chairman for his leadership in bringing this bill to the floor today.

I have long supported NASA and I have offered an amendment to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008.

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Mr. Speaker, today's resolution will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure. that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a Nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our nation in 1962, calling it the "greatest adventure on which man has ever embarked." Despite the setbacks of recent years, including the tragedy that befell the Space Shuttle *Columbia,* NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the Nation's primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics reach and development, and an exploration program.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 1315, a resolution that commemorates the 50th Anniversary of the National Aeronautics and Space Administration, NASA.

NASA was established in 1958 and has become one of the premier research institutions in the United States. Through NASA, the United States has put humans on the moon, helped build the International Space Station, sent spacecraft to investigate Mars, and has built the Hubble Telescope to view more of the universe. NASA research has also been used to improve products that have changed our world—from airplanes to communications satellites.

Research and innovation is crucial to the United States' global competitiveness. Since its beginning, NASA has inspired many children to study math, science, engineering and technology. My district is home to Farnsworth Aerospace Elementary Magnet School of St. Paul, Minnesota, which is a NASA Explorer School. This initiative incorporates NASA content and programs into science, technology and mathematics curriculum in the classroom. When I have met with the teachers and students at Farnsworth, I have witnessed the enthusiasm and inquiry that the NASA curriculum generates. Through the Explorer School program, NASA helps to produce the scientists, engineers, researchers, explorers, innovators, and astronauts of the future.

I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1315.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING ACT OF 2008

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4174) to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Ocean Acidification Research And Monitoring Act of 2008" or the "FOARAM Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Interagency subcommittee.
Sec. 5. Strategic research plan.
Sec. 6. NOAA ocean acidification activities.
Sec. 7. NSF ocean acidification activities.
Sec. 8. NASA ocean acidification activities.
Sec. 9. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The oceans help regulate atmospheric chemistry by acting as the largest sink for carbon dioxide.

(2) The rapid increase in atmospheric carbon dioxide is overwhelming the natural ability of the oceans to absorb this gas.

(3) The influx of carbon dioxide into the atmosphere and the subsequent absorption by the oceans is changing surface ocean carbon chemistry and lowering the pH. These changes in ocean chemistry are detrimental to organisms including corals, which support one of the richest habitats on Earth, marine shellfish, and many other organisms that form the base of the food chain for many fish and marine mammals.

(4) The rich biodiversity of marine organisms is an important contribution to the national economy and the change in ocean chemistry threatens tourism, our fisheries, and marine environmental quality, and could result in significant social and economic costs.

(5) Existing Federal programs support research in related ocean chemistry, but gaps in funding, coordination, and outreach have impeded national progress in addressing ocean acidification.

(6) National investment in a coordinated program of research and monitoring would improve the understanding of ocean acidification effects on whole ecosystems, advance our knowledge of the socioeconomic impacts of increased ocean acidification, and strengthen the ability of marine resource managers to assess and prepare for the harmful impacts of ocean acidification on our marine resources.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(3) research on adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 3. DEFINITIONS.

In this Act:

(1) OCEAN ACIDIFICATION.—The term "ocean acidification" means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term "Subcommittee" means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 4. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 5 of this Act and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 5 of this Act.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 5.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 5 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 5. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(2) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(3) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(4) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(5) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(6) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(7) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(8) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological response of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 6. NOAA OCEAN ACIDIFICATION ACTIVITIES.

The Secretary shall conduct research and monitoring activities and may establish a program on ocean acidification within the National Oceanic and Atmospheric Administration consistent with the strategic research plan developed by the Subcommittee under section 5 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this Act, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this Act, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

SEC. 7. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 5.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 8. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 5.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this Act—

(1) $8,000,000 for fiscal year 2009;
(2) $12,000,000 for fiscal year 2010;
(3) $15,000,000 for fiscal year 2011; and
(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this Act—

(1) $6,000,000 for fiscal year 2009;
(2) $8,000,000 for fiscal year 2010;
(3) $12,000,000 for fiscal year 2011; and
(4) $15,000,000 for fiscal year 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4174, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by complimenting my dear friend, Mr. ALLEN, and Mr. GILCHREST, as well as Mr. INSLEE, and particularly Mr. INGLIS, who worked so closely with me on the manager's amendment to this bill.

We have an enormous problem facing this world, and it is often neglected. This bill addresses that.

On Monday, I had the privilege of being in Fort Lauderdale at the International Society for Reef Studies, their coral reef symposium, which happens every 4 years. Based on reports there and recent studies published in Science and other leading journals, it is clear that although ocean acidification is not often talked about, it may well be a challenge as great or perhaps even greater as climate change.

Approximately one-half of the carbon dioxide released by burning fossil fuels has been absorbed by the oceans. The good news is that this absorption has helped reduce and delay the impact of global warming. The bad news, however, is that the absorption of atmospheric carbon dioxide has caused and will continue to cause changes in ocean chemistry.

The disruption in ocean chemistry causes the pH to decrease and results in a phenomenon identified as ocean acidification. According to the National Oceanic and Atmospheric Administration, ocean hydrogen ion concentration, a measure of acidity, has increased 30 percent since industrialization. Studies have projected that by the end of the century, carbon dioxide emission scenarios could result in the lowest levels of ocean pH in 20 million years.

The potential impacts of acidification are diverse and far-reaching. These impacts include adverse effects on marine ecosystems, food webs for many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism.

Increasing acidity and changes in ocean chemistry are also corrosive to corals and shell-forming plankton, a major food source for baleen whales and commercially important fish species such as salmon, mackerel, herring, cod and others.

Some studies have also suggested that ocean acidification could be detrimental to shellfish, including scallops, clams, oysters and lobsters. Evidence shows that calcification rates will decrease and carbon dissolution rates will increase for these calcifying organisms leaving them unable to compete ecologically, perhaps even threatening them to the point of extinction.

Shallow water corals face similar threats due to decreased ocean rates and increased shell corrosion. Corals comprise some of the richest habitats on Earth. According to NOAA, about 4,000 species of fish, including approximately half of all federally managed fisheries, depend on coral reefs and their related habitat for a portion of their life cycles.

Juvenile fish may face physiological challenges, including respiratory stress and acidosis associated with increased acidification. Deep sea corals and other animals are also threatened by changes in chemistry, and may find parts of the deep ocean uninhabitable by the end of the century.

We must do more to assess this grave problem. There is significant uncertainty as to the rate and magnitude of change that will occur, but national investment in a coordinated program of research and monitoring could improve the understanding of ecosystem responses, assess socioeconomic impacts due to increasing acidification, and provide resource managers the information they need to develop strategies and protect these critical species.

That's why I have joined Representatives ALLEN, INSLEE, and others, in introducing the Federal Ocean Acidification Research and Monitoring Act. This bill establishes an interagency program through the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council to develop and coordinate a comprehensive plan to better understand and address the impacts of acidification, to provide for assessment of ecosystem and socioeconomic impact of ocean acidification, and to provide for research on adaptation strategies to conserve marine resources. It also directs NOAA, the National Science Foundation, and NASA to conduct research and monitoring activities on ocean acidification consistent with the strategic plan developed by the subcommittee.

I want to thank the researchers who have led the way on this important topic, also my fellow sponsors for their important work, and particularly Chairman GORDON and the other members of the Science and Technology Committee for moving this bill and getting it to the floor.

Finally, I want to thank the Science Committee staff, including Jean Fruci, Shimere Williams on the majority staff, and my own staff member, Hilary Cain.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the beginning of the industrial revolution, the oceans have been the largest sink of increased carbon dioxide in the atmosphere. This is a valuable natural function. When the oceans absorb carbon dioxide, it lowers the pH of the water. Although the increased acidity of the oceans to date has not been significant, many in the ocean science community are concerned about the rate of change that they have witnessed.

H.R. 4174 organizes Federal activities on ocean acidification research. It is intended to provide a blueprint for research and monitoring efforts at the Federal level, and encourage international cooperation for a global problem.

We have an obligation to ourselves and to future generations to make informed decisions on something as serious as the health and welfare of our oceans, but at this point, we do not know enough to make those decisions. We do not know how much the ocean's chemistry is going to change, how fast it will change, or what the impacts of this change will be on marine life or the health of marine ecosystems. We also do not know how all of this will affect mankind's reliance on the ocean for food, for industry, and for energy resources. How can we possibly engage in serious discussions about mitigation and adoption strategies if we do not know these important things?

Passing the Federal Ocean Acidification Research and Monitoring Act is the first step we need to take to collect this vital information. The legislation directs the Joint Subcommittee on Ocean Science and Technology, or JSOST, to coordinate all Federal research and monitoring activities. The subcommittee is co-chaired by the National Oceanic and Atmospheric Administration, NOAA, the National Science Foundation, NSF, and the Office of Science and Technology Policy in the White House. These are the three agencies that should be most involved in ocean acidification research.

This bill requires JSOST to develop a strategic research plan with an eye toward being able to produce useable products to the fishing industry, the energy industry, policy makers, and other shareholders at some point in the future. This strategic plan is not meant to reinvent the wheel. It should be based on several research road maps that have already been developed by other institutions.

The legislation authorizes NOAA to continue its ocean acidification research and monitoring activities as long as such activities are consistent with the strategic research plan. It also authorizes funding for NSF to provide research grants for ocean acidification. And it directs NASA to focus resources on ocean acidification monitoring in future Earth observation missions.

Most importantly, H.R. 4174 requires that JSOST and NOAA coordinate U.S. ocean acidification research and monitoring efforts with those in the international community. Many countries are currently in the same place as we are, organizing their research efforts and laying out road maps for the future. Just last month, the European Union launched the European Ocean Acidification Project, an initiative to investigate ocean acidification and its consequences.

The U.S. should not have to bear the full and sole burden for global environmental problems. International cooperation ensures that resources and funding are distributed among many nations so that all may benefit from the increase in understanding of ocean acidification.

I urge all of my colleagues to support H.R. 4174.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I want to particularly compliment the Chair of the Resources Committee, Chairman RAHALL, for his collaboration on this. At this point I would like to place in the RECORD letters exchanged between the Resources Committee and the Science Committee.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 7,2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2008, concerning provisions regarding the establishment and maintenance of an ocean acidification program which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 4174. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 4174 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am,
Sincerely,
NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 8, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for working with me to allow floor consideration of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2008, to proceed.

I appreciate your willingness to waive your Committee's right to a referral of H.R. 4174, and acknowledge that this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Natural Resources if a conference is held on this matter.

A copy of this letter and your response will be placed in the Committee report on H.R. 4174 and in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
BART GORDON,
Chairman.

Mr. Speaker, I yield 4 minutes to the lead sponsor of this legislation and a tireless and effective advocate for all things related to the ocean's health, Representative ALLEN from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding and for his outstanding leadership on this important issue.

I also rise to urge passage of my bill, H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act.

I want to commend Chairman GORDON and Chairman LAMPSON of the Science and Technology Committee for their leadership and foresight in supporting this legislation to give us the tools we need to manage and protect our marine resources and coastal communities.

I also want to thank Mr. HALL and Mr. INGLIS for their support on this bipartisan legislation. And also, once again, I want to thank Mr. INSLEE and Mr. BAIRD for their leadership.

Finally, I guess I should say a special thank you to Ellen Bolen on my staff, my now Sea Grant fellow who has worked so hard on this particular bill.

My legislation establishes a comprehensive, interagency program to conduct research on the processes and consequences of ocean acidification due to global climate change.

Ocean acidification has the potential to profoundly change our ocean ecosystems and may seriously and negatively affect commercial and recreational fisheries, tourism, agriculture, and many other ocean-related industries.

The impact of global climate change is nowhere more apparent than in our oceans. Icecaps are melting and coral reefs are dying. Approximately one-third of the carbon dioxide released by the burning of fossil fuels ends up in the oceans, altering ocean surface carbon chemistry. Acidic conditions can impede shell formation in important marine shellfish species, and are harmful to many organisms, from corals to shellfish to plankton, that are essential to the food chain for many larger fish and marine mammals.

Research by scientists at St. Joseph's College in Standish, Maine, has revealed that ocean acidification due to climate change may substantially increase the mortality of young clams, threatening a $16 million industry and the livelihoods of 1,800 commercial clam diggers in Maine alone.

□ 1300

Three decades ago, when acid deposition threatened Maine's lakes, we documented the harm and devised a legislative response through monitoring and research. My legislation will provide similar tools to respond to ocean acidification. To protect future generations, we must understand the consequences that ocean acidification could have on our natural resources and coastal economies so that we can mitigate and adapt to those consequences.

The Federal Ocean Acidification Research and Monitoring Act will direct and fund key research to examine the effects that climate change is having on our oceans and on our fisheries. I urge my colleagues to support this measure.

Mr. FEENEY. Mr. Speaker, I am proud to yield 5 minutes to my friend the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, I'm not a scientist, but I play one occasionally at the Science Committee. And the good news is we have got some scientists at the Science Committee, great staff members and Members of Congress, like Dr. BAIRD, who is one of my tutors on this issue of ocean acidification.

Recently in a trip to the Galapagos, we had an opportunity to hear from Dr. Julian Sachs, who, along with Dr. BAIRD's tutelage, was able to explain to me finally why it is that the carbon sink of the oceans is going to create a problem for life in the oceans. And it has to do with that science experiment we did in high school with putting the egg in the vinegar, and a couple of days later, you come back and there's no shell on the egg. Well, that's the challenge. As carbon is absorbed into the ocean by higher CO_2 levels in the atmosphere entering in the ocean, driving down the pH, making the ocean more acidic, you end up with that scenario where the calcium-based shells of the organisms begin to dissolve.

The big challenge is the phytoplankton part of the food chain. That dissolves. It's a terrible thing to open up a hole at the bottom of the food chain. Not so bad if you're at the top of the food chain, but if you're at the bottom of the food chain, it's a terrible thing to open a hole, especially when a billion people around the world depend upon the ocean for sustenance.

So what all that means is this is a serious matter and something worth our spending time and effort and money on to research. So I am very happy to support this bill.

I am also very excited about an aspect of the bill that has been mentioned by several speakers already. That is the international cooperation that's called for in the bill. On another trip with Dr. BAIRD to Antarctica and then Australia, we saw a wonderful example of this with the NOAA's Coral Reef Watch Project, where we actually have NOAA employing two Australians who are doing work for NOAA in Australia, coordinating with the Great Barrier Reef folks. And the result is America is there lending a hand and cooperating, improving not only the science that we generate but also my other committee, Foreign Affairs, better foreign policy outcomes; that we are showing ourselves to be a friend to the Australians, trying to preserve the Great Barrier Reef, which is obviously very important to people on the eastern shore of Australia.

So the international aspects of this may be reason enough to support the bill. But for all of the above reasons, I am very happy to support the bill and urge my colleagues to support it, and hopefully we will have this cooperation, find some breakthroughs in the science, and then figure out ways to apply those solutions to begin solving the problem.

Mr. BAIRD. Mr. Speaker, I want to thank the gentleman from South Carolina for his input and involvement and for his genuine interest in this. It has been a privilege to travel with him, and we actually had the opportunity to meet with some of the world's leading scientists on this, and I know Mr. INGLIS has maintained that dialogue ever since those journeys, and those scientists send their regards. I met with them just 2 days ago, in fact.

Mr. Speaker, I want to now acknowledge a dear friend from Washington who has been a leader not only in the Congress but in the world on the issue of renewable energy and climate change. This issue of acidification took particular relevance off our own Pacific Northwest coast about 2 months ago when NOAA published studies suggesting that the rate of acidification is much more rapid and much closer to our shores than they had ever anticipated, and it is deeply concerning. JAY INSLEE has been a champion of responsible energy policies.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, ocean acidification is both the most disturbing and potentially the most unifying issue involving carbon dioxide and climate change. It is the most disturbing because nothing that I have heard in the last couple of years about this phenomenon disproves the point of that old saying from the 1960s that was in an old commercial "It's not nice to fool with Mother Nature." And we have found that when we put one-third of all the carbon dioxide coming out of our tailpipes and our coal plants, that that has made the oceans, just since the industrial revolution, 30 percent more acidic, and all the time the world has been around, it is 30 percent more acidic just during the time we've been burning coal and oil.

The results of that are not hypothetical. We had testimony in Seattle from biologists and oceanographers a couple months ago that said they actually put a shell into water that was as acidic as it could be in the next century and a half and you could see it literally melt. You are looking at literally melting of any living stuff in the oceans that form a calcium carbonate material, including the phytoplankton that is 40 percent of the bottom of the food chain, in the next century or two if we don't change course. That's why it's disturbing.

But here is why it's unifying: It's unifying because while we have had some debates about the climatic effects about global warming and CO_2, there is no debate about ocean acidification. We could spent the next century arguing about the precise climatic effects of CO_2, but there is no debate that we are making the oceans unfit for life that God himself or herself designed on the planet Earth. And that is what we are doing. And I am hopeful that that can be a unifying idea in this Congress so that we can start to develop a clean energy future for the country and the world that can preserve the oceans for living species that we depend on as well as the rest of the world.

So it is disturbing now. Hopefully, it will be unifying when we get together and really do an Apollo new energy project and save the oceans for what they were designed for, which is life on this planet.

Mr. FEENEY. I want to thank the gentleman from Washington and the others that worked on this bill.

Our oceans are the property of all humanity, and we want to do everything we can to understand them and preserve them.

With that I would urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BAIRD. I thank the gentleman from Florida for his support. I also want to acknowledge the leadership of Mr. LAMPSON from Texas and Mr. HALL and their support of this as well.

Let me close with this, and it takes off from something that Mr. INSLEE said a moment ago. We can debate the temperature changes. I think the evidence is compelling from the IPCC report. But ocean acidification is something you can demonstrate in a lab. You can introduce CO_2 into the air, above water. The water will take up the CO_2. That will make the water more acidic. The more acidic water will reduce the availability of calcium carbonate and other minerals. And then, as Mr. INSLEE described, and as laboratory scientists are doing throughout the world in Australia and Israel and Jordan and off our own Florida coast, you can take these organisms, put them in this more acidic water, and you will see their growth be retarded. You will see their mortality rates increase. And, importantly, when you combine higher acidification levels with increased temperature, the mortality grows dramatically up. We are effectively killing the oceans and then possibly killing ourselves.

I am speaking on behalf of two little boys, William and Walter, my own sons, whom some of you know. They stop by here from time to time. They're 3½. I would like them to enjoy the oceans the way we have. I would like them to see the magnificent species that we now enjoy. I do not want to bequeath to those young boys or to anyone's children or grandchildren a world bereft of the coral reefs and the many species they depend on.

So with that I urge passage of this legislation and would urge that we vigorously endeavor to reduce the factors that are contributing to this dangerous problem. I urge a ''yes'' vote.

Mr. FARR. Mr. Speaker, I rise in support of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2007 authored by my friend and fellow co-chair of the House Oceans Caucus Representative ALLEN.

Since the industrial revolution, the human species has begun a dangerous experiment with our planet. Humans have become, according to Alan Weisman, a volcano that has been erupting continuously for 150 years. We have taken tons of carbon from the earth and put it up in the atmosphere. It is now clear that the increase in atmospheric CO_2 is causing drastic and rapid changes in ocean chemistry.

The ocean has no choice but to absorb the increase in CO_2, in fact, the ocean will continue to absorb CO_2 long after we reduce our output. Recent research from a study led by Dr. Feeley, a NOAA scientist, has found that ocean waters from the 1950s were much more acidic than expected. We do not know the outcome of our global experiment, but we know that it will change the chemistry of the ocean.

Many fisheries off of our coasts are already collapsing. We do not know how this increase in acidity will affect these collapsing populations or the fisheries that are currently healthy. An increase in ocean acidity will dissolve the shell of the endangered black abalone of the California coast. We know that corals, already under stress from the increased ocean temperature will have their skeleton dissolved by a more acidic ocean.

We must have more research to discover how this unprecedented change will affect shellfish, corals, and the food chain that fish, and mammals, including humans, that depend on the ocean. We must create collaboration between the federal agencies who manage and study the ocean to address this problem. This bill will provide funding for research and collaboration between researcH and management agencies necessary to address this serious problem.

Mr. Speaker, I cannot emphasize enough the need to show our ocean stewardship now, so we can turn the tide on the dire consequences facing our oceans and Great Lakes. The oceans and the Great Lakes belong to all the people of the United States and it is our duty to understand the implications of our actions on them. I strongly support the Federal Ocean Acidification Research and Monitoring Act and I urge my colleagues to help understand and protect our shared ocean.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act. I commend our colleagues on the Science Committee for bringing forward this important legislation to enhance our understanding of this phenomena, which is changing the very chemistry of the world's oceans.

Ocean acidification, which is caused by increased atmospheric carbon dioxide, can negatively affect a range of organisms, from corals, to shellfish and plankton. These organisms and their habitats form the base of the food chain for many marine fish and mammal species. If not mitigated, ocean acidification could, therefore, have a cascading negative effect on important commercial fisheries, tourism and recreation, and other ocean-related industries.

The damage that ocean acidification could cause to our coastal economic and cultural livelihoods is alarming. Those who rely on oceanic resources for their food or their livelihood, as many of my constituents on Guam do, are already contending with the negative after-affects caused by coastal habitat degradation; overfishing; illegal, unregulated, and unreported fishing; and the worldwide decline of healthy coral reefs. We need to learn now everything we can about the dynamics, extent and implications of ocean acidification if we hope to be able to develop successful strategies to cope with this global threat.

I strongly support this legislation that would establish a comprehensive, interagency committee to coordinate and expand federal research on ocean acidification and marine ecosystems.

Mr. Speaker, I commend our colleague from Maine, Mr. ALLEN, for introducing this legislation and for his leadership on ocean issues. I also commend the gentleman from Texas, Mr. LAMPSON, the Chairman of the Subcommittee on Energy and Environment, and the Ranking Member, Mr. INGLIS, for advancing H.R. 41–74 through the Committee on Science and Technology. I thank them and Chairman GORDON for working with Chairman RAHALL of the Committee on Natural Resources to address matters of mutual interest and shared jurisdiction with regard to the bill. I urge my colleagues to support passage of H.R. 4174.

Mr. BAIRD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 4174, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNITY BUILDING CODE ADMINISTRATION GRANT ACT OF 2008

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4461) to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Building Code Administration Grant Act of 2008''.

SEC. 2. GRANT PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Secretary of Housing and Urban Development shall provide grants to local building code enforcement departments.

(b) COMPETITIVE AWARDS.—The Secretary shall award grants under subsection (a) on a competitive basis pursuant to the criteria set forth in section 6, but also taking into consideration the following:

(1) The financial need of each building code enforcement department.

(2) The benefit to the local jurisdiction of having an adequately funded building code enforcement department.

(3) The demonstrated ability of each building code enforcement department to work cooperatively with other local code enforcement offices, health departments, and local prosecutorial agencies.

(c) MAXIMUM AMOUNT.—The maximum amount of any grant awarded under this section shall not exceed $1,000,000.

SEC. 3. REQUIRED ELEMENTS IN GRANT PROPOSALS.

In order to be eligible for a grant under section 2, a local building code enforcement department shall submit to the Secretary the following:

(1) A demonstration of the jurisdiction's needs in executing building code enforcement administration.

(2) A plan for the use of any funds received under this Act that addresses the needs discussed in paragraph (1) and that is consistent with the authorized uses established in section 4.

(3) A plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

(4) A plan to create and maintain a program of public outreach that includes a regularly updated and readily accessible means of public communication, interaction, and reporting regarding the services and work of the local building code enforcement department to be supported by the grant.

(5) A plan for ensuring the timely and effective administrative enforcement of building safety and fire prevention violations.

SEC. 4. USE OF FUNDS; MATCHING FUNDS.

(a) AUTHORIZED USES.—Grants awarded under section 2 may be used by the grant recipient to supplement existing State or local funding for building code enforcement administration. Such funds may be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department.

(b) ADDITIONAL REQUIREMENT.—Each local building code enforcement department receiving a grant under section 2 shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer.

(c) MATCHING FUNDS REQUIRED.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, a local building code enforcement department serving an area with a population of—

(A) over 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 50 percent of the total amount of any grant to be awarded under this Act;

(B) between 20,001 and 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 25 percent of the total amount of any grant to be awarded under this Act; or

(C) under 20,000 shall provide matching, non-Federal funds in an amount equal to not less than 12.5 percent of the total amount of any grant to be awarded under this Act.

(2) ECONOMIC DISTRESS.—

(A) IN GENERAL.—The Secretary may waive the matching fund requirements under paragraph (1), and institute, by regulation, new matching fund requirements based upon the level of economic distress of the local jurisdiction in which the local building code enforcement department seeking such grant is located.

(B) CONTENT OF REGULATIONS.—Any regulations instituted under subparagraph (A) shall include—

(i) a method that allows for a comparison of the degree of economic distress among the local jurisdiction's of grant applicants, as measured by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in such jurisdiction; and

(ii) any other factor determined to be relevant by the Secretary in assessing the comparative degree of economic distress among such local jurisdictions.

(d) IN-KIND CONTRIBUTIONS.—In determining the non-Federal share required to be provided under subsection (c), the Secretary shall consider in-kind contributions, not to exceed 50 percent of the amount that the department contributes in non-Federal funds.

(e) WAIVER OF MATCHING REQUIREMENT.—The Secretary shall waive the matching fund requirements under subsection (c) for any recipient jurisdiction that has legislatively dedicated all building code permitting fees to the conduct of local building code enforcement.

SEC. 5. RATING AND RANKING OF APPLICATIONS.

Eligible applications will be rated and ranked according to the criteria described in section 6. All complete applications will be compared to one another and points assigned on a continuum within each criteria with the maximum points awarded to the application that best meets the criteria.

SEC. 6. CRITERIA.

(a) NEED AND COMMUNITY BENEFIT FROM CODE ENFORCEMENT GRANT FUNDS.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between local building code enforcement officials and other local agencies, as well as a community-oriented approach to building code enforcement.

Description	Maximum Points
A detailed description of the capital expenditures to be acquired with grant funds and a demonstration that the items' costs are reasonable.	0–10
The jurisdiction's need for the capital expenditure and how the grant funds will fulfill this need.	0–10
The joint benefits provided by the proposed expenditure for the following groups or activities. Provide a brief explanation of the benefit. (1 point will be awarded for each response, 5 points maximum).	0–5
1. Code enforcement program.	
2. Community or jurisdiction.	
3. Interdisciplinary code enforcement team.	
4. Housing preservation, rehabilitation programs, or neighborhood improvement programs.	
5. Special needs groups (disabled, elderly or low or very-low income, etc.).	
Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.	0–5

(b) CURRENT CODE ENFORCEMENT AND HOUSING CONSERVATION PLAN.—Has the local legislative body in which the applicant resides adopted a "plan" which addresses residential structure conservation and building code enforcement? From the following list, select 1 description that best reflects such jurisdiction's "plan" for building code enforcement activities. Points will be awarded as follows:

Description	Maximum Points
The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.	10
The plan only provides for proactive code enforcement (not just responding to complaints) and calls for an interdisciplinary approach and does not address funding options for repairs and rehabilitation.	8
The plan provides for some type of proactive code enforcement (other than just responding to complaints) but doesn't address coordinated interdisciplinary activities with other local public agencies or funding options.	6
The plan provides for only reactive code enforcement.	4
The plan only refers to a need to preserve and/or improve existing housing stock, without any code enforcement program.	2
No existing plan.	0

(c) COMMUNITY-ORIENTED OR INTERDISCIPLINARY CODE ENFORCEMENT.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between building code enforcement officials and other local agencies, as well as a community-oriented approach to code enforcement.

Description	Maximum Points
Identify current or proposed interdisciplinary code enforcement programs or activities and the team members (example: code enforcement, police, local prosecutors, health department, building and planning, fire, etc.). Provide a description of the team's code enforcement and coordination procedures, activities and services provided. If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10
Identify current or proposed community-oriented code enforcement programs, activities or services. (Examples: community clean-ups, Neighborhood Watch programs, community meetings, door-to-door code enforcement knock and talks, etc.). If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10

(d) PROACTIVE CODE ENFORCEMENT ACTIVITIES.—The effectiveness of the proposed or existing proactive activities and programs operated by any existing building code enforcement program. Describe such activities or programs, include any of the following:

Description	Maximum Points
Encourages repairs and preservation, rather than demolition or abandonment, of substandard residences.	0–5
Abatement of (a) lead hazards and lead-based paints, (b) toxic molds and dampness, and (c) displacement or relocation of residents.	0–5
Community clean-up campaigns. This may include recycling dates, free or reduced disposal rates at dumpsite, public clean-up days that encourage removal of unwanted or excess debris by making available extra trash pick-ups, dumpsites or trash/recycling containers on specific dates to dispose of household debris, inoperable vehicles, tires, toxic materials, etc.	0–5
Resource or referral programs for Federal, State, local, and private funds and other resources available in your jurisdiction that can assist with housing rehabilitation and repairs to rectify code violations.	0–5
Public education programs on housing issues. These could include community housing meetings dealing with homeownership, tenant/landlord issues, housing code enforcement, school age children's programs with coloring books or handouts, housing safety pamphlets, etc.	0–5
Programs that encourage community involvement with groups; such as schools, church nonprofits, community service groups, utility companies, local stores, housing agency banks, etc.	0–5

(e) CAPACITY TO FINANCIALLY AND TECHNICALLY SUPPORT PROPOSED CAPITAL EXPENDITURES.—The degree to which the application demonstrates the jurisdiction's financial and technical capacity to properly use and successfully support the proposed capital expenditure during the term of the grant.

Description	Maximum Points
The anticipated ongoing program funding for the duration of the grant program is adequate to financially support the use of the grant-financed equipment. Include details of funding and technical support sources for the capital expenditure (examples: insurance, paper, maintenance, training, supplies, personnel, monthly billing costs, etc.).	0–5
The jurisdiction has the technical capabilities to use and support equipment (examples: adequately trained staff or resources to provide training to operate technical equipment, local service provider for cell phones or 2-way radios, trained personnel to operate equipment, etc.).	0–5

SEC. 7. EVALUATION AND REPORT.

(a) IN GENERAL.—Grant recipients shall—

(1) be obligated to fully account and report for the use of all grants funds; and

(2) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

(b) REPORT.—The report required under subsection (a)(2) shall include a discussion of—

(1) the specific capabilities and functions in local building code enforcement administration that were addressed using funds received under this Act;

(2) the lessons learned in carrying out the plans supported by the grant; and

(3) the manner in which the programs supported by the grant are to be maintained by the grantee.

(c) CONTENT OF REPORTS.—The Secretary shall—

(1) require each recipient of a grant under ths Act to file interim and final reports under subsection (b) to ensure that grant funds are being used as intended and to measure the effectiveness and benefits of the grant program; and

(2) develop and maintain a means whereby the public can access such reports, at no cost, via the Internet.

SEC. 8. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) BUILDING CODE ENFORCEMENT DEPARTMENT.—The term "building code enforcement department" means the building code inspection or enforcement agency of a local jurisdiction.

(2) JURISDICTION.—The term "jurisdiction" means a city, county, parish, city and county authority, or city and parish authority having local authority to enforce building codes and regulations and collect fees for building permits.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2009 through 2013 to the Secretary of Housing and Urban Development to carry out the provisions of this Act.

(b) RESERVATION.—From the amount made available under subsection (a), the Secretary may reserve not more than 5 percent for administrative costs.

(c) AVAILABILITY.—Any funds appropriated pursuant to subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Today I ask for the House support in passing H.R. 4461, the Community Building Codes and Administration Grant Act.

This legislation, which was approved by voice vote in the Financial Services Committee and enjoys bipartisan support in the House, will provide Federal assistance to the development of local building codes.

Responsible building is essential to reduce vulnerability to future hazards. According to a study conducted in 2005 by the National Institute of Building Sciences, for every dollar spent on mitigation at the Federal level, the American taxpayer saves approximately $4 in disaster assistance.

State and local building codes assure that new homes comply with safety standards. Acquiring the skills and knowledge to become a code inspector is a time-consuming process, though. And paying for personnel to conduct inspections and enforce codes that are on the books consumes scarce financial resources at the local level. While there are no dedicated Federal funds for building code administration, Community Development Block Grant funds have been used for this purpose in the past along with administrative allowances from FEMA's three mitigation programs: Hazard Mitigation, Pre-Disaster Mitigation, and Flood Mitigation. But competition for these funds is intense, and infrastructure projects typically receive preference over building code enforcement.

For these reasons, Mr. Speaker, States must fund these activities without Federal assistance, relying often on building permit fees and sometimes general funding to operate offices that are overworked and understaffed. This means that codes on the books cannot be enforced, leaving communities more vulnerable and driving up insurance premiums in those areas.

To address this issue, H.R. 4461 establishes a competitive national program that provides awards to local governments for building code administration and enforcement. The Community Building Code Administration Grant Program will not infringe upon local and State authority to enact and enforce building codes. It simply provides sorely-needed funding for them to do so.

Specifically, the bill includes a 5-year sunset on the program, authorizes $100 million over that period to execute it, caps awards at $1 million per recipient, requires recipients to match a portion of funds received, and outlines eligible uses of funds and selection criteria with preference offered to governments in financial distress.

□ 1315

Additionally, each grant proposal must contain a plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

This legislation will help ensure the safety of buildings across the country and ultimately will reduce the cost to the American taxpayers after a disaster. I look forward to passage of this legislation.

I reserve the balance of my time and I want to thank also my colleague from West Virginia.

Mrs. CAPITO. Mr. Speaker, today I rise in support of H.R. 4461, the Community Building Code Administration Act, authored by the gentleman from Kansas (Mr. MOORE). Under current law, there are no dedicated Federal funds for building code administration. Funds from development or hazard mitigation programs have been used for this purpose in the past. The competition for these funds is intense, and infrastructure projects generally receive preference over building code enforcement. States and local jurisdictions fund local building code enforcement departments without Federal assistance.

The legislation offered by Mr. MOORE requires the Secretary of HUD to award grants on a competitive basis and with Federal matching funds to qualified local building code enforcement departments. The grants can be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to department administration.

Both State and local governments that have responsibilities for administering laws and regulations addressing building safety and fire prevention would be eligible for Community Building Code Administration Grants. The bill authorizes $100 million over 5 years. Any grants awarded under this bill would be capped at $1 million.

I would like to note that HUD has expressed some reservations regarding this legislation because currently CDBG funds can be used for this exact same purpose. The Department has concerns whether or not it is necessary to dedicate another $100 million for this purpose when it is already an eligible activity under CDBG.

I would like to thank Mr. MOORE for offering this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 4461 to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program. I would first like to thank my distinguished colleague, Representative DENNIS MOORE of Kansas, for introducing this important legislation. This legislation will provide grants to qualified local building code enforcement departments to increase in the quality and availability of service provided by the departments. These grants will be provided by the Secretary of Housing and Urban Development on a competitive basis provided that the potential grantees can demonstrate need and develop plans for the use of the funds, local governmental actions, public outreach, and enforcement.

In disasters all around the country, studies have shown that a significant portion of the damages could have been prevented by rigorous enforcement of building codes. In studies of the damaged caused by Hurricane Andrew in 1992, researchers found that a quarter of the storm's damages could be attributed to a combination of shoddy workmanship and a lack of enforcement of the building code. The California Seismic Safety Commission's investigation into the damage caused during the 1995 Northridge earthquake in southern California found that much of the damage could have been avoided if building codes had been enforced. We cannot allow the same tragedies to occur time and again. About 2 million homes are at risk from coastal storms, 10 million from flooding, 25 million from wind hazards, and 50 million from earthquakes. So much of the damage caused by these disasters is preventable; we just have to provide resources to local authorities to take the appropriate steps.

By passing this bill, we are sending a message that this is not right. It is not right that a home or a school full of children is destroyed because builders used inferior concrete to save money. We cannot afford to be lax when the safety of all American citizens is at stake. The injury or death of a single person in a preventable accident cannot be tolerated.

In this bill, the funds granted to local building code enforcement administrations would be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department. We can ensure through the screening process that the funds go to communities that both need them and have plans to use them. Departments that receive funds under this program will be required to match a certain percentage based on population unless the department can show significant economic distress in the area they serve. Furthermore, this bill increases the departments' accountability. Grant recipients are obligated to fully account and report for the use of all grants funds and provide a report to the Secretary of Housing and Urban Development on the effectiveness of the program.

This bill will serve to increase the safety of all Americans and the confidence they have in the structure of the buildings they use everyday, from their place of employment to the schools where their children learn to the homes they sleep in at night. By spending now, we will reap the benefits for years to come.

Mrs. CAPITO. I have no further requests for time, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 4461, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASSET MANAGEMENT IMPROVEMENT ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6216) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asset Management Improvement Act of 2008".

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) MANAGEMENT AND RELATED FEES.—The Secretary of Housing and Urban Development shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—

(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and

(2) is effective only on or after January 1, 2011.

The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

(b) INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.—

(1) INCREASE.—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development.

(2) DETERMINATION OF OPERATING FUND ALLOCATION.—If a public housing agency elects pursuant to paragraph (1) to be exempt from asset management requirements, the agency may, at its option, retain the same number of separate public housing projects, for purposes of determining its operating fund allocation, as the agency had identified and the Secretary of Housing and Urban Development had approved before the agency's election to be so exempt.

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) RULE OF CONSTRUCTION.—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

(b) PHAS IN RECEIVERSHIP.—In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.

(c) GUIDANCE.—Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) PROHIBITION OF MANAGEMENT FEES FOR AGREEMENTS PROHIBITING OR REQUIRING REGISTRATION OF LEGAL FIREARMS.—The Secretary of Housing and Urban Development shall not accept as reasonable any management or related fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

(b) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL USE OF FIREARM IN FEDERALLY ASSISTED HOUSING.—Section 577 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13662) is amended—

(1) in the section heading—

*(A) by striking "**AND**" the second place it appears and inserting a comma; and*

*(B) by inserting "**, AND FIREARMS USERS**" after "**ABUSERS**"; and*

(2) in subsection (a)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) who the public housing agency or owner determines is illegally using a firearm, or whose illegal use of a firearm is determined by the public housing authority or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a bill that came to the House earlier under a rule and had proceeded without any significant controversy to the point of a recommital motion. The recommital motion offered was one this bill deals with, the relationship between smaller public housing authorities in particular, and HUD, and tries to give them more flexibility. It's widely supported and requested of us, indeed, by many of the housing authorities that are in our districts.

The recommital motion involved the right to own weapons and said that no authority could restrict the right to own weapons beyond what State or city applicable law provided. That was somewhat controversial and led to a decision to withdraw the bill.

It was then back in committee, and in committee we adopted the substance—we in fact adopted the recommital motion. There were a couple of refinements that were broadly agreed to, making it clear that nothing would protect anybody who illegally used a weapon. And that was broadly supported.

We also made a couple of other small changes. Our colleague from Florida (Mr. MEEK) noted that he has a housing authority in his district that is in receivership. He wanted to make it explicit that the rights the tenants have in general do not get lost in receivership. That was unanimously agreed to.

We also adopted language that is responsive to the will of the House, making it clear that people who are in this country illegally would not be able to benefit under this program.

With that, we are back to where we were originally. The bill had not been controversial, although it had been worked out in committee, and I appreciate the cooperation of my colleague from West Virginia, the gentlewoman, who was the ranking member of the Housing Subcommittee.

So we have now a bill that we believe represents the will of the House. There were some members, particularly on our side, who weren't happy with the recommital motion, but it was clear what the will of the body would be. We did not feel we wanted to interfere with an important piece of legislation.

Among those who have asked us to do this is the National Association of

Housing and Redevelopment Officials, the Council of Large Public Housing Authorities, and the Public Housing Authorities Directors Association.

This also, by the way, allows capital funds to be used for operating expenses in the appropriate circumstances, which we took from a previously done appropriations bill.

So it is a bill that improves the management of public housing. It incorporates the concerns that have been raised. I hope it is adopted.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 6216, the Asset Management Improvement Act, authored by the gentleman from New Jersey (Mr. SIRES). There is general agreement that we need to work with our public housing authorities to improve and refine their asset management policies. The Quality Housing and Work Responsibility Act, which was passed by Congress in 1998, included a requirement for a negotiated rulemaking to develop a new public housing operating fund formula.

Rulemaking concluded in 2004, after a 3-year, $4 million Operating Cost Study was conducted, and in 2005, HUD issued the Public Housing Operating Fund Final Rule. HUD has agreed to delay the implementation, in an effort to give PHAs additional time to comply with the negotiated rule. This legislation will make further changes to that rule. It is my hope that all parties can continue to work together to make further improvements.

The base text of the legislation requires HUD and public housing agencies to negotiate, after April 1, 2009, reasonable property and asset management fees with interested stakeholders. The fees would then be implemented January 1, 2011.

The legislation increases, as the chairman said, the number of units public housing agencies can manage to 500, from 250, before they are required to manage their housing portfolios by the new asset management system. It also states that the bill's provisions, including those relating to public housing asset management, do not affect in any way current law regarding tenant participation and tenant opportunities in public housing.

As the chairman noted, we have been here before considering similar legislation. Unfortunately, that legislation was pulled from consideration during the motion to recommit that would have preserved the right of law-abiding citizens to own a firearm. I am pleased the authors of this new version included this important provision.

In addition, the authors have included the text of the manager's amendment, as well as the Meek amendment, in this new draft. The manager's amendment included language blocking illegal immigrants from eligibility and ensuring that certain agencies that apply to HUD for stop-loss do not have their applications rejected on the basis that the management and related fees they establish pursuant to the bill's provisions are not reasonable as defined by HUD. The Meek amendment provides that the tenant organization protections set forth in HUD's regulations apply to public housing agencies that are placed in receivership by HUD.

I would like to thank Mr. SIRES for offering this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, the author of the bill, as the gentlewoman has noted, is our colleague, Mr. SIRES from New Jersey, who represents a district in northern New Jersey where public housing is an important part of the makeup of the area. He was, at the time of this, a member of the Financial Services Committee, and a valuable member, and his interest in housing matters obviously continues. So we were very glad to be able to follow his lead.

I yield 5 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Thank you, Mr. Chairman.

I am very happy to be here today discussing my bill to help public housing authorities across the Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the Financial Service Committee. Without his dedication to this issue, we would not be considering this bill today.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the Jersey City Housing Authority in my district. They told me they had to lay off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet. I knew something had to be done.

With the support of Chairman FRANK, Congressman MEEK, and others, I introduced H.R. 6216, the Asset Management Improvement Act of 2008. You will note that the title indicates that the bill improves asset management; it does not put an end to asset management. That is because I feel strongly that the goals of asset management are worthwhile.

By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule and it alters the management of public housing in other aspects. First, it requires new negotiations to establish a reasonable management fee and allows public housing authorities to revert back to the old funding mechanism until final implementation of asset management on January 1, 2011. Congress has previously acted to require this, but HUD failed to act. This bill sets HUD straight.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the housing program is underfunded. Housing authorities know best where they need funding, not Washington.

There is wide agreement on this provision. In fact, this provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill will make this change permanent.

Third, my bill decreases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the benefits of asset management, and so they are exempted. My bill simply raises this threshold to 500 units.

Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further; to 500 units. The impact of this change would only affect 110 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units will still be covered by the asset management rules.

Third, my bill restates current law in terms of tenant participation. It simply says tenants should be allowed to participate in the decision affecting their homes. It prohibits the Department from altering tenant participation rights and it encourages public housing authorities to include tenants in discussions about asset management that directly affects their home.

The bill alters public housing management in a few other ways. First, it restates current law that undocumented immigrants are ineligible for public housing assistance. It includes language that Congresswoman BACHMANN brought to our attention on gun rules. In fact, we have incorporated her language into the bill.

Public housing authorities cannot require gun registration or prohibit gun ownership if local laws do not restrict ownership. Public housing authorities, as a whole, feel this is a reasonable requirement. Additionally, this bill allows public housing authorities to evict tenants who use an illegal weapon while on public housing property. This text was added by Representatives MALONEY and BOREN, recognizing that tenants do not have a right to use illegal weapons in public housing.

Together, these changes make several improvements to the management of public housing. It will improve the lives of all the residents.

□ 1330

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional minute.

Mr. SIRES. Let me end with this: My office has taken calls from public housing authorities across the Nation. Small, large, urban and rural housing authorities support this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote "yes" on H.R. 6216.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey and certainly support his bill, but I think it is appropriate when talking about trying to stretch our public housing dollars as much as we can to provide housing and safety and cover and a sense of community to many families, I think it brings to light what many families are thinking about right now, and that is the high price of gasoline, how are they getting to where they need to go, to get to a job, to pick up their children at school, to go to church, to go to the grocery store, all the things of daily living.

Many of our public housing situations don't have access to bus routes or any kind of mass transportation, so I think it is incumbent upon this Congress to address this very difficult issue, and I have put forward, as have many of my colleagues on both sides of the aisle, ways to address this, whether it is more drilling, whether it is coal-to-liquid, whether it is more renewables. But it is certainly not standing still. And as we try to move our dollars into the public housing arena to provide shelter and homes for many, many Americans across this country, I think it is important at the same time when people are figuring out how they are going to pay their rent, they realize how are they going to pay for their gas, how are they going to pay for their food.

So I would encourage as we look at housing issues today, we also look at the very important issue of energy in our homes and with our families.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I am about to close, Mr. Speaker. I did want to reassure my colleague from West Virginia, and I appreciate that she is doing her part by making clear that gasoline should be cheaper, it is a very important issue when we talk about financing public housing, I want to reassure her that nothing in this bill prohibits drilling for oil on public housing property. I know there is a lot of concern on the Republican side about that, so they should rest assured that they are okay.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon, following the precedent of the gentlewoman from West Virginia, who has already inserted very extraneous material in the debate on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 6216, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOMES FOR HEROES ACT OF 2007

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3329) to provide housing assistance for very low-income veterans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homes for Heroes Act of 2008".

SEC. 2. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

"(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

"(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

"(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

"(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

"(A) ensuring veterans have access to housing and homeless assistance under each program of the Department providing either such assistance;

"(B) coordinating all programs and activities of the Department relating to veterans;

"(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

"(D) serving as a liaison for the Department, and establishing and maintaining relationships with officials of State, local, regional, and nongovernmental organizations concerned with veterans;

"(E) providing information and advice regarding—

"(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

"(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

"(F) preparing the annual report under section 8 of such Act; and

"(G) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.".

SEC. 3. SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.

(a) PURPOSE.—The purposes of this section are—

(1) to expand the supply of permanent housing for very low-income veteran families; and

(2) to provide supportive services through such housing to support the needs of such veteran families.

(b) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, to the extent amounts are made available for assistance under this section and the Secretary receives approvable applications for such assistance, provide assistance to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for very low-income veteran families.

(2) NATURE OF ASSISTANCE.—The assistance provided under paragraph (1)—

(A) shall be available for use to plan for and finance the acquisition, construction, reconstruction, or moderate or substantial rehabilitation of a structure or a portion of a structure to be used as supportive housing for very low-income veteran families in accordance with this section; and

(B) may also cover the cost of real property acquisition, site improvement, conversion, demolition, relocation, and other expenses that the Secretary determines are necessary to expand the supply of supportive housing for very low-income veteran families.

(3) CONSULTATION.—In meeting the requirement of paragraph (1), the Secretary shall consult with—

(A) the Secretary of Veterans Affairs; and

(B) the Special Assistant for Veterans Affairs, as such Special Assistant was established under section 4(g) of the Department of Housing and Urban Development Act.

(c) FORMS OF ASSISTANCE.—Assistance under this section shall be made available in the following forms:

(1) PLANNING GRANTS.—Assistance may be provided as a grant for costs of planning a project to be used as supportive housing for very low-income veteran families.

(2) CAPITAL ADVANCES.—Assistance may be provided as a capital advance under this paragraph for a project, such advance shall—

(A) bear no interest;

(B) not be required to be repaid so long as the housing remains available for occupancy by very low-income veteran families in accordance with this section; and

(C) be in an amount calculated in accordance with the development cost limitation established pursuant to subsection (i).

(3) PROJECT RENTAL ASSISTANCE.—Assistance may be provided as project rental assistance, under an annual contract that—

(A) obligates the Secretary to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by very low-income veteran families that is not met from project income;

(B) provides for the project not more than the sum of the initial annual project rentals for all units so occupied and any initial utility allowances for such units, as approved by the Secretary;

(C) provides that any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract;

(D) provides that upon the expiration of each contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, supportive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal; and

(E) provides that in the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.

(d) TENANT RENT CONTRIBUTION.—A very low-income veteran family shall pay as rent for a dwelling unit assisted under this section the highest of the following amounts, rounded to the nearest dollar:

(1) 30 percent of the veteran family's adjusted monthly income.

(2) 10 percent of the veteran family's monthly income.

(3) If the veteran family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the veteran family's actual housing costs, is specifically designated by such agency to meet the veteran family's housing costs, the portion of such payments which is so designated.

(e) TERM OF COMMITMENT.—

(1) USE LIMITATIONS.—All units in housing assisted under this section shall be made available for occupancy by very low-income veteran families for not less than 15 years.

(2) CONTRACT TERMS FOR PROJECT RENTAL ASSISTANCE.—

(A) INITIAL TERM.—The initial term of a contract entered into under subsection (c)(3) shall be 60 months.

(B) EXTENSION.—The Secretary shall, subject only to the availability of amounts provided in appropriation Acts, renew the contract entered into under subsection (c)(3) for 10 consecutive one-year terms, the first such term beginning upon the expiration of such 60-month period.

(C) AUTHORITY OF SECRETARY TO MAKE EARLY COMMITMENTS.—In order to facilitate the orderly extension of expiring contracts, the Secretary may make commitments to extend expiring contracts during the year prior to the date of expiration.

(f) APPLICATIONS.—

(1) IN GENERAL.—Amounts made available under this section shall be allocated by the Secretary among approvable applications submitted by private nonprofit organizations and consumer cooperatives.

(2) CONTENT OF APPLICATION.—

(A) IN GENERAL.—Applications for assistance under this section shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

(B) REQUIRED CONTENT.—Applications for assistance under this section shall contain—

(i) a description of the proposed housing;

(ii) a description of the assistance the applicant seeks under this section;

(iii) a description of—

(I) the supportive services to be provided to the persons occupying such housing;

(II) the manner in which such services will be provided to such persons, including, in the case of frail elderly persons (as such term is defined in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), evidence of such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of such services; and

(III) the public or private sources of assistance that can reasonably be expected to fund or provide such services;

(iv) a certification from the public official responsible for submitting a housing strategy for the jurisdiction to be served in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) that the proposed project is consistent with the approved housing strategy; and

(v) such other information or certifications that the Secretary determines to be necessary or appropriate to achieve the purposes of this section.

(3) REJECTION.—The Secretary shall not reject any application for assistance under this section on technical grounds without giving notice of that rejection and the basis therefore to the applicant.

(g) INITIAL SELECTION CRITERIA AND PROCESSING.—

(1) SELECTION CRITERIA.—The Secretary shall establish selection criteria for assistance under this section, which shall include—

(A) criteria based upon—

(i) the ability of the applicant to develop and operate the proposed housing;

(ii) the need for supportive housing for very low-income veteran families in the area to be served;

(iii) the extent to which the proposed size and unit mix of the housing will enable the applicant to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(iv) the extent to which the proposed design of the housing will meet the service-connected disability needs of very low-income veteran families;

(v) the extent to which the applicant has demonstrated that the supportive services identified pursuant to subsection (f)(2)(B)(iii) will be provided on a consistent, long-term basis;

(vi) the extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the very low-income veterans the housing is intended to serve;

(vii) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in clauses (i) and (ii) of subsection (h)(2)(A); and

(viii) such other factors as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively;

(B) a preference in such selection for applications proposing housing to be reserved for occupancy by very low-income veteran families who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)); and

(C) criteria appropriate to consider the need for supportive housing for very low-income veteran families in nonmetropolitan areas and by Indian tribes.

(2) DELEGATED PROCESSING.—

(A) DELEGATION TO STATE OR LOCAL HOUSING AUTHORITY.—In issuing a capital advance under this subsection for any project for which financing for the purposes described in subsection (b)(2) is provided by a combination of a capital advance under subsection (c)(2) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

(i) is in geographic proximity to the property;

(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

(iv) agrees to issue a firm commitment within 12 months of delegation.

(B) PROCESSING BY SECRETARY.—The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

(C) PROCESSING FEES.—An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

(D) AUTHORITY RETAINED BY SECRETARY.—Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.

(h) PROVISION OF SUPPORTIVE SERVICES TO VETERAN FAMILIES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of Veterans Affairs to ensure that any housing assistance provided to veterans or veteran families includes a range

of services tailored to the needs of the very low-income veteran families occupying such housing, which may include services for—

(A) outreach;

(B) health (including counseling, mental health, substance abuse, post-traumatic stress disorder, and traumatic brain injury) diagnosis and treatment;

(C) habilitation and rehabilitation;

(D) case management;

(E) daily living;

(F) personal financial planning;

(G) transportation;

(H) vocation;

(I) employment and training;

(J) education;

(K) assistance in obtaining veterans benefits and public benefits;

(L) assistance in obtaining income support;

(M) assistance in obtaining health insurance;

(N) fiduciary and representative payee;

(O) legal aid;

(P) child care;

(Q) housing counseling;

(R) service coordination; and

(S) other services necessary for maintaining independent living.

(2) LOCAL COORDINATION OF SERVICES.—

(A) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of the Department of Veterans Affairs to ensure that owners of housing assisted under this section have the managerial capacity to—

(i) assess on an ongoing basis the service needs of residents;

(ii) coordinate the provision of supportive services and tailor such services to the individual needs of residents; and

(iii) seek on a continuous basis new sources of assistance to ensure the long-term provision of supportive services.

(B) CLASSIFICATION OF COSTS.—Any cost associated with this subsection relating to the coordination of services shall be an eligible cost under subsections (c)(3).

(i) DEVELOPMENT COST LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall periodically establish reasonable development cost limitations by market area for various types and sizes of supportive housing for very low-income veteran families by publishing a notice of the cost limitations in the Federal Register.

(2) CONSIDERATIONS.—The cost limitations established under paragraph (1) shall reflect—

(A) the cost of construction, reconstruction, or moderate or substantial rehabilitation of supportive housing for very low-income veteran families that meets applicable State and local housing and building codes;

(B) the cost of movables necessary to the basic operation of the housing, as determined by the Secretary;

(C) the cost of special design features necessary to make the housing accessible to very low-income veteran families;

(D) the cost of community space necessary to accommodate the provision of supportive services to veteran families;

(E) if the housing is newly constructed, the cost of meeting the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709); and

(F) the cost of land, including necessary site improvement.

(3) USE OF DATA.—In establishing development cost limitations for a given market area under this subsection, the Secretary shall use data that reflect currently prevailing costs of construction, reconstruction, or moderate or substantial rehabilitation, and land acquisition in the area.

(4) COMMUNITY SPACE.—For purposes of paragraph (2), a community space shall include space for cafeterias or dining halls, community rooms or buildings, workshops, child care, adult day health facilities or other outpatient health facilities, or other essential service facilities.

(5) COMMERCIAL FACILITIES.—Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.

(6) ACQUISITION.—In the case of existing housing and related facilities to be acquired, the cost limitations shall include—

(A) the cost of acquiring such housing;

(B) the cost of rehabilitation, alteration, conversion, or improvement, including the moderate or substantial rehabilitation thereof; and

(C) the cost of the land on which the housing and related facilities are located.

(7) ANNUAL ADJUSTMENTS.—The Secretary shall adjust the cost limitation not less than annually to reflect changes in the general level of construction, reconstruction, and moderate and substantial rehabilitation costs.

(8) INCENTIVES FOR SAVINGS.—

(A) SPECIAL HOUSING ACCOUNT.—

(i) IN GENERAL.—The Secretary shall use the development cost limitations established under paragraph (1) or (6) to calculate the amount of financing to be made available to individual owners.

(ii) ACTUAL DEVELOPMENTAL COSTS LESS THAN FINANCING.—Owners which incur actual development costs that are less than the amount of financing shall be entitled to retain 50 percent of the savings in a special housing account.

(iii) BONUS FOR ENERGY EFFICIENCY.—The percentage established under clause (ii) shall be increased to 75 percent for owners which add energy efficiency features which—

(I) exceed the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709);

(II) substantially reduce the life-cycle cost of the housing; and

(III) reduce gross rent requirements.

(B) USES.—The special housing account established under subparagraph (A) may be used—

(i) to provide services to residents of the housing or funds set aside for replacement reserves; or

(ii) for such other purposes as determined by the Secretary.

(9) DESIGN FLEXIBILITY.—The Secretary shall, to the extent practicable, give owners the flexibility to design housing appropriate to their location and proposed resident population within broadly defined parameters.

(10) USE OF FUNDS FROM OTHER SOURCES.—An owner shall be permitted voluntarily to provide funds from sources other than this section for amenities and other features of appropriate design and construction suitable for supportive housing under this section if the cost of such amenities is—

(A) not financed with the advance; and

(B) is not taken into account in determining the amount of Federal assistance or of the rent contribution of tenants.

(j) TENANT SELECTION.—

(1) IN GENERAL.—An owner shall adopt written tenant selection procedures that are—

(A) satisfactory to the Secretary and which are—

(i) consistent with the purpose of improving housing opportunities for very low-income veteran families; and

(ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease; and

(B) compliant with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(2) NOTIFICATION OF REJECTION.—Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

(3) INFORMATION REGARDING HOUSING.—

(A) IN GENERAL.—The Secretary shall provide, to the Secretary of Veterans Affairs and the Secretary of Labor, information regarding the availability of the housing assisted under this section.

(B) SHARING OF INFORMATION WITH ADDITIONAL AGENCIES.—Within 30 days of receipt of the information, the Secretary of Veterans Affairs and Secretary of Labor shall provide such information to agencies in the area of the housing that receive assistance from the Department of Veterans Affairs and the Department of Labor for providing medical care, housing, supportive services or employment and training services to homeless veterans.

(k) MISCELLANEOUS PROVISIONS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall make available appropriate technical assistance to ensure that prospective applicants are able to participate more fully in the program carried out under this section.

(2) CIVIL RIGHTS COMPLIANCE.—Each owner shall certify, to the satisfaction of the Secretary, that assistance made available under this section will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), and other Federal, State, and local laws prohibiting discrimination and promoting equal opportunity.

(3) OWNER DEPOSIT.—

(A) IN GENERAL.—The Secretary shall require an owner of housing, assisted under this section, to deposit an amount not to exceed $15,000 in a special escrow account to ensure the owner's commitment to the housing. Such amount shall be used only to cover operating deficits during the first three years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.

(B) REDUCTION OF REQUIREMENT.—

(i) IN GENERAL.—The Secretary may reduce or waive the owner deposit specified under subparagraph (A) for individual applicants if the Secretary finds that such waiver or reduction is necessary to achieve the purposes of this section and the applicant demonstrates to the satisfaction of the Secretary that it has the capacity to manage and maintain the housing in accordance with this section.

(ii) NONPROFITS.—The Secretary may reduce or waive the requirement of the owner deposit under subparagraph (A) in the case of a nonprofit applicant that is not affiliated with a national sponsor, as determined by the Secretary.

(4) NOTICE OF APPEAL.—

(A) IN GENERAL.—The Secretary shall notify an owner not less than 30 days prior to canceling any reservation of assistance provided under this section.

(B) APPEAL.—

(i) FILING DEADLINE.—During the 30-day period following the receipt of any notice required under subparagraph (A), an owner may appeal the proposed cancellation.

(ii) TIMING OF DECISION.—Any appeal undertaken under clause (i), including review by the Secretary, shall be completed not later than 45 days after the appeal is filed.

(5) LABOR.—

(A) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors and subcontractors in the construction of housing with 12 or more units assisted under this section shall be paid wages at rates not less than the rates prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(B) EXEMPTION.—Subparagraph (A) shall not apply to any individual who—

(i) performs services for which the individual volunteered;

(ii) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(iii) is not otherwise employed at any time in the construction work.

(6) ACCESS TO RESIDUAL RECEIPTS.—

(A) IN GENERAL.—The Secretary shall authorize the owner of a housing project assisted under this section to use any residual receipts held for the project in excess of $500 per unit (or in excess of such other amount prescribed by the Secretary based on the needs of the project) for activities to retrofit and renovate the project as described under section 802(d)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(3)) or to provide supportive services to residents of the project.

(B) REPORT.—Any owner that uses residual receipts under this paragraph shall submit to the Secretary a report, not less than annually, describing the uses of the residual receipts.

(C) DETERMINATION OF AMOUNT.—In determining the amount of project rental assistance to be provided to a project under subsection (c)(3) of this section, the Secretary may take into consideration the residual receipts held for the project only if, and to the extent that, excess residual receipts are not used under this paragraph.

(7) OCCUPANCY STANDARDS AND OBLIGATIONS.—Each owner shall operate housing assisted under this section in compliance with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(8) USE OF PROJECT RESERVES.—

(A) IN GENERAL.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project.

(B) APPROVAL OF SECRETARY REQUIRED.—Any use described in subparagraph (A) of amounts for project reserves for a project assisted under this section shall be subject to the approval of the Secretary to ensure that such use is designed to retrofit units that are currently obsolete or unmarketable.

(9) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

(A) REPAYMENT.—If a recipient, or a project sponsor receiving funds from the recipient, receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition, or rehabilitation of supportive housing for very low-income veteran families and the project ceases to provide permanent housing, the Secretary shall require the recipient, or such project sponsor, to repay the following percentage of such assistance:

(i) In the case of a project that ceases to be used for such supportive housing before the expiration of the 10-year period beginning upon commencement of the operation of the project, 100 percent.

(ii) In the case of a project that ceases to be used for such supportive housing on or after the expiration of the 10-year period beginning upon commencement of the operation of the project, but before the expiration of the 15-year period beginning upon such commencement, 20 percent of the assistance for each of the years during such 15-year period for which the project fails to provide permanent housing.

(B) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (C), if any property is used for a project that receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition or rehabilitation of supportive housing for very low-income veteran families, and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning upon commencement of the operation of the project, the recipient (or the project sponsor receiving funds from the recipient) shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient (or such project sponsor) from unduly benefitting from such sale or disposition.

(C) EXCEPTION.—A recipient, or a project sponsor receiving funds from the recipient, shall not be required to make repayments, and comply with the terms and conditions, required under subparagraph (A) or (B) if—

(i) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very-low income persons;

(ii) all of the proceeds of the sale or disposition are used to provide permanent housing for very-low income veteran families meeting the requirements of this section;

(iii) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

(iv) there are no low-income veteran families in the geographic area of the property who meet the program criteria, in which case the project may serve non-veteran individuals and families having incomes described in subsection (l)(2) of this section.

(10) CONTINUED ELIGIBILITY OF VERY LOW-INCOME VETERAN FAMILIES.—A veteran family residing in supportive housing assisted under this section may not be considered to lose its status as such a family for purposes of eligibility for continued occupancy in such housing due to the death of any veteran member of the family, including the sole veteran member of the family.

(l) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CONSUMER COOPERATIVE.—The term "consumer cooperative" has the same meaning given such term for purposes of the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(2) VERY LOW-INCOME VETERAN FAMILY.—The term "very low-income veteran family" means a veteran family whose income does not exceed 50 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish an income ceiling higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or unusually high or low family incomes.

(3) OWNER.—The term "owner" means a private nonprofit organization or consumer cooperative that receives assistance under this section to develop and operate supportive housing for very low-income veteran families.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term "private nonprofit organization" means—

(A) any incorporated private institution or foundation—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) which has a governing board that is responsible for the operation of the housing assisted under this section; and

(iii) which is approved by the Secretary as to financial responsibility;

(B) a for-profit limited partnership the sole or managing general partner of which is an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A) or a corporation meeting the requirements of subparagraph (C);

(C) a corporation wholly owned and controlled by an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A); and

(D) a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(5) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

(6) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(7) SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.—The term "supportive housing for very low-income veteran families" means housing that is designed to accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the veteran families that the housing is intended to serve.

(8) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

(9) VETERAN FAMILY.—The term "veteran family" includes a veteran who is a single person, a family (including families with children) whose head of household (or whose spouse) is a veteran, and one or more veterans living together with 1 or more persons.

(m) ALLOCATION OF FUNDS.—Of any amounts made available for assistance under this section:

(1) PLANNING GRANTS.—Not more than 2.5 percent shall be available for planning grants in accordance with subsection (c)(1).

(2) CAPITAL ADVANCES.—Such sums as may be necessary shall be available for capital advances in accordance with subsection (c)(2).

(3) PROJECT RENTAL ASSISTANCE.—Such sums as may be necessary shall be available for project rental assistance in accordance with subsection (c)(3).

(4) TECHNICAL ASSISTANCE.—Not more than 1 percent shall be available for technical assistance ,in accordance with subsection (k)(1).

(n) AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.—There is authorized to be appropriated for assistance under this section $200,000,000 for fiscal year 2008 and such sums as may be necessary for each fiscal year thereafter.

SEC. 4. HOUSING CHOICE VOUCHERS FOR HOMELESS VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

"(19) RENTAL VOUCHERS FOR HOMELESS VETERANS.—

"(A) ADDITIONAL VOUCHERS.—In addition to any amount made available for rental assistance under this subsection, the Secretary shall make available the amount specified in subparagraph (B), for use only for providing rental assistance for homeless veterans in conjunction with the Secretary of Veterans Affairs.

"(B) AMOUNT.—The amount specified in this subparagraph is, for each fiscal year, the amount necessary to provide not fewer than 20,000 vouchers for rental assistance under this subsection.

"(C) CONTINUED ELIGIBILITY OF HOMELESS VETERAN FAMILIES.—If any veteran member of a household for which rental assistance is being provided under this paragraph, including the sole veteran member of the household, dies, such household may not be considered, due to such death, to lose its status as the household of a homeless veteran for purposes of—

"(i) eligibility for continued assistance under this paragraph; or

"(ii) continued occupancy in the dwelling unit in which such family is residing using such assistance at the time of such death.

"(D) FUNDING.—The budget authority made available under any other provisions of law for rental assistance under this subsection for fiscal year 2008 and each fiscal year thereafter is authorized to be increased in each such fiscal year by such sums as may be necessary to provide the number of vouchers specified in subparagraph (B) for such fiscal year.".

SEC. 5. INCLUSION OF VETERANS IN HOUSING PLANNING.

(a) PUBLIC HOUSING AGENCY PLANS.—Section 5A(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(d)(1)) is amended by striking "and disabled families" and inserting ", disabled families, and veterans (as such term is defined in section 101 of title 38, United States Code)".

(b) COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.—

(1) IN GENERAL.—Section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) is amended—

(A) in subsection (b)(1), by inserting "veterans (as such term is defined in section 101 of title 38, United States Code)," after "acquired immunodeficiency syndrome,";

(B) in subsection (b)(20), by striking "and service" and inserting "veterans service, and other service"; and

(C) in subsection (e)(1), by inserting "veterans (as such term is defined in section 101 of title 38, United States Code)," after "homeless persons,".

(2) CONSOLIDATED PLANS.—The Secretary of Housing and Urban Development shall revise the regulations relating to submission of consolidated plans (part 91 of title 24, Code of Federal Regulations) in accordance with the amendments made by paragraph (1) of this subsection to require inclusion of appropriate information relating to veterans and veterans service agencies in all such plans.

SEC. 6. EXCLUSION OF VETERANS BENEFITS FROM ASSISTED HOUSING RENT CONSIDERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the amount of rent paid by a family for occupancy of a dwelling unit assisted under a federally assisted housing program under subsection (b) or in housing assisted under any other federally assisted housing program, the income and the adjusted income of the family shall not be considered to include any amounts received by any member of the family from the Secretary of Veterans Affairs as—

(1) compensation, as such term is defined in section 101(13) of title 38, United States Code; and

(2) dependency and indemnity compensation, as such term is defined in section 101(14) of such title.

(b) FEDERALLY ASSISTED HOUSING PROGRAM.—The federally assisted housing programs under this subsection are—

(1) the public housing program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including the program under subsection (o)(19) of such section for housing rental vouchers for low-income veteran families;

(3) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(4) the program for housing opportunities for persons with AIDS under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(5) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(6) the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(7) the supportive housing for the homeless program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

(8) the program for moderate rehabilitation of single room occupancy dwellings for occupancy by the homeless under section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401);

(9) the shelter plus care for the homeless program under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.);

(10) the supportive housing for very low-income veteran families program under section 3 of this Act;

(11) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)(A);

(12) the rental assistance program under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(13) the rural housing programs under section 515 and 538 of the Housing Act of 1949 (42 U.S.C. 1485, 1490p-2);

(14) the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(15) the block grant programs for affordable housing for Native Americans and Native Hawaiians under titles I through IV and VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq., 4221 et seq.);

(16) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture under which eligibility for occupancy in the housing assisted or for housing assistance is based upon income;

(17) low-income housing credits allocated pursuant to section 42 of the Internal Revenue Code of 1986; and

(18) tax-exempt bonds issued for qualified residential rental projects pursuant to section 142(d) of the Internal Revenue Code of 1986.

SEC. 7. TECHNICAL ASSISTANCE GRANTS FOR HOUSING ASSISTANCE FOR VETERANS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall, to the extent amounts are made available in appropriation Acts for grants under this section, make grants to eligible entities under subsection (b) to provide to nonprofit organizations technical assistance appropriate to assist such organizations in—

(1) sponsoring housing projects for veterans assisted under programs administered by the Department of Housing and Urban Development;

(2) fulfilling the planning and application processes and requirements necessary under such programs administered by the Department; and

(3) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department.

(b) ELIGIBLE ENTITIES.—An eligible entity under this subsection is a nonprofit entity or organization having such expertise as the Secretary shall require in providing technical assistance to providers of services for veterans.

(c) SELECTION OF GRANT RECIPIENTS.—The Secretary of Housing and Urban Development shall establish criteria for selecting applicants for grants under this section to receive such grants and shall select applicants based upon such criteria.

(d) FUNDING.—Of any amounts made available in fiscal year 2008 or any fiscal year thereafter to the Department of Housing and Urban Development for salaries and expenses, $1,000,000 shall be available, and shall remain available until expended, for grants under this section.

SEC. 8. ANNUAL REPORT ON HOUSING ASSISTANCE TO VETERANS.

(a) IN GENERAL.—Not later than December 31 each year, the Secretary of Housing and Urban Development shall submit a report on the activities of the Department of Housing and Urban Development relating to veterans during such year to the following:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans' Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans' Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

(7) The Secretary of Veterans Affairs.

(b) CONTENTS.—Each report required under subsection (a) shall include the following information with respect to the year for which the report is submitted:

(1) The number of very low-income veteran families provided assistance under the program of supportive housing for very low-income veteran families under section 3, the socioeconomic characteristics of such families, the types of assistance provided such families, and the number, types, and locations of owners of housing assisted under such section.

(2) The number of homeless veterans provided assistance under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (as amended by section 4), the socioeconomic characteristics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

(3) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) and under comprehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(4) A description of the technical assistance provided to organizations pursuant to grants under section 7.

(5) A description of the activities of the Special Assistant for Veterans Affairs.

(6) A description of the efforts of the Department of Housing and Urban Development to coordinate the delivery of housing and services to veterans with other Federal departments and agencies, including the Department of Defense, Department of Justice, Department of Labor, Department of Health and Human Services, Department of Veterans Affairs, Interagency Council on Homelessness, and the Social Security Administration.

(7) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(8) Any other information that the Secretary considers relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans .

(c) ASSESSMENT OF HOUSING NEEDS OF VERY LOW-INCOME VETERAN FAMILIES.—

(1) IN GENERAL.—For the first report submitted pursuant to subsection (a) and every fifth report thereafter, the Secretary of Housing and Urban Development shall—

(A) conduct an assessment of the housing needs of very low-income veteran families (as such term is defined in section 3); and

(B) shall include in each such report findings regarding such assessment.

(2) CONTENT.—Each assessment under this subsection shall include—

(A) conducting a survey of, and direct interviews with, a representative sample of very low-income veteran families (as such term is defined in section 3) to determine past and current—

(i) socioeconomic characteristics of such veteran families;

(ii) barriers to such veteran families obtaining safe, quality, and affordable housing;

(iii) levels of homelessness among such veteran families; and

(iv) levels and circumstances of, and barriers to, receipt by such veteran families of rental housing and homeownership assistance; and

(B) such other information that the Secretary determines, in consultation with the Secretary of Veterans Affairs and national nongovernmental organizations concerned with veterans, homelessness, and very low-income housing, may be useful to the assessment.

(3) CONDUCT.—If the Secretary contracts with an entity other than the Department of Housing and Urban Development to conduct the assessment under this subsection, such entity shall be a nongovernmental organization determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.

(4) FUNDING.—Of any amounts made available pursuant to section 501 of the Housing and Urban Development Act of 1970 (42 U.S.C. 1701z–1) for programs of research, studies, testing, or demonstration relating to the mission or programs of the Department of Housing and Urban Development for any fiscal year in which an assessment under this subsection is required pursuant to paragraph (1) of this subsection, $1,000,000 shall be available until expended for costs of the assessment under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. AL GREEN) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3329, the Homes for Heroes Act, and at this time I would like to thank the House leadership for allowing this legislation to come before the House expeditiously. I also thank Chairman FRANK, the chairperson of the Financial Services Committee, for his outstanding service in helping us with this piece of legislation. Congresswoman WATERS, who chairs the Subcommittee on Housing, is to be given a debt of gratitude as well, because without her help we could not have brought the bill to fruition. The staff has been outstanding. Ranking Member CAPITO on the Housing Subcommittee has been of great benefit to us, as well as Congressman BACHUS, who is the ranking member on the full committee.

Mr. Speaker, of the many supporting organizations, I would like to especially thank the National Coalition for Homeless Veterans. They have been with us and they have assisted us through the process. The cosponsor and co-lead, Congressman MICHAEL MICHAUD, deserves a special expression of appreciation. He is the Chair of the Veterans Affairs Health Subcommittee. Finally, we thank the 53 cosponsors, and we appreciate greatly the bipartisan support that this legislation enjoys.

Mr. Speaker, we live in the greatest and richest country in the world. We literally have housing for our astronauts, who are in space. We have housing for our farm animals, called barns. We have housing for our cars, called garages. One of every 110 persons is a millionaire. However, I am sorry to report, Mr. Speaker, that as many are sleeping in the suites of life, too many are sleeping on the streets of life.

Mr. Speaker, we have 800,000 homeless people in our country. One-fourth, or 200,000 of them, are veterans. Approximately 16,000 veterans are homeless in the State of Texas, 2,400 in my City of Houston. Veterans make up 11 percent of the population, yet are 25 percent of the homeless. 1.5 million veterans have incomes below poverty, and that would be $10,787 per year for a single person who happens to be a veteran. 643,000 veterans have incomes below 50 percent of poverty. That would be $5,394 per year for a single veteran. Of the homeless veterans, nearly one-half are Vietnam vets. One-half have mental illnesses. Two-thirds suffer from alcohol or substance abuse. Fifty-six percent are African American or Latino.

The passage of this legislation will help to end homelessness among our veterans. More specifically, this legislation would establish the position of Special Assistant for Veterans Affairs within HUD. This special assistant within HUD would coordinate the services of homeless veterans, serve as a liaison to the Department of Veterans Affairs, to the States and to local officials, as well as nonprofit organizations.

This bill would establish a $200 million assistance program for permanent supportive housing and services to low income veterans. Low income veterans are those who are at 50 percent of the area median income. This bill would expand the highly successful HUD Veterans Affairs Supportive Housing Program known as the HUD-VASH program. This bill authorizes 20,000 such vouchers on an annual basis.

The bill authorizes $1 million in HUD grants to assist housing and service providers with the execution of their projects. This bill would require HUD to submit a comprehensive report annually on the needs of veterans who are homeless and give an indication as to what steps are being taken under this program to eliminate homelessness among our veteran population.

Mr. Speaker, some may say that this is too little. Others may say that it is too much. It is our position that we do this before it is too late for many of our veterans.

Mr. Speaker, at this time I will reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 3329, the Homes for Heroes Act offered by the gentleman from Texas, Mr. GREEN.

In the week after our Nation celebrated its 232nd birthday, it is important that we take time to properly recognize the sacrifices of our Nation's veterans and those service men and women who are currently defending our freedoms and liberties in theaters across the world.

Like many of my colleagues, I have been to Walter Reed to visit our wounded warriors who have been injured in battle, and I am always touched by their spirit and courage. It goes without saying that our Nation and government must provide these veterans with the tools to succeed once they leave the military and the benefits they deserve for the sacrifices that they have made in the name of freedom.

This legislation improves one important aspect for our veterans, especially those who suffer from long-term physical and mental disabilities: That is access to affordable housing. The Veterans Administration is the only Federal agency that provides substantial hands-on assistance directly to homeless individuals, homeless veterans. Although limited to veterans and their dependants, the VA's major homeless specific programs constitute the largest integrated network of homeless treatment and assistance services in this country.

The Department's homeless veterans programs were first authorized in 1987 and have grown and developed during that time. The program offers a number of services that include outreach to veterans living on the streets and who otherwise would not seek assistance, long-term sheltered transitional assistance and supportive permanent housing.

According to the VA, about one-third of the adult homeless population are veterans. That is staggering, I believe, with current population estimates suggesting about 154,000 veterans are homeless on any given night. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends and dismal living conditions in cheap hotels or overcrowded and substandard housing.

This legislation requires HUD to create a position within the Department to serve as a liaison to the Veterans Affairs Department. A Special Assistant for Veterans Affairs would ensure veterans receive proper access to HUD's housing assistance programs, coordinate all HUD programs and activities pertaining to veterans, and act as a liaison between HUD and the Department of Veterans Affairs.

Mr. GREEN's legislation also requires, as he noted, that HUD provide 20,000 rental vouchers for homeless veterans. It authorizes $200 million in fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year. It also requires the Department to maintain a constant level of funding in coordination with rising home costs. The measure allows family members of a veteran receiving a housing voucher to maintain the voucher and the home after the veteran's death.

The bill authorizes grants to nonprofits that sponsor housing projects for veterans making less than 50 percent of the median income of an area, assists veterans in obtaining housing or homeless assistance, and assists veterans with the plan and application process for HUD assistance programs. It also includes language to assure that any voucher program would not inhibit low income tax credits that are already in place.

I would like to thank Mr. GREEN for offering this legislation and for his efforts to improve housing for our veterans.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to yield such time as he may consume to my colleague the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding.

I rise today in support of H.R. 3329, the Homes for Heroes Act, because it is past time to address the rapid growth of our Nation's homeless veterans population and enhance affordable housing opportunities for returning veterans. Permanent supportive housing remains the number one unmet need of veterans. The National Alliance to End Homelessness found that nearly half a million of our Nation's veterans are severely rent-burdened and devote more than 50 percent of their income to rent.

The bill will strengthen housing opportunities for our returning veterans by creating a Special Assistant for Veterans Affairs within the Department of Housing and Urban Development, HUD, and authorizes $200 million for new construction of low income and homeless veteran housing and 20,000 new vouchers for homeless veterans. We have a responsibility to assure the well-being of these brave men and women, true American heroes, when they return home.

Veterans are twice as likely to be chronically homeless compared to other Americans. Additional obstacles include physical and mental health-related problems, weakened social networks, high stressful occupational demands and non-transferability of skills to civilian jobs, which create the need for additional supportive services for this population.

□ 1345

In fact, the Alliance to End Homelessness concluded veterans make up a disproportionate share of the homeless population. While veterans only represent 11 percent of the civilian population age 18 and over, they account for nearly 26 percent of our Nation's homeless population. This is clearly unacceptable. This disparity is especially concerning as our Nation's troops in Iraq and Afghanistan return home.

While the VA currently has over 19,000 transitional housing beds for homeless veterans and has invested in new initiatives specifically targeting at-risk populations, various Government Accountability Office, GAO, and VA studies indicate that the VA still lacks the capacity to provide timely access to health services for veterans at risk for homelessness.

I believe this bill will enhance supportive and affordable housing opportunities for veterans, and I urge all my colleagues to support this bill.

I thank the ranking member for yielding me time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of H.R. 3329, the Homes for Heroes Act.

With all the problems veterans face today, too often Congress forgets the simple things, such as housing.

After members of our military have honorably served this great nation and want to start a life with their family, our country should provide them with the assistance to do so.

When some of our veterans return from battle, their fight continues. Whether it is wrestling with the effects of PTSD or struggling to reintegrate into civilian life, it is Congress's responsibility to help them and that is what the Homes for Heroes Act does.

I am very proud of what this bill accomplishes, such as the assistance provided to low-income vets, the HUD-VA liaison created for state and local governments, and the additional services provided to veterans with mental and addictive disorders.

As the Ranking Member of the Oversight and Investigations Subcommittee under Veterans Affairs, I am aware of the unique issues facing veterans, and I thank Representative GREEN for introducing this bill.

Mr. Speaker, I urge my colleagues to support H.R. 3329.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3329, the "Homes for Heroes Act." I urge my colleagues to support this legislation and to support our troops in their efforts to obtain homes. I thank my friend Congressman AL GREEN for this thoughtful legislation

This important piece of legislation amends the Department of Housing and Urban Development Act to establish in the Department of Housing and Urban Development (HUD) a Special Assistant for Veterans Affairs to: (1) ensure veteran access to HUD housing and homeless assistance programs; (2) coordinate all HUD programs and activities relating to veterans; and (3) serve as a HUD liaison with the Department of Veterans Affairs.

This legislation, directs the HUD Secretary to provide assistance to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for very low-income veteran families (that is, families with incomes not exceeding 50 percent of the area median income).

H.R. 3326, amends the United States Housing Act of 1937 to: (1) make housing rental vouchers available to homeless veterans; and (2) include veterans in public housing planning.

Excludes veterans' benefits from income for purposes of HUD assisted housing rental determinations.

This legislation requires the Secretary to: (1) make grants to nonprofit entities for technical assistance in sponsoring HUD housing projects for veterans; and (2) report annually to specified congressional committees and the Secretary of Veterans Affairs on HUD activities relating to veterans.

I firmly believe that we should celebrate our veterans, and I remain committed, as a Member of Congress, to ensuring that we respect our veterans. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

Currently, there are 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

With the approval of legislation on June 1, 1954, November 11th became a day to honor American veterans of all wars. Later that same year, on October 8th, President Dwight D. Eisenhower, himself a decorated veteran of war, issued the first "Veterans Day Proclamation" which stated in part: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose." It was with that endearing spirit that America celebrated the first Veterans Day.

We must always remember the debt that we owe our fallen veterans that have paid the ultimate sacrifice. From the four surviving World War I veterans known to be living in the United States, to the over 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom we expect to see by the end of 2008. Our gratitude must continue to be unwavering to our soldiers and veterans.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this important legislation. I believe it is necessary for the nation to act now so that we all can pay respect, tribute, and homage to the lives of the armed services veterans who have fought to keep America free and have fought to make sure that all people and nations partake in the universal freedoms that we find so important in this country. These individuals have given so much and have paid us the ultimate sacrifice: the sacrifice of their lives. The least that we can do, is ensure that these veterans are able to secure homes when they return home from battle. I urge my colleagues to support this bill.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Homes for Heroes Act, H.R. 3329.

The Homes for Heroes Act establishes a $200 million a year assistance program for supportive housing and services for low income homeless veterans and their families at the Department of Housing and Urban Development, HUD, and requires at least 20,000 rental housing vouchers a year be made available to homeless veterans and their families. This important bill also creates a Special Assistant for Veterans Affairs within HUD and requires HUD to submit an annual report to Congress on housing needs for veterans.

Veterans are overrepresented in the homeless population and the VA is the largest single provider of direct services to homeless veterans. According to the VA, the number of homeless veterans has declined 21 percent in the past year, however there are still 154,000 homeless veterans including 1,500 from Operation Enduring Freedom and Operation Iraqi Freedom.

The men and women of the armed forces who have served this country with honor deserve the support and resources they need to overcome mental, physical, and emotional wounds caused by war. Congress must continue fighting to ensure they receive the highest level of care and compensation they have so bravely earned serving this country.

I urge my colleagues to support this legislation.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 3329, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN ACT OF 2008

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6184) to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Beautiful National Parks Quarter Dollar Coin Act of 2008".

TITLE I—NATIONAL SITE QUARTER DOLLARS

SEC. 101. FINDINGS.

The Congress finds as follows:

(1) Yellowstone National Park was established by an Act signed by President Ulysses S. Grant on March 1, 1872, as the Nation's first national park.

(2) The summer and autumn of 1890 saw the establishment of a number of national sites:

(A) August 19: Chickamauga and Chattanooga established as national military parks in Georgia and Tennessee.

(B) August 30: Antietam established as a national battlefield site in Maryland.

(C) September 25: Sequoia National Park established in California.

(D) September 27: Rock Creek Park established in the District of Columbia.

(E) October 1: General Grant National Park established in California (and subsequently incorporated in Kings Canyon National Park).

(F) October 1: Yosemite National Park established in California.

(3) Theodore Roosevelt was this nation's 26th President and is considered by many to be our "Conservationist President".

(4) As a frequent visitor to the West, Theodore Roosevelt witnessed the virtual destruction of some big game species and the overgrazing that destroyed the grasslands and with them the habitats for small mammals and songbirds and conservation increasingly became one of his major concerns.

(5) When he became President in 1901, Roosevelt pursued this interest in conservation by establishing the first 51 Bird Reserves, 4 Game Preserves, and 150 National Forests.

(6) He also established the United States Forest Service, signed into law the creation of 5 National Parks, and signed the Act for the Preservation of American Antiquities in 1906 under which he proclaimed 18 national monuments.

(7) Approximately 230,000,000 acres of area within the United States was placed under public protection by Theodore Roosevelt.

(8) Theodore Roosevelt said that nothing short of defending this country in wartime "compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us".

(9) The National Park Service was created by an Act signed by President Woodrow Wilson on August 25, 1916.

(10) The National Park System comprises 391 areas covering more than 84,000,000 acres in every State (except Delaware), the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands.

(11) The sites or areas within the National Park System vary widely in size and type from vast natural wilderness to birthplaces of Presidents to world heritage archaeology sites to an African burial ground memorial in Manhattan and include national parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House.

(12) In addition to the sites within the National Park System, the United States has placed numerous other types of sites under various forms of conservancy, such as the national forests and sites within the National Wildlife Refuge System and on the National Register of Historic Places.

SEC. 102. ISSUANCE OF REDESIGNED QUARTER DOLLARS EMBLEMATIC OF NATIONAL PARKS OR OTHER NATIONAL SITES IN EACH STATE, THE DISTRICT OF COLUMBIA, AND EACH TERRITORY.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(t) REDESIGN AND ISSUANCE OF QUARTER DOLLARS EMBLEMATIC OF NATIONAL SITES IN EACH STATE, THE DISTRICT OF COLUMBIA, AND EACH TERRITORY.—

“(1) REDESIGN BEGINNING UPON COMPLETION OF PRIOR PROGRAM.—

“(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollars issued beginning in 2010 shall have designs on the reverse selected in accordance with this subsection which are emblematic of the national sites in the States, the District of Columbia and the territories of the United States.

“(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars referred to in subparagraph (A) in which—

“(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

“(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

“(C) INCLUSION OF DISTRICT OF COLUMBIA, AND TERRITORIES.—For purposes of this subsection, the term ‘State’ has the same meaning as in section 3(a)(3) of the Federal Deposit Insurance Act.

“(2) SINGLE SITE IN EACH STATE.—The design on the reverse side of each quarter dollar issued during the period of issuance under this subsection shall be emblematic of 1 national site in each State.

“(3) SELECTION OF SITE AND DESIGN.—

“(A) SITE.—

“(i) IN GENERAL.—The selection of a national park or other national site in each State to be honored with a coin under this subsection shall be made by the Secretary of the Treasury, after consultation with the Secretary of the Interior and the governor or other chief executive of each State with respect to which a coin is to be issued under this subsection, and after giving full and thoughtful consideration to national sites that are not under the jurisdiction of the Secretary of the Interior so that the national site chosen for each State shall be the most appropriate in terms of natural or historic significance.

“(ii) TIMING.—The selection process under clause (i) shall be completed before the end of the 270-day period beginning on the date of the enactment of the America’s Beautiful National Parks Quarter Dollar Coin Act of 2008.

“(B) DESIGN.—Each of the designs required under this subsection for quarter dollars shall be—

“(i) selected by the Secretary after consultation with—

“(I) the Secretary of the Interior; and

“(II) the Commission of Fine Arts; and

“(ii) reviewed by the Citizens Coinage Advisory Committee.

“(C) SELECTION AND APPROVAL PROCESS.—Recommendations for site selections and designs for quarter dollars may be submitted in accordance with the site and design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

“(D) PARTICIPATION IN DESIGN.—The Secretary may include participation by officials of the State, artists from the State, engravers of the United States Mint, and members of the general public.

“(E) STANDARDS.—Because it is important that the Nation’s coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

“(F) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, no portrait of a living person, and no outline or map of a State may be included in the design on the reverse of any quarter dollar under this subsection.

“(4) ISSUANCE OF COINS.—

“(A) ORDER OF ISSUANCE.—The quarter dollar coins issued under this subsection bearing designs of national sites shall be issued in the order in which the sites selected under paragraph (3) were first established as a national site.

“(B) RATE OF ISSUANCE.—The quarter dollar coins bearing designs of national sites under this subsection shall be issued at the rate of 5 new designs during each year of the period of issuance under this subsection.

“(C) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the period of issuance, the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the designs selected for such year.

“(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(6) ISSUANCE.—

“(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (3) in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (3) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

“(7) PERIOD OF ISSUANCE.—

“(A) IN GENERAL.—Subject to paragraph (2), the program established under this subsection shall continue in effect until a national site in each State has been honored.

“(B) SECOND ROUND AT DISCRETION OF SECRETARY.—

“(i) DETERMINATION.—The Secretary may make a determination before the end of the 9-year period beginning when the first quarter dollar is issued under this subsection to continue the period of issuance until a second national site in each State, the District of Columbia, and each territory referred to in this subsection has been honored with a design on a quarter dollar.

“(ii) NOTICE AND REPORT.—Within 30 days after making a determination under clause (i), the Secretary shall submit a written report on such determination to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“(iii) APPLICABILITY OF PROVISIONS.—If the Secretary makes a determination under clause (i), the provisions of this subsection applicable to site and design selection and approval, the order, timing, and conditions of issuance shall apply in like manner as the initial issuance of quarter dollars under this subsection, except that the issuance of quarter dollars pursuant to such determination bearing the first design shall commence in order immediately following the last issuance of quarter dollars under the first round.

“(iv) CONTINUATION UNTIL ALL STATES ARE HONORED.—If the Secretary makes a determination under clause (i), the program under this subsection shall continue until a second site in each State has been so honored.

“(8) DESIGNS AFTER END OF PROGRAM.—Upon the completion of the coin program under this subsection, the design on—

“(A) the obverse of the quarter dollar shall revert to the same design containing an image of President Washington in effect for the quarter dollar before the institution of the 50-State quarter dollar program; and

“(B) notwithstanding the fourth sentence of subsection (d)(1), the reverse of the quarter dollar shall contain an image of General Washington crossing the Delaware River prior to the Battle of Trenton.

“(9) NATIONAL SITE.—For purposes of this subsection, the term ‘national site’ means any site under the supervision, management, or conservancy of the National Park Service, the United States Forest Service, the United States Fish and Wildlife Service, or any similar department or agency of the Federal Government, including any national park, national monument, national battlefield, national military park, national historical park, national historic site, national lakeshore, seashore, recreation area, parkway, scenic river, or trail and any site in the National Wildlife Refuge System.

“(10) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.”.

TITLE II—BULLION INVESTMENT PRODUCTS

SEC. 201. SILVER BULLION COIN.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (t) (as added by title I of this Act) the following new subsection:

“(u) SILVER BULLION INVESTMENT PRODUCT.—

“(1) IN GENERAL.—The Secretary shall strike and make available for sale such number of bullion coins as the Secretary determines to be appropriate that are exact duplicates of the quarter dollars issued under subsection (t), each of which shall—

“(A) have a diameter of 3.0 inches and weigh 5.0 ounces;

“(B) contain .999 fine silver;

“(C) have incused into the edge the fineness and weight of the bullion coin;

“(D) bear an inscription of the denomination of such coin, which shall be ‘quarter dollar’; and

“(E) not be minted or issued by the United States Mint as so-called ‘fractional’ bullion coins or in any size other than the size described in paragraph (A).

"(2) AVAILABILITY FOR SALE.—Bullion coins minted under paragraph (1)—

"(A) shall become available for sale no sooner than the first day of the calendar year in which the circulating quarter dollar of which such bullion coin is a duplicate is issued; and

"(B) may only be available for sale during the year in which such circulating quarter dollar is issued.

"(3) DISTRIBUTION.—

"(A) IN GENERAL.—In addition to the authorized dealers utilized by the Secretary in distributing bullion coins and solely for purposes of distributing bullion coins issued under this subsection, the Director of the National Park Service, or the designee of the Director, may purchase numismatic items issued under this subsection, but only in units of no fewer than 1,000 at a time, and the Director, or the Director's designee, may resell or repackage such numismatic items as the Director determines to be appropriate.

"(B) RESALE.—The Director of the National Park Service, or the designee of the Director, may resell, at cost and without repackaging, numismatic items acquired by the Director or such designee under subparagraph (A) to any party affiliated with any national site honored by a quarter dollar under subsection (t) for repackaging and resale by such party in the same manner and to the same extent as such party would be authorized to engage in such activities under subparagraph (A) if the party were acting as the designee of the Director under such subparagraph.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent all that Members may have 5 legislative days in which to revise and extend their remarks on this legislation and insert any extraneous material as they so wish.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6184, America's Beautiful National Parks Quarter Dollar Coin Act, introduced by my good friend and colleague from Delaware, Congressman CASTLE.

I have had the great pleasure to work with Mr. CASTLE on several coin bills of this nature in the past, the very successful State quarters and most recently the Presidential dollars. I am proud to be the Democratic lead sponsor of this bill, and I am happy to report that it has strong bipartisan support, as shown by the fact that it passed out of the Financial Services Committee on a unanimous vote in support.

I want to thank Congressman CASTLE for all of his hard work on this legislation, as well as Chairman FRANK for his support, and the support of the staff of the Financial Services Committee and our individual staffs for their hard work on this bill. Of course, all of us love our national parks, and especially those of our home State, which will be honored on each of these coins.

Beginning in 2010, new quarters will bear a design representing a national park or site in each State and the District of Columbia at the rate of 5 new designs a year. The sites will be selected at the beginning of the process by the Secretary of the Treasury in consultation with the States, and the coins will be minted in the order in which the sites selected were established as national sites, which I think is a very clever touch.

As a former teacher and educator, I am always excited about the new designs on everyday coins because they encourage more Americans of all ages to pay attention to the coins in your pockets and learn a few facts about what is depicted. I can say of the very successful State quarter program, it became a very popular teaching tool. Many teachers devised lesson plans around the quarters, and many of my constituents collected these coins. My own daughter had a book with each of the quarters in it; and many people would ask me, when is the next quarter coming out? And because it was so successful, the 50 State quarter program raised $6.2 billion over the past 10 years of its life span which is just ending this year. And we can hope that we will have similar results from this series of coins.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this legislation. It is an education tool. It also will generate needed revenues for our Treasury.

I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6184, the America's Beautiful National Parks Quarter Dollar Coin Act of 2008, which I am pleased to support with my friends, the gentlelady from New York (Mrs. MALONEY), and I appreciate her kind comments here on the floor, and the gentleman from Chicago (Mr. GUTIERREZ).

This is an easy bill to understand and I hope an easy bill to like. It was popular enough, as the Congresswoman from New York pointed out, in committee to have passed by a 58–0 vote 2 weeks ago.

We all know the popular 50 State quarters program which sequentially honored every State in the Union with a design of its choosing on the back of the quarter. There are just two more States, Alaska and Hawaii, to be honored. Next year, there will be quarters honoring the District of Columbia, Puerto Rico and the territories, and the program will be done.

Mr. Speaker, the 50 State quarters program met or exceeded every goal. It honored every State in such a way that educated the rest of the country about things that made that particular State so special. The national parks quarters program is a follow-up to the State quarters, and I believe nothing could be more logical than recognizing the sites all America hold most dear, places like Yosemite, Yellowstone, or Glacier National Park.

The national parks quarters program will focus on the great natural beauty of our country or on other national sites important to history or conservation, such as seashores, forests, wildlife refugees, or monuments.

Just to mix things up a little, instead of honoring the States in the order they were admitted to the Union, this legislation honors national sites in the order in which they were recognized. I note with some chagrin but in the spirit of fairness, Mr. Speaker, that this will honor the western States that joined the Union later before the original 13 States, and ensures that my own State of Delaware will not again be first. As a matter of fact, we do not have a national park; we will be last in this particular sequence.

The bill also creates a special new investment-grade coin that will be three inches in diameter and made of five ounces of silver. These noncirculating coins will bear exact duplicates of each quarter and will be available only in the year in which the equivalent quarter's design is issued. Although normally our investment-grade coins are distributed only through a small network of highly specialized dealers, this legislation allows the National Park Service to buy these bullion coins in bulk so they may be sold as souvenirs to visitors.

The national park quarters program will start in 2010, after the completion of D.C. and the territories quarters, which is why it is so important for us to send this bill to the Senate and President quickly. We must ensure adequate time is given for the United States Mint to work with the Interior Secretary, other Federal officials, and State Governors to honor the best sites and choose each design. The Mint has done a terrific job with the State quarters, and I have great faith that the artists, engravers, and the excellent staff there will do a great job for this program as well.

Mr. Speaker, I am proud to work on this effort with Mrs. MALONEY, who joined me as a tireless and skilled supporter of the Presidential $1 Coin Act and with Mr. GUTIERREZ who chairs the Domestic and International Monetary Policy Subcommittee that I once chaired. Their input and suggestions from the Mint before introduction of this bill have certainly improved it. I would also like to thank Chairman FRANK for his willingness to move this bill along. I urge immediate passage of this bill, and urge the other body to move it on as swiftly as well.

I would point out to the Speaker that the District of Columbia, Puerto Rico, and the territories are included already in this legislation, which they were not originally as we know in the 50 State quarters program.

I yield to Mr. PRICE such time as he may consume.

Mr. PRICE of Georgia. I thank the gentleman for yielding, and I thank him for his leadership on this issue, the national parks quarter bill. We have in my district the Chattahoochee River National Recreation Area, which is under the National Park Service, the longest linear park in the Nation, 48-mile linear park, and so I am pleased to support this bill.

The concern that I have, however, about the national parks is that, Mr. Speaker, more and more Americans aren't able to get to them, and they aren't able to get to them because of the price of gasoline. And so what we ought to be doing here as the House of Representatives, in addition to recognizing the wonderful work of the National Park Service, is to do all that we can to make certain that the number one issue of Americans across this Nation is addressed. That issue is energy policy and gas prices. So I come to the well today to lend my support to those who are trying to move forward in a positive way as it relates to energy policy for our Nation.

We have, Mr. Speaker, as you know, a number of bills that aren't being brought to the floor because the Speaker doesn't want them to come to the floor, is not interested in increasing supply of oil for Americans, American energy for Americans. There are a number of discharge petitions, which is the only avenue that Members of the House have when their bills are bottled up when they can't get to the floor. We have four of them that are available right now.

One is the No More Excuses Energy Act that would increase the ability of new refineries to be brought on line in the United States. Mr. Speaker, we haven't had a new refinery built in this Nation in over 30 years, and the problem with that is that we can't get product to the retail market. We cannot increase the supply if you don't have increase in refineries. That is H.R. 3089.

Mr. Speaker, there is another one, H.R. 2279, which would expand the refining capacity on closed military installations, one of those that allows for increasing refining capacity on land that is currently not even being used, Federal land that is not being used. And this is important as it relates to national parks, because again, Mr. Speaker, my constituents are having trouble getting to the national parks because of the price of gasoline. And this House is not acting because the leadership, the Speaker and her leadership, are not interested in bringing forward bills that increase supply.

Another one is H.R. 5656, which would repeal the ban on acquiring alternative fuels. Mr. Speaker, we were home last week, and one of the things I heard from my constituents as I know folks heard all across this Nation is: You have got to solve the energy problems. You have got to solve the gas price problem.

One of the ways to do that is to conserve. Yes, there is no doubt about it. Another way is to increase supply. We have talked a lot about that. Another way in the long run is to make certain that we have got the kind of technology available to provide for alternative fuel.

This is a bill, H.R. 5656, that would allow for increasing accessibility to mechanisms to bring alternative fuels on line, diverse sources of fuels like oil shale and tar sands and coal-to-liquid technology.

I was surprised to learn, Mr. Speaker, as I know you were that the United States has one of the largest resources of oil shale in the world. In the world. So much so that the estimate is that we could get over 2 trillion barrels of oil out of the oil shale, oil sands that is American resource. American resource.

Now, 2 trillion is a big number. It has got a lot of zeroes after it. What does it really mean, 2 trillion barrels of oil? Well, just to put it in perspective, Mr. Speaker, the world has used 1 trillion barrels of oil since 1875. Mr. Speaker, the world has used 1 trillion barrels of oil since 1875. We Americans possess, our natural resources, the ability to gain 2 trillion barrels of oil without any influence from a foreign source, without utilizing any foreign source or any foreign technology. We could do that right now if we were able to have this House and Senate act.

So this is remarkable, remarkable information. It is important that the Members of the House know this. It is important that all Americans know this. Because we have within our capacity the ability to become not just less reliant on foreign oil but self-sufficient on American oil. American energy for Americans. That is what it is all about. That is what we hear when we go home.

So why, Mr. Speaker, why will this House not be allowed to vote on H.R. 5656? Or H.R. 2279? Or H.R. 3089? Or the one that has brought a discharge petition this week H.R. 2208, which is the Coal to Liquid Fuel Act, which would reduce the price of gasoline by encouraging the use of clean coal technology?

□ 1400

Mr. Speaker, as you also know, we in the United States possess the world's largest reserves of coal, and technology has changed so drastically over the past 20 to 30 years, that now it is possible in an environmentally sensitive and sound way, and responsible way, to gain natural gas, to gain gasoline from liquid coal, from coal-to-liquid technology, energy for Americans, American energy for Americans.

But what is happening here in the House of Representatives when it comes to energy policy? Nothing, Mr. Speaker. Nothing. And so when I went home last week, I know I heard what all of our colleagues did, and that is the House has got to act. The House has got to act. The frustration level of the American people is huge. And it ought to be. Their anger is huge, and it ought to be.

I encourage my colleagues to communicate to the Speaker's office, to let the Speaker know that we want to vote on these bills. I don't know how the vote will turn out, but I do know that the constituents of my district and the constituents of districts all across this Nation want to know how their Member will vote on these bills. It is imperative, American energy for Americans.

Once again, I want to thank my good friend from Delaware for providing me this time, and getting to the issue of the national parks in a little side way manner, but I think it is important. I think it is important because our constituents, I know, want us to solve the issue of energy so they can visit the national parks, the beautiful national parks all across this Nation.

Mr. CASTLE. Mr. Speaker, I am prepared to yield back our time at this point.

Mrs. MALONEY of New York. Mr. Speaker, I would like to respond to my dear friend and colleague on the other side of the aisle who has attacked the Speaker of this House really unfairly and with false statements.

The point is and the reality is that we have two oil men in the White House and their policies are the ones that have benefited Big Oil and hurt the American consumer. Now under the leadership of the Democratic Speaker and the New Direction Congress, we have been passing solutions for the first time to help American consumers and to help this country move into the 21st century with policies that are important for conserving energy, renewable energy, efficient technologies, and reducing energy prices for the long run.

No, I will not yield. I have my time; you had yours.

First of all what, the New Direction Congress passed was the first new vehicle fuel-efficiency standards in 32 years. We also passed an historic commitment to affordable American-grown biofuels. If the other side of the aisle was interested in moving us into the 21st century and conserving energy, why in the world didn't they pass new vehicle fuel-efficiency standards? We passed it. This Congress passed it. The Democrats passed it, and are forcing the car builders and others to move in with fuel-efficient standards.

We also took action to lower gas prices by suspending oil purchasing for the Strategic Petroleum Reserve. These are very important initiatives.

Now the gentleman on the other side of the aisle, my very good friend, talked about the need to build new refineries. Well, ExxonMobil, Chevron, ConocoPhillips, BP and Shell have publicly stated that they have no plans to build new refineries; instead, they prefer to expand existing facilities. These are their statements. Shell and BP all testified that they were unaware of any environmental regulations preventing them from building new refineries or expanding old ones. They can do that now.

Internal memos from oil companies make it very clear that oil companies decided that they needed to reduce refinery capacity to drive up their profits. And the New Direction Congress is continuing to bring real relief to those feeling the pinch of the high gas and diesel prices, and ensuring the needs of families and businesses are put before the interests of Big Oil companies.

Now my dear friend on the other side of the aisle talks about drilling, drilling, drilling, drilling, as if we could drill ourselves out of the challenges we face.

The fact is that there are over 68 million acres on shore and offshore in the United States of America that are currently leased by oil companies and they are open to drilling and actually under a lease to do so but are not developed. Now we are talking about leases on 68 million acres of land that is owned by the American people. Now what Chairman RAHALL says is use it or lose it, and I think he is absolutely correct. I support his bill, to say that you either drill on those 68 million acres or you give up your lease and let someone else drill there. That's what the Democrats are saying. We are not going to hand out more leases to the oil companies on public land that is owned by the public and is the land and the reserves of this country. We are saying to them if you have a lease, you use that lease. You drill. You're not going to get another one. And if you're not going to drill, then let's put it out for competitive bid and let someone else come forward and drill on that land.

The fact is that 80 percent of the oil available on the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies haven't decided if it is worth their time to drill there. The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for 10 years, and then would only save the customer, the consumer, 1.8 cents per gallon in 2025. The fact is that America uses a quarter of the world's oil consumption every day, but only 1.6 percent of the world's supply, so there is simply no way to drill ourselves to a solution.

I repeat, while my colleagues were running this body, where were their solutions? I didn't see any. I didn't see them raising the mile per gallon of gas, I didn't see them conserving. I didn't see them investing in biofuels or moving forward with innovative energy solutions, as this new Democratic leadership has been doing. They have just held onto the failed policies of the past which have gotten us to where we are. As I repeat, we have two oil men in the White House that have been behind these policies.

So I would say that the Democratic leadership has done a great deal to help the American consumer. They are facing many challenges. Their wages are stagnant. The price of gasoline is now over $4 a gallon. The price of milk is over $4 a gallon. So they are facing really inflation and many, many challenges.

The Democratic leadership has come forward with a stimulus package to help the American taxpayer, the American citizen. We have come forward with a fuel-efficiency standard. We have come forward with many hearings today on the possible manipulation of oil in the futures market so that we can curb those abuses if they are documented. We are for drilling on the 68 million acres that are currently under contract and should be drilled on.

So this Congress, I congratulate the leadership of Speaker PELOSI and the Democrats and the relevant committees. We have passed legislation, the Renewable Energy and Job Creation Act. We have passed the Gas Price Relief for Consumers Act. We have passed the Energy Price Gouging Prevention Act which will provide consumer relief by giving the Federal Trade Commission the authority to investigate and punish those who artificially inflate energy prices. President Bush has threatened a veto of this very commonsense consumer protection measure.

So I say with all due respect to my wonderful colleagues and friends on the other side of the aisle, where were your ideas when you could pass them? Where are your ideas now? The ones that we are passing that helps the consumer and moves this country into the 21st century, and that makes a profitable use of land that is owned by the American people instead of giving more, and in many cases in a no-bid process to oil companies who are just sitting on it and not doing anything to help the American consumer.

So I would say you brought it up, so I am just responding to some of your allegations.

I feel this is such an important issue that I would like to yield 2 minutes to my distinguished colleague from the great State of New York, Congressman SERRANO, on H.R. 6184, and I thank him for his leadership on this important bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). All Members are reminded to address their remarks to the Chair.

Mr. SERRANO. Mr. Speaker, I would like to try something innovative. I want to discuss the bill before us and not this other discussion we had on drilling. While I understand the importance of it, we were discussing a bill, for those Americans who were watching who might have forgotten by now, on putting national parks on the backs of quarters. And I want to congratulate both Mr. CASTLE and Mrs. MALONEY and the committee for including the Territories. As the gentleman from Delaware stated, he alluded to the Speaker and the fact that I have great concern about the involvement of the Territories and the recognition.

When the original quarters program came about, I was dismayed at the fact that the territories and the District of Columbia were not included. Last year in an appropriations bill, we expanded the program to include D.C. and the Territories.

What you have done today is you have picked up on that and now have started a new era, I believe, where the Territories and the District of Columbia will become part of every discussion we have here from postage stamps to coins to, in many other areas, fairness across the board.

When that first quarter comes out, both the one for the national parks and the one for the regular quarters program with Puerto Rico on it, since Puerto Rico is of great concern to me, having been born there before moving to New York, many people throughout the country will actually ask, Why is Puerto Rico on the back of a quarter in the United States? And that will start a proper discussion as to the fact that we not only include in the American family the 50 States, but we include the District of Columbia and the Territories. That in the Territories are American citizens, American citizens who served this country at wartime and peacetime, and who, in fact, at any moment can participate in all parts of American society but are always forgotten.

So something as symbolic and perhaps to some people as unimportant as making sure that when these quarters come out with national parks, they include Puerto Rico and the Territories, is very important.

Mrs. MALONEY of New York. I thank the gentleman for his statement. He has been a strong advocate for the Territories. He raises and highlights an important point that the Territories are included, and I appreciate his recognizing the many contributions from the citizens of Puerto Rico and other Territories to our great country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and urge my colleagues to support this creative bill that is before us. I hope that it passes unanimously and moves to the Senate with swift passage.

PARLIAMENTARY INQUIRY

Mr. CASTLE. Mr. Speaker, may I ask for a point of clarification.

The SPEAKER pro tempore. The gentleman from Delaware.

Mr. CASTLE. About 10 or 15 minutes ago, I said I was prepared to yield back the balance of my time. I don't know if there was a ruling on that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to reclaim his time?

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

Mrs. MALONEY of New York. I do object. We have a system. We have gone through it, and I feel we should move to a vote.

The SPEAKER pro tempore. Objection is heard.

Mr. CASTLE. Mr. Speaker, could I get a clarification.

The SPEAKER pro tempore. The gentleman from Delaware.

Mr. CASTLE. I'm not certain I yielded back the balance of my time. I don't know who was responsible in the Chair at that point, but I indicated I was prepared to yield back. I'm not sure if there was a ruling at that time. Could that be clarified.

□ 1415

The SPEAKER pro tempore. The Chair heard the gentleman utter the words that he did yield back the balance of his time.

Mr. CASTLE. The words I uttered were, "I am prepared to yield back the balance of my time." And then I believe the gentlewoman from New York was called on at that point without the ruling from the Chair. That's why I am asking for the clarification.

Mrs. MALONEY of New York. If the gentleman feels so strongly about it, he has worked so hard on this bill, it's a successful bill, and we hope to have another successful bill, so I will allow the gentleman to reclaim his time.

I would inquire how much time remains on both sides, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from New York, who has yielded back the balance of her time, had 6½ minutes remaining. The gentleman from Delaware had 9½ minutes remaining before he yielded back the balance of his time.

Mrs. MALONEY of New York. Mr. Speaker, I ask for reciprocity. If he is reclaiming his time, then I would like to reclaim my time.

The SPEAKER pro tempore. Does the gentleman from Delaware ask unanimous consent to reclaim his time?

Mr. CASTLE. I do ask unanimous consent to reclaim our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The SPEAKER pro tempore. Does the gentlewoman from New York ask unanimous consent to reclaim her time?

Mrs. MALONEY of New York. I do ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Thank you very much, Mr. Speaker.

At this time I would yield to the gentleman from Oregon (Mr. WALDEN) such time as he may consume.

Mr. WALDEN of Oregon. Mr. Speaker, I want to thank my colleague from Delaware and congratulate him and our colleague from New York on this legislation and just advise the body that Oregon, once again, is in the lead when it comes to recognizing national parks as our quarter. The design for the back of it for our State was processed through a very public effort. They picked Crater Lake National Park as the park to recognize on the back of the quarter. And so we're already in the lead, and it's a wonderful national park; and as my colleague from Georgia talked about earlier, it's also one you have to drive a great distance to get to.

When I was in my home county this last week, diesel was $5.08 a gallon. Gasoline was $4.39 a gallon. And if this is the result of the new Democratic direction for the Congress and for the country, then I hope we're at about the end of this new direction because it's taken us to a dead-end.

Now, I just wanted to point out a clarification, I guess, in terms of these leases we've heard so much about. My understanding is that when the Democrats were last in charge, they actually voted a law to extend the length of those leases that the oil companies had. And I would like to see them, the oil companies, process these leases and move forward with development because that's what I think America needs, more energy, more American energy. And yet this Congress has refused to even allow a vote, afraid to even allow a vote on accessing the 85 percent of the offshore resource that is not available. It's not available. And if the argument is that we would be better off by accessing the leases already there, then the argument really is adding to supply matters and that adding to supply will result in lower gas and lower diesel costs.

So then it seems logical to presume that accessing America's great reserves, the Outer Continental Shelf, would not only create new oil and gas supplies for America and American consumers, it would also generate royalty dollars for government services.

I have been working on legislation that would deal with the twin issues of energy policy for America that creates new gas, new diesel, new access to oil, as well as fund the biggest investment in renewable energy this Congress has seen and help those lowest income among us with their home heating bills and take care of the neglected challenge this Congress has refused to take up and pass, and that is help for our counties that are dominated by Federal lands.

So we would pay for 5 years in county timber payments. We would fully fund the commitment to rural counties for payment in lieu of taxes. We would put $1 billion into LIHEAP and $3.1 billion into developing renewable energy.

Now, my colleague from New York said, What did Republicans do when they were in charge? Well, we passed bill after bill after bill that raised conservation standards on appliances. We invested in the newest and futuristic technology trying to drive the basic science in hydrogen fuel cell development. We supported efforts to extend successfully, I might add, the tax credits for wind energy and geothermal and solar and the things that I think will give us a great future in renewable energy.

But we have a here-and-today problem that this Congress and its leadership fails to address. I don't know where my colleagues on the other side of the aisle were over the Fourth of July, but I was home with real people. They're hurting. There are truckers who are losing their jobs. There are farmers who tell me it costs hundreds of dollars to fill a tank in their tractor, and fertilizer has doubled in cost. There are families who can't go to their kids' summer games because it costs $87 to fill the Voyager van. If this is the new direction that the Democrats in this Congress have for America, I've got to tell you it's a dead-end direction and it needs to change.

Why not give us at least the opportunity in this great House, this great place where Americans come together to debate issues, to at least allow a vote to access the energy reserves we know are out there on Federal land or in the Outer Continental Shelf, up in Alaska? And if it fails, it fails. The Congress will have spoken in the House. But so far we have gone through, as a result of the Democrat leadership, the most incredible—this reminds me of the game of Twister. We are so convoluted and upside down and twisted to avoid any vote that it is reprehensible.

So, Mr. Speaker, I both support not only the act before us today, but I call for this House to at least allow a vote that I think would not only be bipartisan, as it was in 2006 when we passed.

in this House, overwhelmingly with 40 Democrats supporting our efforts to get at our offshore oil resource. It would be an overwhelming bipartisan vote. And isn't that what democracy is really all about? You put an issue up on the table, you allow a vote, and we live with the outcome.

So I ask for that opportunity, Mr. Speaker, just as we're voting today on this wonderful bill to allow national parks to have a coin. As I said, Oregon has been at the forefront on that issue just as we are on renewable energy. Let's have a vote. Let's not have a vote like we had when we passed the Energy Act of 2007 that said if another country is making oil from tar sands, don't let the American military use it. Or like was stuffed in that bill a provision that said if you could take woody biomass and turn it into an ethanol-like fuel, don't count that against the ethanol fuel standard. Why is that in there?

Why can't you use the great resource of our American forests, convert them into ethanol using cellulosic technology, which Republicans and Democrats both agree need to happen? But then to say, Oh, but if you succeed at that, it doesn't count towards this out-of-control ethanol standard because we wouldn't want to count woody biomass off of Federal forests or unless it's specifically grown for that purpose, as ethanol, it can be used for a fuel standard in America. No. We would rather rely on corn, I guess. And that hasn't helped us a lot.

So I think we have invested in new technologies when Republicans were in control. We invested in new science. We also tried to expedite access to America's great reserves. Every other country on the planet that has an ocean exercises its right to its own reserves, and yeah, it might take 10 years, but if Bill Clinton, former President, hadn't vetoed access into Alaska's reserves, we would be pumping a million to a million and a half barrels out a day. America uses, I think, what is it, 20 million barrels a day? We produce 5. Where would we be if President Clinton hadn't vetoed that? We would be a lot better off, folks, because the world produces about 85 million barrels a day and consumes 86, or thereabouts.

This has a lot of things around it: certainly money supply, value of the dollar, inflation, speculators, who knows what. But at its core, until we bridge to the next generation of fuel for our vehicles, we have a here-and-now problem at the gas pump, at the diesel pump, and at the American budget.

The families in this country are hurting, hurting; and if you're not hearing that on the other side of the aisle, you're not going home and listening. You can't hide forever on the ability to access America's resources. You can't stop the country from demanding a vote. Just one vote. Give us a vote, up-or-down, clean, simple, the way democracy is supposed to work here in this House. But no.

The appropriations process ground to a halt. There might be a vote on energy. Every other bill that might have anything to do with energy ground to a halt. Heck, even declaring a wild and scenic river in Massachusetts had to be pulled because it dealt with LNG. Ground to a halt.

This country is grinding to a halt. It's time for a change in how this Congress acts.

Mrs. MALONEY of New York. The gentlewoman has no further speakers, but I wonder if the gentleman on the other side of the aisle yields back his time.

Mr. CASTLE. We do have an additional speaker.

Mrs. MALONEY of New York. I reserve the balance of my time.

Mr. CASTLE. I will yield such time as he may consume to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman from Delaware has 1½ minutes remaining.

Mr. PRICE of Georgia. I thank the Speaker.

I thank my good friend from Delaware for allowing me to comment on a few of the comments that have been made by the gentlelady from New York and try to set the record straight a little bit.

The issue of the 68 million acres of leased land, of Federal land to gain access to oil reserves under Federal land of the United States isn't whether or not all of those have been used, it's whether or not there is any oil underneath them. And the fact of the matter, Mr. Speaker, as you well know is that in much of those areas, there is no oil underneath them, and you don't need to drill in every single acre to confirm there's no oil in adjacent acres. The technology is incredible today. So the fact that all haven't been drilled doesn't mean that the resources that are under those 68 million haven't been utilized, because they have. In fact, Mr. Speaker, 95 percent of the land that ought to be available for leasing has not been leased.

My good friend asked what happened on our watch. What happened when the Republicans were in charge. Well, Mr. Speaker, as you know, we passed the vast majority of these and they got held up in the Senate. They got held up because it requires 60 votes to move anything through the Senate. My suspicion though, Mr. Speaker, is that now there aren't 40 individuals who would stop these bills from moving forward, that the holdup is here in the House of Representatives.

My good friend from New York talks about all of the bills that have already been passed. Well, Mr. Speaker, the problem with that is that none of them, not one of them deals with increasing supply. They call it a law of supply and demand because it's a law. It's a law. If you increase the supply, you will decrease the cost at the pump. Americans know that.

Americans want a vote on supply. Mr. Speaker, give us a vote on supply. American energy for Americans.

Mrs. MALONEY of New York. Just to respond to my dear friend and colleague on the other side of the aisle, I'm very appreciative that you're supportive of the bill before us, but I want to point out that there is nothing in this bill that would in any way prevent drilling. In fact, they can drill now on 68 million acres of land on which they have a lease.

And we did have a vote, and my colleagues on the other side of the aisle did not support the vote that would compel the oil industry to start drilling or lose permits on this 68 million acres of undeveloped Federal oil reserves which they are currently warehousing and keeping domestic supply lower and prices higher. I believe that's a very balanced premarket approach. Use it or lose it. Let someone else drill there.

And industry is only using a fraction of its leases now. And refining is not an issue. Refineries are running below capacity.

☐ 1430

But we have enacted in law, past laws, that are laws now, the Energy Independence and Security Act. This historic Act would increase vehicle fuel efficiency to 35 miles per gallon, and this is the first congressional increase in more than three decades. And this would be very helpful.

And I'd like to place into the RECORD an entire list of laws that have been enacted by this Democratic leadership, laws that are coming up to be considered, including cracking down on price gouging, and legislation that the House has passed and we're waiting for the Senate to act on: the Renewable Energy and Job Creation Act, the Gas Price Relief for Consumers Act, the Energy Price Gouging Prevention Act. These are all important concrete steps, not rhetoric, but concrete steps to help consumers.

NEW DIRECTION LEGISLATION

ENACTED INTO LAW

Energy Independence and Security Act in 2007—Historic energy legislation with provisions to combat oil market manipulation, increase vehicle fuel efficiency to 35 miles per gallon in 2020—the first Congressional increase in more than three decades—and promote the use of American biofuels. Signed into law, December 19, 2007.

Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—Temporarily suspends the filling of the SPR, starting June 30th, to put more oil on the market to help drive down gasoline prices. Signed into law, May 19, 2008.

Food, Conservation, and Energy Act of 2008—The new Farm Bill makes an historic commitment to more affordable American biofuels and increases Commodity Futures Trading Commission (CFTC) oversight authority to detect and prevent manipulation of energy prices. President Bush vetoed this bill, but the Congress overrode that veto.

RECENT AND UPCOMING LEGISLATION

Reducing Transit Fares (H.R. 6052)—Gives grants to mass transit authorities to lower fares for commuters pinched at the pump and expand transit services.

Cracking Down on Price Gouging (H.R. 6346)—Gives enforcement authority to the Federal Trade Commission to investigate and punish those who artificially inflate fuel prices.

"Use It Or Lose It" for Oil Companies Holding Permits and Not Drilling—Compels the oil industry to start drilling or lose permits on the 68 million acres of undeveloped federal oil reserves which they are currently warehousing, keeping domestic supply lower and prices higher.

Further Close the "Enron Loophole" for Petroleum Markets—Takes steps to curb excessive speculation in the energy futures markets, which experts have noted is driving up the price of a barrel of oil.

LEGISLATION THAT THE HOUSE HAS PASSED

Renewable Energy and Job Creation Act—Extends and expands tax incentives for renewable energy (including incentives for plug-in vehicles), retains and creates hundreds of thousands of green jobs, spurs American innovation and business investment, and cuts taxes for millions of Americans. The President has threatened a veto.

The Gas Price Relief for Consumers Act—Combats record gas prices by authorizing lawsuits against oil cartel members for price fixing, and creating an Antitrust Task Force to crack down on anticompetitive behavior or market manipulation. President Bush has threatened a veto.

Energy Price Gouging Prevention Act—This bill will provide consumer relief by giving the Federal Trade Commission (FTC) the authority to investigate and punish those who artificially inflate energy prices. President Bush has threatened a veto.

I'd like to remind my dear colleagues on the other side of the aisle that when President Bush came to office he had a $5 trillion projected surplus. We now have a series of records that have been given to us by the Republican leadership, only they are the wrong kinds of records.

We have record debt that is galloping towards $9 trillion. Each and every American owes over $30,000 to this debt. We have the largest trade deficit in the history of this country, over $900 billion, and we have the largest deficit in the history of this country. We have lost more jobs in the first half of this year than have been lost since the Great Depression, and if we continue at this rate, we will lose over 1 million jobs in this year.

Now, that is the record of the Republican leadership. But what is before us is a very important bill, one that I support, one that I urge my colleagues to support. And I urge my colleagues to support consideration of H.R. 6184, and I hope that we will have a bipartisan commitment to passing this legislation.

Mr. KING of New York. Mr. Speaker, today I rise in support of America's Beautiful National Parks Quarter Dollar Coin Act (H.R. 6184) introduced by the Gentleman from Delaware. It's a good bill and a good follow-up to his 50-State quarter bill we have all enjoyed. However, Madam Speaker, I would like to make a point in the process of supporting this bill.

The idea of following the State quarters by honoring national parks is a very good idea, and I salute Mr. CASTLE and his co-sponsors, Mrs. MALONEY and Mr. GUTIERREZ. I even want to suggest a place in my district as the one for the back of the New York quarter—the Sagamore Hill National Historic Site, the beautiful summer home of former President Theodore Roosevelt, in Oyster Bay.

But that brings me to the point I'd like to make Mr. Speaker. Teddy Roosevelt, as the bill itself notes, is known as the first great champion of the country's National Parks, and in my view, the front of this new coin should bear the image of Teddy Roosevelt.

I, of course, mean no disrespect to George Washington. He was the Father of our Country, and his image has appropriately been on the one-dollar bill and the quarter. But I think, as a recent editorial in Coin World magazine pointed out, that it's about time we honor Teddy Roosevelt by placing his image on U.S. currency—after all, he's the only one of our four great Presidents honored on Mount Rushmore, who does not appear on a U.S. coin or banknote.

Mr. Speaker, I do not mean to criticize this legislation, and I intend to vote for it enthusiastically. But I hope all Members will think about the fact that without Teddy Roosevelt's championing of the ideas of conservation and National Parks, we would still have national parks, but the commitment to them would not have been as great, or so early. So, I hope the sponsors of this bill will work with me to help find a place somewhere in the U.S. system of money for the image of the great Rough Rider on a coin or banknote.

With that I urge adoption of the bill.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 6184.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5541) to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Land Assistance, Management and Enhancement Act" or "FLAME Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Flame Fund for catastrophic emergency wildland fire suppression activities.
Sec. 3. Cohesive wildland fire management strategy.
Sec. 4. Review of certain wildfires to evaluate cost containment in wildland fire suppression activities.
Sec. 5. Reducing risk of wildfires in fire-ready communities.

SEC. 2. FLAME FUND FOR CATASTROPHIC EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the following:

(A) Public lands, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) Units of the National Park System.

(C) Refuges of the National Wildlife Refuge System.

(D) Lands held in trust by the United States for the benefit of Indian tribes or individual Indians.

(E) Lands in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term "Flame Fund" means the Federal Land Assistance, Management, and Enhancement Fund established by this section.

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(4) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(b) ESTABLISHMENT AND AVAILABILITY OF FLAME FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund

to be known as the Federal Land Assistance, Management, and Enhancement Fund.

(2) CONTENTS.—The Flame Fund shall consist of the following amounts:

(A) Amounts appropriated to the Flame Fund pursuant to the authorization of appropriations in subsection (c).

(B) Amounts transferred to the Flame Fund pursuant to subsection (d).

(3) AVAILABILITY.—Subject to subsection (e), amounts in the Flame Fund shall be available to the Secretaries to pay the costs of catastrophic emergency wildland fire suppression activities that are separate from amounts annually appropriated to the Secretaries for the predicted annual workload for wildland fire suppression activities, based on analyses of historical workloads and anticipated increased workloads due to changing environmental or demographic conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Flame Fund such funds as may be necessary to carry out this section. It is the intent of Congress that the amount appropriated to the Flame Fund for fiscal year 2009 and each subsequent fiscal year equal the average amount expended by the Secretaries for emergency wildland fire suppression activities over the five fiscal years preceding that fiscal year.

(2) SENSE OF CONGRESS ON DESIGNATION OF CERTAIN APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that the amounts appropriated to the Flame Fund that are above the average of the obligations of the preceding 10 years for wildland fire suppression in the Forest Service and the Department of the Interior, adjusted for inflation, should be designated as amounts necessary to meet emergency needs, and the new budget authority and outlays resulting therefrom should not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(3) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees specified in subsection (h)(2) whenever only an estimated two months worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDLAND FIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts appropriated to the Secretary concerned for wildland fire suppression activities for the fiscal year, but not obligated for wildland fire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) DECLARATION REQUIRED.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildland fire suppression activity is eligible for funding through the Flame Fund.

(2) DECLARATION CRITERIA.—A declaration by the Secretaries under paragraph (1) shall be based on the following criteria:

(A) In the case of an individual wildland fire incident—

(i) the fire covers 300 or more acres;

(ii) the severity of the fire, which may be based on incident complexity or the potential for increased complexity; and

(iii) the threat posed by the fire, including the potential for loss of lives, property, or critical resources.

(B) Consistent with subsection (f), in the case of a firefighting season, cumulative wildland fire suppression activities, when the costs of those activities for the Secretary concerned are projected to exceed amounts annually appropriated.

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (1) and upon the request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildland fire suppression activities associated with the declared suppression emergency.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for catastrophic emergency wildland fire suppression activities on State and private land and, where applicable, tribal land shall be consistent with existing agreements where the Secretaries have agreed to assume responsibility for wildland fire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—The Secretary concerned shall continue to fund anticipated and predicted wildland fire suppression activities within the appropriate agency budget for each fiscal year. Use of the additional funding made available through the Flame Fund is intended to supplement the budgeted and appropriated agency funding and is to be used only for purposes and in instances consistent with this section.

(g) PROHIBITION ON OTHER TRANSFERS.—All amounts in the Flame Fund, as well as all funds appropriated for the purpose of wildland fire suppression on Federal land, must be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildland fire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate an annual report on the use of the funds from the Flame Fund, together with any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) PUBLIC AVAILABILITY.—The annual report required by paragraph (2) shall be made available to the public.

SEC. 3. COHESIVE WILDLAND FIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report that contains a cohesive wildland fire management strategy, consistent with the recommendations contained in recent Comptroller General reports regarding this issue.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall address the findings of the Comptroller General in the reports referred to in such subsection and include the following elements:

(1) A system to identify the most cost effective means for allocating fire management budget resources.

(2) An illustration of plans by the Secretary of the Interior and the Secretary of Agriculture to reinvest in non-fire programs.

(3) A description of how the Secretaries will employ appropriate management response.

(4) A system for assessing the level of risk to communities.

(5) A system to ensure that the highest priority fuels reduction projects are being funded first.

(c) NOTICE OF PRESCRIBED FIRES.—As part of the strategy required by subsection (a) for the Forest Service, the Secretary of Agriculture shall ensure that, before any prescribed fire is used on National Forest System land, owners of adjacent private land are notified in writing of the date and scope of the proposed prescribed fire.

SEC. 4. REVIEW OF CERTAIN WILDFIRES TO EVALUATE COST CONTAINMENT IN WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) REVIEW REQUIRED.—The Secretary of the Interior and the Secretary of Agriculture shall conduct a review, using independent panels, of each wildfire incident for which the Secretary concerned incurs expenses in excess of $10,000,000.

(b) REPORT.—The Secretary concerned shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate a report containing the results of each review conducted under subsection (a).

SEC. 5. REDUCING RISK OF WILDFIRES IN FIRE-READY COMMUNITIES.

(a) FIRE-READY COMMUNITY DEFINED.—In this section, the term "fire-ready community" means a community that—

(1) is located within a priority area identified pursuant to subsection (b);

(2) has a cooperative fire agreement that articulates the roles and responsibilities for Federal, State and local government entities in local wildfire suppression and protection;

(3) has local codes that require fire-resistant home design and building materials;

(4) has a community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)); and

(5) is engaged in a successful collaborative process that includes multiple interested persons representing diverse interests and is transparent and nonexclusive, such as a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

(b) FIRE RISK MAPPING.—As soon as is practicable after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior (in this section referred to as the "Secretaries") shall develop regional maps of communities most at risk of wildfire and in need of hazardous fuel treatment and maintenance. The maps shall identify priority areas for hazardous fuels reduction projects, including—

(1) at-risk communities in fire-prone areas of the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502));

(2) watersheds and municipal drinking water sources;

(3) emergency evacuation corridors;

(4) electricity transmission corridors; and

(5) low-capacity or low-income communities.

(c) LOCAL WILDLAND FIREFIGHTING CAPABILITY GRANTS.—

(1) GRANTS AVAILABLE.—The Secretaries may provide cost-share grants to fire-ready communities to assist such communities in carrying activities authorized by paragraph (2).

(2) ELIGIBLE ACTIVITIES.—Grant funds may be used for the following:

(A) Education programs to raise awareness of homeowners and citizens about wildland fire protection practices, including FireWise or similar programs.

(B) Training programs for local firefighters on wildland firefighting techniques and approaches.

(C) Equipment acquisition to facilitate wildland fire preparedness.

(D) Implementation of a community wildfire protection plan.

(d) WILDLAND FIRE COST-SHARE AGREEMENTS.—In developing any wildland fire cost-share agreement with a State Forester or equivalent official, the Secretaries shall, to the greatest extent possible, encourage the State and local communities involved to become fire-ready communities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretaries to carry out this section such sums as may be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this year's fire season in California started in unprecedented fashion, when 1,700 fires erupted in a 48-hour period beginning June 21. Already, just over 3 weeks later, fires have burned more than 960 square miles in California.

And as of yesterday afternoon, 330 fires were still actively burning there, when citizens received the ominous warning that conditions are right for, as the National Weather Service described it, "explosive fire growth."

Our thoughts and prayers are with the people of Big Sur, Santa Barbara County, and other areas up and down the coast, who are experiencing devastating wildfires as we speak.

Those California fires are only the most recent example of the dramatic and tragic expansion of our Nation's wildland fire season. For the last decade, the United States has experienced a growth in the destructive nature of fire seasons that have taken American lives, eliminated homes and businesses, and scorched thousands of acres of our treasured public lands.

And this is not only occurring in the West. I well recall several years ago when the New River Gorge in my home State of West Virginia was burning. I had the honor to meet with Federal firefighters who flew in from across the country to battle the blazes.

Indeed, the Federal Government has, time and time again, answered the call and mobilized legions of brave firefighters to beat back the flames and protect our lands and our communities.

But as a result, the government has also dramatically shifted spending priorities, rapidly increasing funding for fire fighting, while axing moneys for other necessary programs. And ironically, some of those programs that have been gutted were created to actually prevent fires.

There is little reason to hope that fire seasons for the foreseeable future will be any less catastrophic than those of the last decade. The trend has certainly been working toward more destruction. Knowing that, we must be better prepared.

The FLAME Act, which my colleagues Mr. RAÚL GRIJALVA, Mr. NORM DICKS and myself introduced, is an effort to correct course, to get out in front at the start of these fire seasons.

The bill has received broad, bipartisan support from 56 Members of Congress, including the ranking member of our Natural Resources Committee, Mr. YOUNG.

As well, it enjoys the support of the five former Chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors' Association, and nearly 40 other organizations.

Within the Forest Service, wildland fire activities now account for approximately 48 percent of the agency's budget, causing the Service to cut back on other important programs to cover the escalating costs of fire suppression.

The FLAME Act would help to address that funding problem, as well as the funding issues faced by other Federal agencies that are contributing funds from their limited accounts to fight these fires.

The Act would establish a dedicated Federal fund for catastrophic, emergency wildland fire suppression activities, separate from appropriated agency fire fighting funding.

The bill would also require the Forest Service and the Department of the Interior to present to Congress a long-overdue, comprehensive strategy for combating wildland fire, a strategy that would address the troubling shortcomings in the agencies' response to fires as identified by the Government Accountability Office and the Agriculture Department's Inspector General.

I cannot overstate the importance of today's action on the FLAME Act. Without a doubt, this is one of the most serious issues facing our Federal land management agencies, and it is one that, if not addressed properly and appropriately, will continue to cost homes, businesses, communities, public lands, and American lives.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to these dangerous fires while also accomplishing other important aspects of their missions, including those that will prevent fires from devastating our communities in the future.

I ask my colleagues to support passage of the FLAME Act.

I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself as much time as I may consume.

Fire season is here and wildlands are in flames across the Nation as we speak. California is currently reporting 24 large fires, and along with California, there are large wildland fires burning in Arizona, Oregon, Washington, Virginia, and North Carolina.

Since January of this year, some 46,113 wildland fires have burned more than 2.71 million acres, destroying more than 461 residences, 15 commercial buildings, and 979 outbuildings. But it's not just property, homes, community, watersheds or livelihoods that are at stake when a wildland fire burns. Lives are also in danger, and since January of this year alone, eight firefighters have died while on duty to fight wildland fires.

For many areas of the country, the wildland fire season is just beginning.

This is an issue that I have familiarity with, as each year in Idaho the skies fill with smoke from fires. Last year alone, more than 2 million acres burned in Idaho, threatening lives, homes, and communities.

I commend the gentleman from West Virginia, my chairman, on his initiative to move a bill and bring this critical issue before the House of Representatives today. Real solutions to these deadly and growing wildfires must be found, and I appreciate his efforts to this end.

Regrettably, the bill before us today will not do enough to address the raging wildfires across this country. Communities, homes, and lives will remain at risk from wildland fires.

There is no question that there are budget issues that must be addressed. We require the Forest Service to fight these fires, while we have handcuffed that agency at the same time, whether through its budget or with forest management practices.

Over and over again on this floor, we have had discussions of how to pay for the measures that are passed by this body. And yet, the Forest Service used to provide a source of revenue. It used to manage Federal lands, selling the harvested timber and thereby bringing in revenue.

Today, in most areas, active harvesting and forest management is nonexistent on Federal lands. This has had a twofold effect. There's less and less money generated by the Forest Service, while there are also ever-growing fuel loads on federally managed lands.

I agree that we cannot expect an agency to budget for the very large wildland fires that we have seen develop over the last 6 or 7 years. To do that is something like asking an American family not only to budget for ordinary and foreseeable expenses, like dental care, health care and car repairs, but also to budget for a serious car accident or tragic health crisis that would eat up 50 percent of their entire budget for the year.

Yet that is the point we have reached with the Forest Service. Today, roughly 48 percent of the Forest Service's budget is dedicated to wildland fires, but we still expect the Service to be able to budget for these fires.

We agree there is a problem with the funding. Unfortunately, this bill doesn't fix that problem. While well-intended, this bill fails to correct the 10-year funding average problem we currently face. Even if it did, merely erasing and rewriting lines in a ledger book does nothing to fix the crisis on the ground in federally managed lands. Moving money to different accounts will not solve the problem.

While well-intentioned, unfortunately the bill before us today fails to address the more critical issue, forest management. The greatest obstacle our public land managers face in preventing catastrophic wildfires isn't dollars, it is having the ability to overcome mountains of red tape and lawsuits filed by extremists. The laws that Congress has created in an attempt to save our forests have now become the biggest obstacles to saving them from wildfires.

Congress should not be addressing funding for suppressing these large fires without addressing the cause of these large fires as well, the increasing and unchecked fuel loads in our national forests that surround or are adjacent to homes and communities.

The critical link between pre-fire forest management and fire fighting was illustrated at the hearing we had on this bill in the Natural Resources Committee in April.

During that hearing, Arizona Governor Jane Napolitano, a Democrat, testified that the 2006 woody fire near Flagstaff, Arizona, was halted before it reached 100 acres because of the hazardous fuels treatment that had been done in that area. And according to Governor Napolitano, those treatments dramatically minimized the fire's devastation.

Similarly, during that hearing our colleague NORM DICKS testified about the large fuel loads that continue to accumulate in Federal forests.

□ 1445

He pointed out that the larger fires have resulted from increasing tree density and fuel loads.

We will continue to have larger and larger fires until we reduce fuel-loading. Until we provide the tools for pre-fire forest management to reduce fuel-loading, the western United States will continue to see homes burn, watersheds destroyed, and even lives lost. We must provide the tools to preempt these devastating fires, the kind of preemption pointed to by Governor Napolitano that protected so many people and homes in the 2006 Woody Fire near Flagstaff.

Last year, during the Poe Cabin fire in Idaho, in one area the fire moved some three miles in a mere 20 minutes. In that area, several homes that had defensible space around them due to fuel reductions on private land survived the fire, while other structures in that area without defensible space did not survive.

One of these homeowners was able to get his wife out while he stayed just a bit longer to finish loading his truck. However, because of the fast-moving and intense fire combined with the heavy fuel-loading on Federal ground, he became trapped by the fire and was unable to leave. While this could have quickly become a tragic story, this man lived and his home survived thanks to the fuel reduction that had been done around his home.

While this was a result of the fuel reduction done wholly on private ground, many communities and individuals abutting these forests do not have the luxury of enough land to adequately protect the communities, watersheds, homes and lives. Providing the tools to these communities to protect their homes, livelihoods and very lives from these devastating fires is something we can and must do when addressing long-term funding to suppress the fires. We should be discussing solutions like the one I proposed, H.R. 4245, to provide the agencies with one more tool to reduce hazardous fuel loads around communities and homes.

In the great State of Idaho, many communities have put the time and energy into developing Community Wildfire Protection Plans, but implementation of many of these plans has been significantly delayed in large part because of the NEPA process. These CWPPs, as my colleagues know, are cooperative plans, requiring community collaboration and input in the formation of the plan. By delaying treatment for the safety of communities through unbelievable red tape, we subject these communities to be threatened by large wildfires.

Mr. Speaker, this is not only a bipartisan issue, this is a nonpartisan issue. It's about public safety and sound forest management that will benefit millions of Americans. My bill, which I would urge this body to take up as it addresses these wildland fires, would provide for a categorical exclusion from the NEPA process to provide another tool for timely treatments to protect these communities from large and devastating fires and preserve our pristine national forests. Too many homes have burned and too many lives have already been lost. We must provide real tools for firefighting.

With that, Mr. Speaker, I would reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from California, an individual who has some firsthand experience with these fires, Mr. SAM FARR.

Mr. FARR. I thank Chairman RAHALL for yielding.

Mr. Speaker, I rise in strong support of the FLAME Act. I rise in support of the act with background experience of having been a seasonal firefighter for the U.S. Department of Forestry when I was a young college student. And I rise with the experience of being on the base and complex fire in Big Sur many times last week.

What I have learned from my experience throughout my life is that what we have done in responding to fires has been the best organizational structure in government. The whole incident command structure is now being used—it started in a California fire, and being used all over the United States and the rest of the world for how we should manage emergency incidents like fires; in fact, our whole structure within homeland security, which is essentially a lot of money that we spent to bring to one stop so that we can bring the resources necessary for prevention and response.

The one area, though, that has never been addressed has actually been in the area where we have to respond year after year after year, which is wildland fires. Last year, the U.S. Forest Service spent $1 billion on fires. And essentially that spending is an emergency process. And what happens at the end of the year is, when you want to say, okay, now it has stopped, the fire season, we have some time, let's go and do some prevention, let's do some control burns and do things like that, and we have no money to do it. And what this great bill does is it sets up a special fund that essentially recognizes that we need to have that emergency money there available to respond to emergencies.

And I would just like to say that in California we have really changed the nature of our whole State through our fire experiences. And we have changed the Department of Forestry in California.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. FARR. What this bill does is now, for the first time, to bring the Federal Government together and say let's do the same thing we've done with homeland security; let's have one stop, let's have fire planning; let's have prevention, and let's have the ability to respond. This is a great bill.

Mr. SALI. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I come to the floor today in support of this legislation and feel that it's a good first step. Unfortunately, it doesn't do quite what it was supposed to do, which was to really wall this off as emergency funding and address the problem.' But it does authorize the money. It does set up a separate budget account.

Today in the Forest Service they spend 47 percent of their budget fighting fire. And for many years I've argued on this floor that what happens is we get the fire season, the Forest Service runs out of money, so then they rob from all the accounts where they had the projects in place to do the thinning to reduce the threat of fire for the next year. And then time runs out in the season, they can't do those projects, and we get fire. And then we restore the money as a Congress, and we repeat the cycle.

And today in America there are tens of millions, if not hundreds, of acres of Federal forest land that are subject to catastrophic fire, disease and bug infestation. If you're concerned about global warming and think carbon additions to the atmosphere are the problem, then you need to know that every year 290 million metric tons of carbon dioxide go into our atmosphere from forest fires. That's the equivalent of 4 to 6 percent of the Nation's carbon dioxide emissions from fossil fuel burning.

This portrait here is a picture of Judge Steve Grasty, a Democrat in my district, his grandkids. And they're standing out in the Egley fire after it occurred in Harney Country. This fire burned well over 100,000 acres in an area that obviously needed thinning and hadn't been thinned.

And that's part of what brings me to the floor today, not only to support this bill—because I think it makes sense to have a separate firefighting budget, I think it makes sense to identify the most highest risk areas that need the treatment and to go in and treat them and to help the communities with grants and the things that are in this bill—but we need to do more than that because we should have learned the lesson that a treated forest is a healthier forest.

When we collectively passed the Healthy Forest Restoration Act and signed into law by President Bush in 2003, the Forest Service began to have the tools to expedite the treatments in the wildland urban interface. And the collaborative process my colleague from Idaho talked about that brought together the Community Wildfire Protection Planning Program allowed them to go outside the 1.5 mile around the community, and the community decided what needed to be treated.

The problem in my region, region six in the northwest, the great forest of America, is that most of the fires—over 1,400 of them in 2007—started up in the ridge lines and deep in the forest. Only a dozen or two dozen started right around the wildland urban interface.

The foresters who are the trained scientists that deal with fire environment tell me they need to take that Healthy Forest Restoration authority we gave them as a Congress in a bipartisan way and expand it out into the Condition Class 2 and 3 lands, the lands determined by the scientists to be most out of whack with balance in nature, to go in and do the thinning. And we know where that occurs, fire behaves differently. And you all from California know very clearly, this is the kind of fire you have today, it sweeps through these areas that are overstocked, bug-infested, disease-ridden, dried out and can't handle fire. This is the same area of that fire, the Squire's Peak Fire, that had been treated.

This area that's burning is the area they hadn't treated yet. This is the difference. Look at the green growth here. The fire went through under the brush that had been treated, and it's fine. This picture, by the way, was shot by the last guy doing treatment as they drove away from the fire. They were out doing the treatment, and then they turned into firefighters and he shot that out of the back of his rig.

So I think we need to move forward with different legislation. This is good legislation: Pass it; get it over to the Senate; declare it an emergency; do this funding piece. But we need to do more. If you want to deal with these fires that are setting records for how much they consume, not only of the taxpayers' purse, but of our Nation's resource, habitat, watershed, look at the greenhouse gases, the smoke, the pollutants in the atmosphere, then we have to be able to give our forest managers the tools that they've proven can work in a collaborative way around communities and extend those out into the great reserves, the forests that are Condition Class 2 and 3.

And so I hope we can build a bipartisan coalition to do that. And I hope the chairman of the Resources Committee will help us on that. Because if we don't, then the change that's occurring in our climate with temperature will only cause these forests to grow more drought-ridden, more disease-ridden, more bug-infested, more likely to burn up in fire. And I'll tell you what, when you go back to this picture, Judge Grasty's grandkids, this is what's left behind. This is not snow, this is ashen, destroyed ground. These are the trees which, by the way, may never get hard.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SALI. I yield the gentleman an additional 30 seconds.

Mr. WALDEN of Oregon. So we can do better. We can be better stewards of our Nation's forest. We owe it, as our legacy to the future, to be good stewards today. But we can't do it with the laws that are in place that impede the work. I mean, we owe it. I can't be more passionate about this. And I've worked with many of you in a bipartisan way to pass the Healthy Forest Restoration Act and the Forest Emergency Recovery and Research Act, which the Senate failed to take up last Congress. We've got to do better than we're doing now.

This is a good little step forward in terms of managing the money so that the forest workers can do their work. We need to do more.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield 2 minutes to a very valued member of our Committee on Natural Resources, the gentlelady from California (Mrs. CAPPS), and commend her for her assistance in developing this legislation as well.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the FLAME Act. I thank Chairman RAHALL for yielding me time and for bringing this important legislation to the floor.

This bill comes at such a critical time. Our Nation is now and will continue to face longer and more intense fire seasons due to global warming and drought.

The cost of fighting fires has grown enormously in recent years, and projections indicate that this trend will only increase, especially in populated wildland urban interface areas.

The Forest Service has spent over $1 billion per year on 5 of the last 7 years to extinguish fires. And wildland fire management activities are estimated to consume close to half of the Forest Service's budget this year. These escalating costs are having a significant impact on the Forest Service. For example, the Forest Service is forced to pull funds from other programs, leaving fewer funds available for camp ground maintenance and forest restoration.

The emergency fund created by the FLAME Act will reduce the need to deplete important Forest Service programs and will provide more reliable funding than uncertain year-to-year supplementals. Even more important, the FLAME Act will ensure the Forest Service has regular funding available for day-to-day fire management. This includes such important prevention steps, like FIREWISE Communities, hazardous fuels treatment, and restoration work.

It's absolutely essential that our efforts to fight today's fires don't hurt our efforts to prevent tomorrow's fires. This bill will ensure this is the case.

Mr. Speaker, the Zaca Fire that burned 240,000 acres in my congressional district last year cost the Forest Service $120 million. That's one fire alone. With more than 1,700 fires in California this year already and the fire season is not even half over, it's pretty clear we're going to have to create an emergency Federal fund dedicated solely to devastating wildland fires.

This idea is long overdue, and this legislation deserves to be approved by the House. So I urge all of my colleagues to address the long-term wildfire suppression funding situation by supporting the FLAME Act.

Mr. SALI. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, these fires are extremely dangerous, and our heart goes out to all those people in California who are suffering from these fires and all over the country.

In my area, we rely on volunteer firefighters who are dedicated and whose service I cherish. However, we're putting these dedicated servants who are volunteers all over this country at a terrible disadvantage with gas costs at $4.11 a gallon; 75 percent higher since the Democrats took control of Congress.

Now, let me say that again. Many Americans do not realize that the Democrats are in control of Congress. We are not being allowed to vote on increasing the supply of gasoline by the Democrats.

Now, what is the Democratic strategy for increasing supply of gasoline, which is what we have to do to bring down the price? Let me quote from an article in yesterday's Hill newspaper an aide to Speaker PELOSI.

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"Right now our strategy on gas prices is 'Drive small cars and wait for the wind.'" Now, that reminds me of the episode which many people will remember from their history books, when the people of France were starving, people went to the Queen and said that the people need bread, they're begging for bread. She said, "Let them eat cake." Again, the strategy of the Democrats is "Right now our strategy on gas prices is 'Drive small cars and wait for the wind.'"

Folks, that's not what we want in terms of leadership. We need leadership on this issue. We need action to bring down the price of gasoline. And what will bring down the price of gasoline is American-made energy. We are not being allowed to produce American-made energy that we can produce to bring down the price of gasoline.

On the last bill, the Democrats talked about the fact that our unemployment rate is up. We had 54 straight months of job growth in this country until January of this year when gas prices really started to go up. The price of gas is affecting everything in this country. Again, it's Democratic leadership that has put us in this position, not Republican leadership.

I met today with people from the Turkey Federation. They're concerned about the price of feed. It's driving up the cost of food. Why? Because we're giving such great subsidies to ethanol; so corn is being used to produce ethanol, not going into feed for our animals. We know that's happening all over the place.

Why is it that Congress has a 9 percent approval rating right now? It's because, as the Wall Street Journal said, this is the most do-nothing Congress in 20 years.

We have to respond to the American people. The American people have to know that the Democrats are in charge and they are not responding. We can bring down the price of oil, we can help volunteer firefighters, we can bring down the cost of food by providing American-made energy, and it's time that we started doing that.

Democrats think you can defy the law of supply and demand. We cannot do that. If we increase supply, we will be able to bring down the price of gasoline, and that's what we have to do.

Mr. RAHALL. Mr. Speaker, in response to the last speaker, this gentleman certainly joins with her in commending our firefighters, especially those who have volunteered across our Nation to fight these fires where they occur. Our firefighters, as they showed us on 9/11, are certainly on the forefront of our Nation's defense and our first responders in this country.

In regard to the price of gas, though, let me remind the gentlewoman that when President George Bush took office, the price of gas, according to his own Energy Information Agency, was $1.47. The last time I left West Virginia yesterday morning, it was $4.14 a gallon.

Mr. Speaker, I am very honored to yield now such time as she may consume to the distinguished Speaker of the House of Representatives, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I thank him and Mr. SALI for their leadership in bringing this important legislation to the floor in a timely fashion for us in California. I appreciate the good work of their committee.

Mr. Speaker, California today is fighting some of the most significant fires in terms of acres burned in our history, more than 675,000 acres, as the fires that have cost $276 million to fight, according to the State and Federal reports, to date. The number of active wildfires up and down the coast of California is 330. There have been 1,731 fires since June 21.

Up to 20,000 firefighters are battling the blazes, many of them from neighboring States, many from far and wide across the country. Some from other countries, from Mexico, from Canada, from Australia, and New Zealand and other places, coming to the rescue. Later today we will have a resolution offered by my colleague from California (Mr. FARR), whose district is greatly impacted by these fires, a resolution to commend our firefighters, thank them for their service and their sacrifice, and that will be an important resolution and debate at that time.

But in addition to extending our sympathy to those for their losses and our appreciation to our firefighters, we have to do more. And today, Mr. RAHALL, you have given us the opportunity to do just that.

This legislation, the FLAME Act, before us creates an emergency Federal fund dedicated solely to combating the catastrophic wildfires. This funding will help ensure that fire prevention resources are not consumed by emergency firefighting expenses. Others have spoken about the need for us to even go beyond this act in terms of treatment and prevention, but this act is important because this fund will prevent the soaking up of all of the other dollars that should be used for prevention but are used for extinction.

The FLAME Act also requires the administration to develop a cohesive wildfire management strategy. This is very, very important and long overdue. We need prevention. We need the treatment that was described by our colleague. A long-term strategy is needed and should include approaches to hiring and retaining experienced Federal wildland firefighters. We have enormously talented people in our country. We want many of them to work for the Federal Government, and that's why I oppose the administration's insistence on outsourcing and other policies that undercut the Federal workforce which extend to our wildland firefighters.

I want to commend Mr. RAHALL, whose leadership on the Natural Resources Committee is helping to strengthen efforts to better prepare for and combat wildfires, Mr. SALI as well, for bringing this legislation to the floor; Chairman RAÚL GRIJALVA of the Natural Resources Committee's National Parks, Forests and Public Lands Subcommittee; and Chairman NORM DICKS of the Appropriations Subcommittee on the Interior. These outstanding leaders have brought forward bipartisan legislation that will help us fight future catastrophic fires and ensure that sufficient resources are dedicated to protecting both citizens and property. That is why this legislation has such broad bipartisan support and has been endorsed by five former chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors Association, and nearly 40 other leading organizations.

As I said earlier, our colleague Congressman FARR is to be commended for authoring the resolution the House will consider shortly that commends our firefighters from California and throughout America for their courageous service. As we thank our colleagues for this much-needed legislation, we should also honor the service of our firefighters, the California Office of Emergency Services, the National Guard for helping protect our neighbors' lives and homes in California and throughout the West.

We also express our deepest sympathies to those who have suffered deep personal losses as a result of these fires, particularly the families of two firefighters who lost their lives: Robert Roland of the Anderson Valley Fire Department, a volunteer fireman who lost his life fighting a fire; and John Hermo of Oregon. He came down from Oregon to help fight the fires. He was drowned while off duty but, nonetheless, here in the service of this important fight.

This critical legislation is an opportunity to provide consistent assistance and structure for relief in these times of emergency. Again, we express our appreciation to the legislation's authors and hopes that the weather and the wind will assist our brave firefighters in combating the blazes. I know we all join in saying that we wish God will bless our courageous firefighters.

Mr. SALI. Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. I urge support of the bill.

Mr. GOODLATTE. Mr. Speaker, I rise today to express my disappointment with the bill before us today, H.R. 5541, the Forest Land Assistance, Management, and Enhancement Act or the FLAME Act. Mr. Speaker, I believe that the authors of this bill are well intentioned and truly want to solve the wildfire funding problem, but, sadly, the FLAME Act does not provide the comprehensive solution needed to adequately resolve this problem.

With the unhealthy conditions in our forests, extreme drought, and the increasing influx of people building in fire-prone areas, the size and severity of wildfires has dramatically increased. In the 1990s, an average of 3.2 million acres burned each year. Since 2000, that annual average has doubled to 7.1 million acres. The cost of fighting these wildfires has skyrocketed, from averages of $400 million annually in the 1990s to roughly $1.4 billion in 2007. This year an area roughly the size of Connecticut has already burned, at cost of over $665 million to date.

This is not just a western issue. In my home State of Virginia, more acres have burned already this year than in any single entire year since 1963 at a cost of millions of dollars.

As firefighting costs have increased, the overall USDA Forest Service and Department of the Interior budgets have not. So, the Forest Service and DOI are footing the bill for these large, unpredictable emergency wildfires within the confines of a flat budget. For the Forest Service, this has meant a 77 percent increase in fire expenditures, a 23 percent decrease in funds to manage the national forests, and a 38 percent decrease in funds to help States and private owners manage their forests. Whether you're a wilderness advocate, a hunter, a mountain biker, or a logger, everyone will be impacted if we don't solve this problem.

Wildfires are not only consuming more forestland, they are consuming the Forest Service and the Department of the Interior themselves.

The FLAME Act falls short of protecting the Agencies' budgets from this continued erosion. H.R. 5541 does not change the current budget practice of funding firefighting based on the average expenses over the previous decade. Without this change, we will continue to see more and more of the Agencies' budgets go toward fire and less towards taking care of our Nation's forests.

In addition to this shortfall, the FLAME Act lacks a comprehensive set of solutions to the problem. Fixes to the wildfire budgeting system must be accompanied by strong cost containment and accountability standards while also ensuring firefighter safety, incentives to encourage communities to step up to the plate and reduce wildfire risks, and more tools to prevent or minimize damage due to catastrophic wildfires, particularly in our Federal forests.

H.R. 5648, the Emergency Wildland Fire Response Act of 2008 which Chairman PETERSON and I introduced along with a bipartisan group of our colleagues, provides this comprehensive solution. Unfortunately, negotiations for a more comprehensive solution were cut short.

I'm pleased to see that the authors of the FLAME Act have incorporated aspects of H.R. 5648 that encourage communities to step up to the plate and become "fire-ready" and encourage the Agencies to contain costs in their firefighting efforts.

Unfortunately, even with these improvements, the FLAME Act ignores the underlying problem causing the increases in firefighting costs—the unhealthy condition of our Federal forests. We will continue to see skyrocketing firefighting costs and more damage to our forests, watersheds, and communities unless we take steps to reduce fire risk in our Federal forests. We must provide the Agencies additional tools to get our Federal forests in a healthy, more fire resilient condition.

My alternative bill, H.R. 5648 provides a new contracting tool for the Forest Service to partner with States to address these unhealthy conditions in Federal forests. This authority has been tested in Colorado and Utah where it's proven to be very effective. Unfortunately, H.R. 5541 contains no such tools.

Mr. Speaker, as California and other States are dealing with massive wildfires even as we speak, we shouldn't squander our time with legislation that is only half the solution.. H.R. 5541 is akin to using the watering can to fight a wildfire: it might have some short-term benefit of slowing down the flames, but ultimately, it won't stop the fire.

That being said, I will vote for this bill because it does move the ball forward. I'm hopeful that we can improve it as we move forward and ask my colleagues to join me in this effort.

Ms. WOOLSEY. Mr. Speaker, with nearly 300 fires continuing to burn in California, it is clear we cannot afford to wait to deal with the enduring threat forest fires pose to our communities. That's why I rise in strong support of H.R. 5541, the Federal Land Assistance, Management, and Enhancement (FLAME) Act.

Over the last decade, we've seen a dramatic increase in the number of devastating forest fires. Those fires have long lasting effects on our ecosystem, increasing the deadliness of mudslides, which destroy our homes, displace once vegetated areas with bare terrain, and disburse large quantities of pollutants across broad regions.

Nine million acres burned across the United States last year, and there is no indication that 2008 will be any different. Climate change and drought are creating longer and more intense fire seasons, while a century of fire containment has made the forests denser and more vulnerable to burning.

The increase in forest fires has led to skyrocketing costs for federal fire suppression efforts, which prevents the U.S. Department of the Interior and the U.S. Department of Agriculture's Forest Service Agency from adequately funding essential programs that will lessen the intensity of fires, reduce their frequency, and better protect the public. The FLAME Act would prevent future forest fires from devastating communities across the country and crippling federal land management agency budgets by creating an emergency national fund devoted solely to fighting such destructive fires. This fund will be separate from traditional funding for fire mitigation and prevention.

It's our responsibility to empower our nation's firefighters with the tools they need to effectively fight forest fires. I ask my colleagues to join me in passing this important legislation to better ensure that our citizens, environment, and ecosystem are safe from the dangers of forest fires.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5541, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMENDING THE FIREFIGHTERS FROM CALIFORNIA AND THROUGHOUT THE UNITED STATES FOR THEIR COURAGEOUS ACTIONS AND SACRIFICES IN FIGHTING THE CALIFORNIA WILDFIRES

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1322) commending the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1322

Whereas, since June 20, 2008, there have been 1,781 wildfires in California started by natural causes, including lightning, or by human activity;

Whereas 630,886 acres of land have burned in these wildfires, and, as of July 8, 2008, there are 323 wildfires still burning in California;

Whereas significant portions of National Forest System land and wilderness areas continue to burn in the Los Padres, Klamath, Shasta, Trinity, Mendocino, Plumas, Eldorado, Tahoe, Six Rivers, and Lassen National Forests;

Whereas areas of Butte, Monterey, Santa Barbara, and Shasta counties are under evacuation orders, and precautionary evacuation orders currently exist in areas of Kern, Mendocino, Monterey, Santa Barbara, and Plumas counties;

Whereas the wildfires are threatening 8,874 residences, 168 commercial buildings, and 2,085 outbuildings, but the heroic efforts of firefighters have limited the destruction to 40 residences, 1 commercial building, and 61 outbuildings;

Whereas firefighters have already been working for weeks on the front lines of a fire season that is just beginning;

Whereas firefighters have risked their lives and endured great hardship to protect life, property, and the environment;

Whereas there are currently 18,415 personnel committed, as well as 1,403 fire engines, 388 hand crews, 269 bulldozers, 392 water tenders, 31 air tankers, 30 incident management teams, and 95 helicopters;

Whereas 40 States and the District of Columbia have provided assistance to fight the wildfires:

Whereas the cooperative, unified approach to addressing wildland fires by Federal, State, local, tribal, and volunteer agencies have worked as one team under California's innovative incident command system;

Whereas the wildfires have been fought in a manner consistent with wilderness and wildlife protection, including protection of endangered species such as the Southern Sea Otter;

Whereas the people of California and the United States recognize that the dedication of the firefighters will remain steadfast throughout the ongoing suppression, repair, and rebuilding efforts;

Whereas firefighters continue to make progress in containing wildfires throughout California, and, as of July 8, 2008, more than 1,400 fires have been contained due to the diligent and tireless efforts of firefighters from California and throughout the United States, and

Whereas several firefighters have been injured and one firefighter has given his life while fighting the wildfires: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting wildfires on National Forest System land and other public lands in California;

(2) acknowledges the continued work of firefighters to protect National Forest System land, other public lands, and private property from further damage;

(3) praises the people of California for their great courage in this time of crisis; and

(4) extends its heartfelt sympathies to the families of those who have lost loved ones or their homes, businesses, or other property in the wildfires.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since June 20, 2008, as we have heard the distinguished Speaker tell us, there have been 1,781 wildfires in the State of California, over 600,000 acres of land have burned, and there are 323 fires still burning in the State. Firefighters have been working for weeks on the front lines of these fires, risking their lives and enduring great hardship. These firefighters are making progress in containing California's wildfires. As to date, over 1,400 fires have been contained.

Sadly, several firefighters have been injured and one firefighter has given his life in fighting these devastating wildfires in California.

This resolution commends these firefighters for their courageous actions and sacrifices in fighting the wildfires in California. The resolution also extends heartfelt sympathies to the families of those who have lost their homes, businesses, or loved ones in this tragedy.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

I too rise today to commend the heroic efforts of firefighters throughout our Nation. At times they are called to pay the ultimate sacrifice to save the life and property of others. I have had the honor of meeting the men and women who fight these wildfires in my State of Idaho, and there is no greater example of courage than these folks.

I understand how important it is to provide firefighters who battle wildfires with the right tools they need to do their job. Threats to human life are compounded by the fact that more and more people are living in homes near the fire-prone forests, placing themselves and the firefighters who try to protect them at greater risk.

In April of this year, I offered an amendment to the United States Fire Administration Reauthorization Act of 2008 that allowed the Administrator of the United States Fire Administration to develop and distribute information on the importance of clearing biomass from Federal lands. This commonsense amendment will require USFA to work in consultation with other Federal agencies, such as the U.S. Forest Service and the Bureau of Land Management, to ensure that the USFA provides the best possible recommendation. As we come upon another deadly and costly fire season, this information is as vital as ever. We must provide our Federal employees, who are the best in the world, all of the tools they need to keep our communities and themselves safe from catastrophic wildfires.

I urge the chairman of the Natural Resources Committee to hold more hearings on the crisis situation in our Nation's forests. We have had just one hearing this year on the wildfire problem compared to six last Congress. I urge Members on both sides of the aisle to continue to work on providing firefighters and our public land management officials with the necessary tools they need to do their job. As firefighters risk life and limb to protect us, the least we can do is to provide them with everything they need.

With that, Mr. Speaker, I reserve the balance of my time.

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Mr. RAHALL. Mr. Speaker, I am very happy to yield such time as he may consume to the author of this resolution commending our firefighters, the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Mr. Chairman, for yielding. I rise, supporting this resolution, with the backing of almost all the Members of Congress and certainly many co-authors that are on here.

This resolution commends the firefighters who are fighting. On this incredible map, you can just see what the extent of fires are in California. Having come off the fire in the Big Sur region that I represent, you can't help but have an incredible amount of pride for the ability to call to order firemen and women from all over the United States, and in this case, because we are so over strapped, we are now asking help from Mexico with both crews and equipment. We have had firefighters come down from Canada and, as I understand, CAL FIRE is negotiating now with New Zealand and Australia to even bring in more personnel.

These firefighters work nonstop. They are on 12 hours and then off 12 hours. But they have to work every day. They don't stop on weekends. They just keep going out of the camps and into the fire lines. As was pointed out by the Speaker just a moment ago, the tragedy for two of those workers, one a volunteer fireman from Anderson Valley Fire Department, Robert Roland, died on the fire line of heart failure. John Hermo, who is a firefighter, full-time professional firefighter from Oregon, came down to fight the California fires and got some time off after so many days on the fire, and during his rest, just not being on the fire line, drowned in the river there, in the Kern River. It's really a tragedy. Here, these families have sent off these young folks to help us to respond as first responders, as emergency responders.

So this resolution is a profound debt of gratitude to them. I know that those firefighters can't see this on their C–SPAN at home, but certainly the parents and relatives of all of those who have sent loved ones to these fires.

Fires have threatened 9,000 homes and businesses. There are still 223 wildland fires burning in California. More than 14,000 fires have already been contained because of the work of the firefighters. There are 18,000 personnel, firefighters on the lines right now, and there have been evacuation orders in Kern, Mendocino, Santa Barbara, Plumas, and in my county, and I'd like to personally thank our sheriff, Mike Kanalakis, for lifting the mandatory evacuation, which made people leave their homes in the rural area, many of whom felt that they were best suited to protect those homes. That evacuation order has been lifted and now the Big Sur Highway, Highway 1, is back in order for local personnel.

So our firefighters are working nonstop, and some for 4 weeks without rest. They are going to need rest. You can't stop the fire burnings. You're going to have to bring in more personnel. That's why we are reaching out to other countries.

So I want to thank those who I saw on the lines, the people I talked to, the communities that rallied around them. This is a heartfelt thanks from the Congress of the United States of America to the personnel in this country who respond on a basis to keep our cities and rural areas safe during wildfires. Thank you very much.

Mr. SALI. I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding. I especially thank the author of the resolution, Mr. FARR of California, for his leadership and insight here in the Congress. It's a privilege to serve alongside him. A very thoughtful man.

I want to join the chorus in praising these firefighters and encouraging others to answer this extraordinarily difficult call to public service every time that one of these fires encroaches on areas where people live and work. But I do find it ironic, having been here for 14 years, from time to time these issues cross over with each other because, frankly, the nexus between the environment, which is a part of these fires; energy, which is also a piece of this; and national security is the most important challenge of our generation, this nexus. And they are connected.

Over the last 14 years I have had the privilege, even with Mr. FARR, to travel to places like Yellowstone and Yosemite Valley and the Olympics in Washington State and actually see with the stewards of our public lands, which represent over one-third of the land mass of the continental United States, is government-owned land, and actually be there with the Forest Service, the Park Service, the Bureau of Land Management personnel, many of whom are registered foresters, who will say that one of the biggest problems with the creation of these fires is the dead and dying timber which we have refused to clean out in terms of our stewardship of the forest. You can't just leave this forest alone and let all of this timber become just a matchbox on the ground without huge problems with the fires.

So the mindset that says leave all forests alone and do not touch them, even to the point of not cleaning up the dead and dying timber, which creates with any kind of a spark these out-of-control fires that come into California into the areas where people live, the mindset that says, for whatever reason, do not touch these forests, is a flawed mindset that causes these fires.

The best thing we can do for the firefighters is to try to mitigate the fires with good forestry practices, good stewardship, and logical environmental response. I consider myself a very logical and rational lawmaker on issues of the environment. But that is the same mindset that says under no circumstance do you take a piece of land in the middle of the Arctic tundra and not explore for oil and gas there.

That is the same mindset. It's a flawed mindset. That is why we have the energy pinch. It's a mindset that says States cannot even go into the Outer Continental Shelf, if they want to, and explore oil and gas resources, when in fact we should leave that up to the States.

So here we are, kind of feeling the pinch and the adverse consequences of extremist environmental policy, whether it's fires, whether it's energy sources. We have to come back to a rational, logical modern approach.

Now I am very much part Cherokee Indian. The Cherokee National Forest is in my district. The Cherokee used to intentionally burn the forest. Why? Because it helped the nutrients in the ground. It became more robust. It's a natural cycle. They intentionally did it.

Speaking of good forestry practices, they were not only not afraid of fire, they used fire for the right purposes so that the forest wouldn't get out of control and just burn wildly.

It's that kind of thinking, long-term stewardship, that we need to get back to so that the political winds of the day do not stymie us on good management practices with our forests or good energy policy as a Nation so that everything is not off-limits to the point that the lights go out in California or we are paying $4.50 for a gallon of gas.

These are unacceptable outcomes when all we have to do is take a reasonable, responsible approach from the center of America, representing average people, and saying, We are all for stewardship, we are all for participating in global warming, but we don't want to do it at the expense of our future. Our economic future, our quality of life, all these issues come together.

So I would implore the leadership—I understand the Speaker of the House yesterday said in fact the SPR, the Strategic Petroleum Reserve, does need to be released so that we can increase some supply of oil. I am glad to see these steps are taken finally to recognize that supply and demand are at stake here, they are at work here, and that we need to increase the supply of oil and gas in this country. Not that that is the cure-all, end-all, but it's one of many things that we need to do in an all-of-the-above approach to energy, which is connected to the environment and good long-term stewardship for our country.

I thank the gentleman for the time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my committee chairman for yielding time.

Mr. Speaker, as a representative of areas affected by the recent wildfires and as a cosponsor of House Resolution 1322, I rise in strong support of this legislation, and I thank my colleague and my neighboring Member of Congress, Congressman FARR, for introducing this resolution.

In the last 3 weeks, more than 1,700 wildfires have burned hundreds of thousands of acres in our home State of California. In my district alone, the Gap Fire, one of the State's highest priorities now, has burned nearly 10,000 acres and threatened several hundred homes in the city of Goleta. Yet, despite high winds and temperatures, our incredible firefighters and emergency personnel have limited the destruction, have saved hundreds of homes, hundreds of lives.

I am so proud to say that California's emergency preparedness system and procedures are among the best in the Nation. My constituents in Goleta are the most recent beneficiaries of this system. I have to admit that I am a little biased toward our firefighters as well. Years ago, as a school nurse, they taught me CPR, they taught me first aid, they helped me train our school personnel. They are a wonderful asset to safety and preparedness in our communities.

From their base at Dos Pueblos High School, State and local officials have worked together to move resources from across the State to areas that needed them most. They're masters at doing this. If not for this organized and swift effort, many more acres, homes, and lives could have been lost.

As we speak here today on the floor of this House, in this well, thousands of men and women are putting their lives on the line, enduring great hardships to protect our wildlife, our property; indeed, our lives. Today, we commend these amazing individuals and we express our gratitude at their sacrifice and their service.

I urge my colleagues to join Mr. FARR, to join all of us in thanking and honoring these courageous individuals by supporting this legislation.

Mr. SALI. Mr. Speaker, I have no further speakers, so I would yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I rise in recognition of the brave firefighters from across California and around the country who have courageously risked their lives to halt the spread of wildfires that continue to devastate California. The dedication and determination of our Nation's first responders and firefighters have helped dramatically contain the nearly 1,800 wildfires that have burned over 829,000 acres, or 1,300 square miles, across California.

These fires have been the most intense and widespread in California's history, and thousands of brave men and women have honored the call to protect our state from these fires. More than 150 firefighters from Sonoma County, in my Congressional District have responded to the fires, and firefighters from Santa Rosa served more than 22 days each, totaling 4,000 hours of their time in June. More than 80 Marin firefighters and other support personnel have been dispatched to fight fires throughout Northern California. In addition to the unrivaled contributions of the California's firefighters, Governor Arnold Schwarzenegger called up 2,400 National Guard troops join the fire crews. Furthermore, firefighters from 41 states, Puerto Rico, Mexico, Canada, Australia, and New Zealand have all offered their support, resources, and manpower during this crisis.

The bravery of these committed first responders and the tremendous sacrifices they made to help fight California's fires have not gone unnoticed. Our firefighters deserve the highest commendation for putting themselves in the line of danger. That's why I am proud to support H. Res. 1322, a resolution honoring the firefighters from California and throughout the United States for their heroism and sacrifices in fighting the California wildfires. These brave men and women deserve no less.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 1322.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 1318, and adopting H. Res. 1318, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1318, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—ayes 228, noes 193, not voting 13, as follows:

[Roll No. 474]

AYES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baird
Boswell
Brown-Waite, Ginny
Fossella
Hodes
Hulshof
Melancon
Pickering
Pryce (OH)
Renzi
Rush
Smith (TX)
Udall (CO)

□ 1555

Messrs. YOUNG of Alaska, HAYES, LUCAS, TURNER, BUYER, and SAXTON changed their vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask the House to observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 12, as follows:

[Roll No. 475]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Baird
Boswell
Brown-Waite, Ginny
Fossella
Hulshof
McMorris Rodgers
Melancon
Pickering
Pryce (OH)
Renzi
Rush
Udall (CO)

□ 1606

Mr. FEENEY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. CLAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Concurrent Resolution 362.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Missouri?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Mr. Speaker, pursuant to House Resolution 1318, I call up the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Communications Preservation Act".

SEC. 2. PRESERVATION OF ELECTRONIC COMMUNICATIONS.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC COMMUNICATIONS.—

(1) IN GENERAL.—Chapter 31 of title 44, United States Code, is amended by adding at the end the following new section:

"§3108. Electronic communications

"(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic communications that are records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches;

"(3) establish mandatory minimum functional requirements and a software certification testing process to certify electronic records management applications to be used by Federal agencies for purposes of complying with the requirements in paragraphs (1) and (2); and

"(4) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

"(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

"(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

"(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

"(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

"(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under this section.

"(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 44, United States Code, is amended by adding after the item relating to section 3107 the following new item:

"3108. Electronic communications.".

(b) DEFINITION OF ELECTRONIC RECORDS MANAGEMENT APPLICATION.—Section 2901 of title 44, United States Code, is amended—

(1) by striking "and" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(16) the term 'electronic records management application' means a software system designed to manage electronic records within an information technology system, including by categorizing and locating records, identifying records that are due for disposition, and storing, retrieving, and disposing of records stored in a repository.".

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(5) provisions for establishing standards necessary for the economical and efficient management of Presidential records during the President's term of office, including—

"(A) records management controls necessary for the capture, management, and preservation of electronic communications;

"(B) records management controls necessary to ensure that electronic communications are readily accessible for retrieval through electronic searches; and

"(C) a software certification testing process to certify the electronic records management application to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).".

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraph:

"(6) The term 'electronic records management application' has the meaning provided in section 2901(16) of this title.".

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

"§2208. Certification of the President's management of Presidential records

"(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

"(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

"2208. Certification of the President's management of Presidential records.".

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

"(4) One year following the conclusion of a President's term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

"(A) the volume and format of Presidential records deposited into that President's Presidential archival depository; and

"(B) whether the records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 1318, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Message Preservation Act".

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

"§2911. Electronic messages

"(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches;

"(3) establish mandatory minimum functional requirements for electronic records management systems to ensure compliance with the requirements in paragraphs (1) and (2);

"(4) establish a process to certify that Federal agencies' electronic records management systems meet the functional requirements established under paragraph (3); and

"(5) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

"(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

"(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

"(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

"(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

"(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under this section.

"(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2910 the following new item:

"2911. Electronic messages.".

(b) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(1) by striking "and" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(16) the term 'electronic messages' means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

"(17) the term 'electronic records management system' means a software system designed to manage electronic records within an information technology system, including by—

"(A) categorizing and locating records;

"(B) ensuring that records are retained as long as necessary;

"(C) identifying records that are due for disposition; and

"(D) the storage, retrieval, and disposition of records.".

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) provisions for establishing standards necessary for the economical and efficient management of Presidential records during the President's term of office, including—

"(A) records management controls necessary for the capture, management, and preservation of electronic messages;

"(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

"(C) a process to certify the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).".

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

"(5) The term 'electronic messages' has the meaning provided in section 2901(16) of this title.

"(6) The term 'electronic records management system' has the meaning provided in section 2901(17) of this title.".

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

"§2208. Certification of the President's management of Presidential records

"(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

"(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

"2208. Certification of the President's management of Presidential records.".

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

"(4) One year following the conclusion of a President's term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

"(A) the volume and format of Presidential records deposited into that President's Presidential archival depository; and

"(B) whether the records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize and yield 5 minutes to the chairman of the Committee on Oversight and Government Reform, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5811, the Electronic Message Preservation Act of 2008, and I want to thank Representatives CLAY and HODES for their commitment to oversight and accountability and for their hard work on this bill.

The Electronic Message Preservation Act amends both the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mail records.

In recent years, e-mail has become an essential form of communication and a key source of information about Federal decision-making. Despite the importance of these records, serious deficiencies exist in the way e-mails are preserved both by the White House and Federal agencies. The preservation of these records must be improved if historians are to have access to a complete record of government decision-making and if Congress is to perform needed oversight.

Under President Bush, the White House has allowed senior officials to use nongovernmental e-mail accounts maintained by the Republican National Committee for official business. An investigation by the Committee on Oversight and Government Reform found that many of these e-mails have been destroyed. Other e-mails have been lost because the White House relied for 5 years on an e-mail archiving system described as "primitive" by a former White House information technology officer.

While the problems have been particularly acute under the Bush administration, other administrations, including President Clinton, have also encountered problems preserving e-mail records.

To ensure that these Presidential records are appropriately preserved, H.R. 5811 directs the Archivist to establish standards for the capture, maintenance and preservation of e-mail records and to certify that the White House is meeting these standards.

Committee investigations have also revealed that Federal agencies are inconsistent in the management of e-mail records. Most agencies still rely on an unreliable "print and file" process to preserve e-mail records rather than preserving them electronically.

GAO, in a report released yesterday, found that senior agency officials are not compliant with key e-mail preservation requirements. GAO reviewed the practices of senior agency officials and determined that the e-mails were not retained in adequate record keeping systems, making the e-mail records easier to lose or delete and harder to find and use.

This bill would modernize agency record keeping. The bill directs the Archivist to issue regulations mandating that within 4 years of the enactment of this legislation, all Federal agencies manage and preserve their e-mail records electronically.

Mr. Speaker, some have said that this bill is about preserving history. And it is. But it also is about our constitutional responsibility for oversight and for holding this and any administration accountable. Access to Presidential and Federal records helps us do our job. I urge all Members to support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5811, the Electronic Message Preservation Act would require the preservation of certain electronic records by Federal agencies and certification in reports by the National Archives relating to Presidential records.

Why are we taking up this bill? We have been out of session for more than a week. We have been getting ready for a month-long recess, and this is the best they can offer to discuss on the

House floor? This is the major bill of the week? Not the housing crisis, not gasoline prices, not retirement security for baby boomers, we are here today to talk about preservation of electronic records in Federal agencies.

□ 1615

This is the best they can come up with?

And though the answer to that is appropriately "yes," this bill doesn't take the right approach. As I said many times, secure information is the lifeblood of effective government. And more often than not, in today's society, information takes the form of electronic transmissions and e-mails.

I have personally spent years focusing on government-wide information management and policy and have consistently encouraged the Federal Government to continue to embrace digital government, expand e-government initiatives and find more ways to leverage information technology.

With more and more of the government's business conducted electronically, we need to make sure our records are protected and preserved. Effective government is essential, and an effective government depends not only on secure information but on an accurate record.

The majority substitute amendment at markup addressed certain technical definitional concerns that we raised. It clarified that the legislation would apply to electronic messages rather than electronic communications and provided a workable definition of "electronic messages." Similarly, based on comments from the National Archives that the term "electronic records management applications" may limit agencies' abilities to adopt changing technologies, the amendment clarified that agencies and the White House should rely on broadly defined electronic records management systems to manage records.

At that time, I urged the chairman to continue to refine this bill to make sure that we got it right on issues like managing the cost of preserving unknown, but presumably vast, electronic databases, how to include emerging media in a system, and the functional parameters of any requirement that voluminous and varied data be "searchable." Those issues have not been addressed in any meaningful way in the markup.

In addition, several issues raised by the Archives and the White House remain unresolved as well. For example, Archives believes that the annual certification requirement is unprecedented and would be a significant departure from accepted and long-standing practice. Also, there are several clarifications of terms and definitions asked for by the Archives which are not addressed in the bill we're taking up today.

In addition, among other things, the White House views the bill as overturning the historical distinction in law between agency records and Presidential records, and the Statement of Administration Policy issued yesterday reiterates the White House's veto threat.

Now, we have to remember the White House in this case is protecting the "institution," not the Bush administration. This bill doesn't affect the current administration. And our interests here are institutional as well. But if we want to legislate, we should do it appropriately and thoughtfully, not in some needless rush to somehow punish an administration that won't even be affected by this bill.

I'm not certain that this bill is the appropriate legislation, but I do believe legislation is necessary in this area. And I want to work with Chairman WAXMAN and the White House and the Archives on a bill that will give appropriate guidelines to agencies and the White House on preserving electronic records.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank my distinguished colleague, Mr. CLAY, for his leadership along with Mr. WAXMAN on this bill.

I rise today in strong support of H.R. 5811, the Electronic Message Preservation Act. My colleague from Virginia has said that the Archivist suggests that the requirement for certification under this bill is unprecedented. Well, this bill is filed, in part, as a response to White House practices that have been unprecedented and show clearly the need for this legislation. The documents, which include e-mails, correspondence, memos produced by an administration belong not to the President but to the people of the United States.

This bill will help ensure that these records are preserved properly for our future generations, and more importantly, this bill will help lift the veil of secrecy that has fallen over our government under this administration.

Every day the President and his staff generate thousands of documents on the issues confronting our Nation. These documents contain important insights into the way that our government is making decisions that affect our lives. Why are those decisions being made? Who benefits? Who gets to influence our government leaders?

We have serious concerns about the way the White House is preserving these documents, or not preserving them, and whether the true purpose of not preserving them is to hide the dealings from the American people. Through the investigations by the House Oversight and Government Reform Committee, we have learned that the White House lost hundreds of days of e-mail records between the years 2003 and 2005. Additionally, it appears that senior officials in the White House have been found to be skirting the historical record laws by using an e-mail system provided by the Republican National Committee for most of their e-mail correspondence.

For example, Karl Rove, former Deputy Chief of Staff, is said to have used the RNC system for 95 percent of his e-mail correspondence to which the American people will never have access. Under the Presidential Records Act, the President has the sole authority to manage his records during his time in office. The General Accountability Office found that this administration did not keep records as it was required to.

So the question becomes: What were they trying to hide? It is no surprise that the administration that leaked Valerie Plame's covert identity and organized propaganda to promote a war in Iraq is evading record-keeping practices to hide information from the American people. This is arguably partisan politics at its worse, and the only remedy is more accountability and more sunshine. The Electronic Message Preservation Act will help to make sure that these important records are kept and help shine light on what our government is doing and why.

Mr. Speaker, I would like to enter for the RECORD a letter supporting this legislation that brings accountability back to the White House. The letter was signed by a number of groups that advocate for an open, transparent government, including the Government Accountability Project and openthegovernment.org.

Mr. Speaker, the Bush administration has been one of the most secretive and least transparent and most closed in American history. We still don't know what was said in closed-door meetings with Big Oil executives to set our energy policy, and today, we suffer from record-high gas prices. The secrecy in the White House has prevented officials in the White House from being held accountable to the American people.

The Electronic Message Preservation Act will reform White House record keeping and allow the American people to have confidence that future administrations will not be able to hide the truth from the people of this country or from history.

JULY 9, 2008.

Hon. HENRY WAXMAN,
Chair, House Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: We are writing to support the passage of H.R. 5811, the Electronic Message Preservation Act.

Investigations and reports by your Committee and by several nonprofits document the significant deficiencies in the preservation of e-mail by the federal government.

H.R. 5811 directs the Archivist of the United States to establish standards for the capture, management, and preservation of White House e-mails and other electronic communications and to issue regulations requiring agencies to preserve electronic communications in an electronic format. This legislation demonstrates that Congress is paying attention to this serious issue, and taking steps to begin addressing the systemic problems with electronic records in general and electronic communications records that the federal agencies and the White House have failed for too long to address.

Thank you for your leadership on this critical aspect of government management and accountability. We look forward to working with you on this and other issues in the future.

Sincerely,

American Association of Law Libraries, American Library Association, Association of Research Libraries, Common Cause, Essential Information, Freedom of Information, Oklahoma, Government Accountability Project (GAP), iSolon.org, Liberty Coalition, National Coalition Against Censorship, National Coalition for History, Mine Safety and Health News, and Minnesota Coalition on Government Information.

Mississippi Center for Freedom of Information, National Freedom of Information Coalition, National Security Archives, National Press Club, 9/11 Research Project, Open TheGovernment.org, Peacefire, People For the American Way, Project on Government Oversight (POGO), ReadtheBill.org Foundation, Society of Professional Journalists, and Washington Coalition for Open Government.

Mr. DAVIS of Virginia. Let me just note that as the chairman noted in his opening remarks, this was not just a Bush administration issue, this was a Clinton administration issue as well. Over 2 million e-mails were lost from the Vice-President's office, according to the GAO.

There has been a great deal of attention paid to the White House e-mails, and the chairman and I are both working to make sure we can preserve all the records from this administration. We've had a long-going investigation on the committee, and a lot of Bush bashing here today has become a personal hobby or even a crusade for some.

I understand the desire to pass legislation and score points, but I hope my colleagues recognize that this bill does nothing today to this administration. This doesn't take effect until the next administration. It's effective 1 year after enactment. So keep in mind these provisions affect the next President and the next administration for which there is no guidance for the White House, and that's why the need for legislation is there.

Our objection and concern, and something we hope to work with the majority on, is that this legislation is currently too broad and it gives unlimited authority to the Archivist who doesn't even want it. There's got to be a better medium to be able to do that. But if we're going to be in the games of blasting the administration which this will not even apply to, we can play the game, too.

I would yield at this point 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding, and I rise in opposition to this bill for the reasons stated by the gentleman from Virginia. We could have had a bill here with bipartisan support dealing with the problems as they truly exist, but instead, we have this bill on the floor.

The gentleman that just spoke on the other side of the aisle talked about the fact that we had unprecedented action by this administration and therefore we need to act. The fact of the matter is that what is unprecedented, what is unprecedented is the tremendous increase that we have had in the cost of gasoline to average Americans back home.

I just got back from my district. I had two town hall meetings. I met with people at a local gas station. I talked with many, many other people. They didn't want to know about what we were going to do about electronic record keeping, and I do disappoint the gentleman. That was not on the tip of their tongues. That was not in the back of their brain. They never even thought about it. Frankly, they think we could do that some time else. As a matter of fact, since this bill doesn't take place until another year, we could do it another time.

What we should be doing here is responding to the American people who are saying, When are you people going to get your act together?

So I came back hoping that I could find the electronic communications, the secret e-mails of the Democratic leadership as to what we're going to do about energy. And what I found was the statement by one of the aides to one of the top Democrat leaders, and this is their energy plan: Right now, our strategy is drive small cars and wait for the wind. Drive small cars and wait for the wind.

I hope everybody across this land understands what the Democratic plan for energy appears to be. It basically means, listen, to those of you back home, sit down and shut up; you don't know what you're talking about. We've got more important things to do. We have to rush back and deal with the electronic record keeping bill because that is what is going to be most important to the American people.

Now, I don't know about you, but I haven't found a single person in my district who drives with a wind-driven car. And I'm all for wind energy, and I'm all for solar energy. They want to know when we're going to do something about bringing the cost down.

Now soon, we might hear from the Democratic side they're going to bring a bill to suspend the laws of economics, and they're going to tell us that supply and demand no longer prevail. Maybe that's the new magic we're waiting for. But that won't satisfy the people in my district. I'm in a small community in the foothills. The people I met in the Delta, in Rio Vista, the folks I met in Citrus Heights, the folks I was talking to in the Sacramento area, they demand that we do something now. And what we ought to be doing is drill here. That's in America. Drill now. Not 10 years from now. And pay less.

Now you can hear all the arguments that it's not going to make any difference. If it's not going to make any difference, why do we hear from the Speaker of the House that their first step with dealing with this is to empty the Strategic Petroleum Reserve claiming that that's going to make a big impact on the world market? At least they're saying that supply does matter. If supply really matters, then let's not tell the American people, as we hear now from the Democrats, drive small cars and wait for the wind, or as we hear from the Senator from Illinois who said that he's not so upset about the price of gasoline going up, it's that it went up so fast. It would have been better for us if the price of gasoline had gone up more slowly and continued on. That's not an energy policy.

So while I respect the work of the chairman of the subcommittee and the committee on this issue, and as important as electronic message preservation is, it pales, it pales compares to the energy needs of the American people. And certainly we can do better. We ought to demand we do better. We ought to do better or not go home at all.

Mr. CLAY. Mr. Speaker, to get back to the subject matter before the House, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

☐ 1630

Mr. WAXMAN. Thank you very much for yielding.

The issue of energy is very much related to this question of e-mails and the preservation of the records. Now, why do we have our energy problems in this country? Suddenly Republicans are saying, notwithstanding the fact that they have run this government for 7½ years, the Democrats the Democrats are at fault.

Well, let me point out that as soon as President Bush came into office, he asked Vice President CHENEY to chair an energy task force, and they operated in secrecy. We don't know exactly who they heard from or what they were asked to do, but we know that the legislation that the administration requested from the Congress was for billions of dollars to be given to the oil, gas, coal, and nuclear industries, industries that are making record profits.

Now, at that same time, those of us from California were having a very difficult situation because energy wholesalers, including Enron, were holding back supplies in order to drive up the price, and we all met with Vice President CHENEY. And you know what he said to us, The reason you're having high prices of electricity is because of environmental laws. And we said, No, it's because we're being taken to the cleaners by Enron and other energy wholesalers. And he said, No, it's not true. Well, when we did our investigations on Enron, we found out it was exactly what was happening.

Now, the point I want to make is we don't know what went on with this administration's deliberations for energy policy. We know that they've all failed. We wouldn't have the high price of gas today if they had done their job of getting us off our reliance on oil because we're so dependent now on bringing in oil from overseas. Even if we drill every possibility in the United States, we'd still be importing oil from places that are very vulnerable and are very hostile to us.

But this energy task force, and this administration, proposed benefits for the oil companies and no policies to help us get out of that dependence on foreign oil and domestic oil, to look for alternatives, to look for conservation, to do something other than drill, drill, drill, and make the oil companies more profitable.

And when we tried to find out what went on, we couldn't get the e-mails. We couldn't look at the e-mails. And why? Well, do you know why? Because they weren't using e-mails from the government of the United States while they were doing government business. They were using the e-mails of the Republican National Committee. Are they doing Party business or are they doing government business?

That's one of the reasons we need this bill, and we need to get away from this partisanship on the question of high oil prices.

Mr. DAVIS of Virginia. Mr. Speaker, let me just note that, once again, getting back to the legislation at hand, which has not been discussed recently, the Archivist, in testimony before the committee, noted that the cost of this bill could be billions of dollars before all is said and done. That money would come out of agency programs. That's money not spent on securing information. That's money for an open-ended and poorly defined initiative.

We want to better define this and work with the majority to do that, something I thought we had agreed to in the committee. We need to get a better hand on the price tag involved before we move forward.

I yield at this point 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentleman from Virginia for yielding, and, Mr. Speaker, I rise today to confirm what I'm hearing here.

We've got an energy crisis. Gas prices, food prices are through the roof, but the answer is to investigate. People at home in Raeford, North Carolina, and Laurinburg and Albemarle are telling me: Congress, legislate. Do what you need to do to get the price of gasoline down.

But I hear today we're going to investigate future Presidents and how they communicate. My concern, Mr. Speaker, as I listen to my constituents carefully at home is they're going to examine the records, electronic and otherwise, of this Congress, and they will see that we failed to legislate and do the four things that we need to do to drive down the price of gas.

Expand our nuclear capacity, it's clean. We need to have tar sands. We need to have coal turned into liquid and burn cleanly. We need to expand our refinery capacity because, as we import refined product, it costs us even more. And oh, by the way, exploration and drilling in areas where we have known reserves is something that we could stand together on the steps of this Capitol today and say we were going to do, and people around the world who watch signals, telling us where the price of energy is going, would see that America, the richest, the best, and the most powerful Nation in the world, is serious about becoming dependent of energy.

But no, Democrats, Republicans, I hear it off the floor of this House, Democrats want to do that, Republicans want to do that, yellow dogs, Blue Dogs, but the big dogs, the Democrat leadership, refuse to allow a vote on this floor that will do the four things that I'm talking about.

It's even in our own internal newspaper. It was there yesterday. Read it and weep. We need to act. We have the ability, the capability, and the capacity to do that. And by the way, we must not, as we take the steps we need to take, let happen what has happened before, and that is, as we drive gas prices down, and we can—and there's a bill with my name on it that says any money that we derive from additional leases will be used for research and development for alternative sources of energy which are crucial.

So, Mr. Speaker, legislate, do it now, get gas prices down.

Mr. CLAY. Mr. Speaker, at this time, I yield 2 minutes to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend Chairman WAXMAN and Representative CLAY for their recognition of this serious deficiency that we have in the way that we handle White House e-mails.

You know, the more I listen to this debate, the more convinced I am that we need H.R. 5811, the Electronic Message Preservation Act, and I'm convinced because even as we talk about energy, even as we talk about the solution to problems, and even as we talk about Blue Dogs and yellow dogs and big dogs, it seems to me that we ought to be able to know what the conversations are about in the White House. It seems to me that we ought to be able to look back historically and find out what was being discussed, what was being planned, what the deliberations were.

And as long as the level of secrecy exists, and I don't care which administration it is, then it means that the public does not know, and this bill simply opens up information and opportunity for the public to know.

I support it.

Mr. DAVIS of Virginia. I would yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank my friend from Virginia.

I rise in opposition to this. Here we are talking about e-mails from the White House and the executive branch when all we're hearing from the people in America is you've got to help us with energy prices.

Now, I realize there may be, if you look at enough e-mails from the White House, you may find out they're getting the same messages that all of us are getting: help us with energy prices, we're desperate.

Now, what I was hearing was from retailers, from restaurateurs, from people that are providing jobs, from people who have jobs and they're hanging on just by the skin of their teeth. They're union jobs, hardworking folks like that, that are just trying to make ends meet, and now they're at the end point where they're having to use their credit cards to pay for gas to get to the job so they can get paid so they can pay down their credit card enough to buy gas the next month. I'm seeing more and more people running out of gas on the interstate. They're getting desperate. And what is so sickening to me is knowing that in the last year all these different resources are becoming so much more clear that we have.

You know, we have been told, some of us, that there may be 900 billion to 1 trillion barrels of oil left in the entire Middle East, and then we hear that from that black shale that's in Utah, Colorado, and Wyoming, that we could recover three times that much at least in barrels of oil that could supply this Nation.

We've heard for all these decades now, for 3 decades, gee, let's don't go after ANWR, it will take 10, 15 years. Well, the latest information, as my friend from Alaska has pointed out, is there's a pipeline 74 miles away. It can be flowing to this country, this continental U.S., within 3 years.

And when you think about the Outer Continental Shelf, we may have more natural gas out there than any country in the world. We have been so blessed with natural resources, and yet, instead, we're making our citizens struggle just day-to-day to make ends meet.

We're losing jobs. People are laying people off.

And I know—and I said this over a year ago—I know we have friends across the aisle who believe that perhaps even $20 a gallon gasoline would be a good thing because it would save the planet because people would quit using it. And as Al Gore said, the internal combustion engine was the worst invention ever created for the destruction of man, something along those lines.

And the fact is, we do need to move to the alternative energy sources. We need to do that. But it's going to be 30, 40 years before we can get there, and in the meantime, it appears now we have enough natural resources, we could tell some of these other countries to kiss our backside and we don't need your fuel anymore. We can do it with what we have ourselves, and we ought to be doing that.

We ought to be doing coal-to-liquid. We ought to be using ANWR, and what's more, if you look at the royalties that could be obtained from all of that wealth of resources, we could cut taxes and create some of the programs that my friends across the aisle want to do. Do all of that with the massive revenue that would come in. Everybody would win, but until we get realistic and want to help folks, all we're going to be doing is talking about e-mails.

So let's do the right thing by the people that send us here. Let's help them with their energy costs. It is getting desperate, and it's time to put that word and all that wind being created—you talk about carbon emissions. There's no worse carbon emitter than this floor of the House of Representatives, gosh, with all the wind being generated.

But let's do something constructive and put it into action.

Mr. CLAY. Mr. Speaker, before returning to the subject matter before the House, I yield myself as much time as I may consume.

I'm pleased to join my colleagues in the consideration of H.R. 5811, and H.R. 5811 seeks to modernize the requirements of the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mails and other electronic messages.

This bill was introduced by Chairman WAXMAN, Representative HOLT and myself on April 15 and reported as amended from the committee on June 11. I want to thank Chairman WAXMAN and Representative HOLT for their dedication to this important issue.

Now, my friend from Virginia and others have made some statements that I would like to refute, and one is that this bill strikes a careful balance. It's not going after this administration, but the Act itself recognizes the President's authority to carry out the day-to-day management of his records. This bill preserves that framework.

The Federal Records Act gives the Archivist the authority to conduct inspection of agencies' record keeping programs, but the Presidential Records Act does not include such language. This bill does not give the Archivist any new authority to conduct inspections of Presidential records. And also, the Archivist has the expertise and the responsibility to determine how records should be managed and preserved and to certify that it is done properly.

The status quo of having those at the White House make the decisions has not worked, and so, therefore, Mr. Speaker, we know that this bill is needed. And that's why we have it under consideration on the floor today.

□ 1645

I urge my colleagues to safeguard our Nation's rich history. Therefore, I urge swift passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Let me again just say to my friend from Missouri and the chairman of the committee, we appreciate their efforts on this.

We all agree that this initiative has to be addressed, that from previous administrations from both parties there have been shortcomings in our ability to adequately preserve electronic records, that these administrations don't have the proper guidance from the outset. We recognize that this bill will not affect the current administration, it will affect the next administration.

I think the frustration on this side of the aisle comes from the fact that, although this is an important issue, that the most important issue in this country right now are the rising cost of fuels. And we can't have a debate on that because the leadership on the other side refuses to allow us votes on more domestic exploration. And the only meaningful energy debate that we can have on the House floor comes on this bill, to expand the National Archives' ability to preserve electronic records from the executive branch.

This is a great frustration, I think, not just on this side, but on the other side as well, to discuss this issue in a bipartisan manner, to debate this issue, to make the requisite compromises and accommodations to address this problem in a bipartisan manner, to include more alternative fuel options and more research and development in these areas, but also to include more domestic production and more conservation efforts. I think they're all part of it. And we are sitting here on, I think, issues that are important, but not nearly as important as the issues we're all hearing about when we go home.

To that end, I yield 4 minutes to the former chairman of the Transportation Committee, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

This is an issue. And the frustration on this side—and it should be on that side—is on the lack of an energy policy that only Congress can solve.

I know there's a lot of talk. The Speaker just sent a letter to the President to use the SPR, as if that's going to solve the problem. That's not going to solve the problem. In fact, it will make the problem worse. We have to address the supply side of this issue, and we're not doing it.

The last time we produced any new energy on this floor was 1973 when we had an embargo and we had no fuel, so we passed the Trans-Alaskan Pipeline. In 1976, we produced the first barrel of oil to America from Alaska. In 3 years, we built an 800-mile-long pipeline 48 inches around. We built the terminus point in Valdez, and I wear that today on my tie. We drilled the wells and we built the collection lines to deliver that oil. And we got as high as 2.2 million barrels a day to the United States of America because we were under the threat at that time, the same threat we are today, of control by overseas forces, not forces of military fact, but in fact those that control our supply. At that time, we were importing 39 percent of our oil from overseas. Today, it's 70 percent. And we have done nothing in this Congress to relieve that problem.

Your constituents are paying for it today. There is no shortage of fuel. There is a high cost of fuel because we don't have the domestic capability of providing it. We need to have this debate on the floor. Let us stand up and be counted on both sides of the aisle who is for domestic production.

There is no shortage of fossil fuel in the United States of America. We have an abundance of it. We've had the lack of will to produce it. It was easier to buy it abroad. We just had a sale in Alaska, other than ANWR, in Chukchi Sea about $2.6 billion from an oil company to try to develop it because there is a lot of argument on that side, well, they're not drilling the acreage they have now. You know why they're not drilling? Because your friends and your allies are filing suits not allowing them to drill, suits that say, oh, there's going to be polar bears affected or there's going to be some little other type of animal affected. In the meantime, your constituents are paying that $4.62 a gallon. Yes, the oil did drop yesterday, but it will go up tomorrow and the next day because we are not supplying the oil to our people through the domestic source.

We have the shale that was mentioned in Utah and Wyoming and all the other areas, Colorado; huge amounts of oil. We have more coal in the United States than there is all around the world and we're not developing it. We have not had the will to develop it because this Congress sits by and talks about saving records of the past administration. Your bill may not do that, but this is what this is all about. And I'm saying that doesn't produce any gas. That doesn't help the truck driver. It costs $2,000 to fill up one Peterbilt truck that delivers your food to your grocery store. Wait until that price starts hitting the prices in the grocery store, and it already has. The harvester who harvests the grain today now is paying sometimes as high as $4 and $5 for diesel fuel to run it. That's going to affect you, too.

We have not acted on this floor. And the responsible way of addressing the issue—now, some people will say we'll have the other forms of energy, wind and hippy-hoppies and that type of thing to solve the problem. But the reality is fossil fuels drive objects. It's the trucks, the planes, the trains, and the automobiles that deliver to your homes and your hospitals and your schools, and we must have that.

Yes, we can go into nuclear. Yes, we can go into wind. Yes, we can go into solar. And we can go to geothermal and hydro. We can do all those things and we should. My bill, H.R. 6107, to open ANWR—this, by the way, 12 times it passed this House floor. We won't have a vote on it this year, but we should have a vote. The one time we got it out of the Senate and Bill Clinton vetoed it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Virginia. I yield the gentleman 2 additional minutes.

Mr. YOUNG of Alaska. Bill Clinton vetoed it because he said it will take 10 years to produce it; ANWR, 10 years. That was 13 years ago. If we had built it then, we would have it pumping today over 1 million barrels a day, but no, he didn't do that.

Let me stress again, ANWR is, in fact, 74 miles away from the existing pipeline, 800 miles long, a terminus point and all the infrastructure in place, and we built that in 3 years. And if you don't think we can build a pipeline 74 miles away and drill the oil and get it to that pipeline in 3 years, you're not studying this fact. It can be done for the American people.

I'm asking you on both sides, let's drill, let's develop our domestic sources for the good of America, the good of the Nation, and make sure we can go forth.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, because of the inability to figure what the costs of this are, and that's from the Archivist's own testimony, money will be taken from other parts of the budget to pay for this until we can get a handle on it, including information security. And I would remind my friends that secure information is the lifeblood of effective government.

We all know there have been a wide range of incidents involving data loss or theft, privacy breaches and security incidents at Federal agencies. The protection of personal information at Federal agencies presents unique challenges. These recent data breach incidents demonstrate the importance of strengthening the laws and the rules protecting personal information held by Federal agencies.

And we can't address these issues after the fact. The evolving nature of cyber threats requires us to continually look for ways to improve government information privacy and security. We need to be proactive, not retroactive. I am concerned that the costs of this bill, being as nebulous as they are, without the regulations written and the like, will draw away from some of these other areas.

In summary, let me just say our concerns at this point are our inability to pin down the cost, which could be in the billions of dollars. The Archivist testified that the cost could be in the billions. The unlimited and unclear authority to the Archivist—who doesn't really want this authority in this particular case—to define it, these are issues that we can work on as it moves through. There are issues that need to be worked on. It's an issue that needs to be addressed. But I'm not comfortable with the way the legislation reads today.

Finally, we have to think about what we're doing here in shifting the Archivist from an advisory and collaborative role to that of a regulatory enforcer in a role that they have never had in the past.

Again, I think the legislation is a step forward in many ways, but it needs some refinement. We had hoped to be able to offer some amendments, but we just got word last Wednesday or Thursday this bill was on the floor. I didn't arrive back in town until Tuesday, when the deadline had expired, so we were not able, from our point of view—I was incommunicado—to address this, not having the advance warning, or we might have been able to address these through the amendment process.

At this point, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been waiting patiently.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I've been listening to the discussion and the debate here. Having served in local government and State government and here in Washington, I find it unbelievable that we're talking about an issue that came from an energy discussion of the beginning of the Bush administration's e-mail records.

Back home people are struggling—and I live in a big rural area—to drive their cars. They're soon going to find out that natural gas prices are probably going to double by fall and the costs to heat their homes are going to double. My schools are going to pay twice as much to transport their children. They're going to pay twice as much to heat those schools. My hospitals are going to pay twice as much to heat those facilities and to transport patients. I'm losing the air service at my rural airports because you can't fly small planes with these fuel prices.

This country's economic base is crumbling as we talk here today because of exploding energy costs. We are not going to live in the country we were born in. Opportunity is not going to abound. Americans are frightened and concerned, and we're worried about e-mail records of a meeting 8 years ago.

I think our priorities are backwards. We passed an energy bill in '05 that was timid. I think this administration has been timid. We've had three administrations in a row that locked up our Outer Continental Shelf, the only modern country in the world to do that. We've had 14 Congresses in a row that have locked up the Outer Continental Shelf where there's huge resources.

I'm for all the wind we can produce. I'm for all the solar we can absorb. But if we double them both in the next 5 years, we're less than 1 percent of our energy need, and our energy need is growing more than 1 percent a year, so it can't even fill that gap.

Whether we like it or not, we need fossil fuels. We need coal, we need oil, we need gas—clean, green natural gas. I can't believe that people are afraid of drilling a gas well.

Natural gas is driving the blue collar jobs out of this country as we speak. Dow Chemical used to do 64 percent of its business in this country in 2000; they're now at 34 percent of their business in this country. They paid $8 billion for gas in '02; they now pay $8 billion in natural gas quarterly. They can't afford to be here, folks.

Americans can't afford to heat their older homes. They can't afford to drive their older cars. One hundred small trucking companies are going out of business every week because they can't afford fuel oil prices.

The working poor of this country are being destroyed economically. The middle class are going to become poor. Most people in this Congress won't feel much pain. They can afford to pay these prices. But I want to tell you, my neighbors can't. A young lady that lives besides me drives 36 miles to work. She makes $11 an hour.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Virginia. I yield the gentleman an additional 30 seconds.

Mr. PETERSON of Pennsylvania. She pays $200 a month to heat her home, and she can't afford a doubling of those prices and she can't afford to drive to work. I can tell you story after story after story.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, I think we have discussed this, and more, over the last few days.

I would just note that the frustration of some of our Members comes from the fact that we have massive issues facing this country; retirement of baby boomers and what this does to Federal budget deficits in the out years, and what this means to our future generation; American competitiveness, immigration, health care, and energy costs, and we're not dealing with them. We're kind of fiddling, sitting on this until after the election, and the public wants action now.

I would say this though, I would say to our chairman, he is moving ahead with items under his agenda. I appreciate him moving on this. I hope to work with him in the future, should this be successful, to try to strengthen this bill as it moves through.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, this bill addresses a real problem, and that is a government operating in secret. And it requires agencies to electronically preserve e-mail records.

Additionally, the bill has new requirements for the maintenance and preservation of e-mail records that are sent and received by Presidential advisers. The bill calls on the Archivist of the United States to establish standards for the management and preservation of these records.

It's ironic, Mr. Speaker, that the other side has talked about energy during this entire debate when this administration's energy policy was conducted in secret, which may explain why the country is in the position it is in now because there was no openness to the policy, and this certainly wasn't the correct path to take.

With that, Mr. Speaker, I hope we can go on and pass this bill and open up our government for public perusal.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this legislation. H.R. 5811, the Electronic Message Preservation Act, requires the preservation of certain electronic records by Federal agencies, requires a certification and reports relating to Presidential records, and requires that the information be readily retrieved through electronic searches.

E-mail, because of its nature, presents challenges to records management. First, the information contained in e-mail records is not uniform: it may concern any subject or function and document various types of transactions. As a result, in many cases, decisions on which e-mail messages are records must be made individually. Second, the transmission data associated with an e-mail record—including information about the senders and receivers of messages, the date and time the message was sent, and any attachments to the messages—may be crucial to understanding the context of the record. Third, a given message may be part of an exchange of messages between two or more people within or outside an agency, or even of a string (sometimes branching) of many messages sent and received on a given topic. In such cases, agency staff need to decide which message or messages should be considered records and who is responsible for storing them in a recordkeeping system. Finally, the large number of federal e-mail users and high volume of e- mails increase the management challenge.

Preliminary results of GAO's ongoing review of e-mail records management at four agencies show that not all are meeting the challenges posed by e-mail records. Although the four agencies' e-mail records management policies addressed, with a few exceptions, the regulatory requirements, these requirements were not always met for the senior officials whose e-mail practices were reviewed. Each of the four agencies generally followed a print and file process to preserve e-mail records in paper-based recordkeeping capabilities. (Among other things, a recordkeeping system allows related records to be grouped into classifications according to their business purposes.) Unless they have recordkeeping capabilities, e-mail systems may not permit easy and timely retrieval of groupings of related records or individual records. Further, keeping large numbers of record and nonrecord messages in e-mail systems potentially increases the time and effort needed to search for information in response to a business need or an outside inquiry, such as a Freedom of Information Act request. Factors contributing to this practice where the lack of adequate staff support and the volume of e-mail received. In addition, agencies had not ensured that officials and their responsible staff received training in recordkeeping requirements for e-mail. If recordkeeping requirements are not followed, agencies cannot be assured that records, including information essential to protecting the rights of individuals and the Federal Government, are being adequately identified and preserved. H.R. 5811 ensures that these records will be kept properly. I support this legislation and urge my colleagues to do likewise.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 5811, the "Electronic Message Preservation Act," introduced by my friend and colleague on the Oversight and Government Reform Committee, Chairman WAXMAN.

With the advent and proliferation of electronic communication, the time has come for us to improve the methods for preserving records. Gone are the days when correspondence was sent solely using paper. E-mail has become the primary method of communication, and it is imperative that we develop procedures to stay current with the evolving technologies.

The bill before us today would direct the Archivist to establish standards for the capture, management, and preservation of White House e-mails and other electronic messages and to certify that the system meets the requirements established by the Archivist. Additionally, H.R. 5811 directs the Archivist to issue regulations requiring agencies to preserve electronic messages that are records in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of these electronic records.

I believe that this legislation will help future administrations avoid the issues that seemed to plague this White House with reports that officials were using RNC e-mail accounts to conduct official business and then deleting those e-mails from servers. H.R. 5811 will enhance the transparency of government while ensuring an accurate historical record.

☐ 1700

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1318, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DAVIS of Virginia. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis moves to recommit the bill H.R. 5811 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as "NARA personnel"), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term "records" has the meaning provided in section 3301 of title 44, United States Code.

SEC. 6. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

"(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.".

Mr. DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of the motion.

Mr. DAVIS of Virginia. Mr. Speaker, this motion to recommit would ensure that the integrity of the public record is preserved from people who abuse their positions and remove highly sensitive records from the National Archives.

Secure and accurate information is the lifeblood of effective government. There has been a wide range of incidents involving data loss, theft, privacy breaches. But more troubling is that some seek to tamper with or corrupt the official records of this Nation, to rewrite history, if you will.

Our goal here is to protect the integrity of the public record. Under this motion the Archivist of the United States shall prescribe internal procedures to prevent unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically.

First, we set forth a number of procedures to ensure these records remain secure. Second, we close a loophole in the Presidential Records Act that allows those previously convicted of unauthorized removal of classified materials back into the archives where they could do more damage. If a person has demonstrated propensity to commit crimes relating to the removal and destruction of classified Federal records, we should take the simple step of blocking their access in the future.

The professionals at the National Archives are serious-minded historians and are not well suited to the role of police officer or security guard. The motion states that the archives shall not make available any original Presidential records to any person convicted of a crime involving the review, retention, removal, or destruction of archives records. This prohibition extends to individuals with special designations by former Presidents. In short, if you're convicted of mishandling classified materials, we want to remove you from the pool of people coming to the archives. You're a risk, and we are obligated to mitigate risks of this type.

I would like to note that this second provision passed the House in identical form over a year ago as part of H.R. 1255, the Presidential Records Act, which still has not been enacted into law, by a vote of 333–93.

If we are serious about preserving and protecting the historical records of the Nation, we must vote in favor of this motion to recommit. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I wish to speak on the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Speaker, I want to point out to everyone who is listening to this debate that fundamentally this bill is about accountability and preventing cover-up. On the Oversight Committee, we have seen firsthand how destruction of e-mails frustrates accountability and allows officials to hide wrongdoing.

We investigated Jack Abramoff's contacts with the White House. We saw that Abramoff told his colleagues that he used the Republican National Committee e-mail accounts when he was dealing with White House officials so that his communications would remain secret. This bill shuts down that loophole. It says Jack Abramoff can't send secret e-mails to White House officials.

We tried to investigate the false intelligence that led to the war in Iraq, but this investigation did not have access to Karl Rove's e-mails because they were destroyed. This bill says that Karl Rove's e-mails have to be preserved and not destroyed.

We tried to investigate the Cheney Energy Task Force, which gave us the energy policy this Nation has followed under President Bush for the last 7½ years, which I believe has led to these incredible high prices for energy. But once again we needed access to the e-mails to understand what deals were cut with the special interests, including at that time Enron, which played a very active role on Vice President CHENEY's Energy Task Force.

A vote for this bill will make sure that the White House cannot hide its abuses. What we need is for this bill to pass so we can have honest and open and accountable government. That's why this legislation is before us today.

Of course, we don't know what the motion to recommit is until the very last minute; so we have to prepare for whatever may come. This is not a motion to recommit that would destroy the bill, and I appreciate that fact. It's a motion to recommit that, by and large, I think makes sense, and why it wasn't offered as an amendment leaves me perplexed. I do have some minor concerns about the motion to recommit, but that can be worked out in conference. This should have been brought up as an amendment to the bill. But, in effect, a motion to recommit is a motion to amend the bill. And since I do not oppose, in effect, the amendment that's being offered, I will join in support of this motion to recommit because this bill is too important. I know it was minimized a lot in the debate where people said why are we talking about e-mail preservation when we should be talking about drilling in Alaska and off the coast of the United States? Well, they are related because had we been able to have the Energy Task Force, chaired by CHENEY, Vice President CHENEY, we could have found out how we had this policy decided, and now that we're saddled with it, we could have done something about it 7½ years ago.

I will join in support of this motion to recommit, and I will urge my colleagues to vote for it so we can get the bill passed with this amendment that's being offered to it. I urge a vote for the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; motions to suspend the rules on H.R. 3329 and H.R. 6184.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered "present" 2, not voting 12, as follows:

[Roll No. 476]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman

Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Dicks

ANSWERED "PRESENT"—2

Jackson-Lee (TX)
Waters

NOT VOTING—12

Andrews
Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1739

Ms. ESHOO, Ms. KILPATRICK, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO and Messrs. COHEN, GUTIERREZ, SCOTT of Virginia, ROGERS of Alabama, GONZALEZ, AL GREEN of Texas and CARNAHAN changed their vote from "nay" to "yea."

Ms. JACKSON-LEE of Texas changed her vote from "yea" to "present."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 476, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. CLAY. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 5811, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAY:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as "NARA personnel"), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term "records" has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

"(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.".

Mr. CLAY (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 286, nays 137, not voting 11, as follows:

[Roll No. 477]

YEAS—286

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—11

Boswell
Brown-Waite, Ginny
Cardoza
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1751

Mrs. MYRICK, Messrs. LEWIS of California, McCOTTER, Mrs. BONO MACK, and Mr. CAMP of Michigan changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

HOMES FOR HEROES ACT OF 2008

The SPEAKER pro tempore (Mr. CHILDERS). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3329, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 3329, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 13, as follows:

[Roll No. 478]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman

Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Campbell (CA)
Cannon
Duncan
Flake
Hensarling
Marchant
Paul
Sensenbrenner
Tancredo

NOT VOTING—13

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Linder
McHugh
Peterson (PA)
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1759

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6184, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 6184.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 479]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wittman (VA)
Wolf
Woolsey
Wu
Yarmouth
Young (AK)
Young (FL)

NOT VOTING—15

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Johnson (GA)
Kennedy
Linder
Marchant
Miller, George
Neugebauer
Pickering
Pryce (OH)
Renzi
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1806

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DTV TRANSITION ASSISTANCE ACT

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2607) to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Transition Assistance Act".

SEC. 2. DTV TRANSITION.

(a) IN GENERAL.—Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of the DTV Transition Assistance Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) FISCAL YEARS TO WHICH APPLICABLE.—Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

The SPEAKER pro tempore (Mr. CARSON of Indiana). Pursuant to the rule, the gentleman from Indiana (Mr. HILL) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 2607, the Digital Television Transition Assistance Act. We have little more than 7 months until February 17, 2009, the date of the digital television transition when all full-power television stations in the country will stop broadcasting analog signals and broadcast only digital signals.

The Subcommittee on Telecommunications and the Internet, of which I am a member, has been working hard to prepare consumers for this event. However, not all television stations will immediately start broadcasting in digital on that day of transition. There are many stations that broadcast at low-power levels or that rely upon translators and boosters to reach viewers, and many of these stations will be transitioning to digital some time after February 17. Many of these stations serve viewers in districts like mine that are largely rural.

When Congress passed the Digital Television Transition and Public Safety Act in 2005, it recognized that many of these smaller, rural stations lacked the resources necessary to immediately switch to digital. Therefore, the statute established two grant programs designed to aid these stations.

One grant program provides funds so that low power and translator stations may purchase the equipment needed to facilitate continued service for viewers of low-power stations and translators on analog television sets.

The other grant program provides funds for low-power stations to upgrade their facilities to digital. The provision establishing the grant program for low-power stations to upgrade their facilities to digital included a technical error that S. 2607 will correct. Current law prohibits grant funds from being awarded to stations after October 1, 2010, more than a year after full-power stations are broadcasting only in digital.

S. 2607 changes that date to February 18, 2009, one day after the transition begins. This technical correction will ensure that low-power stations can begin to transition to digital as quickly as possible. S. 2607 would also ensure that the funds Congress set aside for the translator grant programs are used to further the DTV transition.

This program allocated $10 million for qualified low power and translator stations to buy digital-to-analog conversion equipment so they can continue to offer analog signals after February 17.

However, it is estimated that at least $3 million of these funds will be unspent because not all stations are expected to take advantage of the program. Therefore, S. 2607 would permit the National Telecommunications and Information Administration to use the excess moneys to further consumer education efforts concerning DTV transition and the TV Converter Box Coupon Program.

S. 2607 would permit the NTIA to use extra funds from the $10 million grant program to create a program that addresses the educational and technical assistance needs of vulnerable populations such as senior citizens, residents of rural and remote areas, and minorities.

This is a simple bill that would make commonsense changes designed to speed the transition to digital television in all areas of the country and ensure that consumers are informed about the transition.

I urge Members to join me in supporting S. 2607.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, I rise in support of the DTV Transition Assistance Act, the Senate bill, S. 2607, and urge its immediate passage.

By setting February 17, 2009 as the date for full-power broadcasters to transmit exclusively in digital format, the DTV legislation gave industry the needed incentives to prepare for this transition.

The result, 91 percent of broadcasters are transmitting in digital; 68 percent are already on their post-transition channel and 68 percent are already broadcasting at full strength.

□ 1815

As of April 30, 2008, 78 percent of households had all their televisions prepared for the transition, and 91 percent of households had one or more televisions that were prepared for this transition. This means that with more than 9 months still to go, about 10 percent of households were relying exclusively on analog over-the-air broadcasts and needed to take action to receive programming after the transition.

Because low-power translator stations are not required to transition to digital television, our original DTV legislation created a $10 million grant program at the National Telecommunications and Information Administration, NTIA, to help translators convert digital broadcast signals back to analog.

As it turns out, not many requests for money from the conversion fund have really been made. Moreover, even if every translator participated in the program, it looks like we will still have money left over. Therefore, this bill allows some of the $10 million to be used for DTV consumer education, but only if the NTIA determines that not all the money will be needed for the converter box program.

The original DTV legislation also created a second grant program making $65 million available to help low-power stations voluntarily upgrade to digital broadcasting. At the time, it was believed that low-power stations would not upgrade until after full-power stations transitioned in 2009. Consequently, money from the $65 million upgrade fund was not to become available until 2010. It now appears low-power stations intend to upgrade sooner, so this bill makes the upgrade funds available in 2009 instead of 2010.

In conclusion, Mr. Speaker, this is a commonsense bill that will give the NTIA additional flexibility to help ensure that the DTV transition goes as smoothly as possible. I strongly support this legislation, and I urge my colleagues to also support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HILL. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I rise, Mr. Speaker, in support of this measure which will ease the transition next February to exclusively digital over-the-air television broadcasting. The bill makes funds available in a timely manner for low-power television transmitters to make the transition to digital, and it makes approximately $7 million available for public education, technical assistance, and the converter box program. While this new support is welcome, I'm deeply concerned that a truly smooth transition will require that this Congress do much more.

The total funding for the public education component of our program remains miniscule. While polls show that more than one half of the population has heard about the digital TV transition, most who know about it are confused about how it will apply to them and what they may need to do in order to prepare themselves effectively for it.

The need for technical assistance installing converter boxes and analyzing reception problems that may be experienced in the home will be vast. This bill makes little provision to meet that need which will be acute among our elderly population and in rural and low-income areas of the Nation.

In the United Kingdom, which has carried out their transition in some regions of the nation, as many as 10 percent of the external antennas and rabbit ears had to be replaced in order to receive a digital signal. Our experience with antennas will be no different, and we still have no public funding in order to meet that need.

The antenna replacement problem will be magnified by the lack of technical assistance. Viewers who correctly install their converter box may still not receive a digital signal, and without technical help will have great difficulty determining that the problem is an antenna that could receive an analog signal but is too far away from the transmitter to receive digital service. That viewer will lose TV reception on February 17. When he later finds that the antenna has to be replaced, he will have to shoulder that replacement cost on his own.

This Congress should do more to assure a smooth transition. If we don't, I fear that millions of Americans will lose the vital lifeline that television service represents next February.

We might want to consider instituting a program similar to the help scheme that has been employed in the United Kingdom. For a payment of the American equivalent of $40, TV households receive on-site technical support and, if necessary, hardware, including antenna replacement. Such a program in the United States would ensure a successful transition and would prevent the vital lifeline that television represents from being lost by millions of Americans who I otherwise fear will lose that service next February.

I thank the gentleman from Indiana for yielding.

Mr. STEARNS. Mr. Speaker, I heard my good colleague from Virginia talk about some suggestions, and his suggestion is that we adopt something that Britain has adopted. But I'm not sure it's necessary because we're having a demonstration project of the digital transition in North Carolina. And I think with that sort of demonstration, I think after that, if we see problems, then probably that's the best time to adjust.

Mr. BOUCHER. Will the gentleman yield?

Mr. STEARNS. I would be glad to yield.

Mr. BOUCHER. I thank the gentleman for yielding, and I share his belief that the demonstration project that we are going to have in Wilmington, North Carolina, sometime later this year will yield valuable information. My concern is that whatever information we receive from that demonstration, should it indicate that additional steps need to be taken for technical assistance, for public education, for the replacement of either rabbit ears or external antennas, will not be information that is very useful to us in the absence of funding in order to carry out whatever steps that information suggests should be appropriate.

So my recommendation today is that we begin to have a conversation about how we could use information collected from the Wilmington experience, how we could use information that we can gain very usefully from the larger experience they've already had in the United Kingdom and put that information to work to make sure that our transition is as smooth here in the United States as it has been in the U.K.

Mr. STEARNS. I would note that certainly his points are well taken, but I think after the Wilmington, North Carolina, demonstration, if it does not work, there is perhaps a possibility of another demonstration. But certainly most of the kinks should be worked out after that first demonstration, and I look forward to taking a very careful look at it.

I reserve the balance of my time.

Mr. HILL. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I rise in support of S. 2607, the DTV Transition Assistance Act.

I agree with everything that all my colleagues have said, and I certainly agree with Mr. BOUCHER that we really need to help facilitate the digital transition, which is what this bill does. This has been a long time coming, and we're now coming down to the wire. We have only 223 days until analog TV signals will go dark.

In the Energy and Commerce Committee several years ago, I joked and said when people turn on their TV sets on February 17, 2009 and their TV goes dark, many of our political futures will go dark if we don't have a good transition along the way. Since we began this process several years ago, I have been saying repeatedly that we need to make this transition work. That's why I introduced legislation, the National Digital Television Consumer Education Act. My legislation would help to educate consumers about the effects of the digital transition and what they need to do to prepare for it.

So I do agree with Mr. BOUCHER that we're ill-prepared. Even if people know that it's coming, we also have to make sure that they know how to set up their TV for digital broadcasts.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HILL. I yield the gentleman an additional minute.

Mr. ENGEL. People need to know how to set up their television for digital broadcasts. They need instructions on how to get the coupons that the government is providing to enable them to get these converter boxes, they need to know where to purchase the converter boxes, how to set them up, and many people need these instructions in languages other than English.

These are very, very huge challenges, and we are not spending nearly enough money to rise to the occasion. This bill is a good bill, but we need other legislation as well to help facilitate the digital transition.

In February, every American must be able to turn on their television and watch a crisp digital broadcast. I urge all of my colleagues to support this bill and other bills we will be providing to ease the digital transition.

Mr. STEARNS. Mr. Speaker, I have no additional speakers, but I will reserve the balance of my time just until I understand whether my colleague has additional speakers.

Mr. HILL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I would like to thank the gentleman from Indiana for recognizing me, and I also want to declare my strong support for S. 2607, the DTV Transition Assistance Act, which will help improve our country's transition to digital television, or DTV, as it is known.

This bill ensures that the funds already set aside for the DTV transition are being used more effectively. With leftover funds from a low-power TV grant program, this bill enables the National Telecommunications and Information Administration to allocate an additional $5 to $7 million this year for consumer education in underserved communities, such as seniors, minorities, and in rural areas.

All of the underserved populations, especially Spanish-speaking households, are at the greatest risk of being left out of the DTV transition. According to recent testimony from the NTIA, 40 percent of the calls coming into the converter box coupon call center are from Spanish speakers. There is a demonstrated need for additional education in Spanish-speaking households about DTV, and this additional funding will also help smooth the DTV transition for all Americans.

I also want to urge my colleagues to address the DTV transition issues along the U.S.-Mexican border. While the funding for the bill will help, we need a targeted outreach effort along the border because of access to both analog and digital TV signals from Mexico and the U.S. after the U.S. DTV transition.

I have personally introduced H.R. 5435, the DTV Border Fix Act, and urge my colleagues to please consider cosponsoring this piece of legislation. It will help facilitate those emergency responses so that people on both sides of the border can hear what's happening, but particularly on our side of the border.

I urge the Members today and colleagues to support this bill before us but also to think more importantly about what the next steps are and how to help those underserved communities who don't speak English.

□ 1830

Mr. HILL. Mr. Speaker, I'm pleased to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman so much for giving me the time to speak on this important bill.

The digital television transition is now 223 days away and many of our constituents are simply not prepared. I'm especially concerned about our most vulnerable population, our seniors. Eight million older Americans are in risk of losing their television reception on February 17, 2009.

I've been pleased to work with a number of groups that work directly with seniors, including the National Association of Area Agencies on Aging, the AARP, and the National Council on Aging, to ensure that older Americans are not left in the dark.

In May, Representative G.K. BUTTERFIELD joined me and 21 of our colleagues in sending a letter to the National Telecommunications and Information Administration regarding this imminent problem, and I'm pleased that the bill before us today would take some of the necessary steps to ensuring that seniors are prepared.

Seniors could suffer real consequences if their TVs do not operate past February 17, 2009, including isolation from society, anxiety, or mental and physical decline. Imagine your parents or grandparents going to turn on the television on February 18 and finding nothing on the screen.

Also, we have to remember that there are hundreds and thousands of homebound seniors who are unable to go and buy a converter box. Many seniors face considerable physical challenges associated with the transition, and without people to help come in their homes and install these boxes, they're just going to be out of luck. And those seniors that have gotten the converter box may face real technological barriers. Most people have problems setting the clock on their VCRs. I have zeros blinking myself occasionally. Think about the challenge of looking at a converter box and trying to figure out what to do next.

That's why I rise in support of this bill. This legislation will free up funds not being used by the NTIA in the distribution of coupons so they can be used for consumer education and technical assistance.

It further directs NTIA to partner with, provide grants to, and contract with nonprofit organizations and public interest groups to provide for educational and technical assistance to seniors, rural residents, and others who may face difficulties with the digital transition.

Despite these efforts, there are sure to be people who we don't reach and who wake up on February 18 with no signal. I look forward to working with my colleagues to establish any future funding needed to ensure that these individuals receive needed assistance.

Again, we're 223 days away from the digital television transition. I urge all of my colleagues to work to ensure that our constituents are aware of and prepared for the coming transition.

I want to thank the leadership for bringing this crucial bill to the floor quickly.

Mr. HILL. Mr. Speaker, we have no further speakers if the gentleman from Florida, my good friend, would like to close.

Mr. STEARNS. Mr. Speaker I would support the bill and urge its passage.

I yield back my time.

Mr. HILL. Mr. Speaker, in closing, I'd like to reiterate that this bill fixes two technical errors in order to bring great benefits to our constituents through their digital television transition.

I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 2607, the "DTV Transition Assistance Act". This measure will help facilitate the transition to digital television (DTV), a technology which holds great promise for this country. It will allow for more broadcast programming with better sound and picture quality. It will provide new opportunities for wireless technologies on analog spectrum being vacated by broadcasters. And most importantly, some of this vacated analog spectrum will be used to create a nationwide, interoperable broadband network for first responders.

With the February 17, 2009, DTV transition date slightly more than 7 months away, however, we must ensure that all Americans are prepared for it. S. 2607 takes a step in the right direction by solving some outstanding problems relating to the transition in a thoughtful manner.

Not all television stations will make the transition to digital broadcasting on February 17th. Low-power and translator stations, many of which serve rural, minority, and other underserved communities, do not have a set date by which they must switch to digital. The "Digital Television Transition and Public Safety Act of 2005" established a grant program to help often financially constrained low-power television stations acquire the equipment needed to make the transition to digital. S. 2607 makes those funds available beginning in fiscal year (FY) 2009, rather than in FY 2011, as provided by current law. It also extends the availability of funding through FY 2012. These changes will help facilitate the DTV transition for low-power stations so they can offer consumers th benefits of digital broadcasting.

The 2005 Act also established a $10 million program to help translator stations continue providing an analog broadcast signal after February 17, 2009. Such stations are eligible for grants of up to $1,000 toward the purchase of digital-to-analog conversion equipment. That grant program is currently undersubscribed and includes more than enough money to accommodate every translator station. Accordingly, S. 2607 gives the Assistant Secretary of Communications and Information the flexibility to reallocate unspent money from the program to DTV consumer education.

Consumer education is the key to a successful DTV transition, and its importance cannot be overemphasized. Television is the predominant medium through which Americans receive critical public safety information and is one of the chief conduits for news and political discourse, as well as entertainment. Therefore, the most critical aspect of the DTV transition is ensuring that consumers are prepared for it. Congress mandated the DTV transition, and it is its responsibility to protect our constituents by ensuring the transition proceeds as smoothly as possible.

I am pleased to see the House consider this measure, which will contribute to a more successful transition. I strongly support S. 2607 and urge my colleagues to do the same.

Mr. HILL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HILL) that the House suspend the rules and pass the Senate bill, S. 2607.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF "NATIONAL INTERNET SAFETY MONTH"

Mr. HILL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1260) supporting the goals and ideals of "National Internet Safety Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1260

Whereas, during the 110th Congress, the House of Representatives has passed several bills aimed at protecting children online and promoting Internet safety education;

Whereas, on June 12, 2007, the House of Representatives passed H. Res. 455 recognizing "National Internet Safety Month";

Whereas, on May 22, 2008, the Senate passed S. Res. 567 designating June 2008 as "National Internet Safety Month";

Whereas the Federal Trade Commission, in coordination with several other Federal agencies, maintains OnGuard Online, a Web-based resource to educate all Americans on Internet safety;

Whereas law enforcement, educators, community leaders, nonprofit organizations, and Internet service providers have sought to raise awareness for Internet safety across the United States;

Whereas America's youth will need to master the Internet to stay competitive in a global information economy;

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, more than 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas 93 percent of children between 12 and 17 years old use the Internet;

Whereas more than half of all of online children between 12 and 17 years old use an online social networking site;

Whereas 43 percent of teens between 13 and 17 have experienced cyberbullying within the past year;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 68 percent of parents have household rules about what type of Internet sites their child can or cannot visit;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 65 percent of parents report that after their child has been on the Internet, they check to see what Web sites he or she viewed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of "National Internet Safety Month";

(2) recognizes that "National Internet Safety Month" provides the citizens of the United States with an opportunity to learn more about the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting the safe use of the Internet; and

(B) providing information and training that develops critical thinking and decision making skills that are needed to use the Internet safely; and

(4) calls on parents, educators, Internet safety organizations, law enforcement, community leaders, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. HILL) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. Mr. Speaker, I rise in support of House Resolution 1260, a resolution that expresses support for the goals and ideals of National Internet Safety Month.

During the past decade, the Internet has become an integral part of our lives. Members of our armed services stationed abroad use the Internet to stay in contact with their families.

Telemedicine relies on the Internet to bring cutting-edge medical care to rural residents in their communities, reducing health care costs without sacrificing the high quality of service that everyone deserves.

Through the Internet, our students have access to the world's informational and educational resources. Distance learning levels the playing field so that all students have the opportunity to learn.

The Internet has also had a profound impact on the way that we do business. Through the Internet, the entire world has become a market for American goods and services.

Our children have never known a world without the Internet. They have incorporated the advantages of the Internet into their everyday lives, to communicate with their friends, to do research for school assignments, and to entertain themselves.

The Internet offers great promise to the next generation. In order to achieve those promises, we must give our children the tools they need to safely navigate the Internet.

Just as the Internet has offered many good people the opportunity to better themselves, it has also created a pathway for dangerous activities. This is most troubling when the potential victims are our children.

Internet Safety Month reminds us all that there are ways to use the Internet wisely and responsibly.

The Federal Trade Commission has created "OnGuard Online," a resource for both parents and children to take advantage of all of the opportunities of the Internet in a safe and responsible manner.

Congress provided for the establishment of a kids.us domain to provide a safe online environment for children and help prevent them from being exposed to harmful material on the Internet.

Educational, industry, and community-based organizations have also created resources to help families use the Internet safely. If we educate our children, we give them the tools they need to navigate the Internet safely.

I strongly urge my colleagues to join me in supporting the goals and ideals of National Internet Safety Month.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I rise also in strong support of H. Res. 1260, supporting the goals and ideals of National Internet Safety Month. This legislation is very important, and of course, it's quite timely. I urge my colleagues obviously to support it.

The Internet, as we all know, has revolutionized communications, business, and entertainment. Much of its success is due to the largely unregulated status that we have given it. Industry has done a tremendous job of deploying it, including to children, who increasingly rely on it to learn and to create things.

In the United States, more than 35 million children in kindergarten through grade 12 have Internet access, and 93 percent of children between 12 and 17 years old use the Internet. But just like any other technology, it is sometimes used by bad people to do bad things.

Recent studies show that sexual predators, cyber bullies, cyber stalkers, and identity thieves represent very real online dangers for children of all ages. According to the Crimes Against Children Research Center, 22 percent of people targeted by online predators were children with ages between 10 and 13. The National Center for Missing and Exploited Children reports 25 percent of children say they've received unwanted sexual material while simply surfing the Internet. The Identity Theft Resource Center reports that children are the newest target for identity theft, since they can be easily persuaded to divulge personal information, and the crime is unlikely to be discovered until the victim is much older. As these numbers demonstrate, Internet safety should be of paramount concern to all of us.

Furthermore, these statistics highlight why online safety education is so very important. By arming parents and children with the information, we can go a long way to avoiding some of the pitfalls out there on the Internet and obviously maximize its benefits.

That's why I support National Internet Safety Month and this resolution, and I urge its support.

I reserve the balance of my time.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILL. Mr. Speaker, the creator of this piece of legislation is our next speaker. She has worked tirelessly and skillfully in bringing this issue to the floor of the House of Representatives, and at this time, I yield such time as she may consume to the gentlelady from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the gentleman from Indiana for yielding and for his work to promote Internet safety.

I rise today in strong support of H. Res. 1260, which supports the goals and ideals of National Internet Safety Month, and I echo the sentiments shared by my colleagues here tonight. Consideration of this resolution today follows House passage of a similar resolution last year recognizing June as National Internet Safety Month. Although we are considering today's resolution just following the close of the month, I believe it is important to recognize June 2008 as National Internet Safety Month and use this opportunity to continue to raise awareness for Internet safety.

H. Res. 1260 recognizes the important work many Internet safety organizations, Internet service providers, all levels of government, schools, parents, and concerned citizens do regularly to protect children online and promote Internet safety education.

The resolution calls on all concerned citizens to increase their efforts to raise the level of awareness for the need for online safety in the United States.

I want to commend the Internet safety organizations, Internet service providers, FTC, and other individuals who joined me this June in launching the National Partnership for Safe Computing. I am proud to join Congressman FRANK WOLF as a co-chair of this partnership, which will work with Members of Congress to provide resources and experts for Internet safety forums in their districts.

Over 35 million students have access to the Internet and use it every day to expand their knowledge beyond what they can learn in textbooks and in the classroom.

But while the Internet has increased their productivity and opened new opportunities to our children, it has also created new threats. These threats, whether it be unwanted online solicitations, Internet scams, or cyber bullying, are troubling and real.

In order for our children to use the Internet safely, we must work together to raise awareness, and as noted in today's resolution, 93 percent of children between 12 and 17 years old use the Internet regularly. Half of them use an online social networking site. Forty-three percent of teens between 13 and 17 have experienced cyber bullying within the past year. And 61 percent of students admit to using the Internet unsafely or inappropriately.

Fortunately, our schools and nonprofits, local, State and Federal governments, and concerned corporate citizens have been actively engaging children regarding Internet safety. Programs vary, but they all emphasize the importance of protecting personal information, keeping parents informed of Internet actions, and being careful who kids are talking to when they're online.

Over the last few years, parents have been getting more involved in their children's actions online, but there's room for improvement. As noted in today's resolution, 68 percent of parents have household rules about what type of Internet sites their children can or cannot visit, and 65 percent of parents review the Web sites their children have visited while on the Internet.

But parents need to stay engaged and ask their children what they're doing online. As a parent, you wouldn't let your son or daughter play with a friend without knowing who was in charge and where they would be playing. The same should be the case with the Internet. It is a large virtual playground, and just like the stranger danger at the neighborhood park, kids need to be supervised.

While raising awareness is important, I am very proud that since June 2007, when we recognized National Internet Safety Month last, the House has passed several pieces of legislation as part of an Internet safety initiative. They included the SAFER NET Act, which I introduced, which would authorize national public awareness campaigns and create a virtual clearinghouse of all necessary Internet safety information at the FTC.

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We also passed the PROTECT Act, which I introduced with Congresswoman DEBBIE WASSERMAN SCHULTZ, which would build a strong nationwide network of highly trained law enforcement experts to track down the digital footprints of known sex offenders.

The KIDS Act was also passed, which was introduced by Congressman EARL POMEROY, which I was proud to cosponsor, and would require sex offenders to register their e-mail and instant message addresses with the National Sex Offender Registry so Internet service providers could prohibit their access to Web sites used by children. They already have to register their physical addresses if they move into your community. They should also have to register their Internet addresses as well. These bills and the others the House has passed will assist parents and teachers in keeping our kids safe online.

In closing, I urge my colleagues to support H. Res. 1260 and encourage them to use the recent observance of National Internet Safety Month as an opportunity to support the efforts of our local, State and Federal Government, our local and national nonprofit organizations, and other concerned citizens in promoting Internet safety.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this very good legislation.

Mr. HILL. Mr. Speaker, a designated National Internet Safety Month would provide parents, educators, and communities with an opportunity to further coordinate efforts to protect our children on the Internet. I urge my colleagues to support this bill.

Mr. POMEROY. Mr. Speaker, I rise today in support of House Resolution 1260, a bill that recognizes June 2008 as National Internet Safety Month, and supports helping all citizens, especially our children, to learn more about being safe and responsible online.

The Internet is truly transformational technology that over 21 million teens—87 percent of kids across the Nation—take advantage of everyday. While this technology has presented our children with unprecedented opportunities, it has also presented our kids with new dangers.

Just as we tell our kids not to talk to strangers when we send them off to school, the digital age now requires us to give our children the same warning when they log on to the Internet. Parents, educators, Internet safety organizations, and law enforcement have taken extraordinary measures to proactively help our children avoid the dangers that exist on the Internet, and we must continue to increase our efforts to raise the level of awareness for the need for online safety.

I have long been a strong supporter of internet safety efforts, and I believe that Congress must continuously update our laws to keep our children safe from sexual predators who would exploit our children with this technology. I strongly urge you to support House Resolution 1260 to make sure that all citizens know about the importance of online safety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1260 supporting the goals and ideals of "National Internet Safety Month". I would first like to thank my distinguished colleague, Representative Melissa Bean of Illinois, for introducing this important legislation. The bill reaffirms our commitment to the safety of our children when they use the internet and the importance of providing information and training to develop skills to use the internet safely.

We all know what an amazing tool the internet is. We can do everything from taking classes to reconnecting with old friends online. But despite this, the internet has many flaws.

In America, 93 percent of children ages 12 to 17 use the internet, but how wisely do they use it? Studies have shown that approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents and 61 percent of them admit to using the internet unsafely or inappropriately. Even when they aren't looking at inappropriate material, children are picking on one another. 43 percent of teens ages 13 to 17 have experienced cyber bullying within the past year. This must stop.

It saddens me that a wonderful resource like the internet can be used in such a damaging way. Cyber bullying is a serious epidemic that must be addressed by all levels of government. Unlike regular bullying, where there is often physical damage, cyber bullies leave their victims with lasting emotional trauma. With the high level of connectivity our children now have, it is nearly impossible for them to escape these new bullies. We owe our children more.

It is up to us to teach our children the difference between right and wrong in life and this principle should not be ignored when dealing with the internet. In passing this resolution, we are telling parents that the children need guidance and that it is their responsibility to provide that guidance.

And we can help the parents in their task. 61 percent of parents want to be more involved in the internet safety of their children. It is simply a matter of giving them the tools they need to get involved. When we pass this legislation, we help parents, educators, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The Houston public libraries have recently adopted a budget that would allow them to provide all their branches full internet access. In doing so, however, they added a limitation: the computers in the children's section would have filters to prevent them from accessing inappropriate material. This is an example the rest of the nation needs to follow. We can all take simple actions like installing filters and monitoring internet use to make our children safer.

I urge my colleagues to pass this resolution and establish our support of internet safety. Tell communities around the nation we need to follow the example of Houston's public libraries and consider the children when designing policies. Tell communities that progress needs to be made.

Mr. HILL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. Hill) that the House suspend the rules and agree to the resolution, H. Res. 1260.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING PROSTATE CANCER DETECTION AND TREATMENT

Mr. HILL. Mr. Speaker, I ask unanimous consent that House Resolution 353, which was adopted by the House on June 26, 2008, be considered to have been adopted with the corrected text that I have placed at the desk, and that the resolution be re-engrossed in that corrected form.

The SPEAKER pro tempore. The Clerk will report the corrected form.

The Clerk read as follows:

Resolved, That it is the sense of the House of Representatives that there should be increased support for research and development of advanced imaging technologies for prostate cancer detection and treatment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

KENNETH JAMES GRAY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6061) to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENNETH JAMES GRAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, shall be known and designated as the "Kenneth James Gray Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Kenneth James Gray Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. Davis) and the gentlewoman from North Carolina (Ms. Foxx) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to my colleague from the State of Illinois and the author of this legislation, Representative Costello.

Mr. COSTELLO. I thank my friend from Illinois, Chairman Davis.

Mr. Speaker, I rise today in support of H.R. 6061, legislation designating a post office building in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building."

I would like to thank Chairman Waxman and Chairman Davis for working with me on this legislation and for bringing the legislation to the floor today.

Congressman Gray was born and raised in West Frankfort, Illinois. He was first elected to the House of Representatives in 1954, serving through 1974. In 1984, Ken ran again and was elected to the House and served two more terms.

When I was elected to the House of Representatives in 1988, Kenny Gray was very helpful to me. We worked together and fought to improve housing, education, and to bring jobs to southern Illinois. We, of course, continue that fight today with my colleagues in the Illinois delegation.

Prior to his tenure in Congress, Congressman Gray earned three Bronze Stars for his service in World War II. He also owned a car dealership and operated an air service in Benton, Illinois.

After retiring in 1988, Ken remained active in community affairs, serving on several boards and heading up many local projects to further economic growth in our region. Naming this post office after Kenny Gray will serve as a lasting reminder of his accomplishments in Southern Illinois.

Mr. Speaker, I urge my colleagues to join me in honoring our former colleague and friend by supporting this legislation.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I thank my colleague from North Carolina for the time.

I want to commend my colleague, Congressman COSTELLO, for bringing this forward, and of course my colleague from Chicago, Chairman DAVIS, for helping get this bill on the floor.

In Southern Illinois everyone knows Ken Gray. In this environment it's always hard to figure out with past Congresses, but he is admired and adored and lovingly called the "Prince of Pork" for a couple of reasons, probably a lot more than I even know since I'm a youngster to this institution, but for helping President Eisenhower pass the Federal highway transportation bill, which brought the interstate highway system, and then lobbying diligently to make sure that those routes came through Southern Illinois.

And although Southern Illinois continues to struggle along the interstate routes that are part of my district and part of Congressman COSTELLO's district where there are jobs and economic activity, they are around the hubs of the interstate highway system. So he does get great credit for that. Also, a major lake, Rend Lake, is there that provides water for much of the communities of Southern Illinois. And that was all part of his due diligence and his activity.

I also like the story, being a veteran, of Ken Gray lying about his age, going into the war, and then serving honorably in World War II and being awarded three Bronze Stars for his service.

He is quite the character. People who know him and have served with him can tell you some quite colorful stories. He has welcomed me in the institution as a colleague. I look to him for advice and counsel when I get into the deep part of Southern Illinois.

I think this is a fitting tribute. I thank my colleague, Congressman COSTELLO, for bringing it forward. I implore and ask my colleagues to support the naming of this post office.

Mr. DAVIS of Illinois. Mr. Speaker, I would reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Congressman Kenneth J. Gray, formerly an esteemed Member of the U.S. House of Representatives, has been a life long son of Illinois. Born in West Frankfort on November 14, 1924, Congressman Gray was a graduate of West Frankfort Community High School and owner of Gray Motors in West Frankfort. He served in the Second World War for two years until discharged in 1945 as a first sergeant and three bronze star recipient for his service.

After returning from the war, Congressman Gray became active in his community and was one of the founders of the Walking Dog Foundation for the Blind and an active leader in the American Legion.

In the same district where Mr. Gray served as the Commander of the American Legion, he was encouraged to run against the incumbent Congressman as many thought that the issues affecting the veterans of southern Illinois were being overlooked.

While running for Congress for the first time in 1954, his campaign slogan was "a fighting man for a fighting job," which he lived up to during the 11 Congressional terms he served the citizens of the 25th District of Illinois. He ran on the platform of change for the people in his District. Southern Illinois was suffering a period of high unemployment at the time Mr. Gray was running for Congress. After his election, he set about meeting the challenges of getting the 30,000 unemployed people back to work.

He was placed on the Public Works Committee at the beginning of his first term, where he was able to shed light on the plight of his constituents and worked to get projects directed to his District. Congressman Gray became known throughout his career as a man who, in his words, wouldn't roll down his sleeves until the job was done. To this day, he has not rolled down his sleeves and continues to get things done. You can see his footprints on such things as hospitals, schools, and federal buildings.

Because of Congressman Gray's many accomplishments on behalf of the citizens of Southern Illinois as well as the entire country, it is very fitting that we would designate the naming of the West Frankfort Post Office after Congressman Gray. We wish Congressman Gray well during his illness and thank him for his life-long service to the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, obviously I rise in strong support of H.R. 6061, which designates the East Main Street post office facility in West Frankfort, Illinois, after one of our former colleagues and Member of Congress, Representative Kenneth James Gray.

Representative COSTELLO sponsored this measure to show appreciation and gratitude for the service former Representative Gray exhibited toward his constituents and the country.

H.R. 6061 would dedicate the post office located in Representative Gray's former congressional district. I am pleased to join with Representatives COSTELLO and SHIMKUS and other members of the delegation in urging passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6061.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING SERGEANT FIRST CLASS ANTHONY LYNN WOODHAM

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor a brave American soldier who sacrificed his life for freedom, SFC Anthony Lynn Woodham from Rogers, Arkansas.

A mechanic assigned to the Arkansas National Guard Delta Company, 39th Brigade Support Battalion, 39th Brigade Combat Team of Heber Springs, Anthony put himself in harm's way to make this world a better place.

His commitment to this country is second to none. Anthony considered his service an honor, first enlisting in 1989, and re-enlisting after he returned from his deployment in 2005. He died Saturday, 6 months shy of 20 years in the military. He will be remembered as a soldier, a son, a husband and a father who cared about everyone around him. His wife Crystal describes Anthony as a loving husband and great father.

Mr. Speaker, Anthony is a true American hero. I ask that my colleagues keep his family and friends in their thoughts and prayers during this very difficult time.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE KILLER OF BORDER AGENT LUIS AGUILAR IS RELEASED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in January, Border Patrol Agent Luis Aguilar was tracking drug smugglers on the Mexican-U.S. border. A Hummer apparently carrying drugs crossed into the United States and tried to flee back to Mexico when Aguilar and other Border Patrol agents gave pursuit. Aguilar got in front of the Hummer at some distance and he put spikes in the road of retreat, but the Hummer, rather than go over the spikes, drove off the road, ran over and killed Aguilar, and fled back to Mexico.

The driver was Jesus Navarro Montes. And he fled to Mexico, ditched the Hummer with some friends, but was arrested by Mexican authorities 3 days later and charged with certain offenses.

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Now, Mr. Speaker, the facts get a little messy. Montes is the only suspect in the murder of Aguilar, but he has recently been released from jail in Mexico. Some Mexican authorities say he was not in jail for the murder but unrelated smuggling charges. Even so, he was not tried for those charges even though he waited in jail for 6 months.

Mexico also says that the United States has failed to file extradition papers from the United States to Mexico requesting the extradition of this individual Montes. Extradition papers are a legal requirement between countries to bring criminals from one country to another. It's been 6 months, Mr. Speaker, and certainly those papers should have been filed some time ago.

Our Justice Department, however, refuses to comment on whether extradition was requested or the papers were filed. This is a bit odd and curious why our government won't say whether or not they even filed the appropriate paperwork and what the problem is. Did our government fail to file this simple paperwork? And if so, people in our government ought to be fired. This is inexcusable. And if Mexican authorities released prematurely, Mexico has some explaining to do as well. There is obviously incompetence in somebody's government regarding the release of this individual.

Meanwhile Navarro Montes is running lose somewhere in Mexico, laughing at both governments and probably still smuggling drugs into the United States. The Aguilar family still weeps, and they are waiting for justice for the death and murder of their loved one.

Mr. Speaker, this ought not to be. Our government should be as concerned about prosecuting drug smugglers that murder American Border Patrol protectors as they are about relentless prosecuting border agents like Ramos and Compean that were doing their job when charged with violating the civil rights of a drug smuggler on the border. We need some answers, Mr. Speaker, and not blissful silence and excuses from our government. Navarro Montes needs a trial so that justice can prevail because justice is what we do in this country.

And that's just the way it is.

THE NEED FOR A COMPREHENSIVE STRATEGY TO ADVANCE U.S. INTERESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to talk about a fundamental problem affecting the national security of the United States which has not received the notice and consideration it deserves.

The United States suffers from the complete absence of a comprehensive strategy for advancing U.S. interests. This strategic void detracts from almost every policy effort advanced by the United States Government. As a result, major policies are inconsistent and contradictory in different areas of the world and across different policy realms. We find ourselves unable to agree upon and set national priorities for addressing the major challenges of our time. We suffer from a splintering of national power and an inability to coherently address threats and reassure and cooperate with allies.

What do I mean by a comprehensive national strategy? The word "strategy" has military roots, coming from the Greek word for "generalship," but the concept of a strategy extends well beyond just the military context. In the context of this speech, and others that I intend to deliver on this topic, it means a commonly agreed-upon description of critical U.S. interests and how to advance them using all elements of national power: economic, diplomatic, and military.

The next President will have a unique opportunity to develop a successful strategy for the Nation. When President Dwight D. Eisenhower took office, he commissioned the Solarium Project to review strategies for dealing with the Soviet Union. After a competitive process in which three teams of advisers promoted the merits of three strategies, President Eisenhower decided to continue the policy of containment developed by President Truman, and did so with a largely unified administration.

Over the course of our history, the U.S. has had numerous successful strategies. During the Cold War, both major political parties supported a strategy of containment for confronting the Soviet Union. During World War II, the United States had a widely-supported strategy of focusing first on the war in Europe and deferring some effort from the war in the Pacific until the Nazi threat was contained. At other times in our Nation's history, we have pursued less successful strategies, such as a strategy of isolationism during the period between World Wars I and II.

The next President would be well advised to engage in and personally lead a Solarium-type approach to determining a strategy for today's rapidly changing world. To ensure that a new strategy for America can truly develop support across the political spectrum, Congress should be involved in the process, and to ensure that a new strategy is one that the American people can support, the general outline of the debate should be shared with and involve the American people.

This speech is the first in a series. In the future I will discuss the objectives and challenges that a new U.S. strategy will need to contend with; some of the means by which the U.S. will likely need to pursue its objectives and their ramifications for the national security apparatus of the United States Government; and some of the options that a Solarium-type review of a strategy by the next President would need to consider.

I hope that my colleagues will join me in urging the next President to address this problem and join with me in a conversation, both in Congress and with the American people, about what today's strategy should be.

THE PRESIDENTIAL SIGNING STATEMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on May 8, 2008, I introduced H.R. 5993, the Presidential Signing Statements Act. This bill would promote congressional and public awareness and understanding of presidential signing statements.

The history of presidential signing statements dates back to the 19th century; however, a September 17, 2007, Congressional Research Service report noted that U.S. Presidents have increasingly employed the statements to assert constitutional and legal objections to congressional enactments. In doing so, a President sometimes communicates their intent to disregard certain provisions of bills that have been signed into law.

It is for this reason that I have introduced the Presidential Signing Statements Act. Just as the American people have access to the text of bills that are signed into law, they should have easy and prompt access to the content of presidential signing statements that may affect how those laws will be executed. To enable a more complete public understanding of our Nation's laws, the Congress should also be able to call for the executive explanation and justification for a presidential signing statement.

According to CRS, President Clinton issued 381 signing statements while in office; 70 of these statements raised legal or constitutional objections. President George W. Bush has issued 157 signing statements; 122 of these statements have contained some type of constitutional challenge or objection. Because it's reasonable to assume that future Presidents will continue this practice, Congress should act now to pass legislation to ensure proper understanding and disclosure of these signing statements.

The American Bar Association recently examined the issue of presidential signing statements and appointed the Task Force on Presidential Signing Statements and the Separation of Powers Doctrine. That task force issued a report urging Congress to "enact legislation requiring the President to promptly submit to Congress an official copy of all signing statements he issues . . . to submit to Congress a report setting forth in full the reasons and legal basis for the statement." The ABA also recommended that "such submissions be available in a publicly accessible database."

Mr. Speaker, the bill that I have introduced would require the President to transmit copies of the signing statements to congressional leadership within 3 days of issuance; require signing statements to be published in the Federal Register; third, require executive staff to testify on the meaning and justification for presidential signing statements at the request of the House or the Senate Judiciary Committee; and, fourth, provide that no moneys may be authorized or expended to implement any law accompanied by a signing statement if any provision of the law is violated.

Mr. Speaker, because it's important that we preserve the provision of power in our government and public understanding of our Nation's laws, I hope many of my colleagues will consider cosponsoring this legislation, H.R. 5993.

And, Mr. Speaker, I would also like to ask God to continue to bless our men and women in uniform and ask God to continue to bless the families, and may God continue to bless America.

CONGRESSIONAL WAR POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday Warren Christopher and James Baker released a groundbreaking report on the powers of the Congress and the White House about declaring war.

The Constitution is clear that only Congress has the right to declare war. Not only that, but Congress is granted the power of the purse. We in the Congress decide when it's appropriate to enter into armed conflict and then fulfill our commitment by fully funding and protecting our troops.

The publication may sound like dry stuff, another commission with another report. But that's not the case.

The fact that this report even needed to be written is noteworthy, however. It's noteworthy on its very own. Who would have thought that Members of Congress would need to be reminded of our constitutional duties? But the Baker-Christopher report is absolutely necessary, particularly now, as the administration's drumbeat for war with Iran builds.

We have seen over the past years how some have exploited the so-called war on terror to mean war with anyone who does not agree with America. We have heard it before: "If you're not with us, you're against us." Some even question the patriotism of those of us who have spoken up in opposition to some of the misguided policies of the White House, policies over the Iraq occupation, the loss of civil rights and liberties in the name of security, just as an example.

Recently, the New Yorker Magazine revealed that the administration sought up to $400 million to fund a major escalation of covert operations against Iran, described in a presidential finding—my colleague was just talking about those—signed by President Bush and designed to destabilize the country's religious leadership.

Mr. Speaker, you don't need a secret decoder ring to know what that means. How often does a country spend hundreds of millions of dollars to declare peace with another nation?

Congress must assert itself. We can't just be waiting around to be "consulted." Consulting, not an open hearing or floor debate, is exactly what got us where we are today. I just don't think that we can sit back and wait for the executive branch to come down here to us and ask our permission.

This Congress, and the American people, will not stand for another war. We must strengthen our diplomatic efforts and work at it 24 hours a day. This is not something we can wait until the next administration takes over or until the current one forces our hand.

Negotiating with Iran's leaders may not be the ideal situation for some, but for others and most of us know it is the best opportunity that we have. Wouldn't it be nice if we could only talk to our friends? Well, that's not the way it is. We don't need to talk to our friends. We have to talk to those with whom we have differences. We have to talk to our enemies. That's the only way we are going to bring about any kind of disarmament and any kind of nonproliferation because talking to friends won't bring about human rights. It certainly won't bring about regional stability. We must have dialogue with Iran and we must do it now.

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ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, on both sides of the aisle, Democrats and Republicans, we realize that we need to start looking at every source of energy that we can come up with; solar, wind. Every kind. We need to move toward new forms of transportation; hybrid cars and other vehicles, maybe hydrogen-powered cars.

But in addition to that, while this transition from fossil fuels is taking place to these new technologies, we need to drill for oil. We need to be energy independent. We need to use such things as coal shale and offshore drilling, and drilling in Alaska, the ANWR, in order to get the oil that is necessary for us to move and become energy independent, and we can do that. But this Congress and the Senate, this House and the Senate, really needs to get together and come up with a plan that covers all of these things. If we don't start drilling for oil and using fossil fuel more efficiently in this country, we are going to have a severe problem.

The Iranians just fired some test missiles the other day. They did that in response to the Israelis flying about a hundred war planes down the Mediterranean for a distance that was pretty close to Tehran's distance from Israel. I think they are both sending signals. The head of the air force for the Iranians said that if there was any kind of an act of war toward them, they would sink ships in the Persian Gulf.

Twenty percent of the world oil goes through the Persian Gulf. You sink two ships in the Gulf of Hormuz and you're going to have chaos. We get as much as 40 percent of our oil from that region. If anything like that occurs, and as long as Iran keeps working toward their nuclear goals of building a nuclear weapon, the threat of war is definitely there.

Israel has been threatened with extinction by the Iranian leaders, Ahmadinejad, the President, and so the threat of a conflict is definitely there. The United States economically would be devastated if we weren't prepared for that eventuality because we don't have the energy here necessary to keep this economy moving.

The best way to make sure that doesn't happen is to use every source of energy we can come up with. While we are transitioning to these other forms of energy like air, wind, like solar, like hybrid cars, like coal shale, like hydrogen-powered cars, all those things, while we are moving toward those, which is going to take probably at least 10 years, or longer, some people say as many as 20, we need to have the energy to keep this country afloat without depending on Saudi Arabia, the Middle East, Venezuela and the Communist leader down there, Mr. Chavez. We need to move toward energy independence. The American people are paying between $4 and $5 a gallon for oil.

The Fourth of July parades just took place and I know that all of my colleagues heard from their constituents: Do something about the price of gasoline. The best thing we can do is start drilling and looking for energy in America. I believe, and I think many experts believe, that if we start drilling in America and make a movement toward energy independence, you will see the price of oil drop very rapidly and, along with it, the price of gasoline.

But as long as we stand around here and don't do anything, we run the threat of a real economic chaos in this country because we aren't prepared to be dealing with our own energy problems if we can't get the oil from Venezuela and from other parts of the world, like Saudi Arabia. We are just not prepared for it.

We have the energy in this country and we are not drilling for it. We are sending as much as $500 million a day, a day, to Saudi Arabia and Venezuela for oil that we have right here in this country. We could keep that money at home, we could create more jobs while we are coming up with alternative sources of energy. But we are not doing it.

So I say to my Democrat colleagues again tonight, and I will be down here day after day and week after week saying, Let's get together and solve this problem.

I saw that the popularity of the Congress is now down to 7 percent. You know why? The American people are fed up with us not doing anything. We need to get together and solve this energy problem. We need to have energy independence. And we need to start doing it right now.

Remember what I said. If a conflict breaks out over there, all of us are going to be sorry that we didn't do something about it, about dealing with energy here at home.

Energy independence. Drill in America.

ANGLO-IRAQI TREATY OF 1930

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the reports out of Iraq these days make 2008 sound an awful lot like 1930. That's when the British strong-armed a so-called treaty to take control of Iraq's oil wealth. And it remained that way for decades until the people in the Middle East nationalized their oil wealth to end outside control. But western oil interests and the neocons have wanted it back ever since.

War Secretary Donald Rumsfeld may have said that invading Iraq had nothing to do with oil, but the announcement that western oil companies would get what they have lusted for says otherwise.

And editorial cartoonist Rob Tornoe of politicker.com summed up the world view the other day in a cartoon displayed right here next to me. He spoke truth to power with one compelling image. He says all at once that this entire war, its tragic casualties and immense cost, was all about oil.

As so many suspected all along, Secretary of State Rice tried to claim that the U.S. Government played no role whatsoever in securing sweetheart oil deals for Iraq's sweet crude oil. But the New York Times reported in a front page story, "A group of American advisers led by a small State Department team played an integral part in drawing up contracts between the Iraq Government and five major western oil companies."

The immense oil reserves beneath Iraq are the world's second largest, and western oil companies want them, just as they did 78 years ago. And like 1930, they plan to permanently occupy Iraq. To remove any doubt from the minds of the American people, I would like to enter into the RECORD the entire Angelo-Iraqi Treaty of 1930.

Let's look at Article 5. It says that maintaining order inside Iraq is the primary responsibility of the Iraq Government. But then it immediately says that Iraq recognizes and accepts Britain's role inside Iraq and grants Britain the right to build air bases and maintain military forces inside Iraq.

That is exactly what the President and this administration has been saying all along.

The President has made it clear he wants the U.S. to stay in Iraq permanently. In 1930, they didn't call it occupation, they called it a treaty. And they are doing it all over again.

Here's another example. The Angelo-Iraqi Treaty of 1930 addresses immunity for British forces and unlimited rights to bases and troop movements. And this administration is doing the same thing. People like Jonathan Schwartz on the Web site democrats.com, Internet sites like After Downing Street and newspapers like the Independent have all examined the 1930 document and compared it to current proposals. They conclude the date is different and it is now the U.S. instead of the British Empire.

Seventy-eight years later, the West is again trying to assume control of the Middle East under the guise of protecting them from themselves. In 2003, Donald Rumsfeld addressed U.S. troops in Baghdad and said, "Unlike other armies in the world, you come not to conquer, not to occupy, but to liberate."

In 1917, British General Stanley Maude, addressing Iraqis in Baghdad, said, "Our armies do not come into your cities and lands as conquerors, but as liberators." The only new thing this administration added was that our soldiers would be greeted by flowers. We know that was not true, just as we know the entire basis for the U.S.-led invasion of Iraq was not true.

When the Prime Minister of Iraq the other day said that he wants a timetable for the withdrawal of U.S. forces, the President said no, he wants Americans in Iraq indefinitely.

The calendar may say 2008, but this administration is acting like it's 1930 all over again. A journalist has just summed it up in a cartoon. There lies Saddam, and the new statue will be the logos of our five favorite oil companies.

If we ignore the lessons of history, we are doomed to repeat the mistakes of history.

THE ANGLO-IRAQI TREATY OF 1930

Treaty of Alliance between His Majesty in respect of the United Kingdom and His Majesty the King of Iraq. Signed at Baghdad, June 30, 1930.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Iraq, whereas they desire to consolidate the friendship and to maintain and perpetuate the relations of good understanding between their respective countries; and Whereas His Britannic Majesty undertook in the Treaty of Alliance signed at Baghdad on the thirteenth day of January, one thousand nine hundred and twenty-six of the Christian Era, corresponding to the twenty-eighth day of Jamadi-al-Ukhra, one thousand three hundred and forty-four, Hijrah, that he would take into active consideration at successive intervals of four years the question whether it was possible for him to press for the admission of Iraq into the League of Nations; and

Whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland informed the Iraq Government without qualification or proviso on the fourteenth day of September, one thousand nine hundred and twenty-nine that they were prepared to support the candidature of Iraq for admission to the League of Nations in the year one thousand nine hundred and thirty-two and announced to the Council of the League on the fourth day of November, one thousand nine hundred and twenty-nine, that this was their intention; and

Whereas the mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations; and whereas His Britannic Majesty and His Majesty the King of Iraq consider that the relations which will subsist between them as independent sovereigns should be defined by the conclusion of a Treaty of Alliance and Amity:

Have agreed to conclude a new Treaty for this purpose on terms of complete freedom, equality and independence which will become operative upon the entry of Iraq into the League of Nations, and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for Great Britain and Northern Ireland: Lieutenant-Colonel Sir Francis Henry Humphrys, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Eminent Order of the Indian Empire, High Commissioner of His Britannic Majesty in Iraq; and

His Majesty the King of Iraq: General Nuri Pasha al SA'ID, Order of the Nadha, Second Class, Order of the Istiqlal. Second Class, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Prime Minister of the Iraq Government and Minister for Foreign Affairs; Who having communicated their full powers, found in due form, have agreed as follows:

ARTICLE 1

There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq.

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

ARTICLE 2

Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited.

ARTICLE 3

Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligation which may be applicable to the case.

ARTICLE 4

Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power including the use of railways, rivers, ports, aerodromes and means of communication.

ARTICLE 5

It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in Iraq and, subject to the provisions of Article 4 above, for the defence of Iraq from external aggression rests with His Majesty the King of Iraq. Nevertheless His Majesty the King of Iraq recognises that the permanent maintenance and protection in all circumstances of the essential communications of His Britannic Majesty is in the common interest of the High Contracting Parties.

For this purpose and in order to facilitate the discharge of the obligations of His Britannic Majesty under Article 4 above, His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the Alliance sites for air bases to be selected by His Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of Iraq further authorises His Britannic Majesty to maintain forces upon Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq.

ARTICLE 6

The Annexure hereto shall be regarded as an integral part of the present Treaty.

ARTICLE 7

This Treaty shall replace the Treaties of Alliance signed at Baghdad on the tenth day of October, one thousand nine hundred and twenty-two of the Christian Era 1, corresponding to the nineteenth day of Safar, one thousand three hundred and forty-one, Hijrah, and on the thirteenth day of January, one thousand nine hundred and twenty-six, of the Christian Era 2, corresponding to the twenty-eighth day of Jamadi-al-Ukhra, one thousand three hundred and forty-four, Hijrah, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this Treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

ARTICLE 8

The High Contracting Parties recognise that, upon the entry into force of this Treaty, all responsibilities devolving under the Treaties and Agreements referred to in Article 7 hereof upon His Britannic Majesty in respect of Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of Iraq alone.

It is also recognised that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument, in so far as they continue at all, should similarly devolve upon His Majesty the King of Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities.

ARTICLE 9

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the twenty-seventh day of August, one thousand nine hundred and twenty-eight.

ARTICLE 10

Should any difference arise relative to the application or the interpretation of this Treaty and should the High Contracting Parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 11

This Treaty shall be ratified and ratifications shall be exchanged as soon as possible. Thereafter it shall come into force as soon as Iraq has been admitted to membership of the League of Nations. The present Treaty shall remain in force for a period of twenty-five years from the date of its coming into force. At any time after twenty years from the date of the coming into force of this Treaty, the High Contracting Parties will, at the request of either of them, conclude a new Treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty. In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations. In faith whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals. Done at Baghdad in duplicate this thirtieth day of June, One thousand nine hundred and thirty, of the Christian Era, corresponding to the fourth day of Safar, One thousand three hundred and forty-nine, Hijrah.

(L. S.) F. H. HUMPHRYS.
(L. S.) NOURY SAID.

ANNEXURE TO TREATY OF ALLIANCE

1. The strength of the forces maintained in Iraq by His Britannic Majesty in accordance with the terms of Article 5 of this Treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of Iraq. His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this Treaty in order to enable His Majesty the King of Iraq to organise the necessary forces to replace them. By the expiration of that period the said forces of His Britannic Majesty shall have been withdrawn from Hinaidi. It shall be also open to His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this Treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in Article 5 of this Treaty, and His Majesty the King of Iraq will grant to His Britannic Majesty for the duration of the Alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities.

2. Subject to any modifications which the two High Contracting Parties may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in Iraq will continue to extend to the forces referred to in Clause 1 above and to such of His Britannic Majesty's forces of all arms as may be in Iraq in pursuance of the present Treaty and its annexure or otherwise by agreement between the High Contracting Parties, and the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in Iraq shall also continue. The Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this Treaty.

3. His Majesty the King of Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in Clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present Treaty.

4. His Majesty the King of Iraq undertakes to provide at the request and at the expense of His Britannic Majesty and upon such conditions as may be agreed between the High Contracting Parties special guards from his own forces for the protection of such air bases as may, in accordance with the provisions of this Treaty, be occupied by the forces of His Britannic Majesty, and to secure the enactment of such legislation as may be necessary for the fulfilment of the conditions referred to above.

5. His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King of Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of Iraq. 1. Naval, military and aeronautical instruction of Iraqi officers in the United Kingdom. 2. The provision of arms, ammunition, equipment, ships and aeroplanes of the latest available pattern for the forces of His Majesty the King of Iraq. 3. The provision of British naval, military and air force officers to serve in an advisory capacity with the forces of His Majesty the King of Iraq.

6. In view of the desirability of identity in training and methods between the Iraq and British armies, His Majesty the King of Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst

British subjects. He further undertakes that any personnel of his forces that may be sent abroad for military training will be sent to military schools, colleges and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres. He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty.

7. His Majesty the King of Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across Iraq. These facilities shall cover the use of the roads, railways, waterways, ports and aerodromes of Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt-al-Arab on the understanding that His Majesty the King of Iraq is given prior notification of visits to Iraq ports.

F.H.H.
N.S.

TROUTMAN INDEPENDENCE DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Last week, when I was home in North Carolina, I enjoyed celebrating our American freedom and independence in several parades and celebrations. One of the highlights of the many celebrations was the town of Troutman, North Carolina's Fourth Annual Independence Day Parade.

Thanks to the leadership of Parade Committee Chairman Dennis Cleary and members of the Marine Corps League Detachment 1091, as well as Troutman Mayor Elbert Richardson and many local citizens, this celebration was a tremendous display of American patriotism.

More than 200 Vietnam veterans served as grand marshals for this year's parade, as they led attendees through the streets of Troutman to the loud applause and cheers of their fellow citizens who welcomed them home with yellow ribbons tied along the parade route.

Many local organizations participated in this one-of-a-kind parade, led by many members of North Carolina's Rolling Thunder chapters, such as Ross Moore; North Carolina Rolling Thunder Chapter 2 from Statesville led by Chapter President George "Mike" Keller, a U.S. Army Vietnam veteran; North Carolina Rolling Thunder Chapter 6 from Winston-Salem led by Chapter President Bob Penn, a U.S. Marine Corps Vietnam veteran; as well as many veterans from the local American Legion, the local Veterans of Foreign Wars, and the local Disabled American Veterans.

It was an honor to join one of America's true heroes in the parade, Medal of Honor recipient Rodolfo P. Hernandez. Parading through Troutman with heroes like Mr. Hernandez is a poignant reminder of why it has been such a pleasure to participate in the celebration for the past 4 years. After all, this is a celebration of what makes America great: Our love for liberty and willingness to make great personal sacrifice for the cause of liberty.

I thank also all those who worked behind the scenes to make this annual parade another great success. I give a special thanks to our veterans and current service men and women, without whom we would have little to celebrate this year. Their sacrifices are not forgotten and must not be overlooked as they put their lives on the line each day to secure our freedoms. We are the land of the free because they are the brave.

God bless our military men and women and God bless America.

PANIC AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, we are at what I think is a very refreshing moment of clarity on the national energy debate that is occurring right now in hamlets and towns and villages all across the United States. We have captured people's attention because we really are at a crisis point because, at least in my district, the Sixth District of Minnesota, people are paying close to $4 for a gallon of gas. I know that the national average is at about $4.11 a gallon. It's at historic highs and people are frantic.

When I was home over the break, I had met with people from all aspects of dealing with the energy issue. In particular, I met with some car dealers and they told me that people come into the dealership, this was Morrie Wagner Chevrolet, and they told me that they have people literally coming into the store with panicked looks on their faces saying, Take my truck, take my SUV. It's a new car. Take my minivan. It's new. We still owe quite a bit of money on it but we can't afford to drive this thing. Sheer panic and trying to find anything else because they just don't know how much higher prices are going.

□ 1930

But I say that we are at a refreshing point in this debate for this reason: We have clarity right now on the debate that we have never had before. Frankly, I have been baffled; baffled by how are we going to be able to get us back to $2 a gallon gasoline or less? And I mean that sincerely. I know that we can be at $2 a gallon again.

It wasn't that long ago when I took office, 18 months ago. I am a first-termer in Congress, Mr. Speaker. When I came in, gas was $2 and change a gallon. Think of that. Eighteen months ago, gas was $2 and change, and here we are topping out at over $4 a gallon gasoline.

What happened in that amount of time, when we have seen a 76 percent rise in the price of gasoline? What happened? We have seen worldwide demand go up and up and up, so that worldwide demand exceeds the amount of supply. That has fed into the price going up and up and up.

Well, what do we do to deal with that? We need to get more supply so we can get the price down. Why isn't that happening? It is really clear to me now. And I was baffled about this. I couldn't believe it, but it is absolutely true.

The Democrats' position so far, Mr. Speaker, has been drive less, pay more. That is where they are coming from. I find that really hard to believe. I grew up a Democrat in a Democrat home, and I thought that just can't be. It defies commonsense. Drive less, pay more? That is your plan?

Well, that isn't just some Republican saying that. That is the Democrats' own words. There was just an aide of the Democrat leadership that just came out and said, "This is what our plan is: It is drive small cars and wait for the wind." That is actually true. This was not a tongue in cheek remark. It is "drive small cars and wait for the wind." Well, I don't know about you, but I think Members of Congress are going to be gone with the wind if we don't do something about the price of gasoline to bring it down again.

Not only that, I was reading on the Hill from Roll Call newspaper and another Democrat leadership aide had this to say: They said that the majority is confident they would be able to defeat the offshore drilling amendment.

Now, just think of that for a moment, Mr. Speaker. The Democrats are confident they would be able to defeat the offshore drilling amendment, which means what are we supposed to do for energy? We have got to go get it. We have got to drill for it. They want to kill being able to drill offshore to bring on line the energy that we need so we can get the American people back to $2 a gallon and so we can get the economy back on track. But they are confident that they can kill this bill.

They have no intention of bringing more energy supplies on line. In fact, this aide was quoted as saying, "We have defeated that amendment before, and we will defeat it again." They are proud of it. They admitted, at least I give them credit for that, yes, it is true, the Democrats are responsible for defeating drilling to get the energy that we need, and they are confident they are going to defeat it again.

It is almost unbelievable to me, because, as this chart says, what we need to do is bring it on. If we are short on energy, we need to bring it on. We need to bring the onshore oil on line, we need to bring the offshore oil on line, and the new refineries on line, because we are the Saudi Arabia of oil. We have more oil in three States, Utah, Colorado, Wyoming, we have more oil in those three States than all of Saudi Arabia. We have 25 percent of the world's coal in this country. We can be the Saudi Arabia of coal. We have more natural gas. We have 420 trillion cubic feet of natural gas in the Gulf of Mexico, and we can't get it.

Now, why is that? It is because of Congress. Congress created this problem. We are about the only country in the world that has made it illegal to access our own energy. Congress created this problem. Congress can solve this problem by making it legal to access our own energy reserves.

Well, that can't be done. We hear, Mr. Speaker, from the Democrat presidential nominee, Senator OBAMA, it will take 20 years before we can get any of this energy on line. Are you kidding? That is balderdash, so-to-speak. Of course, we can.

I have a bill that I am introducing this week that will fast track the permitting so we can have the Secretary of the Interior start immediately to get it online. We need to do this, the American people want us to do this, and we can get back to $2 a gallon gas.

THE CARMELO RODRIGUEZ MILITARY MEDICAL ACCOUNTABILITY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to bring to your attention the circumstances of Sergeant Carmelo Rodriguez and the series of extraordinary mistakes the military made which led directly to his death.

In 1997, when Carmelo Rodriguez enrolled in the Marines, a physical performed by U.S. military staff concluded that Carmelo Rodriguez had melanoma present on his right buttock. No action, however, was taken.

In March of 2000, Carmelo marked "no" on a medical report indicating he was not aware of his melanoma.

On February 5, 2003, during a prescreening for foot surgery, another military doctor made note of a so-called "birthmark" present on his right buttock. Again, no action was taken.

During March of 2005, while Carmelo was deployed in Iraq, he saw another military doctor for a growth or sore on his buttock. He was told to keep it clean and visit the doctor again when he got back to the United States, which would be 5 months later.

On November 11, 2005, Carmelo saw the same doctor and was directed to dermatology to have the so-called birthmark removed for cosmetic purposes.

The next year, several months later, April 2006, while several referrals were "lost in the system," Carmelo's so-called birthmark was bleeding and pussing constantly. He finally succeeded in seeing an appropriate doctor and was told he had stage III malignant melanoma.

Carmelo had three surgeries, received radiation and chemotherapy, but it was too late. The cancer had spread to his lymph nodes, to his liver, kidney and stomach, throughout his body. The doctors told him that if it had been caught earlier, it would have made a big difference.

Carmelo Rodriguez was a young, strong man and a dedicated member of the Armed Forces. At the age of 29, he died of a skin cancer that should have been caught much earlier by the military he was counting on. He left behind a family who loved him deeply, including his 7-year old son.

His family, like so many service men and women and their families, have been left with many unanswered questions. How could the military health system fail in such a significant and painful way? Why, after such a critical failure in health care, has the military not conducted and completed a full investigation into the circumstances that led to Carmelo's death? And how could it be possible that of all Americans, members of the military and their families are left no recourse in the face of such medical negligence?

In California, the wife and two small children of Staff Sergeant Dean Witt want to know why the military can't be held accountable when he died after routine appendicitis surgery.

Christine Lemp, whose husband, James, died after receiving questionable medical care for a stomach virus in Missouri, deserves to know why there is no recourse to holding the military accountable for his death.

Eight National Guardsmen and their families from New York City deserve answers in the face of the medical negligence that occurred after their exposure to depleted uranium.

The Feres Doctrine was a ruling by the U.S. Supreme Court nearly 60 years ago that denies service men and women the ability to hold the military accountable for acts of negligence, including medical malpractice. Under the Federal Tort Claims Act, Federal prisoners and even illegal aliens in the United States have the ability to seek damage from the Federal Government for medical malpractice, but members of our Nation's military still do not.

What I have done is crafted a piece of legislation to allow members of the military to seek just recourse in cases of military medical malpractice. This bill is about holding our military accountable for its actions and for its responsibility to our military members.

Carmelo's situation and this legislation speak directly to the fact that our military, including the military's health system, is spread thin by the occupation of Iraq. Our military is facing shortfalls of doctors, nurses and other health care staff across-the-board. This highlights just one of the many consequences of the decision to invade Iraq on false pretenses.

Service men and women must be on equal footing as all American civilians. I think Americans will agree that anything to the contrary contradicts the fundamental principles of our Nation. As a military veteran and Member of Congress, I believe we must match the dedication and sacrifice of our soldiers with the adequate health care they deserve and a fair avenue of recourse in the case that they do not receive that adequate health care.

I am hopeful that my colleagues will also agree and join me in support of the Carmelo Rodriguez Military Medical Accountability Act of 2008.

EXPRESSING SUPPORT FOR MIDWEST FLOOD AND TORNADO VICTIMS AND APPRECIATION TO THOSE WHO HAVE HELPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LOEBSACK) is recognized for 5 minutes.

Mr. LOEBSACK. Mr. Speaker, I rise today to express my sincere sympathy for individuals and families in my district, people across Iowa and throughout the Midwest who have experienced and in some cases are still experiencing severe flooding, record-setting water levels and other threatening weather conditions, including the tornadoes that swept through Northeast and Western Iowa. My thoughts are also with those individuals and families who are beginning the difficult task of assessing the extreme damage to their homes and businesses and just now starting the recovery process.

To date, the Governor of Iowa has issued emergency declarations for 86 of 99 Iowa counties and the President has declared 78 of those counties major disaster areas. Despite these dire circumstances, just days ago when back in my district, I saw home and business owners who saw their life's work washed away come together to rebuild a stronger and a better community. I was especially moved by a business owner whose company had been damaged. He was in tears talking about the situation, but his only concern was for his employees, their families and their homes.

The storms have devastated much of the Midwest, but Iowans and other Midwesterners have not lost their enduring spirit. I am extremely thankful to the thousands of volunteers who have sacrificed their free time to help their neighbors in these difficult times. I have spent time myself helping with the flood fighting and cleanup efforts and have been touched by the intensity and the commitment of the residents and volunteers, despite the circumstances. I commend them for their perseverance.

I am also extremely thankful for the hard work of Iowa's Governor's Office, local city officials, first responders, Iowa Homeland Security, the Departments of Human Services, Agriculture, Natural Resources, Public Health and Transportation, the Incident Management Team and the Iowa Insurance Division.

The U.S. Army Corps of Engineers Rock Island Division has also been an integral partner in the flood response efforts, as well as the Federal Emergency Management Agency, the Small Business Administration and the Red Cross in their response and assistance.

The Iowa National Guard deserves special attention. Many of these servicemembers had already served their country overseas in Iraq or Afghanistan in combat roles. Now they were called upon to perform their domestic function of helping tens of thousands of Iowans battle the raging floodwaters.

☐ 1945

These men and women deserve our gratitude and respect. Through the cooperation and bipartisan work of the House and Senate, the delegations of the affected States, the Appropriations Committees, and the party leaderships, we were able to provide a meaningful down payment of Federal assistance for the victims of this immense natural disaster. I want to thank all of you for your support so far, especially those colleagues who have offered their sympathy and assistance to me and my district personally. We have only just begun to assess the magnitude of damage in Iowa and across the Midwest.

As the recovery process continues, I hope the House and Senate will continue to work together in a bipartisan fashion to address the needs of individuals, families, communities, and businesses in all the affected States. I remain committed to working together to necessary Federal support to my fellow Iowans.

The road to recovery for Iowa and other Midwestern States will be long and difficult, but the commitment of local, State, and Federal Governments, combined with the steadfast resiliency of our Midwest families, will enable our communities to rebuild, move forward, and thrive once again.

HIGH ENERGY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, the price of crude oil has doubled over the past year. Oil is now at $136 a barrel, gasoline is at $4.11 a gallon, diesel prices are at $4.73 a gallon. As a result, citizens and industries across Northern Michigan and our great country are hurting. Airlines are eliminating service to 100 cities, laying off thousands of workers, and projecting up to $13 billion in losses due to jet fuel price increases that cannot be passed on to consumers. Truck drivers are going out of business, and many more are just parking their trucks because they actually end up losing money after paying so much money for diesel. Loggers and farmers face increased costs at all stages of their operations, from planting and harvesting, to transporting their product to market. As a result, high energy prices have caused significant increases in the cost of food.

There is no way to justify the doubling of oil prices based simply on supply and demand. And despite the false promises by the minority party here in Congress, Democrats in Congress are addressing the energy issues. We are looking for more areas to begin immediately drilling for oil, conservation of energy, passing gas price gouging legislation, and ending excessive speculation in the energy futures trading market.

The Government Accountability Office found that the volume of trading in energy commodities has skyrocketed, specifically after the Enron loophole was enacted in 2000. The Government Accountability Office also found that, while trading has doubled since 2002, the number of Commodity Futures Trading Commission staff monitoring these markets has actually declined.

Between September 30, 2003 and May 6, 2008, traders holding crude oil contracts jumped from 714,000 contracts to more than 3 million contracts. This is a 425 percent increase in trading of oil futures in less than 5 years. Since 2003, commodity index speculation has increased 1,900 percent, from an estimated $13 billion to $260 billion. The 1,900 percent increase in commodity index speculation has inflated the price of crude oil by approximately $37 a barrel. Other experts estimate it could be even more.

On June 23, 2008, the Oversight and Investigations Subcommittee that I chair held a hearing on the effects speculators have on energy prices. This was the sixth hearing that the Energy and Commerce Committee has held on gas prices over the past 2 years. Fadel Gheit, managing director and senior oil analyst at Oppenheimer & Company, testified that, "I firmly believe that the current record oil price in excess of $135 per barrel is inflated. I believe, based on supply and demand fundamentals, crude oil prices should not be above $60 a barrel."

In 2000, physical hedgers, businesses like airlines that need to hedge to ensure a stable price for fuel in future months, accounted for 63 percent of the oil futures market. Speculators accounted for 37 percent. By April of 2008, physical hedgers only controlled 29 percent of the market. What we now know is that approximately 71 percent of this market has been taken over by swap dealers and speculators, a considerable majority of whom have no physical stake in the market. Over the past 8 years, there has been a dramatic shift as physical hedgers continually represent a smaller and smaller portion of the market.

The New York Mercantile Exchange, NYMEX, has granted 117 hedging exemptions since 2006 for West Texas Intermediate crude oil, many of which are for swap dealers without physical hedging positions. This excessive speculation is a significant factor in the price Americans are paying for gasoline, diesel, and home heating oil.

In May 2008, the International Monetary Fund compared crude oil over the past 30 years to the price of gold. Gold prices are not dependent on supply and demand, and have been viewed as a highly speculative commodity. The IMF analysis shows that crude oil prices track increases in gold prices.

What this means is that oil has been transformed from an energy source into a financial asset like gold, where much of the buying and selling is driven by speculators instead of producers and consumers. Oil has morphed from a commodity into a financial asset, traded for its speculative value instead of its energy value. Even the Saudi oil minister has argued that high oil prices are due to excessive speculation in the markets.

As former Secretary of Labor Robert Reich noted on National Public Radio a few weeks ago, the problem is the government's failure to curb excessive speculation.

There are significant loopholes that exempt energy trading from these protections against excessive speculation: The Enron loophole, the Foreign Boards of Trade No Action letters, the Swaps loophole, and the Bona Fide Hedging Exemption. While the recently passed farm bill addressed the Enron loophole for electronic trading of natural gas, a significant portion of the energy trading continues to be exempt from any Commodity Futures Trading Commission action to curb excessive speculation.

For 3 years, I have looked into excessive speculation in the energy markets. My latest bill, the PUMP bill, H.R. 6330, would end all of these exemptions to ensure that excessive speculation is not driving up these markets beyond the fundamentals of supply and demand.

ABORTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Mr. Speaker, I rise tonight to ask a very serious question: Why is Congress, why are we, subsidizing the abortion industry?

Most Americans, I suspect, probably have no idea whatsoever that our tax dollars have enabled abortionists to establish and to run hundreds and hundreds of abortion mills throughout America. Indeed, America's biggest abortion chain is Planned Parenthood. Each year, approximately 290,000 children are aborted in Planned Parenthood clinics. Each year, Planned Parenthood gets more than $335 million in taxpayer funds, including huge amounts from the Department of Health and Human Services' title X program. Tragically, as their business grows, and they now have some 850 clinics and they have embarked on a building binge, and this chart clearly shows that as the taxpayer funds go up, the number of abortions go up because more venues are then provided to destroy the unborn child.

It may come as a surprise to at least some of my colleagues and the American people that the babies lost and women wounded by abortion are disproportionately African American and Hispanic. A study in 2005 found that 62 percent of Planned Parenthood abortion mills are located in African American communities. And when Hispanics are included, that percentage rises to over 70 percent. Of course, every human life is sacred regardless of race, gender, disability or condition of dependency. Every human life is of infinite value. But the disproportionate number of minorities who are aborted in Planned Parenthood clinics begs the question.

Two weeks ago, Dr. Alveda King, niece of the late Dr. Martin Luther King, said here in Washington, "Defending human life is part of the civil rights struggle." She said, "We are uniting civil rights and moral rights to fulfill the dream of what my uncle called the beloved community." She goes on to say that "America needs to know that black leaders do support life. We start where life begins, with the babies, and we will march until abortion, racism, and all of society's ills bow to the truth that we are all one race."

Dr. King, who has had two abortions herself, now boldly speaks out for both victims of abortion, the unborn child and his or her mother. She has said, "The government should not be subsidizing racism, but that is exactly what it's doing through Planned Parenthood."

Mr. Speaker, it is time, it is long past time, for us to take a serious, and for some a second, look at Planned Parenthood, its origins, and the fact that since 1973, the year the U.S. Supreme Court issued its infamous Roe v. Wade decision and legalized abortion, that approximately 4.5 million babies, disproportionately African American and Hispanic, have died in Planned Parenthood clinics.

It is time to look past the slogans and the rhetoric and the cheap sophistry, the euphemisms that are used to mask and to cloak this deed that kills a child. Abortion is big business and it is destroying the next generation of Americans, and you and I, Mr. Speaker, are subsidizing it.

Tragically, the seemingly benign Planned Parenthood, which works overtime to market its image and its brand, is in the grisly business of dismembering the fragile bodies of unborn children with chemicals, sharp knives, and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. Planned Parenthood ought to be known as Child Abuse, Incorporated for the large number of children, 4.5 million, that it has already killed and continues to kill all while being subsidized by American taxpayers. This is not a business of healing or nurturing or caring. This is a business of destroying the most vulnerable and weakest members of our society.

For Planned Parenthood, business is good. Violence against children pays handsomely. In 2006, it actually increased the number of abortions it performed by nearly 25,000, while abortions nationwide were in decline, for a total of 289,750, a new pathetic record of kids killed even for Planned Parenthood. For so-called medical abortions, Planned Parenthood quotes prices from $350 to $650. For surgical abortions, they earn $350 to $900 apiece. These fees for so-called "services rendered" boosts the bottom line of this big business.

To put the annual number of child deaths in perspective, I ask my colleagues and the American people to picture this: 71,000 fans filled the University of Phoenix stadium to watch the Super Bowl this past February. It was a great game, my team won, the Giants. But the number of unborn babies whose lives were taken from them before they could take their first breath by this one corporation in one year could have filled that enormous stadium more than four times over. Planned Parenthood is now responsible for committing more than one out of every five abortions performed in the United States of America.

If the number of abortions performed alone doesn't convince you of Planned Parenthood's agenda, just compare it with other services it provides to pregnant women. Planned Parenthood, they have got the word "parenthood" in their slogan, in their name, but they provided a mere 11,000 clients with prenatal care. You walk into what is called a Planned Parenthood clinic, and you would expect to walk out with a baby, but prenatal care is not something they put an emphasis on. That is a ratio of one parent to every 26 women who lose their children to abortion. After it was revealed that Planned Parenthood had referred a meager 1,414 clients to adoption services in 2004, Planned Parenthood stopped reporting this miniscule adoption referral number. So, again, those children who go to abortion clinics with their mothers, in utero that is, don't walk out as potential adoptees.

☐ 2000

To me, Mr. Speaker, this record doesn't seem to be that of an organization dedicated to preserving women's choices. I might add that these tiny lives are being extinguished. There are thousands of American families waiting to adopt, and we all know that. There are upwards of 2 million families who would love to adopt, but unfortunately, the babies are aborted.

Finally, if that is not enough, this so-called "pro-choice" organization does everything within its power and massive budget to prevent women from knowing all of their options and from being certain that their choices are truly informed.

Let's not forget that Planned Parenthood lobbies this Chamber and the Senate and, certainly, in each legislature throughout the country, and they litigate and litigate and bring court cases over and over again in all of the States, against virtually every child protection initiative at both the State and Federal levels, including that of parental notification, spousal notification, women's right-to-know laws, informed consent laws—which actually bring down the numbers when women get the booklet and are informed about the growth and about the development of their child as well as about deleterious effects to their health—waiting periods, partial-birth abortion, the Unborn Victims of Violence Act, statutory rape reporting laws, and of course, abortion funding bans.

Can we trust Planned Parenthood? They say their vision is to be the Nation's most trusted provider of sexual and reproductive health care. This is from an organization that targets minorities, that performs millions of abortions and barely even attempts to help women carry the babies to term. Reproductive health should include, not exclude, babies.

Mr. Speaker, the truth about Planned Parenthood's long, systematic destruction of vulnerable human life, at long last, must be brought to light. The cover-up must end.

I would like to yield to the distinguished gentleman from Pennsylvania (Mr. PITTS) for 5 minutes.

Mr. PITTS. Thank you.

Mr. Speaker, I rise today to highlight the practices of an industry that are characterized by death, deception and depression—the abortion industry—and that's just what it is, an industry.

Since 1973 and the infamous Roe v. Wade decision, 50 million unborn babies have been lost. Abortion has burgeoned into a thriving industry. At the average cost of hundreds of dollars per abortion, the abortion business is a billion-dollar-a-year industry in the United States. It's even bigger than that internationally, and the American taxpayer subsidizes it. Abortion providers continue to receive hundreds of millions of dollars of taxpayer funds every year. The U.S. Government subsidizes this industry every year in every budget.

Planned Parenthood has emerged at the front of this big business as one of the top abortion providers in the country. Two years ago, this not-for-profit organization posted record-breaking profits. Last year, it reported even higher profits, but at whose expense does this profit come? It's at the expense of helpless unborn children, young girls and women.

While the government continues to provide a slush fund for abortion providers, a mother mourns the loss of her child; siblings grieve their unborn brother or sister, and grandparents lament the grandchild who was taken from them. My own words could never fully capture the pain that has been meted out by the hand of the abortion industry. So, instead of sharing my own thoughts, I'll give voice to the stories of so many who have been silenced by the powerful abortion lobby.

One woman tells the story of how she was routinely raped by her father. When she was 16, he forced her to have an abortion at a Planned Parenthood clinic in Cincinnati where she reported the abuse to the staff. However, the staff chose not to report her case to law enforcement. It was not until the girl told a school counselor that the authorities were notified so that they could intervene and rescue her.

The bottom line is that abortion clinics are habitually covering up abuse by failing to report statutory rape, and we are funding those clinics with title X money. We must stop funding clinics that facilitate abuse and that cover up crimes against children.

Another woman from Nebraska recently filed a lawsuit against Planned Parenthood after undergoing an abortion that resulted in the perforation of her uterus and in a severe loss of blood. According to reports, the abortion practitioner began the procedure with a shot in the woman's uterus, and she immediately complained of severe pain. She told the practitioner to stop, but he allegedly replied "We can't stop." The woman was then restrained by three Planned Parenthood employees while the practitioner completed the abortion. She experienced severe pain, bleeding and three seizures by the time she arrived at the hospital. A hospital report stated that her uterus was perforated during the abortion and that doctors had to perform an emergency hysterectomy because of the severe damage to her body. The doctors later said that the botched abortion could have killed her.

The abortion industry makes false claims that abortion is harmless and that it is a simple procedure. They often use safety as a talking point for legalization. However, the truth is that abortion, legal or not, is a risky procedure that carries potentially serious side effects for the health of the woman. Unfortunately, the deceit does not end there. The abortion lobby denies the reality that abortion has a very powerful and lasting emotional impact on most women, but real human stories decry this lie. Again, I'll share not my words but the stories of those who've experienced the pain themselves.

A 14-year-old girl writes "This was something I really never thought I'd go through, something I don't want anyone else to have to go through. I did not feel a thing physically, but emotionally, I'm scarred for life. The day it came, I was so upset: the last time I could sing or talk to my baby again. Not even a day after, I'm already regretting it, just sitting here, wondering what he or she would have become."

While we continue down the path of deception, women continue to suffer. I hope, during this hour, we might remember the lives of those who could have been. We might remember the lives of unborn children who are lost. We might remember the lives of women and families who carry hurt and pain from an experience that they were told would be harmless.

Organizations like Planned Parenthood claim to work to reduce abortions, but ironically, they remain the top abortion provider in the country. Every Federal dollar to support abortion providers is a dollar to help the abortion industry flourish at the expense of women, of young girls and of unborn children.

As the chairperson of the Feminists for Life, Frederica Mathewes-Green once said, "An abortion wounds a mother's heart. They will never recover from the grief of an abortion. There are always two victims within an abortion—the baby and the mother—one wounded, one dead."

Mr. Speaker, the taxpayers deserve to know that their hard-earned dollars supposedly destined for family planning services are being used to subsidize the abortion industry. I urge my colleagues to oppose Federal funding for abortion providers and to support the Title X Abortion Provider Prohibition Act.

I thank the great leader in the pro-life movement here in the House, CHRIS SMITH, for leading this hour. Like my hero, William Wilberforce, the British parliamentarian who led the abolition movement in Britain because he was against slavery, CHRIS SMITH and other pro-life leaders here tonight are leading the pro-life movement because we're against abortion.

I yield back the balance of my time.

Mr. SMITH of New Jersey. I thank my good friend for his very eloquent statement, and I thank him for his leadership. This is the human rights issue of our time, and it's about time people recognized it as a human rights issue.

I yield 5 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

I'm pro-life. I don't apologize for it. I believe that the sanctity of life is a central axiom of Western civilization.

Let me say, as we gather this evening under the leadership of the chairman of the Pro-Life Caucus here in the House of Representatives, Mr. Speaker, we are not really gathered this evening to debate the sanctity of life. We're really gathered tonight to shed light on a fact about Federal funding that, I think, escapes most Americans, and that is this simple fact:

That the largest abortion provider in America is the largest recipient of Federal funding under title X.

You know, when I'm walking down the street in Anderson, Indiana or in Muncie, Indiana, people know about my work on this particular issue. With the legislation I authored last summer during the appropriations process that received 189 votes to defund Planned Parenthood, one person after another will grab me by the elbow and will say, "Mike, I did not know. I did not know that we gave a penny to the largest abortion provider in America, let alone the fact that the largest abortion provider in America, namely Planned Parenthood, is the largest recipient of Federal funding under title X."

I mean the truth is that there has been much debate since 1973 and the decision of Roe v. Wade about the sanctity of life and the fault lines of the law and life, but where there has been national consensus since the very early days of this debate when a Congressman from Illinois named Henry Hyde conceived of the Hyde Amendment, there has been a national consensus behind the notion that, whatever your view of abortion, it is simply morally wrong to take the taxpayer dollars of millions of Americans who believe abortion is morally wrong and use it to pay for or to subsidize the performance of or the promotion of abortion.

The Hyde Amendment gave birth to what has been the dominant philosophy in our foreign aid funding. It's called the Mexico City Policy. It essentially says that no U.S. foreign aid can go to any organization that performs or that promotes abortion as a means of birth control.

You know, Madam Speaker, I really think many Americans think that that's the law here at home, too, that because the overwhelming majority of Americans think that pro-life Americans should not be forced to pay for abortions or to subsidize organizations that promote abortion, they think it doesn't happen here, when, in fact, let me say again that the largest abortion provider in America is the largest recipient of Federal funding under title X.

Now, abortion-rights advocates and, most especially, Planned Parenthood would be the first to step forward to say that they don't use title X family planning money to perform abortions. In fact, there are very strict Federal regulations that are in place that require a separation between Planned Parenthood abortion service clinics and Planned Parenthood title X clinics for the poor. I suppose, while there have been instances of alleged misfeasance and of the commingling of funds, I'll leave that completely out of this conversation and will allow for the fact that there is this separation, but I've got to tell you, Madam Speaker, that anybody knows that the money that Planned Parenthood receives for its non abortion activities frees up resources to go into its abortion activities.

The American people also deserve to know that this nonprofit organization received over $336 million in government grants and contracts, I think, in 2006. It had an excess of revenue over expenses of $56 million in 2005, and it had $112 million in 2006, which has given rise to the building spree that was reported on page 1 of the Wall Street Journal. Well, now Planned Parenthood is planning to go suburban with all new up-scale abortion mills around the country. So I commend the gentleman from New Jersey for bringing this conversation to the floor.

I authored a bill last year in the Labor-HHS legislation that would have denied any Federal funding in title X from flowing to Planned Parenthood of America, and it received 189 votes, including 20 Members of the majority voting for it. If Congress ever got around to considering the Labor-HHS appropriations bill this year, I sincerely believe that that number would grow as public awareness has grown about the simple fact that the largest abortion provider in America, Planned Parenthood, is the largest recipient of Federal funding, and that ought not to be.

Whatever a person's view of abortion is, it is my hope—and frankly, it is my prayer—that this Congress will come together in a bipartisan way and will implement a domestic Mexico City Policy and will say to the millions of Americans, to the hundreds of millions of Americans, perhaps, who have moral objections to abortion, we will not take your tax dollars and use it to subsidize the largest abortion provider in the United States of America. That's all we're here to talk about today.

I urge my colleagues to reflect deeply on the fundamental fairness of this issue and to support the Title X Abortion Provider Prohibition Act that would bring a change to the law. In the appropriations cycle, if we ever get around to it in this Congress, let's take decisive action to defund Planned Parenthood, not cut a dime out of title X and its family planning programs, but let's say no more Federal tax dollars to the largest abortion provider in America.

I yield back the balance of my time.

□ 2015

Mr. SMITH of New Jersey. I want to thank my friend for his eloquent statement.

I yield to MICHELLE BACHMANN such time as she may consume, and I understand some of the other Members may want to ask you to yield for a colloquy or for some comments.

Mrs. BACHMANN. Absolutely. Thank you, Mr. Congressman.

I'll be referring to an article that came out. It's a shocking article that many of us in this Congress read just a few weeks ago, and I commend the American people to pick this up on the Internet or go find it at your local library. June 23, 2008, the Wall Street Journal newspaper, it's on page 1. It's an article by Stephanie Simon called "Abortion Provider Goes Upscale. Aid For Poor Questioned." And here is the bottom line of this article.

It exposes the fact that Planned Parenthood, a 501(c)3 organization, which is a nonprofit organization—in other words, Planned Parenthood pays no taxes. They don't have to pay taxes because they're considered a nonprofit. This nonprofit is big business. It was started back in 1916 by Margaret Sangar, a woman who promoted eugenics, and this organization has now become a big box retailer, big abortion, in other words. It is a big retailer. And it brought in, get this, $1 billion in revenues—$1 billion in revenues.

Not only does this organization not pay taxes like other businesses do, but they receive in that $1 billion, almost one-third of what they receive comes in the form of your tax money, Federal tax money, State tax money. But get this: they receive almost $1 billion, according to this article, in annual revenue, one-third of that coming from Federal and State grants to care for women. The nonprofit ended the year with a surplus of a $115 million.

So they had your money, your money that you're paying in taxes. They had an extra $115 million cash on hand at the year end. A $1 billion budget, and they had that much cash on hand, about 11 percent of its revenue, net assets of $952 million, almost a billion dollars in net assets.

So the article asks, Why are we giving them so much money? That's exactly right. Why are they receiving, as Congressman MIKE PENCE asked, why are we giving them so much tax money? They have 882 clinics Statewide, and they quietly dropped their statement that said no matter what a person's income, we're going to be helping those people.

Well, let me tell you, they've made a decision, Planned Parenthood, that they are going to go after the affluent. How do I know that? It's happening in my district, and it was detailed in this article. It said three express centers in wealthy Minnesota suburbs and shopping centers and malls, places where women are already doing their grocery shopping, picking up their Starbucks, living their daily lives.

Do we understand what this is? This is to promote women, to promote that woman intentionally take the lives of their unborn children. We are asking God-fearing Americans to subsidize this brutal and bloody procedure on a regular business in upscale shopping malls all across the United States.

Not only are they not paying taxes, but we are giving them over $330 million a year to do this dastardly deed. And when they do this, do you realize they could take this money and they can use it for political functions? I don't know how this works. What a game. Who wouldn't want to get in on this?

And all across the country, we have very poor, struggling life care centers, organizations that are trying to give positive alternatives to women. They don't get these grants. They don't get them. They get local donations to try to help women make a decision about saving lives and choosing life.

I just want to end with the fact that if we can agree on nothing else, it should be that the United States taxpayer shouldn't have to pay taxes to an organization that uses your money to politicize, yes, in upcoming elections candidates who give them more of your tax money. This is unconscionable.

And I look so forward to hearing what our colleagues are going to have to say to the American people about this gross injustice. You bet we should defund Planned Parenthood. We should take away their tax fund and we should defund.

Mr. HENSARLING. Would the gentlelady yield?

Mrs. BACHMANN. Absolutely.

Mr. HENSARLING. I want to thank her for bringing this article in the Wall Street Journal, one of America's largest newspapers, to the attention of this body; and obviously it is fascinating for us to discover that the single largest provider of abortion in the Nation, Planned Parenthood, I believe performing one out of five abortions in America, has now planned, according to the press, a rebranding campaign to appeal to women of means.

I quote from the article, A move that opens new avenues for boosting revenue and they hope political clout.

And as I understand from the gentlelady from Minnesota, as I read through this article, that their political action arm plans to raise $10 million to influence the fall campaign; and as they take the lives of almost 300,000 innocent children, not only is the American taxpayer being asked to subsidize this horrid, this gruesome procedure that so many in America consider to be absolutely immoral, then to top even more indignity on the act they're going to turn around and use money and come back to Congress and ask for even more.

Do I understand that correctly?

Mrs. BACHMANN. You absolutely do. That's exactly what the article says. In fact, it goes on to say that it's the Federal tax law that has caused this tragedy.

I'm a former Federal tax litigation attorney, and this is absolutely true. This is what our tax code allows. In fact, Planned Parenthood, who plans to raise the $10 million, as the gentleman from Texas said correctly, they can take that money that we taxpayers are giving them to mobilize voters and advocate on issues such as abortion rights and sex education in schools.

Life care centers don't get that advantage, but people who advocate for the destruction of innocent human life get this money.

Mr. HENSARLING. And if the gentlelady will yield again, I see in the same article that as the taxpayers have to subsidize all of these abortions, that Planned Parenthood are updating their clinics to have a contemporary, fun, and lively look with a new color palette that includes pink, orange, and teal.

Can the gentlelady enlighten me what is contemporary, fun, and lively about the abortion industry?

Mrs. BACHMANN. As the gentleman knows, there is nothing fun about an abortion. In fact, for many women, they are forced into abortion by a boyfriend who says they'll leave them, by parents who say, What an embarrassment. And women, often against their own desires, are forced into getting an abortion when they don't want to.

Mrs. SCHMIDT. Could you both yield on that? Because I do want to talk about that.

This is something that's happened in my district at least on two occasions. You know, in 1997 it came to light the title X grantees were not reporting rape, incest, sexual abuse, child abuse, and molestations. In response, Congress rightfully included language in the 1999 Labor HHS bill to appropriately clarify that title X grantees are not exempt from State reporting laws. I only wish that Cincinnati Planned Parenthood was doing this because let me tell you what is going on there.

Cincinnati Enquirer on May 10 of last year reported an incident of two young ladies who were victims of sexual abuse, and I would like to talk about the kind of sexual abuse these ladies incurred.

The first one was a young lady who was continually molested by her father. The abuse began when she was just 13 years of age. In November of 2004, she was forced by her father to have an abortion. She told the employees at Planned Parenthood that she was being forced to have sex and do things she didn't want to do. But despite this fact, no report was made. She was sent home to endure another year-and-a-half of sexual abuse. The abuse only ended when she told a school official what was going on at home.

Thankfully, because of our wonderful prosecutor in Warren County, her father is now serving hard time in prison. Not long enough, but what the law allows him to serve.

She has filed a civil case against Planned Parenthood. Unfortunately, even if her allegations are proved true, no financial reward can bring back the extra year-and-a-half of absolute abuse she had because Planned Parenthood looked the other way and failed to follow Ohio's law.

But that's not the end of the story.

In another case, a 14-year-old girl was taken by her 21-year-old soccer coach to have an abortion. She allegedly used her junior high school ID, and her abuser paid for the procedure with a credit card and driver's license and said he was her guardian. The abuse was never reported.

According to the same Enquirer story regarding the second case I mentioned, a form filled out by Planned Parenthood said, The patient reports pregnancy is a result of sexual assault by a stranger. After consultation with an attorney, report of a crime to the police was not made due to physician-patient privilege. We are prohibited from reporting as no severe bodily injury was reported. What about the mental injury, the mental abuse that this girl suffered?

You know what happened? A year later, I think it was a year later, some time later, she was back at the doctor with her parents, and the doctor said, Do you know your daughter had an abortion? That's how the parents found out she had an abortion, and she fessed up it was the soccer coach.

The young lady's attorney said that the prosecutors in four local counties know of no such exemption to the reporting issue, and it isn't in Ohio.

You know, we're giving this organization money, and this organization is forcing these young women to have abuse.

I would like somebody else to continue with this colloquy because I think this is a very serious issue.

Mr. HENSARLING. Well, I thank the gentlelady from Ohio for yielding back, and I know there are other speakers who wish to speak, so I will try to be brief.

The gentlelady from Minnesota spoke about life-saving centers. On Monday of this week, I went to one. I didn't go as a Member of Congress. I went as a father. And my wife and I have two small children, 6 and 4, and it was time to donate their old baby beds and donate a bunch of maternity clothes. And I had heard about the Dallas Pregnancy Resource Center. A bunch of great ladies in Dallas, Texas, trying to save human life. I had heard of them. I didn't think they knew me, and I showed up on a Monday morning unshowered, unshaven, in a T-shirt to donate two baby beds and a box full of maternity clothes that belonged to my wife. They were very thankful for the gift.

And when I was filling out the paperwork, they realized who I was and insisted that I tour the facility. And although I was unshaven and unshowered, I complied with their request, and I'm glad I did.

And it is amazing to me, as I think upon my visit with these ladies on Monday, to think that on the one hand, you have Planned Parenthood getting hundreds of millions of dollars of taxpayers' money to take the lives of the most innocent among us, the unborn—as pictured next to the gentlelady from Minnesota—hundreds of millions of dollars spent on this abortion factor.

And here is this one little place in Dallas, Texas, called the Dallas Pregnancy Resource Center, and they sit there and they counsel with these low-income, these mostly young teen mothers. And every time that they are able to convince a mother to choose life over death, they put a tiny, tiny set of paper footprints on a bulletin board.

□ 2030

As you might imagine, sometimes they're blue and sometimes they're pink, and they have the date that one human life was saved.

To the best of my knowledge, the Dallas Pregnancy Resource Center receives no Federal money whatsoever to save human lives, and Planned Parenthood takes hundreds of millions of dollars of Federal taxpayer money to take human life. Something is wrong in America when that takes place.

We need to stop, we need to take note of what is taking place. In my head and in my heart, I can come to no other conclusion but that life begins at conception. I take it as a matter of faith, but if I didn't take it as a matter of faith, how can any human being, how can any American, look at that picture next to the gentlelady from Minnesota and conclude otherwise?

In our Founding documents, the right to life is unalienable. How can this body ever act otherwise?

Mr. SMITH of New Jersey. At this time, I yield to our friend and colleague, Mr. SALI.

Mr. SALI. Madam Speaker, Mother Teresa once said: "Any country that accepts abortion is the poorest of the poor." On that basis, I fear that our own great country is in serious trouble.

While current law forbids family planning agencies from using Federal funds for abortion, those same organizations are able to receive those title X funds for their other family planning services, even if the organizations also provide and even promote abortion.

Today, as long as the bookkeeping of the two divisions is kept separate, these organizations can reallocate their resources and free up money for providing abortions. In other words, it appears that an accounting gimmick masks the way Planned Parenthood uses Federal dollars to fund its abortion services.

As many know, Planned Parenthood is the largest provider of abortion in the country, performing more than 264,000 abortions in 2005 alone. However, Planned Parenthood receives more than $336 million from the Federal Government each year. Planned Parenthood affiliates enjoy special access to discount drugs, grants through the title X program, and a 90 percent Federal Medicaid match for family planning activities. In effect, Congress is playing favorites by subsidizing the largest business in the abortion industry.

Now, lest there be any confusion, abortion is an "industry" in every sense of the word. Abortion providers rake in over $400 million a year from women and girls who believe that they are receiving a simple health service. However, to the tune of $372 per abortion on average, abortion-providing businesses are turning a major profit. For instance, while Planned Parenthood reports that it is a "not-for-profit" organization, it had an "excess of revenue over expenses" of almost $56 million in 2005 and $112 million in 2006. Remember, this is the same organization that receives over $336 million in government grants and contracts each year.

I find it outrageous that taxpayer dollars are subsidizing abortion in the United States. The absurdity of this abuse is illustrated by the long-standing Mexico City policy. Instituted by Ronald Reagan in 1984, this policy prohibits foreign aid from going to nongovernmental organizations which provide or promote services related to abortion. If we recognize the importance of prohibiting foreign abortion providers from receiving our taxpayer dollars, how can our domestic policy be any different?

I also adamantly oppose funding for an organization like Planned Parenthood that is alleged to have committed substantial fraud. The former vice president of finance and administration of the Los Angeles Planned Parenthood affiliate estimates that affiliates in California overcharged State and Federal Governments by $180 million, despite internal and external warnings that its billing practices were improper. If Planned Parenthood is able to abuse its government support by as much as $180 million in California alone, imagine the possible magnitude of its fraud nationwide.

The Federal Government clearly has a significant interest in identifying and recovering those excess payments. However, I believe that any funds that support abortion are "excess payments."

We in the Federal Government have no business providing money to help end a human life. As the Declaration of Independence makes clear, our Nation was founded on the idea that our Creator has endowed every person with "certain unalienable Rights," the first of which is life. Now, 232 years after our predecessors signed that document in that First Continental Congress, now we have to ask, how is it possible that we in Congress are allowing the money of unsuspecting ordinary Americans to support businesses that specialize in terminating human life, when our Declaration of Independence recognizes that those are unalienable rights, the right to life?

We in Congress are charged by our Nation with the responsibility to ensure oversight of Federal funds, and it is abundantly clear that providing "excess" funds to abortion providers is not the proper use of taxpayer dollars. I call on my colleagues here in the House to end taxpayer subsidies of abortion by ending Federal support for Planned Parenthood. Let us thereby begin to restore the richness of spirit that Mother Teresa spoke about so eloquently.

Mr. SMITH of New Jersey. I thank my good friend for his very, very powerful statement.

I yield to the distinguished gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman.

Madam Speaker, I rise to join my colleagues today in opposition to taxpayer funding of Planned Parenthood, and I particularly want to thank Congressman SMITH for his long-time leadership on this most important issue, as well as Mr. PENCE for his introduction of the legislation that will do just what we've been talking about this evening.

Let me just reiterate a few of the numbers that the gentlelady from Minnesota pointed out. Planned Parenthood had over $1 billion in revenue last year, $115 million in profit, $952 million in net assets. That's bad enough, I mean, that they're using our tax dollars to fund a practice that is wrong, that is immoral.

But add to it this fact—and I want to cite and the gentlelady did this as well—cite The Wall Street Journal article where Planned Parenthood talks about the fact that they're going to raise $10 million to fund their political action committee.

So to just put it into plain language, think about what's going on here in this practice. Planned Parenthood is using your tax dollars to raise more money to run against your candidate to elect someone who will give them more tax dollars. Stated even more simply, using your tax money to run against you and run against the candidates you want to support, those pro-life candidates. That's what they're doing. They want to keep electing people that will keep this process going forward.

This is just wrong, and it should stop. And the gentleman from Texas was so right when he talks about those pregnancy resource centers, those crisis pregnancy centers out there who are doing the bake sales. Our church, we help support one where they give each family a bottle and you fill it up with coins and you stuff a few dollars, raising money just any way they can to protect human life because they understand it's sacred. They understand it's precious. Contrast that with this practice that we see here that Planned Parenthood engages in, and frankly, contrast it with what the previous speaker just said.

The wisdom and the vision the Founders had when they started this place, when they started the greatest country in history, the Founding statement: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

I think it's interesting to note the order the Founders placed the rights they chose to mention. Can you pursue happiness? Can you pursue your goals, your dreams, those things that have meaning and significance to you and your family if you first don't have liberty, if you first don't have freedom? And can you ever experience true liberty, true freedom, if government doesn't protect your most fundamental right, your right to life?

That's what this legislation is about. It's about protecting that most sacred, that most precious, that most fundamental right that the Founders understood was central to what we call this thing America. And that's why I'm pleased to support my colleagues in this legislation this evening. I appreciate the work of the gentlelady from Minnesota and, of course, Congressman SMITH and the entire Pro-Life Caucus.

Mr. SMITH of New Jersey. I thank my friend for his statement and for his leadership on this important human rights issue.

I yield to my good friend from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise with my colleague, Representative CHRIS SMITH, and others to strongly oppose funding Planned Parenthood and other abortion providers with Federal taxpayer dollars.

Today, in America, in order for a minor girl to receive an aspirin at school, or to pierce her ears, or to get a tattoo, she must not only inform her parents, but they must give written permission or be there in person. Shouldn't mothers and fathers be involved in their daughter's decision about something as major as getting an abortion?

Abortion is a major surgical procedure. It is dangerous and wrong to cut parents out of this significant medical decision. Over half the States have realized the necessity of parental involvement in this life-changing decision and have passed laws requiring parental involvement.

In polls, 80 percent or more of Americans want parental involvement in a decision by their minor girl in getting an abortion.

Planned Parenthood and the abortion industry, however, seek to remove minors from the guidance of their parents. For example, Planned Parenthood illegally performed an abortion on a 14-year-old girl in Ohio without the knowledge or consent of her parents. As a result, this 14-year-old girl, a victim of statutory rape, had no guidance or support besides that of the abortionist and the 21-year-old boyfriend who had impregnated her.

Planned Parenthood is actively working against parental involvement laws. They recently worked with others to defeat a parental notification initiative in California which barely lost. They want to keep mothers and fathers in the dark, while their daughters undergo a life-changing event alone.

For these reasons, the Federal Government has absolutely no business funding Planned Parenthood and other abortion providers, especially not with our taxpayer dollars. Congress must pass H.R. 4133 which would prohibit Federal funding for these abortion providers.

I urge Members of Congress to think about their own daughters and ask, Wouldn't you want to be there with your daughter when she's faced with this life-changing decision?

Mr. SMITH of New Jersey. I thank my friend for his statement and for his leadership.

I yield to Mr. FRANKS, the gentleman from Arizona.

Mr. FRANKS of Arizona. Well, I thank the gentleman for his courageous and noble leadership on the part of the unborn for so long.

Madam Speaker, Planned Parenthood is the world's largest promoter and provider of abortion on demand for any reason or for no reason. With almost 900 clinics in this Nation alone, it is by far the largest abortion provider in America and accounts for one in five of all abortions performed in this country. But because this giant, billion dollar, death-dealing organization operates under the disguise of a "family planning" charity, it receives over $330 million of American taxpayers' money every single year.

Margaret Sanger, the founder of Planned Parenthood, has long since passed away, but the legacy of her work lives on, Madam Speaker. She once said, "We don't want the word to go out that we want to exterminate the Negro population."

Her insidious vision of a world where her ideal of the "survival of the fittest" is advanced through race-targeted abortions continues to thrive through the deliberate expansion of Planned Parenthood clinics in the high minority populations of this country.

Both the Alan Guttmacher Institute and the Centers for Disease Control have reported that a huge majority of abortion clinics are located in minority neighborhoods, and some experts estimate that number to be higher than 75 percent.

While African Americans represent approximately 13 percent of our population, more than 35 percent of abortions are performed on African Americans. In fact, more than one in three abortions performed by Planned Parenthood are performed on little African American babies.

Recent Internet postings reveal Planned Parenthood's willingness to accept donations specifically earmarked for the abortion of an African American baby. In other words, Madam Speaker, a willingness to accept money specifically designated to kill a baby for no other reason than that he or she was black.

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One hundred and fifty years ago, the infamous Dred Scott decision in the United States Supreme Court declared that the black man was not a person under the Constitution. That decision put the Supreme Court's legal imprimatur on a practice that had brutally enslaved more than 4 million innocent human beings from Africa. It took a horrible civil war to reverse that despicable decision. It also took the courage, and ultimately the life, of President Abraham Lincoln, who had guided America through those dark moments because he believed in a day that would one day come when the black man and the white man could walk together in the sunlight of human freedom.

And more than a century later, Dr. Martin Luther King stood on the steps of the memorial dedicated to President Lincoln and gave a speech that would forever change the course of history because it reminded America of her creed that all men are still created equal, and it helped Americans to finally begin, once and for all, to put away the evil of bigotry and prejudice against their fellow human beings of a different skin color. It was a great day, Madam Speaker. But only 10 years later our memories would wane again and another Supreme Court decision called Roe v. Wade, along with the help of Planned Parenthood, precipitated the murder of more than 12 million African American babies.

Madam Speaker, every victory gained in the battle to defeat slavery, every accomplishment that came through the civil rights movement is being completely overshadowed by this unspeakable tragedy.

It is time that Americans stood up together again and remembered that we are the same America that rejected human slavery and worked to overturn decisions by our own courts, whether in the Dred Scott decision of 1857 or the Jim Crow laws that continued through the 1960s. And we are still courageous and compassionate enough to stop the funding of a bigoted organization like Planned Parenthood.

Madam Speaker, it has been said that a government is what it spends. For this government to continue to appropriate one more penny of the American taxpayers' money to an organization that kills unborn children on the basis of race or for any other reprehensible reason is a disgrace that undermines the core essence of America and betrays everything that our soldiers lying out in Arlington National Cemetery died to preserve.

Mr. SMITH of New Jersey. I thank my friend for his eloquent statement and for his very strong and passionate defense of the unborn and their mothers.

I yield to Dr. BROUN, the gentleman from Georgia.

Mr. BROUN of Georgia. I thank my friend for yielding. And I appreciate the comments that my colleague, Congressman FRANKS, made.

I served on a board of directors for a crisis pregnancy center in the inner city of Atlanta. We were geared towards trying to save babies of African American moms in the inner city of Atlanta.

I'm a medical doctor. And the whole crux of this discussion comes to the decision of when life begins. I introduced the Sanctity of Human Life Act of 2007 that defines scientifically that life begins at fertilization. And it's described when the cell of the spermatozoa enters the cell wall of the ova site and forms a one-celled human being called a zygote. And my bill gives the right of personhood to that one-celled human being, whether they're black or white or any people group.

And I know, as a medical doctor, that that's when life begins. And we have to save life. If a Nation will not protect the most innocent of human beings, what will it protect? And we are killing 4,000 babies every day, black and white. There are more black babies being killed than there are white babies proportionally, and that's the reason why I was on that board of directors for many years. And thankfully, we have it open and we're serving the inner city of Atlanta right now with that crisis pregnancy center.

But we've got to stop the killing of these children, black and white, of all colors, because God cannot continue to bless America while we're killing 4,000 babies every day and while we're funding an organization like Planned Parenthood. We have to stop the funding of that organization. And I just encourage all my colleagues of this House to understand that life begins at fertilization, and we've got to stop the killing as a Nation.

Mr. SMITH of New Jersey. Dr. BROUN, thank you so much for those very strong comments and for the insights that you bring as a medical doctor.

I yield 30 seconds to my friend and colleague, MICHELE BACHMANN.

Mrs. BACHMANN. I just wanted to end, Madam Speaker, by saying Steve Trombly is a top executive director of Planned Parenthood in Illinois, and he said, "I would like to think of Planned Parenthood as the Lens Crafters of family planning." If you've got 882 clinics, you have $1 billion a year in annual revenue and $330 million of that comes from taxpayer funding, I think that shows pretty clearly they are big business. They are the Wal-Mart of big abortion. They're the big box retailer.

It is time to end their tax exempt status. It's a fraud. And it's time to stop the public financing of Planned Parenthood. It's the right thing to do.

I yield back to my friend, the gentleman from New Jersey, the stalwart of prolife, Representative CHRIS SMITH.

Mr. SMITH of New Jersey. Madam Speaker, let me conclude with just a couple of comments.

First of all, I think most people need to realize who Margaret Sanger really was. And I've read her books; I've read her writings. She wrote in a book called "The Pivot of Civilization" that "we are paying for," and I quote her, "and even submitting to the dictates of an ever-increasing, unceasingly spawning class of human beings who should never have been born at all." In chapter five, she has a chapter called the "Cruelty of Charity" and takes to task those who would provide maternal health care and outreach to those women, poor women especially, in her writings. And I will put them in the RECORD. She says that "such benevolence is not merely superficial and near-sighted, it conceals a stupid charity." To her, these babies and these mothers should have never been born.

Let me conclude, Madam Speaker, abortion mills don't nurture, they don't heal, they don't cure disease. Abortion is violence against children. Some abortion methods dismember and rip apart, the fragile bodies of children. Other methods chemically poison children. Abortion has turned children's bodies into burned corpses, a direct result of the caustic effect of poisoning. Consider a dismemberment abortion, this is called the D&E abortion. It is used later term, at least from the 20th week or so onward. These children, Madam Speaker, feel pain.

My colleagues will remember that last Congress we brought forward a bill called the Unborn Child Pain Awareness Act which would at least inform the woman that a child at this age feels excruciating pain. Sadly, the abortion lobby, including Planned Parenthood, lobbied vigorously against informing women that these children feel such excruciating pain, sometimes as much as four times that which would be felt by a newborn or a child later in his or her life.

We need to, again, Madam Speaker, respect all human life. In the life of an unborn child, birth is just part of a process. It's an event in a child's life; it is not the beginning of life. These children deserve their fundamental human rights.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. RICHARDSON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is always an honor to come before the House and address the Members.

I can tell you that today, in this great country of ours, we have a lot going on. There is a lot of news on the Presidential race. There are a lot of issues that are facing our Nation with Iran testing missiles. And there are a number of issues that American families are also facing.

We're going to talk a little bit tonight about energy. We're going to talk about the Iraq factor. We're going to talk about the things that American families are going through right now. And I think it's very, very important because many people feel that there are issues that are not being addressed here in Washington, DC as it relates to the executive branch. And I think that it's important that we share with the Members that we have a number of issues that this Democratic-led House has put forth on behalf of the American people in a leadership role.

As you know, in the 30-Something Working Group, we always start our hour off—and I'm joined tonight by my very good friend, Mr. JASON ALTMIRE, and also Mr. RYAN, TIM RYAN, on this 30-Something Working Group. And you know we come to the floor, Madam Speaker, to actually speak in what you may say the arena of fact versus fiction. We know that sometimes we get a little excited and we may not have the necessary footnotes we need to back up the information that we are providing, but tonight we did come to the floor to share with the American people fact, not fiction.

I think that, when we start to reflect, Madam Speaker, on a number of issues that are facing Americans, we have to look at the everlasting issue of fuel costs, for someone to fill up their car, for someone to do something that we may call very common, being able to put gas in their car to be able to take their children to school, to be able to make it to their jobs. And I think that as we look at this issue we need to know who is on the side of the American people. When I say "we," I'm saying Members of Congress.

I'm hoping that my colleagues on the other side of the aisle, my Republican colleagues who have joined us on a number of major pieces of legislation that we passed out of this Congress that has gone to the President, I want to applaud those Members for being a part of this great democracy and this great leadership that we have here in the House, to be able to bring about the paradigm shift of bipartisanship. We have not seen bipartisanship in the 109th Congress, 108th Congress. I can attest to that because I was here for those two Congresses. The 110th Congress has brought about bipartisanship on major pieces of legislation that I will talk about a little further later on, but I just want to mention a few things.

Madam Speaker, I always start off by giving what is going on in Iraq. The $8.5 billion war that's taking place right now in Iraq, some over $230-something million a day war. And I had the opportunity, Madam Speaker—and I don't want to digress—to speak to some first responders from New Jersey. They are from New Jersey, and Representative RUSH Holt asked me to speak to his first responders. As you know, Madam Speaker, I was, once upon a time, a first responder as a Florida Highway Patrol trooper. And we talked about funding, and they were talking about the grants. And there was a grant here for, you know, $50 million or a grant there for equipment for fire fighters and State troopers and sheriffs, $70 million.

But when I started talking to them about the $230 plus million a day that's being spent in Iraq, you should have seen their eyes opening wide. We all believe in making sure that we give our men and women what they need in Iraq; and we do that, this Congress has done it. But I think that when you start looking at the policy, when you start looking at how this administration has not put the Iraqi Government's feet to the fire to let them know that we have homefront security and hometown security needs to be addressed, they will never see the kinds of dollars that we're spending there.

I also want to share the numbers with you. The total deaths in Iraq is 4,117 as of July 9; total number of wounded and returned to duty is 16,866; and the total number of wounded not returning to duty is 13,483. I think we have to look at that in perspective.

I want to yield to my good friend, Mr. ALTMIRE, at this time as we talk a little bit about a number of issues that are facing the American people. Like I said, we're going to talk about fuel, we're going to talk about dining room table issues. So we're going to bounce around a little bit tonight, Madam Speaker and Members. And hopefully we will be able to share with the Members exactly what they need to know versus what some on the other side may not want to hear, because we're going to need this bipartisanship to push it through, to send the President a message that the American people have to be heard.

With that, I yield to my friend, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Florida.

And on the subject of Iraq, before we move on to some other things, I did want to discuss a little bit the fact that the Iraqi Government this week announced that they support the creation of a formal timeline, a date certain at which the American involvement in Iraq would wind to a close.

And I think that that's a monumental moment in what we're facing in Iraq because we have, for years now, going on 6 years, been engaged in this conflict in Iraq. And the military men and women, the brave service men and women who serve us over there throughout this conflict have done their job, they have done everything that has been asked of them. We could not ask any more from the men and women, they have done what they were called to do. And that's something that every American can see in the results on the ground. And now, thankfully, the Iraqi Government themselves have recognized that that is the case by announcing their intention to ask the United States for a formal date certain at which point we would wrap up our involvement.

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So I find that to be good news. Moving forward, we need to go to the Iraqi Government and say, look, this is your country and we cannot continue to hold your hand and run your affairs for you. It's time for you to step up and administer your own government, administer the affairs of state, and take the reins of power. And I think that by the statements that we heard today, the Iraqi people and the politicians in Baghdad have seen the light on that issue, and I feel like we are moving towards resolution and agreement that it is time to wrap up our involvement in Iraq.

And I would yield to my friend from Ohio if he wants to continue on that, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate that. And it is time to wrap it up. And I think as we were home over the July 4th break and as we were meeting with our constituents and going to parades and getting out and about and reconnecting with our district, one of the issues we heard, obviously, is gas but also just the squeeze that families are feeling now. And one of the reasons we need to get Iraq wrapped up and get our troops back home is because it is costing us $12 billion a month in Iraq. And if we continue to go down this road with supplementals of $180 billion and continuing to go down that road, those are investments that we can't make here in the United States.

And I think a lot of people would say, Mr. MEEK, that we have got to make investments back here in the United States of America so that we can build roads and bridges here in the United States as opposed to roads and bridges in Iraq. And that's one of the key issues here.

I know the gentleman from Connecticut wants to say a few words. But I think it's important for us to realize there is a direct connection between what we are doing in Iraq and what we are unable to do because of the budget.

One of the issues that we're talking about too is what has happened to our budget here in the United States. And just a few short years ago in 2000, January of 2001, we had a $5.6 trillion surplus, and after President Bush got sworn in up until today, we have a $3.2 trillion deficit. That's an $8.8 trillion swing, and that is part of the reason we have a weak dollar, and that is part of the reason that oil is so expensive. So we've got to get our house in order here.

So we talk about the war in Iraq and about how we need to finish it and honor our troops and support our veterans and make sure we have health care and whatnot, but we have got to balance the budget here in the United States and make those investments here, put people to work here in the United States building roads, bridges, infrastructure, water lines, sewer lines, septic tanks, broadband.

I yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. I thank my friend from Ohio. And I think it's important to point out that a lot has changed here in the last 1½ years. I mean the numbers that you show are pretty startling, moving from about $5.6 trillion on the plus side to now $3.2 trillion in deficit. And the fact is that we got a mandate when the Democrats were elected to control this House and to control it by a slimmer margin in the Senate. We had a mandate to get our fiscal ship in order. The days of not paying for anything had to end for a number of reasons, not the least of which is the reason that you're talking about, the fact that the amount of money that we are borrowing from foreign banks has contributed to the devaluing of the dollar. And that means everything that we import into this country becomes more expensive, not the least of which are the millions of barrels of oil that come into this country.

So what do we do about it? Well, we did something. We passed a rule in this House that is a rule that most families and every business out there lives by every day. We said, listen, when legislation comes before this House that spends money, we're not going to pass it unless in that legislation we account for how we're going to pay for it. When a piece of legislation that comes before this House wants to cut somebody's taxes, we're not going to pass it unless within that piece of legislation we account for how we're going to pay for that tax cut. And we call it the "pay-as-you-go" rule, which is how my family grew up, how most American families live their lives. They don't spend money that they don't have. And it's so ridiculously simple that it's mind blowing to a certain extent that it took a change in leadership in the this House to actually put that into practice, but it has changed things. We're starting to get that deficit that you talk about, Mr. RYAN, under control.

Now, it means that this Congress can't spend money as wildly as it did under the Republicans. It means that we have got to be a little bit more careful about whom we give tax cuts to and make sure that when we do it, we give it to the right people. But in the end it makes for a better policy and it starts to get that fiscal mess that you talk about under control.

And there are so many ripple effects of that good policy, Mr. RYAN and Mr. MEEK, that's not just about making sure that we don't pass along the costs of this deficit to our kids and our grandkids and their kids. This is also about restoring some balance of trade so that we are not basically asking the rest of the world to pay for our debts, and in the end, do something about the dollar that as much as anything else is responsible for the high prices we're paying at the pump, Mr. RYAN.

Mr. RYAN of Ohio. If the gentleman would yield, if you think about the amount of money that we have spent in Iraq, that we are going to go and fix the Middle East and make it different and the money that it costs, almost $1 trillion that we have spent there already and the projection of $3 trillion when you start talking about taking care of all the vets that are going to come back with traumatic brain injury, amputees. When you factor that cost in, Joe Stiglitz, the Nobel winning economist, says $3 trillion it's going to cost.

And I think it's important for the American people to realize that if we had made different decisions early on in this decade that those billions and billions and billions of dollars could have been invested into alternative energy sources, could have been invested into loan guarantees for nuclear plants, could have been invested in coal to liquid or whatever. Pick your issue.

I yield to my friend.

Mr. ALTMIRE. I thank the gentleman. This is exactly what we need to talk about tonight. You have the chart there. The gentleman has the chart talking about turning a projected 10-year surplus—when President Bush put his hand on the Bible and took the oath of office, the projected surplus over the next 10 years was $5.5 trillion.

Now we're in a presidential election year. Mr. MEEK referenced it earlier. Let's think back 8 years. Vice President Gore was running against then Governor Bush. What was the debate about? The debate was about what are we going to do with this enormous surplus? That was the whole thing. Remember Vice President Gore had his lockbox idea. Are we going to shore up Social Security? Are we going to pay down the debt? And with that $5.6 trillion surplus, we could have nearly paid off the entire Federal debt by now, 8 years later. We would have it almost completely paid off. Instead, because of the decisions that have been made by this administration and previous Congresses, we have a $10 trillion debt. So instead of having it paid off, it's at its highest level in history, nearly $10 trillion.

We could have, as the gentleman suggests, invested in alternative energies and research and development on alternative sources of energy. We didn't do that. We could have done any number of things with a projected $5.5 trillion surplus.

Well, instead, because of the economic policies of this administration, we have not had that $5.5 trillion to the good; we've had $3.5 trillion in debt. And I would suggest, and we have talked about this before, if you had said to any economist in America, no matter what their political persuasion, in the beginning of this administration, what would it take over the next 8 years for us to have a $9 trillion swing in the projected surplus to the deficit that we would then encounter? What would it take? What type of economic policies would we have to put forward? Any economist you asked would have said, well, that's impossible. You can't possibly mismanage the economy to such an extent that that would be the result, a $9 trillion swing. Well, unfortunately, this administration and the previous Congresses did the impossible, and we are faced with the situation that we are.

Now, pay-as-you-go budget scoring, as Mr. MURPHY talked about, is not the only answer, but it's definitely a step in the right direction. And it was President Bush's father, President George H. W. Bush, in 1990 that came to the agreement with Congress to put in place the pay-as-you-go budget scoring that led to the record surpluses of the 1990s following the all-time record deficits to that point of the 1980s.

So this Congress has taken a step to put our fiscal house in order. We can't dig ourselves out overnight. But all of this has led to the decrease in the value of the dollar. And the decrease in the value of the dollar, anyone would agree, is one of the major factors involved in the price of gas today, the price of petroleum in the worldwide market. And we're going to talk about that tonight.

I yield to my friend from Florida (Mr. MEEK).

Mr. MEEK of Florida. Thank you so very much.

Florida is front and center in the solution on the Republican side of the whole oil crisis issue. And we started talking about deficit spending. We started talking about what is happening to the American family, and I think that it's very important.

I heard you, Mr. RYAN and Mr. ALTMIRE, say something earlier about the folks in Iraq taking the responsibility. They are now calling for a timeline. It's interesting that the administration is not calling for a timeline.

And I think it's important, Madam Speaker, when we look at $8.5 billion a month, that's not anything to look away from. That's a lot of money. And I can tell you that there's a number of folks that would like to see that kind of money invested here in the United States.

Let me just mention one thing. The Speaker a few days ago wrote a letter to the President. Two months ago she asked for oil to be taken out of the Strategic Petroleum Reserve that we have here. This letter is, I believe, on speaker.gov, which is on Speaker NANCY PELOSI's Web site. It asks the President to dip into the oil reserves, that we have over 90 days of reserve that's in these oil reserves.

This has been done before. This is not what you may call a new idea. This is not a radical idea. It's been done by not only the first President Bush, his father, but also by President Clinton and by this President during Katrina.

I just want to take a couple of excerpts from this letter. It says: "Two months ago, after initially opposing our proposal to suspend the government's purchase of high-priced oil from the Strategic Oil Reserve, you signed the bipartisan legislation into law."

A couple of paragraphs down, it talks about the fact that oil was $30 per barrel when his administration took office and now has hit $150 per barrel. And I think it's important for us to look at the $1.47 average when he came into office and the $4.11 per gallon.

In 1990, 1991 Desert Shield, Desert Storm, when George H. W. Bush the first drew down from the Strategic Petroleum Reserve on January 17, 1991, it actually bought oil prices down per barrel $8. In 2000, in the face of high energy prices, the oil prices, President Clinton signed an executive order authorizing a withdrawal of 30 million barrels that were released from the Strategic Petroleum Reserve that actually brought the price per barrel down from $30.94 to $20.38, which is a 37 percent decrease. And this is backed up by the Select Committee on Energy Independence and Global Warming of April 24, 2008.

Then we look at Hurricane Katrina. President Bush has done this before. Hurricane Katrina in 2005, because the Gulf States were hit, the administration offered 30 million gallons from the Strategic Oil Reserve that actually brought down the price per barrel by $5.

Why do I mention what has happened in the past, which should happen here in the present? The real issue is it's 97 percent full at this particular time, well beyond the International Energy Program as it relates to the 90-day reserve stock that should be there. When the President makes a decision, in 13 days, you will see oil prices go down. Why is this important, Madam Speaker and Members? This is very important because the American people are having to make a choice. If they're going to drive to work or they're going to drive their children to school, especially in rural America and even in urban America, they are having to make those decisions.

☐ 2115

There were families that had to make the decision if they were going to see their family members or go to the family reunion this last July 4th, which is one of the most celebrated holidays in our country, which is our independence. They could not make that decision to drive because of the price of oil. We have companies that are laying off workers as we stand here today because of the issue of oil per barrel.

I talked to Chairman OBERSTAR. We took the opportunity to do it. Mr. RYAN and I were in a meeting today. Chairman OBERSTAR stated the following, the chairman of the Transportation Committee: A $10 drop in the price per barrel of oil will result in a savings of $420 million per year to

Northwest Airlines. It also would mean a savings of $840 million for United Airlines. It would also mean a savings of $900 million per year for American Airlines.

What does that mean? That means that the American people will not be nickel-and-dimed as we are now as they travel throughout this country.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I yield to Mr. RYAN.

Mr. RYAN of Ohio. I just want to make the point that I was there with you, talking to the chairman of the Transportation Committee, and the point is it's not just airline fares, it's not just reducing from $4 a gallon down because of the millions of gallons that we could just take out of the oil reserve that is just sitting here in our country, and there are several of them. Just take the oil out.

Everyone's talking about drilling. Take the oil out of where it is right now. Just turn the spigot on. Just turn that spigot on and let that oil flow.

My point is that when you do this, it's going to have an effect because the airline companies are laying people off, just today in Toledo, and all over the country.

So this is about making sure that we have jobs in the country. Airline pilots, machinists. The whole nine yards. So I wanted to put a little texture into that argument, a little context in that argument, support it even more to talk about jobs here in American.

Mr. MEEK of Florida. Mr. RYAN, there's nothing wrong with texture or context.

Mr. RYAN of Ohio. I yield back.

Mr. MEEK of Florida. Thank you, sir. I think it's important as we look at this, Madam Speaker, and we say small businesses are the backbone of our economy. I mean, we are just hearing about the big players here; the airlines, those that are publicly trade. What about the small business of 25 to 100 people? Do you think they are laying off people? They are laying off people because they can't afford it.

I am not a Member of Congress with a conspiracy theory, but I can't help but pay attention to this board here. So many Americans appreciate the fact when Saddam Hussein's statue was taken down and we are going to liberate the Iraqi people and all, but there are some other people who had some other interests and some other things in mind. A few companies are making record profit, just breaking records as it relates to profits.

Meanwhile, back at the ranch or back at the dining room table, folks are having to park their vehicles because they can no longer afford to be able to pay for the necessity of being able to use their own vehicle. I mean the cost of living in the United States has gone up in some households some $200 to $300.

What we do here, Mr. MURPHY, we are here to represent the American people. So we have to make sure that we do exactly just that.

Here's another chart. I had some of my friends come to the floor on the other side of the aisle saying, You know what we need to do? Great idea. Let's drill more. Let's make sure that we have more opportunities for oil companies to find the kind of energy that we need. That is that old school kind of Beta thinking, VHS thinking. Just the other day I was with my wife, looking around. We had to find something to turn it to DVD or whatever the case may be.

If you want to think in the old sense of things, you can. But here are the facts. Acres leased, and this is in the millions, 9.5 million acres that have been leased. When you look at the acres that are producing, 23.7. So what we have here is a full plate that the oil industry has to look for oil or whatever the case may be. They are not even taking advantage of the leases that have already been given. But, better yet, they want more.

Now, what the Speaker is talking about and the Democrats are talking about, let's go in, let's bring this price down. Let's let the oil cartels know that we mean business. And we also responded as it relates to legislation looking at alternative fuel.

The last point that I want to make and then I'm going to turn it over to my good friend here. Let's talk about what is happening out there.

If you're lucky enough to have a 2008 Pontiac Grand Prix, the cost to fill that up is $62.73. That is every time it ends up on E. The annual cost is $2,927. If you're lucky enough to have a Honda Accord, the cost to fill that up is $58.26. Annual cost, $2,565. Not even talking about what you have to do as relates to preventive maintenance.

If you have an opportunity to have a 2008—all these numbers I am talking about here, like I said, Madam Speaker, we don't talk fiction, we don't embellish numbers, we don't leave any like gray area out there for folks to say, Well, maybe he might have meant that, or maybe the 30-Something, maybe they were making another point. We want to make sure that you're able to go on fueleconomy.gov and you can get these numbers that I am stating right here on the floor right now, right here.

If you're lucky enough to have a 2008 Chevy Impala, $62.73; $2,798. Chevy Suburban. Many small businesses use these vehicles. A 2008, $124, and $4,391 to fill it up per year. We are not even talking about preventive maintenance.

Ford Escape, $60.88; $2,927. You also have your Ford Escape Hybrid, which is $55.35; $2,096 that is being spent, plus you get your $3,000 tax credit when you get this hybrid.

Let's just talk about what is happening in rural America, in many places in rural America, and small businesses. Ford F-10 pickup truck, $113.83. That is to fill it up; $4,391. It goes on and on with this Web site. This is based on the national average, which is $4.10.

This is what is happening right now. They don't want to hear what the Republican side is talking about, Madam Speaker, as it relates to if we were to give more leases and we were to start drilling off the coast of Florida that we have never considered—well, we never really considered before. We wanted to do it, but we couldn't do it. But now folks are in a crisis now. Here's our solution.

Well, that is not a good solution because you have all of these leases that are out there. It's almost like the oil companies, back in 2001 when they had this great meeting in DICK CHENEY's office and started talking about how we are going to deal with energy policy, came up with this situation.

We have seen oil and the price of gas go from $1-something to now $4.10. It seems to work. The Bush administration is there. I think it's kind of like the last call for you know what to say that, Hey, let's get these leases while we can because we have Democrats here in the Congress that is talking about alternative fuel, that is talking about bringing the gas prices down now, not later, and have a real strategy as it relates to dealing with these oil cartels with penalties and allowing our regulation agencies here to regulate these folks from price gouging the American people.

Who's standing in the middle of the door? When they say stand in the schoolhouse door, who's standing there? The administration is standing there, saying that it's not just and it's not fair.

I have got a problem with that. I don't think my constituents sent me here to Congress to sit idly by and watch this happen. I am so glad, my colleagues here, that we have acted on this. I am not so happy that the President has not acted on it. I am not so happy that there's not outrage as it relates to his inaction for not dealing with these issues.

So Members can come to the floor and start talking about fiction and carrying on and embellishing. I'm not saying that. I am just saying some folks can come and start painting big pictures with broad brush or whatever the case may be. But I think it's important that we bring these issues to the forefront.

I don't have a problem with the oil companies that are on this chart here. I am not upset with them. They are just taking advantage of the situation that they have. Use it or lose it. They are taking advantage of it. We are going to ride this thing as long as we can ride it. I tell you, the American people have a say, and come this November, there's going to be a different day.

Last point. I am just going to make a last point and have a seat. I am going to let my colleagues share a little bit with us.

I remember in the day when Mr. RYAN and I, some two Congresses ago, used to say, If we have the opportunity to lead, that we will lead in a way that the American people would like for us to lead, not as Democrats would like for us to lead, not as independents, or not as Republicans, but as the American people would like for us to lead; how future generations would like for us to lead as relates to dealing with global warming, as it relates to investing in the Midwest versus the Middle East so that we can create green jobs. To put the American people to work, not other folks to work. And we have responded to that call.

In politics, you don't see that. You don't see people. The Speaker said what we are going to do. We are doing it. The President is not doing it. The Vice President is not doing it. I can tell you right now, we need this paradigm shift to happen now.

We said that there will be Members of this House that will be watching us here on this floor at home, not because they are retired, not because they thought someone else needed a chance to lead, but because the American people no longer tolerate it. That actually happened.

So I think come this November, the American people are going to rise up and they are going to say, Listen, I did not send you to Washington, D.C. to represent the special interests and to represent big oil to make record profits. I sent to you Washington, D.C. to make life better for me and my children.

So I want to thank my colleagues here for allowing me to make that point. I know that we have some other things to share as relates to this subject, so I will yield to my good friend from Connecticut.

Mr. MURPHY of Connecticut. I thank you, Mr. MEEK. I appreciate the point.

You talked about record profits. Let's talk about some meat on the bones here. A 311 percent increase in profits for the oil industry from 2002 to 2007. It may just be a coincidence that that time about correlates with the moment that they started sitting in those secret meetings, Mr. MEEK, in Vice President CHENEY's office to negotiate this new energy policy into the Bush administration. But I don't think it's a coincidence.

I think you can directly correlate the moment at which the oil companies started seeing this 311 percent increase in profits begin with the moment at which they were let in the door to start writing America's energy policy. Because that is what happened.

We put two oil men in the White House, in President and the Vice President seat, and we got, as a result of it, the highest gas prices in the history of this Nation, a 300 percent increase in the profits to their friends in the oil industry, and families having to make decisions about whether they feed their kids or whether they fill up their gas tank to get to work the next day.

That is not coincidence. That is not chance. That is the result of putting two people in charge of this administration that made their fortune in the oil industry and who have friends that they have allowed into the room to write the very legislation that has led to the situation that we are in today. It's not just conjecture.

Let's take a look just in the last year and a half at what we have been doing here and who's been standing in the way. This is probably not readable to the Speaker and to our colleagues here, but can you get the picture here.

The Renewable Energy and Jobs Act that we passed just a few months ago, investing millions of dollars into renewal energy that would actually compete with the oil industry, would make us energy independent, as we talk about all the time. Veto threat in the President of the United States. The Gas Price Relief for Consumers Act that held OPEC and the oil companies accountable for price fixing; for getting together and trying to decide what the price of oil should be. The President once again threatens to veto it.

Commonsense legislation. Repealing the subsidies, the tax subsidies that that energy bill that the oil industry wrote, repealing those tax subsidies and instead, this just seems like common sense, turning those subsidies that the Republicans and the President were giving to the oil industry, instead give them to consumers and small businesses and people who want to invest in things and energy technology in their homes to get them off of oil. Another veto threat from the President.

Cracking down on price gouging. Fifty-six Republicans joining us on that bill. Veto threat from the President. Again, a second bill, this time with 125 Republicans supporting the measure.

□ 2130

This measure was to go after the OPEC countries and oil cartels for price fixing. Another veto threat by the President. Over and over again.

This Congress in the last year-and-a-half has been doing what we were sent here to do, represent and stick up for all of those middle-class families out there that are getting it stuck to them at the pumps. The way we say that we can do that best is to go right at the people who are getting rich off of these exorbitant oil prices, those oil companies. And every time that we have done it, virtually every time we have done it, we have had a President standing in the way. It continues.

We just find out the other day, Mr. MEEK, that this administration has been helping the oil companies negotiate no-bid contracts to get their newly found oil out of the fields in Iraq.

Mr. MEEK of Florida. Say it ain't so.

Mr. MURPHY of Connecticut. It is so, Mr. MEEK. It is so. Because this is just going to go on and on and on. So long as we continue to have the same people in charge of the White House and the administration's energy policy, we are going to continue to see these record profits for the oil industry and see a neglect on behalf of the administration to come to this Congress and work with the Democrats who are trying to turn this whole thing around.

Mr. MEEK of Florida. You know, Mr. RYAN, the real issue here is executive power, okay? We live in this democracy, but we have executive power as it relates to being able to deal with these issues. And I am so glad you are reading off the list of not only the CONGRESSIONAL RECORD, but congressional action on doing what we said we would do.

We had a plan, Six in 06. We have done all of that. We talked about the issue that is facing America, the American people, as it relates to energy costs. When I read off those airline issues, I am not talking about profits for those airlines. I am talking about the fact when you go to book a flight now, to even check a bag, you have to not only spend the money that you spent on booking the flight, but then now you have to pay sometimes $15, $30, $100 per bag. The next thing you know, they are going to have a little card swipe on the restroom in the bathroom. I am not trying to sensationalize anything. That is just where we are now. A little bag of peanuts you used to get on the plane, folks are saying that is now $5.50. You want something to drink?

So when you look at these issues, these are real issues. It is something, Madam Speaker, we have to deal with. It is not only dealing with the American families, but it is also dealing with American business, the backbone, small business, the backbone of our economy. When we start dealing with our economy, we have to really look at these issues for what they are worth. I am hoping we can get more of our colleagues from the Republican side to join us.

Mr. RYAN, I know you have something to add to this.

Mr. RYAN of Ohio. I think it is important. Here is the history. Not just the short-term history, kind of what the gentleman from Connecticut Mr. MURPHY just went over, but that long history. We have been since we got in trying to push legislation on every single issue that is going to help middle-class families in the United States of America.

We raised the minimum wage for the first time since 1997. The new increase will go here in just a few more weeks. On July 24th there will be another minimum wage increase for those people earning the minimum wage. Some people have two minimum wage jobs, who will get another $28 a week, which isn't a lot, but with high gas prices it is a lot more than what would have happened if the Democrats were not here.

If you look at the investments we made in biofuels already through the farm bill and the alternative energy that Mr. MURPHY already mentioned, some economists are saying this is keeping gas down 50 cents a gallon more now because of the biofuel blends that are coming in.

If you look at what just happened last week when you would take your kid or a student was going to try to take out a loan to go to school, and the interest rate was 6 percent instead of 6.8 percent, that is because the Democrats are in Congress and pushed that bill. That did not happen when the Republicans were in charge here.

Madam Speaker, we did that. Democrats did that. So when you are talking about who is on the side of the person going to the pump at $4 gas, it is the Democrats. We are against the oil companies. We are against President Bush. And if you look at the last 8 years, who would you rather have fixing the problem? President Bush and Dick Cheney and the oil companies, or the Democrats, who increased the minimum wage, invested in alternative energy, and made the kind of commitments on student loans and education that we have made. There is a clear difference here.

And here is all the land that the oil companies have to drill on: 102 percent of Colorado, 130 percent of Kansas, twice the size of Illinois, 2½ times the State of Ohio. Go drill. Go drill now. You have the leases. You have picked out the land yourself. Go and drill it. But, no, you want to go up to ANWR and drill, a small little piece. All we are saying is you have the leases. We are talking about 20 years down the line. Even if you started drilling here in ANWR or anywhere else, 20 years. Speaker PELOSI is saying, take it out of the oil reserve that we have right now, and the President is saying no.

So do you want to get oil into the market now, Madam Speaker, or not? It is pretty clear. There are people in our communities that are hurting, and we have a short-term plan and a medium plan and a long-range plan that is being fought tooth and nail by the oil companies.

Mr. MURPHY of Connecticut. It is completely consistent though, because when the Bush administration came into office and they wanted an energy policy, they knew who to turn to, right? They went for answers to their friends in the oil industry. So, today, when people are hurting at the pumps and they are looking for answers, who does the Bush administration and who do the Republicans look to for answers? They ask their friends in the oil industry. And guess what their answer is? The way out of this is to give us access to the tiny little chunk of territory that we haven't gotten yet. It is going to take 20 years to get anything out of it, but our answer to your immediate problem is to give us access to territory that will get a tiny additional bit of oil in 20 years from now. And people bought it.

Mr. RYAN of Ohio. And save 5 cents a gallon. This is about people that sent us down here to make mature, responsible decisions, not the issue de jour, what is going to rattle will public. We have got a responsibility.

We only have a couple of percent of the whole reserves in the world, and we consume 25 percent of the daily energy in the world. And for us to come here and say if we just drill, which we are saying, go ahead and drill. That is fine. Drill now. Here is all the places, 6 million acres you have. Go ahead and do what you have to do and make your money. But we are going in another direction, because we are not going to rely on imported oil from the Middle East to solve this problem. We are going to rely on the Midwest and the ingenuity in the country.

Mr. MEEK of Florida. Mr. RYAN, as we close we are going to do this little lightning round here. We are going to yield back and move from there. So we will just kind of roll around in rotation.

Mr. ALTMIRE has been standing by here very patiently. It is very interesting. I guess it is just the Pittsburgh spirit.

Mr. ALTMIRE. I thank the gentleman. I was going to comment on the fact that there is a slogan that you see rolling around these halls, and it is "drill here, drill now." You hear it everywhere we go, drill hear, drill now.

Well, how could we accomplish that goal? Because the Democrats want to drill here and they want to drill now. The way we drill here and the way we drill now is by using the 6 million acres that are already leased and permitted and available for drilling. We need to be doing that now. They are ready to go.

Now, there is exploration that needs to take place, I understand that. But the territory that has not been leased and permitted is 10 years away before the first drop of oil comes out, and it is 20 years, 20 years, before it is fully on line at peak capacity. That is not drilling now. So I would suggest to those who want to pursue that policy, maybe they ought to change their slogan. Just to be more accurate, it should be "drill here, drill in 10 years or 20 years," because that is what they are talking about.

What we are talking about is using the land, the territory, the parts of the Outer Continental Shelf, 75 percent of which is leased and permitted, allowed to drill, and they are not drilling. The oil companies who have the land leased and ready to go on the Outer Continental Shelf are using a quarter of it, 25 percent.

So you will hear people say, well, there is no oil there. Well, that is factually incorrect. Eighty percent of the known oil in the Outer Continental Shelf is located in areas where the oil companies are already allowed to drill. It is already leased. It is already permitted. It is already ready to go. Go to it. Drill here, drill now. That is what we are talking about. Have at it. We want you to do that, big oil. Do it.

Now, if you want to talk about drilling here in 10 years and drilling here in 20 years, that is a different ball game, and we can have that discussion after they have used the land and territory already available.

Mr. RYAN of Ohio. One of the provisions for taking this right out of the Strategic Petroleum Reserve and pumping it into the market is it stays in the United States market. What they are drilling now, wherever they are drilling, doesn't necessarily mean the oil they are taking out is staying here in the United States, all of it. So there are a lot of issues here that we need to deal with.

But, Mr. MEEK, I just want to get nostalgic for 30 seconds with you, if I could, before we close up. I remember four or five years ago when the whole 30-Something Group started and we started on the issue of Social Security privatization accounts. Congressman MEEK and I started coming down here on that issue. Then-Minority Leader PELOSI asked us to come down here, and we got into the nuts and bolts of the privatization accounts. And it was 60–40 people in our generation were for it, until we got into the nuts and bolts.

We began to explain night in and night out on this floor, and throughout the country Members would go home and started to talk about Social Security privatization, putting this social insurance program in jeopardy, and we ended up killing the President's privatization account scheme that he was going to set up.

What I am saying to Members here is if we just continue to get the facts out on this, that there is oil, 80 percent of the known reserves, the oil companies have the permits to drill it, we passed legislation that says use the permit or lose it so we can get people in there who want to drill, and we just keep talking about that, and what we are going to do with taking the oil that is already there in the reserve and put it into the market, there is no doubt that our plan in the short-term is better and we have already made the investments in the long term that I know will be better.

Mr. MURPHY of Connecticut. I thank you, Mr. RYAN. You referenced that short-term plan, and I think we would be remiss if we didn't talk a little bit about what is maybe our best tool between now and when this session wraps up to actually get some short-term relief to people. Because as much as we know the oil companies are a lot of the reason, the majority of the reason behind the problems that we face today, we have got to acknowledge where the price of a barrel of oil is set.

The price of a barrel of oil is not set in the boardroom of Exxon or Chevron or BP. It is not set at the gas station that you and I go to fill up at. It is set on this place called the commodities market, the other place that has done very, very well over the past several years, the traders on Wall Street who have been coming away with millions, if not billions, off of these increased prices that we see.

So if you really want some short-term relief, if you don't want to wait 10 years until you could get a drop of oil out of newly-leased territory, then let's actually go and pass some legislation to affect the very place that the price of oil is being set, and that is on the commodities market.

We have seen an explosion of almost 20-fold in the amount of money that is being invested in the oil commodities market. And, guess what? Most of that money is being invested betting in only one direction, that the price goes up. And guess what else? When you bet that the price goes up, that is what it does. It goes up.

□ 2145

Money chases money. Long bets increase the price of a barrel of oil. So we have got some pretty simple solutions in front of us that we are going to be putting forward in front of this House in the next few weeks.

Let's limit the amount of people who can go onto Wall Street with the millions that they have made and force the price of gasoline, the price of a barrel of oil artificially beyond what it really costs. Because I do not believe that the price of a gallon of gas is really $4.20. That is not what supply and demand would have it at. That is what the commodity traders on Wall Street would have us believe.

So if you really want to get short-term relief, then just as on the issues that we were talking about before, you have got to take on the oil industry, you have got to take on Wall Street, you have got to take on the commodity traders.

And this place just I have seen it in the last few weeks, Mr. MEEK, has all of a sudden started to crawl with those lobbyists that represent the folks that are making all this money off of oil trading. They are going to try to shut this down. They are going to do their best to go to their friends here in Congress and in the administration and try to shut down our efforts to reform the commodity market.

And this isn't a simple thing to explain to our constituents, it is not a simple thing for people to explain to us. But if you really want to talk about what is responsible, what venue can be affected immediately in terms of bringing down this price, you have got to go after Wall Street, you have got to go after the place where we can get the most obvious and quickest price relief. And it is not going to be easy, because those folks there have just as many interests and lobbyists as do the oil companies here. But, Mr. MEEK, we didn't get sent here to represent the lobbyists, we didn't get sent here to represent the special interests. We took over this House, we took control of this House because we are supposed to stick up for the people who are paying those prices.

And we are all singing the same tune. In the long run, we have got to get off of oil. We have got to find something else to run this country on, Mr. MEEK, Mr. ALTMIRE, and Mr. RYAN. But in the short run, let's go to the place where it counts and where it can be changed and affected the most, and that is the commodities market. And I hope that we are going to do something here. I hope that we are going to get some bipartisan consensus to be able to work on that solution in the next few weeks.

Mr. MEEK of Florida. Mr. MURPHY, I want to thank you for sharing with the Members how we can improve and how the administration can improve as it relates to policing what is going on right now.

We passed legislation putting teeth in the Federal Trade Commission to be able to go after these price gougers, to be able to find out where there is fat and waste. This Bush administration will not get the award for being able to stomp out waste and fat within the Federal Government. The executive branch means a lot to accountability as it relates to what we are trying to seek out here in Congress.

I want to thank you, Mr. MURPHY, and I want to thank Mr. ALTMIRE and Mr. RYAN for coming down here, this 30-Something Working Group hour tonight.

Madam Speaker, we come to the floor to not only bring about bipartisanship, but also challenge our colleagues in being a part of the solution versus standing idly by and holding on to party loyalty or whatever the case may be. Because we did not talk about the kind of changes that you can believe in or the kind of change if you give us the opportunity, or the Six in '06 plan on behalf of just Democrats, on behalf of Independents and Republicans, but on behalf of the American and those yet unborn. So we are batting pretty good as it relates to the accountability of what the people want and what is good for this country. And I can tell you, there is no greater honor, there is no greater honor than serving here in this Congress and being about the solution.

We can talk about solution and we can take action on solution here. But if we have an administration that is treating it as though it is the last day of school or the last days of school, and I don't necessarily have to respond; we have oil companies that have a plate of leases that are out like this high and putting pressure on the Congress and on other entities to say, hey, let's start drilling off the coast of Florida. Well, why? Well, we want to bring gas prices down. When? Oh, maybe 10 or 15 years. But we just want it. We know we have thousands and thousands upon thousands of leases that are yet undrilled upon, unresearched or what have you, but we want more. It sounds like the oil companies are saying: We want to keep this good thing going for us.

Well, the American people are now asking for a bailout as it relates to the price of gas at the pump. I am asking the Bush administration and some of my colleagues on the other side of the aisle to be just as excited about helping bail out the American people as though they were and have been excited about bailing out industry, special interests when they get into trouble. Why doesn't somebody save Ms. Johnson or Ms. Cravis, or Mr. Jackson who has an F–10 pickup truck and running a small business. Let's help them.

So that is what we are trying to do here and that is what we are advocating here on the floor. It is going to take more than a willing House and a willing Senate to bring about the kind of change that will affect the bottom line of the American people that are facing these prices right now. We need the administration to be able to stand up on behalf of the American people. And, guess what, we can't wait until January for that to happen.

So we thank you, Madam Speaker. I would like to thank the members that came down to the floor tonight of the 30-Something Working Group. It is always an honor to address the House of Representatives.

We yield back the balance of our time.

HOLDING THE LINE ON DEBT AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege to be recognized here on the floor of the House of the United States Congress.

I have sat here through the last hour and patiently listened to my colleagues on the other side of the aisle, and one of the things that comes out clearly is the tone of the message that they deliver.

I have heard this 30-Something Group now, I think I must be into about the sixth year of listening to this, and it seemed to me that at some point they would maybe get over their bitterness about President Bush winning an election in Florida twice, and all the recounts they could come up with still came up with the same result and they still carry the same resentment that the will of the people was reflected. And the bitterness that emerges in this discussion and the implications that come that challenge the motives of the President are disturbing to me, and particularly their remarks that have to do with allegations about: You put two Big Oil people in the White House, and this is what you get, is high oil prices. A lot of us that watch the policy will say we know better than that, Madam Speaker, and I know better than that for a lot of reasons.

As I look down through this, I am going to pick up the oil in just a moment, but I think where I would like to step in here first is to deal with the issue of the national debt. Now, some of the gentlemen on the other side of the aisle were clearly stating that they believe that they could have managed their way into not eliminating the national debt alone but providing for a surplus. They say: We could have paid off all the national debt if you would have just allowed us to be in charge. We would have made the right decisions.

So I listened to all that, and I tried to put myself, Madam Speaker, in a position of what it would be like for a person in a living room in someplace across the United States, or maybe someone who just pulled into the motel or the hotel and turned on their C-SPAN, turned on their television, they are surfing through there and came across C-SPAN or heard something like that, that the folks on that side of the aisle, if you would have been in charge, you would have paid off the national debt, which means if it is paid off, there must be a surplus. That is by simple, easy deduction and because the allegation is the folks that were in charge were irresponsible, supposedly.

So I thought, all right, what do I remember? What is real? What are some of the facts? And I can think in this 110th Congress, this Pelosi Congress, this Congress that is characterized by San Francisco values, Massachusetts values, and budget mismanagement, these are the things that come to mind on me. And some of them, it has been the Republican minority who has fought aggressively to protect the interests of the taxpayers. These are the things that I just wrote down off the top of my head, and it is by no means a complete list. It isn't even close:

Republicans held the line and saved the taxpayers $40 billion on the State Children's Health Insurance Program, which I support as a State senator, which I support at 200 percent of poverty, which today is 200 percent of poverty still providing health insurance premiums for those children in families of four making in my State over $52,000 a year.

Now, we are helping those folks out some. They—most might make it on their own; in fact, I know some families that do make it on their own without tapping into the SCHIP program. But this agenda was driven off of this floor, Madam Speaker, and pushed by NANCY PELOSI, the San Francisco values, at 400 percent of poverty. That bill, that SCHIP bill would have expanded this funding of health insurance premium for kids and families in my State, of families of four making over $103,000 a year.

Now, who is left to subsidize? If we are going to subsidize families that are making six figures, $103,000 a year, who is going to pay that tax? Well, presumably not anybody that is making less. We know that there were 70,000 families in America that were paying the alternative minimum tax which this Congress, this Pelosi-led Congress can't seem to get around to repealing the alternative minimum tax. But 70,000 families in America would have been paying the alternative minimum tax and been receiving a Federal subsidy for their health insurance premiums.

The whole thing of socialized medicine and the Nanny Pelosi State has come full circle, and the overlap of what subsidized for health insurance premiums for families of 200 percent of poverty would have gone to 400 percent; and families that were paying the rich man's tax, the alternative minimum tax, expands because it is not indexed for inflation. Over into that loop were 70,000 families paying the alternative minimum tax and getting help with health insurance premiums. That is bizarre.

That is what we stopped. We blocked the 400 percent of poverty that would have funded families of four making $103,000 a year with somebody else's tax dollars and created more dependency. We blocked their effort to lay the cornerstone of socialized medicine, Hillary Care, the care that I called SCHIP, the Socialized Clinton Style Hillary Care for children and their parents was blocked by a Republican majority of fiscally responsible people, and we still maintained a program at 200 percent of poverty to help out those families so their children would have health insurance. That is one thing we did, $40 billion.

The second thing we did, we fought the battle and I think in the end we have got a reasonable chance of winning the war, BARNEY FRANK's $300 billion bailout of a $150 billion subprime problem, the idea that folks could come in and borrow up to 100 percent to buy a home that they can't make the payments on, just betting on the idea that the value of that home would appreciate and go up, maybe they could roll it into a fancier home in a few years and then refinance without any of their own equity in the home. That was going on in this country, especially in places on the Left Coast and on the East Coast. It wasn't going on nearly as much in the Midwest.

But there are people all across this country that were saving their money, that were saving up to the 20 percent down or maybe 29 percent down. They looked around, and said, well, all right, now for 10 or 15 years they put their money together and came up with $20,000 and decided, "I want to buy a home." And they went out and shopped the marketplace and did the responsible thing and laid their $20,000 down and moved into a $100,000 home. In a lot of parts of the country that is a modest home; in my part of the country, that is a pretty decent home. They laid their $20,000 down and they could make their payments on the $80,000 left.

But now, the Barney Frank subprime bailout bill at $300 billion says: Now we are going to tax you, the families, the middle-income families, especially in the modest homes that put their 20 percent down on their modest home, tax those people to bail out the folks that had nothing down and moved into a $400,000 home, all to the tune of creating an increase in the deficit in this country by $300 billion. That is the bill that came off this floor. That is the bill that is over in the Senate. That is the one that I hope they can knock in the head. We don't need to do that.

And there was another one, a grab bag of "I Want List" off-budget for $168 billion. Those things popped in my head quickly, and I am seeing numbers of $1 trillion here and $1 trillion there roll off of the 30-Something Group. In my short little piece here, I wrote down $508 billion of irresponsible spending. Much of it Republicans have been successful in killing because it was irresponsible. That is more than one-half trillion dollars just in my memory in this short Congress, not in the full duration of 12 years in the majority, in which their grievance list goes back well beyond that.

And then, this group of people has the audacity to put out a whole series of proposals on energy because they know the American people are tired of paying high gas prices.

Now, I have sat in this Congress for these years. I started out in the 108th Congress, but I will take us back. I have some numbers here that come from the 106th, 108th, 109th Congress, and these are Congresses that were led by Republican majority and these were efforts that were brought forward that would have lowered the cost of energy in its entirety, especially the cost of gas.

☐ 2200

These are bills that went over to the Senate from the House. Mr. Speaker, I hope you write this down and do a little research on this.

H.R. 1655, from the 106th Congress, the Department of Energy Research, Development, and Demonstration Authorization Act, that passed the House and went to the Senate. That was on September 15th of 1999. Also, H.R. 3822, another energy bill, the Oil Price Reduction Act, that passed the House on March 22nd of 2000. It went to the Senate, and it died in committee.

Also, in the 108th Congress, I'll name three other bills: H.R. 3062, H.R. 4503, H.R. 4517. They all passed the House in the 108th Congress. All would have lowered energy prices. All would have provided more energy in the marketplace. All died in the Senate.

In the 109th Congress—that's the Congress ahead of this one—H.R. 6, the Energy Policy Act, passed the House on April 21, 2005. That happens to be my mother's birthday. Senate action: They removed the ANWR provision that passed out of this House. It died over there. Others that passed in that Congress are H.R. 2863 and H.R. 5429 and H.R. 4761, all energy bills, all bills that passed the House, all bills, by the memo I'm looking at, at least, that didn't make it out of the Senate, that didn't come back to the House, that didn't go to conference. They just died over there. They died over there not because of Republicans in the Senate. They died over there because of the 40 Democrats who blocked the bill, the filibuster rule that they have. As long as they're able to do that, they can be in the minority, and they can block good legislation in the Senate.

That, Mr. Speaker, is what happened in the last three Congresses ahead of this one, this 110th Congress that we are in.

I didn't mention the 107th Congress. As for the 106th, 108th and 109th Congresses, all of those Congresses passed energy legislation bills. All of them would have contributed to the supply. They would have reduced the regulation. Some of them would have provided for the siting of refineries on decommissioned military bases, and part of that legislation out of here would have allowed drilling in ANWR. Part of it would have opened up the Outer Continental Shelf to at least some degree.

We sit here in this Congress, and a question that came up more than a year ago was: What is the solution for $3 gas? I happen to have a little chart that might help illustrate this.

Now, George Bush was really put up to be the demon here, in listening to the folks who spoke ahead of me, so I thought I'd put a little piece of fact up for people to take a look at, Mr. Speaker. Here are the facts. This is just slightly dated, but I can bring it up to date. This is pretty close.

This is the time that George Bush was sworn in as President of the United States. Gas was $1.49. Oh, boy. Don't we wish we had those days today.

As I move forward, we come to the point where NANCY PELOSI was sworn in as Speaker. Gas had gone up to $2.33 a gallon. I'd be happy to go back to those days, and so would every American if we could make the deal today to hold gas at $2.33, but look at how long it took to get to the $2.33 from the $1.49.

When Bush was sworn in as President and, yes, when the speculators in the world and when the investors in the world and when the oil companies in the world and when the sovereign wealth funds in the nations that control much of the world's energy supply saw what was happening here in this country—that the United States had lost its ability to pass legislation out of this House and send it to the Senate, let alone to a Senate that would pass it and send it to the President, who would have signed, I think, every one of these bills that I've read off here—then your energy prices shot up. $4.08 is slightly dated. It's probably $4.10 or $4.11 today. So that tells you what's actually going on here.

If you take energy off the market, if you increase regulation, if you come out and you make noise about windfall profits taxes, I can tell you what I'd do if I were sitting on the board of directors of an energy company, and Congress had said, "I want to come in and tax you after the fact." I would start to look for other places to put my capital, where I could get a return that wasn't going to be punished after the fact by Congress.

So I don't think that people on the other side of the aisle here, for the most part, understand this free market system that's here. I don't think they understand supply and demand. They convinced me of that today in a hearing on the Ag Committee. It was all about trying to regulate the futures market on energy. There were six different witnesses, and I lost track, actually, of how many bills were there, but some of those bills were drafted years ago, 1 or 2 or 3 years ago, when I would have thought that, maybe, their focus on this regulation of the futures market would have come within the last 2 or 3 months rather than in the last 2 or 3 years.

They convinced me, because those Members of Congress had been working that long on the futures market, that it actually indicates supply and demand on energy in the world, and it lets the people who are watching those markets understand at least what the people who are speculating on that market think is going to be there for supply and demand. They don't have the confidence in that. They think that they need to get in there and regulate the market, regulate the market, take the futures out of the energy equation because, as the gentleman from Maryland said, there must be some margin in there somewhere, and we've got to squeeze every drop out of it. Well, they're providing a service with the futures market, and that allows people to hedge, and you've got to let them hedge because there are people who are vulnerable to the fluctuation in energy prices.

Then, on top of that, supply and demand is not part of the equation on the left side of the aisle, Mr. Speaker. It's not. They convinced me of that in the hearing today. It's not or it wouldn't be proposed by the Speaker of the House, NANCY PELOSI, that we should go ahead and up the Strategic Petroleum Reserve. In a little bit, the gentleman from Pennsylvania will address that subject matter with a little more expertise than I bring to this floor, but it's a limited supply, and it's, therefore, a national emergency.

I can tell you that 42.6 percent of the world's export oil supply goes through the Strait of Hormuz. We have Iran threatening to shut down the Strait of Hormuz, and they know that that strait there is not just the valve that controls 42.6 percent of the world's export oil supply. That's the valve that shuts down the world economy. If they can control the strait, they can control the world economy. They know it. They've known it for a long time. Even Jimmy Carter knew it.

What would be the dumbest time to open up the Strategic Petroleum Reserve? Well, that would be the time when we're most vulnerable and are most threatened that someone like Iran might decide they're going to try to close down the Strait of Hormuz.

That limited amount of oil is there. It can't change the market very much. The markets aren't going to change unless you have a significant change in the volume. That doesn't change the volume of oil in the market. That just dumps the reserve out and leaves us vulnerable to dumping that volume.

Now, in looking down through a list of some of these other things, they put up a chart that showed that there are 91.5 million acres leased, and there are only 23.7 million acres producing. So they're saying go ahead and drill those acres; we're fine with that. Well, all right. I'm fine with that, too, but it doesn't matter whether you're fine with it or not. Those acres are leased. The problem is those aren't producing acres. It costs millions to sink a well in most of these places. So, if you sink a well down someplace where there's not oil, you've wasted the money.

I'd say, if you're serious about this, step up and join me. Let's let the leaseholders then trade off those acres for other acres. Let them use those acres to bid with in conjunction with the dollar investment. We'll let them trade out of that 23.7 million acres or, let me say, the 91.5 million leased acres that aren't being drilled on—and I'm taking your numbers at face value. I've not checked these numbers, and I'd want to do that before I'd sign onto a bill. Take a look at this. Let them trade the acres out, and you'll find out. There's no reason why an energy company doesn't want to drill unless they don't believe there's oil there, not in this market, not in this day.

Then you know the argument "use it or lose it."

Well, let them use it by letting them trade those acres in for acres that are producing acres, and you'll see immediate action. They'd be happy to lose some of those acres. Open them up, and let somebody else bid on the acres that aren't being drilled. This is a prudent business decision.

Your theory, gentlemen, presupposes that there's oil in equal quantity under every acre that's leased whether it's drilled or whether it's not. Now, what kind of a myopic view of the underground do you have? Do you have any geologists over there in your caucus? I'm not really a geologist, but I have personally and physically drilled for oil, and I've dug more holes into Mother Earth than has anybody in this Congress. I've taken a little look at the stratification of that, and I at least have some understanding of what produces oil and what doesn't. It can't be everywhere by definition.

Then the position that came out over and over again is that Democrats are going to go after Big Oil. Well, Big Oil is what provides a lot of energy in this marketplace. If you cut down on the supply, you're going to raise the price some more, and you'll see this price of $4.08 go up to $5.08. Go ahead. Go after Big Oil, and see what the result is. You are not going to get oil 1 cent cheaper. That price is going to go up because you'll scare the capital out of the marketplace; you'll shut down the exploration, and you'll empower the Middle Eastern oil more because they are the sovereign wealth funds that control a significant amount of the energy. That's the mindset over here.

I suppose, if you say it over and over again, you'll begin to believe it, and maybe you actually do believe it, but you're not going to be able to get commonsense Americans to believe in an idea of going after Big Oil.

Oh, by the way, windfall profits taxes. Let's just say Exxon. I saw a piece the other day of 8.6 percent return on their capital. You want to tax windfall profits, calling an 8.6 percent return on capital a windfall profit tax? Well, if that's the case, I'll sign on with that if you'll also want to apply a windfall profits tax to every corporation in America that got a greater return than 8.6 percent. If we'd do that, we would kill the goose that laid the golden egg. We would also fix the national debt because there are a lot of companies that are going to end up getting a better return than 8.6 percent on their capital.

I spent 28 years in the construction business. Many times, I got a better return than 8.6 percent on the capital. I never felt guilty about a single bit of it because I earned it all competing in the marketplace, and that's what these companies are doing, too.

This is the one that grips STEVE KING, Mr. Speaker, this statement from the gentleman from Ohio (Mr. RYAN). Look at the investments in biofuels, the Democrats' support for biofuels. He says that some say it's keeping gas prices down by 50 cents. Well, I wish that were the case. I happen to represent the number 1 biofuels congressional district in America. It's the 5th District of Iowa.

Six years ago when I came to Congress, we hardly had an industry, but Republicans passed Blender's tax credits at 51 cents a gallon. I'm the guy who introduced the legislation in my first bill in Congress that extended the Blender's credit for ethanol and that raised the small ethanol producers and the small biofuels producers' credit from 30 million gallons a year to 60 million so that we could take advantage of the economy of scale and the kind of plants that needed to be competitive.

I added biodiesel to this. It came out of the bill I introduced. It was written into another bill. I've gotten a lot of help here, and I thank everybody on both sides of the aisle for that. I sent it over to the Senate. The Senate picked it up, and it arrived at the President's desk. The first bill I introduced became law, and I thought I'm a freshman, but this is easy. Well, Mr. PETERSON knows it's not that easy, and I was a little bit lucky, but it was an idea whose time was right. I just happened to know, though, about what happens with biofuels.

The 5th District of Iowa produces more, when you add it up, ethanol, biodiesel and wind energy than any other congressional district in America. We are the renewable fuels capital. We've built an industry around this. For at least the last 2 years, maybe 3, there has been over $1 billion a year in private investment capital invested in renewable energy infrastructure just in my congressional district. So I thought I'll do the math on this now.

If you can lower gas prices by 50 cents because Democrats invested in biofuels—well, they didn't do that. That was Republican leadership, but Democrats did do this: They brought the farm bill out of this floor, and it went to the President's desk. It cut the Blender's credit by 6 cents. That's what Democrats have done. So they've sent a message to the renewable fuels industry: Don't invest capital in this industry because we're going to be changing the rules on you after you get your dollars invested. That's what they think of a deal. Cut the Blender's credit by 12 percent.

Now, I'm not here to argue whether that's the right number or whether that's the wrong number. That's what happened. That was Democrat leadership that did that, but if they think that having renewable energy—and that means biofuels—on the market will cut gas prices by 50 cents, Mr. Speaker, then I went through this math, and I figured this out.

All right. Let's see. In ethanol, we produced 9 billion gallons of ethanol last year. That got blended into 150 billion gallons of overall consumption. That works out to be 6 percent of the gallons, 4.2 percent of the energy. So, with biofuels, ethanol replaced 4.2 percent of the energy consumed in gas last year. If 4.2 percent of the gas can lower the price by 50 percent as stated by Mr. RYAN from Ohio, if that can happen, then I'm here to tell you, if we open up ANWR, that will do a better job because 1 million barrels a day going into the marketplace in ANWR will replace 5.6 percent of our annual gas consumption. So, if 4.2 percent in ethanol lowers the price by 50 cents a gallon, 5.6 percent coming out of ANWR ought to take it down 60 cents or more a gallon.

☐ 2215

And they say don't drill in ANWR.

I can take that up a little bit later, Mr. Speaker, and I have some things that I would like to say about the commodities and futures and trading markets as well, but I also recognize that the gentleman who is and remains the leader on energy in the United States, in the United States Congress, the gentleman who is down on this floor over and over and over again who is working in front of the scenes and behind the scenes, who's working strategy, who is engaging in amendments in committee, who walks this floor constantly seeking to lower energy prices for the American people, a man who leaves a legacy and hopefully gets his way at the end of the 110th Congress so there's a real marker for that legacy is the gentleman from Pennsylvania (Mr. PETERSON), whom I'd be proud to yield so much time as he may consume.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Iowa and for the opportunity to share time with him.

I don't know about you, Mr. Speaker. After the 4th of July recess where we had $4 gasoline, $5 diesel, almost $4 heating oil, and Americans are shuddering because what they don't know, and they will be even more concerned, is that in a few months, they will be getting 50- to 60-percent increases in home heating costs with natural gas.

Those passed-through costs will be approved by our State PUCs. My home company in western Pennsylvania raised the rates at 6 percent in May and are going to be raising it 50 percent August 1, and they have another opportunity to raise it again in November. And they're just passing through the costs of gas.

Just like New England just had a 42 percent increase in electric costs because of the percentage of their electricity that is now made with natural gas. So as natural gas prices escalate, theirs escalate.

When we have these prices, I have neighbors who don't know how they're going to heat their home this year. I have churches in my district who probably won't use their sanctuaries, seniors who are living on limited budgets. I know a gentleman, a neighbor, this week—he's 75 years old. Four years ago, he sold his pellet stove because he was 71 and decided he was getting too old to carry 40-pound pellet bags into the basement. He had it in his basement and ran heat up through his registers. And he took it out. And with the current energy prices, he bought another pellet stove. He has to cut another hole through the cement wall that he had cemented and put another pellet stove in because he can't afford fuel.

I have neighbors and friends who kept their house at 55 last year. And this year energy prices are double if they're heating with home heating oil. They're about 75 percent higher with propane, and they're going to be somewhere between 50 and 75 to 100 percent higher in natural gas when those prices hit the market.

I know Americans who are driving 30 and 40 and 50 miles to work. I have a neighbor lady who makes $11 an hour. She has two children. She travels 36 miles to work. Her balanced billing bill is $175 a month, and she has no money in her budget for a 60 percent increase in natural gas prices that are going to hit her for this winter.

People all over America are scared. Should we open the reserve? Well, I guess if we do, we sort of say we didn't need a reserve because the reserve is only several months' supply in case there's a tragedy in the world market, there is a major problem in one of the big sending countries. Let's just say, God forbid, that terrorists would blow up the sending platforms where we load our tankers in Saudi Arabia, we would have $250 oil quickly.

The petroleum reserve is in case of war, is in case of tragedy somewhere in the country, some tragic incident that cuts off our supply. Because today, we get one-third of our oil from home, we buy one-third of it from our friends like Canada and Mexico and other friendly countries, and we buy one-third of it from the Middle East. The one-third in the Middle East, as we've heard earlier, is fragile. We don't know that will always be available. Should we use the reserve? I don't personally think we should. I think we should have kept filling it because 70,000 barrels a day is a drop in a bucket. It did nothing for prices, will do nothing for prices.

So use the reserve and say July, August, and September it will be all gone. And what do we do in October, November, December if we have tragedy or what are we going to do then? That's not a solution.

It amazes me, because I'm not giving high grades on energy to many people around here. It's my view that 3 Presidents and 14 Congresses in succession have not gotten good marks on energy, have not had a bona fide energy plan. And you say, Why is it? Well, it's kind of understandable. Up until 7 or 8 years ago, except for a spike in the 1970s and 1980s and 1990s for a year or two at a time, we had $2 gas and $10 oil. And the argument was—and I remember debating it at the State—should we use theirs or should we use ours. I always thought we should produce ours. It creates jobs here. It's part of our economy. There's no better jobs than oil-patch jobs and all the related jobs, the refineries and the pipelines and all of that whole system.

You can go down in downtown Washington and buy gasoline made in Russia, and the only person making money off of it is the guy selling it. It was refined in Russia. We can buy that in Washington, D.C. They only chain the stations here in the east coast.

So I just find it, I guess, inconceivable that we don't—we can't figure this thing out that when we're one-third dependent—we're two-thirds dependent—but one-third dependent on enemies or people who aren't our friends, and people who—or they're not stable governments. And when they say not to drill here, every day we don't drill here we become more dependent.

Since I've been in Congress, we've averaged 2 percent a year. This year we will increase another 2 percent. We're at two-thirds now dependent on foreign countries.

And what happened was—I don't give the Bush administration high marks. In fact, looking at, you know, they actually get higher marks than many. They had the hydrogen car initiative 2 or 3 years ago. They pumped a lot of money into hydrogen cars. But do we have a hydrogen car? No. Do we hope to some day? Yes. But that's futuristic. That's a good thing.

Last year they had the mandate, they urged us to increase the mandate on biofuels to 36.5 billion by 2030, switching from corn after 15 billion gallons to cellulosic ethanol. Now, I get a little nervous when you mandate cellulosic ethanol when we still don't have the design of a plant to make it. Now, we're hoping and praying, and the thought is making it out of wood waste and making it out of garbage and out of sweet grasses like switchgrass. That looks hopeful as a better way to make ethanol. Because we do know that corn prices have edged up a little from $2 a bushel to I think it hit a high of $7.70 last week. It's down to maybe $7.40 this week.

But the first Bush administration locked up the Outer Continental Shelf. We're the only country in the world to do that. Canada drills right up here. And they drill right up here within sight of our coastline. Norway, Sweden, Denmark, Ireland, Australia, New Zealand, every country, all of South America, everybody produces offshore. In fact, Brazil, the country everybody gives high marks for, and they gave the credit for ethanol. Ethanol is 15 percent of it. But they went out and opened up their continental shelf and just recently in deep water found a huge reserve of oil, and now we're going to be an exporter of oil.

Now, what we don't know about America is when we did seismographic on our shores 30-some years ago, since then for the last 28 years law has prohibited us from even measuring out there to see what's out there. That's how stupid I say we are. We don't even want to go out and look. We could have somewhere out here, or somewhere out here, the largest oil and gas reserve because all over the world, offshore is tremendous energy production.

In fact, everybody tells me, everybody that knows the business and who have regulated the business, not necessarily producers, that it is the least environmental hazard. When you're out in the ocean and you drill a hole in the ground, I mean, one little storm stirs up more than a drilling bit going down into the ocean floor. And we've not had a major spill since Santa Barbara in 1969. We have the technology today. And the cost offshore is big.

But here offshore when we did the seismic measurements 30-some years ago. We only did it in water less than 4,000 feet. Now, today we can drill in 2-mile deep water so we've never even used—and the seismic of today would be like comparing an old seismic 30 years ago. It would be like a black and white TV to the current thin-screen TVs like we have today. That would be the difference. I mean, the new seismic tells you what's there. Tells you a lot.

But we're not there. We just drill in a small part of the gulf. That's the other thing. And it amazes me when we listen to these talks about we got 64 or 84 million acres. Until they drill that we're not going to let them. Well, you know, four out of five deep water wells are dry. It costs $900 million. I'm going to say that again: $900 million to build a deep water platform. It costs $1 million a day to operate it, and it's four out of five wells you will drill.

Now, I'm not able to personally assess. I'm meeting with some people tomorrow in two different groups to learn more about the potential of those 64 or 84—I keep hearing different figures—million acres that they're talking about. But I do know that these are great and the rest of the gulf here are great areas, and we are saying can't drill there.

Now, it seems to me drilling for oil's not a sure thing. Four out of five deep? No. You don't get anything. Three out of four shallow? No. You don't get anything. So you explore, and when you find three or four good wells, now you know you've hit a pool and you will go in and try to figure where it's at and maximize it.

We know in much of the gulf we've been drilling for so long that the gulf is actually depleting. Although we're drilling twice as many wells there as we used to, we're getting less energy because we're in old, tired fields. We're drilling between wells. We're drilling deeper where it's more costly, and it's still exploring, trying to find more gas and oil.

Now, I guess the part that really confounds me is the hope we have for renewables. And you know, I hope for the day in my lifetime that we can run our country on renewables. But here is the chart. From the middle of this chart towards me is history. This is the Energy Department's figures. From the middle of my chart to my left is their projection of the future. Of course, oil's the Big Kahuna. Natural gas and coal are the other big ones.

Now, they show coal increasing. I disagree with that because of the carbon issue and because 70 coal plants in the last 8 or 9 months have been turned down by State agencies, and they will all become gas plants. And the reason we have such high gas prices in our country today is that 12 years ago we took away the moratorium for using natural gas to make electricity. Historically, Mr. Speaker, we only made electricity out of natural gas in a peak power plant that ran in the morning and the evening when we consumed huge amounts of electricity when we're heating water at home and cooking and doing the washing and so forth in the morning and evening, and all of the plants that were running to. So that was a maximum load of electricity.

So 12 years ago we took that moratorium off, and now 24 percent of our electricity is made with natural gas. From 7. That's a huge increase, and we didn't open up supply.

Now, just several years ago natural gas was $2 a thousand. The last few months it's been running at $1,300 to $1,350 a thousand. Those are figures that will drive most industries left out of this country because natural gas is not a world price. It's a country-by-country price. When we pay $130, $140, or $150 for oil, it's very painful; but it's painful for our competitors. It's painful to our neighbors.

But on natural gas, we've been paying the highest prices in the world, and we have competing countries who are right in South America. Trinidad has $1.60 gas. Now, if you're going to make glass or you're going to make bricks, you're going to make petrochemicals, you're going to make fertilizers which consume enormous amounts of gas.

Just to show you. Dow Chemical in 2002 paid $8 billion a year for natural gas. Today, Dow Chemical pays $8 billion a quarter for natural gas. And to show you the migration of jobs out of this country, Dow Chemical in the year 2000 had 64 percent of their production on shore in America. Today they have 34 percent. Why? They can't afford to be here. Just like my neighbors can't afford to heat their homes and drive their cars in rural areas. Companies and small businesses who heat treat things who bend metal and twist metal and have to heat it with natural gas, they can't afford to function competitively in this country if they're competing with products made in another country that can buy gas for a fraction of the cost.

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Now, let's look at where we're putting all our faith. I want wind and solar to be huge but it's not.

Nuclear, we did in the 2005 Act streamline the nuclear process. We have thirty-some permits applied for. I think we have 33 about ready to be given. We need 35 to 40 new plants built for nuclear to keep nuclear at 20 percent of the grid, just maintain, 20 percent, not gain.

Hydro continues to lose ground—that's the brown line here—because we're not building dams. We aren't allowed to build dams. That's the cleanest energy we could have.

The top line is the renewables. Now, over on my left, I'm going to have a big chart tomorrow, but the red is biomass, woody biomass. Now, woody biomass has grown almost a percent in the last 4 years. That's pellet stoves. Over 1 million Americans this year will heat their home with a pellet stove. That's wood waste factories burning boilers with wood waste, heating their factories with wood waste. And it's power plants topping their coal loads with some wood waste to meet air standards there near the edge. So woody biomass, and I don't think there's been any initiatives, any tax credits. That's just happened.

Then we have hydro, and it's not gone. It's going to stay there. The yellow line is geothermal, and there's all kind of incentives. They get the tax credits, but as we grow our economy, it just remains a small portion.

Then we have the blue line, which is wind, which has bubbled somewhat. But if we double wind and solar in the next 5 years we will be less than 1 percent of our energy portfolio. Now, I hope we can, and I hope we can double it again the next 5 years, but we'd still be less than 2 percent of our energy portfolio, maybe even less than that because our energy needs will grow.

Now, the problem that's changed in the world, and a lot of people don't realize it, is the growth of use of energy in the world. It's not us. We're flat on energy use. In fact, we're decreasing because of price.

China is increasing 15 to 20 percent a year. India's increasing at a huge rate. You have South America developing. You have Malaysia developing. You have millions and millions of people in this world who are buying their first car and owning their first home, and when they buy their first car and own their first home, they're in the energy use business.

So, no matter what we do, we can't control prices by conserving. I'm for conservation. In fact, we need to figure out how to help Americans to use energy more wisely and let them write it off on their income taxes in a 3- or 4-year period. We need to do that, whether it's more efficient heating, whether it's better windows, better doors, whether it's more efficient appliances, yes, we need to help them out, because, really, I hate to say it, but the only thing Americans have today that they can do is use less energy. There is nothing now because we are not going to drill. We're not going to drill.

I have a bill to open up the Outer Continental Shelf. I had it poised. I offered it in the committee, in Interior, in the subcommittee, and it's the first time that it's been treated partisanly. We had six Republican votes were "yes" and nine Democrats votes "no." Now, I'm not going to blame those Members. They had tremendous Speaker power applied to them. There were Members who voted against energy who have never voted against energy in this Congress in that sitting.

A week or two later, we were going to offer our amendment again in the full committee, where you have about 75 or 80 Members. And I think somebody in the Speaker's office took a count, and when they didn't have the votes to beat my amendment, we didn't do the Interior bill. And here we are today, weeks later, we are still not doing the Interior bill. Why? Because Congressman PETERSON has an amendment that would open up the Outer Continental Shelf that would open up drilling 50 miles out, from 50 to 200.

Like I say, I don't pass out any gold awards around this place in the last three decades on energy leadership, and I mean that sincerely. We haven't had a President. President Clinton didn't lead on energy. He vetoed the ANWR bill. And I personally think President Bush tried hard to do ANWR. I voted for ANWR, but if he would have put the same effort on offshore, we would have probably accomplished it, but he didn't. In fact, he has never supported offshore until a news conference two weeks ago. But he also—and I'm going to say this critically—there's a Presidential moratoria and there's a legislative moratoria, and he said, if Congress will lift their moratorium, I will lift mine.

Mr. President, I was disappointed that you didn't lead. I was disappointed that you didn't lift your moratorium. Now, your father put it on. It was not supposed to be long-term. It was supposed to be 5 years until they could assess what parts of our coastline might need to be protected. President Clinton came in, had no energy initiative. He extended it to 2002, and then come Bush II, and because he had a brother in Florida and offshore drilling was an issue, he didn't touch it.

In fact, last year we passed a major bill here in the House to open up offshore. The Senate wouldn't deal with it. They passed a small bill down here in the gulf that was tracked 181 that had been on the 5-year plan in the Clinton administration that had not been leased, was taken out of the 5-year plan because of its proximity to Florida by the Bush administration, and was legislated back into the 5-year plan by the Senate, and I had to lead the fight here to get that accomplished in the House. They wouldn't conference with us on our bill so we could merge the two bills, but I led the fight here to make sure that we got that passed. That lease sold for I think $3.6 billion and is on its way, and it was done rather quickly.

Now, there are those who say we can't do anything in 10 to 20 years just don't know what they're talking about. If we work close to the areas in the gulf first—and we will—that have been leased, there's infrastructure. And if we would expedite the permit process legislatively like we did with track 21, and force the hand of the bureaucracy not to sit on this and to get it done, we could have oil and gas production in several years.

We still have 27 platforms active in the western coast that were exempted by the moratorium. They're still functioning. In fact, the governor of California uses some of them to drill in his 3-mile zone, when he's telling us not to drill nationally. Yes, Arnold Schwarzenegger, the governor of California, issues permits, and California approves them or his administration does, to drill off the shore of California every year, drilling in the 3-mile zone. Now, they drill part of them from onshore with a slant drill. They go on our Federal platforms in Federal Waters and slant drill into the 3-mile area to produce oil.

I'm sorry, but California and Florida are huge users of energy and both of them have thwarted us. I've got to give credit to the Florida delegation. They have come around. Many of the Florida delegation realize—and the Florida citizens picked it up first—they're now supporting offshore production of energy. Offshore production of energy is not a threat to our coastlines. It's the best reserves we have. It's close to where the people are. We have pipelines and refineries there. It's what really works.

When you produce oil in some parts of the Midwest it's hard to get it to market. I'm not saying we shouldn't produce it, but when you produce it on your shorelines where your population centers are, it's the best place.

I find this Congress almost unbelievable that we use excuses like there's 68 million acres that are leased and are not producing. Well, if you punch 10 holes in the ground and they're all dry holes, you stop spending your money.

I know also there's probably hundreds of cases in the gulf where there's lawsuits preventing them from drilling a hole in the ground. Citizen lawsuits, the Sierra Club, Greenpeace, all these organizations continually sue to stop the production of energy.

Yes, the problem we've had, we've had three Presidents in a row and 14 Congresses in a row, and all these 10, 11 environmental groups that said we must stop using fossil fuels. We must stop using these, and we're going to replace them with these. They're going to replace these with this.

I wish we could, but until we can, we better produce and we need to be doing coal-to-liquids and coal-to-gas. We need to be continuing to push hydrogen. We need to do all of the above.

And I want to tell you something, it's my opinion, my humble opinion, that if we drill offshore and we drill more in the Midwest and we do coal-to-liquids and coal-to-gas—they all take time—this country is going to be in an energy crunch for a number of years, and there's going to be pain felt in this country. We're going to lose middle-class jobs. We're going to lose industries out of this country because they can't afford to be here, no matter what we do, because we've waited too long.

Mr. KING of Iowa. I want to thank the gentleman from Pennsylvania. I'm standing here transfixed. Much of this argument I have heard, but I seldom hear it put together in such a way, such a deliberative way that flows. And when you start talking about the future and what it looks like and the pain that we're going to feel because we waited too long, that's a good message for this Congress to hear.

And from my own perspective, I'd like to say this. Some of us are going to be able to coast along through and shift into retirement and be able to be just fine for the rest of our expected lifespan. That's not the case for millions and millions of Americans who are at the earlier stages of their life that have yet to step forward and get an education, that have yet to join up and raise a family.

And I'm thinking about my children, my grandchildren. I'm thinking about a little fellow named Joseph Dean Anderson that was born the day after the 4th of July that I'll be watching very closely as he grows up and how we shape the future for him, and the decisions that we make in this Congress and the debates that we're going to have a lot harder time winning because there's an agenda out here that we can't quite get our hands on.

And I'm always trying to figure out how can I bring some more logic to win this debate. I came into this political arena about, oh, I don't know, 12, 13 years ago, believing that if I'm right on principle, all I have to do is articulate that principle and that will bring those folks over to my side and we'll get the votes together. That was a naive thing to believe that somehow logic and principle was going to carry the day. It doesn't carry the day because people migrate towards political power.

So if you have a green coalition that's putting money into campaigns and if you have an agenda that's being driven across the Web pages, they say we'll support you and we'll come in and we'll march the streets and hang door hangers on the doorknobs and we'll make sure that you get reelected, all you have to do is if we label it green, just sit up and vote our way. That suspends logic. It suspends the logic. The logic that JOHN PETERSON has delivered out here tonight, the logic I think I've added to, is suspended is because this agenda is an agenda that goes beyond our rational understanding.

Now, I have been telling my constituents that NANCY PELOSI and the people that follow her, the people who would have voted for energy and now vote for green in the committee, in the end they really don't want cheaper gas. They want more expensive energy in America. That's what they want. That's what the agenda is, and now here is how I explain it.

First, for me, for those of us who approach this thing with the best interest of Americans in mind say this. If we can do this, this is the energy pie chart. It's taken me a little time to put this together, but what it represents is the inside circle the total BTUs produced in the United States of America. That's 72 quad-trillion BTUs. And then the outside circle is all the energy that's consumed in America. That's 101.4 quad-trillion BTUs of energy. Now, quad-trillion doesn't mean a lot to me or anybody else for that matter, but it's this.

Seventy-two percent of the energy we consume in America is produced in America. The difference, that 28, 29 percent, is what we have to import from outside the United States, and in these pie charts that are here are a number of these components that Mr. PETERSON talked about so much.

Here's coal in the orange. That's the coal that we consume on the outside; the coal we produced is on the inside.

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They don't quite match up because the size of our circles are different.

Then you can go down here, but look at the outside circle, the natural gas. Our overall consumption is 23.3 percent of our energy consumption is natural gas. Nuclear is up here; 8.29 percent of our energy consumption is nuclear. That needs to get bigger.

You get around to these parts that we've heard about, the biodiesel, wind, geothermal, how hydroelectric is shrinking. Here's your ethanol. And I've pushed hard for ethanol. And we've got solar power is a small little piece of this thing; bigger than what you might think in comparison to ethanol.

As you get around here, here's motor gasoline. That piece is the piece of this overall consumption pie that's getting smaller in proportion, but it is not shrinking in its overall consumption.

The solution for the United States of America is to add one piece to this pie; that's called energy conservation. JOHN PETERSON spoke to that as well. Then we need to take every single piece of this pie and we need to expand it. We need to produce more gas, more diesel fuel, more coal, more hydroelectric. And that's the hardest thing to do. And it is the cleanest and it is renewable. Wind is renewable, and we'll produce more of it, but it's not a big enough piece.

More natural gas. That is troublesome to me in particular, representing farm country where 90 percent of the feedstock that goes into producing nitrogen fertilizer is natural gas. And American companies that were producing fertilizer in the United States have moved to places like Trinidad because of the lower gas prices and had to set up their operations there. They've been driven offshore. We've essentially lost the fertilizer industry in America.

Mr. PETERSON of Pennsylvania. Would the gentleman yield?

Mr. KING of Iowa. I would yield

Mr. PETERSON of Pennsylvania. That's one of the things I didn't mention is I think nitrogen fertilizer is 70 percent natural gas. Petrochemical, 55 percent natural gas, as an ingredient. Polymers and plastics, 45 to 50 percent natural gas. We have steel. We all know the manufacturing of steel and aluminum use huge amounts of natural gas.

My prediction is if we don't open up natural gas and get the price down, we'll make our bricks—bulk commodities like bricks that are easily made in our own neighborhoods from clay somewhere in a mountain nearby, those will be made in Trinidad, where gas is $1.60. Glass for our home windows will be made in Trinidad. In fact, car windows are coming in from overseas right now because of natural gas prices.

Natural gas is the mother's milk of the manufacturing process in this country. And if we don't fix the natural gas problem, we're not going to have a manufacturing base of anything. We will import everything that's manufactured. And at the same time, Americans, this winter and the winters ahead, are just plain going to struggle to drive their cars and heat their homes.

Mr. KING of Iowa. Reclaiming my time, and thanking the gentleman for coming to the floor and delivering this good, composite message on energy, the natural gas that we know of in this country is at least 406 trillion cubic feet of natural gas. That's our reserves. We saw the map on how to go drill them.

I would point out that there was a referendum that went up on the ballot the third day of June in Union County, South Dakota, and the question was, are you for or against building a new refinery, a $10 billion investment in southeastern South Dakota? That referendum passed by 59-41 percent. We think we're going to get a refinery built that will receive that heavy crude oil coming out of the tar sands in Alberta. It's not certain that we can get through the regulations. We think we'll get one built anyway.

And I want to add that the ANWR piece—we didn't talk about ANWR very much, I've gone up there and looked at that—the ANWR component of this is about a million barrels a day. It's identical in the topography to the North Slope. We drilled the North Slope starting in 1972 and we had oil pumping out of there in 1975. It doesn't take 10 or 20 years, as the gentleman said, to get this fuel down there. We can do it in months on the North Slope of Alaska, and we can change the market prices if we open up the situation to do that.

Now, in just concluding this, grow the size of the energy pie, add a piece for conservation, produce more Btus in all ways that we can, dramatically expand nuclear. If the French can produce 78 percent of their electricity with nuclear, we can dramatically increase that. And nuclear should be coming online rather than natural gas to generate electricity because the mother's milk of manufacturing, the mother's milk of our economy is natural gas.

We're having difficulty breaking down the barriers of the people that believe we ought to have more expensive energy in this country instead of less. And I'm here to make the point that the reason that they support more costly energy and give lip service to windfall profits taxes and higher regulation and trying to squeeze down the futures and the commodities market, the reason they denied a global demand increase—which for the Chinese this year, their gas imports have increased 2,000 percent so far this year—they deny that because they want to see higher energy prices, not lower, because they know higher energy prices shuts down the mother's milk of our manufacturing industry in this country, it slows the economy down, it forces Americans to park their car and ride their bicycle. And now, that serves the myopic belief that the goddess of mother nature is more important than the God that created this Earth, and that somehow we can serve her by shutting off the consumption of energy, cutting down on greenhouse gases, and answering to this question of controlling our climate here in the United States of America. Meanwhile, while China and India and the rest of the developing nations are building coal fire plants faster than we can shut them down here in the United States, we can't solve this problem, if it exists, by shutting off the energy and shutting down the world's economy that's here in the United States, this 25 percent that we produce.

That's what's wrong. They want a higher energy price, they want a slower economy. They think somehow that can be paid for by the rich in America. JOHN PETERSON and STEVE KING know it can't be.

Mr. PETERSON of Pennsylvania. Could I ask you a question?

Mr. KING of Iowa. I yield to the gentleman.

Mr. PETERSON of Pennsylvania. To the gentleman from Iowa, do you know of any energy bills scheduled for this week?

Mr. KING of Iowa. I do not.

Mr. PETERSON of Pennsylvania. Do you know of any energy bills scheduled for next week and the week after, before we go on the August recess?

Mr. KING of Iowa. I believe we will be going home for the August recess having done nothing with energy.

Mr. PETERSON of Pennsylvania. I would have to think, if I was a citizen back home knowing just a fraction of what I know now, I would be one angry citizen. Because this Congress, like the 14 Congresses in succession, have done little to formulate an energy policy for America and produce available, affordable energy. And it's doable, it's something we can do.

Mr. KING of Iowa. I would ask the gentleman from Pennsylvania if he would support a policy like this energy pie chart that I've advocated.

Mr. PETERSON of Pennsylvania. Oh, absolutely.

Mr. KING of Iowa. More energy of all kinds. Supply and demand does affect the marketplace. If we put more Btus on the market, we will have lower price energy of all kinds. And we need to prioritize the utilization of that energy, bring the nuclear in to replace the gas, let the gas drive our economy, the natural gas drive our economy. And we can do this and it will be painful. JOHN PETERSON is exactly right.

I yield.

Mr. PETERSON of Pennsylvania. We heat 63 million homes, we heat five million small businesses, and a quarter of a million industrial companies use natural gas in great numbers, and they're all going to get hammered this year. Our hospitals and our schools are going to pay twice as much as last year.

Mr. KING of Iowa. Commonsense solutions delivered here on this floor, Mr. Speaker. And I appreciate your attention to all of this. And I imagine we have swayed you considerably as you paid attention to the arguments of the gentleman from Pennsylvania and myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for July 8 and the balance of the week on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. LOEBSACK, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 16.

Mr. JONES of North Carolina, for 5 minutes, July 16.

Mr. SHUSTER, for 5 minutes, July 10.

Mrs. BACHMANN, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, July 10.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7377. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, "Defense Acquisition Challenge Program: Fiscal Year 2007," pursuant to 10 U.S.C. 2359b(j); to the Committee on Armed Services.

7378. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Teed M. Moseley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7379. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7380. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7381. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7382. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers [Release Nos. 33-8934; 34-58028; File No. S7-06-03] (RIN: 3235-AJ64) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7383. A letter from the Department of Labor, transmitting the Department's final rule — Default Investment Alternatives Under Participant Directed Individual Account Plans (RIN: 1210-AB10) received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7384. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Planning and Management Program; Integrated Resource Planning Rules (RIN: 1901-AB24) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazard Education Before Renovation of Target Housing; State of Colorado Authorization Application [EPA-HQ-OPPT-2007-0698; FRL-8352-3] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7386. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 [NRC-2008-0013] (RIN: 3150-AI24) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7387. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7388. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-54 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on Foreign Affairs.

7389. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-45 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Korea for defense articles and services; to the Committee on Foreign Affairs.

7390. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the

Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Turkey (Transmittal No. DDTC 065-08); to the Committee on Foreign Affairs.

7391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 042-08); to the Committee on Foreign Affairs.

7392. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 072-08); to the Committee on Foreign Affairs.

7393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's certification of rescission of North Korea's designation as a State Sponsor of Terrorism; to the Committee on Foreign Affairs.

7394. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2008 — June 15, 2008 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

7395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 004-08); to the Committee on Foreign Affairs.

7396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the manufacture of military equipment abroad and the export of defense articles or defense services to the Government of Canada (Transmittal No. DDTC 041-08); to the Committee on Foreign Affairs.

7397. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j); to the Committee on Oversight and Government Reform.

7398. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7399. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7400. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-26; Introduction [Docket FAR-2008-003, Sequence 1] received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7401. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

7402. A letter from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7403. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7404. A letter from the Inspector General, General Services Administrion, transmitting the Administration's Semiannual Report presenting significant activities of the Office of Inspector General during the 6-month period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7405. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Removal of Class E Airspace; Centre, AL [Docket No. FAA-2007-29157; Airspace Docket 07-ASO-23] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7407. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bridgton, ME. [Docket No. FAA-2008-0064; Airspace Docket No. 08-ANE-95] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7408. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rumford, ME. [Docket No. FAA-2008-0063; Airspace Docket No. 08-ANE-94] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7409. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Winona, MS [Docket No. FAA-2007-29260; Airspace Docket 07-ASO-24] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7411. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Sherman, Texas [Docket No. FAA-2007-29374; Airspace Docket No. 07-ASW-11] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sunbury, PA [Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Susquehanna, PA [Docket No. FAA-2008-0161; Airspace Docket No. 08-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Walden, CO [Docket No. FAA-2007-0205; Airspace Docket No. 07-ANM-17] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Indianapolis, IN [Docket No. FAA-2008-0163; Airspace Docket No. 08-AGL-2] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Albany, MS [Docket No. FAA-2007-0161; Airspace Docket No. 07-ASO-25] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewistown, PA [Docket No. FAA-2007-0274; Airspace Docket No. 07-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7420. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7423. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rockport, ME [Docket No. FAA-2008-0067; Airspace Docket No. 08-ANE-98] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7424. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Routes (T-Routes); St. Louis, MO [Docket No. FAA-2007-0060; Airspace Docket No. 07-ACE-1] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7425. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Beneficiary Travel Under 38 U.S.C. 111 Within the United States (RIN: 2900-AM02) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7426. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule – Section 108.-Income from Discharge of Indebtedness (Rev. Rul. 2008-34) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7427. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-33) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7428. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule – Capital Costs Incurred to Comply With EPA Sulfur Regulations [TD 9404] (RIN: 1545-BE97) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7429. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule – Section 807.-Rules for certain reserves (Rev. Rul. 2008-37) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7430. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule – Employment Tax Adjustments [TD 9405] (RIN: 1545-BG50) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7431. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 956 for Determining the Basis of Property Acquired in Certain Nonrecognition Transactions [TD 9402] (RIN: 1545-BH58) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations (Also Part 1, 103, 148; 1.148-3, 1.148-13T) Claims for Recovery of Overpayments of Arbitrage Rebate and Similar Payments on Tax-exempt Bonds (Rev. Proc. 2008-37) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7433. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Optional Standard Mileage Rates [Announcement 2008-63] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — China Earthquake Occurring in May 2008 Designated as a Qualified Disaster under 139 of the Internal Revenue Code [Notice 2008-57] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7435. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 664 Regarding the Effect of Unrelated Business Taxable Income on Charitable Remainder Trusts [TD 9403] (RIN: 1545-BH02) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7436. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Methane Gas Project (IRC 29 Credit) Credit for Fuel from a Nonconventional Source (FNS) [UIL No. 0029.06-00] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 4174. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–749). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. EMERSON, Mr. BAIRD, Mr. BLUMENAUER, Mr. COOPER, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. HOOLEY, Mr. LIPINSKI, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. SNYDER, Ms. TSONGAS, Mr. WELCH of Vermont, Mr. WU, Mr. DICKS, and Ms. ROS-LEHTINEN):

H.R. 6444. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX (for himself, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. HARE, and Mr. MICHAUD):

H.R. 6445. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania (for himself and Mr. ALTMIRE):

H.R. 6446. A bill to amend title 49, United States Code, to require air carriers to establish reduced air fares and more flexible terms for members of the Armed Forces on active duty; to the Committee on Transportation and Infrastructure.

By Mrs. BOYDA of Kansas (for herself and Mr. MORAN of Kansas):

H.R. 6447. A bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 6448. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 6449. A bill to provide opportunities for continued recreational shooting on certain Federal public land; to the Committee on Natural Resources.

By Mr. HODES (for himself and Mr. PERLMUTTER):

H.R. 6450. A bill to establish a revolving loan fund to provide loans to States and Indian tribes to provide incentives to undertake activities to provide renewable energy sources for housing and other structures; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan:

H.R. 6451. A bill to direct the Administrator of the Environmental Protection Agency to convene a task force to develop recommendations on the proper disposal of unused pharmaceuticals, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. WELLER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. MCCRERY, Mr. HERGER, and Mr. DREIER):

H. Con. Res. 389. Concurrent resolution congratulating the Republic of Colombia on its successful rescue mission and thanking Colombian President Alvaro Uribe for the safe return of the Americans held hostage by the Revolutionary Armed Forces of Colombia; to the Committee on Foreign Affairs.

By Mr. MCHENRY (for himself, Mr. COBLE, Mr. PRICE of North Carolina, Mr. WATT, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HAYES, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Ms. FOXX, Mr. SHULER, Mr. ISSA, Mr. FEENEY, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. ADERHOLT, Mr. GINGREY, Mr. STEARNS, Mr. GOODE, and Mr. BURTON of Indiana):

H. Res. 1325. A resolution honoring the life of Jesse Alexander Helms, Jr., distinguished former Senator from North Carolina; to the Committee on House Administration.

By Ms. WATERS (for herself, Ms. WOOLSEY, and Ms. LEE):

H. Res. 1326. A resolution calling on the President to respect and honor Iraq's sovereignty; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. RADANOVICH, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. DREIER, Mrs. NAPOLITANO, Mr. ISSA, Mr. CALVERT, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. MCNERNEY, Mr. TERRY, Mr. YOUNG of Alaska, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. DOOLITTLE, Mr. BILBRAY, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. BOOZMAN, Mr. LEWIS of California, Mrs. BONO MACK, Mr. CAMPBELL of California, and Mr. HERGER):

H. Res. 1327. A resolution congratulating the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; to the Committee on Education and Labor.

By Mr. PLATTS (for himself and Mr. CUMMINGS):

H. Res. 1328. A resolution supporting the goals and ideals of National Pancreatic Cancer Awareness Month; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. ROYBAL-ALLARD.

H.R. 303: Mrs. MALONEY of New York.

H.R. 333: Mr. MORAN of Virginia.

H.R. 334: Mr. SHAYS.

H.R. 462: Ms. ESHOO.

H.R. 463: Mr. ROSS.

H.R. 552: Mr. MANZULLO.

H.R. 690: Mr. PEARCE and Mr. KANJORSKI.

H.R. 699: Mr. CRENSHAW, Mr. KING of New York, and Mr. LATTA.

H.R. 715: Ms. RICHARDSON.

H.R. 741: Mr. CASTLE.

H.R. 768: Mr. MARSHALL.

H.R. 808: Mr. GILCHREST.

H.R. 997: Mr. SCALISE.

H.R. 1023: Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, and Mrs. MILLER of Michigan.

H.R. 1153: Mrs. SCHMIDT.

H.R. 1188: Mr. CONYERS.

H.R. 1283: Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. ENGEL.

H.R. 1320: Mr. CLAY.

H.R. 1390: Mr. POE.

H.R. 1399: Mr. HODES.

H.R. 1589: Mr. HAYES.

H.R. 1606: Mr. KAGEN and Ms. WOOLSEY.

H.R. 1671: Mr. MCHUGH and Mr. PETERSON of Minnesota.

H.R. 1673: Ms. MATSUI.

H.R. 1776: Mrs. CHRISTENSEN and Mr. KAGEN.

H.R. 1783: Ms. HOOLEY.

H.R. 1846: Mr. COHEN.

H.R. 1921: Mr. KANJORSKI.

H.R. 1927: Mr. HAYES.

H.R. 2032: Mr. HASTINGS of Florida.

H.R. 2043: Mr. KIND.

H.R. 2116: Mr. PETERSON of Pennsylvania, Mr. MORAN of Virginia, Mrs. TAUSCHER, and Mrs. JONES of Ohio.

H.R. 2167: Mr. FEENEY.

H.R. 2205: Mr. NUNES.

H.R. 2260: Mr. WALSH of New York.

H.R. 2275: Mr. COLE of Oklahoma.

H.R. 2549: Mr. CLAY.

H.R. 2668: Mr. FRANK of Massachusetts.

H.R. 2792: Mr. SHERMAN.

H.R. 2833: Ms. LEE.

H.R. 2880: Mrs. MYRICK.

H.R. 3014: Mr. SNYDER.

H.R. 3036: Mr. MEEKS of New York.

H.R. 3094: Mr. ROTHMAN and Ms. SUTTON.

H.R. 3175: Mrs. JONES of Ohio and Mrs. TAUSCHER.

H.R. 3257: Mr. POMEROY.

H.R. 3299: Mr. LAMBORN.

H.R. 3329: Mr. BISHOP of Georgia.

H.R. 3404: Mrs. MALONEY of New York.

H.R. 3750: Mr. CAPUANO.

H.R. 3753: Mr. HALL of Texas.

H.R. 3980: Mr. UDALL of Colorado.

H.R. 4048: Mr. TOWNS.

H.R. 4093: Mr. FARR, Mr. CLAY, Mr. WAXMAN, Mr. GONZALEZ, and Ms. HIRONO.

H.R. 4126: Mr. MICHAUD.

H.R. 4141: Mr. SHULER.

H.R. 4157: Mr. ROGERS of Alabama.

H.R. 4173: Ms. HIRONO.

H.R. 4236: Mr. MILLER of North Carolina, Ms. LORETTA SANCHEZ of California, and Mr. DAVIS of Alabama.

H.R. 4318: Mr. ABERCROMBIE.

H.R. 4355: Mr. MILLER of North Carolina.

H.R. 4453: Mr. MEEKS of New York.

H.R. 4460: Mr. BILBRAY.

H.R. 4461: Mr. JONES of North Carolina.

H.R. 4544: Mr. REICHERT and Mr. LAHOOD.

H.R. 4775: Mr. BERMAN and Ms. HIRONO.

H.R. 4900: Mr. WELCH of Vermont.

H.R. 4990: Mr. CONYERS and Ms. DEGETTE.

H.R. 5160: Mr. DAVIS of Alabama.

H.R. 5175: Mr. LATTA.

H.R. 5176: Mr. UPTON and Mrs. EMERSON.

H.R. 5235: Mr. SHAYS, Mr. SOUDER, Mr. BURTON of Indiana. Mr. WESTMORELAND, Mr. CANNON, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. NUNES, Mr. BOEHNER, Mr. CARTER, Mr. CANTOR, Mr. DREIER, Mr. PUTNAM, Ms. GRANGER, Mr. CAMP of Michigan, Mr. TERRY, Mr. CASTLE, Mr. KLINE of Minnesota, Mr. HOBSON, Mr. BARTLETT of Maryland, Mr. KUHL of New York, Mr. BURGESS, Mr. BROWN of South Carolina, Mr. TIBERI, Mrs. BLACKBURN, Mr. GOODE, Mr. GOODLATTE, Mr. LEWIS of California, Mr. ROYCE, Mr. WALSH of New York, Mr. TIAHRT, Mr. HUNTER, Mr. MCKEON, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. BUYER, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALDEN of Oregon, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. MANZULLO, Mr. RADANOVICH, Mr. MICA, Mr. ISSA, Mr. SMITH of New Jersey, Mrs. WILSON of New Mexico, Mr. KINGSTON, Mr. UPTON, Mr. FEENEY, Mr. PENCE, Mr. TANCREDO, Mr. REGULA, Mr. ALEXANDER, Mr. LAHOOD, Mr. GOHMERT, Mr. KELLER, Mr. NEUGEBAUER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. WILSON of South Carolina, Mr. HAYES, Mr. CONAWAY, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. WAMP, Mr. KIRK, Ms. FOXX, Mr. CHABOT, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. LATOURETTE, Mr. SAM JOHNSON of Texas, Mr. EHLERS, Mr. LUCAS, Mrs. BONO MACK, Mr. MACK, Mr. LATHAM, Mr. FOSTER, Mr. WELLER, Mr. BILIRAKIS, Mr. LINDER, Mr. ROGERS of Michigan, Mr. COSTELLO, Mr. CAMPBELL of California, Mr. JACKSON of Illinois, Mr. MCCOTTER, Mr. RAMSTAD, Mr. DOOLITTLE, Mr. MCNULTY, Mr. WHITFIELD of Kentucky, Mr. MCHENRY, Mr. CRAMER, Mr. KIND, Mr. POE, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. EVERETT, Mr. MCCRERY, Mr. BAIRD, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PITTS, and Mr. SAXTON.

H.R. 5265: Mr. EHLERS, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. TIM MURPHY of Pennsylvania, Mr. MCNERNEY, Ms. ESHOO, and Mr. HONDA.

H.R. 5445: Mr. SMITH of Nebraska.

H.R. 5446: Mr. MCCOTTER and Mr. SPRATT.

H.R. 5447: Ms. MATSUI and Mr. VAN HOLLEN.

H.R. 5564: Mrs. MILLER of Michigan.

H.R. 5580: Mr. FARR.

H.R. 5606: Mr. EHLERS and Mrs. DAVIS of California.

H.R. 5611: Mr. PUTNAM, Ms. BORDALLO, and Mr. HINOJOSA.

H.R. 5629: Mr. BRADY of Pennsylvania.

H.R. 5646: Mr. WOLF.

H.R. 5652: Mrs. DRAKE and Mr. BILBRAY.

H.R. 5672: Mr. FORTUÑO.

H.R. 5674: Mr. CHABOT.

H.R. 5714: Mr. JOHNSON of Georgia, Mr. FORTUÑO, Mr. MOORE of Kansas, Mr. PASTOR, Mr. HINOJOSA, Mr. FILNER, Mr. WHITFIELD of Kentucky, Mr. SHULER, Mr. WALZ of Minnesota, and Mr. CHABOT.

H.R. 5734: Mr. MICHAUD.

H.R. 5748: Mr. PRICE of North Carolina.

H.R. 5756: Mr. SIRES.

H.R. 5759: Mr. LATTA.

H.R. 5769: Mr. GOODLATTE.

H.R. 5772: Mr. ROTHMAN, Ms. SCHAKOWSKY, and Mr. ALTMIRE.

H.R. 5780: Mr. MCINTYRE.

H.R. 5794: Mr. GOODLATTE.

H.R. 5823: Mr. ENGEL, Mr. SHAYS, and Mr. HIGGINS.

H.R. 5868: Mr. ROGERS of Kentucky and Mr. CHABOT.

H.R. 5892: Mr. COSTELLO, Mr. GOODLATTE, Ms. WOOLSEY, and Mr. WEINER.

H.R. 5895: Mrs. BOYDA of Kansas.

H.R. 5936: Mr. WOLF.

H.R. 5942: Mr. UDALL of Colorado.

H.R. 5946: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.

H.R. 5979: Mr. CONYERS, Mr. ISRAEL, and Ms. DEGETTE.

H.R. 6034: Mr. BILBRAY.

H.R. 6044: Mr. TERRY.

H.R. 6045: Mr. SHERMAN, Mr. HELLER, Mr. JOHNSON of Illinois, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 6083: Mr. TURNER.

H.R. 6107: Mr. LUCAS, Mr. WALDEN of Oregon, Mr. LATHAM, Mr. MARCHANT, Mr. KING of New York, Mr. WELDON of Florida, Mr. WOLF, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. GARY G. MILLER of California, and Mr. PORTER.

H.R. 6108: Mr. LATHAM and Mr. ADERHOLT.

H.R. 6127: Mr. JACKSON of Illinois and Mr. TOWNS.

H.R. 6140: Mr. MCNERNEY.

H.R. 6168: Mr. SKELTON.

H.R. 6169: Mr. SKELTON.

H.R. 6194: Mr. UPTON.

H.R. 6195: Mr. DENT, Mr. DOYLE, and Mr. PLATTS.

H.R. 6199: Mrs. MCCARTHY of New York and Ms. VELÁZQUEZ.

H.R. 6205: Mr. ELLISON and Mr. HONDA.

H.R. 6207: Mr. FRANKS of Arizona, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. WESTMORELAND, Ms.

FOXX, Mrs. BLACKBURN, Mr. ISSA, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mrs. MUSGRAVE, and Mr. PITTS.

H.R. 6208: Mr. SKELTON.

H.R. 6209: Ms. SCHAKOWSKY, Mr. FARR, and Ms. LORETTA SANCHEZ of California.

H.R. 6210: Mr. BRALEY of Iowa, Mr. JACKSON of Illinois, and Mr. ELLSWORTH.

H.R. 6214: Mr. NUNES and Mr. FOSSELLA.

H.R. 6215: Mr. YOUNG of Alaska.

H.R. 6220: Mr. HAYES.

H.R. 6274: Mr. WILSON of South Carolina.

H.R. 6286: Mr. NUNES.

H.R. 6288: Mr. NUNES.

H.R. 6292: Mr. LATHAM.

H.R. 6293: Mr. REYES, Mr. CARTER, Mr. COSTELLO, and Mr. LAMPSON.

H.R. 6294: Mr. BILIRAKIS.

H.R. 6309: Mr. FATTAH, Ms. MOORE of Wisconsin, and Ms. KILPATRICK.

H.R. 6310: Mr. ALTMIRE and Mr. PETERSON of Minnesota.

H.R. 6321: Mr. KING of New York.

H.R. 6330: Mr. MORAN of Virginia and Mr. BACA.

H.R. 6334: Mr. SIRES, Mr. HINCHEY, Mr. ALTMIRE, Mr. HODES, and Ms. HIRONO.

H.R. 6353: Mr. LEVIN.

H.R. 6371: Mr. DAVIS of Alabama and Mr. GENE GREEN of Texas.

H.R. 6375: Mr. MARSHALL.

H.R. 6407: Mr. UPTON.

H.R. 6429: Mr. DELAHUNT and Mr. HODES.

H.J. Res. 79: Mr. ALLEN, Mr. JACKSON of Illinois, Mr. HONDA, Ms. MOORE of Wisconsin, Ms. ESHOO, and Mr. LEVIN.

H.J. Res. 96: Mr. BOEHNER and Mr. BLUNT.

H. Con. Res. 24: Mr. CLAY, Ms. BORDALLO, Mrs. CHRISTENSEN, and Mr. BUTTERFIELD.

H. Con. Res. 137: Mrs. MUSGRAVE.

H. Con. Res. 296: Mr. POE, Mr. WAMP, Mr. UPTON, Mr. TERRY, Mr. MCHUGH, Mr. CANNON, Mr. DOYLE, Mr. KUHL of New York, Mr. STEARNS, Mr. WELLER, Mr. CAMP of Michigan, Mr. FOSSELLA, Mr. PICKERING, Mr. HALL of New York, Mrs. CAPITO, Mr. BURGESS, and Mr. TAYLOR.

H. Con. Res. 341: Mr. BRALEY of Iowa and Mr. GORDON.

H. Con. Res. 362: Mrs. EMERSON, Mr. MACK, Mrs. MYRICK, Mr. HASTINGS of Washington, Mrs. BACHMANN, Ms. BEAN, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. BUCHANAN, Mr. WALDEN of Oregon, Mr. CHILDERS, and Mr. YOUNG of Alaska.

H. Con. Res. 369: Mr. BILBRAY.

H. Con. Res. 371: Mr. HODES.

H. Con. Res. 375: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, and Mr. CULBERSON.

H. Con. Res. 380: Ms. WOOLSEY and Mr. HONDA.

H. Con. Res. 385: Mr. GALLEGLY and Mr. POE.

H. Con. Res. 386: Mr. SHAYS and Mr. BURTON of Indiana.

H. Con. Res. 388: Mr. PUTNAM, Mr. WILSON of South Carolina, and Mr. MCCAUL of Texas.

H. Res. 337: Mr. HINCHEY.

H. Res. 504: Mr. CULBERSON.

H. Res. 655: Mr. CLAY and Ms. BORDALLO.

H. Res. 858: Ms. MATSUI, Mr. ALTMIRE, Mr. BUTTERFIELD, Mr. RUSH, and Ms. CORRINE BROWN of Florida.

H. Res. 1006: Mr. SKELTON.

H. Res. 1045: Ms. WATSON.

H. Res. 1088: Mr. WALSH of New York.

H. Res. 1116: Mr. BRADY of Pennsylvania.

H. Res. 1128: Mr. KING of Iowa, Mr. MCKEON, Mr. PEARCE, Mr. FORBES, Mr. BROWN of South Carolina, Mr. DAVIS of Kentucky, and Ms. FALLIN.

H. Res. 1143: Mr. HALL of New York, Mr. DENT, Mr. INSLEE, Mr. DICKS, and Mr. MOORE of Kansas.

H. Res. 1200: Mr. MCDERMOTT.

H. Res. 1202: Mr. SULLIVAN, Ms. SHEA-PORTER, and Mr. ISSA.

H. Res. 1227: Mr. CROWLEY and Ms. BALDWIN.

H. Res. 1239: Mr. WAXMAN.

H. Res. 1245: Mr. ALLEN, Mr. DEFAZIO, Mr. HODES, Mr. LYNCH, Mr. MCCOTTER, Ms. SLAUGHTER, and Mr. STARK.

H. Res. 1273: Mr. MCCOTTER.

H. Res. 1279: Mr. SIMPSON.

H. Res. 1282: Ms. GRANGER, Mr. WAMP, Mr. MCHUGH, and Mr. BOUSTANY.

H. Res. 1286: Mr. MEEKS of New York.

H. Res. 1300: Ms. LEE and Ms. CASTOR.

H. Res. 1302: Mr. COSTA, Mr. SULLIVAN, Mr. KING of Iowa, Mrs. MYRICK, and Mr. SALI.

H. Res. 1303: Ms. ESHOO.

H. Res. 1306: Mr. AKIN, Mr. GINGREY, Mr. MITCHELL, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WAMP, Ms. GIFFORDS, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. BURTON of Indiana, Mr. MARSHALL, and Ms. GRANGER.

H. Res. 1311: Mr. AL GREEN of Texas, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, Mr. YOUNG of Alaska, Mr. COLE of Oklahoma, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. WALSH of New York, Mr. MEEKS of New York, Mr. DOYLE, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. ORTIZ, Mr. LEWIS of California, Ms. SCHWARTZ, Mr. BRADY of Pennsylvania, Mr. FOSSELLA, Ms. WATSON, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. TOWNS, and Mr. WATT.

H. Res. 1313: Mr. EHLERS.

H. Res. 1314: Mr. WAXMAN, Ms. GIFFORDS, and Mr. CROWLEY.

H. Res. 1322: Mr. CARDOZA, Mr. WAXMAN, Mr. MCNERNEY, Mr. FILNER, Mrs. Davis of California, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. STARK, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. RICHARDSON, Mr. BECERRA, Mr. SHERMAN, and Mr. RADANOVICH.

H. Res. 1323: Mr. GRIJALVA, Mr. MATHESON, Mr. GEORGE MILLER of California, Mr. SHULER, Mr. TOWNS, Mr. CONYERS, Mr. HONDA, and Mr. PASTOR.

H. Res. 1324: Mr. KILDEE, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. ETHERIDGE, Mr. HALL of Texas, Mr. FARR, Mr. DOGGETT, Mr. ELLISON, Mr. FATTAH, Mr. MCHUGH, and Mr. GERLACH.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative PEARCE, or a designee, to H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 362: Mr. CLAY.

EXTENSIONS OF REMARKS

TRIBUTE TO BRIGADIER GENERAL DOUGLAS M. PIERCE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Brigadier General Douglas M. Pierce, Deputy Adjutant General of the Iowa Air National Guard, and to express my appreciation for his dedication and commitment to his state and country.

After graduating from Westview High School in Lake City, Iowa, General Douglas Pierce earned a bachelor of science degree in animal science from Iowa State University in 1968, followed later by a master of science degree in personnel management and counseling from Troy State University in 1981.

In 1969, General Pierce's long and distinguished career in America's Armed Forces began when he was commissioned in the United States Air Force. He was an Honor Graduate and awarded the aeronautical rating of pilot during Undergraduate Pilot Training in 1970. He was a T–37 Instructor Pilot until April 1974 when he joined the Iowa Air National Guard, 132d Fighter Wing as a combat-ready pilot. General Pierce served as Flight Commander and Chief, Standardization and Evaluation until 1983 when he transferred to Headquarters Iowa National Guard as Executive Support Officer to the adjutant general. In 1985, General Pierce returned to the 132d Fighter Wing as the 124th Fighter Squadron Operations Officer until 1990 when he was selected as the Operations Group commander. He became the vice commander for the 132d Fighter Wing in 1999 until he transferred to Headquarters Iowa Air National Guard as the vice commander in 2002. In 2004, General Pierce assumed the duties as Assistant Adjutant General, Air.

For the past 39 years, General Pierce has served faithfully and honorably, earning a long list of military awards and decorations. He has accumulated over 5,800 flying hours and flown many different military aircrafts. General Pierce's long-standing commitment to the Iowa Air National Guard and his country has earned him the respect, honor and dignity of all who have served with him. For this I offer him my utmost congratulations and thanks.

I commend Brigadier General Douglas M. Pierce for his many years of loyalty and service to our great nation. It is an immense honor to represent General Pierce in the United States Congress, and I wish him a happy retirement from the Iowa Air National Guard and all the best in his future endeavors.

CONGRATULATING SYNGENTA OF LOUISIANA FOR RECEIVING THE PACE AWARD

HON. DONALD J. CAZAYOUX, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CAZAYOUX. Madam Speaker, I rise today to honor the hard work and dedication of a local Louisiana manufacturer. The manufacturer that I am recognizing has demonstrated innovation in manufacturing operations and a commitment to community involvement.

Syngenta, a global agribusiness with operations in my district in Louisiana, manufactures the active ingredients atrazine and benoxacor, and formulates Touchdown®, Karate®, and Halex™ GT brands, among other products, for the agricultural sector. The economic impact that Syngenta brings to St. Gabriel, Louisiana, is significant. The chemical facility employs more than 700 company and contract employees with an annual payroll of $58 million. This local manufacturer has made noteworthy advances in productivity through the implementation of lean manufacturing methods and processes that transform and streamline operations through the company. Because of these accomplishments, Syngenta will be honored by the Manufacturing Extension Partnership of Louisiana (MEPOL), with the fourth annual Platinum Award for Continued Excellence (PACE) Award.

MEPOL, a non-profit business resource based at the University of Louisiana at Lafayette, serves to provide business and technical assistance to emerging and established manufacturing firms throughout the State of Louisiana. Since 1997, MEPOL, based on a philosophy of education, encouragement, and empowerment, has worked with manufacturers such as Syngenta to increase their productivity and profitability.

Working with MEPOL, Syngenta developed a steering committee to assist in developing the ideal state with benchmarks to identify quantifiable impact. In less than 6 months, more than 150 ideas were generated, and within 1 year, $1.7 million cost savings were validated. The problem solving process included visible metrics and methods to assure continuous improvement projects are a daily focus during each shift.

Syngenta also participates in numerous community outreach programs and charities. Each year, the company educates more than 5,000 public and private school students and contributes over 1,200 to promote the field of science. Syngenta has also made substantial financial contributions to the local United Way campaign. I congratulate Syngenta on being a respected leader in manufacturing whose commitment to advancement and continued success has led to this outstanding achievement.

IN MEMORY OF MAYOR WILLIAM C. JENKINS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mayor William C. "Bill" Jenkins, an exemplary public servant and my good friend. Early on Wednesday, July 2, 2008, Bill lost a hard-fought battle with cancer, and Scottsdale lost one of its finest citizens. Bill was 79 years old.

After earning two degrees from Arizona State University, Bill gave back to Arizona's public education system by teaching American government and economics in the Scottsdale Unified School District for 29 years. From 1966 to 1974, he took his lessons from the classroom and applied them to the city as a member of the Scottsdale City Council. Then, in 1974, the good people of Scottsdale elected Bill as their mayor. Every afternoon he rode his bike from Scottsdale High School across the street to City Hall to assume his job as mayor.

Despite the demands of his position, his dedication to his students never wavered. He set a great example as he originated the monthly "Mayor's Breakfast," founded the Scottsdale Historical Society, established Youth-in-Government Day, and laid the groundwork for the city's Environmentally Sensitive Land Ordinance.

Under his leadership, Scottsdale underwent one of its greatest periods of economic growth. Among many other projects, Bill oversaw the construction and dedication of Scottsdale's first senior center, the completion of City Hall, and the construction of Scottsdale's Maricopa County court building.

As testimony to his impact on the city, Bill has been inducted into the Scottsdale History Hall of Fame, received Scottsdale Leadership's Wells Fargo Herbert R. Drinkwater Leadership Award, and recently won the title of Arizona Culturekeeper for his efforts to preserve the city's historic landmarks.

It would take much more time to list all of Bill Jenkins' accomplishments, but the ultimate record of his work lies in the positive and lasting impact he has made upon the hearts and minds of the people he served.

Madam Speaker, please join me and Bill's wife and children in mourning the loss and honoring the legacy of Bill Jenkins.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN REMEMBRANCE OF CHARLES SEBES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Charles Sebes, a beloved figure in Cleveland area politics and a loving husband, father, and grandfather. This past June we gathered to celebrate Chuck's retirement as Parma Democratic City Ward Leader.

Madam Speaker, I rise today in honor and recognition of Charles Sebes, upon the occasion of his retirement after 20 years of service as the Parma Democratic City Ward Leader. His unwavering dedication to the Party, to his community, and to the rights of working men and women is framed by honor and integrity.

Chuck has spent hundreds of hours volunteering on numerous political campaigns and causes throughout his life. During the past 30 years, Chuck has taken an active role in organizing the Northern Ohio Labor Day Parade. As Secretary of Parma Southwest Cope, Chuck has chaired the reverse raffle committee for the past 25 years. He has also been the Chairman of Parma's Democratic Steak Roast for 20 years. Chuck's devotion and enthusiasm consistently inspire those around him and has made all of these events successful.

During his 22 years of employment with the National Tool Company, Chuck served as President of the United Steel Workers of America, Local 4827. Governor Richard Celeste appointed Chuck to the Ohio Regional Board of Review for Worker's Compensation. In 1991, Martin Vittardi, Clerk of Parma Municipal Court, appointed Chuck to be the Chief Deputy Clerk of Court. His friendship is coveted not only by myself and Marty, but by numerous individuals whose lives have been touched by his energetic spirit, kindness and loyalty.

As Chief Deputy and Supervisor, his colleagues and staff know him to be a man who is passionate about all aspects of his life. They respect Chuck for his fairness and for being a man of his word. He believes that patience is a virtue and was reassuring that a task would get done, never hesitating to become part of the solution. They appreciate Chuck for always looking out for their best interest, fighting for what they deserve and for being valued by him. His reputation for being a prankster and for his colorful way of telling a joke is legendary. Chuck is a wise and generous man and he is a true friend to the people in his life.

Evelyn, his wife of 52 years, and their wonderful family have sustained Chuck with a lifetime of support. Joe, Jim, Janet and Joyce, have blessed them with seven grandchildren. Chuck and Evelyn's children and grandchildren continue to be their pride and joy.

CARIBBEAN LEADERS READY TO NEGOTIATE AT CARICOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a July 1, 2008 New York Carib News article entitled: "Saint Vincent and the Grenadines PM wants LIAT, Caribbean Airlines Collaboration." The article attests to the combined Caribbean effort to forge business ties with partners in the U.S. financial community.

There is a new way of thinking about air service to the Caribbean. "We have to think large and we have to think in a strategic sense with these matters," said Prime Minister Ralph Gonsalves. He has suggested that the Antigua based airline LIAT become a subsidiary of Caribbean Airlines and essentially create a "nexus." In the future he believes that Air Jamaica and Bahamas Air will join the collaboration to create a regional airline service.

These plans were largely facilitated at the New York CARICOM Conference. The conference provided a medium through which Caribbean leaders could propose their vision for the economic reshaping of the Caribbean.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was delayed by traffic on Tuesday, July 8, 2008, and I missed two votes on the House floor.

However, had I been present I would have voted "yea" on H.R. 3981—To authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; and "yea" on H.R. 1423—To authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes.

INTRODUCTION OF CLEAN CRUISE SHIP ACT OF 2008

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FARR. Madam Speaker, many Americans enjoy taking cruises, in large part because they get to see some of the Nation's most beautiful marine ecosystems. Cruise ships have the potential to bring these beautiful locations to many people, but these people also have an expectation that the ship that transports them will not damage the environments that they are visiting. Because I want to see these beautiful marine ecosystems protected for future generations to enjoy, I am introducing the Clean Cruise Ship Act of 2008.

The Cruise Ship Industry has experienced much success over the past 18 years and has been growing at a rate of 5 percent per year. U.S. ports handled 8.6 million cruise embarkations which accounted for 75 percent of global passengers. Unfortunately, as it grows, its potential to negatively affect the marine environment grows as well.

Cruise ships are floating cities, with large cruise ships routinely carrying more than 3,000 passengers and crew. Right now a new 225,000 gross-ton cruise ship is being built which will carry 5,400 passengers. This supersized cruise ship is twice the size of a Nimitz class aircraft carrier.

During a typical 1-week voyage, a large cruise ship (with 3,000 passengers and crew) is estimated to generate 210,000 gallons of sewage; 1 million gallons of graywater (wastewater from sinks, showers, and laundries); more than 130 gallons of hazardous wastes; and 8 tons of solid waste. A large cruise ship will also generate more than 25,000 gallons of oily bilge water (oil and chemicals from engine maintenance that collect in the bottom of ships and are toxic to marine life).

We all know what happens when untreated sewage is dumped through accident or failure: It damages the environment. Beaches are closed. Swimmers and surfers get sick from a number of diseases. Americans have come to expect that the sewage they create is regulated and that cities will not dump untreated sewage into the water. When sewage spills occur, Americans expect that they will be quickly informed and protected.

Isn't it reasonable to think that these ships should be subject to the same wastewater regulations as those governing municipalities of comparable size? I think so. Is it our responsibility to enact the policies which will ensure that these floating cities do not cause damage to our marine environment? With 75 percent of the passengers going through U.S. ports, it is our duty.

While many cruise ship companies have environmental policies and agreements in place, many are voluntary with no monitoring or enforcement provisions. Unfortunately, I am all too familiar with the down-side to voluntary agreements. In my district a cruise ship—breaking its voluntary agreement—illegally discharged 36,000 gallons of sewage into the Monterey Bay National Marine Sanctuary in 2002.

Simply put, voluntary agreements between cruise lines and States are not enough to ensure protection of our oceans. The public deserves more than industry's claims of environmental performance. We need a Federal law and we need it now. It's time we strengthen the environmental regulations and in so doing, bring these floating cities in line with current pollution treatment standards. The Clean Cruise Ship Act of 2008 is the answer.

The legislation that I am introducing today has bipartisan support and is endorsed by many local and national groups, plugs existing loopholes in Federal laws, bans the dumping of wastewater within 12 miles of shore, bans the dumping of hazardous waste, sewage sludge and incinerator ash in U.S. waters, requires ships to treat their wastewater wherever they operate, and authorizes broadened inspection and enforcement authority.

Several States including California, Alaska, and Maine, have enacted legislation to better regulate various cruise ship wastes—similar to the legislation I am introducing today. In fact, I am proud to report that California is leading the country in protecting its coastal waters from cruise ship pollution.

Now I would like to mention another way in which ships may damage our coasts: aquatic invasive species that slip into our lakes and coastal waters in discharged ballast water. Alien species that have escaped into U.S. waters are causing massive harm. We have to do everything in our power to prevent new invasive species from getting loose. With this in mind, many of us have been closely watching court cases surrounding the Environmental Protection Agency's responsibility for regulating ballast water under the Clean Water Act. That litigation may have implications for cruise ship wastewater pollution.

I do not intend for this bill or these comments to interfere with or undermine the provisions of the Clean Water Act that deal with discharges of pollution into the Nation's waters. I have always supported and continue to support the Clean Water Act. It will continue to be an important tool that, in conjunction with the Clean Cruise Ship Act, can significantly reduce wastewater pollution from cruise ships.

Passing the Clean Cruise Ship Act of 2008 is one of the ways to provide all States with the kinds of ocean and coastal protections that the people of California, Alaska, and Maine benefit from. Enacting this bill will protect the tourism industry by making sure that the beaches and oceans, two of the attractions that make California the most visited State in our country, will be protected from cruise ship pollution. Simply put, this legislation ensures two things: (1) a sustainable future for our oceans, and (2) a sustainable future for the cruise and tourism industry.

This legislation promotes the public interest for all Americans. The public expects and deserves clean water—both in our inland waterways and in our oceans. The Clean Cruise Ship Act of 2008, through its discharge regulations, will give the public what it deserves.

In closing, Madam Speaker, I urge all of my colleagues to support this critically important legislation.

TRIBUTE TO JERRY DWYER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Jerry Dwyer of Clear Lake, Iowa, for earning the Federal Aviation Administration Wright Brothers Master Pilot award and the Charles Taylor Master Mechanic award.

Jerry began flying at age 13 and earned his student pilot rating at age 16, the same year he became an apprentice aircraft and engine mechanic. He has also obtained commercial pilot and aircraft transport pilot certificates. At the age of 77, Jerry remains a licensed pilot and mechanic and is the president of Dwyer Aircraft Sales Inc.

It is very uncommon for a pilot to receive both awards in a lifetime, especially at the same time. Jerry received the FAA awards at the FAA ceremonies in Ames, Iowa earlier this year. The Wright Brothers Award recognizes pilots who have practiced and promoted safe flight for 50 consecutive years. The Taylor award recognizes the lifetime accomplishments of senior mechanics.

I know that my colleagues in the United States Congress join me in commending Jerry Dwyer for his leadership and dedication to aviation safety. I consider it an honor to represent Jerry in Congress, and I wish him the best in his future endeavors.

IN HONOR OF THE ITALIAN CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, and colleagues, I rise today in honor and recognition of the Italian Cultural Garden, within which the beautiful and ancient notes of Italian Opera, will be heard in the garden for the first time since 1943.

The Italian Cultural Garden was formally opened on October 12, 1930, in honor of the 2,000th anniversary of the birth of the Italian poet, Virgil. Clevelander, business owner and Italian American Philip Garbo led the effort to create the garden. His expertise in the areas of Renaissance art, along with his commitment to keeping his Italian heritage vibrant in Cleveland, is reflected throughout the garden.

Visitors to the Italian Cultural Garden are awestruck by the magnificent sandstone towers that mark the entrance. Once inside, exquisite stone walkways and staircases wind through landscapes that meander throughout the two-level garden. On the lower level, a stone wall fountain adds elegance to a reflective courtyard of circular stone. The fountain is flanked on either side by the countenances that highlight Italian brilliance: Giotto, Michelangelo, Petrarca, Verdi; da Vinci and Marconi.

Madam Speaker and colleagues, please join me in celebration and recognition of the Cleveland Italian Cultural Garden. On Friday, June 27, 2008, the ancient melodies of Italian opera will once again rise above the falling water, light, flora and stone in the Italian Cultural Garden. The ancient art of opera celebrates the history of Italian culture—a culture that covets and encourages artistic discovery; a culture that understands the significance of historical preservation; and a culture that continues to offer significant contributions to Cleveland, to our country and to the world.

EXPRESSING SUPPORT OF THE THURGOOD MARSHALL RESOLUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support of the Thurgood Marshall Resolution that recognizes the 100th birthday of Thurgood Marshall, introduced by Congressman DONALD M. PAYNE.

Thurgood Marshall was one of the America's most important leaders of the civil rights revolution and architects of affirmative action. Being born as a grandson of a slave in Baltimore, MD, Marshall grew to become the Nation's first African-American Supreme Court justice and a recognized fighter for equal rights and integration. Marshall, who was rejected by the University of Maryland Law School because of his race when he applied, eventually earned his law degree from Howard University. And again, when he was refused the opportunity to practice law, he became the lead attorney for the Legal Defense Fund of the National Association for the Advancement of Colored People. Marshall firmly believed that only through racial integration could equality of opportunity be achieved for blacks and whites in our society. Throughout his life Thurgood Marshall worked to abolish the legacy of slavery and eliminate the racist segregation system. His most famous successful legal case, Brown v. Board of Education, created historic precedent and stopped the separation of black and white children in public school. The victories of his Supreme Court cases led to enormous accomplishments for the American people in the areas of housing, education and voting.

In recognizing the 100th anniversary of Thurgood Marshall's birthday, we are not only honoring his life and superior accomplishments, but also continuing his noble mission. This great man's lifelong struggle to end racial bias and discrimination is highly meaningful and inspiring. Marshall fought for legal protection of children, women, elderly, homeless and prisoners. His role in ending legally sanctioned inequality and segregation which had created an American apartheid was of critical importance and deserves the Nation's recognition.

TRIBUTE TO RICHARD LOUDEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to Richard Louden, a lifelong rancher, historian, and community servant.

Richard Louden was born in Branson, Colorado, on September 2, 1920, to R.D. "Dick" and Zita Louden. He graduated from Branson High School and shortly after earned an associate of arts degree from Trinidad Jr. College. He then earned a bachelor's degree in journalism from the University of Colorado and the University of Missouri.

When his country became involved in World War II, Louden served in the U.S. Signal Corps and Air Force. After the war, he returned to the family ranch and married Grace Wakefield. The couple had one child, their son Mack.

Richard's interest in history and his love for the high mesas and extensive prairies of his native land led him to a continuing study of southeastern Colorado. His articles on ranching and agriculture were published in the Arkansas Valley Journal, the Chronicle-News, Cattle Guard, and Colorado Magazine. In the 1950s, Richard joined the Colorado Archaeological Society, and went on to become its president. He was fundamental to the establishment of the Louden-Henritze Archaeology Museum, which bears his name. He also served as president of the Trinidad Historical Society, and as a founding member of the A.R. Mitchell Museum of Western Art.

Mr. Louden was heavily involved in his son's school, and he served as president of the school board for 16 years. His knowledge and commitment to the community made him a respected figure on both the State and local level, resulting in his recognition with numerous honors by the organizations he served or impacted. These awards include the Colorado Board of Community Colleges Achievement and Service Award, the Chenoweth Award for Community Service, the Honored Alumni Award at Trinidad St. Jr. College, Kiwanis Citizen of the Year, and the Colorado Community College and Occupational Educational Alumni Hall of Fame.

Madam Speaker, I am proud to honor the memory of Richard Louden, who led a life of service to his family, his community, and to this country.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CARTER. Madam Speaker, on July 8, 2008, I was unable to be present for all rollcall votes.

If present, I would have voted accordingly on the following rollcall votes: Roll No. 471—"aye," Roll No. 472—"aye," Roll No. 473—"aye."

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, July 8, 2008, due to my plane being delayed by over an hour and a half due to mechanical issues, I was unable to cast my votes on H.R. 3981, H.R. 1423, and H.R. 4199.

Had I been present for rollcall No. 471, on suspending the rules and passing H.R. 3981, the Preserve America and Save America's Treasures Act, I would have voted "yea."

Had I been present for rollcall No. 472, on suspending the rules and passing H.R. 1423, the Dorothy Buell Memorial Visitor Center Lease Act, I would have voted "yea."

Had I been present for rollcall No. 473, on suspending the rules and passing H.R. 4199, to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on July 8, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall 471, rollcall 472, and rollcall 473.

EDITORIAL HAILS CARICOM CONFERENCE A SUCCESS BUT LEADERS NEED TO FOLLOW UP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an editorial by Tony Best published on June 23, 2008 in the New York Carib News, entitled: "Caribbean Community Conference in New York Had Its Successes but Effective Follow-up Needed by CARICOM States and Their Leaders."

By all accounts, the Conference was a success. With the Caribbean leaders leaving New York having made powerful connections with the financial community and the New York Stock Exchange, one of the biggest successes was New York City Comptroller Bill Thompson's announcement that New York City pension funds will soon be investing in the region. There is also news of an expanded educational exchange and cooperative agreements between Medgar Evers College and the University of the West Indies.

Despite the high hopes that are a result of the conference, there is some skepticism that Caribbean leaders will hold up their end of the bargain. "One thing is certain: any success would depend on an efficient and well coordinated follow-up, something the region itself has failed to do on many occasions," says Tony Best, the New York Carib News editorial writer. Now that the conference is over, the ball lies in CARICOM's court and it is up to them to make sure that the relationships established during the meetings lead to tangible results in the Caribbean. I remain ready to do whatever I am able to facilitate the full flowering of the promising relationships that were established at the conference.

TRIBUTE TO CHRISTY DEMARIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize a great achievement by Christy DeMaris, a Girl Scout from Huxley, Iowa. Christy convinced customers to buy extra boxes of Girl Scout cookies so she could send the boxes to our troops in Iraq.

As Christy sold Girl Scout cookies to her customers, she politely asked them if they would be willing to purchase extra boxes to be sent to troops in Iraq. She amassed 172 boxes to be sent to American troops. Christy's mother, Mandi, came up with the idea after hearing of a Boy Scout who sent popcorn to soldiers overseas. Christy was very excited about the idea because her father, John, works as a civilian computer systems administrator in Iraq, keeping the e-mail system working for American soldiers. So Christy put the plan into action and made it a success.

Christy DeMaris is a shining example of the generosity present in today's youth and their promise as tomorrow's leaders. I am proud to represent Christy and her parents John and Mandi in the United States Congress. I know that my colleagues join me in congratulating Christy for her efforts to make brighter days for our American soldiers and I wish her and her family the best in their future endeavors.

HONORING "KIDS IN MOTION"

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. HULSHOF. Madam Speaker, in my 12 years in Congress, I have been privileged to work with numerous organizations throughout my congressional district; agencies that are making an impact in the future of their communities. It is in that vein that today I wish to recognize Kids In Motion for their service to Hannibal, Missouri.

Twelve years ago, local law enforcement officials and concerned citizens of Hannibal met to discuss reported gang activity in the town. As a result of the meeting, several leaders in the community took upon themselves the responsibility and initiative to create this program, Kids In Motion, as a program designed to combat these problems. While several local volunteers stepped up to make KIM a success, I specifically remember meeting numerous times with Marilyn Cohn and Sherri Steinmann, two local business and community leaders who dedicated many of their weeks, months, and even years in the program's infancy to make sure this effort was a success.

KIM is designed as a pre-employment and life success training program for at-risk youth between the ages of 12 and 15 years old. KIM's mission is a simple, yet important, one for the region. The program teaches teens and pre-teens to value work, value their community, and to value their future. Youth are provided transportation to and from their project sites, and they also receive breakfast and lunch. In Hannibal, KIM has partnered with the local Parks and Recreation Department, Tourism Bureau, Public School District, Housing Authority, and other civic groups and agencies in summer projects to benefit the community.

I've had the privilege of speaking at several KIM programs in the past, encouraging KIM members to apply themselves to their work and their communities as well. Being a former prosecutor, I've explained to the attendees the importance of choices they'll be making in their lives and how those choices can help shape their lives in years to come. Each year, I've marveled at the program's impact in the lives of pre-teens in Hannibal, shaping their lives and their futures for the impressionable and important years to come.

Each year we read about a striking decline in the number of volunteers, particularly younger citizens, who choose to take part in civic or community betterment efforts. Yet through this program, we see the rekindling of that flame, all the while providing a vehicle for these at-risk youth to spend their summers in a productive, rather than destructive, manner.

KIM encourages personal responsibility and self-reliance, preparing participants to successfully enter the workforce. Enrolled youth members are able to perform various community service projects in a supervised setting to benefit their community. While performing these services, they learn teamwork, good work habits, and a respect for authority. Through KIM's early intervention into the lives of these youth, the organization is able to redirect values and influence positive behavior and lifestyle choices. KIM also attempts to empower youth to improve their lives and eventually achieve their dreams.

Now under the watchful eye of Amy Vaughn and Douglass Community Services in Hannibal, the program is taking steps to not only serve Hannibal, but the surrounding areas as well. Amy dreamed for some time of taking the program to different communities in the region, helping to provide each of them with the opportunities afforded Hannibal over the last decade. Now, Amy's dream is becoming a reality. This month, the program is expanding to Louisiana and Bowling Green in Pike County, Missouri. Each of the three participating communities realizes the value of this organization and how it can affect the lives of youth both now and in the future.

KIM is very special because the effort was formed as a volunteer organization with no selfish motivation whatsoever. The program was pursued as a way not just to help address community concerns, but to provide a better and brighter future for Hannibal's leaders of tomorrow. Those efforts have now expanded beyond Hannibal's borders and beyond the wildest dreams of success held by the founders of the organization. Local law enforcement agencies, community businesses, business leaders, and local school officials have joined forces to make this project a success. But the selfless nature of the program is what continues its appeal yet today.

As June is Kids In Motion's annual kickoff month for their summer program, they have named this month "Kids In Motion" month. On this occasion, I congratulate KIM on their tremendous record to date, and I wish them continued success for future years to come.

HONORING JAMES F. "JIM" McNULTY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor James F. "Jim" McNulty upon his retirement as chief executive officer of Parsons Corporation, headquartered in Pasadena, California.

Born in Wheeling, West Virginia, Jim attended the United States Military Academy at West Point where he graduated with a bachelor of science degree in engineering and was commissioned as an Army second lieutenant in the field artillery in 1964.

Jim's 24-year career in the Army included a variety of training, research and development, and project management assignments. He was trained and qualified as a paratrooper, as a ranger, and as a graduate of the Army Command and General Staff College, and he served two tours of duty in Vietnam. During his three years of service in Germany, he was a unit commander and an operations officer in a nuclear capable Pershing missile battalion. While in the Army, he earned masters degrees from Ohio State University and Massachusetts Institute of Technology, where he was an Alfred P. Sloan Fellow. Additional assignments included work as a research associate at Lawrence Livermore National Laboratory, Deputy Director of the Office of Military Application in the U.S. Department of Energy, Systems Manager for the deployment of the Pershing II missile system, and program manager for the ground based laser system for the Strategic Defense Initiative.

In 1988, Mr. McNulty retired from the Army as a colonel and joined Parsons as a project manager in the Washington, DC, office. Two years later he was appointed vice president and manager of Parsons' Washington operations, and in 1992, he was promoted to senior vice president and relocated to Pasadena to assume the position of a division manager. In January 1996, Jim became a group president and in April of that same year, upon the untimely death of the then Parsons CEO, he was named as the successor chief executive officer. In 1998, he assumed the additional role of chairman of the Parsons Corporation board of directors. In May 2008, Jim relinquished his role as chief executive officer while retaining his position as the chairman of the Parsons board of directors.

Jim's volunteer participation includes serving as a trustee of the Linsly School, in Wheeling, West Virginia, and as a member of the boards of directors of the Greater Los Angeles Chamber of Commerce, the California Science Center and the Los Angeles Sports Council. He is the past chairman of Town Hall Los Angeles and a previous member of the board of trustees of Pomona College. A long-time supporter of the Pasadena POPS Orchestra, Jim is also involved in the American Heart Association, the American Cancer Society, United Way, and numerous other Pasadena and Los Angeles civic and philanthropic organizations.

It is my great pleasure to recognize the extraordinary achievements of James F. "Jim" McNulty and I ask all Members to join me in thanking him for his service to our community and to our country.

TRIBUTE TO GOOGLE, INC., RECIPIENT OF THE NATIONAL DESIGN AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. ESHOO. Madam Speaker, it is a privilege for me to pay tribute to Google, Inc., of Mountain View, CA, for being recognized with the prestigious National Design Award given by the Smithsonian's Cooper-Hewitt National Design Museum.

The National Design Awards were created in 2000 by the Smithsonian's Cooper-Hewitt National Design Museum to educate the public about design. They honor and celebrate the best in American design with recipients being selected from a pool of over 800 talented designers, educators, journalists, cultural figures and corporate leaders. The National Design Awards program presents awards in ten different categories and this year they recognized Google for their leadership and talents with an award in Corporate Design.

Today, Google is recognized as one of the world's most important innovators and they achieved this in a remarkably short 10-year period. Under the superb leadership of Dr. Eric Schmidt, chairman and chief executive officer, and the two founders, Larry Page and Sergey Brin, Google has consistently demonstrated the finest in cutting-edge technology and has gained the confidence of their clients and investors alike. I'm proud to represent Google as a constituent company in the distinguished 14th Congressional District.

Madam Speaker, I ask our colleagues to join us in honoring Google, Inc., for being recognized with the prestigious National Design Award given by the Smithsonian's Cooper-Hewitt National Design Museum, for the leadership they provide in Silicon Valley and around the world, and for always looking ahead to capture the imagination of the next generation with their commitment to innovation.

INTERNATIONAL RECORDING ARTIST TAKES INITIATIVE IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD the July 1, 2008, New York Carib News article entitled: "Wyclef Jean Travels to Haiti to Bring Mission of 'Together for Haiti' Food Initiative Home." I would like to take this opportunity to recognize Wyclef Jean for the important work he is doing for the Haitian people.

Wyclef is a Grammy Award winning international recording artist and social activist. He started Yelé Haiti, a foundation that supports projects in education, health, environment and community development in his home country of Haiti. Wyclef is also a founding member of Together for Haiti, an alliance of three major humanitarian organizations including Yelé Haiti. Together for Haiti's mission is to address the food crisis by providing food, creating jobs, and restoring hope and pride within the nation's poorest citizens.

Wyclef's mission to help Haiti has shed a much needed light into the food crisis that is plaguing the nation. The crisis is not because of a shortage of food but rather the cost of it. Although there is food available, it has become too expensive for the majority of the population that lives on one dollar a day to afford.

Wyclef's Together for Haiti has four initiatives: Targeted Food Distribution, Immediate Employment Creation, Micro-Enterprise Grants, and Seed and Fertilizer Training. These four initiatives lay the groundwork for the continued effort to stimulate economic growth in the country and lift our Haitian neighbors out of devastating poverty.

IN TRIBUTE TO CAROL D. SAMPLE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Carol Sample, a compassionate community leader who is retiring after many years of working in the Fourth Congressional District. Carol's involvement in the nonprofit and economic development arena on behalf of all people, but especially for the needs of Native people, is truly impressive.

Carol Sample is originally from a remote Ojibwe Indian Reservation called Turtle Mountain in northern North Dakota, near the Canadian border. She attended Indian boarding school in South Dakota, undergraduate studies at Howard, a historically black university in Washington, DC, and completed her graduate studies at Loretto Heights College in Denver, Colorado.

Carol has worked both within and outside the system to achieve change, including marching with the American Indian Movement, AIM. Carol's employment history demonstrates her ability to successfully navigate within the system as well. In the over two decades that Carol has resided in Milwaukee, she has accomplished much. She has developed several programs that have become national models to address the unique needs of urban Indians. She sits on numerous national committees for the U.S. Department of Labor and is often asked to testify before national and local committees on the problems confronting Indians not residing on reservations. In addition, Carol serves on local boards such as the Milwaukee Area Technical College and the Milwaukee Area Workforce Board.

On July 9, 2008, Carol Sample will retire from her dual role as executive director for the corporate agency Spotted Eagle, Inc., and as principal for Spotted Eagle High School. Spotted Eagle was an early recipient of the best practices' School-to-Work Program of the Department of Labor. Her well-honed management ability, program development, and administration skills were utilized to ensure that a high school based on traditional Indian values was provided for Indian youth in Milwaukee. As a member of the First People, she opened the doors of Spotted Eagle to all youth in the community and we are all better for it.

Madam Speaker, for these reasons, I am honored to pay tribute to Ms. Carol Sample's contributions to the Fourth Congressional District. She has helped transform the lives of many people in our community.

TRIBUTE TO RICHARD KINSETH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Richard Kinseth for reaching an important milestone as a public servant to the people of Ottosen, Iowa.

For the past 40 years Richard has served as Ottosen's mayor. He has never run for the position but has always won with write-in votes. Richard has also served two years in the military and 40 years as a mail carrier serving Ottosen and Bradgate, Iowa.

Richard, at the age of 81, takes immense pride in his town of 44 people. The town park on the old school grounds is always kept clean and safe for children. Richard has made sure the town is kept presentable by tearing down old houses and buildings that have been abandoned. Ottosen has five functioning businesses which include a body shop, repair shop, sanitation business, recycling center and the Co-op.

I know that my colleagues in the United States Congress join me in commending Richard Kinseth for his years of leadership and service to Ottosen. I consider it an honor to represent him in Congress and I wish him the best in his future service to Ottosen.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LEVIN. Madam Speaker, yesterday, I was unavoidably absent during rollcall votes 471, 472 and 473. Had I been present, I would have voted "yea" on rollcall 471 to authorize the Preserve America Program and Save America's Treasures Program; "yea" on rollcall 472 to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore; and "yea" on rollcall 473 to amend the Dayton Aviation Heritage Preservation Act of 1992.

HONORING THE COLLINSVILLE, ILLINOIS, LIONS CLUB

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the service of the Collinsville, Illinois, Lions Club over the past 85 years. When the Collinsville Lions Club was founded in 1923, it was the only service organization in Collinsville. In the 1920s and 1930s, Collinsville was transitioning from a mining district to a mixed commercial-residential area. The Lions Club helped ensure a smooth transition then, and for the past 85 years has been an important part of the Collinsville community.

Throughout the years, this service organization has aided students in Southern Illinois interested in healthcare by providing yearly scholarships. Additionally, the Lions Club has been active in assisting the blind and visually impaired. In the past, they have provided glasses, cataract surgery, and sight-assistance dogs. Most notably, the Lions Club outfitted a reading room in the Collinsville Public Library with reading and hearing equipment, as well as hearing aids and reading glasses.

I would like to congratulate and thank the Collinsville, Illinois, Lions Club for 85 years of successful service and wish them the best of luck in the future.

CARIBBEAN LEADERS SHOW INITIATIVE IN PROPOSALS AT CARICOM CONFERENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a New York Carib News article entitled: "Caribbean Countries Stress Investment Opportunities." The article recognizes Jamaica, Trinidad and Tobago, and Guyana for their precisely drawn out proposals presented by their heads of government during the New York CARICOM Conference to the leaders of the New York financial community.

The New York CARICOM Conference held from the 19th through the 21st of June 2008 will continue to produce results because of the hard work that Caribbean leaders did in preparation for the meetings. Their proposals are a declaration of their willingness to follow through in this initiative to more clearly define the role of the small economies of the Caribbean in the world economy. I believe that their efforts are only the beginning in the aim to build mutually beneficial relationships between the U.S. and the Caribbean and a clear message that the Caribbean is ready to do whatever it takes to increase their potential for economic growth.

TRIBUTE TO COLONEL TIMOTHY E. HIGGENS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. McGOVERN. Madam Speaker, I rise today to congratulate Colonel Timothy E. Higgens of North Attleboro, Massachusetts on his retirement from military service on July 7, 2008 and to recognize his exemplary 35 years of service to his country. Over his career, Col. Higgens has distinguished himself through his exceptional service and leadership skills while successfully completing a range of assignments.

Col. Higgens was educated at the United States Military Academy at West Point in New York, where he received his B.S. in Engineering. He later went on to earn his M.A. in Counseling from Ball State University in Indiana. Throughout this military career, he has maintained his civilian occupation as a Quality Assurance Engineer.

Col. Higgens began his distinguished military career on June 1, 1973. He served for five years on active duty and then went on to serve the balance of his career in the Army Reserves. He has completed the United States Army Ranger School, the United States Army Airborne School and the United States Army Infantry School. Col. Higgens has held numerous training, operations and command assignments, and his dedication and outstanding credentials culminated with his most recent assignment to an integral homeland security mission.

From July 2004 until July 2008, Col. Higgens served as the Chief Emergency Preparedness Liaison Officer for New England. In this position, he was the primary leader among a team of senior officers from the Air Force, Navy, Marine Corps, and Coast Guard representing the six New England states. Over the last four years, Col. Higgens led the team's deployment in multiple exercises and real life events. The skillful leadership and the many contributions made by Col. Higgens have undoubtedly strengthened homeland defense.

Throughout his military career, Col. Higgens has been supported by his loving wife, Evelyn, and his two sons, Ryan and Eric. Now, as he begins his retirement from military service, he plans to spend more time enjoying his favorite hobby of mountain biking.

Madam Speaker, in this time of international conflict, we must take the time to recognize the courageous sacrifices and innumerable contributions of men and women like Col. Higgens who have dedicated their lives to serving our country. Their commitment reflects the best examples of love of country and we are infinitely grateful for all they do. I humbly ask my colleagues in the United States House of Representatives to join me in congratulating Col. Timothy E. Higgens on his retirement from military service.

HONORING THE 75TH ANNIVERSARY OF THE STEPHEN DARIUS AND STANLEY GIRENAS TRANS-ATLANTIC FLIGHT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor two aviation pioneers, Stephen Darius and Stanley Girenas, on the 75th Anniversary of their historic trans-Atlantic flight that began at Municipal Airport—since renamed Midway Airport—which is located in Illinois' Third Congressional District on Chicago's Southwest Side.

Inspired by witnessing Charles A. Lindbergh's historic flight from New York to Paris, Stephen Darius returned home to Chicago after serving his country in World War I determined to fly non-stop across the Atlantic. In Chicago he met Stanley Girenas, a former Army airplane mechanic. Sharing a common Lithuanian heritage and military background, Darius proposed a first ever non-stop flight from New York to Kaunas, Lithuania. Girenas liked the idea and agreed to be Darius' copilot.

Securing adequate funding for their flight was especially difficult during the Great Depression. The two men pooled their savings and purchased a used six passenger airplane that required extensive repairs and modifications. Representatives of Chicago's Lithuanian community came to the aid of Darius and Girenas and formed a Flight Sponsors Committee in order to raise the necessary funds. The Committee raised approximately $4,200 to support the flight, a monumental sum in 1932.

Darius and Girenas embarked on the first leg of their journey from Chicago to New York on May 7th, 1933, on their newly christened airplane, the LITUANICA. After various weather and organizational delays, the two men took off from New York bound for Lithuania on July 15th, carrying a large bag of letters destined for friends and family in Kaunas. Sadly, their plane was lost over the town of Soldin, Germany, 70 miles northeast of Berlin due to heavy storms, and they never reached Lithuania.

It is my great privilege to recognize Stephen Darius and Stanley Girenas for their historic trans-Atlantic flight and their contributions to early aviation, to the American Lithuanian community, to Chicago—which has the largest Lithuanian community outside of Lithuania, and to the United States and Lithuania.

NEW YORK CARIB NEWS RECOGNIZES BOROUGH PRESIDENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a June 24, 2008 article about Adolfo Carrion in the New York Carib News. Mr. Carrion is the Borough President of the Bronx and has served in that capacity since 2001.

In his seven years as President, Mr. Carrion has aided in bringing down unemployment and speeding up housing development in the borough. Most notable is Mr. Carrion's fresh approach to the economic mindset of those in the notoriously depressed neighborhoods of the South Bronx; he wants to "shift people's thinking about how they're going to succeed in the New York economy . . . from social intervention to economic growth and opportunity." Mr. Carrion's vision for a new way of facilitating economic growth through changing the way that people think is indicative of the innovation and economic will that Caribbean Americans contribute to the continued growth of the New York economy.

Mr. Carrion's next goal is to become the City Comptroller. He believes that the position will further help him elevate the economic standards in the borough as an integral part of the economic revival of the city as a whole. His success is yet another testament to the tenacious spirit and strong will of the millions of Caribbean immigrants that are so much a part of New York City and America.

HONORING EMMA ABERNATHY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. BLACKBURN. Madam Speaker, this June, the Fort Campbell community honored the life and service of a trusted and treasured teacher, the late Emma Green Evans Abernathy.

A dedicated teacher for over 40 years, Emma touched countless lives, especially during her time teaching at Marshall Elementary on Fort Campbell. She provided much wisdom, encouragement, and counsel to military children and their parents by drawing upon her own experience as a military spouse.

After earning a degree in Elementary Education from Morris College in South Carolina, Emma later studied at South Carolina State College and Austin Peay State University in Clarksville, Tennessee. Emma actively served as a member of Soldier's Chapel on Fort Campbell, where she taught Sunday school, sang in the choir, and served as the Sunday School Superintendent. In addition, Emma contributed her time to such civic groups as the Order of the Eastern Star, the NAACP, and Alpha Kappa Alpha Sorority.

Along with Emma's husband, James Abernathy, her children and grandchildren, the entire Fort Campbell and Clarksville community celebrates the life of this remarkable woman.

Madam Speaker, I ask my colleagues to join me in reflecting on the outstanding example of balancing family, business and community service that Emma set. Many Tennesseans are better for having known her.

TRIBUTE TO RECIPIENTS OF CONGRESSIONAL AWARD GOLD MEDAL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. MOORE of Kansas. Madam Speaker, last month I was honored to participate in a ceremony honoring four local Kansas residents for their contributions to local communities and commitment to personal development. Honorees received the 2008 Congressional Award Gold Medal during a reception on Capitol Hill.

I was proud to help celebrate the achievements of these outstanding young men and women and honor them with this distinguished award. Their dedication to helping others and self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us.

Sydney Ayers, one of today's recipients and a resident of Leawood, spoke during the June 19th ceremony, providing reflections on her achievement and the importance of community service.

Earning the Congressional Award Gold Medal requires a significant commitment, in both time and energy. Each participant must spend two years or more completing at least 400 hours of community service, 200 hours of both personal development and physical fitness activities and a 4-night Expedition or Exploration. The Congressional Award Gold Medal is the pinnacle of these achievements.

The 2008 Kansas 3rd District recipients are:

Sydney Ayers, Leawood, worked with children and the elderly, volunteering at several locations across the United States and Mexico. She performed in plays, worked as the backstage manager for several productions and took ballroom dance lessons, in addition to playing high school tennis, USTA tennis and managing the boys' high school team. She also planned and completed a 5-day adventure in the Alaskan wilderness.

Benjamin Connell, Lenexa, volunteered at Lakeview Village Nursing Home and the Boys and Girls Club, mentoring young children, facilitating anti-drug/alcohol lessons and tutoring. He also worked in the career development office at Kansas State University, learning how to teach and counsel students. Ben focused on exercising and participating in intramural sports and backpacked at Philmont Scout Ranch in New Mexico.

Christopher Connell, Lenexa, raised funds for charitable causes, mentored young children and helped the elderly with a variety of tasks in addition to working as a waiter at an assisted living facility. Cross Country running and lifting weights improved his 5K running time. Chris also spent six nights in the wilderness at Double H Ranch, which is associated with Philmont Scout Ranch in New Mexico.

Nicholas Connell, Lenexa, shared his musical talent by preparing a repertoire of music, including Peter and the Wolf, on the oboe and holding public performances in several different venues. Nick's creative talents also include writing, for which he won a 1st place prize for a piece of short fiction. He pushed himself physically by running on a treadmill and consistently exercising on an elliptical machine, in addition to hiking over 60 miles at Philmont Scout Ranch in New Mexico.

I am pleased to include in the CONGRESSIONAL RECORD two articles from the Kansas City Star highlighting this award and the outstanding young Kansans who received it.

[From the Kansas City Star, June 28, 2008]

LENEXA BROTHERS WIN CONGRESSIONAL AWARD GOLD MEDAL

(By Alexia Lang)

Hard work and dedication earned three Lenexa brothers the 2008 Congressional Award Gold Medal.

Benjamin, Christopher and Nicholas Connell traveled to Capitol Hill for the award ceremony recently; they were representing three out of four Kansas residents to receive the award. Sydney Ayers, 17, of Leawood, was the fourth recipient.

Congressman Dennis Moore participated in the ceremony, citing their achievements as inspiring.

"Their dedication to helping others and to self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us," Moore said.

In order to qualify for the medal, applicants must spend two or more years completing at least 400 hours of community service, 200 hours of personal development, 200 hours of physical fitness activities and a four-night expedition or exploration.

Nicholas Connell, 22, said his mother found out about the award and he decided to pursue it in 1999.

"It so happened that a lot of the requirements for the Congressional Award coincided with things I was already doing for Scouting, or with school activities, etc.," he said.

Nicholas prepared and performed music on the oboe for several public performances, including charity concerts at local schools and assisted living centers.

He also was able to gather and send school supplies to children in need in Mexico.

To satisfy his four-night expedition or exploration requirement, Nicholas hiked over 60 miles at Philmont Scout Ranch in New Mexico.

Benjamin Connell, 24, also began the program in 1999. He said he was attracted to the structure and direction for setting goals the program would bring to his life.

"It also provided accountability in attaining my goals because my advisors tracked my progress," he added.

Benjamin spent most of his community service time at Lakeview Village Retirement Center in Lenexa and the Boy's and Girl's Club in Manhattan, Kan.

At Lakeview Village, he assisted the elderly in daily activities and ran bingo games in Lakeview's Health Center.

The Boy's and Girl's Club provided opportunities for Benjamin to tutor elementary-age students, facilitate anti-drug and anti-alcohol programs and provide structured after-school activities.

Benjamin said he would encourage others to work for this award because it challenges participants to get out into the community outside of their comfort zone.

"I think this award helps youth build a strong, goal driven foundation that is focused on service," he said.

The youngest brother to receive the award, Christopher Connell, 19, said he has enjoyed serving others since beginning the program in 2002.

His service hours include volunteering at Lakeview Village Retirement Community, fundraising for charity causes at Shawnee Mission West High School and planting and mulching trees at Shawnee Mission Park.

For his expedition, Christopher spent six nights in the wilderness at Double H Ranch, associated with Philmont Scout Ranch.

Christopher said this honor is awarded based on a person's willingness to improve.

"Anyone can earn this award because it isn't a competition except with yourself," he said.

Nicholas said he encourages others to pursue the award because many are already doing what is needed to receive it.

"You have to do the necessary paper work and enroll in the program to make sure you get the award," he said. "The Congressional Award won't seek you out—you have to let them know you are working on it and provide the proper documentation."

[From the Kansas City Star, June 28, 2008]

CONGRESSIONAL AWARD GOES TO LEAWOOD TEENAGER

(By Alexia Lang)

After three years of hard work and determination, Sydney Ayers got her reward: a trip to Capitol Hill to receive the Congressional Award Gold Medal from Congressman Dennis Moore.

Ayers, a 17-year-old from Leawood, was chosen from among the Kansas recipients to make a speech about the experience of being in the Congressional Award program. "My goal was to improve the lives of others, specifically children and the elderly," Ayers said.

During the ceremony June 19, Moore, who presented the awards to the four Kansas recipients, said he was proud to celebrate their achievements.

"Their dedication to helping others and self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us," he said.

Ayers decided she wanted to work for the award in eighth grade after hearing that a senior at her school had received it.

She consulted with Susan Harper, one of her teachers at Barstow School, and they mapped out a plan that would allow her to accomplish her goal in three years. Harper became her mentor/sponsor.

To qualify for the medal, applicants must spend two or more years completing at least 400 hours of community service, 200 hours of personal development, 200 hours of physical fitness activities, and a four-night expedition or exploration.

Sherry Dodds Ayers, Sydney's mother, said, "Since this was such a big project, she was very careful to pick things that were realistic. There are many kids who start this program and never finish."

Ayers completed her community service hours by volunteering at a memory care center, a retirement home, a children's home, an orphanage in Mexico and for Christmas in October.

She superseded the physical activity requirements, finishing with 638 hours. She is a member of the varsity tennis and cheerleading teams as well as USTA tennis and managed the boys high school tennis team.

To satisfy the 200 hours of personal development, Ayers participated in theatrical productions in roles ranging from actor to stagehand to backstage manager.

"The personal development was to gain a better appreciation of the arts," her mother said.

Ayers' final project was a trip to Alaska with her grandfather that she planned, organized and executed by herself. They spent five days and four nights in a cabin with limited electricity preparing all their food and hiking for water.

Ayers said her trip to a Mexican orphanage was one of the most rewarding experiences.

"It was far outside of my comfort zone and my cultural zone," she said.

She added that she learned and experienced something different everywhere she went.

Sherry Ayers said she is most proud that her daughter stuck with the program and completed her goal.

"It's a lot of hard work," she said.

Ayers said she would recommend the program to others because of the return on the hard work invested.

She said, "After how hard it is and how dedicated you have to be, it's nice to see the result after all of these years."

RECOGNIZING THE MINNESOTA CHAPTER OF THE FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS AND SUPPORTING TAIWAN'S MEMBERSHIP INTO THE WORLD HEALTH ORGANIZATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. BACHMANN. Madam Speaker, I rise to honor the Minnesota chapter of the Formosan Association for Public Affairs, FAPA, which has done an exemplary job of keeping the voice of the Taiwanese people alive in my State of Minnesota. This organization has spoken for the people of Taiwan on many important issues including the all important matter of supporting Taiwan's membership into the World Health Organization, WHO.

The WHO is an important international organization that works to attain the highest possible level of health for all people. Unfortunately, the 23 million citizens of Taiwan are denied access to this organization and are unable to take part in international health forums, programs and benefits conducted by the WHO.

The large volume of international travel to Taiwan heightens the transmission of communicable diseases and makes Taiwan an ideal candidate for membership in the organization. For this reason alone, Taiwan and its people should be allowed to participate in the health services and medical protections offered by the World Health Organization.

Madam Speaker, I rise to honor the Minnesota chapter of the FAPA for their continued efforts to defend Taiwan. And, I urge you to join me in supporting Taiwan's inclusion in the World Health Organization.

CICELY TYSON RECOGNIZED AT 2008 CARIBBEAN HERITAGE SALUTE TO HOLLYWOOD AND THE ARTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise to enter into the RECORD an article entitled: "Actress Cicely Tyson to be Honored at the 2008 Caribbean Heritage Salute to Hollywood and the Arts," which appeared in the June 24th edition of the New York Carib News, our local weekly newspaper which chronicles and recognizes the achievements of people of caribbean origin. Ms. Tyson is a legandary actress and has appeared in timeless works such as the miniseries "Roots," the daytime soap "The Guiding Light," and the popular TV show "The Women of Brewster Place."

Cicely Tyson is the daughter of immigrants who came to the United States after leaving the Caribbean island of Nevis. This legendary actress began her career in the '50s and has built up her reputation as a remarkable dramatic actress who continues to grace the screen of television and film today.

Tyson's success is another testament to the courageous spirit and deep determination of Caribbean Americans. Their contributions are innumerable and integral to American culture and were deservedly celebrated during last months Caribbean Heritage Month activities.

IN REMEMBRANCE OF HELEN K. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Helen K. Jones, and in honor of her dedication and leadership in the field of behavioral health and substance abuse treatment in the Greater Cleveland Area.

Helen Jones was born in Cleveland, Ohio, where she earned her degree in Social Work from Cleveland State University and her master's degree in Social Service Administration from Case Western Reserve University. Her compassion and advocacy on behalf of others led her to pursue a career in the behavioral health field, where she would emerge as a leader and well-known figure in the Greater Cleveland Area. In her role as President and CEO of Recovery Resources, Inc, a non-profit organization which treats and helps people overcome mental illness and substance abuse addictions, she changed the local system of treating behavioral health problems. In 1988, she began working with Neighborhood Counseling Services until it merged with Recovery Resources, Inc. in 2000, when she was appointed Chief Operating Officer. Under her leadership and advocacy, the budget and staff of Recovery Resources, Inc. increased significantly, making it one of the largest and most successful non-profit corporations in the Greater Cleveland Area and in the state of Ohio.

Helen worked alongside many in the Greater Cleveland Community in variety of leadership roles. She worked often with the Cuyahoga County Community Mental Health Board and was past chairwoman of the Mental Health Advocacy Coalition. She also served on the Board of Directors of the National Council on Alcoholism and Drug Dependence, Midtown Cleveland and on the Board of the Beck Center for Arts in Lakewood. Helen was also a member of the National Association of Social Workers and the United Way Council of Agency Executives. She was recognized on numerous occasions for her distinguished leadership in the field of behavioral health. This past May, Helen was one of Crain's Cleveland Business Women of Note honorees and in 2004, was awarded the Woodruff Foundation Prize in recognition of her work in the behavioral health field.

Madam Speaker and colleagues, please join me in remembrance of Helen Jones, and in celebration of a life dedicated to serving her community. Let her advocacy on behalf of the welfare of others serve as an inspiration for us all.

TRIBUTE TO IOWA RIVER HOSPICE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Iowa River Hospice, serving the communities of Marshall, Tama, Hardin and Grundy counties in Iowa, on celebrating their 25th Anniversary. I also wish to express my appreciation for their commitment to providing a comforting service to Iowans.

In 1983, President Ronald Reagan signed legislation in to law that made hospice care Medicare certified and Iowa River Hospice became incorporated. Iowa River Hospice has cared for over 1,900 patients and their families over the past three decades. Hospice care is something that we all wish was not necessary, but is a life touching service which is needed to allow terminal patients to live the final moments of their lives to the fullest. Hospice also helps families cope with the loss of a loved one close to them. Iowa River Hospice is in the process of building a new hospice home and plan on opening their doors in early 2009.

Iowa River Hospice is dedicated to benefiting Iowans during an extremely difficult time. It is an honor to represent Executive Director Marilee Lawler, and all the members of the Iowa River Hospice team in the United States Congress and I wish them continued success in their future service to central Iowans.

TRIBUTE TO LARRY PARRISH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Larry Parrish is one of these individuals. On July 24, 2008, a retirement dinner will be held in honor of Larry's 16 years of service as the county executive officer for Riverside County.

As the county executive officer, Larry manages county finances and operations, consistent with the policies established by the Board of Supervisors. In January 1995, supervisors centralized Mr. Parrish's managerial role by expanding his oversight of the many and diverse services provided to the county's 1.4 million residents. Under Larry's leadership, county departments have charted an aggressive course to meet the board's vision of targeting scarce resources to sustain high-priority services despite State reductions to local funding.

Mr. Parrish's 32-year career in county government includes key positions with both local and statewide focus. His experience as a county executive spans nearly 15 years, having served in this capacity in both Santa Barbara and Orange Counties. Prior to coming to Riverside County, he also spent 2 years as a Sacramento-based legislative advocate. Mr. Parrish entered county government in the probation field, rising to become chief probation officer for the counties of Santa Cruz and Santa Barbara.

For 8 years, Mr. Parrish served as a school board member of Santa Cruz City Schools. He was an instructor at Cabrillo Junior College in Santa Cruz County and a lecturer at the U.C. Irvine Graduate School of Management. He has also served as a Finance Corporation Board Member for the California State Association of Counties. Larry received a B.A. in sociology from Northwest Nazarene College, Nampa, Idaho.

In 1996, the University of California at Riverside named Mr. Parrish Public Management Leader of the Year. Mr. Parrish and his wife, Kathie, currently reside in Rancho Mirage, California. He has two grown children, one granddaughter and one grandson.

Larry's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Larry a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

THE DAILY 45: HONORING CHICAGO POLICE OFFICER RICHARD FRANCIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. Sometimes, sadly, the victims of this carnage are the men and women who've pledged to serve and protect our society. Today, I reflect on the senseless loss of life of 60-year-old Chicago Police Officer Richard M. Francis. Officer Francis was a 27-year veteran of the force and a first class officer. A heroic Vietnam War Veteran and a member of the Navy Special Forces, Officer Francis survived two bomb attacks in the Mekong Delta and was described by friends, family and coworkers as a man who loved life. But, on July 2nd, Francis could not survive a bullet discharged when a homeless woman grabbed his service revolver and shot him in the head.

Officer Francis leaves behind his wife of 10 years, Deborah, and his mentally challenged stepdaughter, Bianca. While charges are pending against his alleged perpetrator, the cruel irony is that this man who loved his job, loved his family and survived the Vietcong, lost his life in an instant when an allegedly disturbed woman got her hands on his weapon.

On behalf of my constituents and a grieving city, I extend my prayers and sincere condolences to Officer Francis' family and friends.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

ON THE OCCASION OF MIKE AND BEV HOLLAND'S 40TH ANNIVERSARY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. McHUGH. Madam Speaker, I rise today to recognize Mr. and Mrs. Michael D. Holland, Sr., as they celebrate their 40th wedding anniversary. They were married in the Dutch Reformed Church of Kinderhook, New York, on July 13,1968.

Mike and Beverly reside in the Town of Brandon in northern Franklin County, New York, which I have the privilege of representing. Mike and Bev have lived there since 1971 and have long operated a farm, on which they currently have about 50 beef cattle and calves.

Prior to their retirements in 2001, Mike and Bev taught in the Malone Central School System. Bev taught fourth grade at Flanders Elementary School while Mike taught fifth grade at St. Joseph's Elementary School, where he also spent many hours supervising intramural sports during lunch recesses. Mike, who is also known for good reason as "Coach Holland," coached Franklin Academy High School's junior varsity (1968–1985) and varsity baseball teams (1986–2001), the modified football team at the Malone Middle School, and various Malone Minor Hockey teams, including one New York State Class "C" championship team.

In addition to the work involved in raising their three children, Mike, Maya, and Jesse, Bev was very involved with the Franklin County 4–H Horse Club and the Franklin County Trailriders Association. Today, she remains busy as a volunteer for the Franklin County House of History and as a grandmother to Joseph and Maybelle Alvarez. Accordingly, I now extend my sincere congratulations and best wishes to Mike and Bev Holland on the occasion of their 40th wedding anniversary.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SCHIFF. Madam Speaker, I was unavoidably detained, due to a personal family matter, and unable to be present for votes on June 23, 2008 and July 8, 2008.

Had I been present on June 23, I would have voted "yea" on each of rollcall Nos. 438, 439, and 440.

Had I been present on July 8, I would have voted "yea" on each of rollcall Nos. 471, 472, and 473.

IN TRIBUTE TO ROBERT LELAND KNIGHT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. BARTON of Texas. Madam Speaker, I rise today to remember and honor a true Texas hero. Teague Fire Chief Robert Leland Knight was killed in the line of duty on July 5th. He was only 42-years-old.

Chief Knight was a member of the Teague Volunteer Fire Department for almost 20 years. He became chief in 1999.

But his involvement in the community didn't stop there. He was also a volunteer paramedic, a member of the Boggy Masonic Lodge No. 739, and active in the First United Methodist Church.

He was also a proud graduate of Texas A&M University. I am honored to call myself an Aggie, not just because it is a great institution, but because it produces great men like Chief Knight.

Friends and family will tell you his love of his community and his alma mater were only trumped by one thing—his love of family. Chief Knight was a brother, a husband and a father. He is survived by his wife Terri Jo and his children—son, Trent and daughters, Layla and Laura.

My prayers are with Chief Knight's family and the town of Teague as they struggle to overcome this great loss. I hope they are comforted by the good memories and the examples of service to others he left with them.

Thousands of volunteer first responders put their lives on the line everyday. They run into burning buildings, respond to medical emergencies, and confront criminals—not because it's their job, but because they want to make their community a better, safer place.

Chief Knight made Teague and the State of Texas a better, safer place. Even though he is now gone, I am hopeful the way he lived will inspire a new generation of community volunteers because that would be the best way to honor this heroic man.

TRIBUTE TO MICHAEL WARREN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Michael Warren is one of these individuals. On July 3, 2008, Michael retired after 14 years as the Chief of the Corona Fire Department and a celebration will be held this Saturday, July 12, 2008, in his honor.

Michael Warren was the Fire Chief for the City of Corona since May 1994 and also served as the Emergency Services Director for the City of Corona. In addition, Chief Warren serves as the Operational Area Mutual Aid Coordinator for the Governor's Office of Emergency Services. The Corona Fire Department currently employs a staff of 146 members and operates the suppression activities for the city from seven fire stations. In addition to being the Fire Chief, Chief Warren has served as the Acting Police Chief and Acting Utilities Director for the City of Corona. In his capacity as Fire Chief along with the "Acting" assignments he has worked closely with all of the other municipal departments creating collaborative solutions to city wide problems.

Chief Warren previously was the Deputy Chief for the California Department of Forestry and Fire Protection/San Bernardino County Fire Department and Mutual Aid Operational Area Coordinator, and served with the U.S. Forest Service. He has over 36 years of experience in the fire service, serving on major emergency incidents throughout the United States. Chief Warren was a member of the National Emergency Incident Management Team. He has presented discussions on large scale emergency incident management to other state emergency organizations including the State of New York and at the International Association of Fire Chiefs conference.

Chief Warren was the President of the California Fire Chiefs Association from 2004–06, and held the Legislative Director position for the California Fire Chiefs Association. In addition, he serves on the Governor's Homeland Security Public Safety Advisory Council. Chief Warren was a member on the Public Safety Policy Committee for the League of California Cities, Vice Chair of the Inland Empire Affiliate of Burn Institute, is an active member of the board on Alternatives to Domestic Violence, and the Rotary Club. He was appointed to the California Emergency Council in 2006 by Governor Schwarzenegger. At the request of the Governor, Chief Warren has been Chairing the Blue Ribbon Commission Task Force since 2004.

In the aftermath of Hurricane Katrina, Chief Warren was asked to serve as one of ten national experts on a nationwide program to assist other states in developing their own mutual aid programs and systems. He has worked with Idaho, Wyoming, Colorado and Tennessee and is currently working with Utah, Nevada, Hawaii and Alaska. In the State of California, Chief Warren participates in discussions relative to amendments and changes to California's Mutual Aid program. In that capacity he also works directly with Federal Cooperators. Having served his entire career in the California Fire Service, he has participated in the development of ICS in the early 1970s up to and including the most recent discussions on revisions to the State's plan.

Chief Warren attended Chaffey College and Northern Arizona University, attaining degrees and certificates in professional forestry, fire science and police science.

Chief Warren's expertise and tireless passion for the well-being and safety of the community has contributed immensely to the betterment of the City of Corona and the State of California. I am proud to call Michael a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

HONORING MORRISTOWN NATIONAL HISTORIC PARK

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Morristown National Historic Park, county of Morris, New Jersey, as we commemorate its 75th anniversary.

During two critical winters of the Revolutionary War, 1777 and 1779–80, the countryside in and around Morristown, New Jersey, sheltered the main encampments of the American Continental Army and served as the headquarters of its Commander-in-Chief, General George Washington. The winter of 1779–1780 is largely agreed upon by weather historians to be the worst winter of the 18th century, even worse than the winter of 1777–1778 at Valley Forge, But, due to better construction standards, proper sanitation, and better training, the winter of 1779–1780 turned out to be much more successful than prior winter at Valley Forge.

General Washington twice chose Morristown due to its strategic location, including proximity to New York City, defensible terrain, important communication routes, access to critical resources, and a supportive community. Morristown's location put it at the crossroads between supply lines connecting Philadelphia, and New England. And the town was close enough to New York to keep a watchful eye over the British encampment on Manhattan Island. This central location allowed Washington to move his army quickly to either New York or Philadelphia if need be. The park encompasses ground occupied by the army during the 1779–80 encampment, and the site of the fortification from the 1777 encampment.

The National Park consists of four noncontiguous units: Washington's Headquarters with the Ford mansion and headquarters museum, the Fort Nonsense Unit, the Jockey Hollow Unit, and the New Jersey Brigade Area. The Ford mansion, where Washington made his headquarters, is an important feature of the Park and recalls civilian contributions to the winning of our independence.

The Ford mansion has a very interesting history. It was built between 1772 and 1774 and was initially the home of COL Jacob Ford, Jr. Ford was a landowner, iron manufacturer, dedicated patriot, and colonel of the Eastern Battalion of New Jersey's militia. Through his command, Ford had participated in the first battle of Springfield. But, tragedy befell Ford shortly after the battle, when he was stricken with pneumonia. He died on January 10, 1777, After Jacob Ford's death, his widow Theodosia offered the mansion to General Washington to use as his winter quarters. General Washington and his aide-de-camp Alexander Hamilton, would use the mansion to formulate strategy for many of the revolution's greatest campaigns. Washington also used the house to write some of the most important letters of the revolution. The Ford mansion housed some of the most important figures of the revolution including the Marquis de Lafayette, General Schuyler, General Nathaniel Greene, General Henry Knox, and the infamous general, turned traitor, Benedict Arnold. It has been said that the Ford mansion has housed more prominent figures known to the military history of our revolution than any other residence in America. It is because of this rich history, that Morristown has been cited as the military capital of the revolution.

On March 2, 1933, President Herbert Hoover signed Morristown National Historic Park into existence. It is the first National Historic Park in the United States. The park's mission is to interpret the extraordinary fortitude of the officers and enlisted men under Washington's leadership and the important subsequent commemoration of these crucial events of the American Revolution. The National Park Service and the Washington Association of New Jersey, a not-for-profit organization formed over 130 years ago to preserve Morristown's Revolutionary War landmarks, especially the Ford mansion, work to protect the landscape and historic resources of the Continental Army's winter encampments and other nearby Revolutionary War military and civilian sites for the benefit and inspiration of all. The Washington Association is the original keeper of the Ford mansion, also known as Washington's Headquarters, and continues to raise private funds for its renovations, and that of the museum, and its educational programs and remarkable archives.

The Washington Association of New Jersey was founded in Morristown in June 1873. On March 20, 1874, the New Jersey State Legislature chartered the Washington Association as a stock-granting corporation in New Jersey. The association would be responsible for preserving the mansion until 1933 when it was donated to the Federal Government, and designated the first National Historic Park.

The park's mission is to interpret the extraordinary fortitude of the officers and enlisted men under Washington's leadership and the important subsequent commemoration of these crucial events of the American Revolution.

Madam Speaker, for the past 75 years, the Morristown National Historic Park has been an educational and heartfelt piece of history in this district. I ask you, Madam Speaker, and my colleagues to honor the Morristown National Historic Park, its dedicated employees and its many volunteer supporters as our Nation's first historic park celebrates a very special 75th anniversary.

A TRIBUTE TO GENERAL DAN K. McNEILL

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. ETHERIDGE. Madam Speaker, I rise today to pay tribute to GEN Dan K. McNeill on his retirement as commanding officer of the International Security Assistance Force (ISAF) in Afghanistan. General McNeill assumed command of the International Security Assistance Force (ISAF) on February 4, 2007, following a tour of duty as Commanding General, of the U.S. Army Forces Command, and the U.S. Army's force generation command.

General McNeill is a native son of Warsaw, North Carolina. He attended North Carolina State University (NCSU) where he began his military career. He graduated in 1968 with a bachelor of science degree in forestry and was commissioned as a second lieutenant of Infantry through the ROTC Program. In 1989, General McNeill graduated from the U.S. Army War College where he became a career infantry officer. He also attended United States Army Command and General Staff College.

General McNeill has held several positions throughout his military career, some of his past assignments include Deputy Commanding General/Chief of Staff, United States Army Forces Command at Fort McPherson, Georgia. Commanding General of the XVIII Airborne Corps at Fort Bragg, North Carolina where his duties include Combined Joint Task Force 180, and Operation Enduring Freedom in Afghanistan. He was Commanding General of the 82nd Airborne Division in Fort Bragg, North Carolina. And Assistant Chief of Staff G–3, XVIII Airborne Corps, including tours in Uphold Democracy, Operation Just Cause, Panama and Operation Desert Shield/Desert Storm.

GEN Dan K. McNeill's innovative leadership and unique vision have earned him widespread recognition. His numerous decorations and badges include the Defense Distinguished Service Medal (with 2 Oak Leaf Clusters), Legion of Merit (with 4 Oak Leaf Clusters), Bronze Star Medal (with 2 Oak Leaf Clusters), and Meritorious Service Medal (with 3 Oak Leaf Clusters), all of which acknowledge General McNeill's unfailing commitment to improving the lives of his fellow Americans.

Madam Speaker, General McNeill is an exemplary figure of patriotism, leadership, dedication, and commitment. As a former soldier, I am proud to honor the career of GEN Dan K. McNeill today. I ask all of my colleagues to join my wife, Faye, and me in celebrating his 40 years of military service to the United States Army and to the State of North Carolina.

SOMETHING BIG IS HAPPENING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. PAUL. Madam Speaker, I have, for the past 35 years, expressed my grave concern for the future of America. The course we have taken over the past century has threatened our liberties, security and prosperity. In spite of these long-held concerns, I have days—growing more frequent all the time—when I'm convinced the time is now upon us that some Big Events are about to occur. These fast-approaching events will not go unnoticed. They will affect all of us. They will not be limited to just some areas of our country. The world economy and political system will share in the chaos about to be unleashed.

Though the world has long suffered from the senselessness of wars that should have been avoided, my greatest fear is that the course on which we find ourselves will bring even greater conflict and economic suffering to the innocent people of the world—unless we quickly change our ways.

America, with her traditions of free markets and property rights, led the way toward great wealth and progress throughout the world as well as at home. Since we have lost our confidence in the principles of liberty, self reliance, hard work and frugality, and instead took on empire building, financed through inflation and debt, all this has changed. This is indeed frightening and an historic event.

The problem we face is not new in history. Authoritarianism has been around a long time. For centuries, inflation and debt have been used by tyrants to hold power, promote aggression, and provide "bread and circuses" for the people. The notion that a country can afford "guns and butter" with no significant penalty existed even before the 1960s when it became a popular slogan. It was then, though, we were told the Vietnam War and a massive expansion of the welfare state were not problems. The seventies proved that assumption wrong.

Today things are different from even ancient times or the 1970s. There is something to the argument that we are now a global economy. The world has more people and is more integrated due to modern technology, communications, and travel. If modern technology had been used to promote the ideas of liberty, free markets, sound money and trade, it would have ushered in a new golden age—a globalism we could accept.

Instead, the wealth and freedom we now enjoy are shrinking and rest upon a fragile philosophic infrastructure. It is not unlike the levies and bridges in our own country that our system of war and welfare has caused us to ignore.

I'm fearful that my concerns have been legitimate and may even be worse than I first thought. They are now at our doorstep. Time is short for making a course correction before this grand experiment in liberty goes into deep hibernation.

There are reasons to believe this coming crisis is different and bigger than the world has ever experienced. Instead of using globalism in a positive fashion, it's been used to globalize all of the mistakes of the politicians, bureaucrats and central bankers.

Being an unchallenged sole superpower was never accepted by us with a sense of humility and respect. Our arrogance and aggressiveness have been used to promote a world empire backed by the most powerful army of history. This type of globalist intervention creates problems for all citizens of the world and fails to contribute to the well-being of the world's populations. Just think how our personal liberties have been trashed here at home in the last decade.

The financial crisis, still in its early stages, is apparent to everyone: gasoline prices over $4 a gallon; skyrocketing education and medical-care costs; the collapse of the housing bubble; the bursting of the NASDAQ bubble; stock markets plunging; unemployment rising; massive underemployment; excessive government debt; and unmanageable personal debt. Little doubt exists as to whether we'll get stagflation. The question that will soon be asked is: When will the stagflation become an inflationary depression?

There are various reasons that the world economy has been globalized and the problems we face are worldwide. We cannot understand what we're facing without understanding fiat money and the long-developing dollar bubble.

There were several stages. From the inception of the Federal Reserve System in 1913 to 1933, the Central Bank established itself as the official dollar manager. By 1933, Americans could no longer own gold, thus removing restraint on the Federal Reserve to inflate for war and welfare.

By 1945, further restraints were removed by creating the Bretton-Woods Monetary System making the dollar the reserve currency of the world. This system lasted up until 1971. During the period between 1945 and 1971, some restraints on the Fed remained in place. Foreigners, but not Americans, could convert dollars to gold at $35 an ounce. Due to the excessive dollars being created, that system came to an end in 1971.

It's the post Bretton-Woods system that was responsible for globalizing inflation and markets and for generating a gigantic worldwide dollar bubble. That bubble is now bursting, and we're seeing what it's like to suffer the consequences of the many previous economic errors.

Ironically in these past 35 years, we have benefited from this very flawed system. Because the world accepted dollars as if they were gold, we only had to counterfeit more dollars, spend them overseas (indirectly encouraging our jobs to go overseas as well) and enjoy unearned prosperity. Those who took our dollars and gave us goods and services were only too anxious to loan those dollars back to us. This allowed us to export our inflation and delay the consequences we now are starting to see.

But it was never destined to last, and now we have to pay the piper. Our huge foreign debt must be paid or liquidated. Our entitlements are coming due just as the world has become more reluctant to hold dollars. The consequence of that decision is price inflation in this country—and that's what we are witnessing today. Already price inflation overseas is even higher than here at home as a consequence of foreign central banks' willingness to monetize our debt.

Printing dollars over long periods of time may not immediately push prices up—yet in time it always does. Now we're seeing catch-up for past inflating of the monetary supply. As bad as it is today with $4 a gallon gasoline, this is just the beginning. It's a gross distraction to hound away at "drill, drill, drill" as a solution to the dollar crisis and high gasoline prices. Its okay to let the market increase supplies and drill, but that issue is a gross distraction from the sins of deficits and Federal Reserve monetary shenanigans.

This bubble is different and bigger for another reason. The central banks of the world secretly collude to centrally plan the world economy. I'm convinced that agreements among central banks to "monetize" U.S. debt these past 15 years have existed, although secretly and out of the reach of any oversight of anyone—especially the U.S. Congress that doesn't care, or just flat doesn't understand. As this "gift" to us comes to an end, our problems worsen. The central banks and the various governments are very powerful, but eventually the markets overwhelm when the people who get stuck holding the bag (of bad dollars) catch on and spend the dollars into the economy with emotional zeal, thus igniting inflationary fever.

This time—since there are so many dollars and so many countries involved—the Fed has been able to "paper" over every approaching crisis for the past 15 years, especially with Alan Greenspan as Chairman of the Federal Reserve Board, which has allowed the bubble to become history's greatest.

The mistakes made with excessive credit at artificially low rates are huge, and the market is demanding a correction. This involves excessive debt, misdirected investments, over-investments, and all the other problems caused by the government when spending the money they should never have had. Foreign militarism, welfare handouts and $80 trillion entitlement promises are all coming to an end. We don't have the money or the wealth-creating capacity to catch up and care for all the needs that now exist because we rejected the market economy, sound money, self reliance and the principles of liberty.

Since the correction of all this misallocation of resources is necessary and must come, one can look for some good that may come as this "Big Even" unfolds.

There are two choices that people can make. The one choice that is unavailable to us is to limp along with the status quo and prop up the system with more debt, inflation and lies. That won't happen.

One of the two choices, and the one chosen so often by government in the past is that of rejecting the principles of liberty and resorting to even bigger and more authoritarian government. Some argue that giving dictatorial powers to the President, just as we have allowed him to run the American empire, is what we should do. That's the great danger, and in this post–911 atmosphere, too many Americans are seeking safety over freedom. We have already lost too many of our personal liberties already. Real fear of economic collapse could prompt central planners to act to such a degree that the New Deal of the 30's might look like Jefferson's Declaration of Independence.

The more the government is allowed to do in taking over and running the economy, the deeper the depression gets and the longer it lasts. That was the story of the 30s and the early 40s, and the same mistakes are likely to be made again if we do not wake up.

But the good news is that it need not be so bad if we do the right thing. I saw "Something Big" happening in the past 18 months on the campaign trail. I was encouraged that we are capable of waking up and doing the right thing. I have literally met thousands of high school and college kids who are quite willing to accept the challenge and responsibility of a free society and reject the cradle-to-grave welfare that is promised them by so many do-good politicians.

If more hear the message of liberty, more will join in this effort. The failure of our foreign policy, welfare system, and monetary policies and virtually all government solutions are so readily apparent, it doesn't take that much convincing. But the positive message of how freedom works and why it's possible is what is urgently needed.

One of the best parts of accepting self reliance in a free society is that true personal satisfaction with one's own life can be achieved. This doesn't happen when the government assumes the role of guardian, parent or provider, because it eliminates a sense of pride. But the real problem is the government can't provide the safety and economic security that it claims. The so called good that government claims it can deliver is always achieved at the expense of someone else's freedom. It's a failed system and the young people know it.

Restoring a free society doesn't eliminate the need to get our house in order and to pay for the extravagant spending. But the pain would not be long-lasting if we did the right things, and best of all the empire would have to end for financial reasons. Our wars would stop, the attack on civil liberties would cease, and prosperity would return. The choices are clear: it shouldn't be difficult, but the big event now unfolding gives us a great opportunity to reverse the tide and resume the truly great American Revolution started in 1776. Opportunity knocks in spite of the urgency and the dangers we face.

Let's make "Something Big Is Happening" be the discovery that freedom works and is popular and the big economic and political event we're witnessing is a blessing in disguise.

TRIBUTE TO DR. SUSAN J. RAINEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and educational contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. Susan Rainey is one of these individuals. On July 31, 2008, Dr. Rainey will end a decade of service to the students and families of the Riverside Unified School District, and her retirement will also mark the end of a 40-year career in education. On July 23, 2008, a dinner will be held in Dr. Rainey's honor.

Dr. Rainey has been with the Riverside Unified School District (RUSD) since July 1998 and led the District through many challenges and achievements. Under her leadership, RUSD schools have consistently achieved academic gains. RUSD has built nine new schools and modernized many others. Two of the schools have been named No Child Left Behind National Blue Ribbon Schools and 23 schools have earned the California Distinguished School Award. Individually, many students have excelled in sports, academics, and the arts. Under Dr. Rainey's leadership, each student has been afforded every opportunity for success through such programs as the Advancement Via Individual Determination (AVID) program.

Prior to joining RUSD, Dr. Rainey worked for the Yucaipa, Palo Alto, Redlands, Monrovia, Brea-Olinda, Hemet and Charter Oak school districts. She also has been involved in numerous professional and community organizations including: the Rotary Club of Riverside; American Heart Association; Association of California School Administrators; California City School Superintendents; Riverside Association of School Managers; California Association of large Suburban School Districts; and the United Way. Dr. Rainey also serves as a docent at the Mission Inn in Riverside.

The success of the Riverside Unified School District can be attributed to the strong and inspiring leadership of retiring District Superintendent Dr. Susan Rainey. RUSD has produced National History Day and California State Science Fair, Envirothon, and Mock Trial winners, innumerable California Interscholastic Federation champions and world class artists and musicians. RUSD is home to several Riverside County principals and teachers of the year who have set a standard of excellence for others to follow.

Dr. Rainey's tireless passion for education has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Dr. Rainey a fellow community member, American and friend. I know that many community members, teachers, administrators and students are grateful for her service and salute her as she retires.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 9, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker.

That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,952 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,952 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is July 9, 2008, 12,952 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 10, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 15

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine summer air travel, focusing on addressing congestion and delay.

SR–253

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to Congress.

SR–325

Finance

To hold hearings to examine international enforcement of intellectual property rights and American competitiveness.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the Americans with Disabilities Act (Public Law 101–336), focusing on ways to determine the proper scope of coverage.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

SD–342

10:15 a.m.

Foreign Relations

To hold hearings to examine the crisis in Zimbabwe and prospects for its resolution.

SD–419

10:30 a.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Google-Yahoo agreement, focusing on the future of internet advertising.

SD–226

2:30 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Supreme Courts recent decision in Boumediene v. Bush, focusing on foreign terrorism suspects held at Guantanamo Bay detention facility.

2200, Rayburn Building

JULY 16

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine global nuclear detection architecture, focusing on ways to build domestic defenses to combat a possible future attack.

SD–342

Judiciary

To hold hearings to examine the Administration's detainee policies and the fight against terrorism, focusing on sound legal foundations.

SD–226

Rules and Administration

To hold hearings to examine administrative and management operations of the United States Capitol Police.

SR–301

10:30 a.m.

Aging

To hold hearings to examine smart ways Americans can save for their retirement.

SD–562

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the human capital crisis at the Department of State, focusing on its global implications.

SD–342

2:30 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine childhood obesity, focusing on declining health of America's next generation (Part I).

SD–430

JULY 17

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine financial institutions located in offshore tax havens, focusing on ways to strengthen United States domestic and international tax enforcement efforts.

SD–106

2:30 p.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine major disaster recovery assessing the performance of the Federal Emergency Management Agency (FEMA) since October 2007.
SD–342

JULY 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States Guard and Reserve members.
SR–418

HOUSE OF REPRESENTATIVES—*Thursday, July 10, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Major Matthew P. Franke, Chaplain, United States Air Force, offered the following prayer:

Lord God, Your word reminds each of us not to think of ourselves more highly than we ought because,

"We each have different gifts, according to the grace given us. If a man's gift is . . . service, let him serve; if teaching, let him teach; if encouraging, let him encourage; if it is contributing to the needs of others, let him give generously; if it is leadership, let him govern diligently."

Lord, You have graced those who step foot in this Chamber today with leadership and the ability to govern. Enable them to "govern diligently."

Help each of us not to think of ourselves more highly than we ought. Instead, grant us the perspective to see our unique talents and abilities as Your unique gifts, given to serve those around us.

Bless our Nation and our service this day.

I ask this in the name of my Lord, Jesus Christ.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING MAJOR MATTHEW P. FRANKE

The SPEAKER pro tempore. Without objection, the gentleman from South Carolina (Mr. INGLIS) is recognized for 1 minute.

There was no objection.

Mr. INGLIS of South Carolina. Madam Speaker, it is my privilege to recognize and welcome Major Matthew P. Franke as a chaplain who serves God and country with devotion, dedication, and honor.

Among his stations over his 14-year military career, he provided pastoral ministry and counseling across Iraq and Kuwait to more than 600 members of the Air Force serving with Army and Marine units in support of Operation Iraqi Freedom at Balad, Iraq.

He currently works in our office, the Fourth Congressional District of South Carolina, where he serves with distinction as a legislative liaison fellow, and we are privileged to have gotten to know him over the course of this year.

His family continues to live in Wyoming. He and his wife Martha have three sons, Micah, Joshua, and Jacob, and a particularly beautiful daughter, Rachel.

We very much appreciate his service in the Fourth Congressional District of South Carolina.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further 1-minute speeches on each side of the aisle.

GREEN JOBS AND ECONOMIC GROWTH

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, there are many signs that our Nation's economy is struggling. However, the renewable energy and energy-efficiency sectors, you need to know, are booming. In 2006, the renewable energy and energy-efficiency sector generated 8.5 million jobs, nearly $1 trillion of revenue in the United States.

Jobs in these sectors are good paying, high-quality jobs that will stay in the United States. The Green Collar Jobs Act which was passed and signed into law by President Bush in 2007 will help train 10 million new workers.

Through this program, we can help provide incentives to underserved communities. In a time of economic turmoil marked by rising gasoline prices and even higher profits for oil companies, it is important that we support these sectors of our growing economy.

I urge Members of Congress to please support the Green Jobs program and incentivize those individuals who are seeking reform and new investments in our economy.

ENERGY INDEPENDENCE ACT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Madam Speaker, last week I traveled across my district to talk about energy and announce my legislation, H.R. 6421, the Energy Independence Act. My district is fed up with what Congress has not done. It is time for us to do something when it comes to investing in domestic energy policy, and my legislation does just that.

Number one, it opens the Outer Continental Shelf to drilling. Two, it creates a tax credit to develop coal-to-liquid fuel technologies and projects. Three, it opens up ANWR and puts regulations and restrictions on it to make sure that ANWR is developed responsibly. Four, it creates an alternative energy trust fund to pay for renewables and alternative energies. And five, it streamlines the licensing process to allow for new nuclear power plants in our country.

Drilling alone will not earn us energy independence, but it is a critical step that we must do coupled with investment in alternative and renewable energies. Let's join together to begin to solve the energy problem in this country. Americans demand it; but more importantly, they deserve it.

BUSH ECONOMY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, the President can no longer deny that the labor market is in recession. June was the sixth straight month of job losses, and this year the economy has lost over half a million jobs in the private sector. We have 8.5

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

million unemployed Americans, more than at any other time since 2003.

High prices for gasoline and food are squeezing workers' pay. Real wages were lower in June than they have been since September 2006. The recovery rebates have been boosting consumption, and millions will benefit from the extension of unemployment benefits signed into law last week.

Clearly, we must stem the tide of rising job losses. We need a second stimulus package of infrastructure development and fiscal relief for our States.

SUPPORTING COLOMBIA'S MILITARY FORCES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last week three Americans, along with a dozen Colombian hostages held by FARC terrorists, were rescued by an elite team of Colombian soldiers. Included in the hostages was Ingrid Betancourt, a former candidate for president of Colombia; and three U.S. contractors, Keith Stansel, Marc Gonsalves, and Thomas Howes.

President Alvaro Uribe, Ambassador Carolina Barco, and the Colombia military are to be commended for this extraordinary and well-planned rescue.

I am grateful for the incredible effort the Colombian government has made to strike back at the FARC terrorist rebels and to bring greater stability and security to their country.

I have visited Colombia, two of my sons were exchange students in Cali, and I know firsthand the hard work necessary to curb the drug trade, terrorist activity, and build Colombia's economy. America has been working to build a stronger strategic partnership with the people of Colombia for economic prosperity, led by U.S. Ambassador William Brownfield.

In conclusion, God bless our troops, and we will never forget September the 11th.

CONGRATULATING TOM POWERS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate my friend, Tom Powers, on his retirement as lieutenant with the Waterloo Fire Department. Tom will be retiring after 28 years of service to the city of Waterloo.

Tom became a Waterloo fire rescue firefighter on November 5, 1979, after serving honorably in the United States Navy, specializing in hydraulic systems on fighter aircraft. Tom was promoted to lieutenant with the Waterloo Fire Department on April 3, 1989. He was a certified EMT and hazmat team member, and received the Mayor's Volunteer Award. He was also selected as the department's Firefighter of the Year in 1986.

Our firefighters represent the very best of our communities, and Tom is no exception. He has worked tirelessly for the safety of our residents, and we honor his bravery here today. Due to his unwavering dedication, he has served, he has helped, he has saved, and he has protected.

I am proud to represent Tom and the city of Waterloo in Congress, and I wish him the best in all of his future endeavors, and ask you to join me today in honoring one of our hometown heroes.

NUCLEAR POWER IS NEEDED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, according to the Energy Information Agency, the United States electricity demand is projected to increase up to 40 percent by the year 2030, and other countries are projecting similar increases. The rapid industrial development of both China and India is already placing great pressure on global energy supplies.

Nuclear energy can help meet this growing demand by providing a clean, abundant source of electricity. Other countries seem to understand the potential benefits of nuclear power and have either commenced constructing, or have developed projections for new nuclear power plants. Countries like China, India, and Russia are already building new nuclear power plants. Even smaller countries like Vietnam and countries in the Middle East have begun exploring nuclear power as they too are facing demand shortages and they are feeling the pressures from the industrialized world to reduce CO_2 emissions.

The time has come for all of us to remove regulatory impediments and allow nuclear energy to continue helping this country to meet its growing energy demands.

GETTING BACK TO THE BASICS

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, everywhere in Wisconsin and across the country, people are asking for help to reduce prices for their gasoline costs and their health care. Rural areas, like the district I represent in northeast Wisconsin, are affected most.

We need to work hard here in Congress to provide meaningful solutions to these problems. And our first step must be to solve our health care crisis by ending discrimination in health insurance everywhere; by saying if you are a citizen you are in; and if it is in your body, it should be covered; and by leveraging down insurance costs and creating the largest risk pool possible, and creating an open and transparent medical marketplace.

We must also design for the first time in this administration a meaningful national energy policy which includes three things: drilling for new oil across America with every single ounce of our oil sold only to U.S. citizens; investing in every source of renewable energy possible; and by preventing manipulation in the marketplace.

These efforts will get us back to the basics of becoming energy independent and a healthy Nation once again.

ENERGY AND AMERICAN AGRICULTURE

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Madam Speaker, I have the honor of representing the number one agricultural district in Ohio. During the recess, I visited three family farms to find out what issues are on farmers' minds. After speaking with these farmers, they unanimously agreed that the rising cost of energy is the number one issue facing American agriculture.

Diesel and fertilizer are just two of the petroleum-based products a farmer uses each day. And as the costs of these products rise, their livelihoods continue to be jeopardized.

One beef farmer told me as of right now, he is preparing to lose money on his cattle when they go to slaughter later this year because of the rising cost of oil. He added that he wasn't even sure he would even have a herd next year. All of the farmers agreed that two ways to lower energy prices and reduce our dependence on Middle East oil would be to drill in ANWR and also off the Outer Continental Shelf.

Unless something is done soon, more and more farmers will be forced to make the hard choice of whether or not to continue their livelihood of feeding Americans and the rest of the world.

HONORING JEROME KOHLBERG, JR.

(Ms. HOOLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY. Madam Speaker, I rise to honor a great American. Jerome Kohlberg, Jr., was born on July 10, 1925. Although he is from New York, his mother was born in Portland, Oregon, and Jerome Kohlberg has always maintained close ties to my State.

Few Americans have been as successful as Jerome Kohlberg, Jr. As a founder of Kohlberg, Kravis & Roberts, one of the world's largest private equity firms, Jerome Kohlberg has been one of this Nation's preeminent financiers for more than four decades.

After service as a lieutenant in the U.S. Navy, Jerome Kohlberg earned three college degrees under the original GI bill. This past year, Jerome Kohlberg became deeply involved in the fight for a new GI bill for this generation of veterans. He established the Fund For Veterans' Education, a program to provide college funding for returning veterans from all 50 States. His idea—and with the recent passage of the new GI bill, it proved to be a brilliant idea—was to establish a model for what could be done for today's veterans.

He is a role model for all citizens young and old. I am pleased and proud to note the accomplishment of this great American, Jerome Kohlberg, Jr.

☐ 1015

HEROES' HOMECOMING ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, yesterday I introduced H.R. 6446, the Heroes' Homecoming Act, which requires U.S. carriers to do what Congress has asked them to do twice: offer the lowest available airfare for active duty military trying to return home to their loved ones.

Sometimes active duty servicemembers don't have the luxury of knowing far in advance of when they will be able to leave, oftentimes having less than 24-hours' notice. And purchasing an airline ticket to get home can cost a family a fortune. Our troops deserve better, and Congress has twice asked airlines to give more flexibility for lower airfares for active servicemen and women. I have heard this over and over from soldiers that the airlines are not doing this.

When airlines have come to Congress asking for help with massive bailouts, we helped. Now it's time for airlines to help our most deserving brave men and women who protect our Nation and our Nation's skies.

I urge my colleagues to join me in supporting our troops and our families by cosponsoring the Heroes' Homecoming Act and help our soldiers get better fares when they're returning home.

THE ROLE IMMIGRANTS HAVE SERVED IN SERVING OUR ARMED FORCES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, immigrants have served in our Armed Forces with courage and dignity since the Revolutionary War. Even today, they continue to defend our country's freedom. They've even earned the Congressional Medal of Honor, the Nation's highest military decoration. For example, Alfred Rascon, an undocumented immigrant during his service in the Vietnam War received the Medal of Honor for his courage and dedication to America.

Immigrants have also reached the highest ranks in the U.S. military. General John Shalikashvili, an immigrant from Poland who came to the United States after World War II, was a former chairman of the Joint Chiefs of Staff.

From 2002 to 2005, over 15,000 immigrants have served in our armed services and later completed their naturalization process. There are thousands of other success stories that we should honor. We cannot ignore these positive contributions and the unique and valuable functions that immigrants perform.

I urge my colleagues to support a comprehensive immigration reform on behalf of those servicemen and women and their families.

CONGRESS NEEDS TO PUT ALL ENERGY OPTIONS ON THE TABLE

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, this past weekend I met a single mother in my South Central Michigan district who drives an hour each way to the hospital where she works. Because of high gas prices, this woman recently requested and received permission to begin working back-to-back 8-hour shifts 2 days per week so she doesn't have to make the hour-long commute each day. Unfortunately, situations like these are becoming more and more common as gas prices continue to rise and congressional leadership continues to resist action.

High gas prices demand action from Congress, and we need to put all energy options on the table. We need more production of American energy, more energy from alternative fuel sources, and increases in innovative solutions like coal-to-liquids technology. Just as with the Manhattan Project or the race to the Moon, breaking our dependence on foreign oil should be a national priority. Unfortunately, House leadership will not even let this House vote on an energy plan that increases American energy production. Important bills like the No More Executions Energy Act are ready to help American families. And my constituents, Madam Speaker, call for a vote on these bills now.

DEMOCRATS ARE URGING THE RELEASE OF OIL FROM THE STRATEGIC PETROLEUM RESERVE TO LOWER GAS PRICES

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, with record-high gas prices filling oil companies' wallets with record profits and pinching the wallets of American consumers, why isn't President Bush taking action to bring down prices at the pump now?

Democrats in Congress are urging the President to release oil from the Strategic Petroleum Reserve which will increase the supply of oil in the market, send a strong message to speculators, and most importantly, reduce gas prices today. This administration has used the Petroleum Reserve in the past, as have the administrations of both President Clinton and President Bush I. The reserve is currently 97 percent full, the highest level ever, with enough oil to meet our national security needs and provide relief at the pump.

So why, when Americans continue to feel the squeeze of devastatingly high gas prices, does the President not take action? Madam Speaker, President Bush continues to talk about new drilling. But his own administration says it can't be done for at least another decade.

Let's provide relief at the pump today by opening up America's Strategic Petroleum Reserve.

GAS PRICES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. The price of gasoline has spiked up $2 since the Democrats took control of the Congress in just January 2007. Americans want Democrats and Republicans to work together to find commonsense solutions to the skyrocketing cost of gasoline.

The United States must become energy self-sufficient. Oil, gas, coal, nuclear, solar, and wind, all of it. To bring down the price of gasoline, we must focus on increasing America's energy supply. Congress needs to act now to increase exploration and boost America's refinery capability.

Americans are ready for action. They want an up-or-down vote on energy independence. A Democrat aide is quoted in The Hill newspaper as saying, "Right now, our strategy on gas prices is drive small cars and wait for the wind."

If those are their only ideas, then, as the astronaut said when they were in orbit, Houston, we have a problem.

THIS CONGRESS HAS A RECORD TO BE PROUD OF IN SUPPORTING OUR TROOPS AND VETERANS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, nobody can dispute that this Congress has a record to be proud of in support of our troops and our Nation's veterans. When we learned of the disgraceful treatment of our servicemen and women at Walter Reed, we took immediate action to provide the funding and oversight necessary to hire more case workers and improve the setting and treatment for our brave wounded warriors.

We acted quickly and decisively to provide the largest funding increase in the 78-year history of the VA, and we provided for increased screening and treatment of traumatic brain injury at every VA health care facility in this country.

We modernized and increased the benefits for the GI bill, and we provided additional loans and capital for small business owners who serve our Nation through the Guard and Reserve.

Madam Speaker, this Congress has a record to be proud of in supporting our troops and assisting our Nation's veterans.

CHILDHOOD OBESITY

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Madam Speaker, I rise today to discuss the serious problem of childhood obesity. Two out of three adults in the United States are overweight. One out of three children are overweight. Childhood obesity rates have tripled since 1980. We're now seeing children diagnosed with Type 2 diabetes, heart disease, and depression.

I approach this subject with a great deal of optimism and hope as someone who has lost 100 pounds over the past year. I have seen firsthand the power of healthy habits. As parents, experts tell us that there are three healthy habits our children should follow every day. First, never skip breakfast; second, play outside 1 hour a day; third, eat five servings of fruits and vegetables every day.

The good news is that no matter what has happened in the past, all of our kids can enjoy healthy and happy lives in the future.

FREE AMERICA'S OIL

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, Americans all over the country want us to do something about gas prices, and every Member in this House wants us to do something about gas prices, too. The Republicans have one strategy. It would bring relief at the pump about 20 years from now, a couple of pennies a gallon. That's their approach.

Democrats have a different approach. We want to free America's oil. We can release oil from the Strategic Petroleum Reserve. We now have 700 million barrels of oil in that. We don't need them. We can drive the price down in the market. We can force the gas companies, the energy companies, as we have tried to do already, to drill on the 68 million acres worth of leases they already own to produce oil.

Finally, we can open up the 23-million-acre Alaskan National Petroleum Reserve area where there are proven oil reserves and where they are eligible for drilling right now. We have the tools at our disposal immediately to drive down gas prices. We ought to take advantage of them.

Free America's oil.

IRAQ URANIUM SHIPMENT NOW IN SAFE HANDS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, more good news out of Iraq. The AP recently reported that U.S. forces, in cooperation with Iraqi authorities, have just completed a top secret operation that involved shipping 550 metric tons of uranium yellowcake out of Iraq from a cache discovered there. This stockpile of concentrated natural uranium, which is a seed material for higher-grade uranium enrichment, was shipped out of Iraq aboard U.S. cargo planes, then shipped across two oceans, finally arriving in Canada where it will be used by a Canadian firm for nuclear power.

The operation was an important step in ridding Iraq of the last vestiges of Saddam Hussein's one-time nuclear program, and it removed the uranium from the possibility of falling into the hands of insurgents or smugglers crossing into Iran to sell it for use in producing nuclear weapons. This issue certainly has not received much attention in the mainstream press, but it is important news the American people should know.

THE THREE E'S TO GAS RELIEF: EXPLORE, ELIMINATE, AND ENCOURAGE ALTERNATIVES

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Madam Speaker. And you know, I have been listening to the complaints by the Republicans about gas prices, but with two oil men in the White House, is it any wonder that oil per barrel has gone from $30 dollars to almost $150 driving gas prices through the roof? The question is, what are we going to do about it? And I would say it's the three E's.

The first "E" is explore and extract from the 68 million acres that are under lease today in the United States. That's more oil than anything up in Alaska or in ANWR. So let's explore and extract.

The second "E" is to eliminate the gouging and the speculating and the hoarding that's going on in the marketplace.

And the third "E," the most important "E," is encourage alternatives and efficiency. We cannot be hooked to one commodity forever. We've learned our lesson. It's time to pursue alternatives. So this democratic Congress is doing just that, those three E's: exploring, eliminating, and encouraging alternatives.

OPEN UP AMERICAN SOURCES OF OIL SUPPLY

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, we hear a lot about energy. I know I do as well. And the one thing that we know is that we're at a refreshing point of clarity in the energy debate. The reason for that is because the Democrat response has now become very clear.

A leadership aide said this week that the Democrat plan is to have the American people drive small cars and wait for the wind. That is one plan. If the Democrats want the American people to drive less and pay more, that's one plan.

Another plan that the Republicans have been pushing is to make sure that we open up Americans sources of supply. Our goal is to see the American people paying $2 a gallon or less. It's entirely possible. Congress created this problem, Congress can solve this problem. Open up American sources of supply and fast-track the permitting process, take away the artificial timelines; we can begin drilling immediately, which is what the American people are demanding, and we can get gasoline prices back down to $2 a gallon or less and get the economy moving.

PROVIDING FOR CONSIDERATION OF H.R. 1286, WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1317

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R.1286 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1030

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1317.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1317 provides for consideration of H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act, under a structured rule.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule makes in order two germane Republican amendments that were submitted for consideration and are printed in the Rules Committee report.

The rule also provides for the adoption of a germane Rules Committee amendment printed in part A of the Rules Committee report to clarify that the bill does not in any way limit access for hunting, fishing, trapping, or recreational shooting along the trail.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI.

And, finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, the bill before us today, H.R. 1286, amends the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The trail extends approximately 600 miles, spanning nine States and the District of Columbia, tracing the routes taken by the armies under the command of General George Washington and French Count Rochambeau on their march from Newport, Rhode Island, to face the British forces under General Cornwallis at Yorktown, Virginia.

After meeting in Philipsburg, New York, the combined armies traveled through New Jersey, Pennsylvania, Delaware, Maryland, and the future District of Columbia before arriving in Virginia.

With a French fleet blocking the Chesapeake, barring British reinforcements from New York or a sea escape for Cornwallis' troops, the combined Continental and French armies' 3-week siege at Yorktown ended with General Cornwallis' surrender to General Washington on October 19, 1781.

Historians regard the Battle of Yorktown as one of the most decisive events in bringing an end to the American Revolution and the beginning of a new and independent Nation known as America.

H.R. 1286 is the carefully considered result of years of study by the National Park Service, which found that the trail is suitable and feasible for designation as a national historic trail.

I would add that H.R. 1286 includes specific language protecting private property rights, prohibiting the Federal Government from acquiring any land or interest in land without the consent of the owner.

In fact, the Park Service study found that "no Federal acquisition of lands or interests in lands is proposed or anticipated."

H.R. 1286 also states that nothing shall prohibit or hinder the development, conveyance, or transmission of energy along the trail.

Finally, there is a Rules Committee amendment to the bill that would clarify that Federal designation of the trail has no impact on State and local laws governing hunting, fishing, or trapping, or recreational shooting. This language is nearly identical to language that has already overwhelmingly passed the House of Representatives.

I would like to commend Chairman RAHALL and Mr. HINCHEY for bringing this widely supported legislation to the floor today so we can ensure that America's history is protected for future generations.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my good friend from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Madam Speaker, last week on July 4, our country celebrated its 232nd birthday, and this week the liberal majority in the House of Representatives marks the worst record in our country's entire history when it comes to allowing open debate, following the rules, treating each Member with respect, and acting in an honest way.

When control of the U.S. House changed a year ago last January, Democrat leaders promised, they promised, Madam Speaker, the American people that they would run the most open and honest House in history. They've not kept that promise. In fact, they've done the exact opposite of what they promised the American people.

Democrats have passed, to date, 59 closed rules, rules that prevent every single Representative from even being allowed to offer an amendment on the House floor. There are no amendments, Madam Speaker, allowed under a closed rule, as you know. That means open deliberation is nonexistent, and the bill is just forced through the House.

These 59 closed rules are more than any Congress in the history of the

United States, and every time we have a closed rule in the future, and we will, this liberal Congress will be setting a new record.

The rule that the House is currently debating allows only two amendments to be offered by just two Members of the House. It closes off any opportunity for the other 433 Representatives to come to the floor and offer an amendment to modify or improve this legislation.

Even more egregious is the fact that the Rules Committee set a deadline of 10 a.m. last Tuesday for Members to file amendments they may wish to offer on this bill. Yet, it wasn't until 4 hours later, 2 p.m. on Tuesday, that the actual bill and report were filed in the House.

But this pales in comparison to the Rules Committee action regarding an amendment that Mr. BISHOP of Utah filed actually before the 10 a.m. Tuesday deadline.

Mr. BISHOP's amendment was aimed at protecting the second amendment rights of Americans along the new 600-mile trail that this bill would create. Instead of allowing Mr. BISHOP to offer his amendment on the House floor, the Democrat Rules Committee took Mr. BISHOP's amendment, altered it, then automatically added it to the bill without ever, ever consulting Mr. BISHOP. This is not only an offense to Mr. BISHOP, it is a threat to every Member in the House.

Because Democrat leaders refuse to allow open debate under an open rule on the House floor, Members have only one way to get an amendment looked at, and that is for them to offer and submit an amendment to the Rules Committee for advance review.

But now, Madam Speaker, it appears that all Members must be aware that the Rules Committee may take, co-opt, edit or otherwise pilfer and steal their amendments and ideas. Sadly, Representatives of this House may need to get a copyright on their amendments before submitting them to the Rules Committee.

Now, Madam Speaker, to many across America this may seem like legislative inside baseball or petty parliamentary quarrels. But what this is really about is that the Democrat leaders are breaking their promise to the American people to run the most open and honest House in history. Instead, they are running the most closed and unfair House in our Nation's history.

Yet, Madam Speaker, these broken promises should not distract us from the even more pressing matter on which Democrat leaders have also broken their promise. It was on April 24, 2006, that then-Minority Leader NANCY PELOSI issued a press release claiming that the House Democrats "have a commonsense plan to help bring down skyrocketing gas prices."

Two weeks later, in May 2006, NANCY PELOSI said that the Democrats have "real solutions" that would "lower the price at the pump."

NANCY PELOSI has now been Speaker of the House for over 18 months, and this plan, this promised plan, is nowhere to be seen. Gas prices continue to set record highs, and this House has been and continues to be blocked from voting on legislation that would lower gas prices by producing more American-made energy.

Today, instead of voting on legislation to lower gas prices, the House is debating the bill to create a new 600-mile long scenic trail recognizing the Revolutionary War.

Speaker PELOSI and other liberal leaders who control this House may oppose drilling in Alaska or offshore, they may oppose more nuclear power, they may oppose hydropower dams, and they may oppose other ways of making more American-made energy—and holding these positions, of course, is their right as Members of this House—but they should not, Madam Speaker, have the right to block the House from even having a debate and a vote on this important issue.

Record gas prices are hurting Americans. It's hurting families. It's hurting seniors on fixed incomes. It's hurting college students. It's hurting small business owners and their enterprises. It's hurting schools who have to figure out how and what services to reduce to afford gasoline for their school buses. Yet these liberal leaders of this House refuse to allow an open debate on ideas to lower gas prices. They continue to block votes on drilling for oil in America that will increase supply and lower prices at the pump.

Madam Speaker, our Nation needs to invest in more nuclear power. We need to invest in more clean and renewable hydropower, as well as wind and solar energy, and we need to foster development of biofuels, hydrogen fuel cell technology, and the invention of other potential clean energy products.

Yet, Madam Speaker, we must recognize the fact that gasoline and diesel cannot be replaced overnight. New technologies and energy sources take time, sometimes years or decades to fully develop. Our economy is dependent on oil for Americans to get to work, for food to go from the farmer's field to the grocery store, to get kids to school safely and back home, to deliver the mail, to fly airplanes, to operate construction equipment, for police to patrol neighborhoods, and ambulances to transport patients.

The price of gas has an enormous impact on the lives of Americans and families in every town, in every county, in every State in this country.

Madam Speaker, I spent last week visiting school districts and small businesses throughout my central Washington district.

☐ 1045

I listened to the heavy impacts that gas prices are having on my constituents in Yakima, Wenatchee, Cashmere, Moses Lake, Orondo, Richland, Union Gap and Pasco. Madam Speaker, the message I heard was loud and clear, that Americans are hurting because of high gas prices and this Congress needs to act. Americans can't afford a Congress that does nothing to increase the supply of American-made energy. If there is price gouging, Madam Speaker, it must be fully prosecuted. If speculators are trying to unfairly profit, we must stop them, also. And yet we must also tap into America's enormous oil and gas reserves.

We have the resources right here in this country that can increase the supply of oil and reduce the price of gasoline at the pump, but our Nation's deep reserves have been put off-limits. With the national price of gas well over $4 a gallon—and it's over $4.29 a gallon in my district—Americans can't afford this off-limits policy any longer.

Madam Speaker, consider this: Alaska's ANWR region contains an estimated 10.4 billion barrels of oil; that's more than twice the proven reserves in the State of Texas. The oceans off America's coastline contain 240 trillion cubic feet of natural gas and 86 billion barrels of oil. Federal lands contain an estimated 31 billion barrels of oil. Simple economics tells us that the way to combat rising prices due to high demand is to increase the supply, and obviously it is to tap into these known resources. Yet proposals to increase American oil and gas production have faced years of opposition. Drilling in a tiny portion of ANWR in Alaska, for example, has been blocked since President Bill Clinton vetoed a like proposal back in 1995, and we are now paying the price.

It's time to stop saying no to solutions and start saying yes, not only to drilling for gas and oil, but to all parts of the answer, as I mentioned this previously, so let me repeat what I said earlier.

We need to license and build more American refineries. We need to expand wind, solar, hydrogen fuel cells and other new energy sources, reduce fuel blend mandates that increase costs, and invest more in nuclear and hydropower.

Now, Madam Speaker, it's interesting, some say we shouldn't bother because all of this will take years to produce results. Yet these same people claim that the answer is new Federal mandates, government control of the kind of car you want to drive and how far you can drive it, and pinning everything on the hope that a new technology breakthrough will eliminate our dependence on oil. But Madam Speaker, that, too, takes time. But more importantly, such a course of action is not the American way, and it's a dangerous gamble that puts our economy at serious risk. We need to increase the supply of oil to decrease the price of gasoline, it's as simple as that. And we need to do it here in America. The longer we postpone producing more oil here, the longer we will pay higher gas prices.

Americans are hurting, and yet there is not a single solitary piece of legislation that this House will consider this entire week that even remotely relates to producing more American-made energy and lowering gas prices.

Americans are feeling the pain, and the liberal leaders of the House simply are not listening. They not only do nothing to help, but they block every attempt made to bring legislation to the floor that would help lower gas prices.

So, Madam Speaker, once again, I will attempt this morning to bring energy legislation to the House floor for debate and vote. If my colleagues will join me in defeating the previous question, I will move to amend the rule to allow a debate and vote on legislation that will help produce more American-made energy. The House apparently has time to debate the creation of the 600-mile trail about the Revolutionary War, so let's make time for the House to vote on solutions to lower gas prices.

Madam Speaker, with that, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, my good friend, my colleague from Washington State, has once again leveled a litany of accusations and, as usual, the rhetoric does not equate with the reality that we see.

Let's take the attacks one by one. There were a total of five amendments submitted to this rule, all by Republicans. Three amendments were submitted by Mr. BISHOP of Utah, one by Mr. FLAKE of Arizona, and one by Mr. PEARCE of New Mexico. Two amendments were made in order, Bishop No. 1 and Pearce No. 4. Two amendments were not germane to the bill and ruled out of order by the Parliamentarian, Bishop No. 3 and Flake No. 5. The subject matter contained in amendment No. 2 by Representative BISHOP was already being addressed by a self-executing provision in the rule which was based on language previously adopted in this House by a vote of 416–5, rollcall vote 171, with all Republicans, including my good friend from Washington, voting in favor of the amendment.

Let me take this opportunity to clear up what must be a further misunderstanding on the part of my colleagues on the other side of the aisle.

Contrary to what my good friend, the gentleman from Washington, would have us believe, the amendment was not the modified Bishop amendment. And I can assure you that the Rules Committee did not hijack any portion of the amendment submitted by our good friend and former member of the Rules Committee, the gentleman from Utah (Mr. BISHOP). The provision in the rule was based on language passed on April 9, 2008 during consideration of H.R. 2016, the National Landscape Conservation System Act, and it was done to address a concern that a number of Members had about the bill. The amendment was offered by Mr. ALTMIRE of Pennsylvania, was adopted with an overwhelming rollcall vote, as I said before, with every Republican voting in favor of the amendment. If you don't take my word for it, I would be happy to share the Rules Committee report from that bill, which contains the text of the amendment. And I have copies of the section of the CONGRESSIONAL RECORD that contain the debate and the vote on the Altmire amendment.

I also want to point out that the self-executing language in the rule is not an unusual or unprecedented procedure. It was done numerous times when the other side was in the majority, as my good friend from California (Mr. DREIER) alluded to in committee testimony on Tuesday. It's a legitimate tool available to address concerns in a bill.

The amendment that we are self-executing is nearly identical to the Altmire language. The Rules Committee believes that this language improves the bill. And it is entirely reasonable to self-execute language with a track record of overwhelming bipartisan support in the House. Those Members who don't like the language are perfectly able to vote against the rule.

Now the question of gas prices. Certainly this is an important issue that has been addressed by this House a number of times. We have seen oil climb to record $145 a barrel, and we have also seen big oil companies continue to post record profits. Let's go over a few of the points that have happened in the past years.

The President signed into law legislation including landmark provisions to make cars and trucks more fuel efficient and to promote more affordable American biofuels. That all happened because we passed it in this House and provided leadership on this. The new fuel standards will reduce our oil consumption by 1.1 million barrels a day in 2020, one-half of the current U.S. imports from the Persian Gulf, and will save American families $700 to $1,000 per year at the pump.

The House also passed legislation to suspend the filling of the Strategic Petroleum Reserve. And just this week, the Speaker called on the President to unilaterally start releasing oil from the Strategic Petroleum Reserve in order to try and bring down the cost of oil on the world market, a very responsible proposal.

We have also voted to invest in home-grown American biofuels in the farm bill. We voted to provide tax incentives for renewable energies and energy efficiency and plug-in vehicles, and creating hundreds and thousands of green jobs. We further voted to reduce public transit fares for commuters pinched by the pump. We voted to crack down on oil price gouging, and in fact we're looking into more of that. We've directed the CFTC to use its full authority to curtail excessive speculation in the markets and other practices which may be distorting the energy market. In fact, the Ag Committee, as we speak, is meeting to look into this matter and plans another hearing tomorrow. We have voted to hold OPEC accountable for oil price fixing, and we have called on the repeal of subsidies to profit-rich Big Oil so we can invest in renewable energy futures.

Further, I think it's important for us, as Members, to look at who, in fact, is moving to block the lowering of our prices at the pump. A general blanket statement that we can make, that I have observed, is you put oil people in the White House and you can expect oil prices to go up. President Bush and Republicans have blocked virtually every step that we have tried to make to lower gas prices for the American people. Some of these steps have been:

Cracking down on oil price gouging, which was opposed by 140 Republicans the first time and 145 Republicans the second time, including all the Republican leadership.

The Democrats in the House proposed "use it or lose it" for oil companies holding permits and not drilling. There are 68 million acres that are available for lease right now and to be drilled upon. That use-it-or-lose-it provision that was sponsored by House Democrats was opposed by 176 Republicans.

The motion to hold OPEC accountable was opposed by 67 Republicans the first time and by 82 Republicans the second time, including most of the Republican leadership.

The proposal repealing subsidies to profit-rich oil companies and investing in renewable energy and energy efficiency was opposed by 174 Republicans, including every member of the Republican leadership.

Increasing Commodity Futures Trading Commission oversight authority to prevent manipulation of energy prices, which was in the farm bill, was opposed by 94 Republicans.

The Bush administration has vetoed or threatened to veto each and every one of these price control bills.

In addition, the Republicans have initially opposed suspending the Strategic Oil Petroleum Reserve. And while the President signed it into law, it was only after issuing veto threats.

The President vetoed the farm bill twice, which included the CFTC provisions and the historic investment in American biofuels.

I mention all these in the context of my good friend from Washington bringing up that Mr. Clinton vetoed in 1995 a bill that was put forward on energy. The Republican Party in this House is still blaming President Clinton for problems 13 years after the fact when they have been in control of this House and the Presidency for the last 7½ years for the Presidency and almost 14 for this House before we took over in 2006. I think it's time for us to understand who truly has culpability with this energy crisis that is at hand today.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, my good friend from California mentioned CAFE standards as one solution to the problem. CAFE standards, by a law that was passed here, would not take place until 2020. We can drill and produce in ANWR before 2020.

My friend also said that I made a litany of accusations and that the facts don't match the rhetoric. Well, the fact is—and he didn't refute the fact—that we've had 59 closed rules, and that is unrefutable. And I also mentioned that there was not an energy bill on the floor of the House this week; that is also irrefutable.

Madam Speaker, I want to yield 4 minutes to a good friend from Utah, a former member of the Rules Committee, Mr. BISHOP.

Mr. BISHOP of Utah. Madam Speaker, I thank the gentleman from Washington for yielding.

Bill Veeck was an old baseball owner and entrepreneur who used to say, "I don't ever break the rules, I just test their elasticity." Apparently the Democrats on the Rules Committee are doing that same standard of testing the elasticity. When the time for amendments to the Rules Committee was closed, I did have one that was filed that dealt with second amendment issues, the only one that dealt with second amendment issues. After the filing was closed, apparently Democrat staff then took that amendment, without public hearing, without any Member input, they amended that to leave the most important part of second amendment protection on the floor, and then introduced it as a self-executing rule.

Self-executing rules were originally intended for technical amendments only to help the process along, but more and more we see the Democrat Rules Committee using substantive amendments now under self-executing processes.

Now, in the good old days, I tried to get Chairman DREIER to do that for me, but he always said I had to give him my first born son, and it still had to be technical. I am willing to give the gentleman from California my first born son—actually, he's out of college now, it won't help me at all, but I'm still willing to do it if that's what it takes now to meet the process. But I realize, you're not breaking the rules, you're just testing the elasticity.

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There are groups out there that rank Congressmen. There's even a fantasy congressional league that's out there. They give us all points for how many bills we introduce, committee assignments, amendments that are passed. I've known the pain of having a fantasy baseball team where half of the members were on the DL.

So I'm asking the gentleman from California if he would have the courtesy of calling these groups and letting them know that this self-executing rule that is now part of the bill was actually mine so I could get those points. Not because of me, mind you. I'm just worried about my friends who have me as part of their fantasy congressional team because I know you're just testing the elasticity of it. In fact, it was suggested that sometime in the future we should start copyrighting our amendments before we actually give them to the Rules Committee staff.

This is not necessarily the first time this has ever happened, as the gentleman from California mentioned. There was another lands bill where I introduced an amendment with the same topic that once again was redrafted, this time refiled with a Democrat as the sponsor of it and it did pass this House and I was happy to vote for that because it was a good idea. It was my idea, but it was still a good idea. But I realize you're just testing the elasticity of it.

I'm not saying you're stealing, mind you. I am not saying anyone is stealing. But John Stockton has called and wondered if his NBA steal record still exists. The Patriot coaches are wondering why they're in trouble. The 1919 Black Sox want their title back. And Henderson has actually discussed it because he could have beat Ty Cobb's record years earlier had he had these same techniques in line. In fact, to be honest with you, I had a softball game last night that we won and we are now 9–1. And I'm wondering if the gentleman would actually do another self-executing rule to make us 10–0. That would actually do something for me. And since we're pulling stuff out of thin air without committee assignments, without floor discussion, I think it would fit within the concept.

Now don't get me wrong. I'm not saying that we're doing all the work and someone else is taking the credit. Because we're used to that. We work with the Senate all the time. We understand how that works. But if indeed we are becoming the Puff Daddy of legislative efforts in here, I would suggest that if the Rules Committee really wants to do something to further discussion and actually do something positive to make it worth the 4-hour flight we had to come back here for this particular bill, why don't you take my Americans for American Energy Act and do a self-executing rule to put that in. At least that would be a meaningful discussion that we would have on the floor of a meaningful bill and would make it worthwhile for us to come back here and finally start talking about something that is meaningful and useful for the American people.

Mr. CARDOZA. Madam Speaker, I would love to point out to the gentleman that there were a number of self-executing provisions put into bills while the current minority was in the majority in the 109th Congress. There were a total of 44 rules with self-executing provisions.

Let me read just a few examples of the self-executing rules that the Republicans did when they were in the majority just to show that this is not a unique practice:

H. Res. 75, the rule on H.R. 418, the REAL ID bill, self-executed major changes in the bill to gain votes on the bill and the rule.

H. Res. 151, the rule for an Iraq/Afghanistan/tsunami relief bill, self-executed the totally unrelated REAL ID bill to the supplemental after final passage.

H. Res. 248, a rule on the budget resolution conference report, self-executed a new budget point of order against appropriations bills in order to get the conservative Republicans to vote for the conference report.

H. Res. 258, a rule on the conference report on the Iraq/Afghanistan/tsunami emergency supplemental, contained a self-executing provision that authorized the Judiciary Committee to file a supplemental report on an extremely controversial report that had grossly mischaracterized votes taking place in the Judiciary Committee markup.

H. Res. 351, one rule, provided for separate consideration of four OSHA bills, each under a closed rule, and then self-executed language for two of the bills adopting the committee-reported substitutes. The rule also had a self-executing provision that combined all four bills into one text after passage of each bill separately.

H. Res. 365, a State Department authorization rule, self-executed an amendment that struck a section of the bill.

H. Res. 369, the PATRIOT Act reauthorization rule, made in order an entirely new substitute as base text.

H. Res. 387, a China trade rights enforcement rule, self-executed a new text that was considered under a closed rule.

Madam Speaker, I would suggest that my colleagues doth protest too much.

I would reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, we acknowledge that there is a practice of self-executing rules. That's been done. Principally they are done, however, on technical grounds but admittedly they are done on substantive pieces of legislation.

But the fact is already in this Congress there have been more self-executed amendments by this Democrat Rules Committee than there was in the entire last Congress. Already. And we still have 6 months to go before this session is over.

With that, Madam Speaker, I would like to yield 3 minutes to my friend from California, the gentleman from the Sacramento area, the former attorney general, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman allowing me to get in the midst of this intramural squabble here on the Rules Committee.

It seems like it was just the night before last that we came back to work this—well, it was just the night before last that we came back to work this week. And it seems like we just—well, we are just leaving. We came in the night before last to do business, we were here yesterday, we're here today, we're going to get out by, I guess, about 3 in the afternoon. Meanwhile, the people of the United States are suffering because we have no energy policy.

Now this political cartoon graphically states what it is. It says:

> We demand you energy companies do something about high energy prices.
> We can drill in ANWR.
> Forget it.
> How about offshore.
> Are you crazy?
> Clean coal.
> Out of the question.
> Nuclear power.
> You're joking, right?
> Don't just sit there, do something.

Well, that's what I'm asking this Congress to do. Don't just sit there, do something.

I thought that maybe what I believe is now called the Natural Resources Committee—it used to be called the Resources Committee—the Natural Resources Committee, I thought it had jurisdiction over ANWR. And I looked it up and it does. And I thought it had jurisdiction over offshore drilling. And I looked it up and it does. And I thought it had jurisdiction over coal on Federal lands. And I looked it up and it does. And I thought it had jurisdiction over tar sands and other kinds of resources, natural gas, offshore. And it does.

So what does it bring today? A bill that talks about a historic trail. We've waited 227 years to designate it as an historical trail. You would think we could wait a couple of more months and do something on energy.

Madam Speaker, I will not violate the rules of the House by asking for a show of hands in the galleries, because that would be out of order, but I suppose that if the people in the galleries were like the people in my two town halls last week, they would answer the same. When I asked them do you think we should drill in ANWR, about 75 to 80 percent said yes. When I asked them do you think we should start drilling offshore, about 75 to 80 percent said yes. When I asked them do you think we should lock up the greatest natural resource we have for energy in this country, coal—we're the Saudi Arabia of coal—they answered 75 to 80 percent no. Nuclear power. Over 50 percent are for it now. But this Congress does nothing about that. In fact, they have created self-fulfilling prophecies. They say, look, if we allow offshore drilling, it will take 10 years. Do you know why it would take 10 years?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. DANIEL E. LUNGREN of California. They set up the formula for failure. They make it a reality that it will take 10 years because of all of the extensive environmental requirements, the continued legal challenges, and if you know how the system works, you can actually make a decision by not making a decision. If you can in court ensure that no decision is finally made, no one is going to make the capital investment.

Our friends on the other side say, well, wait a second, we've got the answer. All we're going to do is make them drill with the leases they already have.

Now let's think about this. The oil companies pay millions, billions of dollars for leases and they're not looking for it? The fact of the matter is just because you have a lease which is a tract of land on a map, a line on a map, doesn't mean there's oil there. Actually some of the Democrats on the other side of the aisle have said this. They've said, our leadership doesn't understand the reality of drilling oil. And so what do they leave us with? They leave us with a policy which says drive small cars and wait for the wind. The gentleman from California says look at all we've done. We've forced Americans to drive smaller cars. That's the solution. We're waiting for wind. We can wait for a long time.

I'm for solar energy. I'm for wind. I'm for all of the above. But the fact of the matter is we have to do something on the supply side. And here we have a bill out of the committee that has jurisdiction on this very matter, the one that would get us started, and it doesn't bring forth this. It has brought forth a mouse in comparison to what we need in terms of our energy. All the American people are asking for is some sense of reality. We cannot suspend the laws of economics.

The gentleman from California says look at all the price controls that we have adopted. I have to say, it was a Republican President, President Nixon, who tried to use price controls in the seventies. It didn't work. It didn't work. At some point in time we have to understand that what we have to do is increase supply.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. And if we come to the floor with the committee of jurisdiction bringing us bills that have nothing to do with energy, what are the American people to say except that, Don't just sit there, do something. We are absolutely just sitting here and doing nothing. People back home are not waiting for 20 and 30 years. They're talking about what's happening now. It's not just the gas in their car. It is the cost of transportation embedded in everything. And it's going to get worse before it gets better.

This Congress should do something. It should act now. Act now. Maybe we could stay here longer than 2½ days to do something about energy for the American people who sent us here to do their work. Where's the 5-day workweek? Gone. Gone along with the opportunity to drill for oil and produce energy for the American people. Maybe they ought to pay attention to what's happening here on the floor of the House and insist that we do something. Drill here in the United States, not overseas. Produce here in the United States. Save America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not refer to or address occupants in the gallery.

Mr. CARDOZA. Madam Speaker, I would just like to observe once again that this Congress has approved and authorized 66 million acres for exploration and leasing throughout this country. Now, that may be hard for some folks to visualize that amount of property, so let's talk about it in something that people understand, the size of States.

Sixty-six million acres is virtually the size of New England, including New Jersey and Maryland and Delaware. That is the size of land that we have opened up to exploration. Can we do more? Possibly. Are there other alternatives? Absolutely. The Speaker this week proposed trying to bring down prices by opening up the Strategic Petroleum Reserve. That might actually bring down the cost of oil, and all we've gotten from the White House is a blanket "absolutely not."

Madam Speaker, there are a number of measures that this House has moved to try and bring down oil prices and bring relief to the American people. We started in our 6 for '06 with H.R. 6 that tried to bring down oil prices before it was ever even a crisis because we anticipated that this might be a problem.

I would also suggest that it has been said that over 90 percent of the Bush-Cheney oil energy policy has been implemented by the prior 109th Congress and the Republican Congresses before that. Mr. Bush got 90 percent of what he wanted for American energy and we have this crisis. I submit to you what we need is a change at 1600 Pennsylvania Avenue to try and regain energy independence and with a change there we may just do that.

I will reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining. The gentleman from California has 13½ minutes remaining.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

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Mr. TERRY. Thank you. I appreciate this opportunity.

My friend from California, I'd like to clarify a little bit. The 66 million acres are land that hasn't been authorized by Congress. In fact, the efforts by my friends on that side of the aisle was to take away that 66 million acres of already leased land. So I think the public needs to be clear on that aspect.

Yes, some of the Bush plan on energy has been implemented. The part, conveniently, that has been left out of presenting to the President for signature is the part that increases supply. It's the lack of supply that is causing problems for American families today, with the price at the pumps.

I have had several meetings with constituents who have told me their stories about how the high price of gasoline is literally taking food off of their tables and making them to make decisions about what they are taking away from their family in order to be able to get to work and back.

Our reliance on foreign energy is destroying this country, and we have to become independent, folks. We use 20 million barrels a day. Twenty million barrels of oil per day, most of which is refined into fuel that we use in travels. Over 14 million of those 20 are imported today.

Let's look at what is on the foreign scene today with Iran sending missiles as a message to the United States and Israel about their might. Make no bones about it, my friends; the only reason they have missiles is because they get to sell oil. If we weren't reliant on foreign oil and we could get away from it with a comprehensive plan and, Mr. CARDOZA, I'd love to work with anyone on your side of the aisle to come up with conservation alternative fuels and to be able to open up our offshore drilling in the gulf coast, Alaska, and use oil shale. If we put all of that together, we can be energy independent.

Mr. CARDOZA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, can I inquire of my friend from California if he has any more speakers, or he is prepared to close?

Mr. CARDOZA. We have no more speakers.

Mr. HASTINGS of Washington. The gentleman is prepared to close if I close?

Mr. CARDOZA. I am, Madam Speaker.

Mr. HASTINGS of Washington. With that, Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it's time for the House to debate ideas for lowering gas prices. By defeating the previous question, I will move to amend the rule to allow the House to consider a bill that will help produce more American-made energy, H.R. 2208, introduced by Mr. BOUCHER of Virginia and Mr. SHIMKUS of Illinois, the cosponsors of that bill.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, this House is on a course to complete its work by early this afternoon. The only legislation the House is even considering is this bill to consider a 600-mile scenic trail about the Revolutionary War. Tomorrow, the House won't even be in session. The House was originally scheduled to be in session, working tomorrow, but that was canceled yesterday.

The Democrat leaders of this House are choosing to do nothing for a day and a half, today and tomorrow, that was scheduled, and of course, do nothing about gas prices. They decided to just stop working and go home early rather than vote on legislation to lower gas prices by producing more American-made energy.

The House needs to confront the skyrocketing price of gasoline. It shouldn't be clocking out early and calling it a week. It's time right now for Congress to act on gas prices.

So, once again, Madam Speaker, I am going to ask my colleagues to vote "no" on the previous question so that we can amend the rule to take up serious legislation, bipartisan legislation, to bring down gas prices at the pump.

With that, Madam Speaker, I yield back the balance of my time.

Mr. CARDOZA. I would just like to clarify for my colleague from Washington. Once again, he sort of mischaracterized what is happening in the House of Representatives with regard to the work that we are doing to lower gas prices.

I would invite the gentleman to join me in the Ag Committee as I leave this chamber today and go to hearings that will be going on all afternoon in the Ag Committee to get to the bottom of the trading issues that might be leading to increased speculatory problems that are possibly causing increased gas prices and the hearings that we are going to have in the Ag Committee all day tomorrow with regard to the same subject. There are a number of us that will be working very hard the next 2 days to try and resolve to get to the bottom of this crisis.

Madam Speaker, I want to refer back to the bill at hand. We have gotten way far afield of what the topic was of discussion for this rule, and that is the National Trail System Act. That act was put in place 40 years ago to provide for the conservation of historic and culturally significant areas.

I think there is no more deserving historic designation than the one commemorating our Nation's struggle for independence. The bill that we are talking about deserves strong support by all Members of the floor. It's a good bill done by the Natural Resources Committee and chairman, Mr. RAHALL, bringing it to the floor. I would urge that we support it heartily.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1317 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2208) to provide for a standby loan program for certain coal-to-liquid projects. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Science and Technology; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO GO TO CONFERENCE ON H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2008

Mr. CAPUANO. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Financial Services, I move to take from the Speaker's table the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT

Mr. NEUGEBAUER. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Neugebauer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3121 be instructed, to the maximum extent possible within the scope of the conference, to (1) include in the conference agreement the provision in section 106 of the bill S. 2284.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Massachusetts (Mr. CAPUANO) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Section 106 of the Senate flood insurance bill would reform the National Flood Insurance Program in a significant way by phasing out taxpayer subsidies and requiring that rates are based on an actual risk of flooding basis.

The Senate bill achieves this goal more quickly and fairly than the House bill, which does not begin phasing out premium subsidies for nonresidential properties and nonprimary residences until 2011.

We owe it to the American people whose lives get turned upside down in the aftermath of flood disaster to encourage an efficient, effective program, with adequate resources to be there for them when they need it.

Risk-based pricing will reassure taxpayers that they are not subsidizing those who choose to live in high-risk areas near coastal lowlands or flood plains where many property owners have repetitive losses.

Section 106 of the Senate version of the flood bill would also eliminate subsidies within 90 days of enactment for prospective policyholders of nonresidential structures, nonprimary residences, and severe repetitive loss properties.

It would also eliminate subsidies within 90 days for properties that undergo improvements or renovations that exceed 30 percent of the fair market value of the property, and any property that sustains damage exceeding 50 percent of the fair market value after the enactment of this bill.

In addition, Section 106 includes a provision that would prohibit subsidies and require risk-based pricing for prospective policyholders if the property was not insured within 90 days of enactment or if the policy lapses as a result of deliberate choice by the policyholder.

Risk-based pricing would also be required if the prospective policyholder refused to accept an offer for mitigation assistance or relocation following a major disaster.

These are prudent measures to strengthen flood programs, phase out taxpayer subsidies, and encourage a premium pricing structure that is based on the actual risk of the property to flooding.

While not part of this motion, I also believe it would be ill-advised to force the National Flood Insurance Program to take on new risk of wind coverage, as it would expose taxpayers to further losses and could unnecessarily interfere with the functioning of private wind insurance markets.

The Republican minority believes that the chief objective of Congress should be to reform the existing National Flood Insurance Program, including the removal of subsidies over time to improve the long-term solvency of the program. Adding new coverage to the program that has already lost $18 billion is a move in the right direction.

Madam Speaker, I want to stop and reiterate that the program, the reason this is so important is that we continue to subsidize this program and the deficits keep going up. Now, some people say, Well, the program pays for itself. But the truth of the matter is, Madam Speaker, this Congress is going to have to write off billions of dollars because the system is currently insolvent now, and now others want to increase and expand the coverage and postpone putting risk-based premiums in place.

The American people already are dealing with a lot of other issues. They don't need to be dealing with having to subsidize the National Flood Insurance Program any longer.

As the conferees work on this final flood insurance bill, we ask that they produce a bill that is fiscally responsible and does not saddle future taxpayers with more losses.

With that, I reserve the balance of my time.

Mr. CAPUANO. Madam Speaker, on reading this motion to instruct, it seems reasonable, well-thought-out, and we have no problems with it.

Therefore, with that, I would reserve the balance of my time.

Mr. NEUGEBAUER. In addition to rising to offer this motion to instruct on H.R. 3121, the Flood Insurance Reform and Modernization Act of 2008, I believe it's also critical that we talk about another issue that is very important to the American taxpayers, and that is a sound and reliable energy policy for our country.

I am repeatedly frustrated and I know the American people are repeatedly frustrated that this Congress has done nothing this summer, this year, to produce one additional barrel of oil to help reduce the dependency problem that this country has on foreign oil. This is not only an economic security issue for our country, it is a national security issue for our country.

We know that we have seen in the last few days that the Iranian Government is flexing their muscle and they are saying that they want everybody to know that they are a world power and that if people make them mad, or if they decide to do something, that they could close the Strait of Hormuz, where I think someone said almost 40 percent of the world's oil passes through that port. That just says to us that this is a national security issue as well.

There's a very simple solution to America's energy problem. It's not complicated, it's not complex. It's a simple, three-letter word. It's yes. It's saying yes to drilling for oil within the borders of the United States of America. It's saying yes to drilling in Alaska and off the Outer Continental Shelf. It's saying yes to continuing to develop and use the 250-year coal supply that America has. As someone said a while ago, we are the Saudi Arabia of coal.

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There are new technologies out there converting coal and liquefying it to use as a very clean and efficient energy source.

It is saying yes to building more nuclear power plants in this country. We haven't built a new nuclear power plant in I think over 30 years. It is a very safe, reliable source of energy and does not create a lot of greenhouse gases.

It is saying yes to building new refineries in our country. Not only, Madam Speaker, are we importing 70 percent of our oil, but because we haven't built a new refinery in this country in over 30 years, we are importing from 10 to 15 percent of our gasoline.

It is saying yes to renewable and alternative energy sources, such as wind, solar and biofuels.

Madam Speaker, what we need to do is have a balanced energy program, looking at renewables, looking at new technologies, but also producing American resources.

This growing energy crisis is affecting every facet of Americans' daily lives. As they try to drive to work, I had recently a telephone call with a constituent, and he said, Congressman, I have to drive three times a week to get medical treatment, and it is over 100 miles to and from to get that treatment. He said, I am down to the decision now whether I can afford to be able to go and get my treatment or buy groceries or make my rent payment. I need some help.

Madam Speaker, the American people are looking to this Congress to do something. And we can do something. We can say yes; yes to new technologies, yes to producing American resources, instead of exporting billions of dollars to foreign countries and letting them develop their resources.

I believe last month, June, the average import, this is daily import, Madam Speaker, was 13 million barrels a day, 13 million barrels a day. That is $1.8 billion dollars every day that America gets up and writes a check to send somewhere else. Not to invest in America. We write a check for $1.8 billion every day to send to some foreign countries.

Madam Speaker, unfortunately, some of those countries that we send that check to aren't all that friendly to the American people. Our friend, Mr. Hugo Chavez from Venezuela, we write him a check every day for $170 million. I am sure the American people are pretty excited that $170 million of investment that could be building America's resources and creating jobs in America is going down to South America, to Venezuela, to one of the people that have said we are imperialists and that they have invaded America not with armies, but with their oil.

So, Madam Speaker, what we have to do is we have to begin to look at why we are not doing anything in this Congress.

One of the things I have noticed that we worked on this summer, and I know the American people will be extremely excited to know, is that we have protected foreign cats, foreign dogs, monkeys, and today we will spend about 3 or 4 hours naming a scenic route. Now, I think that really goes a long way to assuring the American people that we are in fact working on energy solutions that will bring lower energy prices for the American people.

Madam Speaker, we have to begin to say yes, not only to these high energy prices affecting Americans' ability to go to and from work. Teachers, for example, in rural areas, driving 50, 75 miles, their cost of transportation is almost doubling, but their salaries are not going up. Those teacher contracts are out right now and they are saying, should I accept that teaching contract in that little rural community, where it is going to almost take a pay cut to do that because of the cost of gasoline?

It is affecting food prices. One of the things we know about energy, Madam Speaker, is it is interwoven in every aspect of our life. In the production of food, farmers are paying record prices for fertilizer and for diesel. So that is just the production side. The chemicals have gone up. Several chemical companies in the last few weeks have announced double digit increases in the cost of their commodities.

Now that we have produced those products, now we have to get those products to the processors and to the market. The cost of processing that food has gone up. Once we produce that food and we process it, then we have to deliver it to the distribution systems, and from the distribution systems to the grocery stores, and then the American people have to go to the grocery store. All along the way, these high energy prices are causing huge inflation for our country, and, Madam Speaker, we have to do something about it.

Madam Speaker, I reserve the balance of my time.

Mr. CAPUANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I was under the false impression that we were here to talk about flood insurance. I guess flood insurance isn't that important to my Republican colleagues, and that is fine by me.

I said yes, you must have missed it, I said yes to your motion to instruct. Now, after your debate, I am kind of maybe rethinking my position, but probably not, because I don't want to get dragged down there.

But I am no energy expert. I am learning as we go along. It is not in my background. But I know one thing: For 12 years, the Republicans did nothing on energy. Nothing. For almost the entire time I have been in Congress, we have had two oilmen running this country. They have done nothing on energy. Now, all of a sudden, they found it, and we have to sit here today and listen to a Republican advertisement while we are debating flood insurance. Flood insurance.

I understand the politics of it, and that is all well and good, but it just does amaze me that it is not enough to keep campaigning out on the street. Go knock on some doors, and maybe you will win some elections. You don't win elections by pontificating on the floor of the House. You do it by meeting and greeting people and then listening to what they want.

One of the things they want is for the oil companies to drill on the 68 million acres they already have. Why aren't they drilling there? Why not?

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. CAPUANO. Not at this point, because I am going to get the rest of the ad in a few minutes. You will get your time.

They are concerned that somehow we are sending money to someone who is not too friendly. I know that. We all know that. Why didn't you do anything for 12 years? How did you just find this now? And did you just discover it as we were getting into flood insurance?

Now, I understand fully well. I had no intention of debating this issue. Again, the motion to instruct that we came here to debate is fine. We do need to act on flood insurance, and we will. And I also realize that I will hear the rest of the Republican ad in a moment.

I, for one, have never engaged in pontification on this floor. I haven't done a single Special Order yet in 9 years, because my way to communicate with my constituents who elected me is to go home and say hello and shake their hands and look them in the eye and listen to them, not to pontificate amongst each other.

I understand that that is not the way you campaign. That is fine, and I look forward to the remaining few minutes of the Republican national ad that hasn't worked thus far and I doubt will work between now and November. But I am looking forward to hearing all the wonderful things that you are going to do now, when you didn't do them for 12 years.

With that, Madam Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. NEUGEBAUER. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

In attempting to respond to the gentleman on the other side of the aisle, he said, what have we been trying to do in terms of energy? Did we just discover it? Well, no, that is not the case. We have been trying to work on energy for the last number of years. Let me just give the gentleman some figures.

On ANWR exploration, every time it has been brought up in the last 6 or 7 years, 91 percent of the Republicans have supported it; 86 percent of the Democrats have voted against exploration in ANWR, a clear delineation between the two parties.

Coal-to-liquid. We are the Saudi Arabia of coal. We have more coal than anybody else in the world. So wouldn't it make sense to try and use new technology to take coal to liquid? Every time it has been brought up, 97 percent of the Republicans have supported it; 78 percent of the Democrats have opposed it. That is not pontificating. That is voting on the floor.

Oil shale exploration. Along with Canada, again, we are the Saudi Arabia of oil shale. Every time it has been brought up, 90 percent of the Republicans have voted for it; 86 percent of the Democrats have voted against it.

Outer Continental Shelf exploration. Every time it has been brought up, 81 percent of the Republicans have voted for it; 83 percent of the Democrats have opposed it.

The gentleman says, why aren't we drilling on some of those leases? Well, the definition of an idle lease is a lease where drilling has not yet occurred. That means you have to go through all of the existing red tape, such as permitting and environmental laws. The process can take years. It is a self-fulfilling prophecy on the other side of the aisle.

My friend on the other side of the aisle and his allies in the environmental community, what have they done? Environmental protests have increased by 718 percent over the last 7 years. Three million acres of currently leased land is tied up in courts, where it cannot be utilized.

You ask why they are not leasing? Because they can't, because they are subjected to lawsuits. Companies are unable to begin exploring on the land they have already leased. Fifty-two percent, 52 percent of the wells that have been drilled, exploratory wells offshore, have proved to be dry holes. That is why they are not producing on those.

When I was here 20 years ago during the Reagan administration serving in this House, the Reagan administration managed to lease 160 million acres of onshore land. Today only 50 million acres are leased. ANWR contains 10.4 billion barrels of oil. 100 percent closed. Offshore, 86 billion barrels of oil we believe are there by the U.S. Minerals and Management Service. 97 percent of it is closed off.

And the gentleman says we are pontificating. We are not pontificating. We are asking your side of the aisle to allow us to have votes on these issues. Allow us to have a vote on ANWR; allow us to have a vote on coal-to-liquid; allow us to have a vote on oil shale; allow us to have a vote on offshore drilling, Outer Continental Shelf exploration; allow us to have a vote on refinery capacity increases. That is not pontificating. That is saying allow the American people to have these particular supply-oriented responses to the energy crisis voted on on the floor.

Now, the gentleman may say, we just go home. I go home. I just got back from home. I talked to people in my district. You know what they said? Get back to Congress and vote to change the laws to allow supply.

Now, once again, unless your side of the aisle is capable, excuse me, Madam Speaker, unless the other side of the aisle is capable——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEUGEBAUER. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, unless the other side of the aisle is capable of suspending the law of economics, the law of supply and demand, we have to start dealing with the supply side.

We have dealt with the demand side. The American people in the last several months have dropped their usage per capita of gasoline greater than they have at any time since we have kept records. The American people are responding in responsible ways. They are responding on the demand side. They are asking us to help them be able to respond on the supply side.

That is not pontificating. That is not politics. That is governance. We are asking for good governance. Allow us to have the chance to vote on these things on the floor, and then let the votes fall where they may. Maybe the gentleman from the other side of the aisle is correct in his assessment that the American people don't want more supply. I suspect he is wrong. The only way we will know is if we have a vote. Just give us a vote.

I thank the gentleman for the time.

Mr. CAPUANO. Madam Speaker, I didn't hear much that surprised me. I guess I must have been mistaken. If I heard 52 percent of the holes were dry, that means 48 percent of them weren't, and they are not producing.

I know for a fact that in the oil wells and the oil rigs that they have in Alaska now in Prudhoe Bay, they claim to have more natural gas than they know what to do with. Yet they have never built a natural gas pipeline. There was no obstruction to that. None whatsoever. I must have missed it.

During the 12 years I talked about, Republicans controlled the House, the Senate and the White House for most of those years and still did nothing. Still did nothing.

Some Democrats do have some concerns, and I am proud to be one of them. Some concerns are about simply saying drill anyplace you want, don't worry about the environment. I don't necessarily think in the final analysis that is the way out. I think there are other ways. I do think that some drilling is appropriate, most of us do, which is why we are encouraging oil companies to do it. I don't get it.

□ 1145

And maybe I am mistaken, but a few years ago we had a vote on the floor of this House relative to offshore drilling in Florida. And then Governor Bush and every Republican member of the Florida delegation voted against that. Voted against that.

Now, I don't mind. But let's be honest about this. You did nothing for 12 years. You think you have a political hit here. Good luck. Good luck. Because I think the American people have already tried your way, to just simply give everything to the oil companies and not ask for anything back. I think they want to try a new way. And in the final analysis, we will get where we want to go. November will allow us a greater majority here, it will allow us more Members of the Senate, and it will probably give us the White House with people who actually want to do something rather than simply talk about it.

Now, my full degree of preparation for this debate was to be pulled out of a hearing on the entire financial crisis with Secretary of Treasury Paulson and the Chairman of the Federal Reserve, Mr. Bernanke. I wish I had come here more prepared with statistics and votes from 1902 and all those other things; but the truth is, this is nothing more than a political commercial.

The rebuttal is easy. It is almost painfully childish: The American public hasn't bought it and won't buy it. But I also realize, my presumption is there is still more time left for Republican advertisement, and we will hear a few more minutes of it as we speak now.

I reserve the balance of my time.

Mr. NEUGEBAUER. I appreciate the gentleman, and I think the leadership in his party has been very clear of what their energy policy is: No, we are not going to do anything about it.

I now yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I appreciate the gentleman's leadership on this.

My good friend from the other side said he didn't come prepared to talk about his side's strategy on energy. Well, let me share with you what an aide from the Democrat side said just this week. He said, "Right now, our strategy on gas prices is to drive small cars and wait for the wind."

That is the problem, Madam Speaker. Because when we want home last week, all of us went home last week for the Fourth of July break, we met with our constituents; and we heard what I suspect my friend from Massachusetts would hear if he asks, and that is, that they understand, the American people understand that supply is important. And this is a dynamic situation.

He talks about a vote a number of years ago on whether or not there ought to be offshore exploration. Well, Madam Speaker, the situation has changed. The American's people opinion has changed. What has done that? $4 a gallon gasoline that the other side has done nothing about.

On our side we have attempted for years, literally for years to increase supply. In fact, as has been recited by my good friend from California earlier, we have passed all sorts of legislation out of the House of Representatives. What has happened is that they have died in the Senate. They have not gotten the 60 votes that they needed. But, Madam Speaker, I have great confidence in the responsiveness of the United States Senators, who have also been home and appreciate that this situation has changed.

The American people are demanding American energy for Americans, and there are solutions that are on the table. H.R. 3089, No More Excuses Energy Act, would reduce the price of gasoline by opening new American oil refineries. Investing in clean energy sources such as wind, nuclear, and captured carbon dioxide, and making available more homegrown energy through environmentally sensitive exploration of the Arctic Energy Slope and America's Deep-Sea Energy Reserves.

H.R. 3089, Madam Speaker. It is there for the taking. All we ask for is a vote. We are not guaranteeing passage, but we do believe that it is appropriate for the most deliberative body in the world to have an opportunity to vote on increasing the supply of American energy for Americans. And the problem is, is that our friends on the other side don't want to have that vote. Why? I am not quite certain, because I know that their constituents are telling them what our constituents are telling us, and that is, increase American energy for Americans. Instead, what is their policy? Drive small cars and wait for the wind.

Madam Speaker, we demand a vote on H.R. 3089 and the other bills that will increase American supply, American energy for Americans. Let's vote now.

Mr. CAPUANO. Madam Speaker, I think we have gotten all the wind we need right here right now. I am not so sure how to harness it, but I think we have gotten it, so we don't have to wait for it.

And I understand the gentleman doesn't want to read any of the bills we have put forward. I understand that. Nor should he waste his time, because he is not going to vote for them anyway. I know that. But he still hasn't answered the reason; again, a very simple question: 68 million acres and they are not drilling on them. Why? The obvious answer is they want to keep prices up.

Why aren't they using the refineries to their full capacity?

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. CAPUANO. No, I don't yield. I will get the rest of the advertisement later.

Mr. PRICE of Georgia. The gentleman asked a question.

Mr. CAPUANO. No, I don't yield.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. CAPUANO. I do not yield.

Mr. PRICE of Georgia. You asked a question.

Mr. CAPUANO. I do not yield. I have got the full advertisement.

Mr. PRICE of Georgia. I thank the gentleman.

Mr. CAPUANO. You have wasted enough time for the American public right now. You are wasting taxpayer dollars right now. You are entitled to do it.

The SPEAKER pro tempore. The gentlemen will suspend. The gentleman from Massachusetts controls the time.

Mr. CAPUANO. The gentleman said why don't I ask my constituents. Why doesn't he come to my district and ask my constituents? If he thinks I don't talk to my constituents, that is fine. You can insult me all you want. It is of no concern. The American people know your answer. Your answer is to simply give oil companies anything and everything they want and ask for nothing back. Our answer is to allow them to drill where there is oil, to do so in a responsible manner, to pay their taxes, and to not basically gouge us with ungodly prices and ungodly profits.

I understand you don't want to join us in that. I respect that. Why you don't, I don't get; I don't have to get.

With that, Madam Speaker, I reserve the balance of my time. I look forward to the remainder of the Republican advertisement.

Mr. NEUGEBAUER. Madam Speaker, it is now my pleasure to yield to the gentleman from Nebraska (Mr. TERRY) 3 minutes.

Mr. TERRY. Madam Speaker, I rise in support of a comprehensive energy policy. And the gentleman from Massachusetts and I are friends and neighbors by offices and talk all the time.

And do you know what? It may be entirely true that Nebraskans think differently than suburban Boston folks. And that is why we go back and we talk to our constituents. And what I hear—and this isn't evenly divided; this is 95–5—that people are angry at the price of gas; they are angry at Congress doing nothing. And we sit here in this body and we have no real energy bills to discuss, so we have to use a flood insurance bill to be able to discuss these type of issues.

But my friend from Massachusetts brings up a point that I want to kind of correct and kind of agree with. We have been in Congress now five terms. I have been on the Energy Committee for 8 years; and almost every year that I have been on that committee, we have done an energy bill. Most of them haven't gotten to the President. We did get an energy bill that included drilling to the President in our first term, which was vetoed by President Clinton, that included ANWR.

My friend would probably remember a lot of vicious debates on this floor about opening up drilling in Alaska and ANWR and the deep waters off the coast of Florida and the gulf coast. We had incredibly intense debates on that, and we passed those. We passed the refinery bill that would expand our refining capacity and diversify where they are at in this body. So to be able to come and say on the House floor that we haven't done anything for 12 years is not accurate.

What is accurate is a bipartisan opposition to energy in the Senate, where we did good work, but unfortunately we had a group of 40 that was mostly Democrat but Republicans also that voted to kill refinery expansions, that voted to—well, sometimes they voted on deep-sea and ANWR, but most of the time they just ignored what we did here, in the Senate. And I am angry and upset at that.

But the people are demanding action now. And what I would like to see is, instead of this partisan rhetoric that we are hearing on the floor today, that my friends on the other side would say, hey, let's all get together. Because you talk about conservation. I wrote with Baron Hill the CAFE bill that ups the amount of fuel efficiency for the auto manufacturers. I am open to more of those types of discussions.

Let's get together and work on an energy policy, instead of this partisan bickering that we are hearing right now.

Mr. CAPUANO. Madam Speaker, I thank my friend and classmate for not getting further down that nasty little road. He made a good point. No new points. But I appreciate his tone.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, could I inquire of the amount of time that I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 8½ minutes remaining. The gentleman from Massachusetts has 22½ minutes remaining.

Mr. NEUGEBAUER. At this time, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I encourage our discussion on flood insurance. But like my colleagues, I am very frustrated with the high price of gasoline. And I believe that West Virginians deserve a comprehensive all-of-the-above approach.

I had a lot of conversations just last night with West Virginians, and they had wonderful, creative solutions. They had amazing ideas: Let's use algae, let's use cooking oil, let's use biomass; and, of course from West Virginia, let's use coal.

We also had a gentleman who offered a great national call for conservation, that we would incorporate our youth through education and other methods to get involved with how we can conserve. But the most thing I heard was the question of frustration, and why are we not doing anything?

Unfortunately, this House has yet to act on any legislation that will actually make a difference. And it is time for a change. It is time for this Congress to get serious about protecting consumers and taking action on real solutions.

West Virginians are less concerned, as the previous speaker said, about the political battles that are encompassing Capitol Hill. We are more concerned about a bipartisan breakthrough that actually increases supply and makes our Nation more self-reliant.

Mr. CAPUANO. Madam Speaker, I yield such time as the gentleman from Florida (Mr. HASTINGS) may consume.

Mr. HASTINGS of Florida. I thank my distinguished friend from Massachusetts, who came here to discuss what I thought I came here to vote on, and that is the Flood Insurance Reform and Modernization Act of 2008.

Lest we lose sight of the importance of flood insurance, coming from an area where that is a continuing critical problem and knowing that those in the Midwest and certain portions of the South are presently suffering in that regard, it is regrettable that we are not focusing on the importance of that particular legislation.

Now, let me also add my voice to the voices of my colleagues on the other side who continue to say that they want to do something about the continuing increase in the price of gasoline.

I recently was before an editorial board, the Sun Sentinel Newspaper, in my hometown, and I was asked the question: What are you all in Congress going to do about gas prices?

A footnote right here. I would that my colleagues would stop the folly of using the words of an aide in a congressional office as the strategy of the Democratic Party. What I said to my newspaper was we were going to use an awful lot of hyperbole between now—we, meaning the Congress; we, meaning the U.S. House and Senate; we, meaning Democrats and Republicans; we, meaning liberals and conservatives.

What we were going to do between now and the election, I said to them, was talk a lot about things that are likely to take place in the future but that cost an immense amount of money in order to accomplish. And I said to them, let me give you the hyperbole. We are going to use the language geothermal. We are going to say biomass. You are going to hear alternative energy, solar or wind. You are going to hear all of those things, and many of those things are certainly going to be a part of our energy production at some point in the future.

I also rather suspect that what is going to happen is those companies that supply energy today are more likely than not to be involved in that research and production of the alternative energy sources. But to say that the Democrats have done nothing, and I am now here 15 years and I have seen 12 years of the Republicans' attempts to do something about energy which amounted obviously to nothing.

So the Democrats are in charge 1½ years, and we are told with a White House that is more than involved in the energy issues of this Nation and this world, and with a Senate that won't move a single solitary thing that is productive coming from the House of Representatives; we still have managed to enact into law the Energy Independence and Security Act in 2007, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act.

□ 1200

We enacted into law the Food Conservation and Energy Act of 2008, and I won't go into all of the details. There is more coming, reducing transit fares, cracking down on price gouging, use or lose it, which my colleagues on the other side of the aisle seem to have forgotten that we just voted on before we left here, and that we are likely, just so I give them a heads-up, give you another chance not to go with use it or lose it, which compels the oil industry to start drilling or lose permits on 68 million acres of undeveloped Federal oil reserves which they are currently warehousing, keeping domestic supply lower and prices higher. We need to further close the Enron loophole which was also a part of that legislation.

We have also passed the Renewable Energy and Job Creation Act. We passed the Gas Price Relief For Consumers Act. We passed the Energy Gouging Prevention Act.

So I continue with what I said to my newspaper, we were going to say switch grass. We were going to say algae. We were going to say use cane as Brazil does. We were going to say all of those things, and then when we finish, we are not going to do one single solitary thing that is going to cause Jane Lunchbucket, when she goes to the gas pump next Thursday, to witness a reduction in her gas prices.

We have tried as best we can to deal with speculators that we know have driven up some of these prices. We are doing everything that we can to try to ensure that the 200,000 acres of oil shale that are already under the control of six companies are utilized.

We allow that people need to understand that if we drill off the coast of Florida, and let it be clearly understood by everybody in this House of Representatives that I will be the last man standing saying that you will not drill off the shore of Florida beyond the limits of the law that all of us agreed to until such time you change that law. Florida's beaches are pristine. Florida's tourism depends upon them, and I am astounded that my California colleagues would come here and say that they want that kind of drilling. We own that opportunity. Sixty-eight million acres are already leased; as well as 23 million acres in the Arctic. What in the world are you talking about? Why are the oil companies not doing that drilling at this point?

And you come down here with some simplistic solution saying that some child in an office back there said drive small cars and wait for the wind. We aren't going to wait for the wind. T. Boone Pickens is not waiting for the wind. He has been an oil man all of his life, and he has decided that among the things that he is going to do is get involved in wind research.

I go to Denmark frequently in an organization that I work with. Denmark is supplying more than 30 percent of their energy with wind. And most of the windmills that you see come from that Denmark area. Assuredly at some point wind is going to be a major source, as is geothermal, as is gasification.

All of us know the buzz words, but let's stop kidding Americans. The solutions are costly, and the energy companies are the ones that are more likely to do this rather than us sitting around here with some mumbo-jumbo and a bunch of people running down here so that they can have a bumper sticker.

Everybody goes home, everybody buys gas, everybody knows it is high, and none of us in this place are going to do one doggone thing between now and the time that we leave here that is going to cause it to come down that much that it will be dramatic.

I have one more proposal: A tax credit for Jane Lunchbucket and Joe Lunchbucket. Give them a tax credit. When I was a child, we had oil coupons because oil was cheap, not cheap, but at the same time was not plentiful. So during the Second World War, we did what was necessary, and I would ask all of my colleagues in this body, just ask yourself the question: What would Roosevelt do? I think what he would do is say that we have a national crisis and that we owe it to ourselves to focus on what it will take, worldwide, in this global economy that we live in and in our Nation to undertake to do what is necessary for the American public.

I thank my colleague for yielding me this time.

Mr. NEUGEBAUER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in support of this motion to instruct, but I also rise in support of my colleagues who today are stressing the plight of the American people concerning the price of gasoline.

Let me just note that this weekend I was surfing in my district. My wife and I are avid surfers, and my friend and colleague from Florida, who also, of course, represents a State with a long coastline, should understand that we have had offshore oil rigs off California for many, many years, off of my district for many, many years. The only oil spill we have ever had has come from a tanker which had an accident off our shore.

Those people who are adamantly opposed to offshore oil drilling, as we have just heard, are actually making us more vulnerable. They are making their pristine beaches more vulnerable to spills because a tanker has about a 500 percent greater chance of spilling oil than does an offshore oil rig.

In fact, let us note that we have heard the argument time and again, why aren't the oil companies drilling off the land they have already been given? In my area that is very clear. The reason the oil companies can't proceed is that they have been stopped by roadblocks put before them, legislative and legal and regulatory roadblocks by radical environmental groups that won't let them drill and won't let them get to that oil. As long as the alliance for the radical environmentalists and the liberal wing of the Democratic Party keeps hold, we are not going to get that supply.

The price of oil is high, gasoline is high because the supply is down. The supply is down because there is a coalition between the liberal left and radical environmentalists that have prevented any type of new supply from being developed in the last 30 years. It's as simple as that. The money being extracted from our pockets at the pump is a result of the lack of supply. The idea that pristine beaches are going to be threatened by offshore oil rigs has been used to diminish supply and increase the price of oil at the pump.

I rise in support of the motion to instruct and the arguments in favor of more supply of oil for our country.

Mr. CAPUANO. I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

I was not going to speak here this morning, but I have heard the rhetoric on the floor and it is really sort of disheartening to be a Member of this body and see all the pointing of fingers going on on energy. I sit on the Energy and Commerce Committee and in my role as the chairman of the Oversight and Investigations Subcommittee, we have held six hearings in the last 2 years about what is happening with gas prices, oil supply, and what is happening in our markets, especially with speculators. We continue to work on legislation to do a number of things.

But I think the honest thing we have to tell the American people, any Member of this House, Democrat or Republican, if they had it within their power to lower a price of a gallon of gas, they, we, would do it. We would have done it. We realize the pain that is being felt by the American people.

When I was home doing my Fourth of July parades, people demanded we do something. I finally said to one of them, "Don't you think if Congress had the magic wand and could lower gas prices tomorrow, we would have done it?" There are some things that are out of the hands of the U.S. Congress at this point in time.

So what is our strategy to move forward? What can we do immediately? Supply and demand. It is more than just supply and demand. The price has doubled within a year, and there have been no shortages in the supply.

If you take a look, when we were doing these Fourth of July parades, oil was $145 a barrel. Today, Thursday, July 10, USA Today, Moneyline, it is $136.05. Why did it drop $10 in less than 7 days? That's the volatility we see in the market right now. It is a very volatile market. Some of us want to bring stability to the market and lower these prices. Why the $10 drop when nothing has really happened? There is no more supply that came on the market. We do have more speculators. We do have this Democratic Congress holding hearings, like in the Ag Committee, regarding excess speculation in the market. Some of us have been working on that angle since 2006.

We have had legislation, the PUMP Act, to stabilize prices and to lower prices. So if you take a look at the PUMP Act regarding how we get these prices down from $136, it is to close the Enron loophole. The Enron loophole says the Commodity Futures Trading Commission will not deal with energy or energy derivatives. We had turned a blind eye to what happened in the market.

We should close the swaps loopholes. Eighty-five percent of the trades now on energy are going through a swap loophole.

We should enforce the aggregate position. You're only supposed to hold 20,000 contracts for oil on NYMEX. So I hold 20,000 on NYMEX. I hold 20 on Dubai, I hold 20 on the London exchange, the ICE Exchange, as they call it. There are 60,000 contracts. Every contract represents a thousand barrels of oil.

The foreign boards of trade. You set up a foreign board of trade and you give it a name like the London Exchange or ICE Exchange, and guess what, we outsource the enforcement of the trading that is going on in this country for West Texas intermediate crude oil. That's what has happened. We've outsourced our responsibility, and we rely on London and Dubai to enforce laws to make sure that the markets are performing accurately and not these wild swings we see each and every day.

So I don't care if you're Democrat or Republican, if we had a way to lower gas prices, we would do it.

I believe one thing we can do to immediately bring some relief, without drilling all over the world, is close these loopholes, the Enron loophole, the swaps loophole, enforce aggregate positions, close the foreign boards of trades. We can do that. We are having a hearing today, and it will be going again tomorrow, and hopefully next week we can bring forth this legislation. So let's take the speculators out of the market so we bring a stable price and less volatility in the market.

And then let's look at opening more areas for drilling. Democrats are for that. We are for that when we take a look at the long term. And why don't we streamline. In fact, we did. In 2005, the Energy Policy Act, passed under the Republican majority, I was a conferee to that bill, we streamlined so we could bring more refineries online, but no one has done that. We streamlined the process so it is easier.

So all of this finger pointing going on here is not doing the American people or any of us a lot of good.

We have to look at alternative fuels. The first commercial bio-diesel fuel in Michigan is in my district. I am proud of that. Is it enough? No, but it is a start.

So we need a short-term strategy and a long-term strategy. I think the PUMP Act prevents an unfair manipulation of prices, gives a short-term strategy, stabilizes the prices, and gets the volatility and excess speculation out of the market. And then let's look at long-term solutions.

So instead of coming down here and saying one side is going to do this and one side can't do that, that is hogwash. None of us have within our power to lower gas prices today or tomorrow. Let's be honest with the American people. What we can do is get the speculators out of the market, do a reasonable approach, and let's take a look at some long-term solutions.

Mr. NEUGEBAUER. Madam Speaker, just in response to the gentleman, what can we do, we can increase the supply. And as the other previous speaker from Florida said, we are not talking about geothermal or switch grass, Madam Speaker. We are talking about proven technology. We know we that can use oil. We know that we can use nuclear. We know that we can use coal. And the only way you are ever going to lower the price is increase supply, yet my colleagues on the other side are saying "no." The American people are saying "yes."

I yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND) who has been trying to bring this point to the forefront in this Congress.

Mr. WESTMORELAND. Madam Speaker, I also want to address what the gentleman from Michigan on the other side just got through saying about they are for drilling. Well, if they are for drilling, why is it that they pulled the appropriations bill when there was just a mention of having an amendment to allow drilling?

Let me just go back to April 2006 when then-minority leader NANCY PELOSI, now Speaker, said the Democrats have a commonsense plan to lower the skyrocketing price of gas. Where is that plan? Well, the plan was supposed to be, I guess, H.R. 6, the Energy Independence and Security Act of 2007 which came forth. I am assuming this was the commonsense plan that the Democrats had.

☐ 1215

Well, you know what? If they want bipartisan for it, if they wanted to vote on drilling, if they want to vote on getting to the Outer Continental Shelf, or if they wanted to be serious about tar sands, alternative fuels, coal-to-liquid, shale oil, then why did we have a closed rule? Why did we shut out half of the American people in this country that have representation in this body that didn't have a voice about an amendment on the floor that did not have an amendment in the Rules Committee?

If we're so bipartisan now that this issue has come up and that the majority has not been able to address it, why are we wanting to be bipartisan now? Why weren't we bipartisan when we passed H.R. 6? And let me tell you this: In that bill of over 300 pages, crude oil's mentioned five times, gasoline is mentioned one; exploratory drilling is mentioned two; offshore drilling, zero; domestic drilling, zero; domestic oil, zero; domestic gas, zero; domestic fuel, zero; domestic petroleum, zero; gas prices, zero. Commonsense, goose egg.

Greenhouse, 103; green building, 101; ecosystem, 24; climate change, 18; regulation, 98; environmental, 160; geothermal, 94; renewable, 333; swimming pool, 47. And yes, don't forget the popular CFL light bulb, 350 times.

Madam Speaker, we cannot regulate our way to energy independence. We cannot tax our way to prosperity. When is the majority party going to understand that we have got to do some of these things that we hear them talking about?

It's time to show the American people, Madam Speaker, that we mean business about lowering the price of gas at the pump. I want to quote this, and I think this is a representation of what the Democratic Party did to the American people in 2006.

This is a quote from Mr. KANJORSKI from a newspaper:

"Now, anybody who is a good student of government would know that wasn't true," Mr. KANJORSKI said at an Ashley town hall meeting in August. And he was talking about ending the war.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. NEUGEBAUER. I yield the gentleman an additional 30 seconds.

Mr. WESTMORELAND. "But you know the temptation to want to win back Congress—we sort of stretched the facts, and the American people ate it up."

Well, I've got something to say to Mr. KANJORSKI and the majority party. The people are paying the price for that meal that they had of lies and untruths and half-truths. They're paying the price for it at the pump.

It's time we took action. It's time we make it where the American people didn't have to make the choice of visiting a sick relative in the hospital or going to work.

Mr. CAPUANO. Madam Speaker, I wouldn't mind getting a list of these radical environmentalists. I would like to know who they are because I wouldn't want to associate with them. I don't know where they're meeting to somehow deny the oil companies their massive profits. I would like to know what they are doing. When they get the list of radical environmentalists, I would just respectfully ask that they send it over to me because I would like to know who they are so I can make sure not to hang around with them.

As I understand it, I still haven't heard any reason—I don't understand this. We have said "yes" to drilling. We have given out 68 million acres to do it on. We have given out 10,000 permits that are being unused now. Right now as we speak. There are refineries that have excess capacity right now. Right now. Today. Right this very minute. Not being utilized.

With all of this land that they have that they don't want to use, we're simply trying to get them to use it. Even JOHN McCAIN says he doesn't want to drill in ANWR. He knows that that's a red herring. He knows that that's not the answer. He knows that there are other answers that are more readily available that will get us where we want to go more quickly without destroying the last bit of environmental parts of this country that we have.

Now, don't get me wrong. I'm not going to agree with many things that Mr. McCAIN has to say. But he's right on one. And I'll give it to him.

If the companies don't want to use the land that they have, why don't they give it back? Either drill or get off the plot. Very simple. Or explain to us who these radical environmentalists are who have somehow secretively been so successful at foiling the good-hearted intentions of our major oil companies in providing us low-cost oil. Because if that's the case, I will sign up with Exxon and Sunoco right now and deny my friends on the environmental side, unless, of course, I find that they're so successful, they're so capable that maybe they'll convert me, and maybe I will join them. But I'd certainly like to know who they are.

Mr. DOYLE. Will the gentleman yield?

Mr. CAPUANO. I certainly will yield to my friend from Pennsylvania.

Mr. DOYLE. Since the oil companies apparently don't want to drill in all of this land that's accessible to them today, and since our friends on the other side of the aisle want so desperately to get oil out in America to lower gas prices, I would ask them to join Democrats in asking President Bush to release 10 percent of its gross 70 million barrels of oil in the economy immediately, not 10 years down the road once we start some new drilling project, but immediately we could have oil in the domestic economy just by releasing 10 percent of the SPR without affecting any national security concerns and gasoline prices could come down.

So I hope my friends on the other side of the aisle will join us in asking President Bush to do that immediately.

Mr. CAPUANO. Madam Speaker, maybe they can just say "yes" to that.

With that, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, it's my honor to yield 1 minute to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding.

I think all of us understand that American families are struggling with the high costs of food, health care, and yes, the high cost of gasoline. Small businesses are struggling. And what Americans are about to see in the coming months is that the cost of fuel is in virtually everything that we buy and everything that we use. And when we begin to see these giant price increases in the coming months, the squeeze on American families and small businesses is going to get a lot worse.

That's why I and my Republican colleagues have been supporting a plan that says, Let's do all of the above. If we're serious about energy independence, we're serious about wanting to help our economy, help families, and help small businesses. We know we need to conserve more fuel, more energy in America. That's why many of us voted to increase CAFE standards to get higher fuel mileage for American cars. We also need to continue to promote biofuels, and whether it's cellulosic ethanol, whether it's regular ethanol, biodiesel, there's still room to grow in the biodiesel area.

We also need to have alternative sources of energy, whether it be wind, whether it be solar, geothermal, hydroelectric. All of these alternatives are out there. But we ought to make sure that the incentives that we have are sufficient to help bring these alternatives to market as soon as we can.

But we also need to be serious about nuclear energy. France produces almost 80 percent of its electric from nuclear energy. In America, we've put such a stranglehold on the ability to construct a nuclear plant that it takes over 15 years and billions of dollars to maybe, maybe get one sited, much less build it and to operate it. We can meet all of the safety concerns of nuclear energy in a much more efficient way that would allow people to bring these plants on and save the oil, gas, and coal that is used today.

But even if we did all of these, we haven't done enough. We haven't done enough to take the step toward truly helping Americans be energy independent. And that's where we need to drill. We need more American-made oil and gas. And we can do this. But a lot of people on the other side continue to say no.

1989, when the ANWR bill was on this floor, GEORGE MILLER, my colleague and friend from California, said, We shouldn't pass this. Because even if we passed it, we wouldn't see any oil or gas out of ANWR for 10 or 12 years. Well, let's see. I'm not the greatest mathematician, but that was somewhere around the year 2000 we would have started to see a million to a million and a half barrels of oil a day coming out of ANWR.

The House has passed ANWR drilling legislation 10 or 12 times. It's the Senate that continues to block it. But in 1995, the Senate actually came along. We passed an ANWR drilling bill. We sent it to President Bill Clinton. And he said when he was vetoing the bill that well, even if this were to become law, we wouldn't see any oil or natural gas out of ANWR for 10 years. Well, let's see. That's 2005. So for the last 3 years we would have been getting a million to a million and a half barrels of oil a day.

Now, my colleagues on the other side want to make all kinds of excuses. They want to blame the speculators, they want to blame the oil companies, they want to blame everybody other than who they should blame. Get the mirror out. Look in the mirror, because it's my colleagues on the other side over the last 20 years who, over 85 percent of the time, have voted to block more American-made energy. Every single time.

Now, we've been having this debate the last several months about having a pro-energy vote here on the floor of the House. Right here. Right here in the people's House. Why can't we vote? Why can't we have a debate? Why can't we let the American people see where their Congress is, where their Members are? What do we have to fear? Oh. We have to stop the appropriation process because oh my goodness, somebody might offer an amendment that would lift the moratorium on offshore drilling. We can't expose our Members to a vote like that. They might vote the wrong way.

Why can't we have a vote right here on the floor of the House on drilling in the Arctic National Wildlife Refuge, a 19-million acre plot of ground and where we would use about 2,000 acres to actually do the drilling? Now, if you want to look at that, that's the size of a postage stamp on a football field. That's how much of ANWR would be affected by oil production up there.

Why not have a vote? Why not let the Members make a decision. Offshore oil drilling. How about oil shale in the Intermountain West? Why can't we have a vote here to have more energy production?

But I'm going to say it one more time. We need to do all of the above if we're serious. And we can drill in an environmentally sound way, and that's what we should be doing.

Madam Speaker, I support the gentleman's motion to instruct, and I would tell my colleagues on the other side we're not going to leave here for the August recess until we get a vote on having more American-made energy.

And I see my friend, the majority leader, coming down. Maybe he can promise us that we will get a vote over the next 3 weeks on having more energy produced right here in America.

Mr. CAPUANO. Madam Speaker, I yield 1 minute to the majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I was in my office, as I have been over the days recently, where I see the distinguished minority leader rise, I see other Members on that side of the aisle rise, beat their chests about drilling. My side of the aisle is for drilling. We just had a press conference on drilling. But as I sit there, I think to myself, you know, the American people gave the opportunity to the Republican Party, the minority party now in the House of Representatives, to lead this country; and they gave them all of the power in Washington. They gave them the Presidency, the House of Representatives, and the United States Senate. They did that in the year 2000. They had already given them the House, and two oil men were elected President and Vice President.

In January, the Vice President decided to have, and he had over the coming months in 2001, he convened a meeting, a secret meeting of those involved in the energy industry to adopt energy policies.

Now that meeting—the minority leader is now leaving, but we will see him later—that meeting perhaps resulted in success, I don't know. I don't know what the meeting was about.

But during the course of the Presidency of Bill Clinton, oil went from $1.06 to $1.46. A nickel a year, 5 cents per year was the increase in the cost of gasoline at the pump for Americans.

□ 1230

And then, President Bush, Vice President CHENEY, the Republicans came to town, all of town, and gas went from $1.46 in January 20, 2001, to over $4.10 on average throughout this country. Pretty stark. It now goes up from time to time 5 cents a day, where under Bill Clinton 5 cents a year.

And then the Republicans, 5 years later, adopted a bill, 2005, their energy policy. They were in control of the House, control of the Senate, and they had the Presidency. They passed that bill. Gas was then about $2.20. And they said we've adopted an energy policy—said it on the floor, said it when they signed the bill—we have done a bill now that's going to stabilize prices, going to make sure that Americans have energy supply. That's what they said. That's not what we said.

Now, ladies and gentlemen who are listening to this debate on this floor, I tell you that there are 68 million acres right now, right now available for leasing. You wring your hands and say, well, open up places for drilling. We've done that, friends. Look at the statistics, 68 million acres in the lower 48 and another 20 million acres, give or take a million, in Alaska.

They talk about a wildlife refuge that they want to drill in, but they don't talk about the 20 million acres in the National Petroleum Reserve area in Alaska currently available. The administration could be pursuing leases on it. We may well have legislation to say, Administration, start moving, start drilling, start bringing product to the market so we'll bring prices down.

Now, of course, one of the aspects of bringing prices down, my friends, will be that the oil companies will make less profits. I know everybody in America believes that the oil companies want to get more products so they can bring prices down and make less profit. I know all Americans believe that's the way the system works.

The Republicans keep harping on drilling. We want to drill. We want to produce more American product. And by the way, we're going to bring legislation to the floor that's going to say when you drill, sell it here in the United States of America, keep our resources here in the United States of America.

I want to tell my friends, there are 88 million acres. And now, let me tell you something, 88 million acre, that's Maine, Vermont, New Hampshire, New York, Connecticut, Massachusetts, Rhode Island, Delaware, and most of Maryland. Now, I know my friend from Texas thinks that's not much of an area of space, but I will bet everybody listening to this debate thinks that is a pretty large piece of property on which you can drill in America today. Why? Because we want to produce energy.

But I will tell you, one of the reasons we're in this pickle is because for a quarter of a century, for a quarter of a century that I've served in the Congress, a little more than that, the Republican Party has taken the position, no, we don't want to invest in alternatives, we don't want to see alternative energy sources developed.

And you can say it's not true as much as you want, I tell my friend, but the record reflects that has not been the priority. The priority has been, let's get more oil. We want to get more oil.

But I will tell you a country, as Boone Pickens said—I don't know whether you read Boone Pickens. He's one of the people who thinks that some of the policies you have been pursuing aren't too bad. He's not a Democrat. Here is what Boone Pickens said. The problem, of course, is our growing dependence on foreign oil. It's extreme, it's dangerous, and threatens future generations. And he says in this article in The Wall Street Journal, you are not going to drill yourself out of this hole that we've dug. He says, rightfully, that we need to see investments in alternatives.

Now, happily, last year when we took office, took control of the House and the Senate, we adopted a bill, the President signed that bill, which looks to alternatives to complement the relatively small supply. America demands 25 percent of the energy resources in this world, and we have 3 percent of the petroleum supply. My friend the minority leader said he wasn't much of a mathematician, but you don't have to be much of a mathematician to know that if you're relying on that 3 percent, it's not going to be there very long.

So, yes, my friends, we need to find more domestic product. We need to drill where we now have authorized drilling to occur, and if that doesn't produce the resources that experts tell us are on that property, then I tell you this. Then we ought to look at other alternatives, and perhaps we ought to look at other alternatives now.

But for you to have a blind eye and pretend to the American people that somehow we're not allowing people to pursue drilling on our soil here in America and on the Outer Continental Shelf, I want you to know, that is currently authorized where drilling is not occurring, then you are misleading the American people. The American people ought to know: The Democrats want to make sure that we have more domestic product.

The Speaker has written a letter to the President just the other day saying, Mr. President, we have 773 million barrels of oil that are in our Strategic Petroleum Reserve. Mr. President, use some of those, as your father did, as Bill Clinton did, at a time of economic crisis to help our people, help our people get to work, help them get their kids to school, help them afford their other expenses.

So I tell my friends that we need to deal with this issue. We're going to deal with this issue. We're concerned about this issue, all 435 of us, but to hear day after day after day that somehow we, who came to office just 18 months ago, after an energy policy was conjured up by the Vice President and the White House and an energy bill was passed in 2005, that somehow, somehow what's happening now is our fault, the American public aren't buying that. Polls show that.

But I will tell you, that we can work together because we need to be energy independent. It's a national security objective, an economic security objective, and we also need to keep our environment from choking our children and generations to come.

We're committed to both of those objectives, and we will join with all those who want to do the same.

Mr. NEUGEBAUER. Madam Speaker, one of the things I want to say is we are more than willing to work in a bipartisan way if the majority leader has a plan to supplant the fact that we import 13 million barrels a day. If he's got some plan to do that, the Republicans will stay here till December to pass that legislation.

I just want to also let the gentleman know that the largest wind farm in the world is in my congressional district, and there's more wind power in my congressional district than in the whole State of California. We were able to accomplish that in just 5 years.

Madam Speaker, what the American people that are here today, they want to know is, is this Congress, is this majority, going to do something about energy. Either yes or no.

Mr. CAPUANO. Madam Speaker, I think everything that needs to be said has been said. I appreciate the opportunity to listen to the preview of the November election. I look forward to seeing the 30-second version. I don't know how it's going to be cut down, but I'm looking forward to it.

Ms. GIFFORDS. Madam Speaker, I would like to submit for the RECORD the following concerns and suggestions regarding certain sections of S. 2284, the Senate version of the Flood Insurance Reform and Modernization Act. These specific concerns were expressed to me by officials from the town of Marana, Arizona. They relate to the potential adverse effects these sections could have on the Marana community. I urge my House and Senate colleagues to take all of these concerns into consideration while negotiating the final version of this bill.

The specific concerns relating to Section 6 are the reason I will vote "no" on the Republican Motion To Instruct Conferees.

The town of Marana's concerns are as follows:

1. Section 6, Reform of Premium Rate Structure: Much of this Section seeks to disallow preFIRM (Flood Insurance Rate Map) rates for second homes, repetitive loss structures, substantially improved structures, commercial structures, and others. However, the current language could have unintended, adverse consequences. Of concern to Marana is Subsection (g)(1), which states:

"(g) No Extension of Subsidy to New Policies or Lapsed Policies.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008;" . . .

We are concerned that Subsection (g)(1) would preclude the writing of any new pre-FIRM policies after the enactment of the legislation. This could negatively affect residences that were built pre-FIRM but then placed into a floodplain by a subsequent map change after the legislation is enacted.

2. Section 7, Mandatory Coverage Areas: The intent of this Section appears to be the accurate portrayal of risk behind man-made flood control structures. Subsection 107(b)(1) reads as follows:

> (1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

This language would essentially require properties located in areas that had once been designated as floodplain, but since removed from the floodplain, to continue to carry mandatory flood insurance. Marana would like to point out that many Letters of Map Revision (LOMR) incorporate better information (hydrology or topography) than was available when the maps were originally created. These types of LOMRs do not involve physical construction and therefore the areas removed are not typically residual risk areas. Areas that are at a residual risk after a LOMR from a physical change would be accounted for in Subsection 107(b)(2), which reads as follows:

> (2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures

We recommend this language be revised. It is problematic in that it equates residual risk areas to Special Flood Hazard Areas (SFHAs). SFHAs are high hazard areas requiring normal flood insurance. Residual Risk areas typically require less flood insurance or preferred risk policies. Also, the language is not clear regarding man-made structures that are distinct flood control structures.

The language could be revised as follows:

> (2) define residual risk areas to include areas that are located behind levees, dams, and other man-made flood control structures

3. Section 8, Premium Adjustment: This section overrides the practice of grandfathering original zone designations. Grandfathering has been an important part of the National Flood Insurance Program and has been used to help mitigate the impact of zone changes when flood maps are revised. Section 8 discredits floodplain management. Structures that are compliant with the code and mapping in effect at the time of their construction should be grandfathered and remain compliant.

Mr. CAPUANO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAPUANO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1317, and adopting House Resolution 1317, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 1286, WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1317, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 185, not voting 23, as follows:

[Roll No. 480]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Andrews
Boswell
Brown-Waite, Ginny
Carter
Dingell
Edwards (TX)
Fortenberry
Frank (MA)
Frelinghuysen
Gohmert
Granger
Harman
Hill
Hulshof
Kennedy
Pickering
Pryce (OH)
Reyes
Rush
Smith (TX)
Speier
Waxman
Wilson (NM)

☐ 1304

Messrs. SAXTON, EVERETT, RAMSTAD, EHLERS, and KINGSTON changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 182, not voting 28, as follows:

[Roll No. 481]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Andrews
Blunt
Boehner
Boswell
Brown-Waite, Ginny
Cannon
Capuano
Dingell
Fortenberry
Frank (MA)
Frelinghuysen
Gohmert
Harman
Heller
Hill
Hoekstra
Hulshof
Issa
Lungren, Daniel E.
Murphy, Patrick
Pickering
Pryce (OH)
Reyes
Rogers (MI)
Rush
Smith (TX)
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1311

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1286.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1317 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1286.

☐ 1314

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Today, we are considering H.R. 1286, legislation introduced by our colleague, Representative MAURICE HINCHEY of New York. I might also add that it was some 9 years ago that the initial study on this legislation was initiated by our colleague from Connecticut, Mr. JOHN LARSON, and I wish to commend his leadership, as well as Mr. HINCHEY's leadership on the pending bill.

The pending legislation will designate a National Historic Trail, tracing the routes taken in 1781 by the armies of General George Washington and French Count Rochambeau on their march from New England to face the British Army at Yorktown, Virginia.

The story of this trail is a fascinating piece of our history. The French Army, after wintering in Newport, Rhode Island, marched southwest in early July to join General Washington and his troops at Phillipsburg, New York. On August 18, the soldiers, and their provisions and armaments, started to slip away from Philipsburg.

The troops and their supplies traveled 600 miles over a network of strategic roads and waterways through New Jersey, Pennsylvania, Delaware, Maryland, the future District of Columbia, and Virginia. They reached Williamsburg in late September, 1781.

With a French fleet in the Chesapeake, blocking British reinforcements from New York or a sea escape for Cornwallis' troops, Washington and Rochambeau laid siege to Cornwallis' army at Yorktown. Three weeks later, on October 19, 1781, the British troops laid down their arms.

I would note that when we bring forth legislation of this nature, concerns have been raised in some corridors regarding any potential impacts on private property rights. I can assure this Committee that most of this trail follows public roads or crosses public lands. While the historic route does cross some private lands, the National Park Service does not propose or anticipate any acquisition of private lands.

I would also point out that nothing in the National Trails System circumvents the authority of the States over hunting and fishing. However, to make this matter crystal clear, the rule governing debate over the pending measure adopted an amendment which reads as follows. Again, the rule governing debate over the pending measure adopted an amendment which reads as follows:

"Nothing in this act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting."

I would say this language covers all the bases. Nothing in the pending measure in any way, shape, or form supercedes the authority of the States over hunting, fishing, trapping, and shooting.

This is essentially the same language this body adopted last April by a vote of 416-5 during consideration of H.R. 2016, the National Landscape Conservation System Act, per an amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

I would close by noting that the trail designated by this bill follows the recommendations of a National Park Service study, and the Bush administration supports this legislation.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

Over the July 4th holiday, my wife and I rented the movie 1776. It's one of my favorite ones. It has some historical accuracy, a lot of historical inaccuracies, but it's a fun movie.

In the exposition of that, to show John Adams's frustration at Congress at that time, he was called down to vote on a motion by Josiah Bartlett of New Hampshire, which is an effort that says that during the hostilities in which they are in, they shall dissuade any kind of dissipation, any extravagances, any gambling, or any horse racing. That is when John Adams explodes and goes out on the street, with the classic lines in his opening song, which says about Congress in 1776: We piddle, twiddle, and resolve not one—I can't use a swear word here, but it's in there—not one thing do we solve.

Now, the issue at hand in 1776 in Philadelphia was independence. They had already been fighting for a year. They had raised an army and appointed George Washington to do battle. Yet, they still refused to talk about the key sole issue of the day, which was independence. Instead, they talked about everything else, every small, piddly idea they could come up with, rather than coming to the core. And that was John Adams's frustration with that.

As I was watching that movie, I thought, Gee, that is exactly like Congress today. We are doing the same thing.

I have to admit that I have a sense of frustration with congressional leadership. It's a 4-hour flight for me to come back here. Yet, every week I have been coming back on that 4-hour flight to deal with non-issues. We haven't dealt with homeland security, we haven't dealt with the appropriations, we haven't dealt with energy issues.

Instead, the key issue of this week is to federalize a trail that already exists, that is controlled by local governments, and there is absolutely nothing, nothing the Federal Government can do on this trail that couldn't be accomplished by States and local governments through a well-written interlocal cooperation agreement.

The sponsor does not live in the area of this trail. It encompasses nine States. Not all of the Members of Congress who are impacted either in the trail area or abutting the trail area are cosponsors.

The other side cannot even refute how many people understand or know that this trail is going to be impacting their lives. The estimates we have are less than 10 percent are understanding about this.

Yet, the key issue is not necessarily the trail, because it's already there. The key issue is who will be making decisions in the future about this trail. If it were possible that everyone involved in this particular trail was happy about it, they liked the idea, they wanted it, but at some future date would like to make a decision about that trail, by passing this bill, all of a sudden we change the process and the place of that decision from localities back here to Washington.

It's about power, it's about where do you actually make decisions in America. It's about empowerment of individuals. This bill simply takes the decision-making process away from localities and puts it back here in Washington, where we have too many decision-making powers that we are already avoiding as is.

They did take one amendment of mine and they eviscerated it, an amendment that dealt with second amendment rights, an amendment that dealt with all second amendment rights. Yet, the issue at hand that is now part of the underlying bill through a self-executing rule only deals with hunting, not all second amendment rights, which was the goal and the idea and what should have been in place, which simply means that if I'm hunting, I'm okay on this trail. If I'm trying to protect myself, I'm not. If a mugger tries to attack me, I cannot protect myself unless first I'm trying to hunt the mugger. Or if a moose is shot by me, I better shoot it in the posterior because if a moose is charging me, no longer is that hunting, that is now self-defense, and that is not allowed with the amendment that came in here.

It is simply an absurdity of situations, and it's not an unrealistic absurdity. Even the Washington Post did a recent article about serial killers along the Appalachian Trail. It is not a false fear in there, it's a realistic fear. It's a realistic fear that will be noted that when the Democrats made this self-executing rule, they did not defend all of the second amendment, only the so-called hunting rights, which is not, not the purpose of the second amendment.

But this is now simply the only bill that we will have of significance today. It's basically the crux of this entire week, which simply means Democratic leaders don't want to address other issues. Specifically, energy issues. There is no issue of comprehensive policy of what we will be doing to address the energy crisis the Americans are facing. The appropriations process has simply shut down over the potential of doing that.

So I fly back for 4 hours to come back here last week to talk about banning pet monkeys from crossing State lines. The week before, about the Chesapeake Bay. This week, I came back here so we could talk about a trail.

Mr. Chairman, in all due sincerity, this is nothing but legislative filler. We are not dealing with the real issues that affect people or should be affecting this Congress, we are dealing with the small stuff, the triviality, the legislative minutia. This is like junk food, like cotton candy. It's there. It's fluffy, it's airy. But it is not filling and has no fiber. It gives the illusion of activity, but in essence we are dealing with a cotton candy agenda.

We have in essence a Democratic de facto filibuster against energy, against ever talking about it in any way, shape, or form. Instead, we have a trail. A trail that already exists, a trail that would be federalized, a trail that encompasses more power back here in Washington, instead of allowing people to help make decisions for themselves.

With that, Mr. Chairman, I will reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to illustrate the importance of this issue which we are dealing with here today and an issue in which I rise in strong support. It is a bipartisan effort to implement the National Park Service's study that Congress mandated back in the 106th Congress. It's an issue that has been pending for some time.

The National Park Service study recommended that we designate as a National Historic Trail this 600-mile route used by the allied armies under General George Washington and French Count Rochambeau in their epic march that led to the victory at Yorktown, Virginia, in 1781, and the independence of the United States of America.

The trail travels mostly along existing roads, throughways, and publicly navigable waters from Rhode Island down to Yorktown, Virginia. Designating the Washington-Rochambeau Revolutionary Route as a National Historic Trail will help spur a greater understanding of our shared history and will help illuminate the important battle of a young country and its French allies against the rule of King George.

I'd like to thank especially Chairmen RAHALL and GRIJALVA for moving this legislation through the hearing and markup process in the Natural Resources Committee. I greatly appreciate their support and assistance and that of their very capable staff.

This designation is important because we have identified the scope of resources that we need to more effectively commemorate this historic event. In particular, I am thrilled that the expanded involvement of the National Park Service to preserve and interpret the route will highlight to Americans, young and old, our earliest struggles as a country for our independent rule on behalf of all of the people of our country.

The designation also calls for the involvement of State and local historic organizations interested in commemorating the heritage of the American Revolution, with a particular focus on the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. It was on the 16th of December, 1999, that the Revolutionary War enthusiasts supporting a National Historic Trail designation of the Washington-Rochambeau Revolutionary Route organized themselves at the Washington headquarters in Newburgh, New York.

They advocated for the route essentially defined by the march taken by the Continental Army of General George Washington and by the French Army of Count Rochambeau on their way to their ultimate victory over British forces under the command of Major General Charles Cornwallis in Yorktown, Virginia, in 1781. The route also included the march of the French Army in 1782 as it returned back north up to Boston.

□ 1330

In a 1999 interview with the historical magazine "American Heritage," renowned author David McCullough claimed that "as you are working on the Revolutionary War, as I am doing now, you realize what the French did for us. We wouldn't have a country if it weren't for them," David McCullough said. For that America will be forever grateful for the army led by Rochambeau, and this trail will significantly symbolize our appreciation and dedication to our shared history.

I would like to thank all of the Revolutionary War enthusiasts, the National Park Service, and the many Members of Congress whose districts particularly host the route who have cosponsored this legislation. All of these participants helped make this designation possible. It is a designation that will raise to a much greater level the quality of heritage preservation all along the route by providing signage and other commemorative work directed toward linking the Allied encampments along the Revolutionary march with a self-guided auto route, auxiliary hiking trails and appropriate historical signs.

This commemorates one of the most significant events in the history of the United States of America. It is our major victory in the Revolutionary War, which led to the independence of our country, the foundation of our Constitution, the creation of the Bill of Rights, and the leadership that we have provided for the following centuries around the world. I am very much in support of this bill. I hope that every Member of this House of Representatives will vote for it.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield to the gentleman from Illinois (Mr. SHIMKUS) such time as he may consume.

Mr. SHIMKUS. Mr. Chairman, I come in support of the legislation. I served, as many people know, in the United States Army for 5 years actively, 23 in the Reserves, a West Point graduate, great respect for George Washington, who established the fortifications there at West Point, the longest active military installation in the country. Of course, this constitutional Republic owes a great debt of gratitude to the French, and it is unfortunate we have to use discussions on this to come to the floor and exercise our rights of freedom and speech to talk about a new Declaration of Independence. So with respect to the chairman, I hope he will indulge me.

When we talk about the day-to-day and we talk about around the Fourth of July, America knows that we are held captive to imported crude oil as energy and that we have to break away to become energy independent and free. There are a lot of ways that we can do that, and I believe there is a huge consensus in this Congress today. Unfortunately, that consensus is not being allowed to be brought to the floor, and that is why we have to use legislation like this to exercise our ability for free speech to talk about pressing concerns.

We all know the problem, and I have tried to change my debate and discussion away from the basic partisan aspects to just the realities. And the reality is when President Bush became president, the price of a barrel of crude oil was $23. I highlight it here. I don't shy away from that fact. When the Democrat majority came in, the price of a barrel of crude oil was $58. Yesterday, I haven't checked the spot price today, but yesterday's price was $140. And all I have said on this floor now for about 12 weeks is that this trendline is bad, this trendline for our economy, for our middle class, for our lower middle class, for rural America, is not sustainable, and that we have to address this. And we can. We can address it in a bipartisan manner on this floor. There are a lot of things we can do.

We have tried on this floor numerous times to bring alternative fuel standards, the debate of using American coal, the largest recoverable resource we have. We have the largest recoverable resource of coal as any country in the world in coal. People don't understand that, but we do. The Germans developed technology in World War II to take coal and turn it into liquid fuel. Wouldn't that be helpful today in the high energy prices, to be able to take something that we have a lot of and turn it into liquid fuel to help us become more independent from the importation of crude oil, especially from dangerous places around the world, places that really don't like us and we really would like to not have to be there.

So when we talk about becoming energy independent, we would like to say we are always going to need some, so we have got North American allies, the Canadians, a great source of imported fossil fuels, Mexico, a great supporter of fossil fuels. Using that, using our own coal reserves and our other resources, we could become independent from imported crude oil from other places.

We are independent on energy for electricity. We produce in our country the electricity we need. So we can be independent. We are not independent on the energy we need in liquid fuel.

One way we do this is with our great coal reserves. I am from Illinois, 250 years worth of recoverable coal. You go to a coal mine, you build a coal mine, American jobs. You operate the coal mine, American jobs. You build a coal-to-liquid refinery, American jobs. You operate that refinery, American jobs. You actually have a tax base developed for our local schools.

You build a pipeline from these refineries to maybe the local airport. Four budget airlines are bankrupt. That means baggage handlers, ticket takers, pilots, planes sitting idle because they can no longer compete with the high aviation fuel. Well, you can make aviation fuel from coal-to-liquid technology.

The United States Air Force is the number one aviation fuel user in the world. Every time this barrel of crude oil goes up \$1, it costs us, the taxpayers, \$60 million just to pay the aviation jet fuel bill. They are asking us to do this. If we want to become energy independent, as we are speaking about the independence of our country, being free from foreign oppression, being free from foreign influence, we have to become energy independent.

Another way to do this is the Outer Continental Shelf. Great resources, billions of barrels of crude oil, trillions of cubic feet of natural gas, just waiting to be explored and recovered. These areas here in red are off limits by a dictate imposed by Federal legislators 25, 30 years ago, in a spending bill. We said in a spending bill you can't go off the east coast. You can't go in the eastern Gulf. You can't go on the west coast. It is off limits. So a way that we could become more independent, energy independent, would be to use our vast coal resources and to open up the Outer Continental Shelf. I have another chart here I forgot to bring that talks about wind and solar.

But the great thing about the Outer Continental Shelf is this: When we allow industry to look for, find and recover this, it is my understanding they have to pay us for that, and how they pay us is in royalties. So if we are going to use money for solar and wind and renewable energy, what a great place to get the pay-for.

I got a lot of Blue Dogs, they have been fighting the battle on pay-fors. What a great pay-for, to become energy independent by using the available oil and gas reserves, bringing more supply to the market, lowering the price.

It is all gain. There is no disadvantage to using our coal resources and creating jobs. There is no disadvantage to opening up the oil and gas reserves off the Outer Continental Shelf. And really there is no disadvantage into going into the Arctic National Wildlife Refuge, an area the size of the State of South Carolina, a drilling platform the size of Dulles Airport. To put it in perspective, take a football field and put a postage stamp on there.

When you hear people talk about the Arctic National Wildlife Refuge, it is not like Woodland Park in my hometown of Collinsville, Illinois. That might be a little bit disruptive if you are drilling. It is not disruptive in an area the size of the State of South Carolina.

So the frustration for me as a member of the Energy and Air Quality Subcommittee and the Energy and Commerce Committee is we can't even have this debate in the committee. If we could have this debate in the committee, if we could move a bill and get it to the floor, we could use that time to debate energy. But, unfortunately, we have to use this time on a historic trail that helps us remember where we come from, helps us remember our national heritage.

We have obviously the portrait of the Marquis de Lafayette right here in the Chamber. Remember when we have had trouble with our French friends, they were here when we needed them and were instrumental to this Republic, and we need to thank them. Anything we can do as a history teacher to remember history and strengthen it for future generations, I am for.

I just hope what we want to do in the history, I hope we are willing to do the same thing for future generations for energy independence. And I challenge my friends to bring on the environmental restrictions. We can meet them. But we have to have a whole portfolio. I am willing to join you, if you all let me.

With that, I would like to thank the ranking member for the time.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the gentleman from New York (Mr. HINCHEY).

I came to the floor today to speak about the underlying legislation, which is incredibly important to those of us who reside in Connecticut, where 340 miles of this proposed route lies, more than in any other State along this historic trail. But I can't sit here and not respond to some of the comments from our friends from across the aisle.

I appreciate this newfound interest in trying to make this country independent of oil outside of our bounds, independent of energy sources produced outside of the United States. The problem is that our friends on the other aisle who controlled this House of Representatives for 12 years are too late to the game.

It is a shame, a travesty, that we are sitting in this situation that we are today, not only with gasoline in Connecticut, where I come from, at \$4.30 a gallon, but across this Nation families are being held hostage by a product produced and priced outside of this country.

We could have made different choices in this House if we had had leadership on the Republican side of the aisle, who controlled it for 12 years in conjunction with a President who sat in the White House for six of those years. We could have been in a very different place today. But we are not.

So, as Democrats, we are standing up, passing legislation to hold OPEC accountable for price fixing; investing in renewable resources to try to finally get this country off of that oil that we are far too addicted to; and going after those who would try to price-gouge and take advantage of the current economic situation. In all of those situations there are veto threats from the President and far too few of our friends from the other side of the aisle joining us. Now, there is consistency there. For 12 years they neglected the growing energy crisis, and now we don't have enough bipartisan cooperation across the aisle.

So I appreciate the fact that on a bill that is very important to those of us in Connecticut, that we have a little bit of an opportunity to talk about the crisis that is affecting American families. I just wish that our friends on the Republican side of the aisle had been doing a little bit more talking about this subject before we got here, the new members of this class. I wish that we had been talking about this 5 years ago and 10 years ago, and we wouldn't have to be talking about it in such grave terms here today.

Mr. Chairman, I want to talk just for one moment about how important this underlying bill is going to be to us in Connecticut, for it is important for us to celebrate our heritage. What makes us so great as a Nation is that we celebrate it, we respect it and we pass it on to new generations. And so when I look at that 340 miles of this historic trail that is going to lie in Connecticut, I think great things about what it is going to mean to have more resources and more Federal recognition for the students and the children who will walk that trail, who will visit the monuments and markers across it, and will have even more reverence for the history that brings us here today.

□ 1345

Graves of French soldiers still sit in Waterbury, Connecticut; the spot on which the Caleb Baldwin Tavern sat in Newtown.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINCHEY. I yield 1 additional minute, Mr. Chairman.

Mr. MURPHY of Connecticut. I thank the gentleman from New York.

A historic tavern in Newtown, Connecticut where General Rochambeau and his troops made several stops continues to be talked about today as an important part of the historic tradition of Western Connecticut.

This is going to add to the historic legacy that of course makes us what we are in New England, makes us so proud of our very unique role in the making of this Nation. And what makes this Nation great is that even in moments of trial like we have today, with families faced with increasing costs of energy and health care and education, that we can come together and propose solutions. I just think that it is too bad that we didn't do something about this before this moment. I think it is too bad that we have to come to this floor in such a crisis mode as we do today. I wish our friends from across the aisle had done a little bit more when they controlled this House. I think that would have done a lot more to fulfill the legacy that we celebrate today than the moment that we are in right now.

Mr. BISHOP of Utah. I am pleased to yield to the gentleman from North Carolina (Mr. HAYES) such time as he may consume.

Mr. HAYES. I thank the gentleman from Utah for yielding.

As we stand here today, I think this is a good bill. We all support it. But as a segue into what the real issue for the American people and people here in this Capitol building is today, how can you afford the gas to drive or fly to go see the area that we are talking about today?

Our friend just talked about what happened. Well, Congressman SHIMKUS reminded us that during the 7½ years of the present administration, gas prices went up but not anywhere nearly as dramatically as they have in the 18 months since our friends across the aisle, the Democrat majority, has controlled. But let me make a very strong and separate point.

Many friends on the Democrat side, including the chairman and others, the person sponsoring the bill, these folks want to do what we, the minority, want to do. And that is, all of the above. There have been some neat things done by this House during my almost 10 years here.

CAFE standards. I voted for that. Better mileage. That is important. The American people have heard us, and they are working hard to conserve. Price gouging. That is a piece of the puzzle. I voted for that. Speculation. We have had hearings yesterday, today, tomorrow. That is an interesting subject. I support that to the extent it affects the issue before us today. But an attorney from a local university made the point today that speculation adds liquidity to the market. Excessive speculation causes problems. He hasn't told us where excessive begins.

But it is important that we look into every single issue that impacts our constituents at home, and that is the price of gas. My friend from West Virginia absolutely knows as well as anybody the importance of utilizing our coal resources. Thank goodness for West Virginia, among others, and their production of domestic energy resources.

As you look at our future and our economy, which includes, among other things, food prices, and you see what the incredibly outrageously high price of gas has done to us, you have to come to the conclusion and let those good people in both parties and on both sides of the aisle have a simple, straightforward vote on whether we are going to become more active in domestic energy resources.

Domestic energy. We have a small group of people, and they apparently have an unusual hold on the Democrat leadership. That group says no to nukes, no to coal, no to tar sands, no to expansion of refineries. We cannot afford and common sense does not allow for us to maintain that position.

I think it is extremely helpful that we are having a lengthy debate. And, again, a lot of good points have been made, but I will refresh everyone's institutional memory to the fact that this House, Republicans and Democrats, in previous terms before we had a switch in majority passed all of the legislation that we are talking about bringing up again today, including exploration drilling in ANWR and off the Outer Continental Shelf. However, our friends in the other body saw fit not to send that to the President's desk.

Well, the distinguished majority leader mentioned today how we should use our reserves. I could support that if it comes to the floor. But I am also on a letter, as many of you others are, telling the President to release the moratorium. We cannot afford, Democrats, Republicans, or anyone else, to leave our constituents hanging out to dry with unbelievably high gas prices.

So I support the minority leader's call for meaningful energy legislation, including votes on nuclear, votes on drilling which the American public has very clearly said, and at the same time I will reemphasize what the majority and minority, regardless of who is in that position, has said over and over again: Environmentally sound? Absolutely. Safely? Without question.

And again thanking you for the time, I wrap up by saying we, this body, regardless of party, has been guilty in the past of using lowered gas prices to conveniently forget how important independence and our future energy needs are.

So that is why I have a piece of legislation, and I would welcome any and every one to join me on, that says every additional dollar of revenue created by new leases will go to a trust fund that can only be used for alternative sources of energy. Wind, waves, solar, everything needs to be on the table, ethanol, methanol, biodiesel.

Gentlemen, I support your bill. But, again, let's get ourselves together and make sure that we get to vote on what the American people and the majority of this Congress want, and that is lower energy prices.

The CHAIRMAN. The gentleman from West Virginia has 17½ minutes remaining; the gentleman from Utah has 8½ minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

For some time now, the Democrats on this side have been watching our colleagues on the other side of the aisle time after time on bill after bill come to the floor and defend multinational oil conglomerates, and now they claim to be the friends of coal as well.

My colleague from Illinois (Mr. SHIMKUS) gave us a great presentation on coal-to-liquids, as has been done a number of times, and there is not much I can disagree with in his presentation about the coal-to-liquids. But it is, and the fact of the matter is, that it is pure and simple that it is the oil industry and their defenders here in the Congress that have time and time again undermined the viability of a true alternative fuels industry in this country. And let me back that up by example.

In the 1940s, the Synthetic Liquids Fuels Act passed the Congress and appropriated over $80 million for research and production. By the 1950s, America was producing thousands of gallons of synthetic gasoline a day at a test plant in Missouri. But the discovery of cheap oil combined with a lobbying effort by the oil industry caused the government to abandon its synthetic fuel research.

Let's hark back to the 1970s and that oil crisis that we all faced and the long gasoline lines. The Federal Government briefly pursued synthetic fuel production. But once again, when the price of oil receded, interest in coal-derived fuels faded. And here we are again, with oil prices and talk of synthetic fuels both on the rise.

The Congress has a duty, a responsibility to the American people to do much more than simply coddle the oil industry and let history repeat itself. We also need to do more to discourage foreign oil cartels from temporarily manipulating oil prices for the sole purpose of destroying a competitive domestic fuel source.

And if my friends on the other side of the aisle were serious about coal, they would be pressuring this White House to back away, the two oil men in charge, to back away from its cozy relationship with those cartels. Instead, they want to roll over and give Big Oil everything it wants, no strings attached.

Furthermore, the Republican-led Congress had 6 years under the Bush administration to go about making meaningful contributions to clean coal and coal-to-liquids fuels. If Republicans in Congress were truly serious about producing the next generation of these technologies, then we would already be seeing these technologies coming to light today and the capabilities thereof.

I would remind my colleagues on the other side of the aisle that in 2000, President Bush while running for office pledged to spend $2 billion over 10 years for a clean coal technology program, a program that the Democrats initiated in the 1980s. He never made good on that promise and allowed in only about half of the promised money while claiming credit for the full pledge.

During its tenure in leadership of the Congress, the Republican Party did nothing to buck the President's low balling for clean coal programs. Again and again, the President's party voted for his budgets to cut funds for clean coal research.

Now, if the other side were truly serious about supporting coal, they would have added funding to clean coal budgets and they would have done more to put coal on a more even footing with oil and gas. They did not, and now we are seeing the consequences of high energy prices that Americans are experiencing.

So the fact of the matter is that the energy challenges that our Nation faces demand more than rhetorical battles on the floor of this body. Certainly our constituents would agree, and they are feeling the energy pinch and deserve much better.

We need to put our energies into finding common ground to achieve real workable solutions to our energy problems. And towards that end, we need to be working on our energy challenge from two ends at the same time: The environmental end and the supply end. If we take that approach, then we can build a viable coal-to-liquids industry.

Unfortunately, too much of the talk in this body in recent weeks has been focused only on supply, and not enough of it has considered the environmental hurdles that we face.

As worldwide pressure mounts to address carbon emissions, the coal-to-liquids industry recognizes that to be economically successful, it must also be environmentally successful. But this administration has done nothing to help the coal industry address the environmental side of this energy challenge. So we need to invest more in environmental research and development, something that Democrats have been arguing for, but that our Republican colleagues during their 12 years in control of Congress have continually relegated to the back burners.

By failing to lay the environmental foundations for coal's future, this administration has opened the opportunity for foreign nations, most notably China, to bolster their coal fuels industry, putting our own Nation's future fuel production and economy at a disadvantage. This administration has failed to invest in new emissions technologies, technologies that we can use here and we can sell overseas; and, as a result, we risk watching worldwide emissions grow unchecked as we become more and more beholden to yet another set of foreign producers for our fuel, with China at the very lead.

So, Mr. Chairman, I say to my colleagues on the other side who keep coming to the floor on bill after bill and speaking about the energy crunch, which is indeed on the uppermost of every American's mind today and the high price of gas, that we do need to address this in a bipartisan way and in a way that uses all of our domestic sources of energy and in a way that does not coddle one domestic energy fuel over all others, especially when that energy fuel is trying for its own competitive advantages to put other domestic sources of energy at a disadvantage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I apologize for starting out here with my old profession as a teacher coming out. But the gentleman from Connecticut and a couple of others on this floor have said some things that I think bear discussion simply as a review on the fundamentals of how legislative government works around here.

Outside in the hallway we have the distinguished Speakers. Most of them are the most recent ones, but there are the four that I always consider to be the four great speakers of this House, one of whom was Thomas Bracken Reed, who is the one that transformed this House from a minority body into a majority body. He is the one who determined, in fact he said: If the tyranny of the majority is harsh, the tyranny of the minority is unendurable. And he was the one who prohibited the practice of calling a roll call and then not allowing people to say "here"; therefore, not having a quorum to conduct business. He forced the counting of a roll call, which made this from that time on a majoritarian body.

The problem we have over in the Senate is that has never been a majoritarian body; it will always be a minority body. It takes 60 votes to cut off the debate and move onward.

□ 1400

So even though today the Democrats have the leadership positions in both the House and the Senate, I would never jump to the conclusion or the inaccuracy of saying that the Democrats control Congress because the Democrats will not control the Senate until they have at least 60 votes there. It is a minority body.

In like manner, the conversation that Republicans controlled Congress for 12 years and didn't do anything has the same problem because in none of those 12 years did Republicans have 60 votes in the Senate. And, therefore, a minority body was actually in control.

We have had split government. We will probably always have some form of split government in that respect. But to assume that because there was leadership of both parties is not to assume the same basic core that goes along with that factor. And, indeed, over the last 5 to 10 to 12 years, there has been a great deal of energy discussion from this body, and when Republicans were in control of this body, there was a great deal of legislation dealing with energy that was passed in this body only to be prohibited from going through the entire process because this majoritarian body could pass something that the minority-controlled body on the other side could not do.

I appreciate the distinguished chairman from West Virginia of our committee speaking so passionately, especially about coal. I share that passion. We have a great deal of coal in my State. The only difference between the two is, unfortunately, the coal in the State of West Virginia is on private property.

I was so impressed when the chairman had a bill that dealt with wilderness and the coal companies were there to advocate for wilderness because it did not impact them. They were on private property.

In the State of Utah and much of the West, we have the exact opposite problem; the coal is found on public lands. And so I appreciate his commitment to the concept of coal, and even though it may indeed be a form of competition at some time in the future, I take his words as a commitment to try to work forward to try and free up the coal in the West that is on public lands so it can all be part of the energy solution that we are looking for in this Nation.

You know, we are talking about a bill that dealt with Washington. Washington led the troops in an era where he simply was out of ammunition. He had the opportunity of failing, but he did not allow it to be so because the American spirit worked out the details and then worked out the process so he overcame those competitions, those difficulties. The United States today is in the same situation. We are out of energy ammunition, and it is a significant problem for those who are on fixed incomes, the poor and the middle class. If you are rich, this energy problem which we face is merely an annoyance.

If you are on a fixed income or a limited income, or if you are poor or middle class, then it becomes a significant life situation so that every dollar that they no longer can spend, that they now have to spend to energy on consumption, is a dollar that they can't spent on such luxuries as Hamburger Helper.

In this particular bill the Democrats accepted an amendment from one of the great young Republican freshmen from Virginia, Mr. WITTMAN. It is an amendment that is still part of this bill that aims to protect energy production and transmission in this particular trail system. It is a microcosm. It is the appropriate thing to do. The real question then is why not? Why not do this same thing not just in this trail bill, but throughout this entire country so we can honor and protect to do that.

Mr. Chairman, what we are dealing with now is simply the concept of the future of where we are going. We can either find scapegoats or we can find solutions. I think it is time that both sides of the aisle look very carefully at trying to find solutions.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I just want to emphasize how the Members on this side of the aisle are completely dedicated to energy independence and doing everything that is possible to achieve that objective. We did much to try to achieve it during the 12 years that our friends on the other side of the aisle held the majority. But they were not interested at all in achieving that objective, or moving forward in any significant way, not even in any real way.

One of first things that we did when we achieved the majority here last year was to pass a very substantial energy independence bill which moves us strongly in that direction. Not as strongly as we would have liked, but we had to be a little less ambitious about it because we were threatened with vetoes as well as opposition from the other side of the aisle.

But what did we manage to achieve? We managed to achieve energy efficiency for automobiles, the first time that had been done in more than three decades. The first time that had been done in more than 30 years. We achieved a great increase in energy efficiency. We wanted to make it more substantial. We wanted to go as high as 40 miles to a gallon, but the President said he would veto anything like that.

What else did we do? We moved towards creating tax incentives for the creation and purchase of other means of energy independence such as direct and indirect solar energy, and we are working very strong on trying to achieve that, in spite of the fact that the White House has said they are not in favor of it, they are opposed to that and would veto that kind of legislation.

They say that we are not in favor of drilling for our own oil off our own coast. Well, the fact of the matter is that we are not opposed to that at all. We recognize that we now have more than 150,000 wells drilled on the land owned by the people of the United States of America on public land, some of it here on dry land in the lower 48 States and up in Alaska, and the rest of it offshore, mostly in the Gulf of Mexico. That's what we understand. In addition to that, we have 68 million acres of land that has been also leased to these major oil companies but because they do not apparently want to produce any more energy because they realize that if they produce more, then the price is going to go down, they are not drilling on those 68 million acres.

So the fact of the matter is we are moving as aggressively as anyone could, as intelligently as anyone could in the direction of trying to achieve greater energy independence for our country.

The Acting CHAIRMAN (Mr. SALAZAR). The gentleman's time has expired.

Mr. RAHALL. I yield the gentleman an additional minute.

Mr. HINCHEY. Recognizing that we possess probably less than 2 percent of the known oil reserves in the world, we are doing everything we can to use that small amount of oil reserves intelligently and reasonably and in ways that are going to last our people for a long, long period of time. And we are saying to the oil companies either use it or lose it. If you are not going to use those 68 million acres of public land on which you already have leases, then give them up and let us give them to someone else. Let us lease them elsewhere. Let's have some responsible people go down and drill those wells and produce the oil we need which will drive down the price.

So don't say that anybody over here is against drilling offshore. We are very much in favor of it, and we know that they have the leases to do it, and we are doing everything that we can to press them and pressure them to live up to their obligations and responsibilities in the leasing of the public lands that they now control.

Mr. CASTLE. Mr. Chairman, I rise today in strong support of the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act (H.R. 1286), which would designate the 600-mile route stretching from Rhode Island to Virginia traveled by Revolutionary War General George Washington and French General Count Rochambeau as a National Historic Trail, connecting the States of Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The creation of this Trail will celebrate the Franco-American alliance and the victory of Generals Washington and Rochambeau who faced seemingly insurmountable odds. Importantly, H.R. 1286 will enable the National Park Service to support groups, projects, and activities associated with the trail's preservation and interpretation.

The Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act was introduced to ensure that this history, in all its rich detail, is not forgotten. Although we often remember the victory at Yorktown, too often we lose sight of the heroic efforts of two nations, two armies, and two great men that made it possible. During this historic period the armies marched to Wilmington, Delaware, where the bankrupt Continental Army borrowed from Rochambeau to pay American troops. This designation has the strong support of many state, local, private, and public historic preservation groups and I urge my colleagues on both sides of the aisle to support its passage.

Mr. HOLT. Mr. Chairman, as a longtime cosponsor, I rise in support of H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act. Students of American history are intimately familiar with the Battle of Yorktown, in which French and American soldiers forced the surrender of British General Lord Cornwallis, effectively handing victory of the Revolutionary War to the American Colonies.

However many Americans are less familiar with what preceded it—a harrowing nine state, six hundred mile journey of more than 6,000 allied soldiers from Newport, Rhode Island, through my home state of New Jersey to Yorktown, Virginia. Many historians identify this march led by George Washington, General of the Continental Army and French General Count Rochambeau along a network of roads, trails, and waterways as critical to the American victory at Yorktown and the eventual creation of the United States.

In Philipsburg, New York on August 14, 1781, having learned that a large fleet of French naval vessels was heading from the Caribbean Sea to the Chesapeake Bay, Washington and Rochambeau discarded plans to siege New York City and march to Southeastern Virginia, where another celebrated Frenchman the Marquis de Lafayette and his 5,000 troops were outmaneuvering Cornwallis, forcing his British troops to bunker down in Yorktown. With little time to prepare, Washington and Rochambeau led more than 6,300 American and French troops on a southward march to Virginia.

H.R. 1286 is an important piece of legislation that comes at a critical time. Despite strong grassroots support from organizations like the National Washington-Rochambeau Revolutionary Route Association, and efforts at the state and local level, many historical sites associated with the American Revolution will be lost to development and suburban sprawl. This bill would designate the route as a National Historic Trail, allowing the National Park Service to preserve and link together sites along the trail. Moreover, this designation would preserve this important piece of America's heritage using existing roads and rights of way—without the federal acquisition of private lands.

Preservation of the Washington-Rochambeau route will allow American citizens and visitors alike to gain a greater appreciation of the magnitude and improbability of the American victory as well as the important and often forgotten role our French allies played in securing American independence. Americans need a sense of history and an understanding of history now more than ever. This trail tells an important story in American history, and I strongly urge my colleagues to join me in supporting this legislation.

Mr. COURTNEY. Mr. Chairman, I rise today in support of the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act, a wonderful piece of legislation which will preserve both our country's rich history but also its unique environment.

In the spring of 1781, French General Rochambeau and his army of nearly 5,300 men embarked on an expedition from Newport, Rhode Island, to Yorktown, Virginia, to aid General George Washington and the Continental Army in the American Revolutionary War. After traveling through Massachusetts, Rhode Island, and Connecticut, General Rochambeau joined forces with General Washington in Philipsburg, New York, forming a Franco-American alliance. The Franco-American forces then traveled through New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, eventually arriving at Yorktown. At Yorktown, General Washington and the Continental Army, with the aid of General Rochambeau and his men, secured a decisive victory against General Cornwallis, effectively igniting a successful end to the American Revolutionary War and laying the groundwork for the creation of our new Nation.

Mr. Chairman, the Newport to Yorktown route that General Washington and General Rochambeau led their forces through reflects an indispensible piece of American history. Today, we have an opportunity to preserve this historically and ecologically significant route by passing the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act. The legislation, introduced by my esteemed colleague, Representative MAURICE HINCHEY, will amend the National Trails System Act to designate the route as a national historic trail. Under this legislation, the Washington-Rochambeau Revolutionary Route National Historic Trail will preserve a corridor approximately 600 miles long, from Newport to Yorktown in nine States and the District of Columbia. The Washington-Rochambeau Trail will include a section in my district in eastern Connecticut.

During General Rochambeau's journey to Yorktown, communities in Connecticut served an invaluable role with ensuring the success of General Rochambeau's mission, supplying necessary supplies to his troops. In June of 1781, General Rochambeau and his men began their march through Connecticut before joining forces with General Washington in Philipsburg, New York. In eastern Connecticut, the army established camps in Plainfield, Windham, and Bolton before arriving in Hartford. On the return trip, in October 1782, the Franco-American force again marched through the State after victory in Yorktown. In total, General Rochambeau's army made 47 stops in the State between the journey to and from Yorktown. The Washington-Rochambeau Trail will preserve these sites and educate residents and visitors on the significance of this piece of American history.

Mr. Chairman, as urban sprawl continues to threaten the integrity of this route, the passage of this legislation is needed now more than ever. Many of Connecticut's avid historians and devout naturalists are anxious to celebrate the bill's passage. As a cosponsor of this legislation, I ask my colleagues to join me in voting in favor of the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act, to ensure this historic route is preserved for current and future generations.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-744, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act".

SEC. 2. ADDITION TO NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(___) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map titled 'Washington-Rochambeau Revolutionary Route National Historic Trail', numbered T01/80,001, and dated June, 2007.

"(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

"(i) other Federal, State, tribal, regional, and local agencies; and

"(ii) the private sector.

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

SEC. 3. ENERGY.

Nothing in the amendment made by section 2 of this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.

SEC. 4. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

The Acting CHAIRMAN. No amendment to that amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-744.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of Utah:

Strike the new subparagraph (D) added by the amendment in section 2, and insert the following:

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land—

"(i) outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in land; and

"(ii) acquired from a State or local government if that land was acquired by such government through eminent domain.".

The Acting CHAIRMAN. Pursuant to House Resolution 1317, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, while this legislation prohibits the use of eminent domain by the Federal Government, it does not prohibit State or local governments from doing the same thing, in essence doing the same dirty work. So my amendment is very simple and clear. It prohibits the Secretary of the Interior from accepting lands from State and local governments that were acquired through eminent domain to expand this particular trail.

We are talking about George Washington and the Revolution. I think it is fitting to remember how strongly George Washington felt about ensuring private property and that his soldiers respected the property of civilians, even if they were a Tory sympathizer. He gave orders that forbid looting even though plunder was the norm of the time. And even though his men were hungry and dressed in rags, it is remarkable that in so desperate a situation with such a noble cause for which he was fighting, he imposed on his side such a high standard of conduct and a high respect of individual priority property rights.

In our world, the post-Kelo decision world, we cannot allow our constituents to fall victim to any abuse of power from any level of government that disproportionately attacks them, sometimes even disproportionately attacks those on the lowest level of our economic scales.

Mr. Chairman, I ask for a favorable vote to an amendment that simply says that the Federal Government will not accept land that is taken by eminent domain.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise to speak on the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. Mr. Chairman, this amendment addresses a concern that is truly far beyond the likely impact of this bill. The bill expressly limits Federal condemnation of land for the trail which is all that should concern us here and the National Park Service. This amendment seems to be based on the assumption that the Federal Government in some smoke-filled back room conspiracy-type of mind-set is going to conspire with State or local governments to have them condemn land and then turn it over to the Federal government.

First of all, I don't believe this happens often, if ever. We have really reached an extreme level of detail here where we have to legislate out to the far corners of what anybody might imagine might some day happen. But for the sake of argument, let's say that a State does decide to condemn land and pay the owner for his property. Such a decision will be up to the State or local government acting in what that unit of government believes to be the best interest of its citizens. Whether the State or local government subsequently conveys the land to the Federal Government is irrelevant.

And I might add, just for the record, this is not a trail like the Appalachian Trail which cuts across country and private property, it is more a series of signs like those gray historic markers you see along roads all over the country. Most of the route travels along public highways and roads. No private landowner will be forced to let tourists on their land, and the NPS anticipates no Federal acquisition at all.

But nevertheless, in the spirit of bipartisan cooperation and all that I have just said, we are willing to accept this amendment. We think that it is unnecessary, but we are willing to accept it.

I yield back the balance of my time.

Mr. BISHOP of Utah. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-744.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:

At the end of the bill, add the following:

SEC. 4. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the Washington-Rochambeau Revolutionary Route National Historic Trail. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify barrels of oil, cubic feet of natural gas, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in- stream flow turbines, and any impact on electricity transmission.

□ 1415

The Acting CHAIRMAN. Pursuant to House Resolution 1317, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, America is faced with an energy crisis today, and solutions have not been forthcoming under the current Speaker of the House or her leadership. The majority has failed in its effort to take any meaningful action to increase the domestic supply of energy for the American people. In a State like New Mexico, a very moderate income State, probably $25 to $30,000 a year is the average income, we find that the price of $4 gasoline is very difficult.

Last week in a story in the Albuquerque Journal, Associated Press talked about a young woman with cancer who was being treated almost 200 miles from her home. The family had to suspend visits by her young children to visit her because of the price of gasoline. Each day we're finding these sorts of impairments in our daily living while the majority simply says, we're in favor of energy.

I was listening with interest to the previous speaker, the gentleman from New York, and I would invite him to sign on a letter that we will be producing today that would go from the Speaker of the House to mention to President Bush about those 68 million acres of land that are not being used. Let's remove, first of all, the regulatory burdens that are stopping that land from being used and produced. In Utah alone, almost 1 million acres by one office which is 7 years overdue in putting out the land management plan that would allow people to move ahead.

Those are some of the acres that are moved from production that our friends talk about as if the greedy oil companies are sitting out here purposefully withholding production knowing that at all-time record highs, every company is producing every amount of oil and gas that they can get to, and they simply kind of twist the facts around.

So I would invite the gentleman to sign on to that letter indicating his willingness to press the President of the United States to push the BLM into getting these regulations out the door.

I would also be interested to see if the majority would recognize with us their failure in December by removing all shale oil from production. With one simple sentence in a bill in December, the majority removed almost 2 trillion barrels of shale oil from production, and again it tells me that maybe we have words on the House floor that differ from the words that are actually created in the votes.

I would also welcome our friends on the other side of the aisle to change their votes on the wilderness areas that removed over 100,000 acres from production because wilderness stops all development of oil and gas. And so again, I find some difference in the words that we hear on the House floor and the words that are actually put into place by law when we vote.

Additionally, there is a moratorium that limits 85 percent. We're told that the majority doesn't mind offshore production at all. Then go with us, sign a letter, and let's start producing just around the area, just in that spot where Cuba and China are drilling 47 miles off the coast of Florida. We have prohibited it ourselves through a moratorium in producing this oil and gas.

So I would ask the leaders of the majority party to go with me and sign on to this letter to take that one spot and let's allow American oil companies to produce where we're allowing the Chinese to produce within our Outer Continental Shelf area.

My amendment today to this House bill 1286 simply says that as we create this new trail system, we would like an accounting for all of the energy assets that are going to be affected by this bill. It's a very simple amendment.

The majority has, in fact, got a statement in the bill that says nothing will hinder, but too often we find that we do not know what has been hindered and what has not been hindered. So our amendment is very simple. Let's just get a report from the Secretary of Interior to tell us exactly what the stakes are, which resources might be limited, which might be hindered, and it's a very straightforward amendment.

I would appreciate if the majority would understand the reasons for this because we see every day that the American people are paying the price for the majority's opinion on energy. The opinion is that $4 gasoline is not too high, that in fact $4 gasoline will cause maybe a change within which we conduct our business; we ought to be converting to other forms of energy. The problem is we don't have wind cars, we don't have solar cars, we have no nuclear cars. America is on an oil and gas economy. We drive oil and gas cars, and as long as we limit the supply, we're going to drive the price higher.

It's not American consumption. American consumption actually has remained quite stable for the last 10 years. It's actually Chinese consumption. It's consumption from those developing countries around the globe that are pushing the price of oil higher.

Now, I did note with interest the comments that the majority party had done something for fuel efficiency. Actually, the majority party did nothing for fuel efficiency.

I ask for support for the amendment.

Mr. RAHALL. Mr. Chairman, I rise to speak on the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. Mr. Chairman, in evaluating this amendment, I would ask that Members first read section 3 of the underlying bill which states, "Nothing in this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy." So by its own terms, H.R. 1286 will have no impact whatsoever on energy production.

The Pearce amendment would require the Secretary to assess the impact this trail designation will have on energy production. In other words, the Pearce amendment would require the Secretary to study impacts that would never exist. That's similar to a requirement that the secretary study the Tooth Fairy or the Easter Bunny. The bill says there will be no impacts, so studying them is impossible. Such a report would read in its entirety, "We find no impacts on energy production because the bill prohibits them." Period. The end.

It is my hope that this amendment is simply a platform, and I think the sponsor of it has already used it for that to restate some of their talking points on energy production. It's my hope that no one could ever seriously suggest assessing the energy resources that might lie under George Washington's front lawn.

The first part of this amendment is completely unnecessary because the underlying language in the bill makes impacts on energy production a nonissue. The second part of this amendment contemplates oil rigs and wind farms in places that we would never allow them to be built.

So once again, as with the previous amendment, this amendment is not necessary. Therefore, I will not object to it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 15, as follows:

[Roll No. 482]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Boswell
Brown-Waite, Ginny
Conyers
Faleomavaega
Fortenberry
Fortuño

Frelinghuysen
Hill
Hulshof
Marchant
Pickering
Pryce (OH)
Rush
Waxman

☐ 1449

Messrs. YARMUTH, WITTMAN of Virginia, HOEKSTRA, HOYER, HODES, McINTYRE, SOUDER and NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail, pursuant to House Resolution 1317, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Wednesday, July 9, 2008:

House Resolution 1313, and House Resolution 1315.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT—Continued

The SPEAKER pro tempore. Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. FALLIN

Ms. FALLIN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mr. FALLIN. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Fallin moves to recommit the bill H.R. 1286 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Amend section 3 to read as follows:

SEC. 3. ENERGY.

Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

"(l) Nothing in this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.".

Mr. RAHALL. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Oklahoma is recognized for 5 minutes.

Ms. FALLIN. Madam Speaker, America has slammed into an energy wall in the past 18 months, with gas prices escalating 70 percent since the beginning of the 110th Congress when the current Democratic leadership took control. Americans are now paying over $4 and change for a gallon of gasoline. This dire situation affects not only drivers, but ripples through all commerce of the United States, from the cost of food, to building materials, to tourism, to jobs, to health care, and in short, our economic security. Increased supply from our own American resources is one tool that we have in our tool box to help us get out of this mess.

This is a bipartisan solution, as demonstrated by Speaker PELOSI's recent request to President Bush to release oil from the Strategic Petroleum Reserve to help funnel more product to American refineries, and thus more gas to local gas stations.

While this is a small step in a positive direction, the Democratic-controlled House of Representatives has only compounded the problem of American energy supplies. The current leadership has scheduled and passed over a dozen bills from the Committee on Natural Resources alone restricting or potentially restricting energy development on the public lands of the United States. We also expect a package of over 60 more bills from the Senate before we adjourn, most of which will impact energy exploration and development on public lands.

The Democratic leadership of the House of Representatives has also failed to lift the congressional moratoria on the development of oil and natural gas resources from the Outer Continental Shelf. It has blocked access to over 1 million acres of uranium-rich lands in the southwestern United States, fuel which could be harnessed to produce clean, air-friendly nuclear energy. It has locked up oil shale and stopped energy transmission corridors across public lands. It has even tried to stop wind energy.

While this trail bill before us may seem like small potatoes, it is indicative of a larger problem. The more lands we place off-limits to multiple uses, including energy development, then the more we have to rely on others for our economic feedstock of energy.

This trail will affect lands and waters in more than nine States in very populous eastern areas and the mid-Atlantic region of America. At least, thanks to Congressman PEARCE's amendment, we will know exactly what energy resources will be impacted by this designation. This is not true for all trails designated under the National Trails Act.

Currently, there are thousands of miles of trails affecting every region of the United States, and with the trend in legislative activity in this Congress, we can certainly expect many more in the near future.

This motion to recommit will ensure that we do not inadvertently cut off crucial energy supplies during the current crisis when we designate trails under the National Trails Act. It expands on language authored by Congressman ROB WITTMAN, now in section three of the bill, which was readily accepted by both Democrats and Republicans during the markup of H.R. 1286 in the Committee on Natural Resources just 2 weeks ago. What is good for the Washington-Rochambeau trail should be good for all trails, wherever located.

And, Madam Speaker, as I just mentioned, this House just voted unanimously on an amendment by Congressman PEARCE for an energy assessment on this trail, so why should we prohibit or hinder the development, the production, the conveyance, or transmission of energy on any trail in the United States?

I ask for your support.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from West Virginia wish to state his point of order?

Mr. RAHALL. Madam Speaker, I insist on my point of order and raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

The second reason, the motion to recommit uses the word "promptly," as we all know, which kills a bill.

And third, the motion to recommit is the exact language already in the bill.

That language states "nothing in the amendment made by section 2 of this act shall prohibit or hinder the development, production, conveyance, or transmission of energy," the exact repeat language of the motion to recommit.

□ 1500

Therefore, I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the gentleman's point of order?

If not, the Chair will rule.

The gentleman from West Virginia makes a point of order that the instructions in the motion to recommit are not germane.

As recorded in section 937 of the House Rules and Manual, a specific subject may not be amended by a provision general in nature, even when of the same class as the specific subject. For example, as cited on page 719 of the Manual, to a bill relating to one State maritime academy, an amendment relating to all State maritime academies is not germane.

The bill as amended confines its attention to a single national historic trail designation. The instructions in the motion to recommit extend to all trails addressed by the National Trails System Act.

As such, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT OFFERED BY MS. FALLIN

Ms. FALLIN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. FALLIN. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Fallin moves to recommit the bill H.R. 1286 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

After the new subparagraph (D) added by the amendment in section 2, insert the following:

"(E) STATE AND LOCAL LAW.—All designated lands within the trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding the possession or use of a weapon, including a concealed weapon.".

The SPEAKER pro tempore. The gentlewoman from Oklahoma is recognized for 5 minutes.

Ms. FALLIN. Madam Speaker, yesterday in The Washington Post, there was a full-page article and more about a young couple who were camping in the Appalachian Mountains back in 1981 who were both murdered by a gentleman who had a handgun, who was deranged, and came upon their campsite and murdered them both. He went away to prison for many years, was paroled, was out in the public, and then went back up into the Appalachian Mountains 28 years later to kill two more people with a handgun.

Madam Speaker, I have a motion to recommit that would ensure in this legislation that the rights of States and local governments, within the trails area designation, to regulate possession and carrying of firearms will be unharmed by this legislation.

This bill does provide that the trails designation shall not diminish the right of States to regulate hunting, but it is silent on issues including the clear right to carry firearms. Despite the recent Heller decision affirming our second amendment right, the National Park Service still refuses to allow State and local gun laws to govern, unlike the U.S. Forest Service and the Bureau of Land Management. This motion to recommit will secure full second amendment rights along the 600-mile trail.

The second amendment is a critical right. We must protect our constituents against consequences of this legislation that could harm that right.

I can think of no better spokesperson for the second amendment right than the Father of our Country, George Washington. George Washington said of firearms: "The very atmosphere of firearms anywhere and everywhere restrains evil interference. They deserve a place of honor with all that's good." He also said: "A free people ought to be armed." I can't say it better myself.

The National Park Service has regulations that limit hunting and the right to carry or possess firearms even in States and localities where it is legally permitted. These regulations harm wildlife and the environment because local wildlife management officials are impeded in their work. Before any attempt is made to restrict the rights of gun owners and the second amendment defenders, this motion to recommit protects their legal existing rights now and in the future.

I urge my colleagues to support this motion to recommit.

Madam Speaker, I yield back the balance of my time.

Mr. RAHALL. Madam Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Madam Speaker, the form of the amendment, which calls on the House to promptly recommit the bill, as I know all Members realize, is a parliamentary tactic that kills the bill. That wording makes it perfectly clear that the motion is not about its subject. It is purely and simply another one of those "gotcha" votes.

A vote to recommit is a vote to kill this bill, which has the support of a long and bipartisan list of Members, a large and vocal constituency across eight districts and the District of Columbia, and the support of the Bush administration. Again, the current legislation as written has the support of the Bush administration. It has the support of the National Rifle Association.

To briefly address the substance of this issue, the bill before the House already reaffirms the right of gun owners and hunters by ensuring that current State management of fish and resident wildlife will remain unaffected by the bill. It should not be necessary to include this language because nothing in the bill would affect those State laws or regulations. Nevertheless, we have included this language already in the bill, which renders the motion before us wholly unnecessary.

The Trails Act has been around since 1968, and we have thousands of miles of trails all over the country, and all over the country hunting, fishing, trapping have flourished nonetheless. The bill already contains sufficient protections for gun owners. I repeat. The bill already contains sufficient protections for gun owners.

A vote to recommit is a vote to kill the bill. It's that simple, and I would urge all Members to vote "no" on this motion to recommit.

Madam Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Madam Speaker, if this motion to recommit did pass, could the bill not be sent back to the committee from which it came and brought back on the next legislative day?

The SPEAKER pro tempore. As the Chair has reaffirmed, on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. WESTMORELAND. Thank you.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. FALLIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to instruct on H.R. 3121.

The vote was taken by electronic device, and there were—yeas 202, nays 211, not voting 21, as follows:

[Roll No. 483]

YEAS—202

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hodes
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NAYS—211

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Andrews
Boren
Boswell
Boucher
Brown-Waite, Ginny
Conyers
Deal (GA)
Fortenberry
Frelinghuysen
Gordon
Hill
Hulshof
Marchant
Markey
Neal (MA)
Pickering
Pryce (OH)
Rush
Slaughter
Waxman
Young (AK)

☐ 1528

Ms. BEAN and Messrs. RANGEL and TANNER changed their vote from "yea" to "nay."

Mr. KING of Iowa changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 69, not voting 20, as follows:

[Roll No. 484]

AYES—345

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—69

Barton (TX)
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Coble
Conaway
Cubin
Davis (KY)
Davis, David
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
McHenry
Miller (FL)
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—20

Andrews
Boswell
Boucher
Brown-Waite, Ginny
Conyers
Deal (GA)
Doyle
Fortenberry
Frelinghuysen
Gordon
Hill
Hulshof
Marchant
Neal (MA)
Pickering
Pryce (OH)
Rush
Sherman
Slaughter
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

☐ 1537

Mr. GINGREY changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2008

MOTION TO INSTRUCT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 3121 offered by the gentleman from Texas (Mr. NEUGEBAUER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 26, not voting 23, as follows:

[Roll No. 485]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—26

Bishop (NY)
Blumenauer
Boustany
Braley (IA)
Broun (GA)
Burton (IN)
Buyer
Cubin
Forbes
Giffords
Gilchrest
Higgins
Israel
King (IA)
King (NY)
Kirk
Klein (FL)
Latham
Loebsack
McCarthy (NY)
Murphy, Patrick
Nadler
Pallone
Roybal-Allard
Scalise
Weiner

NOT VOTING—23

Andrews
Boswell
Boucher
Brown-Waite, Ginny
Cleaver
Conyers
Deal (GA)
Doyle
Fortenberry
Frelinghuysen
Gordon
Hill
Hulshof
Marchant
McNulty
Mica
Neal (MA)
Peterson (PA)
Pickering
Pryce (OH)
Rush
Slaughter
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain on this vote.

☐ 1545

Mr. KLEIN of Florida changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, I took a leave of absence the afternoon of July 10, 2008, as I was attending to personal business. The following list describes how I would have voted had I been in attendance this afternoon.

"Yea"—on Pearce (NM) amendment.

"Aye"—on Motion to Recommit H.R. 1286.

"Yea"—Final Passage H.R. 1286—Revolutionary Route National Historic Trail Designation Act.

"Yea"—Motion to Instruct Conferees on H.R. 1321—Flood Insurance Reform and Modernization Act of 2007.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Without objection, the Chair appoints the following conferees:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Messrs. WATT, CLAY, KLEIN of Florida, MAHONEY of Florida, BACHUS, Mrs. BIGGERT, Mrs. CAPITO, Messrs. GARRETT of New Jersey, and PRICE of Georgia.

From the Committee on Energy and Commerce, for consideration of sec. 302 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, BOUCHER, and BARTON of Texas.

From the Committee on Transportation and Infrastructure, for consideration of secs. 7 and 22 of the House bill, and secs. 107, 119, and 301 of the Senate amendment, and modifications committed to conference: Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. BRALEY of Iowa, and GRAVES.

For consideration of secs. 7 and 35 of the House bill, and sec. 128 of the Senate amendment, and modifications committed to conference: Mr. TAYLOR.

There was no objection.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that Members may have 5 days to revise and extend their remarks on the motion to instruct on H.R. 3121.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1286, WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

Ms. WATERS. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1286, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

PROVIDING FOR CONTINUED BENEFITS FOR CERTAIN SENATE RESTAURANTS EMPLOYEES

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2967) to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the gentleman from Pennsylvania?

There was no objection.

The text of the Senate bill is as follows:

S. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED BENEFITS FOR CERTAIN SENATE RESTAURANTS EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) CONTRACTOR.—The term "contractor" means the private business concern that enters into a food services contract with the Architect of the Capitol.

(2) COVERED INDIVIDUAL.—The term "covered individual" means any individual who—

(A) is a Senate Restaurants employee who is an employee of the Architect of the Capitol on the date of enactment of this Act, including—

(i) a permanent, full-time or part-time employee;

(ii) a temporary, full-time or part-time employee; and

(iii) an employee in a position described under the second or third provisos under the subheading "SENATE OFFICE BUILDINGS" under the heading "CAPITOL BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048);

(B) becomes an employee of the contractor under a food services contract on the transfer date; and

(C) with respect to benefits under subsection (c)(2) or (3), files an election before the transfer date with the Office of Human Resources of the Architect of the Capitol to have 1 or more benefits continued in accordance with this section.

(3) FOOD SERVICES CONTRACT.—The term "food services contract" means a contract under which food services operations of the Senate Restaurants are transferred to, and performed by, a private business concern.

(4) TRANSFER DATE.—The term "transfer date" means the date on which a contractor begins the performance of food services operations under a food services contract.

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—

(A) RETIREMENT COVERAGE.—Not later than the day before the transfer date, an individual described under subsection (a)(2)(A) and (B) may file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage under the retirement system under which that individual is covered on that day.

(B) LIFE AND HEALTH INSURANCE COVERAGE.—If the individual files an election under subparagraph (A) to continue retirement coverage, the individual may also file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage of any other benefit under subsection (c)(2) or (3) for which that individual is covered on that day. Any election under this subparagraph shall be filed not later than the day before the transfer date.

(2) NOTIFICATION TO THE OFFICE OF PERSONNEL MANAGEMENT.—The Office of Human Resources of the Architect of the Capitol shall provide timely notification to the Office of Personnel Management of any election filed under paragraph (1).

(c) CONTINUITY OF BENEFITS.—

(1) PAY.—The rate of basic pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service may not be reduced to a rate less than the rate of basic pay paid to that individual as an employee of the Architect of the Capitol on the day before the transfer date, except for cause.

(2) RETIREMENT AND LIFE INSURANCE BENEFITS.—

(A) IN GENERAL.—For purposes of chapters 83, 84, and 87 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) the rate of basic pay of the covered individual during the period described under clause (i) shall be deemed to be the rate of basic pay of that individual as an employee of the Architect of the Capitol on the date on which the Architect of the Capitol enters into the food services contract.

(B) TREATMENT AS CIVIL SERVICE RETIREMENT OFFSET EMPLOYEES.—In the case of a covered individual who on the day before the transfer date is subject to subchapter III of chapter 83 of title 5, United States Code, but whose employment with the Architect of the Capitol is not employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986—

(i) the employment described under subparagraph (A)(i) shall, for purposes of subchapter III of chapter 83 of title 5, United States Code, be deemed to be—

(I) employment of an individual described under section 8402(b)(2) of title 5, United States Code; and

(II) Federal service as defined under section 8349(c) of title 5, United States Code; and

(ii) the basic pay described under subparagraph (A)(ii) for employment described under subparagraph (A)(i) shall be deemed to be Federal wages as defined under section 8334(k)(2)(C)(i) of title 5, United States Code.

(3) HEALTH INSURANCE BENEFITS.—For purposes of chapters 89, 89A, and 89B of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(4) LEAVE.—

(A) CREDIT OF LEAVE.—Subject to section 6304 of title 5, United States Code, annual and sick leave balances of any covered individual shall be credited to the leave accounts of that individual as an employee of the contractor, or any successor contractor. A food services contract may include provisions similar to regulations prescribed under section 6308 of title 5, United States Code, to implement this subparagraph.

(B) ACCRUAL RATE.—During any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, that individual shall continue to accrue annual and sick leave at rates not less than the rates applicable to that individual on the day before the transfer date.

(C) TECHNICAL AND CONFORMING AMENDMENT.—The second and third provisos under the subheading "SENATE OFFICE BUILDINGS" under the heading "CAPITOL BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048) are repealed.

(5) TRANSIT SUBSIDY.—For purposes of any benefit under section 7905 of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(6) EMPLOYEE PAY; GOVERNMENT CONTRIBUTIONS; TRANSIT SUBSIDY PAYMENTS; AND OTHER BENEFITS.—

(A) PAYMENT BY CONTRACTOR.—A contractor, or any successor to the contractor, shall pay—

(i) the pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service;

(ii) Government contributions for the benefits of a covered individual under paragraph (2) or (3);

(iii) any transit subsidy for a covered individual under paragraph (5); and

(iv) any payment for any other benefit for a covered individual in accordance with a food services contract.

(B) REIMBURSEMENTS AND PAYMENTS BY ARCHITECT OF THE CAPITOL.—From appropriations made available to the Architect of the Capitol under the heading "SENATE OFFICE BUILDINGS" under the heading "ARCHITECT OF THE CAPITOL", the Architect of the Capitol shall—

(i) reimburse a contractor, or any successor contractor, for that portion of any payment under subparagraph (A) which the Architect of the Capitol agreed to pay under a food services contract; and

(ii) pay a contractor, or any successor contractor, for any administrative fee (or portion of an administrative fee) which the Architect of the Capitol agreed to pay under a food services contract.

(7) REGULATIONS.—

(A) OFFICE OF PERSONNEL MANAGEMENT.—

(i) IN GENERAL.—After consultation with the Architect of the Capitol, the Director of the Office of Personnel Management shall prescribe regulations to provide for the continuity of benefits under paragraphs (2) and (3).

(ii) CONTENTS.—Regulations under this subparagraph shall—

(I) include regulations relating to employee deductions and employee and employer contributions and deposits in the Civil Service Retirement and Disability Fund, the Employees' Life Insurance Fund, and the Employees Health Benefits Fund; and

(II) provide for the Architect of the Capitol to perform employer administrative functions necessary to ensure administration of continued coverage of benefits under paragraphs (2) and (3), including receipt and transmission of the deductions, contributions, and deposits described under subclause (I), the collection and transmission of such information as necessary, and the performance of other administrative functions as may be required.

(B) THRIFT SAVINGS PLAN BENEFITS.—After consultation with the Architect of the Capitol, the Executive Director appointed by the Federal Retirement Thrift Investment Board under section 8474(a) of title 5, United States Code, shall prescribe regulations to provide for the continuity of benefits under paragraph (2) of this subsection relating to subchapter III of chapter 84 of that title. Regulations under this subparagraph shall include regulations relating to employee deductions and employee and employer contributions and deposits in the Thrift Savings Fund.

(d) COVERED INDIVIDUALS NOT ENTITLED TO SEVERANCE PAY.—

(1) IN GENERAL.—Except as provided under paragraph (2), a covered individual shall not be entitled to severance pay under section 5595 of title 5, United States Code, by reason of—

(A) separation from service with the Architect of the Capitol and becoming an employee of a contractor under a food services contract; or

(B) termination of employment with a contractor, or successor to a contractor.

(2) SEPARATION DURING 90-DAY PERIOD.—

(A) IN GENERAL.—

(i) COVERED INDIVIDUALS.—Except as provided under clause (ii), a covered individual shall be entitled to severance pay under section 5595 of title 5, United States Code, if during the 90-day period following the transfer date the employment of that individual with a contractor is terminated as provided under a food services contract.

(ii) EXCEPTION.—Clause (i) shall not apply to a covered individual who is terminated for cause.

(B) TREATMENT.—For purposes of section 5595 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under subparagraph (A) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under subparagraph (A) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(e) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of this Act, the Architect of the Capitol shall submit a plan under section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) to the applicable committees as provided under that section.

(2) PLAN.—

(A) IN GENERAL.—Notwithstanding section 210(e) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q(e)), the plan submitted under this subsection shall—

(i) offer a voluntary separation incentive payment to any employee described under subsection (a)(2)(A) of this section in accordance with section 210 of that Act; and

(ii) offer such a payment to any such employee who becomes a covered individual, if that individual accepts the offer during the 90-day period following the transfer date.

(B) TREATMENT OF COVERED INDIVIDUALS.—For purposes of the plan under this subsection—

(i) any period of continuous service performed by a covered individual as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(f) EARLY RETIREMENT TREATMENT FOR CERTAIN SEPARATED EMPLOYEES.—

(1) IN GENERAL.—This subsection applies to—

(A) an employee of the Senate Restaurants of the Office of the Architect of the Capitol who—

(i) voluntarily separates from service on or after the date of enactment of this Act, but prior to the day before the transfer date; and

(ii) on such date of separation—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age; and

(B) except as provided under paragraph (2), a covered individual—

(i) whose employment with a contractor is terminated as provided under a food services contract during the 90-day period following the transfer date; and

(ii) on the date of such termination—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age.

(2) EXCEPTION.—Paragraph (1)(B) shall not apply to a covered individual who is terminated for cause.

(3) TREATMENT.—

(A) ANNUITY.—Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(B) SEPARATION DURING 90-DAY PERIOD.—For purposes of chapter 83 or 84 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under paragraphs (1)(B) and (2) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under paragraphs (1)(B) and (2) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(g) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 101(5) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(5)) is amended by striking ", the Botanic Garden, or the Senate Restaurant" and inserting "or the Botanic Garden".

(2) DISABILITIES.—Section 210(a)(7) of the Congressional Accountability Act of 1995 (2 U.S.C. 1331(a)(7)) is amended by striking "the Senate Restaurants and the Botanic Garden" and inserting "the Botanic Garden".

(3) CONTINUING APPLICATION TO CERTAIN ACTS AND OMISSIONS.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) a covered individual shall be treated as an employee of the Architect of the Capitol with respect to any act or omission which occurred before the transfer date.

(h) DEPOSIT OF COMMISSIONS.—

(1) SENATE RESTAURANTS FOOD SERVICES CONTRACT.—Any commissions paid by a contractor under a food services contract shall be deposited in the miscellaneous items account within the contingent fund of the Senate.

(2) USE OF FUNDS.—Any funds deposited under paragraph (1) shall be available for expenditure in the same manner as funds appropriated into that account.

(i) EFFECTIVE DATE.—This Act shall take effect on the date of enactment of this Act and apply to the remainder of the fiscal year in which enacted and each fiscal year thereafter.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORING THE LIFE OF JESSE ALEXANDER HELMS, JR., DISTINGUISHED FORMER SENATOR FROM NORTH CAROLINA

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Resolution 1325 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 1325

Whereas Jesse Alexander Helms, Jr., born in Monroe, North Carolina on October 18, 1921, spent a 52-year public career dedicating himself to his country, his family, and his home State, representing North Carolina in the United States Senate for 30 years;

Whereas Jesse Alexander Helms, Jr., served in the United States Navy from 1942 until 1945;

Whereas Jesse Alexander Helms, Jr., was educated in the public schools of Monroe, North Carolina, and at Wingate Junior College and Wake Forest College, and served as a city editor of the Raleigh Times, an administrative assistant to United States Senators Willis Smith and Alton Lennon, an executive director of the North Carolina Bankers Association, a member of the Raleigh City Council, and a television and radio executive;

Whereas Jesse Alexander Helms, Jr., was elected to the United States Senate in 1972, and served as Chairman of the Senate Foreign Relations Committee and the Senate Agriculture Committee, ultimately serving five terms, equal to the longest service of any Senator from North Carolina;

Whereas Jesse Alexander Helms, Jr., was a leader against Communism and became the first legislator of any nation to address the United Nations Security Council;

Whereas Jesse Alexander Helms, Jr., was married for 65 years to Dorothy "Dot" Coble Helms, whom he termed his "best friend", and Jesse Alexander Helms, Jr., is the father of three children; and

Whereas Jesse Alexander Helms, Jr., made valuable contributions to his community, State, Nation, and the World: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and distinguished career of Jesse Alexander Helms, Jr., public servant and former Member of the United States Senate; and

(2) expresses its condolences to his wife, "Dot", and his three children on his passing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I yield to my friend from Maryland, the majority leader, to tell us what is planned for next week.

Mr. HOYER. I thank my friend, the Republican Whip, for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider H.R. 415, a bill to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers.

In addition, we will consider H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009; H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act; and, we may also consider important energy-related legislation.

Mr. BLUNT. I thank the gentleman for that information.

On H.R. 415, the Taunton River bill, the Wild and Scenic Rivers bill, does the gentleman know, does the location change at all? Or was it the location that was on the bill that earlier was scheduled for this week?

Mr. HOYER. In response, if the gentleman would yield.

Mr. BLUNT. I will.

Mr. HOYER. It is the same bill.

Mr. BLUNT. I think one of our concerns about that on the energy topic, which I would hope to go to for a few minutes next, is there was a proposed liquid natural gas facility in that area that I think this designation will impact unless it is defined somehow out of that. And if the gentleman wants to respond to that, I would yield.

Mr. HOYER. I thank the gentleman for yielding.

There is an extensive letter to all of our colleagues from Congressmen FRANK, MCGOVERN, KENNEDY, LANGEVIN, and LYNCH.

I don't want to read the whole letter; but responding to the points in question, I am looking at the letter to see whether or not—one of the points they make is that notwithstanding this bill there are several barriers to this proposal going forward, that is the LNG plant. Killing the bill that would provide environmental benefits to people of our districts would in no way save the LNG plant from the rejection it has already received. The point being, and I have not read the entire letter, but that there are other impediments apparently to moving forward on that LNG plant. As I say, it is a long letter, I haven't read it fully, but I do know that each one of the points that was raised in the article today have been responded to and therefore will be the subject of debate once the bill is considered.

Mr. BLUNT. I thank the gentleman for that. And that is exactly right. That will be a bill to be debated, and leaders shouldn't be expected to know everything about every aspect of that, and particularly on a bill that will be debated. I would assume that this designation would create an additional obstacle, and there may be other obstacles already in place and I am sure that will be part of the debate.

The gentleman's last comment about work for next week indicated that there may be other energy-related bills scheduled for the floor next week. Does the gentleman have a sense of what some of those options might be, and which ones may be more likely to be on the floor next week?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Yes. As you know, we have been talking about, on both sides of the aisle, developing greater domestic supply from that which we have control over here in this country. I think both sides agree that that is an objective that ought to be pursued. The differences have been I think where that should be done at least in the short term, maybe not in the long term.

In the short term, it is our belief that there is very substantial areas available for further exploration and development of energy resources from our own country. As the gentleman may have heard me say on the floor earlier today, there is about 88 million acres that we believe is currently available for leasing that experts indicate are prime opportunities for finding, drilling, and producing energy for our country. We may well consider legislation which will try to accelerate, particularly in Alaska, where there is 23 million acres in the National Petroleum Reserve area designated and approved by the Congress for drilling, where approximately 1 million acres of that has been currently let for lease but there are substantial millions of acres still available. So we may well have legislation which will direct the administration to accelerate the leases for that area and speed the development.

In addition, we may well include in that legislation the Use It Or Lose It bill, we had disagreements on whether that was appropriate, which essentially says to companies: Don't inventory large segments. If you are not going to use it, let's get it back and give it to some who may well use it at this point in time. Again, an opportunity to accelerate the exploration and securing of oil within our control here in this country.

In addition, that legislation I think will include a requirement that any oil petroleum products that are produced as a result of this legislation or as a result of these leaseholds being extended, that petroleum would need to be used in the United States of America, not exported to Japan or to other nations.

You had in a piece of legislation that you had in 2005 a similar provision. I can't recall the phrase right now, but essentially requiring due diligent requirement as they proceeded with the leases to develop the energy. So we think our Use Or Lose It is, while not exactly what you include in your 2005 bill, certainly a similar objective of saying: You get the leases, let's develop the oil.

We will also be calling I think in that legislation, Mr. Whip, on the President to pursue finishing construction of the natural gas and the oil pipelines from Alaska as soon as possible. If that requires resources, for the administration to ask for those resources.

We share again a view that it is prudent for us to develop all of the lands that we currently have available. And pretty significant, again, I don't know whether you were there, but the 88 million acres essentially covers Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Delaware, New Jersey, and most of Maryland. So a pretty large area that is available now.

So we want to pursue that, but clearly want to see further exploration, further drilling, and further utilization of our own resources here in this country, all with the view of bringing prices down.

Now, we don't know specifically why prices have spiked so rapidly, but we are very concerned about it. As you have heard me say before, prices during the last 8 years of the nineties went from $1.06 to $1.46, about one nickel a year. Prices during the last 7½ years have spiked from that $1.46 to now $4.15 or so. All the energy policies that have been adopted have obviously been adopted in the last 7½ years with President Bush's signature. There is no energy bill that is passed without his signature. So that we believe that we have not been successful over the last 7½ years of getting an energy policy in place which has given us independence and provided for stable prices.

☐ 1600

Both the President and proponents of the 2005 legislation, which I voted for, by the way, because I think we need to seek energy independence, but the proponents of that bill indicated 3 years ago that it would keep prices down and make sure that we had supply. That hasn't been the case. Obviously, that was not the intent of anybody who was for the bill that that wouldn't happen, but that is the legislation that we currently are looking at. We are developing that now and trying to write the language essentially with the objective of utilizing the 88 million acres that we currently have authorized on which to drill because we think that is the quickest way to proceed.

Mr. BLUNT. In that regard, on the 2005 energy bill that I voted for and the gentleman just said he voted for, I think we did head things in the right direction. Of course from the 6 years prior to 2007, energy gas prices increased by about 50 cents a gallon; and in the 17 months since then, they have better than doubled. Everybody can take the numbers and do lots of things with them. Nobody likes the doubled number. There is no doubt about that.

In one of the early bills, I think it was H.R. 6, actually this Congress voted to repeal the incentives that we put in that bill that you and I voted for in 2005, the House voted to repeal those incentives which would have made it easier to promote the NPRA drilling area. I think maybe the position we would hopefully take in the future would be that we would want to continue to make those things easier to do rather than harder to do.

I would also say in terms of the 68 million acres, I have heard that a lot and I am sure we will continue to hear it a lot. Number one, not all of that land has oil or gas on it. Two, even if it does, you don't drill on every acre to drain this important resource from it. We are all going to learn a lot more about the gas and oil business, even than we know today, and my guess is that we know a lot more than we did even 6 months ago.

I do know in the last 6 years, as we frankly have accelerated exploration, that lawsuits to slow down exploration have gone up 718 percent in the last 6 years.

So if we want to deal with things like lawsuits and trying to expedite the process, that's a very appropriate thing to do, and at that point it is even more appropriate to hold people to their strict lease standards that they have.

The 22 million acres in Alaska, while that is some place we ought to look for both oil and gas, I don't know that we are going to be in an either/or environment, and particularly in this case where we want to look at what makes the most sense the quickest. I would also mention to the gentleman that we have a bill on the ANWR itself, it is H.R. 6107, that already adopts that principle that none of the petroleum coming out of there would go anywhere but to the United States. So many are already cosponsoring legislation that accepts that principle. It is a principle that if it's an easy way to open up new resources, I think it is something that we should be talking about and making sure that we get it just right. We do not want to assume that the oil companies can be micromanaged by Congress. We want to do what we can to make sure that we are producing American energy in the maximum way, and also understand that every oil lease does not result in oil. If it did, my good friend and I could open up Hoyer & Blunt and become oilmen if we could just get a lease. A lease doesn't mean there is anything there, but we ought to be sure that these leases are being vigorously pursued. We also should be sure that we are doing anything we reasonably can do to remove impediments, whether those impediments are lawsuits or the language that was in H.R. 6 that the House of Representatives passed. The Senate didn't pass it so the law didn't change, but the message to people out there looking for oil is that there is a new sheriff in town and the rules are different than they were under the old sheriff, and maybe we ought to get out of town.

A lot of this hesitancy about exploring could result from debates right here on the floor. We want to do things in debate, and I take my friend's word that he wants to, too, that encourages exploration, not discourages exploration.

I yield to my good friend.

Mr. HOYER. You mentioned H.R. 6. First of all, as you heard in my list, we are not contemplating adding that into this legislation that we might be considering. However, let me say this, very honestly. You and I both, I think every Member in this body very much supports the free market system. We have found it provides the greatest good for the greatest number throughout the world.

In 2005, you put incentives in the bill, $14 billion worth of tax breaks for oil companies. Oil was then, as you point out, about half of what it is bringing today at the pump. The free market system, in my view, is if you are getting a high price for your product, you try to produce more of it and you try to find more of it. The oil companies are earning the highest price that they have ever received in the history of the sale of oil. That ought to be the incentive, not taxpayers who are paying the highest price at the pump they have ever paid, also having to pay higher taxes because the oil companies are getting an incentive of $14 billion of tax cuts to incentivize what ought to be incentivized by the price that they are getting for their product.

I want to say further that the information I have, and I think you will find this interesting, is that Exxon made $40 billion in profits last year. I am informed $32 billion of that profit was spent to buy back stock. Not to do additional research, not to drill in America or any place else, but $32 billion to buy back their stock. Obviously that did have a very good effect on those stockholders who remained because their equity clearly went up. I do not criticize that, but I point it out because it was not spent either to produce more oil product, petroleum product, or to pursue alternative energy sources which we think is important which is what we will use the $14 billion in H.R. 6, whether it was hybrid cars, ethanol research, water, wind, hydroelectric, or from my perspective, nuclear.

Let me also say that I understand what you are saying, but when we talk about this 68 million or 88 million acres, let me give you this point. The oil and gas companies hold leases on these 68 million now, land and water. They are not producing on these acreage, and 81 percent, according to experts, of the estimated oil and gas resources on Federal lands and the OCS are currently available for development in these reserves, and they are equal to 107 billion barrels of oil and 658 trillion cubic feet of natural gas.

So what we are saying and what we will say in this legislation is that you have about 14 years supply here for America if you would develop this 107 billion barrels of oil or 658 trillion feet of natural gas on the land or offshore that you currently have leases on.

So I think this is a good debate to have, and ultimately hopefully at some point in time we will get through the politics of this issue on both sides and we will get to a point where frankly we develop this.

But I will also tell my friend that if we focus only on petroleum, we will not serve your young son or my grandchildren—you are much younger than I am—or my grandchildren very well because I will tell you, and as you know, I have a great granddaughter. She is 18 months of age. When she is my age, petroleum will not be her major source of energy. We know that. Petroleum is a wasting resource. By that I mean it is a resource that is going to go away. We don't know how much is left. Experts don't know how much Saudi Arabia still has. But we need to pursue vigorously alternatives while at the same time, as you and I would agree, developing that 107 billion barrels that we have here in this country that are currently available for lease.

Frankly, if the companies tell us that they really can't produce from that, then maybe we ought to look at other sites as well. But certainly it seems to us, you ought to use what you have first; and if that doesn't work, we ought to go on to a second or third or fourth site.

I thank the gentleman for his tolerance in my taking that time.

Mr. BLUNT. I thank the gentleman for that. I am old enough now that I never argue with anyone who suggests I am a lot younger, even if I am not a lot younger. My children and grandchildren, too, I think, will live in a world much different than the world we are in right now; but it will take awhile to get there. And I absolutely agree we should be at an all-systems-forward effort to find the next technology, and while we are finding the next technology, to use the resources we have as an economic asset, not to see them as an environmental hazard. We need to get there. We need to have a debate that gets us there.

We are going to have some figures that we are going to disagree about. It is hard with these sort of believed reserves to know what they are. I personally think I will have a lot of facts that suggest that 81 percent of the known reserves in oil and gas are not in those 68 million acres, but I am also for pursuing those 68 million acres vigorously.

The oil shale in the West, we had a hearing last week that only members of my party attended because we wanted to talk about this whole issue of what this Congress could have done, and just the oil shale amounts in the West that I think are not calculated into your figure are hugely significant in how we use our resources in the future. We want to do that. We want to remove obstacles.

On the $14 billion, and we have debated this before and I am not going to spend a lot of time on this, but I think everybody in this room understands that $14 billion so-called tax break for the so-called oil companies is their part of the domestic manufacturing tax incentive that every American business gets. Now if we want to take that away from companies that are successful, that's a different principle. Maybe we take it away from computer companies. Who do we take it away from? We want those jobs here. That is what that is about. I would like to have that debate one of these days about whether or not those manufacturing jobs need to be here. We think that they need to be here for every other industry in the country. Why is this the one industry where we say, they are going to manufacture here anyway, particularly based on everything we know about the worldwide oil challenge we face, why would we want to do anything that would encourage the oil product to be refined somewhere outside of this country? That is what that domestic manufacturing incentive is for. I think every time when we talk about this as a big tax break for the oil companies, it sounds like we have gone into the tax law and said if you are an oil company, you get something that nobody else gets. What we have done in the tax law is say if you are an oil company and you refine a product, if you manufacture a product, if you produce a product in this country, you get exactly what everybody else gets that makes that decision to make their computer in Texas instead of Romania. That's what that incentive is.

Now, every time it is discussed on the floor, it is this big benefit that was just designed for the oil companies, and that is just not the fact. It is a domestic manufacturing benefit.

Mr. HOYER. Will my friend yield just on that?

Mr. BLUNT. I yield.

Mr. HOYER. I just want to say that I understand what you have just said. But, of course, they never did have that until the 2005 bill, or one of the tax bills that was passed around that time. Prior to that time, the manufacturers had that, as you observed, that's correct, but the oil companies were never included in it originally or for long periods of time. They were added just in the last 2005 or 2006 or 2004, I am not sure exactly which bill added it. So it is not as if that had been in place when the tax to which you refer, the incentive to which you refer, was originally included in the code.

Mr. BLUNT. I thank my friend, but part of the unfortunate circumstance we find ourselves in is, as we have restricted access to some of our own supply, we in fact saw in the last decade that this industry that had been forced to be totally domestic, and we hoped it could be totally domestic again, was sending jobs out of the country because we were bringing in refined product for the first time.

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Because we were bringing in refined product for the first time, we were doing other things that the Congress should want to reverse.

One other topic I have today, and I look forward to a good debate on these energy issues. I would hope these energy issues could come to the floor under a rule, by the way, and I would ask my friend if there is any plan to bring the energy bills that he would hope to bring to the floor in the next week, 2 weeks, 3 weeks with a rule that allows more than a 40-minute debate on a suspension bill.

And I would yield.

Mr. HOYER. That's under discussion. As I said, we're discussing the component parts of the bill. We haven't decided how that bill will come to the floor. But I will certainly look forward to discussing it with you.

Mr. BLUNT. I thank my friend. I think that will be a helpful addition to this debate.

You know, when you have a suspension debate on a bill, particularly a bill that maybe has a majority but it can't get a suspension number, you check a box but you really don't move the agenda forward. I would hope that we could see some of these under rules.

My final topic of the day, unless you raise another one, is I read in the Associated Press just yesterday that the chairman of the Appropriations Committee, Chairman OBEY, announced that the House will not consider a single appropriations bill this year. If that was true, this will be the first time in at least 22 years, maybe ever, that the House has failed to consider a single appropriation bill in any given session.

The committee has passed five bills that are out of full committee ready to go to the floor: Homeland Security; Military Construction; Energy and Water; Commerce, Justice, Science; and Financial Services. And I guess I'm asking my friend to verify whether or not the chairman's view on this is the view of the majority, and if we would expect not to see any appropriations bills on the floor.

And you can take this question in whatever order in July, in August, or as he said, this year.

And I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I cannot confirm, because I haven't seen the report on that, nor has the chairman told me that he made such an announcement. I did read an article in which he indicated that he thought that might be the case.

As you know, he tried to move the Labor-Health bill through to markup through the full committee, and as you know, the ranking member moved to substitute the Interior bill rather than do the Labor-Health bill.

The chairman believed he was pursuing the regular order. I have never seen, in the 23 years that I served on the Appropriations Committee, one of the appropriations bills substituted for another one of the appropriations bills in the appropriations process.

So a lot of unusual things are happening, unfortunately. And we haven't been pursuing regular order. I lament that, personally. I think that we ought to do that.

I will say that last year, as you know, we passed every appropriations bill through the House of Representatives by the August break. We had some difficulty at the end doing that, but we got them all passed. And we passed them all in the year, in the calendar year that we were supposed to pass them, not in the fiscal year, in December. As you know in a number of years we didn't do that until the following year: nine one year, eight the other passed in January, the end of January or the middle of February, as I recall, 2 years. I forget whether it was 2004 and 2005 or 2005 and 2006.

So I share the gentlemen's concern. I think both sides share the concern that the appropriations process is not proceeding in the regular order. But I want to say to the gentleman that from my perspective, I have not concluded that we're not going to consider any appropriations bills on the floor.

Mr. BLUNT. I just suggest, the statement I read, and perhaps it was not accurate, but it seemed like an incredibly definitive statement on the part of the chairman; and since this is the work that the Congress has to do to fund the government, I would assume that the chairman will soon be conferring with the leader and the Speaker to determine if bills are coming to the floor or not.

Mr. HOYER. Will my friend yield on that?

Mr. BLUNT. I would.

Mr. HOYER. Thank you.

Senator REID in the other body has made it pretty clear that he does not believe, again, given the failure to pursue regular order in the Senate, that he will be able to get any bills passed, the Senate appropriations bills.

So one of the factors under consideration by Mr. OBEY is that if the Senate is not going to consider any bills, that because they cannot get the bills through the House and to the President—of course, the President sent down a number, said, If you go over that number, I'm going to veto all of the bills anyway. And we had real difficulty last year, as you know, with that happening. That's not happened in my career before. I don't mean that a President hasn't indicated he would veto, but there was always room to work on that.

But that is one of the complicating factors or two of the complicating factors: the President's position and the Senate's position as well.

But I think the major problem is that the regular order Mr. OBEY did not feel was being pursued in the committee.

Mr. BLUNT. We might ask Mr. OBEY what his views might be about his bills that are already through the committee in regular order and why those five bills couldn't come to the House.

You know, we have, in the years of our majority, always with an open rule, taken substantial time. It seemed to me 1 year we took five full days of hearing amendments on the Labor HHS bill and other bills, numerous bills at a time.

The evaluation of last year, the House passed its bills, but at the end of the day, we had one vote on one big bill which may not have been nearly as healthy as having nine individual votes and then having to carry three bills over into the next year to get them done one at a time. But that's not really the question.

The question is what about the bills that are out of the committee now and what would be a violation of any regular order problem to bring those to the House and take the time that we clearly have? We're passing a lot of legislation off the House floor, but not very much of it winds up on the President's desk. If we begin to determine the House schedule based on what the Senate is willing to do and a bill that can get to the President, not much of what we've done in the last several weeks really had much impact.

But I would yield.

Mr. HOYER. I would not agree with the gentleman. After all, we did pass the Iraq funding, we passed a very substantive supplemental, we passed a GI bill, we passed an unemployment insurance extension. We passed an energy bill last year signed by the President. I think much of what we passed in our '06 that was passed, that got through the Senate, was signed by the President and supported by a significant number of Republicans.

Furthermore, let me just remind you, and I'm sure you recall this, that we took 50 hours longer to do the appropriations bills last year than we did in 2006 when your side was in charge. And we had extensive debate. We had 10 open bills, open rules, and we had two rules at the end, because it was clear that we were having great difficulty getting our bills done in a time cramp. Even under those bills, we spent hours debating them. We spent 17 hours on the Homeland Security bill, for instance, and 12 hours on the Labor-Health bill on the floor.

Mr. BLUNT. If we don't deal with any bills this year, I guess our average is going to go down quickly. If we had 12 hours on Labor H last year and zero this year, I guess for this Congress we will say we spent an average of 6 hours debating the bills because one of them never got debated at all.

Mr. HOYER. I don't want to get too testy, and you and I are good friends.

Mr. BLUNT. We are.

Mr. HOYER. But very frankly, it was not a process that we thought was very substantive last year, and every indication that we have received this year, it is not going to be very substantive this year when we consider appropriation bills.

Now, having said that, we didn't pursue the regular order on the Labor-Health bill. The gentleman is correct there are five bills which have passed, and I would reiterate that I have not yet, from my standpoint, concluded that we're not going to consider appropriation bills on the floor this year.

So I want to make it clear. I'm not sure exactly what Mr. OBEY announced. There was an article that said I was supporting Mr. OBEY's position. I went a little further. What I supported of Mr. OBEY's position was that regular order was not being followed in the appropriations committee, not the representation that you say he made with reference to no bills coming to the floor.

I think he's correct that regular order is not being pursued, and very frankly—and I'm going to talk to you about that, talk to my friend about this, because I think it is unfortunate that we have come to this place where the consideration of these bills last year became very politicized, and this year the announcement clearly was very early on out of your conference or your retreat and subsequently that it wasn't going to be a very happy process this year. I don't mean an agreement process. No reason why there should be an agreement. But Mr. OBEY has concerns that it would simply be impossible for him to get the bills through.

Mr. BLUNT. He's a capable man, and I'm sure he can figure out a way.

So I would like to close by saying we would like to see at least the bills that are through the full committee on the floor and would hope that the energy bills that the gentleman is looking at can come to the floor with a rule that allows a substantial and full debate on this critical problem of both gas prices at the pump now and home heating and other things that are going to quickly become problems for Americans.

ADJOURNMENT TO MONDAY, JULY 14, 2008

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONGRATULATING SPEAKER PRO TEMPORE EDWARDS

Mr. HOYER. Before I ask for the next unanimous consent, let me say how pleased I am that Congresswoman EDWARDS, I think this is her first time in the Chair. She is our newest Member and an excellent Member, and we appreciate her leadership.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Madam Speaker, pursuant to clause 2, rule IX, I hereby give notice of my intention to raise a question of the privileges of the House. The form of the resolution is as follows:

AN ARTICLE OF IMPEACHMENT OF PRESIDENT GEORGE W. BUSH

Resolved, that President George W. Bush be impeached for high crimes and misdemeanors, and that the following Article of Impeachment be exhibited to the United States Senate:

An Article of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

ARTICLE ONE—DECEIVING CONGRESS WITH FABRICATED THREATS OF IRAQ WMDS TO FRAUDULENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION OF THE USE OF MILITARY FORCE AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the Office of President of the United States, and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under article II, section 3 of the Constitution "to take care that the laws be faithfully executed," deceived Congress with fabricated threats of Iraq Weapons of Mass Destruction to fraudulently obtain support for an authorization for the use of force against Iraq and used that fraudulently obtained authorization, then acting in his capacity under article II, section 2 of the Constitution as Commander in Chief, to commit U.S. troops to combat in Iraq.

To gain congressional support for the passage of the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, the President made the following material representations to the Congress in S.J. Res. 45:

1. That Iraq was "continuing to possess and develop a significant chemical and biological weapons capability. . . ."

2. That Iraq was "actively seeking a nuclear weapons capability. . . ."

3. That Iraq was "continuing to threaten the national security interests of the United States and international peace and security."

4. That Iraq has demonstrated a "willingness to attack, the United States. . . ."

5. That "members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq. . . ."

6. The "attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations. . . ."

7. That Iraq "will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so. . . ."

8. That an "extreme magnitude of harm that would result to the United States and its citizens from such an attack. . . ."

9. That the aforementioned threats "justify action by the United States to defend itself. . . ."

10. The enactment clause of section 2 of S.J. Res. 45, the Authorization of the Use of the United States Armed Forces authorizes the President to "defend the national security interests of the United States against the threat posed by Iraq. . . ."

Each consequential representation made by the President to the Congress in S.J. Res. 45 in subsequent iterations and the final version was unsupported by evidence which was in the control of the White House.

To wit:

1. Iraq was not "continuing to possess and develop a significant chemical and biological weapons capability . . . "

"A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities."

The source of this information is the Defense Intelligence Agency, a report called, "Iraq—Key WMD Facilities—An Operational Support Study," September 2002.

"Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing."

The source of this information is the Senate Select Committee on Intelligence, a report entitled "Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information." June 5, 2008.

"In April and early May 2003, military forces found mobile trailers in Iraq. Although intelligence experts disputed the purpose of the trailers, administration officials repeatedly asserted that they were mobile biological weapons laboratories. In total, President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Powell, and National Security Advisor Rice made 34 misleading statements about the trailers in 27 separate public appearances. Shortly after the mobile trailers were found, the Central Intelligence Agency and the Defense Intelligence Agency issued an unclassified white paper evaluating the trailers. The white paper was released without coordination with other members of the intelligence community, however. It was later disclosed that engineers from the Defense Intelligence Agency who examined the trailers concluded that they were most likely used to produce hydrogen for artillery weather balloons. A former senior intelligence official reported that 'only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion.'"

The source of this information is the House Committee on Government Reform, minority staff, "Iraq on the Record: Bush Administration's Public Statements about Chemical and Biological Weapons." March 16, 2004.

Former chief of CIA covert operations in Europe, Tyler Drumheller, has said that the CIA had credible sources discounting weapons of mass destruction claims, including the primary source of biological weapons claims, an informant who the Germans code-named "Curveball" whom the Germans had informed the Bush administration was a likely fabricator of information including that concerning the Niger yellowcake forgery. Two other former CIA officers confirmed Drumheller's account to Sidney Blumenthal who reported the story at Salon.com on September 6, 2007, which in fact is the media source of this information.

"In practical terms, with the destruction of the al Hakam facility, Iraq abandoned its ambition to obtain advanced biological weapons quickly. The Iraq Survey Group (ISG) found no direct evidence that Iraq, after 1996, had plans for a new biological weapons program or was conducting biological weapons-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in biological weapons at the Presidential level. In spite of exhaustive investigation, the Iraq Survey Group found no evidence that Iraq possessed, or was developing, biological weapon agent production systems mounted on road vehicles or railway wagons. The Iraq Survey Group harbors severe doubts about the source's credibility in regards to the breakout program." That's a direct quote from the "Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD," commonly known as the Duelfer report by Charles Duelfer.

"While a small number of old, abandoned chemical munitions have been discovered, the Iraq Survey Group judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter, a policy the Iraq Survey Group attributes to Baghdad's desire to see sanctions lifted, or rendered ineffectual, or its fear of force against it should WMD be discovered."

The source of this information, the "Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD," Charles Duelfer.

2. Iraq was not "actively seeking a nuclear weapons capability."

The key finding of the Iraq Survey Group's report to the Director of Central Intelligence found that "Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date. Saddam Husayn (sic) ended the nuclear program in 1991 following the Gulf War. Iraq Survey Group found no evidence to suggest concerted efforts to restart the program."

The source of this information, the "Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD," Charles Duelfer.

Claims that Iraq was purchasing uranium from Niger were not supported by the State Department's Bureau of Intelligence and Research in the National Intelligence Estimate of October 2002.

The CIA had warned the British Government not to claim Iraq was purchasing uranium from Niger prior to the British statement that was later cited by President Bush, this according to George Tenet of the Central Intelligence Agency on July 11, 2003.

Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, in a "Statement to the United Nations Security Council on The Status of Nuclear Inspections in Iraq: An Update" on March 7, 2003, said as follows:

"One, there is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Second, there is no indication that Iraq has attempted to import uranium since 1990. Three, there is no indication that Iraq has attempted to import aluminum tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have been—it would have encountered practical difficulties in manufacturing centrifuges out of the aluminum tubes in question. Fourthly, although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment program. As I stated above, the IAEA (International Atomic Energy Agency) will naturally continue to further scrutinize and investigate all of the above issues."

3. Iraq was not "continuing to threaten the national security interests of the United States."

"Let me be clear: analysts differed on several important aspects of [Iraq's biological, chemical, and nuclear] programs and those debates were spelled out in the Estimate. They never said there was an 'imminent' threat."

George Tenet, who was Director of the CIA, said this in Prepared Remarks for Delivery at Georgetown University on February 5, 2004.

"We have been able to keep weapons from going into Iraq. We have been able to keep the sanctions in place to the extent that items that might support weapons of mass destruction have had some controls on them. It's been quite a success for 10 years." The source of this statement, Colin Powell, Secretary of State, in an interview with Face the Nation, February 11, 2001.

On July 23, 2002, a communication from the Private Secretary to Prime Minister Tony Blair, "Memo to British Ambassador David Manning" reads as follows:

"British Secret Intelligence Service Chief Sir Richard Billing Dearlove reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the U.N. route and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action. The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam Hussein was not threatening his neighbors, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the U.N. weapons inspectors. This would also help with the legal justification for the use of force."

4. Iraq did not have the "willingness to attack, the United States."

"The fact of the matter is that both baskets, the U.N. basket and what we and other allies have been doing in the region, have succeeded in containing Saddam Hussein and his ambitions. His forces are about one-third their original size. They really don't possess the capability to attack their neighbors the way they did 10 years ago." The source of this quote, Colin Powell, Secretary of State, in a transcript of remarks made to German Foreign Minister Josehka Fischer in February 2001.

The October 2002 National Intelligence Estimate concluded that "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war."

5. Iraq had no connection with the attacks of 9/11 or with al Qaeda's role in 9/11.

"The report of the Senate Select Committee on Intelligence documents significant instances in which the administration went beyond what the intelligence community knew or believed in making public claims, most notably on the false assertion that Iraq and al Qaeda had an operational partnership and joint involvement in carrying out the attacks of September 11." This is a quote from Senator John D. Rockefeller, IV, the chairman of the Senate Select Committee on Intelligence entitled "Additional Views of Chairman John D. Rockefeller, IV" on page 90.

Continuing from Senator Rockefeller:

"The President and his advisors undertook a relentless public campaign in the aftermath of the attacks to use the war against al Qaeda as a justification for overthrowing Saddam Hussein. Representing to the American people that the two had an operational partnership and posed a single, indistinguishable threat was fundamentally misleading and led the Nation to war on false premises." Senator Rockefeller.

Richard Clarke, a National Security Advisor, in a memo of September 18, 2001 titled "Survey of Intelligence Information on Any Iraq Involvement in the September 11 Attacks" found no "compelling case" that Iraq had either planned or perpetrated the attacks, and that there was no confirmed reporting on Saddam cooperating with bin Laden on unconventional weapons.

On September 17, 2003, President Bush said: "No, we've got no evidence that Saddam Hussein was involved with September 11. What the Vice President said was is that he (Saddam) has been involved with al Qaeda."

On June 16, 2004, a staff report from the 9/11 Commission stated: "There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan in 1996, but they do not appear to have resulted in a collaborative relationship. Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States."

"Intelligence provided by former Undersecretary of Defense Douglas J. Feith to buttress the White House case for invading Iraq included 'reporting of dubious quality or reliability' that supported the political views of senior administration officials rather than the conclusions of the intelligence community, this according to a report by the Pentagon Inspector General.

"Feith's office 'was predisposed to finding a significant relationship between Iraq and al Qaeda,' according to portions of the report released by Senator Carl Levin. The Inspector General described Feith's activities as 'an alternative intelligence assessment process.'" The source of this information is a report in the Washington Post dated February 9, 2007, page A-1, an article by Walter Pincus and Jeffrey Smith entitled "Official's Key Report on Iraq is Faulted, 'Dubious' Intelligence Fueled Push for War."

6. Iraq possessed no weapons of mass destruction to transfer to anyone.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate (NIE) on Iraq that was available to the administration at the time that they were seeking congressional support for the authorization of use of force against Iraq, the Iraq regime would probably only transfer weapons to a terrorist organization if "sufficiently desperate" because it feared that "an attack that threatened the survival of the regime were imminent or unavoidable."

"The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against the United States and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any chemical and biological weapon attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory."

7. Iraq had no weapons of mass destruction and therefore had no capability of launching a surprise attack against the United States or its Armed Forces and no capability to provide them to international terrorists who would do so.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under severe threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate on Iraq that was available to the administration at the time they were seeking congressional support for the authorization of the use of force against Iraq, the Iraqi regime would probably only transfer weapons to a terrorist organization if "sufficiently desperate" because it feared that "an attack that threatened the survival of the regime were imminent or unavoidable." That, again, from the October 2002 National Intelligence Estimate on Iraq.

"The Iraqi Intelligence Service probably has been directed to conduct clandestine attacks against U.S. and Allied interests in the Middle East in the event the United States takes action against Iraq. The Iraq Intelligence Service probably would be the primary means by which Iraq would attempt to conduct any chemical or biological weapons attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory."

As reported in the Washington Post on March 1, 2003, in 1995, Saddam Hussein's son-in-law, Hussein Kamel, had informed U.S. and British intelligence officers that "all weapons—biological, chemical, missile, nuclear—were destroyed." That from the Washington Post, March 1, 2003, page A15, an article entitled "Iraqi Defector Claimed Arms Were Destroyed By 1995," by Colum Lynch.

The Defense Intelligence Agency, in a report called "Iraq—Key WMD Facilities—An Operational Report Study" in September 2002, said this:

"A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities."

8. There was not a real risk of an "extreme magnitude of harm that would result to the United States and its citizens from such an attack" because Iraq had no capability of attacking the United States.

Here's what Colin Powell said at the time: "Containment has been a successful policy, and I think we should make sure that we continue it until such time as Saddam Hussein comes into compliance with the agreements he made at the end of the Gulf War." Speaking of Iraq, Secretary of State Powell said, "Iraq is not threatening America."

9. The aforementioned evidence did not "justify the use of force by the United States to defend itself" because Iraq did not have weapons of mass destruction, or have the intention or capability of using nonexistent WMDs against the United States.

10. Since there was no threat posed by Iraq to the United States, the enactment clause of the Senate Joint Resolution 45 was predicated on misstatements to Congress.

Congress relied on the information provided to it by the President of the United States. Congress provided the President with the authorization to use military force that he requested. As a consequence of the fraudulent representations made to Congress, the United States Armed Forces, under the direction of George Bush as Commander in Chief, pursuant to section 3 of the Authorization for the Use of Force which President Bush requested, invaded Iraq and occupies it to this day, at the cost of 4,116 lives of servicemen and -women, injuries to over 30,000 of our troops, the deaths of over 1 million innocent Iraqi civilians, the destruction of Iraq, and a long-term cost of over $3 trillion.

President Bush's misrepresentations to Congress to induce passage of a use of force resolution is subversive of the constitutional system of checks and balances, destructive of Congress' sole prerogative to declare war under article I, section 8 of the Constitution, and is therefore a High Crime. An even greater offense by the President of the United States occurs in his capacity as Commander in Chief, because he knowingly placed the men and women of the United States Armed Forces in harm's way, jeopardizing their lives and their families' future, for reasons that to this date have not been established in fact.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States and of those members of the Armed Forces who put their lives on the line pursuant to the falsehoods of the President. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the House rules.

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

STONE COLD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, on Sunday morning Chaudhry Rashad brutally murdered his daughter for bringing, as he said, "disgrace to the family."

Rashad's 25-year-old daughter, Sandeela, wanted a divorce from her arranged marriage, but Rashad believed that it was more honorable for him to take a course of action to strangle her to death.

When Atlanta police arrived on the scene, Rashad was in his driveway, calmly smoking a cigarette behind a car as if it was a normal Sunday. After being arrested, then he arrogantly demanded to be served Islamic food while he was in custody.

Rashad said he has "done nothing wrong" by murdering his daughter. Yet another example of murder in the name of religion. Yet that's the problem, that people still use the word "honor" and "killing" in the same breath. The United Nations estimates that there are approximately 5,000 supposed religious honor killings each year of women and girls. Murder is not honorable.

When the police found young Sandeela's body, they said it was cold to the touch. However, the cold, dead body of his daughter was nothing compared to the coldness of a father's heart who willingly steals the life of his child in the name of religion.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S STRATEGIC CONTEXT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Madam Speaker, yesterday I rose to speak about the need for America to embark upon a process to develop a comprehensive strategy to advance U.S. interests in the world. Today I rise to continue that theme; I want to take the conversation a bit further.

A strategy, as I said last night, describes the way we employ all elements of national power to advance our critical interests. Ultimately, determining these critical interests depends upon the place America occupies in the world. What do we see as our role? Who do we want to be, and how do we want to interact with the rest of the globe's inhabitants to get there? That's the fundamental question, of course, but we are not ready to answer it yet.

Instead, we must first consider the domestic and global contexts within which we must act. As our vision of where we want to go evolves, we must have an ongoing dialogue about the effort and the sacrifices we are willing to make. We must also look at the world as it is, not as we'd like it to be, and we must acknowledge that much of the world does not necessarily see us as we would see ourselves. We must look clear-eyed beyond Iraq and Afghanistan. Only with that understanding can we determine where we want to go and how we want to get there. But as this vision develops, we must keep in mind that it is no good if we cannot provide the means to achieve it, nor is it useful if it is not a realistic fit with the rest of the world.

The global environment is ever changing. While we cannot control the sea swell of change, we must prepare ourselves to navigate those waters. Regional power is shifting; some large nation states, such as China, India, Brazil, to name a few, are ascending and verge on global power status. Russia may already be there, again. Do their interests conflict or coincide with ours? Is their rise a challenge to oppose or an opportunity to engage? Some of our traditional security arrangements may fade in importance as others take on new meaning. But nation states are not our only concern. It's clear that a number of transnational issues will challenge us while others may provide positive potential. Fundamentalist terrorism and the proliferation of dangerous weapons are obvious examples of serious challenges, of course, but what about climate change, the fragility of increasingly connected world financial markets, or the outbreak of pandemic diseases? These are challenges that present themselves without any malicious intentional human action.

The point here is that the world around us bears significant scrutiny because it represents the context that binds whatever strategy we choose. This is not to say we cannot strive for an ideal. We can and we should. It's how this Nation was formed. The ability to conceive a vision that is breathtaking in scope and heartbreaking in its beauty is America's gift to the world. But while the goal may be the ideal, our understanding of our environment and our selection of the means to reach it must be firmly rooted in realism.

With that thought I close, Madam Speaker. In my next speech addressing these issues, I will talk about the need to return to the fundamentals of strategic understanding, a return to Sun Tzu, to Clausewitz, to strategic thought rooted not in slogans but in enduring principles.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO FILE SUPPLEMENTAL REPORT ON H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. REYES. Madam Speaker, I ask unanimous consent that the House Permanent Select Committee on Intelligence be allowed to file a supplemental report to accompany H.R. 5959.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

☐ 1715

ROAD TO ARMAGEDDON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, it's official. Iran now is capable of firing long-range missiles into southern Europe, Israel, and at U.S. troops in the Middle East.

This story broke yesterday morning when news agencies all over the world reported that Iran successfully test-fired nine medium- to long-range missiles with ranges of 1,200 miles or more that could carry nuclear weapons.

Madam Speaker, here's a map of the area. Here's Iran in the green. Next door is Iraq. Here's Syria. And, of course, this small area here is Israel. Weapons that they have fired are now capable of reaching Israel if Iran so desires.

Iranian leaders say these supposed to send a message to the United States and to Israel. The message: Iran has no problem attacking if they so desire.

The world is threatened by North Korea, Syria, and Iran, all developing nuclear capabilities while denying they have mischief in mind. The most dangerous, of course, is Iran.

The administration claims that the U.S. is determined to prevent Iran from threatening U.S. interests. But what does that mean? We have heard that line before. We've heard it the last time the U.N. imposed sanctions and told Iran to straighten up or else. And Iran just ignored the U.N. and the United States.

It's pretty clear that Iran's aggressive weapons development is part of a calculated plan to destroy their enemies. Unfortunately, Madam Speaker, the U.S. and Israel are at the top of Iran's hate list.

The LA Times recently reported that the little fellow from Iran, Mahmoud Ahmadinejad, said, "The Zionist regime of Israel is about to die and will soon be erased from the scene." And, "The time for the fall of the satanic power of the United States has come, and the countdown to annihilation has started."

The devil of the desert, Ahmadinejad, is preaching hate and murder, which puts the rest of the world in danger as well. For those folks who might be willing to give Iran the benefit of the doubt, let's take a walk down memory lane and consider some of the recent facts.

In August of 2002, allegations were made that Iran was building a uranium enrichment facility, a component necessary for nuclear weapon technology. In December of 2002, satellite images confirmed the site. Then, after being caught in 2003, Iran agreed to allow U.N. inspectors in the country to inspect their facilities. But shortly after the inspections, Iran removed the inspectors' cameras and began nuclear development again.

In September of 2003, more enriched uranium was found. Caught again. In October, Iran pledged that if they could develop peaceful, civilian nuclear technology, they would suspend uranium enrichment activities. However, less than a month later, we learned that Iran didn't hold up to their end of the bargain. Big surprise, Madam Speaker. They lied and were caught again.

In 2004, we learned from the United Nations inspectors that Iran violated obligations under the Nuclear Proliferation Treaty, and had been doing so for 18 years. Then Iran refused to allow U.N. inspectors back into their country. In 2005, Iran finally permitted U.N. inspectors to conducted limited inspections and, only after Iran had enough time to sanitize the facilities, were the inspectors allowed in the country.

Then, at the end of 2005, an agreement to suspend uranium enrichment was broken when Ahmadinejad became President. Iran started its nuclear program once again. In 2006, the U.N. ordered Iran to suspend enrichment. Iran did not comply. Later that year, the U.N. issued another order demanding that Iran stop enrichment, and Iran refused, and rejected even an incentive package.

The U.N. passed more resolutions demanding that Iran suspend its enrichment, and all have basically been ignored. Not only has Iran's dictator been stubbornly defiant in complying with these international demands, he has openly mocked U.S. attempts to keep Iran from developing nuclear technology through diplomacy.

In fact, just recently one of Iran's military commanders was quoted as saying that Iran's, "hands are always on the trigger and missiles are always ready to be launched." Do those gunslingers sound like the kind of people we can with reason with? How many more United Nations resolutions have to be issued, how many more sanctions imposed? How many more chances are we willing to give this trigger-happy regime? It's pretty clear what we are doing now is not working.

So the question, Madam Speaker, is: Does the United States have a plan to deal with this crisis, or are we going to have to wait for Iran to deploy a nuclear missile before we wake up and realize that we need a plan. The U.S. intelligence community says that Iran can have nuclear weapons as early as 2010. That is just 2 years away. We already know Iran has long-range missile capability. Put those two together and our world is in a rude awakening very soon.

Iran is not a joke. It's a threat to the whole world. The government of Iran and, more importantly, the American people need to know what the United States' position and plan is. We know what Ahmadinejad's plan is. It's full of malice toward the United States and Israel and his intentions are fatally bent on mischief.

And that's just the way it is.

HALLWAY POLICY AND FACES OF THE FALLEN MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, this week I received a notice from the Chief Administrative Officer and the Architect of the Capitol directing me to remove a memorial outside of my office, which honors fallen marines from Camp Lejeune, North Carolina, because it does not comply with the new hallway policy of the House.

The hallway policy states that items such as flags, equipment, furnishings, and trash must be removed from the hallways. The policy defines furnishings, in part, as easels and exhibits and posters.

While the Faces of the Fallen memorial displayed outside my office does include posters and easels, I cannot believe that these symbols of service to our Nation could be considered mere furnishings. Discarded office equipment and trash are certainly a hindrance to the public who passes through the hallways of congressional office buildings. However, memorials to honor the lives of those killed in Iraq and Afghanistan are a welcome tribute that should not fall under the hallway policy jurisdiction.

Yesterday, I wrote a letter to Speaker NANCY PELOSI to explain the history of this memorial and its importance. In 2004, Congressman RAHM EMANUEL and I introduced legislation directing the Architect of the Capitol to establish an exhibit in the Capitol rotunda to honor the memory of members of the United States Armed Forces who have died in Operation Iraqi Freedom and Operation Enduring Freedom. Our legislation was never considered. Instead, House Speaker DENNY HASTERT directed the construction of a modest memorial listing names of the fallen in the foyer of the Rayburn House Office Building.

Because we consider the listing of names to be an insufficient way to honor the lives of our fallen servicemembers, I, along with other Members of Congress, began to display more proper memorials outside of our own office areas.

To fully appreciate the loss of a military hero, I believe it is important to see the face of what might have been the fathers, the mothers, the sons, the daughters. Hundreds of visitors from my district, and others, have stopped to view the faces of fallen marines from Camp Lejeune displayed outside my office door, and they have been impacted deeply by this memorial.

Madam Speaker, on one occasion, a mother from Minnesota came into my office with tears in her eyes and thanked me for displaying the picture of her son, who had been killed while serving our Nation.

I know that Speaker PELOSI understands the importance of honoring the men and women who have died in service to our country. I am very grateful that the Speaker has honored my request and the request of others that the House observe a moment of silence each month in honor of those killed or wounded in Iraq or Afghanistan.

As another sign of appreciation for these military heroes, I am hopeful that Speaker PELOSI will support those of us who wish to continue displaying memorials outside of our congressional offices in honor of the men and women who made the ultimate sacrifice for our country.

With that, Madam Speaker, I close by asking God to continue to bless our men and women in uniform and ask God to bless the families who have given a child dying for freedom in Iraq.

GLOBAL POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Today, I rise to speak about global poverty, and specifically to share my experiences as part of the House Democracy Assistance Commission Congressional Delegation visit recently to six African countries. This Commission supports the development of Democratic governments around the world by establishing peer-to-peer relationships with emerging Democratic legislatures.

There is one striking feature in most of the nations we visited on this trip, and they included Ghana, Kenya, Malawi, Mauritania, the Democratic Republic of Congo, and Liberia. In each of these countries, at least half of the population lives on less than $2 a day.

You know, in so much of the Continent of Africa, a continent vibrant and rich with resources and wonderful people, it's overwhelming to see up close and in very personal ways the fact that adults regularly die from preventible disease and children so horribly malnourished.

In fact, according to UNICEF, even in today's modern world, with all the technology that is available, over 26,000 children under the age of five die every single day due to poverty. Just think of it. Twenty-six thousand lives lost each day.

This number, more than any other, brings home to me with cruel immediacy the absolute desperate needs of the world's poor. As we know, poverty is not only the result of economic and social policy shortcomings, it also thrives on war. This scourge is the means by which incredible gender and minority inequality flourishes.

I am thinking now of women in the Democratic Republic of Congo who, even as we speak, are enduring unspeakable acts of sexual violence and degradation. The lives of so many of the world's people are horribly short and difficult because we have all failed to properly distribute the abundant resources of Mother Earth.

These facts are reprehensible and would seem to leave us without hope in the future. But wherever poverty may have taken hold in Africa, it has failed to take hold of the African spirit.

In Malawi, a country where 62 percent of the population lives on less than $2 a day, and where an estimated 15 percent of the adult population is HIV positive, we visited health programs that are a tribute to what is possible when we unite to help each other.

As a nurse, I took special note of our visits to orphan and health care programs run by the Global AIDS Interfaith Alliance, as well as Direct Relief International. These are local, nonprofit agencies that are supported directly by many constituents of mine in my congressional district, and I was honored and humbled to see where these gifts of my friends and neighbors at home, where these gifts are being used so fruitfully in these countries to support and nurture and nourish the lives of orphan children and women suffering with HIV and AIDS.

From HIV prevention, school tuition, and transport to pediatric HIV treatment centers, as well as caring for the ill, these organizations, and there are many of them, and the incredible people that work for them and with them, are helping to bring change to the lives of Malawian children and families.

The African spirit was also thriving in countries like Kenya and Liberia, both of which are working very hard to maintain and strengthen their Democratic institutions, countries where we enjoyed democracy building with their parliaments. It was a team effort. And it was a real honor, again, to be there on behalf of our U.S. Congress.

It will not be easy to turn the tide of poverty in Africa. But, working together, progress is being made. I implore my colleagues to keep this continent, the cradle of life, at the forefront of our minds on this House floor.

☐ 1730

BLOCKADE OF IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. A couple of weeks ago, there was a resolution introduced in the Congress, H. Con. Res. 362, that quickly got 220 cosponsors. I want to talk a little bit more about that resolution because there are some Members of Congress now having second thoughts about invoking a blockade on Iran.

Take, for instance, here's a quote from Congressman ROBERT WEXLER of Florida. He says, "Given my growing concerns regarding this resolution, including its failure to advocate for direct American engagement with Tehran and open language that could lead to a U.S. blockade of Iran, I will lead an effort to make changes to this resolution before it comes to the Foreign Affairs Committee for a vote."

The chairman of the Financial Services Committee, BARNEY FRANK, had this to say: "I am all for stricter sanctions against Iran, but the blockade part goes too far. I am going to call the sponsors and tell them I am changing my vote."

I would like all Members of Congress to reconsider, because this I consider a very dangerous sense of congress resolution and that it is going to lead to trouble.

There is a new pro-Israeli lobby established called J Street, and they had some comments about this legislation as well. Their comments are this: "We as a group oppose preemptive military action by either the United States or Israel and we support stronger U.S. diplomacy. To us, it is common sense that saber rattling and constant threats are counterproductive. What better way to unite Iran behind its most hawkish leaders than threatening to attack? What better way to empower the Iranian hardliners' case for nuclear weapons development than to talk of a military attack?"

Today, I had three young Iranians in my office, and they verified that next year there will be an election and Ahmadinejad, who is in political trouble over there, is being enhanced by our militant conversation we have here, threatening of blockades, and with this plan or possible plan to actually bomb Iran. But the other side argues, well, no it is all the Iranians' fault. They are testing missiles.

The testing of missiles came after there were war games by Israel testing whether or not they had the manpower and the airplanes to travel that particular distance. So the saber rattling is not one-sided, and we cannot say that it is all the Iranians' fault.

This H. Con. Res. 362, the authors claim it is not a blockade. But what it does, it demands inspection of all imports of petroleum products, vehicles, ships, planes, trains and cargo. They use word "prohibit" and impose stringent inspection on all of these items.

Now, the question I would like to pose here for our Members is this: How would we as Americans and how would we as a government react if a strong government came and did that to us? What if another government came and said we are going to restrict the importation of petroleum products and we are going to inspect all vehicles, ships, planes, trains and cargo? We wouldn't know what that would mean. How could they do that without an embargo? This is militant language, it is just looking for trouble, and it will not help solve the situation.

There is nothing wrong with talking to people. We talked to the Soviets in the midst of the Cold War. They had 40,000 nuclear weapons. Now they are talking about, well, maybe the Iranians might get a weapon later on.

Quite frankly, this talk about this violation, the Iranians were asked by IAEA not to resume enrichment. They had voluntarily stopped enrichment for peaceful purposes. They have every right under the Nonproliferation Treaty to enrich for peaceful purposes. In the last year, there have been nine unannounced inspections of the Iranian nuclear sites. They have never once been found in violation.

This does not make them angels. This does not make them not want to desire to defend their country. But think about it: How many countries have nukes around them? Pakistan has nukes, India has them, Israel has them, the United States has them, China has them, the Soviets have them. And they are being threatened. War games are being practiced, with the potentiality of us being a participant in bombing them.

Madam Speaker, it is time for us to take a deep breath and reassess our position.

NATIONAL DEFENSE AND ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I rise to discuss two very important national issues that are unrelated.

First, I consider national defense to be one of the most important and most legitimate functions of the National Government. Yet even I am astounded at sometimes the waste and inefficiency of the Defense Department, and I think the primary reason is that almost every defense contract is some sort of sweetheart or insider type deal.

Just yesterday in the Washington Times, I would like to read a portion of a story that the Times carried yesterday. It says: "Similarly, Edward C. 'Pete' Aldridge, Undersecretary of Defense for Acquisition, Technology and Logistics at the Pentagon, left the agency to join the board of Lockheed Martin, the Pentagon's largest contractor. Weeks before he left the Pentagon, Mr. Aldridge approved a $3 billion contract to build 20 Lockheed planes. That decision was made after he criticized the plan and threatened to cancel the contract. While serving on the Lockheed board, Mr. Aldridge was picked in 2004 to chair the Commission on the Implementation of U.S. Space Exploration Policy, a decision that drew criticism only from Senator JOHN MCCAIN of Arizona, now the presumptive Republican Presidential nominee, who said Lockheed was one of NASA's biggest contractors and called for Mr. Aldridge's removal because of a conflict of interest. His criticism went unheeded."

Madam Speaker, the problem is that all of the defense contractors hire all the retired admirals and generals, it has been referred to as the "revolving door at the Pentagon," or all the high level Pentagon employees, and then they come back to these same people and they get these multi-billion dollar contracts. In this example, this man awarded Lockheed Martin a $3 billion contract, the same contract he criticized at one point. But then, surprise, shock of all shocks, he approved this contract, and then a short time later joined the board of Lockheed Martin.

This is just one example. I could give examples day after day of similar types of things. All of these defense contracts going to companies that hire all the retired admirals and generals, and it should be stopped.

The second issue, a very important issue but very unrelated, is the issue of energy and gas prices. I would like to read part of a column by Charles Krauthammer a few days ago. Mr. Krauthammer is very respected by both sides of the aisle.

He said, "Gas is $4 a gallon, oil is $135 a barrel and rising. We import two-thirds of our oil, sending hundreds of billions of dollars to the likes of Russia, Venezuela and Saudi Arabia. And yet we voluntarily prohibit ourselves from even exploring huge domestic reserves of petroleum and natural gas."

Mr. Krauthammer continued: "At a time when U.S. crude oil production has fallen 40 percent in the past 25 years, 75 billion barrels of oil have been declared off limits, according to the U.S. Energy Information Administration. That would be enough to replace every barrel of non-North American imports for 22 years." That is nearly a quarter century of energy independence.

Mr. Krauthammer said, "The situation is absurd."

George Will wrote a column a few days ago and he said this: "One million barrels is what might today be flowing from ANWR if in 1995 President Bill Clinton had not vetoed legislation to permit drilling there. One million barrels produce 27 million gallons of gasoline and diesel fuel."

And Robert Samuelson, who is not really considered a conservative or Republican columnist, he is a columnist for the Washington Post, he wrote a few weeks ago this. He said, "The truth is we are almost powerless to influence today's prices. We are because we didn't take sensible actions 10 or 20 years ago. If we persist, we will be even worse off in a decade or two. The first thing to do, start drilling."

Madam Speaker, I am one of the very few Members who has been up to Prudhoe Bay in Alaska twice. I have been up there to this frozen tundra. There are millions of acres without a tree or a bush on that entire expanse up there, 19.8 million acres, 36 times the size of the Great Smokey Mountains, part of which I represent. They want to drill on about 2,000 or 3,000 acres of this 19.8 million acre refuge. It takes a survivalist to go in there. In fact, Time Magazine said 4 years ago it only had about 200 visitors a year.

It is ridiculous that we do not drill in an environmentally safe way. Most environmental extremists, I have noticed over the years, they come from very wealthy or very upper-income families. Perhaps they can afford gas to go to $5 or $6 a gallon. They have said for years they wanted gas prices to go higher so people would drive less. But I can tell you this: They are hurting a lot of poor and lower-income and working people in this country, and they are shutting this country down economically.

We heard in the Highways and Transit Subcommittee a few weeks ago that 935 trucking companies had closed in the first quarter of this year, and they only counted trucking companies with five trucks or more. Two weeks ago we heard in a hearing of the Aviation Subcommittee that eight airlines had shut down, had ceased operating in the last year-and-a-half, and one more was in receivership.

We are at a very dangerous point. We don't have to produce all of our oil or all of our energy, but we have got to start producing a little bit more, or these foreign energy producers are going to know they can keep on raising these prices, and as I say, they are going to hurt a lot of working and ordinary Americans in the process.

ADDRESSING THE CHALLENGES FACING AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, last week the House went on recess to spend time in our districts commemorating our independence as a Nation. These celebrations every 4th of July are always a time to remember and honor the history of this great country. We think of the great moments when the United States of America shone as an unparalleled leader in liberty and achievement; the brave men who stormed the beaches of Normandy, followed by the Marshall Plan and the Berlin airlift; the Wright Brothers becoming first in flight; or, of course, Neil Armstrong taking that giant leap for mankind.

Perhaps above all, though, Madam Speaker, America's great moments have been expressions of great ideas. Our Nation was born out of the ideals of the Declaration of Independence. It established an enduring national philosophy based on the truth that we are all created equal and endowed by our Creator with inalienable rights.

Since that beginning, bold ideas have defined our Nation; the idea that government must be of the people, by the people, and for the people; the idea that checks and balances must be built into the very structure of government to ensure its responsiveness to the American people; the idea that every man, woman and child has the right to freely practice their faith; the idea that all ideas should be allowed to be freely expressed. This is our history and our heritage.

But Independence Day is not just a time to reflect on our past. It is also an opportunity to consider where we are headed. I believe that today, we as Americans are currently grappling with very fundamental philosophical questions, and answers to these questions will present complex challenges in their implementation.

A central question is how to apply our core principles to the new challenges that we face. How do we secure ourselves against new threats without diminishing the civil liberties that we hold dear. How do we wage a war against Islamic extremism without appearing to treat those of the Muslim faith with the very intolerance that fuels extremism. How do we end the scourge of illegal immigration, while continuing to be that shining city on the hill to the many legal immigrants who have always helped to make this country the great Nation that it is.

□ 1745

How do we engage in the worldwide marketplace while ensuring that Americans can successfully compete in a very dynamic economic environment?

Madam Speaker, there are those who say that America is bitterly divided today over these questions. It is certainly true that there is great diversity of opinion in how to address the security and economic challenges that we face. But if we are willing to engage each other in honest and open debate, this diversity of opinion is our great strength, not our weakness.

We as a Nation are facing substantial new challenges that demand a great clash of ideas, just as our Founders intended. Unfortunately, the recitation of inflammatory talking points has supplanted sincere and honest debate. The shrill voices of talking heads are no substitute for true engagement.

I believe Americans have grown weary of politics as usual, of the endless fighting that takes place here in Washington. But not because of the existence of opposing views. Americans have grown weary of the obstinacy, the hardened positions and intolerance of differing opinions, the refusal to truly engage in an open and substantive way.

Madam Speaker, in a country of over 300 million people, there will never be uniformity of opinion, but there can and should be a deep respect for that clash of ideas and an interest in reaching broad consensus on the great issues of our day. This is the essence of the United States of America, and it is the essence of why we last Friday celebrated our Nation's independence, the freedom of ideas, all ideas, to be debated, debunked, or developed in this messy process of democracy.

Madam Speaker, I truly believe that our country will rise to the challenges we face today, just as we have always done. And we will accomplish this through open, sometimes heated and passionate, but always respectful debate. The celebration of our independence is always at least a temporary unifier of America. But this year, we cannot afford to confine this unity to one day, the Fourth of July. I believe we should use this time to renew our belief in a country that is bound together, not driven apart, by the clash of ideas out of which our great country was born.

CREDIT CARDHOLDERS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the majority leader.

Mrs. MALONEY of New York. Madam Speaker, I wish to address the Chamber tonight on the Credit Cardholders' Bill of Rights.

In recent years, the playing field between credit card companies and credit cardholders has become very one-sided. It is no surprise that it is average

American cardholders and not the credit card companies who are getting the short end of the stick.

A credit card agreement is supposed to be a contract. But what good is a contract when only one party has any power to make decisions, and one party makes all the decisions? Cardholders deserve more bargaining power. The United States Congress can and should help level the playing field between card companies and cardholders.

I introduced the Credit Cardholders' Bill of Rights, H.R. 5244, to give American credit cardholders a fair deal. We now have over 155 cosponsors in this body. My comprehensive credit card reform bill takes a balanced approach to reforming major industry abuses and improving consumer protections for cardholders.

Put simply, the Credit Cardholders' Bill of Rights protects cardholders against arbitrary interest rate increases any time and for any reason; prevents cardholders from being unfairly penalized; protects cardholders from due date gimmicks; shields cardholders from misleading terms, and empowers them to set limits on their own credit and to better control their own credit; prevents card companies from giving subprime credit cards to people who cannot afford them; and requires Congress to provide much better oversight of the credit card industry in general.

The Credit Cardholders' Bill of Rights fosters fair competition and free market values. It sets no price controls, no rate caps, and no fees. It merely requires the card companies to let consumers know when they are jacking their fees up and increasing their rates. I believe the free market works best when consumers are empowered to make their own choices, and my bill would give cardholders the information and the rights they need to make choices about their own credit.

The balanced provisions in my bill are the deliberative result of over a year of careful study and analysis. Over the last 2 years, I held numerous congressional hearings and meetings to determine how Congress, Federal regulators, and credit card companies could work together to help improve services and protections for cardholders.

There is no doubt that credit cards are very important to our economy. They offer cardholders instant access to a convenient and flexible source of financing, and have enabled many people to start new businesses, pay for tuition, or make other major purchases. Credit cards also provide many people with a safety net to help solve cash flow problems or cover unexpected expenses. But cardholders are increasingly confronting problems with unfair industry practices embodied in one-sided contracts, and this must be changed.

In recent months, the House of Representatives, under the leadership of Financial Services Chairman BARNEY FRANK, succeeded in passing major mortgage reform legislation and an economic stimulus plan. The Senate is now following suit. Both of these important steps will help get our economy back on track, but we cannot overlook credit card reform. It is a critical part of the equation, and one Congress will be turning its attention to.

Over 155 of my colleagues have already signed on as cosponsors of this important legislation. In the coming months, I plan to continue to build on the support this bill has gained, and I plan to work with BARNEY FRANK to get this marked up in committee so we can bring it to the floor for a vote.

Consumers deserve to know where their elected officials stand on credit card reform that affects their lives. This is a critical issue of importance to my constituents, and we must show them that Congress is ready to restore some balance between consumers and credit card companies.

When I started to work on this issue, one of the first things I did was hold a roundtable discussion with many of the stakeholders, major credit card issuers, as well as leading consumer advocates. From this discussion, I developed a series of principles that have guided the development of the legislation. I am going to take a few minutes to describe each of these principles, explain what the bill does to achieve them, and provide real-world examples of what this means to the average credit cardholder.

The first principle is that cardholders deserve protection against arbitrary interest rates any time and for any reason. Right now, credit card companies have the right to raise a customer's interest rate for any reason. This has made it very difficult for many consumers to understand how and why they have had their interest rate changed and hiked up on their credit cards.

Compounding this problem is that when a new higher interest rate is applied, it not only affects future purchases, it also raises the interest rate on existing balances. Consumers are often only made aware of these new higher interest rate increases only after they have gone into effect.

To counter this problem, the Credit Cardholders' Bill of Rights requires credit card companies to give a customer 45 days' notice of any and all interest rate hikes, and allows them the option to just say "no," to opt out of the interest rate increase. In return, if the cardholder opts out of the new rate, they are required to close the card and pay off the existing balance at the payment schedule they agreed to.

And here is a real-world example. A person has a $1,000 balance and a 9.9 percent APR interest rate. One month, she pays her utility bill one day late. The credit card company charges her a $35 late fee and raises her interest rate from 9.9 percent to over 29 percent, but does not tell her about the rate increase until she gets her next statement in the mail. The new rate is applied to the entire existing balance of $1,000. And the consumer can try and get a new card at a lower rate, but until then the $1,000 debt will be growing at a 29.99 percent rate of interest.

Under the Credit Cardholders' Bill of Rights, the customer would still be charged the late fee, but they would be notified that, in 45 days, their interest rate would be raised from 9.9 percent to over 29 percent. This would give them more time to try to apply for a new credit card with a lower interest rate; or, they could decline the higher interest rate on the card, close the account, and pay off the balance at the old 9.9 percent rate.

I have got to say, under the Credit Cardholders' Bill of Rights, the customer could still be assessed the higher interest rate for missing payments on other bills, but that new higher rate would only apply to purchases and balances going forward and not retroactive on their existing balances. They would also have the ability to opt out of the rate increase, close the account, and pay off their existing balances at the old rate.

Another principle in the bill is that cardholders who pay on time and don't go over their limit should not be penalized. The so-called double cycle billing is a confusing practice that certain card companies employ to charge cardholders more interest. It affects cardholders who go from paying off their balances in full to carrying a balance. Here is how it works.

Most card companies charge interest on the remaining unpaid balance from a cardholder's previous billing cycle. Card companies that use double cycle billing, however, charge cardholders interest on the entire balance from the previous cycle even if the cardholder paid part of it off. Card companies that use double cycle billing are effectively charging interest on balances that have already been paid. How fair is that? The Credit Cardholders' Bill of Rights bans this really unfair practice called double cycle billing.

Here is a real-world example. A cardholder usually pays off her credit card in full every month, but one month she charged $100 and only paid $50 by the due date. If she had a credit card that calculated payments on a single cycle, she would have been given credit for paying that $50 and only charged interest in the next billing cycle on the remaining $50 that she owed. But since her card company uses double cycle billing, she was charged interest on the $100 from the previous billing cycle plus the remaining $50 that she still owes. Under my bill, card companies would be prohibited from billing on a double cycle and charging interest on debt that has already been paid.

Another principle of this legislation is that cardholders should be protected from due date gimmicks. Currently, card companies are allowed to mail billing statements out as few as 14 days before the statement is due. Mail delays and a host of other problems mean that cardholders on that schedule find themselves with less than a week to get their payments back to their card company, increasing the likelihood that they will have a late payment.

The Credit Cardholders' Bill of Rights gives cardholders more time to pay their bills. It requires card companies to mail billing statements 25 calendar days before the statement's due date. It also requires that payments made before 5:00 p.m. eastern standard time on the due date are considered timely. The bill also prohibits card companies from charging late fees when a cardholder presents proof of mailing his or her bill within 7 days of the due date.

□ 1800

Another is that the bill and the cardholders should be protected from misleading terms and statements. Card companies can currently define the terms "fixed rate" and "prime rate" pretty much any way they want to. This can lead to obvious confusion among cardholders.

The Credit Cardholders' Bill of Rights prevents card companies from using these terms in a misleading or in a deceptive manner by establishing single set definitions that every company must use. For example, the term "fixed rate" must be a rate that will not change or vary for any reason over a defined period of time. The Credit Cardholders' Bill of Rights also gives cardholders who get pre-approval for a card the right to reject that card up until the moment they are to use it or to activate it without having their credit adversely impacted.

I would like to say that, also, another principle is that cardholders deserve the right to set limits, and card companies should not impose excessive fees on cardholders. Most card companies currently don't give cardholders the option of setting real limits on their own accounts. Instead, card companies allow the cardholder to exceed that amount and assess fees and/or a rate increase for doing so.

The Credit Cardholders' Bill of Rights would require card companies to offer consumers the option of having a fixed credit card limit that cannot be exceeded, and it would prevent card companies from charging over-the-limit fees on a cardholder with a fixed credit limit.

The bill also limits the amount of consecutive over-the-limit fees card companies can charge to a more reasonable number of three. Here is a real-world example.

A cardholder had a credit limit of $2,000 on her card. Things got a little tight around the holidays, and she used her card more than normal, accidentally going over her limit by $50. As a result, she was charged a $39 late fee. In the next billing cycle, she sent the card company a check for $60, but that still left her over her credit limit, so she was charged another $39 over-the-limit fee.

Under the Credit Cardholders' Bill of Rights, the cardholder would be able to set his or her credit limit and wouldn't be able to make any purchases that put him over his fixed limit. If a cardholder did not want to set a fixed limit and did so accidentally go over his limit, a card company would only be allowed to impose more reasonable three consecutive, over-the-limit fees upon the customer.

Another principle of the bill is that card companies should fairly credit and allocate payments. When a credit card account has balances with different interest rates, a decision has to be made as to how to allocate payments. A cardholder pays the least amount of interest when any payment is allocated to the highest interest rate balance first, and a credit card company makes more in interest payments when the payment is allocated completely to the lowest rate balances. Currently, most credit card companies allocate payments to the lowest interest rate balance first while prohibiting payment on balances at higher interest rates until the lower rate balance is paid in full. This isn't very fair to the cardholder, however. In fact, many cardholders have no idea that their card companies are deciding to allocate their payments.

The Credit Cardholders' Bill of Rights directs card companies to fairly allocate payments on balances at different interest rates, making payments more equitable for both cardholders and card companies.

Here is a real-life example of that principle. A cardholder has a new credit card given with an introductory zero percent interest rate on all balance transfers. So he transferred a $1,000 balance he had on another card. He then went out and bought $2,000 worth of new equipment. When he made a $250 payment on his new card that month, he noticed that his interest rate for new purchases was 24 percent, but all of his payment went to pay down the zero percent balance. He wanted to pay, obviously, on the $2,000 balance since it was at such a high interest rate, but he was told he could not start paying on that balance until the original zero balance was paid in full.

Under my bill, the $250 payment would go towards paying off both the lower interest balance and the higher interest balance on a proportional basis.

I want to say that this bill has gained not only 155 of my colleagues in a bipartisan sense, but it has also gained over 45 editorials from across this Nation in support of the Credit Cardholders' Bill of Rights. I would like to share some of the comments from these editorials.

From the New York Times on May 3 of this year: " . . . consumers are already losing as their interest rates on the cards suddenly skyrocket. Fees appear mysteriously on their bills, and even the billing cycles get shortened to make it harder to pay on time. Congress needs to take up the issue now rather than wait for the Federal Reserve to create rules that can be too easily changed. The banking industry likes to boast that more than 90 percent of credit card customers have no problems with their little plastic cards. Given that there are more than 1 billion credit cards believed to be in use, that leaves a lot of people swamped by what is now called the 'tricks and traps' of the credit card business."

The Boston Globe reports on May 31: "Regulators and elected officials are starting to circle the credit card companies and not a moment too soon. The Federal Reserve reports that credit card debt rose more than 7 percent last month on top of the already burdensome average of $8,000 per American family. Credit and debit card delinquencies are at their highest levels in 18 years, and all the while, credit card companies are employing practices that only dig consumers deeper and deeper into debt."

The Credit Cardholders' Bill of Rights is a modest reform to bar credit card companies from raising interest rates on outstanding balances because of some action or unpaid bill in another area. It deserves our support.

On May 6, USA Today reported: "For years, Congress ignored consumer outrage as the industry flooded the public with solicitations, then squeezed customers with escalating fees and high rates. Voters should pay close attention this year to who is trying to get the issuers to act more responsibly and who is defending some of their more outrageous practices."

The Staten Island Advance on May 16 stated: "In a sign that Americans are relying more on their credit cards, the total for revolving credit has grown in 2008 significantly faster than fixed-rate debt. During the past year, revolving debt has risen nearly $6 billion per month, or almost 8 percent, one of the fastest growth rates since 2001. In the past 12 years, penalty fees for late payments have more than doubled, from an average of $13 in 1995 to $28 now. Make just one late payment, and you can face a penalty interest rate of more than 30 percent. The fine print in most disclosure statements says that issuers can change the terms of the cardholder's agreement at any time, for any reason. There is no other contract in the world that can change its terms at any time."

In Tennessee, the Knox News reports: "The proposed regulations should curb some of the more unfair practices, and if effective, it may help consumers."

The St. Petersburg Times in Florida reports: "Americans owe more than $800 billion in credit card debt, and more than 1 in 3 cardholders are unable to make timely payment on accumulated balances. What is troublesome for banks can be tragic for families. With falling home values, stagnant wages and rising prices for basics such as food and fuel, Americans are relying more on credit cards to pay for necessities. Some lenders have taken advantage of that situation by bumping up fees and interest rates on credit cards, even for those who pay on time. Somebody needs to regulate a market that is out of control and takes advantage of the most naive and vulnerable consumers and is threatening an already fragile economy."

Then in Pennsylvania, on May 10, the Daily and Sunday Review stated: "Intervention is necessary if Americans under the thumb of the credit card industry are to have any hope of solvency, and even though the Feds' proposals are welcomed, they should not supplant far broader relief envisioned in the credit card bill of rights."

The Charleston Gazette writes: "Yes, too many accepted cards they could not afford, and charged more than they earned. As the old saying goes, 'It's easier to sign a note than to pay for it.' However, tricking customers who carry a balance into paying dubious fees and penalties is unethical."

The Dallas Morning News says: "There's a huge difference between charging cardholders who have missed payments and willfully creating a system to generate unnecessary penalties. We deserve change. We should pass change."

On May 6, the Baltimore Sun said: "Amid a severe mortgage crisis and credit crunch, the rules should help prevent many cardholders from going under because of some of the industry's worst practices, including high interest rates and high fees. These proposals, which don't take effect until the end of the year, should not prevent Congress from acting on its own and passing needed credit card reform."

I would like to say that credit cards are important. They benefit many families, and I would say that some industry groups and some banks have instituted best practices and have said that they voluntarily will no longer impose any time/any reason increases on customers who pay on time and who don't go over their limits. They say they will no longer practice double cycle billing, but many credit card companies still practice these really harmful and unfair policies, so we need to pass this legislation, and we need to give relief to consumers and level the playing field, not only between the consumer and the cardholder but between companies that are doing the right thing and those that are still abusing the consumers.

I would like to say that I thank my colleagues. One hundred fifty-five of my colleagues have joined me on the Credit Cardholders' Bill of Rights and over 45 editorials from across this country. I hope that my colleagues will read the bill, those who are not on it, and will join us in this effort to bring relief to America's working families.

I yield back the balance of my time.

THE IRANIAN THREAT

The SPEAKER pro tempore (Ms. WATSON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Madam Speaker, there was a very interesting editorial in the Wall Street Journal today. Let me read a bit from it. Talk about timing. It is, perhaps, fortuitous.

"On Tuesday, Secretary of State Condoleezza Rice was in Prague, signing an agreement that's a first step toward protecting Europe from ballistic missile attack. As if on cue, Tehran, yesterday, tested nine missiles, including several capable of reaching southern Europe as well as Israel and U.S. troops stationed in the Middle East. Remind us. Who says Iran isn't a threat?"

Yesterday's test offered no big surprises about Iran's missile technology, but they are a useful reminder of just how real the Iranian threat is and how rapidly it is growing. One of the missiles tested was the latest update, the Shahab-3, which has a range of about 1,250 miles. Replace the payload with a lighter one, say, a nuclear warhead, and the range gains 1,000 miles.

☐ 1815

Add a booster, and the range can be extended even farther. North Korea did just that with its Taepodong-2 missile.

Technology that is passed along to Iran. U.S. intelligence estimates that Iran will have a ballistic missile capable of reaching New York or Washington by about 2015. But Iran may already have the capability to target the U.S. with a short-range missile by launching it from a freighter off the east coast. A few years ago, it was observed practicing the launch of Scuds from a barge in the Caspian Sea.

This would be especially troubling if Tehran is developing EMP, electromagnetic pulse technology. A nuclear weapon detonated 100 miles over U.S. territory would create an electromagnetic pulse that would virtually shut down the U.S. economy by destroying electronic circuits on the ground. William Graham, head of a congressional commission to assess the EMP threat, testifies before the House Armed Services Committee this morning. We hope someone asks him about that.

I attended that hearing. And he was asked about that.

Let me give you a few quotes from his testimony this morning.

"Several potential adversaries of the capability to attack the United States with a high altitude nuclear weapon generated electromagnetic pulse, and others appear to be pursuing efforts to obtain that capability. A determined adversary," he says, "can achieve an EMP attack capability without having a high level of sophistication. For example, an adversary would not have to have long-range ballistic missiles to conduct an EMP attack against the United States. Such an attack could be launched from a freighter off the U.S. coast using a short- or medium-range missile to loft a nuclear warhead to high altitude.

"Terrorists sponsored by a rogue state could attempt to execute such an attack without revealing the identity of the perpetrators.

"Iran, the world's leading sponsor of international terrorism, has practiced launching a mobile ballistic missile from a vessel in the Caspian Sea. Iran," he says, "has also tested high altitude explosives of the Shahab-3, a test mode consistent with EMP attack, and Iran described the test as being 'successful.' Iranian military writings explicitly discuss a nuclear EMP attack that would gravely harm the United States.

"While the Commission," he says, "does not know the intention of Iran in conducting these activities, we are disturbed by the capability that emerges when we connect the dots."

Dr. Graham was the principal author of a report produced by the Commission to assess the threat to the United States from electromagnetic pulse attack.

And let me read a single statement from the introduction to this study. "The electromagnetic pulse generated by a high altitude nuclear explosion is one of a small number of threats that can hold our society at risk of catastrophic consequences."

And a little later we'll have a chance to note what those catastrophic consequences are.

Here is a report, the CRS report for Congress. "High Altitude Electromagnetic Pulse, HEMP, and High Power Microwave, HPM, devices threat assessments." And they discuss also this electromagnetic pulse.

The first chart shows us a quote from one of our now Senators that I had the privilege of serving with on the Armed Services Committee in the Congress before he went to the Senate, JOHN KYL. He says, "Last week the Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Homeland Security, which I chair," he says, "held a hearing on a major threat to the United States, not only from terrorists but from rogue nations like North Korea," and he might have added Iran.

"An electromagnetic pulse (EMP) attack . . . is one of only a few ways America could essentially be defeated by our enemies, terrorists or otherwise . . . Few if any people would die right away. But the long-term loss of electricity would essentially bring our society to a halt . . . few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere. But this time we've been warned, and we better be prepared to respond."

The next chart is a quote from Major Franz Gayl, "The impact of EMP is asymmetric in relation to our adversaries. The less-developed societies of North Korea, Iran and other potential EMP attack perpetrators are less electronically dependent and less specialized while more capable of continued functionality in the absence of modern conveniences."

What they're saying is that if this EMP attack was made in one of these countries, that they would not be hurt anywhere near as much as we because they have a much less sophisticated infrastructure.

"Conversely, the United States would be subject to widespread paralysis and doubtful recovery," doubtful recovery, "following a surprise EMP attack. Therefore, terrorists and their coincidentally allied state sponsors may determine that given just a few nuclear weapons and delivery vehicles the subjection of the United States to a potentially non-attributable EMP attack is more desirable than the destruction of selected cities. Delayed mass lethality is assured over time through the cascade of EMP's indirect effects that would bring our highly specialized and urbanized society to a disorderly halt."

What is this EMP that these several reports and articles have been talking about?

The next chart, and this comes from the U.S. Defense Nuclear Agency, and this shows how an EMP is produced. Our first exposure to this was way back in the early 1960s, 1961, I believe, over Johnston Island in a test, and then we were testing nuclear weapons in a test called Starfish. I think that was one in the series of the Fishbowl tests. And this test was the first one that we had conducted above the atmosphere. All of the other tests had been on a tower or underground. This one was above the atmosphere.

And we had some very surprising results from that. It was about, I think, 800 miles away from Hawaii and almost instantaneously, there were effects, electronic and electrical effects, in Hawaii from this extra atmospheric detonation of a nuclear weapon.

This chart shows what happens when the nuclear weapon explodes. There are some gamma rays that come out. They produce Compton electrons. And these Compton electrons then flow at the speed of light, line of sight, and if the weapon is, say, 300 miles high above the United States, that would cover all of the United States.

This EMP wave is like a lightning strike, although different than lightning. Or a static electricity. A really strong static electricity everywhere all at once. It's just hard to conceive of something like this, that there would be a simultaneous over all of the United States lightning strike, although not quite like lightning, that would destroy, if it were strong enough, all of the electronic devices in our country.

The features in EMP from a high altitude burst they say is wide-area coverage, high-field strengths, and they note here 50 kilovolts per meter. A little later we will talk about what the EMP Commission learned from a couple of Russians, Soviet generals who are now Russian generals, who said that the Soviets had developed 200-kilovolts-per-meter weapons. We will discuss a little later what that means.

Broad frequency band of a very broad range or frequency from D.C. to 100 MHz. "Absence of most other nuclear weapons effects." There isn't any fallout because there is nothing to fall out. Fallout is produced when a weapon is detonated at the surface or near the surface and it blows a lot of radioactivity up in the air. In this case, there isn't any material blown up in the air so there really isn't any conventional fallout.

The next chart shows us the range, what would be covered by a weapon detonated at various altitudes. And this is looking at the center of our country near Iowa and Nebraska. And the surface, little red dot here in the middle, if it's detonated on the surface, very small area is impacted. If it is 60 miles up, you'd get a broader area; 200 miles up, you get a still broader area. And if you go 300 miles up, it covers all of the United States, the tip of Maine and Florida and the State of Washington.

The next chart shows, again, the coverage of an EMP, and this one shows how the intensity of the field degrades with distance. And there is this so-called "smile effect" from it. And the color coding over there shows the degradation of the intensity. It starts out with red in the middle, which is 100 percent, and then we get to the purple out here, and that's 50 percent. And you see that the degradation is cut into about half by the time you reach the margins of our country.

That's important when we look at the next chart because the next chart redacted the names of the Soviet generals, and now Russian generals is now redacted. The Commission—this is from the EMP Commission report.

"The Commission met with Russian Generals 'blank' and 'blank' who claimed: Russia designed a 'Super-EMP' nuclear weapon capable of generating 200 kilovolts per meter. Russian, Chinese and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future."

And one needs to note the close working relationship between North Korea and Iran.

The next chart further looks at this threat. And this again is from the EMP Commission, a Commission set up 4 years ago by legislation that I initiated. They have been working for 4 years now, and we are planning this year to extend their life another 4 years because it is absolutely essential, as you will see as we go on with the discussion, that both our military and our national infrastructure be aware of this threat and do reasonable things to protect our military and our country against this threat.

"EMP is one of a small number of threats that may," they say, "hold at risk the continued existence of today's U.S. civil society." That is quite a statement. What that means is that EMP is one of a small number of threats that may end life as we know it. It could "disrupt our military forces and our ability to project military power.

"The number of U.S. adversaries capable of EMP attack is greater than during the Cold War." Then there was only one adversary. Today there are potentially many who have nuclear weapons or could acquire nuclear weapons and missiles and even short-range missiles, as was pointed out, that could be launched from a tramp steamer off our coast.

□ 1830

Potential adversaries are aware of the EMP's strategic attack option. My wife raised this question: Should you really be talking about this because you are giving these people ideas? And I assured her that every one of our potential enemies has in their open literature detailed discussions of an EMP attack and how it could be used and how they would use it.

A little later I'm going to show you a chart which is in Russian writing, and we can show you from the open literature of any of these countries that might launch an attack against us, in their open literature they know. Ninety-eight percent of the people in our country may know nothing about EMP and what it could do to us, but I will assure you that 100 percent of our potential enemies know all about EMP and what it could do.

The threat is not adequately addressed in U.S. national and homeland security programs. Dr. Graham is a scientist, and scientists frequently are capable of understatement. This is a gross understatement. The threat is not adequately addressed. The threat is not addressed.

You know, some things are too good to be true, and usually if something is too good to be true, it's not true. This thing is so bad, the potential is so enormous, that some people think, gee, that's just too bad to be true, so it can't be true, like that's too good to be true so it can't be true, but I'm afraid this is true.

The next chart, and I'm really pleased at the quality of the nine members of this commission. These are top people with many, many years of experience. When I was just finishing my first two years of teaching medical school, 56 years ago now, Dr. Johnny Foster was designing nuclear weapons for our country, and he was the director of LLNL and the director of DDR&E.

Mr. Earl Gjelde, chief engineer and acting director, Bonneville Power Administration, very knowledgeable in our grid and its vulnerabilities.

Dr. Bill Graham, who was the chairman, he's had a long, long experience, has been appointed by a couple of different administrations. He was a science advisor, for instance, to President Reagan. He was Rumsfeld's deputy in their very important study on the emerging threat of ballistic missiles.

Dr. Robert Hermann, director of NRO. NRO is very interesting. Of course, just a moment to talk about NRO, National Reconnaissance Organization. Until just a few years ago even that name was secret, and they spend probably more money than almost any other agency in our country. There were several billion dollars that they couldn't account for, and we finally decided, gee, for what they do, that's small change, and we won't worry about that. You see, the NRO is the organization that buys and launches all of our incredibly expensive spy satellites, and he was the director of NRO; principal deputy assistant secretary to the Air Force; senior vice president, United Technologies.

Hank Kleupfel, advisor to the President's NSTAC; vice president of the very prestigious International Science Applications International Corporation.

General Lawson, a four star general, with a lot of experience.

Gordon Soper, who has a lifetime of experience, is director of the Nuclear Forces C3, the chief scientist at DCA.

And one of my favorites is Dr. Lowell Wood, director's staff, LLNL; technical advisor, SSCI and the House committee, the committee on which I serve.

When I first became interested in EMP, I called Tom Clancy, whom I know, and I knew that he had an EMP sequence in one of his books. And so I knew he knew something about it. And so I called to ask him about it. He said, well, if you read my book you know all I know about it because I put it all in the book. But he referred me to the person who he said was the smartest person hired by the U.S. government. That's a tall order because we hire a lot of people, but this Dr. Lowell Wood, he said, is the smartest person hired by the U.S. government.

And then Dr. John Woodard, who is executive vice president and deputy director of Sandia National Labs. That's an interesting one because I went out to visit the last of our 10 children who has a Ph.D. in computers working at the Sandia National Labs, and he brought home from work some little things that they had sent him that led me to believe there might be some expertise in Sandia National Labs that would be of use in our evaluations of this EMP threat.

So I asked him to inquire about that, and the next day I was over there I think for four or five hours for a classified briefing. Well, I didn't know when I went there that Dr. John Woodard, who is the executive vice president, was one of the nine members of this commission. So that was a very, very fortuitous trip.

I just wanted to note how impressive this group of people are.

Potential adversaries know about EMP. I wanted to spend just a moment on this because I don't want anybody to believe that we're somehow letting the cat out of the bag here in telling people what they don't know, and this is from the EMP Commission itself.

"Hypothetically, if Russia really wanted to hurt the United States"—oh, let me tell you about this. I was there and I think there were about nine of us, a codel, and we were in Vienna, Austria, with three members of the Russian Duma, Vladimir Lukin, who was ambassador here at the end of Bush I, and the beginning of the Clinton administration; the third ranking Communist, a tall, handsome blonde, Alexander Shabonof; and a bright, rising star in one of their parties there, Vladimir Rushkoff.

And we were there in Vienna with a personal representative of Slobodan Milosevic, and Slobodan Milosevic had the three captives, remember, and he wanted rid of them. And his personal representative there said, you understand how important it is for him to get rid of those three people, because if any harm comes to them while they're under his control, that's going to be bad news for him.

Jesse Jackson was there, and they really did not want to release them to Jesse Jackson. They wanted to release them to us. The head of our codel had promised that he wouldn't go there. I had not promised I wouldn't go, and so I volunteered to go. Other members of our codel said, gee, I wonder if we really ought to go, and maybe there will be several additional captives there if we go.

I assured them that if the Russians went with us—and by the way, the Russians joined the G–7 to become the G–8, and 6 days later, the framework agreement which we negotiated there was approved by the G–8. The only large country in whom the Serbs had confidence was Russia, and Russia told us, whatever we agree to in these negotiations, the Serbs will agree to.

Well, Vladimir Lukin sat in this hotel room in Vienna, Austria, for a couple of days during these talks, with his arms folded across his chest. He was very angry. He was looking at the ceiling. He said, you spit on us; now, why should we help you? And he made that statement because the United States had kind of said, you know, then oil wasn't $140 a barrel and Russia was very poor and their military was in decay, and we essentially told them, you know, we're the big boy, we'll take care of this, we don't need you.

And so Vladimir Lukin was kind of smarting under that, and he said, You spit on us; now, why should we help you? And then he made this statement. He said, If we really wanted to hurt you, with no fear of retaliation, we'd launch an SLBM, submarine launch missile. We wouldn't know where it came from; it came from the sea. And we'd detonate a nuclear weapon high above your country, and it would shut down your power grid and your communications for 6 months or so.

Alexander Shabonof, the third ranking Communist who was there, smiled and said, And if one weapon wouldn't do it, we have some spares, like about 10,000 is how many spares they had.

So I was there when they made that statement. The Chinese military writings describe EMP as the key to victory and describes scenarios where EMP is used against U.S. aircraft carriers in a conflict over Taiwan. They read all statements from the EMP Commission.

A survey of worldwide military and scientific literature sponsored by the Commission found widespread knowledge about EMP and its potential military utility, including in Taiwan, Israel, Egypt, India, Pakistan, Iran and North Korea.

As I said earlier, maybe 98 percent of our people don't know much, if anything, about EMP, but I can assure you that 100 percent of our potential adversaries know everything about EMP.

Terrorist information warfare includes using the technology of directed energy weapons or electromagnetic pulse. This is from the Iranian Journal, March of 2001.

Iran has tested launching a Scud missile from a surface vessel, a launch mode that could support a national or transnational terrorist EMP attack against the United States.

And the next chart shows a continuation of these statements to assure us that when we talk about EMP and the fact that we are vulnerable and we really need to do something about that that we're not letting the cat out of the bag.

This is from an Iranian Journal, December of 1998. "If the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years. 150,000 computers [belong] to the U.S. Army. If the enemy forces succeeded in infiltrating the information network of the U.S. Army, then the whole organization would collapse, and the American soldiers could not find food to eat nor would they be able to fire a single shot."

This, by the way, is one of the other—when the report said there were just a few weapons that could bring us to our knees and end life as we know it, a really aggressive cyber attack that brought down all of our computers—and our computers control everything. They control your power grid. They control your communication. That is what they're talking about here.

"Terrorist information warfare [includes] using the technology of directed energy weapons or electromagnetic pulse." This is the Iranian Journal.

Terrorists have attempted to acquire non-nuclear radio frequency weapons.

What we're talking about specifically today and what our hearing was about and what the editorial in The Wall Street Journal was about was nuclear-produced electromagnetic pulse. We can produce here on Earth a very focused, targeted EMP. It is conceivable, for instance, that you can mount one of those in a van and go down Wall Street and shut down all the computers in the buildings right next to you. That is a very local thing. It would be hurtful, but we could recover from that.

The next chart really is an interesting one. To convince you that our potential enemies really do know about this, this is from a Russian journal, and there it is in Russian and it's obviously EMP. You can see the detonation of the weapon. You can see the sparks here in the power grid. You can see the resisters here, the fuses probably, they're all exploding.

The next chart shows an American translation of what the Russians were saying in this chart, and you will notice the same two figures here.

Electromagnetic fields arise from nuclear explosions which produce impulsive electrical currents and stress in aerial and ground conductors and cables—this is a direct translation, and it's sometimes hard to translate into smooth English words in another language—and in radio station antennas. Radio waves are also produced which propagate to large distances. And boy, they do propagate to large distances.

Electromagnetic fields and currents in the atmosphere arise as the result of the formation near the explosion of a shining region and a large region of ionized atmosphere produced by penetration radiation.

This is our translation of their description of the nuclear detonation and the production of these alpha particles and these Compton electrons.

Source, currents and stresses exhibit transient impulse with characteristics close to the impulse caused by lightning discharges. Its duration is a few milliseconds.

Well, some of the pulses, as a matter of fact, last a couple of minutes. There are some very long wavelengths in this that will couple with railroad tracks, for instance. There's some very, very short wavelengths which will couple with the tiniest fields in a chip.

For ground and aerial explosions, at a radius of a few kilometers from the center of the explosion, overstress between conducting aerial lines or electrical supplies and grounds reach tens and hundreds of thousands of volts.

☐ 1845

While between the arteries of underground cables—ah, that's another thing, burying your cables won't protect you. Some of these long wavelengths reach underground and couple with the cables underground. So essentially everything is taken down. The one thing that is immune to it is fiberoptics. But unless you're using optical switching, it will do no good to use fiberoptics because the EMP will take out the switching. So if you have optical switching and fiberoptics, then you're immune to it.

But we can make all of our systems immune to it. It costs some money. Our fighter planes are all immune to it. The President's Air Force One is EMP hardened. We have a few satellites up there that are EMP hardened. But about 95 percent of all of our military communications go over commercial satellites. And the satellites are the weakest link in the chain because it is very expensive to put stuff in space; it costs $5,000, $10,000 a pound. And hardening increases weight as well as expense. And so nothing of our civilian infrastructure, space infrastructure is hardened.

A single detonation 300 miles high above our country would take out all low Earth orbit satellites that are a line of sight. The prompt effects take that out. And then the Van Allen belts are pumped up, and the other satellites will all be dead in a few days to a week or two. And it would do you no good to launch other satellites even if you could because the Van Allen belts will stay pumped up for a year or so.

Of course this affects everybody. This is the strike that comes back to bite you. And so your enemy would have to be prepared that they would also have no satellites because a single weapon would take out all of the Earth's low orbit satellites; no more GPS, for instance.

The next chart is a look at why EMP? Why would an adversary use electromagnetic pulse? States or terrorists may well calculate that using a nuclear weapon for EMP attacks offers the greatest utility. EMP offers a bigger bang for the buck against the U.S. military forces in a regional conflict or a means of damaging the U.S. homeland.

There is no way that a nuclear weapon could be used at ground level that would produce anywhere near the effects that are produced by a nuclear weapon detonated in space, producing this EMP pulse.

EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack in a U.S. city that inflicts many prompt casualties.

If there was an EMP attack on our country, all that it has done is to take out all of our computers, which means we have no power grid, we have no communications. How do you respond to that? Are we now justified in vaporizing the grandmothers and babies in the country from which it was launched? By the way, unless it's launched by Russia, which has thousands of missiles, or by China in the future, I don't think we will know who launched it because I don't think that any nation will launch against us from their soil because our satellites would detect the launch and we would know where it came from. And why should they? They're a long way off. Our shores are close to the oceans, and there are thousands of ships in the north Atlantic shipping lanes. It is impossible to keep track of those ships. It would be very easy to—and their literature talks about this—using a short range or a medium range missile, to launch from a ship.

There is a very interesting story—I hope that it is published, I was given a prepublication copy of it—called "One Second After." And it's a story of what happens in our country with an EMP attack. It's a very well written story. It's in the hills of North Carolina. And there is a retired colonel who is there teaching in a university there. And on his child's 12th birthday, I think it was, they're having the birthday party and the lights go out. And he notices in a few minutes that there is no noise from the interstate, which is just over the hill. And he walks over to where he can look down on the interstate and he sees that all the cars are parked on the interstate and people are walking around the cars.

The story runs for a year. And at the end of the year—and I asked the members of the commission, they said, well, it might not be quite that bad, but at the end of the year in this story called One Second After there are only 25,000 people still alive in New York City, 90 percent of the country's population is dead, only 80 percent of the population in the area in which the story is set in North Carolina is dead. I said that for many people this is just too bad to be true, and so they don't even want to think about it.

During the Clinton administration he had a commission to set up, headed by General Marsh, to look at critical infrastructure. And they came to testify before our Armed Services Committee and we asked them, did you look at EMP? He said yes, we looked at EMP. Well? Well, we decided there was not a high probability of an EMP attack, so we didn't look at it anymore. I said, well, gee, with that attitude, if you haven't already, when you go home tonight you're going to cancel your fire insurance. I mean, that's why we have insurance, when there is a low probability, high-impact event. And I know of nobody at the end of the year, I've never heard anybody come and complain, gee, you know, I bought that fire insurance and my house didn't burn.

All that I want my country to do is to make the kind of an investment that represents the equivalent of buying fire insurance on your house. Now, I have fire insurance on my house, I wouldn't sleep well tonight if I didn't, but I haven't hired somebody to stand there and to yell "fire, fire," when he sees a fire. I'm content with my smoke alarms and so forth. But I've done what I think is a reasonable thing. But as the EMP Commission pointed out, our country has not done what would appear to be a reasonable thing in preparing for this eventuality, neither in the military nor in the private sector.

And these two studies that I referred to, the one by CRS, the Congressional Research Service, and the other by this commission, both of them paint the same picture, that an EMP attack on our country would be catastrophic. Now, there is something that we can do about that. And the Commission ends with a number of recommendations.

What would we do if there was an EMP attack on us? Not a building is hurt, you are not hurt—for the moment. Although, if it was really this 200 kilovolt per meter weapon—and we have not tested anything more than a fourth of that, about 50 kilovolts per meter—if it really was that weapon, the members of the commission are fairly confident that everything comes down, which means that you're in a world where the only person you can talk to is the person next to you, unless, by the way, you happen to be a ham operator with a vacuum tube set because vacuum tubes are a million times less susceptible to EMP.

I remember a number of years ago a Soviet MiG pilot defected to Japan, and you may remember that. And we were disdainful of the Russians because their planes still had vacuum tubes; they're a million times less susceptible to EMP. And the only way you could go anywhere after this really robust EMP laydown is to walk, unless you happen to have an old car that has coil and distributor. These are really tough; they almost certainly would be immune to this.

EMP could compare to a nuclear attack on a city, kill many more Americans in the long run—nobody immediately—and we die in the long run because we do not have any electricity, we do not have any transportation. The average city has 3 days supply of food. And go to any of our major cities and have the lights go out for a few hours and you will see how thin the veneer of civilization is.

EMP could, compared to a nuclear attack on a city, kill many more Americans in the long run from indirect effects of collapsed infrastructure, power, communications, transportation, food and water. City water is not flowing, the septic system is not working.

What do you do? There are a number of recommendations—we'll look at a few of those in a few moments—that they make. But the commission is convinced that, with reasonable expenditure, we can do something meaningful to protect ourselves against this. And by the way, our very vulnerability invites this attack. They know how vulnerable we are, it's in their public writings. They know that.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival—vital to survival, they're making the point—challenge the integrity of allied regional coalitions and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states.

To a state without our sophisticated infrastructure, losing electricity wouldn't matter much. There are many countries in the world that have a few hours of electricity in the morning and a few hours of electricity in the evening, that may have only water at certain hours of the day. And when they do that, they plan to store that water so that they will have enough for the rest of the day. So cultures like that would be nowhere near as much affected by an EMP attack as we would.

Technically, an operational EMP attack can compensate for deficiencies in missile accuracy—if you miss by 100 miles, it doesn't matter; it really doesn't matter if you miss by 100 miles—fusing range, reentry vehicle design, target location intelligence, and missile defense penetration. It really doesn't matter. None of these things matter. You just shoot a weapon. If a scud launcher goes up about 180 miles, that's plenty high to shut down the whole northeast and well down the mid coast. And it really doesn't matter if you miss where you would like it to detonate by 100 miles, it really doesn't make any difference.

The next chart shows the kind of technology we used to have during the Cold War. This is a trestle on which we have a large airplane. And we are doing simulated EMP attacks on that airplane to make sure that we have hardened the airplane. That's all mothball now, we aren't doing that anymore. By the way, it was impossible to really simulate an EMP attack because of the long line effect. There isn't any way, with this EMP burst created here on Earth, that we could cover an area miles long. And railroad tracks, power lines, any of these things are antennas. And there are some very long wavelengths here that, coupled with very strong structures like miles of power lines or miles of railroad tracks, and you really can't simulate the line effect. But we've done as good as we can do. And after hardening, we would test the planes to make sure that we had hardened them.

The next chart is one that is from this study of the EMP Commission. They started out looking at the military, but since all of our military bases are surrounded by towns and cities and suburbs and so forth, and since none of our military bases are stand-alone, as far as how power is concerned, they have some UPS units, some units that will produce temporary power, but few of them will last more than 48 hours and then their tank of fuel has run out and the generators stop working.

And so they started looking at the interface between the military and the civilian infrastructure, and they became very, very concerned about how interrelated and how fragile our national infrastructure was. It has grown to accommodate the growth of our population and our increased demands for energy, and it is not designed as an integrated system as it would be if you didn't have any of this and you started from scratch and put the whole thing in; it's kind of added on to and added on to. And so they have this little chart which shows, like a house of cards, the interrelationships between oil and gas and communications and water and banking and finance and government services and emergency services and transportation and electrical power and fuel. Look at the lines that run there, they all run from electrical power. If you don't have electrical power in our world, you don't have anything. Very few things operate without electrical power. So they were very concerned about the vulnerability of our national infrastructure.

One of a very few high-altitude nuclear detonations can produce EMPs simultaneously over wide geographical areas. Just one will do, as the previous chart showed, if you detonate it about 300 miles high over Iowa or Nebraska. Unprecedented cascading failure of our electronics-dependent infrastructure could result. As a matter of fact, if one of these super EMP-enhanced bombs is used, you will change that word to "would" result because there is no question but that that would bring down our whole infrastructure.

☐ 1900

Power, energy, transport, telecommunications, and financial systems are particularly vulnerable and interdependent, and they would all come down. EMP disruption of these sectors could cause large-scale infrastructure failures for all aspects of the Nation's life.

Again, I say you would essentially, if this biggest weapon was used that produces 200 kilovolts per weapon, you would be in a world where largely the only person you could talk to is the person next to you unless you had that ham radio with a vacuum tube in it, and the only way you could go anywhere is to walk unless you happened to have a car that had a coil and a condenser.

Both civilian and military capabilities depend on these infrastructures, almost totally. Without adequate protection, recovery could be prolonged months to years. That's a very long time to hold your breath in a situation like this.

Now we will look at the conclusions and they had a number of conclusions. One of the conclusions was the EMP threat is one of a few potentially catastrophic threats to the United States. By taking action, the EMP threat can be reduced to manageable levels. U.S. strategy to address the EMP threat should balance prevention, preparation, protection, and recovery. And one of the first things that we should do is to look at recovery. Should it happen, what would you do?

I remember that during the Cold War, I was working for IBM corporation, and I was concerned about what we would do when we came out of the fallout shelter. And then those fallout shelters were so prevalent, so omnipresent, that IBM was giving their employees interest-free loans to build a backyard fallout shelter. And I asked myself what would I do when I come out of the fallout shelter because it's going to be a whole different world? Then we were looking at perhaps hundreds of nuclear weapons falling on our cities and taking them out, but we had all of the fallout shelters, the civil defense things. Any public building you went into, there were brochures there telling you what you ought to do and how to do it. So people were really thinking about it. And in schools you practiced what you would do if there was an attack. You would put your head down between your knees and so forth. I remember that when I worked for the National Institutes of Health, we had drills there because our big research hospital there was going to become, I think, a 500-bed hospital for casualties. Then we developed and the Soviets developed the hydrogen bomb, and we weren't even sure that the hospital was going to be there after that. It was certainly going to be there after the conventional nuclear weapon. But we were preparing for that. So we can do something to prepare.

Critical military capabilities must be survivable and durable to underwrite U.S. strategy. If the enemy knows that they cannot shut down our retaliatory force, they will be much less inclined to do this unless they plan to do it in a very covert way. By the way, the book that I mentioned, this attack on our country, "One Second After," the attack comes from a missile which is launched at sea, and then after the missile is launched, the ship is sunk so there are no fingerprints.

The next chart shows some conclusions, some action items. The 2006 defense authorization bill contains a provision extending the EMP Commission, and now we have the 2008 bill, and we are hoping to extend it now until 2012. The commission has been very effective. I will tell you that your military now is acutely aware of this and the Pentagon is aggressively addressing it. I come from Maryland, and I was pleased when the commission members told me today that Maryland is one of two States in the country that is as a State doing something about this. And so we hope the Commission will be very active in the next 4 years, and they are going to States, they are going to rotary clubs, they are going everywhere they can go to tell the people about this and what we can do and should do.

Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of attack. As I mentioned, our very vulnerability invites attack, and we can reduce the probability of attack if we do something meaningful to protect ourselves.

The Department of Homeland Security needs to identify critical infrastructures. Indeed they do. I have been concerned that our Homeland Security Department is doing essentially nothing in the area of civil defense. And I remember very well the Cold War. I was born in 1926, and I grew up during the Depression and then the long World War II and the long Cold War after that. And I remember we would have blackout drills, and one of the neighbors would be assigned on a volunteer basis to make sure that everything was blacked out. This was during the war when there was some threat that enemy bombers might be coming over our country. And then during the Cold War that followed that, every public building you went into would have literature telling you how to produce a fallout shelter, how to improvise one in your basement if you hadn't built one outside, the kind of food to store. It was available for sale at many places. How much water you needed. They had pictures of the fallout shelter and the beds and so forth and how you would make due there for the several days to a couple of weeks. And they made available monitoring equipment so that you would know when it was safe to go out when the radiation levels had fallen down to where it was safe to go out. So everybody—we practiced in schools. At our workplaces we practiced. And today there is essentially no attention given to advising individuals, businesses, churches, social clubs what they can do individually and collectively, and I will tell you that our strength is going to be determined not so much by our military, which is going to be okay, but our strength as a country is going to be determined by what we have done individually as families, as small communities to protect ourselves so that we do not become immediately a ward of the State.

And they asked Dr. Bill Graham what he had personally done. He has a generator which is not plugged in. Plug it in. It's hooked to the electrical system. It's a long line, effective, a big antenna. It's much more likely to be damaged if it's plugged in. With 200 kilovolts per meter, by the way, it's probably all gone anyhow. But if it's a lesser intense weapon than that, not plugging in it would make a difference. He has food and water for several days.

The average city has 3 days supply of food, 3 days supply of food. And I noted in the hearing today that if in anticipation of this, a year or 2 before and even a decade because this food, nitrogen packed and freeze dried, will last a very long time, then you are a patriot because now you're stimulating the economy. But if you wait until the hurricane is at the door or the missile attack is imminent and you do exactly the same thing, now you're a horder. Have you thought about that difference? You've done exactly the same thing. You put away food and water and essentials for survival. If you do it well ahead of the event, now you're a patriot, doing the right thing. If you do it immediately before the event, now you've become a hoarder. And nobody likes a hoarder.

The Department of Homeland Security also needs to develop a plan to help citizens deal with such an attack should it occur. This is not me saying that. It is the EMP Commission saying that. Citizens need to become as self-sufficient as possible. And they note something which is really very important. There are a number of things, a Hurricane Katrina, almost nobody there had made any preparation for this. And with hours they now were dependent on services from a government that wasn't there, that couldn't get there. And the Federal Government will tell you don't count on us for at least 72 hours. You need to be on your own. And I think that the really wise thing to do would be to be prepared for several days to several weeks. And there are any number of natural events or human-caused events that could result. Suppose it was a major strike. Oil is now 141 or so dollars a barrel, gas is over $4 a gallon, diesel nearly $5 a gallon. At some point the trucker may decide enough is enough, we quit, in protest, you've got to do something about this. A 3-day supply of food in the stores. Wouldn't it be nice if you had a meaningful supply in your home so there are a number of storms that you could weather in addition to this one? Citizens need to become as self-sufficient as possible.

Well, I have been concerned about electromagnetic pulse now for a number of years. I am very pleased that we were able to get this commission set up. I am really pleased with the quality of the commission and what they have been able to do. And now we are extending it. We have already passed the bill in the House here. We're extending it now for 4 more years, to 2012, and I look forward to the commission's being active. And this is really very stimulating and challenging, and meeting a big challenge like this and overcoming it is exhilarating. And I will tell you, rather than watching silly programs on television, the family would be much better rewarded and would feel better if they would sit down and say what can we do to prepare for this? Because our country is going to be stronger if I am self-sufficient and maybe I have enough to help somebody else, so that I'm not a ward of the State. And I hope that your government—the Homeland Security is the right place to look—is going to become more active in telling you what you need to do. But if they don't, go back and look at the advice given during the Cold War. What we were encouraged to do then, what we did then is precisely the kind of thing we need to do now. Now, there was lots of preparation. There were fallout shelters that would accommodate hundreds of people. If you went to Switzerland, if you go today, you will find that all of Switzerland can go underground with enough food and water to last them for quite a while. Now, we never had that level of preparedness, but we were enormously better prepared then than we are now.

Well, Madam Speaker, I am pleased for this opportunity to talk about this very important subject, and I hope that we become less and less vulnerable, which will reduce the threat more and more.

OUR TWIN PILLARS OF FREEDOM: THE DECLARATION AND CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we are in this Chamber just several days removed from our July 4th district work period, and I had reserved time on the Friday before our scheduled departure to discuss the importance of and the relevance of the birth date of this Nation. Since our session for that day was canceled, this is my first chance to speak on that subject.

Nearby in the Capitol rotunda hang four paintings crafted from the hand of John Trumbull, one of George Washington's aides-de-camp during the Revolutionary War. In the first of them, members of the Second Continental Congress, now 232 years ago, signed their names to the Declaration of Independence, thereby formalizing a severance of the institutional bonds between the colonies and their mother country. Out of a "decent respect for the opinions of mankind," they stated the reasons for this action in assiduous detail, invoking the "laws of nature and of nature's God" and the natural right of revolution because their inalienable natural rights had been abridged.

Twelve years later, after a long, exhausting, but ultimately successful war for independence, the people of this country were debating in ratifying conventions up and down the eastern half of our now expansive land whether to ratify or reject a new governmental framework for our experiment in self-government. That document, our Constitution, which Akhil Amar, perhaps understating the case, has called "one of the most important legal texts in human history," would ultimately be approved, and thus would commence the beginning of our new government.

Today in the afterglow of the colorful commemoration of our national independence—and I might say I was fortunate enough to enjoy the fireworks at Kings Beach, California, and Incline Village, Nevada, as well as the city of Folsom Rodeo this past weekend—I rise to celebrate our twin pillars of freedom, the Declaration of Independence and the Constitution.

□ 1915

Madam Speaker, they are much more than dry pieces of parchment from centuries bygone. No. They are documents which embody the very notion of our independence, recognizing our unique quality of self-government and cementing our commitment to constitutionalism. Make no mistake, this was something much more than just and efficacious for mankind than that which had come before. Yes, we have much to celebrate.

Madam Speaker, these celebratory facts were not foreordained. As Carol Berkin has written, 1786, "was the 10th anniversary of the Declaration of Independence and the third year of life in a new Nation, but political leaders everywhere feared there was little cause to celebrate. Dark clouds and a suffocating gloom seemed to have settled over the country, and these men understood that something had gone terribly wrong.

"From Virginia, George Washington lamented the steady stream of diplomatic humiliations suffered by the young Republic. Fellow Virginian, James Madison, talked gravely of mortal diseases afflicting the confederacy. In New Jersey, William Livingston confided to a friend his doubt that the Republic could survive another decade. From Massachusetts, the bookseller-turned revolutionary strategist, Henry Knox, declared, 'Our present Federal Government is a name, a shadow without power or effect.' Feisty, outspoken John Adams, serving as America's minister to Great Britain, observed his Nation's circumstances with more than his usual pessimism. The United States, he declared, was doing more harm to itself than the British Army had ever done. Alexander Hamilton, John Jay, James Monroe, Robert Morris, in short, many from every State, agreed that a serious crisis had settled upon the Nation. The question was: Could they do anything to save their country?"

The answer that came forth was a thunderous yes. They did do something to save their country. Our Constitution was the fruition of 4 long, hot months of deliberation in Philadelphia, Pennsylvania.

On September 15, 1787, delegates there finalized a text, and 13 days later Congress, then meeting in New York, voted unanimously to send the proposed Constitution to the people of each State for ratification.

Madam Speaker, the framers of our Constitution articulated a new science of politics. It had been believed that republics were only feasible as small homogenous clusters and were most likely destined to fail, since Democratic governance could lead to the tyranny of the majority or demagogic usurpation of people's consent, sovereignty rights, and freedoms.

And so this new, unproven republican design was put before the people through the instrument of ratification. James Madison, the Father of the Constitution, said that without ratification, the Constitution was like a dead letter. In fact, life and validity were breathed into it by the voice of the people, speaking through several State conventions.

Contrary to contrary expectations in the 21st century, popular ratification was a novel idea. Underscoring the boldness of their venture, several

States even made their voting qualifications more inclusive than before so that more could partake in the ratification process.

And what a rich process it was. Brutus, Publius, Anti-federalists, Federalists. The debates over ratification still enlighten, inform, and reminds us of the seriousness with which we take our political system and the principles embedded within it.

So it's important for us to remember just a week after this grand Fourth that our history included framers, signers, and ratifiers, and as always, then as now, there were also those of us, merely we, the people.

As Alexander Hamilton wrote to the voters of New York in Federalist Paper No. 1, "After an unequivocal experience of the inefficacy of the subsisting Federal Government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance. It has been frequently remarked that it seems to have been reserved to the people of this country by their conduct and example to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

If there be any truth in the remark, the crisis at which we arrived may, with propriety, be regarded as the era in which that decision is to be made, and a wrong election of the part, we shall act may, in this view, deserve to be considered as the general misfortune of mankind."

Thankfully, many agreed with Hamilton, and our Constitution is still intact today, 220 years later. In the intervening years, much has been written about how to appropriately interpret our Constitution. What do its clauses mean; what do its phrases imply; what is the scope of this or that respective enumerated or unenumerated power? How are we to approach or understand issues today that were unforeseen in 1787 or 1788?

Madam Speaker, I believe the constitutional interpretation should be a principled process, moored and anchored in the text, ascending up from the text, meaning context, and history of the words, phrases, concepts and structures of the Constitution itself, not a deductive process says that begins by asking, as one former Justice, according to one of his former law clerks, used to ask, What is the just result, and working backward from the answer to that question to see how it would comport with relevant theory or precedent.

I am for ultimate justice, Madam Speaker. But such an untethered interpretative technique is neither just nor fair to the individuals in specific cases. Justice implies measurement by some objective standard in an appropriate and specified context, not in a free-ranging philosophy seminar that only tangentially touches upon the context for this particular discussion that is the Constitution of the United States.

Akhil Amar is right, "A careful examination of constitutional text, history, and structure will often leave us with a clear answer. At other times, however, the most the document can yield is the right set of questions to ask ourselves." But this is no deficiency. As we all know, asking the right question is the first and most important step towards appropriate adjudication and resolution.

Now some have argued through our history that the Constitution is outdated and irrelevant to our contrary circumstances and lives. Outdated, irrelevant? How could it be, and what does that mean? For it to be outdated we'd have to ignore Chief Justice John Marshall's words when he said that, "We must never forget it is a Constitution we are expounding." Why would he exhort us to elucidate something outdated and irrelevant?

One prominent Justice once said that Justices should adjudicate according to the felt necessities of the time. This is contrary to the thoughts of John Story, who wrote in his famous Commentaries that the Constitution has, "a fixed, uniform, and permanent construction." To measure the felt necessities of the time is an impossible task. Whose necessities are to be felt; how are such feelings to be measured, is this the proper role of the judiciary, even if it were possible?

As Hamilton wrote in Federalist No. 78, the judicial branch was to have neither force nor will. In Osborne versus Bank of the United States, Justice Marshall said that the judicial department has no will in any case. Judicial power is never exercised for the purpose of giving effect to the will of the judge, always for the purpose of giving effect to the will of the legislature or, in other words, to the will of the law. Judicial power, as contradistinguished from the power of law, has no existence. Courts are mere instruments of the law, and can will nothing."

Again, Story reminds us that the judge ought not to enlarge the construction of a given power beyond its fair scope of its terms merely because the restriction is inconvenient in politic or even mischievous. Since the Government of the United States is one of limited and enumerated powers, a departure from the true import and sense of its power is pro tanto in the establishment of a new constitution. It is doing for the people what they have not chosen to do for themselves. It is usurping the functions of a legislator and deserting those of an expounder of the law."

In another case, Justice Marshall wrote, "to say that the intention of the instrument must prevail; that this intention must be collected from its words; that its words to be understood in that sense in which they are generally used by those for whom the instrument was intended; that its provisions are neither to be restricted into insignificance, nor extended to objects not comprehended in them, nor contemplated by its framers; is to repeat what has already been said more at large and is all that can be necessary."

Thus, the Constitution endeavors to draw the broad strokes of principle and dimension, not to articulate each and every iota of detail which may arise from the entire future of American history. In McCulloch versus Maryland, Chief Justice Marshall tells us, "A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and can scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature therefore requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those limits be deduced from the nature ate of the objects themselves.

"That this idea was entertained by the Framers of the American Constitution is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations found in the ninth section of the first article introduced?

"It is also, in some degree, warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation. In considering this question, then, we must never forget that it is a Constitution we are expounding."

In the Dartmouth College case, Marshall explained that, "although a particular and rare case may not in itself be of sufficient magnitude to induce a rule, yet it must be governed by the rule when established unless some plain and strong reason for excluding it can be given. It is not enough to say that this particular case was not the mind of the convention when the article was framed, nor the American people when it was adopted. The case, being within the words of the rule, must be within its operation likewise."

In contrast to those who believe that the Constitution is nothing but a set of policies which enjoy popular acceptance at the time of ratification, followed by judicial interpretation in light of the conditions and opinions of later years, I would agree with the esteemed judge and scholar, Michael McConnell, who has written that, "constitutional language is an embodiment of legal principles; it is necessary to understand those principles in order to understand the Constitution." It would be most unwise to separate and detach all interpretive ties to the text and context of the actual document as well as to the structure and concepts with it because, Madam Speaker, once that is done, we now would be playing a deductive game of polling and power based on the momentary whims of the people and the magnified moods of missionary-minded judges.

Constitutional jurisprudence must be more than the inevitable byproduct of different political and social milieus. In the traditional enterprise of constitutional law, the meaning of the Constitution is seen to be a legitimate question for historical interpretive inquiry. I would argue this should not change.

Madam Speaker, our Declaration and Constitution are worth celebrating here tonight because of the unique framework they give us to govern ourselves to prosper by offering ourselves economically, socially, and societally according to the rule of law and to attempt to discern the common good. It also allows individual citizens and communities the capacity and volition to decide for themselves whether to shrink from or rise to doing their duty as citizens and individuals, since republicanism empowers the people.

So this is our challenge. As de Tocqueville said, "in Democratic times especially, the true friends of freedom and human greatness must be on guard because an inordinate amount of individualism can lead to self-seclusion, fear, and temerity.

☐ 1930

But it doesn't have to be this way. As Harvey Mansfield has reminded us, our constitutional system allows for democratic greatness to appear in individuals with extraordinary knowledge, vision and ability, but such individuals are always constrained by constitutional boundaries.

More importantly, since our system recognizes the fallibility of our human nature, it does not depend on honor and virtue being constantly present in the executive or in positions of legislative or judicial leadership. Thankfully, our constitutional system allows for ideas and societal passions to be filtered through the vortex of time, transparency and deliberation.

As Federalist No. 10 says, "As long as the reason of man continues fallible and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men from which the rights of property originate is not less an insuperable obstacle to the uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different interests and parties."

And then he says something very interesting. "The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity according to the different circumstances of civil society. It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interests which one party may find in disregarding the rights of another or the good of the whole."

So, Madam Speaker, given the potential for evil intrinsic within human nature, our framers were wise not to give man too much credit, but not so pessimistic as to regulate themselves to fatalistic hopelessness.

Our system of checks, balances and federalism allows for the refining and enlarging of public views. As Madison writes in Federalist 55, "As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealousy of some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another."

Madam Speaker, the history of the past 220 years teaches us that we do not need the chains of despotism to restrain ourselves from self-mutilation. Our Constitution has served and continues to serve us well in times of intense societal debate and in times of relative calm.

Herman Belz has written that "the framers intended the Constitution as a permanent instrument of government for the American people and that instrument has proven to be quite remarkable."

Several years ago, a former Associate Justice of our Supreme Court said that "the Union survived the Civil War, the Constitution did not. In its place arose a new, more promising basis for justice and equality, the 14th amendment."

I would humbly disagree with that assessment. The Constitution is the Constitution because of its amendability, whereby it allowed for just such a development as the 14th amendment to take place, fulfilling its original purpose, that is, to devise a system of government presupposing the equality of persons under the law.

One current Justice has recently said that "the Constitution evolves and should reflect changes in society; that going back to what was meant originally when they wrote, for instance, 'We the People' makes little sense."

I disagree. It does make sense. "We the People" did institute this government, or else under what court and government does the Justice now serve, since this government is the one constituted in 1789 and in continuation to this day? Thankfully, we, unlike any other government then established on earth, set up a constitutional framework that allowed for changes to be made according to the orderly deliberation of society through representation and the legitimacy of the legislative process.

Let us not forget, as Akhil Amar has said, that "the framers themselves also were, after all, revolutionaries who risked their lives, their fortunes, and their sacred honor to replace an Old World monarchy with a New World order unprecedented in its commitment to popular self-government. Later generations of reformers repeatedly amended the Constitution so as to extend its liberal foundations, dramatically expanding liberty and equality."

Thankfully, throughout our history we have had leaders and statesmen who were committed to constitutionalism and not to power and might. After all, as Lincoln said in his first inaugural, "If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution."

As Federalist 71 stated, "The Republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they entrust the management of their affairs, but it does not require an unqualified complacence to every sudden breeze of passion or to every transient impulse which the people may receive."

Madam Speaker, none of us has the right to oppress minorities, let majorities rule tyrannically or turn the Constitution into a grab bag of personal policy preferences and arbitrary power grabs. We all have a responsibility to study the Constitution and attempt to humbly delineate the contours of confluence between constitutional principle and our contemporary realities to which it has applied.

Each of us has a duty to do this. After all, each member of the three representative branches takes an oath to "support and defend," or to "preserve, protect and defend" the Constitution of the United States. We must take those oaths seriously. We must take the 9th amendment seriously, which states, "The enumeration of the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

We must take the 10th amendment seriously, which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

These are important clauses and should not be forgotten, lest we forget the accumulation instead of the dispersion of power is the very reason we sought our independence, unless we assume self-government is free, easy, and passively perpetual.

And in this regard, I would refer to Alexander Hamilton's words in the Federalist Papers No. 78, where he described his vision of the judiciary as one of the three major branches. And these are his words: "Whoever attentively considers the different departments of power," they referred to the branches as "departments," "whoever attentively considers the different departments of power, must perceive that in a government in which they are separated from each other the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution."

He goes on to say, "It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power, that it can never attack with success either of the other two, and that all possible care is requisite to enable it to defend itself against attack."

But then he goes on to make an interesting point that is often lost. He says, "As liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments."

What he is saying in current vernacular is that if the judiciary ever trespasses on the proper powers of the other two branches, it will become the most dangerous. He is suggesting that in the area of the activity of the democratic branches of government, that is those who are elected by the people and most readily subject to their action, the executive, and particularly the legislative, that if any of their power is encumbered, encroached, trespassed upon or poached by the judiciary, it would become, rather than the weakest, the most dangerous branch of government.

That is why I would suggest that we ought to look at the words of Chief Justice Roberts when he was up for his confirmation hearings in the Senate. When asked what his philosophy was, among other things he said, "One of judicial modesty." I have often used the word "judicial humility," and what I mean by that is a recognition of the limitations of the expanse of their power.

Judge Andrew Kleinfeld of the Ninth Circuit Court of Appeals in his dissent in Compassion in Dying v. State of Washington case in 1996 said these words: "That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia while all great questions would be decided by the judiciary. That an issue is important does not mean that the people through their democratically elected representatives do not have the power to decide it. One might suppose that the general rule in a democratic republic would be the opposite, with a few exceptions."

One of the proper understandings of the Constitution, Madam Speaker, is that there are limitations for all three branches of government, including the judiciary, and that the judiciary, if it makes a mistake of reaching beyond what its role ought to be, destroys the intrinsic value and purpose of the other two.

To put it another way, Justice Scalia said a number of years ago in a speech, he said when he was a kid growing up and you saw something that you didn't like or you thought that was wrong, your response was there ought to be a law. But he says, today if you see something you don't like or something you think is wrong, your response is, it is unconstitutional.

Now, those are just a few words changed in your response. Your emotional response to the situation is the same, maybe even your intellectual response to the substance is the same, but your response in terms of the manner by which you address the problem is so different that it radically changes the substance as well as the environment.

What do I mean by that? When an issue is determined to be constitutional, it becomes ultimately the final decisionmaking arena of the courts. It is taken out of the hands of the democratic branches, because the democratic branches cannot, unless they enact a formal amendment to the Constitution, cannot do anything to overturn that decision by the court.

So if we define every important issue as a constitutional issue, we are rendering impotent to a degree both the executive, but, more importantly in my judgment, Madam Speaker, the legislative branch, and particularly the House of Representatives.

☐ 1945

So as we should understand the reach and limits of our branch, as the executive branch should understand the reach and limitations of their branch, so ought the judicial branch.

Madam Speaker, today, because of the Declaration and the Constitution, we do not live under the perverted political thumb of the divine right of kings, under the specter of religious persecution and bloody religious wars, under monarchy, or feudalism. For that we are thankful.

We are not a blood and soil Nation. We are a propositional Nation, committed to the equal natural rights of all citizens to life, to liberty, to the pursuit of happiness, not to the immediate satisfaction of momentary appetites. We are a Constitutional system in a multifaceted society that guards against the twin evils that may be found in popular democratic government: Majority tyranny on the one hand, and demagoguery on the other. Our mediating institutions, whether they are families, whether they are churches, and our voluntary associations are so important because they temper our unrestrained passions.

Madam Speaker, the Declaration and Constitution can edify and teach Americans about our history as a people. Ours is a history that includes millions of honorable citizens and numerous men and women of extraordinary contribution:

Men like Roger Sherman, who was one of only two men who signed the Declaration, the Articles of Confederation, and the Constitution. He was a delegate to the first and second Continental Congresses. He was a member of the five-man committee formed to draft the Declaration of Independence, and a member of the Committee of Thirteen formed to comprise the Articles of Confederation. At the Constitutional Convention in 1787, he actually delivered more speeches than all but three others. He was instrumental in the Great Compromise, was a Member of the first U.S. House of Representatives, later served in the Senate, where he played important roles in the debate over the Bill of Rights and the national bank.

Or men like John Dickinson, a Quaker from Delaware and Pennsylvania who served both States as the elected chief executive. Dickinson wrote the instrumental Letters From a Farmer in Pennsylvania, which circulated in 1767 and 1768; was a delegate to the Stamp Act Congress in October of 1765, where he drafted the Declaration of Rights and Grievances. A member of the first and second Continental Congresses, Dickinson was a principal draftsman of the Declaration of the Causes and Necessity of Taking Up Arms issued in July 1775, and one of Delaware's delegates to the Constitutional Convention of 1787.

Or, finally, men like James Wilson, who made more speeches than anyone at the Constitutional Convention, than Governor Morris, served on the Supreme Court and articulated so eloquently the principles of natural rights our Declaration and Constitution were meant to protect.

Madam Speaker, a few years ago, the esteemed historian Bernard Bailyn wrote a short series of essays which he entitled To Begin the World Anew. Taking his title from the hopes and pens of Thomas Paine, in this splendid and fascinating collection of essays he explained how the Founders, including those just like the ones I mentioned, were provincial, they were isolated, they were unaristocratic; yet their perseverance, imagination, and vision were not inhibited, leading to what Carol Berkin has called, "A brilliant solution: Our Constitution." Indeed, it was and is.

Several years ago, it was written that, "At the dawn of a new millennium, constitutional law is at risk of losing touch with the Constitution itself. A dense doctrinal grid threatens to obscure the document with generally unfortunate consequences. The Constitution is wiser than the Court. The document will outlast many of today's doctrines, and it provides a stable fulcrum from which to criticize some of the Court's less admirable adventures."

Let this always be the case. For as John Ely has written, "Though the identification of a constitutional connection is only the beginning of analysis, it is a necessary beginning. The Court is under an obligation to trace its premises to the charter from which it derived its authority. It should do this for many reasons, none other than the fact that what the American people have said and done in the Constitution is often more edifying, inspiring, and sensible than what the justices have said and done in the case law."

Madam Speaker, today our Declaration and Constitution should be celebrated, not as mere icons or cultural symbols that immature societies need to give them cultural and simplistic cohesion. No, the Declaration and the Constitution should be celebrated for what they really are, demarcations of our commitments as a people to as wise a system as possible, given our human fallibility of government here on Earth.

I happen to agree with a current Member of the Senate who said, "I have a deep-seated belief that America is unique, strong and great, because of a commitment to personal freedom, in our economic system and our politics. We are a free people who consented to be governed, not vice versa."

I would also agree with the aspiration of Justice John Marshall Harlan, who wrote, "In the view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is colorblind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved."

Madam Speaker, 1776 was not a year free of bloodshed and hardship. It was anything but. We are now over 22 decades removed from those events, 22 decades which have seen our great country grow, prosper, suffer, mourn, rejoice, exalt, and contemplate while our lives and the lives around us were changed by technological, political, international, and societal change.

We today honor those who sacrificed on the fields and hills of Lexington, Concord, Breed's Hill, Princeton, Saratoga, and Yorktown. We honor all those who sweated, debated, argued, thought, reasoned, wrote, and ratified the document by which we all do our collective best and our collective business here in Congress, in the White House, in the Supreme Court, and in this great country and society full of families, communities, localities, counties, and States.

So let our twin pillars always guide, always steer, and always stay firm, tall, and strong as we continue to humbly exist as one of the many on this earth, yet one incomparable as to the rest. The Declaration and the Constitution, let us always declare, and let us continue to constitute our experiment in republican self-government in such a way that we pay due deference to those who have come before, and make proud those who will come after.

Happy birthday, United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Mr. HOYER) for July 9 and today.

Mr. CONYERS (at the request of Mr. HOYER) for today after 2 p.m.

Mr. HILL (at the request of Mr. HOYER) for today on account of family emergency.

Mr. FRELINGHUYSEN (at the request of Mr. BOEHNER) for today on account of a family funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KUCINICH) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 17.

Mr. PAUL, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 17.

Mr. KIRK, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. CALVERT, for 5 minutes, July 14, 15 and 16.

Mr. DUNCAN, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today, July 14, 15, 16 and 17.

Mr. PRICE of Georgia, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6331. An act to amend titles XVII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7437. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Major General James R. Helmly, United States Army Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7438. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

7439. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention (CWC) deadline of April 29, 2012 and not later than December 31, 2017, pursuant to Public Law 110-181, section 922; to the Committee on Armed Services.

7440. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7441. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the semiannual report on activities of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7442. A letter from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7443. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2007 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7444. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7445. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2007 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7446. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7447. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7448. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's report on new proposed systems of records subject to the Privacy Act, pursuant to Office of Management and Budget Circular No. A-130; to the Committee on Oversight and Government Reform.

7449. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2007; to the Committee on Oversight and Government Reform.

7450. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2007-28355; Directorate Identifier 2007-NM-062-AD; Amendment 39-15495; AD 2008-09-14] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7451. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0046; Directorate Identifier 2007-NM-173-AD; Amendment 39-15496; AD 2008-09-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7452. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-29043; Directorate Identifier 2007-NM-177-AD; Amendment 39-15494; AD 2008-09-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7453. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28664; Directorate Identifier 2007-NM-007-AD; Amendment 39-15492; AD 2008-09-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Taylorcraft, Inc. Models A, B, and F Series Airplanes [Docket No. FAA-2008-0177; Directorate Identifier 2007-CE-093-AD; Amendment 39-15499; AD 2008-09-18] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No. FAA-2008-0266; Directorate Identifier 2008-NM-013-AD; Amendment 39-15506; AD 2008-09-25] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7456. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2008-0268; Directorate Identifier 2008-NM-050-AD; Amendment 39-15504; AD 2008-09-23] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7457. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Syzbownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Gliders [Docket No. FAA-2008-0216; Directorate Identifier 2008-CE-004-AD; Amendment 39-15489; AD 2008-09-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7458. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, and A109C Helicopters [Docket No. FAA-2008-0431; Directorate Identifier 2008-SW-08-AD; Amendment 39-15483; AD 2008-09-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. FAA-2008-0476; Directorate Identifier 2008-CE-018-AD; Amendment 39-15491; AD 2008-09-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7460. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228-200, 228-201, 228-202, 228-212 Airplanes [Docket No. FAA-2008-0249; Directorate Identifier 2008-CE-012-AD; Amendment 39-15490; AD 2008-09-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2007-29248; Directorate Identifier 2007-NM-155-AD; Amendment 39-15487; AD 2008-09-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes and Model 767-200, 767-300, and 767-300F Series Airplanes [Docket No. FAA-2008-0411; Directorate Identifier 2008-NM-061-AD; Amendment 39-15488; AD 2008-09-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0262; Directorate Identifier 2008-NM-021-AD; Amendment 39-15493; AD 2008-09-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. FAA-2008-0489; Directorate Identifier 2007-SW-59-AD; Amendment 39-15507; AD 2008-10-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412CF, and 412EP Helicopters [Docket No. FAA-2008-0490; Directorate Identifier 2008-SW-26-AD; Amendment 39-15509; AD 2008-10-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, CN-235-300, and C-295 Airplanes [Docket No. FAA-2007-0048; Directorate Identifier 2007-NM-181-AD; Amendment 39-155503; AD 2008-09-22] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 Airplanes [Docket No. FAA-2008-0116; Directorate Identifier 2007-NM-257-AD; Amendment 39-15474; AD 2008-08-20] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kelly Aerospace Power Systems Turbochargers [Docket No. FAA-2008-0314; Directorate Identifier 2008-NE-09-AD; Amendment 39-15471; AD 2008-08-17] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2008-0119; Directorate Identifier 2007-NM-304-AD; Amendment 39-15475; AD 2008-08-21] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7470. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes. [Docket No. FAA-2007-0049; Directorate Identifier 2007-NM-168-AD; Amendment 39-15478; AD 2008-08-24] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7471. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. FAA-2008-0197 Directorate Identifier 2008-CE-005-AD; Amendment 39-15467; AD 2008-08-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7472. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-29116; Directorate Identifier 2007-NM-064-AD; Amendment 39-15476; AD 2008-08-22] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7473. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2008-0410; Directorate Identifier 2007-NM-362-AD; Amendment 39-15485; AD 2006-12-10 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7474. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Makila 1A and 1A1 Turboshaft Engines [Docket No. FAA-2007-0157; Directorate Identifier 2001-NE-23-AD; Amendment 39-15469; AD 2008-08-16] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7475. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Series Helicopters [Docket No. FAA-2006-25983; Directorate Identifier 2006-SW-11-AD; Amendment 39-15463; AD 2008-08-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model 125-02-99 Engines [Docket No. FAA-2008-0304; Directorate Identifier 2008-NE-08-AD; Amendment 39-15470; AD 2008-06-52] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26490; Directorate Identifier 2006-CE-075-AD; Amendment 39-15481; AD 2008-09-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2007-29065; Directorate Identifier 2007-NM-142-AD; Amendment 39-15486; AD 2008-09-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0196; Directorate Identifier 2008-CE-002-AD; Amendment 39-15482; AD 2008-09-02] (RIN: RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400F and -400 Series Airplanes [Docket No. FAA-2006-26726; Directorate Identifier 2006-NM-205-AD; Amendment 39-15479; AD 2008-08-25] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7481. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200C Series Airplanes [Docket No. FAA-2007-29029; Directorate Identifier 2007-NM-175-AD; Amendment 39-15477; AD 2008-08-23] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7482. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2007-29063; Directorate Identifier 2007-NM-049-AD; Amendment 39-15480; AD 2008-08-26] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7483. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream G150 Airplanes [Docket No. FAA-2008-0120; Directorate Identifier 2007-NM-327-AD; Amendment 39-15473; AD 2008-08-19] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7484. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes [Docket No. FAA-2008-0117; Directorate Identifier 2007-NM-273-AD; Amendment 39-15472; AD 2008-08-18] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYES: Permanent Select Committee on Intelligence. Supplemental report on H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110-665 Pt. 2). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. 110-750). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2490. A bill to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; with amendments (Rept. 110–751). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; with an amendment (Rept. 110–752). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5464. A bill to direct the Attorney General to make an annual grant to the A

Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes (Rept. 110–753). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; with amendments (Rept. 110–754). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUMENAUER (for himself and Mr. DOGGETT):

H.R. 6452. A bill to amend the Trade Act of 1974 to identify foreign country trade practices that negatively affect the environment and to take actions to address such practices; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mrs. MUSGRAVE, Mrs. SCHMIDT, Mr. BISHOP of Utah, Mr. LATTA, Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. GINGREY, Mr. MARCHANT, Mr. KINGSTON, Mr. KING of Iowa, Mr. JORDAN, Mr. BROUN of Georgia, Mr. FEENEY, Mr. SHIMKUS, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. DOOLITTLE, Mr. GOHMERT, Mr. CONAWAY, Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, Mr. FRANKS of Arizona, Mr. AKIN, Mr. PITTS, Mr. TIAHRT, Mr. PICKERING, Mr. HOEKSTRA, Mr. HENSARLING, Mr. WALBERG, Mr. PENCE, and Mr. RENZI):

H.R. 6453. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and Labor.

By Mr. CANNON:

H.R. 6454. A bill to extend and expand the E-verify program for employment eligibility confirmation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Science and Technology, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CULBERSON):

H.R. 6455. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Financial Services.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6456. A bill to provide for extensions of certain authorities of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FILNER:

H.R. 6457. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions by establishing, through the implementation of a sliding scale of benefits based on income, a system under which higher incomes result in lower benefits and lower incomes result in higher benefits, and work is incentivized by allowing greater total monthly income when working than could be provided by work or benefits alone; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 6458. A bill to establish a national maximum speed limit of 60 miles per hour on highways, and 65 miles per hour on portions of the National Highway System located outside of an urbanized area; to the Committee on Transportation and Infrastructure.

By Mr. FATTAH (for himself and Mr. SOUDER):

H.R. 6459. A bill to establish an adoption process improvement pilot program; to the Committee on Education and Labor.

By Mr. EHLERS (for himself and Mr. OBERSTAR):

H.R. 6460. A bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE (for himself, Mr. PLATTS, and Mr. RYAN of Ohio):

H.R. 6461. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Transportation and Infrastructure.

By Mr. CARDOZA:

H.R. 6462. A bill to require the Bureau of Prisons to provide stab-resistant personal body armor to all correctional officers of the Bureau, and to require such officers to wear such armor while on duty; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself, Mrs. SCHMIDT, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. PITTS, Mr. DOOLITTLE, Mr. KINGSTON, Mr. AKIN, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. SHIMKUS, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. LATTA, and Mr. BURTON of Indiana):

H.R. 6463. A bill to terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself and Mr. LOEBSACK):

H.R. 6464. A bill to make certain amendments to the loan and loan guarantee program under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6465. A bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. CAZAYOUX (for himself, Mr. MELANCON, Mr. ALEXANDER, and Mr. JEFFERSON):

H.R. 6466. A bill to apply an alternative payment amount under the Medicare Program for certain graduate medical education programs established to train residents displaced by natural disasters; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 6467. A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; to the Committee on Agriculture.

By Mr. CUELLAR:

H.R. 6468. A bill to disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driver's license and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE (for herself, Mr. COSTA, Mr. CAMP of Michigan, Mr. CLAY, Ms. ROS-LEHTINEN, Mr. BOUCHER, Mrs. MCMORRIS RODGERS, Mr. WU, and Mr. REYES):

H.R. 6469. A bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 6470. A bill to provide for the designation of certain sites in Monroe County and Wayne County, Michigan, relating to the Battles of the River Raisin during the War of 1812 as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 6471. A bill to amend title 38, United States Code, to expand the availability of health care provided by the Secretary of Veterans Affairs by adjusting the income level for certain priority veterans; to the Committee on Veterans' Affairs.

By Mr. FLAKE:

H.R. 6472. A bill to rescind certain earmark projects under SAFETEA–LU for the purpose of eliminating the shortfall in the Highway Trust Fund, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Mr. MICHAUD, Mr. ALLEN, Mr. KANJORSKI, Mr. HINCHEY, Mr. LOBIONDO, Mr. MCHUGH, Mr. LANGEVIN, Mr. SESTAK, Mr. DELAHUNT, and Mr. WELCH of Vermont):

H.R. 6473. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. WAMP):

H.R. 6474. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; to the Committee on House Administration.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6475. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on House Administration.

By Mr. ROSKAM (for himself, Mrs. BIGGERT, and Mr. MANZULLO):

H.R. 6476. A bill to designate a rail right-of-way as a corridor for inter-suburban commuter rail, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN (for himself, Mr. ELLISON, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. SUTTON, and Mr. HARE):

H.R. 6477. A bill to repeal a limitation in the Labor-Management Relations Act regarding requirements for labor organization membership as a condition of employment; to the Committee on Education and Labor.

By Ms. SOLIS (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. PRICE of Georgia, Mr. ANDREWS, Mr. BACA, Mr. FARR, Mr. GRIJALVA, Mr. HINOJOSA, Mr. KUHL of New York, Mr. SCOTT of Georgia, Ms. SUTTON, Mr. TAYLOR, and Mr. MICHAUD):

H.R. 6478. A bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 6479. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge Complex; to the Committee on Natural Resources.

By Ms. WATSON (for herself and Mr. BERMAN):

H.R. 6480. A bill to authorize grants for nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself, Mr. OBERSTAR, Ms. LEE, Ms. WOOLSEY, Ms. KILPATRICK, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, Mr. CONYERS, Ms. CLARKE, Mr. FARR, Mr. HINCHEY, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. DEFAZIO, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. CLEAVER, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. HODES, and Mr. FATTAH):

H. Res. 1329. A resolution expressing the sense of the House of Representatives that the United States should accept the Iraqi Government's stated goal of setting a timetable for withdrawal of United States Armed Forces from Iraq; to the Committee on Armed Services.

By Mr. SALI (for himself, Mr. FRANKS of Arizona, Mrs. DRAKE, Mr. CHABOT, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mrs. CUBIN, Mr. HALL of Texas, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. PEARCE, Mr. SCALISE, Mr. SHULER, Mr. BUYER, and Mr. CALVERT):

H. Res. 1330. A resolution commending the recent decision of the Supreme Court of the United States in District of Columbia v. Heller for upholding the right of the individual to keep and bear arms under the second amendment of the Constitution; to the Committee on the Judiciary.

By Mr. SOUDER:

H. Res. 1331. A resolution providing for the consideration of the bill (H.R. 1399) to restore Second Amendment rights in the District of Columbia; to the Committee on Rules.

By Mr. CARDOZA (for himself, Mr. MCDERMOTT, and Mr. FATTAH):

H. Res. 1332. A resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth; to the Committee on Education and Labor.

By Mr. ARCURI (for himself, Mr. WELCH of Vermont, Mr. MCGOVERN, Ms. MATSUI, Mr. HASTINGS of Florida, Ms. CASTOR, Ms. SUTTON, Mr. ELLSWORTH, Mr. CARNEY, Mr. MARSHALL, Mr. BERRY, Mr. DONNELLY, Ms. BEAN, Mr. CHANDLER, Mr. MATHESON, Mr. BOREN, Mr. SIRES, Mr. BARRETT of South Carolina, Mr. ISRAEL, Mr. BISHOP of New York, Mr. SPACE, Mr. ROSS, Mr. ALTMIRE, Mr. SHUSTER, Mrs. GILLIBRAND, Mr. WEINER, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. SARBANES, Mr. ACKERMAN, Mr. MCNULTY, Mr. KLEIN of Florida, Mr. HODES, Mr. ROTHMAN, Mr. KENNEDY, Mr. RYAN of Ohio, Mr. PATRICK MURPHY of Pennsylvania, Mr. HARE, Ms. DEGETTE, and Mrs. LOWEY):

H. Res. 1323. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H. Res. 1334. A resolution calling upon the Government of China to account for those detained during March 2008 protests and to recognize the fundamental human rights of all Tibetans, including monks, nuns, and innocent civilians, currently detained by the Government of China; to the Committee on Foreign Affairs.

By Mr. HODES (for himself, Ms. GINNY BROWN-WAITE of Florida, Ms. SHEA-PORTER, Mr. RODRIGUEZ, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. ROGERS of Michigan, Mr. FORTUÑO, Mr. LATHAM, Mr. ROGERS of Alabama, Mr. EHLERS, Mr. OLVER, Ms. KAPTUR, Mr. PORTER, Mr. REYES, Mr. WHITFIELD of Kentucky, Mr. DICKS, Mr. KANJORSKI, Mr. MICHAUD, Mr. GERLACH, Mr. CAZAYOUX, Mr. LOBIONDO, and Mr. ETHERIDGE):

H. Res. 1335. A resolution celebrating the 120-year partnership between the Government and State veterans homes; to the Committee on Veterans' Affairs.

By Mr. MCCAUL of Texas (for himself, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. CANTOR, and Mr. SHUSTER):

H. Res. 1336. A resolution encouraging the United States Secretary of State to work with the Government of Pakistan to secure the return to the United States of all American children being educated in madrassas in Pakistan; to the Committee on Foreign Affairs.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mr. DOOLITTLE, Mr. DREIER, Mr. FATTAH, Ms. TSONGAS, and Mr. HINCHEY):

H. Res. 1337. A resolution condemning the decision by the Government of Zimbabwe to hold the run-off presidential election on June 27, 2008;; to the Committee on Foreign Affairs.

By Mr. SHERMAN (for himself, Mr. PALLONE, and Mr. WELLER):

H. Res. 1338. A resolution calling on the United States Government and the international community to support a transition to sustainable peace in Sri Lanka by encouraging an international human rights monitoring presence, protecting the work of civil society and media, facilitating access of humanitarian operations, and retaining democratic principles in which rule of law and justice pervades; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

332. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 101 memorializing the Congress of the United States to allow immediate family to visit military personnel on extended deployment overseas who are in rest and relaxation period; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. KLINE of Minnesota.
H.R. 96: Mr. ROTHMAN.
H.R. 154: Mr. MILLER of North Carolina.
H.R. 211: Ms. GRANGER and Mr. HILL.
H.R. 219: Mr. FRANKS of Arizona.
H.R. 303: Mr. MARIO DIAZ-BALART of Florida.
H.R. 627: Mrs. MCCARTHY of New York.
H.R. 676: Mr. CARSON.
H.R. 699: Mr. SMITH of Texas, Mr. HULSHOF, Mr. TANCREDO, Mr. CARTER, Mr. ISSA, Mr. BLUNT, Mr. NUNES, Mr. PRICE of Georgia, and Mr. LATOURETTE.
H.R. 769: Mr. LATTA.
H.R. 882: Mr. SALAZAR.
H.R. 901: Mr. LANGEVIN.
H.R. 1078: Mr. CUMMINGS and Mrs. DRAKE.
H.R. 1185: Mr. HODES and Mr. MEEKS of New York.
H.R. 1293: Mr. BILBRAY.
H.R. 1363: Ms. CORRINE BROWN of Florida.
H.R. 1479: Mr. DEFAZIO.
H.R. 1527: Mr. HARE and Mr. SALAZAR.
H.R. 1540: Mr. MCGOVERN.
H.R. 1621: Mrs. BIGGERT.
H.R. 1655: Mrs. CAPPS.
H.R. 1665: Mr. KENNEDY.
H.R. 1742: Mr. WITTMAN of Virginia and Mr. LATHAM.
H.R. 1767: Mr COSTELLO and Mr. PICKERING.
H.R. 1772: Mr. KAGEN.

H.R. 1810: Mr. PORTER.

H.R. 1881: Mr. DOGGETT.

H.R. 1884: Mr. LANGEVIN, Mr. SPRATT, and Mr. MELANCON.

H.R. 1927: Mr. DELAHUNT.

H.R. 2020: Mr. KUHL of New York and Ms. ESHOO.

H.R. 2064: Mr. BERMAN.

H.R. 2160: Mr. LATHAM.

H.R. 2169: Mr. REICHERT.

H.R. 2205: Mr. SHADEGG and Mr. MARIO DIAZ-BALART of Florida.

H.R. 2214: Ms. ZOE LOFGREN of California.

H.R. 2279: Mr. DEAL of Georgia, Mr. HULSHOF, Mr. ADERHOLT, Mr. TURNER, and Ms. FALLIN.

H.R. 2329: Mr. SMITH of New Jersey, Mr. PATRICK MURPHY of Pennsylvania, and Mr. HARE.

H.R. 2371: Mr. WU.

H.R. 2493: Mr. ADERHOLT, Mr. SMITH of Texas, and Ms. FALLIN.

H.R. 2677: Mr. LANGEVIN.

H.R. 2784: Mr. BARTLETT of Maryland.

H.R. 2802: Mr. HARE and Mr. FOSTER.

H.R. 2923: Mr. SESTAK and Mr. ALTMIRE.

H.R. 2994: Mr. WALSH of New York, Mr. DOGGETT, and Mr. KUHL of New York.

H.R. 3010: Mr. GEORGE MILLER of California.

H.R. 3119: Mr. GILCHREST, Mr. MARKEY, Ms. MOORE of Wisconsin, and Mr. MORAN of Virginia.

H.R. 3177: Mrs. MUSGRAVE.

H.R. 3186: Mr. WU.

H.R. 3232: Mr. MARCHANT, Mr. HASTINGS of Washington, Mr. WAMP, Mr. CRAMER, and Mr. CRENSHAW.

H.R. 3257: Mr. LYNCH.

H.R. 3289: Mr. MEEKS of New York.

H.R. 3334: Mr. KIND.

H.R. 3339: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3402: Ms. ROYBAL-ALLARD.

H.R. 3406: Mr. LANGEVIN.

H.R. 3485: Ms. SLAUGHTER.

H.R. 3618: Ms. BERKLEY.

H.R. 3622: Mr. MICA.

H.R. 3689: Mr. MARSHALL, Mr. TIERNEY, Mr. BAIRD, Mr. SNYDER, and Mr. SPRATT.

H.R. 3697: Mr. LYNCH.

H.R. 3750: Mr. SMITH of New Jersey.

H.R. 3834: Mr. UDALL of New Mexico.

H.R. 3914: Mr. SHADEGG.

H.R. 3932: Ms. McCOLLUM of Minnesota.

H.R. 3968: Mr. MARSHALL and Mr. SNYDER.

H.R. 4001: Mr. DAVIS of Kentucky.

H.R. 4007: Mr. ROSKAM.

H.R. 4138: Mr. CUMMINGS, Mr. ARCURI, and Ms. ROYBAL-ALLARD.

H.R. 4158: Ms. MATSUI and Mr. CALVERT.

H.R. 4183: Mr. MICHAUD and Mrs. MALONEY of New York.

H.R. 4188: Mr. ALTMIRE.

H.R. 4202: Mr. KILDEE.

H.R. 4218: Mr. DAVIS of Illinois.

H.R. 4255: Mr. McINTYRE.

H.R. 4544: Mr. LANGEVIN, Mr. PAYNE, Mr. NADLER, and Ms. McCOLLUM of Minnesota.

H.R. 4688: Mr. HARE.

H.R. 5129: Mr. SCOTT of Virginia.

H.R. 5235: Mr. KILDEE, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. REYES, Mr. MOORE of Kansas, Mr. PETERSON of Pennsylvania, Mr. TANNER, Mr. STUPAK, Mr. RAHALL, Mr. BACA, Mr. SHULER, Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GILCHREST, Mr. LoBIONDO, Mrs. MILLER of Michigan, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mr. PETRI, Mr. REHBERG, Mr. REICHERT, Mr. SHUSTER, Mr. STEARNS, Mr. SULLIVAN, Mr. THORNBERRY, Mr. WALBERG, Mr. SIMPSON, Mr. REYNOLDS, Mr. AKIN, Mrs. DRAKE, Mr. LEWIS of Kentucky, Mr. YOUNG of Florida, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. ADERHOLT, and Mrs. CUBIN.

H.R. 5265: Ms. BERKLEY, Mr. DOYLE, Mr. BUTTERFIELD, and Mr. SPRATT.

H.R. 5268: Ms. SOLIS, Mr. NEAL of Massachusetts, Mr. PASTOR, and Mr. REYES.

H.R. 5315: Mr. SKELTON.

H.R. 5335: Mr. LINDER.

H.R. 5404: Mr. COURTNEY.

H.R. 5437: Mr. CAZAYOUX.

H.R. 5450: Mr. MARCHANT.

H.R. 5484: Mr. LYNCH.

H.R. 5560: Mr. SESTAK.

H.R. 5603: Mr. GERLACH.

H.R. 5615: Mrs. LOWEY and Ms. GIFFORDS.

H.R. 5629: Mr. HERGER.

H.R. 5635: Mrs. DRAKE.

H.R. 5636: Mr. CONYERS.

H.R. 5639: Mr. TOWNS, Mr. McGOVERN, and Mr. GORDON.

H.R. 5652: Mr. POE, Mr. KING of Iowa, Mr. TURNER, Mr. FORBES, and Mr. BOOZMAN.

H.R. 5656: Mr. HULSHOF, Mr. BARTLETT of Maryland, and Ms. FALLIN.

H.R. 5672: Mr. HONDA and Mr. GRIJALVA.

H.R. 5684: Mr. DELAHUNT.

H.R. 5756: Mr. HINCHEY.

H.R. 5782: Mr. BOUSTANY.

H.R. 5868: Mr. MICHAUD.

H.R. 5882: Mr. McCAUL of Texas and Mr. WATT.

H.R. 5892: Mr. HINOJOSA.

H.R. 5921: Mr. McCAUL of Texas.

H.R. 5924: Ms. ROS-LEHTINEN, Mr. FILNER, and Ms. CASTOR.

H.R. 5949: Mr. KLEIN of Florida, Mr. ROGERS of Kentucky, Mr. SHAYS, and Mr. GOODE.

H.R. 5954: Ms. BERKLEY and Mr. HODES.

H.R. 5989: Mr. COHEN.

H.R. 6039: Mr. McCAUL of Texas.

H.R. 6057: Mr. FARR, Mrs. LOWEY, and Mr. BERMAN.

H.R. 6083: Mr. COHEN.

H.R. 6126: Mr. WATT.

H.R. 6148: Mr. KUCINICH.

H.R. 6159: Mr. DANIEL E. LUNGREN of California.

H.R. 6180: Mr. CARNAHAN and Mr. KANJORSKI.

H.R. 6185: Mr. PLATTS.

H.R. 6201: Mr. FRANK of Massachusetts.

H.R. 6207: Mr. SAM JOHNSON of Texas.

H.R. 6209: Mr. HARE and Mr. COURTNEY.

H.R. 6210: Mr. HODES.

H.R. 6214: Mr. PAUL.

H.R. 6215: Mr. KENNEDY.

H.R. 6260: Mr. WOLF and Mr. KUHL of New York.

H.R. 6268: Mr. HAYES and Mr. PLATTS.

H.R. 6293: Mr. SARBANES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, and Mr. SPRATT.

H.R. 6294: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 6321: Mr. FATTAH.

H.R. 6326: Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. BISHOP of New York, and Ms. HIRONO.

H.R. 6328: Ms. SCHAKOWSKY.

H.R. 6339: Mrs. DAVIS of California and Ms. ROYBAL-ALLARD.

H.R. 6366: Mr. BOOZMAN.

H.R. 6371: Mr. RODRIGUEZ.

H.R. 6375: Ms. ZOE LOFGREN of California.

H.R. 6381: Mr. DAVIS of Alabama and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 6394: Mr. BISHOP of New York and Mr. BILBRAY.

H.R. 6399: Mr. KLEIN of Florida.

H.R. 6407: Mr. WALSH of New York.

H.R. 6418: Mr. SMITH of Texas, Mr. LATTA, and Mr. CHABOT.

H.R. 6420: Mr. BURTON of Indiana, Mr. CANTOR, Mr. HOEKSTRA, Mr. CHABOT, and Mr. KUHL of New York.

H.R. 6427: Mr. MICHAUD.

H.R. 6432: Ms. DeGETTE.

H.R. 6433: Ms. DeGETTE.

H. J. Res. 93: Mr. PENCE, Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. WELCH of Vermont, Mr. MORAN of Virginia, and Mr. HINOJOSA.

H. Con. Res. 24: Mr. CONYERS.

H. Con. Res. 33: Ms. SPEIER.

H. Con. Res. 160: Mr. CALVERT.

H. Con. Res. 214: Ms. WOOLSEY, Ms. MOORE of Wisconsin, and Mr. OLVER.

H. Con. Res. 223: Mr. RUPPERSBERGER.

H. Con. Res. 239: Mr. SESTAK.

H. Con. Res. 244: Mr. MILLER of North Carolina.

H. Con. Res. 296: Mr. McCARTHY of California, Mr. PAYNE, Mr. OBERSTAR, and Mr. PORTER.

H. Con. Res. 333: Mr. COBLE.

H. Con. Res. 341: Mr. COHEN.

H. Con. Res. 342: Mr. TIBERI, Mr. BONNER, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, and Mr. WITTMAN of Virginia.

H. Con. Res. 352: Mr. HALL of Texas, Mr. FATTAH, and Mr. LYNCH.

H. Con. Res. 362: Mr. PATRICK MURPHY of Pennsylvania, Mr. EDWARDS of Texas, Mr. RYAN of Wisconsin, Mr. KINGSTON, Mr. SALI, Mr. CALVERT, and Ms. SPEIER.

H. Con. Res. 382: Mr. BERMAN.

H. Con. Res. 386: Mr. FRANKS of Arizona.

H. Res. 870: Mr. MARKEY, Mr. JEFFERSON, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Mr. KUCINICH.

H. Res. 968: Ms. ROYBAL-ALLARD and Mr. ARCURI.

H. Res. 1000: Mr. CARNEY, Mr. MURTHA, Mr. FATTAH, Mr. GERLACH, Mr. HOLDEN, Mr. SHUSTER, Mr. KANJORSKI, Mr. PATRICK MURPHY of Pennsylvania,. Mr. BRADY of Pennsylvania, Ms. SCHWARTZ, Mr. SESTAK, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. DENT, Mr. BOOZMAN, Mr. MICHAUD, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mrs. McCARTHY of New York, Mr. ARCURI, Mr. MURPHY of Connecticut, Mr. LOEBSACK, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. HONDA, Mr. TAYLOR, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. RYAN of Ohio, Mr. LYNCH, Mr. CLYBURN, Mr. WU, Mr. WEINER, and Mr. CROWLEY.

H. Res. 1006: Mr. PASTOR.

H. Res. 1042: Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Mr. CONAWAY, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Mr. BERRY, and Mr. SHADEGG.

H. Res. 1078: Mr. FATTAH, Mr. HINCHEY, Ms. KILPATRICK, and Mr. HONDA.

H. Res. 1088: Ms. JACKSON-LEE of Texas, Mr. RAHALL, Ms. WATERS, Mr. HINCHEY, Mr. ACKERMAN, Mr. LaHOOD, Mr. WEINER, Mr. RUPPERSBERGER, Mr. KUCINICH, Mr. PETRI, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. DeFAZIO, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. WATT, Mr. COURTNEY, Mr. HARE, Mr. WELCH of Vermont, Mr. HOLT, Mr. HIGGINS, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. CLEAVER, and Mr. McGOVERN.

H. Res. 1116: Mr. EHLERS.

H. Res. 1169: Ms. MOORE of Wisconsin and Ms. WOOLSEY.

H. Res. 1202: Mr. STUPAK and Mr. HODES.

H. Res. 1210: Ms. HERSETH SANDLIN.

H. Res. 1227: Ms. CORRINE BROWN of Florida.

H. Res. 1246: Mr. MITCHELL.

H. Res. 1254: Mr. JACKSON of Illinois.

H. Res. 1266: Mr. MCCAUL of Texas, Mr. CLAY, Mr. MICHAUD, Mr. HOLDEN, and Mr. TOWNS.

H. Res. 1273: Mr. PETRI.

H. Res. 1287: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SKELTON, Mr. PRICE of Georgia, and Mr. CAZAYOUX.

H. Res. 1302: Mr. MILLER of Florida, Mr. CANNON, and Mr. ROYCE.

H. Res. 1303: Ms. ZOE LOFGREN of California and Mr. PORTER.

H. Res. 1306: Mr. LATTA, Mr. MCHENRY, Mr. SMITH of New Jersey, Mr. GERLACH, Mr. MILLER of Florida, Mr. SAXTON, Mr. HAYES, Mr. TANCREDO, Mr. ROYCE, and Mr. ADERHOLT.

H. Res. 1307: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. COSTA, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. EHLERS, Mr. FARR, Mr. GALLEGLY, Ms. GIFFORDS, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HILL, Mr. HINOJOSA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. MILLER of North Carolina, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. Linda T. Sánchez of California, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. TANNER, Mr. TAYLOR, Mr. WU, Mr. PETRI, Mr. BOUSTANY, Ms. BALDWIN, Mr. WHITFIELD of Kentucky, Mr. BOUCHER, Mr. WALDEN of Oregon, Mr. CASTLE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. PLATTS, Mr. CRENSHAW, and Mr. HALL of Texas.

H. Res. 1308: Mr. GALLEGLY.

H. Res. 1311: Ms. MOORE of Wisconsin, Mr. PRICE of North Carolina, Mr. MORAN of Kansas, Mr. KENNEDY, Ms. KILPATRICK, Ms. SOLIS, Mr. CASTLE, Mrs. CAPITO, Ms. ROS-LEHTINEN, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mr. SCOTT of Georgia, Ms. BERKLEY, and Mr. CALVERT.

H. Res. 1316: Mr. KILDEE, Mr. LYNCH, Mr. ABERCROMBIE, Ms. CASTOR, Mr. CROWLEY, Mr. COURTNEY, Mrs. DAVIS of California, Mr. LOEBSACK, Ms. TSONGAS, Mr. UDALL of Colorado, Mr. KIND, Mr. PALLONE, Mr. CAPUANO, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. OLVER, Mr. LARSEN of Washington, Ms. DEGETTE, Mrs. BOYDA of Kansas, Ms. SOLIS, Mr. HODES, Mr. HOLT, and Mr. WELCH of Vermont.

H. Res. 1323: Mr. SIRES, Mr. FLAKE, Ms. BALDWIN, Mrs. CAPPS, Ms. SOLIS, Mrs. BOYDA of Kansas, Ms. BEAN, Ms. DEGETTE, Mr. BRALEY of Iowa, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HILL, Mr. DONNELLY, Mr. SHADEGG, Mr. SPACE, Mr. RENZI, Ms. HIRONO, and Mr. WU.

H. Res. 1324: Mr. POE.

H. Res. 1325: Mr. BROUN of Georgia, Mr. JORDAN, Mr. KING of Iowa, Mr. MARCHANT, Mr. DAVID DAVIS of Tennessee, Mr. HENSARLING, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. PITTS, Mr. AKIN, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. GOHMERT, Mr. BARRETT of South Carolina, Mr. BILBRAY, Mr. LUCAS, Mr. DOOLITTLE, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. LATTA, Mr. SALI, and Mr. GARY G. MILLER of California.

H. Res. 1326: Mr. ELLISON, Mr. HINCHEY, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. FILNER, Mr. RUSH, and Mr. STARK.

H. Res. 1327: Mr. BACA, Mr. FARR, Mr. BECERRA, and Ms. SOLIS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

288. The SPEAKER presented a petition of the Town of Eastham, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

289. Also, a petition of the Town of Orleans, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 12. July 9, 2008, by Mr. PETER. J. ROSKAM on H.R. 2208, was signed by the following members: Peter J. Roskam, Michele Bachmann, John R. "Randy" Kuhl, Jr., Robert E. Latta, Bill Sali, Lynn A. Westmoreland, John Kline, Jeb Hensarling, John R. Carter, David Davis, Ray LaHood, Jerry Lewis, Joe Wilson, John Abney Culberson, Robin Hayes, Mark E. Souder, Kenny Marchant, Joseph R. Pitts, Howard P. "Buck" McKeon, Greg Walden, J. Randy Forbes, Harold Rogers, Charles W. Dent, Michael T. McCaul, Pete Sessions, Tom Cole, Marsha Blackburn, K. Michael Conaway, Bob Goodlatte, Paul C. Broun, Todd Russell Platts, Mario Diaz-Balart, John T. Doolittle, Steve King, Jo Ann Emerson, Jim Jordan, Zach Wamp, Rob Bishop, Candice S. Miller, Kevin Brady, John M. McHugh, Tom Feeney, Randy Neugebauer, Ted Poe, John Shimkus, Steve Scalise, Howard Coble, Patrick T. McHenry, Dave Camp, Adam H. Putnam, Louie Gohmert, Michael K. Simpson, Ron Lewis, Tom Davis, Daniel E. Lungren, Dennis R. Rehberg, Peter Hoekstra, Tim Walberg, Tom Price, Michael R. Turner, Doug Lamborn, Robert B. Aderholt, Bill Shuster, Charles W. Boustany, Jr., Thomas M. Reynolds, Mary Bono Mack, Steve Chabot, Thelma D. Drake, Tom Latham, Mike Rogers (MI), Scott Garrett, Lincoln Diaz-Balart, Joe Knollenberg, Adrian Smith, F. James Sensenbrenner, Jr., Phil Gingrey, W. Todd Akin, Thaddeus G. McCotter, Michael C. Burgess, John Boozman, Trent Franks, Henry E. Brown, Jr., Mike Pence, Rodney Alexander, Todd Tiahrt, Robert J. Wittman, Jim Gerlach, Sam Graves, C. W. Bill Young, John B. Shadegg, Dave Weldon, Edward R. Royce, Ralph M. Hall, Nathan Deal, Marilyn N. Musgrave, Geoff Davis, Phil English, Virginia Foxx, John E. Peterson, Devin Nunes, Eric Cantor, Cathy McMorris Rodgers, Mac Thornberry, Frank D. Lucas, Dean Heller, Sue Wilkins Myrick, Stevan Pearce, Terry Everett, John J. Duncan, Jr., Cliff Stearns, Jeff Miller, Kevin McCarthy, Virgil H. Goode, Jr., Brian P. Bilbray, Judy Biggert, John L. Mica, Connie Mack, Gus M. Bilirakis, Barbara Cubin, Chris Cannon, John Sullivan, J. Gresham Barrett, Jo Bonner, Roy Blunt, Mary Fallin, Jerry Weller, Steven C. LaTourette, and Duncan Hunter.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the Record of June 26, 2008]

Petition 10, by Mr. KUHL on the bill (H.R. 5656): Louis Gohmert.

[Submitted July 10, 2008]

Petition 3, by Mr. PENCE on House Resolution 694: Robert J. Wittman.

Petition 8, by Mr. WALBERG on the bill (H.R. 3089): Duncan Hunter.

Petition 10, by Mr. KUHL on the bill (H.R. 5656): Ray LaHood, Bob Goodlatte, Steve Scalise, Michael K. Simpson, Michael R. Turner, C. W. Bill Young, Edward R. Royce, Stevan Pearce, Barbara Cubin, Chris Cannon, and John Sullivan.

Petition 11, by Mr. TANCREDO on House Resolution 1240: Stevan Pearce.

SENATE—*Thursday, July 10, 2008*

(Legislative day of Wednesday, July 9, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Dr. Patricia Bryant Harris from Marshalltown United Methodist Church, Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

Our most gracious God, You, who are the creator of all humankind, You, who understand all the complexities that we encounter in our everyday lives, You, who understand the challenges faced by the women and the men in this Chamber as they care for Your people throughout this Nation and around the world—God, hear our prayer on this morning.

If it is wisdom that is needed, give the wisdom of Solomon. Where there may be lack of patience, give Senators the ability to tolerate with a heart of compassion. Should there be disagreement, send Your Holy Spirit with an attitude of peace. And, above all things, may the result of all the works within this place free Your people, free many nations from hunger, from grief, from pain.

May all the works of justice and love bring glory to Your Holy Name. This is our prayer in the Name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

THE GUEST CHAPLAIN

Mr. CARPER. Mr. President, Senator BIDEN and I are delighted to welcome to the Senate today the Rev. Dr. Patricia Bryant Harris, who pastors at a church not far from where Senator BIDEN and I live in northern Delaware.

In her prayer this morning, she called on God to grant us wisdom. It is not infrequently, when our Senators meet with our own Senate Chaplain, Barry Black, that he, too, prays for us for wisdom and encourages us to ask God for wisdom as we deliberate the issues that are before us. As Senator BIDEN and the Presiding Officer know, the issues before us this week have been difficult and we needed all the wisdom we could garner.

I have been privileged to know Reverend Harris for close to two decades. She has had a career that included remarkable accomplishments in the private sector and then, somewhere in the 1990s, she decided she felt a calling from God to enter the ministry. She has done that as a Methodist pastor in our State and a series of assignments—actually an assignment that led her down to Salisbury, MD, and the Delmarva Peninsula, where she oversaw a great number of churches.

As we could tell from her prayer, she is a loving, giving, caring, patient person. She is one who has reminded me, and I think reminds her congregants in her own home church in Marshalltown, that God wants us to do two things—if nothing else, to do two things: To love the Lord thy God with all thy heart, soul, and mind and to love thy neighbor as thyself.

Barry Black, our Chaplain, oftentimes reminds us in the Senate—as Senators we ask how do we use our faith to help inform what we do as Senators, and he always takes us back to that second great commandment, and so does Reverend Harris, that we have an obligation to love our neighbor as ourselves.

She also reminds me and reminds those who worship at her church that we have an obligation to those who are hungry—when they are hungry we have an obligation to feed them; when they are naked we have an obligation to clothe them; when they are thirsty we have an obligation to give them to drink; when they are sick and in prison we have an obligation, regardless of what our faith is, to visit them.

Those are wonderful lessons, not just for the people in her congregations over the years; not just for those who worship in our State but wonderful lessons for us in the Senate.

It is with great pride that Senator BIDEN and I welcome Reverend Harris today to help get us started on the right foot and to do not just the Senate's business, not just the business of our country but the Lord's business as well.

With that having been said, I know Senator BIDEN is here and he wants to comment. I am delighted to welcome Senator Harris—Senator Harris? There was a Senator Harris, there may be another one someday too—I am delighted to join him in welcoming Reverend Harris today.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. The Rev. Dr. Harris is capable of being a Senator. She has the capability and competence to do any number of jobs I can think of.

I compliment my colleague for inviting the Rev. Dr. Harris to open the Senate this morning. As you could tell by Senator CARPER's reference to Reverend Harris, Senator CARPER is a man of deep faith, as I know the Chair is and as I am. We share different faiths, but we share a common set of values, as almost all the confessional faiths do, not just the Christian faith which we share. I am a Roman Catholic, my friend is a Presbyterian, and Dr. Harris is a Methodist.

The thing about Dr. Harris—and I will not take a lot of the Senate's time—the thing about Dr. Harris that has impressed me from the many years—my Lord, I think it may be more than a couple decades. I have known her a long time. She was an incredibly well-respected figure in my State before she went to the ministry—before. Since then, she has carried on that same path of excellence that she did prior to the ministry. But if I can take a page from my colleague's book in referencing Dr. Harris's opening prayer, she talked about wisdom, which she knows we need in abundance. But she also talked about—she used the word that, if I had to describe her, would be the word I would use. She talked about tolerance. The thing that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

most impresses me about the Rev. Dr. Harris is her literal—not figurative, not rhetorical—commitment to the notion of tolerance.

She has such an expansive view of human nature. She has such a welcoming—not only faith but personality.

I think if I had a wish, if the Lord came down and sat at my desk and said: JOE, you get one wish. What is the one attribute you would like to pervade this Chamber? Maybe even more than wisdom, it would be tolerance.

Tolerance is not engaging in relativity. Tolerance does not mean we don't have strong beliefs and strong opinions and strong positions on faith. Tolerance is what not only our Christian religion teaches us but Judaism and Islam and Hinduism. It is about tolerance. It seems to me that is the single most lacking element in American society today.

I think if you get to know her—you are not going to get to know her, I realize that is a bit of an exaggeration—I hope you get a chance to engage Rev. Dr. Harris today. She exudes the notion of tolerance which equates with her notion of equality. It gets to what—I will conclude—my friend TOM said, the two great commandments: love thy God and love thy neighbor. This is all about loving thy neighbor. We are the single most heterogenous democracy in the history of mankind. It is unable to function—I look at the pages wondering: What is this old guy saying? This country is unable to function without the lubricant of tolerance. And Dr. Harris embodies that.

I am honored to be here this morning with her. I, again, compliment my colleague on not only his comments but inviting Dr. Harris to be here and introducing her to all of you and to those who are watching C-SPAN this morning, watching her.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL and myself, there will be an hour for debate prior to a cloture vote on the motion to disagree in the House amendments with respect to H.R. 3221, the housing reform legislation. Senators should expect a cloture vote to begin sometime around an hour from now.

Last night we reached an agreement to consider the nomination of General Petreaus and Lieutenant General Odierno at a time to be determined by me and the Republican leader. We will set a time to do those votes. There will be 20 minutes of debate, equally divided and controlled between the chairman and ranking member of the Armed Services Committee, prior to votes on their confirmations.

Finally, last night we were unable to get consent to move to global AIDS legislation, and therefore it necessitated my filing cloture on the motion to proceed to the bill. I am hopeful we can reach some kind of agreement on a way to proceed.

I had a conversation on the floor with Senator KYL, a public conversation on the floor. He is hopeful and confident something can be worked out. I hope that, in fact, is the case. As I have indicated, this is one of President Bush's pieces of legislation that he is pushing. We, on this side, are ready to move forward on it. We would like to be on something that is agreed upon between Senators LUGAR and BIDEN and other people who have some interest in this matter. I hope that can be done; otherwise, we are going to have a cloture vote on that tomorrow.

I hope we can work something out. If not, I hope we would be allowed to proceed to this legislation. As I have indicated to the Republican leader, if cloture is not invoked on the motion to proceed, then that will be the end of that legislation for this work period. If necessary, we will have to come back to it in the next work period. But with time constraints we have this work period, this is our opportunity to complete that legislation.

I have been told that S. 3236 is at the desk and is due for a second reading.

It obviously is not ready yet.

The ACTING PRESIDENT pro tempore. The matter will be read on the next legislative day.

Mr. REID. I am sorry about that, Mr. President.

We are going to vote in a short time on cloture, a final cloture vote on this housing bill. It is so important we get this done as quickly as possible. I am disappointed in that Senator SHELBY and Senator DODD, who worked very hard, had a little tight managers' package that would have made it so much better to take to the House, but I have been told Senator DEMINT is objecting to that. As we know, in the Senate, one person can hold up things, and it is my understanding he is going to hold up things.

The reason it is important we do this and move forward on this legislation, Mr. President, is that in the news today, the Associated Press reports that the number of homeowners stung by the rout in the U.S. housing market jumped as foreclosure filings grew by more than 50 percent compared to June a year ago.

Nationwide, 252,363 homes received foreclosure notices in June. That is 1 month. Foreclosure filings increased a year ago in all but 11 States; in 39 States they went up.

The highest foreclosure rates: California, Arizona, Florida, Michigan, Nevada. This is a very desperate situation we find. It is more than the people whose homes are being foreclosed upon; it affects neighborhoods where the homes are being foreclosed upon; it affects communities where the homes are being foreclosed upon. It affects, of course, the lenders who do not want to foreclose upon the homes. It is a loss for them when they do that. It is a loss for the community where the home is located because they lose revenues, tax revenues for that home.

So foreclosure is a lose-lose situation. I hope everyone would understand the importance of it. I hope Senator DEMINT would reconsider holding up this managers' package which has been worked on for more than 2 months now by Senators DODD and SHELBY and other Senators.

But we are going to send it back to the House today, I hope today. I also hope that Senators would not require the 30 hours to be used. But we will see. They have that right, to use at least part of that 30 hours postcloture.

I am glad we are moving along. I hope we can complete our work today. If not, we will complete it tomorrow for this week.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICE REDUCTION ACT

Mr. MCCONNELL. Mr. President, the Senate came back into session 4 days ago and we have yet to address the No. 1 issue in the country; that is, high gas prices. There were 44 Senate Republicans who introduced legislation over 2 weeks ago which would have an immediate impact on the price at the pump.

The Gas Price Reduction Act can be summed up in four simple words: Find more, use less. The Gas Price Reduction Act focuses on simple solutions which already have support from many of our friends on the other side of the aisle.

Many of our colleagues, Democratic colleagues, have now acknowledged the merits of allowing States to open the Outer Continental Shelf for deep sea oil and gas exploration. Our bill was limited to only those States that want to do that. It gives a State option for the opportunity to go onto the Outer Continental Shelf for deep sea oil and gas exploration. We all agree we can do more in encouraging the development of alternative energy sources, which is why the Gas Price Reduction Act contains incentives to develop plug-in electric cars and trucks and new battery technology.

In addition, we included measures to strengthen the U.S. futures markets by increasing funding and staff for the Commodity Futures Trading Commission and examining foreign markets. These ideas also have support from many on the other side of the aisle.

By focusing on the areas where we agree, instead of the ones where we differ, we can achieve results for the American people. I ask my good friends on the other side of the aisle to join us in finding energy policies we can agree on. Believe me, the American people are demanding it. We can pass meaningful legislation which would develop more American energy while encouraging conservation, and we need to do that very soon.

NOMINATIONS OF GENERAL PETRAEUS AND GENERAL ODIERNO

Mr. McCONNELL. Mr. President, we also have an opportunity today to confirm the nominations of two of our Nation's leading generals. Secretary Gates and Admiral Mullen have both, rightly, talked about the challenges facing the Nation as we transition from one Presidential administration to the next during a time of war. The next President will be fortunate to have General Petraeus and General Odierno responsible respectively for central command area of operations in Iraq.

It is the nature of world events that the next President will be confronted with some international emergency that could not have been anticipated. What we know is that our strategic interests in the Middle East and Persian Gulf are longstanding and are being challenged. We know that the threat of an Iran regime bent on securing a nuclear weapon will not end when a new President is sworn in next year.

We know that despite the real progress made as a result of the surge of forces into Iraq, that the transition of forces, responsibilities, and missions must be managed with a steady hand.

Both of these fine officers are well prepared for their next responsibilities. As a nation we are lucky to be able to call upon such men at this critical point in American history.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

ENERGY

Mr. REID. Mr. President, my distinguished colleague is right, gas prices are a tremendous issue. We in Nevada feel it very deeply. The average price of gasoline is now $4.11 or $4.12 a gallon. In Nevada it is much higher than that.

We have to do something, there is no question, with domestic production. Right now, we have, counting ANWR—and the Republicans thankfully have stopped raising that as an issue; they do not want to drill in ANWR; that is good. But even counting ANWR, and all of the offshore, we have less than 3 percent of the oil in the world. So we cannot produce our way out of the problems we have, because we in America use more than 25 percent of every barrel of oil that is used every day. We use more than 25 percent of it. But we can do better with our domestic production, and we need to do that.

The Republican bill that has been introduced does not have a single line in it that deals with renewables. But I accept the invitation of the Republican leader and I hope he accepts our invitation. Let's work together to try to get something done as it relates to domestic production.

In the other areas, as we know, there are 68 million acres available for drilling right now, 68 million acres. How much is 68 million acres? Look at a map of the United States. Look at the State of Nevada. If you discount Alaska, we are the sixth largest State in the Union. We make up about 68 million acres. From the southern tip of Nevada to the top is more than 700 miles; across the top of the State of Nevada is more than 400 miles; a lot of space. That is how much area is left available to drill right now. We ask and invite the oil companies to start drilling, find out where in the 68 million acres there is oil. We know there is oil. I also invite the oil companies to look at the 8 million acres in the Gulf of Mexico that we legislatively, less than 2 years ago, allowed them to explore and drill.

We know we need to do a better job producing domestically. We are going to do our very best to do that. But we hope there would also be an agreement that any oil that is drilled and produced in the waters off the coast of America be used in America. That is important. And we have had test votes in that regard.

When there was a question about whether there would be drilling in ANWR, we asked that oil—and I believe the amendment was offered by Senator WYDEN, an amendment that said: Okay, we can drill oil out of ANWR. You must use that oil in the United States. All but 16 Senators said: That is absolutely right.

One of the 16 Senators who said no was JOHN MCCAIN. I hope JOHN MCCAIN would join us in saying that the oil we get offshore should be used in the United States. In the past, obviously, he has disagreed with that. I do not think it is fair that we drill in the territorial waters of our country and then ship that oil overseas.

We also have to deal with speculation. The Republican leader mentioned that their bill talks about adding staff to the CFTC, the entity that controls some of the trading that takes place with oil. We also agree there should be something done. I am having a meeting today, and we are going to make a decision as to what that legislation should be. So we share that with our Republican friends and hopefully they will join us in that regard.

One thing that is not in the Republican legislation that we think is so vitally important to use at this time, as did this President's father when he was President, is the Strategic Petroleum Reserve we have in America, which is 97 or 98 percent filled. Why did we fill it? For emergencies. I think for emergencies such as this, as was done with his father. Once you start tapping that, the price of gasoline goes down very quickly so we would hope there would be efforts made by this administration to start taking oil out of the reserve. I think there is room for us to work together; that is, Democrats and Republicans to try to meet the expectations of the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Pending:

Reid amendment No. 5067 (to the motion to concur in the amendment of the House adding a new title to the amendment of the Senate), to change the enactment date.

Reid amendment No. 5068 (to amendment No. 5067), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, and with the Senator from Connecticut, Mr. DODD, controlling the final 10 minutes.

The Senator from Wyoming.

ENERGY

Mr. ENZI. I will be using some of the first of the Republican minutes. I thank the leader for his comments on energy. I too think we can get together and solve a huge problem for this country.

I do want to make a clarification on the Republican bill that was put up. I do not want anybody to think that was comprehensive. The leader mentioned some things that were left out. I have got a number of matters that were left out of that bill that should be in there, except what we have a tendency to do in this body is to lump everything into one big bill. If a few people do not like this part and a few people do not like that part, then pretty quickly we cannot get a majority. So we need to do things in a smaller way. This will make a huge difference in the price of gasoline. The Republican bill would make a huge difference in the price of gasoline. But it is a package that we thought everyone could come together on. And somehow we are going to have to do that in this body if the United States is going to progress.

We can bring down the gas price Goliath if Democrats and Republicans will work together to pass legislation that will help America find more oil as we use less. Actually we have to do both. If we increase the supply and we cut demand, we will beat this giant problem. If we use less and we find more, we will beat this giant problem.

I had the privilege of traveling around Wyoming last week during the July 4 home work period. There is no question that gas prices are the No. 1 topic on everyone's mind. In Wyoming the rising price of gasoline and diesel fuel hits us hard, because our cities and towns are spread out and we are often forced to drive tens if not hundreds of miles to get groceries and to go to work. I am personally as concerned as are my constituents with the rising price of gasoline. I get angry when I fill up my vehicle and I am charged more than $4 a gallon for gas. I am skeptical when I hear the oil industry is making record profits and CEOs are taking home huge pay packages.

Well, what can we do about that? Increasing taxes will not produce any more oil. It would raise the price of gas further, and probably drive production off our shores, so we would be paying for oil from other places.

We do have a plan that would reduce gas prices. I have cosponsored S. 3032, the aptly named Gas Price Reduction Act of 2008. It recognizes that the biggest problem we face is the problem of supply and demand.

Right now America does not produce enough energy to meet our Nation's energy needs, but with increased efforts and innovation we could. We need to produce more domestic energy while we use less in the future. We need more American oil from American soil.

By developing more American energy as we work to conserve our usage, we will secure America's energy future. In order to do that, though, we have to have agreement from the other side of the aisle that we do want to develop more energy sources. We do not have that agreement yet. I do not know how much longer those on the other side of the issue can hold out against their constituents who are hurting from the higher gas prices, but I hope it is not long. We need to get something done now.

The bill I am cosponsoring is not perfect. It does not include everything I would like it to include. But it is a start. That is what we need, a start. We need to start doing something now to improve our Nation's energy situation. We need to stop playing "gotcha" politics and start coming together to start finding solutions. Congress should be addressing high energy prices by looking for solutions that produce more American energy while we reduce our usage. That is what those in control of both Houses of Congress do not seem to understand at this stage.

The continued rise of gas prices is going to put an end to the dog-and-pony show eventually, and when the dog-and-pony shows ends, and we stop playing "gotcha" politics, we need to start to take a look at our Nation's energy policy.

We need to come together to increase our energy supply. We need to look at the energy situation in steps. Instead of trying to pass massive bills that have provisions a number of Members can't support, we should work on passing smaller, consensus bills. We need to put partisan differences aside to figure out what we can do to improve our energy situation. How do we lower gas prices? We find more, as we use less. We increase our oil supply, as we each seek to cut back the amount of gas we use. Increasing supply by getting more American oil from American soil while at the same time conserving will lessen our demand and bring prices down. We have choices to make. Do we meet this challenge head-on by finding more oil, using less, putting our back and our brains into the task of developing better ways to use what we have, or do we do what many would have us do and say it is too late or that it is the oil companies' fault or they blame the Government and look to lawyers to solve our problems?

I have listened to my colleagues criticize the speculators who are, in theory, driving up oil prices. As the Wall Street Journal pointed out, Congress always needs a political villain and speculators always end up tied to the whipping post when people get upset about prices. We have an energy problem, but instead of looking at what we can do to fix the problem, we continue to play the blame game. My colleagues don't mention that the so-called speculators are often pension funds or airlines that want to stay in business and stabilize future fuel prices. My colleagues often fail to mention that for every person who is making money in the futures market, there is a person losing money.

Major oil consumers need some certainty in this volatile market so they use the futures market to hedge their bets. They can't get certainty from Congress that we will produce more energy, so they need to find it somewhere.

I am cosponsoring the Gas Price Reduction Act. I am cosponsoring clean coal measures. I am advocating American oil production and refining. I am also pushing to renew important tax credits for wind and solar power so that we can use more renewable energy. I am not ready to let the greatest Nation on Earth sink into poverty because we were not willing to help ourselves.

I am also counting on the innovation of the American people. Americans are the most innovative people in the world. If they face a challenge, they will come up with solutions. I was part of the rocket generation. Sputnik went up when I was in junior high. Our generation figured out how to get a man on the Moon. We had the computer generation, and we have led the computer world. Then cell phones were the next generation. Now we need the energy generation. We need the kids to invent clean ways, better uses, and more production. It can be done in a good way.

We are in the situation we face today because we haven't acted for years. We did not get in the situation overnight, and we won't get out of it overnight. What we can do is work to make the situation better. I am committed to working with colleagues to do just that. Let's stop playing the blame game and start working together to get things done. Moving forward with the Gas Price Reduction Act or, if not that specific bill, then parts of it, is what we have to do to bring prices down. If we don't move now, we may not be able to afford the gas so we can move into the future.

I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague for talking about the energy situation and the price of gasoline. I have traveled my State hard. I know Senator ENZI knows his State like the back of his hand. He goes to every place in it repeatedly and talks to average people. They are hurting.

Look at the numbers. In 1 year, over the last year, the average family drives 24,000 miles a year. The average family is paying $105 a month more for gasoline for their automobiles than the previous year. You go back over, since 2003, it is $217. That is a new expense they never had before, and 60 percent of that money is sent abroad to purchase oil that we utilize because 60 percent of our fuel comes from abroad. It totals $500 to $700 billion in a wealth transfer each year now. It is unbelievable. T. Boone Pickens said it is the greatest wealth transfer in the history of the world and it is adversely affecting our economy, not just the fact that the family has less money now to take care of other needs. It has to go to gasoline so people can commute to work, in large part, I would submit, by the failure of this Congress to act.

I have been speaking on these issues ever since I came here. I have been pointing out the need for increased production consistently. We produce off my coast in Alabama substantial amounts, but 85 percent of our offshore production is now blocked.

We need to do this. We are talking about $105 more a month out of the family budget, so they can't purchase items with this money. It is rippling through the economy. It is not a ripple; it really is a tsunami.

Let me point out some of the things in recent magazines and recent newspaper articles. Here from the New York Times yesterday:

> High fuel costs lead AirTran to cut 480 jobs. AirTran announced it would eliminate 480 pilot and flight attendants' jobs, joining a growing list of airlines that have cut their workforces in the face of high fuel prices.

The cost of jet fuel has risen 92 percent this year, which is almost double in 1 year.

Here is the New York Times of July 8:

> Markets decline even as oil pulls back a little bit.

The price dropped just a little.

> Wall Street, which has been hurtling stocks lower for the past few weeks, remains fearful that consumers are trimming their spending to pay for gasoline. With consumer spending accounting for more than two-thirds of [U.S.] economic activity, a pullback would create big ripples.

Boy, I tell you, they are reducing spending; $105 less a month they have now to spend on other items because they are having to spend on it gasoline.

Here is the Wall Street Journal the day before yesterday:

> Stock Drop Spooks Currency Investors: Oil Prices Still Key.
>
> . . . Janet Yellen [Federal Reserve Bank member], who made surprisingly worrisome comments about inflation.
>
> "The continuing rise in oil and commodities has certainly raised the inflation risk."

It is just every day. Does anybody not understand this? I have to tell you, I have to say, and I have spoken about this several times, I am utterly disappointed in my Democratic colleagues for having no plan whatsoever to deal with this problem. It is just not a plan. I am willing to discuss how we can work together. I am not wedded to every single issue, I would say. I am willing to consider anything that will work. But I will tell you that the Democratic leader made a speech down here, and they offered a policy that proposes these things:

Tax the oil companies; that would make us feel better. It might even be a good policy to raise revenue, perhaps. But it is not going to increase oil production to tax the people who do it. When you tax something, you get less of it. People cannot pass a law to repeal the law of supply and demand. You tax it, you will get less of it.

No. 2, they want to prosecute, pass a law to empower the FTC to prosecute stations for price gouging. We already have a law that allows the FTC to do that. They say the gas stations are not prosecuting. They want to go prosecuting after speculators. Speculators are able to operate and be successful. I don't defend them. They are out to make a buck any way they can. They are able to do that because we have a demand for oil that is greater than supply. I think it is 86 million barrels of oil demand a day at this point and 85 supply. So they are able to maneuver in that thing and play this game and make themselves some extra money. But if we got the supply up and our demand down, they wouldn't be able to do this. They couldn't do it when we had $10-a-barrel oil a decade or so ago.

They want to sue OPEC. OPEC, what do they do? OPEC meets to decide the amount of oil they want to produce essentially, and that creates the shortages that are driving up the price. Eighty percent-plus of the oil in the world today is not held by oil companies. It is held by nation states, many of them hostile to the United States. OPEC meets to set the price by controlling the supply. They are reducing and not producing the oil that they could if this was a real free market. They are manipulating the market. OPEC meets to decide how much they are going to tax the consumers of the world and, in particular, how much they are going to tax us.

I have to tell you, it is a dramatic thing that is happening. I am told that it costs less than $10 a barrel to produce oil from the sands of Saudi Arabia. Yet they are selling it for $140 a barrel. This is the kind of wealth transfer that is damaging our economy. It is hurting this Nation. It is something we have to confront with real policies that will work, and there are some.

I happened to catch Jack Welch, former CEO of GE, on one of the morning talk shows not long ago. They were dealing with this question of Senator OBAMA and many of our colleagues here who say: Don't drill in Alaska; it might take 10 years. It wouldn't take quite that long, but they say 10 years. You shouldn't drill off the coast; that will take 10 years. Really, drilling off the coast, you begin to get production. They drill off my coast in Alabama right now, but there are other areas with lots of reserves. It would take 3 years, 5 years to get production.

This is what Mr. Welch said. He said: It is amazing to me that a person who aspires to be the President of the United States would say he is not going to take a policy today that won't have an impact for 5 years. Think about it. He went on to say: A President should be thinking 5, 15, 30 years down the road. We need to be doing the things that serve our long-term national interest. Just because it would take some time to have this go forward, we should not delay taking action.

The matter is pretty serious. A Wall Street Journal article by Gerald Seib, executive editor, notes that there are three problems with the high prices of oil. One is that, of course, it impacts the family budget. The second is that the high prices weaken our Nation's economic independence because we owe so much money for it. Thirdly, the money is enriching countries, many of which are hostile to the United States.

So I think we are at a point in time when we need to get together, Republicans and Democrats, and recognize that we face a problem that challenges our family budgets, that we have, in effect, taxed the American people, or allowed them to be taxed, by over $100 more a month in 1 year alone, that we can make a difference and bring those prices down—certainly stop the continuing increase. But we have to do something. There are things we can do.

I will say, as a person who has been able, a few times, to go fishing on the gulf coast, we go out and fish under oil rigs because that is a good place to fish, and it is clean and there is no oil out on the water. They are very careful about that.

We have approximately 51 billion barrels or more of recoverable reserves in the Gulf of Mexico. That is a lot. We use, as a nation, 5 billion barrels a year, and 3 billion of that is imported. If you replaced that 3 billion, that would be 17 years right there just from offshore production in the Gulf of Mexico. We have 85 percent of our reserves still blocked. We have had production that is still being effective off the coast of California before that was blocked. None has been expanded since, in decades, and none, really, off the Atlantic coast. But there are reserves out there. States such as Virginia are talking about maybe that would be a good way to produce additional oil and serve the national interest.

We have the opportunity to produce oil from shale. There are 1.8 trillion barrels of oil in shale rock. Perhaps 800 billion of that is recoverable, experts tell us. We are using 5 billion a year, so that is 100 years or more from shale rock. I am told they can produce that at less than the current world price, keeping wealth at home, producing our energy at home, not sending that abroad.

I will tell you, one of the greatest potential breakthroughs that could help us with global warming emissions and other areas is hybrid automobiles, particularly a plug-in hybrid. I strongly believe we should—my time is up.

Mr. President, I ask unanimous consent to have 1 additional moment.

The ACTING PRESIDENT pro tempore. Is there objection to 1 additional minute?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will conclude by saying that nuclear power produces no emissions into the air. We need to expand it. We are at 20 percent now in our Nation. We have not built a plant in 30 years. France has 80 percent. We could plug in our cars at night, charge those batteries with clean nuclear electricity, and run back and forth to work. That is within our grasp right now.

Those are the kinds of things we need to be talking about: expanding wind, expanding biofuels, expanding the production of our existing resources, keeping American wealth at home, ending this incredible transfer of wealth.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Thank you, Mr. President.

UNFINISHED BUSINESS

Mr. President, I, too, want to talk about high gasoline prices, but I want to talk about other unfinished business this Senate has not taken care of. Fortunately, we do have one positive development; that is, yesterday we passed the Foreign Intelligence Surveillance Act—after 145 days had lapsed. So that is a good thing. But we have unfinished work to do.

For example, the Colombian Free Trade Agreement—it has been 597 days that our American farmers and manufacturers have been disadvantaged by tariffs on goods sold here in America. For my State of Texas, there is $2.3 billion a year that is charged in tariffs for our exports when they are imported into Colombia, when Colombian goods bear no similar tariff when their goods are imported into the United States.

Then there is the matter of judicial nominees waiting for a vote—some as long as 742 days.

Then, finally, on the matter of gasoline prices, it was about 808 days ago when Speaker PELOSI said that if she and other Democrats were put in charge, they would come up with a commonsense plan for bringing down the price of gasoline at the pump. Well, that was when gasoline was about $2.33 a gallon. Now gasoline averages $4.10 a gallon, and we are still waiting for that commonsense plan to bring down the price of gasoline at the pump.

Increasingly, Americans are squeezed by the high cost of gasoline. Of course, it is driving up everything from food prices to competing with people's ability to pay for their housing, their health care, transportation, and, obviously, the tax bite, where State and local and Federal taxes take up a huge amount. About 111 days of income is used just to pay for that tax burden.

But what we need to do, I firmly believe, is to find more domestic energy as we use less. What do I mean by that? By using less, we need to conserve, we need to be more efficient. America consumes about 20 percent of the world's oil supply, and unfortunately, about 60 percent of that we import from foreign sources. We are literally held hostage by groups such as OPEC, the Organization of Petroleum Exporting Countries, countries such as Venezuela and Hugo Chavez and others that are charging us about $140 a barrel for oil. Of course, that oil is used to make gasoline at refineries.

But my constituents in Texas are very worried about the failure of Congress to act by removing the impediments or the moratoria on developing what is about 85 percent of our natural resources here at home. That is what I mean by finding more while we use less.

For example, Debra, from Lovelady, TX—a town of roughly 600 people, just a "Texas mile" north of Houston—recently wrote me this letter. She said:

> I am a school teacher in a small rural East Texas school, so my income is very limited. I drive almost 30 miles one way to work each day as do many of my family and neighbors. We have chosen to stay in small towns for the "everyone is family" feeling they still give, but it makes it harder to live with the cost of everything rising.

She said:

> The rising price of gasoline is limiting everything I do. I will not make a trip to town unless it is for my monthly shopping needs or to go to church. There will be no summer trips for me this year as I do not see a way to afford driving anywhere.

She concludes:

> I know there are vast resources America could tap into. . . . Please look into exploring the energy resources we already have in America.

Well, I believe Debra speaks for a lot of people in this country now as they see their prices go up, as it is driving commodity prices up, such as food costs. They are finding it harder and harder to make it, even if they do have a job, even if they have an income.

I believe it is past time for Congress to respond by removing the impediments to domestic production. That is why I cosponsored the Gas Price Reduction Act of 2008. That act can be summed up, as this chart says: Find more and use less. It opens up offshore and shale oil deposits for exploration so America's energy producers can gain access to Federal lands. This also will create jobs right here in America, which is something I would think we would want to do. In a time when we are talking about economic stimulus, about concern for the economy, don't we want to create more jobs here in America rather than having those jobs created in places such as Saudi Arabia or Mexico or Canada or Venezuela?

At the same time, this bill increases research and development initiatives and for battery-operated plug-in hybrid technology. I think it is hard for many of my constituents in Texas, with the long distances they have to drive, to imagine a day when they will be driving a battery-operated hybrid car, but I do predict the day is coming, and companies such as General Motors and other car manufacturers, in 2010, will begin selling these plug-in hybrid cars that you can literally plug into a wall socket at night and recharge the battery and then drive about 40 miles on that battery before you have to get a generator to recharge the battery to provide you additional range. This is in our future. Right now we have about 240 million cars on the road, and the average age of those cars is about 9 years. So obviously it is going to take a long time—about a decade—before we can transition from the kinds of gas guzzlers and cars that we drive now to something that provides an additional alternative.

I think we are beginning to see some cracks in the intransigence of many in Congress to preventing additional domestic production. I know there are a number of Senators, a fabled group called the Group of 10, the Gang of 10—5 Republicans, 5 Democrats—who are meeting to try to come up with a bipartisan alternative. I applaud that effort. It is really important because, as we all know, nothing happens around here unless it is on a bipartisan basis. I think it is very important, as I saw the Democratic whip say that he was not opposed to more exploration and production.

I would invite those who are worried about exploration and production here in America to fly into DFW Airport where you can see gas wells being drilled into the Barnett shale right there from your airplane as you land or as you take off. It is being done using modern drilling technology which is compatible with the safety and security of the neighbors as well as a good environment.

We need to act in a bipartisan fashion on real energy solutions—a combination of conservation and energy production. It will be good for America's economy and our energy policy, as well as our national security. Find more, use less.

The ACTING PRESIDENT pro tempore. The minority time has expired.

The Senator from Wisconsin.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 3237 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. CANTWELL. Mr. President, today, I rise to express my support for the Housing and Economic Recovery Act.

The housing crisis in America has reached critical proportions. In Auburn, WA, Michelle was a single mom with an income that made it very difficult to find an apartment she could afford. Like so many people, she searched desperately to find a roof to put over her children's heads. The search is not easy. The search is not fair. But for the hundreds of thousands of Americans that need affordable housing today, the search is a reality.

The number of renter households jumped by nearly 1 million last year, according to a Harvard University Joint Center for Housing Studies Report. And monthly rents are reaching record highs. Last year, they climbed to an all time sky high of $775.

We are faced with a fundamental supply and demand problem: a ballooning renter population and a diminishing supply of affordable housing.

This is a problem that requires a real solution. And today, I am proud to say that we have taken action to put people like Michelle in the homes they so desperately need and deserve.

This action did not come without the hard work of many people. I especially want to commend Finance Committee Chairman BAUCUS, Senator GRASSLEY, and their staffs. Because of their hard work, we have included in this comprehensive housing and economic recovery package a set of provisions that encourage the development of affordable rental housing by expanding and improving the low-income housing tax credit. I also want to recognize the tremendous leadership of House Ways and Means Committee Chairman RANGEL, who has long been an advocate for affordable housing and a champion of the tax credit program.

Because of current conditions in the financial markets, the development of many affordable housing options has come to a screeching halt. And for the hundreds of thousands of homeowners that must now turn to rental housing, the homes they could afford are diminishing at an alarming pace.

I knew this was a critical problem that needed a solution. Many of my colleagues, including Senators KERRY and SMITH, agreed. We worked together to ensure that the tax title of this bill contains the provision that will extend the reach of two of our most successful and broadly supported Federal housing programs: the Housing Bond and Low-Income Housing Tax Credit Programs.

We now have the best cumulative version of what the Senate and House independently approved.

The Low-Income Housing Tax Credit Program was created as part of the Tax Reform Act of 1986 and made permanent in 1993. Designed as a public-private funding partnership, largely administered by the States, this program built its way into the history books as the most successful production program in existence.

These tax credits have created 2 million homes for families in need—homes with restricted rents for terms of at least 30 years that would have otherwise been impossible.

In fact, in April 2007, Michelle from Auburn, WA, moved into one of these homes created by tax credits. She is thriving and able to provide for her children. Without tax credits like these, I am unsure where Michelle and her family would be.

We are building opportunity out of this past success and passing this opportunity on to the Americans who need it.

This will work now to increase the number of affordable choices available to our neighbors in need. State agencies award housing tax credits to housing developers, who turn the credits into construction funds by selling them to investors. These funds allow developers to borrow less money and pass the savings on to renters in the forms of lower rental rates.

A classic "win-win" situation.

By extending the reach of this program in the tax title of this bill, we give States the flexibility they need to develop housing credit properties in hard-to-serve, often rural, areas; we give investors needed AMT relief for housing bonds, housing credits, and rehabilitation credits; and we give our vulnerable neighbors, like Michelle, the homes they need.

It is critically important that Congress's response to the housing crisis not leave out those in need of affordable rental housing. I am proud of this legislation and am anxious to see it enacted into law.

Mr. LEVIN. Mr. President, I am pleased that we are at last moving closer to enactment of much-needed housing legislation.

The foreclosure situation in my State of Michigan continues to be dire. In 2007, there were more than 103,000 foreclosures. According to the data released recently by RealtyTrac, there were nearly 13,000 Michigan foreclosure filings in May alone, a 25 percent increase from the previous month. That is one foreclosure filing for every 353 households, which puts our State's foreclosure rate at the fifth highest in the Nation. Nationwide, filings are up nearly 50 percent compared to this time last year, with one in every 483 U.S. households receiving a foreclosure filing in May.

Sadly, we all know that homeowners facing foreclosure are not the only ones being impacted by this crisis. Property values have plummeted in many areas, due in part to the glut of abandoned and foreclosed homes. Lost property values moreover translate into decreased State and local revenue from property taxes, creating a shortfall in revenues and reducing the budget available for valuable State and local programs and services.

Our Nation's broader economic woes can also be traced back, at least in part, to the foreclosure crisis. There is a long chain of investors, lenders, and financial markets relying on American homebuyers to pay what, in many instances, are shaky home loans. Because of the record defaults on these loans, credit remains tight.

Throughout this crisis I have received wise counsel from many experts on foreclosure prevention and housing matters. Earlier this year I hosted a series of roundtable meetings in Michigan communities with leaders from local and State government, as well as organizations who are in the trenches working with families facing foreclosure, to discuss practical ways to help homeowners and protect our economy from further damage. Many of the ideas discussed at those roundtables are included in this legislation.

I have also had the benefit of advice from Bernie Glieberman, chairman of the board of the Michigan State Housing Development Authority, and member of the board of the Michigan Housing Trust Fund and Harvard University's Joint Center for Housing Studies policy advisory board. Long before the committees started crafting this housing bill, Bernie brought to my attention the idea of increasing tax-exempt bonding authority to enable State housing agencies to help struggling homeowners acquire more affordable mortgages. I am pleased that this bill will bring this additional bonding authority to fruition. I am confident that the Michigan State Housing Development Authority, MSHDA, and other State housing agencies across the Nation will put it to good use. These tax-exempt bonds will help agencies like MSHDA raise the funds needed to refinance homeowners from adjustable rate mortgages into affordable fixed-rate mortgages, as well as provide loans for first-time homebuyers and finance the construction of multi-family residential housing.

This bill has a number of other provisions that will help alleviate the suffering caused by the foreclosure crisis. Arguably the most important provision in this bill is the HOPE for Homeowners program, which will enable the Federal Housing Administration to provide groundbreaking new refinancing options to distressed borrowers. Through this temporary new program, the Federal Housing Administration, FHA, is authorized to insure up to $300 billion in 30-year, fixed-rate mortgages. I applaud the work of Senator DODD and others of our colleagues in putting this FHA refinancing proposal together. It is based on the successful Home Owner's Loan Corporation that was implemented by President Franklin Roosevelt during the Great Depression to issue new loans to help homeowners in default.

It is important to note that this new program is not an investor or lender bailout. FHA will only insure loans at 90 percent of the current property value, which in most cases is significantly less than the original loan amount. Investors and lenders who choose to take advantage of this program must, therefore, be willing to take a hit. They will likely be willing to take this loss, however, because it will be less than the losses associated with foreclosure. Also, this is hardly a windfall for distressed borrowers, as some are claiming. Those who sign up for the FHA insured loans will share their new equity and future appreciation with FHA by paying a premium—3 percent initially, 1.5 percent annually thereafter—for the FHA loan. They are also required to give a portion of the equity from sale proceeds for this home back to FHA. I am pleased to note that this program, which is estimated to help nearly 400,000 homeowners nationwide, will not cost taxpayers money; in fact, it is expected to net $250 million.

Not only does this bill take significant steps to help keep families in their homes, it provides immediate help toward rehabilitating blighted neighborhoods. The nearly $4 billion in CDBG-like funding provided through this bill will go to areas of the country with the highest foreclosure rates and number of filings. Michigan stands to receive almost $170 million through this provision, and the funds could be used to restore an estimated 6,000 properties. Inclusion of these neighborhood stabilization funds will help protect more homeowners from going "underwater," and I urge Members in the House to support keeping this provision in the final bill.

Our economic crisis is exacerbated further by the fact that we are a nation at war. Our brave and dedicated soldiers should not have to return to U.S. soil to find that, facing foreclosure action, they no longer have a home. I am pleased that this bill will delay foreclosure action for returning soldiers and also provide them 1 year of relief from increases in mortgage rates. The bill also provides additional homeownership opportunities for veterans through increases in the VA loan guarantee amount. There is also funding for home modifications for veterans with service-related disabilities.

In addition to the provisions in this bill that help alleviate the suffering of the many families in dire straits, this legislation will help stimulate the slumping housing market and help to ease the broader economic slowdown.

One key provision of this bill is a 1-year, $8,000 tax credit available for first-time homebuyers. The homebuyer would repay the money over time, similar to an interest-free loan. I have heard from realtors, prospective buyers, home builders and many others who believe this would help reduce the existing stock of vacant housing.

The availability of quality, affordable housing is critical to the economic health of America. This legislation would help create additional affordable rental housing and increased homeownership opportunities for low-income families by creating a new Housing Trust Fund and a Capital Magnet Fund. These funds, which would be provided as grants to States, would greatly help those who need it most because the funds are required to be used primarily for the benefit of low-income families. The bill also provides incentives to spur development of affordable housing property by the private sector through increases to current programs such as the Low Income Housing Tax Credit.

It is not enough to simply alleviate the Nation's present suffering and get us back on track for the time being. Congress has a responsibility to do what it can to ensure that a housing crisis of this sort does not happen again. To that end, this bill contains a number of provisions aimed at helping homeowners avoid foreclosure and reforming major Federal players in the housing market: the Federal Housing Administration and the housing government-sponsored enterprises, including Fannie Mae and Freddie Mac.

As I observed during the roundtable discussions I hosted in Michigan, many counselors are doing good work on the ground to try and help families avoid foreclosure. However, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide $150 million for pre-foreclosure counseling and $30 million for legal services to help keep people in their homes.

This bill also establishes a new, independent regulator for the housing Government Sponsored Enterprises, GSEs, Fannie Mae and Freddie Mac. Through capital standards, audits and other internal controls, this regulator will oversee the safety and soundness of these financial giants who play such a key role in our housing markets.

I am pleased that this bill also incorporates long-awaited legislation to modernize and expand the Federal Housing Administration. These reforms will help provide access to homeownership to families in higher cost areas who have not been able to take advantage of the FHA program in the past, by raising the FHA loan limit. It will also provide counseling for first-time homebuyers as well as homeowners who are having trouble making their mortgage payments through FHA, and improve the FHA loss mitigation process to help struggling homeowners stay in their homes.

Finally, many blame predatory lending practices, at least in part, for the excessive number of irresponsible loans made to subprime borrowers. In response, this bill amends the Truth in Lending Act, TILA, to, among other things, require that borrowers be informed of the maximum monthly payments possible under their loan, and ensure full disclosures are provided no later than 7 days before closing so borrowers can shop for another loan if they are dissatisfied with the terms. In order to discourage unscrupulous behavior, statutory damages for TILA violations have been increased 10-fold, from current rates of $200 and $400 to $2,000 and $4,000, respectively.

I support this comprehensive housing legislation, and am confident that, once enacted, it will provide much-needed relief to many struggling homeowners in Michigan and across the country. Addressing the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. I will continue to work with my colleagues to get this bill passed, and, if need be, to overcome a Presidential veto. This legislation cannot come too soon.

Mr. DODD. Mr. President, I yield 4 minutes to my friend, the Senator from Alabama.

Mr. SHELBY. Mr. President, we are nearing the end of a long debate in the Senate dealing with what some people call the housing bill, but as we know, it is more than housing. One of the big titles in it deals with the reform of the government-sponsored enterprises—GSEs commonly known as Fannie Mae and Freddie Mac, as well as the Federal Home Loan Bank Board.

We know that we are in a housing crisis in this country. We have a lot more houses than we probably need right now, and we have a lot of people who are going to be facing foreclosure. So, working together with Senator DODD and our staffs, we have tried to come up with a plan to give thousands of people an opportunity for some relief. It is not a Government bailout. It is not taxpayers' money. It gives them an opportunity—assuming a lender is about to foreclose on someone—to get together with someone else who has borrowed money and say: Look, if you can get this refinanced through the FHA modernization plan, if we can do that and we can cut down on the value of the mortgage—take a haircut, so to speak—this is better than a foreclosure.

Lenders know the worst thing in the world for them is foreclosure. Borrowers know that too, because it is a dangerous game people play. Going back to the Fannie Mae and Freddie Mac situation, we know they play a huge role—a central role—in our housing, but we also know that together they owe a little over $5 trillion; $5 trillion in debt, and they are thinly capitalized because they are government-sponsored enterprises. They have the implicit guarantee of the taxpayer—the U.S. Government, basically. I have no reason to believe we would let them go under because there is a lot at stake. The way to keep them from getting in worse financial shape is to create a strong regulator that will monitor them closer than they have been in the past to make sure they have adequate capital.

With Senator DODD's 28 years and my 22 years on the Banking Committee, we have 50 years. In our combined 50 years on the Banking Committee, we have seen financial debacles. We have seen good times and bad times. What we are trying to do is prevent as many headaches and hardships as we can, not only to homeowners but ultimately to the American people by reforming GSEs. I hope this is a big first step today.

I wish to take a minute to commend my colleague, Senator DODD, chairman of the Banking Committee. As I enjoyed my 4 years serving as chairman, I also enjoy working with Senator DODD and his staff. I wish to commend his staff as well as my staff, our Republican staff on the Banking Committee, including Bill Duhnke, Mark Oesterle and others, for all the work they have done here, night and day, and it is not over yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first let me thank my colleague from Alabama, Senator SHELBY. He makes it sound like Methuselah this morning referring to those years we have served together in the Senate, combined years of service. I have been a member of the Banking Committee since my first day as a Member of this body in January of 1981. I have served under and with a lot of different people on that committee, going back to Bill Proxmire of Wisconsin, who was the ranking Democrat in those days; Jake Garn, who was the chairman of the Banking Committee in 1981, the Senator from Utah. Over the years, Senator Riegle, Phil Gramm, and Paul Sarbanes, of course, chaired the committee, as well as, of course, Senator SHELBY.

This is an important moment for this body. We have a severe housing crisis in the country. I don't need to keep repeating that. All Members recognize it. When we go home and talk to our constituents, as we did over the last week or so, we see that this problem is not going away. We were hoping that somehow the market would be taking care of all of this and by now we would be seeing that proverbial light at the end of the tunnel, but the only light we see is the light of a train coming. Unless we act promptly, we are looking at a situation that will only get worse.

Our legislation is not the salvation of every problem. I wish to make clear to my colleagues that what Senator SHELBY and I and the other 19 members of our committee have done is to fashion some proposals that we think will make a significant contribution to the issue, maybe the most important one being a sense of optimism and confidence that this Congress of ours, despite the narrow margins that split us as two parties in this body, can actually work together to get something done.

There is a growing fear in the country—in fact, more than growing—that we are incapable of doing much here; that we can't seem to get much done because of the partisan divide. This bill argues strenuously against that conclusion. By a vote of 19 to 2, this committee marked up this piece of legislation.

We have now been on the Senate floor debating this because of the very difficult parliamentary situation we are presented with as a result of what the House of Representatives sent us, so we have spent this much time on this legislation. However, I think we have a very good product reflected by the votes that have occurred over the last several weeks. I think the lowest vote total on any single proposal that has been either offered or suggested has been something like 77 votes, showing that an overwhelming majority of people are supporting this committee product, and we appreciate that as members of the Banking Committee.

So this action is coming none too soon. Today the RealtyTrac reported that over 250,000 families went into foreclosure in the month of June. That is a 53-percent increase over last year. We all throw these statistics around rather easily in this Chamber, but numbers, while staggering, are faceless and nameless. Behind every one of these numbers, that 250,000, that 53-percent increase, is a mother, is a father, is a family, and children whose lives have been unalterably changed for the worse because they are going to lose their home. They are going to lose their home.

Just imagine, if you will, those who have not been in that situation, what it would be like to wake up this morning and know that you have a foreclosure notice on your home, that you can't meet your obligations and you have to face your children, you have to face your spouse, you have to face your coworkers, and you have to find some other place to live. Mr. President, 250,000 people went through that in the month of June, 1,500,000 over the last year, and we are still here debating this bill and whether we can do anything to make a difference in people's lives.

What is happening today is a tragedy, a significant tragedy for these people, for their neighbors, for their communities, and for our country. The cover story in this week's issue of Business Week is entitled "The Home Price Abyss: Why the Threat of a Free Fall is Growing." I think the article sums up very well the threat we are trying to address with this legislation.

Let me quote from it:

> The risk to the financial system and the economy is that the price drop, which is already horrifying, will start feeding on itself.

It goes on to say:

> When home values fall low enough, hard-pressed homeowners become less able or less willing to keep paying their mortgages. That forces lenders to repossess homes and then dump them back on the market at fire sale prices, which depresses further the prices in those neighborhoods and leads to even more foreclosures.

When we consider the role home equity has played in supporting consumer spending, we can see that this vicious cycle can create a disaster. We have already had hundreds of thousands of job losses and the like. I think we all recognize we have a responsibility to act.

Today, we have an opportunity to pass the Housing and Economic Recovery Act of 2008, which will help us begin to address this crisis and the larger economic turmoil. I wish to add that we would have liked to have considered other amendments. Other colleagues had ideas to add to this bill. Because of a handful of Members who don't want any more consideration, we are forced into this situation. A number of amendments had been worked out between Democrats and Republicans, but we cannot even offer those. That is the situation. I regret that because there were some good ideas, frankly, that could have been added to the bill as it leaves here. But that is the situation. Candidly, we cannot wait longer, having gone weeks going through the parliamentary rigmarole on the floor of the Senate.

I will sum up again the legislation we are about to pass and send on to the House. The bill establishes the Hopeful Homeowners Act to assist at least 400,000, maybe 500,000 families to keep their homes and stabilize their neighborhoods. It does so after asking both lenders and borrowers to make financial sacrifices. It does so at absolutely no cost to the taxpayer. It creates a new class of regulation for Fannie Mae and Freddie Mac.

You can look in the Wall Street Journal of this morning if you doubt whether we should act or we can wait longer. The headline is: "U.S. Mulls Future of Fannie, Freddie." If you think we ought to wait longer to try to get something better out of the bill, consider what we may have happen to these GSEs, which are critical to providing stability in the housing market. The world-class regulator, which is something we tried to do over the last 7 years, is finally done in this bill on a bipartisan basis. Recent news makes it clear these entities need a strong regulator to ensure they are viable and healthy institutions.

The bill raises the loan limit from $417,000 to as high as $625,000, so the GSEs can play a more active role in stabilizing the housing market. I wish to point out that this loan limit is considerably higher than what was included in the committee-passed bill. Senator SHELBY, to his credit, and I agreed to do this in an effort to accommodate the interest of the other body, the House. And also the people who live in higher cost States, the higher numbers will be important for them to get relief as well from the bill.

Treasury Secretary Paulson said passing this legislation is the most important thing we can do to address the housing crisis. The bill modernizes the FHA program, raising the loan limit from $362,000 to $625,000. The FHA proved its value in the current crisis. It continues to be a stable source of mortgage credit, while many other lenders have failed. This bill will make sure FHA is available to even more American families.

To give you some idea of how this affects people, by raising these limits to the $625,000 level from $417,000, we will now cover 85 percent of the American population and 98 percent of the counties in America. The other 2 percent are the very high-cost counties. My State has one of them, and several other States across the country do as well. But 85 percent of the American people are potentially covered by this bill, and 98 percent of the counties will be covered by the numbers we have raised from $417,000 to $625,000. When people tell you we are not reaching enough, we have reached about as far as you can reach if you are interested in helping those who may face more serious problems.

The bill includes a permanent affordable housing fund, financed by Fannie Mae and Freddie Mac, that will provide tens of thousands of affordable housing units in the future. Let me say, about this part of the bill, the GSE reform will be long lasting and important. The HOPE for Homeowners Act is temporary; it doesn't exist after 3 or 4 years. Maybe the most important thing we will do is the affordable housing issue in this bill. No new tax money required. The money will come out of the GSEs. We know, as a matter of fact, that we have built very few affordable housing units in this country over the last number of years. And particularly those people losing their homes will have a hard time finding rental units. This is a permanent bill on affordable housing, and there is a means to pay for it without adding to the taxpayers' costs. It is one of the most important long-lasting features of the bill. In the long term, that bill will make a huge difference for millions of people.

Seventeen million people today spend half their disposable income on their houses. If you are on SSI, in fact, housing costs exceed the monthly benefits you get today under SSI. For millions of people in this country, that affordable housing provision can be very important in the long term.

The bill includes a new protection for elderly homeowners taking out FHA-insured reverse mortgages so they are not deceived into using the proceeds from the loans to buy expensive and needless insurance products. These are provisions that were incorporated by Senator MCCASKILL, and we thank her for it. There is a new mortgage broker and lender licensing requirement that was added by Senator MARTINEZ and supported by Senator FEINSTEIN from California. That will begin to address many of the abuses of the mortgage process that have been perpetrated by brokers.

In addition, the bill includes improved disclosure requirements that were added by Senator REED of Rhode Island and Senator BOND of Missouri as well. Because of the effort of Senators KERRY, COLEMAN, AKAKA, CORNYN, and SANDERS, the bill expands the availability of VA housing programs. It includes a number of provisions to help returning veterans save their homes from foreclosure and provides new housing benefits to disabled vets as well.

In an amendment adopted on the floor prior to the recess, we added language by Senator KOHL of Wisconsin to create protections against foreclosure scams, and we reduced paperwork burdens on certain small public housing authorities, thanks to the amendment by Senator SUNUNU.

This legislation includes $3.9 billion in emergency community development block grant funds. This is a controversial provision. I know some Members have raised concerns about it. I think all of us recognize that when we talk about a national crisis, with problems of foreclosures having a devastating effect in our States, obviously, resources locally, with property taxes declining for police and fire, and the like, our mayors and county officers are finding themselves further hard-strapped to meet their obligations. We thought an infusion of community development block grant money, targeted specifically to those communities that face high foreclosure rates, would be of benefit to them to help them rehabilitate their communities and the foreclosed homes and get them back on the market. This is still in the bill.

I have been warned by Members of the other body that this provision will have to come out. I know some Members want to strike it. It is going to stay in the bill that is going to the other body. They object to it because they don't have a pay-for in it, and we do here. We call it emergency funding, as we do when we have hurricanes or other natural disasters occurring. This is similar to a natural disaster. If you are one of those 250,000 families who, in the month of June, lost their homes—whether by flood or by hurricane, believe me, it is a disaster. They lost it because they got lured into deals they could not afford or because there was a scam or deceptive practices going on. Don't try to tell that family they have not faced a disaster. It is not a natural one, but nonetheless it is a disaster. The idea that we cannot provide additional funding to mayors and county executives to help out communities is something I am troubled by. It may come out of the bill when it comes back. I urge them to look hard at this and try to find a funding source.

I ask unanimous consent for an additional 5 or 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Mr. President, I am going to object, and I will explain why. We have a committee hearing we are working through this vote, and so I do object.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. DODD. I will yield that time to my colleague from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I thank the Senator from Connecticut for his leadership. I rise to express my disappointment that it appears that the managers' package is being blocked by one or two of my friends on the other side of the aisle. This package includes, among other important provisions, my amendment, offered by family and children organizations across the country, to help children who are the silent victims of the housing crisis.

My amendment authorizes $30 million in additional funding into the existing McKinney-Vento Homeless Education Program to support children directly impacted by foreclosures. There are about 2 million children in this country, including 50,000 in New Jersey and over half a million Latino children nationwide, who will be directly impacted by the foreclosure crisis, placing them at risk of poor school performance, behavior problems, and other challenges as well.

While we provide lower interest rates supporting the homebuilding industry and reform mortgage lending practices, several children's organizations and educational organizations have asked for this amendment as a modest way that our Nation can support the nearly 2 million children who are suffering the consequences of decisions made completely outside their control.

The foreclosure crisis is damaging our economy. Let us not forget that the children who have no say, no ability to make a difference in their lives, are the real victims of this crisis and, even worse, they are the silent victims. It is not fair these children get lost in the paperwork or in the politics of one Member, and they deserve our full support.

This amendment was being cosponsored by several colleagues. We worked with Senator ENZI, who had original jurisdiction, along with Senator KENNEDY, to get the language right. We appreciate Senator SHELBY having it in the managers' package. If that cannot move forward, these children will be left unprotected. That is a disgrace.

The ACTING PRESIDENT pro tempore. All time has expired.

The clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to disagree to the amendments of the House, adding a new title and inserting a new section, to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to disagree to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—84

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—12

Barrasso
Bond
Bunning
Coburn
Cornyn
Crapo
DeMint
Ensign
Enzi
Inhofe
Kyl
Vitter

NOT VOTING—4

Clinton
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to disagree to the two remaining House amendments, the motion offered by the majority leader to concur with an amendment to the first such House amendment falls.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under an order entered yesterday with respect to Executive Calendar Nos. 665 and 666, I now ask unanimous consent that upon conclusion of the cloture vote with respect to the House message to accompany H.R. 3221, regardless of the outcome, the Senate proceed to executive session to consider the nominations as provided for under the conditions and limitations of the previous order; further, that upon conclusion of the debate or yielding back of time on the nominations, the nominations be set aside until 2 p.m. today, at which time the Senate then proceed to vote on confirmation, as specified in the previous order.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, for the information of all Senators, I have been advised by Senators DODD and SHELBY that they likely will be able to finish their work on the housing bill today.

We have also pending a cloture vote tomorrow morning on the PEPFAR bill. I have had a conversation with the Republican assistant leader and we kind of know where we are on this issue. We could, with consent, move that vote up today or do it in the morning. Whatever, we on this side would be satisfied to do it today.

I have had a conversation with Senator BIDEN, who has helped a great deal on this piece of legislation, and he said he was going to confer with Senator LUGAR to see if the last kinks can be worked out. Frankly, that is doubtful. So we can either have that cloture vote in the morning or this afternoon, and we await the word of the minority as to what they wish to do on that issue.

EXECUTIVE SESSION

NOMINATIONS OF GENERAL DAVID H. PETRAEUS AND LIEUTENANT GENERAL RAYMOND T. ODIERNO TO BE GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Gen. David H. Petraeus and Lt. Gen. Raymond T. Odierno, Department of the Army, to be general.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, we have these two nominations before us. I understand the vote on the two nominations will take place at 2 p.m. or thereabouts.

The Senate Armed Services Committee unanimously approved the nomination of General Petraeus for reappointment to the grade of general and to be commander of the U.S. Central Command, and also the nomination of LTG Raymond Odierno for appointment to the grade of general to be commander of the Multinational Force Iraq. The confirmation of these nominations will provide a continuity of senior military leadership for the region and for Operation Iraqi Freedom. This continuity in U.S. military leadership will be helpful in working with regional and Iraqi political and military leaders.

General Petraeus brings a large amount of experience and leadership to the position of CENTCOM commander. He has served over 30 years in the military, including 3 tours of duty in Iraq, first as commander of the 101st Airborne Division, then as commander of the Multinational Security Transition Command Iraq, and since February of 2007, as commander of the Multinational Force Iraq. As the Multinational Force Iraq commander, General Petraeus has led a shift in tactics in Iraq, helping to calm, hopefully permanently, very violent sectarian conflict.

If confirmed as CENTCOM commander, General Petraeus would continue to oversee the U.S. troops in Iraq, drawing on his knowledge of the situation on the ground and his working relationships with Iraqi political and military leaders. He would also be responsible for addressing an increasingly violent insurgency in Afghanistan and other important national security interests throughout the CENTCOM region.

General Odierno is well qualified for his new duties, with 32 years of uniformed service, including 2 tours in Iraq, first as commander of the 4th Infantry Division, and until recently as commander, Multinational Corps Iraq, in which he worked directly under the command of General Petraeus. He has assisted the change in operational approach in Iraq toward counterinsurgency. He understands that Iraqis must achieve political reconciliation to unite their country and to provide more effective governance for Iraq. He understands the importance of and is committed to increasing the Iraqi security forces technical capability, professionalism, evenhandedness, and full integration so they can eventually assume total and effective responsibility for their own nation's stability. He understands the recent gains in reducing violence, controlling militias, and rejection of al-Qaida must be supported and expanded by an Iraqi Government which grows more capable and is more attuned to meeting the needs of the Iraqi people. And most importantly, General Odierno understands the necessity for Iraqi political leaders to take responsibility for their own country—to take responsibility politically, economically, and militarily.

So our country, I believe, is indebted to the service of General Petraeus and General Odierno for their willingness to continue that service, and we are also indebted to their families for the sacrifices those families endure when their two loved ones spend so much time in such difficult areas.

I urge my colleagues to support these two nominations.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I wish to inform the chairman that I shall speak myself, and Senators SESSIONS, CHAMBLISS, and GRAHAM also hope to be recognized. I have inquired at the desk, and there is some flexibility in our time here this morning, and we will go from one side to the other if Senator LEVIN has colleagues who are going to speak.

Mr. LEVIN. Mr. President, on that point, what is the time situation?

The PRESIDING OFFICER. Under the order, there is 20 minutes equally divided.

Mr. LEVIN. And how much time did I use?

The PRESIDING OFFICER. The majority side has 6 minutes 34 seconds, and the Republican side has 9 minutes 24 seconds.

Mr. LEVIN. Mr. President, I reserve the remainder of my time. I have no objection to Senator WARNER's yielding to the Senators he has identified, or other Senators speaking beyond that 9 minutes, or whatever time he has. But I will have to reserve the remainder of my time, because I think there may be speakers on my side who may oppose the nominations, and I want to protect them if they do. So I ask that same courtesy then be agreed to by the good Senator from Virginia, if there is additional time needed on our side for speakers.

Mr. WARNER. Mr. President, subject to my leadership, I will certainly recommend that be done.

Mr. President, very simply, two of America's finest sons are before this body with the very important responsibility entrusted by the Founding Fathers as they wrote the Constitution of the United States; namely, that the Senate shall give advice and consent. I have had the privilege through my lifetime to be associated with many senior officers of all branches of our military. I say unreservedly, these are two of the most extraordinary that I have been privileged to know and work with in my long career.

On many trips to Afghanistan and to Iraq with the distinguished chairman of the committee—we so often travel together—on a number of those occasions we worked directly with General Petraeus and General Odierno. Therefore, they both have my strongest endorsement, and I congratulate them individually and I also congratulate their families. These are two fine officers, and their families have participated in their careers and backed them. If you look at the length of service that each has had in four deployed regions, most specifically Iraq, it has been a very extensive period of time, and the consequences on the family are often difficult to bear. But the families have stood by these fine officers through these long deployments.

Both nominees have had extraordinary experience, and therefore I anticipate we will have a very positive confirmation by the Senate. They are highly experienced, indeed specifically trained. I sort of edited that word into my remarks because they have served a number of times in Iraq and moved up to higher responsibilities—in the case of General Odierno, and in General Petraeus, he takes on responsibility for the entire region. But he is magnificently trained to do so.

Further, as we approach, again, our constitutional system by which we change Presidents, there is a continuity that these two officers offer by virtue of serving in these positions, if it is the will of the next President. That is invaluable in this region. That is because, as the distinguished occupant of the chair and many others know, the cultural situation in this part of the world is a very challenging one to fully understand and appreciate; to see that our Armed Forces act with them, work with them in such a way as to achieve the goals but at the same time protect our Armed Forces.

I say "with" because the nations of Iraq and Afghanistan are now sovereign nations. As such, we are there by consent of that sovereignty to work with their forces.

I also add that I don't know that I have ever experienced a dimension in contemporary times where the professional officers have had to work so very closely with other members of the executive branch, notably the National Security Council and the Department of State, working hand in hand.

The current Ambassador in Iraq, Ambassador Crocker, is well known in the Senate, and I believe extremely admired and respected for the services he has rendered. He has been a partner with General Petraeus in working through their individual responsibilities, coming before the Congress jointly to make their reports. They know the region, they know the background, and they are fully qualified to undertake these responsibilities.

At this point, I would like to yield the floor to my other colleagues. I may have a few closing remarks.

I see the distinguished Senator from Georgia, a member of the Senate Armed Services Committee.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, Senator WARNER, Chairman LEVIN, thanks for getting these nominations up in short order.

I rise to speak in favor of the nominations of GEN David Petraeus to be Commander, United States Central Command, and LTG Raymond Odierno to be General and Commander, Multi-National Forces—Iraq.

Over the past few years under the leadership of these two men we have seen vast improvements in the conditions on the ground in Iraq, the quality and number of the Iraqi security forces, and increasing ownership of the political process and issues facing their country by the Iraqi government and the Iraqi people. These accomplishments are due to the efforts of our young men and women in uniform who have sacrificed to defend our values and build democracy in Iraq. General Petreaus and General Odierno have led these men and women and they have done so ably, wisely, and with integrity and professionalism. They are without question the right men for the jobs for which they have been nominated.

Our young soldiers, sailors, airmen, and marines in Iraq and Afghanistan have had the opportunity to be led by some of the greatest military leadership we have witnessed in our era. General Petraeus and General Odierno embody our military values and leadership principles in the tradition of great military leaders who have come before them. These two combat veterans, who between them have served our Nation in uniform for over 60 years, have demonstrated that they have the skills and commitment to carry out and complete our mission in Iraq and safeguard our 150,000 servicemembers in Iraq.

With the right leadership—which these two generals can provide—Iraq will continue to benefit from the implementation of our current military and security strategy. I feel honored to have witnessed the efforts of these two soldiers and am certain that their leadership will continue to successfully guide our efforts in Iraq.

I have had the opportunity to visit one on one with both General Petraeus and Lieutenant General Odierno on the multiple trips I made to Iraq. I often refer to David Petraeus as being the best soldier that the U.S. Army has today. General Odierno is right there with him. They have the greatest men and women serving under them. Without their outstanding leadership, certainly we would not have been able to accomplish what we have in Iraq over the past year and a half.

The first time I saw David Petraeus in action in Iraq was while training Iraqi security forces. He did a great job correlating the efforts of the Iraqi military on the ground with the security forces. He had a way of directing the Iraqi military commanders in a way that was extremely unusual, very positive, and very professional.

Today, what we are seeing as a result of the efforts of David Petraeus is an Iraqi military that is growing stronger, more confident and in the short term, is going to be in a much better position than certainly they are even today of protecting the citizens of Iraq from external sources. They will also help the security forces provide domestic security for Iraqi citizens.

General Odierno has made great sacrifices by being away from his family for so long. He just returned from Iraq. Now we are asking him—and he has graciously committed, once again, for the benefit of service to our country—to return to Iraq to be in the position of commander on the ground. He is truly a great individual and certainly his record in the military speaks for itself.

Both of these men deserve our utmost respect and certainly a strong vote in this body confirming their positions.

In closing, let me say a commitment to the military is a family commitment. Both General Petraeus and General Odierno have made great sacrifices being away from their families for extended periods of time—not just while they have been serving our country in Iraq and Afghanistan but certainly previous to that time also. I do know they have been away from home for an extended period of time. Without the great support of their families they would not have been as successful as they have. I salute their families as well as saluting them both.

I urge this body to give a strong and resounding vote in favor of these two men for the positions for which they have respectively been nominated.

I yield the floor.

Mr. WARNER. I thank the Senator from Georgia. He is a strong voice on the Senate Armed Services Committee. His views with regard to the qualifications of these two officers with whom he has worked over these many years are of great value to the Senate.

Mr. President, I see the presence on the floor of our distinguished colleague, another member of the committee, Senator SESSIONS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator WARNER. I would share a few thoughts. You might ask why is it that generals throughout our history, particularly successful generals, have been as popular as they have been? I think it is because they are called upon to lead our soldiers in a life-and-death struggle. And at given times in history, some people's talents and gifts and understanding of the nature of the combat are such that they can bring us to success with the least possible cost and the least number of lives lost. I believe—not that other generals are not as good or as decent people—but at certain times certain people have those capabilities.

In General Petraeus we are fortunate to have one of our finest commanders. We are particularly fortunate that his gifts and graces and talents are such that they are perfectly suited to the type of combat in which we have been involved. He was a commander of the 101st Airborne. He is a warrior. He knows the nature of combat. He is a sensitive and decent person, but he understands the nature of combat and the importance of victory. He knows how to impose a cost on an enemy and minimize the losses to the American side. I think we are lucky to have him.

He finished at the top of his class at West Point, one of their outstanding graduates. He was No. 1 in his class at the Army's Command and General Staff College. He has a Ph.D. from Princeton University in international relations. He has taught that subject as well.

When I first met him he was in Iraq. The 101st had taken Mosul in the north. He had a superb grasp of the situation. He was reaching out to reconcile the disparate groups. He introduced me to the town council. One member was a Kurd and one was a Christian and one was a Sunni and one was a Shia. It was an effort that he understood was important: to reconcile the differences there. After his departure, things did not go as well as when he was there.

The second time I met him in Iraq was when he was in charge of training the local Iraqi police and military. President Bush had asked him to go back and do that important task. It was a critically important task, the President believed, and General Petraeus was one of the most talented people we had, so he was asked to go back. He worked in that capacity for a year.

He came home and then wrote the counterinsurgency manual for the Department of Defense. This thick manual is a doctrinal statement on how to confront and defeat an insurgency, a very important skill at this time in history. The ink was hardly dry on that document when President Bush and the Secretary of Defense asked him to go back to Iraq and command our forces.

So in February of 2007 we confirmed him by an overwhelming vote to go back and lead our forces in Iraq. During that time the surge was debated, and the Congress overwhelmingly, in a bipartisan way, confirmed General Petraeus to go to Iraq. And later in May we voted to fund that surge. The phrase often used was: to give General Petraeus a chance. We wanted to give him a chance to employ new tactics a and more classic counterinsurgency doctrine, in which he was an expert. As a man who had already spent 2 years in Iraq, he was already closely attuned to all of the difficulties in that country. He went back and had extraordinary success.

General Odierno has also been there all along, and played an instrumental role in the U.S. military's success. I had the opportunity to visit with him twice in Iraq, an extremely important man. In the Weekly Standard, Frederick Kagan and Kimberly Kagan, very astute observers of the scene in Iraq, referred to General Odierno, as: "The Patton of Counterinsurgency." They said:

> With a sequence of brilliant offenses, Raymond Odierno adopted the Petraeus Doctrine into a successful operational art.

So we are lucky to have a good team here. The Kagans refer to generals coming in pairs. They noted: Eisenhower and Patton, Grant and Sherman, Napoleon and Davout, Marlborough and Eugene, Caesar and Labienus. Well, I do not know why he did not mention Lee and Jackson in that group. But generals do often come in pairs, and this pair is unique.

Now General Petraeus will be moving up to command the Central Command. Of course his most critical areas are Iraq and Afghanistan. General Odierno will be replacing General Petraeus, and I believe we could not have a better circumstance from a command point of view. I could not be happier with the team we have there. I will note that this May, under their leadership, we saw the fewest U.S. deaths of any month since the war began, and July is currently on pace to see even fewer. Remarkable progress has happened. We should confirm these people and be most thankful that we have them as leaders.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Alabama, a member of the committee. He is a very strong voice. I only add to your observations, which are very accurate about the situation in Iraq, we all share a concern about the worsening situation in Afghanistan, and that will become General Petraeus's top responsibility. We are fortunate that he is eminently qualified and has studied the culture of the region, having understood the complexity, the geopolitical situation with regard to Pakistan and Iran. He is eminently qualified to step in and be the commander of those forces in that region.

Mr. SESSIONS. I agree. I note he has a Ph.D. from Princeton in international relations. He has taught that. So you are right. He has the combat experience as well as the geopolitical expertise.

Mr. WARNER. But his boots are on the ground now, not writing dissertations.

Mr. President, I see our distinguished colleague from South Carolina.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I wish to thank Senator LEVIN and the committee for moving these names forward so we can get these two fine men into new jobs. The committee worked very decisively and quickly, and we are going to have a vote here soon. I hope we can get as close to 100 as possible.

My observation about these two officers is very similar to what Senator SESSIONS said. But having met them and spent some time with them in theater, and I got to know them pretty well, I need to say something on their behalf, that they could have not done this without the people under their command.

I have spent a lot of time in Iraq, like many Members here. The soldiers, sailors, airmen, marines, members of the Coast Guard, every civilian force, have performed magnificently. General Petraeus came up with a new strategy. Quite frankly, before he came along we were losing.

You can talk about Iraq in any terms you want to, political or otherwise. But it was my view that the situation on the ground in Iraq, before this new strategy, was going to result in losing, that we were losing ground against the insurgency and that General Petraeus and General Odierno came up with a new way of doing business, getting the troops out into the field, the joint security stations, where our soldiers would live with the Iraqi police and the army.

This has transformed the Iraqi Army, and the police are getting better. You see this in Basra, you see this in Mosul where the capacity of the Iraqi Army is a lot better than it was the last year in terms of the capability and numbers. It was a direct result of changing strategy, getting out from behind the walls, taking the fight to the enemy. The Anbar Province strategy, with the Sunnis, the Shiaas turning on al-Qaida, was the defining moment in this war. When General Petraeus came up with a strategy to try to get the Sunni population to break away from al-Qaida by providing better security, that turned the tide in Anbar.

The political progress we have seen with 15 of the 18 benchmarks being met by the Maliki government is a direct result of Ambassador Crocker and General Petraeus sitting down with the Iraqi leadership and doing a lot of hand holding.

The military side of this is important, but I hope the members of the body will appreciate how sophisticated General Petraeus, General Odierno, and Ambassador Crocker have been when it comes to the economic and political aspects of this. They have put money into projects that changed the quality of life in Iraq, that got people more emboldened to join with the Government. They pushed the Sunnis, the Shiaas, and the Kurds to reach political compromise.

These are two of the most talented politicians I have ever met, even though they are in uniform. They are American commanders who were dealt a tough hand. And the politics of Iraq they understood as well, I believe, as the counterinsurgency problems the military faced. What they have brought to the table will go down in history as the most successful counterinsurgency operation in the history of warfare. I have worked on judicial issues. They provided security to the judges, additional capacity in the rule of law area. General Petraeus told me early on: The population has to believe in the law, because if they do not believe in the Government and the law, they will go to militias.

So we celebrate the success of these two men. But on their behalf, I wish to thank all of those who served under them, because they are the ones who made it happen, along with great leadership. We are winning now. We have not won yet, but the difference in Iraq before and after is stunning. It is for all of us to see—progress politically, economically and militarily. I look forward to promoting these two fine officers. Hats off to them and all those who serve in Iraq.

Mr. WARNER. Mr. President, I thank our colleague from South Carolina. He is too modest to say it, but I think he has logged as many trips into that region as any of us here, very often in the company of Senator McCAIN, who likewise has strong support for both of these officers. I thank the Senator for his work and his important contribution to the debate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—CONTINUED

The PRESIDING OFFICER. The Senator from Louisiana.

ROAD HOME TAX

Ms. LANDRIEU. I thank the Senator from Virginia for his comments on the pending nominations.

But I wanted to take a moment to speak about the housing bill that passed. It was a very significant piece of legislation. On behalf of the people of Louisiana, I wanted to come to the floor to specifically thank Senator DODD for his extraordinary leadership and tenacity in getting this bill through the floor of the Senate. It has been stuck for weeks. He got it unstuck this morning and passed it, and it has significant relief for homeowners throughout America, to help us stem the foreclosure rate, to stem the tide of economic downturn in many counties throughout our country. But for Louisiana, it has some very special relief. Part of that bill was actually crafted by Senator BAUCUS and Senator GRASSLEY as chair and ranking member of the Finance Committee, and there was a big piece of that in this housing bill. In that Finance piece was a tax relief provision that is, in my view, central, crucial, and vital to the recovery, ongoing recovery of South Louisiana and the gulf coast.

We added this language to the Foreclosure Prevention Act back in April, where it passed the Senate on a 74-5 vote and I am pleased to see that the combined housing package preserves this critical assistance.

In short, the legislation ensures that hurricane survivors are treated both fairly and with dignity as they struggle to rebuild their lives.

As you know, when these storms, Katrina and Rita, hit, now 3 years ago, they were unprecedented in the size and scope of the destruction. This country has not seen anything like it in well over 100 years, and hopefully we will not see anything like it for another 200 or 300 years. When we went to the Federal toolbox, if you will, to see what tools were available to help the 250,000 homeowners who lost their homes, many did not have insurance because their homes were paid for, or they were not in the flood plain. They lost everything, their homes, their business, their place of worship, the schools their children went to. So when we went to the toolbox, there were not adequate tools to help them. We have been crafting those tools slowly. It has been agonizing for people who are waiting for us to give them a hand.

Many of these taxpaying, hard-working citizens are not asking for charity; they are asking for a chance to get their business back, get their feet back underneath them.

As you know, I am sure it is this way in Virginia. Most middle-class and upwardly mobile families have most of their net worth tied up in their home. So when their home is considered destroyed and the contents as well, it impacts the financial stability of that family.

That is why I have stayed focused on homes, on home rebuilding, and on small businesses, because it is the backbone of our recovery. I am proud to say that in this bill, we were able to deliver $1 billion of relief, literally $1 billion of relief to homeowners who you could argue deserve more help than almost any group of homeowners in America.

Again, these homeowners are suffering kind of a double whammy. Not only did they go through Katrina and Rita, but they are also now in an atmosphere of a slow real estate market; in some places a market that is spiraling downward because of the atmosphere of the country and the economy; although actually at home our economy relative to the country is doing pretty well.

This underlying bill provides relief to homeowners along the gulf coast who had their homes destroyed after Hurricanes Katrina, Rita, and Wilma. In 2005, thousands of people along the gulf coast took casualty loss deductions on their tax returns due to damage that their properties sustained from the hurricanes.

In 2007, many of the same people began to receive payments to cover uninsured losses to their property under Louisiana's Road Home program, Mississippi's Housing Assistance program and similar programs in Florida and in Texas.

The IRS has concluded, however, that individuals who took the casualty loss deduction in 2005 and subsequently received a grant payment must add the value of the casualty loss deduction their 2007 income.

This decision not only increases the amount of taxable income but also: increases an individual's tax rate by bumping them into a higher tax bracket; subjects certain taxpayers to the Alternative Minimum Tax; phases out deductions; subjects an individual's Social Security benefits to additional taxation; and makes a taxpayer ineligible for Federal student load aid.

So this relief was absolutely essential. Take the example of two very similar families—the Jones and the Smiths. Both earn $75,000 a year and both had homes that suffered substantial damage in Hurricane Rita. Both of the families received a road home grant of $75,000 in 2007 to cover uninsured losses to their homes. So at this point, they are exactly the same.

In 2005, however, the Smiths took a $75,000 casualty loss deduction which entitled them to a refund of about $7,000.

According to the IRS, the Smith family had to add the value of their 2005 casualty loss deduction, totaling $75,000, to their 2007 income. So what is the result of this?

The Smith family had to pay $25,000 in taxes while the Jones family will have to pay about $7,000 in taxes. That is over a 350-percent increase in taxes. Not only did the Smith's amount of taxable income increase, but they were bumped into a higher tax bracket so their rate of taxable income increased.

So what does this bill do? This bill would permit taxpayers to amend their 2005 tax returns to reduce or eliminate their casualty loss deductions. By eliminating or reducing their casualty loss deduction, they will not have to pay taxes on their road home grants. A current IRS regulation forbids individuals from amending their returns under this circumstance.

So what effect would the bill have upon the Smith family. At the outset, they will not have over a 350 percent increase in their taxes. They will, however, have to pay back their refund they got in 2005, which would be about $7,000 in addition to their normal taxes.

So by no means does this bill allow a free ride or any sort of "double dipping." They still have to undo their casualty loss, but they will not be providing the IRS a windfall in taxes.

Finally, behind the numbers, it is important to remember that these are real people who have undergone a traumatic event, having their homes destroyed.

The Smith family, before Senator GRASSLEY and Senator BAUCUS came to their aid, would have had to pay over $24,000 in taxes. These families literally are struggling to pay their electric bill, their utility bills, trying to pay double mortgages, rent and a mortgage on a house trying to keep their house together. They could not have possibly come up with $25,000. That is what we have corrected it.

I thank this Senate for sending special care and attention to a group, hundreds of thousands of homeowners. It is not millions, it not tens of millions, but it is hundreds of thousands of homeowners along the gulf coast who would truly benefit immediately and correctly. This money will go into their pocket and hopefully they will be spending it on their new home or their new apartment or using it to pay back bills they had to charge to their credit cards to literally survive these last several years.

This bill also extends an important provision to spur investment in residential and commercial property along the gulf coast. In response to Katrina and Rita, Congress enacted legislation that would permit bonus depreciation on new buildings.

In order to take advantage of the bonus depreciation, investors needed to start construction on the property by December 31, 2007, and have the property placed into service by December 31, 2008, for lesser damaged counties and parishes and by December 31, 2010, for the most damaged counties and parishes.

However, replacing the basic infrastructure needed to begin this construction has been slow and difficult. New environmental standards, building codes, and the high price of insurance and labor have delayed new construction. Many projects are planned, but these delays have resulted in few actual construction starts.

This bill would simply remove the commencement date to ensure that the gulf coast can sustain and strengthen its recovery in the housing and commercial sectors. It does not change the completion date. By doing so, we can continue to build new residential and commercial properties that are necessary to our recovery.

I know this overall bill contains many critical parts to address our Nation's housing troubles but I thought that it was important to personalize how this bill will help thousands of people struggling to rebuild on the gulf coast.

I am very proud of the Senate. I do believe we should give tax relief when it makes sense. This most certainly makes sense. And $1 billion is a lot of money. I know we are struggling to balance our budget, but I think this was a very worthy expenditure. I thank Senator DODD again, thank Senator GRASSLEY and Senator BAUCUS particularly for remembering the families on the gulf coast and for helping them to achieve substantial tax savings by the passage of this bill. It will go a long way, with the other provisions in this bill, to help our recovery that is underway in the Gulf of Mexico.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALIFORNIA FIRES

Mrs. BOXER. Madam President, I rise today to express my deep gratitude to the men and women who are fighting the wildfires now raging in my magnificent State of California. Over the last month, a swarm of dry lightning storms sparked more than 1,800 fires across drought-ridden land in California.

Governor Schwarzenegger and President Bush have declared a state of emergency in 11 counties and crews are still working to bring under control over 300 fires burning across more than 600,000 acres of public and private land. Three hundred fires, and it is early July, and we do not get rain usually until November.

In the fight against these fires, support has come from all quarters, including the National Guards of 11 States. I say to my colleagues all: Thank you for your contribution. Help has come from the U.S. Marine Corps, the Navy, even from NASA.

I give special thanks to the more than 18,000—18,000—local, State, and Federal firefighters who have put their lives on the line over the last several weeks and continue to do so to fight these fires and protect our communities.

The people of California owe a tremendous debt of gratitude to the brave men and women of CalFire and the U.S. Forest Service as well as the California National Guard and all of the local fire departments who have gone above and beyond the call of duty in fighting these fires.

Your courage and swift action during this recent series of firestorms have truly been heroic. You have risked your health and your well-being for the benefit of our people, of our communities, and we are all grateful. You are the heroes.

Some 233 firefighter injuries have been reported in the past few weeks—233 firefighter injuries—and that is a testament to the great personal risk these men and women undertake every day. These fires are unpredictable. The winds are unpredictable, and the danger shifts at a moment's notice.

I am sad to report that these fires have claimed the life of one of our firefighters. Robert Roland, who had been with the Anderson Valley Volunteer Fire Department in Mendocino County for only 3 months, passed away on July 3, 2008, battling wildfires near the town of Philo. He was 63 years old—a volunteer firefighter.

One of America's greatest strengths is its spirit of voluntarism, and nowhere is that spirit more evident than in the tradition of volunteer firefighting.

We mourn his loss, and we remember and give thanks for his selfless efforts and those of all the firefighters—volunteer and professional—who put their lives on the line throughout California.

The scale of these fires so early in the year is a stark reminder that we cannot afford to shortchange our fire preparedness. Being prepared means making sure adequate resources are available to fight and prevent fires. That is why I have consistently fought against the proposed cuts to the Assistance to Firefighters Program. This program provides Federal grants for equipment and training to local fire departments and emergency medical services organizations. I do not think you need to look farther than the efforts being undertaken to save lives and protect communities right now in California to understand that those proposed cuts are wrongheaded.

Preparedness is about more than funding. It also means making sure we have a fully staffed firefighting force on our public lands.

I am concerned about the reports of inadequate staffing in our national forests in California. Earlier this year, I called on the U.S. Forest Service to resolve the pay disparities and retention issues that have prevented them from recruiting and keeping qualified Federal firefighters in California.

We also need to support the State and local efforts in order to manage the risk posed by wildfires. One of the keys to preparedness is hazardous fuel reduction. Local communities and State agencies that do their part to remove hazardous fuel on local and State lands should not be left at risk for fires because inadequate funds limit hazardous fuel reduction on Federal lands.

The Federal Government must be a good partner in not only fighting the wildfires but in preventing them. That is why I have urged that we include $910 million for U.S. Forest Service and Interior Department firefighting and fire prevention efforts—including efforts such as hazardous fuel reduction—in the legislation that Congress is expected to take up this session to address critical domestic priorities.

The unprecedented onset of the fire season in California is an important reminder that we cannot afford to continue reducing the resources available for disaster preparedness and expect emergency responders to still be able to effectively protect our communities.

They are exhausted. They are working overtime and more. I want to read from a letter I am sending today to President Bush. I wrote this letter after speaking at length with my Governor, Governor Schwarzenegger:

> With over 300 fires still actively burning in California, I am writing to request that you immediately allocate additional resources to assist with ongoing firefighting efforts throughout my state. Governor Schwarzenegger has informed me that an additional 41 helicopters, 302 hand crews, 616 fire engines, and 773 support personnel are urgently needed to help the thousands of Federal, State, local, and volunteer fire fighters who are working so hard to protect our communities from these dangerous fires.
>
> Governor Schwarzenegger also informed me he plans to call up as many as 2,000 more members of the National Guard in addition to the over one thousand members that are currently supporting fire fighting activities. In order to ensure that our National Guard is ready for this mission, I request that the Administration make available out-of-State Federal firefighters to help train National Guard members for fire fighting duties. Active fire crews are currently being taken away ffrom the front lines of fires to train National Guard members, but if Federal personnel were on scene to help train new arrivals, our crews could continue to fight active fires.

I might say what is happening is we are taking firefighters off the line to train the National Guard because they need to be extensively trained in firefighting, and we need to get those firefighters back on the line. So if we could have some Federal firefighters sent in, we would be able to keep these firefighters on the line.

> The Governor has also informed me that he requested the U.S. Forest Service's Maximum Efficiency Level be increased to 100 percent for the current fire season in California. This will allow Federal incident commanders to make tactical firefighting decisions as needed to protect lives and homes without having to receive prior approval from the Office of Management and Budget. I strongly support his request and urge you to grant it immediately.
>
> This unprecedented start to the fire season in California has put incredible stress on the State's resources and on the brave men and women fighting these fires. While the support provided by the Administration has been very helpful thus far, the severity of the ongoing fires and the strong potential for more fires indicates an urgent need for additional resources and support.
>
> The residents of California need the Administration's continued assistance and cooperation in protecting their lives and property.

Madam President, this is one Nation under God, and we know that, and we say it when we pledge allegiance every day here.

The fact is, we need to come to the aid of our citizens, whether it is in the devastating floods in Iowa or it is Hurricane Katrina or it is the fire that I well remember in North Dakota or what is happening today in California.

We must work together. I want to say right now that I will be making a call to the head of Homeland Security, Mr. Chertoff. I hope he has heard my words. I hope he has received a copy of my letter. We are going to need this help quickly. We expect—and this is right from my Governor—about a 5-month problem here. This is not going to be a momentary problem. We need a long-term commitment from everyone in order to save lives and save property and allow our firefighters a little bit of rest, because when they are exhausted, their lives are put in danger, and we cannot have that.

I thank you very much for the time, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you, Madam President.

THE ECONOMY

Madam President, I come to the floor after reading something I find very shocking. This is evidently in an interview with the Washington Times, referred to today by Jonathan Weisman. It has this quote. Former Senator Phil Gramm, a top policy adviser of Senator JOHN MCCAIN's, said the Nation is in a "mental recession," not an actual one, and suggested the United States has "become a nation of whiners."

Senator MCCAIN is in my State of Michigan at this moment today. I certainly want to go on record here on the floor of the Senate to say that the people of Michigan are not whiners. The people of this country, who have seen their jobs slip away—over 325,000 jobs since January, good-paying American jobs—are not whiners. People have seen gas prices going up and up and oil prices doubling over the last 10 months. This is not a nation of whiners. We are seeing food costs go up, health care costs go up, gas prices go up, everything in people's lives going up. Every middle-class family, every family in America is struggling while they see their wages go down, if they have a job at all. This is not a nation of whiners; this is a nation of tough people trying to survive, Americans who believe in this country, who believe in the American dream, who are fighting to keep their way of life in this country today.

Mrs. BOXER. Madam President, will my friend yield for a question?

Ms. STABENOW. I will be happy to.

Mrs. BOXER. I am just stunned that Phil Gramm, who is a top adviser to Senator McCAIN—would you repeat exactly what he said?

Ms. STABENOW. Yes. I would be happy to. He said the Nation is in a mental recession, not an actual one, and suggested that the United States has become a nation of whiners.

Mrs. BOXER. Let me get this straight. Senator McCAIN's top adviser—one of his top advisers on the economy—says we are in a mental recession, there is no actual recession, and we are whining about it.

Ms. STABENOW. Right, absolutely.

Mrs. BOXER. Let me ask my friend, what does she hear in her State about gas prices from her constituents?

Ms. STABENOW. Madam President, I thank my friend from California, who comes to the floor and fights every day on behalf of middle-class Americans and people struggling to make it. We in Michigan have the highest unemployment rate in the country—8.5 percent as of the last numbers. So people are losing their jobs.

Mrs. BOXER. Is that mental? Do they just think they are unemployed but they are really employed? What is he talking about?

Ms. STABENOW. The Senator from California is absolutely right. The fact is that folks who are losing their jobs or who are seeing their wages cut in half are seeing gas prices go up and up and up.

We have had two oilmen in the White House for 8 years, and we have had now the highest gas prices we have ever had to pay while they protect oil profits, oil company profits over and over again. This is not an accident, what has happened here. I think it is almost too obvious. We have two oilmen in the White House, and we are in the situation we are today, with families struggling to get to work, to get the children to childcare, maybe to go on a vacation, who can't hold things together, and they are looking around, saying: What in the world is happening? Now, we are hearing from a top adviser of someone who wants to be the next President that this is a mental recession and that we are whiners.

Mrs. BOXER. Will my friend continue to yield?

Ms. STABENOW. I am happy to.

Mrs. BOXER. I didn't expect to stay here and engage my friend, the Senator from Michigan, but when she read this—I know what her State is going through, and I have to say that California is suffering as well. If it were not for the fact that we have seen companies invest in alternative energy, and that is taking some of the jobs—and thank goodness—away from a crumbling housing industry, we would be in worse shape. We are not in good shape in California. We have real problems.

My friend from Michigan makes a good point. Two men in the White House—and I remember when George Bush was running in the beginning and saying: Well, put two oilmen in the White House, and we will see how we will deal with gas prices. Well, we have seen.

Is my friend aware that since George Bush and DICK CHENEY—two oilmen—took over the White House, we have seen about a 255-percent increase in the cost of gas per gallon? Is my friend aware of that?

Ms. STABENOW. I am aware of that. It is outrageous. It is so stunning that this would be happening and be so obvious in terms of allegiance.

Mrs. BOXER. Let me ask one more question, and then I will leave her to the rest of her remarks. I know she has some thoughts she needs to share. As Phil Gramm, the economic adviser to JOHN McCAIN, says that Americans are whining, we all know that the middle class is suffering, as the Senator from Michigan said, not just from gas prices but as a result of food prices, health care prices, credit card rates. There is a middle-class squeeze going on that is hitting our people very hard, and they are falling behind by thousands of dollars a year because of increased prices. Now, Phil Gramm, he doesn't feel the pain. He probably is in the top one-tenth of 1 percent of income earners, let me say.

I wish to ask my friend, and then I will leave her to her speech, does she know how much the head of ExxonMobil made this year?

Ms. STABENOW. Well, I know this: I know ExxonMobil has made the highest profits of any company ever in the entire world. I don't know the exact number, but my guess is that it is a lot more than people in Michigan are making.

Mrs. BOXER. Well, the CEO, the chief executive officer of ExxonMobil, according to my information, including his last paycheck and bonuses and the rest, made $400 million in 1 year. So no, he is not whining, and Phil Gramm is not whining. That is obvious. They are the winners in this economy with two oilmen in the White House.

I wish to thank my friend.

Ms. STABENOW. Madam President, I so much appreciate my friend from California and her advocacy on a daily basis on this floor for people who are feeling the squeeze on all sides.

We are seeing a situation in this country where, frankly, most middle-class families, as well as small businesses and large businesses and those who want to do business in this country, just can't take any more. We are at the limit right now of what we can absorb in terms of higher and higher costs on people every day, with lower and lower wages, maybe losing a pension, maybe losing your health care.

What we have seen over the last 8 years is the creation of a race to the bottom in a global economy, a race to the bottom where the average American is told: If you only work for less, pay more in health care, and lose your pension, maybe we can be competitive. As Democrats, we believe in a race to the top. As Democrats, we believe it is critical that we address the squeeze middle-class families are feeling if we are going to have an economy.

What has made us strong among nations around the world is a strong, vibrant middle class, folks who can have the American dream, who know they can have that job. In Michigan, it is to have a home and maybe a little cottage up north or a boat to go around the beautiful Great Lakes and enjoy fishing and hunting and know they can send the kids to college—all of those things that have meant the great American dream for families in America. It is slipping away because of the policies of the last 8 years, not paying attention to what is happening to our global economy and making it worse by, in fact, protecting those whose profits are getting higher and higher at the expense of middle-class Americans.

So I would just say that to hear we are a nation of whiners from someone who is advising someone who wants to be the President of the United States—alarm bells should be going off to every single person who drives up to a pump today and has to pay somewhere between $4 and $5 a gallon for gasoline or goes to the store and sees the price of milk going up and bread and everything else they need to feed their family or sees their costs of health care going up, if they are fortunate enough to have health care alone.

So I certainly invite Senator McCAIN to come to my State of Michigan as many times as he would like, and I hope he listens very, very hard. I hope he doesn't hear it as whining. I hope he hears it as a sign of proud, patriotic, America-loving people who just expect decisions here in this Government to be made in their best interests, not in the best interests of oil companies or credit card companies or insurance companies that aren't willing to cover their health problems. People want to know that, in fact, their families will be put first for a change. That has not happened in the last 8 years. We certainly don't need more of that.

Frankly, when I look at the gas price situation alone, I must say, if I remember correctly—and I will check this for sure—if I remember right, the gentleman who now calls us a "nation of whiners" actually authored language that began to deregulate the energy markets back in 2000, which has actually created much of the situation we are in today, with lack of accountability and transparency and gas prices, oil prices, going up and up and up.

The people of this country have had enough, and they expect us to work together in their interests. They expect that we will put them and their families first, that we will do everything possible to create a climate where they can get a good-paying job and work hard every day and know that if they play by the rules in America, they are going to be able to have a better life for their children than they have had for themselves. That is all on the line right now in America because of what has been happening in the last 8 years.

We are not a nation of whiners. America is going through tough times. Even though times are tough, so are we. We are tough, resilient, hard-working people. I am proud of the people of my State who are working hard to keep their heads above water, to keep their families and their houses, to be able to keep some kind of an income coming in in the midst of all of this. I am proud to fight for them every day, along with a caucus that understands what is happening and which is going to do everything we can to turn this around.

I ask unanimous consent that following my remarks, Senator GRASSLEY be recognized to speak, to be followed by Senator PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk [William Walsh] proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES IN THE TAX SYSTEM

Mr. GRASSLEY. Madam President, as the upcoming Presidential election approaches, we are learning more about changes each of the major candidates would make in our tax system.

Most of the attention in this regard is going to issues such as income tax rates, corporate tax rates, and the alternative minimum tax. These are very important parts of our Tax Code and do deserve the attention they are getting—particularly in a Presidential race—because then you have an opportunity not only to state your views but to educate the public about the complications of the Tax Code. This is what the public needs to know more about.

Now, my purpose for coming to the floor, too, is to discuss some of the lesser known parts of the Tax Code that are becoming part of the Presidential debate on taxes. Changes made in these areas can still make big differences in what citizens pay to the Government every year.

I am here to discuss what is termed the "Pease limit," the overall limitation on itemized deductions. That name comes from a Member of Congress probably 20 years ago who thought up the term. Then the word "PEP" is a phaseout of personal exemptions. So we are talking about a part of the Tax Code that does things in a stealth way to make people pay higher marginal tax rates, even though the law would say that the marginal tax rate is only 35 percent—or in the case of Senator OBAMA's proposal, 39.6 percent. But yet when you put limitations in there and a phaseout of the personal exemption, you have a higher marginal tax rate, but it doesn't look very—it is not transparent.

So PEP and Pease were originally enacted by a Democratic Congress as a way of evading the first President Bush's refusal to raise the top statutory tax rate. By phasing out the personal exemption and itemized deductions for upper income taxpayers, the Democratic Congress was able to enact a kind of backdoor tax increase. However, in 2001, when I became chairman of the Senate Finance Committee, Congress reduced PEP and Pease in order to reduce taxpayer confusion and minimize inequalities based on a taxpayer's understanding of the law. But from my point of view, I figured if you are going to have a higher marginal tax rate, you should not camouflage them. You ought to simply say, instead of a 33 percent marginal tax rate, we are going to have 36 or 37 percent. Maybe for people who have income from subchapter S, it is even higher than that. Why not be honest with the taxpayers and say what the marginal tax rate is, instead of hiding it in this camouflaged way called PEP and Pease?

That bipartisan simplification was done at the recommendation of the nonpartisan Committee on Taxation to get around a principle that was put in place—or that recommendation was carried out by the nonpartisan Joint Tax Committee because we ought to be very transparent in our tax laws.

Despite this, those who see more Government spending as the solution to all the problems are desperate to seize more money from the American taxpayers.

We are hearing rumors of let's go back to camouflage. The junior Senator from Illinois would need more money to fund all the promises he is making. Restoring the phaseouts for itemized deductions and personal exemptions seems a likely source of some of that money. In discussing the tax proposals of the likely Democratic nominee, I am referring to a publication titled "A Preliminary Analysis of the 2008 Presidential Candidates' Tax Plans." This was prepared by an organization called the Tax Policy Center. The Tax Policy Center is a joint venture of the Urban Institute and the Brookings Institution, both well-respected think tanks.

According to this publication, my distinguished colleague from Illinois would restore PEP and Pease. In other words, he would bring less transparency to what is a higher marginal tax rate. That is, he would restore the phaseouts and the complexity they would mean for millions of tax-paying families. However, it is also noted that he would set an increased income threshold of $250,000 for married couples filing jointly. This is consistent with the candidate's stated goal of targeting tax breaks to low- and middle-income taxpayers while shifting more of the tax burden on the higher income taxpayers.

If your family makes less than $250,000 a year, you might think this sounds like a good deal. For singles, the threshold for phaseout of personal exemptions would probably be lower, but the phaseout of itemized deductions would not vary with the filing status if current law is followed.

As an aside, the proposal of the distinguished junior Senator from Illinois would create a new marriage penalty. For those considered by the Senator from Illinois to be low- and middle-income taxpayers, the idea of raising taxes on other people might sound like a good idea but hold on.

On March 14 of this year, this body approved a budget with 51 votes. One of those 51 "yea" votes was cast by the Presidential candidate from Illinois. That same Senator voted again for the budget on June 4, when the Senate voted on that conference report. I am not sure if he is not communicating with the rest of the Democratic caucus or was too busy campaigning to become completely familiar with the budget. But he is making promises that the budget he voted for will not allow.

The budget passed by Congress earlier this year would protect taxpayers in the 10-percent and 15-percent brackets but would subject filers in the 25-percent bracket and brackets above to these camouflage provisions I have been talking about that we call PEP and Pease. To get an idea of what this means, I wish to walk through the 25-percent bracket, the 28-percent bracket, and the 33-percent bracket.

These particular brackets are important because they contain families with less than $250,000 in income and singles with less than $125,000 in annual income. It has been implied that the junior Senator from Illinois would protect these filers from tax increases as President. But restoring PEP and

Pease provisions within the confines of this year's budget would subject filers in these brackets to this backdoor camouflage, the less transparent tax increase. The Senator from Illinois may say he is going to protect families earning less than $250,000 a year, but the budget he voted for will not do that.

According to the Internal Revenue Service, single individuals falling within the 25-percent bracket in 2008 start at taxable income of more than $32,550. That is not a high-income person. They earn taxable income of no more than $78,850—in a lot of places in this country, that is not a very high income. It is high for my State of Iowa, but it is not high for a lot of States. Singles in the 28-percent bracket will earn taxable income of more than $78,850 but less than $164,550. The important number is $125,000. If that many filers in the 25-percent and 28-percent brackets make less than that, based on the Democratic budget, these taxpayers would be hit with a PEP and Pease camouflage, less transparent rates of taxation.

Looking at the brackets for married filing jointly for the 2008 tax year, according to the IRS, married filers in the 25-percent bracket will start at a taxable income of more than $65,100. Taxpayers in this bracket will earn taxable income of no more than $131,450 annually. In the 28-percent bracket, they will earn taxable income of no more than $200,300. For the 33-percent bracket, married filers filing jointly will earn no more than $357,700 but more than $200,300. For married individuals filing jointly, the important number is $250,000.

Filers in the tax brackets I have walked through may expect the Senator from Illinois to protect them from tax increases if he is elected President. But the budget he voted for earlier this year makes that impossible.

As I said, the reinstatement of PEP and Pease amounts to a backdoor tax increase. I say backdoor because it increases the effective rate for many filers without really increasing the statutory tax rate. That is why it is camouflaged. That is why it is less transparent. And if you want to increase taxes, you ought to have guts enough to say what is the real marginal tax rate and put it in the tax laws, just like the 25, the 28, the 33, and the 35 are now.

For a family of four, this backdoor tax increase would be significant. If your family falls in the 25-percent tax bracket, according to the Finance Committee Republican staff analysis from March 2001, PEP and Pease could make your actual rate 26 percent. We can see the difference between the green line and the red line is when you are hit with PEPs and Peases. Your tax increase is going to be at a higher rate than what your tax form really says it will be. Again, why camouflage it?

The news is even worse—and I will have charts on this point—for filers in the 28-percent bracket and the 33-percent bracket. In the 28-percent bracket, a family of four could pay a real tax rate of 32 percent. So if you want people of that tax bracket to actually pay 32 percent, why don't you have a tax bracket that says it instead of camouflaging it? A family in the 33-percent bracket, as we can see in the next chart, a family of four could pay a rate of 37 percent. Again, the difference between the 33 is what you are told in your tax rate chart you are going to pay, but as a practical matter, you are paying 4 percentage points higher.

I end by stating that I believe taxes are a necessary part of life. We all benefit from the services our Government provides, and that Government needs money to function. We collect that money from taxes. However, I think our tax system should be transparent and honest, not camouflaged. Raising money by limiting personal exemptions and itemized deductions is not transparent. As I have said, it amounts to a backdoor tax increase. If anyone thinks people should hand over a greater percentage of their income to the Government, that person should openly advocate increasing statutory rates.

I am also concerned that many people around the country may be relying on the latest campaign position of the junior Senator from Illinois. That latest campaign position says he intends to protect low- and middle-income tax filers from tax increases. Right now, he is at odds with his own party and with a budget for which he voted. I bet that being subjected to a backdoor tax increase is not the sort of change most Americans believe in, to say nothing of restoring what the nonpartisan Joint Committee on Taxation stated was a very serious source of complexity for the American taxpayers, a complexity we took out in the 2001 tax bill.

A series of correspondence has gone back and forth between the Republican and Democratic leadership regarding the extension of expiring tax provisions and energy tax incentives. On July 3, Leader McCONNELL sent a letter to the majority leader urging that he work with us to find areas of bipartisan agreement in order to break the current impasse over extending time-sensitive provisions that we call extenders, both for energy and the other category of extenders, such as R&D tax credits, an example of about 40 that have to be extended.

On that day, the majority leader responded in a fairly sharp manner:

> While I am pleased the Republicans appear to have abandoned their fiscally irresponsible ways when it comes to the extenders bill, it is hard to comprehend why Senators McConnell and Grassley would choose to cut programs to help working families, seniors and veterans in need of health care in Kentucky and Iowa in an effort to protect multinational corporations and hedge fund managers.

On a preliminary point, in all the back and forth on this issue, I have not criticized the majority leader by name. In the tensions that come in Senate debate and the political environment, I think it is best to stick to that course. So I am disappointed that the majority leader did not keep the discussion on that level.

With all due respect to him, he seems to have misread the letter, so I will set the record straight on a couple of important points.

First, a simple extension of expiring tax relief, including extension of the AMT patch, should not be offset with accompanying tax increases. This does not mean we are opposed to offsetting the revenue loss from new tax relief policy with spending reductions or revenue raised from tax proposals that are grounded in good tax policy.

Then my second point. The distinguished majority leader accused Leader McCONNELL and me of protecting hedge fund managers. This is simply not the case, which I will demonstrate. In fact, the House extenders bill contains an offshore deferred compensation proposal.

This proposal that the Democrats actually support allows these same hedge fund managers a very generous tax break that is not available to the average taxpayer. The House-passed hedge fund proposal allows these hedge fund managers to avoid paying taxes on their offshore deferred compensation if they make a cash donation to a charity equal to 100 percent of the amount of the offshore deferred compensation. Meanwhile, the average taxpayer is limited in how much they can deduct even for contributions to charity. They can only deduct charitable contributions if those contributions do not exceed 50 percent of their adjusted gross income. So if a teacher donated his or her entire salary to charity, he or she would only be able to claim about half of that as a deduction. But a hedge fund manager who sheltered income in the Grand Caymans would be allowed to claim a deduction for the entire amount of his or her sheltered income.

I want to make it clear, not only do I support the policy of changing the tax treatment of offshore deferred compensation for hedge fund managers, but I would make sure that we corrected the giant loophole that came over here from the House of Representatives benefiting hedge fund managers. We should make sure that if we are going to tax the deferred income, we do not leave an escape hatch in the future.

With respect to the spending cut allegation, the majority leader's comments again, with all due respect, implied that he has not read the Republican leader's letter correctly. The Republican leader's offer to break the stalemate does not pit spending cuts for benefits for working families, for seniors, for veterans against expired tax

relief provisions. The spending described in the letter is for unspecified and unwritten appropriations bills as far as 10 years in the future. The general spending account identified represents the excess of new future spending levels over the current levels for nondefense discretionary spending plus inflation. None of the current-law levels of these categories of spending would be cut. What is more, the Republican leader's offer would leave intact nearly all of the $350 billion in new extra spending. On its face, it is an extremely modest revision of this extra spending.

I ask unanimous consent to have printed in the RECORD a copy of the letter from the Republican leader and the majority leader's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

McCONNELL PROPOSES COMPROMISE TO EXTEND TAX RELIEF, ENERGY INCENTIVES

WASHINGTON, DC.—U.S. Senate Republican Leader Mitch McConnell sent the following letter to Speaker Nancy Pelosi and Majority Leader Harry Reid on Thursday calling on Democrats to forge a compromise with Republicans to extend expiring tax relief in a deficit-neutral manner, without permanently raising taxes.

JULY 3, 2008.

DEAR MADAM SPEAKER AND MR. LEADER: This letter is in response to a letter from the House Democratic Leadership, dated June 12, 2008 and a letter from the Senate Leadership, dated June 13, 2008. Both letters deal with the legislation, H.R. 6049, which is designed to extend certain expiring tax relief provisions and energy tax incentives.

We object to some of the assertions in both letters about the position, record, and intentions of the Senate Republican Conference regarding tax increase proposals and the tax relief extensions. However, rather than respond to overtly coordinated election-year letters in a partisan fashion, we would like to focus on areas of bipartisan agreement in order to break the impasse on these time-sensitive tax matters.

The Senate Republican Conference places the highest priority on fiscal responsibility. We believe that deficit reduction should be considered with respect to all tax and spending proposals. However, the first step toward mitigating current adverse fiscal patterns is to do no more harm to the fiscal situation.

New spending increases the deficit, whether it be the expansion of discretionary spending or the expansions of entitlement spending. New tax relief is scored as increasing the deficit, even in instances where the resulting economic growth raises far more revenue than is estimated to be "lost." Under Congressional budget accounting, however, the extension of expiring tax relief looks like it increases the deficit, while the extension of expiring entitlement spending does not. This does not make sense.

Legislation to extend expiring tax relief, including an extension of the alternative minimum tax (AMT) patch, and legislation to extend expiring energy tax incentives all enjoy overwhelming bipartisan support. Few would dispute the merits of continuing these tax relief provisions. Indeed, with these bipartisan tax relief provisions in place, aggregate Federal tax collections have yielded revenue above the post World War II average of 18.2 percent of gross domestic product. Since these tax policies have yielded revenue above the historic average, we see no reason to condition their extension on new tax increases.

The conference report on the 2009 budget resolution increases non-defense discretionary spending by $25 billion above the President's request in 2009. When these amounts are enacted, they will be perpetuated in the baseline and will result in $350 billion in higher deficits over the next ten years. The deficit effect of this new spending cannot be ignored. It is surely as much of a fiscal burden as $350 billion in tax policy extensions.

As a compromise, we suggest the following. The Senate Republican Conference will agree to offset the revenue lost from new tax relief policy with spending reductions or revenue raised from appropriate tax policy proposals. In exchange, the House and Senate Democratic Leadership would revise the desired new non-defense discretionary spending in the 2009 Congressional budget downward to a level sufficient to offset the cost (relative to the Congressional Budget Office baseline) of extending expiring tax relief. If agreed to, extension of expiring tax relief, including extension of the AMT patch and expiring energy tax incentives, could be accomplished in a way that achieves your stated goal of being deficit neutral, but without the unstated and unwarranted result of increasing the size of the federal government.

The Senate Republican Conference is committed to, as the letter from the House Democratic Leadership states, "enacting legislation extending tax relief to businesses and families in a fiscally responsible manner." We look forward to working with our friends in the House and Senate Democratic Leadership on this time-sensitive legislation.

Sincerely,

MITCH McCONNELL,
U.S. Senate Republican Leader.

U.S. SENATE,
Washington, DC, July 8, 2008.

The Hon. MITCH McCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER McCONNELL: Thanks for your recent response to the letter I sent you June 13 regarding extension of the expiring tax provisions and energy tax incentives.

Let me begin by saying I strongly share your hope that the Senate can work out a bipartisan solution to extend these important tax incentives before the August recess. Such action is as important as it is long overdue.

Although you have voted twice against just such a package, I did note that your July 3rd response contains one potentially positive thought that may make such a solution more likely. As you know, under this Republican President and a Republican-controlled Congress, the nation's debt and deficits reached historic levels. Record budget surpluses were transformed into record deficits and the nation's debt grew by more than $3 trillion. Much of this was caused by the fiscally irresponsible decision to cut taxes and increase spending without corresponding offsets. Your July 3rd letter appears to indicate you are now ready to set aside your fiscally irresponsible ways when it comes to extenders and adhere to pay-as-you-go budget rules Democrats enacted at the beginning of the 110th Congress.

Unfortunately, rather than accept the noncontroversial offsets contained in the bipartisan legislation passed by the House and the substitute put together by Senator Baucus, your letter indicates Senate Republicans believe we should instead jeopardize important investments in our nation's health, energy, and infrastructure sectors. Both the House-passed and Baucus substitute bills rely on the same two offsets—one ends the use by hedge fund managers of offshore accounts to avoid paying taxes and the other merely extends an existing delay in the implementation of interest allocation rules for multinational corporations. Neither provision has generated opposition from the affected industries and both are far preferable to cuts in health care, energy, and infrastructure programs that would harm Kentucky and many other states.

Despite your apparent decision to protect hedge fund operators over critical national priorities, I remain committed to taking up and passing bipartisan legislation to extend important tax incentives before the August recess. The fate of this legislation rests in your hands. I hope you and those in your caucus who have blocked the Senate from passing this legislation twice earlier this year will reconsider your opposition and join Democrats to extend this much-needed tax relief.

Sincerely.

HARRY REID,
U.S. Senator.

Mr. GRASSLEY. Madam President, to put the matter in some perspective, I ask unanimous consent to have printed in the RECORD an article containing a summary of an analysis by noted economist Kevin Hassett, a senior fellow and director of economic policy at the American Enterprise Institute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From American Enterprise Institute for Public Policy Research, Feb. 11, 2008]

HOW GEORGE BUSH, BIG SPENDER, DESTROYED NIRVANA

(By Kevin A. Hassett)

If you could go back in time to President George W. Bush's inaugural address and add one economic statement, what would it be? For me, there is an obvious answer.

If Bush had promised in January 2001 that the baseline of government spending that he inherited when he took office would be the cap during his term, then we would have a big budget surplus today. It would have been easy to do. He just had to say: "I will not spend one penny more than President Bill Clinton planned to. I will veto any bill that tries to."

I have written before in this space that Bush has outspent Clinton by a mile. With government spending still out of control, the gap between where we are and where a disciplined nation could have been is getting bigger and bigger.

With a recession looming, the policy implications of the spending explosion are serious. If a deep recession occurs, we will have less wiggle room.

To see how different the world could have been, I gathered data from a number of sources and ran an alternative history. In that wishful place, government spending was set equal to the spending envisioned by the Congressional Budget Office in the January 2001 long-run forecast, plus the spending for the war in Iraq and to fight terrorism. This simulation assumes that the war would have happened in spite of Bush's spending promise, and wouldn't have induced him to seek cuts elsewhere.

The difference between that spending path and the one we are on is huge. Today, we expect federal spending in 2008 will be $2.9 trillion. According to the alternative history, spending would be $2.5 trillion.

SURPLUS FANTASY

With spending at the lower level, we would have a surplus of $152 billion if revenue were equal to what it is currently projected to be.

Running the simulation forward, the gap between revenue gets wider and wider. By 2017, we are scheduled to spend almost $1 trillion more than we would have if we had stuck to the Clinton baseline. With the low spending baseline we would have a surplus in 2017 of $1.1 trillion, instead of the $151 billion surplus that's currently forecast.

Think of it this way. If we now had the lower spending levels that Bush inherited, we could extend his tax cuts, repeal the alternative minimum tax, enact the current stimulus package, and still have a 10-year budget surplus of $1.9 trillion. And, remember, that allows spending to be adjusted up for the Iraq war and the war against terrorists.

Many observers might say this scenario is unrealistic. The 2001 long-run forecast covered both discretionary and mandatory spending. No administration, the argument might go, could have held the line on the growth of Medicare and Social Security spending.

HOLD THE LINE

There are two responses to that.

First, a president could always demand that spending be capped and that discretionary spending be reduced to offset unexpected increases in mandatory outlays. Social Security might be the third rail of American politics, but it might not be.

It has been changed before. Why couldn't it be changed again? Families do that all the time. If Johnny needs braces, then you take fewer trips to the restaurant.

The second response is perhaps more powerful. Let's see what happens when we allow mandatory spending to go up as it did. This lets Bush have his prescription-drug benefit, which is now part of mandatory spending.

If we had held the line on everything else that is discretionary, we could have had the prescription-drug plan, the Iraq war and the war against terrorists. We could have kept all the Bush tax cuts, made them permanent, repealed the AMT and added the stimulus package and still ended up with a balanced budget from 2008 to 2017.

BLOATED UNCLE

It makes you sick to think about it. All that money wasted on ethanol and bridges to nowhere has accumulated into a pile that massive. Uncle Sam ate a whopping helping of apple pie every day for seven years, and now he is obese.

This is important to bear in mind as we move forward to the general election. We don't have a deficit because of Iraq, or the tax cuts, or the drug benefit. We have a deficit because the government grew fat. We can't fix that with tax increases. Uncle Sam must go on a diet.

A simple way to start would be this: Whoever is elected president this November should pledge that he or she won't spend $1 more than we currently plan to. If Bush had done that seven years ago, we would be in a different world.

Mr. GRASSLEY. According to the analysis, if the last Clinton administration budget were the baseline, Federal spending would be $400 billion less than it is this fiscal year. Dr. Hassett's analysis accounts for spending increases for the global war on terror and related matters that were anticipated at the end of the Clinton administration. The analysis shows that other Government spending is trending $400 billion above where it otherwise would be.

In essence, the Republican leader's offered offset categories are future undefined spending budget room that did not materialize until the conference report on the budget was adopted a few weeks ago. Keep in mind that this new undefined future spending sits on top of a baseline that is, as Dr. Hassett's analysis shows, $400 billion higher than the trendline from the Clinton administration.

If the majority leader does not engage us on this deficit-neutral offer, then he is putting taxpayers in his State at risk for the loss of several deductions they used on tax returns for last year. Included are the sales tax deduction, college tuition deduction, and teachers' classroom expense deduction.

The latest IRS statistics of income data on the number of families and individuals claiming these benefits for the States of Nevada, Kentucky, and Iowa will appear in the RECORD after my discussion.

The tradeoff is clear. Deal with these tax benefits which affect taxpayers now. Offset them with undefined extra spending accounts for appropriations bills that will not be written until several years down the road under the present budget. All that can be accomplished without adding a penny to the Federal deficit.

I ask unanimous consent to have printed in the RECORD the IRS statistics of income data to which I earlier referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE OF EXAMPLES OF NUMBERS OF TAX FILERS AFFECTED BY INACTION ON TAX EXTENDERS

	Nevada	Kentucky	Iowa
Sales Tax Deduction	327,532	54,602	50,163
College Tuition Deduction	32,800	45,713	48,895
Teachers Classroom Expense Deduction	22,789	39,735	35,238

Source: IRS Statistics of Income (2004 tax year).

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS ANTHONY LYNN WOODHAM AND JUSTIN D. ENGLISH

Mr. PRYOR. Madam President, the acclaimed writer H.L. Mencken once said:

> In war the heroes always outnumber the soldiers ten to one.

Today, I come to the floor to honor the lives of two of those heroes: SFC Anthony Lynn Woodham of Rogers, AR, and Justin English of Springdale, AR. Madam President, we lost Specialist First Class Woodham on Saturday when he paid the ultimate sacrifice while serving in Iraq on his second tour as a member of the 39th Brigade Combat Team. As a vehicle maintenance supervisor at Camp Adder in Talil, he kept American troops safe and their equipment and vehicles running. Throughout his 20 years of National Guard service, he also trained countless mechanics, instilling in them a strong work ethic, enthusiasm, and patriotism.

In 2004, Specialist First Class Woodham explained that a lot of solutions for maintaining equipment are not found in the training manual. He learned from trial and error and taught others the art of adapting and improvising in order to get the job done quickly and to get the job done right. For his leadership and his service, we are a truly grateful nation.

MGEN William Wofford of the Arizona National Guard said of Woodham: "No words can fill the gap left by such a loss." I know those sentiments are also true for Specialist First Class Woodham's wife Crystal and three children, Patrick, 17, Mitchell, 11, and Courtney, 6.

Arkansas suffered another loss 11 miles away from Rogers, in Springdale, AR. The English family is mourning the loss of 25-year-old Justin English. A former Springdale firefighter and EMT, he went to Iraq for a larger mission—to protect United States personnel and installations in Iraq. A week into his mission—just a week into his mission—English's vehicle was struck by a roadside bomb near Baghdad on Monday.

Those who knew Justin describe his friendliness, positive spirit, and willingness to lend a helping hand. Janet English, his aunt, said he had always wanted to join the military, find adventure, and serve his country. Indeed, he gave his country all.

Arkansas continues to make tremendous sacrifices to defend freedom and protect the ones we love. We will never forget the sacrifices made by the Woodham family, the English family, and so many other grieving families who have lost their loved ones in combat. I urge my colleagues in the Senate to honor the service of these brave men and women and ensure our troops have the resources they need both while in combat and when they return.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE TANKER DECISION

Mrs. MURRAY. Madam President, 3 weeks ago, the Government Accountability Office issued a blistering decision about the Air Force's handling of one of the most important defense contracts in our history. The GAO found that in the competition between Boeing and the European company Airbus to replace our military's aerial refueling tankers, the contest was unfairly skewed toward Airbus from the very beginning. It said that but for the Air Force's prejudice, Boeing would have had a substantial chance of winning.

The GAO was clear and emphatic that the Pentagon should reopen the contract, get new proposals, and correct those errors. I rise today, because yesterday Defense Secretary Gates announced that he would follow the GAO recommendations and rebid that contract. I am very pleased that he says he is committed to a swift decision. But I have also been a close observer of the Pentagon's decisionmaking process for many years now, and I know the devil is always in the detail.

We do not know yet many of the details of this latest decision, and unfortunately I am already skeptical about whether the Pentagon is on track to get this right. The Defense Department has a high hurdle to clear in order to ensure this competition is fair and is transparent.

As I said earlier, the GAO raised serious questions about the Air Force's previous decision, and it described the competition as unreasonable, improper, and misleading. The GAO found that the Air Force changed direction midstream about what criteria were more important. It didn't give Boeing credit for providing a more capable plane, according to the Air Force's description of what it wanted, yet it gave Airbus extra credit for offering amenities it didn't ask for. It said the Air Force deliberately and unreasonably increased Boeing's estimated costs. And when that mistake was corrected, it was discovered that the Airbus tanker actually costs tens of millions of dollars more than Boeing's.

The GAO said the Air Force accepted Airbus's proposal even though Airbus couldn't meet two key contract requirements. First, Airbus refused to commit to providing long-term maintenance, as specified in the RFP, even after the Air Force asked for it repeatedly. Second, the Air Force could not prove that Airbus could refuel all of the military's aircraft according to procedure.

Those are very serious findings. It is still unclear whether the errors were due to incompetence or impropriety, but the result was that the military chose a plane that didn't meet the fundamental requirements that were set out in their own RFP. That cannot happen again. The Defense Department must do everything it can do to ensure that this competition is fair and transparent.

That means the Pentagon must go back to the original request for proposals. It must ensure that both of the companies get the same information throughout the entire competition. It must prove the tanker it selects can actually perform all of the missions that are required by the military. It must do a full accounting of all of the life cycle costs of flying and operating both planes. And it has to ensure that the companies can only earn credit as it was spelled out in the original RFP.

That last point is extremely important. In its decision last month, the GAO said the request for proposals was crystal clear about what kind of tanker the Air Force needed. Yet I have already heard that the Defense Department plans to reevaluate the life cycle costs of both tankers using a 25-year lifespan instead of a more accurate 40 years. It wants to revise the RFP to give greater benefit to a larger plane, even if that means the tanker it buys is not capable of meeting its own mission. That fundamentally changes the rules of the procurement and is not what is in the original RFP.

I am very concerned about both of these proposals. Changing the rules of the game when we are in overtime is simply going to result in a repeat of the last contest—an unfair result, more protests, and more delays. I look forward to hearing a thorough explanation from the Defense Department about how it is going to carry out this new competition and how it is going to ensure that this contract is finally fair.

Finally, I agree with Secretary Gates that it is vitally important that we move quickly to finish this contract. Air men and women who fly out of Fairchild Air Force Base, in my home State of Washington, fly these tankers. I know they need these planes. They need them now. But we also have to do this the right way. We have to have a competition that is not overshadowed by questions of ethics or competence. If we don't, we risk another challenge that is going to draw out this procurement process even further.

Even more importantly, we have got to get the right plane. Our aerial refueling tankers—the ones we are talking about with this contract—are the backbone of our global military strength. They are stationed today across the world, and they refuel aircraft from every branch of our Armed Forces. Before our taxpayers spend $35 billion, they deserve to know the planes we are buying can actually refuel our military's aircraft. Our service members deserve to know they are getting a plane that will enable them to do their jobs and return home swiftly.

I welcome Secretary Gates' announcement yesterday that this contract is going to be rebid, but I remind all of my colleagues—those of us who have watched this procurement process for many years now—to follow the bouncing ball and see where it leads. We are going to follow this carefully. It needs to be rebid with the original RFP, not changed in overtime, to make sure this is a fair contract that results quickly in making sure our air men and women get the right aircraft as quickly as we can possibly bring it to them.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHUTDOWN OF DHL

Mr. BROWN. I share with my colleagues some bad news from my State that I hope turns into better news; that is, there is a company in Ohio called DHL. It is an airfreight company. They are the second-largest, single-site private employer in Ohio next to the Honda Corporation in Marysville and other nearby places.

DHL is in Wilmington, Clinton County, southwest Ohio, where some 8,000 people work pretty much in one facility in Clinton County. Wilmington is the county seat of Clinton County. Wilmington is the home of Wilmington College, a Quaker school, a wonderful private 4-year institution in southwest Ohio.

Wilmington has only 13,000 people living there. This company, DHL, employs close to 8,000, through a couple subsidiaries, a couple people they contract with there, ABX and ASTAR. The announcement to close by the owner of DHL, a German company called Deutsche Post, which I believe is the largest freight company in the world and which used to be the German Post Office but now is a privatized company, will have a devastating effect on this region and these people.

Deutsche Post owns many facilities of all kinds around the world; one of them is DHL. They made a decision to shut DHL down in Wilmington, a loss of up to some 8,000 jobs. I was in Wilmington last week, conducted a roundtable, listened to the concerns of pilots and material handlers and clerks and computer operators and mechanics and engineers and all kinds of people who fly the planes and service the planes and move the baggage, often in the middle of the night. There are local farmers who work there part time who get health care, there are very skilled pilots, there are very skilled machinists and mechanics.

DHL is everything to a community of 13,000. Those 7,000 to 8,000 employees live all over southwest Ohio, obviously not all of them in Wilmington or in Clinton County. Many of them live in Hillsboro, Highland County; some live in Brown County and Adams County and Hamilton County and Montgomery County and Clark County and Green County, all over southwestern Ohio.

We are not just accepting this tragedy as is. The mayor, Mayor Raizk, Governor Strickland, Lieutenant Governor Fischer, the development director, Senator VOINOVICH, Congressman TURNER and I and others are banding together to fight this perhaps as an antitrust violation, perhaps in some other ways that we are working to try to stop this from happening.

The contract has not yet been signed. We are hopeful that DHL, that Deutsche Post, this German company will, in fact, listen to us and listen to proposals from ABX and ASTAR to stop the bleeding, if you will, to keep these jobs here. They have been productive. They took over a company called Airborne Express 4 years ago. The State of Ohio and Governor Taft in those days put together a $400 million package for them. We thought it was the start of a long friendship, a long relationship between Deutsche Post and DHL and the community of Wilmington, the County of Clinton, and the State of Ohio. We have been disabused of that notion, at least temporarily. We hope something better comes of it.

What I wish to share today is the background. I wish to share for 4 or 5 minutes some e-mails I received. I asked people in Clinton County, in Brown, Adams, Highland, Montgomery, Clark and Green Counties to share with me on my Web site what this closing might mean to them and what this company means to them and to their prosperity and their middle-class lifestyle and all that.

I told them I would read some of these on the Senate floor. Last week when I had a roundtable discussion with about 20 people, we talked about many of these issues. I wish to share with you today some of these, three or four of these entries, if you will, from statements written by people who are affected directly.

I am not going to share the name. I think I probably could, I think they gave us permission, but I will share their hometown. This gentleman from Wilmington wrote:

> I am in my 15th year as a pilot with DHL/ASTAR. I was hired by DHL Airways in January 1994 after serving as a C–5 pilot in the United States Air Force. DHL later became ASTAR Air Cargo due to U.S. Airline ownership laws. The airline pilot's career is based on seniority; there are no lateral moves to another airline. Losing my job with ASTAR due to Deutsche Post's forcing DHL to use UPS [that is what actually happened here] will result in the loss of not only my job but the loss of my career. I do not have enough years left, due to mandatory pilot retirement age at 65, to restart a commercial pilot career with another airline and regain the salary I earn now. I also own property in Wilmington based on working for ASTAR Air Cargo. As these jobs go away my property approaches being worthless and makes it likely I will have to turn it back to the bank. The DHL deal will destroy many careers, families, and create a duopoly in the U.S. Express shipping industry, driving down competition, driving up costs for business and for consumers.

A lady from New Vienna writes:

> I know you are well aware of what is going on in Wilmington with ABX/DHL. But you probably do not have any idea what it is already doing to all of our workers. Our morale is at an all-time low. We already know our time is short, but DHL is cutting the rope shorter and shorter. I really do not know how much more some of the people can take. I have heard of many problems in marriages already. I know of many husband and wives who work out there, my husband and I included.
>
> The majority of us on days are full-time employees and are scheduled to work 8-hour days. As of today, DHL has dictated that whenever our work is finished we are to leave whether we worked 6 hours, 7 hours or 8 hours.
>
> My husband and I were planning on taking whatever we could out of our last paychecks and put away because of what awaits us. Now we are not even allowed to stay and get our 8 hours so we only get paid for time worked.

Generally, at these roundtables I heard this discussion over and over. We are not giving up. We are still trying to save these jobs. People who work at ASTAR, who work at ABX, who are part of DHL, obviously have real fears.

Another lady from New Vienna writes:

> My husband is one of the many employees being laid off by ABX after putting in 26 years with them. I cannot begin to tell how much this is going to hurt us in many, many ways, along with 6,000 plus other employees here.

When I said up to 7,000, I was including, you know, some of the ancillary supply jobs in the vicinity.

> The reason I am e-mailing you is to see if there is any way you or any government employee can help all of the employees and their families that are being let go. With the economy the way it is, it is hard enough trying to keep food on your table let alone trying to do without a job. Please, Senator BROWN, fight for all of us at ABX, ASTAR and DHL. We need all of you in our government to fight hard for us and Ohio.

Someone from Blanchester, just south of Wilmington, said:

> I am a 19-year pilot for Astar Air Cargo; a 16-year member of the pilot's union. My wife and I became residents of Ohio when DHL consolidated their main sort facility in Wilmington, OH.
>
> At first we did not want to move, but as a loyal employee I wanted to live close to my employer. So my wife and I built a home in Brown County near town, and I looked forward to finishing my career there. We, unlike DHL, made a long-term commitment to the local area. I am realistic that I realize the last flight of ASTAR is on the horizon. I know in today's business environment there is usually little chance of stopping large corporations from following through with their announced plans. My wish is that you use any influence you might have with the Department of Justice or other agencies that will have to approve DHL's planned partnership with UPS to compel DHL to abide by their commitment to the pilots of ASTAR, the commitment to job security, growth and a long career they promised in the latest collective bargaining agreement.

DHL and their owner, the Deutsche Post, needs to be held accountable for commitments they made to the people, the workers, and the communities of southwest Ohio.

The last note I will share is from someone in Midland.

> I am writing today to ask you to all consider the devastating effect that the loss of these thousands of jobs will do to our families, counties, and State, if DHL does, in fact, pull out of Wilmington, OH. Everyone I know has a family member or friend who works in that facility; I have two daughters who work there as well. They are single parents, and the fear of loss of income, home, and car is in their every thought at this time. I cannot imagine how terrible this will be for them, and they have family to fall back on. What will happen to others who do not have that support system in place?
>
> We are all fighting to keep this place open. It matters to our economy, it matters to our State, it matters individually to so many people.

Those were four or five of them. In the communities, you know what happens when people lose their jobs, and there are so many of them, especially in a small town. You know what it means to the school system, what it means to police protection, fire protection, all that people in our middle-class society and workers rely on. That is why I share these stories. I will share these with the White House, I will share those same stories with Deutsche Post. We want them to come to the table and talk to us about a different contract that can keep those workers there. It will matter for Wilmington, it will matter for southwest Ohio, it will matter for our country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS OF GENERAL DAVID H. PETRAEUS AND LIEUTENANT GENERAL RAYMOND T. ODIERNO TO BE GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session and continue consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gen. David H. Petraeus, Department of the Army, to be general.

Mr. BYRD. Mr. President, I will vote no on the nomination of GEN David H. Petraeus, the current commander of the Multi-National Force—Iraq, to be Commander, U.S. Central Command. I was unable to attend General Petraeus' nomination hearing before the Armed Services Committee because I was managing the supplemental appropriations bill on the Senate floor, but I reviewed his testimony. I also posed a number of questions to General Petraeus after the hearing, and studied his responses.

I appreciate General Petraeus' evident intelligence and his expertise and experience in Iraq. He wrote the book on countering insurgencies for the Army. He led the 101st Airborne Division during the V Corps drive to Baghdad in 2003. He established the Multi-National Security Transition Command Iraq in 2004. He has served as Commander of the Multi-National Force—Iraq since January 2007. He is the architect of the so-called surge strategy that is even now being played out in Iraq.

The surge strategy is, in fact, one of the reasons why I believe General Petraeus should remain in his current position as Commander of the Multi-National Force—Iraq. Marshal Ferdinand Foch, Supreme Commander of the Allied Armies at the conclusion of World War I, observed in his 1920 book, "Precepts and Judgments", that "Great results in war are due to the commander. History is therefore right in making generals responsible for victories—in which case they are glorified; and for defeats—in which case they are disgraced." The book is still out on the success or failure of the surge strategy. General Petraeus should bring it to its conclusion before he is rewarded with a promotion.

Continuity of command has been a problem in Iraq. Historically, when the United States has been involved in protracted conflicts, continuity of command has been maintained, be it Generals Eisenhower or MacArthur during World War II, or General Westmoreland during the Vietnam conflict. General Petraeus has only been in his current position for 18 months. Since President Bush believes that General Petraeus has done well in his current position, but he, Secretary Gates and General Petraeus have all described the security situation in Iraq as tenuous and reversible, it does not seem prudent to remove the mastermind behind the fragile successes that have been thus far achieved.

Almost 1 year ago, on July 14, 2007, President Bush said in a radio address that, "When America starts drawing down our forces in Iraq, it will be because our military commanders say the conditions on the ground are right—not because pollsters say it would be good politics." That strategy does not work well, however, when you keep changing commanders. No new commander is going to come in and say 'reduce the troop levels on my watch,' because if, through their lack of familiarity with the conditions on the ground, they are wrong, that defeat would be their disgrace, just as Marshal Foch observed in 1920. So, a year after President Bush's statement, troop levels in Iraq are only just returning to something close to the presurge levels of January 2007, when General Petraeus assumed command in Iraq. If, as General Petraeus has said, no further decisions on additional drawdowns will be made until sometime in the fall of 2008, a new commander will be called upon to make that decision.

I am also concerned about General Petraeus' unwillingness to address questions regarding other regional issues, such as in Afghanistan or Iran, during his nomination hearing. Such evasiveness is not politic; it is troubling at a time when news reports suggest that the Taliban is resurgent in Afghanistan and that President Bush may be contemplating military action against Iran. Despite the press of his responsibilities in Iraq, General Petraeus must be concerned with how other operations or other political considerations in the same theater affect his options in Iraq. Equally, he must consider how political changes in his chain of command might affect his operations in Iraq, yet he will not admit even the existence of contingency plans for potential troop drawdowns that might be required by a new administration. If the competing priorities for manpower and materiel are to be sorted out at the CENTCOM level, it must be done with a clear understanding of what is possible and what is achievable, by someone willing to take a stand in support of all the men and women who will be called upon to carry out those priorities, not by someone who only salutes and carries out orders or by someone who knows only a fraction of the full situation. General Petraeus' career will be judged in large part by his role in the Iraq conflict; his reticence to address other regional issues raises questions about his willingness to devote the focus and the resources needed to address them properly.

Finally, the repeated rotations of U.S. soldiers to Iraq and Afghanistan are taking a toll on our military. Elements of the 4th Infantry Division, 1st Infantry Division, 1st Cavalry Division, and the 172nd Infantry Brigade are facing a third tour in Iraq and Afghanistan. Elements of the 82nd Airborne Division are facing a fourth tour. With these repeated tours and the continuation of the "stop loss" policy of forcibly retaining troops on active duty in order to maintain unit integrity necessitated by the strain this war is placing on our forces, it is difficult to understand why these troops should not be entitled to a continuity of command. The troops appreciate the effectiveness of working together as a unit when confronting danger on a regular basis. They deserve a leadership corps that, like them, functions together as a unit and stay together.

More than 12,000 servicemembers are currently affected by "stop loss" orders that prohibit them from retiring or leaving the service even though they are eligible for retirement or their terms of enlistment have expired. That total includes 6,800 active-duty Army personnel, about 3,800 Army National Guard personnel and almost 1,500 Army Reservists who are not allowed to leave military service despite having fulfilled their service obligations.

LTG James Thurman, the Army's deputy chief of staff for operations, has said that he hoped, but could not promise, that if the demand for troops stabilized at around 15 combat brigades, the use of the "stop loss" could be ended by the end of fiscal year 2009, or the beginning of fiscal year 2010—in September or October of 2009, more than a year from now. "But demand exceeds supply right now," he stated. For the 12,000 affected servicemembers, and those who will become eligible to retire or leave service between now and late 2009, this amounts to another 18 months of forced conscription. Until the practice of "stop loss" is ended, perhaps General Petraeus and other military leaders should remain in their current assignments until the U.S. can transition the responsibility for the security of Iraq to Iraqis.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of GEN David H. Petraeus to be general?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—2

Byrd
Harkin

NOT VOTING—3

Kennedy
McCain
Obama

The nomination was confirmed.

The PRESIDING OFFICER. The question now is, Will the Senate advise and consent to the nomination of Lt. Gen. Raymond T. Odierno to be General?

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Harkin

NOT VOTING—3

Kennedy
McCain
Obama

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, en bloc, and the President will be immediately notified of the Senate's action.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank all the Members of the Senate. We just had two historic votes. The men and women in the Armed Forces, particularly those serving in Iraq and Afghanistan, will be greatly heartened to hear that the Senate has given the strongest possible advice and consent, each Member coming to the floor and casting their vote. I think it is a landmark situation and one which is respected and appreciated across our uniformed services and the many civilians who serve with them.

I yield the floor.

Mr. FEINGOLD. Mr. President, it is generally my policy to defer to Presidents on executive branch nominations. Accordingly, I voted to confirm the nominations of General Petraeus and Lieutenant General Odierno. However, I am concerned that General Petraeus has not always been forthright in his congressional testimony about matters such as the limitations of the Iraqi Security Forces and Iran's influence over the Iraqi government. I am also concerned that General Petraeus, as CENTCOM Commander, would continue to prioritize deployments to Iraq over Afghanistan, despite al-Qaida's safe haven along the Afghanistan border in Pakistan and its support for a resurgent Taliban. I look forward to a new administration that recognizes that the Iraq war is a distraction from our top national security priority—the global fight against al-Qaida and its affiliates.

Mr. HARKIN. Mr. President, today, the Senate considered nominations for two very important positions that will affect how our country moves forward in Iraq and the Middle East. While I highly respect the service that these men have provided to their country, I do not believe that either General Petraeus or Lieutenant General Odierno will take the United States in the direction that we need, particularly in Iraq where we need a timetable for redeployment of United States forces so that our country can begin to more effectively address the very real threat posed by terrorists in other areas, such as Afghanistan, as well as around the globe.

I believe that General Petraeus has been an unapologetic supporter of this misguided war in Iraq, continually toeing the administration's party line and failing to acknowledge many of the grave failings that have occurred. The military alone will not be able to stabilize Iraq, we must understand the political and diplomatic situation at hand, and I do not believe that under General Petraeus' leadership, the necessary reconciliation to allow the Iraqi Government to take control has occurred. General Petraeus has shown no willingness to take us in this new direction, and it is for this reason that cannot support his nomination.

With respect to Lieutenant General Odierno, I believe that his past command of the 4th Infantry Division demonstrated what I consider to be serious flaws in judgment. General Odierno refused to characterize the insurgency that began after the fall of the Saddam Hussein regime as anything that was serious and worthy of U.S. strategy shift. As we know, the failure to correctly assess the nature of the insurgency helped fuel years of violence in Iraq.

We are long overdue for a new course in Iraq. The tragically overwhelming costs of this war in both lives and resources have distracted us from the initial task of fighting al-Qaida. It is time that we have leaders who will be able to independently assess our military mission in Iraq, Afghanistan, and the Middle East rather than unquestionably support the failed policies of this administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

REQUEST TO BE EXCUSED

Mr. STEVENS. Madam President, I ask unanimous consent that I be excused from the call of the Senate until the first vote that occurs on July 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. SANDERS. Madam President, I want to take a moment to speak about one of the most important issues facing our country right now, and that is the energy crisis, in terms of the high cost of energy and the fact that people will be suffering very significantly this coming winter—in fact, this summer—if we do not address it.

In that regard, on June 24, I introduced S. 3186, the Warm in Winter and Cool in Summer Act, to provide immediate relief to millions of senior citizens, families with children, and the disabled, who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low-Income Home Energy Assistance Program, commonly called LIHEAP, in fiscal year 2008, taking LIHEAP from $2.57 billion to $5.1 billion, a total increase of over $2.5 billion.

I thank Majority Leader REID for completing the rule XIV process for this important piece of legislation and placing it directly on the Senate calendar. My understanding is that we will have this bill on the floor before we recess for the August vacation. It is important we do that, and I thank Senator HARRY REID very much for allowing us to move forward in that direction.

I also thank the 26 Senators who are cosponsors of this tripartisan legislation. This bill absolutely is a tripartisan piece of legislation. At this point, we have 18 Democrats on board, we have 8 Republicans on board, and I expect more will be coming on in the coming days and weeks. I thank Senators OBAMA, COLEMAN, LEAHY, SMITH, DURBIN, SNOWE, MURRAY, SUNUNU, LANDRIEU, COLLINS, MURKOWSKI, CLINTON, LUGAR, CANTWELL, GREGG, KERRY, CARDIN, KENNEDY, SCHUMER, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, STABENOW, and LAUTENBERG for their support.

This legislation not only has strong bipartisan support here in the Senate, it is also moving in the House, and it also has been endorsed by numerous groups all across this country, including the AARP, the National Grange, the National Conference of State Legislatures, the National Community Action Foundation, the National Association of State Energy Officials, the Alliance For Rural America, the Northeast Public Power Association, the National Consumer Law Center on behalf of its low-income clients, the Edison Electric Institute, the National Fuel Funds Network, and the Petroleum Marketers Association of America.

I think we are going to show more and more support in coming weeks, but there is a widespread understanding that we are facing a crisis in this country and that the President and the Congress have to act.

Let me read a support letter I received from the AARP, the American Association of Retired Persons. As you know, the AARP represents over 39 million Americans, and this is what the AARP said.

> AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

I thank the AARP very much for their strong support of this legislation.

Let me also quote from a very recent New York Times editorial. This is what the New York Times said the other day.

> A bill just introduced in the Senate would provide about $2.5 billion under the Low-Income Home Energy Assistance Program. Half would be released to the States to help low-income residents pay their energy bills and half would sit in a contingency fund that could be tapped at the discretion of the President. When the bill comes up for a vote, likely later this month, Congress should approve it and President Bush should sign it into law. As the economy slows and oil prices rise, helping Americans who cannot afford to heat their homes is a matter of public health and safety as well as a moral imperative. People without adequate heat are vulnerable to illness, and people struggling to pay the heating bills may be tempted to skimp on medicines and even food. No one should have to choose between heating and eating. If they act this summer, as they must, before the Presidential and congressional campaigns send everyone home, Congress and President Bush can help make sure that nobody has to make that choice.

That is from the New York Times, and I appreciate the support of the New York Times on this issue.

Make no mistake about it, we have an energy emergency in Vermont and all across this country, and it is about time the President and the Congress treated this as the emergency it is. As many of my colleagues understand, the price of heating oil skyrocketed last winter, making it extremely difficult for some of my constituents and people all across this country to stay alive, especially when the temperature dropped well below zero. Next winter will even be worse.

At this time last year, heating oil prices were about $2.50 a gallon. Today, they are about $4.50 a gallon. Fuel dealers in Vermont are telling me that if this trend continues, heating oil prices could surpass $5 a gallon by December. I must tell you, Madam President, that all across my State people are very worried about how they will in fact be able to adequately heat their homes next winter.

Meanwhile, LIHEAP funding is 23 percent less than it was 2 years ago, completely eviscerating the purchasing power of this extremely important program. In fact, after adjusting for inflation, the Federal Government spent more money on LIHEAP 20 years ago than it is spending today. So we have a real crisis we have got to address.

It is not an exaggeration to say this is a life-and-death situation. People use that phrase often, but in this sense we are describing the reality facing a number of people. According to the Centers for Disease Control, over 1,000 Americans all across this country died from hypothermia in their own homes from 1992 to 2002, the latest figures we have available. Over 1,000 Americans died from hypothermia. In other words, they froze to death in the United States because they were unable to afford to heat their homes. How many of these deaths were preventable? Well, the answer is, all of them, according to the CDC.

We will probably not know for several years how many Americans died last winter because they could not afford to heat their homes, but clearly one death is too many. And everything being equal, if we do not act, I think we can reasonably expect the number of people dying of hypothermia in this country will only go up. If heating oil even approaches $5 a gallon by next winter, we will have a public health emergency throughout the northern tier of this country, and this is something we have to address.

I wish also to point out that, although I come from a cold weather State—and I hope and expect all of my colleagues understand this—LIHEAP does not only help constituents in the northern part of our country stay warm in the winter, it also helps people in the South and the West stay cool in the summer. Right now, many people in the southern and western States are suffering with temperatures frequently soaring past 100 degrees while their electricity prices are rapidly increasing.

I was in Nevada last week, and the temperature there was something like 110 to 115 degrees. That is hot. I cannot imagine a frail or elderly person, somebody who is ill, trying to survive in that kind of weather. Those people are going to need help today as much as people in the North will need help when the winter comes.

Recently, USA Today ran a headline on its front page and it said:

> Price jolt: Electricity bills going up, up, up.

That was a headline, front-page story. According to this story:

> Utilities across the USA are raising power prices up to 29 percent, mostly to pay for soaring fuel cost. . . . The spikes come after rising fuel prices already have driven up utility bills nearly 30 percent the past 5 years, the sharpest jump since the 1970s energy crisis.

Let me give an example of why LIHEAP funding is vital, right now, for these hot-weather States. Arizona, Georgia, Louisiana, Kentucky, Mississippi, and Florida have either exhausted all their LIHEAP funding or are on the verge of running out of funds. In other words, they will have absolutely no support from the Federal Government to help millions of senior citizens on fixed incomes, low-income families with kids or the disabled stay cool this winter. They are running out of funds right now.

As I have indicated, with the price of electricity going up and up, with the economy in the tank, people are having a harder and harder time paying their electric bills, air-conditioners are run on electricity, and if you don't have your electricity, you don't have your air-conditioner, and if you are old and you are frail and you are sick, you are in a lot of trouble.

From 1999 to 2003, over 3,400 deaths in this country were due to excessive heat. All these deaths were preventable, and air-conditioning is the best way to prevent these deaths from occurring, according to the Centers for Disease Control. In fact, more people in the United States—and this is an interesting fact that I think many people are not aware of—more people in the United States have died from the extreme heat than from floods, tornadoes, and hurricanes combined, since 1998.

CNN may not be in a senior citizen's bedroom when she expires because of heat exhaustion. They are there with the floods and hurricanes and cyclones and tornadoes—we understand that. But we need to reiterate that more people in the United States have died from the extreme heat than from floods, tornadoes, and hurricanes combined.

Meanwhile, the Federal Government spends less money preventing these deaths from occurring than any other natural disaster we face, according to the CDC.

My point is, hurricanes and floods certainly are emergencies. I have always supported efforts to address these emergencies. I want my colleagues to know that when the weather gets 20 below in Vermont and Maine and New Hampshire, that is an emergency. When the weather gets to 110 degrees in California or Nevada, that is also an emergency. We have to act.

My legislation will begin to move us in the right direction. If this legislation becomes law, as I certainly hope it will be, the State of Arizona would receive over $24 million, the State of Kentucky would receive over $34 million, the State of Georgia would receive over $70 million, and the State of Florida would receive over $80 million to keep their residents cool this summer.

The point I am making is, I don't want anybody to think that because I represent Vermont and we are from the Northeast, that this is simply a cold-weather issue. It is not. It is an issue for every region of this country.

In addition to all that I have said, it is important to understand that tens of thousands of Americans have had their utility and natural gas service shut off this year, and millions more are in danger of having these services cut off because they are at least 1 month late in paying their bills. There is a lot of attention, obviously, on housing foreclosures that we have been focusing on. But let us not forget that as people lose their jobs, as people's wages decline, as utility bills go up, we are looking at utility cutoffs in a very dramatic way.

Increasing LIHEAP funding will allow these Americans to turn their electricity and other essential utility services back on right now so they can cool their homes this summer and heat their homes next winter. According to the National Energy Assistance Directors' Association, a record 15 million American families, or nearly 15 percent of all households, are at least 30 days overdue in paying their utility bills.

Let me conclude by thanking the 26 cosponsors, including 8 Republicans, who are onboard this legislation. Let me thank AARP and the many national organizations that are supporting this. Let me thank Senator REID for completing the rule XIV process.

I hope very much that in a week or two, certainly before we break for the August recess, we will be voting on this legislation. I hope we win it by a very large majority.

I thank Majority Leader REID and all my colleagues who are supporting this legislation and look forward to, in the very short term, reassuring people throughout this country that we are mindful of the impact high energy costs are having on their lives, and we are here to do something about it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask the question, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. GRASSLEY. I ask unanimous consent to speak for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. GRASSLEY. We are all aware of the impact rising energy costs have had on Americans and our economy. Every home and business in America has seen energy costs skyrocket. That is true with the price of home heating oil, electricity generated from natural gas or the gasoline and diesel for our cars and trucks, and probably a lot of other energy uses and sources of energy you could throw in there as well. These costs permeate through our economy by driving up costs for the transportation and production of food, to the manufacturing and industrial sectors of our economy. Obviously, those hurt most are the families who feel it in their pocketbooks when they pay their utility bills, fill their cars or trucks to get to work or take their kids to school, or even buy groceries. They do not have the ability to pass it on, as do people in the middle of the chain.

A key component of a strong and vibrant economy is reliable and affordable energy. For businesses to grow, for productivity to increase, we need more energy. And in the process of more energy, I mean more sources of energy, but I do not preclude any way we can save energy, and an ethic to save energy as well.

It is a fact of life that each American generation has lived better than the predecessor generation, and my generation and the next generation and the next generation expects to live a little better than the previous generation. That is the American dream; that is the American way. It is not going to happen if we do not have affordable energy. To have affordable energy, it is as simple as economics 101: when the price is high, with an increased supply, the price will go down.

So all of this means that we need to use energy not only more but more efficiently. It also means you cannot rely just on fossil fuels. God only made so much of that. We need to develop alternative and renewable sources of energy. But renewable energy and energy efficiency are only a part of the solution. I guess I would say that when you talk about energy, you talk about three: No. 1, more sources of present fossil fuels; No. 2, alternative energy—and for a guy like me from corn country, I am not talking only about ethanol, but biodiesel, biomass, wind. I happened to sponsor, 15 years ago, the wind energy tax credit that now exists and which has brought vibrant wind energy to a lot of the Midwest. And also, lastly, conservation. I am talking about not only a Government policy on conservation which we have in place in the sense of a tax incentive for fuel-efficient cars and also tax incentives for energy-efficient home appliances, to name two, but there is a personal ethic of more conservation that we are seeing in America right now. The latest figures I know of are March 2008 versus March 2007. Because of the increased price of gasoline, we drove 5 percent less miles this March than a year ago, and that is the largest decrease or greatest decrease in energy use since energy was this high on an inflationary basis back in 1979.

So Americans are conserving price, they are conserving when they buy these fuel cell cars where you get the tax credit. But it cannot only be conservation. And too often I hear in this body: Do not drill; conserve.

You have to do drilling and you have to do conserving. But you also have to have that third factor, which is very popular with a person like me, alternative energy, because alternative energy, in the case of ethanol as an example, is good for farmers, is good for the environment, and it is good for jobs in rural America. We never thought we would have these kinds of jobs where we set up a refinery in rural America to make alternative energy. It is good for our national security, and it is good for our economic security. So you have to have a broad base.

One area in which we have done little, though, to help ourselves is the developing of domestic sources of traditional energy. For too many years, we have shunned the use of domestic affordable coal and we have hindered the expansion of our domestic nuclear energy. Why would we do that when France gets 80 percent of its energy from nuclear? Why would we not have the reprocessing of spent nuclear fuel when they do it in other countries to reduce the necessity of finding a storage place for it to such a great extent as we have in this country?

What is it that people, young people, would come to my office last fall and say: We ought to stop using coal. Well, when you generate 55 percent of your electricity on average from coal, what do they expect—that we should not have lights, we should not have electric motors on our air-conditioning, et cetera? Where do they get ideas like that?

There is something wrong when there is not some reality to what the energy situation is in this country and you should not use coal and you should not use nuclear energy. Where does that sort of thought take you? It does not meet the commonsense test that we would establish in the Midwest of something being a good idea or a bad idea.

As a result of our policies here in Washington, we have driven the exponential demand for clean-burning natural gas and pushed our oil dependancy to nearly 60 percent. Yet we have done very little to increase the supply of energy to meet new demand because of an attitude of "no drill, no drill."

What is the sense of paying $140 for a barrel of oil, sending it over to some Arab nation where they are going to train terrorists to kill us because they do not like us? It would be better to keep that $140 here in the United States. It would be good for our economy. It would be better for our national defense. It would be better all around.

It is intellectually dishonest to talk about the offensively high prices of home heating fuel or $4 gasoline for our cars while also opposing every effort to increase the supply of home heating oil and natural gas that would lower these prices, a la economics 101: if you increase supply, the price goes down. It seems to me that some of my colleagues whom I listen to here—the very same ones who are blaming high gasoline prices on the Bush administration are the very same ones who do not want to drill. It does not add up. That is why I say it is intellectually dishonest. It is disingenuous to clamor about the cost of crude oil and gasoline while ignoring half of the law of supply and demand.

Members of this body continue to point out the outrageous burden to our citizens because of high energy costs. I would suggest that some should look closely at the votes they cast that limited the development of our domestic resources. We have a responsibility here in Congress to address the underlying causes of high energy costs. That includes increasing energy efficiency, producing alternatives and renewables, and developing domestic traditional sources. In other words, let me get back to the three-finger rule: No 1, more drilling; No. 2, Government incentives for alternative energy; No. 3, Government incentives for conservation and also what individuals can do in conservation.

I point out something that is just irrational, irrational right here on Capitol Hill. I saw it—let's see, what time was it today? It was 11 o'clock. I was out on the steps to meet with members of the Iowa FFA, the Future Farmers of America, the leaders who are here to study leadership and to learn about the political process. Lined up across this new brick area out here east of the Capitol were a whole bunch of black SUVs idling, parked and idling. Why can't we have an ethic on Capitol Hill, whether it is Ambassadors who are coming up here, whether it is the Vice President coming up here, or whether it is our own elected leaders who have chauffeur-driven cars, to turn off the cars? If you want to stay cool, come in this building and save the $4 gas. We have to promote some leadership on conservation here, and it can start right here with the Federal Government. I do not know who owns those black SUVs. I got a couple of license plates I am going to look up. But we can set an ethic here.

But you have to have all three of these, and conservation is one of them. You can have tax incentives for conservation, but you can also do a lot of personal conservation. Even with my own staff sometimes, you drive up to park to go into a town meeting, and they sit there for 10 seconds before they turn off the ignition. I have learned to reach over and turn it off just as soon as the car has come to a complete stop or even just a little bit before.

Another problem we have in this country is the United States is the only country I am aware of that is choosing not to drill where we know oil and gas exist.

How many times have we heard on the Senate floor: There is only 13 billion barrels of oil in Alaska. It is going to take 10 years to access and get it down here. It is not going to make any difference.

That is not supposed to be a big deal? If that isn't a big deal, how come just within the last year they found 5 or 6 billion barrels of oil offshore of Brazil, and it was a big deal, a big deal from the standpoint of energy efficiency for Brazil? And it was a big point for enhancing the inventory of known oil supplies worldwide because, just like money is fungible, oil is fungible. Wherever you find another drop of oil, it has some impact on the inventory. It has some impact on supply. So it ought to be just as big or twice as big of a deal because we have 13 billion barrels of oil in Alaska, as an example.

Isn't this silly? Here in the United States, these lower 48, we have Mexico south of us, Canada north of us. They are doing everything they can to find every drop of oil they can; in Canada, getting it out of the tar sands. Yet what is unique about the United States? We are part of North America. We are right in the middle of North America. North and south of us is every attempt to get every drop of energy they can but not here. Isn't there something wrong with us when we take that attitude? But while you take that attitude, it is OK to ask the Saudis for more oil. It is OK to ask to be dependent on countries such as Iran and Venezuela for our economic security. It is OK to send $140 a barrel over there. But, boy, don't take a drop of oil out of the ground here where we are not drilling now and keep the $140 here. It is not OK to open areas at home where we know there is oil and gas.

As I say so often, this defies common sense. I think my constituents know it because in every one of the 14 town meetings I had Monday, Tuesday, Wednesday, and Thursday of last week in western Iowa, this issue of why we don't drill for our own oil has come up. For 4 years before that, I don't think I heard much about it. But it sure is a big deal waking up people. Maybe that is some advantage of $4 gas. It is harmful to the economy, harmful to middle-income people, more harmful to low-income people, but it might wake up America to have a more balanced energy policy, which is threefold: drill, alternative energy, and conservation.

There are some on the other side of the aisle who wouldn't be able to point to a single area where we should look for oil and natural gas. We have four or five people on my side of the aisle. So this is just not a Democratic thing, but there are more Democrats who believe that than Republicans.

In 2006, Congress took action and voted to open 8.3 million acres in the Gulf of Mexico to oil and gas drilling. However, when the Senate considered the Gulf of Mexico Energy Security Act in August of that year, 24 Democrats, including Senator OBAMA, or 57 percent of the caucus opposed that legislation. This was even after Hurricanes Katrina and Rita ripped through the gulf without a single oil or gas incident.

Today oil is more than $135 a barrel. Families, small businesses, and truckers are suffering from the increased cost of energy. Farmers have been forced to pay outrageous prices for anhydrous ammonia fertilizer this spring because of the cost of natural gas. Ten years ago we produced domestically nearly all of our fertilizer needs. Now we are dependent upon other countries for 55 percent of that fertilizer. Congress must act to develop our resources at home. We can take action today to develop in responsible ways our own domestic supplies of oil and natural gas What I am saying is, you can do this and not harm the environment.

A bill I recently cosponsored, introduced by Senator McCONNELL, would take action to reduce gas prices. It would allow States to explore for oil or natural gas in the Outer Continental Shelf. It would allow Governors in coastal States to petition for a lifting of a moratorium within their State boundaries. The Pacific and Atlantic regions of the Outer Continental Shelf, which this bill would allow for leasing, hold an estimated 14 billion barrels of recoverable oil and 55 trillion cubic feet of natural gas. But a moratorium currently prohibits production in those very areas. The Gas Price Reduction Act would take sensible action to allow these resources to be developed.

It is time that we end the obstruction of reasonable, environmentally responsible development of domestic oil and gas resources.

Bottom line: I hope my colleagues will recognize the extreme burden American consumers are experiencing. It is past time to take action to increase our energy supply, increase our economic and national security, and develop the resources that God gave us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the very serious energy situation. There is a crisis focused around gasoline prices that we face in our country. I want to start by complimenting the distinguished Senator from Iowa for doing the same, for focusing on this crucial priority that every American is facing, is struggling with in terms of dealing with the family budget. I certainly agree with my colleague, this is the No. 1 concern of every American I talk to. Literally everyone I talk to says this is the top priority. This is a true crisis. This isn't just hitting me in the pocketbook every day, every week, every month. This is threatening our future. This is threatening our economy.

Given that, there is an obvious question that those same Louisianans and Americans are also asking. The question is, why isn't Congress acting? They hear us talking and making speeches and squabbling back and forth, but the obvious question they are asking is, why isn't Congress acting on this crisis that all of us face every day, every week, every month, that threatens our families' futures, that threatens our economy?

I don't have a good answer. Congress should not only talk and make speeches and jabber about this, but Congress must come together in a bipartisan way and act. Congress must take the advice of the distinguished Senator from Iowa and not do either/or, this or that, no just this, no just that. We need to do all of the above. Our energy situation is so dire, we need to use less and find more right here at home. And we have the ability to do that. So, once again, why aren't we acting?

Unfortunately, right now this question could not be clearer because while Americans in every State of the Union face this challenge every time they go to the gas station, every time they look at their family budget, the Senate is doing something very different. The distinguished majority leader is planning to turn from the legislation on the Senate floor now regarding housing and next take up not energy, not gasoline prices, but a bill that would triple the level of foreign aid that we send overseas in terms of AIDS relief. AIDS is a very serious worldwide problem. But let me say two things. First, under President Bush's leadership, the United States has led the world in addressing that issue, particularly in Africa, in a very aggressive way. I support that. President Bush has led that, with others in the private sector such as Bono. But we are doing that.

The question I am bringing up is, is it really appropriate now at this moment to take up a bill to more than triple that foreign aid rather than taking up a bill to address energy and gasoline prices by using less and finding more right here at home?

I can tell you what the American people would say. Everyone in the State of Louisiana, everyone I know across the country would say: that is not a close call. That is not a close call. Global AIDS is a huge problem, and we have acted aggressively to help address it. The United States has led in that effort. But what is hurting us every day, every week, every month, every time we go to the gas station, every time we have ever more painful discussions at the family kitchen table about the budget, what is impacting us is gasoline prices and energy. They would say that is not a close call.

In this context, I urge the majority leader to turn to what is clearly the top priority of the American people. It is real simple. They elect us to come to the Senate, to come to the House and act together as grown-ups in a bipartisan way to solve real problems. It is also real simple: The biggest very real problem they face is gasoline prices and energy. Why aren't we acting? They are asking that over and over. Yes, we talk and speechify and jabber and often finger point, but why aren't we acting?

I believe the solution is simple. As soon as we finish the matter which we will hopefully wrap up today, the housing bill, we should turn to what is by far the top priority, worry, concern of the American people. We should turn to legislation to directly address gasoline prices, the energy situation, by both using less at home and finding more right here at home to lessen our dependence on foreign sources.

Again, that is a pretty clear choice. What do we go to next? The distinguished majority leader's suggestion is a bill to more than triple the foreign aid we already send overseas for HIV/AIDS relief. Again, that is a serious issue and a serious problem. We have been addressing it in a serious way: $15 billion for that program under President Bush's leadership. But the question is, what do we do next? Turn to a bill that would more than triple that or turn to a bill to address the top concern, bar none, of the American people, gasoline prices and energy? I would obviously suggest the latter.

There are lots of ideas around about what we need to do on the energy front. The first consensus we should reach is that we should do a whole lot of these ideas. It is not either/or, one side or the other. It is not just conserve or just drill. It is, as the distinguished Senator from Iowa said, all of the above. We need to use less and find more and produce more right here at home.

Many of us, well over 40 in this body, have come together around such a bill.

That bill is S. 3202, the Gas Price Reduction Act. That bill is aimed to directly address this current gasoline price crisis and the current energy situation. It would do it in a broad-based way, not everything under the Sun. It is fairly focused, but it would do it in a broad-based way by both using less and finding more, producing more right here at home. It has four main components, each of which is important.

First of all, let me mention the component I worked very hard on. I drafted this component as a stand-alone bill, but the main outline of the provisions was also adopted in the broader bill; and that would be to open our vast, significant resources of oil and natural gas that lie in our ocean bottoms off the coasts of the United States.

When I explain this to most folks in Louisiana, they are stunned that we have major, significant untapped resources in our ocean bottoms well off our coasts, but Congress has acted in the past to take almost all that off the table. In fact, of all those oil and natural gas resources we have in our ocean bottoms off our coasts, Congress has said we cannot touch 85 percent of it.

Fifteen percent, yes. That is mostly in my part of the world, in the Gulf of Mexico, and mostly the western gulf. But for 85 percent, Congress has said: No. Can't touch that. Can't get that. Yes, it will lessen our dependence. Yes, we can do it in an environmentally sensitive way. Yes, we have new technology. Yes, we have lateral drilling, horizontal drilling, and the like, but you can't touch that. Eighty-five percent of that is off limits.

The first component of our bill, S. 3202, the Gas Price Reduction Act, would say we can go after those resources that are 50 miles or more off our coasts if the host State involved wants us to do that, and if we give a fair revenue share of 37.5 percent to that host State to compensate that host State for any difficulty and involvement and partnership involved.

In so doing, that would be expanding on a very important precedent, a very important policy we set 2 years ago when we established that historic revenue sharing specifically—37.5 percent—in opening new areas of the gulf. So that is part 1 of the bill.

Part 2 of the bill turns to the enormous resources we have on land in the United States. It turns to States in the Western part of the United States, where there are enormous shale resources, and says: We will allow production of energy in those shale deposits. If you think it is maybe the wrong policy to put 85 percent of our resources offshore off limits, in the instance of Western shale, it is worse. Congress has put 100 percent of that energy off limits because of a bar, a moratorium, Congress has set saying: We cannot use any of that energy.

Once again, the American people are stunned. They do not get this. They face a real crisis in terms of energy. They know more supply, particularly here at home, can stabilize prices, can increase our independence, and yet a majority in Congress is saying: 100 percent of that is off limits. That does not make sense. So part 2 of this bill, S. 3202, the Gas Price Reduction Act, would allow exploration in those Western shale deposits.

Part 3 turns to the demand side because it is not either/or. It is not just one thing or just another. It is not drill, drill, drill, and do nothing else. But we also need to conserve and use new sources of energy. So title III of the bill would create major new incentives to push forward technology and bring it to market more effectively in terms of electric and plug-in cars.

That is a very exciting technological development that is progressing. But we can push it along. We can create tax and other incentives to hasten the development of larger batteries so these plug-in cars can be part of the answer in terms of our transportation issue, can lessen our use of gasoline, can lessen our reliance on dangerous foreign sources. The third part of the bill does that. It creates major incentives. It is a major push to the development of more plug-in, electric, and related technology cars that can lessen our demand.

Then, the last part of the bill, part 4 of S. 3202, the Gas Price Reduction Act, would look at this very worrisome issue of speculation. It would give new power, new authority to the agency that has authority and a role in the regulation of speculators. It would put more policemen on the beat, if you will, to make sure there is not inappropriate, out-of-control speculation that may be running the price up even more than the normal forces of supply and demand.

So that is part 4 of the bill, addressing legitimate concerns about speculation, putting more cops on the beat, giving more authority to those regulatory bodies which are supposed to be looking after that issue.

These four components of this bill are not the only four good ideas out there. There are plenty more good ideas. There are plenty of other things we do need to do. I would like to open up ANWR, the Alaska National Wildlife Refuge. I would like to put additional incentives in place for fuel efficiency and conservation and new sources of energy. There are a lot of exciting possibilities in my own State of Louisiana for certain biofuels, including that produced from sugar, that produced from new crops with sorghum, and other very promising biofuels that do not have nearly the significant impact on food and commodity prices as ethanol does.

So we need to do more. These four parts of this bill are not the only four good ideas out there. But we need to have this debate in a grownup, bipartisan way. We need to come together with all the good ideas out there and present them in the best tradition of the Senate, which is open debate and open amendments, and then—and this is the most important part—and then we need to act. We need to stop simply speechifying, simply posturing, simply talking, and act.

So I believe we must turn to this top concern and priority of the American people next. I believe we should not move from this housing bill which we are on right now to a bill that would more than triple our foreign aid that currently goes overseas to combat the very serious problem of AIDS and HIV. But instead we should turn to the top priority of the American people: gasoline prices and energy.

With that in mind, I offer a very simple and straightforward unanimous consent request. It would say: Yes, this is the top priority of the American people, so we are going to turn to it, and we are going to have an open debate, and we are going to let amendments come to the floor, we are going to have an open process and actually have debate and votes on all those amendments, and then we are going to act because that is what the American people want.

UNANIMOUS CONSENT REQUEST—S. 3202

So, Madam President, in that spirit, I ask unanimous consent that upon disposition of H.R. 3221, the housing legislation, the Senate immediately proceed to the consideration of calendar No. 854, which is S. 3202, the Gas Price Reduction Act, a bill to address record-high gas prices at the pump; and I further ask unanimous consent that there be 4 hours of general debate, equally divided, and upon the use of yielding back of that time, the Senate then proceed to consider amendments to the bill in a full and open amendment process, as is the tradition of the Senate.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, on behalf of the Democratic leadership, who intends to bring a comprehensive bill to deal with gas prices to the floor, I have to object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor and reclaiming my time, let me say that is very unfortunate. I am sure the American people are excited to hear that Congress might get to it someday. The problem is, they have been straining under these record-high prices for months and they have been looking at Congress and they have been seeing a lot of hot air and no action. Now what they see is the Senate taking up a bill to more than triple foreign aid that we send overseas for HIV/AIDS relief rather than taking up what is the most important challenge and crisis they face every day: High gasoline prices and our energy situation.

In my mind, nothing could underscore more clearly how out of touch the distinguished majority leader is from the concerns of the American people. We need to turn to this—not sometime, not in the future—we need to turn to this now. We need to recognize—not sometime in the future—that this is an issue. We need to recognize now that this is the top issue, bar none, of the American people, and we need to act.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, parliamentary inquiry: I understand we are in morning business?

The PRESIDING OFFICER. Senator, the Senate is considering a motion to disagree to two House amendments under cloture. But Senators have requested time to speak as in morning business.

Mr. MENENDEZ. Let me ask another parliamentary question: I am free to speak at this point without limitation?

The PRESIDING OFFICER. The Senator may speak for up to 1 hour on the question before the Senate or the Senator could request to speak as in morning business.

Mr. MENENDEZ. Thank you, Madam President.

Madam President, I am going to speak on the motion, and that is the main purpose of my coming, but I do wish to say that, in fact, we will be having a gas price bill and dealing with those issues on the floor very soon. I know the Senate Democratic leadership intends to bring such a bill, but it will be a bill that is, hopefully, comprehensive in its nature and creates real opportunities to reduce gas prices and meet with the challenges.

One of the factors we have today that we could get going on already is the 68 million acres that the oil industry already has access to and is largely not drilling on. So before we ask for more, why don't they move on that which they already have to drill on?

Secondly—

Mr. VITTER. Madam President, will the Senator yield for a question?

Mr. MENENDEZ. Madam President, after I make my statement, I would be happy to.

Secondly, I think Americans would be shocked to know that a lot of the domestic production in the country is sold abroad. It is not used here at home. That is something we want to deal with as well, and that will be part of a comprehensive bill that will come forward.

Those are two items that could be dealt with immediately. I think it is critical, and one of those two does not even need a legislative response, although, unfortunately, it is going to have to get one because the industry is not pursuing 68 million acres they already have. So that is alarming.

I am glad to hear that some of my colleagues on the other side of the aisle finally agree that market speculation is a critical part of this issue. We have been at this for some time, and this is the first time we have heard that is a critical component. It is a big part of what many of the oil industry executives have testified to before Congress.

Finally, I would note it is interesting to me, we brought bills here on critical extenders in the area of making sure that renewable energy sources were incentivized and brought to the mass market concentration we need so we can break our dependency on oil, period, whether it would be foreign or domestic, and our colleagues on the other side of the aisle objected. So you cannot have it both ways.

I am happy to yield to the Senator for a question.

Mr. VITTER. Madam President, I thank the distinguished Senator. My only question, which I propose through the Chair to the distinguished Senator, is, I am excited to hear we might turn to all these issues sometime in the future. I would like to know what that timetable will be. Specifically, will the majority leader give us assurance that we will turn to this in a full way, in an open amendment process, before the August recess?

Mr. MENENDEZ. Madam President, reclaiming the floor, I will be happy to give my observation. I do not pretend to speak for the majority leader in this regard, but I do believe that, in fact, we will see such action before this recess is over, maybe as early as next week. So I am very hopeful, and believe very much so, that it is every intent of the majority to deal with this in very short shrift.

Mr. VITTER. Would the Senator yield for another question?

Mr. MENENDEZ. I would be happy to yield for one more question before I get to the focus of my statement.

Mr. VITTER. That would be the second part of my unanimous consent request which is very important for consideration of these issues, to involve a full, open amendment process on the floor of the Senate, rather than the distinguished majority leader doing what he has done every time in the recent past, which is filling up the tree and blocking amendments.

Mr. MENENDEZ. Reclaiming my time on the floor, let me simply say, it is always the majority leader's desire to have a full and open debate of the Senate. However, there are those of our colleagues who wish to use that full and open debate to pursue amendments that have nothing to do with reducing gas prices and dealing with our energy crisis or to be able to pursue a course that can bring conclusion to a bill and would give that type of relief to the American people but string it out and string it out on issues that are not relevant. That is when the majority leader has faced the necessity of moving in a different direction.

So I do have the expectation that we will have a good debate and, more importantly, we will have a good bill that will be comprehensive and that will give relief to the people, and I am happy to have answered my colleague's questions.

The main purpose for which I come to the floor as we debate the housing bill is to rise again to be a voice for those who have no voice in this housing crisis. Certainly, one of my colleagues on the other side of the aisle seems to not to hear the cries of children who are being, in one respect, punished through no actions of their own—2 million of them in this country.

I am not talking about homeowners, although I am certainly pleased that the bill we are considering today will have a powerful impact on our Nation's families. I am not talking about those on Wall Street, as they seem to be the first group the administration rushes to support. I am talking about our Nation's children.

I rise on behalf of nearly 2 million children who will be directly impacted by the mortgage crisis. These children are not only taking a huge hit as padlocks get put on their front doors, but now they are likely taking another hit, as my colleagues on the other side of the aisle threaten to block a critical amendment that could give them relief.

My amendment authorizes $30 million in additional funding to the existing McKinney-Vento Homeless Education Program to support these children. By the way, these children didn't decide to go out and get a mortgage. They had no legal authority to make those decisions. They are the ones who get swept up in this process. They are, for all intents and purposes, the worst victims of this process.

As I said, an estimated 2 million children and young people, including 50,000 children in my home State of New Jersey, 20,000 in South Carolina, to mention one other State, and over half a million Latino children nationwide will be directly impacted by the foreclosure crisis, placing them at risk of poor school performance, behavioral problems, and other challenges as well. What happens is they lose not only their home, they lose the school they go to. They get moved around. They don't have a home and they get moved from school to school. If you are a student—and it is not so long ago that I can't remember—and you get yanked in and out of school, in and out of school, your ability to perform is simply undercut dramatically.

In one school district in New Jersey, the number of homeless students doubled—doubled—this year, from 200 last year to 423 this school year, and that is only in one school district. The foreclosure crisis is clearly having an impact, and the time is now to stop any more schoolchildren from being affected.

An infusion of funds into the McKinney-Vento Homeless Education Program will help to ensure that students who become homeless and are forced to move from their homes do not also have to leave their schools.

There are some who may be able to shrug this off as a small sacrifice. They are the victims of this process or they are the calamities or casualties of this process, but there is nothing small about the impact of changing schools during this type of crisis. These children are less likely to perform at grade level in math and reading, more likely to be held back, less likely to graduate. There are long-term consequences to what for some may seem a short-term crisis.

They are likely to have behavioral issues. One study found that kids forced to move frequently were 77 percent more likely to have behavior problems than their peers. Another study found they were 20 percent more likely to have violent behavior. Now, what is the cost going to be to us collectively in our society when that happens?

At the end of the day, these children are forced to say goodbye to not only their home they grew up in and have had to leave their friends behind, but they also have had to leave behind familiar schools and supportive teachers and return to a strange home at night where their lives are often turned upside down. All stability is gone. They are thrown into a riptide with no lifevest, while we sit here in Washington hoping they survive the storm. Hoping is not enough. We have to do more than hope for them; we have to give them a lifeline. This funding would actually help these children.

The McKinney-Vento Homeless Education Program provides homeless students with a variety of supports such as transportation to school, tutoring, and counseling.

Children are the voiceless victims of the foreclosure crisis. As we lower interest rates, as we support the home building industry, as we reform mortgage lending practices, several children's organizations and education organizations have asked for this amendment as a modest way that our Nation can support the nearly 2 million children who are suffering the consequences of decisions made completely outside of their control.

The foreclosure crisis is damaging our economy, yes, but let us not forget the children are the real victims of this crisis, and—even worse—they are the silent victims. They can't speak up for themselves. They have no lobbyist here in Washington roaming the halls, advocating for them. It is not fair that these children get lost in the paperwork. They deserve our full support.

This amendment is cosponsored by several of our colleagues, including Senator MURRAY and Senator BROWN, and it has the full support of Senator KENNEDY. I wish to thank Senator ENZI, who worked with me on the language for this amendment to make it acceptable, and Senators DODD and SHELBY, the chair and the ranking member of the committee, who agreed to include it in their provision in the managers' amendment. Had I known that in fact we were going to have the objection of one of our colleagues to a bipartisan package, I would have sought an individual vote, but I am beyond that ability today.

In conclusion, USA Today, the Los Angeles Times, and the Chicago Tribune have all written about this critical issue, and a number of respected groups also support this amendment, including First Focus, the National Association for the Education of Homeless Children and Youth, the National School Boards Association, and the National Education Association, to name a few.

We have an opportunity to do something for these children. I hear great speeches on the Senate floor about family and values and the value of families and the value of our children and how our children are, in fact, our No. 1 asset, and that is true as a nation. They are also our most vulnerable asset. Yet when it comes time to be able to help these children, the question is: Is Congress going to listen?

Our colleague on the other side of the aisle seems to not be listening to their challenges and their pleas. One Member is likely going to block this and other important amendments, and the result is that our children, once again, are going to be unheard and are going to be the victims of something they had no role in creating; something that, in fact, where they are going to find themselves not only homeless but also having the foundation of their educational opportunities completely disrupted in a way that will more likely create failure than success.

I hope my colleagues who talk about family values understand the important value of helping our children in this regard. We have to reconsider our priorities, and I, for one, don't intend to rest until these children receive our help and get our support.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Madam President.

Legend has it that as Rome burned many years ago, the Emperor Nero stood on his balcony and fiddled. Now, we know he wasn't exactly fiddling because the fiddle was not invented until over 1,000 years later, but we do know that he became synonymous with people who don't get it, who don't get the urgency and the seriousness of the issues they are dealing with. If there has ever been an organization that fit that metaphor better than Nero himself, it is this Congress, because clearly Congress is fiddling while America is burning.

Americans are hurting. It is no exaggeration. We hear it talked about here on the floor, but all we do is talk about it. Gas prices are literally tearing families apart. Electric utilities have announced they will raise their rates by over 30 percent because of the increase in the cost of fuels. The speeches here on the floor of the Senate have tried to blame everyone but the people who are responsible. We try to blame big oil or speculators or Bush, when anyone—any thinking American who looks in—can conclude immediately that over the last 20 years this Congress has stopped the development of American energy and allowed us to be held hostage by other countries and has allowed prices to go up to the point that Americans are now being badly hurt.

What do we do when it becomes obvious that our lack of energy and our dependence on foreign oil is raising the prices to the point that Americans can no longer live; that $700 billion a year is leaving our country, devaluing our dollars, and causing us to borrow more and more money as a nation? At a time of war, at a time of debt and economic downturn, what do we do? Well, I can hear the fiddling coming from the majority leader's office and the Democratic cloakroom. The fiddling is filling this place up because all we are doing is fiddling.

We are talking about climate change legislation that would add huge taxes to energy in America and run more jobs offshore. We have spent this week talking about how we are going to bail out the mortgage industry which made loans that they shouldn't have made for people buying homes that were more expensive than they could afford. We want to bail them out. We want to borrow over $300 million from the future—from our kids and grandkids. We are doing this while people at home are hurting because of the cost of energy and gas prices.

Now, incredibly enough, the fiddling noise gets louder, because the majority leader wants to go to a foreign aid package. He wants to borrow $50 billion more and send it to different parts of the world—with good reason, for good causes. Certainly HIV and AIDS in Africa and other parts of the world is a distressing problem that we would love to help with as Americans if we could. However, at a time when Americans are hurting, when we are at war, when the economy is in downturn and our country is facing debts we have never seen before, should we borrow another

$50 billion and spend another week debating while we fiddle instead of doing something to increase the energy supply here in America?

It is time for us to act as a Congress. Americans expect us to act as a Congress to open up America's energy, to develop more supply as we develop alternatives and learn to use less. We cannot allow ourselves to be brought to our knees as a nation because we are so unwilling to do what anyone with common sense would tell us we need to do, and that is open our own energy supplies.

It is incredible, if you look at the last 20 years, that we have cut off nuclear generation and natural gas development, oil and gasoline, and now we are trying to blame someone else. Congress does not get it. Congress does not recognize the seriousness of what is going on. We want to change the subject, and that is what the majority leader is trying to do now—go to another subject and spend another week doing something else, giving away more American resources, selling off and borrowing on our future. It is time that we do something. I agree with the Senator from Louisiana and his unanimous consent request.

I advise the majority that I will make a unanimous consent request at this time. I am not sure if the Chair is ready to deal with this. Would the Parliamentarian advise me if I can make that request now?

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from Minnesota, on behalf of leadership, objects to that.

Mr. DEMINT. Well, before we start fiddling, I have not made the request yet.

I ask unanimous consent that upon disposition of H.R. 3221, the housing legislation, the Senate immediately proceed to the consideration of Calendar No. 854, which is S. 3202, the Gas Price Reduction Act, a bill to address record-high gas prices at the pump.

I further ask unanimous consent that there be 4 hours of general debate, equally divided; that upon the use or yielding back of time the Senate then proceed to consider amendments to the bill in a full and open amendment process, as is the tradition of the Senate.

The PRESIDING OFFICER. As Senator MENENDEZ did, in my capacity as a Senator from Minnesota, on behalf of leadership, I object.

Mr. DEMINT. Obviously, I am disappointed that we are still unwilling to address a very basic energy bill that would open deep sea exploration in our country and would allow us to access oil shale in the middle of the United States to help create incentives for electric cars.

These are simple things that Americans know we need to do. We need to proceed to it immediately, and we need to stop fiddling. We don't need to spend another week talking about foreign aid when we have yet to help Americans who have elected us to support them in our own country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the motion to disagree with the House amendment. Senators can request to speak as in morning business.

Mr. GREGG. I will speak on the bill. I wish to associate myself with the comments of the Senator from South Carolina. I am not sure why, when it is costing $4.40 to put a gallon of gas in your car, when we are looking at a winter where energy prices may be as high as $5 a gallon, which is going to just overwhelm and create a horrific situation in parts of the country like my own, where people's ability to survive depends on their ability to buy heating oil, why we would be moving to a bill which essentially, dramatically expands an AIDS program in Africa.

Now, the PETFAR Program has been a success, and I congratulate the administration for initiating it. We, as a people, are very compassionate. We have made a commitment to Africa and the nations there to help them with this terrible AIDS epidemic they are dealing with. There is no question but to take a hard look at this program and making some good decisions on improving it is appropriate. But certainly on our list of priorities it should not be above doing something substantive on the issue of how we increase supply in the area of energy in this country and how we energize more conservation in the area of energy in this country.

We, as a people, need to pursue a course of more production—American production—and more conservation. There is much this Congress can do to assist in this area. It needs to be done now because—at least in production—there is significant lead time. But the one thing we could do which would affect the price of oil and which would impact the speculation in the marketplace that is occurring today is to make it clear that we, as a government, are going to support initiatives that are reasonable, environmentally sound, and will produce significant amounts of new energy through production. That will have an immediate impact on those folks out there who are driving up the price of oil.

The price of oil is driven up as a result of people presuming that supply will be stagnant and will not expand and, therefore, demand, as it goes up, will increase price. If we can put in place policies which increase production, and therefore supply, and make an American product, we will do two very good things: We will reduce the speculation in the price of oil and thus cause it to go down. Secondly, we will actually be producing American product and spending American dollars—hard-earned dollars—in America rather than sending them over to nations many of which don't like us to begin with.

So there are at least three major areas of production we should be pursuing and which we need legislation on to pursue. The first is drilling on the Outer Continental Shelf. We know we have years and years of supply in the Outer Continental Shelf. But it is locked up by legislation that was initiated by the other side of the aisle, which essentially took off limits almost all the new, available resources on the Outer Continental Shelf. What has been proposed and what is a reasonable approach is that States that believe they are willing to pursue drilling off of their shores—over the horizon, by the way, 50 miles out in most instances—following the example of Louisiana, for example, and Mississippi and Alabama which already do this, States such as Virginia, for example, which has said they may be willing to pursue these resources, that they be given the option to do that and not be told they cannot do it, which is what the law says now. That is reasonable. It will open a huge amount of potential supply of both oil and natural gas.

In addition, we know we have more oil reserves in oil shale in three States—Colorado, Wyoming, and Utah—than all of Saudi Arabia has. We have three times the amount of reserves Saudi Arabia has, and the oil shale can be recovered in an environmentally sound way, and the recovery doesn't require anything to happen at the surface. It is all done under the surface. The technology is there and it is viable and it is economically viable when oil exceeds $70 a barrel or maybe $60 a barrel. We know we can do it.

But we are stopped from doing it by rules and regulations put in place by the Congress and by the prior administration. We ought to revisit those. We ought to debate those on the floor of the Senate. We ought to be willing, in my opinion, to pursue programs that will, in an environmentally sound way, use that oil resource, which is so huge—huge—and which is American oil. We will be using American product rather than product that comes from nations that not only don't like us but, in some cases, want to do us harm.

Thirdly, we have the issue of nuclear power. France gets 80 percent of its energy from nuclear power. China is adding new nuclear powerplants all the time. We have not added a new nuclear powerplant since the late 1980s. Nuclear power is clean energy. People who are concerned about the environment—as many of us are, and I think most people are—and about the issue of global warming, nuclear power is an energy source that has no impact at all on global warming. It has no emissions.

We know how to make nuclear powerplants that are safe. Nobody has ever died in a nuclear accident in this country. More important, when you look at nuclear power as an energy source, it is American made, American produced, and it means that instead of having to buy product from overseas to produce our electrical energy, we can produce it here with American product, made in America through nuclear powerplants. We should be adding nuclear powerplants. We made some improvements in the regulatory process, but it still is an extraordinarily long process to bring on line nuclear powerplants.

In fact, in France, I think it takes something like less than 2 years to license and get a powerplant on line. In the United States, we are looking at 4½ years, or something like that, to license it, to get the plant under construction. It takes longer to construct them, obviously.

So there are things we can do in this area. Those are the areas of production we should be aggressively looking at. They are controversial, and they should not be at a time when oil is at $140 a barrel and gasoline is costing us $4.50 a gallon and home heating oil is costing as much as $4.85 a gallon. At a time like this, we should be looking at those resources that can be produced in the United States and that will take the pressure off of our economy.

One of the big problems with the price of oil and energy and gasoline, beyond the fact that it is stretching the average American's budget, people are legitimately worried and fearful about what will happen to them this winter. One of the other consequences of the price is that we are taking a huge amount of American capital, hundreds of billions of dollars' worth a year, and instead of retaining it in the United States where it can be used and reinvested and produce jobs, it is being sent overseas on a daily basis. Some of it is coming back through investments in our bonds, but we are then paying interest to foreign governments and foreign individuals.

It would be much smarter of us to try to reduce our dependence on foreign oil by increasing domestic production. We need to aggressively pursue programs of conservation and renewables also. That is why the Ensign-Cantwell bill on extending renewable tax credits is so important. I am sorry we have not been able to get to that and it has been blocked. That should be passed. Clearly, conservation needs to be aggressively pushed.

So we should be producing more, and we should be using less. What we should be producing more of is American product. I think next week, rather than debating whether we should expand a foreign aid program by three times—the program was initially a $15 billion program, and it is proposed to take it up to $50 billion—rather than debating that, an authorization bill, we should be focusing on what America really needs to have done today, which is address the energy needs.

I understand the Senator from Texas may make a unanimous consent request here. If he does, I certainly hope it will be accepted. It is reasonable that we should be pursuing and addressing those in the Senate—how we are going to produce more and use less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I want to say to the Senator from New Hampshire that I agree with virtually every word he said about the urgency of this issue. Frankly, I do not understand why next week, as reported, if it is true, we intend to turn to a foreign aid package of $50 billion, which is authorization for new spending which is not offset in any way—in other words, our children and grandchildren will end up paying the price—instead of dealing with what is the most urgent problem facing the country, which is the impact of high gasoline and high energy prices.

The Senator from New Jersey, Mr. MENENDEZ, said it was the majority leader's intention to bring an energy bill to the floor sometime before we break in August. I hope that is true. It is welcome news if that is, in fact, the case, and I would love to have the majority leader reassure us that is his intention.

I do not think it is responsible for Congress to adjourn for the August recess, I do not think it is responsible for us to go home having not done anything to help the American people with the pain they are feeling at the pump which, of course, is rippling through our economy in hundreds of ways, not the least of which is driving up the cost of food because of the increased energy consumption for our farmers to grow it, harvest it, and then get it to markets. It is hard for me to think of an issue that is more urgent in terms of our economy.

The housing bill which is on the floor today and which has been on the floor for a while is an important piece of legislation. But I tell you, Madam President, I believe if we are successful in dealing with the subprime loan crisis and housing crisis, the economic impact of high energy costs may well dwarf the impact of that on our economy and the ripple effect, as I say, that it will have.

I hope the Energy bill the distinguished Senator from New Jersey, Mr. MENENDEZ, mentioned that the majority leader plans to bring to the floor includes something other than what our friends on the other side of the aisle have proposed previously when it comes to so-called Energy bills, things such as windfall profits taxes, which has been tried before and found to actually diminish domestic production in this country in a time when we ought to be encouraging more production so we rely less on imported energy from places such as the Middle East.

Then there is this idea which I can only characterize as crazy of suing OPEC, the Organization of Petroleum Exporting Countries, not the least of which I wonder where in the world you are going to find a court that somehow is going to accept jurisdiction of an antitrust claim against sovereign foreign nations and what the impact would be in terms of waiving of our sovereign immunity to allow suits to go forward in those other countries. I think it would have a dramatic impact on our international relationships. But assuming you could do it, what would you ask the judge? What kind of relief would you ask the judge to award if, in fact, we could have a lawsuit against the Organization of Petroleum Exporting Countries? The only one I can think of is ask the judge to order them to turn the spigot open wider, which does nothing to diminish our dependency, which does everything to increase our dependence.

The fact is, if you talk to any impartial observer, you will find out there is rising demand for the oil that is being produced globally in countries such as China and India, with more than a billion people each. They are buying cars, they are consuming gasoline, and they are using more and more oil. The problem really is multifaceted but primarily driven by increased global demand because other countries want the kind of prosperity we have come to enjoy by making a claim to 20 percent of the oil being produced globally, using 20 percent of it right here in the United States.

I agree with the Senator from New Hampshire, who says we need a multipronged approach. We need to become less wasteful and more efficient and conserve energy because it makes sense to do so. It is the responsible thing to do. But then we need to deal with more than just the demand side. We need to deal with more supply.

It has been interesting to me to see polling that has been done over the last few months which has demonstrated a pretty dramatic change in attitude of the American people. It is one thing to say we don't want to explore and produce oil from the submerged lands along the coastline of the United States or to go onto the western lands where the oil shale lies or to go to Alaska, to the Arctic, where Alaskans overwhelmingly want to allow production. It is one thing to say we are not going to do that when gasoline is at $2 a gallon. It is another to say we are not going to do that when gasoline is at $4.11 a gallon, which it is on national average today.

Of course, there is really no indication whatsoever that prices are going to continue to go anywhere but up because demand is going to continue to go up and prices are going to continue to go up if supply remains static. That is good old supply and demand.

We do need, particularly as we transition to different types of alternative energy, particularly when it comes to transportation, things such as coal-to-liquid technology that has been used by the U.S. Air Force to make jet fuel to fly our B-1 bombers and B-52s. We know the technology exists, so why aren't we doing more of it? We need to be doing more of that, to find alternatives to dependency on oil.

We also need to be doing more when it comes to electricity generation because ultimately we are going to be driving around in a different fashion in the years to come than we are today, perhaps in vehicles such as plug-in hybrid cars, which are going to be introduced by many of the major car manufacturers come 2010, where you literally will have a battery in a car you can plug into an outlet at night and drive that car the next day. Again, the electricity is going to have to come from somewhere. Right now, it comes from nuclear, natural gas, and coal.

We know the pollution concerns about burning coal. So I agree with the Senator from New Hampshire, we are going to have to increase the use of nuclear power in order to get that electricity production up as our economy continues to grow.

The consequences of Congress's inaction—and it is not just a passive inaction; it is actually the fact that Congress has imposed a ban since the early eighties on about 85 percent of our domestic energy supply in America. On the oil shale out West, there was legislation slipped into a bill just last year that banned the development of that shale out in the West that could produce a huge volume of oil.

This is perhaps the most urgent issue confronting our economy, confronting our national security, and affecting working families in the State of Texas and around the United States. The fact that Congress would even dream of taking its August recess without addressing this issue and allowing for an opportunity for an appropriate debate and offering amendments and then voting on those amendments to me is unthinkable. So I hope the majority leader will not allow us to adjourn for the month of August before we address this issue in a realistic way. I do think there is some basis for a bipartisan compromise.

I see the distinguished Democratic whip on the floor. I read—I trust these comments were reported accurately—that he said he was not opposed to domestic production. That is positive. I see the Gang of 14 who met previously on judicial nominations. Now we have a Gang of 10—5 Democrats, 5 Republicans—trying to come together in a bipartisan way and come up with a common ground and consensus when it comes to national energy policy.

But I tell you, it would be a terrible mistake for us just to deal with one aspect of this issue and to pretend like we have actually done something. For example, the issue of speculation on the commodities futures markets—there is a growing consensus on both sides of the aisle that we need to deal with this issue, but we need to be careful about it as well. Certainly, more transparency in the way this commodities futures trading system works is important. We need more cops on the street. We need more regulators to investigate to make sure there are not abuses of the commodities futures trading system.

If we are not careful, if we overreach, we could force some of that activity to other countries. I know that is not what we would want to do, is have an unintended impact of driving those jobs elsewhere.

I am more optimistic than I have been in a while about the willingness of Congress to enter into some sort of bipartisan discussion, debate, and vote, and actually do something that will get Congress out of the way and make the Federal Government part of the solution and not part of the problem when it comes to imposing moratoria and bans on production of about 85 percent of America's natural resources.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The assistant majority leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOSEPH DUNN

Mr. DURBIN. Mr. President, the late Senator Paul Simon was my closest friend in politics. He was my boss for several years, and he is the reason I am in the Senate today.

Paul Simon used to like to tell the story about Meriwether Lewis, half of the fabled exploration team of Lewis and Clark. In the story—a true story—Meriwether Lewis returns to his hometown after helping lead the historic journey of the uncharted West to the Pacific coast. At a dinner in his honor, Meriwether Lewis tells the people of his hometown:

> Patriotism is not words, it's work. It's what we do.

Paul Simon believed that, and he surrounded himself with others who shared that belief. Patriotism is not words, it is works.

For Joseph Dunn, that was the creed of his political faith. Most people in the Senate have not heard of Joe Dunn, but if you care about social and economic justice and the survival of small towns, small businesses, and family farms, you would have liked him. If you live in southern Illinois, there is a good chance your life is better today because of Joe Dunn.

Joe was the quintessential smalltown American. He loved his family, his church, and his community. For 15 years, he, too, worked for Paul Simon in the House, then in the Senate. For most of that time, he was Senator Simon's downstate director in Illinois.

When Senator Simon retired in 1996, Joe took a salary cut to work for the ICCS, the Illinois Coalition of Community Services. It is a nonprofit organization whose motto is "helping communities help themselves." Two years later, Joe became its director.

ICCS works with people in struggling communities in southern Illinois, mostly small farm belt and coal belt towns that have been losing jobs and residents for a long time. ICCS helps residents in those towns identify their community's specific challenges and strengths and work together for a better future.

As a friend wrote:

> Joe believed there was no community without assets, no individual devoid of talents. He spent his life working in partnership with these communities and individuals, taking advantage of their assets and talents. He was a kind, sweet, thoughtful, passionate man.

Last Friday, on the Fourth of July, Joe Dunn's caring heart stopped. He suffered a fatal heart attack while he was exercising at home. Joe was 55 years old. Joe learned the meaning of patriotism from his mother Johanna and his father Ben, a World War II POW and survivor of the Bataan Death March.

Joe learned about community growing up in Gorham, a small town in the Mississippi River Bottoms of southern Illinois bordering on the Shawnee National Forest. This is how Joe described his hometown last year:

> The median household income of Gorham is a mere $22,750. Kids have to be transported at least 12 miles to school. Most residents who work must travel an average 34 miles to their jobs. But in spite of this and the fact that you cannot buy either a loaf of bread or a gallon of gas there, Gorham remains.

Joe went on to say it is not unique.

> The isolation that poverty has brought to Gorham affects many, many other small communities in Illinois.

Joe asked:

> What can residents in such towns do to combat their isolation? They must organize . . . and be willing to work very hard to keep their sense of community intact. . . . [T]hey must also organize and join with the voices of others to let our legislators and other decisionmakers know that [residents of small towns] have the same human rights as residents of more prosperous and affluent Illinois communities.

Joe Dunn was committed to the notion that America should be a land of opportunity for all, not just for some, and he spent his life working to improve the lives of others. He worked tirelessly to better the lives of people living in poverty by changing public policy and providing creative community solutions.

Like Paul Simon, Joe believed government could be a force for good. At Eastern Illinois University, where Joe earned a degree in political science in 1975, he was the student senate speaker. He was a political natural. He knew how to build and use political power. But he used his political and organizing skills to serve others, never himself.

He brought joy wherever he went. His laughter was warm, his humor was quick but never mean. Joe always had a smile on his face.

Joe was born with a condition that left him with a pronounced limp, but he was so full of energy that you quickly forgot he had any physical limitations, and he had so much faith in the ability of everyday people to change their lives so the people with whom ICCS were working forgot about their supposed limitations.

Under his leadership, ICCS helped dozens of communities create community development programs, neighborhood cleanup and rehabilitation programs, community policing programs, and volunteer community libraries. Joe helped establish afterschool programs and school and summer lunch programs that fed tens of thousands of young people in my State. He helped create new partnerships between community and faith-based groups, and new bridges between generations.

Before joining Senator Simon's staff, Joe worked for the Illinois Farmers Union-CETA, and he coordinated summer youth programs in four southern Illinois counties. He was a member of the Governor's Rural Affairs Council, the Illinois Poverty Summit Steering Committee, the Illinois Collaboration on Youth and the Service Learning Task Force of the Illinois State Board of Education and the Steering Committee of the Alliance of Communities for Faith and Justice.

Through these programs, and the people he inspired, Joe's work will live on.

Days before he died, Joe sent some friends an e-mail that ended with these words:

> By the way, happy 4th of July, and remember that one of the most patriotic things we can do is strengthen our communities.

He was a profoundly good man who made life better for many people and a great friend of mine. I can't tell you how many times we worked together on projects in communities around our State. We had this common political heritage in Paul Simon. It rubbed off, I hope, on me but certainly on Joe Dunn. I knew Joe was going to live up to those values, those Simon values that inspired so many of us over the years.

What a tragedy it was to learn of his passing on the Fourth of July. When Kappy Scates in my downstate office contacted us, it was hard to believe. Joe was too young, too alive, too necessary. But now he is gone.

In closing, I wish to extend my deep condolences to Joe's family, especially his wife Tempa; their daughters Abby and Katie, and the two grandchildren Joe loved so much, as well as his many friends. Joe Dunn has left his legacy in my State of Illinois. His caring heart may have stopped on the Fourth of July, but his caring for the people of my State will not end.

REPUBLICAN FILIBUSTERS

Mr. President, I listened a minute ago to the Senator from Texas talking about energy, and I thought to myself: Doesn't he remember that a few weeks ago we brought energy bills to the floor and we asked him and the Republicans to join us in a bipartisan effort to deal with the gasoline prices in this country? Is he suffering from political amnesia? Has he forgotten that we tried unsuccessfully over and over to get a bipartisan group of Senators to start the debate he is begging for today?

I took a look at some of these rollcall votes to try to remember who was on which side when it came to bringing up the issues, and here we have, for example, a vote on June 10 of this year—June 10, not that long ago, less than a month ago—and we were trying to bring up the basic tax credits for energy development in this country—something that is about to expire and that we want to make sure will go forward. Unfortunately, we were stopped. On these tax extender votes of June 10, 2008, we needed 60 votes to go forward. We had 50 votes.

I looked to see what Republicans joined us in this effort. There were three. The Senator from Tennessee, Senator CORKER, Senator SMITH of Oregon, and Senator SNOWE of Maine, which led to a total of 50. We needed 60. The Senator from Texas, unfortunately, voted against starting that debate.

So he comes to the floor today and says that we surely can't leave for the August recess until we start a bipartisan debate. Sadly, on June 10, he voted against a bipartisan debate on tax extenders.

But that wasn't the only time that day he voted against a debate on energy policy. I don't wish to single him out, but he came to the floor and made the speech, and I will make it clear that many others joined him. We brought up a bill that wasn't just an extension of tax incentives so companies could start building more wind turbines and research into renewable and sustainable sources of energy. It went further. In fact, I think it was a very balanced and proactive effort to bring down gasoline prices and to try to take control of an element that is not only hurting families and businesses but our economy. We came forward with the Consumer-First Energy bill, and we said we want to debate this on a bipartisan basis.

Here is what it said. First, we are going to roll back the $17 billion in tax subsidies that we are giving the oil companies. Listen, they are turning in and reporting the biggest profits in their history. They don't need subsidies from Federal taxpayers. We could put that money to better use. What if we gave consumers across America a helping hand in paying for gasoline? What if we gave independent truckdrivers several thousand dollars to defray the expenses they are running into trying to fuel their rigs and make a living? I would rather put $17 billion in that kind of tax relief than in tax relief to ExxonMobil. But that is what we are doing. So the bill said, let's change that.

The bill also said we were going to impose a 25-percent windfall profit tax on these oil companies to let them know the sky is not the limit when it comes to profit taking. There is a point where the Federal Government will take that money back for consumers, for investment in renewable and sustainable fuels.

We also wanted to suspend oil shipments to the Strategic Petroleum Reserve for the rest of the year. Why do we keep buying this expensive oil, taking it off the market and sinking it in the ground, making it more expensive for our economy? It doesn't make sense.

We also had a provision to protect consumers from price gouging. I am afraid that is going on here. This bill gave the President the authority to declare an energy emergency and set aside excessive price increases.

We also set limitations on oil market price speculation. Most people understand that is part of the issue. We had it in our bill.

We had a clear message to OPEC by allowing enforcement actions against companies that collude to set the price of oil and natural gas.

Well, that was the bill. Those were the provisions. They could have made a difference. But in order to get that bill to the floor and to start debating it, we needed 60 votes. That is what the Senate requires, 60 votes. So we called it for consideration on June 10, 2008, and we had 51 votes. The following 6 Republicans joined 45 Democrats. COLEMAN, COLLINS, GRASSLEY, SMITH, SNOWE, and WARNER. The Senator who was just on the floor, who says we shouldn't go home in August without debating a bipartisan measure, voted not to debate a bipartisan measure on June 10, 2008.

We tried again on June 17. We believe it is important. We tried to bring up these tax extenders again to encourage the kind of investment that is necessary. Well, unfortunately, again we couldn't get 60 votes. We had 52. Republicans voting with Democrats: COLEMAN, COLLINS, CORKER, SMITH, and

SNOWE. Sadly, the Senator who spoke on the floor was not among those voting to go forward on June 17. On three separate occasions he refused to vote to start the debate on this energy issue, and now he is complaining that we should be starting the debate on the energy issue.

Well, I hope he will reconsider his previous votes, and I hope he will join us in a bipartisan effort to go forward. But I must say that if we are going forward on this bill and others, then the policy and strategy of the Republican Senators has to change. This chart shows we have had 82 Republican filibusters so far in this session of Congress.

Now, people say: Is that a lot? How many do you expect? In the history of this Senate, there have never been more than 57 filibusters in a 2-year period. So far, in a little over a year, we have had 82 Republican filibusters. What is a filibuster? A filibuster is using the Senate rules to stop the debate on a bill, to stop the debate on an amendment or a nomination. Any Senator can stand and do that, and then you have to wait 30 hours and see if you can get 60 votes together to overcome that Senator's filibuster.

Well, we have 51 Democratic votes. When you do your Senate math, you find out we need nine Republicans to join us to move forward on anything. Eighty-two times the Republican Senators have stopped debate on issue after issue. On the three separate occasions that I have made reference to, when the Democratic majority of 51 tried to get 9 Republican Senators to join us in a bipartisan debate to bring down gasoline prices, to talk about investment in renewable and sustainable fuels, they refused. They give us just a few Senators. Coincidentally, most of them are up for reelection. They give us a few, but never enough to reach 60. That has been their strategy. That is the Republican strategy, the strategy of opposition to debate and moving forward.

Mrs. MURRAY. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield to the Senator from Washington.

Mrs. MURRAY. I appreciate the Senator yielding. I have been listening over the last hour, as we have heard our colleagues from the other side come and excoriate us for not allowing them to bring a bill to the floor on energy and assailing the Senators on this side for prohibiting them from doing that.

That was astonishing to me because, as the Senator from Illinois knows, I have been coming to the Senate week after week and saying how much I pay for gas when I go home. It is now up to $4.45 a gallon that I paid last Sunday. I have been a part of this majority that has tried to bring a bill to the floor to deal with renewable energy, to try to deal with the issue of speculation, and to try to deal with a number of issues. How many times now have we been blocked from bringing an energy bill to the floor to deal with these gas prices?

Mr. DURBIN. In the last 6 weeks, we have been blocked three different times by the Republicans, who refuse to give us the necessary 60 votes to bring the bill to the floor—something they are now complaining about. Some of the Senators complaining the loudest voted against having a bipartisan debate on an energy bill.

I guess they think the CONGRESSIONAL RECORD is written in disappearing ink; that we don't have a permanent record here of their votes. We do. We know where they have been. We know how they have voted.

I wish to say something else for the Senator from Washington, and I am sure she will agree. They come and argue that the Democrats are against domestic exploration for oil. That is not true. I don't know of a single Democrat, I don't know of a single Senator who is against domestic exploration and production of oil. In fact, as the Senator from Washington knows, we have 68 million federally owned acres that we lease to the oil companies for exploration and production of oil and gas.

Mrs. MURRAY. Well, Mr. President, if the Senator will once again yield, didn't we do a bill several years ago to actually add 8 million acres to that, to allow more drilling?

Mr. DURBIN. Yes. So we had the 68 million, and we added the 8 million just a year ago—in the Caribbean, if I am not mistaken—in offshore drilling. So there is this pool of opportunity for the oil and gas companies. They must be opportunities because they are paying us, the Federal Government, a lease. They believe there could be oil and gas there. But when you ask the question: Well, how much are they drilling of that 68 million, it turns out about a fourth of it. A fourth of it.

So you have some 34 million acres offshore of Federal land available to the oil companies, and they could be drilling it right now.

Mrs. MURRAY. Mr. President, if the Senator will continue to yield, if I am not incorrect, I believe that 68 million doesn't include the additional millions of acres off the shore of Alaska that they also are allowed to drill in and that they currently aren't drilling in.

Mr. DURBIN. That is right. I don't know the exact number in Alaska, but there are a significant number of acres, millions of acres available off Alaska where they can be drilling.

So I would say to the Senator from Washington, if they have so many millions of acres available for drilling, why is it that they are making the argument that they don't have any opportunities here for drilling and exploration? I think it is, frankly, because they have no other answer.

What it boils down to is that for 8 years we have had two oilmen at the highest levels of Government in America. When you do the math, 8 years, divided by two oilmen, equals $4 gas. That is what we are paying.

I wish to thank Senator WHITEHOUSE for inspiring me. I helped him with the mathematical equation on this, but it was his inspiration that led to that last statement. I would say that is part of the problem. Any President looking at the mess in our economy and the hardship imposed on American families and businesses would have called the oil executives in a long time ago. Not this President. He used to be in the same fraternity. He was in the oil business. Many of them believe this is the way it works; this is the market at work.

If this is the market at work, we better take a look at the market because it is destroying America's economy—cutting back on airlines, reducing the number of flights, reducing the number of employees. All that tells me is that we need some leadership. Leadership will not be served by Senators coming to the floor, who voted to maintain filibusters, and then beg us to start a debate. That is what it is all about. They had their chance and they didn't join us.

I would say at this point, before I yield the floor, we need to tackle this issue. There is no more important issue facing America today. We need exploration. We need to have investment in new opportunities. We need to be aggressive. We need to move right now.

We need, for example, to move to a point where we are not putting oil into SPR, the Strategic Petroleum Reserve, but actually taking it out and selling it and the proceeds will be used to not only bring down the price of oil in that sale but the proceeds are used to help American consumers, families, and business get through this energy crisis we face as a nation. We have to stop this indefensible subsidy of American oil companies at a time when they are reporting the highest profits in history. Put that money back into the economy for the right investments. We need a windfall profits tax to stop what is going on there, excessive profit-taking at the expense of the people who get up and go to work every day, and stop the price gouging and speculation that is leading to higher prices for oil and gasoline. This is the kind of initiative we need.

That was included in the bill on June 10 which the Senator from Texas voted not to take up and not debate. I want to take it up. I am ready to do that at any time the Senator from Texas wishes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague from Illinois for coming and highlighting the number of times we have tried to bring a bill to the floor to deal with the very critical energy crisis that is in front of us. There is no doubt this is harming Americans today. For our friends at home and for all of us, when we have to pay $4.45 a gallon, as I did last weekend, that means we will not have as much money to spend on other things. We are hearing about people who are cutting back at the grocery stores, not being able to even go to work because they cannot afford the price to put the fuel into their car to be able to go to work. This has a huge impact. It has an impact on our schools and our communities, that are trying to get their schoolbuses ready for the fall and wondering how they are ever going to be able to budget for that. It is affecting our truckdrivers in tremendous ways as they try to get their goods to market. It is affecting every single American family, every single business, every single community, every single government agency.

It is an issue that we on this side of the aisle believe we have a responsibility to address. We have tried to bring a bill to the floor, not once, not twice, but three times, and have faced a filibuster from the other side.

We are going to keep working and keep trying to get to a point where we can finally address this. I think all of us recognize there are two oil men in the White House and it is going to take an election for us to get to the long-term issues we need to address in this Nation. But there are things we can do today. We want to do them today. As Democrats we are going to keep working because America deserves it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor today to again urge my colleagues to join in the leadership of Senator DODD and his efforts to address one of the crises of economics we have going on in America today and that is the housing crisis which is causing so much pain all across America, in each of our respective States. It is causing pain to those who own their homes and are losing their homes, but it is also causing pain to so many homeowners across America whose dream of home ownership is being torn asunder as they are seeing their home value decline in unprecedented ways. I think it is incumbent upon this Congress to take action to move forward to try to create an environment that puts together this cornerstone of our economy which has been so crumbled by all of the difficulties it has had over the last several years.

In my home State of Colorado, we have seen a very significant increase in the number of foreclosures. In 2007 in Colorado, as you can see on this chart, approximately 1 per 45 households—1 per 45 households—filed foreclosure. That is the equivalent to nearly 40,000 foreclosures that were filed across my State of Colorado. That is up nearly 200 percent in a 5-year time period. If you look back at the years 2003 and 2004, 2005, 2006, 2007, we see what is happening: The number of foreclosures is rising at an extraordinary level. That rise in foreclosure levels is not something we can say is over. We can't say this is an economic phenomenon we have been through and that we have already gotten to the end and, therefore, the times ahead of us are rosy. We are facing some difficult times ahead of us as we deal with the housing crisis.

This next chart is a projection of where we see ourselves going in Colorado. This is information provided by the Center for Responsible Lending, which indicates that in the year 2008 and the year 2009, as the adjustable rate mortgages continue to adjust upward, we are going to see additional foreclosures in the State of Colorado. It is expected that this year, 2008, and into 2009, we are going to have almost 50,000 additional foreclosures. So if we have an additional 50,000 foreclosures in the State of Colorado, what is the consequence to others?

First, there is a consequence, of course, to those who lose their homes. There are some from whom I have heard, including people who are in their 60s, who are not able to continue to make the payment on their homes and who end up in their later years of life essentially losing their dream of home ownership because they cannot afford the higher rates, the higher payment rates that come about through adjustment of the ARMs. So it definitely affects those people who have to go through foreclosure in huge, significant, and very painful ways. But it also affects others, because it is surrounding homes in the neighborhoods that are affected by the decline in home values. In my State alone, it is estimated that about 750,000 homes will have declining values over the next several years. That is almost half of the housing stock within the State of Colorado. So we have a lot of pain going on with respect to what is happening in the home world.

There are many people who have seen these signs, I am sure, as people have driven through their neighborhoods throughout the State of Colorado. We see these kinds of signs. They are commonplace. We see them in counties such as Adam County, Denver, Conejos County; we see them in Pueblo County and all over the place where people have had a hard time selling their homes. We see these signs that say "Price Reduced" time and time again. That is, in fact, something which is commonplace.

It is also true that there are things that can be done to help us address this issue. This is a sign from our foreclosure hotline in Colorado. That foreclosure hotline has been set up as our central source for people who are having a problem with respect to staying in their homes to be able to make a telephone call to try to see whether they can get some assistance to be able to stay in their home. We have had more than 29,000 Coloradans call this foreclosure hotline over the last several months. The foreclosure hotline in Colorado has been able to provide major assistance to the people of the State of Colorado who call in for assistance. About 80 percent of the people who call the foreclosure hotline end up creating some kind of negotiation with their lender that ultimately allows them to stay in their home. That is good for the homeowner because they can stay in their home, and it is good for the lender as well because they don't go through the things they have to go through with the costs incurred in foreclosing on a home, restoring the home, and selling the home.

Senator DODD and his committee have been working on trying to address one of the most significant pains affecting the people in America today—and rest assured, there is pain in America. This dream of our economic engine is somewhat teetering. When we look at what is happening with the high rise in the cost of gas, and we see what is happening with the high cost of health care, and all the rest of the costs that are economic pocketbook issues affecting America, they are saying why isn't our Government helping in terms of addressing some of the fundamental issues at stake here?

The housing legislation, which has been crafted and worked on by Senator DODD and others, is an effort to try to address this housing crisis. I hope we are able to move forward with that legislation very soon, because we need to start restoring confidence on the part of the American people that we can address some of these critical issues facing us in America at this time.

This is not a Republican or Democratic or Independent issue. The issue of home ownership and the issue of having a strong housing market, a strong housing construction industry, that is an American issue, an American challenge we all face. So we need to come together to push this legislation and get it done and get it to the President for his signature as soon as possible.

For those who will try to create obstruction along the way to have us continue to not be able to get to this are doing a disservice to the American people. We need to address this housing crisis. Senator DODD and those who have worked on this legislation for a long time are giving us that opportunity. I hope before the end of the day we will be able to take a significant step toward creating the remedy that will provide some relief to those suffering from this housing crisis in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will speak on another matter, if I may, but first I thank my colleague from Colorado for his kind comments about the efforts we made on the housing bill. I thank him for his observations about his own State and what is going on there with the people in the western part of our country.

This issue is a national problem. I think there are occasions when people assume this is a localized issue in a few spots in the Nation. Unfortunately, we have all learned, painfully, with more and more news that comes out that this problem is in every State; in some, it is far more pronounced. In my State, we have had about 15,000 foreclosures, and another 12,000 are anticipated this year—in a State of 3 million people. Home values have come down.

I appreciate the Senator's comments about what is going on and his appreciation of what we are trying to do with this bill. Every single day, between 8,000 and 9,000 people file for foreclosure. In the month of June, 250,000 people moved into that category. Those are the numbers. As I said this morning, those are families—a mother, father, and maybe children—who have to find alternative living conditions because they are about to lose their homes. Think about that on an individual basis, what it means, and the fact that we have had to take so long on this bill that could have been, frankly, passed a week or more ago. Colleagues on both sides of the political aisle have expressed strong support for our efforts. A handful of people here have slowed this down and done everything in their power to derail this effort.

This morning's vote of 84 to 12 once again indicates the strong desire by most of us here to get something done on this issue. I thank my colleague for his generous comments and help in this effort.

Mr. SALAZAR. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

(The remarks of Mr. DODD and Mr. LEVIN pertaining to the introduction of S. 3252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY CRISIS

Mr. DORGAN. Mr. President, I have noticed that late this afternoon a number of speakers have come to the floor of the Senate decrying the fact that there is not oil drilling here or there or elsewhere and suggesting that they and they alone have the answer to our energy problems. I wish to respond by saying this issue of drilling for oil is an important issue. I, along with my colleagues, Senator BINGAMAN, Senator DOMENICI, and Senator Talent, introduced the bill in the Senate that opened what is called Lease 181 in the Gulf of Mexico. That is now law. We now have companies exploring for oil and gas in Lease 181 in the Gulf of Mexico. Why? Because I think it makes sense to do that. If you take a look at the oil reserves in Outer Continental Shelf, in the Gulf of Mexico, off the west coast, and off Alaska, by far the majority of the available reserves are in the Gulf of Mexico.

But having said all that, we are already drilling in a lot of areas—including in North Dakota. I asked the U.S. Geological Survey to do an assessment of oil resources in what is called the Bakken Shale formation in North Dakota. I asked them to perform the assessment about 2 years ago. They completed their report a couple months ago, and they estimated that there is 3.6 to 4.3 billion barrels of recoverable oil using today's technology in eastern Montana and western North Dakota. So now we have nearly 80 drilling rigs drilling in western North Dakota. I don't know how many are in Montana, but there is a substantial amount of drilling activity, which I strongly support.

This is the largest assessment of recoverable oil ever made in the lower 48 States. Let me say that again. The U.S. Geological Survey just completed its assessment that there is up to 4.3 billion barrels of recoverable oil using today's technology and we have oil companies there drilling and I support it. We are drilling in this country, in North Dakota, eastern Montana, and we have other oilfields. This happens to be a brand new one, the biggest assessment ever made in the lower 48. It is exciting, in my judgment.

As I indicated, we have activity happening now in Lease 181 in the Gulf because we opened that. Off of Cuba, it is estimated that there is a half million barrels a day that is available for leasing by the Cubans. Many countries have leases there—Spain is there, Canada is there, India is there, and Venezuela is there. They are very interested. But our companies can't secure the leases because the Bush administration says, no, we can't drill in Cuban waters. We have this embargo with respect to Cuba. So there is a half million barrels that our oil companies can't produce.

I say to my colleagues: You want to drill? Let's allow our companies to go access some of that off the coast of Cuba. China wants to be there, and India wants to be there, but we can't be there.

The fact is we need to do a lot of things and do a lot of things well if we are going to address this energy issue. Now, the price of oil is bouncing around at $140, $144 a barrel. My understanding is that in the last 4 or 5 minutes of trading today, it went up, I was told, $4 or $5 a barrel. There is unbelievable, relentless, in my judgment reckless, speculation going on in the oil futures market. Now, it wouldn't matter so much if these were future markets dealing with something that wasn't so essential to the economic well-being of our country, but our country desperately needs oil. We run on oil. The fact is we use a prodigious amount of it.

I have described before, on many occasions, the way this works. We have a substantial amount of oil halfway around the world under the sands. That is where there is a lot of the oil. The largest reserve is in Saudi Arabia, second and third is either Iran or Iraq, depending on how you count reserves in those two countries. So the largest reserve is in Saudi Arabia, then Iran and Iraq. But where is the largest demand? Well, here in the United States.

We suck out 86 million barrels a day from this planet. Of that 86 million barrels of oil we suck out from these little straws called drilling rigs and pumps, we use one-fourth of it here in this spot on the planet called the United States of America. We are big users of energy.

So what do we do to address this issue when oil prices spike like Roman candles to $140 a barrel, and it does enormous damage to our country, to our economy, and injures farmers, families, truckers, and airlines? What do we do? We do a lot of everything, it seems to me.

I described that we are drilling exciting new wells in our region of the country. We are going to be drilling in Lease 181 in the Gulf of Mexico. But in addition to drilling, we need to do a lot more. We need substantial, aggressive conservation. We need significant efficiency and conservation. Everything we use throughout the day—if we turn a switch, push a button, dial a knob, turn a key—everything we do all day long has to do with energy. We get up in the morning and we want light, in the closet, in the bedroom. We use our finger to flip a switch, not understanding, of course, so much—because we take it for granted—that is energy. Perhaps we use an electric razor, then heat a pot of coffee, then put a key in the ignition of a vehicle. Every one of those actions is using energy, and we never give it a second thought.

Now, all the things we have—yes, including air-conditioners and refrigerators—can be made much, much, much more efficient. We are getting rid of the incandescent light bulb. It will not be long until you will never see another one because we can find ways to produce light for all our manufacturing facilities and our homes all across this country with 80 percent less electricity than we now use. So we need to engage in conservation, efficiency, and then renewables.

Now, renewables represent something our country ought to say to the world: Here is where we are headed. Yes, we are going to drill some and do all these things. We are going to conserve and develop more efficient methods of using all this electricity. But it is also the case that renewables represent a significant opportunity. Renewables, with respect to wind energy and solar and biomass and biofuels.

You know what we have done for renewables? Well, in 1992, the Congress put in place something called the production tax credit—a tax incentive for renewables. But it was short term and not very deep. So we have extended it five times, short term. By the way, the production tax credit will expire at the end of this year. We have extended it five times, and we let it expire three times. So anybody interested in investing in renewables will take a look at this country and say: You don't have much of a commitment to renewables. Look what you have done, stutter, start, stop. That is not a commitment.

Here is what we did for oil. In 1916, we put in place tax incentives—big, juicy, fat tax incentives—and we said: We want you to go look for oil and gas. If you find them, good for you because that is good for our country, and you get big tax incentives. We put the incentives in place in 1916 and they have stayed forever. What did we do for renewables? Well, in 1992 we gave them a tax credit, which has gone through the phases of start, stop, start, stop, expire. That is a pathetic, anemic response by a country that acts like it doesn't care very much.

I have introduced legislation in this Congress that says: You know what, we ought to put in place a production tax credit for renewables for 10 years. We ought to say to the world: Here is where we are headed, and you can count on it. Here is what we believe in, and you can count on it. This country is making a significant concerted effort for renewable energy, to be less dependent on the Saudis, the Kuwaitis, the Venezuelans, and others. That is what our country has a responsibility to do.

So we need to do a lot of things. At the moment, however, I wish to concentrate on not the myriad of things we must do and do well, but I wish to talk about the urgent need to do something that addresses this spike, this unbelievable spike in oil prices and, therefore, gasoline prices that has happened in the last 12 to 14 months.

There is nothing in the supply and demand of oil that justifies this kind of a price spike. Nothing. In fact, if anything, demand is down. Today's newspaper describes that we are using 2 percent less gasoline here in this country. The first 4 of 5 months in this country we had increased inventory of crude oil stocks. Inventory is up, demand is down. What happens to price? It goes straight up. Why? Because there is excess speculation in the futures market.

Those futures markets were designed for a specific purpose and that was to allow producers and consumers to hedge risk of a physical product—perfectly legitimate and an important thing to do. It has now, in my judgment, been taken over by excess speculation. Franklin Delano Roosevelt warned about that in 1936, when he signed the legislation that created this market.

Now we have unbelievable speculation in this market. The new pension funds and others that have come into this marketplace in a few short years have spiked from investing somewhere around $13 billion to $260 billion. Are the people flooding into this marketplace wanting to hold a 5-gallon can of oil? No, these interests never want to touch oil. They never want to own oil. They want to do what Will Rogers talked about 80 years ago: They want to buy what they will never get from people who never had it and make money on both sides. And then walk around with a permanent grin, walking into the bank with our money to make their deposits. Yes, the OPEC countries do that and so do these speculators as they have driven up the prices. The problem is it injures this country's economy.

It is devastating, for example, to various industries—the trucking industry, the airline industry, and farming to have such high oil prices. It's also devastating to ordinary consumers, trying to figure out how on Earth do I scrape up the money to fill my gas tank to be able to drive back and forth to work. How do I do that?

Now, I think we have a responsibility to address this excess speculation. When markets are broken, we have a responsibility to address it. I have often said I taught economics ever so briefly in college. I taught a little economics, and I kid people by saying I was able to overcome that experience. Economics is psychology pumped up with a little helium. People think: Well, we know this produces that, there is an action and a reaction—supply and demand. We all understand that. The problem is, at the moment, if you take a look at this country, its economy, and what the psychology of the American people is as they look at what is happening in this country, there is a pretty good reason to be very concerned about the future and a pretty good reason to believe we need action that is urgent, important action that actually has some grip and some teeth.

We have been through a subprime loan scandal. The credit markets were frozen. The fact is we had an orgy of greed in these credit markets and a lot of problems still exist. In fact, some of the resets on some of these bad mortgages are still in front of us. So take a look at that kind of a credit crisis and the subprime loan scandal and then combine that with the issue of the deficits, dramatic Federal budget deficits because we are fighting a war the President will not pay for. He says everything we use for this war, I want to borrow, and he has borrowed almost three-quarters of a trillion dollars for it. He refuses to pay for it. I will send the soldiers to war, and I ask the American people to go shopping, he says.

The subprime loan scandal, unbelievable fiscal policy recklessness, a trade policy out of balance over $700 billion a year. You can't do that. Then, on top of that, the price of oil going to $144, and we think this economy is able to withstand that? This is a resilient economy, the American people are resilient people, but they expect and demand appropriate action by this Congress.

Now, we have people who view themselves as a set of human brake pads. Their only role in life is to come to the floor of the Senate and say: Oh, no, no, no. You can't do that. We are going to dig in our heels and prevent anyone from doing anything. That is not public policy we should be proud of. We are trying very hard to construct some public policy in all these areas that give us a chance to move forward. I know there are reasons for some to object to certain activities. But we have seen, in the last 5 or 6 months, a steady stream of people coming to this floor and saying: My goal is to stop anything from happening. Meanwhile, all these issues pile up in a way I think is a danger to this country's future and a danger to our economy. It is starting with this issue of energy, as I began the discussion today.

We have a responsibility in the short term, and I know the majority leader and others believe it as well.

We have a responsibility to at least tackle excess speculation and the relentless dangerous speculation of this commodity futures market that is driving up the price of oil and injuring this country's economy.

I have introduced legislation to do that. I hope to talk about it tomorrow. Some others have also introduced legislation. We ought to take the best of the legislation that exists and move forward to address this country's problems.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, we have worked very hard tonight trying to come up with an agreement to move forward. We have been close, but close doesn't count on Senate business. We have a most important bill we are working on, which is the global AIDS bill. It is a bill that the President supports. We have been in touch with his people during the week. There are no requests of Democrats to offer amendments. We have been working with the distinguished Republican assistant leader, Senator KYL. There has been a proposed 13 amendments, as I recall. We have agreed to seven of those amendments. The others, at this stage, we have been unable to work on. We have tried to work on ways of not having Senators come tomorrow and vote and wind up at the same place on Monday. But there has been a Senator—or two—on the Republican side who, I assume, wants to show that he has a lot of power as a Senator. Any one Senator has a lot of power. So at this stage, it appears that one Senator is going to require all Senators to come to vote tomorrow at 5:21 in the afternoon. That is when time runs out on the housing legislation. And following that, which will complete the housing legislation, we will send it back to the House. Following that, we will automatically have a vote on PEPFAR, the global AIDS bill.

What we wanted to do is avoid those votes and come in Monday, and we would wind up at the same place. But we were not able to get agreement. So we will do directly what we could have done indirectly, but we would have wound up the same way.

First, I appreciate everyone's patience. The Presiding Officer has spent a lot of time here. Senator DODD, who is chairman of the committee, has been here because it is a housing piece of legislation. We have had a number of conversations with Senator SHELBY. The staff has been tremendous. We have had staff working on trying to resolve these amendments. I really appreciate Senator DURBIN, my friend and assistant leader, who has been here throughout the night.

I ask unanimous consent that the cloture vote on the motion to proceed to S. 2731, the global AIDS bill, occur on Monday, July 14, at 5:30, p.m., with the hour prior to the cloture vote equally divided and controlled between the leaders or their designees; that if cloture is invoked, all postcloture time be yielded back, the motion to proceed be agreed to, the motion to reconsider be laid on the table, and the Senate proceed to consideration of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, I do object on behalf of Senator DEMINT. Let me make a very brief statement.

The distinguished majority leader is correct. It is almost 11:30 this evening, and we have been working since about 3 o'clock this afternoon to try to reach agreement on how to proceed with this very important bill. We have made a lot of progress. A lot of Members have been willing to make concessions to try to limit the number of amendments that would be considered so this bill could be completed sometime next week. But we haven't worked out everything. Unfortunately, because everything hasn't been worked out at this late hour tonight, it wasn't possible for us, one of our Members, to agree to this particular request. The majority leader is correct about how we will have to proceed as a result.

It is my strong hope that because this is a very important piece of legislation—Members have different views about aspects of it—an agreement could be reached by which an appropriate number of amendments could be considered and debated and voted on next week and the bill finally disposed of at a point next week. There is a fairly constructive way to do this, and then there is a way to do it that isn't as constructive.

So I appreciate the effort the majority leader and others have put into this tonight. It would be my hope that in that same spirit, we can continue to talk about this tomorrow and hopefully reach an agreement we would be able to proceed with in order to complete the bill sometime next week.

Mr. REID. Mr. President, there was an objection, I understand, by my friend.

There has been tremendous work on this bill for months and months. The principal workers on this bill have been the chairman of the committee, Senator BIDEN, and the ranking member, Senator LUGAR. They have worked on this for months. I have, for more than a month, had statements made to me: Give us another day, another day. That has been going on for a long time. We are in a situation here where we ran out of days, and we had to move forward. Senator LUGAR and Senator BIDEN have accepted numerous amendments from Members wanting to make this bill better. I am confident they did make the bill better. But the fact is—I want everyone to understand—the work on this bill did not start tonight. Senators LUGAR and BIDEN thought all the work had been done on it.

So we are where we are. Senators have a right to suggest changes to a bill, even though we have spent a lot of time on it.

I say to my friend, the distinguished Republican whip, we are anxious to finish this bill. I personally think it is good legislation. I think it is something we as a country need to do. But also understand that we have been willing to accept on this piece of legislation any germane amendments that relate to this bill. We have even agreed tonight to work on some things that are not, but we have agreed to do that in an effort to move this forward. I hope over the weekend, perhaps even tomorrow before we leave, maybe something can be done. If not, maybe Monday we can do something. Otherwise, we find ourselves in this position. Monday we are on the bill. We would at that time, of course, have to file cloture on the bill itself.

Now, I think we could constructively use some time. If there are Senators who want to change this legislation and do it in a germane fashion, we should spend that 30 hours—actually the 2 days it would take for cloture to ripen—on trying to improve the bill. We would be happy to do that. We would even be willing to consider, as my friend knows, the junior Senator from Arizona, amendments, as we have talked about tonight, that may not be technically germane. I hope we can do that.

But as we have seen in this Presidential election year, we have two of our Senators running for President, and it makes it extremely difficult to legislate in a way that we perhaps would like to. But that is the process in which we find ourselves. So hopefully something will work out well during the night or, if not, maybe tomorrow or, if not, over the weekend. I hope we could spend our week constructively disposing of this legislation the President wants.

We will finish the legislation very likely, one way or another, next week. I cannot imagine the President's own party would stop this bill from passing. But we have been surprised in the past. So we will do what we can to help the President. This is a bill I believe in. The vast majority of the Democrats—in fact, I do not know of a Democrat who does not like the bill. But we hope there would be some reasonableness on the other side to try to help the President's program also.

Mr. KYL. Mr. President, might I make a point of clarification?

Mr. REID. Sure.

Mr. KYL. I think the majority leader will agree with this. When the majority leader speaks of accepting amendments, it is not a matter of accepting an amendment to the bill.

Mr. REID. No. To debate and vote on them.

Mr. KYL. But rather agreeing to allow an amendment to be offered, debated and voted on.

Mr. REID. That is right. I am sorry I did not make that clear.

Mr. KYL. No, No. I knew the Senator would want to be clear on that. There are some nonrelevant or nongermane amendments that have been proposed. It is certainly understandable that the majority would not want to have those amendments considered as a part of the debate. For those amendments, however, that are relevant to the subject matter at hand, that is what most of the discussion has been about, and we are hoping at the end of the day an arrangement can be agreed to where those amendments could be considered by the Senate, debated, voted upon, maybe rejected, but at least the Members would have had an opportunity to vote on the amendments, and, as I said before, and, as the majority leader said, to conclude the bill then sometime next week.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. So Mr. President, I have asked the first consent, which was that we have no votes until Monday. That was objected to.

ORDER OF PROCEDURE

Mr. REID. So, Mr. President, now I ask unanimous consent that on Friday, after all the postcloture time has expired on the motion to disagree—that time occurring at 5:21 p.m.—the Senate proceed to vote on the motion to disagree to the amendment of the House adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221; that upon disposition of that motion, the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2731, the global AIDS bill; that if cloture is invoked, then all postcloture time be deemed expired, and on Monday, July 14, following a period of morning business, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table; that the Senate then proceed to the consideration of S. 2731; that if cloture is not invoked, then a motion to reconsider the vote by which cloture was not invoked be considered to have been entered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority whip.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING UNIVISION NOTICIAS 15

Mr. REID. Mr. President, I rise today to recognize the efforts of Noticias 15, a Nevada news program that has gone to great lengths to realize the benefits of U.S. citizenship for many new Americans.

Noticias 15 has shown the impact news media can have by supporting programs like "Ya Es Hora . . . Ciudadaní" or "Now is the Time . . . Citizenship", which motivates and assists lawful permanent residents to navigate the often daunting legal hurdles of our immigration system through a comprehensive civic engagement strategy.

Noticias 15, working with its sister programs in the Entravision Communications Corporation, provides a strong example of the support that can help to more fully engage immigrant communities and traditionally underrepresented minority groups in civic participation. As one of the top-rated local early evening newscasts in the Las Vegas market, the news program has disseminated critical information on applying for U.S. citizenship, featuring segments on citizenship eligibility, requirements, and the application process. In addition, it has partnered with local and national agencies to boost voter registration among viewers.

This is particularly relevant in Nevada, where we have experienced rapid population growth in the Hispanic community—now nearly one in every four Nevadans is of Hispanic descent. We must encourage the active participation in civic life of every eligible Nevadan, and I am pleased that Noticias 15 is a partner in this effort.

Like many of my fellow Nevadans, I am aware of the challenges we have faced in increasing civic participation among Hispanics. Our proverbial wheels are spinning as we fight to make the American dream attainable for all families who work hard and play by the rules, level the playing field so that Latinos can become viable candidates for elective office, and remove the unfair barriers that hinder the Latino community from coming out to vote. Noticias 15's actions help to provide the traction that will keep our wheels from continually spinning up dust.

Today, I recognize Noticias 15 for its valuable support of "Ya Es Hora . . . Ciudadaní." The momentum that has been created by this program and others will lead to better opportunities for the Hispanic community and for the larger community in which we all live. I look forward to seeing more contributions from this important organization in the Silver State.

BUDGET SCOREKEEPING REPORTS

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2009 budget resolution. The reports, which cover fiscal years 2008 and 2009, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 7, 2008 and include the effects of Public Law 110–252, the Supplemental Appropriations Act, 2008, which the President signed into law on June 30, 2008. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con Res. 70, the 2009 budget resolution.

For 2008, the estimates show that current level spending is below the budget resolution by $5.4 billion for budget authority and $2.6 billion for outlays while current level revenues are above the budget resolution by $4 billion. For 2009, the estimates show that current level spending is below the budget resolution by $983 billion for budget authority and $615.8 billion for outlays while current level revenues are above the budget resolution level by $67.8 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through July 7, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated January 24, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, or revenues. These amounts were included in the budget aggregates of S. Con. Res. 70. Please see footnote 1 of the accompanying report for a list of those acts. In addition, the Congress has cleared and the President has signed the Supplemental Appropriations Act, 2008 (Public Law 110–252). This is CBO's first current level report since the adoption of S. Con. Res. 70.

Sincerely,

ROBERT A. SUNSHINE,
(For Peter R. Orszag, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 7, 2008

(In billions of dollars)

	Budget resolution[1]	Current level[2]	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,454.2	2,448.9	−5.4
Outlays	2,435.9	2,433.2	−2.6
Revenues	1,875.4	8,879.4	4.0
OFF-BUDGET			
Social Security Outlays[3]	463.7	463.7	0.0
Social Security Revenues	666.7	666.7	0.0

[1] S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed $108.1 billion in budget authority and $28.9 billion in outlays for overseas deployment and related activities. P.L. 110–252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated. as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses ofthe Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 7, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted:[1]			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,010	1,394,887	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	−596,805	−596,805	n.a.
Total, Previously enacted	2,448,854	2,433,200	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252)[2]	0	7	0
Total Current Level[2,3]	2,448,854	2,433,207	1,879,400
Total Budget Resolution[4]	2,562,305	2,464,754	1,875,400
Adjustment to the budget resolution for emergency requirements[5]	−108,056	−28,901	n.a.
Adjusted Budget Resolution	2,454,249	2,435,853	1,875,400
Current Level Over Budget Resolution	n.a.	n.a.	4,000
Current Level Under Budget Resolution	5,395	2,646	n.a.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Food, Conservation, and Energy Act of 2008 (PL 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	115,808	35,350	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	−950	−950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	0	0	8
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	−7	−7	0
Revised Budget Resolution	2,562,305	2,464,754	1,875,400

[5] S. Con. Res. 70 assumed $108,056 million in budget authority and $28,901 million in outlays for overseas deployment and related activities. P.L. 110–252 designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have been reduced for purposes of comparison.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2008.
Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through July 7, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

This is CBO's first current level report for fiscal year 2009.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 7, 2008

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,455.9	1,472.9	−983.0
Outlays	2,490.9	1,875.1	−615.8
Revenues	2,029.6	2,097.4	67.8
OFF-BUDGET			
Social Security Outlays[3]	493.6	493.6	0.0

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 7, 2008—Continued

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/ under (-) resolution
Social Security Revenues	695.9	695.9	0.0

[1] S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed $70.0 billion in budget authority and $74.8 billion in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed $5.8 billion in budget authority and $1.2 billion in outlays for the Corps of Engineers. P.L. 110–252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval.

In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 7, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted[1]			
Revenues	n.a.	n.a.	2,097,399
Permanents and other spending legislation	1,440,235	1,392,509	n.a.
Appropriation legislation	0	471,616	n.a.
Offsetting receipts	−587,749	−587,749	n.a.
Total, Previously enacted	852,486	1,276,376	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252)[2]	0	23	27
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	620,449	598,715	0
Total Current Level[2,3]	1,472,935	1,875,114	2,097,426
Total Budget Resolution[4]	2,531,668	2,566,868	2,029,644
Adjustment to the budget resolution for emergency requirements[5]	−70,000	−74,809	n.a.
Adjustment to the budget resolution for emergency requirements[5]	−5,761	−1,152	n.a.
Adjusted Budget Resolution	2,455,907	2,490,907	2,029,644
Current Level Over Budget Resolution	n.a.	n.a.	67,782
Current Level Under Budget Resolution	982,972	615,793	n.a.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earning Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	85,155	87,211	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	28	28	32
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	−13	−13	0
Revised Budget Resolution	2,531,668	2,566,868	2,029,644

[5] S. Con. Res. 70 assumed $70,000 million in budget authority and $74,809 million in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed $5,761 million in budget authority and $1,152 million in outlays for the Corps of Engineers. P.L. 110–252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

REMEMBERING SENATOR JESSE HELMS

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and former colleague, Senator Jesse Helms of North Carolina. When Senator Helms passed away on the Fourth of July, our country lost a patriot and a strong conservative voice.

Senator Helms' life was about public service. During World War II, he served in the U.S. Navy, where he first developed his commitment to a strong U.S. military and America's security at home and abroad. He served in a number of public roles in Washington, DC, and in his home State of North Carolina, and in 1972 was elected to the U.S. Senate—a position he held for five consecutive terms.

Senator Helms was chairman of the Senate Foreign Relations Committee when I came to the Senate in 1996, where I have served for 12 years. As chairman, he consistently maintained a powerful and determined voice in his efforts to strengthen America. I will always be grateful for his many personal courtesies and his constant encouragement and assistance over the 6 years that we worked together.

Senator Helms was outspoken, strong-minded, and unwavering in his beliefs. He was a leader who will be missed. Lilibet and I extend our thoughts and prayers to Jesse's widow and our friend Dot and his wonderful family.

CALIFORNIA WILDFIRES UPDATE

Mrs. FEINSTEIN. Mr. President, I rise today to update the Senate on the deteriorating situation in California.

Simply put, the situation is untenable.

In the past 2 weeks, 1,781 wildfires have burned roughly 688,000 acres—an area roughly the size of Rhode Island. Today, 323 fires continue to burn including the Camp Fire, in Butte County. As a result of that fire, 14,000 residents have had to evacuate their homes and nearly 50 homes have been destroyed in the past 48 hours.

It is likely to get worse—with a heat wave and more lightning strikes forecast—just as State and Federal resources are being depleted.

Governor Schwarzenegger has told the Federal Government that California cannot continue to fight these fires—that with current resources the State cannot protect lives and property.

California needs the following: Personnel: The Governor needs 302 more hand crews to put on the front lines and 773 support personnel. The State has tapped out its resources; it is time for the Federal Government to step up to the plate.

And the Forest Service is also short on staff. Key supervisors and firefighters are missing from our national parks, hampering firefighting and brush clearing efforts. Last month the agency reported 380 vacancies in California—roughly 8.5 percent out of a total force of 4,432. These positions must be filled. Agriculture Under Secretary Mark Rey promised me these vacancies would be filled by July 8. But as of today only 289 positions have been filled. We need to do more.

A Full Emergency Declaration: Governor Schwarzenegger has declared emergencies in 11 counties: Butte, Trinity, Shasta, Santa Barbara, Santa Clara, Monterey, Mendocino, Santa Cruz, Plumas, Kern, and Mariposa. But President Bush has issued only a limited emergency declaration. California is asking the President for a full disaster declaration, which will open the State to broader assistance under the Stafford Act. I fully endorse this request.

Funding: California's fire emergency is burning up Federal firefighting dollars at an alarming rate. The Forest Service has already expended $704 million—more than half the $1.2 billion in available funds—and fire season has just begun. Therefore, I am asking for $910 million in emergency appropriations for the Forest Service and Interior Department.

This emergency funding, to be used throughout the United States as needed this year, includes: $610 million for wildfire suppression; $125 million for fuels reduction on State and private lands; $100 million for rehabilitation; $50 million for fuels reduction on Federal lands; and $25 million for firefighter recruitment and retention in high risk areas.

Air assets: The Governor has told President Bush that we need an additional 41 helicopters in California. I am committed to working with the President to make these aircraft available from other States, the military, or foreign nations. Whatever it takes, we need these resources.

We also need to permanently station military firefighting aircraft in California. It is increasingly clear to me that the key to these wildfires in remote geographic areas is immediate aerial assault on the fires. You cannot get firefighters into these areas fast enough. Earlier this year I asked the President and Defense Secretary Robert Gates to permanently station two C–130 tankers at Point Mugu. This is vital; several C–130s are working these fires today, but they had to travel great distances to get to California. This is unacceptable.

I am writing to the President again to renew this critical request.

Let me share with you a letter written by Henry Renteria, Director of Governor Schwarzenegger's Office of Emergency Services, to R. David Paulison, Administrator of the Federal Emergency Management Agency.

It says in part:

> We are in an unprecedented draw-down in the state's emergency resources. Many fire departments are barely able to maintain sufficient resources for initial attack on new structure fires, while still participating in the statewide mutual aid effort to address these wildfires.

Even with the assistance of more than 24,000 firefighters from 40 States, "California has outstanding orders for fire resources that it is unable to fill," the letter states.

Yesterday there were requests for 230 engines that went unfilled, and at one point last week there were requests for 400 crews of 15–20 firefighters that were not met.

The Governor's letter continues:

> California is in the untenable position of having orders for firefighting resources remaining unfilled for multiple days. The Governor has taken the extraordinary action this week to direct the training of 400 California National Guard soldiers in basic firefighting. These soldiers will be assigned to the firefight as quickly as they can be trained and equipped.

Mr. Renteria—again, the Governor's authorized representative—concludes by warning that "the cumulative impact of these disasters has exhausted state and local resources to the point in which California cannot avert threat to live and improved property adequately."

This is without question a clear and present threat to the largest State in the Nation.

California is on the precipice of a major catastrophe. California has spent more than $300 million fighting these fires—that is more than it spent on last year's firestorms. And this is only the second week of July.

Let me remind you of what the fall brings to southern California. It brings strong Santa Ana winds, which fuel massive and deadly firestorms: In 2003 in California, huge wildfires burned roughly 1 million acres; killed 21; and destroyed more than 5,000 homes. And last year in California, wildfires blackened 1,087,110 acres; killed 10; and destroyed 3,079 structures.

We are in a new and dangerous time.

The great bulk of the fires that have burned since last month—more than 1,000—were sparked by more than 8,000 dry lightning strikes.

California is now faced with dry lightning strikes at a level that I cannot remember in my lifetime. And more are forecast this week.

The State is also facing extreme heat. Across the State, nearly in every county, there are excessive heat warnings.

And the State is in the midst of a serious drought—Governor Schwarzenegger has declared a drought emergency.

The State's reservoirs are below normal, and drought has produced record amounts of dry brush. In many areas, there is more dry brush than at any point in the 27-year recorded history of the data.

This dry brush is like an unexploded bomb.

Last month—the halfway point of the year—more than 272,969 acres in California had burned. That's up from 42,214 acres burned at the same point last year. And up from the 5-year average of 30,938 acres burned on State land at that time of year.

The facts are clear and cannot be ignored. California is in great peril. And California's peril is the Nation's peril, for the costs of fighting these fires is fast draining our Federal firefighting resources.

Bottom line: California and the Nation need help now. A potentially recordbreaking fire season is upon us. We need to do more. We need to prepare. And we need to do it now.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> To whom it concerns:
>
> Here's how rising gas and diesel prices are affecting this Idahoan and her family:
>
> We are a one-income (plus overtime) middle-income family living in Boise. The huge increase in fuel prices has caused subsequent increases in the price of consumer goods (due to price increases for fuel to manufacture, transport, and deliver consumer goods). Thus, our entire cost of living has increased at a rate higher than that of my husband's annual raise. Our standard of living is dropping, regardless of his continued raises, and we are having to cut corners from our budget, in every direction.
>
> Due to our sons' disabilities, it has been imprudent for me to work full time. However, in light of the growing costs of living due to fuel costs skyrocketing, I will most likely need to return to work this year, NOT

to purchase hobby equipment or upgrade our vehicle, but to continue to make our mortgage payment and to EAT PROPERLY.

To our Congress: PLEASE STOP OUR DEPENDENCE ON FOREIGN FUELS. We're lining the pockets of oil-rich nations while stealing the quality of life from our own citizens.

Nuclear energy is NOT the way to go, in my opinion. The dangerous waste by-products of nuclear-generated power are not worth the savings in costs of energy to our citizens. There are many other methods to generate energy for homes and businesses (and vehicles) that are cleaner, renewable, and completely non-polluting, such as solar energy; wind energy; hydro-electric energy (why not let all the dams in our state run at full capacity rather than leave one or two turbines unused most of the time, and STORE the excess energy we generate to keep our costs down, or sell it to profit our state's economy); and the transformation of our society's garbage into usable, non-polluting hydrogen fuel for vehicles that run on hydrogen.

There are always local (American) solutions to local (American) problems.

TERESA, *Boise*.

I should think it would be obvious to all sentient beings by now that we are on the wrong trajectory. The notion that we can consume more and more each year without some FUNDAMENTAL changes is wrong. I search your words in vain for ideas about something new. No luck. Same old mindset. What about conservation of finite resources? What about alternative energy resource development? The large and very profitable oil companies benefit enormously from tax breaks. Where is the policy incentive for non-polluting alternate forms of energy? Where are the incentives to promote more efficient use of the old sources? Pull your head from the sand. It is high time you realized a new era is upon us.

CRISTINA.

To Whom It May Concern,

Fuel costs are killing the average citizen in Idaho. It is bad enough that the price of getting to work is costing more than many can afford, but the prices in the grocery stores are also rising exponentially as the cost of shipping skyrockets and the cost of running farm equipment to produce the food skyrockets. To make things worse, Congress, once again with good intentions but not a clue of the damage they would do, are adding to the situation with the ridiculous bio-fuels subsidies. Bio-fuels are horribly inefficient, but the cost of corn to feed dairy cattle and fatten beef cattle is becoming unaffordable. To make things worse, these terrible incentives to plow up hay fields and raise corn is leaving livestock owners unable to buy hay. Horses are being turned loose or shot by owners who cannot get or afford hay to feed them. Once again the bloated farm bill is putting billions of dollars into the hands of a few farming corporations while small farmers and livestock owners are left to struggle against high fuel and feed costs created by Congress. PLEASE repeal these stupid restrictions on oil exploration and refining, as well as that awful subsidy on bio-fuels. They are counterproductive and just plain stupid.

PAT, *Priest River*.

Dear Senator Crapo,

High gas and energy prices are affecting everyone negatively but I would rather respond to the second part of your email.

Americans are not "too dependent on petroleum," as you said; we are just too dependent on *foreign* petroleum. We can thank Mr. Clinton and subsequent leaders and legislators for the predicament we find ourselves in today. They have caved in to the "environmentalists", a very small percentage of Americans, and not allowed us to provide for our own oil needs. These foolish politicians have put us and our economy in a very precarious position.

We need to pursue nuclear power and domestic drilling and refining of petroleum and take control of providing for our needs instead of relying on foreign volatile suppliers. If Congress would pass just one piece of legislation to allow us to drill and supply our own oil, our foreign suppliers would drop prices immediately in fear that we will completely cut them out of the loop someday. We do not need to continue any "food for fuel" programs as you can see what that has done to our economy and the food shortage in other parts of the world.

Finally, please inform others in Congress that our country is a capitalistic society and that oil companies deserve to profit for the risks they take and the product they supply to Americans. If anybody has received a "windfall" it is the federal, and to a lesser degree state, government which receives undeserved profits. They receive much more money from the sale of gas in our country than the oil companies and they have not done one thing for the money they get for each gallon sold. The latest figures I have read were that oil companies average 4 percent of profit from each gallon sold while taxes account for 16 percent of each gallon sold.

Please understand that I am angered by this situation but that anger is in no way directed at you. You have done a fine job representing the views of us conservative Republicans in Idaho. Keep up the good work.

Sincerely,

ROBYN.

Dear Senator,

I'm a fan of yours, as is my wife. We both have been registered Democrats all our lives, but in the mid-term election of 2006, we both re-registered as Independents so as to distance ourselves from our party, as they seem to have gone off the deep end. I remember when Democrats were proud Americans. And though there are a few of us left, most of the party of Rosie O'Donnell, Michael Moore, Al Franken, and certain Senators and Congressmen (and women) are little more than Socialists. And that is giving them the benefit of the doubt. My wife and I both voted for Reagan, by the way, and we will vote Republican till we see a difference in the far left that has taken over our party. Who knows? We may be registered Republicans before too long.

Enough about our distaste for the Democrat Party of today, except to say that it seems voting on issues such as this go down party lines, with even a few Republicans taking the wrong side on issues such as energy, illegal immigration, and homeland security which I consider to be one and the same.

We know there are many billions of barrels of crude off our shores, but the Democrats keep us from drilling. There is even more possibly in the Dakotas and Montana, not to mention the shale oil out here in the West and the coal-to-oil or coal-to-gas technology. All we have to do is start drilling and build more refineries and the price of oil from OPEC will drop drastically! I dropped out of college, but I know this, so Washington should too. I do not know what is up with the Democrats, but they want the United States to fail in every way, it seems!

Now, a little more about my wife and I. We are both disabled after working hard all our lives and had a good income till our disabilities set in. She went down first, and I followed a few years later. God put us together for a reason, I have to believe. It must be so we could lean on each other. But needless to say we live on a small, fixed income and, eight years ago, my wife's mother had to come and live with us because she has Alzheimer's Disease. We got along OK, I guess, till the gas prices shot up.

I remember 1973 and 1981. I know the prices go up and never come back down to the point they were, even long after the "crisis" is over. In ten or so years, it is possible we could be self-sufficient as far as petroleum and natural gas go. If we drill everywhere we can, build refineries to process the crude, in 10–12 years, we could have gas prices back to something where we could afford to eat.

Because it is not just the gas prices, it is everything that has to be trucked or shipped by air. Airlines are going belly up, we cannot afford to eat food that is good for us so we have to go to a high starch, low protein diet which will kill us quicker. The long term solution is other means and other types of fuel. But in the short term, the 'NOW term, we need to drill and I'll even say, having lived in Alaska for a few years, if people knew how vast the 49th state is, they would say "Go right ahead, drill!" Because it would not hurt any animals, the pipeline could hook right up to the one that already runs from Prudoe Bay to Valdez. It is simple really, but Congress has always found a way to make it hard. Our whole government seems to be "out of touch" with its citizens' needs.

Did you know that ANWR is 700 miles from the nearest tree? There is nothing there! But oil if we drill it. And we wouldn't have to drill there if we drilled off shore, in the Dakotas and Montana, used coal-to-oil technology. The ocean floor pollutes more in seepage than drilling ever could because we have "green" technology, and they do not shoot up toward the skies anymore like the old black and white movies always show it.

But these gas prices just kill people like my wife and others in our situation. We get our fair share every month on the third because we both started working when we were teenagers (I was told this helped with the money part), and my wife's mother is 71 and worked her whole life. But we are still a family of three with kids who are grown, and six wonderful grandchildren who we like to make sure their birthdays and Christmases are filled with gifts from us that cost money which we do not have. If I could afford a Prius, I'd buy one! (maybe). But the fact is I have a '96 Plymouth Voyager and that has to last me the rest of my life, hopefully.

So I need lower gas prices and, as I ramble on here (you invited me to—LOL), I know the solution and so do most of the Republicans and even some Democrats, except they won't let us drill. It seems that the parties have to follow like lemmings and they just cannot think for themselves.

Other countries are drilling OUR oil right off our coasts! They are, and I'll tell you how. They drill down and then make a 60-90 degree turn and go under our waters and even under our land and are going to get our oil while leasing waters from Cuba! This, sir, makes me sick!!! If I were in charge, I'd drill right through a polar bear's skull, if I had to, to get at the oil that we have more of than Saudi Arabia! We do! OK. Not really.

But the polar bear was put on the endangered species list, when they have grown sixfold in number (where's the sense in that?). There are five, six times as many polar bears now than there were 255 years ago, and NOW they decide to put them on the endangered species list? And merely to keep us from drilling in Alaska. I'll close by saying this: Please try to persuade all Republicans and any Democrats you know that may come over to the common sense side of it all and allow us to drill! That is the only way we will be energy self-sufficient in the next ten years, unless Al Gore is going to buy me an electric minivan.

And just a quick note: I do not know if I believe global warming exists, but even more, I am pretty sure that, if it does indeed exist, man is not responsible for it. I have personally talked to scientists and saw an interview on the "Glenn Beck" program with the founder of "The Weather Channel" and he said that global warming or climate change is the biggest hoax ever pulled on the American people and the world! It is merely a cycle the earth goes through and if you look back to about 60–70 years ago, you'd see the same cycles and temperatures and storms, etc.

OK, Senator, I'm done. I hope you find time to personally read this, because you are one of the good ones who seems to be in touch with the people's needs, along with the country's needs. You have always done a good job and, for the most part, I like the way you vote.

Thank you,

RICHARD and KELLEY.

Now you are talking, Senator. . . . If more Senators and Congress Representatives started asking the people to share their thoughts, ideas, and struggles that we are all being put through with this energy crisis, we could believe that government really had our interest at heart, instead of just their own. I have done a lot of research in past months, and find it hard to understand with all the oil we have here in our own country, and we know we have it. Why do we go elsewhere for it and, literally, held ransom while someone else profits?

And on another issue of being held hostage for energy, are all these utility companies. We always hear on the news, how much profit they made, and then how much more it is going to cost us, "We the People," for its use, and then they have the gall to announce their big corporate raises. If we have to suffer the higher costs, then they should also, by waiving their raises until things are under control again. That is my thought on this, as well as many others.

We are a family of four seniors on fixed incomes, all with health issues. My mom is 85, bedridden. And my brother-in-law is a three-time cancer survivor, a shell of a man. He served two terms in Vietnam in the midst of Agent Orange and cannot even get any veteran's compensation. His wife is his caregiver, and she suffers horribly from fibromyalgia. I'm a widow and a caregiver for my mom, who is also now a widow. We have had to come together in order to survive. So we have to watch carefully every penny we spend. We live 15 miles out of town, and have to watch how many trips we take into town so as not to waste gas. We have cut back to using one car, and try to correlate our doctor visits and trips to the pharmacy. And it still costs as much or more than it did using two cars before the price gouging.

I am a lot more in tune to what is going on in this country and how we are being treated by our own government. It is really criminal to say the least. We, who have worked our whole life paying into our system and serving our country in loyalty, and with our lives, we deserve to be treated with far more respect than we get. Senator, we know that this system is working hard to take our sovereignty from us. We are not stupid people; we see and read beyond what the system wants us to know. Please be one of those who are on the side of people, for our freedom of Constitutional rights.

Long live the United States of America, where our flag flies with pride, and blood has been shed in her honor.

Respectfully,

ANDREA.

Senator Crapo,

I manage an insurance agency with twenty independent salespeople at Farm Bureau Insurance. I could give you quite a few stories, but the one I am most familiar with is my son that works for us. He is 35 years old and has triplets that are two-and-one-half years old. He also has an eleven-year-old and a nine-year-old, so he has a full house. His wife is obviously now a stay-at-home mom, but the energy crunch along with grocery inflation is absolutely devastating. He coaches his Little League baseball traveling team and so between his sales career, baseball, and running kids all over, his gas bill alone is between $600 and $700 per month. With the triplet children, the vehicle has to be a large, used SUV. Couple that with his pick-up, and the gas mileage is not the greatest! The larger vehicles, however, are a necessity. This is just the icing on the cake when you also consider the larger house that they now live in with increased utility costs plus the inflated cost of groceries, especially milk. It is time that we start drilling and looking for an effective domestic energy policy and quit outsourcing on energy to foreign soil. We sincerely hope that Congress does something and soon, and that they develop a long term comprehensive policy to prevent future similar crises.

RON.

To the powers that be:

I am a handicapped woman existing on my Social Security and let me tell you, it only goes so far. I live outside of town about six miles and granted, that is not a great distance, but it adds up very fast. As you know, Social Security really is not enough to live on, and now I am having to add in outrageously high fuel prices for my furnace and car.

We live in the greatest nation, the richest nation and still we are dependent on foreign fuel to meet our needs. Why is that? We have the capacity to be so much more independent and yet, the consumer, me, pays out and pays out until there is nothing left. Will I be able to save any money to pay for my burial? No, not at the rate things are going. It is a sad commentary on the government when those who have not have to take care of those that have. . . . sad, indeed.

It is time for government to be "of the people" once again, and not out for their own individual gain.

CINDY.

ADDITIONAL STATEMENTS

THILMANY PAPERS

• Mr. KOHL. Mr. President, I want to take a quick moment to congratulate Thilmany Papers of Kaukauna, WI, on their 125th year anniversary. From humble beginnings with 18 employees, it has grown to a family of 1,000 employees today. This trusted paper manufacturer, founded on the banks of the Fox River 125 years ago, continues to provide specialty papers with a customer service record unmatched in eastern Wisconsin.

One of the names most closely associated with the progress of Kaukauna is Oscar Thilmany. A German immigrant who arrived in the United States in 1866, he tried his hand at a variety of occupations, going from a journalist for a New York newspaper to a company involved in wood preserving.

In Thilmany Pulp and Paper Company, Mr. Thilmany found his calling. With that calling came one of the most successful paper companies in all of Wisconsin today. I congratulate Thilmany Papers on their 125th anniversary and wish them much success in the years ahead.•

120 YEAR PARTNERSHIP

• Mr. SUNUNU. Mr. President, today I recognize the 120th anniversary of State veterans' homes, SVHs.

Following the Civil War, a large number of newly disabled veterans struggled to earn a living as they adjusted back to civilian life. While the Federal Government operated national homes for qualifying Union volunteer soldiers, the total number of veterans in need of care was overwhelming.

In order to meet this need, a number of States independently opened SVHs to care for those injured in service to their country. The first such home opened in Rocky Hill, CT, in 1864.

In August 1888, aware it had a responsibility to assist those who had so diligently and honorably served their country, Congress pledged Federal funding to assist with the operation of existing and future SVHs. This original $250,000 appropriation provided States with $100 per eligible veteran enrolled in an SVH to assist in providing needed support to those who could no longer care for themselves.

Over time, as the number of veterans requiring care increased, the Federal Government responded by providing the States with added assistance. With the establishment of the Veterans' Administration, VA, in 1930, SVHs were expanded to include three levels of care, and in 1960, Congress established a per diem payment system to replace the annual appropriation and better reflect the funding needs of the Nation's SVHs. Finally, in 1964, Congress initiated the State Home Construction Grant Program, which provided further Federal assistance and created the opportunity for a dramatic increase in the quantity and quality of SVHs.

During this time, the National Association of State Veterans Homes, NASVH, was founded to promote legislation at the national level and increase communication among the Nation's SVHs. In partnership with the VA, the NASVH continues to advocate in support of the country's needy veterans and has been instrumental in increasing per diem and other funding rates.

Today, 120 years since the original appropriation, this State and Federal partnership has flourished. Currently, SVHs serve as one of the country's largest long-term care providers—offering approximately 30,000 total beds at more than 130 SVHs nationwide. In a typical year, State veterans homes will furnish nearly 7 million days of nursing home care and about 1.5 million days of domiciliary care.

In New Hampshire, veterans receive the highest quality of care under the watchful eye of Commandant Barry Conway and his extremely capable staff in Tilton. It is because of these dedicated men and women in New Hampshire and around the country that our elder veteran community receives the care they have earned and deserve.•

RECOGNIZING AMBER MULDER

• Mr. THUNE. Mr. President, today I recognize Amber Mulder, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Amber is a graduate of Western Christian High School in Hull, IA. Currently she is attending Hamline University School of Law. Amber is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Amber for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING BETSY POPPENS

• Mr. THUNE. Mr. President, today I recognize Betsy Poppens, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Betsy is a graduate of Marion High School in Marion, SD. Currently she is attending Northwestern College, where she is majoring in public relations. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Betsy for all of the fine work she has done and wish her continued success in the years to come.•

125TH ANNIVERSARY OF ALPENA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Alpena, SD. The town of Alpena commemorated its 125th anniversary of its founding with celebrations June 20–22, 2008.

Located in Jerauld County, Alpena was founded in 1883 and was named after the hometown of founder and railroad superintendent C.H. Prior. Since its beginning 125 years ago, the community of Alpena has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Alpena on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF ARTESIAN, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Artesian, SD. The town of Artesian commemorated its 125th anniversary of its founding with celebrations July 4–6, 2008.

Located in Sanborn County, Artesian was founded in 1883 and was named after the abundance of flowing wells in the area, known as artesian wells.

Since its beginning 125 years ago, the community of Artesian has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Artesian on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF BRUCE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Bruce, SD. The town of Bruce will commemorate its 125th anniversary of its founding with celebrations July 24–27, 2008.

Located in Brookings County, Bruce was founded in 1883 and was named after statesman B.K. Bruce, who was the first African American to serve a full term in the United States Senate. Since its beginning 125 years ago, the community of Bruce has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Bruce on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF CENTERVILLE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Centerville, SD. The town of Centerville will commemorate the 125th anniversary of its founding with celebrations July 3–6, 2008.

Located in Turner County, Centerville was founded in 1883. It earned its name because of its location halfway between Yankton and Sioux Falls, and midway between Parker and Vermillion.

Since its beginning 125 years ago, the community of Centerville has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Centerville on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF CORONA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Corona, SD. The town of Corona commemorated its 125th anniversary of its founding with celebrations June 20–22, 2008.

Located in Roberts County, Corona was founded in 1883. Since its beginning 125 years ago, the community of Corona has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Corona on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF EPIPHANY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Epiphany, SD. The town of Epiphany will commemorate its 125th anniversary of its founding with celebrations August 1–3, 2008.

Located in Hanson County, Epiphany was founded in 1883. Since its beginning 125 years ago, the community of Epiphany has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Epiphany on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF ETHAN, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Ethan, SD. The town of Ethan commemorated its 125th anniversary of its founding with celebrations June 13–15, 2008.

Located in Davison County, Ethan was founded in 1883 and was named after Revolutionary War patriot Ethan Allen. Since its beginning 125 years ago, the community of Ethan has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Ethan on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF GETTYSBURG, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Gettysburg, SD. The town of Gettysburg will commemorate its 125th anniversary of its founding with celebrations June 27–29, 2008.

Located in Potter County, Gettysburg was founded in 1883, and was named after the Civil War battle site, Gettysburg Pennsylvania.

Since its beginning 125 years ago, the community of Gettysburg has continued to serve as a strong example of South Dakota traditions and values.

I would like to offer my congratulations to the citizens of Gettysburg on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF HOT SPRINGS, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Hot Springs, SD. The town of Hot Springs commemorated its 125th anniversary of its founding with celebrations June 27–29, 2008.

Located in Fall River County, Hot Springs was founded in 1883. Originally called "Minnekahta" which means "warm waters", the town's name was changed to Hot Springs in 1886.

Since its beginning 125 years ago, the community of Hot Springs has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hot Springs on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF HURLEY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Hurley, SD. The town of Hurley will commemorate its 125th anniversary of its founding with celebrations July 25–27, 2008.

Located in Turner County, Hurley was founded in 1883 and still contains the Arthur Nelson Museum as the town's historical focal point. Since its beginning 125 years ago, the community of Hurley has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hurley on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF IPSWICH, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Ipswich, SD. The town of Ipswich commemorated its 125th anniversary of its founding with celebrations June 13–15, 2008.

Located in Edmunds County, Ipswich was founded in 1883 and was named after a city of the same name in Britain. Since its beginning 125 years ago, the community of Ipswich has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Ipswich on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF NEW UNDERWOOD, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize New Underwood, SD. The town of New Underwood will commemorate its 125th anniversary of its founding with celebrations August 30–September 1, 2008.

Located in Pennington County, New Underwood was founded in 1883. Since its beginning 125 years ago, the community of New Underwood has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of New Underwood on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF MINA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Mina, SD. The town of Mina commemorated its 125th anniversary of its founding with celebrations on July 3, 2008.

Located in Edmunds County, Mina was founded in 1883. Since its beginning 125 years ago, the community of Mina has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Mina on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF ONIDA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Onida, SD. The town of Onida will commemorate its 125th anniversary of its founding with celebrations August 7–10, 2008.

Located in Sully County, Onida was founded in 1883 and was named after Oneida, New York, with the intentional misspelling. Since its beginning 125 years ago, the community of Onida has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Onida on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF PIERRE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Pierre, SD. The town of Pierre commemorated its 125th anniversary of its founding with celebrations June 18–22, 2008.

Located in Hughes County, Pierre was founded in 1883 and was named after Fort Pierre and Pierre Choteau Jr. of the American Fur Company. Since its beginning 125 years ago, the community of Pierre has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Pierre on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF ROSCOE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Roscoe, SD. The town of Roscoe will commemorate its 125th anniversary of its founding with celebrations July 4–6, 2008.

Located in Edmunds County, Roscoe was founded in 1883 and was named after Roscoe Conkling, who served as Senator of New York from 1867 to 1881. Since its beginning 125 years ago, the community of Roscoe has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Roscoe on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF TULARE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Tulare, South Dakota. The town of Tulare commemorated its 125th anniversary of its founding with celebrations June 20–22, 2008.

Located in Spink County, Tulare was founded in 1883. Since its beginning 125 years ago, the community of Tulare has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Tulare on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF WILLOW LAKE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Willow Lake, SD. The town of Willow Lake commemorated its 125th anniversary of its founding with celebrations July 4–6, 2008.

Located in Clark County, Willow Lake was founded in 1883 and was named after the nearby lake, Willow Lake.

Since its beginning 125 years ago, the community of Willow Lake has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Willow Lake on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF WOLSEY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Wolsey, SD. The town of Wolsey commemorated its 125th anniversary of its founding with celebrations June 27–29, 2008.

Located in Beadle County, Wolsey was founded in 1883. Since its beginning 125 years ago, the community of Wolsey has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Wolsey on this milestone anniversary and wish them continued prosperity in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on July 9, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Under authority of the order of the Senate of January 4, 2007, the enrolled bill was subsequently signed by the Vice President during the recess of the Senate, on July 9, 2008.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 2:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

The message also announced that the House has passed the following bill, without amendment:

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3329. An act to provide housing assistance for very low-income veterans.

H.R. 4174. An act to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

H.R. 4461. An act to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

H.R. 5541. An act to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

H.R. 5811. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building".

H.R. 6184. An act to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

H.R. 6216. An act to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes.

H.R. 6382. An act to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes.

At 6:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1286. An act to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Messrs. WATT, CLAY, KLEIN of Florida, MAHONEY of Florida, BACHUS, Mrs. BIGGERT, Mrs. CAPITO, Messrs. GARRETT of New Jersey, and PRICE of Georgia.

From the Committee on Energy and Commerce, for consideration of section 302 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, BOUCHER, and BARTON of Texas.

From the Committee on Transportation and Infrastructure, for consideration of sections 7 and 2 of the House bill, and sections 107, 119, and 301 of the Senate amendment, and modifications committed to conference: Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. BRALEY of Iowa, and GRAVES.

For consideration of sections 7 and 35 of the House bill, and section 128 of the Senate amendment, and modifications committed to conference: Mr. TAYLOR.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1286. An act to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Energy and Natural Resources.

H.R. 3329. An act to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4461. An act to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5541. An act to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5811. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6184. An act to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6216. An act to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4174. An act to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–7089. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate hurricane and storm damage reduction opportunities for Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 110–411).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes (Rept. No. 110–412).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1499. A bill to amend the Clean Air Act to reduce air pollution from marine vessels (Rept. No. 110–413).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2844. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes (Rept. No. 110–414).

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes (Rept. No. 110–415).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself, Mr. SANDERS, and Ms. MIKULSKI):

S. 3237. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. BARRASSO, Mrs. MCCASKILL, Mr. DOMENICI, Mr. DORGAN, Mr. ALLARD, Mr. SALAZAR, and Mr. NELSON of Nebraska):

S. 3238. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. MENENDEZ):

S. 3239. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, and Mr. COCHRAN):

S. 3240. A bill to promote energy production and security in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 3241. A bill to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the "CeeCee Ross Lyles Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. ROBERTS):

S. 3242. A bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. DEMINT):

S. 3243. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:

S. 3244. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. CARDIN, and Mr. KERRY):

S. 3245. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. SNOWE, and Ms. MIKULSKI):

S. 3246. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3247. A bill to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. CANTWELL):

S. 3248. A bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3249. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

By Mr. CORNYN:

S. 3250. A bill to disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driver's license and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Mr. GRASSLEY):

S. 3251. A bill to amend the Federal Crop Insurance Act and the Trade Act of 1974 to authorize advance payments under the supplemental revenue assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. TESTER, Mrs. MCCASKILL, Mr. AKAKA, Mr. CASEY, Mr. OBAMA, Mr. KERRY, Mrs. CLINTON, Mr. SANDERS, and Mr. WHITEHOUSE):

S. 3252. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 3253. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 1689

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2204

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2204, a bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes.

S. 2630

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2731

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2838

At the request of Mr. MARTINEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2838, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 2851

At the request of Mr. BUNNING, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers.

S. 3089

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3089, a bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

S. 3116

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3116, a bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes.

S. 3118

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. OBAMA), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Ms. MURKOWSKI), the Senator from New York (Mrs. CLINTON), the Senator from New Hampshire (Mr. GREGG), the

Senator from Indiana (Mr. LUGAR), the Senator from North Carolina (Mrs. DOLE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3214

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3214, a bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 602

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 602, a bill supporting the goals and ideals of "National Life Insurance Awareness Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself, Mr. SANDERS, and Ms. MIKULSKI):

S. 3237. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, I rise today to introduce legislation, along with my colleagues Senator SANDERS and Senator MIKULSKI, that will provide immediate assistance to our Nation's volunteer firefighters who have been severely affected by the rising cost of gasoline and diesel fuel. This bill, the Supporting America's Volunteer Emergency Services Act, or SAVES Act, will establish a new grant program at the Department of Housing and Urban Development to help qualifying volunteer fire companies cope with the strain that today's gas and diesel prices have put on their already tight operating budgets. According to the United States Fire Administration, over 22,141 fire companies, 89 percent of all fire companies in the United States, are volunteer or majority volunteer companies. 39 percent of our country's population, some 117 million people, relies on these volunteer forces to protect their homes and businesses. In recent months, I have heard from fire chiefs across Pennsylvania about the effect that high gas and diesel prices are having on their daily operations. Some have expressed serious concerns that fuel costs are preventing them from responding to emergency calls with the amount of equipment recommended by their National Fire Protection Association guidelines. This poses a serious risk to public safety. Congress has an obligation to address this issue, for we simply cannot afford to let high gas prices stand in the way of firefighters' ability to provide local families and businesses with the help they need.

I was lucky to have 6 fire chiefs from York County, Pennsylvania, on hand today to help me bring attention to this issue. These gentlemen, Deputy Chief Barry Emig of the York Area United Fire and Rescue, Deputy Chief Joe Madzelan of the Manchester Township Fire Services, Chief William Carlisle of the Fairview Township Fire Department, Assistant Chief Trever Rentzel of the Manchester Union Fire Company, chief Tony Myers of the Shrewsbury Fire Department, and Chief John Senft of York City Fire and Rescue, have helped me and others understand the impact that high fuel prices have made on each of their departments' bottom line. I want to thank them for going above and beyond the call of duty to help me in this effort.

The program created under the SAVES Act would set a baseline gas and diesel price using 2007 price data. Each year, volunteer companies that wished to participate would submit their annual fuel receipts. They would then be eligible to receive 75 percent of the difference between how much they paid for gas and diesel that year, and how much that same amount of fuel would have cost at 2007 prices. This straightforward, commonsense approach will help to ensure that volunteer fire companies do not have to restrain their response to emergency calls.

I would like to thank my colleagues Senator SANDERS and Senator MIKULSKI for agreeing to serve as original cosponsors of this important legislation. In addition, I appreciate the leadership of Congressman JASON ALTMIRE in offering companion legislation in the House of Representatives. I hope that my colleagues in the Senate will join me in helping to pass the SAVES Act immediately so that our volunteer fire companies can receive some much-needed relief on their next trip to the pump.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting America's Volunteer Emergency Services Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Federal Emergency Management Administration, in 2006 there were—

(A) 807,150 volunteer firefighters, nearly 73 percent of all active firefighters; and

(B) 19,915 all-volunteer fire companies nationwide, servicing 22.6 percent of the population of the United States and 4,105 companies comprised of a majority of volunteers, servicing 16.3 percent of the population of the United States.

(2) These volunteer companies, especially those serving communities of fewer than 5,000 residents, rely heavily upon fund-raising efforts and other potentially unreliable sources of funding for their basic operating expenses.

(3) According to the Energy Information Administration, between June 2003 and June 2008, the price of regular grade gasoline and diesel fuels rose 171 percent and 229 percent, respectively.

(4) These rising costs represent an unavoidable burden, and have placed serious constraints on the ability of volunteer companies to respond to fire emergencies.

SEC. 3. DEFINITION OF QUALIFIED VOLUNTEER FIRE DEPARTMENT.

In this Act, the term "qualified volunteer fire department" has the same meaning given that term in section 150(e) of the Internal Revenue Code of 1986.

SEC. 4. GASOLINE AND DIESEL FUEL SUBSIDY PROGRAM.

(a) ESTABLISHMENT OF BASELINE.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, for calendar year 2007, determine for each of the 5 Petroleum Administration for Defense Districts the average annual price per gallon for—

(A) gasoline; and

(B) diesel fuel.

(2) BASIS FOR PRICE PER GALLON.—The average annual price per gallon determined under paragraph (1) shall be based solely on data reported by the Energy Information Administration.

(3) BASELINE.—The price per gallon determined under paragraph (1) shall serve as the baseline fuel cost for each Petroleum Administration for Defense District.

(b) PAYMENTS.—

(1) SUBMISSION OF RECEIPTS.—At the end of each calendar year, each qualified volunteer fire department seeking reimbursement under this section shall submit to the Secretary of Housing and Urban Development all of its receipts and bills of sales documenting the amounts of gasoline and diesel fuel purchased by such department during that calendar year. Each department shall also provide a sum total of the—

(A) aggregate number of gallons of gasoline and diesel fuel purchased by the department during that calendar year; and

(B) costs of purchasing such gasoline and diesel fuel.

(2) DETERMINATION OF SUBSIDY AMOUNTS.—The Secretary of Housing and Urban Development shall reimburse a qualified volunteer fire department for 75 percent of the difference between—

(A) the actual expenditures of the department for gasoline and diesel fuel for a calendar year as determined under paragraph (1); and

(B) the amount that such expenditures would havé cost had the department determined such expenditures utilizing the baseline fuels costs determined under subsection (a).

(3) SPECIAL RULE RELATING TO STATES SALES TAX.—If the State in which a qualified volunteer fire department is located does not charge local or State fuel taxes on such departments when such departments purchase gasoline or diesel fuel, the amount of such omitted sales tax shall be added back in to any determination made under paragraph (2)(A).

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate such regulations as may be necessary to implement and administer the grant and subsidy programs authorized by this section.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. BARRASSO, Mrs. MCCASKILL, Mr. DOMENICI, Mr. DORGAN, Mr. ALLARD, Mr. SALAZAR, and Mr. NELSON of Nebraska):

S. 3238. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I come before the Senate today to discuss a critically important issue to the livestock industry in South Dakota and across the United States, that being the United States Department of Agriculture's, USDA, proposal to regionalize Argentina for Foot-and-Mouth Disease, or FMD. FMD is a highly contagious and airborne disease affecting ruminants and swine. The disease is so destructive that FMD is considered to be the most economically devastating of all livestock diseases, according to the American Veterinary Medical Association. An outbreak in Great Britain in 2001, for example, cost the economy nearly $20 billion and led to the slaughter of over 6 million animals. It is with concern for the health and viability of our domestic cattle, sheep, and swine farmers and ranchers that Senator ENZI joins me today in introducing legislation to stop this fundamentally flawed proposal.

This legislation enjoys significant organizational support from our livestock sector, including the American Sheep Industry Association, the South Dakota Cattlemen's Association, R-CALF, the South Dakota Stockgrowers Association, the U.S. Cattlemen's Association, the National Farmers Union, the Western Organization of Resource Councils, and Dakota Rural Action. As a highly credible scientific and veterinary entity, a poll was take within the National Assembly of State Animal Health Officials, NASAHO, and an overwhelming majority of respondents are opposed to regionalization of Argentina for FMB. Our South Dakota State Veterinarian and the President of NASAHO, Dr, Sam Holland, has been invaluable during this process and I thank him for his guidance and extensive expertise on this issue. The majority of veterinarians within NASAHO oppose regionalizing for FMD for a variety of reasons, and Dr. Holland relayed the following causes of concern from State veterinarians for USDA's proposed rule: Economic benefits do not justify the tremendous risk. Inability to effectively monitor risk. Resources, biosecurity, and experience in monitoring freedom are inadequate. Regionalization for one of the world's most highly contagious virus disease, FMD, is much more complicated than regionalization for tuberculosis, brucellosis and many other diseases. FMD virus is not only arguably the most contagious virus known for animals, but also is particularly resilient in the environment and may persist in fomites and be transmitted by such through aerosol or contact. Argentina has not experienced an extended timeframe of several years of FMD freedom.

This bill would prohibit the importation of ruminants and swine and fresh or frozen ruminant and pork products from any region of Argentina until the United States Department of Agriculture can certify to Congress that Argentina is free of Foot and Mouth Disease without vaccination. While regionalization may be a viable option for other livestock diseases, the extremely contagious nature and significant economic impact of FMD dictates that we must treat countries as a whole, and that a country must demonstrate its ability to remain free of FMD. While the USDA is moving to set a precedent with this rule regarding its protocol for FMD, this bill is a common sense response that USDA's proposal is simply not good policy for American ranchers and farmers and for our domestic livestock herds.

Mr. ENZI. To my friend from South Dakota, I ask whether this legislation would interfere with the current status of trade with product from countries with a presence of FMD?

Mr. JOHNSON. My friend from Wyoming raises an excellent question and I'm pleased to answer it. It is not our intention or the effect of this bill to disrupt the status quo, and our legislation would leave the current state of trade intact. Our Code of Federal Regulations allows for the importation of certain dried, cured or cooked product from countries with a known presence of FMD. This bill will only prohibit product that poses a risk for disease transmission, including fresh, chilled or frozen, product or live animals.

Mr. ENZI. Another point of clarification would be why it is necessary to specify that no product or live animals should be imported until Argentina is free of FMD without vaccination. Can the Senator from South Dakota also discuss the intention of that prerequisite?

Mr. JOHNSON. The Johnson-Enzi bill mandates that Argentina's FMD-free status must be achieved without vaccination. This is the acceptable standard for trade and also ensures that the disease is truly eradicated from the herd, and not suppressed or hidden. While this one region in Argentina is thought to be FMD free, this one region within Argentina and Argentina as a whole is surrounded by the presence of FMD, while the United States has been free of FMD since 1929 and is free of FMD without vaccination. Additionally, the United States shares borders with our FMD-free neighbors, who are certified as free without vaccination.

As discussed by NASAHO, Argentina has, quite simply, failed to remain free of FMD for any length of time, which is a basic component to proving the continuity and adequacy of Argentina's infrastructure. As recently as 2001, Argentina experienced an FMD outbreak that it failed to report for months. This raises serious questions about Argentina's approach to communication about this disease in the future, and I don't feel that these questions have been adequately answered at this time.

I thank Senator ENZI and the organizations who have dedicated their time and support for this measure, and I will continue to work with my colleague from Wyoming in the best interest of our American farmers and ranchers.

Mr. ENZI. I am pleased to support this bill with my colleague from South Dakota. My friend has done an excellent job of explaining how this legislation is an important safeguard for our livestock producers, and I would like to add a few comments about the continued need for vigilance when it comes to animal health threats. A wide range of veterinary professionals and livestock producers recognize the threat that Foot-and-Mouth Disease poses to the U.S. livestock industry. If the United States is to continue producing and selling the highest quality meat products in the world, our country must be free of the most dangerous ailments that affect the livestock which enter the market.

The economic threat Foot-and-Mouth Disease poses to our country cannot be underestimated. Disease outbreaks threaten the livelihood of our nation's ranchers and undermine foreign markets for our meat products. One can only look to the economic damage Foot-and-Mouth Disease caused to Britain in 2001 to gauge how significant this threat is to the United States. The highly contagious nature of this disease and the growing international trade of livestock equate the regionalization of Foot-and-Mouth Disease in Argentina to mixing fire with gasoline. I am glad that my colleague mentioned how Foot-and-Mouth Disease is unique and that regionalization would not work with this disease as it has with other animal ailments.

Our cattle, sheep, and swine already face a number of animal health challenges and now is not the time to open up our country to new diseases. Requiring Argentina to be FMD free without using vaccination is not asking too much. This is the same condition the United States and our neighbors already operate under in the trade of livestock. This bill, respected by a large number of state veterinary officials, recognizes this threat and ensures that the proper safeguards remain in place to prevent Foot-and-Mouth Disease from reaching our shores.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 3238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foot and Mouth Disease Prevention Act of 2008".

SEC. 2. PROHIBITION ON IMPORTATION OF ARGENTINE RUMINANTS AND SWINE UNTIL ARGENTINA IS FREE OF FOOT AND MOUTH DISEASE WITHOUT VACCINATION.

The Secretary of Agriculture shall prohibit the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or slaughtered in Argentina until the Secretary certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

JULY 7, 2008.

Hon. TIM JOHNSON,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.
Hon. MIKE ENZI,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: The American Sheep Industry Association, (ASI) on behalf of the 70,000 farm and ranch families producing lamb and wool in the United States, strongly supports your legislation regarding sheep and meat imports from Argentina.

This legislation is absolutely critical to the future of a healthy sheep industry in America.

In fact, the proposal to regionalize trade in live sheep and sheep meat drove industry concerns and questions about the trade and disease risks to point that this is a top issue of the state and national associations of the sheep industry.

We commit our support for approval of this legislation and commend your leadership in addressing appropriate livestock and meat trade standards on behalf of the nation's livestock industry.

Sincerely,

BURDELL JOHNSON,
ASI President.

UNITED STATES CATTLEMEN'S ASSOCIATION
P.O. BOX 339—SAN LUCAS, CA 93954

USCA (July 10, 2008)—The U.S. Cattlemen's Association (USCA) today hailed the introduction of legislation in the U.S. Senate that would block meat shipments from Argentina until that country is free of Foot and Mouth Disease (FMD), an airborne livestock disease that is devastating to livestock production.

Senator Tim Johnson (D-SD) and Senator Mike Enzi (R-WY) introduced the Foot and Mouth Disease Prevention Act of 2008, which would add common sense to a proposal by the U.S. Department of Agriculture (USDA) that would allow importation of Argentine fresh and prepackaged beef, lamb and other meat from select regions of Argentina, as well as live animals.

"Cattlemen from across the country appreciate Senator Johnson and Senator Enzi along with the other co-sponsors of this important legislation," said Jon Wooster, a California rancher and USCA president. "We're calling it the 'Keep America FMD-Free bill'."

Wooster explained that an outbreak of FMD within the U.S. cattle industry would bring livestock commerce to a standstill overnight and would likely result in the depopulation of millions of cattle, hogs, lambs, goats and wildlife.

The American Veterinary Medical Association has deemed FMD the most economically devastating of all livestock disease. A recent study by Kansas State University found that an outbreak of FMD would cost the State of Kansas alone nearly $1 billion.

"Despite the risks, the Department of Agriculture continues to consider the implementation of a regionalized beef trade plan with Argentina," noted Wooster. "FMD is an airborne disease that will not stop at an imaginary border controlled by a foreign nation. Argentina has proven time and time again that it does not have America's best interests at heart. This is a country that has attacked U.S. agriculture in the World Trade Organization (WTO) and has intentionally turned its back on, and still refuses to pay, billions in U.S. loans despite U.S. court judgments mandating it do so.".

Senators Tim Johnson (D-SD) and Mike Enzi (R-WY) along with Senators Jon Tester (D-MT), John Barrasso (R-WY), Claire McCaskill (D-MO), Pete Domenici (R-NM), Byron Dorgan (D-ND), Ken Salazar (D-CO), and Wayne Allard (R-CO) are co-sponsors of the Foot and Mouth Disease Prevention Act of 2008. USCA has worked diligently to maintain import standards that will keep the U.S. cattle industry on the offensive rather than the defensive when it comes to controlling the introduction of foreign animal disease into the U.S.

"We will continue to work on moving this bill forward by adding co-sponsors and garnering support both on Capitol Hill and in the country. USCA is firmly resolved to ensuring the U.S. cattle industry is protected by the highest import standards possible, and to seeing that the 'Keep America FMD-Free' bill becomes law," said Wooster.

NATIONAL FARMERS UNION,
Washington, DC, July 10, 2008.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the family farmers, ranchers and rural residents of National Farmers Union (NFU), I write in strong support of your legislation to prohibit the importation of Argentine ruminants, swine, fresh and frozen meat, and products from ruminants and swine until the U.S. Department of Agriculture (USDA) Secretary certifies the country Foot and Mouth Disease (FMD) free. I applaud your leadership to ensure all measures are employed to protect the American livestock industry and consumer confidence in our meat supply.

The ban proposed in your legislation is necessary in order to prevent jeopardizing our own efforts to eradicate livestock diseases, and thereby protecting the food supply. Your legislation enhances food safety through requiring every region of Argentina to be FMD-free without vaccination before exporting ruminants, swine and meat products to the United States.

FMD is a highly infectious virus that, if introduced into the United States, could contaminate entire herds and leave producers in financial ruin, as infected herds must be culled to prevent the spread of the disease. FMD is so devastating the American Veterinary Medical Association considers it to be the most economically destructive of all livestock diseases. The United States suffered nine outbreaks of FMD in the early twentieth century, but has been FMD-free since 1929. According to USDA's Animal and Plant Health Inspection Service, the economic impacts of a re-occurrence of FMD in the United States could cost the economy billions of dollars in the first year alone.

America's family farmers and ranchers produce the safest, most abundant food supply in the world. FMD presents a very real threat to American agriculture and its introduction into the United States can and must be prevented. Requiring a country like Argentina, with such an apparent problem with this devastating disease, to prove FMD-free status is an acceptable standard to trade. Opening our borders to Argentine ruminant products is a risk that American producers simply cannot afford. Your legislation is needed to ensure harmful products are not allowed into the United States and that Argentina is not an exception to the rule.

I thank you for introducing this important legislation, and look forward to working with you to ensure its passage.

Sincerely,

TOM BUIS,
President, National Farmers Union.

R-CALF UNITED STOCKGROWERS
OF AMERICA,
Billings, MT, July 3, 2008.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON, On behalf of the thousands of cattle-producing members of R-CALF USA located throughout the United States, we greatly appreciate and strongly support your legislation to prohibit the importation of certain animals and animal products from Argentina until every region of Argentina is free of foot and mouth disease without vaccination.

Foot and mouth disease (FMD) is recognized internationally as one of the most contagious diseases of cloven-hoofed animals and it bears the potential to cause severe economic losses to U.S. cattle producers. Your legislation recognizes that the most effective prevention measure against this highly contagious disease is to ensure that it is not imported into the United States from countries where FMD is known to exist or was recently detected.

R-CALF USA stands ready to assist you in building both industry and congressional support for this important, disease-prevention measure. Thank you for initiating this needed legislation to protect the U.S. cattle industry from the unnecessary and potentially dangerous exposure to FMD from Argentinean imports.

Sincerely,

R.M. THORNSBERRY,
President, R-CALF USA Board of Directors.

SOUTH DAKOTA
CATTLEMEN'S ASSOCIATION,
Pierre, SD, July 10, 2008.

Senator TIM JOHNSON,
Hart Senate Office Building,
Washington, DC
Senator MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: I am writing on behalf of the 1,000 beef producer members of the South Dakota Cattlemen's Association (SDCA) to express support for the Foot and Mouth Disease Prevention Act of 2008. SDCA supports free and fair trade based on OIE standards that will protect the health of our cattle herd and the economic livelihood of our cattlemen.

Our top trade priority is to regain market access for U.S. beef in order to recapture the lost value of exports that occurred after the occurrence of BSE in 2003. To that end, we've worked closely with elected and regulatory officials to ensure adequate measures are taken to protect our herd health and maintain consumer confidence in U.S. beef.

In light of numerous unanswered questions regarding the status of Foot and Mouth Disease in Argentina, we believe passage of the Foot and Mouth Disease Prevention Act is critical to ensure this devastating disease doesn't enter the U.S. cattle herd through the importation of Argentine cattle and beef products. We commend your willingness to stand up for South Dakota's beef producers and look forward to working with you on this important issue.

Regards,

JODIE HICKMAN,
Executive Director.

SOUTH DAKOTA FARMERS UNION,
Huron, South Dakota, July 9, 2008.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the family farmers and ranchers of the South Dakota Farmers Union (SDFU), I write to express support of your legislation *The Foot and Mouth Disease Prevention Act of 2008* to require the U.S. Department of Agriculture (USDA) to prevent the importation of livestock from Argentina until the USDA can certify that Argentina is free of Foot and Mouth Disease (FMD) without vaccination.

As you know, the possibility of the importing live animals and fresh meat with FMD would put our herds at risk and cause an economic hardship for our producers. The devastation that FMD can cause was seen first hand in England in 2001. SDFU fears that a similar situation would have severe economic consequences not only for producers in our state but nationwide. Your legislation is a proactive measure that will insure that this does not occur. As a result, until USDA certifies that Argentina is free of FMD, the importation of live stock and meat product should not be allowed. We owe it to both producers and consumers to protect their livestock herd and provide a safe food product.

SDFU fully supports your legislation to require USDA to certify Argentina free of FMD. I look forward to working with you and your colleagues for a quick passage of this important legislation to help protect American livestock producers and consumers.

Sincerely,

DOUG SOMBKE,
President.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. MENENDEZ):

S. 3239. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, I would like to talk about the strong concerns I am hearing back home about gas and diesel prices and about a bill I am introducing today in response to those concerns.

We all know that over the past 12 months, the price of a gallon of gas has risen over a dollar, from around $3 last year to over $4 today. Diesel has increased from $2.91 a year ago to $4.72 per gallon today.

At the listening sessions I hold in every county of my State each year, Wisconsinites are, of course, talking about how those soaring oil prices are hurting their pocketbooks. And it is not just at the pump. They are feeling the pain also at the grocery store, on the farm, and at the ticket counter. Those high fuel prices are having a rippling effect throughout our entire economy. Wisconsinites, like Americans all around the country, are feeling squeezed. With no relief in sight, the anxiety and tension keep building. Americans are emotionally, physically, and financially drained. My colleague from Minnesota, Senator KLOBUCHAR, had it right when she stated that Americans are running on empty.

Here is what I am hearing from Wisconsinites. One constituent told me:

> I have done everything I can to use as little gas as possible, even before prices got so high. My two-parent family (with two children) has only one car. I ride my bicycle or walk to work and use the car as little as possible. However, the rising cost of fuel is causing higher prices for food and other necessities which are becoming more difficult for my family and others.

From another parent:

> I have an adorable child I am trying to raise on a budget that no longer reaches from paycheck to paycheck. I currently work an hour away from where I live as the jobs are not available in [my] area. Between the rising price of gas, electric/heat and food, my husband and I can barely pay our mortgage.

I have heard from many others who are struggling as they care for elderly parents. One lady has a mother in a nursing home, and she used to visit her three times a week. However, with the nursing home 20 miles away and high fuel prices, now she can only afford to visit her mother once a week. That, to me, is a very poignant example—one of so many examples—of the real human impact these gas prices have.

Even those who have managed their money well and have saved are struggling. One constituent commented that he had planned to put extra money toward retirement and pay down debt. With the high fuel prices, he does not have any extra money and is worried that he will end up on government assistance at the age of 57.

There are more letters and more e-mails and more phone calls. The high cost of driving affects all kinds of people and livelihoods. It, affects kids whose parents cannot drive them across town to a friend's house or to soccer practice because they have to conserve gas to get to work. It affects young students and senior citizens who are on fixed incomes. Small businesses are finding they need to increase prices to cover increased transportation costs. Farmers are, of course, feeling the pinch in one way or another, whether it be fertilizer or fuel or transportation or feed for livestock and dairy farmers.

All over the country, people have resorted to alternative forms of transportation in an effort to escape these costs. There is a range of positive proposals to improve systems in Wisconsin from the Kenosha-Racine-Milwaukee commuter rail, extending Amtrak to Madison, or just adding buses or routes. While I strongly support long-term plans to invest in mass transit, I also recognize that at least for the time being in many parts of Wisconsin and in this country, it is unrealistic for many to rely on mass transportation. Commuting to work, be it across a large city or between two towns, is a gas- and dollar-guzzling task that many people cannot avoid or, increasingly, afford.

For the large number of Americans living in predominantly rural areas, this is especially challenging due to the typically longer trips and fewer transportation options. So Wisconsinites want to know: When is the Federal Government going to provide some relief?

With my support, Congress has made some progress. Last December we enacted energy legislation, H.R. 6, that raises corporate average fuel economy standards for vehicles while protecting American jobs. It also increases the requirement for alternative fuels from 8.5

billion gallons in 2008 to 36 billion gallons in 2022. I also recently cosponsored an amendment to make the Federal Government stop filling the Strategic Petroleum Reserve, which is 97 percent full. Fortunately, Congress passed this legislation, and the administration finally agreed to stop taking oil off the market to store it underground. The bill, H.R. 6022, was signed into law in May.

We also made some progress in preventing market manipulation. I cosponsored the Oil and Gas Traders Oversight Act, S. 577, which would help ensure that the previously unregulated trading commodities are subject to greater Federal oversight by requiring the reporting of trades, and then a similar provision was included in the final version of the farm bill which was recently enacted.

These are positive steps, but much more needs to be done. So today I am introducing legislation that seeks to answer a question more and more Americans are asking, which is: Why aren't the oil companies developing 66 million acres of land that they are already leasing from the U.S. Government? Those same companies, and some of my colleagues, say we need to open more Federal lands to drilling. Well, I guess I would like to know then why the oil companies are not producing on most of the Federal lands they already have under lease.

At a recent Senate Judiciary Committee hearing, I actually had the chance to ask the top five oil executives in the country just that question, and it was incredible. They couldn't come up with any good explanation at all. In fact, one of the executives told me they have the manpower and the infrastructure to put all of their existing leases of Federal lands into oil production.

I find this troubling. No one is talking about pulling oil out of a hat, but with 75 percent of currently leased Federal lands and waters not producing oil and gas, Congress needs to insist on some accountability on this point. This is why today I am introducing the Responsible Federal Oil and Gas Lease Act. This bill says if oil and gas companies want to lease additional lands, they must either be producing or diligently developing their existing Federal leases, or they have to give up those leases. This way, if a company makes the business decision to terminate or not pursue exploration, then the lease will be made available to other companies who might actually drill or figure out a way to get some oil out of this land. This is a responsible way to increase production and keep the private sector accountable for production.

So with over 100 billion barrels of oil under Federal lands and waters that are being leased or are available for leasing, Congress must properly encourage their development, and oil companies should use the land they already have before coming to Congress, hat in hand, asking for more land.

This bill is similar to legislation introduced by Representative RAHALL which the House considered last month. I will work to make sure the Senate follows their lead. I am also cosponsoring a bill introduced by my colleague who is on the Senate floor, my good friend Senator DODD, that encourages oil companies to utilize the land they have been granted by making them pay fees on land under lease but not in production.

There are a number of other steps Congress should take, including addressing the role of excess speculation in the energy futures market and clamping down on OPEC's price fixing. I am a cosponsor of S. 879, which would authorize the Justice Department and the FTC to sue foreign countries under U.S. antitrust law for limiting the supply or fixing the price of oil. Also, of course, we need to aggressively pursue alternative fuels, efficiency, and renewable energy because the facts show that even if we drilled every corner of the country, and offshore too, that wouldn't solve our energy problems.

In the long term, the Government's Energy Information Administration reports that opening more Outer Continental Shelf regions to drilling "would not have a significant impact on domestic crude and natural oil gas production or prices before 2030," nor will it significantly affect prices after 2030, the agency reports, "because oil prices are determined on the international market." In short, the facts are telling us that we simply cannot just drill our way out of this, and more drilling does not necessarily mean lower prices at the pump.

Unfortunately, a minority of Senators have repeatedly blocked efforts to expand renewables and address price gouging and excess energy market speculation. I sincerely hope we can get beyond this partisan bickering. My constituents don't want finger-pointing or name calling; they want some relief, and they deserve it. They also deserve to know that we are pressing forward on plans that embrace a new energy future.

Thirty years ago, our Nation was rattled by our reliance on oil. If I am still here in 30 years, for the sake of my constituents, I hope we will have succeeded at diversifying our energy uses and oil does not still have a stranglehold over our citizens and the economy.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. CARDIN, and Mr. KERRY):

S. 3245. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, the Constitution guarantees all Americans the right to the equal protection of the law. Nowhere is the guarantee of equal protection more important than in our criminal justice system. In a criminal justice system that imprisons a record 2.3 million, even the perception of bias on the basis of race, ethnicity, or any other protected class is unacceptable and should be guarded against at all costs.

Unfortunately, studies, reports, and case law from the last several years have documented racial disparities during many of the stages of the criminal justice system—law enforcement contact with a suspect, arrest, charging, plea bargaining, jury selection, and sentencing. Nowhere are the effects of these racial disparities more evident than in our prisons. By some estimates, nearly three-quarters of prisoners in the United States are either African-American or Hispanic. One of every three African-American men born today can expect to go to prison in his lifetime. These numbers, and studies and reports that show similar disparities during other stages of the criminal justice process, engender a crisis of public trust in the integrity of our criminal justice system and raise the possibility that we are failing to make good on the constitutional promise of equal protection.

Both the reality and the perception of inappropriate disparate treatment of minorities in the justice system erode respect for the law and undermine public safety.

Communities become increasingly reluctant to report crimes to and cooperate with police and prosecutors. They become reluctant to participate in juries and, when they do participate, to vote for conviction where the defendant is a minority. To fulfill the promise of the Constitution, and to effectively fight crime and deliver impartial justice, it is essential to identify and address unjustified disparities in the criminal justice system.

The Justice Integrity Act establishes a pilot program within the Justice Department to identify and eliminate unjustified disparities in the administration of justice. Ten U.S. Attorneys designated by the Attorney General will each appoint and chair an advisory group, composed of Federal and State prosecutors and defenders, private defense counsel, Federal and State judges, correctional officers, victims' rights representatives, Civil Rights organizations, business representatives and faith-based organizations engaged in criminal justice work.

The advisory group will systematically gather and examine data regarding the criminal process in its district and seek to determine the causes of any racial or ethnic disparity. The advisory group will produce a report on its findings and recommend a plan to reduce any unwarranted racial and ethnic disparities and thereby increase public confidence in the criminal justice system. The U.S. Attorney will consider the advisory group's recommendations and adopt a plan and submit a report to the Attorney General. At the end of the pilot program, the Attorney General will produce a comprehensive report to Congress on the results of the pilot program in all ten districts and recommend best-practices.

The Justice Integrity Act has been endorsed by the National Criminal Justice Association, The Sentencing Project, the American Bar Association, and a number of former United States Attorneys. I am proud to introduce this important bill with the support of my colleagues and friends—Senators ARLEN SPECTER, JOHN KERRY, and BEN CARDIN. We urge other members to join us.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice Integrity Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the pursuit of justice requires the fair application of the law;

(2) racial and ethnic disparities in the criminal process have contributed to a growing perception of bias in the criminal justice system;

(3) there are a variety of possible causes of disparities in criminal justice statistics among racial and ethnic groups and these causes may differ throughout the United States, including factors such as—

(A) varying levels of criminal activity among racial and ethnic groups and legitimate law enforcement response to that criminal activity; and

(B) racial discrimination, ethnic and cultural insensitivity, or unconscious bias;

(4) the Nation would benefit from an understanding of all factors causing a disparate impact on the criminal justice system; and

(5) programs that promote fairness will increase public confidence in the criminal justice system, increase public safety, and further the pursuit of justice.

SEC. 3. PILOT PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a pilot program in 10 United States districts in order to promote fairness, and the perception of fairness, in the Federal criminal justice system, and to determine whether legislation is required.

(b) PROGRAM REQUIREMENTS.—

(1) U.S. ATTORNEYS.—The Attorney General shall designate, in accordance with paragraph (3), 10 United States Attorneys who shall each implement a plan in accordance with section 4, beginning not later than 1 month after those United states Attorneys are designated by the Attorney General.

(2) PURPOSE.—The purposes of the plans required by this section are—

(A) to gather racial and ethnic data on investigations and prosecutions in the United States districts and the causes of disparities, if any;

(B) to determine the extent to which the communities' perception of bias has affected confidence in the Federal criminal justice system;

(C) to analyze whether measures may be taken to reduce unwarranted disparities, if any, and increase confidence in the criminal justice system; and

(D) to make recommendations, to the extent possible, to ensure that law enforcement priorities and initiatives, charging and plea bargaining decisions, sentencing recommendations, and other steps within the criminal process are not influenced by racial and ethnic stereotyping or bias, and do not produce unwarranted disparities from otherwise neutral laws or policies.

(3) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The 10 pilot districts referred to in subsection (a) shall include districts of varying compositions with respect to size, case load, geography, and racial and ethnic composition.

(B) METROPOLITAN AREAS.—At least 3 of the United States attorneys designated by the Attorney General shall be in Federal districts encompassing metropolitan areas.

SEC. 4. PLAN AND REPORT.

(a) IN GENERAL.—

(1) UNITED STATES ATTORNEY.—Each United States Attorney shall, in consultation with an advisory group appointed in accordance with paragraph (2), develop and implement a plan in accordance with subsections (b) and (c).

(2) ADVISORY GROUP.—

(A) APPOINTMENT.—Not later then 90 days after designation by the Attorney General, the United States Attorney in each of the 10 pilot districts selected pursuant to section 3 shall appoint an advisory group, after consultation with the chief judge of the district and criminal justice professionals within the district.

(B) MEMBERSHIP.—The advisory group of a United States Attorney shall include—

(i) 1 or more senior social scientists with expertise in research methods or statistics; and

(ii) individuals and entities who play important roles in the criminal justice process and have broad-based community representation such as—

(I) Federal and State prosecutors;

(II) Federal and State defenders, if applicable in the district, and private defense counsel;

(III) Federal and State judges;

(IV) Federal and State law enforcement officials and union representatives;

(V) parole and probation officers;

(VI) correctional officers;

(VII) victim's rights representatives;

(VIII) civil rights organizations;

(IX) business and professional representatives; and

(X) faith-based organizations who do criminal justice work.

(C) TERM LIMIT.—Subject to subparagraph (D), a member of the advisory group shall not serve longer than 5 years.

(D) PERMANENT MEMBERS.—Notwithstanding subparagraph (C), the following shall be permanent members of the advisory group for that district:

(i) The chief judge for the judicial district.

(ii) The Federal defender for the judicial district.

(iii) The United States Attorney for the judicial district.

(E) REPORTER.—The United States Attorney may designate a reporter for each advisory group, who may be compensated in accordance with guidelines established by the Executive Office of the United States Attorneys.

(F) INDEPENDENT CONTRACTORS.—The members of an advisory group of a United States Attorney and any person designated as a reporter for such group—

(i) shall be considered independent contractors of the United States Attorney's Office when in the performance of official duties of the advisory group; and

(ii) may not, solely by reason of service on or for the advisory group, be prohibited from practicing law before any court.

(b) DEVELOPMENT AND IMPLEMENTATION OF A PLAN AND REPORT.—

(1) ADVISORY GROUP REPORT.—The advisory group appointed under subsection (a)(2) shall—

(A)(i) systematically collect and analyze quantitative data on the race and ethnicity of the defendant and victim at each stage of prosecution, including case intake, bail requests, declinations, selection of charges, diversion from prosecution or incarceration, plea offers, sentencing recommendations, fast-track sentencing, and use of alternative sanctions; and

(ii) at a minimum, collect aggregate data capable of individualization and tracking through the system so that any cumulative racial or ethnic disadvantage can be analyzed;

(B) seek to determine the causes of racial and ethnic disparities in a district, and whether these disparities are substantially explained by sound law enforcement policies or if they are at least partially attributable to discrimination, insensitivity, or unconscious bias;

(C) examine the extent to which racial and ethnic disparities are attributable to—

(i) law enforcement priorities, prosecutorial priorities, the substantive provisions of legislation enacted by Congress; or

(ii) the penalty schemes enacted by Congress or implemented by the United States Sentencing Commission;

(D) examine data including—

(i) the racial and ethnic demographics of the United States Attorney's district;

(ii) defendants charged in all categories of offense by race and ethnicity, and, where applicable, the race and ethnicity of any identified victim;

(iii) substantial assistance motions, whether at sentencing or post-conviction, by race and ethnicity;

(iv) charging policies, including decisions as to who should be charged in Federal rather than State court when either forum is available, and whether these policies tend to result in racial or ethnic disparities among defendants charged in Federal court, including whether relative disparities exist between State and Federal defendants charged with similar offenses;

(v) the racial and ethnic composition of the Federal prosecutors in the district; and

(vi) the extent to which training in the exercise of discretion, including cultural competency, is provided prosecutors;

(E) consult with an educational or independent research group, if necessary, to conduct work under this subsection; and

(F) submit to the United States Attorney by the end of the second year after their initial appointment a report and proposed plan, which shall be made available to the public and which shall include—

(i) factual findings and conclusions on racial and ethnic disparities, if any, and the State of public confidence in the criminal process;

(ii) recommended measures, rules, and programs for reducing unjustified disparities, if any, and increasing public confidence; and

(iii) an explanation of the manner in which the recommended plan complies with this paragraph.

(2) ADOPTION OF PLAN.—Not later than 60 days after receiving and considering the advisory group's report and proposed plan under paragraph (1), the United States Attorney appointed under section 3 shall adopt and implement a plan.

(3) COPY OF REPORT.—The United States Attorney shall transmit a copy of the plan and report adopted and implemented, in accordance with this subsection, together with the report and plan recommended by the advisory group, to the Attorney General. The United States Attorney shall include with the plan an explanation of any recommendation of the advisory group that is not included in the plan.

(4) CONGRESS.—The Attorney General shall transmit to the United States Attorney's in every Federal district and to the Committees on the Judiciary of the Senate and the House of Representatives copies of any plan and accompanying report submitted by a pilot district.

(c) PERIODIC UNITED STATES ATTORNEY ASSESSMENT.—After adopting and implementing a plan under subsection (b), each United States attorney in a pilot district shall annually evaluate the efficacy of the plan. In performing such assessment, the United States attorney shall consult with the advisory group appointed in accordance with subsection (a)(2). Each assessment shall be submitted to the Executive Office for United States attorneys for review in accordance with subsection (d).

(d) INFORMATION ON THE PILOT PROGRAM.—

(1) REPORT AND MODEL PLAN.—Not later than 5 years after the date of the enactment of this Act, the Attorney General shall—

(A) prepare a comprehensive report on all plans received pursuant to this section;

(B) based on all the plans received pursuant to this section the Attorney General shall also develop one or more model plans; and

(C) transmit copies of the report and model plan or plans to the Committees on the Judiciary of the Senate and the House of Representatives.

(2) CONTINUED OVERSIGHT.—The Attorney General shall, on a continuing basis—

(A) study ways to reduce unwarranted racial and ethnic disparate impact in the Federal criminal system; and

(B) make recommendations to all United States attorneys on ways to improve the system.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $3,000,000 for use, at the discretion of the Attorney General, by the United States Attorneys' advisory groups in the development and implementation of plans under this Act.

By Mr. CARDIN (for himself, Ms. SNOWE, and Ms. MIKULSKI):

S. 3246. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce a bill, the Fair Deal for Volunteers Act. In today's economic climate, Americans need relief from sky-rocketing oil and gas prices. This applies to everyone, including people who engage in much-needed volunteer work. My bill will provide immediate relief for volunteers serving our elderly, poor, frail, and at-risk Americans. It gives the Internal Revenue Service authority to change the mileage rate—currently set by statute at 14 cents per mile—for calculating the deductible cost of operating a vehicle for charitable purposes. We can't let an out-of-date mileage rate exacerbate the pinch at the pump for volunteers who selflessly provide so many vital goods and services in every community across America. I'm pleased that the senior Senator from Maine, Senator SNOWE, and my colleague, the senior Senator from Maryland, Senator MIKULSKI, are original cosponsors of this bill and I thank them for their support.

The Internal Revenue Code does not fix a rate for individuals who are required to use their own vehicle for work, or for individuals taking a mileage deduction for moving purposes. The IRS is able to increase the deduction amount for these purposes to reflect the current economic climate and dramatically higher fuel prices. This is exactly what the IRS recently did.

As of July, the IRS modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. The revised standard mileage rate for business purposes increased from 50.5 cents per mile to 58.5 cents. For medical and moving expenses, the IRS increased the rate from 19 cents per mile to 27 cents per mile. I think the Nation's volunteers who travel on behalf of charitable organizations deserve an increase in their mileage rate, too.

My bill gives the IRS flexibility in setting the rate so that volunteers for charitable organizations could be given the same tax benefit accruing for moving, medical, and business expenses. In today's climate of increasing food and fuel prices, this bill will help relieve some of the pressure on charitable organizations and their volunteers.

Take Meals on Wheels, for example. This organization delivers nutritious meals and other nutrition services to men and women who are elderly, homebound, disabled, frail, or otherwise at-risk. The services Meals on Wheels provides significantly improve the recipients' quality of life and health, and often help to postpone institutionalization.

Over the past year, there has been nearly a 20 percent increase in fuel and food prices, coupled with reduced government funding and fewer donations across the country. Nearly 60 percent of the estimated 5,000 programs that operate under the auspices of the Meals on Wheels Association of America have lost volunteers, in large part because it is too expensive for the volunteers to drive back and forth. Nearly half the programs have eliminated routes or consolidated meal services. About 38 percent of the programs have switched to delivering frozen meals, and about 30 percent are cutting personal visits from 5 days a week to one.

In Maryland, the Central Maryland Meals on Wheels has experienced an increase of 7 percent in food costs and suppliers are charging higher delivery fees. The cost to fill up the vans with gas has increased. Fuel costs averaged $72,538.70 in fiscal year 2007; this year, the costs have jumped to $86,790.63. This is an organization with volunteers serving over 3,100 elderly, disabled, frail and at-risk Marylanders. Its volunteers deserve relief from high gas prices just as much as people who use their car for work or for medical purposes or for moving.

Throughout the United States, Meals on Wheels served over 3 million people and more than 250 million meals in fiscal year 2006. This is just one of thousands of charitable organizations. We need to encourage and support the Meals on Wheels volunteers and all other volunteers who need their cars to help their neighbors and communities. The Fair Deal for Volunteers Act will do just that, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Deal for Volunteers Act of 2008".

SEC. 2. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. CANTWELL):

S. 3248. A bill to amend the Commodity Exchange Act to clarify treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, the Commodity Speculation Reform Act of 2008, with my colleague Senator COLLINS, the ranking minority member of our Homeland Security and Governmental Affairs Committee. The legislation is designed to wring out of the commodity markets the excessive speculation—and I stress the word "excessive"—that we believe has helped lead to the sudden and soaring spikes in the prices Americans pay for food and energy.

We are going to do this by returning the commodity markets to what they were meant to be—a place where producers and consumers of specific commodities can enter into futures contracts that help hedge the risks of price fluctuations common to their industries.

These commodity market traders—farmers, airlines, refineries—actually intend to produce or take delivery of specific commodities as part of doing business.

On the other hand, financial speculators, including pension funds, university endowments, and other large institutional investors, have poured billions and billions of dollars into these markets over the past 5 years betting on rising prices—and let's make it clear, that these are bets—without ever intending to actually own a barrel of oil or a bushel of corn. They are looking for nothing more than paper profits.

In a series of hearings held by our Homeland Security and Governmental Affairs Committee, we heard testimony that this kind of excessive speculation in the commodity markets may have added as much as $40 to $60 to the cost of a barrel of oil.

Some say these figures are too high. But I would say that even a single dollar increase due to excessive speculation is a dollar too much because of the inflationary effect it can have not only on the U.S. economy, but around the world.

Consider this: according to the Air Transport Association, every $1 increase in the price of a barrel of crude oil adds $470 million a year in jet fuel costs—almost half a billion dollars—to the U.S. airline industry. These costs are passed on to consumers in the forms of higher ticket prices and other surcharges that are now keeping potential passengers on the ground and has the industry reeling.

These increases directly hit consumers in the global economy through higher gas and food prices. Moreover, the negative effects of commodity price inflation ripple through the economy as the high cost of energy and raw materials weakens our manufacturing base, and the high cost associated with transporting goods impedes international trade.

The profits made by the speculators do not produce one new barrel of oil, put one new acre of farmland into production, put one new mine into operation, or add one new gallon of refinery capacity.

If speculators really want to invest in commodities, they can buy stock in an energy company or an agricultural firm. They can purchase the royalty rights to land. Any of these options would benefit from market trends related to commodity prices and would also bring needed investment into means of production that would increase supplies and eventually contribute to lower commodity prices.

Unfortunately, the Commodity Futures Trading Commission has ignored the urgent task of providing our front line defense against rampant and unmanaged speculation. To this day, the Commission has yet to recognize that speculation affects commodity prices.

Instead, the Commission has delegated much of its regulatory authority to the for-profit exchanges. Moreover, in contradiction with Congress's original legislative intent, the Commission views its mission as confined to a single purpose—preventing market manipulation. On the contrary, Congress fully intended the Commission to regulate market manipulation AND excessive speculation.

Our bill effectively closes the door to excessive speculation, but in a rational and reasonable way by, in effect, perfecting current law. First, it requires the CFTC to consider the overall effect of speculation when it sets the position limits that restrict the amount that any one investor can invest in a commodity. This is a critical and necessary change—if the Commission does not acknowledge and embrace its obligation to prevent excessive speculation, all of our efforts will be in vain.

Second, it extends the existing rules that apply to the regulated exchanges to currently unregulated over-the-counter and foreign markets. Over the last 10 years, over-the-counter trading in commodities has exploded. The over-the-counter investment vehicles are simply economic substitutes for futures contracts. There is no rational reason that they should not be subject to the same laws and regulations that apply to futures contracts.

This change also eliminates the "swaps loophole" that allows pension funds and other large investors to invest in index funds that circumvent the position limits. From 2003 to 2008, investment in commodity index funds has swelled from $13 billion to $260 billion and has, in effect, chased up prices and taken control of the commodity markets away from the industries and producers that must use them as a means of doing business.

Other important provisions would direct that the speculative position limits must be set by the CFTC, not the futures exchanges, and repeal the CFTC's authority to substitute meaningless reporting requirements for actual speculative position limits.

In the course of our Committee hearings and in later deliberations we looked at a number of legislative options, including banning certain large investors, such as pension funds, from the commodity markets altogether.

But we feel the approach we've come up with in this bill is a reasonable, commonsense approach that will help bring order back to the commodity markets while preserving the liquidity it needs to function properly.

Some have suggested that Congressional action will simply push investors to foreign markets. Our bill actually discourages flight from the major exchanges because it puts all trading platforms under the same regulatory umbrella. Speculators are subject to the same position limits regardless of whether they invest in New York, London, Dubai, or over-the-counter.

Is excessive speculation the sole cause of rising prices? Of course not. Global economic growth, particularly in emerging nations like China and India, has put tremendous upward pressure on the prices of energy, food and raw materials.

But there is little doubt—even among most skeptics of our legislation—that excessive speculation has had an effect on rising prices. Our bill will end that and help create a more orderly market for the industries and producers who must deal in commodities as a matter of business.

The father of modern capitalism, Adam Smith, overall wanted to limit the role of government in free markets. In fact, in "The Wealth of Nations" Smith said speculators served many useful functions in a free market and many of his observations are still true today.

But Smith knew there had to be limits, writing: "those exertions of the natural liberty of a few individuals, which may endanger the security of the whole society, are, and ought to be, restrained by the laws of all governments."

With this bill we seek that kind of restraint so that the few don't gain exorbitant profits at the expense of the average American reeling under spiraling prices for food and fuel.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commodity Speculation Reform Act of 2008".

SEC. 2. AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION TO ISSUE NO ACTION LETTERS.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) AUTHORITY TO ISSUE NO ACTION LETTERS TO FOREIGN BOARDS OF TRADE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Commission may not issue a no action letter to any foreign board of trade that lists a contract the price of which settles on the price of a contract traded on an exchange regulated by the Commission.

"(ii) EXCEPTION.—The Commission may issue a no action letter to a foreign board of trade described in clause (i) if the foreign board of trade provides to the Commission information and data accessibility the scope of which is comparable to the information and data accessibility provided to the Commission by entities under the jurisdiction of the Commission.".

SEC. 3. ADDITIONAL EMPLOYEES.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

"(D) ADDITIONAL EMPLOYEES.——As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of enactment of this subparagraph) to assist in carrying out section 4a(a)(2).".

SEC. 4. TREATMENT OF PURCHASES OF CERTAIN COMMODITY FUTURES CONTRACTS AND FINANCIAL INSTRUMENTS.

(a) IN GENERAL.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) by striking "SEC. 4a. (a) Excessive speculation" and inserting the following:

"SEC. 4a. EXCESSIVE SPECULATION.

"(a) BURDEN ON INTERSTATE COMMERCE; TRADING OR POSITION LIMITS.—

"(1) IN GENERAL.—Excessive speculation and"; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

"(2) TREATMENT OF PURCHASES OF CERTAIN COMMODITY FUTURES CONTRACTS AND FINANCIAL INSTRUMENTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) BONA FIDE HEDGING TRANSACTION.—

"(I) IN GENERAL.—The term 'bona fide hedging transaction' means a transaction that—

"(aa) represents a substitute for a transaction to be made or a position to be taken at a later time in a physical marketing channel;

"(bb) is economically appropriate for the reduction of risks in the conduct and management of a commercial enterprise; and

"(cc) arises from the potential change in the value of—

"(AA) assets that a person owns, produces, manufactures, possesses, or merchandises (or anticipates owning, producing, manufacturing, possessing, or merchandising);

"(BB) liabilities that a person incurs or anticipates incurring; or

"(CC) services that a person provides or purchases (or anticipates providing or purchasing).

"(II) EXCLUSION.—The term 'bona fide hedging transaction' does not include a transaction entered into on a designated contract market for the purpose of offsetting a financial risk arising from an over-the-counter commodity derivative.

"(ii) OVER-THE-COUNTER COMMODITY DERIVATIVE.—The term 'over-the-counter commodity derivative' means any agreement, contract, or transaction that—

"(I)(aa) is traded or executed in the United States; or

"(bb) is held by a person located in the United States;

"(II) is not traded on a designated contract market or derivatives transaction execution facility; and

"(III)(aa) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or substantially based on the value of, 1 or more qualifying commodities or an economic or financial index or measure of economic or financial risk primarily associated with 1 or more qualifying commodities;

"(bb) provides on an executory basis for the applicable transaction, on a fixed or contingent basis, of 1 or more payments substantially based on the value of 1 or more qualifying commodities or an economic or financial index or measure of economic or financial risk primarily associated with 1 or more qualifying commodities, and that transfers between the parties to the transaction, in whole or in part, the economic or financial risk associated with a future change in any such value without also conveying a current or future direct or indirect ownership interest in an asset or liability that incorporates the financial risk that is transferred; or

"(cc) is any combination or permutation of, or option on, any agreement, contract, or transaction described in item (aa) or (bb).

"(iii) OVER-THE-COUNTER COMMODITY DERIVATIVE DEALER.—The term 'over-the-counter commodity derivative dealer' means a person that regularly offers to enter into, assume, offset, assign, or otherwise terminate positions in over-the-counter commodity derivatives with customers in the ordinary course of a trade or business of the person.

"(iv) QUALIFYING COMMODITY.—The term 'qualifying commodity' means—

"(I) an agricultural commodity; and

"(II) an energy commodity.

"(B) REGULATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, in accordance with clauses (ii) and (iii), the Commission shall promulgate regulations to establish and enforce—

"(I) speculative position limits for qualifying commodities;

"(II) a methodology—

"(aa) to enable persons to aggregate the positions held or controlled by the persons on designated contract markets, on derivatives transaction execution facilities, and in over-the-counter commodity derivatives; and

"(bb) to ensure, to the maximum extent practicable, that the determinations made by the Commission with respect to each person examined under subparagraph (C) accurately reflect the net long and net short positions held or controlled by the person in the underlying qualifying commodity; and

"(III) information reporting rules to facilitate the monitoring and enforcement by the Commission of the speculative position limits established under subclause (I), including the monitoring of positions held in over-the-counter commodity derivatives.

"(ii) APPLICABILITY.—

"(I) POSITION LIMITS.—The speculative position limits established under clause (i)(I) shall apply to position limits that, with respect to each applicable position limit, expire during—

"(aa) the spot month;

"(bb) each separate futures trading month (other than the spot month); or

"(cc) the sum of each trading month (including the spot month).

"(II) SUM OF POSITIONS.—The speculative position limits established under clause (i)(I) shall apply to the sum of the positions held by a person—

"(aa) on designated contract markets;

"(bb) on derivatives transaction execution facilities; and

"(cc) in over-the-counter commodity derivatives.

"(iii) MAXIMUM LEVEL OF POSITION LIMITS.—In establishing the speculative position limits under clause (i)(I), the Commission shall set the speculative position limits at the minimum level practicable to ensure sufficient market liquidity for the conduct of bona fide hedging activities.

"(C) PROHIBITION RELATING TO CERTAIN POSITIONS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this Act, no person may hold or control a position, separately or in combination, net long or net short, for the purchase or sale of a commodity for future delivery or, on a futures-equivalent basis, any option, or an over-the-counter commodity derivative that exceeds a speculative position limit established by the Commission under subparagraph (B)(i)(I).

"(ii) BONA FIDE HEDGING TRANSACTIONS.—In determining whether the sum of a position held or controlled by a person has exceeded the applicable speculative position limit established by the Commission under subparagraph (B)(i)(I), the Commission shall not consider positions attributable to a bona fide hedging transaction.

"(iii) DETERMINATION OF POSITION LIMITS FOR OVER-THE-COUNTER COMMODITY DERIVATIVE DEALERS.—To determine the position of an over-the-counter commodity derivative dealer, the sum of the positions held or controlled by the over-the-counter commodity derivative dealer shall be—

"(I) calculated on the last day of each month; and

"(II) considered, for the monthly period covered by the determination, to be the average daily net position held or controlled by the over-the-counter commodity derivative dealer for the period beginning on the first day of the month and ending on the last day of the month.".

(b) REPORTS.—

(1) NECESSARY ADDITIONAL FUNDING.—Not later than 45 days after the date of enactment of this Act, the Commodity Futures Trading Commission (referred to in this subsection as the "Commission") shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report providing the recommendations of the Commission for any additional funding that the Commission considers to be necessary to carry out the amendments made by subsection (a), including funding for additional staffing and technological needs.

(2) SPECULATIVE ACTIVITY TRENDS.—

(A) STUDY.—The Commission shall conduct a study—

(i) to identify trends in speculative activity relating to metals; and

(ii) to determine whether the authority of the Commission under section 4a(a)(2) of the Commodity Exchange Act (7 U.S.C. 6a(a)(2)) (as added by subsection (a)(2)) should be extended to cover the trading of metals.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit a report containing the results of the study conducted under subparagraph (A) to—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(iii) the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

COMMODITY SPECULATION REFORM ACT OF 2008

(Senators Joseph Lieberman and Susan Collins, Summary of Provisions, July 10, 2008)

The legislation closes the "Swaps Loophole" and creates a seamless system of speculative position limits that applies to all food and energy-related contracts held by financial speculators, including over-the-counter holdings and futures positions on foreign exchanges.

In theory, position limits should curb excessive speculation in food and energy markets by imposing caps on the amount of futures contracts that may be held by any one investor. However, the position limits no longer serve their original purpose. Large institutional investors, such as pension funds, can circumvent the position limits by investing in over-the-counter markets. Through a regulatory "swaps" loophole, financial institutions that serve the over-the-counter markets also circumvent the position limits.

The bill will reduce excessive speculation by closing the swaps loophole and eliminating the exemptions that apply to investors that are not taking physical delivery of food and energy commodities. The bill applies the position limits if the position is not related to a bona fide hedging activity. The bill incorporates the CFTC's definition of bona fide hedging, but clarifies that it does not include hedging financial risks associated with over-the-counter derivatives, such as swaps and structured notes.

In the evolving commodity marketplace, trading is increasingly occurring in unregulated over-the-counter markets or overseas. By extending the position limits to holdings regardless of where they are held, the position limits will no longer create an incentive to trade off-exchange or overseas. The bill would require the CFTC to develop a methodology that allows investors to aggregate their positions on the exchanges and in over-the-counter markets for purposes of regulatory enforcement of the position limits.

The legislation requires the CFTC to set the individual position limits at amounts necessary to prevent excessive speculation while still ensuring sufficient market liquidity.

The CFTC currently sets the speculative position limits at amounts the Commission believes are necessary to prevent market manipulation by individual market participants. In contradiction with the original intent of the Congress, the CFTC does not set the position limits at amounts necessary to control the harmful inflationary effects of excessive speculation. The bill clarifies that the position limits should be set at amounts no greater than necessary to ensure sufficient market liquidity for the conduct of bona fide hedging activities.

The legislation directs that the speculative position limits must be set by the CFTC, not the futures exchanges.

The bill would repeal the CFTC's authority to delegate the responsibility for setting the position limits to the exchanges. The major exchanges are no longer nonprofit entities, but rather for-profit businesses. The position limits should be set by a regulatory entity that has a single mission—serving the public interest.

The legislation repeals the authority that permits the CFTC to substitute reporting requirements for actual speculative position limits.

Currently, position limits apply to an investor's holdings in the spot month, any single month, and all months combined. With respect to energy futures contracts, the position limits are replaced with a simple reporting requirement, or "position accountability level", in the all-months time period. The bill would extend actual speculative position limits to the all-months time period.

The legislation requires foreign futures exchanges to provide the CFTC with daily trading information comparable to the information provided by domestic exchanges.

Increasingly, foreign futures exchanges are offering cash-settled futures contracts that are based on commodity prices set by contracts traded on U.S. exchanges. These "look-alike" contracts arguably offer investors a competitive alternative to contracts that are traded and physically settled through U.S. exchanges. The CFTC recently indicated it will require foreign exchanges offering look-alike contracts to provide trading information comparable to the information provided by domestic exchanges. This provision codifies the new CFTC policy. The provision lays the statutory framework necessary for a seamless system of information reporting and improved transparency that will ensure the CFTC has the ability to monitor and enforce the new speculative position limits.

The legislation increases the resources available to the CFTC to carry out is its expanded responsibilities under the Act, including additional funds for staffing and technology.

The legislation constitutes a historic expansion of the CFTC's mission. Significant new resources will be needed to carry out these directives. As soon as practicable after the date of enactment, the legislation requires the CFTC to hire 100 additional full-time employees and authorizes such sums as are necessary to implement its new responsibilities. No later than 45 days after enactment, the CFTC must report to the Congressional appropriations committees with an estimate of the additional funding necessary to fully administer the Act.

The legislation directs the CFTC to review trends in speculative activity related to metals, and report to Congress on whether the Commission's new authority should extend to trading in metals.

Ms. COLLINS. Mr. President, high energy prices are having a devastating impact on our economy and our people—especially in large, rural States like Maine. Truckdrivers, loggers, fishermen, farmers, and countless others are struggling with the high cost of oil and gasoline. In Maine, where 80 percent of homes are heated with oil, many families do not know how they can afford to stay warm next winter.

The high cost of energy is also taking a toll on businesses, both large and small. Katahdin Paper recently announced plans to shut down its plant in Millinocket due to the cost of oil. If this occurs—and everyone is working to prevent it—the community would be devastated by the loss of more than 200 good jobs.

Many factors affect energy prices, including the value of the dollar, global tensions, and demand in other countries, such as China and India. But Senator LIEBERMAN and I have heard persuasive and troubling evidence in hearings of our Committee on Homeland Security and Governmental Affairs that another factor is also at work—excessive speculation in futures markets for energy commodities.

At issue is the activity of noncommercial traders who do not produce or take delivery of oil or agricultural products, unlike commercial traders such as oil producers and heating oil dealers, farmers and cereal companies. Instead, these noncommercial investors use futures contracts and related transactions solely for financial gain.

Speculation in commodity markets by noncommercial investors has grown enormously. In just the last 5 years, the total value of their futures-contract and commodity index-fund investments has soared from $13 billion to $260 billion.

These massive new holdings of oil-futures contracts by pension funds, university endowments, and other institutional investors appear to be driving up prices beyond what they would otherwise be. These investors' intentions may be simply to provide good returns, a hedge against inflation, and diversification, but many experts believe their activities are distorting commodity markets.

I have worked with Senator LIEBERMAN to produce a comprehensive and bipartisan bill, the Commodity Speculation Reform Act of 2008, which we are introducing today.

Our bill takes some very strong steps toward countering excessive speculation.

First, it would remedy staffing shortfalls at the Commodity Futures Trading Commission by adding 100 staff to improve its market oversight and enforcement capabilities. This is a vital step. The CFTC tells us that more than 3 billion futures and options contracts were traded last year, up from 37 million in 1976. Yet the Commission is operating with fewer employees than it had 30 years ago.

Second, our bill closes the so-called "swaps loophole," which currently allows financial institutions to evade position limits on commodity contracts that regulators use to prevent unwarranted price swings or attempts at manipulation.

Third, our bill directs the CFTC to establish position limits that will apply to an investor's total interest in a commodity, regardless of whether they originate on a regulated exchange, the over-the-counter market, or on foreign boards of trade that deal in U.S. commodities.

Fourth, our bill instructs the CFTC to permit no foreign boards of trade to deal in U.S.-linked commodity contracts unless they agree to reporting and data accessibility standards at least equivalent to that required of U.S.-regulated exchanges. This is not a matter of telling other countries what to do: foreign boards of trade request "no-action" letters from the CFTC so they can maintain trading terminals here while remaining regulated by their own authorities. The CFTC has recently taken positive steps to require comparable reporting, and our bill codifies those improvements.

These are powerful measures, but they are also prudently designed. We recognize that producers, handlers, and purchasers of commodities who use those markets to lock in prices, hedge risks, and see clues for price trends require some level of participation by non- commercial, financial investors.

Our bill does not prevent financial investors from participating in commodity markets. It simply places some limits on their presence by directing the CFTC to set position limits across trading venues at a level no higher than that needed to ensure that commercial participants can always find counterparties for their contract needs.

These and other provisions of our bill—which applies to agricultural as well as energy commodities—will provide a stronger regulator, improved flows of information, new and more consistent protections against excessive speculation, and assurance to both businesses and consumers that our markets in basic commodities are transparent, competitive, and effectively policed.

The Commodity Speculation Reform Act of 2008 represents a balanced and bipartisan approach. I urge my colleagues to join Senator LIEBERMAN and me in supporting it.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3249. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

Mr. WYDEN. Mr. President, 100 years ago the automobile revolutionized the way Americans lived and did business. Government responded by making a massive investment in infrastructure to support this new technology. That investment gave our industries a real competitive advantage in the world marketplace for much of the 20th century by making it cheaper and easier to move goods around the country.

Today, information technology has brought an equal, if not greater, revolution to American business. But this time, rather than investing in infrastructure and fostering growth, we have allowed the country's IT infrastructure to be taxed at dangerous and unhealthy levels that put American business at a competitive disadvantage.

The information revolution has changed the way we learn, the way we work, the way we hold elections, and the way we communicate as a society, among other things that keep our country working. It has made vast educational, health care and entrepreneurial opportunities accessible to our most remote communities. But telecommunication taxes in the U.S. have been levied at a rate much higher than other types of sales and business taxes.

Rather than investing in IT infrastructure, we have left it to the private sector to build and maintain our telecommunications networks. And while this practice has sometimes served Americans well, we are falling behind some major international competitors in far too many areas.

I am not today calling for anything as far-reaching as Federal investment in IT infrastructure—today I am simply asking that we stop yoking our most innovative IT networks with increased taxes.

Wireless broadband holds the promise of connecting even our most distant communities to the rest of the world. In time, these connections will bring health care, educational, communications and commercial services to Americans who have been left out for far too long. This growth will not happen if we keep burdening this important technology with what amounts to discriminatory taxation.

I have fought for many years to expand the development of the Internet and our telecommunications infrastructure. Along with colleagues on both sides of the aisle, I worked to successfully protect our network providers from content-related litigation. Four times now, I have fought to protect the Internet from being hit with multiple discriminatory taxes from thousands of State and local tax authorities—and have worked to extend that protection indefinitely.

Today I am proposing something far more modest—if just as necessary—that we put a moratorium on new or increased taxes on our wireless telecommunications infrastructure and services for the next 5 years.

Along with my colleague Senator SNOWE, I am introducing the Mobile Wireless Tax Fairness Act to keep mobile wireless services and facilities free from new discriminatory taxes.

This bill would not impact a single current tax that has been levied by a State or locality. It will not remove a single dollar from their communal coffers. What it will do is guarantee our wireless network providers protection from even greater taxation at a time when we are asking them to implement the largest technology upgrade in history—an upgrade that will bring economically important, true broadband speeds to wireless customers for the first time.

I will admit that there are lots of problems with the way Federal, State and local taxes are levied on telecommunications services. This legislation addresses only one of those problems, but it is a big one.

Taxes on wireless services are some of the most regressive taxes in the Nation. Cell phones and other wireless devices have become essential to many working Americans, for their jobs, for their safety and for maintaining the communications they need to stay in touch with families when both parents work and raise children. Piling increased taxes on these families at a time when budgets are being stretched by skyrocketing gas and food prices is not only unreasonable, it is downright wrong.

I am proud that my colleague Senator SNOWE joins me in introducing this important legislation. Senator SNOWE has long been an advocate for the improvement and expansion of our IT infrastructure and today we have taken another important step that will help strengthen our country and our economy today and in the future. This proposal joins H.R. 5793 by Congresswoman LOFGREN and Congressman CANNON in the House and I look forward to working with them to see this important legislation passed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mobile Wireless Tax Fairness Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th amendment to the Constitution of the United States and Congress' plenary power under article I, section 8, clause 3 of the Constitution of the United States (commonly known as the "commerce clause") in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 3. MORATORIUM.

(a) IN GENERAL.—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of the enactment of this Act.

(b) DEFINITIONS.—In this Act:

(1) MOBILE SERVICE.—The term "mobile service" means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telecommunications device, including the receipt of a digital good.

(2) MOBILE SERVICE PROPERTY.—The term "mobile service property" means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible and includes goodwill, licenses, customer lists, and other similar intangible property associated with such business.

(3) MOBILE SERVICE PROVIDER.—The term "mobile service provider" means any entity that sells or provides mobile services, but only with respect to the portion of such entity's trade or business that sells or provides such services.

(4) NEW DISCRIMINATORY TAX.—The term "new discriminatory tax" means any tax imposed by a State or local jurisdiction that—

(A) is imposed on or with respect to, or is measured by the charges, receipts, or revenues from or value of—

(i) any mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the charges, receipts, or revenues from, other services or transactions involving tangible personal property;

(ii) any mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(iii) any mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority; and

(B) was not generally imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of the enactment of this Act.

(5) STATE OR LOCAL JURISDICTION.—The term "State or local jurisdiction" means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision and with the authority to assess, impose, levy, or collect taxes or fees.

(6) TAX.—

(A) IN GENERAL.—The term "tax" means any charge imposed by any governmental entity for the purpose of generating revenues for governmental purposes, and is not a fee imposed on an individual entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) EXCLUSION.—The term "tax" does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

(ii) specifically dedicated by a State or local jurisdiction for the support of E-911 communications systems.

(c) RULES OF CONSTRUCTION.—

(1) DETERMINATION.—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) APPLICATION OF PRINCIPLES.—Except as otherwise provided in this Act, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(A)(iii), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) EXCLUSIONS.—Notwithstanding any other provision of this Act—

(A) the term "generally imposed" as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term "new discriminatory tax" shall not include a new tax or the modification of an existing tax that—

(i) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(ii) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected not to exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property.

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—Notwithstanding any provision of section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this Act, provided that:

(1) JURISDICTION.—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) BURDEN OF PROOF.—The burden of proof in any proceeding brought under this Act shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) RELIEF.—In granting relief against a tax which is discriminatory or excessive under this Act with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator WYDEN, in introducing legislation that will stop the increasing financial burden being placed on wireless consumers by discriminatory taxes. On average, the typical consumer pays 15.2 percent of his/her total wireless bill in Federal, State, and local taxes, fees and surcharges—this is compared to the 7.07 percent average tax rate for other goods and services.

The Mobile Wireless Tax Fairness Act of 2008 would ensure that these tax rates don't increase further by prohibiting States and local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service property for a period of 5 years. The bill defines "new discriminatory tax" as a tax imposed on mobile services, providers, or property that is not generally imposed on other types of services or property, or that is generally imposed at a lower rate.

The wireless era has changed the way the world communicates. More and more people are using the cell phone as their primary communication device as well as for data and Internet services. The increased mobility and access wireless communications provide have improved our lives, our safety, and the productivity of our work and businesses. To date, there are more than 260 million wireless subscribers in the U.S., and total usage exceeded 1 trillion minutes in June 2007 alone.

However, as more consumers embrace wireless technologies and applications, more States and local governments are embracing it as a revenue source and applying these excessive and discriminatory taxes, which show up on consumers' bills each month. In fact, the effective rate of taxation on wireless services has increased four times faster than the rate on other taxable goods and services between January 2003 and January 2007.

These excessive and discriminatory taxes discourage wireless' adoption and use, primarily with low-income individuals and families that still view a cellular phone as a luxury when many Americans consider it a necessity. By banning these taxes, we can equalize the taxation of the wireless industry with that of other goods and services and protect the wireless consumer from the weight of fees, surcharges, and general business taxes. We cannot allow this essential and innovative industry as well as the consumers who benefit from its amazing services and applications to suffer excessive tax rates.

Placing a moratorium on new discriminatory wireless taxes will make certain consumers continue to reap the benefits of wireless services. Congress took similar action with the Internet—passing the Internet Tax Freedom Act Amendments Act of 2007 this past fall—because of the incredible impact the Internet will continue to have on consumers and businesses alike. The future of wireless is just as bright and that is why we must ensure its continued growth. That is why I sincerely hope that my colleagues join Senator WYDEN and me in supporting this critical legislation.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. TESTER, Mrs. MCCASKILL, Mr. AKAKA, Mr. CASEY, Mr. OBAMA, Mr. KERRY, Mrs. CLINTON, Mr. SANDERS, and Mr. WHITEHOUSE):

S. 3252. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, my friend and colleague from Michigan is here, as well, who has been deeply involved in the issue of credit cards and the problems that are occurring.

I rise with my colleague Senator LEVIN to introduce legislation that would reform and prohibit credit card practices that harm rather than help American consumers and their families. The legislation is called the Credit Card Accountability, Responsibility and Disclosure Act, or the Credit CARD Act. It will, in my view, help bring an end to industry practices that candidly cost American families billions of dollars each and every year.

I cannot think of a better time to introduce this much needed legislation. This Chamber will, in very short order this evening, or as late as tomorrow, pass legislation to address the most important issue confronting our Nation's economy and the financial stability of our citizens—the collapse of the subprime housing market and the credit crisis it has brought about.

Unfortunately, far too many American families who are already being squeezed by the rising cost of food, oil, and gas, now find themselves forced to rely on short-term, high-interest credit card debt to finance life's daily necessities—including their mortgage payments—because of the ongoing credit crisis and a weak economy.

That growing reliance was highlighted in a report released last week by the Federal Reserve. The Fed's study reported that in May, revolving consumer debt, which is primarily credit card debt, reached an all-time record high of slightly over $961 billion. That is a 7-percent increase in the last month alone, which is on top of a 7-percent increase last year, and a 6-percent increase in 2006. At this rate, revolving consumer debt in our country, which is again primarily credit card debt, will reach $1 trillion by the Christmas season of this year.

When I assumed the gavel of the Senate Banking Committee last January, one of the very first hearings I held was on the issue of credit card practices. At that hearing, I challenged card issuers, banks, and associations to stop engaging in practices that they were not prepared to defend before the committee.

It was my hope that the hearing and that warning would encourage the credit card industry to go through a period of intense self-examination. I had hoped the industry would scrutinize its practices and policies to ensure that credit was extended in the fairest and most transparent of terms to credit card customers. To be fair, some in the industry heeded that call. I applaud them and thank them for their efforts. Over the past year, a few credit card companies have voluntarily made changes to the way they do business, and many Americans have benefitted from those improvements.

Regrettably, however, far too few embraced this call. Even more regrettably, some that have made voluntary changes are reconsidering those steps in the face of mounting pressure to find new streams of revenue and capital, and to compete in a market where other industry participants are not engaging in these reforms, as their subprime mortgage market-related losses continue to rise. The temptation to go back to older practices to increase revenue streams is there. Unfortunately, the use of confusing, misleading, and very predatory practices, in some cases, appears likely to remain the standard operating procedure for many in the credit card industry for the foreseeable future if we fail to act. The list of these troubling practices is lengthy: Charging predatory rates and fees; engaging in deceptive marketing to young people; practices such as universal default; double-cycle billing; retroactive interest rate increases; "any time, any reason" repricing; and billings shenanigans—like shortening the period consumers have to pay their bills, or charging fees for payment by telephone—are just a few of the practices that could merit induction into a fairly crowded industry "hall of shame."

Even the financial regulators, whom I have been openly critical of for lack of appropriate oversight and response throughout the subprime mortgage market crisis, have recognized the harm these sinister practices pose not only to credit card customers but to our economy as well. In May of this year, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration proposed rules aimed at curbing some of the very practices I have identified. In my view, this joint rulemaking is an important step in providing needed consumer protections in some areas, including a ban on retroactive interest rates and rules on payment allocation. But the proposed rules fall far short in other important areas—failing to address issues including universal default, "any time, any reason" repricing, multiple over-limit fees, and youth marketing.

These shortcomings underscore the need for the legislation Senator LEVIN and I will be talking about this evening.

I want to make it very clear—and I know my colleague feels the same way—that we are not opposed to credit cards. They are very valuable, very useful tools for consumers. So this bill is not designed in any way to deprive consumers of the use of credit cards. That is not the issue. When provided on fair terms, and used wisely and responsibly, credit cards are a valuable financial tool for millions of our fellow citizens. They can help an individual to build his or her credit history and to better pursue his or her financial goal.

But like many credit products, credit cards pose the potential to harm consumers as well as help consumers. Card companies have been far too apt to exploit the needs of consumers who are increasingly becoming "hooked on plastic." That potential to harm consumers has grown in recent years as credit card usage has risen. Let me share some numbers with you to give you some idea of what has happened in this explosion of credit card usage by Americans.

Today, nearly 75 percent of American households have a credit card or a debit card, and 700 million credit cards are used to purchase in excess of $2.4 trillion in goods and services from over 7 million locations in the United States annually. In 1970, only about 16 percent of U.S. households used credit cards, and fewer than a million businesses accepted them.

As Americans have become increasingly reliant on credit cards, credit card companies have become more and more innovative in finding ways to access their customers. Over $17 billion in credit card penalty fees have been charged to the American people—new fees—in the last 2 years, since 2006. That is a tenfold increase from what was charged 10 years ago. That is $17 billion in new penalties and fees since 2006. Credit card companies are turning to innovative ways to profit—including at the gasoline pump. They are laying on fees to gas station owners for each credit card transaction made at the pump. At the very time they are watching the price of gasoline skyrocket, the credit card companies are gouging the people struggling to meet those fees. Again, card companies are laying on fees to gas station owners for each credit card transaction made at the pump—a charge that those owners immediately pass on to customers, increasing the cost of gas for drivers. In some places, these fees can add an average of 3 percent for each gasoline transaction.

The combination of the growing needs for revolving debt and hidden fees charged by card companies is contributing to the avalanche of debt under which American consumers increasingly find themselves buried. Listen to this number, because this is the one that is stunning. To give you an idea of what has happened to the average family in this country with credit card balances, today the average household that carries a credit card balance owes close to $10,000 in revolving debt on their credit cards. The average family has a balance of $10,000 in revolving debt on their credit cards.

That is a millstone around the neck of the average American and their families—families that are already struggling to make ends meet and are under pressure from rising gas prices, food prices, skyrocketing health care costs, and a mortgage crisis that has robbed many families of their home equity or, worse yet, their homes.

That is why we are introducing the Credit CARD Act. This bill will help reform credit card practices that drag so many American families further and further into debt. It strengthens regulation and oversight of the credit card industry and prohibits the unfair and deceptive practices that in far too many instances work to harm, not help, a consumer's efforts to move up the economic ladder.

Specifically, the CARD Act would prohibit the worst of the industry's practices, including imposition of excessive fees; retroactive rate increases; universal default; "any time, any reason" changes to credit card agreements; and unfair payment allocation.

The bill also, importantly, contains a number of provisions aimed at protecting young consumers.

This legislation builds on legislation I have introduced in previous Congresses. It also incorporates several key concepts included in the legislative proposals put forth by some of my colleagues, notably my colleague from Michigan, Senator LEVIN, and Senators MENENDEZ, MCCASKILL, and OBAMA. Each is an important cosponsor of this legislation, as are Senators REED of Rhode Island, AKAKA, TESTER, CLINTON, KERRY, SANDERS, WHITEHOUSE, and CASEY.

This bill also has the support of a wide array of consumer advocates and labor organizations, including the Consumer Federation of America, Consumers Union, National Consumer Law Center, the National Council of La Raza, Service Employees International Union, the Center for Responsible Lending, U.S. PRIG, Consumer Action, Demos, Connecticut PRIG, and the National Association of Consumer Advocates.

As policymakers, we should expect consumers will act responsibly when it comes to using credit cards, and that should be an important point to make. But we also expect no less when it comes to companies that issue these cards. They need to act responsibly, and they are not, in my view. The Credit CARD Act will help strike the correct balance of responsibility between credit card users and the card issuers. And by striking that balance, it will help provide American consumers with a fair chance to secure economic security for them and their families.

I thank Senator LEVIN and others—especially Senator LEVIN who already held hearings on this issue. We have talked about this at length over the years. We tried in other Congresses with very modest proposals to deal with some of these problems. We have always lost those battles. But I think the American consumers, regardless of their income, regardless of their social or economic status, feel very angry about what is happening to them. As a result, I think there is a growing opportunity for us to get something done on this issue.

So while our focus today has been on foreclosure issues, the credit card problem in this country that so many Americans are facing is one that I think is ripe for congressional action. Our hope and intention is to bring a bill to the floor of this Chamber before we adjourn for the year to give our colleagues a chance to express themselves on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Credit Card Accountability Responsibility and Disclosure Act of 2008" or the "Credit CARD Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.

TITLE I—CONSUMER PROTECTION

Sec. 101. Prior notice of rate increases required.
Sec. 102. Freeze on interest rate terms and fees on canceled cards.
Sec. 103. Limits on fees and interest charges.
Sec. 104. Consumer right to reject card before notice is provided of open account.
Sec. 105. Use of terms clarified.
Sec. 106. Application of card payments.
Sec. 107. Length of billing period.
Sec. 108. Prohibition on universal default and unilateral changes to cardholder agreements.
Sec. 109. Enhanced penalties.
Sec. 110. Enhanced oversight.
Sec. 111. Clerical amendments.

TITLE II—ENHANCED CONSUMER DISCLOSURES

Sec. 201. Payoff timing disclosures.
Sec. 202. Requirements relating to late payment deadlines and penalties.
Sec. 203. Renewal disclosures.

TITLE III—PROTECTION OF YOUNG CONSUMERS

Sec. 301. Extensions of credit to underage consumers.
Sec. 302. Restrictions on certain affinity cards.
Sec. 303. Protection of young consumers from prescreened credit offers.

TITLE IV—FEDERAL AGENCY COORDINATION

Sec. 401. Inclusion of all Federal banking agencies.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report.
Sec. 502. Credit Card Safety Rating System Commission.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the "Board") may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PRIOR NOTICE OF RATE INCREASES REQUIRED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(i) ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.—

"(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate (other than an increase due to the expiration of any introductory percentage rate, or due solely to a change in another rate of interest to which such rate is indexed)—

"(A) may take effect before the beginning of the billing cycle which begins not earlier than 45 days after the date on which the obligor receives notice of such increase; or

"(B) may apply to any outstanding balance of credit under such plan, as of the effective date of the increase required under subparagraph (A).

"(2) NOTICE OF RIGHT TO CANCEL.—The notice referred to in paragraph (1) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account before the effective date of the increase.".

SEC. 102. FREEZE ON INTEREST RATE TERMS AND FEES ON CANCELED CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(j) FREEZE ON INTEREST RATE TERMS AND FEES ON CANCELED CARDS.—

"(1) IN GENERAL.—If an obligor under an open end consumer credit plan closes or cancels a credit card account, the repayment of the outstanding balance after the cancellation shall be subject to all terms and conditions in effect for the obligor immediately before the card was closed or cancelled, including the annual percentage rate and the minimum payment terms in effect immediately prior to such closure or cancellation.

"(2) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full.".

SEC. 103. LIMITS ON FEES AND INTEREST CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(k) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an interest charge, and the obligor repays all or a portion of such credit within the specified time period, the creditor may not impose or collect an interest charge on the portion of the credit that was repaid within the specified time period.

“(l) Opt-Out of Creditor Authorization of Over-the-Limit Transactions if Fees Are Imposed.—.

“(1) In general.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor from completing any over-the-limit transaction that will result in a fee or constitute a default under the credit agreement, by notifying the creditor of such election in accordance with paragraph (2).

“(2) Notification by consumer.—A consumer shall notify a creditor under paragraph (1)—

“(A) through the notification system maintained by the creditor under paragraph (4); or

“(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

“(3) Effectiveness of election.—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the date on which the consumer notifies the creditor in accordance with paragraph (2), and shall remain effective until the consumer revokes the election.

“(4) Notification system.—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and Worldwide Web site, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection, in accordance with paragraph (2).

“(5) Annual notice to consumers of availability of election.—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the-limit fees and a higher amount of indebtedness, and the method for providing such election—

“(A) in the periodic statement required under subsection (b) with respect to such account at least once each calendar year; and

“(B) in any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(6) No fees if consumer has made an election.—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

“(m) Over-the-Limit Fee Restrictions.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee, as described in subsection (c)(1)(B)(iii)—

“(1) may be imposed on the account only when an extension of credit obtained by the obligor causes the credit limit on such account to be exceeded, and may not be imposed when such credit limit is exceeded due to a fee or interest charge; and

“(2) may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and may not be imposed in a subsequent billing cycle with respect to such excess credit, unless the obligor has obtained an additional extension of credit in excess of such credit limit during such subsequent cycle.

“(n) No Interest Charges on Fees.—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount.

“(o) Limits on Certain Fees.—

“(1) No fee to pay a billing statement.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means.

“(2) Reasonable fees for violations.—The amount of any fee or charge that a card issuer may impose in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, increase in the applicable annual percentage rate, or any similar fee or charge, shall be reasonably related to the cost to the card issuer of such omission or violation.

“(3) Reasonable currency exchange fee.—With respect to a credit card account under an open end consumer credit plan, the creditor may impose a fee for exchanging United States currency with foreign currency in an account transaction, only if—

“(A) such fee reasonably reflects the costs incurred by the creditor to perform such currency exchange;

“(B) the creditor discloses publicly its method for calculating such fee; and

“(C) the primary Federal regulator of such creditor determines that the method for calculating such fee complies with this paragraph.”.

SEC. 104. CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(p) Consumer Right To Reject Card Before Notice of New Account Is Provided to Consumer Reporting Agency.—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.”.

SEC. 105. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(q) Use of Terms.—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:

“(1) Fixed rate.—The term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.

“(2) Prime rate.—The term ‘prime rate’, when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the ‘H.15 release’ (or any successor publication).”.

SEC. 106. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through “Payments” and inserting the following:

“§ 164. Prompt and fair crediting of payments

“(a) In General.—Payments”;

(2) by inserting “, by 5:00 p.m. on the date on which such payment is due,” after “in readily identifiable form”;

(3) by striking “manner, location, and time” and inserting “manner, and location”; and

(4) by adding at the end the following:

“(b) Application of Payments.—Upon receipt of a payment from a cardholder, the card issuer shall—

“(1) apply the payment first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted; and

“(2) after complying with paragraph (1), apply the payment in a way that minimizes the amount of any finance charge to the account.

“(c) Changes by Card Issuer.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.

“(d) Presumption of Timely Payment.—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a payment on a credit card account was sent to the card issuer not less than 7 days before the due date contained in the periodic statement for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.”.

SEC. 107. LENGTH OF BILLING PERIOD.

Section 163(a) of the Truth in Lending Act (15 U.S.C. 1666b(a)) is amended by striking “mailed at least fourteen days prior” and inserting “mailed at least 21 days prior”.

SEC. 108. PROHIBITION ON UNIVERSAL DEFAULT AND UNILATERAL CHANGES TO CARDHOLDER AGREEMENTS.

(a) In General.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

“SEC. 171. LIMITS ON INTEREST RATE INCREASES.

“(a) In General.—No card issuer may increase any annual percentage rate, fee, or finance charge applicable to a credit card account under an open end consumer credit plan, or terminate early a lower introductory rate, fee, or charge, except as permitted under this section.

“(b) Exceptions.—The limitation under subsection (a) shall not apply to—

“(1) an increase due to the scheduled expiration of an introductory term;

“(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that provides for changes according to an index or formula;

"(3) an increase due to a specific, material action or omission of a consumer in violation of an agreement that is directly related to such account and that is specified in the contract or agreement as grounds for an increase, except that—

"(A) the creditor may not take into account information not directly related to the account, including adverse information concerning the consumer, information in any consumer report, or changes in the credit score of the consumer; and

"(B) an increase described in this paragraph shall terminate not later than 6 months after the date on which it is imposed, if the consumer commits no further violations; or

"(4) a change that takes effect upon renewal of the card in accordance with section 172.

"(c) MAP TO LOWER RATE.—

"(1) IN GENERAL.—A card issuer that increases an annual percentage rate, fee, or finance charge pursuant to subsection (b)(3) shall include, together with the notice of such increase under section 127(i), a statement, provided in a clear and conspicuous manner—

"(A) of the discrete, specific action or omission of the consumer on which the increase was based; and

"(B) that the increase will terminate in 6 months if the consumer does not commit further violations.

"(2) BOARD AUTHORITY.—The Board may, by rule, provide for exceptions to the requirements of subsection (b)(3)(B), if the Board determines that there are other appropriate factors that creditors may consider in determining the appropriate annual percentage rate for particular consumers.

"SEC. 172. UNILATERAL CHANGES IN CREDIT CARD AGREEMENT PROHIBITED.

"A card issuer may not amend or change the terms of a credit card contract or agreement under an open end consumer credit plan, until after the date on which the credit card will expire if not renewed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

"171. Universal defaults prohibited.
"172. Unilateral changes in credit card agreement prohibited.
"173. Applicability of State laws.".

SEC. 109. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking "or (iii) in the" and inserting the following: "(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of $500 and a maximum of $5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the".

SEC. 110. ENHANCED OVERSIGHT.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(s) EVALUATION OF CREDIT CARD POLICIES AND PROCEDURES.—

"(1) IN GENERAL.—In connection with its examination of a credit card issuer under its supervision, each agency referred to in paragraphs (1), (2), and (3) of section 108(a) shall conduct, as appropriate, an evaluation of the credit card policies and procedures used by such card issuer to ensure compliance with this section and sections 163, 164, 171, and 172. Such agency shall promptly require the card issuer to take any corrective action needed to address any violations of any such section.

"(2) ANNUAL REPORTS TO CONGRESS.—Each year, each agency referred to in subsections (a) and (c) of section 108 shall submit a report to Congress concerning the administration of its functions under this section, including such recommendations as the agency deems necessary or appropriate. Each such report shall include an assessment of the extent to which compliance with the requirements of this section is being achieved and a summary of the enforcement actions taken by the agency assigned administrative enforcement responsibilities under subsections (a) and (c) of section 108.".

(b) STRENGTHENED CREDIT CARD INFORMATION COLLECTION.—Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking "The Board shall" and inserting the following:

"(A) IN GENERAL.—The Board shall"; and

(B) by adding at the end the following:

"(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, as of a date designated by the Board—

"(i) a list of each type of transaction or event for which one or more of the card issuers has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

"(ii) for each type of transaction or event identified under clause (i)—

"(I) each distinct interest rate charged by the card issuer to a cardholder, as of the designated date;

"(II) the number of cardholders to whom each such interest rate was applied during the calendar month immediately preceding the designated date, and the total amount of interest charged to such cardholders at each such rate during such month;

"(III) the number of cardholders who are paying the stated default annual percentage rate applicable in cases in which the account is past due or the account holder is otherwise in violation of the terms of the account agreement; and

"(IV) the number of cardholders who are paying above such stated default annual percentage rate;

"(iii) a list of each type of fee that one or more of the card issuers has imposed upon a cardholder as of the designated date, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

"(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during the calendar month immediately preceding the designated date, and the total amount of fees imposed upon cardholders during such month;

"(v) the total number of cardholders that incurred any interest charge or any fee during the calendar month immediately preceding the designated date; and

"(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest."; and

(2) by adding at the end the following:

"(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

"(A) the imposition of interest rates on cardholders, including separate estimates for—

"(i) interest with an annual percentage rate of less than 25 percent; and

"(ii) interest with an annual percentage rate equal to or greater than 25 percent;

"(B) the imposition of fees on cardholders;

"(C) the imposition of fees on merchants; and

"(D) any other material source of income, while specifying the nature of that income.".

SEC. 111. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking "term" and all that follows through "means" and inserting the following: "terms 'open end credit plan' and 'open end consumer credit plan' mean"; and

(2) in the second sentence, by inserting "or open end consumer credit plan" after "credit plan" each place that term appears.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

"(11)(A) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest rate you pay and the time it takes to repay your balance.'.

"(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months.

"(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

"(D) All of the information described in subparagraph (B) shall—

"(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and "(ii) be placed in a conspicuous and prominent location on the billing statement, in typeface that is at least as large as the largest type on the statement.

"(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

"(i) contains clear and concise headings for each item of such information; and

"(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

"(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

"(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

"(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

"(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).".

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

"(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

"(A) LATE PAYMENT DEADLINE AND POSTMARK DATE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement—

"(i) the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date; and

"(ii) the date by which the payment must be postmarked, if paid by mail, in order to avoid the imposition of a late payment fee with respect to the payment, and a statement to that effect.

"(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

"(C) REQUIREMENTS RELATING TO POSTMARK DATE.—

"(i) IN GENERAL.—The date included in a periodic statement pursuant to subparagraph (A)(ii) with regard to the postmark on a payment shall allow, in accordance with regulations prescribed by the Board under clause (ii), a reasonable time for the consumer to make the payment and a reasonable time for the delivery of the payment by the due date.

"(ii) BOARD REGULATIONS.—The Board shall prescribe guidelines for determining a reasonable period of time for making a payment and delivery of a payment for purposes of clause (i), after consultation with the Postmaster General of the United States and representatives of consumer and trade organizations.

"(D) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.".

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking "Except as provided in paragraph (2), a card issuer" and inserting the following: "A card issuer that has changed or amended any term of the account since the last renewal or".

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent, legal guardian, or any other individual over the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21;

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account; or

"(iii) completion of a certified financial literacy or financial education course designed for young consumers.

"(C) CERTIFIED FINANCIAL LITERACY OR EDUCATION COURSES FOR YOUNG CONSUMERS.—

"(i) IN GENERAL.—The Secretary of the Treasury, acting through the Office of Financial Literacy and Education (in this subparagraph referred to as 'OFE'), shall make and publish a list of all courses and programs that have been certified for financial literacy or financial education purposes appropriate for young consumers. When developing the certification criteria the OFE shall take into account the course or program's—

"(I) proven track record in producing changed consumer behavior; and

"(II) use of practices or curricula that have been shown to change consumer behavior.

"(ii) EXPLICIT ELIGIBILITY.—Courses taken that are offered or required by colleges, universities, and high schools may be certified by the OFE for purposes of this subparagraph, as well as other programs and courses. The OFE shall make an effort to provide certification to all types of programs and courses, including those that are conducted by nonprofit, faith-based, or for-profit institutions and State and local governments.

"(iii) SELECT PROGRAMS.—From among those courses or programs that are certified by the OFE under this subparagraph, the OFE may designate a select number of programs or courses that produce results that are far better than those produced by other certified programs as 'highly certified'.".

SEC. 302. RESTRICTIONS ON CERTAIN AFFINITY CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following:

"(t) RESTRICTIONS ON ISSUANCE OF AFFINITY CARDS TO STUDENTS.—No credit card account under an open end consumer credit plan may be established by an individual who has not attained the age of 21 as of the date of submission of the application pursuant to any direct or indirect agreement relating to affinity cards, as defined by the Board, between the creditor and an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), unless the requirements of subsection (c)(8) are met with respect to the obligor.".

SEC. 303. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

(a) IN GENERAL.—Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking "and" at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: "; and

"(iv) the consumer report indicates that the consumer is age 21 or older, except that a consumer who is at least 18 years of age may elect, in accordance with subsection (e)(7), to authorize the consumer reporting agency to include the name and address of the consumer in any list of names provided by the agency pursuant to this paragraph.".

(b) OPT-IN FOR YOUNG CONSUMERS.—Section 604(e) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)) is amended—

(1) by striking the subsection heading and inserting the following:

"(e) ELECTION OF CONSUMERS REGARDING LISTS.—"; and

(2) by adding at the end the following:

"(7) OPT-IN FOR UNDERAGE CONSUMERS.—

"(A) IN GENERAL.—A consumer who is at least 18 years of age, but has not attained his or her 21st birthday, may elect to have the name and address of the consumer included in any list provided by a consumer reporting agency under subsection (c)(1)(B) in connection with a credit or insurance transaction that is not initiated by the consumer by notifying the agency in accordance with subparagraph (B) that the consumer consents to the use of a consumer report relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer.

"(B) MANNER OF NOTIFICATION.—An election by a consumer described in subparagraph (A) shall be in writing, using a signed notice of election form issued or made available electronically by the consumer reporting agency at the request of the consumer for purposes of this paragraph.

"(C) EFFECTIVENESS OF ELECTION.—An election by a consumer under subparagraph (A) to be included in a list provided by a consumer reporting agency—

"(i) shall be effective until the earlier of—

"(I) the 21st birthday of the consumer; or

"(II) the date on which the consumer notifies the agency, through the notification system established by the agency under paragraph (5), that the election is no longer effective; and

"(ii) shall be effective with respect to each affiliate of the agency.

"(D) RULE OF CONSTRUCTION.—An election by a consumer under subparagraph (A) to be included in a list provided by a consumer reporting agency may not be construed to limit the applicability of this subsection to any person age 21 or older, and the consumer may elect to be excluded from any such list after the attainment of his or her 21st birthday in the manner otherwise provided under this subsection.".

TITLE IV—FEDERAL AGENCY COORDINATION

SEC. 401. INCLUSION OF ALL FEDERAL BANKING AGENCIES.

(a) IN GENERAL.—Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended in the second sentence—

(1) by striking "The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3)) and the National Credit Union Administration Board (with respect to Federal credit unions described in paragraph (4))" and inserting "Each appropriate Federal banking agency"; and

(2) by inserting "in consultation with the Commission" after "shall prescribe regulations".

(b) FTC CONCURRENT RULEMAKING.—Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended by inserting after the second sentence the following: "Notwithstanding any other provision of this section, whenever such agencies commence such a rulemaking proceeding, the Commission, with respect to the entities within its jurisdiction under this Act, may commence a rulemaking proceeding and prescribe regulations in accordance with section 553 of title 5, United States Code. The Commission, the Federal banking agencies, and the National Credit Union Administration Board shall consult and coordinate with each other so that the regulations prescribed by each such agency are consistent with and comparable to the regulations prescribed by each other such agency, to the extent practicable.".

(c) PRESERVATION OF STATE LAW.—Section 18(f)(6) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(6)) is amended to read as follows:

"(6) Notwithstanding any other provision of this subsection or any other provision of law, regulations promulgated under this subsection shall be considered supplemental to State laws governing unfair and deceptive acts and practices, and may not be construed to preempt any provision of State law that provides equal or greater protections.".

(d) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the status of regulations of the Federal banking agencies and the National Credit Union Administration regarding unfair and deceptive acts or practices by depository institutions and Federal credit unions.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) in the subsection heading, by striking "BOARD" and all that follows through "ADMINISTRATION" and inserting "APPROPRIATE FEDERAL BANKING AGENCIES"

(2) in paragraph (1), in the first sentence—

(A) by striking "banks or savings and loan institutions described in paragraph (3), each agency specified in paragraph (2) or (3) of this subsection shall establish" and inserting "depository institutions or Federal credit unions, each appropriate Federal banking agency shall establish"; and

(B) by striking "banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction" and inserting "the depository institutions or Federal credit unions subject to the jurisdiction of such appropriate Federal banking agency";

(3) in paragraph (1), in the final sentence—

(A) by striking "each such Board" and inserting "each such appropriate Federal banking agency";

(B) by striking "banks or savings and loan institutions described in paragraph (3), or Federal credit unions described in paragraph (4), as the case may be," each place that term appears and inserting "depository institutions or Federal credit unions subject to the jurisdiction of such appropriate Federal banking agency";

(C) by striking "(A) any such Board" and inserting "(A) any such appropriate Federal banking agency"; and

(D) by striking "with respect to banks, savings and loan insutitutions" and inserting "with respect to depository institutions";

(4) in paragraph (2)(C), by inserting "than" after "(other";

(5) in paragraph (3), by inserting "by the Director of the Office of Thrift Supervision" before the period at the end;

(6) in paragraph (4), by inserting "by the National Credit Union Administration" before the period at the end;

(7) in paragraph (6), by striking "the Board of Governors of the Federal Reserve System" and inserting "any Federal banking agency or the National Credit Union Administration Board"; and

(8) by adding at the end the following new paragraph:

"(8) For purposes of this subsection—

"(A) the term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes the National Credit Union Administration Board with respect to Federal credit unions;

"(B) the terms 'depository institution' and 'Federal banking agency' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

"(C) the term 'Federal credit union' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General (in this section referred to as the "Comptroller") shall conduct a study on interchange fees and their effects on consumers and merchants. The Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards; and

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. CREDIT CARD SAFETY RATING SYSTEM COMMISSION STUDY.

(a) DEFINITION.—In this section, the term "safety" refers to the amount of risk to cardholders that results from credit card practices and terms in credit card agreements that are either not well understood by consumers, or are not easily understood, or could have an adverse financial effect on consumers, other than interest rates, periodic fees, or rewards.

(b) ESTABLISHMENT OF SAFETY RATING SYSTEM.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall establish an entity to be known as the "Credit Card Safety Rating System Commission" (in this section referred to as the "Commission").

(c) DUTIES.—The duties of the Commission shall be—

(1) to determine if a rating system to allow cardholders to quickly assess the level of safety of credit card agreements would be beneficial to consumers;

(2) to assess the impact on credit card transparency and consumer safety of various rating system policy options, including—

(A) the use of a 5-star rating system to reflect the relative safety of card terms, marketing and customer service practices, and product features;

(B) making the use of the system mandatory for all cards;

(C) requiring a graphic display of rating on all marketing material, applications, billing statements, and agreements associated with that credit card, as well as on the back of each such credit card;

(D) requiring an annual review of the safety rating system, to determine whether the point system is effectively aiding consumers and encouraging transparent competition and fairness to consumers; and

(E) requiring consumer access to ratings through public website and other outreach programs

(3) if it is deemed beneficial, to make recommendations to Congress concerning how such a system should be devised;

(4) to study the effects of such system on the availability and affordability of credit and the implications of changes in credit availability and affordability in the United States and in the general market for credit services due to the rating system; and

(5) by not later than March 1 of the second year after the date of enactment of this Act, to submit a report to Congress containing detailed results and recommendations, including how to create such system, if creating such system is recommended.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller, in accordance with this section.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The membership of the Commission, subject to subparagraph (B), shall include individuals—

(i) who have achieved national recognition for their expertise in credit cards, debt management, economics, credit availability, consumer protection, and other credit card related issues and fields; and

(ii) who provide a mix of different professions, a broad geographic representation, and a balance between urban and rural representatives.

(B) MAKEUP OF COMMISSION.—The Commission shall be comprised of—

(i) 4 representatives from consumer groups;

(ii) 4 representatives from credit card issuers or banks;

(iii) 7 representatives from nonprofit research entities or nonpartisan experts in banking and credit cards; and

(iv) not fewer than 1 of the members described in clauses (i) through (iii) who represents each of—

(I) the elderly;

(II) economically disadvantaged consumers;

(III) racial or ethnic minorities; and

(IV) students and minors.

(C) ETHICS DISCLOSURES.—The Comptroller shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated in the same manner as employees of Congress whose pay is disbursed by the Secretary of the Senate for purposes of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

(3) CHAIRPERSON; VICE CHAIRPERSON.—The Comptroller shall designate a member of the Commission, at the time of appointment of the member as Chairperson and a member as Vice Chairperson for that term of appointment, except that in the case of vacancy in the position of Chairperson or Vice Chairperson of the Commission, the Comptroller may designate another member for the remainder of the term of that member.

(4) TERMS.—Members of the Commission shall be appointed for the life of the Commission. Any vacancies shall not affect the power and duties of the Commission but shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—

(A) MEMBERS.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the regular place of business of the member, the member may be allowed travel expenses, as authorized by the Chairperson.

(B) OTHER EMPLOYEES.—For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all employees of the Commission shall be treated as if they were employees of the United States Senate.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(e) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller determines necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it determines necessary with respect to the internal organization and operation of the Commission.

(f) POWERS.—

(1) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(2) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(C) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(3) ACCESS OF GAO INFORMATION.—The Comptroller shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(4) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller.

(g) ADMINISTRATIVE AND SUPPORT SERVICES.—The Comptroller shall provide such administrative and support services to the Commission as may be necessary to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

Mr. LEVIN. Mr. President, I know the Senator from Connecticut has to leave, but before he does leave the floor, I congratulate and commend him on this bill. He has put a huge amount of effort into this issue over the years. This bill reflects that effort. His leadership in this matter will make a huge difference in getting this bill enacted. I thank him for that leadership and thank him for this bill.

Mr. DODD. I thank my colleague.

Mr. LEVIN. Mr. President, the legislation we are introducing today is going to combat credit card abuses that have been hurting American consumers for far too long. With all the economic hardship facing Americans today, from falling home prices to rising gasoline and food costs, it is more important than ever for Congress to act now to stop credit card abuses and protect American families from unfair credit card practices.

Credit card companies regularly use a host of unfair practices. They hike the interest rates of cardholders who pay on time and comply with their credit card agreements. They impose interest rates as high as 32 percent. They charge interest for debt that was paid on time. They apply higher interest rates retroactively to existing credit card debt. They pile on excessive fees and then have the gall to charge interest on those fees. They apply consumer payments first to the debt with the least expensive interest rate, saving the higher interest rate debt to be paid off last. And they engage in a number of other unfair practices that are burying American consumers in a mountain of debt. It is long past time to enact legislation to protect American consumers.

The bill we are introducing today will not only help protect consumers, but it will also help ensure that credit card companies willing to do the right thing are not put at a competitive disadvantage by companies continuing unfair practices.

Some argue that Congress does not need to ban unfair credit card practices. They contend that improved disclosure alone will empower consumers to seek out better deals. Sunlight can be a powerful disinfectant, but credit cards have become such complex financial products that even improved disclosure will not be enough to curb the abuses. Some practices are so confusing that consumers cannot easily understand them. Additionally, better disclosure does not always lead to greater market competition, especially when essentially an entire industry is using and benefiting from practices that unfairly hurt consumers.

Credit card issuers like to say they are engaged in a risky business, lending unsecured debt to millions of consumers. But it is clear they have learned to price credit card products in ways that produce enormous profit.

For the last decade, credit card issuers have maintained their position as the most profitable sector in the consumer lending field and reported consistently higher rates of return than commercial banks.

In 2006, Americans used 700 million credit cards to buy about $2 trillion in goods and services. The average American family now has five credit cards. Credit cards are being used to pay for groceries, mortgage payments, and even taxes, and they are saddling U.S. consumers, from college students to seniors, with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching $1 trillion. These consumers are routinely being subjected to unfair practices that squeeze them for ever more money, sinking them further into debt.

While the remaining legislative days in this Congress are dwindling, there is still time to enact strong credit card reform legislation. Too many American families are being hurt by too many unfair credit card practices to delay action any longer.

I commend Senator DODD for tackling credit card reform. I look forward to Congress taking the steps needed this session to ban unfair practices that are causing so much pain and financial damage to American families today.

Credit card abuse is a topic, as Senator DODD mentioned, with which I have been deeply involved over the past several years through a number of investigations in the Permanent Subcommittee on Investigations. We held two subcommittee hearings in 2007, and based on our investigative hearings, I introduced legislation called the Stop Unfair Practices in Credit Cards Act, S. 1395, to ban the outrageous credit card abuses that were documented in the hearings. I was pleased that Senators MCCASKILL, LEAHY, DURBIN, BINGAMAN, CANTWELL, WHITEHOUSE, KOHL, BROWN, STEVENS, and SANDERS, our Presiding Officer, joined as cosponsors.

This new bill, the Dodd-Levin bill introduced today, as Senator DODD mentioned, incorporates almost all the provisions of S. 1395, and it adds other important protections as well. It is the strongest credit card bill yet in Congress.

I would like to add to the record more detailing of the provisions of this bill, along with an overview of some of the most prevalent abuses that we uncovered and some of the stories that American consumers shared with us during the course of the inquiries carried out by my Permanent Subcommittee on Investigations.

With regard to excessive fees, the first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only substantial in themselves but can contribute to years of debt for families unable to immediately pay them.

Wesley Wannemacher of Lima, OH, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about $3,200, which exceeded the card's credit limit by $200. He spent the next 6 years trying to pay off the debt, averaging payments of about $1,000 per year. As of February 2007, he had paid about $6,300 on his $3,200 debt, but his billing statement showed he still owed $4,400.

How is it possible that a man pays $6,300 on a $3,200 credit card debt, but still owes $4,400? Here is how. On top of the $3,200 debt, Mr. Wannemacher was charged by the credit card issuer about $4,900 in interest, $1,100 in late fees, and $1,500 in over-the-limit fees. He was hit 47 times with over-limit fees, even though he went over the limit only three times and exceeded the limit by only $200. Altogether, these fees and the interest charges added up to $7,500, which, on top of the original $3,200 credit card debt, produced total charges to him of $10,700.

In other words, the interest charges and fees more than tripled the original $3,200 credit card debt, despite payments by the cardholder averaging $1,000 per year. Unfair? Clearly, I think, but our investigation has shown that sky-high interest charges and fees are not uncommon in the credit card industry. While the Wannemacher account happened to be at Chase, penalty interest rates and fees are also employed by other major credit card issuers.

The week before the March hearing, Chase decided to forgive the remaining debt on the Wannemacher account, and while that was great news for the Wannemacher family, that decision doesn't begin to resolve the problem of excessive credit card fees and sky-high interest rates that trap too many hard-working families in a downward spiral of debt.

These high fees are made worse by the industry-wide practice of including all fees in a consumer's outstanding balance so that they incur interest charges. It is one thing for a bank to charge interest on funds lent to a consumer; charging interest on penalty fees goes too far.

Another galling practice featured in our March hearing involves the fact that credit card debt that is paid on time routinely accrues interest charges, and credit card bills that are paid on time and in full are routinely inflated with what I call "trailing interest." Every single credit card issuer contacted by the Subcommittee engaged in both of these unfair practices which squeeze additional interest charges from responsible cardholders.

Here is how it works. Suppose a consumer who usually pays his account in full, and owes no money on December 1, makes a lot of purchases in December, and gets a January 1 credit card bill for $5,020. That bill is due January 15. Suppose the consumer pays that bill on time, but pays $5,000 instead of the full amount owed. What do you think the consumer owes on the next bill?

If you thought the bill would be the $20 past due plus interest on the $20, you would be wrong. In fact, under industry practice today, the bill would likely be twice as much. That is because the consumer would have to pay interest, not just on the $20 that wasn't paid on time, but also on the $5,000 that was paid on time. In other words, the consumer would have to pay interest on the entire $5,020 from the first day of the new billing month, January 1, until the day the bill was paid on January 15, compounded daily. So much for a grace period. In addition, the consumer would have to pay the $20 past due, plus interest on the $20 from January 15 to January 31, again compounded daily. In this example, using an interest rate of 17.99 percent, which is the interest rate charged to Mr. Wannamacher, the $20 debt would, in one month, rack up $35 in interest charges and balloon into a debt of $55.21.

You might ask—hold on—why does the consumer have to pay any interest at all on the $5,000 that was paid on time? Why does anyone have to pay interest on the portion of a debt that was paid by the date specified in the bill—in other words, on time? The answer is, because that is how the credit card industry has operated for years, and they have gotten away with it.

There is more. One might think that once the consumer gets gouged in February, paying $55.21 on a $20 debt, and pays that bill on time and in full, without making any new purchases, that would be the end of it. But you would be wrong again. It's not over.

Even though, on February 15, the consumer paid the February bill in full and on time—all $55.21—the next bill has an additional interest charge on it, for what we call "trailing interest." In this case, the trailing interest is the interest that accumulated on the $55.21 from February 1 to 15, which is time period from the day when the bill was sent to the day when it was paid. The total is 38 cents. While some issuers will waive trailing interest if the next month's bill is less than $1, if a consumer makes a new purchase, a common industry practice is to fold the 38 cents into the end-of-month bill reflecting the new purchase.

Now 38 cents isn't much in the big scheme of things. That may be why many consumers don't notice these types of extra interest charges or try to fight them. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was incorrect. But by nickel and diming tens of millions of consumer accounts, credit card issuers reap large profits.

I think it is indefensible to make consumers pay interest on debt which they pay on time. It is also just plain wrong to charge trailing interest when a bill is paid on time and in full.

My subcommittee's second hearing focused on another set of unfair credit card practices involving unfair interest rate increases. Cardholders who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

Janet Hard of Freeland, MI, had accrued over $8,000 in debt on her Discover card. Although she made payments on time and paid at least the minimum due for over 2 years, Discover increased her interest rate from 18 percent to 24 percent in 2006. At the same time, Discover applied the 24 percent rate retroactively to her existing credit card debt, increasing her minimum payments and increasing the amount that went to finance charges instead of the principal debt. The result was that, despite making steady payments totaling $2,400 in 12 months and keeping her purchases to less than $100 during that same year, Janet Hard's credit card debt went down by only $350. Sky-high interest charges, inexplicably increased and unfairly applied, ate up most of her payments.

Millard Glasshof of Milwaukee, WI, a retired senior citizen on a fixed income, incurred a debt of about $5,000 on his Chase credit card, closed the account, and faithfully paid down his debt with a regular monthly payment of $119 for years. In December 2006, Chase increased his interest rate from 15 percent to 17 percent, and in February 2007, hiked it again to 27 percent. Retroactive application of the 27 percent rate to Mr. Glasshof's existing debt meant that, out of his $119 payment, about $114 went to pay finance charges and only $5 went to reducing his principal debt. Despite his making payments totaling $1,300 over 12 months, Mr. Glasshof found that, due to high interest rates and excessive fees, his credit card debt did not go down at all. Later, after the Subcommittee asked about his account, Chase suddenly lowered the interest rate to 6 percent. That meant, over a one year period, Chase had applied four different interest rates to his closed credit card account: 15 percent, 17 percent, 27 percent, and 6 percent, which shows how arbitrary those rates are.

Then there is Bonnie Rushing of Naples, FL. For years, she had paid her Bank of America credit card on time, providing at least the minimum amount specified on her bills. Despite her record of on-time payments, in 2007, Bank of America nearly tripled her interest rate from 8 to 23 percent. The bank said that it took this sudden action because Ms. Rushing's FICO credit score had dropped. When we looked into why it had dropped, it was apparently because she had opened Macy's and J.Jill credit cards to get discounts on purchases. Despite paying both bills on time, the automated FICO system had lowered her credit rating, and Bank of America had followed suit by raising her interest rate by a factor of three. Ms. Rushing closed her account and complained to the Florida attorney general, my subcommittee, and her card sponsor, the American Automobile Association. Bank of America eventually restored the 8 percent rate on her closed account.

In addition to these three consumers who testified at the hearing, the subcommittee presented case histories for five other consumers who experienced substantial interest rate increases despite complying with their credit card agreements.

I would also like to note that, in each of these cases, the credit card issuer told our subcommittee that the cardholder had been given a chance to opt out of the increased interest rate by closing their account and paying off their debt at the prior rate. But each of these cardholders denied receiving an opt-out notice, and when several tried to close their account and pay their debt at the prior rate, they were told they had missed the opt-out deadline and had no choice but to pay the higher rate. Our subcommittee examined copies of the opt-out notices and found that some were filled with legal jargon, were hard to understand, and contained procedures that were hard to follow. When we asked the major credit card issuers what percentage of persons offered an opt-out actually took it, they told the Subcommittee that 90 percent did not opt out of the higher interest rate—a percentage that is contrary to all logic and strong evidence that current opt-out procedures do not work.

The case histories presented at our hearings illustrate only a small portion of the abusive credit card practices going on today. Since early 2007, the subcommittee has received letters and e-mails from thousands of credit card cardholders describing unfair credit card practices and asking for help to stop them, more complaints than I have received in any investigation I have conducted in more than 25 years in Congress. The complaints stretch across all income levels, all ages, and all areas of the country.

The bottom line is that these abuses have gone on for too long. In fact, these practices have been around for so many years that they have, in many cases, become the industry norm, and our investigation has shown that many of the practices are too entrenched, too profitable, and too immune to consumer pressure for the companies to change them on their own.

Mr. President, in summary, this is what our bill contains:

No interest on debt paid on time.

The bill prohibits interest charges on any portion of credit card debt which the credit card holder paid on time during the grace period.

The bill prohibits credit card issuers from increasing interest rates on cardholders who are in good standing for reasons unrelated to the cardholder's behavior with respect to that card.

The bill requires increased interest rates to apply only to future debt and not to debt incurred prior to the increase.

The bill prohibits the charging of interest on credit card transaction fees, such as late fees and over-the-limit fees.

The bill prohibits the charging of repeated over-the-limit fees for a single instance of exceeding a credit card limit.

The bill requires payments to be applied first to the credit card balance with the highest rate of interest and to minimize finance charges.

The bill requires the credit card issuers must offer consumers the option of operating under a fixed credit card limit that cannot be exceeded.

The bill prohibits charging a fee to allow a credit card holder to make a payment on credit card debt, whether that payment is by mail, telephone, electronic transfer, or otherwise. Believe it or not, many credit card companies actually charge you a fee to make your payment.

The bill contains some of the following provisions as well:

It requires issuers to lower penalty rates that have been imposed on a cardholder after 6 months if the cardholder commits no further violations.

The bill gives each Federal banking agency the authority to prescribe regulations governing unfair or deceptive practices by banks and savings and loan institutions.

The bill requires issuers to provide individual consumer account information and disclose the total period of time and interest it will take to pay off the credit card balance if only minimum monthly payments are made.

And, as the Senator from Connecticut said, the bill contains a number of protections for young consumers from credit card solicitations.

Again, I commend Senator DODD for taking the leadership on this issue. As chairman of the Senate Banking Committee, his leadership will make a huge difference. It gives us a real chance of passing reform legislation relative to credit card abuses this session of the Congress.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, July 16, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Subcommittee will also consider H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; and S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 9:30 a.m. to conduct a hearing entitled "The Roots of Violent Islamist Extremism and Efforts to Counter It."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Passport Files: Privacy Protection Needed For All Americans" on Thursday, July 10, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 10, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Thursday, July 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Environmental Protection Agency Oversight: Implementing the Renewable Fuel Standard."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I ask unanimous consent that Lynda Simmons of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Fern Goodhart, a fellow in my office, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 11, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3:30 p.m. tomorrow, Friday, July 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, and the postcloture time count during any adjournment or recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should be prepared for two rollcall votes to begin at approximately 5:20 p.m. tomorrow, Friday, on the motion to disagree with respect to the housing legislation, to be followed by a vote on the motion to invoke cloture on the motion to proceed to S. 2731, the global AIDS legislation.

ADJOURNMENT UNTIL 3:30 P.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:35 p.m., adjourned until Friday, July 11, 2008, at 3:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ROBERT HASTINGS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DORRANCE SMITH.

BROADCASTING BOARD OF GOVERNORS

CLIFFORD D. MAY, OF MARYLAND, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE MARK MCKINNON.

NATIONAL COUNCIL ON THE HUMANITIES

JOYCE LEE MALCOLM, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE MARGUERITE SULLIVAN, TERM EXPIRED.

ROBERT L. PAQUETTE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE ELIZABETH FOX-GENOVESE, TERM EXPIRED.

POSTAL REGULATORY COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR THE TERM EXPIRING NOVEMBER 22, 2014. (REAPPOINTMENT)

THE JUDICIARY

CHRISTINE M. ARGUELLO, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE WALKER D. MILLER, RETIRED.

PHILIP A. BRIMMER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE LEWIS T. BABCOCK, RETIRED.

GREGORY E. GOLDBERG, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

WILLIAM FREDERIC JUNG, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE SUSAN C. BUCKLEW, RETIRING.

MARY STENSON SCRIVEN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE PATRICIA C. FAWSETT, RETIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DUNCAN J. MCNABB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. REMINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be lieutenant general

MAJ. GEN. JACK L. RIVES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARTER F. HAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD P. ZAHNER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. BRUCE E. MACDONALD

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) CHRISTOPHER C. COLVIN
REAR ADM. (LH) DAVID T. GLENN
REAR ADM. (LH) MARY E. LANDRY
REAR ADM. (LH) RONALD J. RABAGO
REAR ADM. (LH) PAUL F. ZUKUNFT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

STEPHEN E. WEST

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

ELISA M. GARRITY

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 2008:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND T. ODIERNO

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on July 10, 2008 withdrawing from further Senate consideration the following nomination:

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE FAYZA VERONIQUE BOULAD RODMAN, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

WELCOMING THE 39TH BIENNIAL CLERGY-LAITY CONGRESS OF THE GREEK ORTHODOX CHURCH OF AMERICA TO WASHINGTON, DC

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Ms. PELOSI. Madam Speaker, I would like to welcome more than 700 delegates and 1500 total participants to the 39th Biennial Clergy-Laity Congress of the Greek Orthodox Church of America to Washington, DC. The theme of the 39th Biennial Congress is Gather My People to My Home, which recognizes the value of each person and, as Archbishop Demetrios of America has written, acknowledges that many people are struggling and seeking a spiritual home where they can find peace and hope.

The Greek Orthodox community in San Francisco is an example of the beautiful diversity of my hometown. I am proud that several of my constituents, including Metropolitan Gerasimos of San Francisco and Fathers Stephen Kyriacou and Aris Metrakos and lay leaders from the Holy Trinity Church and Annunciation Cathedral of San Francisco, will be in Washington for the Congress this week. I would also like to congratulate my friend Andy Manatos who will serve as the Chairman of Clergy Laity Congress during this conference.

The House of Representatives is blessed to have had many Greek Orthodox members of Congress over the years. Today, the community is well-represented by leaders such as JOHN SARBANES of Maryland, ZACK SPACE of Ohio, NIKI TSONGAS of Massachusetts and GUS BILIRAKIS of Florida.

Members of Congress have expressed strong support for the Greek Orthodox community through the years including awarding the Congressional Gold Medal, the highest civilian award bestowed by the Congress, to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace.

The religious freedom of the Ecumenical Patriarchate and the Greek Orthodox community continues to be a top priority for Members of Congress. A bipartisan group of members on the House Foreign Affairs Committee recently sent a letter to the Prime Minister of Turkey urging him to do everything possible to preserve the Ecumenical Patriarchate and to end restrictions and practices which threaten the viability of this nearly 2,000-year old spiritual beacon. The millions of Orthodox Christians in America and around the world can be assured that Congress will continue to advocate for their right to worship and practice their faith without undue government interference.

As Greek Orthodox clergy, parishioners, and hierarchs visit our nation's capitol this week, I thank them for their leadership and wish them a successful conference.

ENCOURAGE INITIATIVE AND SELF-ESTEEM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. FILNER. Madam Speaker, I rise today to urge support for a bill I have just introduced, H.R. 6457, the "Encourage Initiative and Promote Self-Esteem Act".

There are many people in our country who receive Social Security Disability benefits (SSD) because they have a "waxing and waning" disease—Behcet's Disease, Multiple Sclerosis, Lupus, Parkinson's, Cancer, AIDS and Arthritis are examples of "waxing and waning" diseases.

This process of seeking SSD and keeping it is often times an adversarial one. The climate of suspicion that applicants and recipients say they feel leaves many to view the Social Security Administration (SSA) with a jaundice eye. Everyone who actually gains disability benefits remembers the hoops of fire they had to jump through during the application process. As a result, many people often do not consider a try at working, fearing that the SSA will use that against them to deny future benefits. With concerns over fraudulent claims, I can understand how this environment came to be. But that doesn't make it right.

For people with "waxing and waning" diseases and conditions, they know that they will have good days and bad. They know that, barring a cure, they will always be sick, but that does not diminish their spirit. There needs to be a program that encourages people in this situation to secure temporary employment when they feel they can work without placing their SSD at risk for the times they cannot work.

H.R. 6457 would install a system based on a sliding scale. The more money one earns, the fewer benefits he or she receives. But there will be a built-in incentive to stay the course because the total monthly income when working will be more than either the work income or SSD.

Imagine a situation where those on SSD who have diseases that "wax and wane" could work, without fear, when able. That would be a lot of money put back into the Treasury in payroll withholdings and taxes—and more money put into the economy in increased purchasing, not to mention the contribution to society and elevated self-esteem of the workers. Think about the faith these people would have in a system of government that treats its people with dignity and respect instead of suspicion and contempt.

I urge my colleagues to support H.R. 6457 to improve the lives of thousands of Americans.

IN HONOR OF MR. WILLIAM T. MUNS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Mr. William T. Muns, a native son of Beaver County, Pennsylvania who is an outstanding champion for veterans.

From 1965 thru 1968, Bill proudly served his country as a member of the United States Army. This service included a one year tour in Vietnam, serving as a Financial Liaison Specialist with the 709th Maintenance Battalion in the Mekong Delta Area. Upon his return stateside, he completed his enlistment with the 82nd Airborne Division, Ft. Bragg, North Carolina.

In September 2001, Bill accepted his current position as Beaver County Director of Veterans Affairs. Since taking this position, Bill and his staff have increased the federal benefits for county veterans from $14 million to $42 million. This exceptional service has been recognized by the Pennsylvania State Adjutant General.

As a charter life member of Vietnam Veterans of America Chapter 862, Bill has served as treasurer and was recognized as Vietnam Veteran of the Year for 2002. In addition to this prestigious award, Bill has also received a number of honors from the community, including being named Beaver County Jaycees Man of the Year 2003, the State Veterans Service Officer Award for 2005–2006, and the Vietnam Veterans of America Chapter 862 Distinguished Service Award for 2001.

Bill is also a husband, father, and grandfather. He is married to Virginia Martin Muns and together they have three children—Laura Evangelista, Ted Muns, and Jenn Basinger. Bill and Ginger also have five grandchildren—Rebecca, Gabriella and Adam Evangelista, and Mason and Ethan Muns.

Bill and Ginger will be missed and treasured by the Beaver County veterans' community for years to come. I want to commend them for their long and distinguished commitment to helping America's heroes. I wish them a wonderful retirement in their new home of Sarasota County, Florida and thank them for the tremendous service that they have provided to our community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATIONS TO BASF FREEPORT ON THEIR 50TH ANNIVERSARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. PAUL. Madam Speaker, 2008 marks the 50th anniversary of the opening of the BASF Corporation's Freeport, Texas facility. Freeport is located in Brazoria County in my congressional district. I am pleased to take this opportunity to congratulate the management and employees of BASF Freeport on 50 great years, and thank the people of BASF Freeport for their contributions to Freeport's economy.

The story of the BASF Freeport began when the owners of BASF Overzee N.V., a subsidiary of Badische Anilin-& Soda Fabrik A. G. (BASF), Ludwigshafen, Germany, and the Dow Chemical Company, Midland, Michigan, agreed to form Dow Badische Chemical Company. Dow Badische was endowed with the chemical process technology of the European parent as well as the managerial and marketing knowledge of their U.S. parent.

The new company chose a site adjacent to Dow Chemical's Texas Division of Freeport, Texas for its initial production. In December of 1959 the plant began producing Acrylic Acid and Acrylic Esters. In 1960 and 1961 the plants added production units for butanol and caprolactam.

Through the years, the BASF facility experienced tremendous increases in its capacity as well as in the number of production plants and employees that comprise the BASF Freeport workforce. For example, in 1967 BASF built a continuous butyl acrylate plant, while a new caprolactam complex was completed in 1968; and a new oxo alcohol facility was completed in 1970, adding 2-Ethylhexanol to the product line.

BASF acquired 100 percent ownership of Dow Badische in 1978. Soon after the change in ownership took place, two new chemical plants were constructed in Freeport, one an acrylic acid facility and the other a neopentyl glycol facility. Further significant expansions have included two acrylic monomers plants, an expansion to the polycaprolactam unit and most recently a new superabsorbent polymer plant.

In addition to its contributions to Brazoria County's economy, BASF has improved the life of the residents of Brazoria County through its steadfast support of numerous civic organizations. BASF has also earned the trust of its neighbors by making every effort to observe basic principles of safety and environmental performance in all its operations.

BASF Freeport's success is due to the commitment, hard work and innovative ability of its employees. I am certain that these same attributes will ensure a continued healthy growth for the company, which will, in turn, continue to benefit all of Brazoria County. It is therefore my pleasure to congratulate BASF Freeport on their 50th anniversary.

RECOGNIZING JOHN AND BONNIE ENSTROM FOR CREATING VETERANS LAKE PARK IN HONOR OF AMERICA'S VETERANS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mrs. BACHMANN. Madam Speaker, I rise to honor two of my constituents, true community servants, Mr. John and Bonnie Enstrom.

The Enstrom's built the Veterans Lake Park in Ramsey, Minnesota to honor our fallen heroes. The park hosts the only monument in State dedicated to all Minnesotans who lost their lives as a result of the global War on Terror. The monument also contains a list of veterans who died in the Iraq war to protect our Nation's freedom.

Over $1 million has been personally invested by the Enstrom's to ensure that the park is well-kept and beautiful. Veterans visit the park and enjoy its quiet, relaxing environment. It has been seen as a safe haven to help the Vets mentally and emotionally recover.

Our Nation's heroes sacrificed their comforts and safety so that Americans can enjoy their continued freedoms. For their great efforts, veterans deserve much from the American people. Its efforts like those of the Enstrom's that truly show our appreciation for these heroes.

Madam Speaker, it is my honor to recognize and congratulate Mr. and Mrs. John Enstrom for their exemplary service to our Nation's heroes. The time and work that they both have sacrificed to serve the military men and women of our great State of Minnesota will not be forgotten.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, on July 8, 2008, I was avoidably detained and missed three votes: H.R. 3981, H.R. 1423, and H.R. 4199.

Had I been present I would have voted "yes" on H.R. 3981, "yes" on H.R. 1423 and "yes" on H.R. 4199. (vote Nos. 471, 472, 473)

HONORING COLONEL PAUL J. KENNEDY OF THE UNITED STATES MARINE CORPS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. PRICE of North Carolina. Madam Speaker, I rise to honor COL Paul J. Kennedy of the United States Marine Corps. Colonel Kennedy is finishing his tenure as the Marine Corps liaison to the House of Representatives, and will soon head to my home State to take command of the Second Marine Regiment, Second Marine Division at Camp Lejeune, North Carolina.

During the last 2 years, Colonel Kennedy has led the small contingent of Marines that serve as the direct interface between the Marine Corps and the members and staff of the House. Under his leadership, Colonel Kennedy and his colleagues have established strong professional relationships throughout this body, building trust, confidence, and mutual commitment between the Marine Corps and congressional leaders. His integrity, knowledge, and personal attention to the needs and interests of members have garnered great respect and appreciation throughout this Chamber.

I have particularly benefited from Colonel Kennedy's leadership as he has become an integral part of the efforts of the House Democracy Assistance Commission (HDAC), which I lead along with Representative DAVID DREIER. During the last 2 years, our Commission has traveled to numerous far-flung destinations in the service of our mission to strengthen the capabilities of legislatures in developing democracies. Not only has Colonel Kennedy organized and escorted every single HDAC delegation, he has jumped at the chance to do so, foregoing travel to more luxurious destinations in favor of our trips to developing nations like Liberia, Afghanistan, and Haiti. He has strongly supported the mission of our Commission, and has moved mountains to ensure that we can carry out our work, no matter what complications arise.

As I have gotten to know Colonel Kennedy, I have been tremendously impressed, not just by his professionalism and integrity, but also by his commitment to the United States Marine Corps. He treats the men and women under his direction in the Marine Liaison office with great respect and has taken particularly seriously his duty to mentor young Marines of lower rank. As he leaves to take command of a 5,000-Marine unit, his attention to the development of younger Marines will no doubt be greatly valued.

Colonel Kennedy has also been able to share with members of Congress detailed and valuable insights into the war in Iraq. Having served as a Battalion Commander in Anbar Province in Iraq during Operation Iraqi Freedom II, Colonel Kennedy gained first hand experience in helping our nation confront the new and complex challenges that war has highlighted.

While Colonel Kennedy will be sorely missed by this institution, we can take comfort in the knowledge that a man of such tremendous personal character and ability will continue to serve and strengthen the United States Marine Corps and the 5,000 Marines under his command at Camp Lejeune. Let me offer my heartfelt appreciation and best wishes to Colonel Kennedy as he embarks on this new assignment.

IN SUPPORT OF THE SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE COMPLEX

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. STARK. Madam Speaker, I rise today with my colleagues GEORGE MILLER (CA–7) and SAM FARR (CA–17) to introduce the San Francisco Bay National Wildlife Refuge Complex Establishment Act. As its title indicates, this bill would unite the Bay Area's seven separate national wildlife refuges into a single wildlife complex in order to leverage greater federal funding for these unique habitats.

The Antioch Dunes, Don Edwards San Francisco Bay, Ellicott Slough, Farallon, Marin Islands, Salinas River, and San Pablo Bay National Wildlife Refuges together constitute our nation's largest collection of urban wildlife refuges, totaling more than 46,000 acres. Together, they are home to hundreds of wildlife species—including over 128 threatened or endangered animals and marine mammals that depend on these refuges to survive. Because they support endangered wildlife in close proximity to millions of people, these refuges face unique and growing challenges.

Unfortunately, federal resources have not kept pace with the massive increase in refuge size and management demands. That shortfall puts the refuges at risk. For example, the Don Edwards San Francisco Bay National Wildlife Refuge was identified by Defenders of Wildlife as one of the nation's ten most threatened wildlife refuges in 2004. Its wetlands have been drastically altered by urbanization and many areas have been filled to create more land. As a result, the San Francisco Bay is now one-third smaller than its original size.

In addition to rare flora and fauna, these refuges offer other benefits. In hosting more than 1.5 million visitors every year, they serve as powerful economic engines for northern California. Their urban setting provides opportunities to educate surrounding communities about the need for environmental preservation. Restored wetlands also provide cost-effective shoreline protection and counter sea-level rise caused by global warming. In fact, the United Nation's Intergovernmental Panel on Climate Change has determined that restoring wetlands and protecting those that remain represents an immediate opportunity for enhancing carbon absorption—a key to combating global warming.

The San Francisco Bay National Wildlife Refuge Complex Establishment Act is very simple. It authorizes such sums as may be necessary for the development, recovery, and acquisition of refuge lands and the restoration of fish and wildlife habitat. This bill is endorsed by Save the Bay, an environmental organization that has been fundamental in protecting and restoring the wildlife oases in the Bay Area's urban environment.

I urge Members to join us to protect this crucial part of our environment. By enacting this bill, we are taking an important step toward saving rare California wildlife from extinction, fighting global warming, and preserving a beautiful part of our country that can be enjoyed by future generations.

HONORING U.S. COAST GUARD CAPTAIN ROBERT W. DURFEY, JR.

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the notable career of a distinguished member of the United States Coast Guard, and a constituent, Captain Robert W. Durfey, Jr.

Captain Durfey has led an exemplary career, having served in the United States Coast Guard for over 30 years. He has amassed a vast institutional knowledge after decades of experience in a wide variety of operational, command, and staff assignments. In addition, his dedication to his fellow man and community is deep and ingrained, as evidenced by his volunteer work rebuilding housing for victims of Hurricane Katrina in 2005.

Captain Durfey graduated from the U.S. Coast Guard Academy in 1978 with a Bachelor of Science in History/Government. In 1994, he earned his Masters in Public Administration from the J.F.K. School of Government at Harvard University. He has served at six Air Stations and five Groups along the west, gulf and east coasts as well as Puerto Rico. He has logged over 4800 helicopter flight hours and has flown more than 400 Search and Rescue missions.

He served as a Deck Watch Officer on a Buoy Tender in Alaska before going to Naval flight training to become a helicopter pilot, where he became Coast Guard Aviator #2113. Just prior to his Boston assignment, Captain Durfey commanded the Coast Guard's largest Group-Air Station combination, in Atlantic City, New Jersey. His helicopter and boat crews prosecuted over 1,800 search and rescue cases annually. He also commanded Group-Air Station Humboldt Bay, in northern California, between 1998 and the summer of 2000.

He was promoted to the rank of Captain during a year of strategic studies at the Air War College (2000–2001), which included training on terrorism, intelligence and overseas travel to Israel and Syria. He has had two major commands and most recently served as the Chief of Governmental Affairs and Public Affairs for the Admiral of First Coast Guard District, which oversees the northeast portion of the United States. The area of responsibility includes eight States from Maine to New Jersey.

As the United States Representative for the Tenth District of Massachusetts for the last twelve years, I have had the opportunity to work with and get to know Robert Durfey both as a professional and as a man. He has lived his life with a concern for others and the safety of our country. Robert Durfey is a gifted individual whose interpersonal skills are unsurpassed and who commands the respect of his subordinates and peers. As he retires from the United States Coast Guard, I want to add my best wishes to the chorus of accolades he has already received. I salute him and may God bless him in all his future endeavors.

HONORING THE BOAT LIVERY OF BLUE MOUNTAIN LAKE, NEW YORK, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the Boat Livery of Blue Mountain Lake, which next month will celebrate its 100th birthday. Throughout the past century, the Boat Livery of Blue Mountain Lake has continuously provided services in boating, canoeing, kayaking, fishing and other recreational activities to residents and visitors alike in the glorious Adirondacks region of New York State. I would like to join with my distinguished colleague from the New York State delegation, the Honorable JOHN MCHUGH, who represents Blue Mountain Lake in Congress, in saluting the Boat Livery of Blue Mountain Lake on the occasion of its centennial anniversary.

Blue Mountain Lake lies in the heart of New York's Adirondack Park. Inspired by the Reverend William Henry Harrison Murray's best-selling 1869 edition of "Adventures in the Wilderness" or "Camp Life in the Adirondacks", vacationers started to visit Blue Mountain Lake after the conclusion of the Civil War, and it became a tourist "hot spot." As visitors arrived in droves, an entire industry developed in response, spawning stately inns and travel guides who offered boat tours and facilitated participation in outdoor activities such as hunting, fishing, boating, hiking and camping.

The Boat Livery of Blue Mountain Lake was founded on August 2, 1908 during the heyday of the great camps established by prominent Americans such as Andrew Carnegie, J.P. Morgan, Dr. Thomas Durant, Coulis Huntington, Alfred Vanderbilt and the Hochschild family, many of whom resided in what is now the 14th Congressional district of New York. Since then, the Boat Livery has made available a wide array of rental pleasure craft to visitors to this uniquely beautiful part of our great Nation. It also has offered scenic boat cruises on original wooden launches.

Blue Mountain rises to a majestic height of 3,759 feet, offering stunning views of the shimmering Blue Mountain Lake dotted with islands. With a year-round population of fewer than 200 people, the tiny town surrounding the mountain remains picturesque, preserving its rustic charm despite the presence of thousands of visitors who pass through each season. Blue Mountain Lake is one of the cleanest, clearest lakes in the 48 contiguous states. It continues to draw thousands of city dwellers who are seeking refuge from their muggy, urban homes.

In 1933, Richard Collins and his wife Hectorine purchased the Boat Livery of Blue Mountain Lake and operated it until 1955. In 1955, Russ and Edna Barrowman purchased it and managed it until 1977 when it was bought by Robert and Judi Booth. Robert, Judi, Quin and Parker Booth currently operate the Livery's rowboats, canoes, steamboats, conduct tours and make available to tourists small and large pontoon boats, kayaks, canoes, paddleboats, windsurfers, day-sailers, sunfish, water skis, tubes, wakeboards, and many other vessels. In addition, they organize the special scenic trips in historic antique tour boats: the Towahloondah, dated 1920; the Osprey, dated 1916; and the Neenykin, dated 1916. These authentic vessels are inspected yearly by the New York State Office of Parks, Recreation, and Historic Preservation, and remain an integral part of the rich diversity of recreational activities at Blue Mountain Lake. On 2-hour tours across Blue Mountain on the old wooden launches, Eagle and Utowana Lakes, guides regale visitors with stories of the 19th century's great camps, recounting the history of the area's lumberjacks and celebrated fishing and hunting guides. Their stories feature the camps, hotels, steamboats, workers and players of the era.

Madam Speaker, I rise to request that my distinguished colleagues join me in paying tribute to the tremendous contributions to the preservation and enjoyment of the Adirondacks region made by the Boat Livery of Blue Mountain Lake on the occasion of its centennial anniversary.

CONGRATULATIONS LONE STAR COLLEGE SYSTEM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. POE. Madam Speaker, congratulations to the Lone Star College System on its successful name change last year, and on surpassing the 50,000 student mark. Today, the Lone Star College System is the largest community college system in the Houston area and the second largest in the state of Texas. One in five high school graduates from area-wide school districts attend one of their branch campuses. Several of the system's campuses are in my district. The system also offers dual credit courses to over 5,000 high school students, giving students the opportunity to graduate high school with college credit.

Lone Star College System was established in 1972 when the voters of the Humble, Aldine, and Spring Independent School Districts voted to meet the need for a junior college to serve their communities. In the fall of 1973 the college was formed. Aldine High School hosted the first classes. In its first year the school enrolled 613 students led by 16 staff members.

Between 1981 and 2003, the college underwent a series of expansions and adopted the name of North Harris Montgomery Community College District. In November 2007, students and community members voted to rename the college Lone Star College System.

With graduates contributing in vital areas of our society upon graduation, this college has become a very valuable institution of education for my district and for Texas.

HONORING THE 275TH ANNIVERSARY OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a southeastern Pennsylvania municipality celebrating its 275th anniversary.

Worcester Township, Montgomery County, was established in 1733 by 22 landowners on roughly 10,000 acres originally part of the land grant given to William Penn by King Charles II of England.

English, Dutch, German and Welsh immigrants, many seeking religious freedom, settled the Township, which was a mostly wooded wilderness at its inception. Eventually, the Township was transformed into a farming community that came to be known as a breadbasket for nearby Norristown and Philadelphia.

Worcester also played a role in the founding of our nation. General George Washington's troops camped at the Peter Wentz Farmstead before and after the Battle of Germantown. And the cemetery across from Bethel Hill Church serves as the final resting place for patriots who gave their lives in the pursuit of liberty.

While the population has grown to nearly 8,000 residents today, the Township remains committed to preserving acres of scenic farmlands and open space.

Residents will mark the Township's 275th anniversary on Saturday, July 12, 2008 during a Community Day celebration in Heebner Park.

Madam Speaker, I ask that my colleagues join me today in congratulating the Worcester Township on its historic anniversary.

OP-ED SUPPORTING THE DEVELOPMENT AND GROWTH OF CARIBBEAN NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. RANGEL. Madam Speaker, I rise today to introduce an Opinion Editorial from the New York CaribNews that reflects support for the development of the Caribbean Community and Common Market (CARICOM) states. CaribNews is a New York based publication that serves as the voice of the Caribbean community.

The editorial which was published on Tuesday, July 8, 2008 is entitled; "The Diaspora And The Rolling Heads of State". The author of the Op-Ed, Dr. Basil Wilson, recognizes the achievements made by CARICOM nations to improve trade relations within the region and globally. "In 2008, CARICOM is to make further strides in the development of a single market economy".

Dr. Wilson also addresses the New York based Caribbean Diaspora as it relates to Caribbean economies. He explains; "Billions of dollars (from the U.S.) are sent to the respective islands to help out family members, to expand existing homes, to start businesses, and to provide some of the basic necessities of life".

This piece acknowledges the economic achievements made by Caribbean nations, therefore contributing to the region's legitimacy as a viable trading partner. At the same time, Dr. Wilson encourages entrepreneurial leadership in the Caribbean to further stimulate economic growth.

[From the CaribNews, July 8, 2008]

THE DIASPORA AND THE ROLLING HEADS OF STATE

(By Dr. Basil Wilson)

It was befitting to hold the meeting bringing together the Caribbean community in New York and the Caribbean heads of state at York College, City University of New York, where the President of that institution, Marcia Keizs and the Provost and Senior Vice President of Academic Affairs have roots in the Caribbean and a majority of the 6,000 student body are either first or second generation Caribbean.

As one of the Caribbean heads of state remarked, he had to travel to New York to address an audience of Caribbean people as the movement of Caribbean people within the region remains limited with the exception of the students in higher education moving among the Mona, Cave Hill and St. Augustine campuses of the University of the West Indies. The Friday evening meeting on June 20, 2008 was designed to facilitate an intellectual exchange between leaders and non-leaders about the Diaspora and the future of, CARICOM.

The Diaspora community already plays a critical role in the form of remittances. Billions of dollars are sent to the respective islands to help out family members, to expand existing homes, to start businesses, and to provide some of the basic necessities of life. In many islands remittances have been instrumental in reducing the percentage of people living in poverty.

The format of the exchange enabled designated heads of state to address the audience and to allow the audience to ask questions or to make comments. This kind of mass questioning tends to attract to the open microphones speakers who are long-winded and with wide ranging concerns that invariably brings a certain incoherence to the discourse.

The world economy has changed dramatically since the initiation of CARICOM. In 2008, CARICOM is to make further strides in the development of a single market economy. Even within the units of CARICOM, there are no economies of scale. There are opportunities for investment and for the pooling of resources. The economist, Dr. Norman Girvan, has produced a paper outlining the future for further economic expansion. Trinidad and Tobago has emerged as the economic giant in the region and is standing even taller as the price of oil soars towards one hundred and fifty dollars per barrel. T and T is overflowing with investment capital at the same time nonexporting oil countries in the region are reeling from the rapid rise in oil and food prices that are now the norm in the world economy.

CARICOM at the beginning of the year signed a trade agreement with the European Union that opens those economies to Caribbean products and European products to the Caribbean region. CARICOM and CARIFORUM can no longer look inwards. It must look outwards either as a region or as independent islands. There is the dire urgency to put together an export oriented strategy to compete in the global economy of the 21st century.

The crime calamity in the Caribbean basin is indeed an outgrowth of the economic crisis and even though some sorely needed initiatives will be able to strengthen the shaky social order, long term stability will depend on the strengthening of the export sector in relationship to the world economy.

The Caribbean entered the world economy as an exporter of sugar with African slave labor. By the beginning of the 19th century, sugar production in the old English colonies had peaked and was unable to match the yield per acre of the new sugar-cane fields in Cuba. In the post-emancipation years and post-colonial interlude, the economies of the Caribbean remained moribund, starved of British investment capital and survived through the British protectionist system reserved for primary producers of the colonial empire. That arrangement created a condition of chronic surplus labor and forced segments of the Caribbean labor force to seek their fortunes elsewhere such as in the banana fields of Central America, the sugarcane fields of Cuba, the construction complex of the Panama Canal, and the industrialized factories in the United States at the advent of World War 1. In the post-second world war, thousands fled the region to work in the industrial and service enterprises of the United Kingdom.

In the post-colonial years in an age of global protectionism, most Caribbean countries opted for the developmental strategy of industrialization by invitation hiding behind the high walls of tariff barriers. That resulted in an economy with an export producing primary sector of sugar and banana and the new sector of light manufacturing serving the needs of the domestic market. The developmental strategy accelerated the movement from country to town where the limited manufacturing sector lacked the capacity to absorb the burgeoning labor force. Salvation came through the export of skilled and unskilled labor to the United States, Canada and the United Kingdom.

The growth in the labor force has tapered off in the contemporary period and the unemployment rate in April 2006 was estimated at 134,000 or 10.7 percent of the labor force. Nonetheless, Jamaica has a precious stratum of own-account workers estimated at 376,000. In the goods producing sector, there are 200,000 people employed in agriculture, 105,000 in construction and a mere 80,000 in manufacturing. Traditional agriculture, particularly sugar-cane, there is an effort to adapt that industry through the conversion of sugar-cane into the fuel producing ethanol. The purchase of the sugar industry by Brazilian investors should make the sugar industry more viable and contribute to reducing Jamaica's dependency on fossil fuel and with sufficient capacity to export ethanol to the United States.

Jamaica's economy in the last decade has seen the expansion of the alumina industry and a massive increase in the tourist sector. Alumina and bauxite are highly capital intensive and only 7,000 workers are absorbed in the mining industry. The tourist industry is labor intensive but has failed to absorb all those looking for work as the burgeoning squatter settlements are rampant in the parishes where tourism is concentrated.

Jamica has made some headway in the export of manufacturing goods. That sector exports approximately 700m in 2006 and if Jamaica is going to absorb its surplus labor problem, there will have to be exponential growth in that sector of the economy, particularly in agro-products.

The Jamaica exporting sector is assisted by state policy. Members of the Jamaica Exporters Association are eligible for loans with reduced interest rates. But what is desperately needed is a strategic developmental plan that brings together venture capitalists from abroad and Jamaica's indigenous bourgeoisie aimed at creating large scale production of juices like guava, june plum, etc. aimed at flooding both the European and the United States market. Micro-enterprises cannot compete in a global market and Jamaica is in need of large scale production aimed at mega-markets to absorb Jamaica's surplus workers.

All the successful countries that have made the transition from fledgling developing countries, like Singapore, South Korea, Malaysia, Taiwan and China, have made it through adopting an export-oriented strategy.

What is required is the emergence of an entrepreneurial class with a clear understanding of the complexity of globalization that will partner with government to build that export capacity. In this age of globalization, CARICOM must look outwards and build the necessary bridges with the Caribbean Diaspora to ensure that the Caribbean is not trapped in the backwater of globalization.

HONORING THE ROCHESTER, ILLINOIS LADY ROCKETS SOCCER TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. SHIMKUS. Madam Speaker, today I rise to honor the Rochester Lady Rockets soccer team on their success in winning the championship game of the Illinois High School Association Class A State tournament.

Kelly Werthwien, Kelcie Kolis, Sarah Wright, Grace Capranica, Marissa Burge, Beth Fitzsimmons, Kellse Sandercock, Amy Shackelford, Jessica Heaton, Jillian Sulcer, Mollie Edgecomb, Kassie McIntyre, Taylor Heissinger, Kelcee Walsh, Amy Cassiday, Maryssa Bandy, Taylor McDermott, Alecia Mantei, Taryn Butler, Aubrey Heck, Caley Cook and Casey Turner, along with head coach Chad Kutscher, Assistant Coaches Scott Tucker, Andrew Ford and Kristi Coppernoll and Trainer Sara Powless, put together a 16–4–3 season and swept through the sectional tournament en route to their first State championship.

This is the third straight year in which the Lady Rockets reached the State tournament, and the first for Coach Kutscher.

I am very pleased to congratulate the Rochester Lady Rockets on their victory and wish them the best of luck for next season.

"CREATING A BRIGHTER TOMORROW"

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. MANZULLO. Madam Speaker, I would like to commend to the attention of this Congress the following speech by one of my constituents, 16-year-old Heidi Erbsen, of Stephenson County, Illinois. Heidi participated in an oratory contest hosted by the American Legion. Her speech won first place at the local, division and state levels, and she then moved on and completed as a quarter finalist at the national level of competition. As we face the difficult decisions of today, I hope Heidi's words will stir us to cling to our heritage as we seek to create a brighter tomorrow.

CREATING A BRIGHTER TOMORROW

(By Heidi Erbsen)

As many of you know, Abraham Lincoln is notorious for the Gettysburg Address, which states, "Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live." When he spoke these words in 1863, it must have been hard for him to imagine our country's future. With all of the struggles facing our nation, how could he have ever known for sure that we would continue to prosper? The Civil War had split the nation, torn families apart, and claimed thousands of American lives, yet President Lincoln still believed in a brighter tomorrow for his country and his people. This mentality has carried our country through every single struggle it has faced. It is the belief that the people of our nation can give it a brighter tomorrow. And now, for over 200 years our country has prospered because of this belief, and it will continue to do so as long as we uphold this legacy.

When the monarchy in Europe began to mandate religion and other personal affairs in the 1600s, many people began to seek refuge from their oppression. The rule in Europe made it so hard for people to live without persecution that many sought to leave their homes in search of a New Life. Thousands of these people found their new life in what was then known as the New World. Since the pilgrims sailed to America, this country has been a monument of hope. This New Land represented a chance for men and women to start over new. It gave them a chance to create their own fortune and futures. It was a land not yet at the grip of a stifling ruler or government. Most of these colonists arrived here with nothing in their pockets, and a dream in their hearts. It was the dream of freedom and prosperity, and it would not by any means come easy. The first men and women to colonize America suffered more than any of us can imagine. They endured brutal wars, strife, famine, and much more, but they never gave up their dream, and slowly they began to see this dream come alive. When the same ill leadership the pilgrims had escaped in the 1600s began to take hold of the New World in the 1700s the colonists finally fought back. After the Revolutionary War plagued them with years of death and despair, a new horizon dawned on America. The Declaration of Independence was signed and what was formerly known as The New World became The United States of America.

Becoming a free nation of our own may have seemed like the end of struggle for the people of America at the time, but it was really only the beginning. After being ruled by a single monarch for so long the people in our country had no idea how to govern themselves. When they were finally declared a free nation there was a long period of struggle for guidance and rule. Many feared that any form of government would tarnish the freedom they had struggled so hard to achieve. The very men who wrote our Constitution harvested the fear that they would become their own dictator. They knew that it was entirely up to them to see that the future of their country was a bright one, free from persecution and oppression in any form. That is why they did everything in their power to dispose of any form of ultimate rule. They knew they had only one chance to set the land of their dreams into motion. They wanted a balance between the power and the people. This way the people could have a say in what was just in everyday life rather than abiding by the rules of a leader focused only on what would make things easier for him or her. As a solution, they developed a three-part system, each containing officials elected either indirectly or directly by the people, each branch having one main duty: To see that one particular person or even section of the government never gained too much power. Not only did this three-part system give them the balance they were striving for, but our writers of our constitution hoped to ensure that every man, woman, and child living in America benefited from the natural freedoms to which we are all entitled. And to this day, it does just that.

As citizens of America today, we are still reaping the benefits of the sturdy foundation that was built up by our ancestors. The men and women who came together to put a stop to persecution did so not in vain. Look around. We are still living without it today. We have preserved their efforts, but in doing so some of us have lost sight of the sacrifices that have been made. Today many Americans take the freedoms we have for granted. I've lived in the United States all my life, and I'm sure many of you have. I understand completely how hard it is to walk out that front door every morning and not take what we have for granted. When you live in a country as free and prosperous as ours how could you not? But if we don't continue to appreciate the sacrifices that have been made, neither will the generations following us. And the more we take what we have for granted, the more we lose those values the first colonists in the new world built our country upon. Now is our time to ensure that the foundation of our nation does not crumble. I know I said previously that the United States becoming a free nation was only the beginning, but if we as a nation continue to strive for freedom and justice for all, we do not have to be the end. Our country has succeeded all these years for one reason and one reason only, and that is the effort that has been put forth by citizens just like every one of us in this room. We have the power to ensure that our country's walls do not crumble, all we have to do is remember its roots, and continue to live by its foundation.

In times like these, when there are huge obstacles facing us we need to keep our faith in our country and its foundation. The first settlers in the New World never gave up on their hopes and dreams, despite the famine and hardships they faced. Abraham Lincoln never lost sight of the bigger picture, regardless of the alarming death tolls brought about by the Civil War. He knew that our founders had structured a government sturdy enough to withstand the hardships of war and strife. All he had to do was encourage the people of our nation to create a brighter tomorrow. In the United States there is always a brighter tomorrow awaiting us, all we have to do is build it.

SUPPORT FOR NASA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. UDALL of Colorado. Madam Speaker, this year we celebrate many important anniversaries in our Nation's civil space and aeronautics programs. Earlier this year, I introduced H. Con. Res 287, which celebrated the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and which marked the birth of the United States space exploration program. Since the successful Explorer I launch, we have built the world's leading civil space and aeronautics enterprise. Our human expeditions into space, our robotic science probes exploring the Earth and beyond, and our aeronautical research and development initiatives continue to deliver inspiring results and provide benefits to society.

Today, I am pleased to be an original cosponsor of three resolutions that mark other key milestones in our civil space and aeronautics activities: H. Res. 1315, Commemorating the 50th Anniversary of the National Aeronautics and Space Administration; H. Res. 1313, Celebrating the 25th Anniversary of the First American Woman in Space; and H. Res. 1312, Commemorating the 25th Anniversary of the Space Foundation.

H. Res. 1315 commemorates the 50th Anniversary of the National Aeronautics and Space Administration (NASA), which was established on July 29, 1958, through the National Aeronautics and Space Act of 1958. NASA has achieved countless successes over the 50 years since its creation and H. Res. 1315 recalls many of the agency's accomplishments in human exploration, aeronautics, and space and Earth science. I strongly agree with the sentiment expressed in H. Res. 1315, ". . . in the last fifty years, NASA has positively impacted almost every facet of our lives." NASA's contributions to aviation, to increased understanding of our climate, to the advancement of our knowledge of the universe, and to the development of countless technologies that have made their way into broader societal applications have fundamentally changed our lives.

Madam Speaker, the applied uses of NASA research and developments have enabled weather and environmental monitoring, commercial satellite communications, and major improvements in commercial aviation. H. Res. 1315 marks NASA's successful launches of the first American manned spacecraft in 1961, the first human expedition to the Moon in 1969, and the first Space Shuttle in 1981. NASA's international cooperative ventures have allowed many of the world's nations to join together in advancing technology and knowledge through the peaceful uses of outer space. NASA's first 50 years have yielded truly remarkable discoveries and advances. I want to thank Mr. McCAUL of Texas, who along with Mr. LAMPSON of Texas, introduced H. Res. 1315. H. Res. 1315 is an important opportunity to recognize NASA's half century of achievements and the men and women of NASA that have made them possible, and I am pleased to support it.

As a result of NASA's human exploration program, we also celebrate the 25th anniversary of the first American woman in space, Dr. Sally K. Ride. H. Res. 1313 commemorates that date in June of 1983 when Dr. Ride flew aboard the Space Shuttle *Challenger*, making history by becoming the first American woman in space. She went on to fly a second mission in 1984. When training for Dr. Ride's third mission ended as a result of the tragic *Challenger* accident, she continued her contributions to NASA and the Nation as an educator and advisor. H. Res. 1313 honors Dr. Ride's passion and dedication as a tireless advocate for young women and girls to pursue education and careers in science, mathematics, and technology. The opportunities she is creating for our youth, especially girls and young women, to acquire hands-on learning in science will go far in training the next generation of leaders in science and engineering. That is something I care passionately about, and I thank my colleague, Mr. LAMPSON of Texas for introducing H. Res. 1313.

In addition to the important role of our Federal government in the Nation's space and aeronautics programs, many non-governmental organizations provide outreach, education, and advocacy that enhance our space and aeronautics activities. That is why I strongly support H. Res. 1312, commemorating the 25th anniversary of the Space Foundation. The Space Foundation, which is headquartered in Colorado Springs in my home state of Colorado, is a non-profit organization dedicated to using space to benefit humanity and furthering space exploration, development, and education. Since 1983, the Space Foundation has helped to ensure the strength and leadership of our space programs, and I am pleased that we can acknowledge the Space Foundation's endeavors in this regard. I thank my colleague, Mr. LAMBORN of Colorado, for introducing this resolution recognizing the Space Foundation for its 25 years of excellence and service.

Madam Speaker, our nation's space and aeronautics programs are critical sources of innovation and inspiration for our Nation. The contributions of NASA, our astronauts, and our space advocacy organizations provide benefits for our society, help strengthen our economy, and help train the next generation of scientists and engineers. I urge my colleagues to join me in supporting H. Res. 1315 commemorating the 50th anniversary of NASA; H. Res. 1313 celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride; and H. Res. 1312 commemorating the 25th anniversary of the Space Foundation.

SPECIAL RECOGNITION OF M.W. FORD UPON HIS 90TH BIRTHDAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. POE. Madam Speaker, on the occasion of his 90th birthday, I proudly salute a true public servant and model citizen of Dayton, Texas, Milo Westel Ford Jr. I would like to recognize and honor M.W. Ford for his outstanding leadership and commitment to the people of Dayton.

A native born Texan and a life-long resident of Dayton, Texas, Mr. Ford graduated from Dayton High School and later Rice University. In 1945 he retired from the United States Air Force as a captain. He retired from Dayton State Bank after 50 years of service.

During the 90 years of his life, Mr. Ford has had a long career in public service. For three years, he served as the mayor of Dayton. For over 50 years Mr. Ford has been a Rotarian in Dayton. He has been recognized by numerous organizations. Some of these include: Citizen of the Year from the Liberty Dayton Chamber of Commerce and International Paul Harris Fellowship Award from Dayton Rotary. He served on the Dayton Community Development Corporation, Legend Bank Board, Dayton Masonic Lodge, Lon Morris College Board of Development, and the Dayton Historical Society. Mr. Ford's contribution to the fundraising efforts to help build the Jones Library in Dayton will not be forgotten. Both his hard work and love for Dayton, Texas has earned him enduring respect throughout the community.

On behalf of the Second Congressional District of Texas, it gives me great pleasure to congratulate M.W. Ford on his 90th birthday. I commend this remarkable Texan for his service, dedication, and contributions to the City of Dayton.

HONORING THE 100TH ANNIVERSARY OF THE READING PAGODA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. GERLACH. Madam Speaker, I rise today to join the residents of Reading, Pennsylvania in celebrating the 100th Anniversary of the City's most recognizable landmark.

The Reading Pagoda has stood on roughly 10 acres on the southern tip of Mount Penn overlooking Reading since 1908. The seven-story, red brick and tile building is usually the first thing that catches the eyes of visitors as they cross the Penn Street Bridge leading into downtown Reading. At night, the glow of the Pagoda's red lights transform the building into a beacon easily seen for miles.

Most visitors are curious about why a building associated with Japanese culture is in the middle of Pennsylvania Dutch Country. A postcard from the Philippines with a pagoda on it inspired William Abbott Witman Sr. to build one in Reading at a cost of $50,000. In 1911, the City of Reading purchased the Pagoda for $1 after plans to open a luxury resort in the building fell through.

Today, the Pagoda remains a proud symbol of Reading thanks to the dedication and countless hours of work by members of Pagoda Skyline Inc. This group of private citizens uses donations to maintain the building and grounds and organizes events, such as the planting of perennials each spring.

Pagoda Skyline will help the City mark the 100th Anniversary of the Pagoda on Saturday, July 12, 2008 during a car show atop Mount Penn.

Madam Speaker, I ask that my colleagues join me today in congratulating the City of Reading and Pagoda Skyline Inc. on the historic anniversary of the treasured Pagoda.

COMMENDING THE RESOLUTIONS ADOPTED AT THE 76TH ANNUAL MEETING OF THE U.S. COUNCIL OF MAYORS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. RANGEL. Madam Speaker, I rise today to commend the work of the U.S. Council of Mayors for the progress made at their 76th annual meeting in Miami, Florida.

I wish to express my full support for the three resolutions adopted by the council that call for immediate immigration reform. These resolutions: (1) Calling for Comprehensive Immigration Which Promotes the Reunification of Families, Provides Legal Status With a Path to Earned Citizenship, and a Plan for Current and Future Immigrant Workers, (2) U.S. Immigration and Customs Worksite Enforcement and (3) Increasing Customs and Border Protection Staffing and Improving Infrastructure at International Ports of Entry, all serve to address many of the challenges the U.S. immigrant community faces.

I would like to recognize and thank the U.S. Council of Mayors for their efforts in promoting immigration reform.

60TH ANNIVERSARY OF THE JEFFERSON FIRE PROTECTION DISTRICT IN SOUTHERN ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to mark the 60th anniversary of the Jefferson Fire Protection District in southern Illinois.

From a humble beginning, with a 5½ square mile district and a tanker that was a converted Army truck from World War II, to today's department with modern equipment covering 220 square miles, the Jefferson Fire Protection District has been keeping residents of Jefferson County, Illinois, safe for 60 years,

It is because of dedicated citizens, willing to put themselves into harm's way to help another in need, that our Nation is the great place that it is. Every time the department has responded to a house fire, an auto accident, a medical crisis or any of the myriad of other emergencies that they have been called upon to face, these brave public servants have reminded us of what it means to be a hero.

I want to congratulate the members of the Jefferson Fire Protection District, past and present, on reaching this milestone. I also want to thank them for the vital public service they render to local residents.

HONORING MR. DON C. HUBBARD

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. JEFFERSON. Madam Speaker, this weekend the Urban League of Greater New Orleans will honor Mr. Don C. Hubbard for a life committed to justice and self-help for African Americans. In honoring him, the Urban League printed the following biography of his life's work in its 2008 Annual Gala Program:

"Mr. Don C. Hubbard has dedicated his entire life to the fight for social justice. As a champion of equality, he has contributed greatly to the battle against discrimination in the public and political communities of New Orleans. From his work during the Civil Rights Movement to his commitment to provide students with an opportunity to attend college, Mr. Hubbard has selflessly crusaded to establish a voice for the voiceless in New Orleans.

Mr. Hubbard's career in public advocacy began with the Civil Rights Movement in the 1960s. As a member of the New Orleans Chapter of the Congress of Racial Equality (CORE), Mr. Hubbard contributed to numerous sit-ins and demonstrations throughout the South with acts of leadership and courage. In 1963, Mr. Hubbard helped organize the first march on New Orleans City Hall to deliver better jobs and greater access to public facilities. In the late 1960s, he participated in a demonstration at Southern University at Baton Rouge to protest segregated stores. As a result of the demonstration, the participants were sprayed with tear gas and water hoses.

As a community leader, Mr. Hubbard has established numerous organizations and foundations to enhance the quality of life throughout New Orleans. In the late 1960s, he established the Gentilly East Development Association (GEDA) to lobby the city for adequate city services, including garbage collection, underground drainage and street paving. In 1967, Mr. Hubbard organized the Southern Organization for Unified Leadership (SOUL) to grant support to African-Americans seeking public office. SOUL has remained at the forefront of the struggle to gain leadership roles for African-Americans and is also a vital organization in the political arena. As a member of the trustee board of the Greater St. Stephen Full Gospel Baptist Church, he launched the Paul S. Morton, Sr. Scholarship Fund. The foundation has provided five (5) $5,000 scholarships a year to help students in their college endeavors for the last 19 years.

Mr. Hubbard is not only a Civil Rights leader and community activist, but also an entrepreneur. In the 1970s, Mr. Hubbard established the largest 100 percent Black-owned and operated services company in America, Superdome Services, Inc. He has also served as president and a major stockholder of Louisiana Sports, Inc., while working as vice president of managing and promoting the former light/heavyweight champion of the world, Michael Spinks. Mr. Hubbard also spent time working for Spencer Promotions managing former heavyweight champion Riddick Bowe. A former state employee in the Louisiana Department of Agriculture and Forestry, Mr. Hubbard currently owns and operates the Hubbard Mansion Bed and Breakfast on St. Charles Avenue in New Orleans."

We, in the U. S. Congress and the people of our Nation are grateful for Mr. Hubbard's service to all of us and Join the Urban League of Greater New Orleans in honoring him for a life well lived in the service of others.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed recorded votes on the House floor on Tuesday, July 8, 2008.

Had I been able to vote that day, I would have voted "yea" on rollcall vote Nos. 471, 472, and 473.

REMEMBERING BOSNIAN GENOCIDE VICTIMS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. OLVER. Madam Speaker, as we commemorate the 13th anniversary of the Srebrenica genocide, perpetrated by nationalist Serb forces predominantly against Bosniaks, Bosnian Muslims, it is time to pay tribute to the tragic episodes not only in Srebrenica, but also in other less-known places in Bosnia and Herzegovina.

In the spring of 1992, a deliberate, centrally planned, and well-organized campaign of ethnic cleansing, mass murder, rape, torture, and intimidation terrorized the civilian population throughout Bosnia and Herzegovina and took the lives of 200,000 men, women, and children. Out of those, 8,000 perished in Srebrenica alone during a period of less than five days in July of 1995. In the end, 2 million Bosnians were displaced from their homes, and the country's rich cultural and religious heritage and monuments were deliberately destroyed. Shattered state institutions remain dysfunctional from the chaos and are struggling to cope with the significant loss of Bosnia's population. Today, survivors are battling post-traumatic stress disorder, orphans are still searching for their parents' remains, and new mass graves continue to be discovered. The entire western Balkans region has still not fully recovered from the violent break-up of Yugoslavia.

The human tragedy that befell Bosnia and its citizens in places less known such as Bihac, Zepa, Gorazde, and Visegrad needs to be revisited and marked in its proper place in the memory of human experience and history. If the international community had possessed the will to protect the UN-designated "safe haven" of Srebrenica, it would have prevented the tragic outcome and thousands of innocent lives would have been with us here today. The world had said "never again" to genocide, only to abandon the people of Bosnia to an unspeakable nightmare. Today, let us remind ourselves of the consequences: Srebrenica was the worst single atrocity in Europe after World War II. We cannot pretend that Bosnia's struggles are simply in the past, nor that the country has fully stabilized. The people of Bosnia are still trying to rebuild their country, to reform the institutions that were responsible for the genocide, and to move beyond ethnoterritorial divisions into a functional democratic state.

As we mark July 11th, we must always remember the innocent people who lost their lives while the international community failed to act. We must acknowledge that justice will prevail only when General Ratko Mladic and Radovan Karadzic are apprehended, and we must never forget the horrors that befell the people of Bosnia and Herzegovina.

RETIREMENT OF JAMES M. LARIVIERE, REPUBLICAN STAFF DIRECTOR, COMMITTEE ON VETERANS' AFFAIRS, UNITED STATES HOUSE OF REPRESENTATIVES

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. BUYER. Madam Speaker, I rise to honor and bid farewell to an exceptional leader, patriot, and friend, James M. Lariviere, as he retires from civilian Federal service. A Marine Corps Reserve colonel selected for promotion to brigadier general, he is returning to active duty to continue his distinguished military career.

Throughout his life Jim Lariviere has been a devoted servant to his country and fellow citizens. A native of Rochester, New York, he earned a bachelor's degree in history from the Citadel in 1979. During my freshman year at the Citadel, Jim personally ensured that I was "squared away" when I navigated the trials and tribulations of "knob year" in the Corps of Cadets. While at the Citadel, Jim distinguished himself with scholarship having worn academic gold stars, and with military bearing as a member of the junior sword drill, Summerall Guards, and as Regimental Adjutant for the Corps of Cadets.

Upon graduation, Jim was commissioned as an officer with the United States Marine Corps. During his time on active duty, Jim Lariviere commanded a force reconnaissance platoon in Beirut, Lebanon, and served as a company executive officer, company commander, assistant operations officer, and White House Social Aide. He is a graduate of the Amphibious Reconnaissance School, U.S. Army Ranger School and earned the privilege to wear the Navy Marine Corps Parachutist Insignia. In every assignment he excelled in his service, being recognized by numerous awards and medals, including: The Bronze Star, Meritorious Service Medal (2), Navy Marine Corps Commendation Medal (4), Joint Service Achievement Medal, Joint Meritorious Unit Citation, Afghanistan Campaign Medal (with 2 campaign stars), Global War on Terrorism Medal. Jim also holds a masters degree in national security affairs from Georgetown University and he is a graduate of the Air War College.

Jim left active duty, transitioned to the Marine Corps Reserve and joined my congressional staff in 1993, bringing his military values and experience to the United States House of Representatives. Jim successfully balanced his Reserve duties with a career on Capitol Hill. Initially, he worked on my office staff as the military legislative assistant handling national security, veterans', and technology issues. He also acted as the lead staff member for the House National Guard and Reserve Components Caucus. In February 1999, he joined the professional staff of the House Armed Services Committee as a member of the policy group where he had responsibility for a wide variety of defense policy issues including national security and military strategy, force structure policy, on-going military operations, peacekeeping, and military readiness policy.

In 2003, Jim Lariviere joined the firm of Holland & Knight LLP as a Senior National Security Policy Advisor, working directly with the late Congresswoman Tillie Fowler. He also served as a consultant to the Defense Policy Board. In May 2005, he returned to Capitol Hill as the Republican Staff Director of the House Committee on Veterans' Affairs during the 109th Congress, when I was chairman. While staff director, he was ordered to active duty in Afghanistan from June through December 2006. While in Afghanistan as part of operation Enduring Freedom, he served as Deputy Director for Training Operations, Plans and Education at the Combined Security Assistance Command. During the same period, he also served as mentor to the G–3 of the Afghan National Army. For his military service in Afghanistan he was awarded the Bronze Star.

During his tenure as staff director, he led and supervised the committee and subcommittee staffs in their legislative and oversight work, which included the enactment of the Servicemembers' Group Life Insurance Enhancement Act of 2005, which became Public Law 109–80, and the Veterans' Benefits, Health Care and Information Technology Act of 2006, which became Public Law 109–461.

When I became the Ranking Republican Member in 2007, Jim Lariviere continued as the Republican staff director. He was instrumental in the minority staff development of a Republican alternative budget proposal for Fiscal Year 2008 and 2009 and in a successful amendment to the Wounded Warrior Act, which was incorporated into the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181. His tireless efforts resulted in significant improvements in the care and treatment of injured or ill servicemembers returning from Operation Iraqi Freedom and Operation Enduring Freedom.

Jim has spent his life dedicated to serving this Nation. As he takes yet another step in continuing that service, as a warrior, a leader, and a patriot in every facet, I am confident that he will do so with strong devotion to the country and to men and women who defend our freedom and way of life.

I am honored to call this family man my friend. He has earned the respect and admiration of all who know him and he embodies the principles and character that epitomizes what is expected of a model Marine Corps officer, or any officer.

Madam Speaker, I urge my colleagues to join me today in recognizing the remarkable career of Jim Lariviere and to thank him for his leadership and honorable service to our country. I say to him, "Bravo Zulu" and wish him, his wife, Virginia, and their four children, much success and happiness during the next chapters of their lives. "Hit it smack"

TRIBUTE TO LIEUTENANT COLONEL EDWARD M. FORTUNATO

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. HAYES. Madam Speaker, I rise today to recognize and to pay tribute to Lieutenant Colonel Edward M. Fortunato, United States Army, on the occasion of his retirement from active duty. Lieutenant Colonel Fortunato, a truly exceptional officer, has served our great Nation for more than 20 years and I am proud to call him my friend.

Over the past three years, I have had the honor of working with LTC Fortunato on a variety of issues during his tenure as the Congressional Liaison for all Army Aviation programs. As a fellow aviator, I have come to know and respect Ed and his dedication to his work on behalf of the warfighter. There is no doubt that LTC Fortunato has been instrumental in educating Members of the House Armed Services Committee on Army Aviation programs and initiatives. His tireless efforts working with members of the Committee and staff was singularly instrumental in the successful authorization and appropriation of the Light Utility Helicopter, Armed Reconnaissance Helicopter, Joint Cargo Aircraft, Chinook Multi-year, Apache, Black Hawk Multi-year and numerous Unmanned Aerial Vehicle and Aviation Research and Development projects.

My staff and I worked especially closely with Ed on the Joint Cargo Aircraft program, and I am convinced that the success of our Congressional efforts, and the ability of the JCA program to move forward, is in large part due to LTC Fortunato.

On behalf of Congress and the United States of America, I thank LTC Fortunato for his tireless efforts in the support of Army transformation. His professionalism, expertise, and efforts showcase his patriotism, and his dedication to his fellow aviators and warfighters in the field. LTC Fortunato is a true Jedi Knight.

I want to personally thank LTC Ed Fortunato, his wife Monique and his entire family for their commitment, sacrifice, and the contributions they have made throughout his honorable military service. I congratulate LTC Ed Fortunato on completing an exceptional and extremely successful military career and his dedicated service to our Nation. I wish Ed and his family many blessings and much success as he begins his future endeavors and embarks on new adventures.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for Rollcall votes 434 through 440 and 465 through 470. I was absent on part of the day Friday, June 20th, Monday, June 23rd, Thursday, June 26th, and Tuesday July 8th due to personal reasons.

If I were present I would have voted, "nay" on Rollcall vote 434; "nay" on Rollcall vote 435; "nay" on Rollcall vote 436; "yea" on Rollcall vote 437; "yea" on Rollcall vote 438; "yea" on Rollcall vote 439; "yea" on Rollcall vote 440; "yea" on Rollcall vote 465; "yea" on Rollcall vote 466; "aye" on Rollcall vote 467; "yea" on Rollcall vote 468; "nay" on Rollcall vote 469; "yea" on Rollcall vote 470; "aye" on Rollcall vote 471; "aye" on Rollcall vote 472; and "aye" on Rollcall vote 473.

REMEMBERING THE LIFE OF DOROTHEA E. HOSKINS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. RANGEL. Madam Speaker, I rise with great sadness as I pay tribute to Dorothea E. Hoskins an outstanding daughter of Harlem who recently passed away. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable woman who, over her many years and under much adversity, was an ardent supporter of civil rights, human liberty and a leader in the Postal Service.

The death of Dorothea on June 28, 2008, brought immense sorrow and loss to her family and friends, and to the countless individuals associated with the National Alliance of Postal and Federal Employees. Dorothea was respected and esteemed by all the members throughout the United States Postal Service where she served as a clerk from 1989 until her retirement from the New York Planetarium Station.

"Dottie" as she was affectionately known, was an inspiration and true symbol of strength and commitment to her church family as a faithful member of St. Luke's Baptist Church for more than 60 years. She was a shining representation of selfless love for mankind, and derived significant gratification from her years of service with St. Luke's, citing the joy of spreading the word of salvation through Jesus Christ to the lost and created support for missionaries throughout the world.

As a staunch supporter of civil rights and human liberties, she served as an Executive Committee Member of the NAACP Mid-Manhattan Branch for over two decades, served on various committees, and frequently chaired Black History Month Programs.

Dorothea also served as a leader by encouraging the exchange of professional knowledge among Alliance members nation-wide and provided long-term service within District VIII of the National Alliance of Postal and Federal Employees while serving as District VIII President from 1990–1992. She achieved so much during the span of her career that her comrades will continue to benefit from her work even as they miss her ongoing presence among us.

Madam Speaker, rather than mourn her passing, I hope that my colleagues will join me in celebrating the life of Dorothea Hoskins by remembering that she exemplified greatness in every way.

GREATER LAKE HOUSTON HEART WALK

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. POE. Madam Speaker, on June 30th Texans from the greater lake Houston area joined together to participate in The American Heart Association's Greater Lake Houston Heart Walk. The number one and number three killers of Americans Heart disease and stroke do not discriminate against age, race, or gender.

By raising awareness, encouraging physical activity, and involving the community, participants are empowered with life altering information. Through initiatives like the greater lake Houston walk, the American Heart Association's goal is to not only encourage physical exercise but to also educate the community about circulatory diseases. According to the census bureau, in 2005 over 36,000,000 people reported being diagnosed with either Heart Disease or Stroke.

Participants in the American Heart Association Walks can learn about why it is important to stay healthy, and at the same time contribute to research, advocacy, and public education. Donations raised through sponsorships and citizens alike have allowed the American Heart Association to continue its mission since 1924. In the years 2005–2006 they invested more than $543 million in the fight against heart disease and stroke.

Perhaps one of the most important means of Heart Disease and Stroke prevention is the regular maintenance of a healthy lifestyle. This measure is especially connected to regular physical exercise as many risk factors are all interrelated to a lack thereof. These include inactivity, excess weight, high cholesterol, and high blood pressure.

Through educating Americans of risk factors, symptoms, and prevention the hope is to reduce instances of heart disease and stroke 25 percent by 2010. Community involvement in the Greater Lake Houston Heart Walk and others like it encourages others to also become aware of the number one and number 3 killers of Americans. From heart healthy eating to physical activity, learning the means of prevention and passing them along, is the key to these walks' successes.

EXPRESSING THE APPRECIATION OF MARVA ALLEN AND HER CONTRIBUTION TO THE COMMUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my appreciation for Marva Allen and the Hue-Man bookstore's contribution to the community.

Marva Allen, entrepreneur, author and visionary, became a managing partner/CEO of the Hue-Man bookstore in 2004. Born in Jamaica, Allen earned her degrees in England and the U.S., launched a multi-million dollar computer tech company and built a very successful career in the business world. Her creative ways and fresh ideas for a new business made Hue-Man Bookstore and Cafe a successful project and a crown jewel of Harlem. In addition to being a bookstore, Hue-Man is a cultural and community center.

Marva Allen's focus is the literacy for all. She firmly believes that through her business, she is able to bring and impact change for the community of Harlem. She is a member of various philanthropic organizations, such as LitWorld, that addresses literacy worldwide, St. Hope Leadership Academy, an educational center, and Melvin Van Peebles Foundation, that promotes worldwide access to education and research.

Despite the difficulties and hardships of competing with internet website stores and street vendors, the Hue-Man bookstore remains a thriving venture with a lot to offer. Marva Allen's plans for the future are enthusiastic and impressive. She envisions the expansion of the Hue-Man bookstore through the e-commerce project with state of the art technology, branding and global marketing.

TRIBUTE TO METRO UNITED U-17 GIRLS SOCCER TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an outstanding group of young ladies from Madison County, IL.

The Metro United U-17 girls soccer team won second place in the Illinois Youth Soccer Association State Cup finals June 15 in Libertyville, IL. Their only loss was in the championship game to Eclipse Select, the number one ranked team in the nation. Along the way to the finals, Metro United beat Eclipse Select South 2-0, Illinois Fusion 3-1, and Chicago Magic 1-0.

I want to congratulate coaches Tony Segobiano and Mitch Bohnak, and the members of the Metro United U-17 team: Megan Pawloski, Brittney Dailey, Jenny Humphrey, Emily Morris, Kelli Segobiano, Tess Huetner, Allison Menchak, Ashley Juravich, Jordan Hendrickson, Kaisi Hartwick, Kaitlyn Hoffman, Sam Poteet and Maureen Nesbit.

These young ladies have devoted many hours of hard work and dedication toward reaching this achievement, and I join with the other members of the House in congratulating them.

HONORING IRENE PEVERI FOR HER DECADES OF PUBLIC SERVICE AND COMMITMENT TO THE NEIGHBORHOODS OF NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mrs. MALONEY of New York. Madam Speaker, New York lost an exceptional community leader this month when Irene Peveri passed away. Irene Peveri was not just a leader, but a mentor and innovator who helped change the very skyline of Manhattan by persuading the city to require livable streetscapes in our densely urban community.

For nearly three decades, Irene Peveri passionately advocated both growth and preservation in New York City neighborhoods, and became a leading voice for "contextual zoning"—the idea that taller buildings are appropriate for avenues with their wider boulevards and retail activity, while low scale buildings are a better fit for side streets. She worked tirelessly with community boards, grassroots organizations, neighbors, politicians, business leaders, and entrepreneurs to ensure that New York's neighborhoods retained a human scale. When she testified, her presentations were always thoughtful, factual, impressive and delivered with persuasive sincerity.

In the early 1980s Irene joined with her neighbors in successfully challenging the construction of a "sliver building." Sliver buildings are tall slender buildings constructed on lots that have a narrow frontage, typically 45 feet or less. The effort was successful when the city adopted a law banning sliver buildings in 1983.

In 1985, local leaders in founded East Side Rezoning Alliance (ESRA), a coalition of community groups dedicated to advocating zoning changes that would scale down allowable heights for new buildings on side streets. Irene served as ESRA's co-chair for most of its existence. At every opportunity, Irene encouraged builders and community groups to work together to ensure that new developments would be compatible in scale with older buildings in the neighborhood.

ESRA funded several planning studies to change the New York City Zoning Resolution, using the proceeds from an annual street fair along Third Avenue and grants from philanthropic organizations. These studies persuaded the Department of City Planning to support the rezoning of many areas between 14th and 59th streets, and led to a permanent change in city law. The new zoning text restricted large scale development to the avenues, and imposed stricter building heights on the side streets. This mix of development allows tall buildings to rise without overwhelming the neighborhood. The latest study funded by ESRA was the CB6 197-a Plan, a community-based plan covering the entire Community Board 6 area. It was adopted by the City Council on March 26, 2008.

The model Irene and her allies developed was replicated elsewhere in the city. ESRA gave support and guidance to community groups that were trying to fend off overbuilding. With Irene's assistance, other neighborhood groups were able to persuade the city to adopt contextual zoning for their areas. As a result, most neighborhoods enjoy a mix of development, and Manhattan residents can still enjoy a glimpse of the sky.

More recently, Irene worked with the Coalition for Community Facility Reform to oppose the proliferation of rear yard incursions. New York City's zoning resolution mandates rear yards, which were intended to provide residents with unbroken, block-long swaths of green. In 1961, the law was amended to allow community facilities (a term that includes everything from doctors' offices to monasteries, from day-care centers to various non-profits) to build extensions in the rear yards of residential buildings all the way to the property line, so long as the addition is no more than 23 feet high. These rear yard incursions reduce the availability of light, air and green space for residents of neighboring properties. Irene and other community leaders worked to persuade the city to change the zoning resolution to further restrict the types of entities that are eligible for the exemption to schools, houses of worship, colleges or universities, and hospitals and related facilities.

Irene was a member of Community Board 6 and served on its Land Use Committee. During that time, Irene was a vital participant in every major zoning review and initiative of Community Board 6, from the rebuilding of Third Avenue, to, most recently, the development proposals for the Con Edison site on First Avenue. She remained active in the Community Board until her death and was Second-Vice Chair of the Board when she passed away. The Board recently celebrated her achievements at a ceremony held May 19, 2008.

Irene Peveri had a genuine passion for and dedication to all of Manhattan's neighborhoods. She was a consensus builder who understood the importance of working in concert with her neighbors. Irene had a unique gift for empowering others and engaging them in the community. She possessed a talent for bringing people and ideas together, forging unlikely partnerships that helped achieve the goal of making sure New York remains a livable city.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to civic and political life made by Irene Peveri, a dedicated activist who made an extraordinary difference in the way New York City has developed.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. COHEN. Madam Speaker, I rise to note that I would have voted in favor of H.R. 3981, the Preserve America and Save America's Treasures Act (Rollcall No. 471). I was unable to be present during the vote for this bill because my flight from Memphis to Washington was delayed due to an air traffic control constraint.

IN SUPPORT OF THE RECENT SUPREME COURT DECISION ON DC'S HANDGUN BAN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. CARDOZA. Madam Speaker, I rise today to offer my support for the recent decision made by the United States Supreme Court upholding the right of residents of the District of Columbia and elsewhere to keep and bear arms. On Thursday, June 26, 2008, the Court rightly struck down the decades old ban on handgun possession and ownership in the District of Columbia, one of the strictest bans in the country.

Throughout my tenure in Congress, I have co-sponsored legislation to end this ban and to expand gun rights within the District to preserve the Second Amendment rights guaranteed to all Americans by the U.S. Constitution. Furthermore, I signed an amicus brief along with 249 other members of this respected body opposing the District's gun ban and urging the Supreme Court to recognize its constitutional defects.

In issuing its decision, the Court affirmed and protected the Constitution and the right of a sportsman to have a registered shotgun in his home and renewed the right of a homeowner to possess a handgun in order to protect one's family and property from intruders.

While I certainly understand the desire to consider occurrences of violent crime when crafting gun control legislation, our country is based on the premise that enforcement of our fundamental rights cannot be haphazard. Our Founding Fathers fought for the individual liberties we all enjoy—among them, the right to possess firearms. This right, along with the freedom of the press or the privilege against self-incrimination, must not be dismissed or diluted.

As a hunter and gun rights advocate, I applaud the Supreme Court for its decision. I look forward to continuing my work in Congress to protect the integrity of the Second Amendment.

IN HONOR OF THE SERVICE OF JOHN LANCASTER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. HOYER. Madam Speaker, I rise today to honor the life and work of a historic figure in my community, Mr. John Lancaster, who passed away on July 1st at the age of 90.

John Lancaster was a man of principle and deep devotion to his community. As the first elected African-American county commissioner in the history of St. Mary's County, Maryland, Mr. Lancaster was certainly a political trailblazer. Breaking that barrier was indeed astonishing. John believed that he was accountable to all in the community as he simply but eloquently once said "I was a commissioner serving all people."

Perhaps the most important issue to John was education. A local official in my community recently dubbed him as the "education commissioner" and many regarded him as a mentor in education policy. As commissioner, John could not sit idly as public schools were decaying in front of him. Today, because of his efforts and foresight, education is a very important issue in St. Mary's County, and students are learning in first class facilities.

John Lancaster was the personification of hard work and optimism. In face of discrimination he pressed forward. Mr. Lancaster will certainly be remembered as an example for those who dare to dream the impossible. I would like to offer my condolences to his loving family, as we mourn the loss of an extraordinary person.

TRIBUTE TO RAYMOND THAYER DONOVAN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay tribute to a dear friend and mentor of mine, Raymond Thayer Donovan, who passed away on May 10, 2008. A World War II vet and engaged civic leader, Ray stood at the center of Connecticut politics. I, along with the entire State, mourn this great loss. It is with great honor that I submit for the CONGRESSIONAL RECORD remarks made at his funeral by Kevin Brown and myself. Through these words, we remember the life and spirit of a truly great man.

KEVIN BROWN

First and foremost, I'd like to thank Louise and the family for the honor of being able to say a few works today in remembrance of Raymond. Like so many of you, I loved him very much.

I know that Raymond would have wanted me to be brief. For his sake, I will try. But it won't be easy. When Shelley called and asked me to speak today she told me that the family thought that I might be someone who could best tell Raymond's story. Try as I might, I couldn't do it. I felt like I was telling my story.

You see, all of my memories of Raymond are about what he did for me, how he helped shape my life, what he taught me, and the example he set. I finally realized that telling Raymond's story is so hard because it was never about him; it was always about the people in his life. Raymond was the most unselfish person I've ever met. For him, it was never about power, recognition, success or wealth. His greatest source of satisfaction came from helping others. He was never out front claiming the credit. He moved through the world without making any noise but his fingerprints were everywhere. He was always encouraging. He made us feel appreciated and a part of something.

More importantly, Raymond had this unique capacity to gaze at a room full of people and sense who was feeling left out, who was drifting from the group and who needed to be touched. Without us ever realizing why, he would suddenly appear as you turned to leave. And he would ask you to stay, telling you how smart you were, how much you were needed, and how proud he was of you. And once he knew you were back in the fold, he'd disappear just as suddenly and be on his way to make someone else fell important and wanted. And he did this without ever asking you to follow him. Quite to the contrary, he'd try to convince you to lead on the promise that he would follow. It was his reassurance that made so many of us confident to take such bold steps in our lives.

In fact, of one thing I am sure: Raymond never saw himself as a leader. If the truth be told, he was a shepherd. Someone who guided so many people through the journey of life, showing us the way and watching over us, making sure that, if possible, no harm came to us. And when we stumbled or fell, he was there to pick us up, dust us off and send us back on our way.

Whether it was his family or the Lions Club, the fourth district, the folks at Latimere Point, his co-workers at the State Capitol, or for that matter, anyone who knew him. Raymond was their shepherd, that silhouette of a man off on the hillside watching over us. A man who gave much and asked for so little; and someone who taught us the power of humility, integrity, and forgiveness.

Being a shepherd can be lonely. Standing watch can be a heavy burden. Every shepherd needs a star to guide them, a point in the distance, ever true, to fix upon, to draw strength from, and point the way. Raymond had Louise. She was his North Star and he knew he was her knight in shining armor. She was his greatest source of strength and her unconditional love was his greatest reward in life. Together, they helped us all endure our moments of doubt and enjoy ourselves along the way.

The last time that Raymond and I spoke was last year at a wonderful memorial service that my sister held for my mom in Saybrook. As always, Raymond was smiling and so happy to see me. He told me how proud he was of me and what a wonderful person I was. He spoke fondly of how wonderful my mom was and what a great job she did raising us. This morning, I thought how ironic it was for that to be the last time I'd see Raymond. I realized that so many people go through the journey of life and never have a shepherd to watch over them. And I had two: Raymond and my mom.

Raymond, I hope that this wasn't too long!! I tried to tell your story as briefly as I could. And Raymond, I want you to know I've made the journey this far with your help and without you, I might surely have lost my way.

JOHN LARSON

A great light went out of our lives, and created an indescribable void and pang that only the warm memory of such a wonderful man can console us. On behalf of U.S. Senator Dodd and myself, it was an honor to fly a flag over the United States Capitol in memory of this Navy Veteran, elected official, and public servant. Ray Donovan's life defined civic commitment, love of country, and love of family.

My father will be gone 20 years this October. Ray and he were great friends. Ray Donovan made sure in my father's absence that he took time to share with me and my brothers and sisters the fond memories about my father. As all of my family can attest, Ray was a man of letters, a great writer, and conveyor of sentimentality and the human condition. His letters would always give you pause and make you reflect. In those letters he never failed to mention some anecdote about Dad and how proud he would be. He went out of his way to honor us, by honoring the memory of our father, and his friend. I am humbled to be asked to remember him today.

I heard of Ray and Louise Donovan long before I ever met them. Growing up in East Hartford, Democratic politics played a huge roll. For me, they were lessons learned at my mother's knee. They were, after all, the generation who elected John Kennedy. . . . The Donovans were kitchen table conversation at the Larson's house long before I ever met them in person.

My mother would talk of Ray Donovan in the most respectful tone. What a gentleman! What a thoughtful, intelligent man! What a loyal and good friend! What patience, what a calming force!

Through Mom's eyes and words we learned of a man who seemed like John Forsythe, Jimmy Stewart, and Ozzie Nelson rolled up into one. He did not disappoint . . .

Louise and Ray . . . like . . . well . . . Tracey and Hepburn; Fred Astaire and Ginger Rodgers, or as we say in East Hartford, Herb and Reggie; Burns and Allen; Ricky and Lucy; Bill and Hillary, or Nikki and Bill: take your pick . . . in East Hartford; it was Louise and Ray, the political power couple of the day! Louise, unafraid to assert her view and giving new meaning to the word candor, Ray, diplomatic and ever gracious. They were quite a team. Whether it was Democratic politics, the Lion's Club, cookouts at Latimer Point, or serving the clam chowder at Bocce, they were inseparable.

They were at the epicenter of the Democratic Party in its hey-day in East Hartford. I still can recall the elegance and class of the dances on Founder's Plaza, under the moonlight, overlooking the Connecticut River and the Hartford skyline. Yet the most coveted invitation in town was the afterglow party at Walter Place! What a wonderful time it was, what a wonderful couple they made. If you close your eyes, you can still see the gala of that night unfold. Jimmy Fitz was at his zenith, Dick & Terry Blackstone, Timmy & Rosemary Moynihan, Ann & Toni Fornibi, Larry & Joe Delponte, Dick & Peg Torpey, Frank & Shirley, John & Ellie Fitzgerald, Gigi & Tony Roberto, Ray & Pauline, Rita & Don, Julie & Herb . . . and at the center of it all, Ray and Louise. I can still hear the music and laughter echoing into the summer's night.

I always got a kick out of the fact that Paul Landerman's Orchestra would play at the dance and Paul Maynard, a Republican Councilman, and good friend of many Democrats, was playing in the band as the Democrats tore up the pavement to "In the Mood." It was the coming out party of the year.

Shelley, Kevin, Sue Maynard, Paul's daughter, and I were all classmates in high school when our parents served on the town council. It's an awkward thing when your parents are in office in some respects. It was a different time, perhaps because we Democrats had a 4-1 registration advantage, but it seemed like Republicans and Democrats just got along better. I know for Shelley, Susan and myself, we might have given the eye roll at the mention of their elected office, but we respected their service and were proud of them.

My Dad and Ray drove back and forth to work at Pratt & Whitney Aircraft in North Haven for several years. They had a lot in common; both were Navy Veterans serving on the aircraft carriers, for my Dad, the Franklin and for Ray, the Midway. Both were firefighters in the Navy, both worked at tool and dye shops after the war. Both married well, and their families were the center of the universe.

They were, however, different. Ray and Raymond, the R&R Express. Try to imagine riding in that car with Dad and Ray. It would be like listening to a conversation between Archie Bunker and Fred McMurray. Ray Donovan, more urbane, sophisticated and measured; Dad, a little rough around the edges. Dad preferred baseball caps, flannel shirts and playing the organ at the Elks to Ray's shirt, tie and occasional sweater, and service to the Lions. Ray loved the dialogue, the give and take of politics, while Dad was skeptical of the whole process. One thing my father wasn't skeptical of, though, was the honesty and decency of Ray Donovan. My father loved Ray Donovan, their companionship, and their camaraderie during those trips back and forth to North Haven fortified the unique bond they shared. What I would give for a tape recording of those journeys. It would be prime material for a Normal Lear comedy.

I have a feeling, though, Dad was one of the first to greet Ray as they embark on another journey. It's a safe bet they picked up the conversation where they left off, catching up on their families.

Much has been written of their generation. Ray epitomized what has rightfully been called the Greatest Generation, and represents all that is rich about the lives our parents led. A child of the Depression, a veteran of the World War, a builder of a community, who selflessly served the Democratic Party, as Forth District Chairman, member of the Board of Education, the Town Council, and the Lion's Club, and the V.F.W. Proud of his Irish heritage and proud to be called a Democrat! Ray was a devoted husband, loving father and enduring friend. I was never around him when he didn't talk about his family or ask about mine.

Ray Donovan was more than an advisor or mentor. Those well-meaning words don't do him justice. He led by his example. He was the listening ear, the sympathetic heart, the person of firm resolve and conviction, patient and willing to forgive, the calm, assured inward strength that formed a constant you know that was there for you.

What he did for me and all who sought his council was lead by example. No task was beneath him, no person nor cause not worthy of his effort. He met everyone with a welcoming smile, an outstretched hand, and always a word of encouragement that was his trademark.

He never spoke of material possession. What others saw as life's benchmarks of success, new cars or homes, never interested him. I never heard him speak ill of anyone, he was a source of positive energy whose approval you sought and wanted.

It is said that we stand on the shoulders of other who have come before us. Ray Donovan's shoulders were broad enough for all of us to stand upon. Emerson wrote what most men led lives of quiet desperation and go to the grave with a song still in them. Ray Donovan led a life that was resolute and content, his song and life was one of quiet inspiration. An inspiration that was contagious because it came by way of his own example. I heard him say often of many people but never with such pride as when he would say of Louise with a broad smile and quiet satisfaction, "Isn't that Louise something." We pause today to say, "Wasn't that Ray something." We miss you. We love you. Say hi to Dad for me.

REMEMBERING THE INNOCENT LOST DURING SREBRENICA GENOCIDE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. CARNAHAN. Madam Speaker, this Friday, July 11, 2008 marks the 13th anniversary of the Srebrenica genocide in Bosnia.

I rise today to express my deepest sympathy for, and in remembrance of the victims this horrible genocide in Bosnia, which lasted from 1992–1995.

The most infamous episode in this genocide was the massacre of Bosnians led personally by General Ratko Mladic at the United Nations-declared "safe haven" of Srebrenica in eastern Bosnia in July, 1995.

We should remember all of the innocent people who were brutally killed by honoring their lives and remembering their struggle for freedom during the three-year conflict in Srebrenica, a city in Bosnia and Herzegovina.

I would also like to honor the memory of victims in places less well-known: in Kozarac, Prijedor and Banjaluka in northwestern Bosnia.

This conflict was the largest massacre and genocide of civilians in Europe since World War II.

In my district, I am proud to say that I have one of the largest Bosnian American populations in the United States. Of the tens of thousands of my Bosnian American constituents, upwards of 5,000 are survivors of the Srebrenica genocide.

As a Representative of many Bosnian-American friends in St. Louis, I understand that this tragedy continues to affect many of my constituents. We must commemorate those who died, hold those who are responsible accountable, and honor the brave survivors.

It is important for us to remember this dark chapter in history to learn from it for the benefit of our future generations.

RECOGNIZING COLONEL TIMOTHY RAY, USAF COMMANDER, 7TH BOMB WING, DYESS AIR FORCE BASE

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. NEUGEBAUER. Madam Speaker, I rise today to honor a great leader in the 19th District of Texas. America's military has a solid foundation of tradition and heritage handed down from generation to generation. The United States Air Force in particular holds three core values: Integrity, Service Before Self and Excellence in Everything We Do.

While every airman who wears the Air Force uniform is expected to practice those core values, there are a select few that lead by example and rise above all others. For that they are rewarded with one of the military's highest honors—Command.

As Commander of the 7th Bomb Wing, COL Timothy Ray led more than 5,000 men and women in direct response to the Global War on Terrorism. As home to the B–1B Lancer, under Colonel Ray's leadership, Dyess airmen repeatedly sent our enemies running, providing constant vigilance and rapid response backed by overwhelming fire power. In addition, Dyess' C–130 aircrews have done incredible work saving lives by taking soldiers and marines out of the line of fire and into the safety of the air.

As a leader, Colonel Ray has been a stalwart champion of the men and women of Dyess AFB as well as their families. He has also been a great friend to the city of Abilene. His tireless efforts have made Dyess Air Force Base a model installation, especially during a time of war. Colonel Ray worked very hard to set tough energy efficiency conservation standards with the families and airmen first in his mind. His efforts on behalf of the Air Force and the American taxpayer leave Dyess Air Force Base a better place.

I wish Colonel Ray many years of continued success and thank him for his service to this great nation. I join with the city of Abilene and the 19th District of Texas in saying how proud and thankful we are for his leadership. The United States Air Force is blessed to have such a capable leader in COL Timothy Ray.

2008 UNIVERSITY OF FLORIDA WOMEN'S SOFTBALL TEAM

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. STEARNS. Madam Speaker, I rise today to honor the University of Florida's 2008 Women's softball team for their historic 70–5 winning season. This marks the first time in NCAA history that a team has won 70 games in a single season. The UF Women's softball team has also set many outstanding records this season in hitting, pitching, and fielding, and for the first time in school history, the softball team made it to the semifinals of the Women's College World Series.

In addition to their historic season, the Gators produced five All-American honors players, and many personal records were set for the number of runs scored, bases stolen, and game shutouts. The UF Women's softball team played with class and won with grace, and their teamwork, tenacity, and gamesmanship deserve to be recognized. This certainly is a team to be remembered, and this is just another reason why it is great to be a Florida Gator.

HONORING SCLC AND REVEREND DR. S.L. HARVEY

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. JEFFERSON. Madam Speaker, on February 14, 1957, a little more than 51 years ago, the Southern Christian Leadership Conference, SCLC, was founded in New Orleans, LA. It is returning to New Orleans today for its 50th Annual Convention, to celebrate its founding and to mark the progress it has made over the years.

On the date of its founding, Dr. Martin Luther King, Jr., Reverend A.L. Davis, Reverend Avery Alexander, Reverend Simmie Harvey, and others meet at New Zion Baptist Church located on 3rd Street in New Orleans to organize the SCLC. Of those present on that date, Dr. Simmie Harvey is the only living organizer. Additionally for the past 33 years, he has led the Louisiana Chapter of the SCLC as its President.

Reverend Dr. S.L. Harvey was educated at the Tensas Parish High School in St. Joseph, Louisiana, Utica Institute in Utica, Mississippi and Union Baptist College and Theological Seminary where he received both his Master's Degree in Theology and his Doctor of Divinity.

Reverend Dr. Harvey was present at the planning of the march in Washington, DC., where Dr. King delivered his "I Have a Dream" speech. Reverend Harvey is a living legend and Drum Major for Justice for all people. He continues to carry the torch for freedom that Dr. King and other founders of the SCLC lit in 1957.

As we celebrate the life and work of the SCLC, it is impossible to do so without celebrating Dr. Harvey's life and work at the same time. The two are inextricably intertwined. We thank God for him. I am proud to join the U.S. Congress and our nation in honoring him.

INTRODUCTION OF THE GREEN 301 ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing the Trade and Environment Enforcement Act, also known as the Green 301 Act. This bill expands the Section 301 provisions of the Trade Act of 1974 to encompass environmental effects.

Under the Trade and Environment Enforcement Act, the Trade Representative must identify those foreign country trade practices causing negative environmental impacts to human, animal, or plant life or health, or the conservation of exhaustible natural resources in the United States, the foreign country, a third country, or internationally. Once those practices have been identified, the Trade Representative must issue a report to Ways and Means and to Senate Finance with its findings.

After the Trade Representative issues its report, it must engage in consultations with foreign governments to resolve the negative practices it identifies with in the report and seek to negotiate an agreement between the United States and the foreign country providing for the mitigation, reduction, or elimination of the identified negative environmental impacts. If no agreement is reached, then the trade representative is authorized to take all appropriate and feasible action authorized under Section 301.

Additionally, the Trade and Environment Enforcement Act permits petitions and consultations under this process from interested parties, including environmental organizations and the business community, to expand the types and scope of the Trade Representative's environmental review.

A PRAYER FOR AMERICA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. ETHERIDGE. Madam Speaker, I rise today to pay tribute to Reverend Bill Goodnight of First Presbyterian church of Lillington, NC. On the 230th birthday of this great Nation, Reverend Goodnight expressed his patriotism with a most fitting prayer. His prayer embodies the values on which the United States of America was founded. These are the same values that we as Americans still hold near and dear to our hearts today, I would like to share this prayer with my colleagues and my fellow Americans.

> "Eternal God we come before you on this birthday of our nation 230th birthday of our Nation. We come with praises upon our lips for your love and mercy, which makes itself know throughout the earth. We come with praises for your mighty creative energy that hung the stars and spun the planets and for your still small voice that speaks in the silence of the canyons and booms out across the oceans waves. For those with eyes to see and wars to hear your spirit is seen dancing upon our golden meadows, your song is heard in the cry of the bald eagle, your presence is felt in the deepest canyon and the highest mountain . . .
>
> Yet we confess eternal creator that we have too often sought your blessing without begging for your transforming power that calls us into a nation of servanthood in this and every hour. We confess that we are quick to proclaim that you are on our side without checking to make sure that we are on your side.
>
> Therefore, we celebrate with thanksgiving this Fourth of July, not only the great provisions of this land but your patience toward

us when we forget that to whom much is given much is expected. We thank you for your protection from pestilence and the horrors of famine known to much of this world. We thank you for a stable government which works to guarantee our freedoms and provides us with protection against those who would do us harm. We are particularly grateful this night for our leaders that are here with us as a reminder that by your will we truly are a government of the people and by the people.

Our strongest petitions this night we reserve those brave men and women who have obeyed the orders of their commander in chief and have stepped into harms way in distant land, particularly Afghanistan and Iraq. We cry for the widows, widowers, and orphans left in the wake of the current conflict on both sides of this war. Let not our tears be empty but grant to us the fortitude and resolve as a community that we might nurture those who have sacrificed so much on our account. May those who have risked so much in fulfilling their military obligations find us a united community in support of them and their dependents. May we walk with them and their loves ones on the road of life offering the well-deserved hand of friendship and fellowship. We know that nothing can make up for what we have sent them to endure, but may our overwhelming gratitude and respect offer them comfort.

Help us to live our lives with grateful hearts, teach us how to be there for each other when tragedy strikes, and give us plenty of opportunities to rejoice with one another when good comes our neighbor's way.

In closing, we ask not only your blessing upon us but for your guidance and inspiration that we might reflect and be a source for the world of the blessings we seek for ourselves. Alleluia Amen."

Madam Speaker, Reverend Goodnight is an exemplary figure of patriotism, leadership, dedication, and commitment to this great Nation.

THE DAILY 45: ROBERT WASHINGTON AND TWO OTHER VICTIMS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. Early this morning, Robert Washington of Chicago was found dead in his home with a gunshot wound to the neck.

In Wisconsin, Travis Mills was shot last Saturday morning with a small-caliber handgun and in Rockaway, Queens, a young man was fatally shot. The 18-year-old was pronounced dead at the scene.

Three more lives lost. We must become our brother's keeper. Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

IN RECOGNITION OF THE WEST CREEK CONFLUENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of a "Concrete Breaking" celebration at the confluence of West Creek and the Cuyahoga River in the city of Independence in Ohio's 10th Congressional District.

The West Creek—Cuyahoga River Confluence Restoration Project implements the vision expressed in both the city of Independence Master Plan and West Creek Watershed Plan by restoring a 10-acre vacant industrial site where West Creek meets the Cuyahoga River in Independence, Ohio. The property currently contains approximately 85% impervious surface, contributing significant non-point source pollution which flows directly into West Creek and the Cuyahoga. The property and this entire area have flooded repeatedly during recent storm events and is at the center of a U.S. Army Corps of Engineers' Section 205 study to find the best way to mitigate flood damage. The restoration includes plans for its future use as a public riverfront park with the added benefits of ecological habitat restoration and storm water management best practices.

On Friday July 11, 2008, Independence Mayor Gregory Kurtz, in collaboration with the Northeast Ohio Regional Sewer District, the Trust for Public Land, the George Gund Foundation, the Natural Resources Assistance Council of Cuyahoga County, the Clean Ohio Fund, the Ohio Environmental Protection Agency, the Ohio Department of Transportation and other partners, will begin the demolition of the industrial buildings to begin the restoration.

When completed, West Creek will return to its original meandering flow into the Cuyahoga River with natural wetlands to reduce upstream flooding, clean local drinking water, and restored wildlife habitats. The new park will connect the West Creek Greenway to the Ohio and Erie Canal Towpath Trail, provide new access to the creek and river for all, and lead to economic revitalization of this part of the city of Independence. This project will contribute greatly to the continuing restoration of the Cuyahoga River, one of the 14 federally designated American Heritage Rivers.

The benefits of the West Creek Confluence Project are numerous. Locally, it will reclaim underutilized industrial property, create a new and dynamic recreation area along the National Scenic Byway, restore a more natural hydrology to Lower West Creek, create an area for urban ecology to flourish, retain and filter storm water which will mitigate the effects of flooding, and reduce non-point source pollution entering into West Creek and the Cuyahoga River. From a regional perspective, the West Creek Confluence Project will work to herald in a new era of sustainable redevelopment within the Lower Cuyahoga River Valley, capitalizing on recreational and commercial uses that still allow for a functioning floodplain with a high degree of ecological diversity, flood storage and habitat connectivity.

Madam Speaker and colleagues, please join me in recognizing the beauty and regional ecologic importance of the West Creek Confluence and the pivotal project now underway to ensure it returns to its former natural prominence.

IN SUPPORT OF H.R. 6304

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to discuss my support of H.R. 6304—The FISA Amendments Act of 2008.

From the Revolutionary War to the tragedy of 9/11, America's quest for freedom is what defines us. It is imperative that we never forget those who died for our liberty, nor can we ignore the failures of our own intelligence leading up to that day in September 7 years ago. Balancing civil liberties and protecting our national security has been a 232 year struggle that represents the core of this great Nation.

As such, the year-long debate this body engaged in updating FISA has hinged on a question that rests at the heart of American democracy since its founding: how do we keep our Nation safe, while at the same time ensuring the preservation of those Constitutional freedoms that we hold dear? It was Benjamin Franklin who warned that those who sacrifice liberty for a little security deserve neither.

When the first effort to amend FISA—The Protect America Act—came before this House in August of 2007, I voted against that deeply flawed bill because it did not ensure proper protection of our civil liberties, nor did it provide the appropriate check over the executive branch. In fact, neither the Protect America Act, nor the subsequent "Senate compromise," included essential oversight provisions. Those bills, rather, sought to minimize the role of the FISA court, removing any form of meaningful judicial oversight over the President and the executive branch.

My sense of justice as a former prosecutor and my experience as a constitutional law professor at West Point led me to the inescapable conclusion that our initial attempts to craft the appropriate balance failed.

Madam Speaker, the issue of foreign surveillance predates the founding of our very republic—traceable to George Washington, who made effective use of secret intelligence, including the interception of mail from the British.

However, I do not need to remind anyone in this Chamber that we have not always gotten this delicate balance right. Hindsight has shown us that too often in our Nation's past we have tipped the scale too far from liberty in the face of outside threats, hostile adversaries, and most-troubling simply outspoken American citizens.

We know many of these excesses: the eavesdropping on Martin Luther King, Jr. and anti-war demonstrators, and of course, President Nixon's use of Federal resources to spy on political groups. History has judged those decisions as leaving an enduring stain on our institution and our government—as it should.

In the late 1970s, the Church Committee and this institution worked to curb domestic intelligence abuses. Checks and balances were restored among the three branches of government, and the ability of our government to protect all of us from national security dangers was enhanced while at the same time respecting our privacy rights.

These efforts led to the passage of the original Foreign Intelligence Surveillance Act of 1978, placing—for the first time—accountability and oversight of domestic intelligence gathering in the hands of courts and Congress. FISA also put an end to the practice of warrantless domestic wiretapping for national security reasons, mandating that domestic "national security" wiretaps be authorized by a court of law—creating a separation between domestic law enforcement and foreign surveillance for national security concerns.

Again, with that historical perspective in mind, I opposed those original proposals and I am glad that the House of Representatives staved off partisan ploys to push this body to rubber stamp those misguided efforts.

I believe that the bill we ultimately passed was a significant improvement in nearly every aspect over the Senate's or the President's proposals.

Madam Speaker, Mike Schmidt, the greatest third baseman who ever wore a glove for the Philadelphia Phillies once said, "Philadelphia is the only city where you can experience the thrill of victory and the agony of reading about it the next day."

I empathized with Mr. Schmidt when I opened my morning paper the day after we voted on this critical piece of legislation.

That is why, Madam Speaker, I thought it necessary to elaborate on why I supported the bill, and clarify some common misconceptions about the Foreign Intelligence Surveillance Act and the bipartisan changes we recently passed.

Madam Speaker, my decision to vote in favor of the FISA Amendments Act was not one that I came to lightly. As a former prosecutor charged to keep our community safe, somebody who has taught constitutional law for years to our future military leaders at West Point, and proudly served this country in uniform, I thought and prayed long and hard about the best course of action. Now, as a member of Congress, it is still my duty to defend the constitution and work to keep our community safe.

I believe, Madam Speaker, that this House and this bill ultimately struck the right balance.

The FISA debate in the 110th Congress has been pushed by two events: the first, President Bush's unauthorized "terrorist surveillance program," conducted outside the scope of FISA; and the second, a FISA court decision that most people, including myself, thought was wrongly decided and undermined our intelligence capabilities abroad.

It is widely agreed that no warrant should be necessary to tap the phone of a foreign national talking to another foreign national on foreign soil. The major point of contention, however—what this year-long wrangling has been about—is what to do when targeting, for example, a terrorist sect in Pakistan whose communications end up hitting American soil. Certainly it would be overly cumbersome and perhaps dangerous to require an individualized warrant for every foreign target in the off-chance their contacts involve an American; but correspondingly, assurances must be put in place to ensure that all U.S. citizens who might be caught in such surveillance are given the protections that they are due as Americans. This, Madam Speaker, was the needle we were required to thread.

The bill ensures that—in order to protect the rights of Americans—foreign surveillance targeting of non-U.S. persons abroad must be approved by the FISA Court prior to the start of any intelligence collection to ensure sufficient oversight of executive branch activities. This requires the administration to show how they determine that the targets of surveillance are actually foreigners and are actually located outside the United States. Additionally the FISA Court must approve the minimization procedures in place before surveillance can begin. Minimization is the process where the NSA prevents the dissemination of inadvertently collected information about U.S. persons. The bill also establishes a general prohibition against using FISA to "reverse target" Americans.

Additionally, the bill requires individual warrants from the FISA Court in every single case, based upon probable cause, to conduct surveillance of U.S. persons, whether at home or traveling abroad. While this provision has not been widely reported, this is an expansion of protections under the original FISA bill. For the first time, Madam Speaker, an individual probable cause determination and court-approved order will be needed to conduct surveillance of every American citizen, regardless of where they are located.

Perhaps most importantly, Madam Speaker, the bill restores FISA and existing criminal wiretap statutes as the exclusive means to conduct surveillance—making it clear that the no President will be able to sidestep the exclusivity provisions of FISA and disregard the civil liberties of the American people. Under this legislation the current President's illegal program of warrantless surveillance will officially come to an end, thereby firmly reestablishing basic judicial oversight over all domestic surveillance in the future.

The other major provision of the bill, Madam Speaker, is title II—defining the role of liability litigation procedures for telecommunication companies. Madam Speaker, to be frank, as a former Federal prosecutor and the son of a Philadelphia police officer the issue of immunity has always been a tough pill to swallow. Growing up in Northeast Philadelphia and schooled at St. Anselm's Parish, I was reared in somewhat "black and white" terms—wrong-is-wrong and punished accordingly.

But quickly I learned, as a judge advocate and special assistant United States Attorney, that at certain times legal immunity is an unfortunate necessity to encourage cooperation and testimony against those more culpable of committing the underlying offense. Madam Speaker, I have never liked seeing people get away with only a slap on the wrist, but I have grown to understand it can be a necessary tool to insure that justice is served.

If the telecom companies are ultimately shielded from litigation by United State District Courts for their involvement with the current administration's illegal warrantless wiretapping program, they should be forthright and cooperate with congressional investigators pursuing those in the Bush administration who are truly to blame for the violation of our constitutional rights.

But more importantly, Madam Speaker, a principal reason for immunity in this instance is to keep civil lawsuits, or the fear of them, from establishing Federal policy on a matter of grave national concern—both because of the security interests and because of the civil liberty interests. This policy should be established and enforced through the actions of congress and the executive branch.

And just to be clear, Madam Speaker, nothing in this bill confers immunity on any government official for violating the law. In fact, this bill requires the inspectors general of four major national agencies to conduct a comprehensive review of the President's warrantless surveillance program and report back to the Intelligence and Judiciary Committees.

I promise the families in my district and across the country, that as long as I sit on the House Intelligence Committee, and as long as I serve in Congress, I will fight every day to demand answers and accountability from those who have held themselves above the law.

Madam Speaker, above all, I would like to note that the bill that passed this House was a much needed compromise. And as is the nature of any compromise, concessions were made and agreements reached in the effort to advance this piece of legislation. While it was not a perfect bill, nor is it the one I would have written, it is without question a significant improvement over prior flawed proposals.

Madam Speaker, I would like to take a second to read a quote:

"The art of compromise, which is essential to democracy, seems to have gone out of style in recent years of angry all-or-nothing politics . . . the result is often no legislation, and many issues are left to fade or fester."

That quote, though eerily reminiscent of our modern political paralysis, was published in a Time Magazine editorial—on March 29, 1976. The editorial, however, continues on and heaps praise on Congress and the executive branch for their efforts in overcoming partisan gridlock to do what we seek to do—limit unwarranted wiretapping done under the auspices of national security.

It was a compromise crafted by Attorney General Edward Levi and a Democratic Congress. A compromise that Time noted "beats showy confrontation, veto and stalemate." I think most of us, Madam Speaker, can agree that this sentiment rings just as true today.

Let me be clear. I am no Attorney General Levi, nor do I portend to know how history will judge us or this legislation.

But I can promise that I sincerely believe that this bill—this compromise—threaded the needle and I am proud of our efforts.

Some of my friends on the left are not happy; some on the far right are not either. But we all take seriously, the incredible responsibility we are given. I hope and pray that history proves our fidelity to our Constitution, as well as our commitment to protecting the safety of those we serve.

HONORING THE 79TH ANNIVERSARY OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Ms. SOLIS. Madam Speaker, I rise today to honor the 79th anniversary of the founding of the League of United Latin American Citizens, LULAC. This is a tremendous milestone and one in which LULAC members should take great pride. Under the leadership of National President, Rosa Rosales, LULAC continues to be an influential force in Congress and throughout the country.

LULAC is the largest and oldest civil rights and service organization in the United States. Since 1929, LULAC has worked tirelessly to advance the economic condition, increase access to quality health care and education, and civil rights of Latinos across the country. LULAC's commitment to the advancement of Latinos is demonstrated through the community-based programs it operates at more than 700 local councils nationwide.

Education has always been a top priority for LULAC. In 1975, the LULAC National Scholarship Fund LNSF was established to provide scholarships to Latino students who attend colleges and universities. LULAC's education efforts will continue to benefit future generations of Latino youth. I am also proud that LULAC has made proactive efforts to increase Latino civic participation in the United States through its voter registration and citizenship drives. LULAC plays a pivotal role in ensuring that Latinos are part of the political process on the local, state, and federal level.

Madam Speaker, I hope my colleagues will join me in congratulating LULAC for all the hard work that it has done for the Latino community in the United States. LULAC is paving the way for generations after us to achieve even more. I look forward to continue working alongside LULAC to achieve social and economic justice for all Latinos.

HONORING THE CONTRIBUTIONS OF DR. WILLIAM CHARLES DEMENT, LOWELL W. AND JOSEPHINE BERRY PROFESSOR OF PSYCHIATRY AND BEHAVIORAL SCIENCES, STANFORD UNIVERSITY AND DIVISION CHIEF OF THE STANFORD UNIVERSITY DIVISION OF SLEEP

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2008

Mr. HONDA. Madam Speaker, I rise today in recognition of Dr. William C. Dement as he celebrates his 80th birthday and as his family, friends and colleagues gather to commemorate his lifelong efforts to improve the health and safety of this Nation by advancing understanding of sleep, sleep disorders and their impact on performance and functioning.

Dr. Dement received his M.D. and Ph.D. from the University of Chicago in 1955 and 1957. There, he helped discover and describe Rapid Eye Movement (REM) sleep, described the relationship between REM sleep and dreaming, established the all night sleep patterns of human beings, discovered REM sleep in animals and newborn babies, and demonstrated that the patterns of specific rapid eye movements are related to the visual experience of the dream. He transformed what was once thought of as a passive state that was undeserving of medical attention or curiosity into a medical specialty.

In 1963, Dr. Dement joined the Psychiatry Department at Stanford University, where for the past 45 years he has continued his studies on the neurochemistry of sleep and the functional significance of the different sleep states.

In 1970, Dr. Dement started the world's first Sleep Disorders Clinic which introduced all-night examination of patients with sleep-related complaints. He developed the Multiple Sleep Latency Test which remains the standard diagnostic measure of daytime sleepiness and made many other scientific contributions.

Among the most important of these are the elucidation of sleep debt and the long term consequences of sleep deprivation in all components of society. Dr. Dement is the author or co-author of approximately 500 scientific publications and the founding co-editor of the premier scientific journal, SLEEP.

Dr. Dement was co-founder of the Sleep Research Society in 1961 and founding President of the American Sleep Disorders Association (now the American Academy of Sleep Medicine) in 1975. Dr. Dement currently holds the position of honorary board member of the National Sleep Foundation, the Nation's leading non-profit organization dedicated to improving the understanding of sleep disorders.

Dr. Dement served as chairman of the congressionally-mandated National Commission on Sleep Disorders Research whose study and recommendations led directly to the creation of a new agency within the National Institutes of Health, the National Center on Sleep Disorders Research.

I am particularly grateful for Dr. Dement's work with patients. If it was not for Dr. Dement, my sleep apnea would probably still be undiagnosed and I would be like millions of other Americans who needlessly suffer due to a lack of public and professional awareness of the signs and symptoms of sleep disorders.

Therefore, on behalf of the Congress of the United States and the people of the 15th Congressional District of California, I am pleased to join with the family, friends and colleagues of Dr. William C. Dement in celebrating his 80th birthday. May he be blessed with many more.

SENATE—*Friday, July 11, 2008*

The Senate met at 3:30 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God most high, Your faithfulness endures through all generations. You desire truth and justice, and You are true to Your promises. Hear our prayer.

Let Your presence be felt today on Capitol Hill. Open the hearts of our lawmakers to the guidance of Your Spirit as You empower them to serve with faithfulness. Lord, dwell in them and those who support their labors, making them fruitful for the glory of Your Name. May they hear Your call to rise and follow where You lead as You inspire them to be obedient to Your perfect will. Give them patience with those who oppose them, and may they trust in Your perfect love which never fails.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any remarks Senator MCCONNELL and I may make, we will resume the motion to disagree to the House amendments with respect to H.R. 3221, the housing reform legislation. At approximately 5:20 p.m., the 30-hour postcloture debate time will run out and the Senate will proceed to a rollcall vote on the motion to disagree. Immediately following that vote, the Senate will proceed to a cloture vote on the motion to proceed to S. 2731, the global HIV/AIDS legislation.

MEASURE PLACED ON THE CALENDAR—S. 3236

Mr. REID. Mr. President, S. 3236 is at the desk, and it is my understanding it is now due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3236) to amend titles XVIII and XIX of the Social Security Act to extend provisions under the Medicaid programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, at this time, I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

REPUBLICAN DELAY TACTICS

Mr. REID. Mr. President, I think it is important to let all Senators know that we worked very hard, late into the night, with significant members of the Senate staff. We worked very hard. In fact, I got home a little bit after midnight this morning, as did others.

We are going to have a couple of votes this evening. The first vote we are going to take is our housing bill, a bill that would help families struggling to keep their homes and families struggling with the foreclosure crisis—and it is a crisis. The second piece of legislation we are going to vote on is called PEPFAR, an initiative introduced by President Bush in 2003 to confront the crisis in Africa, the continent-wide problem we have dealing with HIV/AIDS, where 8,000 people are dying from AIDS every day on that continent. That is a death toll that doesn't take vacations. They are dying today and they are dying tomorrow. It is a weekend, but that doesn't matter; holidays are not a day off. People continue to die. That is what this legislation is about, to try to stem the tide of this scourge which has swept that continent.

Both these bills, the housing bill and the AIDS bill, rightfully have the support of virtually all Democrats and a significant number of Republicans. Both these bills could have long since been passed and sent to the President's desk and we could have been on other important priorities, such as the energy crisis. I say that with regard to housing. I say that with regard to the legislation I talked about dealing with PEPFAR. They both could have been passed a long time ago.

We now have a situation—I am looking for a chart here. I don't know what happened to it. I would say there is a hunt going on in the cloakroom for our chart. We have a few stacked back there. Maybe one of the Republican staff stole it.

I don't know what happened to it, but let's pretend I have a chart here that says "82 Republican filibusters." Remember, this is our Velcro chart, and you can just peel off the numbers. Here is what we have. We have the Velcro pieces but no chart.

Let's just pretend we have a great big white chart here and the Velcro. See my Velcro? Just pop it on here. It doesn't work. It won't work—well, it is working. It looked a lot better when we had our chart before. Somebody swiped it.

We started in the 50s, and they keep adding up, and now it is 82. Every one of those filibusters has taken huge amounts of time from the Senate. After cloture is invoked, under the rules of the Senate you have 30 hours where basically you can do nothing except wait for the 30 hours to go by with a few speeches. Think about it, 82 times 30—sometimes the 30 hours wasn't used, but most of the time it was in an effort to obstruct and delay. That is what we have had in the housing bill, and that is what is happening now on this global AIDS piece of legislation.

It is a small number of people holding up these matters, but it is still the Republicans holding them up. Because of the obstructionism we had on these two matters last night, we worked, as I indicated, until midnight. We thought we had an agreement worked out which would have allowed us to proceed, but one Senator prevented us from doing this. Because of that, our bipartisan negotiations late into the night were all for nothing.

Today, we must hold an unnecessary set of votes that could have been agreed to by unanimous consent. No Senator is complaining because we have to be here on Friday. We work when we have to work. But it is just a question of what we should be doing while we are here. We could have been doing other things, but we are here today. We are going to vote on a couple of votes that are unnecessary. We could have been doing other things. We could have spent the time constructively, as I indicated, on other matters.

It is interesting to note that the Senator who has held this up and other Republican Senators—they have been coming to the floor all week criticizing the Senate for not moving to address the energy crisis. But one reason we are not moving forward on a lot of other things, including the energy crisis facing this country, is because we have been held up on so many different bills.

Everyone should know that this is a record that has broken any other time in the history of our country. This is filibuster on steroids. This is the Flo-Jo of filibusters—the great runner. She broke all records. We are breaking all records. If the American people wonder why Congress has not passed yet another piece of legislation to help ease the energy crisis, the housing crisis, and the many other problems facing this country, they need look no further than this number 82, right here. If anyone wonders why the American people are frustrated with Congress, all they need to do is look at the number 82.

Despite these setbacks, this has been a productive week in the Senate. Since the filibusters—plural—have started on the housing legislation, there have been about 130,000 new foreclosures filed. Every legal workday, usually Monday through Friday when the courthouses are open, people are filing 8,500 new foreclosures on homes around the country. That is a lot of foreclosures. We should have worked on this housing bill long ago, and we tried to, but we were held up by the Republican filibusters. We have legislation we are going to vote on this afternoon at 5:20 that will help struggling homeowners and prevent conditions that led to the foreclosure crisis happening in the first place. So we have done that.

Here, Wednesday afternoon, a vote started at 4 o'clock, one of the most historic times in the history of this institution, one of the most historic times in the 230 years-plus of our country being in existence. What was that? We, America, have a lot of wonderful programs. The most successful social program in the history of the world is Social Security, a program that helps those in their golden years with an old-age pension check. Social Security helps the disabled, it helps widows, it helps orphans. It is a wonderful program—that President Bush wanted to privatize. Think about that. Had we been unsuccessful in stopping his privatization, how do you think Social Security recipients would feel today with the stock market going down, down, down? It would have been a terrible decision for the American people.

The other program the President doesn't like is Medicare. Medicare is not a program as successful as Social Security. It is an imperfect program, but it is a good program. It is a program I have seen in my political life. My first elected political job was chairman of the board of trustees of Southern Nevada Memorial Hospital. When I took that job, 40 percent of the seniors who were admitted to that hospital had no way of paying their bill. When I left, Medicare had come into being, and 100 percent of the people who were old, coming to that hospital, had their health insurance taken care of through Medicare. It is an imperfect but good program. President Bush does not like the program. He has tried to privatize it.

What happened Wednesday afternoon at 4 o'clock? The program was saved. The program was saved by virtue of a courageous man named TED KENNEDY who got out of his sickbed, literally, to come here and cast the deciding vote. His was the 60th vote that allowed us to move forward and, I repeat, save Social Security.

Senator KENNEDY was a Senator when Medicare came into existence. He said that he would not let it fail, even though we all know it was very dangerous to him, from a health perspective, to fly from Boston down here and then have to fly back after the vote was cast.

But it was a productive week, because not only did he cast the vote that made passage of the bill, but as a result of that, courageous Republicans, realizing he had done what had not been done, stepped forward and said, you know, the President has done enough. We have backed him long enough. We are going to vote the right way.

So we had the original nine, plus nine more. We had 18 Republicans, far more than enough to override a Presidential veto. I hope the President does not veto this bill. I hope he does not. But I am grateful to Senator KENNEDY, as are all the American people. We have rules. It is against Senate rules for the people in Galleries to clap. No one could stop them. No one could stop Senators from clapping, cheering, and crying for the act Senator KENNEDY performed.

So we did that. We are going to, this afternoon, pass the housing bill and send it back to the House. We also completed FISA legislation. I did not agree with the result, but it was an accomplishment for this body to finally work its way through all the problems we had procedurally to get that complete.

Now, I would hope with the Medicare bill being saved by Senator KENNEDY, President Bush does not veto that. Every day that goes by that he does not sign that bill, people in America are suffering. They are suffering because doctors are going to drop out of the system. As we know, patients will not be taken care of, veterans, whose funding and reimbursement is based upon Medicare, who are part of the TRICARE system, about 8 million servicemen and their families, are being denied those benefits.

So the President should not do this simply because he wants to privatize Medicare. He is not going to win; he is going to lose that battle. So why does he want to do that? We had 355 votes in the House, 69 in the Senate, enough to override the veto. So I call upon the President to not veto this bill; sign it so we can get this worked out, and we will end this situation once and for all.

We have talked about the global AIDS bill. We are moving ahead with this legislation. It continues the support for America's efforts to join the world community in fighting against this disaster we have on that continent, global HIV/AIDS, which is so pronounced in that continent.

President Bush has worked with Democrats and Republicans to help get this legislation passed, over the objections last night of one person, perhaps a small handful urging this one man on. Despite that, I am confidant we are going to pass this legislation.

I should mention how glad my fellow Democrats and I were to have our nominee for President here to cast a vote on these important bills. Senator OBAMA understood the importance of the Medicare legislation, and he stepped down here and voted. But for him we would not have had the necessary votes to pass this. He was also here when the GI bill of rights came up, landmark legislation, repaying our valiant troops who fought in Iraq and Afghanistan and deserve the same rights to be educated as those World War II veterans.

Senator BARACK OBAMA was here to vote on that. On the FISA legislation, the Foreign Intelligence Surveillance Act legislation, BARACK OBAMA cast his vote on that legislation. JOHN MCCAIN did not.

The American people should also know that despite the delay tactics we have seen this week that have kept us from a debate on energy, Democrats and most all Senators, Democrats and Republicans, are committed to addressing the energy crisis with both long- and short-term solutions.

This is not a Democratic or Republican issue. We all acknowledge much needs to be done. Last night I held a meeting a few feet out of this Senate Chamber. I had a productive meeting—We had former Senator Jim Sasser, who was conducting the meeting—Senator Sasser of Tennessee, chairman of the Budget Committee, subcommittee chairman of Appropriations, subcommittee chair on Banking, one of America's great Senators. He was an Ambassador to China when his Senate career came to an end.

He was there as a moderator. We had the director of Global Oil Group—the Yergin Group. He has written books on the situation with petroleum around the world. We had the chief executive officer of United Airlines. Keep in mind, this man has been president of Texaco, the vice chairman of Chevron, and now the chief executive officer of United. If anyone should have an understanding of what is going on with our energy markets, our business community, he should. He was tremendous in outlining this information for us.

We had the head of global commodities at JPMorgan, the portfolio manager of Masters Capital Management, the CEO of NYMEX, and a professor at the University of Maryland School of Law. His expertise is in this area. It was a very good meeting. It lasted a long time.

The group strongly agreed we must take steps to stem speculation in energy prices. Is speculation the only problem? Of course not. But is speculation a problem? Of course it is. This group agreed that speculators drive up prices for their own gain, while the American people are left feeling the pain.

It was agreed that now is the appropriate time for President Bush to draw oil out of the Strategic Petroleum Reserve, as his father did. It was also agreed we must increase domestic oil production in the 68 million acres of land that oil companies currently lease but are not using.

The group agreed that any oil drilled in America should be sold to the America marketplace, not to China, Japan, India, as is currently happening. By the way, when there was a vote on this, Senator McCAIN voted that it was not necessary, that American oil produced be used by Americans. He, by his vote, indicated it could be used in other countries. We disagree. The group disagreed last night.

So we need to take steps curtailing energy speculation, we need to tap the Strategic Petroleum Reserve, we need to increase the supply in the 68 million leased but unused acres in America, and earmarking domestic oil for American consumers.

We also agreed last night that combined with increased and sustained investment in clean alternative fuel sources, the wind, the Sun and geothermal, we will create hundreds of thousands of new jobs, will strengthen the economy and improve our environment.

If we do all of these, will we solve all the energy problems? Of course not. But we will have a significantly strong step in that direction. That is our roadmap for going forward. We hope both the Republican leader and his caucus will work with us to reject obstruction and embrace the progress that the American people deserve.

I yield the floor.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to disagree to the two amendments of the House which the clerk will report.

The legislative clerk read as follows:

> A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming is recognized.

Mr. LEVIN. Would the Senator from Wyoming yield for a unanimous consent request?

Mr. ENZI. I would.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Wyoming concludes his remarks that I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIDS RELIEF

Mr. ENZI. Mr. President, I have been waiting to speak and listening to the Senate leader. I have to say, I am a little disappointed. In the 20 minutes' worth of remarks, I did not hear anything that would bring the two sides together. Instead, I saw wedges being driven in there. This is not the time when we need wedges. That is the reason the public opinion of Congress is at an alltime low. There are things we need to get together on. That is one of the things I am going to talk about now.

I rise to express my support for the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

That is a mouthful, so we are referring to it as PEPFAR, which stands for the President's Emergency Plan for AIDS Relief, which is something we passed several years ago that has made a significant difference in the world. Simply put, this legislation is proof of the fact that the United States continues to put its money where its mouth is on all these terrible diseases; that is, leading the best way by example. By so doing, we are encouraging other countries to do their part and help to ease the devastating toll of these diseases on the less fortunate.

In 2003, the Congress passed and the President signed into law the first global AIDS bill. I remember when the President addressed us in the State of the Union speech that year and announced he wanted $15 billion to go into solving the AIDS problem worldwide. I think it was actually a shock on both sides of the aisle. But we went to work and we worked together and we got a plan that has been in effect.

We made an aggressive commitment to work with other governments to help them take action and to try to control the spread of HIV/AIDS in their country.

When we began our work on this bill and started to discuss the need for a program that would address the spread of HIV/AIDS overseas, many had doubts that we could reach the goals we had set. There were some who thought we were reaching too far too fast and that we could never come close to making the kind of impact to which we had committed ourselves.

Fortunately, we have succeeded beyond what many thought was possible. Since the program has been implemented, our community outreach activities that were designed to begin the process of prevention by education have reached nearly 61.5 million people. Although there is still much more to be done, we are finding that we have turned the corner from the fear and frustration that was so prevalent in the past to a brighter avenue of hope and the promise of an even better tomorrow.

When I visited Africa in March, I was able to see the progress that has been made over the years. While we have not reached all the goals we set back then, we are coming closer to them day by day. My recent visit to Africa reminded me of what I saw when I first visited that continent about 5 years ago. During the first visit, I learned a great deal about diseases such as AIDS and how the culture of the nations we visited had a great impact on how the diseases spread.

HIV is a great problem because it can lie dormant for many years while it is being transmitted. It was clear back then that solving the problem would take more money. It would take in-country leadership and the political will to solve the problem before it became totally unmanageable. That is where we were headed. I am pleased to say I got to meet with several of the First Ladies of the African countries who have banded together, 51 of them banded together to work together as a network to solve this problem. They are doing a phenomenal job in Africa, and they are working with our First Lady; I am pretty sure that they talk to our First Lady and our First Lady talks to the President. The President, this year, said: We need to double our effort.

We have the framework in place. We can do it. We need to do it. That is what this bill is about, doubling our effort. The solution began with making simple changes to the resources available to each community, things we take for granted, such as a safe and secure water supply, as well as nutrition programs, about basic buildings, and the people who have the training that communities need to maintain these facilities.

That all happens over here. It does not happen over there. Back then we had the treatments to keep AIDS patients functioning for years. What we needed to do was provide these treatments and be sure they were being properly used.

Our hope during that time was that we could keep mothers alive long enough to raise their children. Our greatest hope was that we could keep everyone alive long enough for a cure to be found.

As we toured those countries, we witnessed a treatment that was designed to prevent a mother's AIDS infection from being passed on to her newborn baby during birth, because of birth. There is a pill the mother could take and a liquid that can be administered to the baby immediately after birth that had a 95-percent success rate.

The treatment only costs $2.50 per birth. The problem was that most deliveries don't take place in hospitals. Only the difficult ones take place in the hospital. So how do you distribute the medication to these expectant mothers so it would be available during birth, which is the critical time for preventing transmission? Of course, anybody who was carrying that pill would be labeled HIV-positive, and that was creating another set of problems because of the stigma attached to the disease. In addition, other relatives would try to steal the pill because they thought it was a wonder drug that would prevent them from catching AIDS.

As we traveled through Africa, one aspect of the disease I will never forget had to do with the economies of these nations. In each one, the fastest growing business was funeral parlors and coffin makers. In Namibia, since they did not have enough wood to go around, people were saving newspapers so they could make coffins out of papier mache. That was 5 years ago.

Since my visit to Africa and passage of the PEPFAR bill, we have accomplished things that many thought impossible. In 2003, only 50,000 people living with HIV/AIDS in Africa were receiving treatment from U.S.-funded sources. Today, we are treating over 2 million. That is a significant accomplishment and a great leap forward from where we were back then. Although each success is important, they remind us of the work that still needs to be done. There are now 33.2 million people living with HIV/AIDS compared to 29 million in 2001, but the growth has slowed dramatically. The statistics are alarming, but they also show we are making an impact. As the old adage says so well: We have only begun to fight. And fight we must, for AIDS is a battle we cannot afford to lose—not today, not tomorrow, not ever. Looking back, the PEPFAR bill gave us an important foundation from which to work so we could take what was designed as an emergency aid plan and make it a sustainable, long-range effort that would continue to be effective until these diseases are relegated to the medical history books.

In the original bill, we set challenging goals for treatment, for care, and for prevention. We made treatment the No. 1 priority for the funding we were able to provide. We also established a comprehensive approach to prevention. Today, we are discussing the reauthorization of this program and a renewal of our commitment to continue to make a difference throughout the world. As I said, I went to Africa in March, and I have seen the progress we have been able to make on this vitally important issue. We have made a start. This bill continues the work we have begun.

We have a good bill before us, because Senators BIDEN and LUGAR spent long days and nights working on it to ensure it reflects what Members on both sides of the aisle see as the important issues that must be addressed. This bill has been through the whole process. This bill expands on the structure of the current law's policies to ensure that the money follows the patients and does not get lost in the administrative structure of the programs these funds support. It continues to focus on treatment by requiring that more than half of the funds be used for that purpose. It also provides for a complete accounting of all funds provided to the global fund.

In addition, it calls for a balanced approach to prevention so that abstinence and "be faithful" programs receive funds equal to that of other prevention programs. Other efforts it will fund will help to increase the capacity of the health care systems in the affected countries, ensure that all drugs purchased for the program are safe and effective, and begin the process of developing a framework for the long-range stability of these programs. Finally, it will encourage the countries receiving this assistance to develop their own independent and sustainable programs to address the health care needs of their people.

When passed, the new edition of PEPFAR will establish even more challenging goals for the treatment, care, and prevention of these diseases by tying the increase in funding to a corresponding realization of the goals we have established in the bill. In addition, as the cost of treatment goes down, the treatment goals increase proportionately. This will ensure we will be treating the greatest number of people in the most cost-effective manner possible. Senators COBURN, BURR, and I worked with Senators BIDEN and LUGAR, and many other Members, to ensure this bill would reflect the principles and goals that have been shared by us with the interested Members of the Senate. I commend each Member for their dedicated work and the hard work that has resulted in the successful development of this third way.

This bill is a good piece of legislation. I urge all colleagues to support its passage and send a message to all nations that are receiving AIDS assistance from America that we will continue to stand by their side in the great fight. Our commitment to ridding the world of all these diseases in our lifetime will never weaken or waiver. This is something that is appreciated in the countries in which we are working. It is something they know America is doing for them. It is making friends in other parts of the world. I hope we can keep this process going. I urge everyone to vote for cloture this evening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Michigan.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 3255 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OIL CONTRACTS IN IRAQ

Mr. LEVIN. Mr. President, I am deeply concerned by the apparent lack of a clear and consistent U.S. policy on the entering into of oil deals in Iraq in the absence of Iraqi national hydrocarbon legislation. Unfortunately, that hydrocarbon legislation, which would ensure equitable distribution of oil revenues among the Iraqi people, and enable increased oil production and long-term foreign investment, remains stalled in the Iraqi Assembly. Continued failure by the Iraqi Government to pass national hydrocarbon legislation, a political benchmark which was set by the Iraqis for themselves, risks fracturing the country and jeopardizing hard-fought gains.

Last September, Hunt Oil Company, an American firm, was the first company to sign a production-sharing contract with the Kurdistan Regional Government, or KRG. The KRG has now apparently signed approximately two dozen such contracts with international oil companies, all of which have been condemned by the Iraqi national Government. Iraq's Oil Minister has called these deals "illegal" and the State Department's May 2008 report on

Iraq indicates that progress on national hydrocarbon legislation has been "complicated by the KRG's pursuit of oil contracts" and is now "at a standstill."

Administration officials have stated publicly and in letters to me that U.S. policy strongly discourages oil production-sharing contracts between private companies and regional governments in Iraq, including the KRG. However, representatives from Hunt Oil Company have indicated that they specifically asked about U.S. policy regarding such deals in meetings with State Department employees prior to Hunt Oil signing their production-sharing contract with the KRG and were told "there was no policy, neither for nor against." I am concerned that if a policy discouraging contracts with regional governments was in place prior to the signing of Hunt Oil's contract with the KRG, that it was not adequately understood or communicated by State Department employees in their interactions with Hunt Oil and other international oil companies seeking to do business in Iraq.

Mr. President, I ask unanimous consent that a letter I wrote to the President's National Security Advisor, Stephen Hadley, and his response to me on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 5, 2008.

Hon. STEPHEN J. HADLEY,
Assistant to the President for National Security Affairs, National Security Council, Washington, DC.

DEAR MR. HADLEY: I write to you in regard to Hunt Oil Company's decision to sign an oil production sharing contract (PSC) with the Kurdistan Regional Government (KRG) on September 8, 2007, and the official U.S. government policy relating to such deals. The KRG has now signed more than 25 PSCs with international oil companies, several of which are subsidiaries of U.S.-based companies.

The PSCs signed between international oil companies and the KRG run directly counter to our goals for reconciliation in Iraq and risk fracturing the country over the management of Iraq's oil industry and distribution of oil revenues. As you know, Iraq's Oil Minister has called PSCs like the one signed by Hunt Oil "illegal." Furthermore, the State Department's May 2008 report on Iraq states that progress on the national hydrocarbon legislation "is at a standstill" and its prospects for passage have been "further complicated by the KRG's pursuit of oil contracts."

While the State Department report also indicates "the United States continues to discourage the KRG from signing oil contracts until negotiations on a national oil law are completed," I am concerned that U.S. policy has not been clearly and consistently communicated to oil companies who have signed or may be considering signing PSCs with the KRG, including U.S.-based companies like Hunt Oil.

In response to reports of contacts between Hunt Oil employees and State Department representatives prior to the company signing a PSC with the KRG on September 8, 2007, I sent a series of letters to Hunt Oil and Secretary Rice regarding the nature of these contacts and whether U.S. officials expressed opposition to such a deal prior to its signing. The responses I received from the State Department and Hunt Oil starkly contradict one another.

In response to a letter I sent to Hunt Oil Chief Executive Officer Ray Hunt, I was provided an email from Hunt Oil's General Manager for Mideast Exploration David McDonald to another Hunt Oil employee dated September 28 in which he detailed meetings he had with State Department Regional Reconstruction Team (RRT) representatives on June 12, June 15, and September 5, 2007. Of the June 15 meeting, Mr. McDonald states that he "specifically asked if the USG had a policy toward companies entering contracts with the KRG" and was told "that there was no policy, neither for nor against." Mr. McDonald also states, "There was no communication to me or in my presence made by the 9 state department officials with whom I met prior to 8 September that Hunt should not pursue our course of action leading to a contract. In fact there was ample opportunity to do so, but it did not happen."

On the other hand, the State Department in a letter to me stated "Hunt Oil apparently first expressed its interest in signing an agreement with the KRG to RRT staff in the meeting on September 5, 2007. RRT staff explained U.S. Government policy against signing deals with the KRG to Mr. McDonald."

The clear inconsistency between the State Department and Hunt Oil in their accounting of the meetings leading up to the company's signing of a PSC with the KRG is deeply troubling. Hunt Oil says that they were never told about a U.S. policy against signing deals with the KRG. The State Department says that Hunt Oil was told of such a policy on September 5, three days before the deal was signed.

I believe the administration should request Hunt Oil, and other U.S.-based oil companies, to withdraw from any PSC they have signed and to advise the KRG that they are doing so in order to facilitate the passage of national hydrocarbon legislation. I also believe that the administration should clearly define and disseminate a policy relating to the signing of oil deals with the KRG.

Thank you for your attention to this matter.

Sincerely,

CARL LEVIN,
Chairman.

THE WHITE HOUSE,
Washington, DC, July 4, 2008.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for the opportunity to reiterate the Administration's policy regarding oil production sharing contracts with the Kurdistan Regional Government (KRG).

United States policy strongly discourages oil production sharing contracts between private companies and regional governments in Iraq, including the KRG, prior to the enactment of national hydrocarbon legislation authorizing such contracts. This policy is embodied in a cable to the United States Embassy in Baghdad dated August 3, 2006. I understand that you have been provided with a copy of this cable. The United States Government also has announced this policy publicly.

To implement this policy, the United States has been in a position to request companies, including U.S.-based companies, not to enter into any oil contracts with regional governments in Iraq and to advise those companies of the legal and political risks of doing so.

You have asked the United States to request that U.S.-based oil companies withdraw from oil production sharing contracts already signed with the KRG. The Administration shares your view that it would have been better had these contracts not occurred. We do not believe, however, that seeking the termination of oil contracts between the KRG and private companies based in the United States would substantially advance efforts to resolve the impasse with the KRG on national hydrocarbon legislation in Iraq. Oil production sharing contracts between U.S.-based private companies and the KRG constitute only a small number of the approximately two dozen oil production sharing contracts to which the KRG is a party.

The United States continues to encourage both the KRG and the national government of Iraq to resolve their differences and to agree on national legislation that will allow companies to pursue opportunities with a clear legal framework across Iraq.

Please let me know if we may be of further assistance regarding this matter.

Sincerely,

STEPHEN J. HADLEY,
Assistant to the President for National Security Affairs.

Mr. LEVIN. Mr. President, on a related issue, recent reports indicate the Government of Iraq is now in negotiations with five Western oil companies for no-bid "technical service" contracts at existing oil fields. When asked about these contracts on June 19, 2008, Secretary Rice said:

> The United States Government has stayed absolutely out of the matter of the awarding of Iraqi oil contracts. It's a private sector matter.

However, subsequent reports indicate that State Department employees advised the Iraqi Government on the drafting of these technical service contracts. These reports were followed on July 1 with news that Iraq intends to award contracts to develop six oil fields and two natural gas fields, with or without the passage of national hydrocarbon legislation.

These contracts would seem to circumvent the national hydrocarbon legislation currently under consideration in Iraq and could risk further complicating what are already delicate negotiations. I am concerned by the administration's silence on these contracts and the message our reported involvement in drafting the no-bid technical service contracts sends to the Iraqi Government about the importance of passing national hydrocarbon legislation. I am sending a letter to Stephen Hadley today asking him about U.S. policy with regard to these service and development contracts and expressing my concern that such contracts might harm negotiations on national hydrocarbon legislation. I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 11, 2008.

Hon. STEPHEN J. HADLEY,
Assistant to the President for National Security Affairs, National Security Council, Washington, DC.

DEAR MR. HADLEY: Thank you for your July 4, 2008, response to my previous letter. However, I remain concerned about the signing of oil deals in Iraq in the absence of national hydrocarbon legislation and the lack of a clearly stated U.S. government policy regarding such deals.

Published reports indicate that the Government of Iraq is in negotiations with five Western oil companies for no-bid "technical service" contracts. These reports were followed on July 1st with news that Iraq intends to award contracts to develop six oil fields and two natural gas fields.

These contracts would appear to circumvent the national hydrocarbon legislation currently under consideration and risk further complicating what are already delicate negotiations. Furthermore, continued failure by the Iraqi Government to pass national hydrocarbon legislation, a political benchmark set by the Iraqis for themselves, risks fracturing the country.

I am concerned by the Administration's silence on the potential signing of technical service and oil field development contracts by the Iraqi government prior to passing national hydrocarbon legislation and would appreciate your response to the following questions:

1. Is there an official U.S. policy with regard to the technical service contracts currently under negotiation by the Iraqi Government?

2. Is there an official U.S. policy with regard to the oil field development contracts being considered by the Iraqi Government?

3. Is it the Administration's view that the technical service contracts or the oil field development contracts under consideration by the Iraqi Government will complicate efforts to pass national hydrocarbon legislation? If so, have you expressed these concerns to the Iraqi Government or to oil companies seeking to do business in Iraq?

Thank you for your prompt assistance in this matter.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise today to briefly discuss the turmoil in the financial markets, especially with regard to Fannie Mae and Freddie Mac. Let me be clear, Fannie and Freddie are too important to fail. Their fundamentals, as they look now, provide no reason to think they will fail. We all know how important they are.

These two institutions are the foundation of the mortgage market, and we fully stand behind them and their crucial role. Without Fannie and Freddie, housing markets would come to an utter standstill and our economy, shaky as it is, would sink much deeper. Therefore, we should take all necessary steps to ensure affordable home ownership for millions of American families, and that includes preserving the essential role Fannie Mae and Freddie Mac play.

Our Nation is caught in the middle of one of the most severe housing downturns since the Great Depression, so it is not surprising that the two institutions that guarantee $5 trillion worth of mortgages for families across America are now facing real significant challenges. But the markets' overreaction over the past 2 days is more based on psychology than reality.

Over the past few days, Treasury Secretary Paulson, James Lockhart, the GSE's primary regulator, the Federal Reserve, and Chairman Bernanke, and leading Senators, including both parties' candidates for President, have all clearly stated their confidence in Fannie and Freddie and the Government's commitment to keeping those institutions safe and secure.

That commitment has not changed and will not change.

Fannie Mae and Freddie Mac are well capitalized. They are actually holding capital in excess of their current requirements.

In these volatile markets—in these volatile markets—share price is not the most reliable measure for judging Fannie and Freddie and will not dictate the responses by the regulators. Rather, the regulators are more closely watching the performance of Fannie's and Freddie's bonds and how their yields compare to U.S. treasuries. Right now, Freddie and Fannie bonds are trading closer to treasuries than they were in March after the Bear Stearns collapse, and that is a reassuring signal.

The stock markets may be overreacting, but the regulators should not and will not. I have talked to them on a regular basis today, and I can assure Americans in the markets that they are very much on top of this problem, they are looking at it in a careful, thoughtful, but nonpanicky and nonrush way.

We do not believe the regulators will be forced to act, but if they are, it is not a choice between inaction or full-blown receivership because there is more than one way to shore up Fannie and Freddie, if necessary. There are countless intermediate steps that regulators could take before ever having to entertain a Government takeover.

The regulators are preparing for worst-case scenarios. But developing contingency plans does not mean that disaster is around the corner. By simply being prepared, the Government can restore confidence that these institutions will remain safe and secure and continue to function in their essential role as the cornerstone of the mortgage markets for decades to come.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Alabama is recognized.

AIR FORCE'S KC-X TANKER COMPETITION

Mr. SESSIONS. Mr. President, I wish to take a few moments to talk about the Air Force's KC-X tanker competition. There was a House hearing on that matter this week, and a number of our colleagues have spoken on it. I have discussed it on the floor a couple of times.

As you will remember, that contract was awarded to the Northrop/EADS team back in February, after a competition that the Air Force adjudicated. That team—the Northrop/EADS team—plans to build a new tanker, which our military desperately needs, in my hometown of Mobile, AL. It is important to the people of Alabama, and they are watching it very closely.

However, Boeing objected to the decision. They protested. They cited 100 concerns with the Air Force's award—more than 100. The Government Accountability Office, whose duty is to review such complaints, did so and concluded that out of the 100-plus complaints, only eight elements of the protest had merit. So it was then up to the Department of Defense, after the GAO report was issued, to decide how it would address GAO's concerns. That is the way the system works, and every bidder has that opportunity. The DOD was not legally bound to accept or acknowledge these criticisms. They legally could have gone forward with the process and affirmed their own decision and gone forward with it. However, Secretary Gates considered the matter carefully. He announced that in order to ensure this selection process is totally fair, transparent, and beyond reproach, that the Secretary would order a "limited recompetition" of the contract. This new competition will be personally overseen, he said, by the Under Secretary of Defense for Acquisition, Technology, and Logistics, Mr. John Young, and Mr. Young will be advised by a completely new Source Selection Advisory Committee.

Secretary Gates announced he will amend the original solicitation and allow both Boeing and Northrop Grumman to submit revised bids. The amended contract will address each of the eight complaints that were upheld by GAO. Wisely, I think, it ignored the extraneous issues that some have raised over the past few months, such as WTO disputes or industrial base matters.

So let me repeat, each of the concerns raised by the GAO would be addressed, but political considerations here in Washington, the Secretary said, will not affect this process.

So as the Secretary said in his press conference yesterday:

> Industry, the Congress and the American people all must have confidence in the integrity of this acquisitions process. I believe the

> revised process will result in the best tanker for the Air Force at the best price for the American taxpayer.

I think that is what Congress asked of him, and that is what he has committed to do.

The GAO affirmed the Secretary's decision yesterday in testimony before the House Armed Services Committee. Daniel Gordon, the Deputy General Counsel for the GAO—I think he headed the team or supervised the team at GAO—said that, based on the Department of Defense press conference earlier this week, "it certainly sounded to me like Secretary Gates was acting in good faith to implement the recommendations" made by the GAO. This expedited process, it is hoped, can lead to a new source selection soon.

There are some additional points I wish to make to respond to those who say the GAO's decision suggests a preference for one aircraft—for the Boeing aircraft. In other words, some have contended that their decision indicated that GAO was suggesting that a wrong decision was made. Others have suggested that this report should, therefore, invite the Congress to somehow take over this competition, which I submit would be unprecedented and unwise since we are not aircraft engineers, we are not pilots, we are not responsible for managing these aircraft, nor are we capable of making the final decision about which aircraft is the best.

So I would make these points: No. 1, the GAO did not say Boeing should have won the competition at all, nor did it say the award should now be sole-sourced to Boeing or any other contractor. GAO said clearly when they released their decision:

> Our decision should not be read to reflect a view as to the merits of the firm's respective aircraft. Judgments about which offeror will most successfully meet the governmental needs largely is reserved for the procuring agencies, subject only to such statutory and regulatory requirements as full and open competition and fairness to potential offerors.

This point was reinforced yesterday in testimony before the House Armed Services Committee by Mr. Daniel Gordon, who is the deputy general counsel for the GAO:

> We found serious errors in the procurement process that could have affected the outcome of, again, what was a close competition. But our legal decision does not say anything about the merits of the Boeing's or Northrop's proposed tankers.

Point 2: When it comes to capability, the Northrop Grumman plane is still the superior choice for our warfighters, I would submit, based on the analysis, and I would make these points—ultimately, that would have to be decided by the professionals, not this Senator.

I would just make these points as a push-back to some of the comments my colleagues have raised. First, I would note that the A330, the Northrop aircraft frame, is a more modern airframe than the Boeing 767. The first 767 flew in 1982. The A330 was first built in 1998, some 16 years later. It is a much more modern airframe.

No. 2: I would note that no one disputes that the A330 can carry and offload more fuel, the primary job of a refueling tanker. The Air Force judged that one Northrop plane could do more refueling more efficiently than one Boeing plane, and the GAO upheld that finding.

The GAO did criticize the Air Force for giving Northrop "extra credit" for their superior refueling capability. However, they noted that this extra credit was not in keeping with—in a legal sense—the language of the original request for proposal. They did not say the Air Force shouldn't place a premium on refueling capability. Mr. Gordon of GAO said yesterday:

> There was an objective. Northrop exceeded it by quite a bit and Northrop got all the extra credit. We have no opinion, we have no view on whether it was a good idea.

Well, I would suggest that giving a refueling tanker credit for its refueling capability would seem like a good idea to me, if the Air Force wants the best aircraft for their men and women in uniform.

Further, I would note that in addition to carrying more fuel, the GAO also agreed with the Air Force and their finding that the larger boom envelope of the Northrop KC-45 would make it easier and safer for pilots to refuel.

In addition, because the A330 is a more capable refueler than the 767, the Air Force predicts they will ultimately have to buy 22 fewer aircraft if they go with the Northrop team. At today's prices, the sticker price of 22 aircraft is $4.3 billion. That is without factoring in manning those aircraft and maintaining them over the years.

The GAO acknowledged in their report and in their testimony yesterday that the A330 can carry more cargo, more personnel, and conduct more aeromedical evaluations. They said:

> We see no basis to conclude that the Air Force's evaluation that Northrop Grumman's aircraft was more advantageous in the airlift area is unreasonable.

The GAO further found no fault with the Air Force's conclusion that the Boeing proposal was more risky in certain areas and that their past performance on—by the Boeing team—on similar contracts was "marginal."

So what did the GAO ultimately say about the Air Force's decision? They certainly said the decision was flawed from a procedural perspective, but they also said the Air Force picked a plane that could carry and offload more fuel more efficiently and in a more desirable way for pilots.

The main fuselage compartment of the aircraft is not where the fuel is stored. It is in the wings. So these aircraft have a tremendous capability of helping airlift personnel and equipment to a distant battlefield. They found that the plane's secondary mission—airlift—could be accomplished more effectively by the Northrop aircraft.

Finally, the GAO agreed that the Northrop plane was lower risk and that Boeing had marginal past performance.

Point 3: We need to maintain a fair and competitive process. The fact that we chose to compete this contract—that Congress ordered a competition for this aircraft—directed it rather than sole-sourcing it to Boeing or any other company, as some would have preferred, has been hugely beneficial to our military and to our taxpayer. Boeing's preferred sole-source leasing plan or scheme that got through this Congress, or this Senate, would have had us leasing 100 767s for $23.5 billion. So we would lease them for $23.5 billion, or $235 million a copy.

Now, thanks to this very competitive and aggressively conducted bid competition, thanks to fair and transparent procedures, the military is going to own 179 superior aircraft for $35 billion, or $195 million a copy. That is a win for the taxpayers and a win for the military.

As Secretary Young said yesterday in his testimony before the House Armed Services Committee:

> I see no benefit, in my experience across the acquisition enterprise, setting this aside. Sole sources limit our flexibility in negotiating prices. We achieve the best value through a competitive source selection of a single source who has bid in a competitive environment and offered us hopefully an excellent deal.

So these words should induce caution in those of my colleagues and some of our Senators who have introduced legislation that would, in effect, sole-source this contract to Boeing. The result would be inferior planes for our military and clearly inflated costs for the taxpayers.

As important as the principle that we should have a competitive process for defense contracts is the principle that the military ultimately—and not the Congress—should be in charge of making meritorious, objective, and fair decisions on who should be the winner of a contract.

As Secretary Young said yesterday in his testimony:

> Grounded in the warfighter's requirements and the pursuit of the best value for the taxpayer, the Defense Department is the only organization that can fairly and knowledgeably conduct this competition . . .

Isn't that true?

> . . . The Defense Department does not care which tanker wins the competition. The Defense Department's sole objective is to get the required capability for the men and women who serve this Nation at the best price for the taxpayer.

I certainly think that is correct. I certainly think that is correct.

I will conclude by saying, after the collapse and quite a bit of embarrassment and actual criminal prosecutions of the sole-source lease plan that occurred—and we are all aware of how that occurred—Congress required a competition. By definition, a competition assumes that there will be bidders, and there are only two potential bidders in the world for this kind of aircraft. And if you are going to have a competition, it needs to be fair. Both bids should be objectively evaluated on the merits of the product they have offered. If that is so, I think the American taxpayer will be the winner in the end. I will just say to my colleagues, I have advice. I believe the Northrop team presented the best aircraft, but I don't know. I am not an expert. So I would urge my colleagues to resist any political pressures that might be brought to bear or interests that they may have in infecting this process with politics. Let's let them make the best decision. That is what I have said from the beginning, and that is what I have said throughout this process. That is what I believe is the only right position we can take.

I thank the Chair and yield the floor.

JOB TRAINING

Mr. DODD. Mr. President, I am pleased that the Senate is poised to pass this critically important legislation that will help address the foreclosure crisis our Nation is facing and take necessary steps to bolster our flagging economy. We have all seen the far-reaching effects the housing crisis is having on our economy, and in my view it is incumbent upon us to examine any actions we might take to reduce foreclosures and steady our Nation's housing markets.

My home State of Connecticut has pursued an innovative approach to help people facing foreclosure on their homes. In a bill passed recently by the Connecticut General Assembly and signed by the Governor, $2.5 million was devoted to a job training fund targeted at people facing foreclosure. Guiding this new initiative is the idea that if people have access to job training, they may be able to find higher paying jobs that would allow them to keep their homes and avoid foreclosure. This program will be run by The WorkPlace, Inc., Southern Connecticut's workforce development board, and Capital Workforce Partners, North Central Connecticut's workforce board that serves 37 municipalities, both of which have done a tremendous job in Connecticut helping to train people for better jobs over many years. I think that this is an important idea that merits study as the Congress continues to consider how to help hard-working families weather the current economic storms. As the Chair of the Subcommittee on Employment and Workplace Safety and a great champion of job training programs, I would welcome any thoughts on this matter from my distinguished colleague from Washington.

Mrs. MURRAY. I thank the distinguished chairman of the Banking Committee, and thank him for his leadership on this legislation. As the chairman knows, I have been a long-time advocate of our Nation's job training programs as an effective tool to help people get the skills they need to secure family-wage jobs, improve their quality of life, and keep our communities healthy and competitive. In fact, I believe that giving workers the opportunity to grow their skills is one of the critical elements of our Nation's economic security. That's why I fought for the passage of the Workforce Investment Act in 1998 and will continue to push for its reauthorization and increased funding levels for its job training programs. Workforce boards around the country, including those in my home State of Washington, administer great job training programs that help millions of Americans get off unemployment rolls or out of low-paying, dead-end jobs.

I think the program that my colleague described sounds like an initiative that is certainly worth study. Indeed, any ideas that could help even more people avoid the economic turmoil and emotional hardship foreclosures cause for themselves and their families should be considered.

Mr. DODD. I thank my colleague from Washington for her comments and for her leadership on this issue. I also would ask the Senator from Washington if it is her understanding, as it is mine, that workforce boards administer programs that train workers for jobs in cutting-edge industries such as renewable energy and energy efficiency.

Mrs. MURRAY. I thank the Senator from Connecticut for his question. We believe now, as we did when we passed the act into law, that for training to benefit working families and their communities, it must respond to the skills needs of thriving industries that lead to family-wage jobs. An example of this is the green jobs sector. Innovative States, such as my own State of Washington, are leading the expansion of career opportunities in the green economy, making sure that opportunities are readily available for workers to acquire the skills to qualify for these good jobs. In fact, Washington State set a new goal to increase the number of clean energy jobs to 25,000 in the next 12 years and committed to finance the necessary training. Innovative workforce boards across the country increasingly are providing training for green collar jobs that will be critical in meeting the demands of a low-carbon economy and providing workers with quality jobs. And Congress also is taking action. As a member of the Committee on Appropriations, I supported the recent passage the Labor/Health and Human Services bill; we reported that a greater training investment needs to be made in areas such as renewable electric power, biofuels, energy-efficiency assessment and environmentally sustainable manufacturing and directed the Secretary of Labor to competitively award community based job training grants in these areas. All of these programs will be instrumental in developing the skilled domestic workforce necessary to maintain our Nation's competitive edge.

Mr. DODD. I look forward to working with the distinguished senior Senator from Washington on this idea and hope that we continue to explore fresh ideas to help lift our Nation out of this housing crisis.

Mr. AKAKA. Mr. President, I support the Housing and Economic Recovery Act of 2008. I appreciate the leadership of Chairman DODD and Ranking Member SHELBY in developing a comprehensive bill that will meaningfully address the housing crisis in our country. Working families are losing their homes. Credit access has been drastically reduced. Affordable housing options for our constituents are severely limited.

Hawaii's foreclosure rate increased by more than 88 percent last year, for a total of 1,270 families who had their homes foreclosed. The results for the first part of 2008 are even more troubling, with a foreclosure rate in April representing a 218 percent increase over the same month in 2007. Comparatively, Hawaii has not suffered as much as other States. However, foreclosure statistics do not reflect pending delinquencies for those families struggling to make payments or those with resetting adjustable rate mortgages. Additionally, falling home prices can lead to homeowners having to sell at a significant loss due to an unexpected transfer or a loss of a job, especially under current economic conditions.

This much needed bipartisan legislation will help protect homeowners across the country, prevent foreclosures, increase the supply of affordable housing, and assist our Nation's veterans. This legislation will modernize and improve the Federal Housing Administration, FHA, to provide homeowners with additional access to fixed rate mortgages. Additional resources will be provided by this bill for housing counseling to assist homeowners in finding solutions to their difficult situations. Mortgage disclosures will also be made more meaningful to consumers by this legislation.

The bill creates a new affordable housing trust fund and a capital magnet fund to increase access to affordable housing. These efforts are so important because we have such a shortage of affordable housing in my home State of Hawaii. According to the National Low Income Housing Coalition's

2007–2008 Out of Reach report, Hawaii ranks as the most expensive housing jurisdiction in the country. We must act to provide additional resources to help build and preserve affordable housing units for working families.

I also appreciate the inclusion of a provision that is derived from my legislation, S. 2768. This corrects an oversight in the Economic Stimulus Act of 2008 and extends the temporary home loan guaranty increase to veterans so that more of them can realize the dream of home ownership.

The VA Home Loan Guaranty was part of the original GI bill in 1944. It provided veterans with a federally guaranteed home loan with no downpayment. This landmark legislation made the dream of home ownership a reality for millions of returning veterans. More than 25 million veterans and service members are now eligible for VA home loan guarantees.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Improvement Act of 2004. The maximum guaranty amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, because the Freddie Mac conforming loan limit for a single family residence in 2008 is $417,000, VA will guarantee a veteran's loan up to $104,250. This guaranty exempts homeowners from having to make a downpayment or secure private mortgage insurance.

The newly enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly $730,000, in the highest cost areas, while leaving the VA limit of $417,000 in place. This important group of Americans may benefit from an increased home loan guaranty in this time of economic uncertainty.

This legislation would also increase benefits for specially adapted housing for disabled veterans. Increases in housing and home adaptation grants have been infrequent. Unless the amounts of the grants are adjusted, inflation erodes the value and effectiveness of these benefits, making it more difficult for beneficiaries to afford the accommodations they need. This provision would go a long way in making certain that specially adapted housing benefits meet the current needs of America's veterans.

We must enact this essential legislation to help homeowners remain in their homes, ensure access to credit, create more affordable housing opportunities, and provide much needed improvements to veterans' housing benefits.

Mr. FEINGOLD. Mr. President, I support the Housing and Economic Recovery Act because it contains a number of provisions that will assist communities in Wisconsin and around the country as they continue to respond to the foreclosure crisis. Many housing analysts say that the foreclosure crisis and its drain on our economy could get worse before it gets better. With more than 2 million American families facing foreclosure, Congress must act both to help those Americans going through foreclosure now as well as to help prevent Americans from facing foreclosure in the future. While not perfect, this bill contains both reactive and proactive provisions that should help States, local communities, and American families as they deal with the foreclosure crisis and its effects on our Nation.

Last month, the Joint Center for Housing Studies at Harvard University released its annual report, "The State of the Nation's Housing." This report looks at a variety of housing statistics, including figures related to affordability issues and foreclosures. The report indicates just how grim the housing situation in our country is right now. According to the report, "the number of homes in foreclosure proceedings nearly doubled by almost one million by the end of 2007." While the foreclosure rate in my State of Wisconsin is not as high as in other parts of the country, Wisconsin's foreclosure rate also continues to grow. The Milwaukee Journal Sentinel has compared foreclosure rates in 2008 and 2007 and reported that for the first half of this year, the foreclosure rate in Milwaukee County increased by over 40 percent when contrasted with 2007's foreclosure rate. Additionally, the Capital Times recently reported about the substantial increase in foreclosures throughout Wisconsin over the past few years, noting that "foreclosures have more than doubled from 2005 to 2008." I also continue to hear from housing advocates about the individual families' stories behind these foreclosure statistics and about the rising number of foreclosures in urban, rural, and suburban parts of Wisconsin. With foreclosures continuing to rise, Congress has a duty to act. Although there are provisions in this bill that I have serious concerns about and hope to see changed, on balance, this housing package represents a step in the right direction.

Last month's report from the Joint Center for Housing Studies at Harvard also highlights the problem of affordability of housing and notes that there are over 17 million families whose housing costs consume more than half their income. I continue to hear about the lack of affordable housing, both for renters and homeowners throughout Wisconsin. Some housing analysts have also said that the lack of affordable housing helped to contribute to the growth in subprime lending and nontraditional mortgage products in recent years as families increasingly struggled to meet rising housing costs. I am pleased that this Senate bill addresses the lack of affordable housing in this country by creating a housing trust fund financed by resources from the Government-sponsored enterprises, Fannie Mae and Freddie Mac. Over the past few years, I have heard from a number of housing advocates throughout the State of Wisconsin about the need to create a national affordable housing trust fund to supplement the affordable housing work that is going on at the local, city, and State level. Hundreds of affordable housing trust funds have been created throughout the country, including in the city of Milwaukee, and help finance the rehabilitation, production, and preservation of affordable housing. These trust funds not only create affordable housing, but they can also create good-paying jobs and help bring stability to our communities.

In the fall of 2006, I introduced the Affordable Housing Expansion and Public Safety Act, which among other things called on Congress to create a national affordable housing trust fund with the goal of supplying affordable housing units and sufficient income targeting to address the housing affordability burdens faced by extremely low-income and very low-income families. I am pleased this legislation we are considering takes the first steps toward the creation of a national housing trust fund and contains deep income targeting to benefit extremely low-income and very low-income families. Research shows that these families often face the most severe housing cost burdens and have a difficult time finding affordable housing whether they live in urban, suburban, or rural communities. I commend Senators REED and DODD for working to ensure this provision was included in the legislation and I hope that the final housing package sent to the President will retain this provision.

I have also heard from advocates in Wisconsin in strong support of the nearly $4 billion that is included in CDBG funding to States and local communities hard hit by the housing crisis. These funds can be used to buy and redevelop foreclosed upon homes with the intention to sell, rent, or redevelop these homes. This provision was also included in the Senate Foreclosure Prevention Act that this body passed in April of this year and, at that time, I noted that the flexibility of the CDBG program will allow States and local communities to use this funding in a way that best fits the indiviaual needs of their States and communities. I am pleased that the Housing and Economic

Recovery Act retains the requirement that 25 percent of the CDBG funds included in this bill be used to redevelop foreclosed homes for families or individuals whose income is at 50 percent of the area median income or less. This targeting will help ensure that those most in need are not left out of the Federal assistance provided in this legislation. I am disappointed that the President has issued a veto threat over this provision of the legislation given its broad support from housing advocates and State and local governments.

This provision would provide much needed assistance for a number of States, including Wisconsin. According to the Center for American Progress, the CDBG funds in the bill will bring Wisconsin $57.2 million in direct funds for housing assistance and restore over 1,815 properties. The Senate has designated this funding as emergency funding, and while I would prefer to see this CDBG funding fully offset, this critical funding is needed in our communities now. The Senate will soon be sending this bill back to the House of Representatives, and I urge my colleagues in the other body to offset this CDBG funding rather than strike it out of this package entirely.

I also support the provisions in this bill providing increased funding for mortgage counseling programs as well as provisions that enhance mortgage disclosure requirements. These provisions were also included as part of the Senate Foreclosure Prevention Act that this body passed in April, and I am pleased the provisions were kept in as part of this current package. Reports indicate that the mortgage counseling dollars are a cost-effective use of Federal dollars and increased funding will provide even more families with the necessary assistance to try to reach workable solutions with their lenders in order to remain in their homes. The enhanced mortgage disclosure requirements included in this legislation will help future borrowers who are taking out their first mortgage or refinancing their existing mortgages better understand the terms of their loans and how much they can expect to pay every month. There are a number of reports indicating that some borrowers were misled into troublesome loan products and these enhanced disclosures will help to prevent some of these egregious practices from happening in the future.

This legislation also contains a regulatory overhaul of the Government Sponsored Enterprises, Fannie Mae and Freddie Mac, as well as the Federal Home Loan Bank system. Congress has been working to overhaul the regulatory structure of Fannie Mae and Freddie Mac for years in response to the accounting scandals at the two GSEs in 2003 and 2004. This legislation creates a single regulator for the GSEs that will help to oversee the stability of the GSEs, including setting up management standards for Fannie Mae and Freddie Mac. More effective oversight of the GSEs is needed and should this legislation be enacted, Congress must closely follow the implementation of these substantial GSE reforms to ensure the reforms are effective.

This comprehensive housing package includes the FHA Modernization Act which has already passed the Senate twice—once as a stand-alone bill in December of last year and earlier this year as part of the Senate Foreclosure Prevention Act. The Federal Housing Administration is an important Federal agency providing expanded access to the housing market for homeowners by offering mortgage insurance to families throughout the country. There is bipartisan support for modernizing the FHA to help the agency better assist homeowners in today's housing market. As with the GSE reforms contained in this bill, I will monitor the implementation of the FHA reforms to ensure that these reforms truly benefit low-income and middle-income homeowners who are the very homeowners the FHA and the GSEs are supposed to serve as part of their affordability missions.

Another piece of this legislation is the Hope for Homeowners Act, which will establish a new Federal Housing Administration program that will allow homeowners facing foreclosure to refinance their mortgages into an FHA-insured mortgage. It is important to note that this voluntary program is not permanent and contains a sunset ending the program in 2011. While this program is certainly not perfect, the Congressional Budget Office has estimated that the program could help 400,000 of the over 2 million homeowners facing foreclosure stay in their homes. This program should be given a chance to work with careful oversight from Congress, the FHA, and HUD to ensure that borrowers and lenders are not taking advantage of the program. The Hope for Homeowners program contains a number of provisions to help ensure that the program is targeted to borrowers facing foreclosure, rather than speculators who gambled on the housing market. For example, the borrower has to certify to the Federal Government that he or she has not defaulted on his or her mortgage intentionally or provided untrue information to obtain a mortgage. The legislation also specifies that the Hope for Homeowners program is only available to mortgages that cover an owner-occupied primary residence, and not speculators who own multiple homes. Lenders will also have to agree to write down the value of the existing mortgages to be no more than 90 percent of the current value of the property. Finally, the borrowers will have to share any future equity and appreciation in their homes with the Federal Government if the borrower decides to sell his or her home or refinance his or her mortgage.

This bill is not perfect. I have some concerns related to certain provisions in the bill that I hope can be addressed in ongoing negotiations with the House of Representatives.

For example, I am disappointed that this bill does not include Senator DURBIN's legislation which would have removed a provision in bankruptcy law that prevents mortgages on primary residences from being modified during bankruptcy. According to advocates, the Durbin legislation could help approximately 600,000 individuals or families remain in their homes. We tried to pass this legislation as an amendment to the Senate Foreclosure Prevention Act in April, but, unfortunately, the amendment met with stiff resistance in the lending community. Due to the complex nature of the foreclosure problem, we need to enact a wide range of legislative proposals to help families facing foreclosure, and the Durbin legislation is an important part of any legislative response. I voted for Senator DURBIN's stand-alone legislation in the Judiciary Committee, and I hope the Senate can move this proposal forward in the coming weeks and months.

We also need to address predatory lending practices that have taken place around the country and ensure that such abuses are not repeated. Senator DODD has introduced a predatory lending bill that should serve as the foundation for comprehensive predatory lending legislation. Predatory lending practices and abusive subprime lending practices have contributed to one of the most significant challenges to our national economy in years and in order to more effectively address these challenges, Congress should pass predatory lending legislation this year.

As foreclosure rates continue to grow in Wisconsin and around the country, Congress must address the problems associated with increased foreclosures. Subprime lending and rising foreclosure rates are complicated issues to unravel and any response, whether legislative or regulatory, will bring with it a set of consequences, some intended and some unintended. As this legislation moves forward, Congress and the relevant Federal agencies must monitor its effects and consider whether modifications are necessary. This package of reforms and new programs will likely not correct all of the subprime and foreclosure problems our country continues to face. But a number of the provisions in this bill will provide some help for families, local communities, and States as our country continues to respond to these serious housing issues, and I hope the House will pass and the President will sign this bill into law quickly.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, later this afternoon the Senate will be voting on two measures. One is the housing bill. We have been working on it for months. The object behind this bill is to find some relief for the thousands of people who will lose their homes today and every day.

About 7,500 Americans will have their homes foreclosed on today, and that has been repeated over and over. We are reaching a housing crisis in this country. It not only affects those who are losing their homes; it affects those of us who live nearby who make our mortgage payments and watch the value of our homes go down because somebody in the neighborhood lost their home, had to put it up for auction, sold it at less than what they wanted to just to get out of the deal. So we need to do something about this housing crisis, not just for the good of those families affected by foreclosure and those living nearby but for the housing industry, which is an important part of our economy.

This housing bill has been around for several weeks. This week alone we had two Republican filibusters slowing down this bill. If there has ever been a time when we shouldn't slow down, when we should move forward with dispatch, it is now. With the state of our economy, with the number of people unemployed, with the costs that a lot of families are facing, this Senate ought to put politics behind, stop these filibusters, move these bills forward, and give our best efforts to try to solve some of the problems facing our country.

The second bill we are going to be voting on is called the PEPFAR bill. This is a bill which relates to a program announced by President Bush.

Now I am on the Democratic side of the aisle. I have sure had my differences with President Bush. However, I can remember his State of the Union Address when he stood up and said: I think the United States should lead the world in fighting the global HIV/AIDS epidemic. I jumped out of my seat to applaud because he was right. I supported the President every year when he came in asking for more money so we could work around the world to deal with the scourge of HIV/AIDS, tuberculosis, and malaria. After the first 5 years, the President came back and said: We need a new program, one that takes into account what we are doing around the world and what we need to do in the future. I think he was right.

We basically had two programs going at once, and we were participating more in one—the PEPFAR Program—which was the President's emergency program to deal with this problem. It was the direct aid of the United States to countries around the world—some 15 different countries—where we provide assistance in dealing with HIV/AIDS, tuberculosis, and malaria. There is a separate endeavor called the Global Fund, and that really engages the whole world and the rest of the world. We participate in that too. We are part of it.

A lot of people may say: Well, with all of the problems in the United States, why are we spending all of this money overseas? It turns out to be a small fraction of our budget but a very important investment. First, that money spent defines who we are. America is a caring nation. When we read about tragedies around the world, whether it is a hurricane or an earthquake or some other disaster, our people rally to help.

We always have. I am proud of that. I think it says a lot about who we are. There are a lot of people trying to paint an image of America around the world that is very negative, an image most of us here don't even recognize. For a lot of people in the world, all they ever hear is bad news about the United States.

This is part of the good news about the United States. President Bush's initiative to deal with the global AIDS crisis is the right thing to do. It explains who we are and what American values are. It brings the expertise we have in our country to other countries around the world who are, frankly, struggling with a very slow economy or backward economy, and a lot of people are in trouble.

When I first went to Africa a number of years ago, I wasn't looking for a global AIDS epidemic, but I could not avoid it. In every country there I visited, I would see more and more people who were doomed to die because they had been infected—young people, mothers and fathers with children by their side, who knew death was the ultimate result of this disease. There was no place for them to turn. At that point, there weren't any drugs—at least not available to these poor countries. All they were doing was trying to keep people as strong as they could for as long as they could to avoid the fatal onset of these diseases.

Things have changed. They have changed because of the PEPFAR program of President Bush, the global fund program. We are taking therapies now and medications that have kept Americans infected with HIV alive for so many years and sharing them with countries around the world. President Bush comes before us now with this proposal, S. 2731, which wants to reauthorize the global AIDS program. I think it is a good idea. I am a cosponsor. It is a bipartisan bill, led by Senator BIDEN, a Democrat from Delaware, and Senator LUGAR, a Republican from Indiana. It is a bipartisan bill. This bill has been stopped on the floor of the Senate for months. A handful of Senators don't want this bill to move forward for a variety of reasons. If they disagree with this bill, if there is something they wish to change, let them offer an amendment about the bill.

But it turns out, yesterday, when we confronted these Senators and said: What is your problem? What is the amendment you want to offer, they want to offer amendments that have nothing to do with the global AIDS crisis, nothing to do with this bill. That, to me, is unnecessary and unfortunate. We are delaying the passage of this important lifesaving legislation so some Senators can offer amendments that have nothing to do with the subject matter.

I hope they will reconsider. In fact, the Senate being in session this late on a Friday is unusual. We are usually back home by now. But we are here, having spent the whole day waiting for a vote at about 5:20 because one particular Senator—Senator DEMINT of South Carolina—objected to moving forward with the vote on this bill either this morning or on Monday. So 100 Senators—at least those of us who are still here—wait patiently for this vote and hope to get home to our families this evening or maybe even tomorrow. I hope we pass the bill. We need 60 votes to do it. If all Senators are present, there are 51 Democrats and 49 Republicans. Even with all the Democrats supporting the President, we need nine Republicans to make this a bipartisan bill, and we should.

The Presiding Officer, Senator BROWN of Ohio, has focused a large part of his congressional career in the House and in the Senate on the issue of tuberculosis. He has traveled all around the world and has seen the scourge of the disease and what it has meant to these different nations. We can treat it effectively. If we fail to treat it effectively, it can get complicated and very challenging—this multidrug-resistant tuberculosis, which we read about in the newspapers once in a while and is extremely difficult to treat.

If a person in a developing country is developing tuberculosis, and we can spot it and treat them with very low-cost medicine immediately, we can cure it. If we fail, their condition can worsen and the disease can worsen and more people can be subject to it.

We don't live in a world where public health problems are isolated. The public health problem in Africa today could be the same public health problem in America 2 weeks from now. All it takes is an airplane ride. We have seen that happen before. So when we treat these diseases overseas, we are not only speaking of our values and who we are, we are doing something that is right when it comes to the area of public health.

Critics of the bill have said it goes too far. Let me give you one illustration. They argue, for example, we should not be including in this bill—directed at HIV/AIDS, tuberculosis, and malaria—nutrition programs. They are wrong. I went to an area of Nairobi, Kenya. It is a slum area, where about 600,000 people are living in very abject circumstances. It is called Canberra. If you saw the movie "The Constant Gardener," I believe it was broadcast—or at least filmed in this slum. They have all the problems you can imagine—public diseases and health problems. Of course, HIV/AIDS and tuberculosis are found in this slum area. They took me to a section on the outskirts where there were mothers with small children, families. The kids were playing in this courtyard-like area and the mothers were sitting on benches. Most of the mothers looked like they were about to die. I said: Why didn't these mothers, who are suffering from HIV/AIDS, get the drugs they need? They said: Well, they did. Unfortunately, these mothers were suffering from malnutrition. They don't have enough food. They give the food to the kids. Because they don't have enough food to eat, the drugs cannot work. Their systems are so compromised because of their weakness and malnutrition that the drugs don't work.

So to say we are going to send drugs to that slum in Nairobi, Kenya, to cure HIV/AIDS but not food to feed the patients is self-defeating. We would not achieve our goal of saving lives and giving those kids the parents they need for the rest of their lives. A nutrition program is an important part of this effort.

I hope this bill will pass this afternoon, or at least move forward, but we need 60 votes for that to happen. We have to come together and put politics aside. I hope those who wish to offer a variety of amendments relating to other things, and not directly to global AIDS and HIV, will save those battles for another day. I want them to save those battles because that mother in Nairobi is fighting a battle right now; she needs our help. President Bush understands that. Senator LUGAR, a Republican leader, understands that, Senator BIDEN understands that, and the Senate should too.

It is, to me, a bit embarrassing that we have waited this long to bring up this bill of such critical importance to so many millions of people around the world. It is our chance this afternoon to do what is right and move it forward. The sacrifice we have made to stick around and not be with our families this evening, as we hoped to be, is worth it if, at the end of the day, we can pass this important motion, move the legislation forward for a vote early next week.

I salute the occupant of the chair for his leadership on the issues of tuberculosis and many other areas of public health. I know you feel this is the right thing to do. A small investment now can make a big difference in lives around the world. I hope our colleagues will share that view this afternoon when we vote on the motion to proceed to this bill, which is President Bush's plan to deal with the global AIDS crisis.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. DODD. Mr. President, I wish to take a couple of minutes before the vote occurs in the next 10 minutes or so to thank, first of all, the majority leader for his tireless efforts to see to it that we stuck with this housing bill. I know it has been a number of days since we began this debate on the housing issue.

Regrettably, because of a handful of people who oppose the bill, which is certainly their right, we have been held up from going to final passage. We could have passed this bill yesterday. We could have passed it last week. We have had overwhelming votes in favor of this housing proposal. Yet, as is the right of any individual Senator or small group of them, they can use every parliamentary vehicle available to them to delay any consideration.

The tragedy is, the difference between passing this bill yesterday and today, another 8,000 to 9,000 families are filing for foreclosure, and every day we delayed over the last 2 or 3 weeks of considering this bill—just remember that every day we could have passed this bill, somewhere between 8,000 and 9,000 families began the process of losing their homes.

While we cite these numbers over and over—53 percent increase, values go down, 1.5 million have lost their homes—somehow they glaze over the reality of what is happening with a family. Imagine, if you will, as I said yesterday, that you had to go home this evening and tell your children, your family: We are going to have to lose our home. We have to pack up. I am not sure where we are going. I am not sure we will find anything. But we are about to lose the home that was our dream, the ability to raise our family here, to accumulate equity to pay for college for our children, maybe pay for health care costs, unexpected costs that arose—everything that families use with the greatest and most important asset that most will ever acquire, and that is their home.

Over the last year and a half, 1.5 million people have fallen into the category of losing their home. The economic effects, of course, have been staggering. They go far beyond, obviously, what happens to individual families, as tragic as that is.

This bill, which Senator SHELBY, I, and 19 other members of the Banking Committee—Democrats and Republicans—put together and brought to the floor on a vote of 19 to 2, deals with the foreclosure crisis by providing some hope for allowing people to stay in their homes at rates they can afford. Lenders will have to take a substantial cut from what they otherwise would be getting. Borrowers will have to pay insurance to the FHA. They have to live in that home. It is not for speculators. It is for a limited amount of time, but it gives them a chance to stay there. We also provide for modernization of FHA, as well as reform of government-sponsored enterprises.

Today, as people watched the economic news of the country, we know that Fannie Mae and Freddie Mac, these great mortgage lenders that are responsible for more than 50 percent of the mortgages in the country, have had a tough day. The good news is they stabilized at the end of the day, and rightfully so because these institutions, despite what some have said, are on a sound footing. They are adequately capitalized. In fact, they have more capital than Federal law requires and they have access to it. I am glad to report that things seem to be stabilizing when it comes to the government-sponsored enterprises.

We also include an affordable housing program and, of course, community development block grant money.

Senator MAX BAUCUS and Senator CHUCK GRASSLEY deserve great credit for what they included in the tax package—mortgage revenue bonds, first-time tax relief for people who buy foreclosed houses, along with tax provisions that will be a real asset to begin to let us come out of this economic crisis, the worst we have had in years in this country. In fact, the loss of value in our homes now is some of the worst we have seen in decades in our Nation.

So shortly we will have a chance to once again vote on this bill and then send it to the House of Representatives. I had a good conversation with Congressman BARNEY FRANK of Massachusetts a little earlier this afternoon about this bill, and while there is some disagreement about what we are doing in the Senate bill, my hope would be—and I will make this plea to our colleagues in the other Chamber—that they would be willing to accept this Senate bill. I know there are provisions in there they do not necessarily agree with, but I think on the fundamentals there is basic agreement about the value of what we have done here. I am hopeful they will accept that. They may not, and send us back an alternative idea, but I hope before they did that they would sit down with Senator SHELBY and me and try to work out those differences so we could have one more pass at this before sending it to the President for his signature.

Again, I am very grateful to the majority leader, very grateful to Senator SHELBY and his staff for the wonderful work they have done in working with us in order to bring us to the point of finally adopting this legislation. It is not the final stop, but it is a major stop in getting this bill done, hopefully in the next several days, and getting it to the President for his signature. It will not solve every problem. But for those who said this Congress could not come together in a bipartisan fashion to do something responsible about housing, this bill does that.

For those reasons, I urge my colleagues to support the motion in the vote that will occur momentarily, and let us move on with our ability to solve this major economic crisis, the heart of which is the foreclosure crisis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I want to speak briefly for 1 or 2 minutes, because I know we are voting right at 5:21, and I will be done well before that.

First, I thank Senator DODD for his very important and incredibly effective work on housing. That is such a huge issue, and we need to pass that today, and we will in a couple of minutes.

Secondly, I thank Senator DURBIN for his comments on PEPFAR and how important that is for our place in the world and as a humanitarian effort. I have spent time in prisons in Moscow, in Siberian prison camps, and in Haiti in Dr. Farmer and Dr. Kim's clinic, and I have seen how tuberculosis ravages bodies, especially when it is combined with HIV. Most people in Africa who die from HIV actually are dying from the tuberculosis bacteria. I would add it is even more crucial and devastating when this TB evolves into multidrug resistant TB or, even worse, a newer form, a more virulent, more deadly TB called excessive drug resistant TB.

I urge this body to pass the housing bill, and to have particular focus on the PEPFAR legislation, supported by the President. I appreciate the President's input and work on this. It is very important for our country and for our place in the world.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I ask unanimous consent that the call of the roll begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to disagree to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Michigan (Ms. STABENOW), and the Senator from Montana (Mr. TESTER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Mr. STEVENS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), and the Senator from Texas (Mr. CORNYN) would have voted "nay."

The result was announced—yeas 63, nays 5, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—63

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Lugar
McConnell
Menendez
Mikulski
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Sununu
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—5

Barrasso
Crapo
Enzi
Kyl
Thune

NOT VOTING—32

Alexander
Allard
Bond
Boxer
Bunning
Chambliss
Coburn
Coleman
Corker
Cornyn
Craig
DeMint
Ensign
Gregg
Hagel
Hutchison
Inhofe
Kennedy
Landrieu
Leahy
Martinez
McCain
McCaskill
Murkowski
Murray
Nelson (NE)
Obama
Shelby
Stabenow
Stevens
Tester
Vitter

The motion was agreed to.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I and a number of people have spoken on the floor about the African HIV/AIDS bill many times, including a number of speeches earlier today. This legislation demonstrates our commitment to helping African nations fight the terrible scourge of HIV/AIDS that is now taking approximately 8,000 lives every day on the African Continent. President Bush called on this Congress to invest in this initiative in 2003, and we worked hand-in-hand with the White House to pass this into law.

Now is the time to continue our commitment to this worthy cause. An overwhelming majority of Democrats and Republicans along with the President supported this legislation. I believe this bill should have been passed weeks ago by unanimous consent. I recognize that a very small number of Republicans have continued to object, and we worked hard to reach a compromise and move forward.

Senators LUGAR and BIDEN have done a wonderful job. The concerns among some Republicans have been addressed in this bill. Senators BIDEN and LUGAR negotiated a bipartisan substitute amendment that added more than 15 Republican amendments to this base bill which itself was a bipartisan bill.

Last night, we agreed to have votes on numerous Republican amendments that were relevant to the bill. Unfortunately, my friends on the other side continue to object, which is why we are here today—principally one objection.

Today, we are going to propose a unanimous-consent agreement that would allow 10 Republican amendments, including amendments from Senators GREGG, DEMINT, CORNYN, BUNNING——

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REID. I think the Republican leader and virtually every single Senator would agree that we have negotiated in good faith and reached a fair agreement. Not a single Senator can legitimately claim that they were not given fair consideration, and we allowed 10 Republican amendments in addition to the Republican amendments there are in the bipartisan substitute.

After weeks of delay, I hoped we could move forward with this agreement to finally pass the legislation that all but a handful of Senators strongly support.

Mr. President, I ask unanimous consent that upon disposition of the House message to accompany H.R. 3221, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2731, Global AIDS legislation; that if cloture is invoked on the motion to proceed, then on Monday, July 14, after a period of morning business, all postcloture time be deemed expired, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table, and that the Senate then begin consideration of the bill; that once the bill is reported, the committee-reported substitute amendment be withdrawn, and Senator BIDEN be recognized to offer the Biden-Lugar managers' substitute amendment; that the Biden-Lugar amendment be considered and agreed to, and the bill as thus amended be considered as original text for the purpose of further amendments; that the only first-degree amendments be those that are listed in this agreement, with relevant second-degree amendments in order to the first degree to which offered; that in the case where a 60-affirmative-vote threshold on adoption of an amendment is required, if the amendment does not achieve that threshold, then it be withdrawn; if it achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that the provisions of this agreement relating to the amendments in order would be invalidated if the text of the amendments have not been provided to the bill managers no later than 2 p.m., Monday, July 14, and the managers acting jointly have notified the leaders by 3 p.m., Monday, July 14, that there are no objections; that if the managers and leader, acting jointly, determine that a side-by-side amendment strategy is the appropriate approach for the listed amendments, then it be in order for side-by-side amendments, with the majority getting the first vote on any side-by-side amendments.

The amendments are: Gregg amendment re: Establish an IG within Global AIDS office; Gregg amendment re: Include cost share agreements; DeMint amendment re: Reduce spending authorization to $35 billion; DeMint amendment re: Prohibit fund use for extraneous provisions, subject to a 60-affirmative-vote threshold; Cornyn amendment re: Sunset commission; Bunning amendment re: Reauthorization current law; Kyl amendment re: Specify authorization level for last year will be $10 billion; Vitter amendment re: IG for contributions to Global Fund; Sessions amendment re: Strike lifting ban on visas for individuals with HIV/AIDS, subject to an affirmative 60-vote threshold; Thune/Kyl amendment re: Cut AIDS funding/devote to Indian law enforcement or safe drinking water, subject to an affirmative 60-vote threshold.

Provided that upon disposition of all amendments, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged from further consideration of H.R. 5501, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 2731, as amended, if amended, be inserted in lieu thereof, the bill be advanced to third reading, and the Senate then proceed to vote on passage of H.R. 5501, as amended; that upon passage of H.R. 5501, S. 2731 be returned to the calendar; provided further that if cloture is not invoked, and upon reconsideration of the cloture vote, and cloture is then invoked, then all postcloture time be considered as having been yielded back, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table, and the Senate then begin consideration of the bill; that once reported, the committee-reported substitute be withdrawn, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, I do not intend to object. Can you tell me whether, to your knowledge, the rules require the objecting Senator to be present? I understand on the last vote, which also had an objection, that the objecting Senator did not cast a vote.

Mr. REID. Thank you. I wanted to say this. The reason that we are here today and not working on other business is one Senator held this up, and so this vote is required. That Senator is not here today. So that pretty well answers the question.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 698, S. 2731, the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act:

Harry Reid, Joseph R. Biden, Jr., Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Bernard Sanders, Benjamin L. Cardin, Jack Reed, John F. Kerry, Patty Murray, Jon Tester, Thomas R. Carper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Michigan (Ms. STABENOW), and the Senator from Montana (Mr. TESTER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from

Alaska (Mr. STEVENS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from Texas (Mr. CORNYN) would have voted "nay."

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The yeas and nays resulted—yeas 65, nays 3, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—65

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Lugar
McConnell
Menendez
Mikulski
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Sununu
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—3

Barrasso
Kyl
Sessions

NOT VOTING—32

Alexander
Allard
Bond
Boxer
Bunning
Chambliss
Coburn
Coleman
Corker
Cornyn
Craig
DeMint
Ensign
Gregg
Hagel
Hutchison
Inhofe
Kennedy
Landrieu
Leahy
Martinez
McCain
McCaskill
Murkowski
Murray
Nelson (NE)
Obama
Shelby
Stabenow
Stevens
Tester
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

39TH BIENNIAL CLERGY-LAITY CONGRESS OF THE GREEK ORTHODOX CHURCH OF AMERICA

Mr. REID. Mr. President, I come to the floor today to welcome the 39th Biennial Clergy-Laity Congress of the Greek Orthodox Church of America to Washington, DC. This is a gathering of the clergy and lay leaders of the 550 parishes across the country with their hierarchs—bishops and metropolitans.

I am pleased that the metropolitan with jurisdiction over my State, Metropolitan Gerasimos of San Francisco, and the parishes from Ely, Las Vegas, McGill, and Reno are well represented at this meeting. The Greek Orthodox community in America is an integral part of our national mosaic. My State of Nevada has many very successful citizens in both the government and private sectors whose families trace their origins to Greece.

His Eminence Archbishop Demetrios, the leader and representative of this national community, serves as Exarch of Ecumenical Patriarch Bartholomew—the spiritual leader of millions of Orthodox Christians around the world. Ecumenical Patriarch Bartholomew, who on June 29, 2008, celebrated mass with Pope Benedict XVI at St. Peter's Basilica in the Vatican, has also been awarded the highest civilian honor Congress can bestow, the Congressional Gold Medal.

With the blessings of Archbishop Demetrios, and under the leadership of the Order of St. Andrew of the Greek Orthodox Church, the Greek Orthodox community has been an invaluable source of information for the United States Senate with regard to the numerous issues facing the nearly 2,000 year-old Ecumenical Patriarchate.

As a result of this warm relationship, on November 29, 2006, 73 U.S. Senators, including myself, signed a letter to President Bush expressing great concern about the religious freedom of the Ecumenical Patriarchate in Turkey. According to the United States Commission on International Religious Freedom's May 2008 annual report, legal recognition of religious minorities, such as the Greek Orthodox community, "has not been implemented in Turkish law and practice."

On behalf of my fellow Senators, I wish to welcome the priests and lay leaders in the 550 parishes across the country, the bishops, the Metropolitans of Chicago, Pittsburgh, Boston, Denver, Atlanta, Detroit, San Francisco, and New Jersey; the Archbishops, and especially the Greek Orthodox community of Nevada to this year's Clergy-Laity Congress here in Washington, DC. I wish all of you the best for a successful and productive event.

13TH ANNIVERSARY OF THE SREBRENICA MASSACRE

Mr. SPECTER. Mr. President, I have sought recognition to mark the 13th anniversary of the Srebrenica massacre.

Between July 12 and July 16, 1995, an estimated 8,000 Bosniak Muslim men and boys were slaughtered in the region of Srebrenica in Bosnia and Herzegovina. This was the largest mass murder in Europe since the Second World War. The killings were committed by the Army of the Republika Srpska, under the direct command of Ratko Mladic, and with the approval of Republika Srpska President Radovan Karadzic.

The atrocities in Srebrenica were documented in the November 1995 indictment of Ratko Mladic and Radovan Karadzic by the International Criminal Tribunal for the former Yugoslavia, ICTY:

"SAFE AREA" OF SREBRENICA

1. After war erupted in the Republic of Bosnia and Herzegovina, Bosnian Serb military forces occupied Bosnian Muslim villages in the eastern part of the country, resulting in an exodus of Bosnian Muslims to enclaves in Gorazde, Zepa, Tuzla, and Srebrenica. All of the events referred to in this indictment took place in the Republic of Bosnia and Herzegovina.

2. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. Resolution 819 was reaffirmed by Resolution 824 on 6 May 1993 and by Resolution 836 on 4 June 1993.

3. Before the attack by Bosnian Serb forces, as described in this indictment, the estimated Bosnian Muslim population in the safe area of Srebrenica was approximately 60,000.

ATTACK ON THE SAFE AREA OF SREBRENICA

4. On or about 6 July 1995, the Bosnian Serb army shelled Srebrenica and attacked United Nations observation posts that were manned by Dutch soldiers and located in the safe area. The attack on the Srebrenica safe area by the Bosnian Serb army continued through 11 July 1995, when the first units of the attacking Bosnian Serb forces entered Srebrenica.

5. The Bosnian Muslim men, women and children who remained in Srebrenica after the beginning of the Bosnian Serb attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion responsible for the compound. They remained at the compound from 11 July 1995 until 13 July 1995, when they were all evacuated by buses and trucks under the control of and operated by Bosnian Serb military personnel.

6. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at Susnjari during the evening hours of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group

consisted of armed Bosnian military personnel and armed civilians. The rest were unarmed civilians.

EVENTS IN POTOCARI

7. On 11 July 1995 and 12 July 1995, Ratko Mladic and members of his staff met in Bratunac with Dutch military officers and representatives of the Muslim refugees from Potocari. At these meetings, Ratko Mladic informed them, among other things, that Bosnian Muslim soldiers who surrendered their weapons would be treated as prisoners of war according to the Geneva Conventions and that refugees evacuated from Potocari would not be hurt.

8. On or about 12 July 1995, Bosnian Serb military forces burned and looted Bosnian Muslim houses in and around Potocari.

9. On or about 12 July 1995, in the morning hours, Bosnian Serb military forces arrived at the UN military compound in Potocari and its environs.

10. On or about 12 July 1995, Ratko Mladic arrived in Potocari, accompanied by his military aides and a television crew. He falsely and repeatedly told Bosnian Muslims in and around Potocari that they would not be harmed and that they would be safely transported out of Srebrenica.

11. On or about 12 July 1995, at the direction and in the presence of Ratko Mladic, approximately 50–60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the evacuation process of Bosnian Muslim refugees started. As Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children. This selection and separation of Muslim men took place in the presence of and at the direction of Ratko Mladic.

12. The Bosnian Muslim men who had been separated from other refugees were taken to diverse locations in and around Potocari. On or about 12 July 1995, Ratko Mladic and Bosnian Serb military personnel under his command, informed some of these Muslim men that they would be evacuated and exchanged for Bosnian Serbs being held in Tuzla.

13. Most of the Muslim men who had been separated from the other refugees in Potocari were transported to Bratunac and then to the area of Karakaj, where they were massacred by Bosnian Serb military personnel.

14. Between 12 July 1995 and 13 July 1995, Bosnian Serb military personnel summarily executed Bosnian Muslim men and women at diverse locations around the UN compound where they had taken refuge. The bodies of those summarily executed were left in fields and buildings in the immediate vicinity of the compound. These arbitrary killings instilled such terror and panic amongst the Muslims remaining there that some of them committed suicide and all the others agreed to leave the enclave.

15. The evacuation of all able-bodied Muslim refugees concluded on 13 July 1995. As a result of the Bosnian Serb attack on the safe area and other actions, the Muslim population of the enclave of Srebrenica was virtually eliminated by Bosnian Serb military personnel.

SURRENDER AND EXECUTIONS

16. Between the evening of 11 July 1995 and the morning of 12 July 1995, the huge column of Muslims which had gathered in Susnjari fled Srebrenica through the woods towards Tuzla.

17. Bosnian Serb military personnel, supported by armored personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an effort to interdict the column of Bosnian Muslims fleeing towards Tuzla.

18. As soon as the column reached Bosnian Serb held territory in the vicinity of Buljim, Bosnian Serb military forces attacked it. As a result of this and other attacks by Bosnian Serb military forces, many Muslims were killed and wounded and the column divided into several smaller parts which continued towards Tuzla. Approximately one-third of the column, mostly composed of military personnel, crossed the Bratunac-Milici road near Nova Kasaba and reached safety in Tuzla. The remaining Muslims were trapped behind the Bosnian Serb lines.

19. Thousands of Muslims were captured by or surrendered to Bosnian Serb military forces under the command and control of Ratko Mladic and Radovan Karadzic. Many of the Muslims who surrendered did so because they were assured that they would be safe if they surrendered. In many instances, assurances of safety were provided to the Muslims by Bosnian Serb military personnel who were with other Bosnian Serb soldiers wearing stolen UN uniforms, and by Muslims who had been captured and ordered to summon their fellow Muslims from the woods.

20. Many of the Bosnian Muslims who were captured by or surrendered to Bosnian Serb military personnel were summarily executed by Bosnian Serb military personnel at the locations of their surrender or capture, or at other locations shortly thereafter. Incidents of such summary executions include, but are not limited to:

20.1 On or about 13 July 1995, near Nezuk in the Republic of Bosnia and Herzegovina, a group of 10 Bosnian Muslim men were captured. Bosnian Serb soldiers summarily executed some of these men, including Mirsad Alispahic and Hajrudin Mesanovic.

20.2 On or about 13 July 1995, on the banks of the Jadar River between Konjevic Polje and Drinjaca, Bosnian Serb soldiers summarily executed 15 Bosnian Muslim men who had surrendered or been captured. Amongst those killed were Hamed Omerovic, Azem Mujic and Ismet Ahmetovic.

20.3 On or about 13 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers summarily executed hundreds of Muslims, including women and children.

20.4 On or about 17 July 1995 or 18 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers captured about 150–200 Bosnian Muslims and summarily executed about one-half of them.

20.5 On or about 18 July 1995 or 19 July 1995, in the vicinity of Nezuk, about 20 groups, each containing between 5–10 Bosnian Muslim men, surrendered to Bosnian Serb military forces. After the men surrendered, Bosnian Serb soldiers ordered them to line up and summarily executed them.

20.6 On or about 20 July 1995 or 21 July 1995, near the village of Meces, Bosnian Serb military personnel, using megaphones, urged Bosnian Muslim men who had fled Srebrenica to surrender and assured them that they would be safe. Approximately 350 Bosnian Muslim men responded to these entreaties and surrendered. Bosnian Serb soldiers then took approximately 150 of them, instructed them to dig their own graves and then summarily executed them.

20.7 On or about 21 July 1995 or 22 July 1995, near the village of Meces, an excavator dug a large pit and Bosnian Serb soldiers ordered approximately 260 Bosnian Muslim men who had been captured to stand around the hole. The Muslim men were then surrounded by armed Bosnian Serb soldiers and ordered not to move or they would be shot. Some of the men moved and were shot. The remaining men were pushed into the hole and buried alive.

21. Many of the Muslims who surrendered to Bosnian Serb military personnel were not killed at the locations of their surrender, but instead were transported to central assembly points where Bosnian Serb soldiers held them under armed guard. These assembly points included, among others, a hangar in Bratunac; soccer fields in Kasaba, Konjevic Polje, Kravica, and Vlasenica; a meadow behind the bus station in Sandici and other fields and meadows along the Bratunac-Milici road.

22. Between 12 July 1995 and 14 July 1995, at various of these assembly points, including the hangar in Bratunac and the soccer stadium in Kasaba, Ratko Mladic addressed the Bosnian Muslim detainees. He falsely and repeatedly assured them that they would be safe and that they would be exchanged for Bosnian Serb prisoners held by Bosnian government forces.

23. Between 12 July 1995 and 14 July 1995, Bosnian Serb military personnel arbitrarily selected Bosnian Muslim detainees and summarily executed them.

MASS EXECUTIONS NEAR KARAKAJ

24. On or about 14 July 1995, Bosnian Serb military personnel transported thousands of Muslim detainees from Bratunac, Kravica and other locations to an assembly point in a school complex near Karakaj. At this assembly point, Bosnian Serb military personnel ordered the Muslim detainees to take off their jackets, coats and other garments and place them in front of the sports hall. They were then crowded into the school building and adjacent sports hall and held under armed guard.

25. On or about 14 July 1995, at this school complex near Karakaj, Ratko Mladic conferred with his military subordinates and addressed some of the Muslims detained there.

26. At various times during 14 July 1995, Bosnian Serb military personnel killed Bosnian Muslim detainees at this school complex.

27. Throughout 14 July 1995, Bosnian Serb military personnel removed all the Muslim detainees, in small groups, from the school building and sports hall and loaded them onto trucks guarded and driven by Bosnian Serb soldiers. Before boarding the trucks, many of the detainees had their hands tied behind their backs or were blindfolded. They were then driven to at least two locations in the vicinity of Karakaj.

28. Once the trucks arrived at these locations, Bosnian Serb military personnel ordered the bound or blindfolded Muslim detainees off the trucks and summarily executed them. The summary executions took place from approximately noon to midnight on 14 July 1995.

29. Bosnian Serb military personnel buried the executed Bosnian Muslim men in mass graves near the execution sites.

30. On or about 14 July 1995, Ratko Mladic was present at one of the mass execution sites when Bosnian Serb military personnel summarily executed Bosnian Muslim men.

31. The summary executions of Bosnian Muslim males, which occurred on 14 July 1995 in the vicinity of Karakaj, resulted in the loss of thousands of lives.

Since the end of the conflict in Bosnia and Herzegovina, the ICTY has made considerable progress. Charges have been filed against 161 individuals.

Of those, the trials of 114 have concluded, resulting in 55 convictions; 47 cases are ongoing. Among the Tribunal's greatest successes was the August 2001 conviction of Radislav Krstic on the count of genocide. I was recently pleased to learn of the June 11, 2008, arrest of longtime fugitive Stojan Zupljanin by Serbian authorities, as this was the first capture of a major war crimes suspect in about a year. However, three individuals, including Radovan Karadzic and Ratko Mladic, remain at large.

It is vital that the remaining three be brought to face the court. It is imperative that the rule of law be brought into the international arena, both for the 8,000 who were killed in Srebrenica in July 1995, and for the many others who continue to suffer around the world today under oppressive regimes. I agree with former United Nations Secretary General Kofi Annan, who said during his 1997 visit to the ICTY, "impunity cannot be tolerated, and will not be. In an interdependent world, the rule of law must prevail."

HONORING SANDRA M. BODIN

Mr. KOHL. Mr. President, I rise today to honor Sandra M. Bodin, who has recently completed her services as president of the American Nephrology Nurses' Association, ANNA, for her dedication and contributions to nephrology nursing and kidney patients across the country.

ANNA's members are registered nurses and health care professionals at all levels of practice. They care for patients who are experiencing or are at risk for kidney disease. ANNA's mission is to advance nephrology nursing practices and positively influence outcomes for patients affected by kidney disease through advocacy, scholarship, and excellence.

As a member of ANNA, Ms. Bodin has served as president, vice president, and as a member of the Board of Directors. She received the Ron Brady Memorial Award for Excellence in Volunteer Leadership from ANNA in 2002. As president, Ms. Bodin has inspired nephrology nurses to reach the highest levels of practice and patient care. She is a visionary leader who has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments.

Professionally, Ms. Bodin graduated with a bachelor of arts and a master of arts in nursing from the College of St. Scholastica in Duluth, MN. She became a registered nurse in 1977 and a certified nephrology nurse in 1992. After completing work at Miller-Dawn Medical Center and St. Mary's Hospital, Ms. Bodin is currently the lead clinical informatics analyst and application coordinator at the SMDC Health System in Duluth.

I honor the efforts of Sandra M. Bodin to promote the care of those suffering from kidney disease and I recognize her achievements as a nurse, patient advocate, and healthcare leader. I commend her on her service to the American Nephrology Nurses' Association and our country. Please join me in honoring Ms. Bodin for her years of vision, leadership, and commitment.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dear Senator Crapo: I work for Micron Technology in Boise Idaho as an Engineer. I love my job, but it is getting harder to pay my mortgage, food, gas and cost of living expenses. My wife used to work for Micron, but she got laid off last summer and has not found a new job. My job as an Engineer covered our expenses, and my wife's job was the extra money we used to go camping, out to dinner, and have fun with. Right now, we are barely getting by. All we do is sit home and complain about the politicians in Washington that are not doing anything to create jobs, lower gas prices and promote a stable economy.

I have given up on Washington. I am voting for a third party all the way from now on because the Republicans and Democrats can't play well together.

Sincerely,

TOM, *Kuna*.

Good afternoon Senator Crapo: First of all I want to thank you for the great job you do as my U.S. Senator.

I am an avid outdoorsman and like to backpack, hunt, fish, camp and enjoy all that Idaho has to offer. I am also a Scoutmaster with the Boy Scouts of America. In that capacity, it is necessary to have a big truck to haul gear and Scouts around. One of the Laws of Scouting is that a Scout is thrifty and, as such, we (I) make every effort to camp smartly to keep costs down for the parents so as to make scouting more affordable and enjoyable. We also believe in "Leave No Trace Camping," and try very hard to be good stewards of the environment. Up until recently, most of the Scoutmasters, including myself, have donated their trucks, fuel and maintenance costs as part of our monthly campouts. Unfortunately, fuel costs over the last few years have now taken a real toll on us, and we have had to pass many or most of those costs onto the parents. Additionally, my family enjoys camping, and the costs of fuel are definitely negatively impacting our families ability to get out an enjoy nature as much as we used to. Furthermore, as a Scouter, outdoorsman, businessman and family man, I am very concerned about the environment and want to preserve it for my kids, grandchildren and others. Therefore, a very careful look into preserving nature is important to me.

For years I have seen the United States being wasteful users of gasoline and other natural resources and sought to do my part to recycle and conserve energy. I have tried in earnest to reduce water waste and electric waste by turning water off as well as lights to reduce use and costs. Last month, I began to carpool with a neighbor on a daily basis to work to cut down on my personal consumption. I am trying to do my part in the effort; however, our country (my country) has been very shortsighted and unwilling to do a number of key things to lessen our dependence on foreign oil and gas.

For one, there has been a group within the United States that has successfully put a stranglehold on our ability to develop and extract petroleum products from known oil reserves. They would be best described as ultra radical tree huggers. That is as nice as I can put it. Again, I am an avid lover of nature, but our unwillingness to use those reserves has given OPEC and other oil producers around the world a wonderful opportunity to hold us hostage and run the prices up and watch us squirm. In my opinion some of our citizens and their elected officials have failed to protect our independence in the world market, by allowing ourself to become so dependent on foreign oil.

As a respected Senator, I implore you to take this message to the Senate floor and loudly state that enough is enough. Remove the obstacles that prohibit the extraction of oil on our soil and within the territorial waters of the United States and get the control of oil back in our hands. Furthermore, with as much scientific talent that exist in our own country, we need to develop cleaner and more efficient vehicles while at the same time finding alternative engines powered by solar, nuclear, hydrogen or other alternative fuels to get our country back within our own control and not other governments or private companies. I enjoy having a big truck for all the activities I like to do, and there must be a safe, efficient, cost-effective power plant that can run a truck as well as a car, and we are long overdue on finding that alternative. Furthermore, the costs in fuel have really driven food costs as well as other household products costs way out of control.

I am fed up with the ultra extreme protectionist attitude in this country that has put us in this predicament. I do want responsible, well thought-out procedures to safeguard the environment while at the same time (for the short term) use our own oil while we think of new ways to make driving more cost-efficient, safe and with less pollution to the environment. I seriously think we are more than up to the task and believe that we can safely do both.

Sincerely,

JEFF, *Boise*.

With the price of gas going up, it just does not affect us with how much we drive; it affects groceries and price of common goods like carpet. Up till just this last month, we haven't had to make any drastic changes to our spending habits, but because of the price of everything, we are going to have to. A vacation we were going to take will have to wait, carpet that we were going to purchase will have to be put on hold, etc.

What makes matters worse is to find out that China is drilling in the Gulf Coast, right off our shore. Why aren't we drilling there, why aren't we becoming energy independent? If the Senate and the House can't get it right, which is not more taxation I might add, we need to get people in office that will. I thank you that you did not go along with the last bill and hope that you continue to fight for good legislation.

DONALD, *Post Falls*.

Dear Senator Crapo: Thank you so much for the opportunity to offer my views on our energy crisis. I'm 48 years old and grew up on a farm. In fact I can remember buying bulk fuel for 25 cents per gallon. Most of my growing up time gasoline cost between 35 and 50 cents. This is the first time in my life I have ever made decisions based on the cost of fuel! My family spends about $250 per month on fuel and that is a burden but that is not the major problem. Fuel used in industry and transportation has affected the cost of every area of our lives. I know that India and China get the blame for increased demand but I do not believe that is the only factor. "Green" is most definitely a factor and I cannot believe the "science" behind this movement. Seems they assume that if I do not buy their dogma hook, line, and sinker that I am dooming my children to hell. Please do the correct thing vs the "political thing" concerning green. Next, I would wonder about the sense of using our corn crop to make ethanol rather than to feed people. This may be the biggest reason for my increased cost of food. Lastly, America needs to stand for the right, not the popular. I feel that the USA is acting rudderless because we have forgotten what we are. Please read the Constitution and lets get back to where the Founding Fathers wanted us to be. One Nation Under God . . . not one nation under Gore.

Thank you,

MATT.

I had heard from a friend of a friend one time that the INL outside of Idaho Falls produces enough energy to easily run a few cities. And that this energy is simply being pumped into the ground and completely wasted. Because the government cannot legally enter into the competitive energy market, I suppose.

As INL is a secure site and having never been there, I am not positive this information is accurate. But knowing how our government usually works, I would not doubt that it is all true and to the point.

If there is truly energy that can be used at the INL, let's use it. Credit back the INL funds to produce further employment and benefit everyone all around.

ROBERT.

I ride my bike. Gas prices for that are $0, pollution is minimal, impact to the roads minimal, and most of all, it is great for my health.

MIKE, *Boise*.

Dear Senator Crapo: I now ride a bicycle to deal with the high cost of gasoline. You may be surprised to know that bicycles are about 97% efficient in converting energy to motion. Of course, there are times of the year when this is not practical (like during the winter), so I would make the following recommendation.

We need more fuel-efficient motor vehicles, and one way to do that would be to pass legislation limiting the maximum weight of new motor vehicles. The automotive industry could make significant improvements in motor vehicle fuel efficiency if they would all move to lower mass designs. For this, they need a level playing field that also resets safety standards to consider a lower maximum vehicle weight. To achieve a lower vehicle weight, industry would have to employ new or alternative materials. It is not just about the engines.

PAUL.

Three of us work for Scentsy Candles in Meridian, which is 26 miles one way. We drive two cars; I get off at 3 pm, and the others get off at 5:30 pm. One car spends 42.00 a week, and the other car spends 48.25 a week. You do the math. When does it stop . . .

DOUGLAS, CHRISTINE AND COLLEEN, *Emmett*.

The energy prices are outrageous. The only people that it is not affecting are the rich and famous. We are in the process of building a new home . . . and did you know that Idaho does not have any kind of programs that will help a homebuilder with solar panels or windmills. If you are so worried about energy, why not bring some programs that will help people with these kinds of things. In looking at the costs of these things, there is not one program out there that will help the individuals who are barely making it. We would love to go solar and wind, but on top of all the other high costs, there's no way we can afford it. Too bad you aren't as worried as you say you are, or we in Idaho would already have these kinds of programs in effect. All we do is save and help the lazy people who would rather take and take from the government. There are no programs to help the ones that really need it and wouldn't use the system, over and over again.

Just think—if we could afford the extra 10–30k for solar panels and all that is needed to make solar energy, we could be selling power back to Avista. But the rich and famous politicians do not have to worry about their energy bills.

Eight years ago, I made a statement of "when Bush is done with this country, no one will be able to afford gas." Well, it is almost that time. I sure hit that one right on the money. We need to get our troops out of Iraq, also. If we had all the money that was being spent on a war we can't win (what are we suppose to win anyway?) The government could have already given every citizen in the United States a million dollars to spend any way they wanted to and still have money left. But we have to be killing people and letting our soldiers die, too. When they get injured, we do not do anything for them. How sad is our country, anyway. We shouldn't be fighting with anyone.

DENISE.

I have a small sales company that sells new construction hardware for the residential market. This territory is for Washington, Oregon, and Idaho. The amount of new construction is way off from two years ago and, coupled with gasoline costing over $4 a gallon, it becomes almost impossible to service the accounts profitably.

What do we do to counteract the negative forces? We drive 4-cylinder cars that get good mileage, drive less, make more phone calls and hope for improvement in the construction sector.

What do we believe would help the current squeeze by high gasoline prices? Encourage more development of the Bakken Oil Formation which stretches across North Dakota, Montana, and part of Saskatchewan. This oil field has 3.65 billion barrels of light sweet crude according to the USGS and that is not counting reserves. What to do with it? Threaten the oil companies with the possibility of taking away the extra tax credits afforded them unless they expedite refinery capacity (Does not matter how much crude without the refining capacity), and give a very concerted effort to begin major extraction from this large pool of oil. This oil field makes a lot more sense than drilling in ANWR when considering the location and amount of crude available. Nuclear? You bet. With today's technology, it makes extreme sense to use nuclear power. The biggest problem of course is waste disposal. How many billions of taxpayer dollars have been spent on Yucca Mountain? Tell the state of Nevada that the facility is the property of the U.S. government and that it will use it according to the best interests of the U.S. citizens.

Does Joe Citizen think that we have a big problem with energy right now? You bet. Would the above ideas help? I think so. Can it be done? If the U.S. could put a man on the moon almost 40 years ago and that was not under emergency conditions, why not? A lot of people need to sit down in Washington, DC and say "Hey we have a real problem here, let's fix it." If NASA can put a man on the moon why can't the whole U.S. fix the energy problem?

Regards,

GARY, *Nampa*.

Honorable Mike Crapo: Our youth group used to spend our summers enjoying the absolutely fabulous Idaho backcountry. We used to hike, fish, swim in all the scenic Idaho lakes and rivers. Congress has spent a lot of effort to make sure that these pristine areas are set aside for future generations to enjoy. I applaud their efforts to maintain a balance between energy exploration and the ability to witness the beauties of nature. However, due to the continuing increases in fuel costs, those days of exploring these backcountry wonders is quickly becoming only a shadow. Our youth group is no longer able to afford these backcountry trips due to the fuel expense. With a continued increase in gas cost, it will be a wonder if soon anyone will be able to make the excursion.

I would fully support the limited and non-intrusive exploration and exploitation of the vast oil, gas and coal resources our country has been blessed with to maintain the life style that past generations have enjoyed. Open ANWR and our coastlines to these proven reserves. I believe we have the technology to safely capture all the fossil fuel reserves that are within our ability to acquire. It is much better for a good steward like the USA to retrieve these resources in a safer way rather than other countries such as China and India that have been notorious for abandoning sound pollution principles. Nuclear power has a proven track record of safe power production and I would implore the Senate to do everything in their power to open the door to the next generation of even safer nuclear power production and finally opening up the single repository for our spent fuel at Yucca Mountain. Our society will be much better off and our future generations will then be able to continue to witness marvels of nature as we blend environmental and sane land use policies.

I consider myself a conservationist and have always ridden my bike to work, but removing the wonders of nature from my life due to gas cost is more than I can bear.

JAMES, *Boise*.

RETIREMENT OF GENERAL MICHAEL MOSELEY

Mr. CONRAD. Mr. President, I would like to take a moment to say a few words about the retirement of GEN T. Michael Moseley.

This morning at Bolling Air Force Base, the Air Force said farewell to its 18th Chief of Staff. Buzz Moseley faced a staggering array of challenges during his tenure: Recapitalizing and modernizing the oldest inventory of aircraft in the history of the Air Force, training and developing young airmen in a tumultuous time, and sustaining ongoing operations in two theatres of war as well as a worldwide fight against al-Qaida. Buzz tackled those significant challenges head-on, and made substantial progress in addressing each of them. The crucial role played by the Air Force in the current fight is often and unfortunately overlooked.

Over the past 12 months, the Air Force has identified some serious lapses in attention to the nuclear mission. There were significant problems, and General Moseley took immediate action to strengthen compliance and discipline, heighten attention to detail and execution, expand inspection and evaluation, and broadly refocus the service on the nuclear mission. He and Secretary Michael Wynne have not received the credit they deserved for their efforts. But even if General Moseley will not be the one to oversee the conclusion of these efforts, there is no doubt that the Air Force will be building on the solid foundations laid by Buzz as it continues to aim for the zero-defect standard the American people are entitled to expect when it comes to nuclear weapons.

The U.S. Air Force has always held its airmen and leaders to the highest standards, and in my view, Buzz Moseley consistently exceeded them throughout more than 36 years of service. He was an outstanding leader for the Air Force, and he should be proud of what he accomplished there. Our country owes him a deep debt of gratitude. It has been an honor to work with him over the years. But more than that, it has been an honor to call him my friend. This great American goes into his retirement with my deepest appreciation. Our fellow citizens should know he is a great patriot who protected our freedoms at great personal sacrifice and with real distinction. GEN Buzz Moseley is among our very best.

STRENGTHENING MEDICARE

• Ms. STABENOW. Mr. President, I wish to share with my colleagues a disturbing report about the challenges home health professionals are facing while delivering service to our Nation's seniors. Too many home health providers have seen not only declining reimbursement but also increasing fuel costs.

Last week, the New York Times highlighted how these challenges are affecting several Michigan families and home health providers. Sadly, this is a problem facing the entire Nation. The National Association for Home Care & Hospice's, NAHC, Foundation for Hospice and Homecare released a study finding that nurses, therapists, and home care aides who serve chronically ill elderly and disabled patients drive nearly 5 billion miles each year. But escalating gasoline prices threaten their ability to reach their patients, particularly in rural areas. NAHC reported that, in Michigan, home health providers drove over 161 million miles to make nearly 12 million visits to seniors and other patients in need of homebound services.

As a short-term solution, I urge my colleagues to join with me in calling for the Medicare rural home-health add-on, which expired in 2006, to be reinstated. The rural add-on bonus will have a huge impact on the ability of home health providers to serve seniors, particularly in remote, rural locations.

I ask that a copy of the New York Times article be printed in the RECORD.

The material follows:

[From the New York Times, July 5, 2008]

AS GAS PRICES SOAR, ELDERLY FACE CUTS IN AID

(By John Leland)

SOUTH HAVEN, MICH.—Early last month, Jeanne Fair, 62, got her first hot meals delivered to her home in this lake town in the sparsely populated southwestern part of the state. Then after two deliveries the meals stopped because gas prices had made the delivery too expensive.

"They called and said I was outside of the delivery area," said Mrs. Fair, who is homebound and has not been able to use her left arm since a stroke in 1997.

Faced with soaring gasoline prices, agencies around the country that provide services to the elderly say they are having to cut back on programs like Meals on Wheels, transportation assistance and home care, especially in rural areas that depend on volunteers who provide their own gas. In a recent survey by the National Association of Area Agencies on Aging, more than half said they had already cut back on programs because of gas costs, and 90 percent said they expected to make cuts in the 2009 fiscal year.

"I've never seen the increase in need at this level," said Robert McFalls, chief executive of the Area Agency on Aging in Palm Beach, Fla., whose office has a waiting list of 1,500 people. Volunteers who deliver meals or drive the elderly to medical appointments have cut back their miles, Mr. McFalls said.

Public agencies of all kinds are struggling with the new math of higher gas prices, lower property and sales tax revenues and increases in the minimum wage. Some communities have cut school bus routes, police patrols, traveling libraries and lawn maintenance. The St. Paul Police Department is encouraging officers to use horses and bikes. A number of state agencies, including those in Utah, are going to four-day workweeks to save energy costs and reduce commuting expenses for their employees.

But older poor people and those who are homebound are doubly squeezed by rising gas and food prices, because they rely not just on social service agencies, but also on volunteers.

In the survey of agencies, more than 70 percent said it was more difficult to recruit and keep volunteers.

Mrs. Fair, who has limited mobility because of diabetes, lives on $642 per month in Social Security widow's benefits, and relies on care from her son, who often works odd hours, especially during blueberry season. "He says, 'You belong in a nursing home; I can't take care of you,'" Mrs. Fair said.

The delivered meals allowed her to eat at regular hours, which helped her control her blood sugar levels, she said. Last year she lost her balance during a change in blood sugar and spent a month in a nursing home.

With no meal delivery in her area, Mrs. Fair said her home aide, who comes three times a week, must pick up frozen meals from a center in the next town.

"If my aide can't get the meals, maybe I can get my pastor to pick them up," Mrs. Fair said. "I can't travel even to the drop-off center."

Val J. Halamandaris, president of the National Association for Home Care and Hospice, said that rising fuel prices had become a significant burden for the 7,000 agencies represented by his group, with some forced to close and others compelled to shrink their service areas or reduce face-to-face visits with patients.

A recent survey by the group concluded that home health and hospice workers drove 4.8 billion miles in 2006 to serve 12 million clients. "If we lose these agencies in rural areas, we'll never get them back," Mr. Halamandaris said.

The agencies, which have suffered from Medicare cuts in recent years, are lobbying Congress to account for fuel inflation in reimbursement rates and to reinstate special increases for providers in rural areas, a program that expired in 2006.

In Union, Mich., a town among flat corn and soybean farms near the Indiana border, Bill Harman, 77, relies on a home aide to take care of his wife, Evelyn, who is 85 and has Alzheimer's disease. Mr. Harman has had to use a wheelchair since 2000 because of hip problems.

But the aide, Katie Clark, 26, may have to give up the job. She lives 25 miles away and drives 700 miles a week to provide twice-daily visits, helping Mrs. Harman dress in the morning and get to bed at night, feeding her, doing chores around the house. "And putting up with a grumpy old man," she said jokingly to Mr. Harman. Her weekly income of $250 is being eaten up by gas expenses, which come to $100 a week.

"Some weeks I have to borrow money to get here," said Ms. Clark, a single mother of two, adding, "They're just like family to me."

Agencies say they are facing a shortage of home aides, because the jobs have low pay and often require long drives for a few hours of work. "They can't make any money," said Laurence Schmidt, administrator for the Oswego County Office for the Aging, in rural northwest New York. "So they'll get jobs in nursing homes, where they can drive to one place and work a full shift. That is a statewide problem."

Mr. Harman said that he thought a previous aide might have abused his wife, but that Mrs. Harman was comfortable with Ms. Clark. On a recent afternoon, Mrs. Harman called Ms. Clark "honey"; Ms. Clark, walking Mrs. Harman to the bathroom, kissed her nose. Mrs. Harman said she was going home. Ms. Clark said, "You are home, silly."

For her work, Ms. Clark receives $9 an hour. If she leaves, Mr. Harman said, he could not care for his wife.

He said that when they married, she raised his five children as if they were her own. When Mrs. Harman started to develop Alzheimer's 8 or 10 years ago, he said, "I promised her, 'Don't worry, I'll take care of you as long as I can.'"

Without an aide, he said, he would have to put his wife in a nursing home, and probably need to live in one himself.

For many isolated older people, home delivery of meals provides not just nutrition but also regular contact with the outside world, said Elaine Eubank, president of CareLink, a nonprofit agency that serves elderly people in six counties in Arkansas, delivering 480,181 meals to 18,000 people last year. Because of gas prices, Ms. Eubank said, one center in Monroe County had closed its kitchen, and others were delivering frozen meals two days a week.

Mary Margaret Cox, executive director of Meals on Wheels in Greeley, Colo., which serves meals to 300 people a day, said that her agency was trying to avoid shifting to frozen meals, but that it was getting hard to recruit students and teachers who volunteer during the summer.

"Most don't have anyone else checking up on them daily," Mrs. Cox said of her clients. "If we do more frozen meals, they'll lose that daily contact."

Many agencies said their revenues—which come from state, federal and private sources—were not keeping up with their increased expenses. "We've had one increase from Medicaid in 11 years," Ms. Eubank said. "But home care and Meals on Wheels keep people at home for a fraction of the cost of a nursing home. The state pays for care once they're in a nursing home. So our cuts may cost more than they save."

Sandra Prediger, 70, who still drives a car, said higher gas prices hit her every time she needed to go to the doctor. From her senior apartment in South Haven, she was barely able to pay her bills before gas prices rose.

"I try to help some of the ladies around here, driving them to doctors or to the store," Miss Prediger said, but a round trip to her doctor or the beauty shop now costs $26 in gas. She has had to ask her friends to pay half. "I hate to ask," she said, "because they have less than me."

Her Social Security check arrives on the third of the month. For the few days before, her local gas station lets her write a postdated check to fill up.

On July 2, Miss Prediger had no money and owed money to the gas station. "In a few minutes," she said, "my friend Shirley will probably call and say, 'Can you take me to Wal-Mart to get needles for my diabetes?' What else can I do?"

Barbara Blumka, 67, of Buchanan, Mich., said she would continue delivering 15 or 16 meals a week though she could not afford it. She is driving a Dodge Caravan, a "gas guzzler," she said.

"I see these people's faces," said Ms. Blumka, who gets her meals at a senior center. "They're so appreciative. I think of all the people who took care of my mother in the nursing home. This is my way of giving thanks."

Christine Vanlandingham, development officer for the three-county Area Agency on Aging, said that in three to six months, the agency would have to start cutting meal deliveries to clients who get them now.

But Ms. Blumka will continue to help the homebound. Her nieces and nephews were buying her an adult tricycle for other travels. "It's neon blue," she said. "I'll ride it to the senior center."•

ADDITIONAL STATEMENTS

HONORING ST. STEPHEN'S COMMUNITY HOUSE

• Mr. BROWN. Mr. President, today I honor the efforts of St. Stephen's Community House to designate July 10, 2008, Summer Learning Day.

Located in Columbus, OH, St. Stephen's Community House has worked tirelessly to increase awareness of the importance of summer learning programs. Summer breaks in schooling can lead to significant academic loss, particularly among students in low-income areas. The efforts of St. Stephen's Community House to partner with the Ohio Department of Education and other community organizations help ensure that children all across Ohio have access to high quality summer enrichment programs. Its work provides students with meaningful summer activity and helps reduce the growing achievement gap in education.

In addition, St. Stephen's Community House has demonstrated its commitment to the community through its work with the Children's Hunger Alliance and Major League Soccer. Almost half of Ohioans living in poverty are under 24 years old, yet only 57,000 out of 500,000 eligible children participate in Ohio's Summer Food Service program. Working together, these organizations are expanding summer feeding programs and ensuring that all Ohio children have access to nutrition throughout the summer months.

The dedication of the staff and volunteers of St. Stephen's Community House to the needs of some of the most vulnerable members of our communities serves as an inspiration to us all. I hope my colleagues will join me in wishing them the best of luck in their future endeavors.•

IDAHO STUDENTS WIN FUEL CELL CAR COMPETITION

• Mr. CRAPO. Mr. President, on June 20, five Treasure Valley Math and Science Center, TVMSC, students won first place overall in the Hydrogen Fuel Cell Model Car Challenge, an alternative energy model competition held in conjunction with National Science Bowl. The team, consisting of Alex Baca, Andrew Hoth, Kevin Brown and Eddie Smith, and alternate Paul Schroeder, also took fifth place honors in the National Science Bowl. The competition challenged students to design, build and race fuel cell model cars. The three components on which students were judged were the design document, a presentation of the use of hydrogen in transportation, and the race itself. The team was coached by Mark Anderson, physics teacher at TVMSC, Tony Baca of Hewlett Packard, and Barbara Jorden, legislative director for the Idaho Trial Lawyers Association. The team qualified for Nationals after sweeping the regional competition with eight trophies, four of which were for first place.

Alex, Kevin, Andrew, Paul and Eddie are all highly accomplished students, even as seventh and eighth-graders. Their interests range from the science disciplines of geography, earth science, chemistry, math, biology and computer science to liberal arts disciplines such as history and English. Their hobbies range from reading, painting, playing music and video and board games to drama, making scale models and playing air soft. The boys also participate in sports including football, soccer and tennis. The breadth of their interests and involvement will prepare them well for success in high school, college and the future careers of their choosing.

The Department of Energy, DOE, created the National Science Bowl competition in 1991 to help promote math and science education in high school and highlight the successes of students who excel in these fields. In 2002, DOE expanded the competition to middle school students.

Idaho can be proud of these exemplary students and their coaches for outstanding performance in the National Science Bowl and Hydrogen Fuel Cell Model Car Challenge. Idaho's strong heritage of math, science and engineering continues in our young people, keeping our State's student academic standards high and helping prepare Idaho youth for rewarding careers in these fields.•

HONORING THE MANSFIELD, OHIO, GARDEN CLUB

• Mr. BROWN. Mr. President, today I commemorate the 80th anniversary of the Mansfield Garden Club.

Since its founding in 1928, the Garden Club has worked diligently to serve the Mansfield community. During World War II, members demonstrated their civic commitment by raising Victory Gardens and replacing their flowers with fruits and vegetables, thereby reducing pressure on the public food supply and boosting community morale. The club's continued work on community improvements over the years has been recognized with numerous awards recognizing their commitment to the community. Today, the club's efforts have provided floral plantings at the

Mansfield Lahm Airport, landscaping at the Mansfield General Hospital, and a large circular garden in the city's central park.

For more than eight decades, the Mansfield Garden Club's members have demonstrated profound dedication to culture and community and have served as an inspiration to us all. I hope my colleagues will join me in wishing them the best of luck in their future endeavors.●

HONORING CEECEE LYLES

● Mr. MARTINEZ. Mr. President, on September 11, 2001, thousands of Americans tragically lost their lives, but the legacies of their lives endure. One of those individuals was CeeCee Lyles, a flight attendant who perished in Pennsylvania on United Airlines Flight 93.

CeeCee was a loving mother, a dedicated wife, and determined individual who spent her life fulfilling dreams. CeeCee was born and raised in Fort Pierce, FL, where she attended Fort Pierce Westwood High School. She raised two sons on her own while working for 6 years as a Fort Pierce police officer. As a police officer, CeeCee earned the reputation of being a tough crime fighter. In 2000, she married Lorne Lyles and the family relocated to Fort Myers. In the face of financial hardships, CeeCee held two jobs, one at a local hospital and the other at a powerplant to help care for her sons. In her spare time, CeeCee volunteered at Restoration House, a Christian women's shelter in Fort Pierce.

Eventually, CeeCee walked away from police work to pursue her lifelong dream of becoming a flight attendant. She was part of the flight crew that helped to overpower the terrorists responsible for hijacking Flight 93 and successfully kept them from reaching their intended target. On the day she died, she left little doubt that she loved her husband and children. From the plane, she told her husband in a voicemail: "I want to tell you that I love you. I love you. Please tell my children that I love them very much."

In honor of CeeCee's heroism, courage, and dedication to serving others, the city of Fort Pierce has already commissioned a sculpture of her for permanent remembrance. As Senator of the State she called home, it would give me great pleasure to recognize Ms. CeeCee Lyles by placing her name on a community facility so others will remember the great American she became during her brief but full life. I call upon my colleagues to join me in honoring a truly great Floridian and exemplary American by renaming the post office at 1717 Orange Avenue in Fort Pierce the CeeCee Ross Lyles Post Office.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3257. A bill to extend immigration programs to promote legal immigration and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7090. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Biobased Items for Federal Procurement" (RIN0503–AA32) received on July 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7091. A communication from the Secretary, Department of Agriculture, transmitting proposed legislation intended to amend the Agricultural Marketing Act of 1946 to require the Department to collect and retain user fees for enforcement activities related to mandatory country of origin labeling; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7092. A communication from the Secretary of the Army, transmitting, pursuant to law, notification that the Average Procurement Unit Cost and Program Acquisition Cost metrics for the Armed Reconnaissance Helicopter program have exceeded the 25 percent critical cost growth threshold; to the Committee on Armed Services.

EC–7093. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Major General James R. Helmly, United States Army Reserve, and his placement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

EC–7094. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Export-Controlled Items" (DFARS Case 2004–D010) received on July 10, 2008; to the Committee on Armed Services.

EC–7095. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–7096. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Financial Education Programs That Include the Provision of Bank Products and Services" (RIN3064–AD28) received on July 10, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7097. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–7098. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–7099. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–7100. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–7101. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Processors in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XI69) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7102. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations (including 4 regulations beginning with USCG–2008–0341)" (RIN1625–AA00) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7103. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, Massachusetts" ((RIN1625–AA87)(USCG–2008–0301)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7104. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Mill Neck Creek, Oyster Bay, NY" ((RIN1625–AA09)(USCG–2008–0010)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7105. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of Vessel Security Officer Training and Certification Requirements—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended" ((RIN1625–AB26)(USCG–2008–0028)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7106. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas, Safety Zones, Security Zones, and Deepwater Port Facilities; Navigable Waters of the Boston Captain of the Port Zone" ((RIN1625–AA00)(RIN1625–AA11)(RIN1625–AA87)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7107. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Technical, Organizational, and Conforming Amendments" ((RIN1625–ZA18)(USCG–2008–0394)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7108. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments" ((RIN1625–ZA16)(USCG–2008–0179)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Makila 1A and 1A1 Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2001–NE–23)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7110. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to implementation of the National Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

EC–7111. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report relative to projects that have been authorized, but for which no funds have been appropriated for planning, design or construction during the preceding five full fiscal years; to the Committee on Environment and Public Works.

EC–7112. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois" (FRL No. 8578–5) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7113. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Compound Emissions from Portable Fuel Containers" (FRL No. 8691–6) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7114. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to New Source Review Rules" (FRL No. 8692–1) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7115. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey" (FRL No. 8576–6) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7116. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry 1A.105 Protein; Exemption from the Requirement of a Tolerance" (FRL No. 8369–3) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7117. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" (FRL No. 8691–2) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7118. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District and Ventura County Air Pollution Control District" (FRL No. 8580–3) received on July 10, 2008; to the Committee on Environment and Public Works.

EC–7119. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the activities of the Economic Development Administration for fiscal year 2007; to the Committee on Environment and Public Works.

EC–7120. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "Report to the Congress: Reforming the Delivery System"; to the Committee on Finance.

EC–7121. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008–65) received on July 9, 2008; to the Committee on Finance.

EC–7122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change to Office to Which Notices of Nonjudicial Sale and Request for Return of Wrongfully Levied Property Must be Sent" ((RIN1545–BF54)(TD 9410)) received on July 9, 2008; to the Committee on Finance.

EC–7123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Supplemental Environmental Projects" (LMSB–04–0608–036) received on July 10, 2008; to the Committee on Finance.

EC–7124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property" (TD 9413) received on July 9, 2008; to the Committee on Finance.

EC–7125. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification of the proposed transfer of the Baseline Phase 1R Aegis combat system equipment to several companies; to the Committee on Foreign Relations.

EC–7126. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Taiwan for the development of the 721S VHF and UHF receiver-transmitter radio and an equipment cabinet; to the Committee on Foreign Relations.

EC–7127. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the transfer of defense articles to South Africa in support of the manufacture of the RG–33 Family of Military Vehicles; to the Committee on Foreign Relations.

EC–7128. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7129. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects and Rehabilitation Research and Training Centers—Final Priorities" received on July 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7130. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—Final Priorities" received on July 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7131. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report on the Community Services Block Grant Statistical Report and Report on Performance Outcomes for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–7132. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Definition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area" (RIN3206–AL68) received on July 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7133. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report relative to the implementation of the recommendations of the 9/11 Commission for the period from October 1, 2007, to December 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7134. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, "Annual Report to the Congress on the Information Sharing Environment"; to the Select Committee on Intelligence.

EC-7135. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the Northern District of Florida, received on July 10, 2008; to the Committee on the Judiciary.

EC-7136. A communication from the Board of Trustees, National Tropical Botanical Garden, transmitting, pursuant to law, the Annual Audit Report for calendar year 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 3254. A bill to amend the Internal Revenue Code of 1986 to allow banks to be taxed as limited liability companies, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mrs. FEINSTEIN):

S. 3255. A bill to amend the Commodity Exchange Act to provide for the oversight of large trades of over-the-counter energy and agricultural contracts to prevent price manipulation and excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mrs. BOXER):

S. 3256. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. HAGEL):

S. 3257. A bill to extend immigration programs to promote legal immigration and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 439

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1932

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1932, a bill to amend the Small Business Act to increase SBIR and STTR program expenditures.

S. 2182

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2668

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2767

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2767, a bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965.

S. 2875

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2875, a bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2916

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was withdrawn as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3125

At the request of Mr. BAUCUS, the names of the Senator from New York (Mr. SCHUMER), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Michigan (Ms. STABENOW), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3125, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3127

At the request of Mr. BURR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3127, a bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories.

S. 3150

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3150, a bill to prohibit the Secretary of Transportation or the Administrator of Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports.

S. 3209

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3209, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 3223

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S. 3238

At the request of Mr. THUNE, his name was added as a cosponsor of S. 3238, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 598

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 598, a resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 3254. A bill to amend the Internal Revnue Code of 1986 to allow banks to be taxed as limited liability companies, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, on behalf of myself and my dear friend and colleague, Senator LINCOLN, I rise today to introduce the Small Bank Tax Equity Act.

One of the many important duties of Congress is to ensure that the various laws that govern commerce in this Nation are working as efficiently as possible. This can be a significant challenge because of the rate of change and innovation occurring in our world today. Nevertheless, we need to be aware that changing circumstances can lead to obsolescence in our laws, which can have a limiting effect on economic growth and on our ability to compete in an ever-more challenging marketplace.

This is as true of our tax laws as it is with any other laws. We often speak of the many problems of the Internal Revenue Code, and most of them have to do with complexity and perceived unfairness. However, I believe that the issue of outdated or obsolete provisions that no longer reflect the realities of our changing world is also an obstacle that deserves our attention.

This is why I am pleased today to be introducing legislation that would reverse an outdated administrative rule and allow banks the flexibility to be structured in a much more tax-efficient manner. Under our bill, the Small Bank Tax Equity Act, banks that are organized as limited liability companies would be able to elect to be taxed on a flowthrough basis. Under this treatment, the bank's shareholders would be taxed each year on the bank's income, but the bank would not also be subject to a second layer of tax on that same income at the entity level.

A little history is in order here. Treasury Department regulations have long allowed limited liability companies to be classified for tax purposes as flowthrough entities. Under this classification, the company's owners are subject to tax on the company's income on a flow-through basis. This allows the very significant advantage of not being subject to the double taxation characteristic of corporations, as all banks are currently taxed.

Those same Treasury Department regulations specifically deny banks that are organized as limited liability companies the benefit of flow-through tax treatment, even though this favorable treatment is available to other types of businesses. While banks can organize as limited liability companies, for tax purposes, they are taxed as corporations.

It is important to note that at the time the Treasury Department issued these regulations, banking laws actually required all banks to be organized in the corporate form under state law in order to obtain federal deposit insurance. In fact, this requirement was cited in the regulations as the reason for the denial of flow-through tax treatment to banks that have federal deposit insurance.

However, this aspect of the banking laws has been changed. In 2003, the Federal Deposit Insurance Corporation FDIC, issued regulations permitting banks to be organized as limited liability companies and to qualify for federal deposit insurance.

Following this FDIC action, it was expected that the Treasury Department would likewise change its regulations to allow banks organized as LLCs to enjoy flowthrough tax treatment. However, despite the urging of several Members of Congress, including myself, Treasury has declined to make this change administratively. The continued denial of flow-through tax treatment of bank limited liability companies is, in my view, unjustified and anti-competitive. Moreover, it fails to bring the law up to date with current business practices.

In 1996, Congress amended the Subchapter S corporation rules, which provide flow-through tax treatment, to allow banks to be organized as S corporations. This change reflected Congress's belief that the S corporation election should be allowed for banks, just as it is allowed for other businesses meeting the qualifications for this important tax regime.

The legislation we are introducing today is based on exactly the same belief. The flow-through treatment that would be made available under the bill will give America's smaller banks, including the community banks on which we depend to provide funding to allow small businesses to expand and thrive, another option for organizing in the most efficient manner.

The changes we made in 1996 to Subchapter S to allow banks to elect flowthrough tax treatment was very well received by the banking community, and today there are thousands of S corporation banks throughout America. The Small Bank Tax Equity Act will mean that banks would be able to choose the limited liability company structure, which allows even greater flexibility in raising capital than does the S corporation form of entity. I expect that the election for flow-through tax treatment for LLCs allowed under this bill to be as well received as the election for S corporation status has been and that many smaller banks, especially newly-established ones, will avail themselves of this opportunity.

My home State of Utah in 2004 enacted laws allowing banks to be organized as limited liability companies. In light of the 2003 FDIC rule change that allowed LLC banks to qualify for federal deposit insurance, Utah enacted this legislation in order to facilitate the most efficient and flexible structure for small banks. Other states have passed, or are considering, similar laws. Many others would likely follow suit if the tax rules paralleled the deposit insurance treatment. However, the goals of these states in passing these laws will not be realized until the tax law is also updated to provide flowthrough tax treatment for banks that choose to operate in this form.

The following is a brief technical description of the Small Bank Tax Equity Act.

The Small Bank Tax Equity Act would provide qualifying banks with an election to be classified for tax purposes as a partnership or to be disregarded as a separate entity, in the case of a bank with only a single ownernlecting this classification would provide flow-through tax treatment to the electing bank. Under the bill, the election is available to State-chartered business entities that conduct banking activities, that have federal deposit insurance, and that are organized as limited liability companies. These are the banks that are excluded from flow-through treatment under the existing Treasury regulations that were written based on pre-2003 FDIC rules.

If a bank makes the election allowed under the Small Business Tax Equity Act before the end of a two taxable year transition period following enactment, the election would not subject the bank to immediate tax on any appreciation in its assets. Instead, the electing bank would be subject to special rules with respect to the taxation of gains and losses that are recognized during the ten-year period following the election. These special rules mirror the special rules that apply when an entity elects to convert to S corporation status.

These special rules would not apply, however, to an electing bank that had begun conducting banking activities after February 12, 2003, the date of the FDIC action allowing State-chartered banks organized as limited liability companies to obtain federal deposit insurance. These banks acted with the expectation that flow-through tax treatment would be available and should not be penalized for the delay in being able to obtain that treatment. Thus, under the Small Bank Tax Equity Act, making the election for flow-through treatment will not trigger any special tax consequences with respect to inherent gains or losses for these banks.

Small businesses are the backbone of the American economy. They are responsible for creating the most jobs in this Nation, particularly during economic slowdowns, such as we are experiencing now. Smaller banks are important for at least two reasons. They are small businesses themselves, and they serve other small businesses and provide them with the capital they need to grow and create jobs.

It is our duty to ensure that America's small businesses operate as efficiently as possible. This means that our tax laws need to be friendly and offer flexibility, rather than hidebound and obsolete, in order to encourage the kind of growth of which our small business sector is capable. This bill would take a very significant step in that direction, and I encourage our colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTION FOR CERTAIN BANKING ENTITIES TO BE TAXED AS LIMITED LIABILITY COMPANIES.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) CLASSIFICATION ELECTION FOR CERTAIN BANKING ENTITIES.—

"(1) IN GENERAL.—For purposes of this title, an entity described in paragraph (2) may elect to be treated as a partnership or, if the entity has a single owner, to be disregarded as an entity separate from the owner.

"(2) ENTITY DESCRIBED.—An entity is described in this paragraph if—

"(A) it is a State-chartered business entity conducting banking activities,

"(B) any of its deposits are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) or a similar Federal law, and

"(C) it is organized as a limited liability company under the laws of a State.

"(3) TREATMENT OF ENTITY.—An entity that makes an election under paragraph (1) shall not be considered a bank as defined in section 581.

"(4) TRANSITIONAL RULE.—

"(A) IN GENERAL.—In the case of an entity that makes an election under paragraph (1) before the beginning of the third taxable year beginning after the date of the enactment of this subsection—

"(i) no gain or loss shall be recognized to the entity or its owners by reason of such election, and

"(ii) rules similar to the rules of section 1374 shall apply to the entity.

"(B) EXCEPTION.—Subparagraph (A)(ii) shall not apply to an entity that began conducting banking activities after February 12, 2003.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made after the date of the enactment of this Act with respect to taxable years ending on or after December 31, 2007.

By Mr. LEVIN (for himself and Mrs. FEINSTEIN):

S. 3255. A bill to amend the Commodity Exchange Act to provide for the oversight of large trades of over-the-counter energy and agricultural contracts to prevent price manipulation and excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, today I am introducing, along with Senator FEINSTEIN, the Over-the-Counter Speculation Act. This legislation will provide the Commodity Futures Trading Commission, CFTC, with the ability to detect and prevent price manipulation and excessive speculation. In the currently unregulated over-the-counter commodity markets, this legislation will close a major loophole in our commodities laws that prevents the CFTC from conducting oversight in certain enforcement activities and obtaining information about trading in the unregulated over-the-counter market. It will ensure that large energy and other commodity traders cannot use the over-the-counter market to hide from the CFTC, escape reporting requirements, or avoid CFTC enforcement authorities to require traders to reduce their holdings of futures contracts in order to prevent manipulation or excessive speculation.

This legislation is based on the work of the Permanent Subcommittee on Investigations, which I chair, regarding effect of speculation on rising energy prices. In 2006, the PSI study, called "The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put the Cop Back on the Beat," found the following:

First, over the past few years, speculators have dramatically increased their activities in U.S. energy commodity markets. Second, speculation has contributed to rising U.S. energy prices.

The 2006 report estimated that this increased speculation, particularly through commodity index funds, had contributed about $20 to the price of a barrel of oil which was then about $70, or roughly 25 to 30 percent of the price. The 2006 PSI report also found that CFTC access to daily reports of large trades of energy commodities is essential to its ability to detect and deter price manipulation. It recommended that Congress require reports of large trades on over-the-counter electronic exchanges. The 2006 report also recommended that Congress eliminate the Enron loophole to put the cop back on the beat in the over-the-counter electronic markets. Since the 2006 PSI report, the amount of speculation has increased significantly and so have energy prices. In 2006, there was about $60 billion invested in commodity index funds. Today there is over $200 billion. Since 2000, there has been nearly a 1200-percent increase in the amount of speculative trading compared to only a 200-percent increase in the commercial trading world. Even this understates the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation. A large amount of speculative trading is taking place in the unregulated over-the-counter market. Many market experts believe this huge increase in speculation in recent years has boosted oil prices.

Last fall, as oil prices were nearing $100 a barrel—$40 a barrel lower than they are today—the president and CEO of Marathon Oil said:

> $100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.

Mr. Fadel Gheit, an oil analyst for Oppenheimer and Company, describes the oil market as "a farce."

> The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.

In January of this year, as oil hit $100 a barrel, Tim Evans, oil analyst for Citigroup, wrote:

> The larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.

That is when oil was at $100 a barrel.

At the joint hearing of my PSI Subcommittee and Senator DORGAN's Energy Subcommittee last December, Dr. Edward Krapels, a financial market analyst, testified:

> Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade . . . It would be amazing if oil somehow escaped this effect.

He said that as a result of this speculation:

> There is a bubble in oil prices.

There is some concern that some large traders may be avoiding the limits on holdings and accountability levels that apply to trading on the futures exchanges by trading in the unregulated over-the-counter market. In the absence of data or reporting on the activity in the over-the-counter market, it is difficult to estimate specifically the specific impact of this large amount of unregulated trading on commodity prices. Moreover, even if we were to get better information about unregulated over-the-counter trades, the CFTC has no authority to take action to prevent price manipulation or excessive speculation resulting from this unregulated trading.

The need to control this speculation is urgent. Only yesterday the presidents and CEOs of major U.S. airlines warned about the disastrous effects of rampant speculation on the airline industry. The CEOs stated:

> Normal market forces are being dangerously amplified by poorly regulated market speculation.

They further stated:

> Twenty years ago, 21 percent of oil contracts were purchased by speculators who trade oil on paper with no intention of ever taking delivery. Today, oil speculators purchase 66 percent of all oil futures contracts, and that reflects just the transactions that are known.

So it has gone up from 21 percent purchased by speculators on these oil contracts, these futures, to 66 percent during this period, and that, again, excludes some of the transactions.

The CEOs wrote that:

> For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.

Earlier this year, Congress included legislation on the farm bill that closed the Enron loophole. This legislation closed one of the major regulatory gaps identified in the 2006 PSI report and then again in the 2007 PSI report on how a single hedge fund named Amaranth distorted natural gas prices through, in part, using the over-the-counter electronic exchanges that were not regulated under the Enron loophole.

The legislation to close the Enron loophole placed over-the-counter electronic exchanges under CFTC regulation. However, that legislation did not address the separate issue of trading in the rest of the over-the-counter market, which includes bilateral trades through voice brokers, swap dealers, and direct party-to-party negotiations. The legislation we are introducing today builds on that previous legislation and addresses the rest of the over-the-counter market.

Additionally, I have already introduced legislation with Senators FEINSTEIN, DURBIN, DORGAN, and BINGAMAN, S. 3129, to close the "London loophole." This loophole has allowed crude oil dealers in the United States to avoid the position limits—limits on their holdings—that apply to trading on U.S. futures exchanges by simply directing their trades onto the ICE Futures Exchange in London. The legislation we have introduced has been incorporated into legislation introduced by Senator DURBIN, S. 3130, which also would give the CFTC more resources and enable them to better obtain information about index trading and the swaps market.

After these two bills were introduced, the CFTC imposed more stringent requirements upon the ICE Future Exchange's operations in the United States, and for the first time the London exchange imposed comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for.

However, although the CFTC took those important steps that will go a long way toward closing the London loophole, Congress still needs to pass the legislation to make sure the London loophole is closed. The legislation would put the conditions the CFTC has imposed upon the London exchange into statute, and ensure that the CFTC has clear authority to take action against any U.S. trader who is manipulating the price of a commodity or excessively speculating through the London exchange, including requiring traders to reduce positions.

There are additional steps that need to be taken to address the issue of ensuring that increasing speculation in our commodity markets is not driving up commodity prices.

The legislation we are introducing today is a practical, workable approach that will enable the CFTC to obtain key information about the over-the-counter market to enable it to prevent manipulation and excessive speculation. It will provide the CFTC with the authority to take action in the over-the-counter market to prevent excessive speculation and price manipulation, such as by requiring large traders to reduce their holdings of futures contracts. It enables the CFTC to obtain information on large trades in the over-the-counter market so it can determine whether any trader or class of traders has excessive holdings that may affect market prices, and whether such positions should be reduced.

This legislation will ensure that large traders cannot avoid the CFTC reporting requirements by using the unregulated over-the-counter market instead of the regulated exchanges. It will ensure that the CFTC can take appropriate action, such as by requiring reductions in holdings of futures contracts against traders with large positions in order to prevent price manipulation or excessive speculation, regardless of whether the trader's position is on an exchange or in the over-the-counter market.

The approach in this bill is practical and workable. I thank Senator FEINSTEIN for her important support of this legislation.

Mr. President, I ask unanimous consent, that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEVIN-FEINSTEIN "OVER-THE-COUNTER SPECULATION ACT"

SUMMARY

The Levin-Feinstein "Over-the-Counter Speculation Act" would give the Commodity Futures Trading Commission (CFTC) authority to direct a trader to reduce its positions in the OTC market to prevent price manipulation and excessive speculation in CFTC-regulated markets. To provide the CFTC with information necessary to prevent price manipulation and excessive speculation in these markets, it also would extend the large trader reporting requirement in the Commodity Exchange Act (CEA)—which currently applies only to trading on the regulated futures exchanges—to trading in the unregulated over-the-counter (OTC) market.

Under current law, the CFTC's market oversight and surveillance does not extend to the OTC market, and the CFTC's authority over traders in this market only applies if the trader has a position on one of the CFTC-regulated markets. This bill would extend the CFTC's market oversight and surveillance to large trades in the OTC market, regardless of whether the trader also has a position on a futures exchange, and provide the CFTC with the necessary authority to take action in the OTC market to prevent price manipulation or excessive speculation.

BACKGROUND

As a result of various exclusions and exemptions in the CEA and CFTC regulations, commodity trading in the over-the-counter markets is largely unregulated, although trading in these markets may have a direct and substantial effect upon the prices of contracts for future delivery of those same commodities on futures exchanges regulated by the CFTC. According to some estimates, trading of swaps and other instruments in the OTC market exceeds by several multiples the trading of futures contracts in the regulated futures markets.

There is substantial concern excessive speculation in the OTC market may be contributing to the extraordinary commodity price increases of the past several months. There is also concern that some large traders may be avoiding the position limits and accountability levels that apply to trading on the futures exchanges by trading in the unregulated OTC market. In the absence of data or reporting on the activity in the OTC market, however, it is difficult to evaluate the specific effect of this large amount of unregulated trading on commodity prices. Moreover, even if the data were to show that large trading in the OTC market is affecting prices, or that traders are using the OTC market to avoid position limits in the regulated markets, the CFTC has limited authority to take action to prevent any price distortions that may result from such trading.

EXPLANATION OF BILL

CFTC Oversight Authority. The bill provides the CFTC with authority to require large traders in the OTC market to reduce holdings, or suspend trading, in order to prevent price manipulation or excessive speculation.

Reporting of Large Over-the-Counter Trades. The bill requires the CFTC to promulgate regulations requiring the reporting of large OTC transactions in order to detect and prevent potential price manipulation or excessive speculations.

Recordkeeping for Large Over-the-Counter Trades. The bill requires the CFTC to promulgate regulations requiring the keeping of trading records by persons required to report large OTC transactions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5069. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 236, recognizing the close relationship between the United States and the Republic of San Marino.

SA 5070. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month".

SA 5071. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, supra.

SA 5072. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

TEXT OF AMENDMENTS

SA 5069. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 26, recognizing the close relationship between the United States and the Republic of San Marino; as follows:

In the tenth whereas clause of the preamble, strike "earlier this year" and insert ", in 2007".

SA 5070. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month"; as follows:

The preamble is amended by striking the third whereas clause and inserting "Whereas many consumers who are unaware of both the transition and the Government coupon program crafted to defray the cost of a converter box may be left without any television service after February 17, 2009;".

SA 5071. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month"; as follows:

On page 3, line 7, insert "the steps they need to take to retain their television service, including possibly" after "about".

On page 3, lines 11 and 12, strike ", so that consumers have time to obtain and connect converter boxes".

SA 5072. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Professional Performance Act of 2008".

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(C) as the President may determine."; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking "or" at the end;

(II) in clause (vi), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions)."; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) and (B)"; and

(II) by striking "or (vi)" and inserting "(vi), or (vii)"; and

(ii) in clause (ii)—

(I) by striking "paragraph (1)(D)" and inserting "paragraph (1)(C)"; and

(II) by striking "or (vi)" and inserting "(vi), or (vii)".

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule."; and

(2) by adding at the end the following:

"(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to 'level III' were a reference to 'level II'.

"(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).".

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking "prescribes" and inserting "prescribes and publishes in such form as the Director may determine";

(2) in section 3324(a) by striking "the Office of Personnel Management" and inserting: "the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director";

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking "or its designee for this purpose" and inserting the following: "on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management"; and

(B) by adding at the end the following:

"(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section."; and

(4) in section 5108(a)(2) by inserting "published by the Director of the Office of Personnel Management in such form as the Director may determine" after "and procedures".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by this section may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under section 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under paragraph (1), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(3) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(A) as provided before the effective date of the amendments made by this section, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(B) as provided on or after the effective date of the amendments made by this section, shall be considered a reference to—

(i) the rate of basic pay for level III of the Executive Schedule; or

(ii) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

SEC. 3. LIMITATIONS ON CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking all after "purposes of" and inserting: "applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance."; and

(2) in paragraph (3)(B)—

(A) by striking all beginning with "An" through "2 calendar years" and inserting "The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months"; and

(B) by striking ", for purposes of either or both of those years,".

(b) EXTENSION OF CERTIFICATION.—

(1) EXTENSION TO 2009.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2009; or

(ii) the first anniversary of the date of the certification.

(2) EXTENSION TO 2010.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2010; or

(ii) the second anniversary of the date of the certification.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Senate workshop has been scheduled before the Committee on Energy and Natural Resources.

The workshop will be held on Thursday, July 17, beginning at 9 a.m., in room SD–G50 of the Dirksen Senate Office Building.

The purpose of the workshop is examine why gasoline prices are so high, and what can be done about it; and why home heating oil and natural gas prices are expected to be so high this winter, and what can be done about that.

All Senators are invited to attend and present their views and recommendations. A limited number of experts will also be invited to participate and make oral statements. In addition, anyone wishing to submit written statements for the record may send them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rosemarie_calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

SENIOR PROFESSIONAL PERFORMANCE ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 703, S. 1046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1046) to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Voinovich substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5072) was agreed to, as follows:

(Purpose: To modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Professional Performance Act of 2008".

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(C) as the President may determine."; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking "or" at the end;

(II) in clause (vi), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions)."; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) and (B)"; and

(II) by striking "or (vi)" and inserting "(vi), or (vii)"; and

(ii) in clause (ii)—

(I) by striking "paragraph (1)(D)" and inserting "paragraph (1)(C)"; and

(II) by striking "or (vi)" and inserting "(vi), or (vii)".

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule."; and

(2) by adding at the end the following:

"(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to 'level III' were a reference to 'level II'.

"(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).".

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking "prescribes" and inserting "prescribes and publishes in such form as the Director may determine";

(2) in section 3324(a) by striking "the Office of Personnel Management" and inserting: "the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director";

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking "or its designee for this purpose" and inserting the following: "on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management"; and

(B) by adding at the end the following:

"(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section."; and

(4) in section 5108(a)(2) by inserting "published by the Director of the Office of Personnel Management in such form as the Director may determine" after "and procedures".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by this section may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under section 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under paragraph (1), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(3) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(A) as provided before the effective date of the amendments made by this section, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(B) as provided on or after the effective date of the amendments made by this section, shall be considered a reference to—

(i) the rate of basic pay for level III of the Executive Schedule; or

(ii) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

SEC. 3. LIMITATIONS ON CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking all after "purposes of" and inserting: "applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance."; and

(2) in paragraph (3)(B)—

(A) by striking all beginning with "An" through "2 calendar years" and inserting "The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months"; and

(B) by striking ", for purposes of either or both of those years,".

(b) EXTENSION OF CERTIFICATION.—

(1) EXTENSION TO 2009.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2009; or

(ii) the first anniversary of the date of the certification.

(2) EXTENSION TO 2010.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2010; or

(ii) the second anniversary of the date of the certification.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

The bill (S. 1046), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NAMING THE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN PONCE, PUERTO RICO, AS THE "EURIPIDES RUBIO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC"

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4289 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4289) to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic."

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4289) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE CLOSE RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF SAN MARINO

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations be discharged from further consideration of H. Con. Res. 236.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) recognizing the close relationship between the United States and the Republic of San Marino.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; the amendment, which is at the desk, be agreed to; the preamble, as amended, be agreed to; and the motion to reconsider be laid upon the table, with no intervening action or debate. I further ask that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The amendment (No. 5069) was agreed to, as follows:

(Purpose: To make a technical correction)

In the tenth whereas clause of the preamble, strike "earlier this year" and insert ", in 2007".

The preamble, as amended, was agreed to.

HONORING THE MEN AND WOMEN OF THE DEA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from the consideration of S. Res. 610, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 610) honoring the men and women of the Drug Enforcement Administration on the occasion of the 35th anniversary of the Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to; the preamble be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas the Drug Enforcement Administration (DEA) was created by Executive order on July 6, 1973, and merged the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973, the men and women of the DEA have served the United States with courage, vision, and determination, protecting all the people of the United States from the scourge of drug trafficking, drug abuse, and related violence;

Whereas the DEA has adjusted and refined the tactics and methods by which the DEA targets the most dangerous drug trafficking operations to bring to justice criminals such as New York City's Nicky Barnes, key members of the infamous Colombian Medellin cartel, Thai warlord Khun Sa, several members of the Mexican Arellano-Felix organization, Afghan terrorist Haji Baz Mohammad, and international arms dealer Viktor Bout;

Whereas throughout the 35 years since the DEA was created, the DEA has continually adapted to the evolving trends of drug trafficking organizations by aggressively targeting organizations involved in the growing, manufacturing, and distribution of such substances as marijuana, cocaine, heroin, methamphetamine, Ecstasy, and controlled prescription drugs;

Whereas in 227 domestic offices, in 21 field divisions, the DEA continues to strengthen and enhance existing relationships with Federal, State, and local counterparts in every State in the Union to combat drug trafficking;

Whereas since 2000, DEA special agents have seized over 5,500 kilograms of heroin, 650,000 kilograms of cocaine, 2,300,000 kilograms of marijuana, and 13,000 kilograms of methamphetamine and almost 80,000,000 dosage units of hallucinogens, and made over 240,000 arrests;

Whereas with 87 foreign offices, located in 63 countries, the DEA has the largest international presence of any Federal law enforcement agency;

Whereas the personnel of the DEA continue to collaborate closely with international partners around the globe, including in such drug-producing countries as Colombia, Mexico, Afghanistan, and Thailand;

Whereas the results of this international collaboration since 2000 alone have led to the indictments of 63 leaders, members, and associates of the Revolutionary Armed Forces of Colombia, a designated foreign terrorist organization;

Whereas through the creation of the Diversion Control Program in 1971, the DEA now registers and regulates over 1,200,000 registrants, while simultaneously combating the continually evolving threat posed by the diversion of controlled pharmaceuticals;

Whereas the DEA continues to disrupt drug trafficking activities by denying drug trafficking organizations $3,500,000,000 in fiscal year 2007 alone, exceeding their 5-year goal of $3,000,000,000 annually by fiscal year 2009;

Whereas DEA special agents continue to work alongside Federal, State, and local law enforcement officials throughout the United States in a cooperative effort to put drug traffickers behind bars;

Whereas throughout the history of the DEA and its predecessor agencies, many employees and members of the task forces have given their lives in the line of duty, including: Charles Archie Wood, Stafford E. Beckett, Joseph W. Floyd, Bert S. Gregory, James T. Williams, Louis L. Marks, James E. Brown, James R. Kerrigan, John W. Crozier, Spencer Stafford, Andrew P. Sanderson, Anker M. Bangs, Wilson M. Shee, Mansel R. Burrell, Hector Jordan, Gene A. Clifton, Frank Tummillo, Richard Heath, Jr., George F. White, Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, Elton Armstead, Larry Steilen, Terry Loftus, Jay Balchunas, and Richard E. Fass;

Whereas many other DEA employees and task force officers have been wounded or injured in the line of duty; and

Whereas over 9,000 employees of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support personnel, along with over 2,000 task force officers, and over 2,000 vetted foreign officers, work tirelessly to hunt down and bring to justice the drug trafficking cartels that seek to poison the citizens of the United States with dangerous narcotics: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Drug Enforcement Administration (DEA) on the occasion of its 35th anniversary;

(2) honors the heroic sacrifice of the DEA employees who have given their lives or have been wounded or injured in service of the United States; and

(3) gives heartfelt thanks to all the men and women of the DEA for their past and continued efforts to defend the people of the United States from the scourge of illegal drugs and terrorism.

DIGITAL TELEVISION TRANSITION AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 777, S. Res. 576.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 576) designating August 2008 as "Digital Television Transition Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed; that the resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that all motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5071) was agreed to, as follows:

(Purpose: To make minor changes)

On page 3, line 7, insert "the steps they need to take to retain their television service, including possibly" after "about".

On page 3, lines 11 and 12, strike ", so that consumers have time to obtain and connect converter boxes".

The resolution (S. Res. 576), as amended, was agreed to.

The amendment (No. 5070) was agreed to, as follows:

(Purpose: To make minor changes)

The preamble is amended by striking the third whereas clause and inserting "Whereas many consumers who are unaware of both the transition and the Government coupon program crafted to defray the cost of a converter box may be left without any television service after February 17, 2009;".

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

MEASURE READ THE FIRST TIME—S. 3257

Mr. REID. Mr. President, S. 3257, introduced today by Senator SPECTER, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3257) to extend immigration programs to promote legal immigration and for other purposes.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, JULY 14, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, July 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of S. 2731, global AIDS legislation, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we are going to be on this global AIDS bill, and I would hope that Senators BIDEN, LUGAR, and anyone else who wants to give a statement regarding this matter do that Monday afternoon. If there are amendments people want to offer, they can do that. We should finish this bill, I hope, relatively soon. We have a finite list of amendments.

Even though this has been a very grueling process, hopefully—with all the concern we have had the last several months with, in effect, not getting along with the Republicans and vice versa—I hope the work that was put in this week in the Senate, where we have been able to accomplish some difficult issues—Medicare, FISA, housing, and moving forward on this legislation—I hope it paves the way for us, during the next 3 weeks, 4 weeks, to complete even more for the American people.

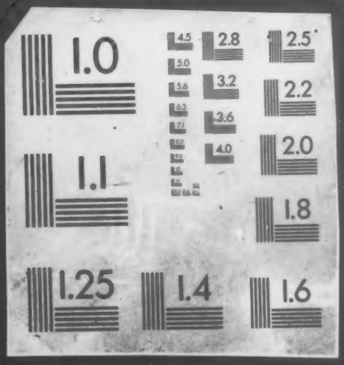
We know that gas prices are on the minds of everyone, and we hope even next week to have some bipartisan legislation on energy that I think would help stop some of the hemorrhaging going on with the problems we have dealing with energy.

We will have no votes on Monday. We will have some votes Tuesday morning.

ADJOURNMENT UNTIL MONDAY, JULY 14, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Monday, July 14, 2008, at 2 p.m.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